

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Former Article 20 has been renumbered as Article 3, Section 16 and changed as discussed there.

Former Article 21 has been renumbered as Article 15.

Former Article 22 has been renumbered as Article 19.

The Schedule on Transitional and Related Matters contains Section 8 covering general transition requirements. It provides:

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that are consistent with the Constitution as amended shall continue in force until they expire or are amended or repealed.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.

BALLOT EXPLANATION

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE THIRD NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

Each of the 19 proposed amendments to the Constitution of the Commonwealth of the Northern Mariana Islands submitted to the people for ratification covers a single article of the Constitution. Each article to which the Constitutional Convention has proposed changes is set out in full in this booklet together with a description of the proposed changes. The full Analysis of the Constitution is available from the Post-Convention Committee.

AMENDMENT NO. 19

AMENDMENT TO FORMER ARTICLE 22: OFFICIAL SEAL, FLAG AND LANGUAGES

DESCRIPTION OF CHANGES PROPOSED BY THE CONSTITUTIONAL CONVENTION

Former Article 19 has been renumbered as Article 17.

Title: The title of former Article 22 has been changed from "Official Seal, Flag and Languages" to "Commonwealth Unity."

Section 1: None (This is former Article 17, Section 1.)

Section 2: The date "1978" has been substituted for the words "official seal" on the official seal. The color Marianas Trench blue has been specified for the seal.
(This is former Article 22, Section 1.)

Section 3: None (This is former Article 22, Section 2.)

Section 4: None (This is former Article 22, Section 3.)

Section 5: This specifies that Saipan is the capital of the Commonwealth. (This is new.)

Amendment No. 11
Amendment to Article 11: Commonwealth Lands..

Amendment No. 12
Amendment to Article 12: Restrictions on Alienation of Land

Amendment No. 13

Amendment No. 14
Amendment to Article 14: Natural Resources

Amendment No. 15
Amendment to former Article 21: Gambling

Amendment No. 16

Amendment No. 17
Amendment to former Article 19: Ethics

Amendment No. 18
Amendment to Article 18: Constitutional Amendment ..

Amendment No. 19
Amendment to former Article 22: Commonwealth Unity

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Former Section 2(a) which permitted the legislature to call a constitutional convention has been deleted entirely.

Former Section 2(a) provided: The legislature, by the affirmative vote of a majority of the members of each house, may submit to the voters the question, "Shall there be a constitutional convention to propose amendments to the Constitution?" The legislature, or the governor in the event the legislature fails to act, shall submit this question to the voters at a regular general election no later than 100 years after the question was last submitted and as provided by law. An act of the legislature under this subsection may not be vetoed by the governor.

Section 4(c): If the voters approve the calling of a constitutional convention by a majority vote, the legislature convenes a convention which operates under prescribed rules: election on a non-partisan basis; no elected officials may run; the convention enacts its own rules. Amendments proposed by constitutional convention are submitted to the voters at an election at least 90 days from the end of the convention, and are approved by a majority of the voters (unless the convention's rules provide for a larger majority). (This combines and amends former Section 2(b), Section 2(c), 2(d), and 5(b).)

Section 4(d): A constitutional amendment approved by the voters becomes effective immediately, or as provided in the text approved by the voters. (This is new.)

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

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.

**DESCRIPTION OF CHANGES PROPOSED
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Section 2: A constitutional convention may not be called for 25 years (until the year 2021). Increase the number of signatures required on a petition to call a constitutional convention from 25% to 30% of the qualified voters. Delete the provision for calling of a constitutional convention by the voters in one senatorial district. (This amends former Section 2(b).)

Former Section 3, which allowed the legislature to call a constitutional convention, has been deleted entirely.

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

Section 3: Provides that mutual consent to changes in the Covenant can be accomplished only by enactment by the legislature, approval by the governor, and ratification by the people. This is new.

Section 4(a): Requires the Attorney General to certify that there are no conflicts between the proposed constitutional amendment or mutual consent provision and articles of the constitution that are not amended. (This is former Section 4(b).)

Section 4(b): Adds requirement that the election at which a constitutional amendment proposed by popular initiative is submitted to the voters be at least 90 days after certification by the Attorney General; and changes the approval requirement to 60% of the votes cast. (This amends former Section 4(b) and Section 5(b).)

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Article 1 (continued)

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.

AMENDMENT NO. 15

AMENDMENT TO FORMER ARTICLE 21: GAMBLING

DESCRIPTION OF CHANGES PROPOSED BY THE CONSTITUTIONAL CONVENTION

Former Article 15 on education has been deleted. It has been replaced by Article 3, Section 13.

