

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

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Juan T. Lizama, Floor Leader

REPORT TO THE CONVENTION BY THE
COMMITTEE ON GOVERNMENTAL INSTITUTIONS

Subject: Committee Recommendation No. 26

Members

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Alonso Igonar
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Francisco Tomokane
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Ramon G. Villagomez
Ignacio Villanueva

The Committee on Governmental Institutions recommends that the Convention adopt the attached Constitutional amendment with respect to the Resident Representative to the United States.

The Committee's recommended Constitutional amendment provides for the appointment of the Resident Representative for a term of 4 years until the Commonwealth of the Northern Mariana Islands is given a non-voting seat in the United States Congress.

If the Commonwealth of the Northern Mariana Islands is given a non-voting delegate status in the United States Congress, the Resident Representative will be elected for a term of two years.

The Committee's recommended Constitutional amendment is not in conflict with the Covenant. The advantages of having an appointed Resident Representative far outweigh the disadvantages.

The duties of the Resident Representative are provided for under Public Law 3-92 as mandated by Section 1 of Article V of the Northern Marianas Constitution. Section 2 of Public Law 3-92 states, in part the following duties:

"(c) The Representative shall represent the people and Government of the Commonwealth on a full-time basis before the Congress of the United States and the committees and subcommittees thereof, and before the various departments and agencies of the Federal Government, the governments of states within the United States, and other organizations, public and private, on all matters pertaining to the Commonwealth, and shall actively and fully advocate all programs and policies adopted by the Commonwealth. The Office shall act as a liaison office in the District of Columbia for all official and unofficial matters pertaining to the public welfare of the Commonwealth.

(d) In addition to his other duties and responsibilities the Representative shall coordinate all activities of the Commonwealth Government..... The Representative may join and participate on nonpartisan basis..... The Representative, within budgetary appropriations for such purpose, may attend conferences of national and international....."

(e) It is the intent of this subsection to assure effective coordination in all congressional testimony.....

(f) (not related).....

(g) In the event that the Commonwealth....., the Representative may perform such assignment when so designated by the Governor or by the Legislature.....
(emphasis added)

It is clear from the statutory duties that the primary function of the Resident Representative is to coordinate the activities and programs of the Commonwealth Government. The Committee feels that the programs and policies of the Commonwealth Government will be strengthened if the Resident Representative is appointed.

The advantages and disadvantages for having an appointed Resident Representative are as follows:

Advantages:

1. The Resident Representative will be more responsive to adopting and carrying out the policies of the Commonwealth Government because he is appointed and may be removed by the legislature for failure to perform his duties;
2. Because he serves under the Chief Executive, the policies and activities of the Commonwealth Government will be better coordinated;
3. The Resident Representative will serve for a term of four years, concurrent with the Chief Executive;
4. The Resident Representative does not have to be elected every two years. The Commonwealth will be able to maintain continuity better than if the position is elected.

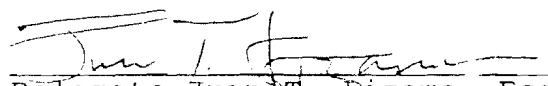
Disadvantages:


1. The Chief Executive and the Legislature will decide who is going to be the Resident Representative through the appointment and confirmation processes.
2. The United States Congress may get the impression that the people of the Commonwealth are not strongly pushing for a non-voting membership in the United States Congress.

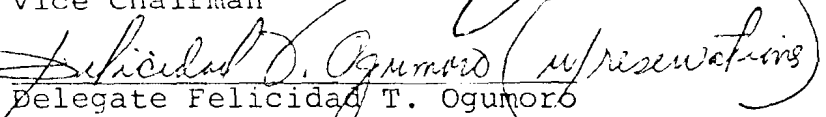
The Committee considered delegate Proposals Nos. 12-85, 29-85, 43-85, 67-85, 71-85, 143-85, 185-85, and 190-85.


The Committee strongly urges all delegates to support the recommended Constitutional amendment.

