

CONSTITUTION OF THE NORTHERN MARIANA ISLANDS

AS AMENDED BY

**THE THIRD NORTHERN MARIANA ISLANDS
CONSTITUTIONAL CONVENTION**

1995



August 3, 1995

CONTENTS

PREAMBLE	1
ARTICLE I: PERSONAL RIGHTS	1
Section 1: Laws Prohibited.	1
Section 2: Freedom of Religion, Speech, Press and Assembly.	1
Section 3: Search and Seizure.	1
Section 4: Criminal Prosecutions.	2
Section 5: Due Process.	2
Section 6: Equal Protection.	2
Section 7: Quartering Armed Forces.	3
Section 8: Trial by Jury.	3
Section 9: Clean and Healthful Environment.	3
Section 10: Privacy.	3
Section 11: Life.	3
ARTICLE II: LEGISLATIVE BRANCH	3
Section 1: Legislative Power.	3
Section 2: Composition of the Senate.	3
Section 3: Composition of the House of Representatives.	4
Section 4: Reapportionment.	4
Section 5: Enactment of Legislation.	5
Section 6: Action on Legislation by the Governor.	5
Section 7: Impeachment.	6
Section 8: Vacancy.	6
Section 9: Compensation.	7
Section 10: Other Government Employment.	7
Section 11: Immunity.	7
Section 12: Sessions.	7
Section 13: Organization and Procedures.	7
Section 14: Conduct of Members.	8
Section 15: Budget Ceiling.	8
Section 16: Legislative Bureau.	9
ARTICLE III: EXECUTIVE BRANCH	10
Section 1: Executive Power.	10
Section 2: Qualifications of the Governor.	10
Section 3: Lieutenant Governor.	10
Section 4: Joint Election of the Governor and Lieutenant Governor.	10
Section 5: Compensation.	10

Section 6: Other Government Employment.	10
Section 7: Succession to the Governorship and Lieutenant Governorship.	11
Section 8: Absence or Disability of the Governor.	11
Section 9: Executive Functions.	11
Section 10: Emergency Powers.	12
Section 11: Attorney General.	12
Section 12: Public Auditor.	13
Section 13: Education.	13
Section 14: Heads of Executive Departments.	14
Section 15: Executive Branch Departments.	14
Section 16: Civil Service.	15
Section 17: Public Services.	15
Section 18: Executive Assistant for Carolinian Affairs.	16
Section 19: Retirement System.	17
Section 20: Council for Indigenous Affairs.	17
ARTICLE IV: JUDICIAL BRANCH	18
Section 1: Judicial Power.	18
Section 2: Supreme Court.	18
Section 3: Superior Court.	18
Section 4: Term of Office.	18
Section 5: Qualifications.	19
Section 6: Compensation.	19
Section 7: Sanctions.	19
Section 8: Limitations on Activities.	19
Section 9: Administration.	19
Section 10: Succession.	20
Section 11: Advisory Opinions.	20
ARTICLE V: REPRESENTATION IN THE UNITED STATES	21
Section 1: Permanent Representation in the United States Congress.	21
Section 2: Resident Representative to the United States.	21
ARTICLE VI: LOCAL GOVERNMENT	21
Section 1: Local Government	21
Section 2: Mayor	22
Section 3: Responsibilities and Duties of the Mayor	22
Section 4: Municipal Council	24
Section 5: Responsibilities and Duties of the Municipal Council	24
Section 6: Governor’s Council	25
Section 7: Funding of Local Government	26

ARTICLE VII: ELIGIBILITY TO VOTE AND HOLD OFFICE	26
Section 1: Qualifications of Voters.	26
Section 2: Prohibition of Literacy Requirement.	27
Section 3: Felony Conviction.	27
ARTICLE VIII: ELECTIONS	27
Section 1: Regular General Election.	27
Section 2: Other Elections.	27
Section 3: Taking Office After Elections.	27
Section 4: Resignation from Public Office.	27
ARTICLE IX: INITIATIVE, REFERENDUM AND RECALL	27
Section 1: Initiative.	27
Section 2: Referendum.	28
Section 3: Recall.	29
ARTICLE X: TAXATION AND PUBLIC FINANCE	29
Section 1: Public Purpose.	29
Section 2: Public Debt Authorization.	29
Section 3: Public Debt Limitation.	30
Section 4: Real Property Taxes.	30
Section 5: Deficit Retirement.	30
Section 6: Government Employment.	30
Section 7: Control of Public Finance.	30
Section 8: Tax Rebate Trust Fund.	31
Section 9: Taxpayer's Right of Action.	31
ARTICLE XI: COMMONWEALTH LANDS	31
Section 1: Public Lands.	31
Section 2: Submerged Lands.	31
Section 3: Other Public Lands.	31
Section 4: Marianas Land Bureau.	32
Section 5: Fundamental Policies.	32
Section 6: Permanent Preserves.	33
Section 7: Land Titles.	34
Section 8: Marianas Public Land Trust.	34
ARTICLE XII: RESTRICTIONS ON ALIENATION OF LAND	35
Section 1: Alienation of Land	35
Section 2: Acquisition	35

Section 3: Permanent and Long-Term Interests in Real Property	35
Section 4: Persons of Northern Marianas Descent	35
Section 5: Corporations	36
Section 6: Enforcement	36
ARTICLE XIII: EMINENT DOMAIN	36
Section 1: Eminent Domain Power	36
Section 2: Limitations	36
ARTICLE XIV: NATURAL RESOURCES	36
Section 1: Marine Resources	36
Section 2: Uninhabited Islands	37
Section 3: Places and Things of Cultural and Historical Significance	37
Section 4: Natural Resources	37
Section 5: Royalties and Fees	37
ARTICLE XV: GAMBLING	37
ARTICLE XVI: CORPORATIONS	37
ARTICLE XVII: ETHICAL STANDARDS	37
ARTICLE XVIII: CONSTITUTIONAL AMENDMENT AND MUTUAL	
CONSENT	38
Section 1: Amendment by Popular Initiative	38
Section 2: Amendment by Constitutional Convention	38
Section 3: Mutual Consent	38
Section 4: Ratification	38
ARTICLE XIX: COMMONWEALTH UNITY	39
Section 1: Oath of Office	39
Section 2: Official Seal	39
Section 3: Official Flag	40
Section 4: Official Languages	40
Section 5: Capital	40
SCHEDULE ON TRANSITIONAL AND RELATED MATTERS	40
Section 1: Transition with Respect to Article II, Legislative Branch	40
Section 2: Transition with Respect to Article III, Executive Branch	41
Section 3: Transition with Respect to Article IV, Judicial Branch	43
Section 4: Transition with Respect to Article VI, Local Government	43

Section 5: Transition with Respect to Article X. Taxation and Public Finance.	44
Section 6: Transition with Respect to Article XI. Commonwealth Lands.	44
Section 7: Transition with Respect to Article XII. Restrictions on Alienation of Land.	45
Section 8: General Transitional Provisions.	45

PREAMBLE

WE, THE PEOPLE OF THE NORTHERN MARIANA ISLANDS,
GRATEFUL TO ALMIGHTY GOD FOR OUR FREEDOM, ORDAIN AND
ESTABLISH THIS CONSTITUTION AS THE EMBODIMENT OF OUR
TRADITIONS AND HOPES FOR OUR COMMONWEALTH IN POLITICAL
UNION WITH THE UNITED STATES OF AMERICA.

ARTICLE I: PERSONAL RIGHTS

Section 1: Laws Prohibited.

No law shall be made that is a bill of attainder, an ex post facto law, a law impairing the obligation of contracts, or a law prohibiting the traditional art of healing.

Section 2: Freedom of Religion, Speech, Press and Assembly.

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

Section 3: Search and Seizure.

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

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

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

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

Section 4: Criminal Prosecutions.

In all criminal prosecutions certain fundamental rights shall obtain.

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

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

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

d) There shall be a speedy and public trial.

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

f) Excessive bail shall not be required.

g) Excessive fines shall not be imposed.

h) Cruel and unusual punishment shall not be inflicted.

i) Capital punishment is prohibited.

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

Section 5: Due Process.

No person shall be deprived of life, liberty or property without due process of law.

Section 6: Equal Protection.

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

Section 7: Quartering Armed Forces.

No member of any armed force in time of peace may be quartered in any house without the consent of the owner, nor in time of war except as provided by law.

Section 8: Trial by Jury.

The legislature may provide for trial by jury in criminal or civil cases.

Section 9: Clean and Healthful Environment.

Each person has the right to a clean and healthful public environment. The legislature shall enact no law infringing this right or permitting the storage or dumping of any nuclear or radioactive material in the lands or waters of the Commonwealth.

Section 10: Privacy.

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

Section 11: Life.

The right to life for every individual during the entire span from conception through old age is respected, honored and protected in the Commonwealth. This right is subject to definition and regulation by the legislature.

ARTICLE II: LEGISLATIVE BRANCH

Section 1: Legislative Power.

