IN THE
SUPREME COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

MARIANNE C. TEREGEYO,
SECRETARY OF THE DEPARTMENT OF PUBLIC LANDS,
Petitioner,

v.

JOEY PATRICK SAN NICOLAS,
MAYOR OF TINIAN
Respondent.

Supreme Court No. 2017-SCC-0008-CQU

OPINION

Cite as: 2018 MP 17

Decided December 31, 2018

Edward Manibusan, Attorney General, and Christopher M. Timmons, Chief of the Civil Division, Office of the Attorney General, Saipan, MP, for Petitioner.

Kimberly King-Hinds, Saipan, MP, for Respondent.

BEFORE: ALEXANDRO C. CASTRO, Chief Justice; JOHN A. MANGLOÑA, Associate Justice; PERRY B. INOS, Associate Justice.

INOS, J.:

¶ 1 Secretary of the Department of Public Lands Marianne C. Teregeyo ("Secretary") and Mayor of Tinian Joey P. San Nicolas ("Mayor") (collectively "Parties") submit two certified questions in their official capacities as Commonwealth officials. Both questions relate to the constitutionality of 4 CMC § 51102(e) in the Free Trade Zone Act enacted by Public Law 12-20 and as amended by Public Law 18-16. In particular, the Parties' dispute focuses on whether thirty hectares of public lands on Rota, Tinian and the Northern Islands may be administered by the mayor of each respective municipality, and whether the mayor may administer revenues derived from public lands within a "free-trade zone." The parties present the following questions:

1. Do the Free Trade Zone laws, which require 30 hectares of public land on Rota, Tinian, and "any island in the Northern Islands not otherwise designated for a public purpose" to be designated to and administered by the respective mayors as Free Trade Zones with full power to lease said designated public land for commercial purposes, violate the constitutional mandate set forth in Article XI, Section 4 of the NMI Constitution, that the executive branch of government manage the disposition and use of all public lands?

2. Do the Free Trade Zone laws, which allow for the mayors of Rota, Tinian, and the Northern Islands to collect and expend revenues derived from public lands designated as Free Trade Zones, violate Article XI, Section 5(g) of the NMI Constitution?

Order Accepting Certified Questions 1.

¶ 2 We answer the first question by concluding Article XI of the NMI Constitution ("Article XI") requires the management and disposition of land be within the central government's control, and therefore the central government's executive branch. Because mayors are *local* government officials of their respective municipalities, Article XI prohibits vesting complete authority of the management and disposition of public lands in the Mayor without any central executive oversight. Consequently, when 4 CMC § 51102(e) vested ultimate authority of the administration of public lands with the mayors, it contravened the mandates of Article XI. We decline to reach the merits of the second certified question. The Mayor concedes he cannot keep the revenues generated from public lands; therefore, we are not required to consider a question in which there is no longer a live controversy.

I. FACTS AND PROCEDURAL HISTORY

¶ 3 The Northern Mariana Islands Constitution was ratified in 1977 and made effective on January 9, 1978. It established, among other provisions, Article XI

governing public lands.[1] Primarily, Article XI sought to provide public lands "belonging collectively to the people of the Commonwealth who are of Northern Marianas descent." NMI CONST. art. XI, § 1.

¶ 4 Article XI established two entities with divided responsibilities to administer public lands and to manage revenues generated from public lands. The latter responsibility, namely that of holding and investing proceeds from leases and other transfers of public land, is vested in the Marianas Public Land Trust in Article XI, Section 6 of the NMI Constitution. *See generally Dep't of Pub. Lands v. Commonwealth*, 2010 MP 14 ¶ 2. The former responsibility of the "management and disposition of public lands," NMI CONST. art XI, § 3, was vested in the Marianas Public Land Corporation ("Corporation") established by Article XI, Section 4 of the NMI Constitution ("Section 4").

¶ 5 Section 4 also provided for the Corporation's eventual dissolution, providing that: "[a]fter this corporation 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." NMI CONST. art. XI, § 4(f). Thus, in 1994, the Corporation was dissolved by Executive Order 94-3 pursuant to the Governor's Article III reorganization power. Eventually, the responsibility of administering public lands was placed within the current Department of Public Lands and its Secretary pursuant to Public Law 15-02.