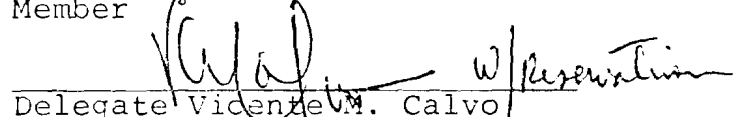
Respectfully submitted,



Delegate Juan T. Lizama, Esq.
Chairman

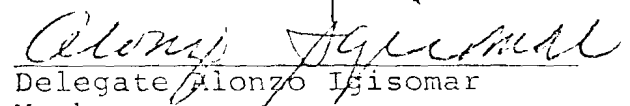

Delegate Jesus P. Mafnas
Vice Chairman


Delegate Felicidad T. Ogunoro
Member


Delegate Benusto R. Kaipat
Member


Delegate Vicente M. Calvo
Member


Delegate David M. Cing
Member


Delegate Alonzo Isisomar
Member

A PROPOSED CONSTITUTIONAL AMENDMENT

To delete Article V in its entirety; and to add a new Section 20 and Section 21 to Article III of the Northern Marianas Constitution relating to Resident Representative to the United States.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

1 Effective upon ratification, Article V of the Northern Marianas Constitution
2 is hereby deleted in its entirety and a new Sections 20 and 21 is hereby
3 added to Article III to read:

4 "Section 20. Resident Representative to the United States. A
5 resident representative to the United States shall be appointed by
6 the Governor for a period of four (4) years to represent the
7 Commonwealth in the United States and to perform those related
8 duties provided by law with the advice and consent of the
9 Legislature. The Governor shall provide a certification of the
10 appointment upon confirmation by the Legislature to the United
11 States Department of State.

12 "(a). Annual Report. The resident representative shall
13 submit a written report by the second Monday of January of
14 each year to the governor and legislature on the resident
15 representative's official activities during the preceding year
16 and matters requiring the attention of the government or
17 people of the Commonwealth.

18 "(b). Compensation. The resident representative shall receive
19 an annual salary and reasonable allowance for expenses provided
20 by law. The salary may not be changed during a term of office.

21 "(c). Vacancy. In the event of a vacancy in the office of the

*Didn't
address the
qualifications
requirements
pertinent to
901 of
Constitution*

1 resident representative to the United States, the governor shall
2 appoint a successor with the advice and consent of the legislature.

3 "(d). Removal. The resident representative may be removed only
4 for cause and by the affirmative vote of simple majority of the
5 members of each house of the legislature."

6 "Section 21. Election of Resident Representative to the United States.

7 If the Northern Marianas is given a non-voting delegate status in the
8 Congress of the United States, the resident representative shall be
9 elected for a term of two years."

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COMMITTEE ON GOVERNMENTAL INSTITUTIONS

SECOND CONSTITUTIONAL CONVENTION, 1985
SAIPAN, NORTHERN MARIANA ISLANDS

CONSTITUTIONAL AMENDMENT PROPOSAL NO: 29-85

A PROPOSAL

To amend Section 2 of Article V of the Constitution of the Northern Mariana Islands to extend the term of the Washington Representative to a four (4) year term.

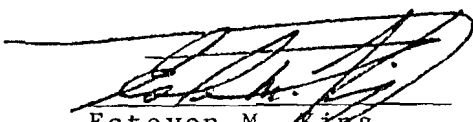
BE IT ENACTED BY THE SECOND CONSTITUTIONAL CONVENTION:

1 Section 1. Section 2 of Article V is hereby
2 amended to read as follows:

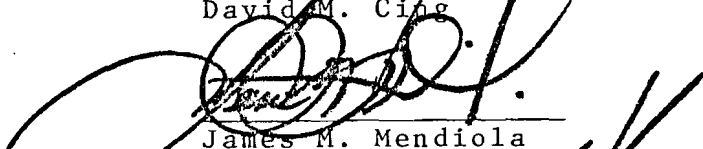
3 Section 2. Term of Office. The term of
4 office of the representative shall be ~~two~~ four
5 years. ~~Unless it is increased to no more than~~
6 ~~four years by initiative under Article IX, Section~~
7 11

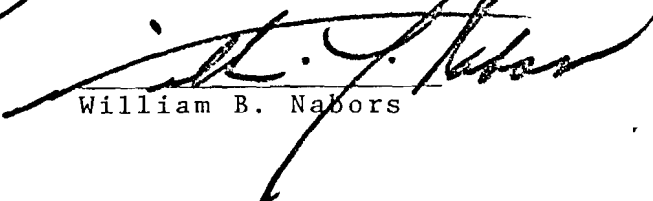
Introduced by:

Dated: 6/19/85


Esteven M. King


David M. Cing


James M. Mendiola


William B. Nabors

A PROPOSAL

To amend Article V, Section 3 of the Northern
Marianas Constitution to provide for the
qualification of the Washington Representative.