The legislative power of the Commonwealth shall extend to all rightful subjects of legislation and shall be vested in a Northern Marianas Commonwealth Legislature composed of a senate and a house of representatives.

Section 2: Composition of the Senate.

a) The senate shall consist of six members with two members elected at large from each of three senatorial districts. The first senatorial district shall consist of Rota, the second senatorial district shall consist of Tinian and Aguiguan, and the third senatorial district shall consist of Saipan and the islands north of it. The senate shall be increased to eight members and two members shall be elected at large from a fourth senatorial district consisting of the islands north

of Saipan at the first regular general election after the population of these islands exceeds one thousand resident United States citizens.

b) The lieutenant governor shall preside over the senate until it elects a presiding officer and shall vote only in the event of a tie.

c) The term of office for senator shall be four years.

d) A senator shall be a United States citizen qualified to vote in the Commonwealth, at least twenty-five years of age, and a resident and domiciliary of the Commonwealth for at least five years immediately preceding the date on which the senator takes office. A longer residency and domicile requirement may be provided by law. A candidate for the senate shall be a registered voter in the senatorial district where he or she is a candidate.

Section 3: Composition of the House of Representatives.

a) The house of representatives shall consist of thirteen members with eleven members elected from Saipan and the islands north of it, one member elected from Rota and one member elected from Tinian and Aguiguan. The number of representatives may be decreased or increased by law to not more than fifteen.

b) For purposes of electing representatives Rota shall constitute one district, Tinian and Aguiguan shall constitute one district, and Saipan and the islands north of it shall constitute one district. When the number of United States citizens residing in the islands north of Saipan equals or exceeds the number of United States citizens represented by any member of the house of representatives these islands shall constitute a separate district electing one representative.

c) The term of office for representative shall be four years.

d) A representative shall be a United States citizen qualified to vote in the Commonwealth, at least twenty-one years of age, and a resident and domiciliary of the Commonwealth for at least three years immediately preceding the date on which the representative takes office. A longer residency and domicile requirement may be provided by law. A candidate for the house of representatives shall be a registered voter of the district where he or she is a candidate.

Section 4: Reapportionment.

a) At least every ten years and within one hundred and twenty days following publication of the results of a decennial census, the legislature shall reapportion the seats in the house of representatives as required by changes in Commonwealth population or by law. A

reapportionment plan shall provide for a house of representatives with the fewest number of seats that will permit each member to represent approximately the same number of United States citizens and will provide that the districts for Rota and for Tinian and Aguiguan will have at least one member each.

b) If the legislature fails to act pursuant to section 4(a), the governor shall promulgate a reapportionment plan within one hundred twenty days after the expiration of the time for the legislature to act. The governor's plan shall be published in the same manner as an act of the legislature and upon publication shall have the force of law. Upon the petition of any person qualified to vote, the Commonwealth supreme court has original and exclusive jurisdiction to review a plan and to amend it to comply with the requirements of this Constitution or to establish a plan if the governor has failed to act within the time provided.

Section 5: Enactment of Legislation.

a) Appropriation and revenue bills may be introduced only in the house of representatives. Other bills may be introduced in either house of the legislature. The legislature shall hold joint hearings on all appropriation bills and on all bills involving public debt, taxation or revenue. Every expenditure of public funds must be authorized in an appropriation bill. The legislature shall not enact a law that requires the expenditure of public funds without also appropriating the funds.

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

c) The legislature may not enact a law except by bill. Each bill shall be read at least twice on two separate session days in each house before it is voted upon. No bill may be enacted without the approval of at least a majority of the votes cast in each house of the legislature.

d) The legislature shall enact no law which increases the class of nonaliens, except as to those persons defined in Covenant section 506(c).

Section 6: Action on Legislation by the Governor.

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

the bill: provided that the governor may not veto an item, section or part governing the manner in which an appropriation may be expended if any appropriation affected by the item, section, or part is approved.

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

c) A bill or item, section or part of a bill vetoed by the governor may be reconsidered by the legislature. The legislature shall have sixty days from the receipt of the governor's veto message in the house of origin of the vetoed bill, item, section or part of a bill to reconsider the vetoed legislation. If two-thirds of the members in each house vote upon reconsideration to pass the bill, item, section or part, it shall become law.

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

Section 7: Impeachment.

The governor, lieutenant governor, justices, judges and the resident representative to the United States are subject to impeachment by the legislature for treason, commission of a felony, corruption or neglect of duty. The house of representatives may initiate impeachment proceedings by the affirmative vote of two-thirds of its members and the senate may convict after hearing by the affirmative vote of two-thirds of its members.

Section 8: Vacancy.

A vacancy in the legislature shall be filled by special election if one-half or more of the term remains. If less than one-half of the term remains the governor shall, as soon as possible but not later than twenty days after the vacancy occurs, fill the vacancy by appointing the unsuccessful candidate for the office in the last election who received the largest number of votes and is willing to serve or, if no candidate is available, a person qualified for the office from the district represented. If the governor fails to fill the vacancy within the time specified, the unsuccessful candidate for the office in the last election who received the largest number of votes and is willing to serve shall be deemed appointed on the twenty-first day after the vacancy occurs and shall immediately take office.

Section 9: Compensation.

The salary of members shall be changed no more than once every four years and only upon the recommendation of an advisory commission established by law to make recommendations concerning the compensation of Commonwealth executive, legislative and judicial officers. No change in salary may be made that exceeds the percentage change in the United States Department of Commerce composite price index for the period since the last change. An increase in salary may not apply to the legislature that enacted it.

Section 10: Other Government Employment.

A member of the legislature may not serve in any other Commonwealth government position including other elective office or independent board, agency, authority or commission established by this Constitution or by Commonwealth law. A person, having been a member of the legislature, may not serve in any elective or appointive Commonwealth government position created by statute during the term for which he or she was elected, for a period of one year following the expiration of the term during which the position was created.

Section 11: Immunity.

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

Section 12: Sessions.

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

Section 13: Organization and Procedures.

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

members and, by affirmative vote of two-thirds of its members, expel a member for commission of treason, a felony, breach of the peace, or violation of the rules of that house. Any legislator convicted of an offense in the Commonwealth or in any area under the jurisdiction of the United States that carries a sentence of thirty days or more, whose conviction has become final, shall be automatically expelled from the legislature.

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

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

Section 14: Conduct of Members.

A member of the legislature who has a financial or personal interest in a bill before the legislature shall disclose that interest and may not debate on or vote on the bill.

Section 15: Budget Ceiling.

There shall be a ceiling on the budget of the legislature.

a) All appropriations or obligations and expenditures for all operations and activities of the legislature, including the salaries and benefits of the members but excluding major equipment and capital improvement projects, may not exceed four and one half million dollars in any fiscal year.

b) Each member shall receive seventy thousand dollars annually within this ceiling for office expenses including the expense of travel outside the Commonwealth.

c) Within this ceiling the majority leader in each house shall receive an additional fifty thousand dollars a year and the minority leader in each house shall receive an additional thirty five thousand dollars a year for office expenses.

d) The balance of the legislature's budget shall be allocated to the legislative bureau for the purposes specified in section 16.

e) The amount of the ceiling and all other dollar amounts stated in this section shall be adjusted every two years by the same percentage as the percentage change in the United States Department of Commerce composite price index using the beginning of fiscal year 1997 as the base.

f) No part of the legislature's budget other than a member's salary and benefits may be used for personal or political activities.

g) Obligations and expenditures for the operations and activities of the legislature for the period October 1 through the second Monday in January of a fiscal year in which there is a regular general election may not exceed twenty five percent of the annual spending authority provided by law. This ceiling shall apply to the various offices and activities in the same proportions as the annual spending authority provided by law.

Section 16: Legislative Bureau.

There is hereby established a legislative bureau in the Northern Marianas Commonwealth Legislature.

a) The bureau shall be headed by a director who shall be appointed to a four year renewable term and may be removed only for cause by a majority vote of the lieutenant governor, the speaker of the house and the presiding officer of the senate. The director shall have a college degree in a relevant field with at least five years of relevant experience or shall have at least ten years of relevant experience.

b) The bureau shall provide all necessary support services for the operation, administration and maintenance of the legislature and its committees within the budgetary allocation provided in section 15(d).

c) The bureau shall employ all staff necessary, other than personal staff of the members, to perform these functions as permitted by its budget. The staff shall include trained or otherwise qualified clerical, operational, administrative and professional personnel.

d) The bureau shall be politically independent and shall perform its duties in non-partisan fashion. The bureau staff shall not be subject to any political harassment or pressure and shall not engage in any political activities.

ARTICLE III: EXECUTIVE BRANCH

Section 1: Executive Power.

The executive power of the Commonwealth shall be vested in a governor who shall be responsible for the faithful execution of the laws.

Section 2: Qualifications of the Governor.

The governor shall be a United States citizen qualified to vote in the Commonwealth, at least thirty-five years of age, and a resident and domiciliary of the Commonwealth for at least seven years immediately preceding the date on which the governor takes office. A different period of residence and domicile may be provided by law.

