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# CONSTITUTION OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

## PREAMBLE

We the people of the Northern Mariana Islands, grateful to Almighty God for our freedom, ordain and establish this Constitution as the embodiment of our traditions and hopes for our Commonwealth in political union with the United States of America.

## ARTICLE I: PERSONAL RIGHTS

Section 1: Laws Prohibited. No law shall be made that is a bill of attainder, an ex post facto law, a law impairing the obligation of contracts, or a law prohibiting the traditional art of healing.

Section 2: Freedom of Religion, Speech, Press and Assembly. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Section 3: Search and Seizure. The right of the people to be secure in their persons, houses, papers and belongings against unreasonable searches and seizures shall not be violated.

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

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

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

Section 4: Criminal Prosecutions. In all criminal prosecutions certain fundamental rights shall obtain.

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

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

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

d) There shall be a speedy and public trial.

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

f) Excessive bail shall not be required.

g) Excessive fines shall not be imposed.

- h) Cruel and unusual punishment shall not be inflicted.
- i) Capital punishment is prohibited.
- j) Persons who are under eighteen years of age shall be protected in criminal judicial proceedings and in conditions of imprisonment.

Section 5: Due Process. No person shall be deprived of life, liberty or property without due process of law.

Section 6: Equal Protection. No person shall be denied the equal protection of the laws. No person shall be denied the enjoyment of civil rights or be discriminated against in the exercise thereof on account of race, color, religion, ancestry or sex.

Section 7: Quartering Soldiers. No soldier 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 in all areas, including the land, air, and water. Harmful and unnecessary noise pollution, and the storage of nuclear or radioactive material and the dumping or storage of any type of nuclear waste within the surface or submerged lands and waters of the Northern Mariana Islands, are prohibited except as provided by law.

Section 10: Privacy. The right of individual privacy shall not be infringed except upon a showing of compelling interest.

Section 11: Victims of Crime. The right of the people to be secure in their persons, houses, and belongings against crime shall be recognized at sentencing. Restitution to the crime victim shall be a condition of probation and parole except upon a showing of compelling interest.

Section 12: Abortion. The abortion of the unborn child during the mother's pregnancy is prohibited in the Commonwealth of the Northern Mariana Islands, except as provided by law.

## **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 nine members with three 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 twelve members and three 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 persons.

b) The term of office for senator shall be four years except that the candidate receiving the third highest number of votes in the first election in each senatorial district shall serve a term of two years.

c) A senator shall be 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.

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

### Section 3: Composition of the House of Representatives.

a) The house of representatives shall consist of fourteen members with twelve 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 increased by law to not more than twenty. The term of office for representative shall be two years.

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 six districts. The legislature may change the number and boundaries of these districts only pursuant to its duties under section 4 of this article. When the population of the islands north of Saipan equals or exceeds the number of persons represented by any member of the house of representatives these islands shall constitute a separate district electing one representative.

c) A representative shall be 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.

d) A candidate for the house of representatives shall be a registered voter of the election precinct where he or she is a candidate.

### Section 4: Reapportionment and Redistricting.

a) At least every ten years and within one hundred twenty days following publication of the results of a decennial census, the legislature shall reapportion the seats in the house of representatives or revise the districts for electing representatives as required by changes in Commonwealth population or by law. A reapportionment or redistricting plan shall provide for contiguous and compact districts and for representation by each member of the house of representatives of approximately the same number of residents to the extent permitted by the separate islands and the distribution of population in the Commonwealth.

b) If the legislature fails to act pursuant to section 4(a), the governor shall promulgate a reapportionment or redistricting 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 appeals court or the United States District Court if no Commonwealth appeals court has been created under section 3 of article IV 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.

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 and no bill may be enacted without the approval of at least a majority of the votes cast in each house of legislature.

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

Section 6: Local Laws. Laws that relate exclusively to local matters within one senatorial district may be enacted by the legislature or by the affirmative vote of a majority of the members representing that district. The legislature shall define the local matters that may be the subject of laws enacted by the members from the respective senatorial districts, laws enacted through initiative by the voters of a senatorial district under article IX, section 1, regulations promulgated by a mayor under article VI, section 3(e), or local ordinances adopted by agencies of local government established under article VI, section 6(b).

Section 7: 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 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 an item, section, or part of a bill vetoed by the governor may be reconsidered by the legislature. The legislature shall have sixty days from the receipt of the governor's veto message in the house of origin of the vetoed bill, item, section or part of a bill to reconsider the vetoed legislation. If two-thirds of the members in each house vote upon reconsideration to pass the bill, item, section or part, it shall become law.

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

Section 8: Impeachment. The legislature may impeach those executive and judicial officers of the Commonwealth subject to impeachment under this Constitution. 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 9: 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 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.

