

**PROPOSED CONSTITUTIONAL AMENDMENTS**

**ADOPTED BY THE**

**SECOND NORTHERN MARIANA ISLANDS CONSTITUTIONAL CONVENTION**

**SAIPAN, CM**

**JULY 22, 1985**

*Office of the Representative to the United States*  
**Commonwealth of the Northern Mariana Islands**  
2121 R STREET, N.W.  
WASHINGTON, D.C. 20008

ADOPTED AMENDMENTS

Proposed Constitutional  
Amendment No.

Title

- |    |   |  |
|----|---|--|
| 1  | ✓ | To amend Section 9 of Article I relating to Clean and Healthful Environment.   |
| 2  | ✓ | To add a new section to Article I relating to victims of crime.  |
| 3  | ✓ | To add a new section to Article I making abortion illegal in the Northern Mariana Islands.   |
| 4  | ✓ | To amend Sections 2 and 3 of Article II by adding a new subsection (d) to each section relating to Composition of the Senate and Composition of the House of Representatives.  |
| 5  | ✓ | To add a new Section 5(d) to Article II to prohibit legislation which increases the class of non-aliens beyond those persons defined in Section 506(c) of the Covenant.  |
| 6  | ✓ | To amend subsections (a) and (c) of Section 7 of Article III and to add a new subsection (d) to Section 7 of Article II, relative to action on legislation by the Governor, and to prohibit certain types of bills during the period of a lame-duck legislature. |
| 7  | ✓ | To amend Section 11 of Article II relating to Other Government Employment of members of the legislature; and to amend Section 14(a) of Article II regarding the vote required to expel a member of the Legislature.  |
| 8  | ✓ | To amend Section 13 of Article II relating to legislative sessions.  |
| 9  | ✓ | To add a new section to Article II, to establish a ceiling of \$2,800,000 on the budget of the legislature.  |
| 10 |   | To amend Article II by adding a new section establishing a legislative bureau.   |
| 11 | ✓ | To amend Section 2 of Article III relating to Qualifications of the Governor.  |
| 12 | ✓ | To amend Section 4 of Article III to limit a governor to two terms in office.  |
| 13 | ✓ | To amend Section 7 of Article III relating to succession to the Governorship and Lieutenant Governorship.  |

Proposed Constitutional  
Amendment No.

Title

- |    |   |   |
|----|---|---|
| 14 | Y | To amend Section 9(a) and (b) of Article III to mandate a balanced budget for the Commonwealth of the Northern Mariana Islands Government in every fiscal year.   |
| 15 | Y | To amend Section 10 of Article III relating to the Governor's emergency powers.   |
| 16 | N | To amend Section 11 of Article III of the Northern Marianas Constitution relating to the Attorney General.  |
| 17 | Y | To amend Section 12 of Article III to provide for appointment of a temporary public auditor by the governor in the event of a vacancy in the office of public auditor, and to guarantee the minimum budget of the public auditor. |
| 18 | N | To add a new subsection to Section 18 of Article III to require that the salary of the Executive Assistant for Carolinian Affairs not be less than that of an executive department head.  |
| 19 | N | To add a new section to Article III relating to Retirement System.  |
| 20 | N | To add a new section to Article III to guarantee the independence of boards and commissions and require appointments to vacant seats within 90 days.  |
| 21 | N | To add a new section to Article III to establish an Office of Special Assistant for Women's Affairs.  |
| 22 | N | To add a new section to Article III relative to Indigenous Affairs.   |
| 23 | Y | To amend Sections 2, 3, and 4 of Article IV relating to the Judicial Branch.  |
| 24 | Y | To amend Article V relative to representation in the United States.   |
| 25 | Y | To amend Article VI and Sections 17(a) and (b) of Article III relating to Local Government and decentralized delivery of public services.   |
| 26 | N | To amend Section of Article VIII of the Northern Marianas Constitution to change the day of the regular general election to Saturday.   |
| 27 | N | To add a new Section 5 to Article VIII relating to resignation from public office.  |

Proposed Constitutional  
Amendment No.


Title

- 28 N To amend Section 1 of Article X relating to Public Purpose.
- 29 N To add a new section to Article X prohibiting the imposition of certain taxes on real property unless approved by three-fourths of the votes cast in a referendum.
- 30 N To add two new sections to Article X relating to the liquidation of deficits, and requiring employment ceilings in appropriation acts.
- 31 N To add two new sections to Article X relating to a Uniform Fiscal Management Policy and taxpayer's rights of action.
- 32 N To amend Sections 4 and 5 of Article XI relating to the Marianas Public Land Corporation.
- 33 N To amend Section 6(a) of Article XI to provide for an increase in the number of trustees of the Marianas Public Land Trust from three to five; and, to amend Section 6 (f) of Article XI to provide for annual reporting.
- 34 N To amend Section 2 of Article XII relating to acquisition of land.
- 35 N To amend Section 3 of Article XII to allow the sale and long-term lease of building above the first floor.
- 36 N To amend Section 5 and 6 of Article XII of the Northern Marianas Constitution relating to the qualification of corporations as persons of Northern Marianas descent.
- 37 N To amend Section 2 of Article XIV to include two other uninhabited islands to be protected and preserved.
- 38 N To repeal Section 13 of Article III, and to amend Article XV relative to education.
- 39 N To amend Section 2(a) of Article XVIII to require that voters be asked within ten years whether there should be another constitutional convention; and, to amend Section 5(a) of Article XVIII to allow proposed amendments to be ratified in a special election.

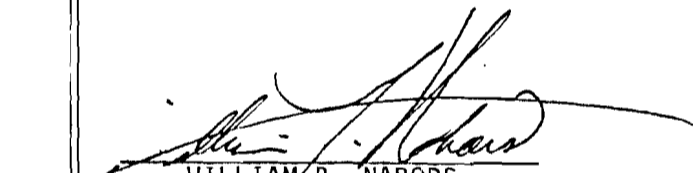
Proposed Constitutional  
Amendment No.

Title

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| 40 | N | To add a new Article relating to Code of Ethics; to amend Section 15 of Article II relating to Conduct of Members; and to amend Section 6 of Article III relating to other government employment. |
| 41 | N | To repeal Section 16 of Article III; and to add a new Article relating to Civil Service.  |
| 42 | N | To add a new Article relating to gambling.  |
| 43 | N | To add a new Article relating to the official seal, flag and languages of the Northern Marianas.  |
| 44 | N | To amend Section 8 of the Schedule on Transitional Matters relating to Interim Definition of Citizenship.   |

  
HERMAN T. GUERRERO  
President

ATTEST:

  
WILLIAM B. NABORS  
Secretary

*Herman T. Guerrero*  
Herman T. Guerrero  
President

*Vicente R. Calvo*  
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*Ignacio Villanueva*  
Ignacio Villanueva

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 9 of Article I relating to Clean and Healthful Environment.

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

1 I. Section 9 of Article I is amended to read:

2 "Section 9: Clean and Healthful Environment.

3 Each person has the right to a clean and healthful  
4 public environment in all areas, including the land,  
5 air, and water. Harmful and unnecessary noise  
6 pollution, and the storage of nuclear or  
7 radioactive material and the dumping or storage of  
8 any type of nuclear waste within the surface or  
9 submerged lands and waters of the Northern Mariana  
10 Islands, are prohibited except as provided by law."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new section to Article I relating to victims of crime.

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

1 I. A new section is added to Article I to read:  
2 "Section \_\_\_\_: Victims of Crime. The right of  
3 the people to be secure in their persons, houses,  
4 and belongings against crime shall be recognized  
5 at sentencing. Restitution to the crime victim  
6 shall be a condition of probation and parole  
7 except upon a showing of compelling interest."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new section to Article I making abortion illegal in the Northern Mariana Islands.