BE IT ADOPTED BY THE SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

1 Section 1. Section 3 of Article V is hereby amended to
2 read as follows:

3 "The Washington Representative shall be a qualified to
4 vote in the Commonwealth, a citizen of the United States, at
5 least twenty-five years of age, and a resident and domiciliary
6 of the Commonwealth for at least seven (7) years immediately
7 preceding the date on which the Representative takes office. A
8 different period of residence and domicile may be provided by
9 law. No person convicted of a Felony in the Commonwealth or ~~in~~
10 ~~and also under the jurisdiction of the United States~~ else where
11 may be eligible for this office unless a full pardon has been
12 granted."

13 Date: 6/20/85

Offered by: [Signature]
Delegate Jason Mendiola
[Signature]
Delegate William Mendiola
[Signature]
Delegate Esseyon King
[Signature]
Delegate David Cing

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A PROPOSAL

To delete Article V in its entirety, and to add a new Section 20 to Article III of the Northern Marianas Constitution.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

1 Section 1. Article V of the Northern Marianas Constitution
2 is hereby deleted in its entirety.

3 Section 2. Article III of the Northern Marianas Constitution
4 is hereby amended to add a new "Section 20" to read as follows:

5 "Section 20. Representative to the United States. A
6 representative to the United States shall be appointed by the
7 Governor for a period of four (4) years to represent the
8 Commonwealth in the United States and to perform those
9 related duties provided by law with the advice and consent of
10 the Legislature. The Governor shall provide a certification
11 of the appointment upon confirmation by the Legislature to
11 the United States.

12 "(a). Annual Report. The representative shall submit a
13 written report by the second Monday of January of each
14 year to the governor and legislature on the representative's
15 official activities during the preceding year and matters
16 requiring the attention of the government or people of the
17 Commonwealth.

18 "(b). Compensation. The representative shall receive an
19 annual salary and reasonable allowance for expenses provided
20 by law. The salary may not be changed during a term of
21 office.

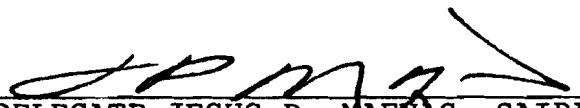
1 "(c). Vacancy. In the event of a vacancy in the office of
2 representative to the United States, the governor shall
3 appoint a successor with the advice and consent of the
4 legislature.


5 "(d). Removal. The representative may be removed only for
6 cause and by the affirmative vote of two-thirds of the
7 members of each house of the legislature."

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Date: 6/20/85


Offered by:

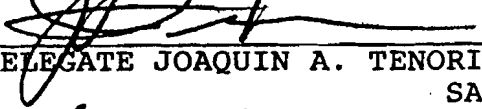

DELEGATE JESUS P. MAFNAS, SAIPAN


DELEGATE LORENZO I. GUERRERO,
SAIPAN



DELEGATE LEONZO IGISOMAR, SAIPAN



DELEGATE DAVID L. IGITOL, SAIPAN



DELEGATE KARL T. REYES, SAIPAN


DELEGATE JOAQUIN A. TENORIO,
SAIPAN


DELEGATE FRANCISCO TOMOKANE,
SAIPAN


DELEGATE WILLIAM S. TORRES,
SAIPAN


DELEGATE RAMON G. VILLACOMEZ,
SAIPAN


DELEGATE IGNACIO VILLANUEVA,
SAIPAN

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A PROPOSAL

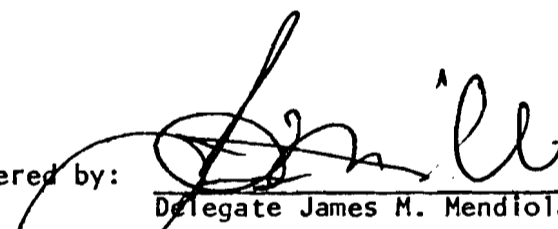
To amend Section 1 of Article V of the Northern Marianas Constitution relating to representation in the United States.

