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A PROPOSED CONSTITUTIONAL AMENDMENT

TO REPEAL SECTIONS 1, 2, 3, 4, 5, AND 6 OF ARTICLE VI AND SECTIONS 17 (a) AND (b) OF ARTICLE III OF THE CONSTITUTION OF THE NORTHERN MARIANA ISLANDS AND TO PROPOSE NEW SECTIONS 1, 2, 3, 4, 5, AND 6 OF ARTICLE VI AND SECTION 17(a) AND (b) OF ARTICLE III RELATING TO LOCAL GOVERNMENT.

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 VI shall read as follows:

2                   Section 1. Local Government. Agencies of local government shall  
3                   be established as provided by this article.

4                   Section 2. Election of Mayor. The qualified voters from Rota,  
5                   ~~Saipan~~, Tinian and Aguiguan, and the islands north of Saipan shall  
6                   elect a mayor for each island or group of islands.

7                           a) A mayor shall be qualified to vote in the Commonwealth,  
8                           at least twenty-five years of age, a resident and domiciliary  
9                           of the Commonwealth for at least three years immediately  
10                           preceding the date on which the mayor takes office, and must  
11                           reside in the island or islands served by the mayor after  
12                           election, and must meet other qualifications provided by law.  
13                           No person convicted of a felony in the Commonwealth or in an  
14                           area under the jurisdiction of the United States may be eligible  
15                           for this office unless a full pardon has been granted.

16                           b) The mayor shall be elected at a regular general  
17                           election for a term of office of four years. A vacancy in the  
18                           office of the mayor shall be filled by special election if one-  
19                           half or more of the term remains and otherwise as provided by  
20                           law.

1 Section 3. Responsibilities and Duties of the Mayor.

2 a) A mayor shall serve on the governor's council as  
3 established by Section 5 of this Article.

4 b) A mayor shall administer government programs and  
5 services and appropriations provided by law for the island or  
6 islands served by the mayor and shall report quarterly to the  
7 governor relating to these programs and services or  
8 appropriations.

Maybe  
OK

9 c) A mayor may investigate complaints and conduct public  
10 hearings with respect to government operations and local matters,  
11 and may submit findings or recommendation to the governor and  
12 the legislature. A mayor may issue a subpoena duces tecum to  
13 obtain information relating to local matters as maybe necessary  
14 for his investigation under this subsection at a public hearing.

15 ~~d) The mayor of Saipan, in consultation with the precinct~~  
16 ~~commissioners, and the mayor of the islands north of Saipan~~  
17 ~~shall submit items for inclusion in the proposed budget for both~~  
18 ~~government operations and capital improvement projects. } The~~  
19 ~~mayors of Rota, and Tinian and Aguiguan, in consultation with the~~  
20 ~~Municipal Council, shall submit items for inclusion in the~~  
21 ~~proposed budgets for both government operations and capital~~  
22 ~~improvement projects, including requests from the resident~~  
23 ~~department heads for their operations. The governor's budget~~  
24 ~~submission to the legislature shall state his disposition of the~~  
25 ~~budgetary requests contained in the submission from Rota, Saipan,~~

1 and the islands north of Saipan, and Tinian and Aguiguan shall be  
2 rejected only for good cause. *What does that mean?*

3 e) A mayor shall coordinate any extension of federal  
4 programs extended to the island or islands served by the mayor.

5 f) A mayor shall act as the principal local official for  
6 coordinating activities with disaster control for the  
7 mobilization of resources and meeting emergency conditions in  
8 his/her respective senatorial district.

9 g) The mayors of Rota and Tinian and Aguiguan shall  
10 appoint, in consultation with the respective Executive Branch  
11 Department Head, all resident department heads.

12 h) A mayor shall perform other responsibilities as  
13 provided by law.

14 Section 4. Compensation. A mayor shall receive an annual salary,  
15 plus an allowance for reasonable expenses as provided by law.

16 Section 5. Governor's Council. The mayors elected under  
17 Section ~~2~~<sup>2</sup> and the executive assistant appointed under Article III,  
18 Section 18, <sup>and the precinct commissioners</sup> shall be members of a governor's council that shall advise  
19 the governor on government operations and local matters. The governor  
20 shall preside over the council which shall meet regularly or at least  
21 four times each year to consider matters concerning relationship  
22 between the Commonwealth and its separate islands.

23 Section 6. Municipal Councils/Precinct Commissioners.

24 a) There shall be Municipal Councils for Rota and Tinian  
25 and Aguiguan to be composed of ~~not less than~~ three (3) ~~or more~~

1 ~~than five (5) members~~, elected at large on non-partisan basis.

2 Candidates for municipal council shall be at least twenty-one  
3 (21) years of age, a resident of the municipality for three (3)  
4 years and shall serve for a period of two (2) years. The Council  
5 shall adopt its own Rules of Procedures.

6 b) There shall be Precinct Commissioners for Saipan to be  
7 composed of four (4) members, elected by precincts on  
8 non-partisan basis. Candidates for Precinct Commissioners shall  
9 be at least twenty-one (21) years of age, a resident of the  
10 precinct for at least three (3) years immediately preceding the  
11 date on which the Precinct Commissioners takes office, and shall  
12 serve for a period of two (2) years.