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

- 1 I. To add a new section to Article I to read:  
2 "Section \_\_\_\_: Abortion. The abortion of the  
3 unborn child during the mother's pregnancy is  
4 prohibited in the Commonwealth of the Northern  
5 Mariana Islands, except as provided by law."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Sections 2 and 3 of Article II by adding a new subsection (d) to each section relating to Composition of the Senate and Composition of the House of Representatives.

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

1 I. Section 2 of Article II is amended to add a new  
2 subsection (d) to read:

3 "(d) A candidate for the senate shall be a  
4 registered voter in the senatorial district where  
5 he or she is a candidate."

6 II. Section 3 of Article II is amended to add a new  
7 subsection (d) to read:

8 "d) A candidate for the house of representatives  
9 shall be a registered voter of the election precinct  
10 where he or she is a candidate."  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new Section 5(d) to Article II to prohibit legislation which increases the class of nonaliens beyond those persons defined in Section 506(c) of the Covenant.

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

1 I. A new subsection (d) is added to Section 5 of  
2 Article II to read:  
3 "d) The legislature shall enact no law  
4 which increases the class of nonaliens, except  
5 as to those persons defined in Covenant Section  
6 506(c)."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend subsections (a) and (c) of Section 7 of Article II, and to add a new subsection (d) to Section 7 of Article II, relative to action on legislation by the Governor, and to prohibit certain types of bills during the period of a lame-duck legislature.

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

- 1 I. Section 7(a) of Article II is amended to read:  
2 "a) Every bill enacted shall be signed by  
3 the presiding officer of the house in which the  
4 bill originated and transmitted to the governor.  
5 If the governor signs the bill, it shall become  
6 law. If the governor vetoes the bill, it shall  
7 be returned to the presiding officer of each  
8 house of the legislature with a statement of the  
9 reasons for the veto. The governor may veto an  
10 item, section, or part in an appropriation bill  
11 and sign the remainder of the bill; provided that  
12 the governor may not veto an item, section, or  
13 part governing the manner in which an appropriation  
14 may be expended if any appropriation affected by  
15 the item, section, or part is approved."  
16 II. Section 7(c) of Article II is amended to read:  
17 "c) A bill or an item, section, or part of  
18 a bill vetoed by the governor may be reconsidered  
19 by the legislature. If two-thirds of the members  
20 in each house vote upon reconsideration to pass the  
21 bill, item, section, or part, it shall become law."

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1 III. Section 7 is amended to add a new subsection (d) to  
2 read:

3 "d) Any appropriation bill, or any bill  
4 affecting spending authority, government financial  
5 management, or organization of the government,  
6 enacted in the period between a regular general  
7 election and the second Monday of January of the  
8 following year shall be void unless enacted by  
9 the affirmative vote of three-fourths of the  
10 members of each house of the legislature."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 11 of Article II relating to Other Government Employment of members of the legislature; and to amend Section 14(a) of Article II regarding the vote required to expel a member of the Legislature.

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

1 I. Section 11 of Article II is amended to read:

2 "Section 11. Other Government Employment. A  
3 member of the legislature may not serve in any  
4 other Commonwealth government position including  
5 other elective office or an independent board,  
6 agency, authority or commission established by this  
7 Constitution or by Commonwealth law. A person,  
8 having been a member of the legislature, may not  
9 serve in any elective or appointive Commonwealth  
10 Government position created by statute during the  
11 term for which he or she was elected, for a period  
12 of one year following the expiration of the term  
13 during which the position was created."

14 II. Section 14(a) of Article II is amended to read:

15 "Section 14: Organization and Procedures.

16 a) Each house of the legislature shall  
17 be the final judge of the election and qualifications  
18 of its members and the legislature may vest in the  
19 courts the jurisdiction to determine contested  
20 elections of members. Each house may compel the  
21 attendance of absent members, discipline its

PROPOSED CONSTITUTIONAL  
AMENDMENT NO. 7

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1 members and, by the affirmative vote of three-fourths  
2 of its members, expel a member for commission of  
3 treason, a felony, breach of the peace, or violation  
4 of the rules of that house."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 13 of Article II relating to legislative sessions.

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

1 I. Section 13 of Article II is amended to read:

2 "Section 13: Sessions. The legislature shall  
3 meet for organizational purposes on the second  
4 Monday of January in the year following the  
5 regular general election at which members of the  
6 legislature are elected and shall be a continuous  
7 body for the two years between these organizational  
8 meetings. Each house shall meet in regular  
9 sessions for no more than ninety days each year,  
10 sixty days before April 1 and thirty days after  
11 July 31 of each calendar year, and may be convened  
12 at other times for not more than ten consecutive days  
13 upon request by its presiding officer or by the  
14 governor. When meeting pursuant to a call by the  
15 governor, the legislature shall consider only those  
16 subjects described in the call."

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yes



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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new section to Article II, to establish a ceiling of \$2,800,000 on the budget of the legislature.

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

1 I. A new section is added to Article II to read:

2 "Section \_\_\_\_ . Budget Ceiling. There shall be a  
3 ceiling on the budget of the legislature.

4 a) Appropriations, or obligations and  
5 expenditures, for the operations and activities of  
6 the legislature may not exceed two million eight  
7 hundred thousand dollars in any fiscal year.  
8 This ceiling on the legislative budget shall be  
9 divided equally between the Senate and the House  
10 of Representatives.

11 b) Obligations and expenditures for the  
12 operations and activities of the legislature for  
13 the period October 1 through the second Monday in  
14 January of a fiscal year in which there is a  
15 regular general election, may not exceed seven  
16 hundred thousand dollars or the spending authority  
17 otherwise available by law, whichever is less.  
18 This ceiling shall apply to the various offices and  
19 activities in the same proportions as the annual  
20 spending authority provided by law."

21 II. Transition Provision. Upon ratification, the ceilings

PROPOSED CONSTITUTIONAL  
AMENDMENT NO. 9

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1           imposed by this amendment shall apply to the  
2           legislature on a pro rata basis computed with respect  
3           to the number of days remaining in the periods  
4           specified.

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article II by adding a new section establishing a legislative bureau.

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

1 I. A new section is added to Article II to read:

2 "Section \_\_\_: Legislative Bureau. There is  
3 hereby established a legislative bureau in the Northern  
4 Marianas Commonwealth Legislature.

5 a) The bureau shall be headed by a director to be  
6 appointed by the joint leadership of the legislature  
7 consisting of the presiding officers, vice presiding  
8 officers, floor leaders, and the chairmen of the  
9 standing committees.

10 b) The director shall employ all necessary staff,  
11 other than personal staff of the members of the  
12 legislature, pursuant to budgetary allocations. The  
13 staff members shall include legal counsel and other  
14 administrative staff.

15 c) The bureau shall provide all required  
16 services to the legislature in connection with duties  
17 and responsibilities during sessions and committee  
18 meetings. It shall maintain all records, files,  
19 library and other documents of the legislature.

20 d) The director may be removed by a majority of  
21 the members of each house of the legislature with or

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1 without cause.

2 e) The bureau shall be free from any political  
3 harrassment or pressure.

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article III relating to Qualifications of the Governor.

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

1 I. Section 2 of Article III is amended to read:

2 "Section 2. Qualifications of the Governor.