Section 10: Compensation. The members of the legislature shall receive an annual salary of eight thousand dollars and reasonable allowances for expenses provided by law. The salary of members may 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 the salary may be made that exceeds the percentage change in an accepted composite price index for the period since the last change. An increase in salary may not apply to the legislature that enacted it.

Section 11: Other Government Employment. A member of the legislature may not serve in any other Commonwealth government position including other elective office or an 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 12: 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 13: Sessions. The legislature shall meet for organizational purposes on the second Monday of January in the year following the regular general election at which members of the legislature are elected and shall be a continuous body for the two years between these organizational meetings. Each house shall meet in regular sessions for no more than ninety days each year, sixty days before April 1 and thirty days after July 31 of each calendar year, and may be convened at other times for not more than ten consecutive days upon request by its presiding officer or by the governor. When meeting pursuant to a call by the governor, the legislature shall consider only those subjects described in the call.

Section 14: 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 the affirmative vote of three-fourths of its members, expel a member for commission of treason, a felony, breach of the peace, or violation of the rules of that house.

b) Each house of the legislature shall choose its 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 15: Conduct of Members. A member of the legislature who has a financial or personal interest in a bill before the legislature shall disclose that interest and may not debate on or vote on the bill.

Section 16: Budget Ceiling. There shall be a ceiling on the budget of the legislature.

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

b) 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 seven hundred thousand dollars or the spending authority otherwise available by law, whichever is less. This ceiling shall apply to the various offices and activities in the same proportions as the annual spending authority provided by law.

Section 17: Legislative Bureau. There is hereby established a legislative bureau in the Northern Marianas Commonwealth Legislature.

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

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

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

d) The director may be removed by a majority of the members of each house of the legislature with or without cause.

e) The bureau shall be free from any political harassment or pressure.

f) The legislative bureau shall have a budget sufficient to permit it to fully and adequately perform its duties as specified in this section. The funds budgeted shall be independent of the budget ceiling established for the legislature under Section 16 of this Article, but in no event shall the funds appropriated exceed eight hundred thousand dollars in any fiscal year.

### **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 qualified to vote in the Commonwealth, at least thirty-five years of age, and a resident and domiciliary of the Commonwealth for at least ten years immediately preceding the date on which the governor takes office. A different period of residence and domicile may be provided by law. No person convicted of a felony in the Commonwealth or in any area under the jurisdiction of the United States may be eligible for this office unless a full pardon has been granted.

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 article and those assigned by the governor or provided by law. Whenever the office of lieutenant governor is vacant, the governor shall appoint a successor with the advice and consent of the senate.

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

Section 5: Compensation. The governor shall receive an annual salary of twenty thousand dollars and the lieutenant governor an annual salary of eighteen thousand dollars. Both shall receive reasonable allowances for expenses provided by law. Upon the recommendation of the advisory commission on compensation provided for by article II, section 10, 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 the president of the senate shall become lieutenant governor. If the offices of governor and lieutenant governor are both vacant, the president of the senate shall become acting governor and the speaker of the house shall become acting lieutenant governor. An acting governor or lieutenant governor who assumes office when more than one year remains in the term may serve only until a governor or lieutenant governor is chosen in a special election provided by law.

Section 8: Absence or Disability of the Governor.

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

b) When the governor is unable to discharge the duties of the office by reason of physical or mental disability, the lieutenant governor shall be acting governor. If the lieutenant governor is unavailable, the presiding officer of the senate shall be acting governor. If the person next in succession to the governor has reason to believe that the governor is unable to discharge the duties

of the office, that person shall file a petition to declare a vacancy with the Commonwealth appeals court or the United States District Court if no Commonwealth appeals court has been created under article IV, section 3. The 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 governor.

Section 9: Executive Functions.

a) The governor shall submit to the legislature a proposed annual balanced budget for the following fiscal year. The proposed balanced budget shall describe anticipated revenues of the Commonwealth and recommend expenditures of Commonwealth funds. 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 submissions made by the mayors of Rota, Saipan, Tinian and Aguiguan, and the islands north of Saipan as to the budgetary needs of those islands and by the executive assistant appointed under section 18 of this article. The governor's submission to the legislature with respect to the budget shall state the governor's disposition of the budgetary requests contained in these submissions and may include recommended legislation with respect to taxation. If a balanced budget is approved by the legislature, the governor may not reallocate appropriated funds except as provided by law. If a balanced budget is not approved before the first day of the fiscal year, appropriations for government operations and obligations shall be at the level for the previous fiscal year.

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

c) The governor shall have the power to grant reprieves, commutations and pardons after conviction for offenses after consultation with a board of parole 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 as provided by law, and may mobilize available resources to respond to that emergency.