¶ 6 Meanwhile, the Commonwealth Legislature enacted the Northern Mariana Islands Free Trade Zone Act of 2000 in Public Law 15-20 (codified at 4 CMC § 51101 et seq.) and later amended by Public Law 18-16. Enacted as a response to the economic downturn in the Asia-Pacific region, the Free Trade Zone laws were meant to "encourage the establishment of new business, industrial and commercial activities in order to diversify the Commonwealth economy." PL 15-20, § 1 (codified at 4 CMC § 51101 comm'n cmt.). In furtherance of the Free Trade Zone Act, the Commonwealth Legislature enabled mayors to exercise administrative powers over public lands:

> Pursuant to the mandate of Section 4(f) of Article XI of the Commonwealth Constitution . . . and the legislative power vested in it by Article II, Section 1 of the Commonwealth Constitution, *the Legislature hereby makes the following provisions for the administration of public lands* designed to stimulate and facilitate economic growth and development on Rota, Tinian, and the

[1] Public lands include: (1) all lands within the Northern Mariana Islands formally held by the Trust Territory of the Pacific Islands; (2) lands leased to the United States government under Article VIII of the Covenant; and (3) all submerged lands off any coast of the Commonwealth. NMI CONST. art. XI, § 1. Public lands do not include "lands that the [Commonwealth] government purchases or leases from private owners or acquires by eminent domain after the establishment of the Commonwealth." Analysis of the Constitution of the Commonwealth of the Northern Mariana Islands 1, 144 (1976).

> Northern Islands and complement the establishment of Free Trade Zones . . . . The Department of Public Lands, in consultation with mayors and legislative delegations of Tinian, Rota, and the Northern Islands *shall designate thirty hectares* of public land on Rota, thirty hectares of public land on Tinian, and thirty hectares on any island in the Northern Islands not otherwise designated for a public purpose, *to be administered by the respective mayors* in accordance with this subsection . . . .

4 CMC § 51102(e) (emphasis added). In effect, the Free Trade Zone Act partially transferred the authority vested in the Department of Public Lands to the mayors.

¶ 7 Since the Free Trade Zone Act was enacted by Public Law 15-20 in 2000, and even after it was amended by Public Law 18-16 in 2013, the Department of Public Lands has not designated land to the mayor of Rota, Tinian, or the Northern Islands.

¶ 8 The Parties filed a Joint Petition for Certified Question and we subsequently issued our Order Accepting Certified Questions.

II. JURISDICTION

¶ 9 We have original jurisdiction over disputes arising between elected or governor-appointed Commonwealth officials regarding the exercise of their responsibilities or powers under the Constitution or any statute. NMI CONST. art. IV, § 11. The Secretary is an official, appointed by the Governor, with the duty of heading the administration, use, leasing, development and disposition of all public lands in accordance with Commonwealth law. 1 CMC §§ 2802–2803. The Mayor is an elected Commonwealth official pursuant to Article VI, Section 2 of the NMI Constitution charged with administering government programs, public services and appropriations for the municipality of Tinian. NMI CONST. art. VI, §§ 2–3. Furthermore, although 4 CMC § 51102(e) of the Free Trade Zone Act expressly grants the Mayor control of certain public lands, the Secretary has refused to recognize the constitutional validity of this authority. The issue of who may exercise the management and disposition of the public lands at issue squarely implicates these officials' responsibilities. We thus have jurisdiction.

III. STANDARD OF REVIEW

¶ 10 We review certified questions de novo. *In re Status of Certain Tenth Legislature Bills*, 1998 MP 3 ¶ 1.

IV. DISCUSSION

A. Central Government versus Local Government

¶ 11 The Secretary argues Article XI must be construed to mean that public lands are intended to be held for the collective benefit of the Commonwealth, and therefore, the management and disposition of public lands is not an issue of local concern. She maintains public lands must be administered by the collective authority of the Commonwealth. "To lump the management and disposition of public lands—a collective Commonwealth-wide endeavor—in with purely local activities . . . would require inconsistent interpretations of Article VI and Article

XI of [the NMI Constitution]." Opening Br. 10. Thus, the Secretary concludes, the management and disposition of public lands is a central government responsibility distinct from local government matters. The Mayor contends that because mayors must structurally-speaking belong in one of the three branches of government, mayors must logically reside within the central government's executive branch, as dictated in Article III of the NMI Constitution. The Mayor reiterated this sentiment at oral argument and concluded his position as mayor must be a part of the central government.