13 Section 7. Powers, Meeting, Compensation.

14 a) The Municipal Councils shall meet in regular session  
15 no more than twice a month, and shall be paid for each meeting as  
16 provided by law. The mayor, or a majority of the Council, may  
17 call special sessions of the Council as needed. The powers of  
18 the Municipal Council shall extend to all local matters of a  
19 predominately local nature not pre-empted by the Commonwealth  
20 Legislature, and shall include the following:

- 21 1) Assist the mayor in the formulation of the annual
- 22 budget delineating local needs.
- 23 2) Have sole authority, upon the request of the mayor,
- 24 to approve reprogramming of funds in the approved budget.
- 25 3) To confirm all <sup>resident</sup> resident department heads.

*Does it require legislative approval??*

*?*

1                   4) When a Mayor is unable to discharge the duties of  
2 office by reason of physical or mental disability, the  
3 presiding officer of the Municipal Council shall be acting  
4 Mayor. If the presiding officer is not available, another  
5 member shall be selected <sup>by the council</sup> to serve.

6                   5) Additional powers and duties as provided by law.

7                   a) The Precinct Commissioners shall meet in regular  
8 session no more than twice a month, and shall receive an annual  
9 salary as provided by law. The ~~Mayor of Saipan~~ <sup>GOVERNOR</sup>, or a majority of  
10 the Precinct Commissioners, may call special sessions as needed.  
11 The powers of the Precinct Commissioners shall extend to all  
12 matters of a predominately local nature not pre-empted by the  
13 Commonwealth Legislature, and shall include the following:

14                   1) Assist the ~~Mayor~~ <sup>GOVERNOR</sup> in the formulation of the annual  
15 budget delineating local needs.

16                   2) Shall advise the ~~Mayor~~ <sup>GOVERNOR</sup> in reprogramming of funds  
17 in the approved budget.

18                   3) To serve as liaison between their respective  
19 precincts and the office of the ~~Mayor~~ <sup>GOVERNOR</sup> in the delivery of  
20 public service.

21                   4) When a Mayor is unable to discharge the duties of  
22 office by reason of physical or mental disability, the  
23 presiding officer of the Precinct Commissioners shall be  
24 acting Mayor. If the presiding officer is not available,  
25 another member shall be selected to serve.

1                                   5) Additional powers and duties as provided by law.

2                                   Section 8. Section 6 of Article VI is hereby amended to read as  
3 follows:

4                                   a) The chartered municipality form of local government on  
5 Rota and Tinian is hereby established. Local taxes paid to the  
6 chartered Municipal government of Rota and Tinian may be expended  
7 for local purposes on the island or islands producing those  
8 revenues. New Agencies of local government may not be  
9 established without the affirmative vote of two-thirds of the  
10 persons qualified to vote from the island or islands to be served  
11 by the proposed agency of local government.

12                                   2. Effective upon ratification, subsection 17(a) and (b) of Article III  
13 is hereby amended as follows:

14                                   Section 9. The governor <sup>may</sup> shall delegate to a mayor elected under the  
15 provisions of Article VI, Section 2, responsibility for the execution of  
16 Commonwealth laws as deemed appropriate and the administration of public  
17 services in the island or islands in which the mayor has been elected.  
18 Services being provided on a decentralized basis in Rota and Tinian on the  
19 effective date of this amendment shall continue.

20                                   Section 10. Public services on Rota and Tinian shall be supervised  
21 by a resident department head in the department providing the services. No  
22 resident department head shall be appointed to serve in any commonwealth-  
23 wide board, commission, or authority. These arrangements shall apply to  
24 the islands north of Saipan when the population of these islands exceeds  
25 one thousand persons.



SECOND CONSTITUTIONAL CONVENTION, 1985  
SAIPAN, NORTHERN MARIANA ISLANDS

CONSTITUTIONAL AMENDMENT PROPOSAL NO. 2-85

A PROPOSAL

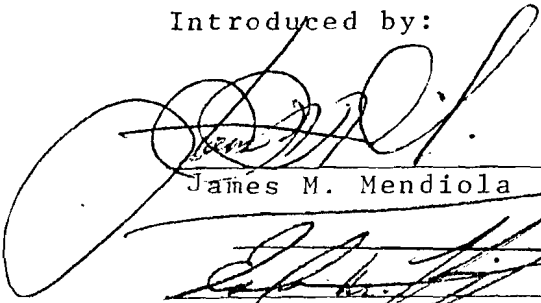
To amend Section 2 a) of Article VI to the Constitution of the Northern Mariana Islands to restrict eligibility of mayor to persons of Northern Marianas Descent.

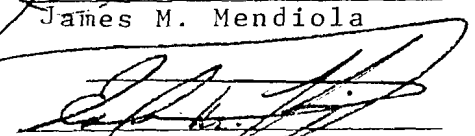
BE IT ENACTED BY THE SECOND CONSTITUTIONAL CONVENTION:

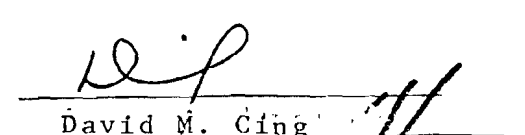
1           Section 1. Section 2 a) of Article VI of  
2           the Constitution of the Northern Mariana Islands  
3           is hereby amended to read as follows:  
4           Section 2. A mayor shall be qualified to vote  
5           in the Commonwealth, a person of Northern Marianas  
6           Descent, at least twenty-five years of age, a resi-  
7           dent and domiciliary of the Commonwealth for at  
8           least three years immediately preceding the date  
9           on which the mayor takes office, and shall meet  
10          other qualification provided by law. No person  
11          convicted of a felony in the Commonwealth or in an  
12          area under the jurisdiction of the United States  
13          may be eligible for this office unless a full pardon  
14          has been granted.

