

JOURNAL

OF THE

NORTHERN MARIANA ISLANDS CONSTITUTIONAL CONVENTION

OF

1976

VOLUME I

Convened: October 18, 1976

Adjourned: December 6, 1976

COMPILED BY THE OFFICE OF THE CONVENTION PRESIDENT

NORTHERN MARIANA ISLANDS CONSTITUTIONAL CONVENTION

T A B L E O F C O N T E N T S

Volume I

	<u>Page Number</u>
FOREWORD	ii
CONTENTS, CONSTITUTION	iii
CONSTITUTION	vii
OFFICERS	XL
DELEGATES	XL
COMMITTEE MEMBERSHIP	XLI
STAFF	XLIII
CERTIFICATION	XLIV
CONTENTS, CONVENTION JOURNAL	XLV
CONVENTION JOURNAL	1 - 336
MISCELLANEOUS COMMUNICATIONS	337 - 346

Volume II

CONTENTS, COMMITTEE REPORTS	1
COMMITTEE REPORTS	347 - 653
DELEGATE PROPOSALS	654 - 806
RULES OF PROCEDURE	807 - 826
ENABLING LEGISLATION	827 - 833
RESOLUTIONS	834 - 854

FOREWORD

The Northern Mariana Islands Constitutional Convention was held in Saipan, Mariana Islands, commencing on October 18, 1976 and adjourning sine die on December 6, 1976. The Convention consisted of thirty-nine delegates from Saipan, Rota, Tinian and the Northern Islands.

As created by District Law No. 4-205 enacted by the Fourth Northern Mariana Islands Legislature and approved by Erwin D. Canham, Resident Commissioner, on August 18, 1976, the Convention received its funding from the Fourth Northern Mariana Islands Legislature and from the U.S. Congress through the Office of Transition Studies and Planning.

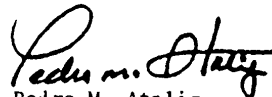
The following pages represent the documentation of the official records and activities of the Northern Mariana Islands Constitutional Convention, compiled in a two-volume Journal.

Volume I starts with a signed copy of the Constitution for the Northern Mariana Islands as it was approved by the Convention on December 5, 1976. Also contained in this volume are listings of the Convention officers, delegates, committee membership, as well as the Convention staff by names and titles. Recorded on pages 1 through 336 are the verbatim minutes of the daily proceedings of the Convention's Plenary Sessions. Also contained in this volume are miscellaneous communications.

Volume II contains the committee reports and proposals from the Convention delegates. Also, included in this volume are the Convention's official rules of procedure, enabling legislation (District Law 4-205); and resolutions adopted by the Convention.

This Convention Journal is dedicated to the people of the Northern Mariana Islands and to the future Government of the Commonwealth of the Constitution for the Northern Mariana Islands adopted by the Northern Mariana Islands Constitutional Convention.

June 1977


Pedro M. Atalig
Convention Secretary

CONTENTS OF CONSTITUTION

Preamble

Article I Personal Rights

- Section 1: Laws Prohibited
- Section 2: Freedom of Religion, Speech,
Press and Assembly
- Section 3: Search and Seizure
- Section 4: Criminal Prosecutions
- Section 5: Due Process
- Section 6: Equal Protection
- Section 7: Quartering Soldiers
- Section 8: Trial by Jury
- Section 9: Clean and Healthful Environment
- Section 10: Privacy

Article II Legislative Branch

- Section 1: Legislative Power
- Section 2: Composition of the Senate
- Section 3: Composition of the House of
Representatives
- Section 4: Reapportionment and Redistricting
- Section 5: Enactment of Legislation
- Section 6: Local Laws
- Section 7: Action on Legislation by the Governor
- Section 8: Impeachment
- Section 9: Vacancy
- Section 10: Compensation
- Section 11: Other Government Employment
- Section 12: Immunity
- Section 13: Sessions
- Section 14: Organization and Procedures
- Section 15: Conduct of Members

Article III Executive Branch

- Section 1: Executive Power
- Section 2: Qualifications of the Governor
- Section 3: Lieutenant Governor
- Section 4: Joint Elections of Governor and
Lieutenant Governor
- Section 5: Compensation

Section 6: Other Government Employment
Section 7: Succession to the Governorship
Section 8: Absence or Disability of the Governor
Section 9: Executive Functions
Section 10: Emergency Powers
Section 11: Attorney General
Section 12: Public Auditor
Section 13: Department of Education
Section 14: Heads of Executive Departments
Section 15: Executive Branch Departments
Section 16: Civil Service
Section 17: Public Services
Section 18: Executive Assistant for Carolinian Affairs
Section 19: Impeachment

Article IV Judicial Branch

Section 1: Judicial Power
Section 2: Commonwealth Trial Court
Section 3: Commonwealth Appeals Court
Section 4: Appointment and Qualifications
Section 5: Compensation
Section 6: Sanctions
Section 7: Limitations on Activities of Judges
Section 8: Rule-making Power

Article V Representation In The United States

Section 1: Representative to the United States
Section 2: Term of Office
Section 3: Qualifications
Section 4: Annual Report
Section 5: Compensation
Section 6: Vacancy
Section 7: Impeachment

Article VI Local Government


Section 1: Local Government
Section 2: Election of Mayor
Section 3: Responsibilities of Mayor
Section 4: Compensation
Section 5: Governor's Council
Section 6: Other Agencies of Local Government

Article VII Eligibility To Vote

Section 1: Qualifications of Voters
Section 2: Prohibition of Literacy Requirement
Section 3: Domicile and Residence

Article VIII	<u>Elections</u>
	Section 1: Regular General Election
	Section 2: Other Elections
	Section 3: Election Procedures
	Section 4: Taking Office After Elections
Article IX	<u>Initiative, Referendum And Recall</u>
	Section 1: Initiative
	Section 2: Referendum
	Section 3: Recall
Article X	<u>Taxation and Public Finance</u>
	Section 1: Public Purpose
	Section 2: Report on Tax Exemptions
	Section 3: Public Debt Authorization
	Section 4: Public Debt Limitation
Article XI	<u>Public Lands</u>
	Section 1: Public Lands
	Section 2: Submerged Lands
	Section 3: Surface Lands
	Section 4: Marianas Public Land Corporation
	Section 5: Fundamental Policies
	Section 6: Marianas Public Land Trust
Article XII	<u>Restrictions On Alienation Of Land</u>
	Section 1: Alienation of Land
	Section 2: Acquisition
	Section 3: Permanent and Long-Term Interests in Real Property
	Section 4: Persons of Northern Marianas Descent
	Section 5: Corporations
	Section 6: Enforcement
Article XIII	<u>Eminent Domain</u>
	Section 1: Eminent Domain Power
	Section 2: Limitations
Article XIV	<u>Natural Resources</u>
	Section 1: Marine Resources
	Section 2: Uninhabited Islands
	Section 3: Places and Things of Cultural and Historical Significance
Article XV	<u>Education</u>
	Section 1: Education

Article XVI	<u>Corporations</u>
	Section 1: Corporations
Article XVII	<u>Oath Of Office</u>
	Section 1: Oath of Office
Article XVIII	<u>Constitutional Amendment</u>
	Section 1: Proposal of Amendments
	Section 2: Constitutional Convention
	Section 3: Legislative Initiative
	Section 4: Popular Initiative
	Section 5: Ratification of Amendments
Schedule:	<u>Transitional Matters</u>
	Section 1: Effective Date of Constitution
	Section 2: Continuity of Laws
	Section 3: Continuity of Government Employment and Operations
	Section 4: Continuity of Judicial Matters
	Section 5: Continuity of Legislative Matters
	Section 6: Continuity of Corporations and Licenses
	Section 7: Statutes of Limitations
	Section 8: Interim Definition of Citizenship
	Section 9: Commonwealth
	Section 10: Elections
	Section 11: Saipan Election Districts
	Section 12: Commencement of Terms
	Section 13: Succession
	Section 14: Approval of Constitution by the United States

 Preamble

We the people
of the
Northern Mariana Islands,
grateful to Almighty God
for our freedom,
ordain and establish
this Constitution
as the embodiment
of our traditions and hopes
for our Commonwealth
in political union with the
United States of America.