¶ 12 In carrying out the framers' intent of the NMI Constitution, we must "give effect to the text's plain meaning, if possible," *Manibusan v. Larson*, 2018 MP 7 ¶ 13, and "apply the plain, commonly understood meaning of constitutional language unless there is evidence that a contrary meaning was intended." *Torres v. Manibusan*, 2018 MP 4 ¶ 13 (citations omitted). Furthermore, "as part of our analysis, we must read constitutional language in the context of the entire provision at issue." *Peter-Palican v. Commonwealth*, 2012 MP 7 ¶ 6. We first turn to Article XI and interpret separate provisions "in harmony with one another." *Larson*, 2018 MP 7 ¶ 13; *see also Tom v. Sutton*, 533 F.2d 1101, 1105–06 (9th Cir. 1976) ("Every provision in a constitution must be interpreted in the light of the entire document; and all constitutional provisions are of equal dignity and, if possible, should be construed in harmony with each other.").

1. Article XI

¶ 13 We begin by analyzing the intent of the framers when they drafted Article XI, the provisions governing public lands. Specifically, we must determine what Article XI mandates with respect to who may control the management and disposition of public lands. The Secretary asserts the plain language of Article XI precludes the Mayor from administering public lands by advocating a narrow construction of the "executive branch." The Mayor conversely adopts a broad construction of the "executive branch," asserting mayoral authority over the management and disposition of public lands.

¶ 14 The present dispute hinges on Section 4, which states: "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*." NMI CONST. art. XI, § 4(f) (emphasis added). The primary "function" of the Corporation is separately set out in Article XI, Section 3 of the NMI Constitution which states: "The management and disposition of public lands except those provided for by section 2 [regarding submerged lands] shall be the responsibility of the Marianas Public Land Corporation." NMI CONST. art. XI, § 3; *see also Dep't of Pub. Land*, 2010 MP 14 ¶ 18 (finding the functions of the Corporation only included the management and disposition of public lands). Looking solely at the plain text of Section 4, it mandates the functions of the Corporation be transferred to the "executive branch" of the government.[2] But

[2] Section 4(f) originally provided that "[a]fter this Constitution has been in effect for at least ten years, the Corporation may be dissolved and its functions *may* be transferred

that does not end the analysis because, as made clear by the disagreement between the parties, the precise meaning of "executive branch" is ambiguous as applied to the Mayor. We find ambiguity in whether the framers' transfer of the administration of public lands to the executive branch necessarily means the central government. In other words, we must determine if the administration of public lands may be carried out by an executive government entity, but not necessarily a *central government* executive entity. In order to resolve this ambiguity, we start by analyzing the purpose of Article XI, focusing on the full context of Article XI's other provisions.

¶ 15 Several clauses in Article XI suggest public lands are a central government responsibility such that the administration of lands must be for the benefit of the entire Commonwealth, rather than a given municipality. Article XI, Section 1 of the NMI Constitution ("Section 1") conspicuously asserts that public lands "belong[] *collectively* to the people of the Commonwealth who are of Northern Marianas descent." (emphasis added). Additionally, Section 4(a) states: "The corporation shall have five directors . . . who shall direct the affairs of the corporation *for the benefit of the people of the Commonwealth* who are of Northern Marianas descent." NMI CONST. art. XI, § 4(a) (emphasis added). Section 4(e) further provides: "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 . . . ." NMI CONST. art. XI, § 4(e) (emphasis added).

¶ 16 Although not exactly dispositive of the issue, the overall purpose of Article XI as expressed in various sections throughout the article strongly suggests the framers intended public lands to be governed by one unified central government, rather than by a decentralized municipality government. Section 1 and Section 4(a) and (e) all explicitly indicate public lands and the functions of the Corporation in administering public lands are to be "collectively" for "the people of the Commonwealth." NMI CONST. art. XI, §§ 1, 4(a), (e). It is certainly true that the residents of municipalities like Tinian, Rota, or the Northern Islands are *part* of the Commonwealth; but it is also true that the interests of a single municipality—even the municipality of Saipan, with a majority of the Commonwealth's population—may not represent the interests of the *entire* Commonwealth. This is because the Commonwealth is composed of the people from all four municipalities. Therefore, what the framers likely intended was to ensure the interests of the entire Commonwealth would be accounted for in these public lands, rather than just a fraction of the community.