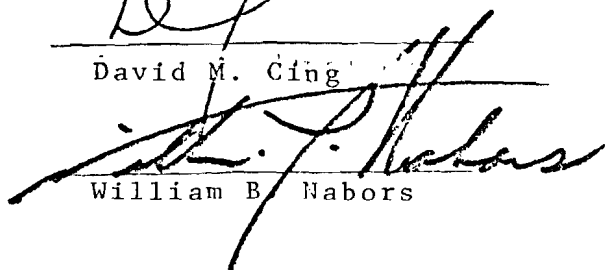
Introduced by:

Date: June 19, 1985

  
James M. Mendiola

  
Esteven M. King

  
David M. Cing

  
William B. Nabors





SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION  
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William B. Nahors, Convention Secretary  
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REPORT TO THE CONVENTION BY THE  
COMMITTEE ON LOCAL GOVERNMENT

Members

Lorenzo I. De eon Guerrero  
Alonzo Igisomar  
David L. Igitol  
Rita H. Inos  
Benusto R. Kaipat  
Esteven M. King  
Luis M. Limes  
Jesus P. Mafnas  
Paul A. Mangiona  
James M. Mendiola  
Aniceto H. Mundo  
Felicidao T. Ogunoro  
Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

SUBJECT: Committee Recommendation No. 41

In view of extensive research and public hearings conducted on the three municipalities within the Commonwealth, your Committee hereby submits a Committee substitute which incorporates the comments and recommendations from concerned citizens and incumbent and former leaders from all of the municipalities. Your Committee recommends that the members of the Second Constitutional Convention adopt this Committee substitute, entitled:

"TO REPEAL AND REINACT SECTIONS 1,2,3,4,5 and 6  
OF ARTICLE VI AND SECTIONS 17 (a) and (b) OF  
ARTICLE III OF THE NORTHERN MARIANA ISLANDS  
RELATING TO LOCAL GOVERNMENT."

The purpose of this Committee substitute is to empower the office of the mayor by granting the authority and the responsibility for the faithful execution of Commonwealth Laws and the administration of public services in the island or group of islands in which the Mayor has been elected.

Your Committee finds during the extensive public hearing conducted on Rota, Tinian and Saipan that the people are desirous for the Mayors to be responsible in the execution of Commonwealth Laws and be granted full authority to provide public services to their respective consti-

tuents.

The present system in which the Mayor maybe delegated with the responsibility of providing public services is severly inadequate and creates confusion, animosity, frustration and political manipulation among the people who are actually performing the delivery of public services within the islands. There is a question as to who is actually responsible for the delivery of public services in Tinian and Rota; Is it the Mayor or the Resident Department Heads appointed by the Department Directors? This problem must be resolved once and for all.

It is strongly recommended by the witnesses present in the Public Hearings that the Mayor must be empowered to execute Commonwealth Laws and be responsible in the delivery of public services in the island or group of islands served by the Mayor.

Granting the Mayor the full authority to execute and deliver public services will also strengthen his/her investigative power in reviewing the adequacy of governmental services and appropriation provided for the island of group of islands he/she serves. This will ensure that quality public services be accorded to the people living in the Mayor's jurisdiction accordingly. It will give the Mayor an important oversight responsibility for Commonwealth services on his island or group of islands. He would have the authority to ascertain whether in fact such services are being provided at the authorized level, are being administered according to law, and are actually meeting the need of the island residents.

In the Committee's view, if the authority is vested to the Mayor,

it will assure that the Resident Department Heads will make every effort to improve the quality of public services. In essence, the Mayor will be accountable on all aspects of government operation and will answer to his constituents and the central government.

In order for the system of check and balance to be applied to the Mayor, the Committee and the public find a need to establish a municipal council for Rota and Tinian and Aguiguan, and precinct commissionership for Saipan. It was felt that because of the small population in the islands north of Saipan, it will not be necessary to provide the mayor with a council. However, strong support was expressed that the mayor for the islands north of Saipan be required to reside within the islands from which he is elected to supervise the delivery of public services.

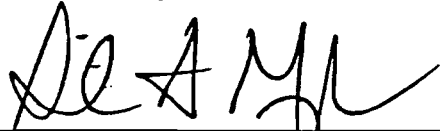
DELEGATE PROPOSAL:

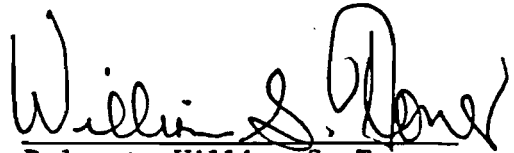
A number of delegate proposals were referred to our committee for consideration: 285, 40-85, 73-85, 74-85, 75-85, 98-85, 109-85, 118-85, 124-85, 137-85, 151-85, 154-85, 171-85, 206-85, 215-85, 227-85, 237-85, 250-85, 251-85, 257-85, 261-85, 284-85, 289-85, 301-85 and 310-85. The Committee substitute incorporate all appropriate proposals for a comprehensive treatment of local government issues.

Attached are summaries of the Public Hearings conducted on Rota, Tinian and Saipan.

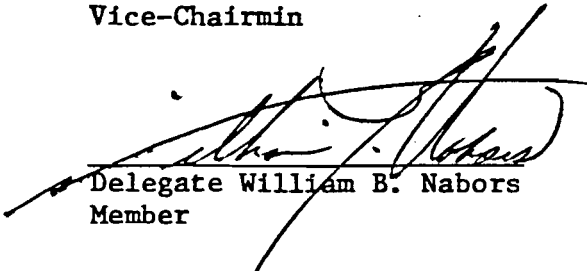
Your Committee is in accord with the intent and purpose of subject proposals and with the views and desires of the public, and hereby recommend passage by the Second Constitutional Convention of the Commonwealth of the Northern Mariana Islands.