3 The governor shall be qualified to vote in the  
4 Commonwealth, at least thirty-five years of age,  
5 and a resident and domiciliary of the Commonwealth  
6 for at least ten years immediately preceding the  
7 date on which the governor takes office. A  
8 different period of residence and domicile may be  
9 provided by law. No person convicted of a felony  
10 in the Commonwealth or in any area under the  
11 jurisdiction of the United States may be eligible  
12 for this office unless a full pardon has been  
13 granted."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 4 of Article III to limit a governor to two terms in office.

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

1 I. Section 4 of Article III is amended to read:

2 "Section 4. Joint Election of the Governor  
3 and Lieutenant Governor. The governor and  
4 lieutenant governor shall be elected at large  
5 within the Commonwealth for a term of office of  
6 four years. The governor and lieutenant governor  
7 shall be elected jointly with each voter casting  
8 a single vote applicable to both offices. No  
9 person may be elected governor more than twice."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 7 of Article III relating to succession to the Governorship and Lieutenant Governorship.

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

1 I. Section 7 of Article III is amended to read:

2 "Section 7. Succession to the Governorship

3 and Lieutenant Governorship. In case of the

4 removal, death, or resignation of the governor, the

5 lieutenant governor shall become governor and the

6 president of the senate shall become lieutenant

7 governor. If the offices of governor and

8 lieutenant governor are both vacant, the president

9 of the senate shall become acting governor and the

10 speaker of the house shall become acting lieutenant

11 governor. An acting governor or lieutenant governor

12 who assumes office when more than one year remains

13 in the term may serve only until a governor or

14 lieutenant governor is chosen in a special election

15 provided by law."  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 9(a) and (b) of Article III to mandate a balanced budget for the Commonwealth of the Northern Mariana Islands in every fiscal year.

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

- 1 I. Section 9(a) and (b) of Article III is amended to read:  
2 "Section 9: Executive Functions.  
3 (a) The governor shall submit to the  
4 legislature a proposed annual balanced budget for  
5 the following fiscal year. The proposed balanced  
6 budget shall describe anticipated revenues of the  
7 Commonwealth and recommend expenditures of  
8 Commonwealth funds. The anticipated revenues  
9 may not be increased by the legislature without  
10 the consent of the governor. In preparing the  
11 proposed balanced budget, the governor shall  
12 consider submissions made by the mayors of Rota,  
13 Saipan, Tinian and Aguiguan, and the islands north  
14 of Saipan as to the budgetary needs of those  
15 islands and by the executive assistant appointed  
16 under section 18 of this article. The governor's  
17 submission to the legislature with respect to the  
18 budget shall state the governor's disposition of  
19 the budgetary requests contained in these  
20 submissions and may include recommended legislation  
21 with respect to taxation. If a balanced budget is



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1 approved by the legislature, the governor may not  
2 reallocate appropriated funds except as provided by  
3 law. If a balanced budget is not approved before  
4 the first day of the fiscal year, appropriations for  
5 government operations and obligations shall be at the  
6 level for the previous fiscal year.

7 b) The governor shall report at least annually  
8 to the legislature regarding the affairs of the  
9 Commonwealth and new measures that are necessary or  
10 desirable. The report shall include a comprehensive  
11 annual financial report prepared in accordance with  
12 generally accepted governmental accounting principles."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 10 of Article III relating to the Governor's emergency powers.

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

- 1 I. Section 10 of Article III is amended to read:  
2 "Section 10. Emergency Powers. The governor  
3 may declare a state of emergency in the case of  
4 invasion, civil disturbance, natural disaster, or  
5 other calamity as provided by law, and may  
6 mobilize available resources to respond to that  
7 emergency."  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 11 of Article III of the Northern Marianas Constitution relating to the Attorney General.

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

1 I. Section 11 of Article III is amended to read:  
2 "Section 11: Attorney General. The governor  
3 shall appoint an Attorney General with the advice  
4 and consent of the Senate. The Attorney General  
5 shall be a resident and a domiciliary of the  
6 Commonwealth of the Northern Mariana Islands for  
7 at least three years immediately preceding the  
8 date on which the Attorney General is confirmed.  
9 The Attorney General shall be responsible for  
10 providing legal advice to the governor and  
11 executive departments, representing the  
12 Commonwealth in all legal matters, and prosecuting  
13 violations of Commonwealth law."  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 12 of Article III to provide for appointment of a temporary public auditor by the governor in the event of a vacancy in the office of public auditor, and to guarantee the minimum budget of the public auditor.

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

1 I. Section 12 of Article III is amended to read:  
2 "Section 12: Public Auditor. The governor  
3 shall appoint a public auditor with the advice  
4 and consent of each house of the legislature. The  
5 public auditor shall audit the receipt, possession  
6 and disbursement of public funds by the executive,  
7 legislative and judicial branches of the government,  
8 an instrumentality of the Commonwealth or an agency  
9 of local government and shall perform other duties  
10 provided by law. The Public Auditor shall be  
11 guaranteed an annual budget of at least \$500,000.  
12 The budgetary appropriation may not be reprogrammed  
13 for other purposes, and any unencumbered fund  
14 balance in a fiscal year shall be available for  
15 general appropriation. The public auditor shall  
16 report to the legislature and the governor at  
17 least once every year and this report shall be  
18 made public promptly. The public auditor may be  
19 removed only for cause and by the affirmative vote  
20 of two-thirds of the members of each house of the  
21 legislature. In the event that there is a vacancy

1           in the office of public auditor, the governor  
2           shall appoint a temporary public auditor to serve  
3           until the vacancy is filled."  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new subsection to Section 18 of Article III to require that the salary of the Executive Assistant for Carolinian Affairs not be less than that of an executive department head.

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

1 I. A new subsection is added to Section 18 of Article  
2 III to read:  
3 "\_\_\_\_\_ ) The annual salary of the Executive  
4 Assistant for Carolinian Affairs may not be less  
5 than the annual salary of a head of an executive  
6 department."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new section to Article III relating to Retirement System.

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

1 I. A new section is added to Article III to read:

2 "Section \_\_\_\_\_. Retirement System.

3 a) Membership in an employee retirement  
4 system of the Commonwealth shall constitute a  
5 contractual relationship. Accrued benefits of  
6 this system shall be neither diminished nor impaired.

7 b) An employee who has acquired not less  
8 than twenty years of creditable service under the  
9 Commonwealth retirement system shall be credited  
10 an additional five years and shall be eligible to  
11 retire. An employee who elects to retire under  
12 this provision may not be reemployed by the  
13 Commonwealth Government or any of its instrumentalities  
14 or agencies, for more than 60 calendar days in any  
15 fiscal year without losing his or her retirement  
16 benefits for the remainder of that fiscal year."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new section to Article III to guarantee the independence of boards and commissions and require appointments to vacant seats within 90 days.

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

1 I. A new section is added to Article III to read:  
2 "Section \_\_\_\_\_: Boards and Commissions. In  
3 every case where the governor appoints a board or  
4 commission to perform a regulatory or administrative  
5 function or direct the activities of an agency,  
6 authority, or public or quasi-public corporation  
7 in the performance of a regulatory or administrative  
8 function, the members of such a board or commission  
9 shall be independent and may be removed only on  
10 grounds of gross neglect or dereliction of duty,  
11 breach of fiduciary duty, conviction of a felony,  
12 or mental or physical incapacity. Upon the  
13 expiration of the term of a member of a board or  
14 commission, such person shall cease to be a member  
15 unless reappointed in the manner prescribed by law.  
16 The governor shall make appointments within ninety  
17 days to fill any vacant seats on a board or  
18 commission. This section does not apply to boards  
19 and commissions that serve a purely advisory

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1           function or, except to the extent specifically  
2           required by federal law, to boards and commissions  
3           created in order to comply with federal law."  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new section to Article III to establish an Office of Special Assistant for Women's Affairs.