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to executive branch of government . . ." NMI CONST. art. XI, § 4(f) (prior to 1985 amendment) (emphasis added). The change of permissive language to language mandating the functions be transferred to the executive branch strongly suggests the framer's intent on keeping the management and disposition of public lands within the executive branch.

¶ 17 To give full effect to the likely intent of the framers, we hold that the administration of public lands under Article XI must be interpreted to be consistent with the interests of the Commonwealth as a collective whole. As a result, Section 4(f)'s mandatory transfer from the Corporation "to the executive branch of government" must refer to the *central government*. NMI CONST. art. XI, § 4(f). Our holding ensures the interests of the entire Commonwealth are properly represented, and it is the collective community that must dictate the management and disposition of the Commonwealth's public lands. Under this holding, central government executive branch entities directly created in Article III of the NMI Constitution may clearly be vested with administering public lands. *See* NMI CONST. art. III, §§ 1, 3 (offices of the governor and lieutenant governor). The same is true for statutorily created agencies made pursuant to Article III, Section 15 including the Department of Public Lands. However, this leaves open the question of whether the mayor qualifies as a central executive branch entity that can be vested with sole authority to manage and dispose of public lands without any executive oversight. We thus turn to the provisions governing the Office of the Mayor and its responsibilities, as encompassed in Article VI.

2. Article VI

¶ 18 The Secretary argues the municipalities of Rota, Tinian, and the Northern Islands, are separate and distinct entities from the Commonwealth central government itself. She asserts mayors are not constitutionally "within" the executive branch of the central government, and municipalities cannot be construed as political subdivisions of any of the three branches of the Commonwealth government. She claims because mayors are not central executive branch officials, they cannot be given complete authority over the management and disposition of land; thus, 4 CMC § 51102(e) of the Free Trade Zone laws are unconstitutional and contravene the mandate in Section 4 of Article XI. The Mayor contends, structurally speaking, mayors must be within one of the three branches of government and concludes mayors are located in the central executive branch, rendering 4 CMC § 51102(e) of the Free Trade Zone laws fully constitutional. We first turn to the provisions governing the Office of the Mayor and local government.

¶ 19 Article VI of the NMI Constitution ("Article VI") not only creates the Office of the Mayor, but also vests the Office of the Mayor with significant control over local government. Article VI creates the Office of the Mayor, expressly providing that mayors are to be popularly elected by their respective municipality. NMI CONST. art. VI, § 2. There is no provision permitting removal by the governor or the legislature. Mayoral duties largely involve local responsibilities, including (1) serving on the Governor's Council; (2) reporting to the governor on and administering government programs, public services, and appropriations; (3) investigating complaints and conducting public hearings with respect to government operations and local matters and therein submit findings or recommendations to the governor and legislature; (4) submitting items for

inclusion in proposed budgets for government operations and capital improvement projects; (5) coordinating the extension of federal programs to the municipality; (6) coordinating disaster control activities; (7) appointing, in consultation of the executive branch department, all resident department heads,; and (8) any other responsibilities provided by law. NMI CONST. art. VI, §§ 3(a)–(h). Article XI's text, and its conspicuous separation from Article III, suggests the Office of the Mayor, and its control over local government, is a separate and distinct entity from the central government. Indeed, historical documents concerning the provisions of local government provides substantial insight supporting this proposition.