Respectfully submitted,

  
\_\_\_\_\_  
Delegate Paul A. Mangiona  
Chairman

  
\_\_\_\_\_  
Delegate William S. Torres  
Vice-Chairman

  
\_\_\_\_\_  
Delegate Luis M. Limes, Member

  
\_\_\_\_\_  
Delegate William B. Nabors  
Member

  
\_\_\_\_\_  
Delegate Francisco Tomokane  
Member

ARTICLE VI: LOCAL GOVERNMENT

Section 1: Local Government. Agencies of local government shall be established as provided by this article.

Section 2: Election of Mayor and Assistant Mayor.  
The qualified voters from Rota, Saipan, Tinian and Aguiguan, and the islands north of Saipan shall elect a mayor and assistant mayor for each island or group of islands.

a) A mayor and assistant mayor shall be qualified to vote in the Commonwealth, at least twenty-five years of age, a resident and domiciliary of the Commonwealth for at least three years immediately preceding the date on which the mayor takes office, and shall meet other qualifications provided by law. No person convicted of a felony in the Commonwealth or in an area under the jurisdiction of the United States may be eligible for this office unless a full pardon has been granted.

b) ~~A~~ The mayor and assistant mayor shall be elected at a regular general election for a term of office of four years. The mayor and assistant mayor shall be elected jointly with each voter casting a single vote applicable to both offices. No person may be elected mayor and assistant mayor more than three terms. A vacancy in the office of mayor shall be filled by special election if one-half or more of the term remains and otherwise as provided by law.

Section 3: Responsibilities of Mayor.

a) A mayor shall be responsible for the faithful execution of Commonwealth Laws and the administration of public services in the island or islands which the mayor has been elected.

b) A mayor shall serve on the governor's council established under section 5 of this article.

c) A mayor shall ~~review the~~ administer and implement government programs and services and appropriations provided by law for the island or islands served by the mayor and shall ~~submit~~ report regularly to the governor ~~findings or recommendations~~ relating to these programs and services or appropriations.

d) A mayor may investigate complaints and conduct public hearings with respect to Government operations and local matters and may submit findings or recommendation to the governor and the legislature. A mayor may issue subpoena to any government officials to obtain informations necessary for his investigation under this subsection.

e) ~~A mayor shall recommend items for inclusion in the proposed annual budget, review the proposed budget before its submission by the governor to the legislature, and recommend amendments in the proposed budget relating to the island or islands served by the mayor. A recommendation relating to the budget made by a mayor shall be considered by the governor and rejected only for good cause. The mayor shall submit items for inclusion in the governor's proposed budget for both government operations and capital improvement projects.~~

The mayor's submissions shall include all requests for the resident department's operation. Each resident department head shall submit recommended budget request for the resident department to the mayor. The mayor may alter, amend or revise the recommendations of the resident department heads, but shall consult and coordinate with them in preparing his budget submission to the Governor. The governor's budget submission to the legislature shall state his disposition of the budgetary requests contained in the mayor's submission and shall be rejected only for good cause.

§ f). A mayor may promulgate regulations on local matters as provided by law.

§ g) A mayor may expend for local public purposes the revenues raised by local taxes that are designated by law for those purposes after the expenditures are authorized by the legislature or by the affirmative vote of a majority of the members of the legislature representing the island or islands served by a mayor.

§ h) A mayor may appoint, supervise and remove those employees as are provided by law to assist in the performance of mayoral responsibilities.

§ i) A mayor shall perform other responsibilities provided by law.

j. A mayor shall coordinate any extension of federal programs extended to the island or islands served by the mayor.

k. A mayor shall act as the principal local officials for coordinating activities with Disaster Control for the mobilization of resources and meeting emergency conditions in their respective constituency.

Section 4: The assistant mayor shall have the qualification as required for the office of the mayor and shall perform those duties specified in this article and those assigned by the mayor as provided by law. Whenever, the office of the assistant mayor is vacant, the mayor shall appoint a successor with the advice and consent of the majority of the members of the legislature from a senatorial district which the mayor shall serve.

Section #5: Compensation. A mayor shall receive an annual salary and reasonable allowance for expenses provided by law. The salary of a mayor may not be decreased during a term of office. Salaries and expenses for assistants to a mayor shall be provided by law.

Section #6: Governor's Council. The mayors elected under section 2 and the executive assistant appointed under article III, section 18, shall be members of a governor's council that shall advise the governor on government operations and local matters. The governor shall preside over the council which shall meet regularly or at least four times each year to consider matters concerning the relationship between the Commonwealth and its separate islands.



Section §7: Other Agencies of Local Government.

a) The chartered municipality form of local government shall cease to exist on the effective date of this Constitution. Local taxes paid to the chartered municipal governments on Rota, Saipan and Tinian shall remain in effect until otherwise provided by law and may be expended for local public purposes on the island or islands producing those revenues if authorized by the legislature or by the affirmative vote of a majority of the members of the legislature from the applicable senatorial district. Ordinances and other regulations enacted by municipal councils on Rota, Saipan and Tinian that are consistent with this Constitution shall remain in effect until superseded by Commonwealth law or local ordinances or regulations enacted under this Constitution.

b) No additional agency of local government may be established for at least five years from the effective date of this Constitution, after which the legislature may establish agencies of local government in place of or in addition to the agencies provided for in this article with powers, elected officials and financing as provided by law. Agencies of local government may not be created for geographical units smaller than an individual island. New agencies of local government may not be established without the affirmative vote of two-thirds of the persons qualified to vote from the island or islands to be served by the proposed agency of local government.