Section 11: Attorney General. The governor shall appoint an Attorney General with the advice and consent of the Senate. The Attorney General shall be a resident and a domiciliary of the Commonwealth of the Northern Mariana Islands for at least three years immediately preceding the date on which the Attorney General is confirmed. 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.

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 audit the receipt, possession and disbursement of public funds by the executive, legislative and judicial branches of the government, an instrumentality of the Commonwealth or an agency of local government and shall perform other duties provided by law. The Public Auditor shall be guaranteed an annual budget of at least \$500,000. The budgetary appropriation may not be reprogrammed for other purposes, and any unencumbered fund balance in a fiscal year shall be available for general appropriation. 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 public auditor, the governor shall appoint a temporary public auditor to serve until the vacancy is filled.

Section 13: Department of Education. [Repealed.]

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. The governor shall appoint the heads of executive departments with the advice and consent of the senate. The governor may remove the heads of executive departments. The governor may at any time require information in writing or otherwise from the head of any administrative department, office or agency of the Commonwealth.

Section 15: Executive Branch Departments. Executive branch offices, agencies and instrumentalities of the Commonwealth government and their respective functions and duties shall be allocated by law among and within not more than fifteen principal departments so as to group them so far as practicable according to major purposes. Regulatory, quasi-judicial and temporary agencies need not be a part of a principal department. The functions and duties of the principal departments and of other agencies of the Commonwealth shall be provided by law. The legislature may reallocate offices, agencies and instrumentalities among the principal departments and may change their functions and duties. The governor may make changes in the allocation of offices, agencies and instrumentalities and in their functions and duties that are necessary for efficient administration. If these changes affect existing law, they shall be set forth in executive orders which shall be submitted to the legislature and shall become effective sixty days after submission, unless specifically modified or disapproved by a majority of the members of each house of the legislature.

Section 16: Civil Service. [Repealed.]

Section 17: Public Services.

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

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

c) Public services shall be provided on an equitable basis to the citizens of the

Commonwealth. The legislature may require that these services be provided through decentralized administrative arrangements. The governor shall make any necessary recommendations to the legislature in order to accomplish this objective.

Section 18: Executive Assistant for Carolinian Affairs.

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

b) The executive assistant shall be a member of the governor's council created under article VI, section 5, 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 annual salary of the Executive Assistant for Carolinian Affairs may not be less than the annual salary of a head of an executive department.

Section 19: Impeachment. The governor and lieutenant governor are subject to impeachment as provided in article II, section 8, of this Constitution for treason, commission of a felony, corruption or neglect of duty.

Section 20: 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) An employee who has acquired not less than twenty years of creditable service under the Commonwealth retirement system shall be credited an additional five years and shall be eligible to retire. An employee who elects to retire under this provision may not be reemployed by the Commonwealth Government or any of its instrumentalities or agencies, for more than 60 calendar days in any fiscal year without losing his or her retirement benefits for the remainder of that fiscal year.

Section 21: Boards and Commissions. In every case where the governor appoints a board or commission to perform a regulatory or administrative function or direct the activities of an agency, authority, or public or quasi-public corporation in the performance of a regulatory or administrative function, the members of such a board or commission shall be independent and may be removed only on grounds of gross neglect or dereliction of duty, breach of fiduciary duty, conviction of a felony, or mental or physical incapacity. Upon the expiration of the term of a member of a board or

commission, such person shall cease to be a member unless reappointed in the manner prescribed by law. The governor shall make appointments within ninety days to fill any vacant seats on a board or commission. This section does not apply to boards and commissions that serve a purely advisory function or, except to the extent specifically required by federal law, to boards and commissions created in order to comply with federal law.

Section 22: Special Assistant for Women's Affairs.

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

b) It is the responsibility and duty of the special assistant to formulate and implement a policy of affirmative action in the government and private sector to assist women achieve social, political and economic parity. The special assistant shall promote the interests of women, assist agencies of government and private organizations to plan and implement programs and services for women, monitor compliance of laws and regulations by government agencies and private organizations, organize community education strategies regarding the roles of women, and recommend to the governor and the legislature for consideration legislation of benefit to women.

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

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

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.

## **ARTICLE IV: JUDICIAL BRANCH**

Section 1: Judicial Power. The judicial power of the Commonwealth shall be vested in a judiciary of the Northern Mariana Islands which shall include those trial and appeals courts established by the legislature under this article.

Section 2: Commonwealth Trial Court. The Commonwealth trial court shall have original jurisdiction in all cases in equity and in all cases at law which involve land in the Commonwealth, and in all other civil actions. The court shall also have original jurisdiction in all criminal actions. At least one full-time judge shall be assigned to civil and criminal actions filed in Rota and Tinian. The legislature shall determine the number of judges.

