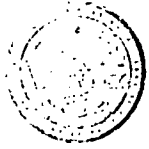


TRUST TERRITORY OF THE PACIFIC ISLANDS
OFFICE OF THE DISTRICT ADMINISTRATOR
MARIANA ISLANDS DISTRICT
SAIPAN, MARIANA ISLANDS 96950

CABLE ADDRESS
DISTAD MARIANAS



*Constitutional
Committee*

December 23, 1975

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The Honorable Vicente N. Santos
President, Mariana Islands District Legislature
Saipan, Mariana Islands 96950

Dear Mr. President:

I am returning herewith, without my approval, Act No. 31-1975, entitled: "AN ACT CALLING FOR A CONSTITUTIONAL CONVENTION FOR THE MARIANA ISLANDS DISTRICT; PRESCRIBING ITS POWERS, DUTIES AND FUNCTIONS; AUTHORIZING APPROPRIATION THEREFORE; AND FOR OTHER PURPOSES."

The primary intent of this Act is to call for a constitutional convention which I feel may be too presumptuous in view of the fact that the Covenant to establish a commonwealth of the Northern Mariana Islands has not been approved yet by the U.S. Senate. It would be more advantageous of everyone interested to defer any other action such as this Act seeks to undertake, until we know the results of the Covenant in the Senate. I feel that the provisions of this Act, while legally and substantively correct, may be more appropriate after the Covenant is ultimately passed.

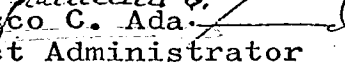
I have also noticed that funds to prepare for and conduct the election of delegates have not been provided in the Act. If this Act were to become law, the Administration would be required to conduct a massive political education to acquaint the people of the implications involved. We would have one month to do this in addition to other preparations, since the election is to take place in February 3, 1976. We cannot commit funds for which we have not been given appropriations.

Another concern we observe in this Act is the number of appointed delegates. While I appreciate the Legislature's confidence and honor in giving me the power to appoint five members, I will prefer that delegates be elected by the people, with the exception if such appointments were to be from an association, ethnic group or any civic organization.

con't
The Honorable Vicente N. Santos
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12/23/75

We feel that it would be to the advantage of all concerned if we defer the holding of a constitutional convention as called for in this Act, until we know the outcome of the Covenant in the U.S. Senate.

Sincerely,


Francisco C. Ada
District Administrator
Mariana Islands District

Attachment: Disapproved Act No. 31-1975

cc: High Commissioner
Director of Public Affairs, Hq.
Attorney General
District Director of Public Affairs, Marianas
District Attorney, Marianas

FOURTH MARIANA ISLANDS DISTRICT LEGISLATURE

SEVENTH REGULAR SESSION

ACT NO. 31-1975

INTRODUCED BY: POLITICAL COMMITTEE

AN ACT CALLING FOR A CONSTITUTIONAL CONVENTION FOR THE MARIANA ISLANDS DISTRICT; PRESCRIBING ITS POWERS, DUTIES AND FUNCTIONS; AUTHORIZING APPROPRIATION THEREFOR; AND FOR OTHER PURPOSES

BE IT ENACTED BY THE FOURTH MARIANA ISLANDS DISTRICT LEGISLATURE, THAT:

Section 1. Constitutional Convention. There is hereby created a Constitutional Convention in and for the Mariana Islands District. The Convention shall be known as the Northern Marianas Constitutional Convention.

Section 2. Delegates.

- (a) The Convention shall consist of thirty-seven (37) delegates, all of whom must be citizens of the Trust Territory and bona fide residents of the Mariana Islands District, to be selected as follows;
- (1) Municipality of Saipan, twenty four (24) delegates, nineteen (19) of whom shall be elected at large. The remaining five (5) delegates shall be appointed by the District Administrator, provided that at least one (1) of whom shall represent the Northern Islands and at least two (2) of whom shall represent the Carolinian Community;
 - (2) Municipality of Tinian, five (5) delegates elected at large; and

ACT NO. 31-1975

PAGE TWO

(3) Municipality of Rota, Eight (8) delegates, elected at large.

