
A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Sections 1, 2, 3, 4, 5, and 6 of Article VI and Sections 17(a) and (b) of Article III and to propose a new Section 7 of Article VI of the Constitution of the Northern Mariana Islands relating to Local Government.

THE SECOND CONSTITUTIONAL CONVENTION ADOPTS AND PROPOSES FOR RATIFICATION THE FOLLOWING AMENDMENTS:

1 I. Article VI is amended to read:

2 "Section 1: Local Government. Agencies of local
3 government shall be established as provided by this
4 article.

5 "Section 2: Election of Mayor. The qualified
6 voters from Rota, Tinian and Aguiguan, and the islands
7 north of Saipan shall elect a mayor for each island or
8 group of islands.

9 "a) A mayor shall be qualified to vote in the
10 island or islands served by the mayor, at least
11 twenty-five years of age, a resident and
12 domiciliary of the Commonwealth for at least three
13 years immediately preceding the date on which the
14 mayor takes office, and must reside in the island
15 or islands served by the mayor after election, and
16 must meet other qualifications provided by law. No
17 person convicted of a felony in the Commonwealth or
18 in an area under the jurisdiction of the United
19 States may be eligible for this office unless a
20 full pardon has been granted.

21 "b) The mayor shall be elected at a regular
22 general election for a term of office of four years
23 and shall not be eligible to hold that office for
24 more than two terms. A vacancy in the office of the
25 mayor shall be filled by special election if

1 one-half or more of the term remains and otherwise as
2 provided by law.

3 "c) The office of the mayor for Saipan shall
4 remain as provided in this Constitution until four
5 years after the ratification of this amendment, at
6 which time, it shall cease to exist and the offices
7 of precinct commissioners shall be established as
8 provided in this Article.

9 "Section 3: Responsibilities and Duties of the Mayor.

10 "a) A mayor shall serve on the governor's
11 council as established by Section 5 of this Article.

12 "b) A mayor shall administer government
13 programs, public services and appropriations provided
14 by law for the island or islands served by the mayor
15 and shall report quarterly to the governor relating
16 to these programs and services or appropriations.

17 "c) A mayor may investigate complaints and
18 conduct public hearings with respect to government
19 operations and local matters, and may submit
20 findings or recommendations to the governor and the
21 legislature. A mayor may require information in
22 writing relating to local matters as may be necessary
23 for his investigation under this subsection.

24 "d) The mayors of Rota and Tinian and Aguiguan,
25 in consultation with the Municipal Council, and the

1 mayor of the islands north of Saipan shall submit
2 items for inclusion in the proposed budgets for both
3 government operations and capital improvement
4 projects. The governor's budget submission to the
5 legislature shall state his disposition of the
6 budgetary requests contained in the submissions
7 from Rota, Tinian and Aguiguan, and the islands
8 north of Saipan.

9 "d) A mayor shall coordinate any extension of
10 federal programs extended to the island or islands
11 served by the mayor.

12 "f) A mayor shall act as the principal local
13 official for coordinating activities with disaster
14 control for the mobilization of resources and
15 meeting emergency conditions in his/her respective
16 senatorial district.

17 "g) The mayors of Rota and Tinian and
18 Aguiguan shall appoint, in consultation with the
19 respective Executive Branch Department head, all
20 resident department heads.

21 "h) A mayor shall perform other responsibilities
22 as provided by law.

23 "Section 4: Compensation. A mayor shall receive an
24 annual salary plus an allowance for reasonable expenses
25 as provided by law.

26 "Section 5: Governor's Council. The mayors
27 elected under Section 2, the executive assistant
28 appointed under Article III, Section 18, and the chief

1 precinct commissioners shall be members of a
2 governor's council that shall advise the governor on
3 government operations and local matters. The
4 governor shall preside over the council which shall
5 meet regularly or at least four times each year
6 to consider matters concerning the relationship
7 between the Commonwealth and its separate islands.

8 "Section 6: Municipal Council/Precinct
9 Commissioners.

10 "a) There shall be Municipal Councils for
11 Rota and Tinian and Aguiguan to be composed of
12 three (3) members, elected at large on a non-partisan
13 basis. Candidates for municipal council shall be
14 at least twenty-one (21) years of age, a resident
15 of the municipality for three (3) years and shall
16 serve for a period of two (2) years. The Council
17 shall adopt its own Rules of Procedure.

