



*Seventeenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

Second Day, Fifth Regular Session

January 26, 2012

H. L. I. 17-2, HD3, HS2

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 Seventeenth Northern Marianas Commonwealth Legislature:

1 **Section 1. Findings.** The Legislature finds that the Office of the Attorney General is
2 charged with prosecuting all violations of Commonwealth law and is one of the most integral
3 offices of the Commonwealth of the Northern Mariana Islands. As such, the Office of the
4 Attorney General should be free of any political influence or interference. The present
5 system of the governor appointing the attorney general with the advice and consent of the
6 Senate subjects the attorney general to removal at any time by the governor and proscribes
7 independence of the attorney general to enforce the laws of the Commonwealth. The

1 Legislature further finds that in order for the attorney general to function independently and
2 ensure the enforcement of Commonwealth laws to the fullest extent, and be accountable to
3 the people of the Commonwealth, it has become necessary to amend Article III, Section 11 of
4 the Northern Mariana Islands Constitution to authorize the election of the attorney general.

5 **Section 2. Legislative Initiative.** The Seventeenth Northern Marianas
6 Commonwealth Legislature, by the affirmative vote of three-fourths of the members of each
7 house present and voting, hereby proposes the following amendment to Article III, Section
8 11 of the Constitution of the Northern Mariana Islands to be placed before the people for
9 ratification at the next general election:

10 **“A PROPOSED CONSTITUTIONAL AMENDMENT**

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

13 “Article III, Section 11, of the Northern Mariana Islands Constitution is
14 amended to read as follows:

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

20 There is in the Commonwealth government an Office of the Attorney
21 General to be headed by an attorney general. The Office of the Attorney
22 General is established as an independent agency within the executive branch

1 of the Commonwealth government. The attorney general shall be elected at
2 large within the Commonwealth for a term of office of four years. The
3 Attorney General shall be the Chief Legal Officer of the Commonwealth
4 government and shall be responsible for providing legal advice to the
5 governor and executive departments (including public corporations and
6 autonomous agencies), representing the Commonwealth in all legal matters,
7 and prosecuting violations of Commonwealth law.

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

12 (b) The attorney general shall have been admitted to the practice of law
13 in the Commonwealth for at least the five years preceding the date on which
14 the attorney general takes office and shall not have been suspended from the
15 practice of law in any jurisdiction of the United States for violation of ethical
16 rules governing the practice of attorneys.

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

20 (d) Elections for attorney general shall be nonpartisan, and candidates
21 shall not declare any party affiliation. The legislature may enact laws to
22 ensure the nonpartisan nature of elections for attorney general.

1 (e) After the Commonwealth Election Commission certifies the results
2 of an election for attorney general, if no candidate receive more than one half
3 of the total votes cast for attorney general, on the fourteenth day thereafter, a
4 runoff election shall be held between the candidates for attorney general
5 receiving the highest and second highest number of votes cast for that office.
6 Runoff election procedures shall be provided by law.

7 (f) The attorney general shall receive a salary of one hundred thirty
8 thousand dollars per year. Upon the recommendation of the advisory
9 commission on compensation provided for by Article II, Section 10, of this
10 Constitution, the legislature may change the salary of the attorney general,
11 except that the salary of the attorney general may not be changed during a
12 term of office.

13 (g) The attorney general may not serve in another Commonwealth
14 position, or on any commission or board, and may not receive compensation
15 for performance of official duties or from any governmental body except as
16 provided by this Section.

17 (h) The attorney general is subject to impeachment as provided in
18 article II, section 8, of this Constitution for treason, commission of a felony or
19 crime of moral turpitude, corruption, or neglect of duty.

20 (i) If the office of attorney general becomes vacant, the governor shall
21 fill the vacancy by appointing the unsuccessful candidate for the office in the
22 last election who received the largest number of votes and is willing to serve.

1 If no candidate is available, the governor shall appoint a person qualified for
2 the office of attorney general with the advice and consent of the Senate. The
3 attorney general appointed pursuant to this provision shall serve until the next
4 general election.

5 Transitional provision. The provisions of this section on the day
6 before the effective date of this initiative shall remain in force until the next
7 general election and until an elected attorney general is elected and qualified.”

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

**PASSED BY THE HOUSE OF REPRESENTATIVES ON JANUARY 26, 2012 BY THE
AFFIRMATIVE VOTE OF THREE-FOURTHS OF THE MEMBERS PRESENT AND VOTING**

Attested to by



Linda B. Muña, House Clerk

Certified by:

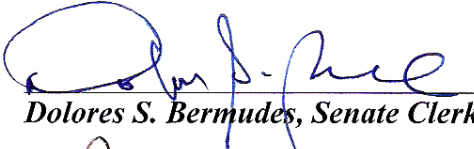


ELICEO "Eli" D. CABRERA
Speaker of the House

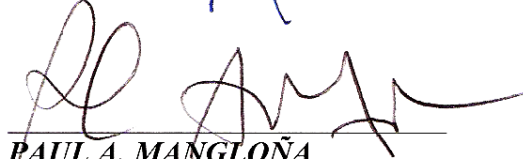
HOUSE LEGISLATIVE INITIATIVE 17-2, HD3, HS2

PASSED BY THE SENATE ON MARCH 7, 2012 BY THE AFFIRMATIVE VOTE OF THREE-FOURTHS OF THE MEMBERS PRESENT AND VOTING

Attested to by:


Dolores S. Bermudes, Senate Clerk

Certified by:


PAUL A. MANGLOÑA
President of the Senate