Section 3. Election. The election of delegates under this Act shall be as follows:

- (1) All bona fide residents of the Mariana Islands District who have the qualifications of voters for members of the Mariana Islands District Legislature are hereby eligible to vote for and choose delegates to the Convention. Registration to vote for members of the Mariana Islands District Legislature shall also be registration to vote for delegates to the Convention.
- (2) The election of delegates shall be held on the first Tuesday, following the first Monday in February, 1976.
- (3) Any person who is eighteen years of age or older, is a registered voter pursuant to Chapter 2.32 of the Mariana Islands District Code, is not currently under a judgement of mental incompetency or insanity, and is not currently under parole, probation, or sentence for any felony for which he has been convicted by any court of the Trust Territory or any court within the jurisdiction of the United States, shall be eligible for election as a delegate.

(4) The name of any candidate for election as a delegate shall be printed on an official ballot to be used at the election for choosing delegates only if at least twenty days prior to such election a nomination paper shall have been filed in the office of the Election Commissioner in his behalf nominating him as a candidate for a delegate, and signed by not less than twenty-five qualified voters. There shall be deposited with each nomination paper a fee of ten dollars. Such nomination fee shall be paid over into the General Fund of the Mariana Islands District Legislature. No such nomination paper shall contain any reference to, or designate any political party, and the ballots used at such election shall not contain any reference to or designation of the political party or affiliation of any candidate. The names of the candidates in each delegate district shall be on separate ballots. The Election Commissioner shall, upon receipt of the nomination paper, endorse thereon the day, hour and minute that such nomination paper is received.

(5) In case of a tie vote in the election of delegates, the candidates so tied shall draw lots under the supervision of the Election Commissioner to determine which of them shall be selected as delegates.

- (6) The candidates receiving the highest number of votes in each Municipality shall be the delegates to the Convention from that Municipality. The candidates not selected shall be designated as alternates in the order in which their vote totals appear.
- (7) Except as otherwise specifically provided herein, the election for such delegates shall be conducted, the returns made, the results ascertained, and the certificates of persons elected to be delegates to such Convention issued in the same manner as is prescribed under Chapter 2.32 of the Mariana Islands District Code governing elections for the Mariana Islands District Legislature.
- (8) The Convention shall be the sole judge of the qualifications of delegates.

Section 4. Vacancies. Vacancies for any elected delegate shall be filled by the candidate receiving the next highest number of votes in the election of delegates from the same municipality. If the next delegate in line refuses or is not available to serve or if the runner-up list is exhausted, the Mayor of the Municipality from which the successful delegate was elected shall appoint a person to fill the vacancy. If a vacancy occurs in a seat held by an appointed delegate, the vacancy shall be filled in the same manner as the original appointment.

Section 5. Pre-Convention Committee; Procedure.

(a) There shall be a Pre-Convention Committee which shall consist of four persons, selected as follows:

(1) The President of the Mariana Islands District Legislature shall serve as Chairman of the Pre-Convention Committee.

(2) Each chartered municipality's delegation to the Convention, consisting of all of the delegates elected and selected under the provisions of Section 2, shall meet and select a delegation chairman from its membership, who shall be the municipality's representative on the committee. Such selection shall be made not later than February 15, 1976, and shall be submitted in writing by the municipality's delegation to the President of the Mariana Islands District Legislature.

(3) The duties of the Pre-Convention Committee shall be to plan and organize the work of the Convention, and it shall take such steps as it may deem necessary or appropriate to accomplish this purpose.

(4) Members of the Committee shall be entitled to salary, per diem and travel expenses, at standard Trust Territory rates, while on the business of the Committee.