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

1 I. A new Section is added to Article III to read:

2 "Section \_\_\_\_\_. Special Assistant for Women's  
3 Affairs.

4 a) There is hereby established an Office  
5 of Special Assistant to the Governor for Women's  
6 Affairs. The governor shall appoint a person, who  
7 is qualified by virtue of education and experience,  
8 to be the special assistant. The special assistant  
9 may be removed only for cause.

10 b) It is the responsibility and duty of  
11 the special assistant to formulate and implement a  
12 policy of affirmative action in the government and  
13 private sector to assist women achieve social,  
14 political and economic parity. The special  
15 assistant shall promote the interests of women,  
16 assist agencies of government and private organizations  
17 to plan and implement programs and services for  
18 women, monitor compliance of laws and regulations by  
19 government agencies and private organizations, organize  
20 community education strategies regarding the roles of  
21 women, and recommend to the governor and the

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1 legislature for consideration legislation of benefit  
2 to women.

3 c) The special assistant may be authorized  
4 to hire staff and shall promulgate rules and regulations  
5 in carrying out the responsibilities and duties of the  
6 office.

7 d) The Governor shall include in the  
8 budget of the executive branch the funding necessary  
9 to fully implement the provisions of this section."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new section to Article III relative to Indigenous Affairs.

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

1 I. A new Section is added to Article III to read:

2 "Section \_\_\_\_\_. Resident Executive for Indigenous  
3 Affairs.

4 a) There is hereby established the office of  
5 resident executive to the governor for indigenous  
6 affairs. The governor shall appoint a person who is  
7 of Northern Marianas descent with the necessary and  
8 sufficient education and experience to be resident  
9 executive, with the advice and consent of the senate.  
10 The term of office shall be four years. Nothing in  
11 this section shall preclude renewal of such  
12 appointment by the governor. The resident executive  
13 may be removed as provided in Article II, Section 8, of  
14 this Constitution for incompetence, neglect of duty,  
15 commission of a felony, treason, or corruption.

16 b) Responsibilities of Resident Executive. The  
17 duties and responsibilities of the resident executive  
18 for indigenous affairs shall include but not be limited  
19 to:

20 - coordinate the development, distribution,  
21 adoption and translation of a comprehensive

- 1 history of the Marianas.
- 2 - ensure local participation in executive
- 3 managerial decision-making in the government
- 4 and private sector.
- 5 - assist and promote local entrepreneurial
- 6 development.
- 7 - establish a community foundation for the
- 8 advancement of the indigenous people.
- 9 - coordinate the translation and distribution
- 10 of such official documents as the
- 11 Constitution of the Commonwealth of the
- 12 Northern Mariana Islands and the Covenant
- 13 and the analyses thereof.
- 14 - plan for the establishment of the Indigenous
- 15 Cultural Center and the Indigenous Hall of Fame.
- 16 - coordinate an annual cultural festival.
- 17 - develop and implement a long-range plan to
- 18 assist and promote the entry of the indigenous
- 19 people into professional and technical
- 20 institutions of higher education.
- 21 - serve as an advocate of positions taken by
- 22 indigenous people on issues brought before them.
- 23 c) The office of resident executive for
- 24 indigenous affairs shall commence immediately upon
- 25 ratification of this section.

1           d)    The resident executive is authorized to hire  
2           staff and promulgate rules and regulations in carrying  
3           out the duties and responsibilities of the office.

4           e)    The governor shall include in the budget of  
5           the executive branch the funding necessary to fully  
6           implement the provisions of this section."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Sections 2, 3 and 4 of Article IV relating to the  
Judicial Branch.

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

1 I. Sections 2, 3 and 4 of Article IV are amended to  
2 read:

3 "Section 2. Commonwealth Trial Court. The  
4 Commonwealth trial court shall have original jurisdiction  
5 in all cases in equity and in all cases at law which  
6 involve land in the Commonwealth, and in all other civil  
7 actions. The court shall also have original jurisdiction  
8 in all criminal actions. At least one full-time judge  
9 shall be assigned to civil and criminal actions filed in  
10 Rota and Tihian. The legislature shall determine the  
11 number of judges.

12 Section 3. Commonwealth Appeals Court. The  
13 legislature may establish a Commonwealth appeals court  
14 to hear those appeals from judgments and orders of the  
15 Commonwealth trial court.

16 Section 4. Appointment and Qualifications.  
17 The governor shall appoint judges of the Commonwealth  
18 courts with the advice and consent of the senate. The  
19 term of office shall be six years and may be increased  
20 by law to not more than twelve years for judges who have  
21 served at least one term. A judge shall be at least

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1           thirty-five years of age, a citizen or national of the  
2           United States and possess other qualifications provided  
3           by law."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article V relative to representation in the United States.

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

1 I. Article V is amended to read:

2 "ARTICLE V: REPRESENTATION TO THE UNITED STATES

3 Section 1: Resident Representative to the United

4 States. A resident representative to the United States

5 shall be elected to represent the Commonwealth in the

6 United States and perform those related duties provided

7 by law. The governor shall provide a certification of

8 selection promptly to the United States Department of

9 State and to the resident representative.

10 Section 2: Term of Office. The term of office of

11 the resident representative shall be two years, except

12 that on the second Monday of January 1990, the term of

13 office of the resident representative shall be increased

14 to four years. In the event that the United States

15 confers the status of member or non-voting delegate in

16 the United States Congress on the resident representative

17 and such status requires a different term, the term of

18 office of the resident representative shall be that

19 required by such status.

20 Section 3: Qualifications. The resident

21 representative shall be qualified to vote in the

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1 Commonwealth, a citizen of the United States, at  
2 least twenty-five years of age, and a resident and  
3 domiciliary of the Commonwealth for at least seven  
4 years, immediately preceding the date on which the  
5 resident representative takes office. A different  
6 period of residence and domicile may be provided by  
7 law. No person convicted of a felony in the  
8 Commonwealth or in any area under the jurisdiction of  
9 the United States may be eligible for this office unless  
10 a full pardon has been granted.

11 Section 4: Annual Report. The resident  
12 representative shall submit a written report by the  
13 first day of March of each year, except that an outgoing  
14 resident representative shall submit a final written  
15 report by the second Monday of January of the year he or  
16 she leaves office, to the governor and legislature on  
17 the resident representative's official activities during  
18 the preceding year and matters requiring the attention  
19 of the government or people of the Commonwealth.

20 Section 5: Compensation. The resident  
21 representative shall receive an annual salary and  
22 reasonable allowance for expenses provided by law. The  
23 salary may not be changed during a term of office. The  
24 staff of the office of the resident representative shall  
25 be exempted from the civil service.

1           Section 6: Vacancy. In the event of a vacancy  
2           in the office of resident representative to  
3           the United States, the governor shall appoint a  
4           successor with the advice and consent of the legislature  
5           unless the United States confers the status of member  
6           or non-voting delegate in the United States Congress  
7           on the resident representative and such status requires  
8           a different method of filling vacancies, in which case  
9           vacancies shall be filled in the manner required by  
10          such status.

11          Section 7: Impeachment. The resident  
12          representative is subject to impeachment as provided in  
13          article II, section 8, of this Constitution for treason,  
14          commission of a felony, corruption or neglect of duty."  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article VI and Sections 17(a) and (b) of Article III relating to Local Government and decentralized delivery of public services.

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  
3 local government shall be established as provided  
4 by this article.