ARTICLE 1: PERSONAL RIGHTS

Section 1: Laws Prohibited. No law shall be made that is a bill of Attainder, an ex post facto law, a law impairing the obligation of contracts, or a law prohibiting the traditional art of healing.

Section 2: Freedom of Religion, Speech, Press and Assembly. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Section 3: Search and Seizure. The right of the people to be secure in their persons, houses, papers and belongings against unreasonable searches and seizures shall not be violated.

a) No warrants shall issue except upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

b) No wiretapping, electronic eavesdropping or other comparable means of surveillance shall be used except pursuant to a warrant.

c) A person adversely affected by an illegal search or seizure has a cause of action against the government within limits provided by law.

Section 4: Criminal Prosecutions. In all criminal prosecutions certain fundamental rights shall obtain.

a) The accused has the right to assistance of counsel and, if convicted, has the right to counsel in all appeals.

b) The accused has the right to be confronted with adverse witnesses and to have compulsory process for obtaining favorable witnesses.

c) No person shall be compelled to give self-incriminating testimony.

d) There shall be a speedy and public trial.

e) No person shall be put twice in jeopardy for the same offense regardless of the governmental entity that first institutes prosecution.

f) Excessive bail shall not be required.

g) Excessive fines shall not be imposed.

h) Cruel and unusual punishment shall not be inflicted.

i) Capital punishment is prohibited.

j) Persons who are under eighteen years of age shall be protected in criminal judicial proceedings and in conditions of imprisonment.

Section 5: Due Process. No person shall be deprived of life, liberty or property without due process of law.

Section 6: Equal Protection. No person shall be denied the equal protection of the laws. No person shall be denied the enjoyment of civil rights or be discriminated against in the exercise thereof on account of race, color, religion, ancestry or sex.

Section 7: Quartering Soldiers. No soldier in time of peace may be quartered in any house without the consent of the owner, nor in time of war except as provided by law.

Section 8: Trial by Jury. The legislature may provide for trial by jury in criminal or civil cases.

Section 9: Clean and Healthful Environment. Each person has the right to a clean and healthful public environment.

Section 10: Privacy. The right of individual privacy shall not be infringed except upon a showing of compelling interest.

ARTICLE II: LEGISLATIVE BRANCH

Section 1: Legislative Power. The legislative power of the Commonwealth shall extend to all rightful subjects of legislation and shall be vested in a Northern Marianas Commonwealth legislature composed of a senate and a house of representatives.

Section 2: Composition of the Senate.

a) The senate shall consist of nine members with three members elected at large from each of three senatorial districts. The first senatorial district shall consist of Rota, the second senatorial district shall consist of Tinian and Aguiguan, and the third senatorial district shall consist of Saipan and the islands north of it. The senate shall be increased to twelve members and three members shall be elected at large from a fourth senatorial district consisting of the islands north of Saipan at the first regular general election after the population of these islands exceeds one thousand persons.

b) The term of office for senator shall be four years except that the candidate receiving the

third highest number of votes in the first election in each senatorial district shall serve a term of two years.

c) A senator shall be qualified to vote in the Commonwealth, at least twenty-five years of age, and a resident and domiciliary of the Commonwealth for at least five years immediately preceding the date on which the senator takes office. A longer residency and domicile requirement may be provided by law.

Section 3: Composition of the House of Representatives.

a) The house of representatives shall consist of fourteen members with twelve members elected from Saipan and the islands north of it, one member elected from Rota and one member elected from Tinian and Aguiguan. The number of representatives may be increased by law to not more than twenty. The term of office for representative shall be two years.

b) For purposes of electing representatives Rota shall constitute one district, Tinian and Aguiguan shall constitute one district, and Saipan and the islands north of it shall constitute six districts. The legislature may change the number and boundaries of these districts only pursuant to its duties under section 4 of this article. When the population of the islands north of Saipan equals or exceeds the number of persons represented by any member of the house of representatives these islands shall constitute a separate district electing one representative.

c) A representative shall be qualified to vote in the Commonwealth, at least twenty-one years of age, and a resident and domiciliary of the Commonwealth for at least three years immediately preceding the date on which the representative takes office. A longer residency and domicile requirement may be provided by law.

Section 4: Reapportionment and Redistricting.

a) At least every ten years and within one hundred twenty days following publication of the results of a decennial census, the legislature shall reapportion the seats in the house of representatives or revise the districts for electing representatives as required by changes in Commonwealth population or by law. A reapportionment or redistricting plan shall provide for contiguous and compact districts and for representation by each member of the house of representatives of approximately the same number of residents to the extent permitted by the separate islands and the distribution of population in the Commonwealth.

b) If the legislature fails to act pursuant to section 4(a), the governor shall promulgate a reapportionment or redistricting plan within one hundred twenty days after the expiration of the time for the legislature to act. The governor's plan shall

be published in the same manner as an act of the legislature and upon publication shall have the force of law. Upon the petition of any person qualified to vote, the Commonwealth appeals court or the United States District Court if no Commonwealth appeals court has been created under section 3 of article IV has original and exclusive jurisdiction to review a plan and to amend it to comply with the requirements of this Constitution or to establish a plan if the governor has failed to act within the time provided.

Section 5: Enactment of Legislation.

a) Appropriation and revenue bills may be introduced only in the house of representatives. Other bills may be introduced in either house of the legislature.

b) A bill shall be confined to one subject except bills for appropriations or bills for the codification, revision or rearrangement of existing laws. Appropriation bills shall be limited to the subject of appropriations. Legislative compliance with this subsection is a constitutional responsibility not subject to judicial review.

c) The legislature may not enact a law except by bill and no bill may be enacted without the approval of at least a majority of the votes cast in each house of the legislature.

Section 6: Local Laws. Laws that relate exclusively to local matters within one senatorial district may be enacted by the legislature or by the affirmative vote of a majority of the members representing that district. The legislature shall define the local matters that may be the subject of laws enacted by the members from the respective senatorial districts, laws enacted through initiative by the voters of a senatorial district under article IX, section 1, regulations promulgated by a mayor under article VI, section 3(e), or local ordinances adopted by agencies of local government established under article VI, section 6(b).

Section 7: Action on Legislation by the Governor.

a) Every bill enacted shall be signed by the presiding officer of the house in which the bill originated and transmitted to the governor. If the governor signs the bill, it shall become law. If the governor vetoes the bill, it shall be returned to the presiding officer of each house of the legislature with a statement of the reasons for the veto. The governor may veto an item or section in an appropriation bill and sign the remainder of the bill.

b) The governor shall have twenty days in which to consider appropriation bills and forty days in which to consider other bills. If the governor fails either to sign or veto a bill within the applicable period, it shall become law.

c) A bill or item of a bill vetoed by the governor may be reconsidered by the legislature. If two-thirds of the members in each house vote upon reconsideration to pass the bill or item, it shall become law.

Section 8: Impeachment. The legislature may impeach those executive and judicial officers of the Commonwealth subject to impeachment under this Constitution. The house of representatives may initiate impeachment proceedings by the affirmative vote of two-thirds of its members and the senate may convict after hearing by the affirmative vote of two-thirds of its members.

Section 9: Vacancy. A vacancy in the legislature shall be filled by special election if one-half or more of the term remains. If less than one-half of the term remains, the governor shall fill the vacancy by appointing the unsuccessful candidate for the office in the last election who received the largest number of votes and is willing to serve or, if no candidate is available, a person qualified for the office from the district represented.

Section 10: Compensation. The members of the legislature shall receive an annual salary of eight thousand dollars and reasonable allowances for expenses provided by law. The salary of members may be changed no more than once every four years and only upon the recommendation of an advisory commission established by law to make recommendations concerning the compensation of Commonwealth executive, legislative and judicial officers. No change in the salary may be made that exceeds the percentage change in an accepted composite price index for the period since the last change. An increase in salary may not apply to the legislature that enacted it.

Section 11: Other Government Employment. A member of the legislature may not serve in any other Commonwealth government position including an independent board, agency, authority or commission established by this Constitution or by Commonwealth law.