ARTICLE III: EXECUTIVE BRANCH

Section 17: Public Services.

a) The governor ~~may~~ shall delegate to ~~a~~ the mayor elected under the provisions of article VI, section 2, responsibility for the execution of Commonwealth laws and the administration of public services in the island or islands in which the mayor has been elected. *Services being provided on a decentralized basis in Rota and Tinian on the effective date of this constitution shall continue to be provided on this basis unless the governor personally certifies after public hearing on the island involved that such decentralization is inconsistent with the efficient and economical delivery of services.*

b) Public services on Rota and Tinian shall be ~~supervised~~ headed by a resident department head in the departments providing the services appointed by the ~~Head of~~ the executive branch department mayors with the advice and consent of the majority of the members of the legislature from the Senatorial district in which the resident department head shall serve. The head of the executive department head shall provide technical and professional services to Rota and Tinian on a regularly basis. This arrangements shall apply to the islands north of Saipan when the population of these islands exceeds one thousand persons.

CONSTITUTIONAL PROVISIONS TO GUARD AND PROTECT

A. PROTECT Bi-Cameral Legislature provision in the CNMI Constitution.

NOTE: This provision is protected and preserve in the Covenant which has supremacy over the NMI Constitution unless Congress change this provision in the Covenant, it will conflict with any proposed Constitutional amendments to be adopted by the Con Con delegates.

B. Protect Mayorship provision in the CNMI Constitution.

NOTE: Appointed Governor's Representative will not provide Rota and Tinian with the desired local autonomy on local matters to serve the best interest of the people. Mayorship provision gives Rota and Tinian the following local autonomy.

- 1) Elected mayor can be more responsive to the people that elects him.
- 2) Can geared programs based on local needs and aspirations.
- 3) Can minimize political manipulation from the central government.
- 4) Can work more harmoniously with other local leaders and with the people.
- 5) If an elected does not do his work, he may be removed by a recall or impeachment process, and by election.

PROPOSED FLOOR AMENDMENTS TO COMMITTEE RECOMMENDATION NO. 41

1. On page 1, line 5, delete the word "Saipan,".
2. On page 1, line 9, delete word "Commonwealth", and insert the words "island or islands served by the mayor".
3. On page 1, line 17, after the word "years", insert the words "not to exceed two terms."
4. On page 1, line 21, a new "subsection (c)" is inserted to read as follows:
  - "c) The office of the mayor for Saipan shall remain as provided in this Constitution until four years after the ratification of this amendment, at which time, it shall cease to exist and the offices of precinct commissioners shall be established as provided in this Article."
5. On page 2, line 4, after the word "programs" insert a comma "(,)" ; delete the word "and" and insert the word "public".
6. On page 2, lines 12 and 13, delete words "issue a subpoena duces tecum to obtain" and insert the word "require" in lieu thereof.
7. On page 2, beginning on line 15 through line 18, delete the first sentence of subsection (d), which reads "The mayor of Saipan, . . . shall submit . . . for both government operations and capital improvement projects."
8. On page 2, line 20, after the word "Council," insert the words "and the mayor of the islands north of Saipan"
9. On page 2, line 22, delete the comma "(,)" after the word "projects" and insert a period "(.)" in lieu thereof; and, beginning on line 22 thru 23, delete the words "including requests . . . for their operations."
10. On page 2, line 25, add the letter "s" after the word "submission", and delete the word "Saipan", and insert the word "Tinian".
11. On page 3, beginning on line 1 thru line 2, after the word "Saipan", delete the phrase ", and Tinian and Aguiguan shall be rejected only for good cause".
12. On page 3, line 17, after the figure "2", insert a comma "(,)" and delete the word "and".
13. On page 3, line 18, after the figure "18" insert a comma "(,)" and insert the phrase "and the chief precinct commissioners".

14. On page 3, Line 23, underline the Section's Title, which reads, "Municipal Councils/Precinct Commissioners."
15. On page 3, line 25, after the word "of" delete the words "not less than" and after the figure "(3)" delete the words "or more".
16. On page 4, line 1, delete the words "than five (5)".
17. On page 4, line 6, before the word "There", insert the phrase "Four years after the ratification of this amendment", and delete the capital "T" from the word "There" and insert a small letter "t" in lieu thereof.
18. On page 4, beginning on line 7 thru 8, delete the words "on non-partisan basis"
19. On page 4, line 12, delete the words "two (2)" and insert in lieu thereof the words "four (4)".
20. On page 4, line 12, after the word "years.", insert a new language to read as follows:

"Immediately upon taking office, the four (4) precinct commissioners shall meet and select a chief commissioner by drawing of lots. The chief commissioner shall serve for a period not to exceed one year. Each of the four precinct commissioners shall serve alternately as chief every year throughout the four year term."
21. On page 4, between lines 12 and 13, insert a new "subsection (c)" to *Section 6*. read as follows:

"c) In case of a vacancy, the ~~governor~~ shall appoint the unsuccessful candidate for the office in the last election who received the next highest number of votes. Otherwise, the governor shall appoint a person from that precinct with the advice and consent of the precinct legislative delegate to the house of representatives."
22. On page 4, lines 23 and 24, the language is deleted in its entirety, and a new language is inserted to read as follows:

"2) At the request of an executive department head, in consultation with the mayor, the council shall have the authority to approve reprogramming of funds in the approved budget."
23. On page 5, line 5, after the word "selected" insert the words "by the council".
24. On page 5, line 9, the words "Mayor of Saipan" is deleted and the word "governor" is inserted in lieu thereof.
25. On page 5, line 14, delete the word "Mayor" and insert the word "governor" in lieu thereof.