Article 15 on gambling prohibits casino gambling except as authorized by popular initiative in individual senatorial districts. (This amends former Article 21, which has been renumbered, and authorized the legislature to permit casino gambling.)

Article 16 on corporations has not been changed.

Former Article 17 on oath of office has been moved to Article 19, Section 1.

Article 17 on ethical standards requires all public employees to avoid appearances of impropriety and not to use their positions for private gain. (This is former Article 19, which has been renumbered.)

Article 18, former Section 1 has been deleted entirely because the format of Article 18 has been changed and it is no longer needed. Former Section 1 provided:

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

Article 18, Section 1: Decrease the number of signatures required on a petition to amend the Constitution by popular

AMENDED CONSTITUTION AS PROPOSED BY THE CONSTITUTIONAL CONVENTION

Article 1 (continued)

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.

AMENDMENT NO. 14

AMENDMENT TO ARTICLE 14: NATURAL RESOURCES

DESCRIPTION OF CHANGES PROPOSED BY THE CONSTITUTIONAL CONVENTION

Section 1: Delete reference to United States law as defining jurisdiction over which the Commonwealth asserts its claim to marine resources.

Section 2: Delete reference to Managaha. That is now covered under Article 11, Section 6(b) which covers permanent preserves on or adjacent to inhabited islands that are set aside for public uses. This section covers uninhabited islands.

Section 3: None

Section 4: Allocates 5% of royalties and fees from natural resources on or beneath public lands to local governments. This is new.

AMENDED CONSTITUTION AS PROPOSED BY THE CONSTITUTIONAL CONVENTION

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.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Section 1: None

Section 2: None

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Article II (continued)

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.

**DESCRIPTION OF CHANGES PROPOSED
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Section 5: Impose a "control" test for determining whether corporations qualify as persons of Northern Marianas descent: to qualify a corporation must have owners and directors 51% of whom are persons of Northern Marianas descent and who "actually, completely, and directly" control the corporation.

Section 6: Change the standard from "void ab initio" to "voidable" to allow the courts discretion in determining when persons of Northern Marianas descent who bought land in good faith should be allowed to keep their land. Add a 6-year statute of limitations so that transactions may not be challenged in court after six years have passed unless there has been fraud or a disability that kept the person with the cause of action from bringing it. Add an office in the Attorney General's office to assist landowners, monitor land transactions, and assist in enforcing Article 12 to ensure that ownership of land remains in the hands of persons of Northern Marianas descent.

The Schedule on Transitional and Related Matters contains Section 7 that covers the transition to the new provisions in Article 12. It provides:

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.

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Article II, Section 4 (continued)

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).

AMENDMENT NO. 12

AMENDMENT TO ARTICLE 12: RESTRICTIONS ON
ALIENATION OF LAND

DESCRIPTION OF CHANGES PROPOSED BY THE CONSTITUTIONAL CONVENTION

Section 1: None

Section 2: Allow transfers by gift or inheritance to children or grandchildren who do not meet the 25% Northern Marianas descent requirement. Allow transfers by gift or inheritance to adopted children who are not of Northern Marianas descent if adopted before the age of 6 years. Allow transfers to spouses who are not of Northern Marianas descent to the extent permitted by the legislature.

Section 3: Add limitation on related obligations of a landowner to a leasehold owner that would in effect extend a lease beyond 55 years; these obligations (such as buy-back clauses and required successive leases) are not permitted.

Section 4: Delete reference to adopted children in the definition of persons of Northern Marianas descent. Adopted children do not become persons of Northern Marianas descent by reason of adoption, and are not eligible for public lands. They may inherit family lands under Section 2.

AMENDED CONSTITUTION AS PROPOSED BY THE CONSTITUTIONAL CONVENTION

Article II (continued)

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.

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**DESCRIPTION OF CHANGES PROPOSED
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The Schedule on Transitional and Related Matters contains Section 6 which covers the transition to the new constitutional provisions with respect to public lands. It provides:

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.

**AMENDED CONSTITUTION AS PROPOSED
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Article II (continued)

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.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Section 8(a): Decrease term of office of trustees from 6 to 5 years. Add term limit of two terms for trustees. Update this section by deleting transition language that applied to first selection of trustees under 1976 Constitution and to increase from 3 to 5 trustees. Delete legislative language on financial reports. (This is former Section 6(a) and Section 6(f).)

