

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

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REPORT TO THE CONVENTION BY THE  
COMMITTEE ON PERSONAL RIGHTS & NATURAL RESOURCES

Members

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Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
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Subject: COMMITTEE RECOMMENDATION NO. 28

Your Committee on Personal Rights and Natural Resources has carefully examined and deliberated on Delegate Proposal Nos. 37-85, 17-85, and 97-85, relative to amending Article I, Section 9 of the CNMI Constitution pertaining to clean and healthful environment, prohibition of noise pollution, nuclear storage or dumping and the storage, use, or dumping of toxic chemical or biological weapons or materials. Your Committee finds and concludes that the term "clean and healthful public environment" is too general of a statement and the determination of what falls within such general statement is too difficult. In order to ascertain that certain specific types and area of public environment are clearly contained within that term, your Committee has decided to propose an amendment in consonant with Delegate Proposal Nos. 37-85, 17-85, and 97-85.

The amendment would add that clean and healthful public environment shall include, but not be limited to water, land, air, and prohibition of noise pollution, storage or dumping of nuclear wastes and materials, and toxic chemical or biological weapons or materials.

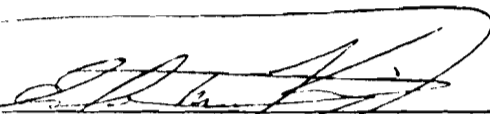
Your Committee takes into consideration the importance of a healthy environment and the decision of the First Constitutional Convention to protect such environment. To be certain that our entire environment is protected, we must keep all our waters, lands and air free from any type of pollutions. In addition, the peacefulness of our lifestyle and the tranquility of our people will be protected if we include the prohibition of noise pollution coming from any unjustified source or sources. Under this provision, any activities resulting in excessive noise should be located or relocated away from public areas, particularly residential areas and the path of noisy airplanes or jetplanes should be directed away from public and residential areas.


The amendment further prohibits the storage or dumping of nuclear material as waste and toxic chemical or biological weapons and materials. Under this provision, any individual from the CNMI may file suit to enjoin or prohibit any of the activities or conditions prohibited hereunder, except as provided by law.

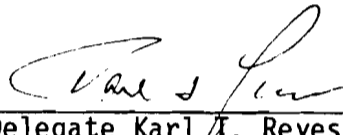
Under this proposed amendment, any existing or future laws allowing certain types of nuclear use, storage, or transport necessary for medical or national defense purposes are permitted. It will not conflict with any agreement between the CNMI and the Federal Government relative to the same subject matter.

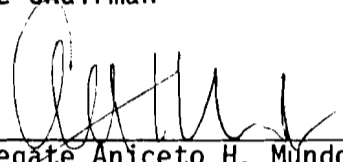
Your Committee recommends adoption of the attached proposed amendment, and urge the unanimous endorsement of the other Convention delegates.

Respectfully submitted,

  
\_\_\_\_\_  
Delegate Esteven M. King  
Chairman

  
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Delegate Joaquin A. Tenorio  
Vice Chairman

  
\_\_\_\_\_  
Delegate Karl T. Reyes  
Member

  
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Delegate Aniceto H. Mundo  
Member

  
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Delegate Ramon G. Villagomez  
Member

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 9 of Article I of the Northern Marianas Constitution relating to Clean and Healthful Environment.

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, Section 9 of Article I is amended to read:

2 "Section 9: Clean and Healthful Environment. Each person has the

3 right to clean and healthy public environment in all areas, including,

4 but not limited to land, air, and water. Harmful <sup>and</sup> ~~or~~ unnecessary noise

5 pollution and the storage of nuclear or radioactive material and the

6 dumping or storage of any type of nuclear waste <sup>ARE</sup> ~~IS~~ prohibited within the

7 surface or submerged lands and waters of the Northern Mariana Islands,

8 except as provided by law.

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*Adopted by  
Vote of the whole  
on 7/12/85*

COMMITTEE ON PERSONAL RIGHTS  
AND NATURAL RESOURCES