Section 12: Immunity. A member of the legislature may not be questioned in any other place for any written or oral statement in the legislature and a member of the legislature may not be subject to arrest while going to or coming from a meeting of the legislature except for commission of treason, a felony or breach of the peace.

Section 13: Sessions. The legislature shall meet for organizational purposes on the second Monday of January in the year following the regular general election at which members of the legislature are elected and shall be a continuous body for the two years between these organizational meetings. Each house shall meet in regular sessions as provided by its rules of procedure and may be convened at other times by its presiding officer or by the governor. When meeting pursuant to a

call by the governor, the legislature shall consider only those subjects described in the call.

Section 14: Organization and Procedure.

a) Each house of the legislature shall be the final judge of the election and qualifications of its members and the legislature may vest in the courts the jurisdiction to determine contested elections of members. Each house may compel the attendance of absent members, discipline its members, expel a member for commission of treason, a felony, breach of the peace, or violation of the rules of that house.

b) Each house of the legislature shall choose its presiding officer from among its members, establish the committees necessary for the conduct of its business, and promulgate rules of procedure. Each house may compel the attendance and testimony of witnesses and the production of books and papers before the house or its committees. The legislature shall keep a journal of its proceedings that shall be published from day to day.

c) The meetings of the legislature and its committees shall be public except that each house of the legislature or a legislative committee may meet in executive session if authorized by the affirmative vote of two-thirds of the members of the house. Final action on any legislative matter may not be taken in executive session.

Section 15: Conduct of Members. A member of the legislature who has a financial or personal interest in a bill before the legislature shall disclose that interest and may not vote on the bill. The legislature shall enact a comprehensive code of conduct for its members that includes a definition of proper conduct for members with conflicts of interest and a definition of the proper scope of debate in the legislature.

ARTICLE III: EXECUTIVE BRANCH

Section 1: Executive Power. The executive power of the Commonwealth shall be vested in a governor who shall be responsible for the faithful execution of the laws.

Section 2: Qualifications of the Governor. The governor shall be qualified to vote in the Commonwealth, at least thirty years of age, and a resident and domiciliary of the Commonwealth for at least seven years immediately preceding the date on which the governor takes office. A different period of residence and domicile may be provided by law. No person convicted of a felony in the Commonwealth or in any area under the jurisdiction of the United States may be eligible for this office unless a full pardon has been granted.

Section 3: Lieutenant Governor. The lieutenant governor shall have the same qualifications as required for the office of governor and shall perform those duties specified in this article and those assigned by the governor or provided by law. Whenever the office of lieutenant governor is vacant, the governor shall appoint a successor with the advice and consent of the senate.

Section 4: Joint Election of the Governor and Lieutenant Governor. The governor and lieutenant governor shall be elected at large within the Commonwealth for a term of office of four years. The governor and lieutenant governor shall be elected jointly with each voter casting a single vote applicable to both offices. No person may be elected governor more than three times.

Section 5: Compensation. The governor shall receive an annual salary of twenty thousand dollars and the lieutenant governor an annual salary of eighteen thousand dollars. Both shall receive reasonable allowances for expenses provided by law. Upon the recommendation of the advisory commission on compensation provided for by article II, section 10, the legislature may change the salary of the governor or lieutenant governor. Neither salary may be changed during a term of office.

Section 6: Other Government Employment. The governor or lieutenant governor may not serve in another Commonwealth position or receive compensation for performance of official duties or from any governmental body except as provided by section 5. The legislature shall enact a code of conduct for the governor, lieutenant governor and heads of executive departments that includes a requirement of disclosure of financial or personal interests sufficient to prevent conflicts of interest in the performance of official duties.

Section 7: Succession to the Governorship. In case of the removal, death or resignation of the governor, the lieutenant governor shall become governor. If the offices of governor and lieutenant governor are both vacant, the president of the senate shall become acting governor. An acting governor who assumes office when more than one year remains in the term may serve only until a governor is chosen in a special election provided by law.

Section 8: Absence or Disability of the Governor.

a) When the governor is physically absent from the Commonwealth, the lieutenant governor shall be acting governor. If the lieutenant governor is also absent or is otherwise unavailable, the presiding officer of the senate shall be acting governor.

b) When the governor is unable to discharge the duties of the office by reason of physical or mental disability, the lieutenant governor shall be

acting governor. If the lieutenant governor is unavailable, the presiding officer of the senate shall be acting governor. If the person next in succession to the governor has reason to believe that the governor is unable to discharge the duties of the office, that person shall file a petition to declare a vacancy with the Commonwealth appeals court or the United States District Court if no Commonwealth appeals court has been created under article IV, section 3. The court has original and exclusive jurisdiction to determine all questions regarding the disability of the governor and the existence of a vacancy in the office of governor.

Section 9: Executive Functions.

a) The governor shall submit to the legislature a proposed annual budget for the following fiscal year. The proposed budget shall describe anticipated revenues of the Commonwealth and recommend expenditures of Commonwealth funds. In preparing the proposed budget, the governor shall consider submissions made by the mayors of Rota, Saipan, Tinian and Aguiguan, and the islands north of Saipan as to the budgetary needs of those islands and by the executive assistant appointed under section 18 of this article. The governor's submission to the legislature with respect to the budget shall state the governor's disposition of the budgetary requests contained in these submissions and may include recommended legislation with respect to taxation. If a budget is approved by the legislature, the governor may not reallocate appropriated funds except as provided by law. If a budget is not approved before the first day of the fiscal year, appropriations for government operations and obligations shall be at the level for the previous fiscal year.

b) The governor shall report at least annually to the legislature regarding the affairs of the Commonwealth and new measures that are necessary or desirable.

c) The governor shall have the power to grant reprieves, commutations and pardons after conviction for offenses after consultation with a board of parole to be established by law. This power shall not apply to impeachment.

Section 10: Emergency Powers. The governor may declare a state of emergency in the case of invasion, civil disturbance, natural disaster or other calamity and may mobilize available resources to respond to that emergency.

Section 11: Attorney General. The governor shall appoint an attorney general with the advice and consent of the senate. The attorney general shall be responsible for providing legal advice to the governor and executive departments, representing the Commonwealth in all legal matters, and prosecuting violations of Commonwealth law.

Section 12: Public Auditor. The governor shall appoint a public auditor with the advice and consent of each house of the legislature. The public

auditor shall audit the receipt, possession and disbursement of public funds by the executive, legislative and judicial branches of the government, an instrumentality of the Commonwealth or an agency of local government and shall perform other duties provided by law. The public auditor shall report to the legislature and the governor at least once every year and this report shall be made public promptly. The public auditor may be removed only for cause and by the affirmative vote of two-thirds of the members of each house of the legislature. In the event that there is a vacancy in the office of public auditor, the presiding officer of the senate shall appoint a temporary public auditor to serve until the vacancy is filled.

Section 13: Department of Education. The legislature shall establish a department of education that shall be headed by a superintendent of education appointed by a representative board of education. The governor shall appoint the members of the board of education for a term of four years with the advice and consent of the senate. The board of education shall formulate policy and exercise control over the public school system through the superintendent. The composition of the board of education and other matters pertaining to its operations and duties shall be provided by law.

Section 14: Heads of Executive Departments. Each principal department shall be under the supervision of the governor and, unless otherwise provided by law, shall be headed by a single executive. The governor shall appoint the heads of executive departments with the advice and consent of the senate. The governor may remove the heads of executive departments. The governor may at any time require information in writing or otherwise from the head of any administrative department, office or agency of the Commonwealth.

Section 15: Executive Branch Departments. Executive branch offices, agencies and instrumentalities of the Commonwealth government and their respective functions and duties shall be allocated by law among and within not more than fifteen principal departments so as to group them so far as practicable according to major purposes. Regulatory, quasi-judicial and temporary agencies need not be a part of a principal department. The functions and duties of the principal departments and of other agencies of the Commonwealth shall be provided by law. The legislature may reallocate offices, agencies and instrumentalities among the principal departments and may change their functions and duties. The governor may make changes in the allocation of offices, agencies and instrumentalities and in their functions and duties that are necessary for efficient administration. If these changes affect existing law, they shall be set forth in executive orders which shall be submitted to the legislature and shall become effective sixty days after submission, unless specifically modified or disapproved by a majority of the members of each house of the legislature.

