



Commonwealth of the Northern Mariana Islands
Department of Public Health & Environmental Services
Office of the Director
Saipan, Mariana Islands 96950

June 28, 1985

Mr. Lorenzo I. Guerrero, Chairman
Committee on Finance & Other Matters
Second Northern Marianas Constitutional
Convention
House of Taga, San Vicente
Saipan, CM 96950

Dear Mr. Chairman:

Thank you for your invitation to testify on Delegate Proposals 4-85, 108-85, 6-85 and 41-85. My comments on the various Proposals follows:

I. Delegate Proposal No. 4-85 "Code of Ethics for Public Officers of the Executive, Legislative and Judicial Branches of the Government."

Mr. Chairman, I feel that although the delegates to this Convention may, in their wisdom, amend or make additions to articles or sections of the current Constitution of the Northern Marianas, I also feel that there are certain matters that are not, and should not, be constitutional material. Delegate Proposal No. 4-85 in my opinion is and should be provided by law and not in the Constitution.

II. Delegate Proposal No. 108-85 "To provide for a new seal and flag of the Northern Marianas."

Although I have no strong feeling for or against this proposal, I would like to offer an alternative design from the design herewith presented. Keep the original design and just add/line the outside circle with a mwuar mwuar. This alternative design may perhaps address the intent of the proposal of reflecting the symbol of our heritage.

III. Delegate Proposal No. 6-85 "To require public bidding for all goods and services required by the Commonwealth Government."

This proposal has certain merits and I strongly urge further pursuit, but again, I feel that it should not be contained in the Constitution, but rather, it should be provided by law. I also feel that it may be dangerous to give any Governor the authority to prescribe his own rules and regulations with respect to public funds. A strict law should be enacted to prevent even the Governor from taking advantage of certain situations which s/he might use for personal gain. In addition, the law should also make certain exceptions particularly when dealing with emergencies. It would be very impractical, for example, for a patient in need of emergency drugs to wait for drugs s/he needs to be advertised, wait for bidders to respond, cut a requisition, and again, wait for the drugs to arrive.

IV. Delegate Proposal No. 41-85 "To require that all CIP funds for Rota and Tinian be controlled by the Mayors of those Senatorial Districts."

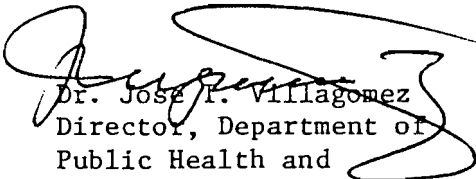
Again, I am of the opinion that this proposal should not be a Constitutional matter. I believe that all funds dealing with Capital Improvement Projects are provided for in the appropriation measures. In this connection, the manner in which a project is funded, its use and how to be accounted for, should be provided for in the law.

I have strong reservations with respect to having the Mayors control the CIP funds. If CIP funding for Rota and Tinian have already been spelled out in the appropriation measure, then what is the rationale in having the Mayors control them?

Section 2 of this proposal calls for a resident auditor. I wonder if there is a need to create one. Isn't the Accounting office on Saipan - or the Auditor's office sufficient to provide this service? Or is this another attempt to create additional jobs?

Mr. Chairman, and members of this Committee, I wish to thank you for inviting me to present my comments on the above proposals.

Sincerely,


Dr. Jose P. Villagomez
Director, Department of
Public Health and
Environmental Services