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

Section 4: Appointment and Qualifications. The governor shall appoint judges of the Commonwealth courts with the advice and consent of the senate. The term of office shall be six years and may be increased by law to not more than twelve years for judges who have served at least one term. A judge shall be at least thirty-five years of age, a citizen or national of the United States and possess other qualifications provided by law.

Section 5: Compensation. The compensation of judges shall be provided by law. The salary of a judge may not be decreased during a term of office.

Section 6: Sanctions. Judges are subject to impeachment as provided in article II, section 8, of this Constitution for treason, commission of a felony, corruption or neglect of duty. The legislature shall establish an advisory commission on the judiciary whose members include lawyers and representatives of the public. Upon recommendation of the advisory commission, the governor may remove, suspend or otherwise sanction a judge for illegal or improper conduct.

Section 7: Limitations on Activities of Judges. A full-time judge may not hold another compensated government position or engage in the practice of law. A judge may not make a direct or indirect financial contribution to a political organization or candidate, hold an executive office in a political organization, participate in a political campaign, or become a candidate for elective public office without resigning judicial office at least six months before becoming a candidate.

Section 8: Rule-making Power. The judiciary of the Commonwealth may propose rules governing civil and criminal procedure, judicial ethics, admission to and governance of the bar of the

Commonwealth, and other matters of judicial administration. A proposed rule shall be submitted promptly to the legislature and shall become effective sixty days after submission unless disapproved by a majority of the members of either house of the legislature. Until rules are established under this section, the rules of the High Court of the Trust Territory of the Pacific Islands shall apply in the Commonwealth courts.

## **ARTICLE V: REPRESENTATION IN THE UNITED STATES**

Section 1: Resident Representative to the United States. A resident representative to the United States shall be elected to represent the Commonwealth in the United States and perform those related duties provided by law. The governor shall provide a certification of selection promptly to the United States Department of State and to the resident representative.

Section 2: Term of Office. The term of office of the resident representative shall be two years, except that on the second Monday of January 1990, the term of office of the resident representative shall be increased to four years. In the event that the United States confers the status of member or non-voting delegate in the United States Congress on the resident representative and such status requires a different term, the term of office of the resident representative shall be that required by such status.

Section 3: Qualifications. The resident representative shall be qualified to vote in the Commonwealth, a citizen of the United States, at least twenty-five years of age, and a resident and domiciliary of the Commonwealth for at least seven years, immediately preceding the date on which the resident representative takes office. A different period of residence and domicile may be provided by law. No person convicted of a felony in the Commonwealth or in any area under the jurisdiction of the United States may be eligible for this office unless a full pardon has been granted.

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

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

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

Section 7: Impeachment. The resident representative is subject to impeachment as provided

in article II, section 8, of this Constitution for treason, commission of a felony, corruption or neglect of duty.

## **ARTICLE VI: LOCAL GOVERNMENT**

Section 1: Local Government. Agencies of local government shall be established as provided by this article.

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

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

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

Section 3: Responsibilities and Duties of the Mayor.

a) A mayor shall serve on the Governor's Council as established by Section 5 of this article.

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

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

d) The Mayors of Rota, Tinian and Aguiguan, Saipan, and the islands north of Saipan, in consultation with the Municipal Council, shall submit items for inclusion in the proposed budgets for both government operations and capital improvement projects. The governor's budget submission to the legislature shall state his disposition of the budgetary requests contained in the submissions received from the Mayors.

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

f) A mayor shall act as the principal local official for coordinating activities with disaster control for the mobilization of resources and meeting emergency conditions in the island or islands served by the mayor.

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

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

Section 4: Compensation. A mayor shall receive an annual salary, plus an allowance for reasonable expenses as provided by law.

Section 5: Governor's Council. The mayors elected under Section 2, the executive assistants appointed under Article III, Section 18, and the chairmen of the Municipal Councils shall be members of a Governor's Council that shall advise the governor on government operations and local matters. The governor shall preside over the Council which shall meet regularly or at least four times each year to consider matters concerning the relationship between the Commonwealth and its separate islands.

Section 6: Municipal Councils.

a) There shall be municipal councils for Rota, Tinian and Aguiguan, Saipan and the islands north of Saipan, to be composed of three members, elected at-large in the island or islands to be served and on a non-partisan basis. Candidates for municipal council shall be at least twenty-one years of age, a resident of the municipality for at least three and shall serve for a term of two years. Each council shall adopt its own Rules of Procedures.

b) In the case of a vacancy in a municipal council, the mayor of the island or islands served by the council shall appoint the unsuccessful candidate for the office in the last election for the council who received the next highest number of votes. Otherwise, the mayor shall appoint a person from the island or islands served with the advise and consent of the legislative delegation of the senatorial district for that island or islands.