Section 3: Lieutenant Governor.

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

Section 4: Joint Election of the Governor and Lieutenant Governor.

The governor and lieutenant governor shall be elected at large within the Commonwealth for a term of office of four years. The governor and lieutenant governor shall be elected jointly with each voter casting a single vote applicable to both offices. No person may be elected governor more than twice.

Section 5: Compensation.

The governor and lieutenant governor shall each receive an annual salary and reasonable allowances for expenses as provided by law. Upon the recommendation of the advisory committee on compensation provided for by article II, section 9, the legislature may change the salary of the governor or lieutenant governor. Neither salary may be changed during a term of office.

Section 6: Other Government Employment.

The governor or lieutenant governor may not serve in another Commonwealth position or receive compensation for performance of official duties or from any governmental body except as provided by section 5.

Section 7: Succession to the Governorship and Lieutenant Governorship.

In case of the removal, death or resignation of the governor, the lieutenant governor shall become governor and shall appoint a successor with the advice and consent of the senate. If the offices of governor and lieutenant governor are both vacant, the presiding officer of the senate shall become acting governor and the speaker of the house shall become acting lieutenant governor until the offices are filled by a special election provided by law if more than one year of the term remains.

Section 8: Absence or Disability of the Governor.

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

b) When the governor is unable to discharge the duties of the office by reason of physical or mental disability, the lieutenant governor shall be acting governor. If the lieutenant governor is unavailable, the presiding officer of the senate shall be acting governor. If the person next in succession to the governor has reason to believe that the governor is unable to discharge the duties of the office, that person shall file a petition to declare a vacancy with the Commonwealth supreme court. The supreme court has original and exclusive jurisdiction to determine all questions regarding the disability of the governor and the existence of a vacancy in the office of the governor.

Section 9: Executive Functions.

a) The governor shall submit to the legislature a proposed annual balanced budget for the following fiscal year no later than ninety days before the start of the fiscal year or earlier if provided by law. The proposed balanced budget shall describe anticipated revenues of the Commonwealth based on existing revenue generating laws and recommend expenditures not to exceed anticipated revenues. The anticipated revenues may not be increased by the legislature without the consent of the governor. In preparing the proposed balanced budget, the governor shall consider budgetary requests made by the members of the governor's council created under article VI, section 6. The governor's submission to the legislature with respect to the budget shall state the governor's disposition of these budgetary requests and may include recommended legislation that affects the current budget submission. If a balanced budget is approved by the legislature, the governor may not reallocate appropriated funds except as provided by law. In the absence of a budget enacted by the legislature and approved by the governor, government operations will be funded as follows:

1) If the projected revenues for the new fiscal year are equal to or greater than the projected revenues for the fiscal year just ended, each agency receiving an appropriation during the past year shall receive the same appropriation for the new fiscal year.

2) If the projected revenues for the new fiscal year are less than the projected revenues for the fiscal year just ended, all extraordinary or non-recurring expenditures shall be subtracted from the appropriations for the past fiscal year and the remainder shall be proportionally allocated to each agency funded during the past fiscal year.

3) Each person authorized to expend public funds shall be responsible for operating within the level of funding authorized and shall be held personally liable if such person authorizes expenditures without the necessary and proper certification that funds are available for the specified purpose.

4) All revenues in excess of the amount of the last appropriation shall remain in the general fund until appropriated by the legislature.

b) The governor shall report in person at least annually to the people through a joint session of the legislature regarding the affairs of the Commonwealth and new measures that are necessary or desirable.

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

Section 10: Emergency Powers.

The governor may declare a state of emergency in the case of invasion, civil disturbance, natural disaster or other calamity and may mobilize available resources to respond to that emergency. Within thirty days after acting under this section the governor shall report to the legislature regarding the exercise of emergency powers and recommend appropriate legislation.

Section 11: Attorney General.

The governor shall appoint an attorney general who is a member of the Commonwealth bar with the advice and consent of the senate. The attorney general shall be responsible for providing legal advice to the governor and executive departments, representing the Commonwealth in all legal matters, and prosecuting violations of Commonwealth law. The attorney general may be removed during the governor's term only for cause.

Section 12: Public Auditor.

The governor shall appoint a public auditor with the advice and consent of each house of the legislature. The public auditor shall ensure that proper audits have been conducted of the receipt, possession and disbursement of public funds by the executive, legislative and judicial branches of the government, instrumentalities of the Commonwealth or agencies of local government and shall perform other duties provided by law. The public auditor shall not duplicate professionally acceptable audits performed by private auditing firms or other governmental auditors. The public auditor shall report to the legislature and the governor at least once every year and this report shall be made public promptly. The public auditor may be removed only for cause and by the affirmative vote of two-thirds of the members of each house of the legislature. In the event that there is a vacancy in the office of the public auditor, the governor shall appoint a temporary public auditor to serve for no more than ninety days. Within thirty days after the vacancy occurs in the office the governor shall submit an appointee for public auditor to the legislature. If the legislature does not act on the appointment within sixty days after receiving it, the appointee shall be deemed confirmed. An appointee rejected by the legislature may not be renominated by the governor for the office.

Section 13: Education.

Education is a shared responsibility of the Commonwealth and local governments and the parents of children working together.

a) Education is compulsory within the age and levels provided by law.

b) Policy and standards for the public elementary and secondary education system in the Commonwealth shall be the responsibility of a secretary of education appointed by the governor with the advice and consent of the senate. The secretary shall have at least five years residence in the Commonwealth. Other qualifications and salary shall be as provided by law. The term of office shall be the same as the appointing authority.

c) Administration and instruction for the public elementary and secondary education system in the Commonwealth shall be the responsibility of an elected school board in each senatorial district. Each school board shall be composed of five members who shall serve a term of office of four years. School board members shall be United States citizens qualified to vote in the Commonwealth, resident in the senatorial district from which elected, and at least twenty-five years of age. Elections shall be non-partisan. Vacancies shall be filled within thirty days by the unsuccessful candidate for the board in the last election who received the largest number of votes or, if none, a qualified person appointed by the remaining members of the school board. If three or more vacancies exist and more than one-half of the term remains, a special election to fill the vacancies shall be scheduled within thirty days by the Commonwealth election authority. If less

than one-half of the term remains, the vacancies shall be filled by the secretary of education. The requirements of this subsection (c) shall continue in force for at least ten years from the election of the first school boards and after ten years as provided by law.

d) The legislature shall make an annual appropriation for instruction in the public elementary and secondary education system. This appropriation shall be allocated to the local schools on a per enrolled student basis upon certification by the secretary of education that the school is in compliance with Commonwealth requirements.

e) Higher education, adult continuing education and vocational education shall be available in postsecondary educational institutions within the Commonwealth consistent with the needs and resources of the people as provided by law. An annual appropriation for postsecondary educational institutions shall be as provided by law. Postsecondary educational institutions shall be governed by boards of regents that shall be appointed to terms expiring in different years by the governor with the advice and consent of the senate and shall have autonomy as provided by law. The composition of the boards of regents and other matters pertaining to their responsibilities and the operation of the postsecondary educational institutions shall be as provided by law.

Section 14: Heads of Executive Departments.

Each principal department shall be under the supervision of the governor and, unless otherwise provided by law, shall be headed by a single executive. No person shall serve as acting head of an executive department for more than ninety days. The governor shall appoint the heads of executive departments with the advice and consent of the senate. If the senate fails to act within sixty days after receiving the governor's nomination, the nominee shall be deemed confirmed by the senate. A nominee rejected by the senate may not be renominated by the governor for the same office. The governor may remove the heads of executive departments. The governor may at any time require information in writing or otherwise from the head of any administrative department, office or agency of the Commonwealth.

Section 15: Executive Branch Departments.

Executive branch offices, agencies and instrumentalities of the Commonwealth government and their respective functions and duties shall be allocated by law among and within not more than fifteen principal departments so as to group them so far as practicable according to major purposes. Regulatory, quasi-judicial and temporary agencies need not be a part of a principal department. The functions and duties of the principal departments and of other agencies of the Commonwealth shall be provided by law. The legislature may reallocate offices, agencies and instrumentalities among the principal departments and may change their functions and duties. The governor may make changes in the allocation of offices, agencies and

instrumentalities and in their functions and duties that are necessary for efficient administration. If these changes affect existing law, they shall be set forth in executive orders which shall be submitted to the legislature and shall become effective sixty days after submission, unless specifically modified or disapproved by a majority of the members of each house of the legislature.