- (b) The Constitutional Convention shall convene in Saipan, Mariana Islands, and shall continue in session for no longer than sixty (60) consecutive days. The Pre-Convention Committee shall specify the actual date for the convening of the Convention, and the President of the Mariana Islands District Legislature shall act as President of the Convention until the Convention shall select a President from among its membership.
- (c) The Convention shall select, from among its membership, a President and such additional officers as it may deem necessary and appropriate.
- (d) The Convention shall adopt its own rules of procedure not inconsistent with this Act; PROVIDED, HOWEVER, that no constitutional provision shall be decided affirmatively by the Convention except by the affirmative votes of not less than three-fourths of the delegates in the Convention; and that no voting except in person shall be permitted.
- (e) A quorum shall consist of twenty-eight (28) delegates, provided, however, atleast one delegate from each chartered municipality must be present.

Section 6. Powers of Convention.

- (1) The President of the Constitutional Convention, or the Chairman of any duly established committee thereof, shall have the power and authority to issue subpoenas requiring the attendance of witnesses or the production of books, documents, or other evidence, in any matter related to the purpose of the Constitutional Convention. Any subpoena or other process issued under the authority of the Convention shall run in the name of the Trust Territory of the Pacific Islands, or its successor, shall be addressed to any police officer or other duly authorized agent. Such subpoena or other process shall be signed by the President, shall contain a reference to this Section, and shall set forth in general terms of the matter or questions with reference to which such testimony or other evidence is to be taken. Any person to whom the process described in this Subsection is directed, if within his jurisdiction, shall forthwith serve or execute the same upon delivery thereof to him, without change or compensation; PROVIDED, HOWEVER, that any person serving or executing such subpoena or process shall be compensated for his actual expenses, if any, in connection therewith.

- (2) The President or the Chairman of any duly established Committee may administer oaths to witnesses in any matter under the examination of the Convention. Every person who, having been summoned as a witness by the Convention to give testimony or to produce papers upon any matter under inquiry before the Convention, refuses to make oath or affirmation, or to answer any question inquiry, shall be guilty of contempt of the Constitutional Convention and upon conviction thereof shall be fined not more than one thousand dollars or imprisoned for not longer than the duration of the Convention, or both. Whenever a person violates any of the provisions of this Subsection, the President shall certify a statement of such facts to the Attorney General of the Trust Territory, or his successor, who shall prosecute the offender in any appropriate court of the Trust Territory, or its successor.
- (3) The officers and employees of the Trust Territory Government or any political subdivision thereof shall cooperate with the Convention by furnishing such information as may be called for in connection with research activities of the Convention.

Section 7. Duties. The Convention shall draft a Constitution for the future government of the Northern Marianas. Such Constitution shall make adequate provision for the exercise of executive, legislative, and judicial functions, and shall guarantee to all the citizens of the Northern Marianas a form of government which permits the free democratic expression of their views. It shall provide for an effective date, and shall require approval by a popular referendum as specified in this Act. When said Constitution shall be drafted as aforesaid, the Convention shall notify the District Administrator that it has completed its deliberations. Upon receipt of such notification, the District Administrator shall cause the same to be translated into the major languages of the Marianas, and not more than 45 days after receipt of such notification, call a referendum on the Constitution.

Section 8. Staff Support. The Convention and the Pre-Convention Committee shall be assisted in their tasks by:

- (1) The Mariana Islands District Legislature which shall make available such administrative and technical assistance; and

- (2) Such other staff as the Convention or Pre-Convention Committee may deem necessary to complete the performance of its tasks, within the limits of the funds made available to it by this Act and by other acts.

Section 9. Compensation of Delegates.