Section 16: Civil Service. The legislature shall provide for a non-partisan and independent civil service commission with the duty to establish and administer personnel policies for the Commonwealth government. The commission's authority shall extend to positions other than those filled by election or by appointment of the governor in the departments and agencies of the executive branch and in the administrative staffs of the legislative and judicial branches. Appointment and promotion within the civil service shall be based on merit and fitness demonstrated by examination or by other evidence of competence.

Section 17: Public Services.

a) The governor may delegate to a mayor elected under the provisions of article VI, section 2, responsibility for the execution of Commonwealth laws and the administration of public services in the island or islands in which the mayor has been elected. Services being provided on a decentralized basis in Rota and Tinian on the effective date of this Constitution shall continue to be provided on this basis unless the governor personally certifies after public hearing on the island involved that such decentralization is inconsistent with the efficient and economical delivery of services.

b) Public services on Rota and Tinian shall be supervised by a resident department head in the departments providing the services appointed by the head of the executive branch department with the advice and consent of the majority of the members of the legislature from the senatorial district in which the resident department head shall serve. These arrangements shall apply to the islands north of Saipan when the population of these islands exceeds one thousand persons.

c) Public services shall be provided on an equitable basis to the citizens of the Commonwealth. The legislature may require that these services be provided through decentralized administrative arrangements. The governor shall make any necessary recommendations to the legislature in order to accomplish this objective.

Section 18: Executive Assistant for Carolinian Affairs.

a) The governor shall appoint an executive assistant for Carolinian affairs who is acceptable to the Carolinian community within the Commonwealth.

b) The executive assistant shall be a member of the governor's council created under article VI, section 5, and shall advise the governor on matters affecting persons of Carolinian descent within the Commonwealth.

c) The executive assistant shall review the application of government policies to and the availability and quality of government services for persons of Carolinian descent and may report findings or recommendations on these matters to the governor.

d) The executive assistant may investigate complaints and conduct public hearings regarding matters affecting persons of Carolinian descent. The executive assistant may report findings or recommendations on these matters to the governor.

e) The executive assistant may recommend items for inclusion in the proposed annual budget, review the budget before its submission by the governor to the legislature, and recommend amendments to the budget relating to matters affecting persons of Carolinian descent.

f) The executive assistant may at any time require information in writing or otherwise with respect to matters affecting persons of Carolinian descent from the officers of any administrative department, office or agency of the Commonwealth.

Section 19: Impeachment. The governor and lieutenant governor are subject to impeachment as provided in article II, section 8, of this Constitution for treason, commission of a felony, corruption or neglect of duty.

ARTICLE IV: JUDICIAL BRANCH

Section 1: Judicial Power. The judicial power of the Commonwealth shall be vested in a judiciary of the Northern Mariana Islands which shall include those trial and appeals courts established by the legislature under this article.

Section 2: Commonwealth Trial Court. The legislature shall establish a Commonwealth trial court. This court has original jurisdiction over actions involving land in the Commonwealth and other civil actions except those in which the value of the matter in controversy exceeds five thousand dollars. The court also has original jurisdiction over criminal actions except those in which the defendant, if convicted, may be fined an amount that exceeds five thousand dollars or imprisoned for a term that exceeds five years. For at least five years after the establishment of the court, actions involving land shall be considered by a special division of the court. At least one full-time judge of the court shall be assigned to Rota and at least one full-time judge of the court shall be assigned to Tinian. The legislature may vest additional civil and criminal jurisdiction in the court after this Constitution has been in effect for at least five years or at an earlier date if no United States District Court for the Northern Mariana Islands is available under article IV, section 402(b), of the Covenant to exercise jurisdiction over causes not vested in the Commonwealth trial court.

Section 3: Commonwealth Appeals Court. The legislature may establish a Commonwealth appeals court

to hear those appeals from judgments and orders of the Commonwealth trial court as are required or permitted by law after this Constitution has been in effect for at least five years or at an earlier date if no United States District Court for the Northern Mariana Islands is available under article IV, section 402(c), of the Covenant to hear these appeals.

Section 4: Appointment and Qualifications.

The governor shall appoint judges of the Commonwealth courts with the advice and consent of the senate. The term of office shall be six years and may be increased by law to not more than twelve years for judges who have served at least one term. A judge shall be at least thirty years of age, a citizen or national of the United States and possess other qualifications provided by law.

Section 5: Compensation. The compensation of judges shall be provided by law. The salary of a judge may not be decreased during a term of office.

Section 6: Sanctions. Judges are subject to impeachment as provided in article II, section 8, of this Constitution for treason, commission of a felony, corruption or neglect of duty. The legislature shall establish an advisory commission on the judiciary whose members include lawyers and representatives of the public. Upon recommendation of the advisory commission, the governor may remove, suspend or otherwise sanction a judge for illegal or improper conduct.

Section 7: Limitations on Activities of Judges. A full-time judge may not hold another compensated government position or engage in the practice of law. A judge may not make a direct or indirect financial contribution to a political organization or candidate, hold an executive office in a political organization, participate in a political campaign, or become a candidate for elective public office without resigning judicial office at least six months before becoming a candidate.

Section 8: Rule-making Power. The judiciary of the Commonwealth may propose rules governing civil and criminal procedure, judicial ethics, admission to and governance of the bar of the Commonwealth, and other matters of judicial administration. A proposed rule shall be submitted promptly to the legislature and shall become effective sixty days after submission unless disapproved by a majority of the members of either house of the legislature. Until rules are established under this section, the rules of the High Court of the Trust Territory of the Pacific Islands shall apply in the Commonwealth courts.

ARTICLE V: REPRESENTATION IN THE UNITED STATES

Section 1: Representative to the United States.

A representative to the United States shall be elected to represent the Commonwealth in the United States and to perform those related duties provided by law. The governor shall provide a certification of selection promptly to the United States Department of State and to the representative.

Section 2: Term of Office.

The term of office of the representative shall be two years unless it is increased to no more than four years by initiative under article IX, section 1.

Section 3: Qualifications.

The representative shall be qualified to vote in the Commonwealth, a citizen of the United States, at least twenty-five years of age, and a resident and domiciliary of the Commonwealth for at least seven years immediately preceding the date on which the representative takes office. A different period of residence and domicile may be provided by law. No person convicted of a felony in the Commonwealth or in any area under the jurisdiction of the United States may be eligible for this office unless a full pardon has been granted.

Section 4: Annual Report.

The representative shall submit a written report by the second Monday of January of each year to the governor and legislature on the representative's official activities during the preceding year and matters requiring the attention of the government or people of the Commonwealth.

Section 5: Compensation.

The representative shall receive an annual salary and reasonable allowance for expenses provided by law. The salary may not be changed during a term of office.

Section 6: Vacancy.

In the event of a vacancy in the office of representative to the United States, the governor shall appoint a successor with the advice and consent of the legislature.

Section 7: Impeachment.

The representative is subject to impeachment as provided in article II, section 8, of this Constitution for treason, commission of a felony, corruption or neglect of duty.

ARTICLE VI: LOCAL GOVERNMENT

Section 1: Local Government.

Agencies of local government shall be established as provided by this article.

Section 2: Election of Mayor.

The qualified voters from Rota, Saipan, Tinian and Aguiguan, and the

islands north of Saipan shall elect a mayor for each island or group of islands.

a) A mayor shall be qualified to vote in the Commonwealth, at least twenty-five years of age, a resident and domiciliary of the Commonwealth for at least three years immediately preceding the date on which the mayor takes office, and shall meet other qualifications provided by law. No person convicted of a felony in the Commonwealth or in an area under the jurisdiction of the United States may be eligible for this office unless a full pardon has been granted.

b) A mayor shall be elected at a regular general election for a term of office of four years. A vacancy in the office of mayor shall be filled by special election if one-half or more of the term remains and otherwise as provided by law.

