



*The House of Representatives*  
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
P.O. Box 586  
Saipan, MP 96950

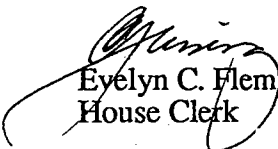
September 19, 1997

The Honorable Froilan C. Tenorio  
Governor  
Commonwealth of the Northern  
Mariana Islands  
Capitol Hill  
Saipan, MP 96950

Dear Governor Tenorio:

I am transmitting herewith a certified copy of House Legislative Initiative No. 10-3, House Substitute 1 (HS1), House Draft 1 (HD1), entitled, "A House Legislative Initiative to amend Article IV of the Constitution of the Commonwealth of the Northern Mariana Islands so that the Judicial Branch, consisting of a Supreme Court and a Superior Court, would have a firm and secure constitutional foundation, co-equal with the Executive and Legislative Branches." The Legislative Initiative passed both the House of Representatives and the Senate of the Tenth Northern Marianas Commonwealth Legislature by the required three-fourths (3/4) vote of the members present and voting in each house.

Sincerely,

  
Evelyn C. Fleming  
House Clerk

Attachment

rec 9/19/97

# HOUSE OF REPRESENTATIVES

TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
FOURTH REGULAR SESSION, 1997

HOUSE LEGISLATIVE INITIATIVE NO. 10-3.HS1.HD1

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## A HOUSE LEGISLATIVE INITIATIVE

To amend Article IV of the Constitution of the Commonwealth of the Northern Mariana Islands so that the Judicial Branch, consisting of a Supreme Court and a Superior Court, would have a firm and secure constitutional foundation, co-equal with the Executive and Legislative Branches.

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**Offered by Representatives:** David M. Apatang,  
Heinz S. Hofschneider, Oscar M. Babauta and Jesus T. Attao

**Date:** May 23, 1996

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### HOUSE ACTION

Referred to: Committee on Judiciary and Governmental Operations

Standing Committee Report No. 10-67

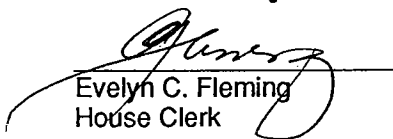
First and Final Reading: September 11, 1997

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### SENATE ACTION

Standing Committee Report: None

Second and Final Reading: September 17, 1997

  
Evelyn C. Fleming  
House Clerk

TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

H. L. I. NO. 10-3, HS1, HD1

SECOND SPECIAL SESSION, 1996

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**A HOUSE LEGISLATIVE INITIATIVE**

To amend Article IV of the Constitution of the Commonwealth of the Northern Mariana Islands so that the Judicial Branch, consisting of a Supreme Court and a Superior Court, would have a firm and secure constitutional foundation, co-equal with the Executive and Legislative Branches.

**BE IT ENACTED BY THE TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:**

1           Section 1. Purpose. The Legislature initiates this proposed amendment because it  
2 recognizes that the judicial branch of the Commonwealth Government should be co-equal with  
3 and independent of the executive and legislative branches. The current Article IV does not  
4 provide constitutional status for the present structure of the courts reorganized pursuant of  
5 Public Law 6-25. The Legislature further recognizes that the judicial branch should be  
6 established in the Constitution to assure its independence from the executive and legislative  
7 branches.

8           Section 2. Legislative Initiative. The Tenth Northern Marianas Commonwealth  
9 Legislature, pursuant to Article XVIII, Section 3 of the Constitution of the Commonwealth of  
10 the Northern Mariana Islands, hereby approves the following Initiative to be placed before the  
11 people for vote on at the next general election:

"A PROPOSED CONSTITUTION AMENDMENT

12  
13           To amend Article IV of the Constitution of the Commonwealth of the Northern  
14 Mariana Islands so that the judicial branch, consisting of a Supreme Court and a Superior  
15 Court, would have a firm and secure constitutional foundation, co-equal with executive and  
16 legislative branches. Article IV of the Constitution is hereby amended to read as follows:

ARTICLE IV: JUDICIAL BRANCH

17  
18           Section 1. Judicial Power.

19           The judicial power of the Commonwealth shall be vested in a judiciary of the Northern  
20 Mariana Islands which shall include ~~these trial and appeals~~ one supreme court and one  
21 superior court and such other inferior courts established by the legislature under this article as  
22 may be established by law.

