

November 24, 1976

COMMITTEE ON GOVERNMENTAL INSTITUTIONS

REPORT TO THE CONVENTION ON DELEGATE PROPOSALS

<u>Delegate Proposal</u>	<u>Subject</u>	<u>Disposition by Committee</u>
01	Governor and lieutenant governors	Proposal partially accepted.
03	Land court	Proposal accepted.
06	Civil service commission	Proposal largely accepted.
07	Attorney general and public defender	Appointed attorney general recommendation; creation of office of public defender believed a legislative matter.
09	Land court	Proposal accepted.
14	Code of ethics for legislature	Proposal accepted.
15	Structure and composition of legislative branch and age qualifications of legislators	Proposal accepted except as to provisions concerning term of representatives and age qualifications of legislators
16	Governor and lieutenant governors; local government	Proposal largely accepted.
17	Composition of legislature; origination of appropriations bills in lower house of legislature; appointments by governor subject to senatorial confirmation; power of any member of upper house to introduce legislation pertaining exclusively to local affairs; requirement that governor consult with lieutenant governors concerning local legislation	Proposal accepted in principle.
18	Conflicts of employment by public officials	Proposal accepted.
22	Legislative districting	Proposal that lower house be apportioned according to population accepted; proposal that every village in existence when Constitution ratified be entitled to one representative not accepted.

<u>Delegate Proposal</u>	<u>Subject</u>	<u>Disposition by Committee</u>
33	Limitation of governor, vice-governor and lieutenant governors to two consecutive terms	Committee recommended language limiting to three the number of terms an individual may be elected governor.
34	Prohibition of government employees joining or organizing unions or striking	Legislative matter.
36	Creation of office of public auditor	Proposal accepted.
41	Designation of Saipan as official capital of Commonwealth	Legislative matter.
42	Creation of office of comptroller	Legislative matter.
43	Direction to legislature to protect people against harmful and unfair business practices.	Legislative matter.
45	Titles of governmental officials	Proposal largely accepted.
47	Requirement that governor hold U.S. citizenship, have been born in the Northern Mariana Islands, be at least 35 years of age, and have been domiciled in Northern Mariana Islands for 15 years	Recommendation of Committee that governor be U.S. citizen or national, at least 30 years old, and resident and domiciliary of Commonwealth for the 7 years prior to election; requirement of birth in Northern Marianas and domicile for 15 years believed impermissible under U.S. Constitution.
49	Creation of board of education	Proposal accepted in principle.
54	Prohibition of importation and distribution of narcotics and other dangerous drugs	Legislative matter.
56	Quorum and procedures of houses of legislature	Legislative matter.
57	Certification of bills passed by legislature; procedure for enactment of bills; provision that a favorable vote by a majority of the members of each house will be necessary for passage of a bill	Proposal partially accepted with majority of votes cast in each house necessary for passage of a bill.

<u>Delegate Proposal</u>	<u>Subject</u>	<u>Disposition by Committee</u>
58	Governor's annual budget; priority status of budget; item veto of appropriations bills	Annual budget and item veto of appropriation bills proposal accepted; priority status proposal not accepted.
59	Emergency powers of chief executive of Commonwealth government	Recommendation that governor have power to declare state of emergency and to mobilize all available resources, but not to suspend civil rights.
60	Prohibition of a legislator's holding another governmental office and being appointed to an office created during his legislative term within 5 years following the expiration of that term; requirement that a legislator not engage in activities or possess interests in conflict with his official duties	Recommendations barring a legislator from other governmental employment while in legislature and prohibiting conflicts of interest.
61	Designation of legislature as "The Marianas Congress"	Proposal not accepted; the title "legislature" deemed more appropriate.
62	Privilege of legislators from arrest, except for treason, felony or breach of peace, during legislative sessions and in travelling to and from those sessions; immunity to legislators from any action arising out of speeches or debates in legislature	Proposal accepted with modification that no exceptions to privilege from arrest during, and in travelling to and from, legislative sessions.
65	Creation of Commonwealth militia, with governor as its commander-in-chief	Legislative matter.
68	Grant to governor of power to remove gubernatorial appointees	Proposal accepted.
69	Grant to governor of the power to extend pardons	Proposal accepted with express limitations that the clemency power does not extend to impeachments or removals after impeachments and may be exercised only after consultation with the board of parole.