Section 3: Responsibilities of Mayor.

a) A mayor shall serve on the governor's council established under section 5 of this article.

b) A mayor shall review the government services and appropriations provided by law for the island or islands served by the mayor and shall submit to the governor findings or recommendations relating to these services or appropriations.

c) A mayor may investigate complaints and conduct public hearings with respect to local matters and may submit findings or recommendations to the governor.

d) A mayor shall recommend items for inclusion in the proposed annual budget, review the proposed budget before its submission by the governor to the legislature, and recommend amendments in the proposed budget relating to the island or islands served by the mayor. A recommendation relating to the budget made by a mayor shall be considered by the governor and rejected only for good cause.

e) A mayor may promulgate regulations on local matters as provided by law.

f) A mayor may expend for local public purposes the revenues raised by local taxes that are designated by law for those purposes after the expenditures are authorized by the legislature or by the affirmative vote of a majority of the members of the legislature representing the island or islands served by a mayor.

g) A mayor may appoint, supervise and remove those employees as are provided by law to assist in the performance of mayoral responsibilities.

h) A mayor shall perform other responsibilities provided by law.

Section 4: Compensation. A mayor shall receive an annual salary and reasonable allowance for expenses provided by law. The salary of a mayor may not be decreased during a term of office. Salaries and expenses for assistants to a mayor shall be provided by law.

Section 5: Governor's Council. The mayors elected under section 2 and the executive assistant appointed under article III, section 18, shall be members of a governor's council that shall advise the governor on local matters. The governor shall preside over the council which shall meet at least four times each year to consider matters concerning the relationship between the Commonwealth and its separate islands.

Section 6: Other Agencies of Local Government.

a) The chartered municipality form of local government shall cease to exist on the effective date of this Constitution. Local taxes paid to the chartered municipal governments on Rota, Saipan and Tinian shall remain in effect until otherwise provided by law and may be expended for local public purposes on the island or islands producing those revenues if authorized by the legislature or by the affirmative vote of a majority of the members of the legislature from the applicable senatorial district. Ordinances and other regulations enacted by municipal councils on Rota, Saipan and Tinian that are consistent with this Constitution shall remain in effect until superseded by Commonwealth law or local ordinances or regulations enacted under this Constitution.

b) No additional agency of local government may be established for at least five years from the effective date of this Constitution, after which the legislature may establish agencies of local government in place of or in addition to the agencies provided for in this article with powers, elected officials and financing as provided by law. Agencies of local government may not be created for geographical units smaller than an individual island. New agencies of local government may not be established without the affirmative vote of two-thirds of the persons qualified to vote from the island or islands to be served by the proposed agency of local government.

ARTICLE VII: ELIGIBILITY TO VOTE

Section 1: Qualifications of Voters. A person is eligible to vote who, on the date of the election, is eighteen years of age or older, is domiciled in the Commonwealth, is a resident of the Commonwealth and has resided in the Commonwealth for a period of time provided by law, is not serving a sentence for a felony, has not been found by a court to be of unsound mind, and

is either a citizen or national of the United States. The legislature may require that persons eligible to vote be citizens of the United States.

Section 2: Prohibition of Literacy Requirement. A person may not be denied the right to vote because that person is unable to read or write.

Section 3: Domicile and Residence. The legislature shall implement section 1 by providing the criteria by which domicile and residence shall be determined for voting purposes and specifying the length of residence within the Commonwealth that shall be required.

ARTICLE VIII: ELECTIONS

Section 1: Regular General Election. The regular general election of the Commonwealth shall be held on the first Sunday in November.

Section 2: Other Elections. Other elections may be held as provided by law.

Section 3: Election Procedures. The legislature may provide for the registration of voters, nomination of candidates, absentee voting, secrecy in voting, administration of elections, resolution of election contests, and other matters with respect to election procedures.

Section 4: Taking Office After Elections. Officers elected at the regular general election shall take office on the second Monday of January of the year following the year in which the election was held.

ARTICLE IX: INITIATIVE, REFERENDUM AND RECALL

Section 1: Initiative. The people may enact laws by initiative.

a) An initiative petition shall contain the full text of the proposed law. If the petition proposes a general law for the Commonwealth, the petition shall be signed by at least twenty percent of the persons qualified to vote in the Commonwealth. If the petition proposes a local law that affects only one senatorial district, the petition shall be signed by at least twenty percent of the persons from the senatorial district who are qualified to vote.

b) An initiative petition shall be filed with the attorney general for certification that the requirements of section 1(a) have been met.

c) An initiative petition certified by the attorney general shall be submitted to the voters at the next regular general election that is held at least ninety days from the date the petition has been certified.

d) An initiative petition that proposes a general law for the Commonwealth shall become law if approved by two-thirds of the votes cast by persons qualified to vote in the Commonwealth. An initiative petition that proposes a local law shall become law if approved by two-thirds of the persons from the senatorial district who are qualified to vote. An initiative petition that has been approved by the voters shall take effect thirty days after the date of the election unless the petition provides otherwise.

Section 2: Referendum. The people may reject laws by referendum.

a) A referendum petition shall contain the full text of the law sought to be rejected. If the law is a general law for the Commonwealth, the petition shall be signed by at least twenty percent of the persons qualified to vote in the Commonwealth. If the law is a local law that affects only one senatorial district, the petition shall be signed by at least twenty percent of the persons from the senatorial district who are qualified to vote.

b) A referendum petition shall be filed with the attorney general for certification that the requirements of section 2(a) have been met.

c) A referendum petition certified by the attorney general shall be submitted to the voters at the next regular general election that is held at least thirty days from the date the petition has been certified.

d) A referendum petition concerning a general law for the Commonwealth shall take effect if approved by a majority of the votes cast by persons qualified to vote in the Commonwealth. A referendum petition concerning a local law shall take effect if approved by a majority of the votes cast by persons from the senatorial district who are qualified to vote. A law that is the subject of an approved petition shall become void and be repealed thirty days after the date of the election unless the petition provides otherwise.

Section 3: Recall. Elected public officials are subject to recall by the voters of the Commonwealth or of the island, islands or district from which elected.

a) A recall petition shall identify the public official sought to be recalled by name and office, state the grounds for recall, and be signed by at least forty percent of the persons qualified to vote for the office occupied by the public official.

b) A recall petition shall be filed with the attorney general for certification that the requirements of section 3(a) have been met.

c) A recall petition certified by the attorney general shall be submitted to the voters at the next regular general election unless special elections are provided by law for this purpose.

d) A recall petition shall take effect thirty days after the date of the election if approved by two-thirds of the persons qualified to vote for the office involved.

e) A recall petition may not be filed against a public official more than once in any year or during the first six months of a term in office.

ARTICLE X: TAXATION AND PUBLIC FINANCE

Section 1: Public Purpose. A tax may not be levied and an appropriation of public money may not be made, directly or indirectly, except for a public purpose.

Section 2: Report on Tax Exemptions. Every five years the governor shall report to the legislature on the social, fiscal and economic impact of tax exemptions provided by law. The report may include recommendations by the governor on tax exemption policy or laws.

Section 3: Public Debt Authorization. Public debt may not be authorized or incurred without the affirmative vote of two-thirds of the members in each house of the legislature.

Section 4: Public Debt Limitation. Public indebtedness other than bonds or other obligations of the government payable solely from the revenues derived from a public improvement or undertaking may not be authorized in excess of ten percent of the aggregate assessed valuation of the real property within the Commonwealth. Public indebtedness may not be authorized for operating expenses of the Commonwealth government or its political subdivisions.

ARTICLE XI: PUBLIC LANDS

Section 1: Public Lands. The lands as to which right, title or interest have been or hereafter are transferred from the Trust Territory of the Pacific Islands to any legal entity in the Commonwealth under Secretarial Order 2969 promulgated by the United States Secretary of the Interior on December 26, 1974, the lands as to which right, title or interest have been vested in the Resident Commissioner under Secretarial Order 2989 promulgated by the United States Secretary of the Interior on March 24, 1976, the lands as to which right, title or interest have been or hereafter are transferred to or by the government of the Northern Mariana Islands under article VIII of the Covenant, and the submerged lands off the coast of the Commonwealth to which the Commonwealth now or hereafter may have a claim of ownership under United States law are public lands and belong collectively to the people of the Commonwealth who are of Northern Marianas descent.