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

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

1                   b) The mayor shall be elected at a regular  
2                   general election for a term of office of four  
3                   years and may not hold that office for more than  
4                   two terms. A vacancy in the office of the mayor  
5                   shall be filled by special election if one-half  
6                   or more of the term remains and otherwise as  
7                   provided by law.

8                   c) The office of the mayor for Saipan shall  
9                   remain as provided in this Constitution prior to  
10                  the effective date of this provision until the  
11                  second Monday of January, 1990, at which time, it  
12                  shall cease to exist and the offices of precinct  
13                  commissioners shall be established as provided in  
14                  this article.

15                  Section 3: Responsibilities and Duties of the  
16                  Mayor.

17                   a) A mayor shall serve on the governor's  
18                   council as established by Section 5 of this  
19                   article.

20                   b) A mayor shall administer government  
21                   programs, public services, and appropriations  
22                   provided by law, for the island or islands  
23                   served by the mayor, and shall report quarterly  
24                   to the governor relating to these programs and  
25                   services or appropriations.

1                   c) A mayor may investigate complaints and  
2                   conduct public hearings with respect to government  
3                   operations and local matters, and may submit  
4                   findings or recommendations to the governor and  
5                   the legislature. A mayor may require information  
6                   in writing relating to local matters as may be  
7                   necessary to his investigation under this  
8                   subsection.

9                   d) The mayors of Rota, and Tinian and  
10                  Aguiguan, in consultation with the municipal  
11                  council, and the mayor of the islands north of  
12                  Saipan shall submit items for inclusion in the  
13                  proposed budgets for both government operations  
14                  and capital improvement projects. The governor's  
15                  budget submission to the legislature shall state  
16                  his disposition of the budgetary requests  
17                  contained in the submissions from Rota, Tinian  
18                  and Aguiguan, and the islands north of Saipan.

19                  e) A mayor shall coordinate any extension  
20                  of federal programs extended to the island or  
21                  islands served by the mayor.

22                  f) A mayor shall act as the principal local  
23                  official for coordinating activities with disaster  
24                  control for the mobilization of resources and  
25                  meeting emergency conditions in the island or

1 islands served by the mayor.

2 g) The mayors of Rota, and Tinian and  
3 Aguiguan, shall appoint, in consultation with the  
4 head of the respective executive branch  
5 department, all resident department heads.

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

8 Section 5: Governor's Council. The mayors  
9 elected under Section 2, the executive assistant  
10 appointed under Article III, Section 18, and the  
11 chief precinct commissioner shall be members of a  
12 governor's council that shall advise the governor on  
13 government operations and local matters. The governor  
14 shall preside over the council which shall meet  
15 regularly or at least four times each year to consider  
16 matters concerning the relationship between the  
17 Commonwealth and its separate islands.

18 Section 6: Municipal Councils/Precinct  
19 Commissioners.

20 a) There shall be municipal councils for  
21 Rota, and Tinian and Aguiguan, to be composed of  
22 three members, elected at-large in the island or  
23 islands to be served and on a non-partisan basis.  
24 Candidates for municipal council shall be at  
25 least twenty-one years of age, a resident of the

1                   municipality for at least three years and shall  
2                   serve for a term of two years. Each council  
3                   shall adopt its own rules of procedure.

4                   b) Commencing the second Monday of January  
5                   1990, there shall be four precinct commissioners  
6                   for Saipan, elected by and for four precincts.  
7                   Candidates for precinct commissioner shall be at  
8                   least twenty-one years of age, a resident of the  
9                   precinct for at least three years immediately  
10                  preceding the date on which the precinct  
11                  commissioner takes office, and shall serve for a  
12                  term of four years. Immediately upon taking  
13                  office, the four precinct commissioners shall  
14                  meet and select a chief commissioner by drawing  
15                  of lots. The chief commissioner shall serve for a  
16                  period not to exceed one year. Each of the four  
17                  precinct commissioners shall serve alternately as  
18                  chief commissioner every year throughout the four  
19                  year term.

20                  c) In the case of a vacancy in a municipal  
21                  council, the mayor of the island or islands served  
22                  by the council shall appoint the unsuccessful  
23                  candidate for the office in the last election  
24                  for the council who received the next highest  
25                  number of votes. Otherwise, the mayor shall



1           appoint a person from the island or islands  
2           served with the advice and consent of the  
3           legislative delegation of the senatorial district  
4           for that island or islands.

5           d) In the case of a vacancy in an office  
6           of precinct commissioner, the governor shall  
7           appoint the unsuccessful candidate for the office  
8           in the last election who received the next highest  
9           number of votes in the precinct for which the  
10          vacancy exists. Otherwise, the governor shall  
11          appoint a person from that precinct with the  
12          advice and consent of the precinct legislative  
13          delegation to the house of representatives.

14          Section 7: Powers, Meetings, Compensation.

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

25                  1) Assist the mayor in the formulation

1 of the annual budget delineating local needs,  
2 2) At the request of an executive branch  
3 department head, in consultation with the  
4 mayor, the council shall have the authority  
5 to approve reprogramming of funds in the  
6 approved budget,  
7 3) To confirm all resident department  
8 heads,  
9 4) When a mayor is unable to discharge  
10 the duties of office by reason of physical  
11 or mental disability, the presiding officer  
12 of the municipal council shall be acting  
13 mayor. If the presiding officer is not  
14 available, another member shall be selected  
15 by the council to serve, and  
16 5) Additional powers and duties as  
17 provided by law.  
18 b) The precinct commissioners shall meet  
19 in regular session no more than twice a month and  
20 shall receive an annual salary as provided by  
21 law. The governor, or a majority of the precinct  
22 commissioners, may call special sessions as  
23 needed. The powers of the precinct commissioners  
24 shall extend to all matters of a predominately  
25 local nature not pre-empted by the Commonwealth

1 Legislature, and shall include the following:

2 1) Assist the governor in the  
3 formulation of the annual budget delineating  
4 local needs,

5 2) Advise the governor in the  
6 reprogramming of funds in the approved budget,

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

10 4) Additional powers and duties as  
11 provided by law.

12 Section 8: Agencies of Local Government.

13 a) The chartered municipality form of local  
14 government on Rota, and Tinian and Aguiguan, is  
15 hereby established. Local taxes paid to the  
16 chartered municipal governments of Rota, and  
17 Tinian and Aguiguan, and Saipan may be expended  
18 for local public purposes on the island or islands  
19 producing those revenues. New agencies of local  
20 government may not be established without the  
21 affirmative vote of two-thirds of the persons  
22 qualified to vote from the island or islands to be  
23 served by the proposed agency of local government."

24 II. Sections 17(a) and (b) of Article III are amended to  
25 read:

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

16                 b) Public services on Rota, and Tinian  
17                 and Aguiguan, shall be headed by a resident department  
18                 head in the departments providing the services. A  
19                 resident department head shall submit a budget to the  
20                 mayor pursuant to the budget instructions. No resident  
21                 department head may be appointed to serve in any  
22                 commonwealth-wide board, commission, or authority.  
23                 These arrangements shall apply to the islands north of  
24                 Saipan when the population of these islands exceeds one  
25                 thousand persons."

1 III. Transition Provision - Election. An election of the  
2 members of the municipal councils for Rota, and  
3 Tinian and Aguiguan, shall be held within sixty days  
4 after ratification of this amendment. The election  
5 of precinct commissioners for Saipan shall be held  
6 four years after the ratification of this amendment.  
7 The Board of Elections shall conduct the election in  
8 accordance with existing laws.

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 1 of Article VIII of the Northern Marianas Constitution to change the day of the regular general election to Saturday.