¶ 20 The inception of local government in the Commonwealth was a deeply divisive issue. Proponents of a strong central government wanted to eliminate the need for local governments entirely, while others remained vigilant in demanding proper representation of communities outside of Saipan. *See* Constitutional Convention Journal, Remarks of Delegate David Q. Maratita (Oct. 27, 1976) ("I feel that a government functioning as one unit, that is the central government, will do more for the people on a commonwealth-wide basis rather than permitting a local government to perform only certain things for a given locality."); *cf*. Constitutional Convention Journal, Remarks of Delegate Olympio T. Borja (Nov. 3, 1976) ("I, for one, certainly believe and support the concept and the practice of giving more autonomy to local areas . . . ."). In the days and weeks leading up to the Constitution's ratification, some delegates "demand[ed] complete autonomy for the outer islands," going so far as threatening "block[ing] ratification of any Constitution." Constitutional Convention Journal, Remarks of Chairman Benigno Fitial (Nov. 12, 1976). These sentiments remained even after considerable discussions and suggestions to empower a municipality's mayor with "broad and important powers . . . . able to fight if necessary to secure an adequate and fair level of services for his [or her] people." *Id*. at 117. Thus, the framers sought to create a critical compromise: create a strong central government while constructing the possibility of separate local governments. *See* Howard P. Willens and Deanne C. Siemer, *The Constitution of the Northern Mariana Islands: Constitutional Principles and Innovation in a Pacific Setting*, 65 GEO. L. J. 1373, 1428 n.227 (1977) ("[O]ther means were developed for addressing the concerns of the delegates from Rota and Tinian by increasing powers to be given the popularly elected mayors on the separate islands and by specifying guarantees with respect to the delivery of public services."). This compromise was encompassed in the ratification and enactment of Article III, which created the executive branch of government, and a separate and distinct section for local government, Article VI.

¶ 21 The context and history of Article VI strongly suggest the framers intended for local government to be a separate and distinct creature from the central government. In addition to outlining mayoral responsibility in an entirely separate section of the NMI Constitution, the framers sought to differentiate the establishment of the Office of the Mayor from other central branch executive entities. These other executive entities, established in Article III, are tasked with

executing Commonwealth law and represent the entirety of the Commonwealth, clearly evincing their position within the central government's executive branch. *See* NMI CONST. art. III, § 11 (describing the Office of the Attorney General as an "agency *within* the executive branch of the Commonwealth government" and "representing the Commonwealth in all legal matters, and prosecuting violations of Commonwealth law" (emphasis added)); NMI CONST. art. III, § 15 (describing executive branch departments as "instrumentalities of the Commonwealth government"). In contrast, while mayors are tasked with executing Commonwealth law, *see* NMI CONST. art. III, § 17, they are simultaneously responsible for their local municipal government. Thus, although a mayor's responsibilities may include duties executive in nature, mayors represent the interests of the local government, not the entirety of the Commonwealth. Examining the constitutional origin of mayoral executive duties confirms this interpretation.

3. Section 17

¶ 22 Article III, Section 17 of the NMI Constitution ("Section 17"), describes certain aspects of mayoral responsibility. Namely, Section 17 outlines the governor's responsibilities with respect to delegating executive duties and administration of public services to mayors. It states governors "shall delegate to a mayor . . . responsibility for the execution of Commonwealth laws and the administration of public services in the island or islands in which the mayor has been elected." NMI CONST. art. III, § 17(a). These services are to be provided on a "decentralized basis." NMI CONST. art. III, § 17(c). Mayors are tasked with the execution of Commonwealth law, just as executive branch department officials are. *See* NMI CONST. art. III, § 15. Moreover, they are to deliver public services that are provided to their respective municipalities.[3]

¶ 23 At first glance, one could reasonably infer that mayors are within the executive branch, and perhaps even the central government precisely because the mayor must "execute[] Commonwealth law." NMI CONST. art. III, § 17(a). Certainly, just as the Attorney General must execute Commonwealth law, so too must the Mayor. However, while this is certainly true, we interpret this provision to mean that the Mayor will execute Commonwealth law in the interests of his local municipality, rather than the entire Commonwealth. Our reading of this

[3] The Secretary maintains the administration of public lands cannot be construed as public services because this duty must remain within the central government's control. The Secretary concludes because mayors provide decentralized services, they cannot be responsible for administering services that belong to the entirety of the Commonwealth. There is nothing in the text of Section 17, or in supporting historical documents that outlines exactly what public services include. But even if it did, we hold that the administration of public lands must remain within the primary control of the central government such that it cannot be decentralized without some executive oversight. Therefore, we decline to investigate what the contours of public service include because here, it cannot include the management and disposition of public lands.

provision is consistent with our findings of a considerably strong local government article in the NMI Constitution. Reading Article VI in harmony with Section 17 requires our finding that the Mayor's execution of Commonwealth is done so for the benefit and interests of the local municipal government, rather than the central government. Consequently, although mayors perform some tasks that are executive in nature, they do not do so on behalf of the central government.