Section 2: Submerged Lands. The management and disposition of submerged lands off the coast of the Commonwealth shall be as provided by law.

Section 3: Surface Lands. The management and disposition of public lands except those provided for by section 2 shall be the responsibility of the Marianas Public Land Corporation.

Section 4: Marianas Public Land Corporation. There is hereby established the Marianas Public Land Corporation.

a) The corporation shall have nine directors appointed by the governor with the advice and consent of the senate who shall direct the affairs of the corporation for the benefit of the people of the Commonwealth who are of Northern Marianas descent.

b) Two directors shall be residents of Saipan, two shall be residents of Rota, two shall be residents of Tinian, one shall be a resident of the islands north of Saipan and one shall be a person of Carolinian descent. Each director shall be a citizen or national of the United States, a resident of the Commonwealth for at least five years immediately preceding the date on which the director takes office, a person who has not been convicted of a crime carrying a maximum sentence of imprisonment of more than six months, a person who is able to speak Chamorro or Carolinian and a person of Northern Marianas descent.

c) The directors shall serve a term of six years except that three of the first nine directors appointed shall serve a term of two years and three shall serve a term of four years. A person may not serve more than one term as director.

d) The corporation shall have the powers available to a corporation under Commonwealth law and

shall act only by the affirmative vote of the majority of the nine directors.

e) The directors shall make an annual written report to the people of the Commonwealth describing the management of the public lands and the nature and effect of transfers of interests in public land made during the preceding year and disclosing the interests of the directors in Commonwealth land.

f) After this Constitution has been in effect for at least ten years, the corporation may be dissolved and its functions may be transferred to the executive branch of government by the affirmative vote of two-thirds of the members in each house of the legislature.

Section 5: Fundamental Policies. The Marianas Public Land Corporation shall follow certain fundamental policies in the performance of its responsibilities.

a) The corporation shall make available some portion of the public lands for a homestead program. A person is not eligible for more than one agricultural and one village homestead. A person may not receive a freehold interest in a homestead for three years after the grant of a homestead and may not transfer a freehold interest in a homestead for ten years after receipt except that these requirements are waived for persons who have established a continuous use of public lands for at least fifteen years as of the effective date of this Constitution. At any time after receiving the freehold interest, the grantee may mortgage the land provided that all funds received from the mortgagee be devoted to the improvement of the land. Other requirements relating to the homestead program shall be provided by law.

b) The corporation may not transfer a freehold interest in public lands for ten years after the effective date of this Constitution except for homesteads as provided under section 5(a).

c) The corporation may not transfer a leasehold interest in public lands that exceeds twenty-five years including renewal rights. An extension of not more than fifteen years may be given upon approval by three-fourths of the members of the legislature.

d) The corporation may not transfer an interest in more than five hectares of public land for use for commercial purposes without approval by a majority of the members of the legislature.

e) The corporation may not transfer an interest in public lands located within one hundred fifty feet of the high water mark of a sandy beach.

f) The corporation shall adopt a comprehensive land use plan with respect to the public lands including priority of uses and may amend the plan as appropriate.

g) The corporation shall receive all moneys from the public lands and shall transfer these moneys promptly to the Marianas Public Land Trust except that the corporation may retain the amount necessary to meet reasonable expenses of administration.

Section 6: Marianas Public Land Trust. There is hereby established the Marianas Public Land Trust.

a) The trust shall have three trustees appointed by the governor with the advice and consent of the senate.

b) The trustees shall make reasonable, careful and prudent investments. For ten years after the effective date of this Constitution investments may not be made except in obligations of the United States government and as provided by section 6(c).

c) If the legislature authorizes a Marianas development bank and provides that all United States economic assistance for economic development loans provided under article VII, section 702(c), of the Covenant shall be deposited as capital in that bank, the trust shall use up to fifty-five percent of its receipts in a year to increase the total capital available to the bank to the sum of ten million dollars. After the bank has more than ten million dollars in total capital, the bank shall pay the excess above ten million dollars to the trust until the trust has been fully repaid for its contribution to the bank.

d) The trustees shall carry out the intention of article VIII, section 803(e), of the Covenant by using the interest on the amount received for the lease of property at Tanapag Harbor for the development and maintenance of a memorial park. The trustees shall transfer to the general revenues of the Commonwealth the remaining interest accrued on the trust proceeds except that the trustees may retain the amount necessary to meet reasonable expenses of administration.

e) The trustees shall make an annual written report to the people of the Commonwealth accounting for the revenues received and expenses incurred by the trust and describing the investments and other transactions authorized by the trustees.

f) The trustees shall be held to strict standards of fiduciary care.

ARTICLE XII: RESTRICTIONS ON
ALIENATION OF LAND

Section 1: Alienation of Land. The acquisition of permanent and long-term interests in real property within the Commonwealth shall be restricted to persons of Northern Marianas descent.

Section 2: Acquisition. The term acquisition used in section 1 includes acquisition by sale, lease, gift, inheritance or other means. A transfer to a spouse by inheritance is not an acquisition under this section. A transfer to a mortgagee by means of a foreclosure on a mortgage is not an acquisition under this section if the mortgagee does not hold the permanent or long-term interest in real property for more than five years.

Section 3: Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property used in section 1 includes freehold interests and leasehold interests of more than forty years including renewal rights.

Section 4: Persons of Northern Marianas Descent. A person of Northern Marianas descent is a person who is a citizen or national of the United States and who is of at least one-quarter Northern Marianas Chamorro or Northern Marianas Carolinian blood or a combination thereof or an adopted child of a person of Northern Marianas descent if adopted while under the age of eighteen years. For purposes of determining Northern Marianas descent, a person shall be considered to be a full-blooded Northern Marianas Chamorro or Northern Marianas Carolinian if that person was born or domiciled in the Northern Mariana Islands by 1950 and was a citizen of the Trust Territory of the Pacific Islands before the termination of the Trusteeship with respect to the Commonwealth.

Section 5: Corporations. A corporation shall be considered to be a person of Northern Marianas descent so long as it is incorporated in the Commonwealth, has its principal place of business in the Commonwealth, has directors at least fifty-one percent of whom are persons of Northern Marianas descent and has voting shares at least fifty-one percent of which are owned by persons of Northern Marianas descent as defined by section 4.

Section 6: Enforcement. Any transaction made in violation of section 1 shall be void ab initio. Whenever a corporation ceases to be qualified under section 5, a permanent or long-term interest in land in the Commonwealth acquired by the corporation after the effective date of this Constitution shall be forfeited to the government.

ARTICLE XIII: EMINENT DOMAIN

Section 1: Eminent Domain Power. The Commonwealth may exercise the power of eminent domain as provided by law to acquire private property necessary for the accomplishment of a public purpose.

Section 2: Limitations. Private property may not be taken without just compensation. Private land may be taken only if no suitable public land is available for the accomplishment of the public purpose.

ARTICLE XIV: NATURAL RESOURCES

Section 1: Marine Resources. The marine resources in waters off the coast of the Commonwealth over which the Commonwealth now or hereafter may have any jurisdiction under United States law shall be managed, controlled, protected and preserved by the legislature for the benefit of the people.

Section 2: Uninhabited Islands. The island of Managaha shall be maintained as an uninhabited place and used only for cultural and recreational purposes. The islands of Sariguan and Maug and other islands specified by law shall be maintained as uninhabited places and used only for the preservation of bird, fish, wildlife and plant species except that the legislature may substitute in place of Sariguan another island as well suited for that purpose.

Section 3: Places and Things of Cultural and Historical Significance. Places of importance to the culture, traditions and history of the people of the Northern Mariana Islands shall be protected and preserved and public access to these places shall be maintained as provided by law. Artifacts and other things of cultural or historical significance shall be protected, preserved and maintained in the Commonwealth as provided by law.

ARTICLE XV: EDUCATION

Section 1: Education.

a) Every person in the Northern Mariana Islands shall have the right to free, compulsory and public elementary and secondary education within age and educational levels provided by law.

b) There shall be higher education and adult education within the Northern Mariana Islands consistent with the needs and resources of the people as provided by law.