Section 7: Powers, Meetings and Compensations.

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

- 1) Assist the mayor in the formulation of the annual budget delineating local needs,
- 2) At the request of an Executive Branch department head, in consultation with the mayor, the council shall have the authority to approve reprogramming of funds in the approved budget,
- 3) To confirm all resident department heads which are stationed on their island or islands,
- 4) When a mayor is unable to discharge the duties of office by reason of physical or mental disability, the presiding officer of the municipal council shall be acting mayor. If the presiding officer is not available, another member shall be selected by the council to serve, and
- 5) Additional powers and duties as provided by law.

Section 8: Agencies of Local Government.

(a) 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.

## **ARTICLE VII: ELIGIBILITY TO VOTE**

Section 1: Qualifications of Voters. A person is eligible to vote who, on the date of the election, is eighteen years of age or older, is domiciled in the Commonwealth, is a resident of the Commonwealth and has resided in the Commonwealth for a period of time provided by law, is not serving a sentence for a felony, has not been found by a court to be of unsound mind, and is either a citizen or national of the United States. The legislature may require that persons eligible to vote be citizens of the United States.

Section 2: Prohibition of Literacy Requirement. A person may not be denied the right to vote because that person is unable to read or write.

Section 3: 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.

## **ARTICLE VIII: ELECTIONS**

Section 1: Regular General Election. The regular general election of the Commonwealth shall be held on the first Saturday in November.

Section 2: Other Elections. Other elections may be held as provided by law.

Section 3: 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 4: Taking Office After Elections. Officers elected at the regular general election shall take office on the second Monday of January of the year following the year in which the election was held.

Section 5: Resignation from Public Office. An elected public official shall resign from office upon certification to be a candidate for another public office, if the term of the office sought begins before the end of the term of the office held.

## **ARTICLE IX: INITIATIVE, REFERENDUM AND RECALL**

Section 1: Initiative. The people may enact laws by initiative.

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

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

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

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

Section 2: Referendum. The people may reject laws by referendum.

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

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

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

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

Section 3: Recall. Elected public officials are subject to recall by the voters of the Commonwealth or of the island, islands or district from which elected.

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

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

c) A recall petition certified by the attorney general shall be submitted to the voters at the next regular general election unless special elections are provided by law for this purpose.

d) A recall petition shall take effect thirty days after the date of the election if approved by two-thirds of the persons qualified to vote for the office involved.

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

## **ARTICLE X: TAXATION AND PUBLIC FINANCE**

Section 1: Public Purpose. A tax may not be levied and an appropriation of public money may not be made, directly or indirectly, except for a public purpose. The legislature shall provide the definition of public purpose.

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

Section 4: Public Debt Limitation. Public indebtedness other than bonds or other obligations of the government payable solely from the revenues derived from a public improvement or undertaking may not be authorized in excess of ten percent of the aggregate assessed valuation of the real property within the Commonwealth. Public indebtedness may not be authorized for operating expenses of the Commonwealth government or its political subdivisions.

Section 5: Real Property Taxes. No tax may be levied upon any owner-occupied single family residential, agricultural, or unimproved real property, unless approved by three-fourths of the votes cast in an election conducted in the senatorial district in which the tax is to be levied.

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

Section 7: Government Employment. In the annual appropriations acts, the legislature shall establish ceilings on the number of persons that may be employed by each branch, department, agency, authority and public corporation of the Commonwealth to which public funds are appropriated. Except upon specific approval by joint resolution of the legislature, no public funds may be expended for personnel in excess of the ceilings so established.

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

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

## ARTICLE XI: PUBLIC LANDS

Section 1: Public Lands. The lands to which right, title or interest have been or hereafter are transferred from the Trust Territory of the Pacific Islands to any legal entity in the Commonwealth under Secretarial Order 2969 promulgated by the United States Secretary of the Interior on December 26, 1974, the lands as to which right, title or interest have been vested in the Resident Commissioner under Secretarial Order 2989 promulgated by the United States Secretary of the Interior on March 24, 1976, the lands as to which right title or interest have been or hereafter are transferred to or by the government of the Northern Mariana Islands under article VIII of the Covenant, and the submerged lands off the coast of the Commonwealth to which the Commonwealth now or hereafter may have a claim of ownership are public lands belonging collectively to the people of the Commonwealth who are of Northern Marianas descent.

Section 2: Submerged Lands. The management and disposition of submerged lands off the coast of the Commonwealth shall be as provided by law.