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

- 1 I. Section 1 of Article VIII is amended to read:  
2 "Section 1: Regular General Election. The  
3 regular general election of the Commonwealth shall  
4 be held on the first Saturday in November."  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new Section 5 to Article VIII relating to resignation from public office.

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

- 1 I. To add a new Section 5 to Article VIII to read:  
2 "Section 5: Resignation from Public Office. An  
3 elected public official shall resign from office upon  
4 certification to be a candidate for another public  
5 office, if the term of the office sought begins before  
6 the end of the term of the office held."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 1 of Article X relating to Public Purpose.

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

1 I. Section 1 of Article X is amended to read:

2 "Section 1: Public Purpose. A tax may not be  
3 levied and an appropriation of public money may not  
4 be made, directly or indirectly, except for a public  
5 purpose. The legislature shall provide the definition  
6 of public purpose."  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new section to Article X prohibiting the imposition of certain taxes on real property unless approved by three-fourths of the votes cast in a referendum.

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

- 1 I. A new section is added to Article X to read:  
2 "Section \_\_\_\_: Real Property Taxes. No tax may  
3 be levied upon any owner-occupied single family  
4 residential, agricultural, or unimproved real  
5 property, unless approved by three-fourths of  
6 the votes cast in an election conducted in the  
7 senatorial district in which the tax is to be levied."  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To add two new sections to Article X relating to the liquidation of deficits, and requiring employment ceilings in appropriation acts.

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

1 I. A new section is added to Article X to read:

2 "Section \_\_\_\_: Liquidation of Deficits. Before  
3 October 1, 1986, the legislature shall adopt a  
4 seven-year plan in which the government operations  
5 deficit through fiscal year 1985 shall be retired in  
6 equal shares. If the legislature fails to adopt or  
7 adhere to the plan, any person may bring an action to  
8 require the government to reallocate its expenditures  
9 in accordance with a deficit reduction plan. If an  
10 operating deficit is incurred in future fiscal years,  
11 the government shall retire the deficit during the  
12 second consecutive fiscal year following the year."

13 II. A new section is added to Article X to read:

14 "Section \_\_\_\_: Government Employment. In the  
15 annual appropriations acts, the legislature shall  
16 establish ceilings on the number of persons that may be  
17 employed by each branch, department, agency, authority  
18 and public corporation of the Commonwealth to which  
19 public funds are appropriated. Except upon specific  
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YES

1 approval by joint resolution of the legislature, no  
2 public funds may be expended for personnel in excess  
3 of the ceilings so established."  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To add two new sections to Article X relating to a Uniform Fiscal Management Policy and taxpayer's rights of action.

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

1 I. Two new sections are added to Article X to read:

2 "Section \_\_\_\_: Control of Public Finance. The  
3 Department of Finance or its successor department  
4 shall control and regulate the expenditure of public  
5 funds. The department shall promulgate regulations  
6 including accounting procedures that require public  
7 officials to provide full and reasonable documentation  
8 that public funds are expended for public purposes.

9 Section \_\_\_\_: Taxpayer's Right of Action. A  
10 taxpayer may bring an action against the government or  
11 one of its instrumentalities in order to enjoin the  
12 expenditure of public funds for other than public  
13 purposes or for a breach of fiduciary duty. The court  
14 shall award costs and attorney fees to any person who  
15 prevails in such an action in a reasonable amount  
16 relative to the public benefit of the suit."  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Sections 4 and 5 of Article XI relating to the Marianas Public Land Corporation.

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

1 I. Section 4 of Article XI is amended to read:

2 "Section 4: Marianas Public Land Corporation.

3 There is hereby established the Marianas Public Land  
4 Corporation.

5 a) The corporation shall have five directors,  
6 appointed by the governor with the advice and  
7 consent of the senate, who shall direct the affairs  
8 of the corporation for the benefit of the people of  
9 the Commonwealth who are of Northern Marianas  
10 descent.

11 b) One director shall be a resident of the  
12 first senatorial district, one shall be a resident  
13 of the second senatorial district, and three shall  
14 be residents of the third senatorial district;  
15 provided that of the five directors, at least  
16 one shall be a woman and at least one shall be a  
17 person of Carolinian descent. Each director shall  
18 be a citizen or national of the United States, a  
19 resident of the Commonwealth for at least five years  
20 immediately preceding the date on which the  
21 director takes office, a person with at least two

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1           years management experience, a person who has not  
2           been convicted of a crime carrying a maximum  
3           sentence of imprisonment of more than six months,  
4           a person who is able to speak Chamorro or  
5           Carolinian and a person of Northern Marianas  
6           descent.

7           c) The directors shall serve a term of four  
8           years except that two of the first five directors  
9           appointed shall serve a term of two years and three  
10          shall serve a term of four years. A director may  
11          not hold a paid position in the corporation. The  
12          directors shall be held to strict standards of  
13          fiduciary care.

14          d) The corporation shall have the powers  
15          available to a corporation under Commonwealth law  
16          and shall act only by the affirmative vote of a  
17          majority of the five directors.

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

25          f) After this Constitution has been in

1 effect for at least twelve years, the Corporation  
2 shall be dissolved and its functions shall be  
3 transferred to the executive branch of government."

4 II. Section 5 of Article XI is amended to read:

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

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

1                   b) The corporation may not transfer a  
2                   freehold interest in public lands for twenty years  
3                   after the effective date of this Constitution,  
4                   except for homesteads as provided under  
5                   Section 5(a), or for use for a public purpose by  
6                   another agency of government, or for land exchanges  
7                   to accomplish a public purpose as authorized by  
8                   law.

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

15                 d) The corporation may not transfer an  
16                 interest in more than five hectares of public land  
17                 for use for commercial purposes without the  
18                 approval of the legislature in a joint session.

19                 e) The corporation may not transfer an  
20                 interest, and may prohibit the erection of any  
21                 permanent structure, in public lands located within  
22                 one hundred fifty feet of the high water mark of a  
23                 sandy beach, except that the corporation may  
24                 authorize construction of facilities for public  
25                 purposes.



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

5                   g) The corporation shall receive all moneys  
6                   from the public lands except those from lands in  
7                   which freehold interest has been transferred to  
8                   another agency of government pursuant to  
9                   section 5(b), and shall transfer these moneys  
10                  after the end of the fiscal year to the Marianas  
11                  Public Land Trust except that the corporation shall  
12                  retain the amount necessary to meet reasonable  
13                  expenses of administration and management, land  
14                  surveying, homestead development, and any other  
15                  expenses reasonably necessary for the  
16                  accomplishment of its functions. The annual budget  
17                  of the corporation shall be submitted to the  
18                  legislature for information purposes only."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 6(a) of Article XI to provide for an increase in the number of trustees of the Marianas Public Land Trust from three to five; and, to amend Section 6(f) of Article XI to provide for annual reporting.

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

- 1 I. Section 6(a) of Article XI is amended to read:  
2 "a) The trust shall have three trustees  
3 appointed by the governor with the advice and consent  
4 of the senate. After this Constitution has been in  
5 effect for ten years, the number of trustees appointed  
6 by the governor with the advice and consent of the  
7 senate shall be increased to five. Three shall be from  
8 Saipan, one from Rota, and one from Tinian. At least  
9 one trustee shall be a woman and at least one trustee  
10 shall be of Carolinian descent. The trustees shall  
11 serve for a term of six years except that the term of  
12 office shall be staggered, accomplished as follows:  
13 three trustees shall serve for four years and two  
14 trustees shall serve for six years as determined by  
15 drawing of lots."  
16 II. Section 6(f) of Article XI is amended to read:  
17 "f) The trustees shall be held to strict  
18 standards of fiduciary care. Each trustee shall  
19 annually submit to the governor and the presiding  
20 officers of the legislature a report disclosing their  
21 financial affairs, as provided by law."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII relating to acquisition of land.