ARTICLE XVI: CORPORATIONS

Section 1: Corporations. No private business corporation shall be organized and no existing corporate charter shall be extended or amended except by general laws.

ARTICLE XVII: OATH OF OFFICE

Section 1: Oath of Office. All members of the legislature and officers and employees of the Commonwealth and its political subdivisions taking office shall take and subscribe to the following oath or affirmation:

I do solemnly affirm (or swear) that I will support and defend the Constitution and laws of the Commonwealth of the Northern Mariana Islands, the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the applicable provisions of the Constitution, laws and treaties of the United States of America, and that I will faithfully discharge my duties to the best of my ability (so help me God).

ARTICLE XVIII: CONSTITUTIONAL AMENDMENT

Section 1: Proposal of Amendments. Amendments to this Constitution may be proposed by constitutional convention, legislative initiative or popular initiative.

Section 2: Constitutional Convention.

a) The legislature, by the affirmative vote of a majority of the members of each house, may submit to the voters the question, "Shall there be a constitutional convention to propose amendments to the Constitution?" The legislature, or the governor in the event the legislature fails to act, shall submit this question to the voters at a regular general election no later than seven years after the effective date of this Constitution and as provided by law. An act of the legislature under this subsection may not be vetoed by the governor.

b) An initiative petition may submit to the voters the question, "Shall there be a constitutional

convention to propose amendments to the Constitution?" The petition shall be signed by at least twenty-five percent of the persons qualified to vote in the Commonwealth or by at least seventy-five percent of the persons qualified to vote in a senatorial district. An initiative petition shall be filed with the attorney general for certification that the requirements of this subsection have been met. An initiative petition certified by the attorney general shall be submitted to the voters at the next regular general election that is held at least thirty days from the date the petition has been certified.

c) If two-thirds of the votes cast are affirmative on the question of holding a convention, the legislature shall convene a convention promptly.

d) The number of delegates to the convention shall be equal to the number of members of the legislature. The delegates to the convention shall be elected on a nonpartisan basis.

Section 3: Legislative Initiative. The legislature by the affirmative vote of three-fourths of the members of each house present and voting may propose amendments to this Constitution. A proposed amendment may not embrace the subject matter of more than one article of this Constitution. An act of the legislature under this section may not be vetoed by the governor.

Section 4: Popular Initiative.

a) The people may propose constitutional amendments by initiative. An initiative petition shall contain the full text of the proposed amendment. The petition shall be signed by at least fifty percent of the persons qualified to vote in the Commonwealth and at least twenty-five percent of the persons qualified to vote in each senatorial district. A petition shall be filed with the attorney general for certification that the requirements of this subsection have been met.

b) An initiative petition certified by the attorney general shall be submitted to each house of the legislature. If the proposal is approved by the affirmative vote of a majority of the members of each house of the legislature, the proposed amendment shall be submitted for ratification in the same manner as an amendment proposed by legislative initiative. The proposed amendment shall be submitted for ratification to the voters at the next regular general election with or without legislative approval.

Section 5: Ratification of Amendments.

a) A proposed amendment to this Constitution shall be submitted to the voters for ratification at the next regular general election that is held at least sixty days after the amendment is proposed.

b) An amendment proposed by legislative initiative shall become effective if approved by a

majority of the votes cast. An amendment proposed by constitutional convention or by popular initiative shall become effective if approved by a majority of the votes cast and at least two-thirds of the votes cast in each of two senatorial districts.

SCHEDULE ON TRANSITIONAL MATTERS

The following transitional provisions shall remain in effect until their terms have been executed. Once each year the attorney general shall review the following provisions and certify to the governor which have been executed. Any provisions so certified shall be removed from this Schedule and no longer published as an attachment to the Constitution.

Section 1: Effective Date of Constitution.

The Constitution shall take effect on a date proclaimed by the President of the United States after its approval by the Government of 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 consistent with the Constitution and 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 provided otherwise by law, regulation or ordinance. Employees of the Government of the Northern Mariana Islands shall have the same functions and duties after becoming employees of the Commonwealth until provided otherwise by law, regulation or ordinance.

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 appoints judges of the Commonwealth trial court under article IV, section 4, 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 of 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. Bills enacted by the Northern Mariana Islands Legislature but not approved by the Resident Commissioner on the effective date of the Constitution shall be void.

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 incorporated or qualified until provided otherwise by law. Licenses in effect in the Northern Mariana Islands on the effective date of the Constitution shall continue in effect until provided otherwise by law except that no license possessed by a land surveyor, ship officer, health professional or a practicing trial assistant may be amended or revoked except for incompetence or unethical conduct.

Section 7: Statutes of Limitations. The legislature shall study whether to repeal a 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 provided by the Commonwealth shall be limited to priority with respect to the distribution of public lands and shall not affect a right in property that vested under the repealed statute of limitations.

←
from Rev. RG
Cttee
Report #9

Section 8: Interim Definition of 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 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 and this Schedule to describe a geographical area means the Northern Mariana Islands as defined by article X, section 1005(b), of the Covenant and otherwise means the government established under this Constitution.

Section 10: Elections. Within one hundred twenty days after the approval of the Constitution by the Government of the United States under article II, section 202, of the Covenant, an election 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 those procedures, including registration of voters, required to conduct the election required by this section and shall appropriate sufficient funds for the implementation of this section. If the Northern Mariana Islands Legislature does not act to set the election date and establish the necessary registration and election procedures within thirty days after the approval of the Constitution by the United States, the Resident Commissioner may set the election date and establish registration and election procedures.

Section 11: Saipan Election Districts. For the purpose of electing twelve members of the house of representatives from Saipan under article II, section 3, Saipan shall be divided into the following six election districts:

first district: municipal districts six and ten, electing two representatives;

second district: municipal district four plus census enumeration district thirty-eight, electing one representative;

third district: municipal districts two and five plus census enumeration district thirty-one, electing two representatives;

fourth district: census enumeration districts twenty-nine, thirty and thirty-seven, electing one representative;

fifth district: municipal districts seven and eleven plus the islands north of Saipan minus census enumeration district eleven, electing four representatives;

sixth district: municipal districts eight and nine plus census enumeration district eleven, electing two representatives.

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

Section 12: Commencement of Terms. Officials elected in the election required by section 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 date the terms of officials elected under section 10 expire, the officials shall be considered to have taken office on the second Monday in January in the year after the year in which the election is held, except that if the election is held before the first day of the month of July the officials shall be considered to have taken office on the second Monday in January of the year in which the election is held.

Section 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.

Section 14: Approval of Constitution by the United States. After approval of the Constitution by the people of the Northern Mariana Islands it shall be submitted to the Government of the United States for approval under the provisions of article II, section 202, of the Covenant. If the Constitution is disapproved by the Government of the United States, the Northern Mariana Islands Legislature by the affirmative vote of three-fourths of the members may amend the specific provisions of the Constitution disapproved by the Government of the United States and submit the amended Constitution to the people for approval within sixty days after receipt of the disapproval message from the Government of the United States. Upon approval by the people of the amended Constitution it shall be submitted to the Government of the United States for approval.

