

SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

THIRD REGULAR SESSION, 2009

H.L.I. NO. 16-23

A HOUSE LEGISLATIVE INITIATIVE

To amend Article III, Section 11 of the Constitution of the Commonwealth of the Northern Mariana Islands to authorize the election of an Attorney General; and for other purposes.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings.** The Legislature finds that the Office of the Attorney
2 General is charged with prosecuting all violations of Commonwealth law and is one of
3 the most integral offices of the Commonwealth of the Northern Mariana Islands. As
4 such, the Office of the Attorney General should be free of any political influence or
5 interference. The present system of the governor appointing the attorney general with the
6 advice and consent of the Senate subjects the attorney general to removal at any time by
7 the governor and proscribes independence of the attorney general to enforce the laws of
8 the Commonwealth. The Legislature further finds that in order for the attorney general to
9 function independently and ensure the enforcement of Commonwealth laws to the fullest
10 extent, and be accountable to the people of the Commonwealth, it has become necessary
11 to amend Article III, Section 11 of the Northern Mariana Islands Constitution to
12 authorize the election of the attorney general.

13 **Section 2. Legislative Initiative.** The Sixteenth Northern Marianas
14 Commonwealth Legislature, by the affirmative vote of three-fourths of the members of
15 each house present and voting, hereby proposes the following amendment to Article III,
16 Section 11 of the Constitution of the Northern Mariana Islands to be placed before the
17 people for ratification at the next general election:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

“A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article III, Section 11 of the Northern Mariana Islands Constitution to authorize the election of an attorney general; and for other purposes.

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. There is in the Commonwealth government an Office of the Attorney General to be headed by the attorney general. The Office of the Attorney General is established as an independent agency of the Commonwealth government. The attorney general shall be elected by the people of the Commonwealth of the Northern Mariana Islands. The Attorney General shall be the Chief Legal Officer of the Commonwealth government and be responsible for providing legal advice to the governor public officials, and executive departments, public corporations, and autonomous agencies, representing the Commonwealth in all legal matters, and prosecuting all violations of Commonwealth law.~~

a) The attorney general shall be at least thirty-five years of age, be a U.S. citizen and a resident and domiciliary of the Commonwealth for at least five years immediately preceding the date on which the attorney general takes office.

b) The attorney general shall be an active member in good standing of the Commonwealth Bar Association for at least five (5) years preceding the date on which the attorney general takes office and have not been suspended from the practice of law in any jurisdiction of the United States for violation of ethical rules governing the practice of attorneys.

1 c) No person convicted of a felony or a crime of moral turpitude in
2 the Commonwealth or in any area under the jurisdiction of the United
3 States may be eligible for this office.

4 d) Candidates for attorney general shall be non-partisan and
5 declare no party affiliation.

6 e) The term of office of the attorney general shall be four years.
7 All elections for the attorney general shall coincide with general elections.
8 After the Commonwealth Election Commission certifies the results of a
9 general election and if no candidate receive more than one half of the total
10 votes cast for the Office of Attorney General, on the fourteenth day
11 thereafter, a runoff election shall be held between the candidates for
12 attorney general receiving the highest and second highest number of votes
13 cast for that office. Runoff election procedures shall be provided by law.
14 The attorney general holding office on the effective date of this initiative
15 shall remain attorney general until his term ends or he resigns. Thereafter,
16 however, the attorney general shall be elected at the next general election.
17 No person shall be elected attorney general for more than two terms.

18 f) The attorney general shall receive a salary of eighty thousand
19 dollars per year. Upon the recommendation of the advisory commission on
20 compensation provided for by the Northern Mariana Islands Constitution
21 Article II, Section 10, the legislature may change the salary of the attorney
22 general. The salary of the attorney general may not be changed during a
23 term of office.

24 g) The attorney general may not serve in another Commonwealth
25 position, commission, board or receive compensation for performance of
26 official duties or from any governmental body except as provided by this
27 Section.

1 h) The attorney general may be removed from office only for cause
2 and by the affirmative vote of two-thirds of the members of each house of
3 the legislature.

4 i) Vacancy of the Office of Attorney General:

5 (1) If less than one-half of the term remains from the date
6 of the vacancy, or when the attorney general is unable to discharge
7 the duties of the office by reason of physical or mental disability,
8 the governor shall fill the vacancy by appointing the unsuccessful
9 candidate for the office in the last election who received the largest
10 number of votes and is willing to serve.

11 (2) If more than one-half of the term remains, the
12 governor shall call for a special election within ninety (90) days
13 from the date of the vacancy.”

14 **Section 3. Adoption and Transmittal.** The Speaker of the House and the
15 President of the Senate shall certify, and the Clerks of the House and Senate shall attest
16 to the passage of this Legislative Initiative. The House Clerk shall then cause the
17 Initiative to be transmitted to the Governor and the Board of Elections. Pursuant to
18 Article XVIII, Section 5 of the Commonwealth Constitution, the Board shall place this
19 Legislative Initiative, with the Findings and Purpose section herein, before the people of
20 the Commonwealth for ratification vote in the next regular general election.

Date: _____

Proposed 2/3/09

Introduced By: _____

[Signature]
Rep. Francisco S. Dela Cruz

[Signature]
Hon. T. Bauer

Reviewed for legal sufficiency:

[Signature]
House Legal Counsel