Section 16: Civil Service.

a) The civil service shall include all persons who are employed by or whose salary is paid by the Commonwealth except persons holding positions filled by election, appointed by the governor under this Constitution, or designated by law as excepted professional, managerial, educational, overseas, and elected officials' personal staff positions. The civil service shall be non-partisan and independent. Appointment and promotion within the civil service shall be based on merit and fitness as demonstrated by examination or other evidence of competence.

b) There is hereby established a civil service commission to develop, administer and adjudicate personnel policies and standards for the civil service. The commission shall be composed of five members appointed by the governor with the advice and consent of the senate. At least one member shall be a resident of each senatorial district and no member may hold any other government position. Other qualifications and compensation shall be as provided by law. Members shall serve five year terms, with one term expiring each year, and may be removed during a term of office only for cause.

c) The civil service commission shall establish a classification for each position for which it has jurisdiction, but may exempt positions from classification where necessary to serve important government interests. The civil service commission shall establish policies for the compensation for civil service positions and may submit to the legislature salary schedules based on such policies. The legislature may accept, reject or reduce a salary schedule submitted by the commission, but may not increase any salary or take any other action with respect to salaries for civil service positions.

Section 17: Public Services.

a) The governor shall delegate to a mayor elected under the provisions of article VI, section 2, responsibility for the execution of Commonwealth laws as deemed appropriate, and the administration of public services in the island or islands in which the mayor has been elected. Services being provided on a decentralized basis in Rota, and Tinian and Aguiguan, on the effective date of this provision shall continue. In furtherance of this section, the mayor shall have the responsibility for ensuring that the resident department heads faithfully execute their duties under the law and in accordance with the policies of the Commonwealth

government for the administration of public services, in the island or islands in which the mayor has been elected.

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

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

Section 18: Executive Assistant for Carolinian Affairs.

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

b) The executive assistant shall be a member of the governor's council created under article VI, section 6, and shall advise the governor on matters affecting persons of Carolinian descent within the Commonwealth.

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

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

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

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

g) The executive assistant shall submit an annual report to the council for indigenous affairs on matters affecting the Carolinian community within the Commonwealth.

Section 19: Retirement System.

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

b) The Northern Mariana Islands Retirement Fund Act may be amended or repealed by the legislature only after obtaining the views of the retirement fund's board of trustees regarding the cost and administrative impact on the fund of the proposed action.

c) The board of trustees has the exclusive fiduciary responsibility to invest fund assets. The legislature and the executive branch can appropriate or reprogram only those fund assets declared excess by the board of trustees.

Section 20: Council for Indigenous Affairs.

a) There is hereby established the council for indigenous affairs with the duties and responsibilities set forth in this section and otherwise as provided by law.

b) The governor shall appoint the five members of the council with the advice and consent of the senate for terms of four years. Each member shall be a United States citizen qualified to vote in the Commonwealth with background and capability in Chamorro or Carolinian language, customs and traditions.

c) The council shall appoint an executive director and a deputy director with background and capability in Chamorro or Carolinian language, customs and traditions. The chair of the council shall be a member of the governor's council created under article VI, section 6.

d) The council shall develop and promote educational and cultural programs to advance the knowledge and practice of Chamorro and Carolinian language, culture and traditions; coordinate the translation and distribution of official and historic documents; serve as an advocate for the indigenous population; and perform such other duties as may be provided by law or assigned by the governor.

e) The council shall be provided the funding necessary to implement these responsibilities from the interest revenue of the Marianas Public Land Trust. The annual budget of the council for the expenditure of these funds shall be submitted to the governor and the legislature for their information. To the extent funds are available from the trust the council may allocate such funds to existing scholarship, medical referral and housing programs for the benefit of the local population.

ARTICLE IV: JUDICIAL BRANCH

Section 1: Judicial Power.

The judicial power of the Commonwealth shall be vested in a supreme court and a superior court.

Section 2: Supreme Court.

The supreme court shall consist of a chief justice and at least two associate justices appointed by the governor with the advice and consent of the senate. The supreme court shall have appellate jurisdiction over final judgments and orders of the superior court and original jurisdiction to issue all writs and orders appropriate to the full exercise of its powers.

Section 3: Superior Court.

The superior court shall consist of a presiding judge and at least three associate judges appointed by the governor with the advice and consent of the senate. The superior court shall have original jurisdiction over all criminal and civil actions in law and in equity and original jurisdiction to issue all writs and orders appropriate to the full exercise of its powers.

Section 4: Term of Office.

The supreme court justices shall have an initial term of twelve years. The superior court judges shall have an initial term of six years. At the general election immediately before the end of the initial term, the question whether to retain a justice or judge shall be placed on the ballot. The justice or judge shall be retained if a majority of the votes cast are in the affirmative. The terms following the initial term shall be twelve years.

Section 5: Qualifications.

A justice or judge shall be at least thirty-five years of age, be a citizen of the United States, have resided in the Commonwealth for at least five years before appointment, and be a member of the Commonwealth bar.

Section 6: Compensation.

The compensation of justices and judges shall be as provided by law and may not be decreased during a term of office.

Section 7: Sanctions.

A justice or judge is subject to impeachment as provided in article II, section 7, of this Constitution for treason, commission of a felony, corruption or neglect of duty. The legislature shall establish an advisory commission on the judiciary whose members include lawyers and representatives of the public. In the event that vacancies on the commission remain for more than ninety days, the chief justice may make temporary appointments to continue until the legislature acts. Upon recommendation of the advisory commission, the governor may remove, suspend or otherwise sanction a justice or judge for illegal or improper conduct.

Section 8: Limitations on Activities.

A justice or judge may not hold another compensated government position, engage in the practice of law, make a direct or indirect financial contribution to a political organization or candidate, hold an executive office in a political organization, or participate in a political campaign. A justice or judge who becomes a candidate for elected public office must declare candidacy at least six months before the election and must resign judicial office upon such declaration.

Section 9: Administration.

The chief justice shall be the administrative head of the judicial branch.

- a) The chief justice shall make an annual report to the people in person through a joint session of the legislature.
- b) The chief justice shall submit an annual budget for the judicial branch to the legislature with a copy to the governor for information.

c) The supreme court has administrative and policy authority with respect to the judiciary, and shall promulgate rules of the courts with respect to appellate procedure, civil and criminal procedure, assignment of judges to Rota and Tinian for effective judicial service for the people of those islands, attorney admission and discipline, governance of the bar, court fees, judicial and professional ethics, duties and responsibilities of the presiding judge and court officials, arbitration of smaller matters, establishment of special sections or divisions for particular subject matters, and all other matters pertaining to administration of the judicial branch.

d) The chief justice may designate, as the need arises, an active or retired full-time justice or judge from the Commonwealth or an active or retired full-time justice or judge from any United States federal, state, commonwealth, freely associated state, or territorial court to hear particular cases in either the supreme court or superior court.

Section 10: Succession.

When a vacancy occurs in the office of chief justice, the associate justice most senior in commission shall become acting chief justice. When a vacancy occurs in the office of presiding judge, the associate judge most senior in commission shall become acting presiding judge. If a successor is not appointed by the governor with the advice and consent of the senate within ninety days of the vacancy, the acting chief justice or the acting presiding judge shall succeed to the office.

Section 11: Advisory Opinions.

An official in the Commonwealth who is elected or appointed by the governor and who has a dispute with another elected or appointed official about the exercise of powers or responsibilities under this Constitution or any statute shall apply to the supreme court for an advisory opinion before seeking any other remedy at law or in equity. The supreme court shall issue an advisory opinion in response to an authorized application that shall resolve the dispute submitted in part or whole. An advisory opinion issued under this section is a final and binding decision.

ARTICLE V: REPRESENTATION IN THE UNITED STATES

Section 1: Permanent Representation in the United States Congress.

Representation of the Commonwealth in the United States Congress is of fundamental importance to the people of the Commonwealth. When the Congress provides that the Commonwealth shall have a member or delegate, that office shall be established with the term of office and other conditions provided by Congress, and an election shall be held promptly to fill that office. The member or delegate shall be a citizen of the United States qualified to vote in the Commonwealth who is at least twenty-five years of age, and shall meet any other qualifications required by Congress. The member or delegate shall make an annual report to the people in person through a joint session of the legislature. Vacancies shall be filled in the manner required by Congress, or by appointment by the governor with the advice and consent of the senate. The member or delegate shall receive an annual salary and allowance for expenses as provided by Congress or by law.

Section 2: Resident Representative to the United States.

Prior to the time Congress provides that the Commonwealth shall have a member or delegate, a resident representative to the United States shall be elected to represent the people of the Commonwealth in the United States. The resident representative shall be a citizen of the United States qualified to vote in the Commonwealth who is at least twenty-five years of age. The resident representative shall serve a term of four years. The governor shall provide a certificate of selection to the United States Department of State. The resident representative shall make an annual report to the people in person through a joint session of the legislature. Vacancies shall be filled by appointment by the governor with the advice and consent of the senate. The resident representative shall receive an annual salary and allowance for expenses as provided by law.

ARTICLE VI: LOCAL GOVERNMENT

Section 1: Local Government

Agencies of local government shall be established as provided by this article for the three existing senatorial districts and the fourth senatorial district when established under article II, section 2.