1           Section 2. Commonwealth Trial Superior Court.

2           The Commonwealth ~~trial superior~~ court shall have original jurisdiction in all cases in  
3 equity and in all cases at law, ~~which involve land in Commonwealth, and in all other civil~~  
4 ~~actions.~~ The court shall also have original jurisdiction in all criminal actions. The superior  
5 court shall have all inherent powers, including the power to issue all writs necessary to the  
6 complete exercise of its duties and jurisdiction under this constitution and the laws of the  
7 Commonwealth. The superior court shall consist of a presiding judge and at least four  
8 associate judges. At least one full-time judge shall be assigned to civil and criminal actions  
9 filed in Rota and one in Tinian. ~~The legislature shall~~ may determine increase the number of  
10 judges when necessary.

11           Section 3. Commonwealth Appeals Supreme Court.

12           ~~The legislature may establish a Commonwealth appeals court to~~ Commonwealth supreme court  
13 shall hear these appeals from final judgments and orders of the Commonwealth trial superior  
14 court. The supreme court shall have all inherent powers, including the power to issue all writs  
15 necessary to the complete exercise of its duties and jurisdiction under this constitution and the  
16 laws of the Commonwealth. The supreme court shall consist of a chief justice and at least two  
17 associate justices. The Legislature may increase the number of justices when necessary.

18           Section 4. Appointment and Qualifications.

19           ~~The governs shall appoint judges of the Commonwealth courts with the advice and~~  
20 ~~consent of the senate. The term of office shall be six years and may be increased by law to not~~  
21 ~~more than twelve years for judges who have served at least one term. A justice or judge shall~~  
22 ~~be at least thirty-five (35) years of age, a citizen or national of the United States, and possess~~  
23 ~~have resided in the Commonwealth for at least five (5) years before appointment, never have~~  
24 ~~been convicted of a felony or any other qualifications provided by law~~ crime involving moral  
25 turpitude, and been a member of the Commonwealth bar for five (5) years.

26           Section 5. Compensation Appointment and Term of Office.

27           A supreme court justice and superior court judge shall initially be appointed by the  
28 governor and confirmed by the senate. Justices shall serve terms of eight (8) years and judges  
29 shall serve terms of six (6) years. At the general election immediately before the end of the  
30 initial term, the question of whether to retain the justice or judge shall be placed on the ballot,  
31 using the following language:

32                   "Shall Justice or Judge (insert name of justice or judge) of the (insert name of  
33                   court) be retained in office? Yes or No."

1 The justice or judge shall be retained if a majority of the votes cast on the question are in the  
2 affirmative. Terms following an election to retain shall be eight (8) years for a justice of the  
3 supreme court and six (6) years for a judge of the superior court.

4 Section 6. Compensation.

5 The compensation of a justice and a judge shall be provided by law. The salary of a justice or  
6 judge may not be decreased during a term of office.

7 Section 7. Sanctions-Impeachment.

8 ~~Judges are~~ A justice or judge is subject to impeachment as provided in article II,  
9 section 8, of this constitution for treason, ~~commission conviction~~ of a felony, corruption, ~~or~~  
10 neglect of duty or conviction of any crime involving moral turpitude. ~~The legislature shall~~  
11 ~~establish an advisory commission on the judiciary whose members include lawyers and~~  
12 ~~governor may remove, suspend or other wise sanction a judge for illegal or improper conduct.~~

13 Section 8. Limitations on Activities of Justices and Judges.

14 A full-time justice or judge may not hold another compensated government position or  
15 engage in the practice of law. A justice or judge may not make a direct or indirect financial  
16 contribution to a political organization or candidate, hold an executive office in a political  
17 organization, or participate in a political campaign. ~~or~~ A justice or judge may not become a  
18 candidate for elective public office without resigning judicial office at least thirty (30) days  
19 before declaring his/her candidacy but no less than one hundred eighty (180) days six months  
20 before becoming a candidate the election.