Lorenzo J. Guerrero, President

David M. Atalig

David M. Atalig

Felipe D. Atalig

Felipe D. Atalig

Pedro M. Atalig

Pedro M. Atalig

Vicente C. Atalig

Vicente C. Atalig

Felix A. Ayuya

Felix A. Ayuya

Luis A. Benavente

Luis A. Benavente

Jose S. Borja

Jose S. Borja

Olegario T. Borja

Olegario T. Borja

Gregorio S. Calvo

Gregorio S. Calvo

Antonio M. Camacho

Antonio M. Camacho

Carlos S. Camacho

Carlos S. Camacho

Magdalena C. Camacho

Magdalena C. Camacho

Daniel P. Castro

Daniel P. Castro

Jorge R. Cruz

Jorge R. Cruz

Pedro Q. De la Cruz

Pedro Q. De la Cruz

Juan D. G. Demapan

Juan D. G. Demapan

Juan S. Demapan

Juan S. Demapan

Hilario J. Diaz

Hilario J. Diaz

Benigno R. Fitial

Benigno R. Fitial

Ramon G. Villagomez

Ramon G. Villagomez

Herman Q. Guerrero

Herman Q. Guerrero

Henry U. Hochmieder

Henry U. Hochmieder

Pedro J. Igitol

Pedro J. Igitol

Estevan M. King

Estevan M. King

Luis M. Lirio

Luis M. Lirio

Jose P. Masfas

Jose P. Masfas

Benjamin T. Manglona

Benjamin T. Manglona

Prudencio T. Manglona

Prudencio T. Manglona

Vicente M. Manglona

Vicente M. Manglona

David Q. Maratita

David Q. Maratita

Pedro M. Ogo

Pedro M. Ogo

Francisco T. Palacios

Pedro M. Ogo

Oscar C. Raza

Francisco T. Palacios

Leon J. Taisacan

Oscar C. Raza

Juan P. Tenorio

Leon J. Taisacan

Manuel A. Tenorio

Juan P. Tenorio

Joaquin S. Torres

Manuel A. Tenorio

Jesus G. Villagomez

Joaquin S. Torres

Ramon G. Villagomez

Jesus G. Villagomez

Ramon G. Villagomez

Ramon G. Villagomez

Signed: December 5, 1976

Mt. Carmel Auditorium

Saipan, Northern Mariana Islands

NORTHERN MARIANA ISLANDS CONSTITUTIONAL CONVENTION

OFFICERS

President Lorenzo I. Guerrero
First Vice-President Benjamin T. Manglona
Second Vice-President Vicente M. Manglona
Third Vice-President Francisco T. Palacios
Floor Leader Oscar C. Rasa
Convention Secretary Pedro M. Atalig

DELEGATES

SAIPAN

Felipe Q. Atalig
Vicente T. Attao
Felix A. Ayuyu
Luis A. Benavente
Jose S. Borja
Olympio T. Borja
Antonio M. Camacho
Carlos S. Camacho
Magdalena C. Camacho
Juan DLG. Demapan
Juan S. Demapan
Benigno R. Fitial
Herman Q. Guerrero
Lorenzo I. Guerrero
Pedro JL Igitol
Luis M. Limes
Jose P. Mafnas
David Q. Maratita
Francisco T. Palacios
Oscar C. Rasa
Juan P. Tenorio
Manuel A. Tenorio
Joaquin S. Torres
Jesus G. Villagomes
Ramon G. Villagomes

ROTA

David M. Atalig
Pedro M. Atalig
Gregorio S. Calvo
Pedro Q. Dela Cruz
Benjamin T. Manglona
Prudencio T. Manglona
Pedro M. Ogo
Leon Taisacan

TINIAN

Jose R. Cruz
Hilario F. Diaz
Henry V. Hofschneider
Esteven M. King
Vicente M. Manglona

NORTHERN ISLANDS

Daniel P. Castro

COMMITTEE MEMBERSHIP

1. GOVERNMENTAL INSTITUTIONS

Jose P. Mafnas, Chairman
Prudencio T. Manglona, Vice-Chairman
Gregorio S. Calvo
David M. Atalig
Benjamin T. Manglona
Pedro JL Igitol
Jose R. Cruz
Olympio T. Borja
Herman Q. Guerrero
David Q. Maratita
Antonio M. Camacho
Vicente T. Attao

2. PERSONAL RIGHTS AND NATURAL RESOURCES

Felipe Q. Atalig, Chairman
Francisco T. Palacios, Vice-Chairman
Leon Taisakan
Pedro M. Atalig
Luis M. Limes
Felix A. Ayuyu
Juan S. Demapan
Manuel A. Tenorio
Ramon G. Villagomez
Jose S. Borja
Daniel P. Castro
Henry Hofschneider

3. FINANCE, LOCAL GOVERNMENT AND OTHER MATTERS

Benigno R. Fitial, Chairman

Pedro Dela Cruz, Vice-Chairman

Pedro M. Ogo

Esteven M. King

Luis A. Benavente

Juan P. Tenorio

Oscar C. Rasa

Vicente Manglona

Jesus G. Villagomez

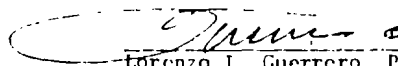
Magdalena C. Camacho


Juan D.G. Demapan

Carlos S. Camacho

C E R T I F I C A T I O N

We hereby certify that the Journal for each day's session, having been either been adopted by the Convention or approved by the President after the adjournment, as the same appears in this Journal of the Northern Mariana Islands Constitutional Convention of 1976, is true and correct and that the original thereof has been duly signed by the Convention Secretary of the Northern Mariana Islands Constitutional Convention of 1976.


Lorenzo I. Guerrero, President
Northern Mariana Islands Constitutional
Convention


Pedro M. Atalig
Convention Secretary
Northern Mariana Islands Constitutional
Convention

CONTENTS

<u>CONVENTION JOURNAL OF THE DAY</u>	<u>PAGE NUMBER</u>
First Day, Monday, October 18, 1976	1
Second Day, Tuesday, October 19, 1976	16
Third Day, Wednesday, October 20, 1976.	22
Fourth Day, Thursday, October 21, 1976.	25
Fifth Day, Friday, October 22, 1976	29
Sixth Day, Saturday, October 23, 1976	38
Seventh Day, Sunday, October 24, 1976	45
Eighth Day, Monday, October 25, 1976	49
Ninth Day, Tuesday, October 26, 1976	53
Tenth Day, Wednesday, October 27, 1976.	54
Eleventh Day, Thursday, October 28, 1976.	64
Twelfth Day, Friday, October 29, 1976	70
Thirteenth Day, Saturday, October 30, 1976.	76
Fourteenth Day, Sunday, October 31, 1976.	77
Fifteenth Day, Monday, November 1, 1976	78
Sixteenth Day, Tuesday, November 2, 1976.	79
Seventeenth Day, Wednesday, November 3, 1976.	86
Eighteenth Day, Thursday, November 4, 1976.	91
Nineteenth Day, Friday, November 5, 1976.	96
Twentieth Day, Saturday, November 6, 1976	101
Twenty-first Day, Sunday, November 7, 1976.	102
Twenty-second Day, Monday, November 8, 1976	103
Twenty-third Day, Tuesday, November 9, 1976	106
Twenty-fourth Day, Wednesday, November 10, 1976	109
Twenty-fifth Day, Thursday, November 11, 1976	112
Twenty-sixth Day, Friday, November 12, 1976	115
Twenty-seventh Day, Saturday, November 13, 1976	125
Twenty-eighth Day, Sunday, November 14, 1976.	128
Twenty-ninth Day, Monday, November 15, 1976	132

CONVENTION JOURNAL OF THE DAY

PAGE NUMBER

Thirtieth Day, Tuesday, November 16, 1976	136
Thirty-first Day, Wednesday, November 17, 1976	144
Thirty-second Day, Thursday, November 18, 1976	145
Thirty-third Day, Friday, November 19, 1976	146
Thirty-fourth Day, Saturday, November 20, 1976	156
Thirty-fifth Day, Sunday, November 21, 1976	160
Thirty-sixth Day, Monday, November 22, 1976	161
Thirty-seventh Day, Tuesday, November 23, 1976	164
Thirty-eighth Day, Wednesday, November 24, 1976	178
Thirty-ninth Day, Thursday, November 25, 1976	179
Fortieth Day, Friday, November 26, 1976	180
Forty-first Day, Saturday, November 27, 1976	198
Forty-second Day, Sunday, November 28, 1976	204
Forty-third Day, Monday, November 29, 1976	221
Forty-fourth Day, Tuesday, November 30, 1976	242
Forty-fifth Day, Wednesday, December 1, 1976	249
Forty-sixth Day, Thursday, December 2, 1976	283
Forty-seventh Day, Friday, December 3, 1976	296
Forty-eighth Day, Saturday, December 4, 1976	312
Forty-ninth Day, Sunday, December 5, 1976	314
Fiftieth Day, Monday, December 6, 1976	336