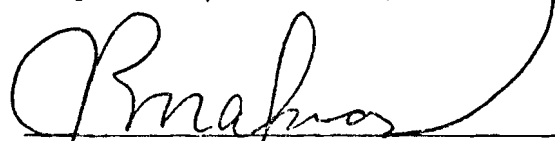
<u>Delegate Proposal</u>	<u>Subject</u>	<u>Disposition by Committee</u>
75	Minimum age for senators set at 25 years; minimum age for representatives set at 21 years; minimum age for governor set at 30 years; minimum age for mayors set at 25 years; and minimum age for attorney general set at 25 years	Ages for senators, representatives, and governor accepted; determination of age minima for mayors and attorney general not considered constitutional matters.
76	Requirements that legislative sessions be open to the public and that any person have access to any document used at those sessions	Proposal largely accepted.
77	Direction to legislature to adopt a code of ethics for elected officers and employees of the Commonwealth and local governments	Proposal accepted as to members of the legislature and as to the principal officials of the executive branch.
82	Direction to governor to request extradition of fugitive charge or convicted of crime in the Northern Mariana Islands	Legislative matters.
83	Division of Saipan into electoral districts	Proposal covered by Schedule.
85	Continuation of appropriations beyond fiscal year	Proposal accepted.
87	Continuation in office of officers serving when Constitution takes effect	Proposal accepted.
90	Election of members of legislature by cumulative voting	Proposal not accepted.
91	Creation of office of ombudsman	Legislative matter; mayor to serve similar function.
93	Requirement that the existence of governmental programs and agencies be justified every three years	Legislative matter.

<u>Delegate Proposal</u>	<u>Subject</u>	<u>Disposition by Committee</u>
96	Official flag of Commonwealth government	Legislative matter.
97	Chartered municipality status for Northern Islands upon termination of Trusteeship Agreement	Proposal covered by Article II, Section 2(b) and by Article VI, Section 2.
98	Creation of office of ombudsman	Legislative matter; mayor to serve similar function.
100	Levels of judicial branch	Proposal covered by Article IV.
101	Jurisdiction of the Supreme Court of the Commonwealth	Legislative matter.
103	Conflicts of interest by elected officials of the executive branches	Proposal accepted.
104	Obligation of Commonwealth government to uphold provisions of the Constitution and to advance principles of unity	Purpose of proposal considered implicit in Constitution.
108	Oath of office for public officers	Proposal referred to Committee on Finance, Local Government and Other Matters.
110	Titles of governor and lieutenant governor; executive board of governor	Proposal accepted as to titles; "executive board" called "governor's council of mayors" pursuant to recommendation of Committee on Finance, Local Government and Other Matters.
111	Chamorro language requirements	Legislative matter.
113	Waiver of sovereign immunity of Northern Mariana Islands government	Legislative matter.
114	Prohibition of legislator's serving as a voting member of any entity created by the legislature	Proposal accepted.
118	Creation of Northern Marianas Youth Congress	Legislative matter.