PROPOSED FLOOR AMENDMENT TO COMMITTEE RECOMMENDATION NO. 41

Page Three

26. On page 5, line 16, delete the word "Mayor" and insert the word "governor" in lieu thereof.
27. On page 5, line 19, delete the word "Mayor" and insert the word "governor" in lieu thereof.
28. On page 5, beginning on line 21 thru 25, "subparagraph (4)" is deleted in its entirety.
29. On page 6, line 5, after the "Tinian", insert the words "and Aguiguan".
30. On page 6, line 6, after the word "Rota" insert a comma "(,)"; delete the word "and" and insert "Saipan,"; after the word "Tinian insert the words "and Aguiguan".
31. On page 6, line 21, after the word "services.", insert the following new sentence to read:

"A resident department head shall submit a budget to the mayor, pursuant to the budget code."
32. On page 6, line 22, delete word "shall" and insert the word "may" in lieu thereof.
33. On page 7, line 2, delete the words "and the precinct commissionership".
34. On page 7, line 3, after the word "ratification.", insert a new sentence to read as follows:

"The election of precinct commissioners for Saipan shall be held four (4) years after the ratification of this amendment."

Date:

7/16/85

Offered by:

Ramon L. Villaguz

Herman J. Guerrero

[Signature]

Dominic J. [Signature]

[Signature]

[Signature]

William J. Blower

[Signature]

[Signature]

[Signature]

[Signature] (with Reservation)

PROPOSED AMENDMENT TO  
COMMITTEE RECOMMENDATION NO. 41

1. On page one, line 5, strike out the word "Saipan" before the first comma.
2. On page 2, lines 15 through 18, strike out the whole first sentence.
3. On page 2, line 19, put a comma after the word "Rota", and strike out the word "and".
4. On page 2, line 20, after the comma, insert the words "and the mayor of the Islands North of Saipan".
5. On page 2, line 25, strike out the word "Saipan".
6. On page 3, line 17, put a comma after the number "2" strike out the word "and", then on line 18, put a comma after the number "18", and after the comma add "and the precinct commissioners".
7. On page 4, line 25, change the word "resdient" to "resident".
8. On page 5, line 9, change the word "mayor" to "governor", on line 14, strike out the word "mayor" and insert "governor" therein on line 16 replace the word "mayor" with "governor", on line 19 replace the word "mayor" with "governor".
9. On page 5 , line 21, strike out the entire subsection (4) all the way down to line 25.
10. On page 3, line 23, underline the subtitle "Municipal Councils/Precinct Commissioners".
11. On page 3, line 25 strike out the terms "not less than" and "or more"
12. On page 4, line 1, strike out the terms "than five (5) ~~members~~".
13. On page 5, line 5, insert the term "by the council" after the word "selected".
14. On page 7, line 3, add the term "of this amendment" after the word "ratification".

Date:

7/15/85

Offered by:

Ramon G. Villagomez  
Delegate Ramon G. Villagomez

21. On page 4 between lines 12 and 13, insert a new "subsection (s)" to

Section 6 to read as follows:

- c) In case of a vacancy, <sup>in the council</sup> the Mayor shall appoint the unsuccessful candidate for the office in the last election who received the next highest number of votes. Otherwise, the Mayor shall appoint a person with the advise and consent of the senatorial delegation.





SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION  
SAIPAN, CM 96950

Telephone  
6517/6572

Officers

Herman T. Guerrero, President  
Vicente M. Calvo, 1st Vice President  
David M. Cing, 2nd Vice President  
Maria T. Pangelinan, 3rd Vice President  
William B. Nabors, Convention Secretary  
Juan T. Lizama, Floor Leader

REPORT TO THE CONVENTION BY THE  
COMMITTEE ON LOCAL GOVERNMENT

Members

Lorenzo I. Deleon Guerrero  
Alonzo Igisomar  
David L. Igitol  
Rita H. Inos  
Benusto R. Kaipat  
Esteven M. King  
Luis M. Limes  
Jesus P. Mañas  
Paul A. Mangiona  
James M. Mendiola  
Aniceto H. Mundo  
Felicidad T. Ogumoro  
Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

SUBJECT: Committee Recommendation No. 41

In view of extensive research and public hearings conducted on the three municipalities within the Commonwealth, your Committee hereby submits a Committee substitute which incorporates the comments and recommendations from concerned citizens and incumbent and former leaders from all of the municipalities. Your Committee recommends that the members of the Second Constitutional Convention adopt this Committee substitute, entitled:

"TO REPEAL AND REINACT SECTIONS 1,2,3,4,5 and 6  
OF ARTICLE VI AND SECTIONS 17 (a) and (b) OF  
ARTICLE III OF THE NORTHERN MARIANA ISLANDS  
RELATING TO LOCAL GOVERNMENT."

The purpose of this Committee substitute is to empower the office of the mayor by granting the authority and the responsibility for the faithful execution of Commonwealth Laws and the administration of public services in the island or group of islands in which the Mayor has been elected.

Your Committee finds during the extensive public hearing conducted on Rota, Tinian and Saipan that the people are desirous for the Mayors to be responsible in the execution of Commonwealth Laws and be granted full authority to provide public services to their respective consti-

tuents.