Section 2: Mayor

The qualified voters of each senatorial district shall elect a mayor for their island or islands.

a) The mayor shall be a United States citizen qualified to vote in the island or islands served by the mayor, at least thirty-five years of age, a resident of the Commonwealth for at least three years immediately preceding the date on which the mayor takes office, and meet such other qualifications provided by law. The mayor must reside on the island or islands served after election.

b) The mayor shall be elected at a regular general election for a term of office of four years and may not serve as mayor for more than two terms. A vacancy in the office of mayor shall be filled by special election if one-half or more of the term remains and otherwise as provided by law or ordinance.

c) A mayor shall receive an annual salary and allowance for reasonable expenses. The salary shall be as provided by law or ordinance upon the recommendation of the advisory commission on compensation provided for by article II, section 9.

Section 3: Responsibilities and Duties of the Mayor

a) The mayor shall have the executive authority with respect to local matters that affect only the island or islands served by the mayor pursuant to municipal ordinances enacted under section 5 of this article and not inconsistent with Commonwealth law.

b) The mayor may propose ordinances relating to local matters for enactment by the municipal council. The mayor shall have thirty days within which to approve or veto ordinances enacted by the council. Every ordinance enacted shall be signed by the presiding officer of the municipal council and submitted to the mayor. If the mayor signs the ordinance, it shall become effective. If the mayor vetoes the ordinance, it shall be returned within five working days of the veto to the presiding officer of the council with a statement of the reasons for the veto. The mayor may veto an item, section or part of an appropriation ordinance and sign the remainder of the ordinance; provided that the mayor may not veto an item, section or part governing the manner in which an appropriation may be expended if any appropriation affected by the item, section or part is approved. If the mayor fails either to sign or veto an ordinance within the applicable period, it shall become effective.

c) The mayor shall administer departments, agencies, boards and commissions of local government established by municipal ordinance and appoint their heads or members subject to confirmation by the municipal council.

d) The mayor shall serve on the governor's council established by section 6 of this article.

e) The mayor may investigate complaints and conduct public hearings with respect to government operations and local matters and may submit findings or recommendations to the municipal council, governor and legislature. The mayor may require information in writing relating to government operations and local matters as may be necessary to any investigation under this subsection.

f) The mayor shall in consultation with the municipal council prepare an annual budget for the island or islands served by the mayor. The budget shall set forth the anticipated Commonwealth funds to be provided the local government and those to be raised by local taxes, the proposed expenditure of those funds during the next fiscal year, and recommendations for inclusion in the proposed Commonwealth budget for government operations and capital improvement projects. Upon approval by the municipal council the local funding components of the budget shall go into effect and the Commonwealth funding components of the budget shall be transmitted to the governor for inclusion in the governor's proposed Commonwealth budget. The governor's budget submission to the legislature shall state his disposition of the budgetary requests submitted by the mayors.

g) The mayor shall coordinate any extension of federal programs and act as the principal local official for coordinating activities with disaster control for the mobilization of resources and meeting emergency conditions in the island or islands served by the mayor.

h) The mayor shall administer government programs, public services, and appropriations provided by law, for the island or islands served by the mayor, and shall report quarterly to the governor, relating to these programs and services or appropriations.

i) The mayors of Rota, and Tinian and Aguiguan, shall appoint, in consultation with the head of the respective executive branch department and subject to confirmation by the municipal council, all resident department heads.

j) The mayor of Saipan and the islands north of Saipan shall appoint an executive assistant for the northern islands who shall be confirmed by the municipal council. The executive assistant shall promote the social and economic growth of the islands north of Saipan and coordinate local programs to advance those objectives.

k) The mayor shall perform such other responsibilities provided by Commonwealth law or municipal ordinance.

Section 4: Municipal Council

The qualified voters of each senatorial district shall elect a municipal council for their island or islands.

a) The municipal council shall consist of five members elected for a term of two years on a non-partisan basis as provided by Commonwealth law. A member shall be a United States citizen qualified to vote in the Commonwealth, at least twenty-five years of age, and a resident of the island or islands served by the council for at least three years immediately preceding the date on which the member takes office. Members of the municipal councils shall be elected at large. At such time as service on the municipal council for Saipan and the islands north of it becomes full time, the council shall include an *ex officio* member elected by the residents of the northern islands who shall be entitled to vote on matters directly affecting the northern islands pursuant to rules adopted by the municipal council.

b) In the case of a vacancy on the municipal council a special election shall be held if more than one-half of the term remains. Otherwise the mayor shall appoint within thirty days the unsuccessful candidate for the office in the last election who received the next highest number of votes and is willing to serve or, if no such candidate is available, the mayor shall appoint a candidate to be confirmed by the municipal council.

c) Council members shall be compensated for attendance at meetings as provided by law or ordinance and only from locally raised revenues in an amount recommended by the advisory commission on compensation provided for by article II, section 9, at such time as service on the council becomes a full time position.

Section 5: Responsibilities and Duties of the Municipal Council

a) The municipal council shall have the legislative authority with respect to local matters that affect only the island or islands served by the council. Such legislative authority may be exercised through the enactment of municipal ordinances that are not inconsistent with Commonwealth law and are approved by the mayor in accordance with procedures established by the council and mayor.

b) An ordinance or item, section or part of an ordinance vetoed by the mayor may be reconsidered by the council. The council shall have thirty days from the receipt of the mayor's veto message to reconsider the vetoed ordinance or item, section or part of an ordinance. If two-

thirds of the members vote upon reconsideration to pass the ordinance or the item, section or part of an ordinance, it shall become effective.

c) The municipal council shall confirm resident department heads and heads of local departments, agencies, boards and commissions nominated by the mayor.

d) Appropriation and revenue ordinances may be introduced in the municipal council. The council shall hold public hearings on all appropriation ordinances and on all ordinances involving taxation or revenue. Every expenditure of public funds must be authorized by an appropriation ordinance. The council shall not enact an ordinance that requires the expenditure of public funds without also appropriating the necessary funds. Locally raised revenues shall not be subject to appropriation or reprogramming by the legislature or the governor.

e) The municipal council shall review the budget proposed by the mayor for submission to the governor, approve those components that involve local funding and expenditures, and shall propose recommendations to be submitted by the mayor to the governor for inclusion in the governor's proposed annual budget.

f) The municipal council and the mayor through enactment of municipal ordinances shall have the authority to define the size and structure of the local government including the office of the mayor and any local departments or agencies established to serve the island or islands involved. No such local departments or agencies shall duplicate or supervise Commonwealth departments or agencies providing services in the senatorial district.

g) When a mayor is outside the Commonwealth or unable to discharge the duties of office by reason of physical or mental disability, the presiding officer of the municipal council shall be acting mayor. If the presiding officer is not available, another member shall be selected by the council to serve. If the mayor is unable to discharge the duties of office by reason of physical or mental disability the council shall declare a vacancy in the office within the meaning of section 2(b) of this article.

h) The council shall perform such other responsibilities provided by Commonwealth law or municipal ordinance.

Section 6: Governor's Council

The mayors elected under section 2 of this article, the executive assistant appointed under article III, section 18, and the chair of the council appointed under article III, section 20, shall comprise a council that shall advise the governor on government operations and local matters. The governor shall preside over the council which shall meet regularly or at least four times each

year to consider matters concerning the relationship between the Commonwealth and its separate islands.

Section 7: Funding of Local Government

a) The mayor, municipal council members and employees of their offices and of any local established departments, agencies, boards and commissions, shall be compensated and programs and services authorized by local government shall be funded as provided by law or ordinance. Personnel employed by local government entities and compensated in whole or part by Commonwealth funds appropriated by the legislature shall be subject to the same laws and regulations as other Commonwealth employees.

b) Commonwealth funding of local government shall not exceed the funding for local government in fiscal year 1996 until January 1, 1998, and thereafter shall be reduced by the amount of revenues raised locally as certified by the public auditor in each of the five succeeding years. The legislature may continue funding after these five years at a level that does not exceed those revenues raised locally in each senatorial district if the legislature finds after public hearings that (1) the local government has made all feasible efforts to raise revenues from local sources; (2) the local government has reduced the number of government employees compensated by Commonwealth funds substantially during the past six years; and (3) the local government has provided detailed and convincing support for continued Commonwealth funding for local government personnel and services.

c) The number of government employees who work for the mayor and municipal council in any of the three senatorial districts and are compensated with Commonwealth funds other than those appropriated to fund Commonwealth public services delegated to the mayor pursuant to article III, section 17, shall not exceed those employed in each senatorial district as of June 5, 1995.

ARTICLE VII: ELIGIBILITY TO VOTE AND HOLD OFFICE

Section 1: Qualifications of Voters.

A person is eligible to vote who, on the date of election, is eighteen years of age or older, is domiciled in the Commonwealth, is a resident of the Commonwealth and has resided in the Commonwealth for a period of time provided by law, is not serving a sentence for a felony, has not been found by a court to be of unsound mind, and is either a citizen or national of the United States. The legislature may require that persons eligible to vote to be citizens of the United States.

Section 2: Prohibition of Literacy Requirement.

A person may not be denied the right to vote because that person is unable to read or write.

Section 3: Felony Conviction.