Section 3: Surface Lands. The management and disposition of public lands except those provided for by section 2 shall be the responsibility of the Marianas Public Land Corporation.

Section 4: Marianas Public Land Corporation. There is hereby established the Marianas Public Land Corporation.

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

b) One director shall be a resident of the first senatorial district, one shall be a resident of the second senatorial district, and three shall be residents of the third senatorial district; provided that of the five directors, at least one shall be a woman and at least one shall be a person of Carolinian descent. Each director shall be a citizen or national of the United States, a resident of the Commonwealth for at least five years immediately preceding the date on which the director takes office, a person with at least two years management experience, a person who has not been convicted of a crime carrying a maximum sentence of imprisonment of more than six months, a person who is able to speak Chamorro or Carolinian and a person of Northern Marianas descent.

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

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

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

f) After this Constitution has been in effect for at least twelve years, the Corporation shall be dissolved and its functions shall be transferred to the executive branch of government.

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

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

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

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

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

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

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

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

Section 6: Marianas Public Land Trust. There is hereby established the Marianas Public Land Trust.

a) The trust shall have three trustees appointed by the governor with the advice and consent of the senate. After this Constitution has been in effect for ten years, the number of trustees appointed by the governor with the advice and consent of the senate shall be increased to five. Three shall be from Saipan, one from Rota, and one from Tinian. At least one trustee shall be a woman and at least one trustee shall be of Carolinian descent. The trustees shall serve for a term of six years except that the term of office shall be staggered, accomplished as follows: three trustees shall serve for four years and two trustees shall serve for six years as determined by drawing of lots.

b) The trustees shall make reasonable, careful and prudent investments. For ten years after the effective date of this Constitution investments may not be made except in obligations of the United States government and as provided by section 6(c).

c) 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.

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

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

f) The trustees shall be held to strict standards of fiduciary care. Each trustee shall annually submit to the governor and the presiding officers of the legislature a report disclosing their financial affairs, as provided by law.

## **ARTICLE XII: RESTRICTIONS ON ALIENATION OF LAND**

Section 1: Alienation of Land. The acquisition of permanent and long-term interests in real property within the Commonwealth shall be restricted to persons of Northern Marianas descent.

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

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

Section 4: Persons of Northern Marianas Descent. A person of Northern Marianas descent is a person who is a citizen or national of the United States and who is of at least one-quarter Northern Marianas Chamorro or Northern Marianas Carolinian blood or a combination thereof or an adopted child of a person of Northern Marianas descent if adopted while under the age of eighteen years. For purposes of determining Northern Marianas descent, a person shall be considered to be a full-blooded Northern Marianas Chamorro or Northern Marianas Carolinian if that person was born

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

Section 5: Corporation. A corporation shall be considered to be a person of Northern Marianas descent so long as it is incorporated in the Commonwealth, has its principal place of business in the Commonwealth, has directors one-hundred percent of whom are persons of Northern Marianas descent and has voting shares (i.e. common or preferred) one-hundred percent of which are actually owned by persons of Northern Marianas descent as defined in Section 4. Minors, as defined by applicable laws of the Commonwealth, may not be eligible to become directors of a corporation. No trusts or voting by proxy by persons not of Northern Marianas descent may be permitted. Beneficial title shall not be served from legal title.

Section 6: Enforcement. Any transaction made in violation of Section 1 shall be void ab initio. Whenever a corporation ceases to be qualified under Section 5, a permanent or long-term interest in land in the Commonwealth acquired by the Corporation after the effective date of this amendment shall be immediately forfeited without right of redemption to the government of the Commonwealth of the Northern Mariana Islands. The Registrar of Corporation shall issue regulations to ensure compliance and the legislature may enact enforcement laws and procedures.

### **ARTICLE XIII: EMINENT DOMAIN**

Section 1: Eminent Domain Power. The Commonwealth may exercise the power of eminent domain as provided by law to acquire private property necessary for the accomplishment of a public purpose.

Section 2: Limitations. Private property may not be taken without just compensation. Private land may be taken only if no suitable public land is available for the accomplishment of the public purpose.

### **ARTICLE XIV: NATURAL RESOURCES**

Section 1: Marine Resources. The marine resources in waters off the coast of the Commonwealth over which the Commonwealth now or hereafter may have any jurisdiction under United States law shall be managed, controlled, protected and preserved by the legislature for the benefit of the people.

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

Section 3: Places and Things of Cultural and Historical Significance. Places of importance to the culture, traditions and history of the people of the Northern Mariana Islands shall be protected

and preserved and public access to these places shall be maintained as provided by law. Artifacts and other things of cultural or historical significance shall be protected, preserved and maintained in the Commonwealth as provided by law.