21 Section 9. Rule - making power and Administration.

22 A. ~~The judiciary~~ chief justice of the Commonwealth may propose rules  
23 governing civil and criminal procedure, judicial ethics, admission to and governance of  
24 the bar of the Commonwealth, and other matters of judicial administration. A proposed  
25 rule shall be submitted promptly to the legislature and shall become effective sixty (60)  
26 days after submission unless disapproved by a majority of the members of either house  
27 of the legislature. ~~Until rules are established under this section, the rules of the High~~  
28 ~~Court of the Trust Territory of the Pacific Islands shall apply in the Commonwealth~~  
29 ~~courts.~~

30 B The chief justice shall submit an annual budget for the judiciary to the  
31 legislature.

32 C. The chief justice shall submit to the people of the Commonwealth an annual  
33 report on the state of the judiciary.

1           D. The chief justice may designate, as the need arises, an active or former  
2           justice or judge of the Commonwealth, of any United State jurisdiction, the Federated  
3           States of Micronesia, the Republic of Palau or the Republic of the Marshall Islands to  
4           serve as a *pro tem* justice or judge of the Commonwealth courts.

5           Section 10. Succession.

6           When a vacancy occurs in the office of chief justice, the associate justice most senior in  
7           commission shall become acting chief justice. When a vacancy occurs in the office of  
8           presiding judge, the associate judge most senior in commission shall become acting presiding  
9           judge. Such person shall continue in an acting capacity until the governor appoints and the  
10          senate confirms a chief justice or presiding judge.

11          Section 11. Certified Legal Questions.

12          Whenever a dispute arises between or among Commonwealth officials who are elected  
13          by the people or appointed by the governor regarding the exercise of their powers or  
14          responsibilities under this constitution or any statute, the parties to the dispute may certify to  
15          the supreme court the legal question raised, setting forth the stipulated facts upon which the  
16          dispute arises. The supreme court may deny the request to rule on the certified legal question.  
17          If the request is accepted, then the ruling of the supreme court shall be binding upon the parties  
18          before the court."


19          Section 3. Continuity of Judicial Matters. Upon the effective date of Article IV, as  
20          amended, the existing supreme court, its justices and employees; the existing superior court, its  
21          judges and employees; all existing administrative policies of the judicial branch; all existing  
22          cases pending in either court; all laws, regulations, and rules affecting the judiciary shall  
23          continue to exist and operate as if established pursuant to this Article IV, and shall, unless  
24          clearly inconsistent, be read to be consistent with Article IV, as amended. The term of any  
25          judge or justice whose term expires prior to the 1999 general election shall be automatically  
26          extended to allow that justice or judge to comply with the retention provisions of section 5 of  
27          this article IV. Justices or judges serving a term in excess of that which is provided in this  
28          Article IV shall be allowed to serve out that term, but shall be subject to the retention  
29          provisions of section 5 of this Article IV for such terms as are provided herein. While no new  
30          special judges may be appointed upon the effective date of Article IV, as amended, the  
31          unexpired term of a special judge appointed and confirmed prior to the effective date of this  
32          amendment shall not be affected.

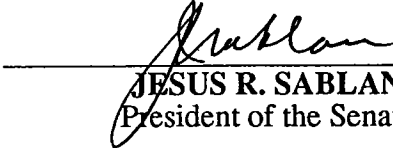
33          Section 4. Adoption and Transmittal. The speaker of the house and the president of  
34          the senate shall certify, and the clerks of the house and senate shall attest to the adoption of this

1 legislative initiative. The clerk of the house of representatives shall then cause the initiative to  
2 be transmitted to the governor and the board of elections with instructions that the Board place  
3 it before the people of the Commonwealth for a ratification vote, in conformance with Article  
4 XVIII, Section 5 of the constitution.

**Passed by the House of Representatives on September 11, 1997 and the  
Senate on September 17, 1997 with the affirmative vote of three-fourths (3/4)  
of the members of each house present and voting.**

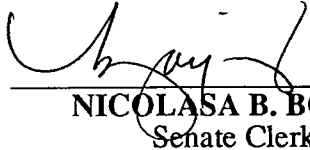
**CERTIFIED BY:**

  
\_\_\_\_\_  
**DIEGO T. BENAVENTE**  
Speaker of the House

  
\_\_\_\_\_  
**JESUS R. SABLAN**  
President of the Senate

**ATTESTED BY:**

  
\_\_\_\_\_  
**EVELYN C. FLEMING**  
House Clerk

  
\_\_\_\_\_  
**NICOLASA B. BORJA**  
Senate Clerk

*RATIFIED ON 11/1/97*