The present system in which the Mayor maybe delegated with the responsibility of providing public services is severly inadequate and creates confusion, animosity, frustration and political manipulation among the people who are actually performing the delivery of public services within the islands. There is a question as to who is actually responsible for the delivery of public services in Tinian and Rota; Is it the Mayor or the Resident Department Heads appointed by the Department Directors? This problem must be resolved once and for all.

It is strongly recommended by the witnesses present in the Public Hearings that the Mayor must be empowered to execute Commonwealth Laws and be responsible in the delivery of public services in the island or group of islands served by the Mayor.

Granting the Mayor the full authority to execute and deliver public services will also strengthen his/her investigative power in reviewing the adequacy of governmental services and appropriation provided for the island of group of islands he/she serves. This will ensure that quality public services be accorded to the people living in the Mayor's jurisdiction accordingly. It will give the Mayor an important oversight responsibility for Commonwealth services on his island or group of islands. He would have the authority to ascertain whether in fact such services are being provided at the authorized level, are being administered according to law, and are actually meeting the need of the island residents.

In the Committee's view, if the authority is vested to the Mayor,

it will assure that the Resident Department Heads will make every effort to improve the quality of public services. In essence, the Mayor will be accountable on all aspects of government operation and will answer to his constituents and the central government. In order for the system of check and balance to be applied to the Mayor, the Committee and the public find a need to establish a municipal council for Rota and Tinian and Aguiguan, and precinct commissionership for Saipan. It was felt that because of the small population in the islands north of Saipan, it will not be necessary to provide the mayor with a council. However, strong support was expressed that the mayor for the islands north of Saipan be required to reside within the islands from which he is elected to supervise the delivery of public services.

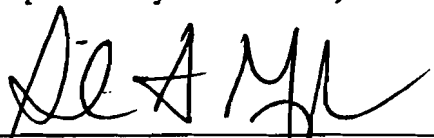
DELEGATE PROPOSAL:


A number of delegate proposals were referred to our committee for consideration: 285, ~~40-85~~, ~~73-85~~, ~~74-85~~, ~~75-85~~, ~~98-85~~, ~~109-85~~, ~~118-85~~, ~~124-85~~, ~~137-85~~, ~~151-85~~, ~~154-85~~, ~~171-85~~, 206-85, 215-85, 227-85, 237-85, 250-85, 251-85, 257-85, 261-85, 284-85, 289-85, 301-85 and 310-85. The Committee substitute incorporate all appropriate proposals for a comprehensive treatment of local government issues.

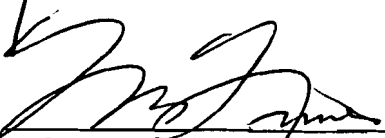
Attached are summaries of the Public Hearings conducted on Rota, Tinian and Saipan.

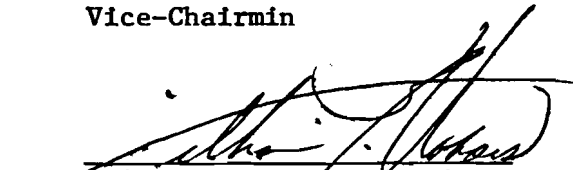
Your Committee is in accord with the intent and purpose of subject proposals and with the views and desires of the public, and hereby recommend passage by the Second Constitutional Convention of the Commonwealth of the Northern Mariana Islands.

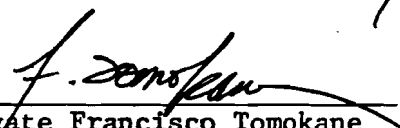
Respectfully submitted,

  
\_\_\_\_\_  
Delegate Paul A. Manglona  
Chairman

  
\_\_\_\_\_  
Delegate William S. Torres  
Vice-Chairman

  
\_\_\_\_\_  
Delegate Luis M. Limes, Member

  
\_\_\_\_\_  
Delegate William B. Nabors  
Member

  
\_\_\_\_\_  
Delegate Francisco Tomokane  
Member

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION  
COMMITTEE ON LOCAL GOVERNMENT  
SUMMARY OF THE PUBLIC HEARING CONDUCTED ON ROTA  
JUNE 29, 1985

The following is a summary of the Public Hearing held on Rota on Saturday, June 29, 1985 in the Rota Court House on the following delegate proposals:

1. Delegate proposal No. 73-85
2. Delegate Proposal No. 109-85
3. Delegate Proposal No. 118-85
4. Delegate Proposal No. 151-85
5. Delegate Proposal No. 154-85

1. Delegate Proposal No. 73-85 - Proposing to repeal Section 17(b) Article III in its entirety. The propose amendment intends to abolish the offices of the Resident Department Heads for Rota and Tinian.

All of the witnesses who presented their views regarding subject proposal strongly recommend that Delegate Proposal No. 73-85 should not be adopted. It is the position of the Rota leaderships that repealing Section 17(b) in its entirety is irresponsible and it will be a disservice to the people of Rota and Tinian. The Resident Directors are providing vital function to the community relative to the delivery of services representing the Executive Branch by their respective departments within the Commonwealth. The proposal is very vague which does not provide for an alternative with respect to the responsibility of who is to provide the delivery of public services on Rota and Tinian.

It is recommended by those attending the hearing that Delegate Proposal No. 73-85 be filed. Instead the witnesses recommended that this provision be amended to empower the Mayors of Tinian and Rota to appoint the Resident Directors for stronger and more effective governmental operation.

2. Delegate Proposal No. 109-85- The witnesses prefer to remain neutral on this proposal because it affects only the island of Saipan.
3. Delegate Proposal No. 118-85 - The concept of reestablishing the Municipal Council for Rota and Tinian was accepted with reservation. Some of the witnesses favors the Council organization for purposes of Check and Balance. While other witnesses recommended that instead of having a legislative responsibility that the Council will only serve as an advisory capacity to the Mayor of Rota and Tinian.