Section 8(b): Trustees have sole power to invest trust assets. Add limitations to investments made by trustees: up to 40% in fixed income securities; up to 60% in high grade equities; alternatively in cash and cash equivalents when necessary. Update this section by deleting language that applied from 1976-1986. This is former Section 6(c).)

Delete former Section 6(c) which applied to a bank that the legislature elected not to set up.

Former Section 8(c) provided: If the legislature authorizes a Marianas development bank and provides that all United States economic assistance for economic development loans provided under article VII, section 702(c), of the Covenant shall be deposited as capital in that bank, the trust shall use up to fifty-five percent of its receipts in a year to increase the total capital available to the bank to the sum of ten million dollars. After the bank has more than ten million dollars in total capital, the bank shall pay the excess above ten million dollars to the trust until the trust has been fully repaid for its contribution to the bank.

Section 8(c): Trustees may use up to 40% of interest income for the homestead program and the maintenance of the permanent preserves; remainder of interest income goes to Council for Indigenous Affairs and capital improvement projects as appropriated by the legislature. This is new.

Section 8(d): None (This is former Section 6(d).)

Section 8(e): None. (This is former Section 6(e).)

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Article II (continued)

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.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Section 6(d): Current public lands that are contiguous to any beach are included in the preserves unless the Bureau exempts them.

Section 6(e): Current public lands that are above 500 feet in elevation are included in the preserves unless the Bureau exempts them.

Section 6(f): Current wildlife preserves are included in the permanent preserves.

Section 6(g): Current public lands in the sabana area on Rota are included in the permanent preserves.

Section 6(h): At least 100 hectares of the current military lease on Tinian will become a part of the permanent preserve when the military lease is returned to the Commonwealth.

Section 6(i): The Bureau can designate other public lands to become a part of the constitutionally protected permanent preserves.

Section 7: The functions of land surveying and investigation of titles, and making administrative adjudications as to land titles, are consolidated within the Bureau. Legal questions on land titles are resolved by the courts.

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Article II (continued)

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

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.

**DESCRIPTION OF CHANGES PROPOSED
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Section 5(c): Leases may be up to 40 years. All leases require notice, an opportunity for competing bids and a public hearing. Leases for a commercial purpose terminate automatically after 3 years if the commercial purpose is not achieved within that time. Transfers of leasehold interests require approval of the legislature if they are more than 25 years or more than 5 hectares, but the legislature may only approve or reject; it may not alter the terms of the proposed lease and must act within 60 days, or the lease is automatically approved. (This includes former Section 5(c) and 5(d).)

Section 5(d): A comprehensive land use plan is required before public lands are sold or leased; and the plan may be amended only after notice and public hearing. (This is former Section 5(f).)

Section 5(e): The bureau is required to submit a budget with respect to its annual operations in the same fashion as any other agency and may spend funds only as approved by the legislature.

Section 6(a): Establishes permanent preserves set aside for public use.

Section 6(b): Identifies Managaha, Bird Island, and Forbidden Island as permanent preserves.

Section 6(c): Identifies sandy beaches as permanent preserves. (This is former Section 5(e).)

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

for \$700,000 as the limitation on legislative spending in the last quarter during an election year.

Article II (continued)

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 of its members, **expel a member for commission of treason, a 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.

**DESCRIPTION OF CHANGES PROPOSED
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Section 4(b): Require directors to be selected from the private sector; directors may not hold any other government position. Change qualifications to "adequate knowledge of the landholding practices, customs and traditions in the Commonwealth." Delete provision on felony conviction; this is covered in Article 7.

Section 4(c): None (This is former Section 4(d).)

Section 4(d): Require the annual report in person to be made by the chair of the board of directors at a joint session of the legislature.

Section 5(a): Homestead program expanded to include homestead housing (multiple unit dwellings built on public land and distributed as homesteads). Delete 3-year waiting period to receive freehold interest in homestead property; require homesteader to hold property for 25 years before sale or commercial lease. All other requirements to be set out in regulations.

Section 5(b): Other than homesteads, a freehold interest in public lands may be transferred only to a government agency for use for a public purpose. Land exchanges must be resolved within 2 years.

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Article II (continued)

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.

AMENDMENT NO. 11

AMENDMENT TO ARTICLE 11: PUBLIC LANDS

DESCRIPTION OF CHANGES PROPOSED BY THE CONSTITUTIONAL CONVENTION

Title: The title of Article 11 has been changed from "Public Lands" to "Commonwealth Lands" to reflect the broader scope of the proposed article.

