

Sept 1, 1995

THIRD CONSTITUTIONAL CONVENTION REPORT

To The People of Rota:

The Commonwealth of the Northern Mariana Islands Third Constitutional Convention has come to a close and I thank you for giving me the opportunity to serve and represent you in this Convention. I am pleased to report to you the major amendments adopted by the Convention. The amendments will be presented to the voters of the CNMI to be voted for or voted against.

Again, thank you for giving me the opportunity to represent you and the island of Rota in this historic endeavor.

Si Yuus Maase',

Justo S. Quitugua - Tutu/JQ
Delegat

EXECUTIVE BRANCH

STATE OF THE COMMONWEALTH REPORT

VETO

- Require the Governor to return a vetoed bill to the legislature within five working days.

The Governor is to include explanations of why the bill was vetoed.

APPOINTMENT TO VACANCY

- Require that the Governor appointment a replacement to a vacant seat in the legislature no later than twenty days after the vacancy occurs.

The seat vacated must have less than half the term remaining.

- Require the Governor to make a report on the state of affairs of the Commonwealth in a joint session of the legislature.

The Governor must make the report in person and the report must be made at least once each year.

STATE OF EMERGENCY

- Authorize the Governor to declare a State of Emergency.

Require that the Governor make a report to the legislature within thirty days after such an action is taken.

LEGISLATIVE BRANCH

TERMS OF OFFICE IN THE LEGISLATURE

- Reduce the members of the Senate to six from the current nine members and give the Lieutenant Governor the authority to vote in the event of a tie.

- Reduce the members of the House of Representatives to thirteen from the current eighteen.

Eleven of the members would come from Saipan and the islands north of it. One member would come from Tinian and Aguiguan and one member would come from Rota.

All members will be elected at large.

All the members would serve in the office for four years.

OPERATION OF THE LEGISLATURE

- Allocate \$70,000 to each member of the legislature and an additional \$50,000 to the majority leader and an additional \$30,000 to the minority leader of each house.

- Prohibit the use of the legislature's budget for personal or political activities.

CONFIRMATION OF APPOINTED OFFICIALS

- Require that executive department heads be confirmed by the Senate within 60 days after the Senate receives the Governor's nomination.

If the Senate fails to take action within the 60 days, the Governor's nominee will be deemed confirmed.

NO LEGISLATIVE INITIATIVE

- Allow the Constitution to be amended only by popular initiative or through a Constitutional Convention. This changes the current ability of the legislature to change the Constitution through legislative initiative.

UNFUNDED MANDATES

- Not allow the legislature to enact a law that requires the expenditure of public funds without also appropriating the funds necessary to fund the law.

DISCIPLINE AND RECALL OF ELECTED OFFICIALS

- Allow the legislature to discipline a member for reasons specified by a vote of two-thirds. This is reduced from the current required vote of three-fourths.

- Prohibit any person convicted of a felony from holding any elected or appointed office that requires legislative confirmation.

- Require that to recall an elected official there needs to be a vote to recall by at least 20% of the persons qualified to vote for the office of the official whose recall is being sought. This is a change from the current requirement of 40%.

JUDICIAL BRANCH

TERMS OF OFFICE AND PROVISION FOR ELECTION

- Provide powers for the judicial branch to operate as the third branch of government. Judges are to serve six year terms and Justices are to serve twelve year terms.

- Provide the people with the opportunity to decide in a general election whether to retain appointed Judges or Justices. This election must take place before the expiration of the first appointed term for the Judge or Justice.

ADVISORY OPINIONS

- Require that the Supreme Court provide an advisory opinion which is final and binding regarding any dispute between an elected or Governor appointed official and another elected or appointed official about the existence of powers or responsibilities under the Constitution or any statute.

LOCAL GOVERNMENT

MAYOR

- Give the Mayor of each island executive authority with respect to local matters which affect only the island or islands served by the Mayor.