## **ARTICLE XV: EDUCATION**

### **Section 1: Elementary and Secondary Education.**

a) Every person in the Northern Mariana Islands has the right to free, compulsory and public elementary and secondary education within age and educational levels provided by law. The educational system shall provide maximum educational and training opportunities and be sensitive and responsive to the needs and desires of the community as it pursues its central objective of developing human potential. The educational system shall also provide support and guidance for students in assessing areas of interest and ability, in clarifying values and goals, and in providing students with clear and accurate information so they may gain the most from their educational experience. The educational system shall recognize the distinct and unique cultural heritage and indigenous way of life of the people and shall be committed to provide for the language needs of the people and the preservation of their cultural integrity within a global community.

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

c) The board of education shall have five members, elected at large on a non-partisan basis as follows: one from the first senatorial district, one from the second senatorial district and three from the third senatorial district. Elected members of the board of education shall serve terms of four years except that the terms of the first members elected shall be determined by drawing of lots with three members serving a term of four years and two members serving a term of two years. The governor shall appoint three nonvoting ex-officio members to the board of education: one member shall be a student attending a public school; one member shall be a representative of nonpublic schools; and one member selected by an exclusive bargaining representative of the teachers within the Department of Education. Elected members of the board shall serve commencing on the second Monday of January in the year following the regular general election at which they were elected.

d) A member of the board of education shall be 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 member takes office. A longer residency and domicile requirement may be provided by law.

e) The public elementary and secondary education system shall be guaranteed an annual budget of not less than fifteen percent of the general revenues of the Commonwealth. The budgetary appropriation may not be reprogrammed for other purposes, and any unencumbered fund balance at the end of a fiscal year shall be available for reappropriation.

### **Section 2: Higher and Adult Continuing Education.**

a) The legislature shall established by law a Northern Marianas College that shall be headed by a president. The president of the college shall be appointed by a representative board of regents. The board of regents shall be appointed to staggered terms by the governor and shall have

autonomy in the administration of its affairs and shall formulate policy relating to the higher education needs of the Commonwealth of the Northern Mariana Islands. The composition of the board of regents and other matters pertaining to its operations and duties shall be provided by law.

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

c) The college shall be guaranteed an annual budget of not less than one percent of the general revenues of the Commonwealth. The budgetary appropriation may not be reprogrammed for other purposes, and any unencumbered fund balance at the end of a fiscal year shall be available for reappropriation.

## **ARTICLE XVI: CORPORATIONS**

Section 1: Corporations. No private business corporation shall be organized and no existing corporate charter shall be extended or amended except by general laws.

## **ARTICLE XVII: OATH OF OFFICE**

Section 1: Oath of Office. All members of the legislature and officers and employees of the Commonwealth and its political subdivisions taking office shall take and subscribe to the following oath or affirmation:

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

## **ARTICLE XVIII: CONSTITUTIONAL AMENDMENT**

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

### Section 2: Constitutional Convention.

a) 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 ten 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.

b) An initiative petition may submit to the voters the question, "Shall there be a constitutional convention to propose amendments to the Constitution?" The petition shall be signed by at least twenty-five percent of the persons qualified to vote in the Commonwealth or by at least seventy-five percent of the persons qualified to vote in a senatorial district. An initiative petition shall be filed with the attorney general for certification that the requirements of this subsection have been met. An initiative petition certified by the attorney general shall be submitted to the voters at the next regular general election that is held at least thirty days from the date the petition has been certified.

c) If two-thirds of the votes cast are affirmative on the question of holding a convention, the legislature shall convene a convention promptly.

d) The number of delegates to the convention shall be equal to the number of members of the legislature. The delegates to the convention shall be elected on a nonpartisan basis.

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 4: Popular Initiative.

a) The people may propose constitutional amendments by initiative. An initiative petition shall contain the full text of the proposed amendment. The petition shall be signed by at least fifty percent of the persons qualified to vote in the Commonwealth and at least twenty-five percent of the persons qualified to vote in each senatorial district. A petition shall be filed with the attorney general for certification that the requirements of this subsection have been met.

b) An initiative petition certified by the attorney general shall be submitted to each house of the legislature. If the proposal is approved by the affirmative vote of a majority of the members of each house of the legislature, the proposed amendment shall be submitted for ratification in the same manner as an amendment proposed by legislative initiative. The proposed amendment shall be submitted for ratification to the voters at the next regular general election with or without legislative approval.

Section 5: Ratification of Amendments.

a) A proposed amendment to this Constitution shall be submitted to the voters for ratification at the next regular general election or at a special election established by law.

b) An amendment proposed by legislative initiative shall become effective if approved by a majority of the votes cast. An amendment proposed by constitutional convention or by popular initiative shall become effective if approved by a majority of the votes cast and at least two-thirds of the votes cast in each of two senatorial districts.