Section 1: None

Section 2: None

Section 3: None (except conforming name change)

Section 4(a): Restore the format of the 1976 Constitution for governing public land. Use the name Marianas Land Bureau to reflect additional functions. Change term of office for director from 4 years to 5 years (so that only 4 of the 5 directors will be appointed during any Governor's first term of office) and add a limit of one term.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Section 6: Delete the authority of the legislature to go beyond employment ceilings by joint resolution. (This is former Section 7.)

Section 7: Add a limitation that the secretary of finance, once appointed, may be removed only for cause. Delete the direction to the department of finance to issue regulations as this is a legislative or administrative matter, not a constitutional matter. (This is former Section 8.)

Section 8: Require taxes collected that will be rebated to be maintained in a separate trust fund used only for tax rebates. This is new.

Section 9: Expand the subject of permitted taxpayer actions to cover all expenditure of public funds in violation of the Constitution.

The Schedule on Transitional and Related Matters contains Section 5 which covers the transition with respect to the new provisions on the deficit. It provides:

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.

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

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.

AMENDMENT NO. 10

AMENDMENT TO ARTICLE 10: TAXATION AND
PUBLIC FINANCE

DESCRIPTION OF CHANGES PROPOSED BY THE CONSTITUTIONAL CONVENTION

Section 1: Add a definition of "public purpose".

Former Section 2 is deleted entirely. It provided:

Section 2: Report on Tax Exemptions.

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

Section 2: None (This is former Section 3.)

Section 3: Add limitation that public debt may not be authorized for purposes of retiring a deficit. (This is former Section 4.)

Section 4: Decrease the number of votes required to approve real property taxes from 3/4 to a majority of the votes cast. (This is former Section 5.)

Section 5: Change the constitutional requirement for retirement of deficits. Impose a hiring and salary freeze when a deficit occurs (except for public health and safety) to continue until the deficit is retired. (This is former Section 6.)

AMENDED CONSTITUTION AS PROPOSED BY THE CONSTITUTIONAL CONVENTION

Article 3 (continued)

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

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Section 3(b): None

Section 3(c): Require recall petitions to be submitted to the voters within 90 days of certification by the attorney general.

Section 3(d): Decrease the number of votes required to approve a recall petition from 2/3 of the qualified voters to a majority of the votes cast.

Section 3(e): None

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Article III, Section 8(b) (continued)

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.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Section 2(a): None

Section 2(b): None

Section 2(c): None

Section 2(d): Update this section from the 1976 Constitution by deleting the phrase "by persons qualified to vote in the Commonwealth". The legislature has acted to provide a registration process.

Section 3(a): Decrease the number of signatures required on a recall petition from 40% to 20% of the qualified voters.

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Article 3, Section 9(a) (continued)

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.

AMENDMENT NO. 9

AMENDMENT TO ARTICLE 9: INITIATIVE,
REFERENDUM AND RECALL

DESCRIPTION OF CHANGES PROPOSED BY THE CONSTITUTIONAL CONVENTION

Section 1(a): None

Section 1(b): None

Section 1(c): None

Section 1(d): Update this section from the 1976 Constitution by deleting the phrase "by persons qualified to vote in the Commonwealth". The legislature has acted to provide a registration process.

AMENDED CONSTITUTION AS PROPOSED BY THE CONSTITUTIONAL CONVENTION

Article 3, (continued)

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.

AMENDMENT NO. 8

AMENDMENT TO ARTICLE 8: ELECTIONS

DESCRIPTION OF CHANGES PROPOSED BY THE CONSTITUTIONAL CONVENTION

Section 1: None

Section 2: None

Former Section 3 on election procedures is deleted entirely. The legislature has completed this task. Former Section 3 provided:

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

Section 3: None (This is former Section 4.)

Section 4: None (This is former Section 5.)

AMENDED CONSTITUTION AS PROPOSED BY THE CONSTITUTIONAL CONVENTION

Article 3 (continued)

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.

AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION

Article 3, Section 13 (continued)

AMENDMENT NO. 7

AMENDMENT TO ARTICLE 7: ELIGIBILITY TO VOTE
AND TO HOLD OFFICE

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

The title of this Article has been changed to reflect the addition of new Section 3 with a uniform provision on eligibility to hold office.

Section 1: None

Section 2: None

Former Section 3 on defining domicile and residence is deleted entirely. The legislature has completed this task. Former Section 3 provided:

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

Section 3: Uniform treatment of felony conviction as a bar to holding any elected office. This is new.