Any person who has been convicted of a felony in the Commonwealth or in any area under the jurisdiction of the United States, which conviction has become final, shall be disqualified from seeking or holding any elective office or any appointed office that requires legislative confirmation under this Constitution.

ARTICLE VIII: ELECTIONS

Section 1: Regular General Election.

The regular general election of the Commonwealth shall be held on the first Saturday in November.

Section 2: Other Elections.

Other elections may be held as provided by law.

Section 3: Taking Office After Elections.

Officers elected at the regular general election shall take office on the second Monday of January of the year following the year in which the election was held.

Section 4: Resignation from Public Office.

An elected public official shall resign from office upon certification to be a candidate for another public office, if the term of the office sought begins before the end of the term of the office held.

ARTICLE IX: INITIATIVE, REFERENDUM AND RECALL

Section 1: Initiative.

The people may enact laws by initiative.

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

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

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

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

Section 2: Referendum.

The people may reject laws by referendum.

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

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

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

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

Section 3: Recall.

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

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

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

c) A recall petition certified by the attorney general shall be submitted to the voters within ninety days of certification.

d) A recall petition with respect to a Commonwealth official shall take effect thirty days after the date of the election if approved by a majority of the votes cast. A recall petition with respect to an official elected from or within a senatorial district shall take effect thirty days after the date of the election if approved by a majority of the votes cast in the senatorial district.

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

ARTICLE X: TAXATION AND PUBLIC FINANCE

Section 1: Public Purpose.

A tax may not be levied and an appropriation of public money may not be made, directly or indirectly, except for a public purpose. A public purpose is one that is directly related to the functions of government and benefits the people as a whole.

Section 2: Public Debt Authorization.

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

Section 3: Public Debt Limitation.

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

Section 4: Real Property Taxes.

No tax may be levied upon any owner-occupied single family residential, agricultural, or unimproved real property, unless approved by a majority of the votes cast in an election conducted in the senatorial districts in which the tax is to be levied.

Section 5: Deficit Retirement.

A deficit shall be retired within two fiscal years following the fiscal year in which it is incurred or within three years if the aggregate deficit exceeds ten percent of the Commonwealth's anticipated revenues for the next fiscal year. The governor shall submit a deficit retirement plan to the legislature pursuant to the provisions of article III, section 9 (a). Until the deficit is eliminated, Commonwealth funds shall not be used, directly or indirectly, to increase salaries or to fill any vacant positions or create any new positions, except for those requiring legislative confirmation, for division directors, or for vacancies that the governor certifies would jeopardize public health or safety and the legislature fills by joint resolution requiring a two-thirds vote of the members of each house. All resulting savings in personnel costs shall be applied toward retiring the deficit.

Section 6: Government Employment.

In the annual appropriations acts, the legislature shall establish ceilings on the number of persons that may be employed by each branch, department, agency, authority and public corporation of the Commonwealth to which public funds are appropriated.

Section 7: Control of Public Finance.

The Department of Finance or its successor department shall control and regulate the expenditure of public funds. The Secretary of Finance may be removed by the governor only for cause.

Section 8: Tax Rebate Trust Fund.

The percentage of income taxes collected that the Secretary of Finance anticipates will be necessary to provide tax rebates as provided by law shall be maintained in a trust fund and used only for tax rebates. Income from the trust fund shall go into the general fund.

Section 9: Taxpayer's Right of Action.

A taxpayer may bring an action against the government or one of its instrumentalities in order to enjoin the expenditure of public funds in violation of this Constitution. The court shall award costs and attorney fees to any person who prevails in such an action in a reasonable amount relative to the public benefit of the suit.

ARTICLE XI: COMMONWEALTH LANDS

Section 1: Public Lands.

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

Section 2: Submerged Lands.

The management and disposition of submerged lands off the coast of the Commonwealth shall be as provided by law.

Section 3: Other Public Lands.

The management and disposition of public lands other than those provided for by section 2 shall be the responsibility of the Marianas Land Bureau.

Section 4: Marianas Land Bureau.

There is hereby established the Marianas Land Bureau.

a) The bureau shall have five directors appointed by the governor with the advice and consent of the senate. The directors shall be held to strict standards of fiduciary care and shall administer the public lands and the affairs of the bureau for the benefit of the people of the Commonwealth who are of Northern Marianas descent. The directors shall serve terms of five years, with one term expiring each year, and shall serve not more than one term.

b) At least one director shall be a resident of each senatorial district, at least one shall be a woman and at least one shall be a representative of the Carolinian community. Each director shall be a citizen of the United States and a resident of the Commonwealth for five years immediately prior to appointment, shall have adequate knowledge of landholding practices, customs and traditions in the Commonwealth, and shall not hold any other government position.

c) The bureau shall have the powers available to a corporation under Commonwealth law and shall act only by the affirmative vote of a majority of the five directors.

d) The chair shall make an annual report in person to the people at a joint session of the legislature describing the management of the public lands and the nature and effect of transfers of interests in public land made during the preceding year and disclosing the interests of the directors in land in the Commonwealth.

Section 5: Fundamental Policies.

The bureau shall follow certain fundamental policies in the performance of its responsibilities.

a) The bureau shall use some portion of the public lands for a homestead and homestead housing program. A freehold interest in a grant may not be sold or subjected to lease for commercial purposes for twenty-five years after receipt. Other requirements relating to the program under this subsection shall be only as provided by the bureau.

b) The bureau may transfer a freehold interest in public lands only to a government agency for use for a public purpose after reasonable notice and public hearing and within two years of the date of the request.

c) The bureau may transfer a leasehold interest in public lands for commercial or other purposes after reasonable notice, an opportunity for competing bids, and public hearing. A leasehold interest shall not exceed forty years including renewal rights and shall expire within

three years if the commercial purpose is not accomplished. Leasehold interests of more than twenty five-years, or more than five hectares, shall be submitted to the legislature. The legislature acting in a joint session may approve or reject, but may not alter, the lease presented by the bureau. If the legislature fails to act within sixty calendar days, the lease is deemed approved.

d) The bureau shall administer the public lands in accordance with a comprehensive land use plan with respect to public lands including priority of uses and shall adopt or amend the plan only after reasonable notice and public hearing.

e) The bureau shall receive all moneys from the public lands and shall transfer these moneys promptly to the Marianas Public Land Trust except that the bureau may retain and expend the amount necessary to meet reasonable expenses of administration, costs of programs under section 5(a) and maintenance of the permanent preserves under section 6 in accordance with a budget approved by the legislature and the governor.

Section 6: Permanent Preserves.

a) There are hereby established permanent preserves to be used for cultural and recreational purposes, to preserve wildlife and medicinal and other plant life, and to conserve water resources. No land designated as a preserve may be sold or dedicated to any private use in any way.

b) Managaha Island, Isleta Maigo (Bird Island), and Isleta Maigo Luao (Forbidden Island) in the third senatorial district are permanent preserves which shall be maintained as uninhabited places used only for cultural and recreational purposes.

c) Public lands located within one hundred and fifty feet of the high water mark of a sandy beach are permanent preserves which shall be maintained as uninhabited places with no structures other than facilities for public recreational purposes.

d) Public lands directly contiguous in any way to any beach are permanent preserves unless exempted by the bureau before December 31, 1997.

e) Public lands five hundred feet or more above sea level are permanent preserves unless exempted by the bureau before December 31, 1997.

f) Public lands included in the Kagman wildlife conservation area, the Naftan wildlife conservation area, the Chenchun bird sanctuary, and the Katan Afato wildlife conservation area are permanent preserves upon which no permanent structures may be built and as to which no leases may be made.

g) Public lands in the sabana area of Rota are permanent preserves to be used for community farming, conservation, bird and wildlife preservation, recreation, and as provided by the bureau under section 5(a).

h) At least one hundred contiguous hectares of any land in Tinian under military lease and returned to the Commonwealth shall be designated as a permanent preserve by the bureau.

i) Other permanent preserves may be designated by the bureau.

Section 7: Land Titles.

The bureau is vested with jurisdiction to investigate, survey, consider, adjudicate, and resolve land titles.

Section 8: Marianas Public Land Trust.

There is hereby established the Marianas Public Land Trust.

a) The trust shall have five trustees appointed by the governor with the advice and consent of the senate, who shall be held to strict standards of fiduciary care. At least one trustee shall be a resident of each senatorial district, at least one trustee shall be a woman and at least one trustee shall be a representative of the Carolinian community. Trustees may not hold government positions while serving as trustees. The trustees shall serve terms of five years, with one term expiring each year, and shall serve not more than two terms.

b) The trustees shall make reasonable, careful and prudent investments. Up to forty percent of the assets may be invested in fixed income securities purchased in the United States with a high rating for quality and security. Up to sixty percent of the assets may be invested in equities purchased in companies listed on the United States stock exchange with the highest requirements for listing. Investment in cash and cash equivalents is authorized if investment counsel and trustees deem it appropriate. The trustees have the sole power to approve investment of trust assets.

c) The trustees may fund or guarantee mortgages and loans permitted under section 5(a) and the maintenance of the permanent preserves authorized under section 6 to an amount not to exceed forty percent of interest income each year and may retain the amount necessary to meet reasonable expenses of administration. The remainder of the interest income shall be remitted to the general fund to be appropriated by the legislature for the council on indigenous affairs and capital improvement projects as deemed appropriate.