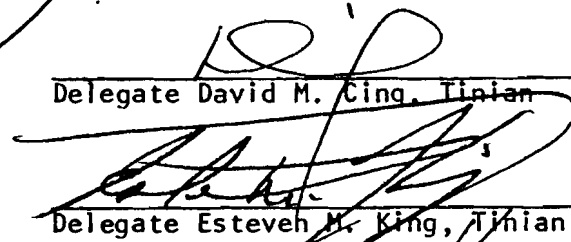
BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

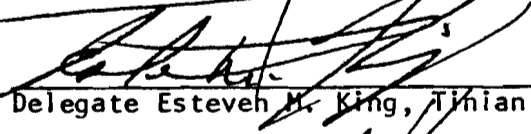
1 Section 1. Section 1 of Article V of the Northern Marianas Constitution
2 is hereby amended to read as follows:

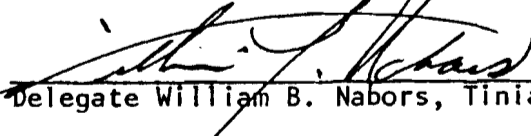
3 "Section 1. Representative to the United States. A representative
4 to the United States shall be elected to represent the Commonwealth in the
5 United States, including relations with the United States Government, the
6 government of the states within the territories associated with the United
7 States, such as Puerto Rico, Guam, the Virgin Islands, Federated States of
8 Micronesia, Republic of Belau and the Republic of the Marshalls and to perform
9 those related duties provided by law. THE GOVERNOR SHALL PROVIDE A CERTIFICATION
10 OF SELECTION PROMPTLY TO THE UNITED STATES DEPARTMENT OF STATE AND TO THE
11 REPRESENTATIVE"

12
13 Date: 6/20/85

Offered by: 
Delegate James M. Mendiola, Tinian


Delegate David M. Cing, Tinian


Delegate Esteveh N. King, Tinian


Delegate William B. Nabors, Tinian

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SECOND CONSTITUTIONAL CONVENTION, 1985
SAIPAN, COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

CONSTITUTIONAL AMENDMENT NO. 143-85

A PROPOSAL


To amend section 2 and 3, article V of the constitution of the Northern Mariana Islands relevant to Term of Office and Qualification of Representation in the United States.

BE IT ENACTED BY THE SECOND CONSTITUTIONAL CONVENTION:

Section 2: Term of Office. The term of office of the representative shall be four years.

Section 3: Qualifications. The representative shall be a person of northern Mariana decent, qualified to vote in the Commonwealth, A citizen of the Commonwealth of the Northern Mariana Islands or of the United States of America. No person shall be eligible to this office who shall not attain to the age of thirty years and of sound mind, a resident of the commonwealth for at least 10 years immediately preceding the date on which he takes office. No person convicted of a felony may be eligible for this office unless a full pardon ~~is~~ has been granted.

Introduced by:


Dr. Benusto R. Kaipat

June 24, 1985

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A PROPOSAL

To amend Article V, Section 1 to permit the Representative to the United States to assume a seat in the United States Congress at such time as the United States grants that right.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, Article V, Section 1 of the Constitution is amended to read:

"Section 1. Representative to the United States. A representative to the United States shall be elected to represent the Commonwealth in the United States and to perform those related duties provided by law. The governor shall provide promptly to the United States Department of State and to the representative a certification of selection. The representative shall become a member of the United States Congress with such rights and and at such time as the United States shall agree."

Introduced by:

Felicidad S. Gumm
[Signature]
Herman J. Guerrero

Dated:

6/25/85
6/25/85

A PROPOSAL

To amend Section 4 of Article V of the Constitution re Annual Report of the Resident Representative to the United States.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

1 Section 4. Annual Report. The resident representative shall
 2 submit a written report by the first day of March of each year,
 3 except outgoing resident representative shall submit a written
 4 report by the second Monday of January of each year, to the
 5 governor and legislature on the resident representative's official
 6 activities during the preceding year and matters requiring the
 7 attention of the government or people of the Commonwealth.

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Date: June 26, 1985 Introduced by Herman T. Guerrero
 Del. Herman T. Guerrero
Felicidad O. Guerrero
[Signature]
[Signature]