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.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Section 7(b): Funding for local government from the Commonwealth is capped at the 1996 level for 1997 and 1998; thereafter funding decreases for five years. After the year 2003, Commonwealth funding for local government stops altogether, unless specified findings are made in which case Commonwealth funding may match (but not exceed) local funding. This is new.

Section 7(c): Staffing of local government funded by the Commonwealth is capped at the 1995 level.

Former Section 8 has been deleted entirely. Former Section 8 provided:

Section 8: Agencies of Local Government. The chartered municipality form of local government on Rota, and Tinian and Aguiguan, is hereby established. Local taxes paid to the chartered municipal governments of Rota, and Tinian and Aguiguan, and Saipan may be expended for local public purposes on the island or islands producing those revenues. New agencies of local government may not be established without the affirmative vote of two-thirds of the persons qualified to vote from the island or islands to be served by the proposed agency of local government.

The Schedule on Transitional and Related Matters contains Section 4 which covers the transition to the new municipal councils. It provides:

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.

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Article 3, Section 13 (continued)

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.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Section 5(f): Municipal council may, by ordinance, define the size and structure of local government, including the office of mayor. Local government may not duplicate or supervise Commonwealth departments. This is new.

Section 5(g): Vacancy provisions come into effect when mayor is outside the Commonwealth; municipal council has power to declare vacancy when mayor is disabled. This is former Section 7(a)(4).

Section 5(h): None. This is former Section 7(a)(5).

Section 6: Add chair of the Council for Indigenous Affairs to the Governor's Council. This is former Section 5.

Section 7(a): Funding for local government to be set by Commonwealth law or local ordinance. Local government personnel paid by Commonwealth funds are subject to Commonwealth laws and regulations. This is new.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Schedule on Transitional and Related Matters (continued)

(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.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Section 5(a): Provide for legislative authority for municipal councils with respect to local matters; to be exercised through municipal ordinances. This is new.

Section 5(b): Municipal council may override a mayor's veto. This is new.

Section 5(c): Municipal council confirms resident department heads and heads of local agencies (if any). This is former Section 7(a)(3).

Section 5(d): Provides requirements for revenue and tax ordinances considered by municipal councils that are similar to those proposed for the Commonwealth legislature. This is new.

Section 5(e): Provides for review and approval by municipal council of budget proposed by mayor. This is former Section 7(a)(1) and (2).

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Article 3 (continued)

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.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Section 4(a): Provide for municipal councils in 3 senatorial districts; increase size from 3 to 5 members; elections governed by Commonwealth law. Add requirement for U.S. citizenship; increase age requirement from 21 to 25 years. (This is former Section 6(a).)

Add ex officio member to Saipan municipal council elected by residents of the Northern Islands who has vote on matters affecting the Northern Islands.

Section 4(b): Vacancy on municipal council filled by next highest vote-getter if less than half the term remains; otherwise by special election. (This is former Section 6(b).)

Section 4(c): While council position is part time, council members are compensated from Commonwealth funds for attendance at meetings as legislature provides; if council position becomes full time, council members are compensated only from locally-raised revenues in amount regulated by salary commission. This is new.

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Article 3 (continued)

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.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Section 3(f): Provides for annual municipal budget with section for anticipated Commonwealth revenues and separate section for anticipated locally-raised revenues. This is former Section 3(d).

Section 3(g): None. This combines former Section 3(e) and Section 3(f).

Section 3(h): None. This is former Section 3(b).

Section 3(i): Add requirement of confirmation by municipal council with respect to mayor's appointment of resident department heads. This is former Section 3(g).

Section 3(j): Add executive assistant for the Northern Islands, appointed by the mayor of Saipan and confirmed by the municipal council, until the Northern Islands attain the status of a senatorial district and become eligible for separate local government. This is new.

Section 3(k): Editorial change to conform to new provision for municipal ordinances.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION (continued)**

Schedule on Transitional and Related Matters, Section 2 (continued)

(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.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Section 3(b): Provide for power to mayor to propose and veto municipal ordinances that deal with local matters. This is new.

Section 3(c): Provide for municipal departments (funded by locally-raised revenues) and department heads appointed by the mayor, confirmed by the municipal council. This is new.

Section 3(d): Editorial change in reference to section number due to renumbering of sections. This is former Section 3(a).

Section 3(e): Add reference to municipal council; allow mayor to require information about government operations. This is former Section 3(c).

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Article 3 (continued)

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.