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

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

ARTICLE XII: RESTRICTIONS ON ALIENATION OF LAND

Section 1: Alienation of Land

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

Section 2: Acquisition

The term acquisition used in section 1 includes acquisition by sale, lease, gift, inheritance or other means except a transfer by inheritance or gift to a child or grandchild or a person not of Northern Marianas descent who was adopted before age six, a transfer by inheritance to a spouse who is not of Northern Marianas descent as provided by law, and a transfer to a mortgagee by means of foreclosure if the mortgagee is a full service bank, federal agency or governmental entity of the Commonwealth and does not hold the permanent or long-term interest in real property for more than ten years after foreclosure.

Section 3: Permanent and Long-Term Interests in Real Property

The term permanent and long-term interests in real property used in section 1 includes freehold interests and leasehold interests of more than fifty-five years including renewal rights and related obligations.

Section 4: Persons of Northern Marianas Descent

A person of Northern Marianas descent is a person who is a citizen or national of the United States and who is of at least one-quarter Northern Marianas Chamorro or Northern Marianas Carolinian blood or a combination thereof. For purposes of determining Northern Marianas descent, a person shall be considered to be a full-blooded Northern Marianas Chamorro or Northern Marianas Carolinian if that person was born or domiciled in the Northern Mariana

Islands by 1950 and was a citizen of the Trust Territory of the Pacific Islands before the termination of the Trusteeship with respect to the Commonwealth.

Section 5: Corporations

A corporation shall be considered to be a person of Northern Marianas descent so long as it is incorporated in the Commonwealth, has its principal place of business in the Commonwealth, has directors at least fifty one percent of whom are persons of Northern Marianas descent over the age of twenty-one years who actually, completely, and directly govern the affairs of the corporation, and has voting shares at least fifty one percent of which are actually, completely, and directly owned and voted by persons of Northern Marianas descent.

Section 6: Enforcement

Any transaction made in violation of section 1 shall be voidable. If a corporation is divested of land for violation of section 1, the land shall be forfeited to the government. The attorney general shall establish an office to assist landowners, to monitor land transfers and to assist in enforcing this article. Any action challenging a transaction shall be filed within six years of the transaction.

ARTICLE XIII: EMINENT DOMAIN

Section 1: Eminent Domain Power.

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

Section 2: Limitations.

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

ARTICLE XIV: NATURAL RESOURCES

Section 1: Marine Resources.

The marine resources in waters off the coast of the Commonwealth over which the Commonwealth now or hereafter may have any jurisdiction shall be managed, controlled, protected and preserved by the legislature for the benefit of the people.

Section 2: Uninhabited Islands.

The islands of Maug, Uracas, Asuncion, Guguan and other islands specified by law shall be maintained as uninhabited places and used only for the preservation and protection of natural resources, including but not limited to bird, wildlife and plant species.

Section 3: Places and Things of Cultural and Historical Significance.

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

Section 4: Natural Resources.

The mineral, water and other natural resources located on or beneath public lands shall be managed, controlled, protected and preserved by the legislature for the benefit of the people.

Section 5: Royalties and Fees.

Royalties and other fees paid to the Commonwealth with respect to resources protected by this article shall be shared with the municipalities at the rate of five percent.

ARTICLE XV: GAMBLING

Gambling is prohibited in the Northern Mariana Islands except in any senatorial district when approved in a popular initiative by the affirmative vote of two-thirds of the persons qualified to vote in that district. This article does not prohibit gambling activities in the Commonwealth to the extent authorized by law on June 5, 1995.

ARTICLE XVI: CORPORATIONS

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

ARTICLE XVII: ETHICAL STANDARDS

A public office is a public trust. The people of the Commonwealth expect that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, avoid the appearance of impropriety, and not use their

position for private gain or advantage. Each branch of government shall ensure that appropriate laws and regulations are enacted to enforce these standards.

ARTICLE XVIII: CONSTITUTIONAL AMENDMENT AND MUTUAL CONSENT

Section 1: Amendment by Popular Initiative.

The people may propose constitutional amendments by initiative. An initiative petition shall contain the full text of the proposed amendment. The petition shall be signed by at least thirty percent of the persons qualified to vote in the Commonwealth and at least twenty-five percent of the persons qualified to vote in each senatorial district.

Section 2: Amendment by Constitutional Convention.

An initiative petition may submit to the voters the question, "Shall there be a constitutional convention to propose amendments to the Constitution?" The petition shall be signed by at least thirty percent of the persons qualified to vote in the Commonwealth and at least twenty-five percent of the persons qualified to vote in each senatorial district. An initiative petition for this purpose may not be used until the year 2021.

Section 3: Mutual Consent.

Consent by the government of the Commonwealth to amendment of any fundamental provision of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America protected by the mutual consent requirement of section 105 of the Covenant shall be communicated to the United States and bind the Commonwealth only after the proposed amendment to the Covenant has been approved within sixty days by a vote of three-fourths of the members of each house of the legislature after public hearings and adequate information about the position of the United States as to its consent, approved by the governor, and ratified by the people in accordance with section 4 of this article. If the legislature has not acted within sixty days, the proposed amendment shall be deemed approved by the legislature.

Section 4: Ratification.

a) An initiative petition or a proposed consent to a change in the Covenant shall be filed with the attorney general for certification that the requirements of this article have been met and that, if approved, there are no direct conflicts with provisions of the constitution not amended.

b) A proposed constitutional amendment by initiative petition or a proposed consent to a change in the Covenant certified by the attorney general shall be submitted to the voters for ratification at the next regular general election that is held at least ninety days from the date the petition has been certified or at a special election provided by law and shall become effective if approved by at least sixty percent of the votes cast.

c) If the calling of a constitutional convention is approved, the legislature shall convene a convention promptly which shall be organized under rules enacted by the convention. The number of delegates to the convention shall be equal to the number of members of the legislature. No person holding an elected office may be a delegate. Delegates to the convention shall be elected on a non-partisan basis. Constitutional amendments proposed by a convention shall be submitted to the voters at the next regular election that is held at least ninety days from the end of the convention or at a special election provided by law and shall become effective if approved by a majority of the votes cast or such higher requirement as provided by the convention.

d) If a constitutional amendment or consent of the Commonwealth is approved by the voters, it shall become effective immediately or as provided in the text approved by the voters.

ARTICLE XIX: COMMONWEALTH UNITY

Section 1: Oath of Office.

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

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

Section 2: Official Seal.

The official seal of the Commonwealth shall consist of a circular field of Marianas Trench blue having in its center a white star superimposed on a gray latte stone, surrounded by the traditional Carolinian mwaar consisting of the following flowers: langilang, flores mayo, angagha, and teibwo, on the outer border, and the words encircling the mwaar, "Commonwealth of the Northern Mariana Islands" and "1978."

Section 3: Official Flag.

The official flag of the Commonwealth shall consist, on both sides of a rectangular field of blue, a white star in the center, superimposed on a gray latte stone, surrounded by the traditional Carolinian mwaar. The dimension of the flag, the mwaar, the star and latte stone shall be provided by law.

Section 4: Official Languages.

The official languages of the Commonwealth shall be Chamorro, Carolinian and English, as deemed appropriate and as enforced by the legislature. The legislature may provide that government proceedings and documents shall be in at least one of the three languages. This section shall not be subject to judicial review.

Section 5: Capital.

Saipan shall be the capital of the Commonwealth.

SCHEDULE ON TRANSITIONAL AND RELATED MATTERS

Section 1: Transition with Respect to Article II, Legislative Branch.

Upon the effective date of article II, the existing legislature, its members, presiding officers and employees, and the legislative bureau, its director and employees, and all laws and regulations affecting the legislature and the legislative bureau shall continue to exist and operate as if established pursuant to article II, and shall, unless clearly inconsistent, be read to be consistent with this article II. Sections 2 and 3 shall be implemented in connection with the first general election following ratification of this amendment. Three senate seats, one from each district, will be contested in the 1995 general election. The three remaining senate seats, one from each district, shall be contested in the 1997 general election. Sections 15 and 16 shall be implemented in fiscal year 1998, beginning January 1, 1998. The term of the person serving as director of the legislative bureau when the amendment to section 16 becomes effective shall expire May 1, 1998.

To the extent that employees of the legislative bureau become part of the civil service under article III, section 16, and become scheduled to receive automatic annual salary increases, the budget of the legislative bureau for the fiscal year shall be further increased annually by the amount by which the total of such scheduled increases for all affected personnel during that fiscal year is greater than the total adjustment in the salaries of all affected personnel under article II, section 15(e). In any year in which there is no adjustment under article II, section 15(e),

the budget for the legislative bureau shall be increased annually by an amount equal to the total of such scheduled automatic salary increases for all affected personnel.