- (1) Delegates to the Convention shall not be employed for gain or profit while serving as delegates, HOWEVER, any delegate who is an employee of the Trust Territory Government or any political subdivision thereof shall be placed on Administrative leave with pay and shall be entitled to receive his regular salary during his service as delegate.
- (2) Delegates shall be entitled to all necessary travel expenses, and to per diem at standard Trust Territory rates, while on the business of the Convention or a committee thereof, including but not limited to the Pre-Convention Committee or subcommittee thereof.
- (3) Delegates shall be paid at the minimum rate of thirty dollars (\$30.00) per day while on the business of the Convention or a committee thereof; PROVIDED, delegates who are Trust Territory Government employees or employees of any political subdivision thereof shall be entitled to receive their regular salaries

plus the difference between their prorated daily salaries and thirty dollars (\$30.00) per day if their salaries are less than the latter amount, such difference to be paid out of the funds for the Convention; and PROVIDED FURTHER, that delegates who are members of the Mariana Islands District Legislature, shall not receive a salary from the Convention, but shall be entitled to receive travel expenses and per diem as provided under Subsection 2 of this Section chargeable to the funds of the Convention.

Section 10. Conduct of Referendum.

- (1) Except as otherwise provided in this Section, the provisions of Chapter 2.32 of the Mariana Islands District Code regarding election of members to the Mariana Islands District Legislature shall apply to the referendum.
- (2) The referendum ballot shall appear substantially as follows:

"CONSTITUTIONAL REFERENDUM"

Do you approve of the Constitution of the Northern Marianas, as adopted by the Northern Marianas Constitutional Convention?

YES _____ NO _____

- (3) Notwithstanding the provisions of Subsection (2) of this Section, a ballot printed shall be in English, Chamorro and Carolinian. The Election Commissioner shall be responsible for the accurate translation of the English language into Chamorro and Carolinian.
- (4) The Election Commissioner shall certify the results of the referendum and shall transmit such certification to the President of the Mariana Islands District Legislature as soon as practicable after their receipt.
- (5) The Election Commissioner shall be the sole judge of the referendum and the results thereof.

Section 11. The Constitution shall be deemed to have been ratified and approved by the people if approved by sixty percent (60%) of the votes cast.

Section 12. Contingent upon availability of funds, there is hereby appropriated out of any funds in the General Fund of the Mariana Islands District Legislature, the sum of One Hundred Thousand Dollars (\$100,000.00) or as much thereof as may be necessary to carryout the purposes of this Act.

Section 13. (a) The funds authorized hereunder shall remain available until September 30, 1976, or until the completion of the purpose for which they are appropriated, whichever shall first occur, whereupon any sums

ACT NO. 31-1975

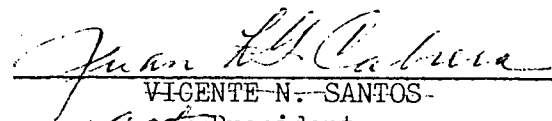
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remaining unexpended and unobligated shall revert to the General Fund of the Mariana Islands District Legislature.

- (b) At the end of the Convention, any equipment, supplies, or other property purchased through the use of the funds hereby appropriated shall become property of the Mariana Islands District Legislature to be delivered to the Legislature at the completion of its work.

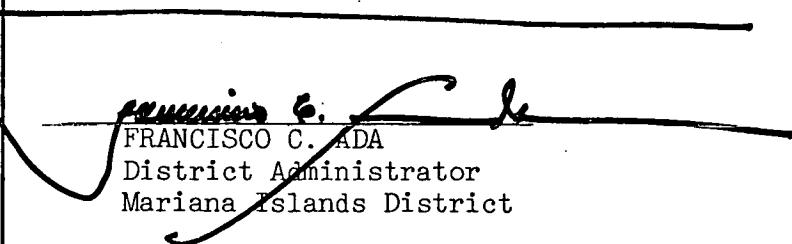
Section 14. This Act shall take effect upon its approval by the District Administrator, or upon its becoming law without such approval.

PASSED BY THE FOURTH MARIANA ISLANDS DISTRICT LEGISLATURE NOVEMBER 17, 1975.


VICENTE N. SANTOS
acty President


SANTIAGO B. MAGOFNA
Legislative Secretary

Disapproved
Signed this 23rd day of December 1975.


FRANCISCO C. ADA
District Administrator
Mariana Islands District