AMENDMENT NO. 6

AMENDMENT TO ARTICLE 6: LOCAL GOVERNMENT

DESCRIPTION OF CHANGES PROPOSED BY THE CONSTITUTIONAL CONVENTION

Section 1: Establish local government for existing 3 senatorial districts; Northern Islands will have local government when their senatorial district is established in the future.

Section 2(a): Add qualification of U.S. citizenship; increase age requirement from 25 to 35 years.

Delete reference to felony conviction; this is covered in Article 7 as to all elected offices.

Section 2(b): Editorial change to conform to new provision with respect to municipal ordinances.

Section 2(c): Provides for salary for mayor regulated by the salary commission that sets salaries for other elected officials. This is new.

Section 3(a): Grant of executive authority to the mayor for local matters that are not inconsistent with Commonwealth law. This is new.

AMENDED CONSTITUTION AS PROPOSED BY THE CONSTITUTIONAL CONVENTION

Article 3 (continued)

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.

AMENDMENT NO. 5

AMENDMENT TO ARTICLE 5: REPRESENTATION IN
THE UNITED STATES

DESCRIPTION OF CHANGES PROPOSED BY THE CONSTITUTIONAL CONVENTION

Section 1: State the priority of obtaining member or delegate status for the Commonwealth in the U.S. Congress, and provide for automatic transition to that status if Congress acts.

Section 2: Restate the current provisions with respect to the Resident Representative with no substantive change.

Delete requirement as to when the annual report is delivered and leave that to the discretion of the Representative. Delete the provision with respect to felony convictions; that is covered uniformly in Article 7. Delete the provision with respect to impeachment; that is covered in Article 2. Delete the exemption with respect to civil service status of employees of the Resident Representative; that is covered in Article 3.

AMENDED CONSTITUTION AS PROPOSED BY THE CONSTITUTIONAL CONVENTION

Article 3 (continued)

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.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

The Schedule on Transitional and Related Matters contains Section 3 on the transition from a system of appointing judges to the system of voter approval after the initial term. It provides:

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.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION (continued)**

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.

Former Section 23 on the Resident Executive for Indigenous Affairs is deleted entirely. Former Section 23 provided:

Section 23: Resident Executive for Indigenous Affairs.

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

b) **Responsibilities of resident executive.** The duties and responsibilities of the resident executive for indigenous affairs shall include but not limited to:

- coordinate the development, distribution, adoption and translation of a comprehensive history of the Marianas.
- ensure local participation in executive managerial decision-making in the government and private sector.
- assist and promote local entrepreneurial development.
- establish a community foundation for the advancement of the indigenous people.
- coordinate the translation and distribution of such official documents as the Constitution of the Commonwealth of the Northern Mariana Islands and the Covenant and the analyses thereof.
- plan for the establishment of the Indigenous Cultural Center and the Indigenous Hall of Fame.
- coordinate an annual cultural festival.
- develop and implement a long-range plan to assist and promote the entry of the indigenous people into professional and technical institutions of higher education.
- serve as an advocate of positions taken by indigenous people on issues brought before them.

c) The office of resident executive for indigenous affairs shall commence immediately upon ratification of this section.

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

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

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Section 9(c): Give the Supreme Court rule-making authority; and delete former provision for approval by the legislature. Give the courts the authority to establish new branches or divisions. (This is former Section 8.)

Section 9(d): Allow the Commonwealth courts to use active or retired full-time judges from other U.S. jurisdictions to sit on specific cases when the need arises.

Section 10: Vacancies in the Chief Justice or Presiding Judge positions are filled temporarily by the next most senior justice or judge, and if the legislature does not act on a nomination by the Governor within 90 days, the acting justice or judge position becomes permanent. This is new.

Section 11: The Supreme Court issues advisory opinions promptly when there are disputes between government officials or between branches of government and these opinions resolve the dispute so that there are no lengthy court cases.

**AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Article 3 (continued)

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.

**DESCRIPTION OF CHANGES PROPOSED
BY THE CONSTITUTIONAL CONVENTION**

Section 6: Editorial change to combine two sentences.
No substantive change. (This is former Section 5.)

Section 7: Add provision allowing the Chief Justice to
appoint members of the advisory commission on the
judiciary if the legislature does not act. (This is
former Section 6.)

Section 8: Add requirement that justices or judges
who become candidates for political office resign their
court positions at least 6 months prior to the election.
(This is former Section 6.)

Section 9(a): Add annual report to the people from the
Chief Justice. This is new.

Section 9(b): Add annual budget submitted by the
judicial branch to the legislature. This is new.