<u>Delegate Proposal</u>	<u>Subject</u>	<u>Disposition by Committee</u>
121	Title of highest elected official in each chartered municipality to be "Magalahe"	Proposal not accepted.
126	Authorization of legislature to establish, consolidate or reorganize executive departments and to delineate their functions and responsibilities	Proposal accepted.
127	Preamble	Proposal referred to Committee on Finance, Local Government and other Matters.
131	Immigration	Legislative matter.
132	Creation of offices of governor and lieutenant governor to be filled by Commonwealth-wide elections, establishment of executive council of the governor composed of mayors of Rota, Tinian and Saipan	Proposal regarding offices of governor and lieutenant governor accepted; proposal concerning executive council considered by Committee on Finance, Local Government and Other Matters.
134	Requirement that reapportionment occur every fifteen years; provision that a vacancy in the legislature will be filled by special election if more than one year of the unexpired term remains and by gubernatorial appointment if less than one year remains; prohibition of a legislator's holding another governmental position; and requirement that the passage of appropriate bills will require the affirmative vote of three-fourths of each house	Recommendation by Committee that reapportionment occur every ten years; proposal concerning vacancy partially accepted; proposal concerning conflict of employment accepted; proposal concerning appropriation bills not accepted.
139	Designation of legislature as part-time body and specification that salaries of members of the upper house will be \$1,200 yearly and that those of members of the lower house will be \$1,000 yearly	Proposal not accepted.

<u>Delegate Proposal</u>	<u>Subject</u>	<u>Disposition by Committee</u>
142	Preamble	Proposal referred to the Committee on Finance, Local Government and Other Matters.
143	Consultation between federal and Commonwealth governments	Legislative matter.
145	Requirement that governor and lieutenant governor be United States citizens, be born in the Northern Mariana Islands, be domiciled in the Commonwealth for twenty-five years, and be at least thirty years of age	Proposal regarding minimum age of governor and lieutenant governor accepted; proposals concerning domicile and birth not accepted as contrary to the United States Constitution; and proposal pertaining to citizenship modified to permit these officials to be citizens of nationals of the United States.

Respectfully submitted,

  
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Jose P. Mafnas, Chairman  
of the Governmental Institutions  
Committee, for the Committee

COMMITTEE ON PERSONAL RIGHTS  
AND NATURAL RESOURCES

REPORT TO THE CONVENTION ON DELEGATE  
PROPOSALS

<u>Delegate Proposal No.</u>	<u>Subject</u>	<u>Disposition by Committee</u>
5	Protects the practice of traditional medicine.	Statutory matter.
8	Repeals all past statutes of limitation relating to land.	Covered by recommended provision on land alienation.
10	Authorizes courts to review sales and takings of land during the past 25 years.	Covered by recommended provision on judicial branch.
11	Permits currently working teachers and nurses to continue to work following ratification of the Constitution.	Statutory matters.
19	Requires primary elections for candidates for governor and lt. governor; requires joint ballot for governor and lt. governor.	Matter for Committee on Governmental Institutions.
20	Guarantees health services and social welfare.	Statutory matters.
21	Places Aguigan Island under the jurisdiction of Tinian.	Referred to Committee on Governmental Institutions.
23	Grants public lands to persons who have resided on them for 20 years or more.	Covered by recommended provision on public lands.
24	Restricts the power of eminent domain.	Partly covered by recommended provision on eminent domain; partly left to legislature.
25	Deals with several personal rights.	Covered by recommended provision on personal rights.
26	Requires approval of Tinian and Rota local governments for exercise of eminent domain power on those islands.	Referred to Committee on Finance, Local Government and Other Matters.
27	Repeats Covenant restrictions on exercise of eminent domain power of the U.S. Government.	Covered by the Covenant.
29	Requires selection of candidates by primary elections.	Covered by recommended provision on eligibility to vote.



