

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

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REPORT TO THE CONVENTION BY THE
COMMITTEE ON FINANCE & OTHER MATTERS

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Subject: Committee Recommendation No. 30

The Committee on Finance & Other Matters recommends that the Convention, sitting as a Committee of the Whole, adopt in principle the attached constitutional provision with respect to a Code of Ethics for the Commonwealth of the Northern Marianas.

Your Committee finds that a Code of Ethics is necessary in the public interest for the following reasons:

1. It will require officers and employees of the government to demonstrate, by their example and acts, the highest standard of ethical conduct to the end that the public may justifiably have trust and confidence in the integrity of government.
2. As agents of public purpose, officers and employees of the government will be required to hold their offices or positions for the benefit of the public to recognize that the public interest is their primary concern, and to faithfully discharge the duties of their offices or positions regardless of personal considerations.
3. It would improve the quality of services provided to the people of the Commonwealth.

To accomplish the above objectives, your Committee has delegate proposal no. 4-85 to permit flexibility in the enactment of an integrated code of ethics which would cover the executive, legislative, judicial branch of the government, the political subdivisions, including boards and commissions, public corporations and other government instrumentalities. It is intended that the legislature enact a comprehensive code of ethics which shall include, at a minimum, certain standards to govern the conduct of all officials and employees of the Commonwealth. The Code of Ethics must include, but not limited to the following:

1. A conflict of interest provision which prohibits officers and employees of the government from soliciting, or accepting any gift, loan, gratuity,

favor, promise or service with the understanding that the same may influence him or her in the proper discharge of his or her duties; using his or her official position to secure special privileges, consideration, treatment, or exemption to himself or herself or any person beyond that which is available to every other person; disclosing confidential information gained by reason of his or her official position or using such information for the personal gain or benefit of himself or herself or anyone else; engaging in any business, transaction or activity or have a financial interest, direct or indirect, which might reasonably tend to be incompatible with the proper discharge of his official duties or impair his or her independence of judgment in the performance of his or her official duties; receive any compensation for his or her services as an officer or employee of the Commonwealth from any other source other than the Commonwealth, except as otherwise provided by law; appear on behalf of private interests for compensation before any agency of the government other than a court of law, nor represent private interests in any action or proceeding against the interest of the Commonwealth or its political subdivision in any litigation to which the Commonwealth is a party; accepting a retainer, compensation or election campaign contribution that is contingent upon action by a government agency or political subdivision.

2. A disclosure of interest provision requiring full disclosure in writing to his or her appointing authority or to the legislature in the case of members of that body, the possession or acquisition of any interests, financial or otherwise as might reasonably tend to create a conflict with the public interest. Any member of the legislature who knows that he or she has a personal or private interest, direct or indirect, in any action proposed or pending before the legislature shall disclose such interest prior to the taking of any vote thereon; filing a copy of such disclosure with the attorney general and the public auditor which shall become a matter of public record.
 3. The conduct of employees provision shall require, among other things, that all persons shall be treated in a courteous, fair, and impartial manner; and identical provisions of the civil service regulations governing employees' conduct to apply to all employees
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(civil service and contract employees) of the government, its political subdivisions, and employees of boards and commissions, public corporations, and other government instrumentalities.

4. A penalty provision imposing both criminal and civil sanctions for failure to comply with the provisions of the code of ethics.


The Committee recognizes that there will be variations in the scope of coverage for the executive, legislative, and judicial branches of the government. The minimum standards provided herein shall not be construed as a limitation on the subject is comprehensively treated.

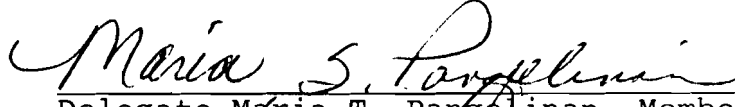
Your Committee on Finance and Other Matters is in accord with the intent and purpose of Delegate Proposal No. 4-85, as amended herein, and recommends that it pass Final Reading in the form attached hereto as Delegate Proposal No. 4-85, Conference Draft No. 1.


Date: 7/10/85

Respectfully submitted:

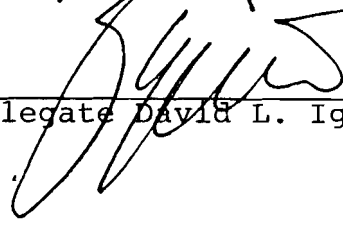

Delegate Lorenzo I. Guerrero, Chairman


Delegate Rita H. Inos, Vice-Chairwoman


Delegate Maria T. Pangelinan, Member


Delegate James M. Mendiola, Member


Delegate Ignacio Villanueva, Member


Delegate David L. Igitol, Member

A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new Section 2 to Article XVII of the Northern Marianas
Constitution relating to a Code of Ethics.

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, A new Section 2 to Article XVII is added to
2 read:

3 "Section 2: Code of Ethics. The legislature shall adopt a Code
4 of Ethics which shall apply to appointed and elected officers and
5 employees of the Commonwealth and its political subdivisions, including
6 members of boards, commissions, and other instrumentalities."

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Accepted by Committee of the whole on July 12, 1985.

COMMITTEE ON FINANCE AND OTHER MATTERS