THE SECOND CONSTITUTIONAL CONVENTION ADOPTS AND PROPOSES FOR  
RATIFICATION THE FOLLOIUNG AMENDMENT:

1 I. Section 2 of Article XII is amended to read:

2 "Section 2: Acquisition. The term acquisition  
3 used in Section 1 includes acquisition by sale, lease,  
4 gift, inheritance or other means. A transfer to a  
5 spouse by inheritance is not an acquisition under this  
6 section if the owner dies without issue or with issue  
7 not eligible to own land in the Northern Mariana Islands.  
8 A transfer to a mortgagee by means of a foreclosure on  
9 a mortgage is not an acquisition under this section if  
10 the mortgagee is a full service bank, Federal Agency or  
11 Governmental entity of the Commonwealth and does not  
12 hold the permanent or long-term interest in real  
13 property for more than ten years beyond the term of the  
14 mortgage."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 3 of Article XII to allow the sale and long-term lease of building above the first floor.

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

1 I. Section 3 of Article XII is amended to read:

2 "Section 3: Permanent and Long-Term Interests in  
3 Real Property. The term permanent and long-term  
4 interests in real property used in Section 1 includes  
5 freehold interests and leasehold interests of more than  
6 fifty-five years including renewal rights, except an  
7 interest acquired above the first floor of a condominium  
8 building. Any interests acquired above the first floor  
9 of a condominium building is restricted to private  
10 lands. Any land transaction in violation of this  
11 provision shall be void. This amendment does not  
12 apply to existing leasehold agreements."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 5 and 6 of Article XII of the Northern Marianas Constitution relating to the qualification of corporations as persons of Northern Marianas descent.

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

- 1 I. Sections 5 and 6 of Article XII are amended to read:  
2 "Section 5: Corporation. A corporation shall be  
3 considered to be a person of Northern Marianas descent  
4 so long as it is incorporated in the Commonwealth, has  
5 its principal place of business in the Commonwealth,  
6 has directors one-hundred percent of whom are persons  
7 of Northern Marianas descent and has voting shares (i.e.  
8 common or preferred) one-hundred percent of which are  
9 actually owned by persons of Northern Marianas descent  
10 as defined in Section 4. Minors, as defined by  
11 applicable laws of the Commonwealth, may not be eligible  
12 to become directors of a corporation. No trusts or  
13 voting by proxy by persons not of Northern Marianas  
14 descent may be permitted. Beneficial title shall not  
15 be severed from legal title.  
16 Section 6: Enforcement. Any transaction made in  
17 violation of Section 1 shall be void ab initio.  
18 Whenever a corporation ceases to be qualified under  
19 Section 5, a permanent or long-term interest in land in  
20 the Commonwealth acquired by the Corporation after the  
21 effective date of this amendment shall be immediately

YES

1           forfeited without right of redemption to the government  
2           of the Commonwealth of the Northern Mariana Islands.  
3           The Registrar of Corporation shall issue regulations  
4           to ensure compliance and the legislature may enact  
5           enforcement laws and procedures."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XIV to include two other uninhabited islands to be protected and preserved.

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

1 I. Section 2 of Article XIV is amended to read:

2 "Section 2: Uninhabited Islands. The island of  
3 Managaha shall be maintained as an uninhabited place  
4 and used only for cultural and recreational purposes.  
5 The islands of Maug, Uracas, Asuncion, Guguan and other  
6 islands specified by law shall be maintained as  
7 uninhabited places and used only for the preservation  
8 and protection of natural resources, including but not  
9 limited to bird, wildlife and plant species."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To repeal Section 13 of Article III, and to amend Article XV relative to education.

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

- 1 I. Effective on the second Monday of January 1988,  
2 Section 13 of Article III is repealed.  
3 II. Effective on the second Monday of January 1988, Article  
4 XV is amended to read:

5 "ARTICLE XV: EDUCATION

6 Section 1: Elementary and Secondary  
7 Education.

- 8 a) Every person in the Northern Mariana  
9 Islands has the right to free, compulsory and  
10 public elementary and secondary education within  
11 age and educational levels provided by law. The  
12 educational system shall provide maximum  
13 educational and training opportunities and be  
14 sensitive and responsive to the needs and desires  
15 of the community as it pursues its central  
16 objective of developing human potential. The  
17 educational system shall also provide support and  
18 guidance for students in assessing areas of  
19 interest and ability, in clarifying values and  
20 goals, and in providing students with clear and  
21 accurate information so they may gain the most from



1           their educational experience. The educational  
2           system shall recognize the distinct and unique  
3           cultural heritage and indigenous way of life of  
4           the people and shall be committed to provide for  
5           the language needs of the people and the  
6           preservation of their cultural integrity within a  
7           global community.

8                   b) Administration of the public elementary  
9                   and secondary education system of the Commonwealth  
10                  shall be the responsibility of a superintendent of  
11                  education appointed by a representative board of  
12                  education. The board of education shall formulate  
13                  policy and exercise control over the public school  
14                  system through the superintendent. Other matters  
15                  pertaining to its operations and duties shall be  
16                  provided by law.

17                   c) The board of education shall have five  
18                  members, elected at large on a non-partisan basis  
19                  as follows: one from the first senatorial  
20                  district, one from the second senatorial district  
21                  and three from the third senatorial district.  
22                  Elected members of the board of education shall  
23                  serve terms of four years except that the terms of  
24                  the first members elected shall be determined by  
25                  drawing of lots with three members serving a term

1 of four years and two members serving a term of  
2 two years. The governor shall appoint three  
3 nonvoting ex-officio members to the board of  
4 education: one member shall be a student  
5 attending a public school; one member shall be a  
6 representative of nonpublic schools; and one  
7 member selected by an exclusive bargaining  
8 representative of the teachers within the  
9 Department of Education. Elected members of the  
10 board shall serve commencing on the second Monday  
11 of January in the year following the regular  
12 general election at which they were elected.

13 d) A member of the board of education shall  
14 be qualified to vote in the Commonwealth, at least  
15 twenty-five years of age, and a resident and  
16 domiciliary of the Commonwealth for at least five  
17 years immediately preceding the date on which the  
18 member takes office. A longer residency and  
19 domicile requirement may be provided by law.

20 e) The public elementary and secondary  
21 education system shall be guaranteed an annual  
22 budget of not less than fifteen percent of the  
23 general revenues of the Commonwealth. The  
24 budgetary appropriation may not be reprogrammed  
25 for other purposes, and any unencumbered fund

1 balance at the end of a fiscal year shall be  
2 available for reappropriation.

3 Section 2: Higher and Adult Continuing Education.

4 a) The legislature shall establish by law a  
5 Northern Marianas College that shall be headed by  
6 a president. The president of the college shall  
7 be appointed by a representative board of regents.  
8 The board of regents shall be appointed to  
9 staggered terms by the governor and shall have  
10 autonomy in the administration of its affairs and  
11 shall formulate policy relating to the higher  
12 education needs of the Commonwealth of the Northern  
13 Mariana Islands. The composition of the board of  
14 regents and other matters pertaining to its and  
15 operations and duties shall be provided by law.

16 b) The mission of the college shall be to  
17 provide the best quality and meaningful  
18 postsecondary and adult educational opportunities  
19 for the purpose of improving the quality of life  
20 for the individual and for the Commonwealth as a  
21 whole. The college shall be responsible for  
22 providing education in the areas of adult and  
23 continuing education, postsecondary and adult  
24 vocational education and professional development  
25 for the people of the Commonwealth.

