



Third Northern Mariana Islands Constitutional Convention

Delegate Proposal No. 206

Date: May 11, 1995

It is proposed that a constitutional amendment be prepared that does the following:

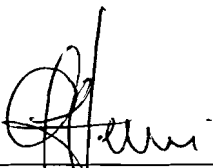
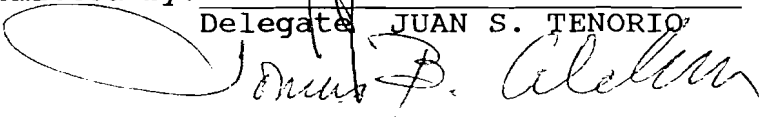
Provides a mechanism, through taxpayer actions, to enforce constitutional requirements that the government implement any new or existing provision of the constitution within a reasonable time after ratification.

Defines breach of fiduciary duty to include failure to implement a constitutional provision.

Provides the court may award actual costs and reasonable attorneys fees to the prevailing party in a taxpayer action. The prevailing party may be the Commonwealth in successfully defending the action.

Provides that the reasonableness of the attorneys fees to be awarded is measured by the public benefit that was involved in the case.

Provides that if the taxpayer suit is about a failure to implement the constitution, and the taxpayer wins, the reasonableness of attorneys fees shall be presumed and the court shall award actual attorneys fees.

Submitted by: 
Delegate JUAN S. TENORIO


CONSTITUTIONAL ARTICLE THAT WOULD BE AMENDED: Art. X, Sec. 9

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED: None