## **ARTICLE XIX: CODE OF ETHICS**

Section 1: Code of Ethics. The legislature shall enact a comprehensive Code of Ethics which shall apply to appointed and elected officers and employees of the Commonwealth and its political subdivisions, including members of boards, commissions, and other instrumentalities. The Code of Ethics shall include a definition of proper conduct for members of the legislature with conflicts of

interest and a definition of the proper scope of debate in the legislature, shall require disclosure of financial or personal interests sufficient to prevent conflicts of interest in the performance of official duties, shall define the offense or corrupt solicitation of public officials, and shall provide for punishment of offenses by fine and imprisonment.

## **ARTICLE XX: CIVIL SERVICE COMMISSION**

Section 1: Civil Service. The legislature shall provide for a non-partisan and independent civil service with the duty to establish and administer personnel policies for the Commonwealth Government. The Commission shall be composed of seven members appointed by the governor with the advice and consent of the senate. Six members shall serve a term of six years, staggered in such manner that the term of one member expires each year, and one member shall serve a term of four years expiring concurrently with the term of the governor. Members of the civil service commission may be removed only for cause. The commission's authority shall extend to positions other than those filled by election or by appointment of the governor in the departments and agencies of the executive branch and in the administrative staffs of the legislative and judicial branches. Exemption from the civil service shall be as provided by law, and the commission shall be the sole authority authorized by law to exempt positions from civil service classifications. Appointment and promotion within the civil service shall be based on merit and fitness demonstrated by examination or by other evidence of competence.

## **ARTICLE XXI: GAMBLING**

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

## **ARTICLE XXII: OFFICIAL SEAL, FLAG AND LANGUAGES**

Section 1: Official Seal. The official seal of the Commonwealth shall consist of a circular field of blue having in its center a white star superimposed on a gray latte stone, surrounded by the traditional Carolinian mwáár consisting of the following flowers: langilang, flores mayo (seyúr) angagha, and teibwo, on the outer border, and the words encircling the mwáár, "Commonwealth of the Northern Mariana Islands" and "Official Seal".

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

Section 3: Official Language. The official language of the Commonwealth shall be Chamorro, Carolinian and English, as deemed appropriate and as enforced by the legislature. The

legislature may provide that government proceedings and documents shall be in at least one of the three languages. This section shall not be subject to judicial review.

## **SCHEDULE ON TRANSITIONAL MATTERS**

The following transitional provisions shall remain in effect until their terms have been executed. Once each year the attorney general shall review the following 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.

Section 1: Effective Date of Constitution. [Certified as executed November 28, 1983.]

Section 2: Continuity of Laws. Laws in force in the Northern Mariana Islands on the day preceding the effective date of the Constitution that are consistent with the Constitution and the Covenant shall continue in force until they expire or are amended or repealed.

Section 3: Continuity of Government Employment and Operations. [Certified as executed November 28, 1983.]

Section 4: Continuity of Judicial Matters. [Certified as executed June 14, 1994.]

Section 5: Continuity of Legislative Matters. [Certified as executed November 28, 1983.]

Section 6: Continuity of Corporations and Licenses. Corporations incorporated or qualified to do business in the Northern Mariana Islands on the effective date of the Constitution shall continue to be incorporated or qualified until provided otherwise by law. Licenses in effect in the Northern Mariana Islands on the effective date of the Constitution shall continue in effect until provided otherwise by law except that no license possessed by a land surveyor, ship officer, health professional or a practicing trial assistant may be amended or revoked except for incompetence or unethical conduct.

Section 7: Statutes of Limitations. The legislature shall study whether to repeal a statute of limitations currently in force in the Commonwealth with respect to land in order for the Commonwealth to provide compensation for past transactions. If a statute is repealed after study, the compensation provided by the Commonwealth shall be limited to priority with respect to the distribution of public lands and shall not affect a right in property that vested under the repealed statute of limitations.

Section 8: Interim Definition of Citizenship. [Certified as executed June 14, 1994.]

Section 9: Commonwealth. [Certified as executed June 14, 1994.]

Section 10: Elections. [Certified as executed November 28, 1983.]

Section 11: Saipan Election Districts. [Repealed by PL 3-78, § 2.]

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Section 12: Commencement of Terms. [Certified as executed November 28, 1983.]

Section 13: Succession. As of the effective date of the Constitution the Commonwealth of the Northern Mariana Islands shall succeed to all rights and obligations of the previous Government of the Northern Mariana Islands.

Section 14: Approval of Constitution by the United States. [Certified as executed November 28, 1983.]