1                   c) The college shall be guaranteed an annual  
2                   budget of not less than one percent of the general  
3                   revenues of the Commonwealth. The budgetary  
4                   appropriation may not be reprogrammed for other  
5                   purposes, and any unencumbered fund balance at the  
6                   end of a fiscal year shall be available for  
7                   reappropriation."  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2(a) of Article XVIII to require that voters be asked within ten years whether there should be another constitutional convention; and, to amend Section 5(a) of Article XVIII to allow proposed amendments to be ratified in a special election.

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

- 1 I. Section 2(a) of Article XVIII is amended to read:  
2 "a) The legislature, by the affirmative vote of a  
3 majority of the members of each house, may submit to  
4 the voters the question, 'Shall there be a  
5 constitutional convention to propose amendments to the  
6 Constitution?' The legislature, or the governor in  
7 the event the legislature fails to act, shall submit  
8 this question to the voters at a regular general  
9 election no later than ten years after the question  
10 was last submitted and as provided by law. An act of  
11 the legislature under this subsection may not be vetoed  
12 by the governor."  
13 II. Section 5(a) of Article XVIII is amended to read:  
14 "a) A proposed amendment to this Constitution  
15 shall be submitted to the voters for ratification at  
16 the next regular general election or at a special  
17 election established by law."  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new Article relating to Code of Ethics; to amend Section 15 of Article II relating to conduct of members; and to amend Section 6 of Article III relating to other government employment.

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

1 I. A new Article is added to read:

2 "ARTICLE \_\_\_\_ . CODE OF ETHICS

3 "Section 1. Code of Ethics. The legislature  
4 shall enact a comprehensive Code of Ethics which shall  
5 apply to appointed and elected officers and employees  
6 of the Commonwealth and its political subdivisions,  
7 including members of boards, commissions, and other  
8 instrumentalities. The Code of Ethics shall include a  
9 definition of proper conduct for members of the  
10 legislature with conflicts of interest and a definition  
11 of the proper scope of debate in the legislature, shall  
12 require disclosure of financial or personal interests  
13 sufficient to prevent conflicts of interest in the  
14 performance of official duties, shall define the  
15 offense or corrupt solicitation of public officials,  
16 and shall provide for punishment of offenses by fine  
17 and imprisonment."

18 II. Section 15 of Article II is amended to read:

19 "Section 15: Conduct of Members. A member of  
20 the legislature who has a financial or personal  
21 interest in a bill before the legislature shall

1 disclose that interest and may not debate on or vote on  
2 the bill."

3 III. Section 6 of Article III is amended to read:

4 "Section 6: Other Government Employment. The  
5 governor or lieutenant governor may not serve in  
6 another Commonwealth position or receive compensation  
7 for performance of official duties or from any  
8 governmental body except as provided by Section 5."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To repeal Section 16 of Article III; and to add a new Article relating to Civil Service.

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

1 I. Section 16 of Article III is repealed and a new  
2 Article is added to read:  
3 "ARTICLE \_\_\_\_ . CIVIL SERVICE  
4 "Section 1: Civil Service. The legislature  
5 shall provide for a non-partisan and independent civil  
6 service with the duty to establish and administer  
7 personnel policies for the Commonwealth Government.  
8 The Commission shall be composed of seven members  
9 appointed by the governor with the advice and consent  
10 of the senate. Six members shall serve a term of six  
11 years, staggered in such manner that the term of one  
12 member expires each year, and one member shall serve  
13 a term of four years expiring concurrently with the  
14 term of the governor. Members of the civil service  
15 commission may be removed only for cause. The  
16 commission's authority shall extend to positions other  
17 than those filled by election or by appointment of  
18 the governor in the departments and agencies of the  
19 executive branch and in the administrative staffs of  
20 the legislative and judicial branches. Exemption from  
21 the civil service shall be as provided by law, and the

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1           commission shall be the sole authority authorized by  
2           law to exempt positions from civil service  
3           classifications. Appointment and promotion within  
4           the civil service shall be based on merit and fitness  
5           demonstrated by examination or by other evidence of  
6           competence."  
7    II. Transition Provision. Upon ratification, the governor  
8           is authorized to adjust the terms of members currently  
9           sitting on the civil service commission in such manner  
10          that one member's term will expire the same day as the  
11          governor's term and the term of one member shall  
12          expire in January of each of the following years:  
13          1986, 1987, 1988, 1989, 1990 and 1991.

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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new Article relating to gambling.

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

1 I. A new Article is added to read:

2 "ARTICLE \_\_\_\_: GAMBLING

3 "Section 1: Prohibition. Gambling is  
4 prohibited in the Northern Mariana Islands except as  
5 provided by Commonwealth law or established through  
6 initiative in the Commonwealth or in any senatorial  
7 district."

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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new Article relating to the official seal, flag and languages of the Northern Mariana Islands.

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

1 I. A new Article is added to read:

2 "ARTICLE \_\_\_\_ . OFFICIAL SEAL, FLAG AND LANGUAGES

3 "Section 1: Official Seal. The official  
4 seal of the Commonwealth shall consist of a circular  
5 field of blue having in its center a white star  
6 superimposed on a gray latte stone, surrounded by the  
7 traditional Carolinian mwaar consisting of the  
8 following flowers: langilang, flores mayor (seyur)  
9 angagha, and teibwo, on the outer border, and the words  
10 encircling the mwaar, 'Commonwealth of the Northern  
11 Mariana Islands' and 'Official Seal'.

12 Section 2: Official Flag. The official  
13 flag of the Commonwealth shall consist, on both sides  
14 of a rectangular field of blue, a white star in the  
15 center, superimposed on a gray latte stone, surrounded  
16 by the traditional Carolinian mwaar. The dimensions  
17 of the flag, the mwaar, the star and latte stone shall  
18 be provided by law.

19 Section 3: Official Language. The  
20 official languages of the Commonwealth shall be  
21 Chamorro, Carolinian and English, as deemed appropriate

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1           and as enforced by the legislature. The legislature  
2           may provide that government proceedings and documents,  
3           shall be in at least one of the three languages. This  
4           section shall not be subject to judicial review."  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 8 of the Schedule on Transitional Matters relating to Interim Definition of Citizenship.

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

1 I. Section 8 of the Schedule on Transitional Matters  
2 is amended to read:  
3 "Section 8: Interim Definition of Citizenship.  
4 For the period from the approval of the Constitution  
5 by the people of the Northern Mariana Islands to the  
6 termination of the Trusteeship Agreement, the term  
7 United States citizen or United States national as  
8 used in the Constitution and laws of the Northern  
9 Mariana Islands means those persons who, on the date  
10 of approval of the Constitution by the people of the  
11 Northern Mariana Islands, do not owe allegiance to  
12 any foreign state and who qualify under one of the  
13 following criteria, as well as their children  
14 regardless of their date of birth:

15 "a) persons who were born in the Northern  
16 Mariana Islands, who are citizens of the Trust  
17 Territory of the Pacific Islands on the date of  
18 the approval of the Constitution by the people of  
19 the Northern Mariana Islands and who on that date  
20 are domiciled in the Northern Mariana Islands or  
21 in the United States or any territory or

not.

1 possession thereof;

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

13 c) persons domiciled in the Northern Mariana  
14 Islands on the date of the approval of the  
15 Constitution by the people of the Northern Mariana  
16 Islands, who, although not citizens of the Trust  
17 Territory of the Pacific Islands, on that date  
18 have been domiciled continuously in the Northern  
19 Mariana Islands beginning prior to January 1,  
20 1974."

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