¶ 24 However, this does not preclude the executive branch, or even the legislative, from involving the mayor on issues concerning the administration of public land. Indeed, the first entity to administer public lands was a corporation and involved representatives from different municipalities. While the Corporation was vested with the ultimate authority to manage and dispose of public lands, a separate autonomous Board of Public Land's ("Board") would direct the Corporation's affairs. This Board sought to provide a "broader and more independent perspective to the critical issues of land management." PL 10-57, § 2. It was composed of five directors, appointed by the governor with the advice and consent of the Senate. PL 10-57. Among other requirements, one director was mandated to be from the first senatorial district, one from the second senatorial district, and three from the third senatorial district. In other words, the various municipalities would in fact be represented, and their voices heard with respect to the management and disposition of public lands.

¶ 25 Looking at the various constitutional provisions in their totality, the framers intended a distinction between the central and local governments, and framed the executive branch as representing the central government in Article XI. Because the Legislature vested complete authority in the Office of the Mayor, without any central executive oversight, we find the provisions 4 CMC § 51102(e) of the Free Trade Zone laws as contravening the mandate of Section 4 in Article XI.

B. Legislative Reallocation

¶ 26 The Mayor argues that even if mayors are not considered as part of the executive branch, the legislative branch is within its constitutional power to reallocate the management and disposition of public lands. Specifically, he maintains Article III, Section 15 of the NMI Constitution gives the legislature and the governor authority to reallocate offices and departments, as well as change their functions and duties. The Secretary contends while the legislature and governor have the power and authority to reallocate executive functions "*among* the principle departments *within* the executive branch," the Constitution and our precedent "does not extend such authority to transfer [executive functions] beyond the boundaries of the executive branch itself." Reply Br. 3.

¶ 27 Article III, Section 15 of the NMI Constitution states:

> 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.

NMI CONST. art. III, § 15.

¶ 28 Plainly, the legislature may reallocate "*among* the principal [executive] departments." NMI CONST. art. III, § 15 (emphasis added). Because the Office of the Mayor is an entirely separate entity not within the executive branch departments, the Legislature may not reallocate the functions of the Department of Public Lands (an executive branch department) to the Office of the Mayor (a local government entity). *See Dep't of Pub. Lands*, 2010 MP 14 ¶¶ 15, 28 (acknowledging the legislature's power to define the functions of executive branch departments but holding the legislature could not transfer the functions of one entity to another governmental body without constitutional amendment).

C. Revenues

¶ 29 Finally, the second certified question inquires whether mayors may collect and expend revenues derived from public lands designated as free trade zones in conformity with Article XI, Section 5(g) of the NMI Constitution. Although the parties jointly requested our guidance on this question, the Mayor later conceded in the course of briefing "[t]he law does not authorize the Mayors to keep the funds generated from the administration of these lands." Reply Br. 14. The Mayor further does not provide any argument on why he should be able to keep the funds. Since the parties are now in agreement on this issue, there is no longer a live controversy with regards to the second certified question. *Cf. Taisague v. Inos*, 2014 MP 13 ¶ 9 ("Because this portion of question one and two were conceded, our answer to these questions would be an advisory opinion."). The dispute between the Secretary and the Mayor has been fully resolved by our answer to the first question. *Contra Larson*, 2018 MP 7 ¶ 24 (finding that because Respondent did not concede, a live controversy remained).

V. CONCLUSION

¶ 30 When the drafters ratified the provisions of the NMI Constitution concerning public lands, they intended the benefits be reaped by all peoples of the Commonwealth. Because of this intent, we read the language of Article XI as mandating the management and disposition of public lands to stay within the purview of the central government's executive branch. We hold that mayors fall outside the central government, being instead representative of and responsible to the local municipality for the execution of Commonwealth law and the delivery of public services. We further maintain the Commonwealth Legislature cannot take the administration of public lands away from the central government's executive branch and transpose such responsibility to an entirely separate entity without any executive oversight. Thus, when 4 CMC § 51102(e)

of the Free Trade Zone laws vested ultimate authority of the management and disposition of public lands with the Office of the Mayor, it contravened the mandates of Article XI of the NMI Constitution. Consequently, we hold 4 CMC § 51102(e) unconstitutional.

SO ORDERED this 31st day of December, 2018.

/s/
ALEXANDRO C. CASTRO
Chief Justice

/s/
JOHN A. MANGLOÑA
Associate Justice

/s/
PERRY B. INOS
Associate Justice