18 "b) Four years after the ratification of this
19 amendment, there shall be precinct commissioners
20 for Saipan to be composed of four (4) members,
21 elected by precincts. Candidates for Precinct
22 Commissioners shall be at least twenty-one (21)
23 years of age, a resident of the precinct for at
24 least three years immediately preceding the date on
25 which the precinct commissioners takes office, and

1 shall serve for a period of four (4) years.
2 Immediately upon taking office, the four (4)
3 precinct commissioners shall meet and select a
4 chief commissioner by drawing of lots. The chief
5 commissioner shall serve for a period not to exceed
6 one year. Each of the four precinct commissioners
7 shall serve alternately as chief every year
8 throughout the four year term. In the case of a
9 vacancy, the governor shall appoint the unsuccessful
10 candidate for the office in the last election who
11 received the next highest number of votes.
12 Otherwise, the governor shall appoint a person from
13 that precinct with the advice and consent of the
14 precinct legislative delegation to the house of
15 representatives.

16 "Section 7: Powers, Meetings, Compensation.

17 "a) The Municipal Councils shall meet in
18 regular session no more than twice a month, and
19 shall be paid for each meeting as provided by law.
20 The mayor, or a majority of the Council, may call
21 special sessions of the Council as needed. The
22 powers of the Municipal Council shall extend to all
23 local matters of a predominately local nature not
24 pre-empted by the Commonwealth Legislature, and
25 shall include the following:

1 "1) Assist the mayor in the formulation
2 of the annual budget delineating local need,

3 "2) At the request of a department
4 head, in consultation with the mayor, the
5 council shall have the authority to approve
6 reprogramming of funds in the approved
7 budget,

8 "3) To confirm all resident department
9 heads,

10 "4) When a mayor is unable to discharge
11 the duties of office by reason of physical
12 or mental disability, the presiding officer
13 of the Municipal Council shall be acting mayor.
14 If the presiding officer is not available,
15 another member shall be selected to serve, and

16 "5) Additional powers and duties as
17 provided by law.

18 "b) The precinct commissioners shall meet in
19 regular session no more than twice a month and
20 shall receive an annual salary as provided by law.
21 The mayor of Saipan, or a majority of the precinct
22 commissioners, may call special sessions as needed.
23 The powers of the precinct commissioners shall
24 extend to all matters of a predominately local nature
25 not pre-empted by the Commonwealth Legislature, and

1 shall include the following:

2 "1) Assist the Mayor in the formulation of
3 the annual budget delineating local needs,

4 "2) Advise the Mayor in the reprogramming
5 of funds in the approved budget,

6 "3) Serve as liaison between their
7 respective precincts and the office of the Mayor
8 in the delivery of public services,

9 "4) When a Mayor is unable to discharge the
10 duties of office by reason of physical or mental
11 disability, the presiding officer of the precinct
12 commissioners shall be acting mayor. If the
13 presiding officer is not available, another
14 member shall be selected to serve, and

15 "5) Additional powers and duties as
16 provided by law.

17 "Section 8. Section 6 of Article VI is hereby amended
18 to read as follows:

19 "a) The chartered municipality form of local
20 government on Rota and Tinian is hereby established.
21 Local taxes paid to the chartered municipal government
22 of Rota and Tinian may be expended for local purposes
23 on the island or islands producing those revenues. New
24 agencies of local government may not be established
25

1 without the affirmative vote of two-thirds of the persons
2 qualified to vote from the island or islands to be served
3 by the proposed agency of local government."

4 Section 9: Sections 17(a) and (b) of Article III are
5 amended to read:

6 "Section 17(a). The governor shall delegate to a
7 mayor elected under the provisions of Article VI,
8 Section 2, responsibility for the execution of
9 Commonwealth laws as deemed appropriate, and the
10 administration of public services in the island or
11 islands in which the mayor has been elected. Services
12 being provided on a decentralized basis on Rota, and
13 Tinian and Aguiguan on the effective date of this
14 amendment shall continue. In furtherance of this Section,
15 the mayor shall have the responsibility for ensuring that
16 the resident department heads faithfully execute their
17 duties under the law and in accordance with the policies
18 of the Commonwealth government for the administration of
19 public services, in the islands in which the mayor has
20 been elected."

21 "b) Public services on Rota, and Tinian and
22 and Aguiguan shall be headed by a resident department
23 head in the department providing the services. A
24 resident department head shall submit a budget to the
25 mayor pursuant to the budget instructions. No resident

1 department head may be appointed to serve in any
2 commonwealth-wide board, commission, or authority.
3 These arrangements shall apply to the islands north
4 of Saipan when the population of these islands exceeds
5 five thousand persons.

6 "Section 10. Election. An election of the members
7 of the municipal council shall be held within sixty (60)
8 days after the ratification of this amendment. The
9 Board of Election shall conduct the election in
10 accordance with existing laws."

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