<u>Delegate Proposal No.</u>	<u>Subject</u>	<u>Disposition by Committee</u>
31	Guarantees trial by jury in civil and criminal cases.	Covered by recommended provision on personal rights.
37	Prohibits ownership of land by corporations not wholly-owned by persons of Northern Marianas descent.	Covered by recommended provision on land alienation.
46	Gives the Commonwealth the right to minerals and resources in submerged land under territorial waters.	Covered by recommended provision on public lands.
51	Prohibits denial of right to employment on basis of race or creed.	Covered by equal protection clause.
52	Protects the quality of the environment.	Covered by recommended provision on personal rights.
53	Encourages farming and fishing industries.	Statutory matter.
63	Requires just compensation for taking of private lands.	Covered by recommended provision on eminent domain.
64	Regulates child labor.	Statutory matter.
66	Gives persons occupying land on Alamagan, Pagan and Agrigan ownership of that land.	Covered by recommended provision on public lands.
67	Guarantees right to speedy trial and assistance of counsel in criminal cases; preserves historic monuments.	Covered by recommended provisions on bill of rights and natural resources.
70	Restores civil rights to persons convicted of crimes in the Northern Mariana Islands on the date of ratification of the Constitution.	Statutory matter.
71	Restricts ownership of land in the Commonwealth to persons of Northern Marianas descent.	Covered by recommended provision on land alienation.
72	Requires that 25% of the members of the legislature be women.	Equal protection problem.
73	Requires development of a long-range land use plan for the Commonwealth.	Covered by recommended provision on public lands.
74	Extends statutes of limitation relating to land.	See no. 8
78	Permits capital punishment as provided by law.	Rejected by Committee.
79	Protects the right of private employees to organize for the purpose of collective bargaining.	Statutory matter.

<u>Delegate Proposal No.</u>	<u>Subject</u>	<u>Disposition by Committee</u>
80	Guarantees procedural due process in all administrative hearings.	Partly covered by due process clause; partly a statutory matter.
81	Places all of the Northern Mariana Islands under the jurisdiction of the Commonwealth government.	Covered by recommended provision on public lands.
84	Prohibits leases of public land longer than 25 years.	Covered by recommended provision on public lands.
88	Protects the right of persons in public employment to bargain collectively.	Statutory matter.
89	Guarantees use of ocean fisheries by the people except as provided by law.	Covered by recommended provision on natural resources.
92	Gives 50 percent of revenues from natural resources to the island where the resource is located.	Covered by recommended provision on public lands.
94	Guarantees the right of individuals to possess firearms.	Rejected by the Committee.
99	Continues the Micronesian Claims Act.	Statutory matter.
104	Recognizes the right of the people to education, health care and legal services.	Partly covered by education article; statutory matters.
106	Requires 10 percent of the public labor force to be Carolinians.	Raises equal protection problem.
107	Prohibits testing, storing or disposing radioactive, toxic chemical or other harmful substance without express approval of the Commonwealth government.	Statutory matter.
112	Gives each family that does not own land at the date of ratification a 100' x 100' piece of public land.	Covered by recommended provision on public lands.
115	Preserves Managaha as a public resort.	Covered by recommended provision on natural resources.
116	Preserves Sarigan as a bird and wildlife sanctuary.	Covered by recommended provision on natural resources.

<u>Delegate Proposal No.</u>	<u>Subject</u>	<u>Disposition by Committee</u>
117	Protects historial sites and artifacts.	Covered by recommended provision on natural resources.
122	Defines Northern Marianas descent.	Covered by recommended provision on land alienation.
123	Regulates wages, hours and working conditions of employees.	(1) and (2) covered by equal protection clause; (3), (4) and (5) statutory matters.
124	Prohibits confining any child under the age of 18 in any jail or penitentiary.	Covered by recommended provision on personal rights.
125	Prohibits employment of children under the age of 14.	Statutory matter.
129	Creates a public land corporation.	Covered by recommended provision on public lands.
133	Guarantees equal protection of the laws; prohibits capital punishment and prostitution.	(1) and (2) covered; (3) a statutory matter.
135	Prohibits capital punishment.	Covered by recommended provision on personal rights.
136	Creates an Economic Development Authority.	Statutory matter.
137	Prohibits the selling of natural resource sources by the Commonwealth government.	Covered by recommended provision on public lands.
140	Protects sandy beaches within 150 feet of the high water mark.	Covered by recommended provision on public lands.
141	Permits persons of Chamorro and Carolinian ancestry to refuse to join the U.S. Armed Forces.	Unconstitutional.
146	Creates an Environmental Protection Board.	Legislative matter; specific boards should not be named in the Constitution.
160	Bans abortions.	Statutory matter.