Section 2: Transition with Respect to Article III, Executive Branch.

a) Section 13: Education.

(1) The existing board of education shall remain in operation and shall continue to have all of its current powers, duties and responsibilities until the second Monday in January of 1998 when it shall cease to exist.

(2) The members of the local school boards shall be elected at the general election held in November 1997 and shall take office on the second Monday in January of 1998. Members of the current board of education may run for a local school board position.

(3) On or after the second Monday in January of 1998 the governor shall appoint the secretary of education provided for in these amendments. On the second Monday in January of 1998, the office of commissioner of education shall cease to exist and the office of secretary of education shall come into existence. Upon the effective date of these amendments, the governor shall appoint a representative to work with the board of education and the commissioner to ensure an effective transition.

(4) The governor may appoint as secretary of education the current commissioner of education or any other qualified person. The statutory requirements applicable to the commissioner of education that are consistent with this section 13 continue in force and are applicable to the secretary of education.

(5) The existing schools; their principals, teachers, and employees; all existing policies of the education system; and all laws, regulations and rules affecting the education system shall continue to exist and operate as if established pursuant to this article III, section 13, insofar as consistent with this article III, section 13 and section 16.

(6) The secretary of education, appointed pursuant to this article III, section 13, shall provide for the transition of administrative functions to the individual schools as the interests of economy and efficiency and the capability of the schools and local school boards permit. The office of the secretary shall act as the state and local educational agency for purposes of federal and other outside funding. The legislature may review the transition process and act in respect to the transition if, in the opinion of the legislature, the board of education is not making adequate provisions for an effective transition.

(7) The Northern Marianas College, its president, its board of regents, its policies and regulations, and its autonomy remain as provided by law and are unaffected by these amendments.

b) Section 16: Civil Service Commission.

(1) The current terms of civil service commission members shall not be changed under the amendment to section 16. As these terms expire the provisions of section 16 shall come into force. The first and second terms to expire will create vacancies that shall not be filled. This will reduce the size of the commission from seven members to five members. As the remaining terms expire, the terms of the new appointees shall be five years as provided in section 16.

(2) The decreased size of the civil service commission shall not disturb the legislative requirements for representation from Rota, Tinian, Carolinian and other constituencies. As the commission moves from seven positions to five positions, those requirements shall continue in force.

(3) Positions that have been specified by the legislature as outside the civil service system and that qualify as professional, managerial, educational, overseas, or elected officials' personal staff positions shall remain outside the civil service system after the effective date of this amendment. The civil service commission has no authority over these positions. Positions that have been formerly specified by the legislature as outside the civil service system but that under the amended section 16 are within the civil service system shall be incorporated into the system as provided by the civil service commission.

(4) Positions that have been specified by the legislature or the civil service commission as within the civil service system, but outside the classification system, shall remain in that status until changed by the civil service commission.

(5) Nothing in these amendments shall impair rights in contracts existing on August 4, 1995. Contracts that specify excepted status or exempt status as those terms were used prior to this amendment shall continue in force under the former use of these terms until expiration of the contracts. Employment contracts that do not fall under an excepted class are subject to the policies and standards promulgated by the civil service commission.

c) Section 19: Retirement System.

(1) All additional benefits currently awarded to former elected officials and judges and not awarded to other participants in the retirement fund shall not be paid out of retirement fund assets.

(2) The additional five year credit for retirement eligibility given fund members with twenty years service shall expire on December 31, 1996, except for those fund members who have accumulated at least three years of vested service credit as of the expiration date..

d) Section 20: Council for Indigenous Affairs.

(1) Two of the first five members of the council for indigenous affairs provided under section 20 shall be selected by lot to serve terms of two years.

(2) Within ninety days of the appointment of the council for indigenous affairs the duties and responsibilities of the resident executive for indigenous affairs, the language commission and the council for arts and culture shall be transferred to the council for indigenous affairs as well as their personnel, office space, furniture and fixtures, and funding.

e) Former Section 22: Special Assistant for Women's Affairs.

The Office of the Special Assistant for Women's Affairs shall continue its present operations for twelve months after the effective date of the amendment deleting section 22 and beyond that as provided by executive order or law.

Section 3: Transition with Respect to Article IV, Judicial Branch.

Upon the effective date of article IV, as amended, the existing supreme court, its justices and employees; the existing superior court, its judges and employees; all existing administrative policies of the judicial branch; all existing rules of the courts; all cases pending in either court; and all laws, regulations, and rules affecting the judiciary shall continue to exist and operate as if established pursuant to this article IV, and shall, unless clearly inconsistent, be read to be consistent with this article IV. The supreme court may exercise its rule-making authority in any area granted by this article IV now occupied by statute. When the supreme court acts within its rule-making authority, any statute covering the same subject matter is no longer in effect. The appointment and term of office of all special judges shall end on the effective date of this amendment.

Section 4: Transition with Respect to Article VI, Local Government.

The Mayor of the Northern Islands and all employees of that office shall continue in office until the end of the term.

The mayor and members of the municipal councils shall be empowered to act in accordance with article VI upon its ratification. A special election to select additional members

of the municipal council shall be held in each senatorial district within sixty days after the article's ratification.

Section 5: Transition with Respect to Article X, Taxation and Public Finance.

In the event there exists a deficit on the date section 5 becomes effective, the hiring and salary restrictions in this section shall not become effective until the start of the next fiscal year. Within five years of the effective date of this article, the legislature shall consider whether to enact legislation limiting the amount of damages that are recoverable in litigation against a private party. Any taxpayer's action filed under section 9 pending on the day section 9 becomes effective shall proceed under the former section 9 as if it had not been amended.

Section 6: Transition with Respect to Article XI, Commonwealth Lands.

a) Leases of public lands after August 4, 1995 shall be in accordance with all of the requirements of this article XI. Such leases not in compliance with this article XI are void.

b) Upon the effective date of these amendments, the existing departments and agencies with responsibilities for land matters covered by article XI and all their employees shall continue to exist as reorganized under article XI; all rules, regulations and administrative policies shall continue to exist and remain in effect to the extent consistent with article XI; and all pending matters shall continue as provided herein.

c) Upon ratification of these amendments, all laws pertaining to the homestead program, land exchanges and other land programs shall remain in effect until such time as they are inconsistent with a rule or regulation adopted by the bureau. Rules and regulations adopted by the bureau within its jurisdiction supersede existing legislation.

d) Determinations to exempt lands from the permanent preserves covered by section 6(d) and (e) shall be made as to individual parcels; determinations may not be made as to all such parcels as a group.

e) The governor shall specify, in appointing directors of the Marianas Land Bureau, which directors have terms expiring each year.

f) Nothing in these amendments shall impair rights in contracts existing on August 4, 1995.

Section 7: Transition with Respect to Article XII, Restrictions on Alienation of Land.

a) Nothing in these amendments shall impair rights in contracts existing on August 4, 1995.

b) Upon the effective date of these amendments, article XII, section 2, shall have retroactive effect.

c) Upon the effective date of these amendments, article XII, section 3, section 4 and section 5, shall have prospective effect.

d) Upon the effective date of these amendments, article XII, section 6, shall apply in all pending proceedings other than those in which a final judgment, not subject to further appeal, has been entered.

Section 8: General Transitional Provisions.

a) Except as provided in this Schedule, amendments to the Constitution shall take effect immediately after ratification by the voters.

b) Laws in force in the Commonwealth on the day preceding the effective date of any constitutional amendment that are consistent with the Constitution as amended shall continue in force until they expire or are amended or repealed.

c) Any amendment proposed by this Convention that is submitted to the people for ratification at the same election as an amendment proposed by the legislature that relates to the same subject shall supersede the legislature's amendment if both are ratified irrespective of the number of votes each amendment receives. The legislature shall make no law inconsistent with this provision or that otherwise interferes with the right of the people to vote on the amendments proposed by the Convention. No amendments to the Constitution by legislative initiative shall be presented to the voters at the November 1995 general election or subsequently, other than House Legislative Initiative 9-1, until the people have had an opportunity to decide whether the legislature should continue to have this authority.

d) These transitional provisions shall remain in effect until their terms have been executed. Once each year the attorney general shall review the foregoing provisions and certify to the governor which have been executed. Any provisions so certified shall be removed from this Schedule and no longer published as an attachment to the Constitution. The attorney general shall publish each certification in a newspaper of general circulation.

Herman F. Guerrero
Herman F. Guerrero, President

Tomas B. Aldan
Tomas B. Aldan

Vicente S. Aldan
Vicente S. Aldan

Marian Aldan-Pierce
Marian Aldan-Pierce

Frances LG. Borja
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Donald B. Mendiola
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Justo S. Quitigua
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Juan S. Tenorio
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Lillian A. Tenorio
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Joaquin P. Villagomez
Joaquin P. Villagomez

Attested:

John Oliver DLR. Gonzales, Secretary
John Oliver DLR. Gonzales, Secretary