The Mayor's authority must be consistent with municipal ordinances enacted by the Municipal Council and must also be consistent with Commonwealth laws.

The Mayor may propose ordinances relating to local matters but these proposed ordinances must be enacted by the Municipal Council.

The Mayor may veto any ordinance enacted by the Municipal Council.

MUNICIPAL COUNCIL

- Increase the number of Municipal Council members to five from the current three and give the Municipal Council legislative authority with respect to local matters which affect only the island or islands served by the Municipal Council.

FUNDING

- Change the funding of the employees in the offices of the Mayor and the Municipal Council so that the Commonwealth funds appropriated will be reduced over a period of five years starting January 1, 1998.

The reduction of funds will be based on local revenues collected and matching Commonwealth funds.

The legislature is able to continue to fund these offices after five years.

- Provide that 5% of the royalties and fees derived from any natural resources within a particular municipality remain with that municipality.

ADDITIONAL AMENDMENTS

EDUCATION

- Amend the current elementary and secondary education provision in the Constitution and replace it with a provision which requires the Governor to appoint a Secretary of Education who is to be approved by the Senate.

- The Secretary of Education is to be responsible for making educational policies and standards for the Commonwealth.

- Each Senatorial district will have an elected board with five members who will be responsible for administration and instruction in the local schools in each district.

CIVIL SERVICE

- Strengthen the civil service to protect all government employees except employees whose positions have been identified by the legislature as not protected.

COUNCIL FOR INDIGENEOUS AFFAIRS

- Establish a Council for Indigeneous Affairs with five members appointed by the Governor and confirmed by the Senate.

Funding for this office is to come from Marianas Public Land Trust funds.

Part of the funds are to be used for scholarships, medical referral, housing programs and other activities as identified in the Constitution.

**LAND ISSUES
AND
ARTICLE XII**

- Reestablish MPLC in the Constitution as the Marinas Lands Bureau with five directors confirmed by the Senate.

The Bureau's authority is to be strengthened and legislative interference is to be reduced.

- Reserve certain public lands for cultural, recreational, wildlife and medicinal purposes.
- Allow children of non NMI descent adopted under the age of six to inherit land from their adopted parents or be given land as a gift from their adopted parents.

Children of non NMI descent adopted under the age of eighteen are no longer eligible to receive homesteads.

- Allow parents or grandparents of NMI descent to pass on their private properties to their children or grandchildren even if the children or grandchildren no longer meet the NMI descent requirement. This will allow private lands to remain within the family.
- Requires that at the end of the 55 year lease, the land goes back to the owner with no restrictions or strings attached.
- Require that a corporation, in order to own land, must have 51% of its owners be of NMI descent and qualified to own land. This is consistent with the 1976 Constitution.
- Change the word *void ab initio* meaning "void from the beginning" to *voidable*. This change gives the courts flexibility in deciding Article XII cases.

BALANCED BUDGET

- Require that the government deficit be retired (reduced to \$0) within two fiscal years from the year in which it was incurred.

If the deficit is not eliminated within two years, salary increases, filling vacancies or creating new positions will not be allowed except where those positions may jeopardize the public's health or safety.

GAMBLING

- Provide that gambling be prohibited in the CNMI unless it is approved in a senatorial district through popular initiative which requires two-thirds of the persons qualified to vote in that district to vote to allow gambling.

**RENEGOTIATING THE
COVENENT**

- Provide a mechanism to renegotiate provisions in the Covenant with the United States that the CNMI people wish to change.

**CONSTITUTIONAL
CONVENTION**

- The next Constitutional Convention will in the year 2021 if the people vote to have one.

Si Yuus Maase' pot i oportunitat nai ennai-yo para bai hu representa hamyo gi este i monhayan na Concon. I tinelaika nai marekomenda gi tres na Concon seimpre umabota nai taotao para umaaksepta pat ti para umaaksepta.