COMMITTEE ON FINANCE, LOCAL GOVERNMENT  
AND OTHER MATTERS

REPORT TO THE CONVENTION ON DELEGATE  
PROPOSALS

<u>Delegate Proposal</u>	<u>Subject</u>	<u>Disposition by Committee</u>
2	Requires the Commonwealth to rebate to the government of each municipality 30 percentum of all revenues received by the Commonwealth from that municipality	Considered as part of the Committee's review of taxation and local government articles; determined to be a matter of legislative concern.
4	Defines the term "culture" and provides that Constitution shall protect culture of the Commonwealth.	Term "culture" involves a continually changing concept. Committee recognizes the importance of encouraging the culture of the Northern Mariana Islands.
12	Affirms that citizens must observe traditional custom and respect for parents and elders even after they have reached age 18.	Not a matter of constitutional concern.
13	Declares certain days as official holidays.	This is a matter of legislative concern and discretion.
28	Provides that Constitution shall be known as "Marianas Constitution"; Constitution is supreme law of Commonwealth and acts in conflict with it are invalid	The Committee concluded that these matters are appropriate to the subject of a preamble and other general parts of the Constitution and may be addressed as part of other matters.
30	Provides that English shall be the official language of the Commonwealth. (Other delegate proposals listed below deal with languages.)	Such matters should not be dealt with in the Constitution but should be addressed as appropriate by the legislature.
32	Prohibits creations of local government units; all local matters are subject to Commonwealth government authority.	Subject matters have been discussed as part of local government article and a different approach is being considered.

<u>Delegate Proposal</u>	<u>Subject</u>	<u>Disposition by Committee</u>
38	Grade systems legislatively adopted should be at least equivalent in number of grades to that in operation prior to ratification of Constitution	This subject has been dealt with in the article on education.
39	Provides a grandfather clause for existing licenses to practice medicine and dentistry and for new licenses under legislation.	This is a matter of legislative concern.
40	Proposes a Bank of the Commonwealth.	This matter is being dealt with by the Committee on Personal Rights and Natural Resources.
44	Provides for mandating free public primary education through ninth grade; legislative authority to deal with age limits and adult education.	This matter has been dealt with in the article on education and bill of rights.
48	Requires legislature to create a retirement fund	This matter is covered by social security.
50	Promotion of inter-island sports competition.	This is not a matter of constitutional purview.
55	Provides for municipal government with power of local legislation	This subject matter is being considered in the article on local governments.
86	Prescribes an oath of office.	Accepted by the Committee and to be made consonant with the Covenant.
95	Directs legislature to grant funds to public candidates.	This is not a matter of constitutional purview.
102	Provides for promotion of the Chamorro language in the public schools	SEE PROPOSAL NUMBER 30
109	Highest elected position in each municipality shall be chief executive; will serve in the executive board of governor.	This matter is being addressed in the article on local government.

<u>Delegate Proposal</u>	<u>Subject</u>	<u>Disposition by Committee</u>
119	Requires financial disclosure by public officials (elected)	This is a matter of legislative concern and should be addressed by the new legislature. It may be addressed by committee on Government Institutions
120	Requires disclosure of the approved budget of the Commonwealth	This is a matter within the scope of work of the Committee on Government Institutions and also may be a matter of legislative concern. The budget when submitted to the legislature becomes a public document.
128	Provides for licensing of professions and business regulation; licenses to conduct business establishments are local government functions.	This is a matter of legislative concern.
130	Provides for official languages of Commonwealth (Chamorro, Carolinian and English) and teaching of same in schools.	SEE PROPOSAL NUMBER 30
138	Requires teaching of Marianas history in public schools	This is not a matter of constitutional purview.
143	Deals with matters of dual concern to Northern Mariana Islands and the Federal Government	These issues should be recognized by the Commonwealth.
144	Same subject as Delegate Proposal 39	SEE PROPOSAL NUMBER 39
147	Promotes mass transit	This is not a matter of constitutional purview
148	Provides for census of population	This is a matter of legislative concern.