4. Delegate Proposal No. 151-85- This proposal proposes to repeal in its entirety Article VI and to be replaced by Delegate Proposal No. 154-85. The witnesses vehemently object to the proposal to repeal in its entirety Articles VI thereby abolishing the elected position of a Mayor for Tinian and Rota. It is felt that the proposal is a direct disregard and injustice for the people denying them the right to be represented by a Mayor in an island or group of islands without the presence of the Head of State. It is important to have the Head of State or Head of a County to be present at all times in order for law and order to be maintained. Appointing a Governor's Representative is a backward development and not within the democratic concept of government. We are now exercising a democratic type of government in which the Head of State, Mayors and other public officials are elected by the people and therefore, it should stay that way, be it the Chief Executive, mayoral or legislature. Representation on the local level must exist and must continue. This will complete the process of representation and delivery of public services to the people. It is further felt that Delegate Proposal No. 154-85 is even worse because an appointed official or the Governor's representative will not be responsive to the needs, wishes and desires of the local residents residing in Rota and Tinian. The appointed official will always be loyal to the appointing authority and not to the people. The witnesses recommended that instead of abolishing the Mayoral position and other constitutional establish offices that it is recommended that the Mayor position be empowered to be responsible and accountable in the delivery of public services and not just a figure head as the case right now. The Mayor must be granted the authority to be responsible in the delivery of public services and not just for review purposes. Granting the Mayor the power to administer public programs will ensure that the department official will take every effort to improve the quality of services to the people they are representing and providing services.

In essence, the Mayor would serves as an ombudman for his community, investigates complaints, ferreting out wrong doings and preparing new legislative measures or executive action to remedy any deficiencies. If used aggressively, this power could serve as a powerful stimulant for lethargic representative in the legislature or officials in the executive branch. The following witnesses appeared before the Committee:

1. Mayor Prudencio T. Manglona, Mayor of Rota
2. Senator Benjamin T. Manglona, Rota Senator
3. Senator Joseph S. Inos, Rota Senator
4. Mr. Gerald M. Calvo, Rota Aging Programs Administrator
5. Mr. Joaquin S. Manglona, Rota High School Counselor
6. Mr. Juan M. Manglona, Rota Land Commission Office
7. Mr. Andres Ramos, Rota Public Safety Res. Dept. Head
8. Mr. Dimas A. Hocog, Rota Procurement & Supply Officer
9. Mr. Bonifacio Sablan, Concerned Citizen

10. Mr. Edward H. Manglona, Concerned Citizen
11. Mr. Pedro M. Ogo, Concerned Citizen
12. Mr. Eusebio A. Hocog, Concerned Citizen

The Hearing was closed at 12:30, Sunday morning, June 30, 1985. The Committee left Rota to Saipan on same day.

SYNOPOSIS OF PUBLIC HEARING HELD ON TINIAN ON JULY 1, 1985.

Your Committee held a public hearing on Tinian beginning at 3 p.m. on Monday, July 1, 1985 in the Tinian Social Hall - some sixty (60) people were present.

Witness testified essentially as follows:

Delegate Proposa: 73-85 - relative to abolishing the Resident Department Heads.

All of the witness opposes adoption of this proposal because no matter what name is given, the duties, functions and responsibilities are the same. Whatever party wins the governorship, they should be accorded the opportunity of having people of their choice to head the various departments. In discussing the pros and cons of this proposal, it was pointed out that mostly the mayor would benefit since the mayor would have the same power as that of the Governor on a smaller scale. Placing the entire administrative powers and responsibilities into the Office of the Mayor would lead to complete deterioration of public services and public trust.

Delegate Proposal: 118-85 - relating to establishing the Municipal Councils.

This proposal was heavily favored because it will:

- a). Provide safeguards to control expenditures.
- b). Provide check and balances in government operations especially on budgets and appointments.
- c). Legislate on matters of local concern.
- d). Prioritize capital improvement projects thru the budget.
- e). Have input in reprogramming of approved budget.
- f). Have an official local body to meet visiting officials and dignitaries, and to take official action when necessary to give local sanction to cultural exchange and goodwill events that will benefit the island(s).
- g). This system of local government would best lend itself to both current and long term requirements of the community.
- h). Will provide fiscal responsibilities and ensure operation within budgetary allotments.
- i). System would guarantee the delivery of vital public services on an equal and unbiased basis. This protection is doubly assured by the



SYNOPOSIS OF PUBLIC HEARING -TINIAN

Page 2

necessary involvement of a group of individuals instead of a single entity.

- j). This proposal would decentralize the current form of local government which lacks the controls needed to make the system more responsible and accountable.
- k). Each local governmental entity would be able to stand on its own merits in the delivery of public services.

Delegate Proposal - 151-85 - relating to deleting Article VI of the Constitution in its entirety. All witnesses opposed the adoption of this proposal and heavily favored Delegate Proposal 118-85 because of the need to retain the local government, home rule and local autonomy and the factor of being separated by water from the central government.

Delegate Proposal 154-85 - to appoint the governor's representative for Rota and Tinian. All witnesses opposed this proposal because:

- a). An appointed official would not be responsive to local wishes and desires.
- b). Wanted an elected official who could not be controlled or manipulated by Saipan but who would owe allegiance to the people who elected him/her.
- c). The present system ensures the delivery of public services because he or she can be removed by the people if his or her performance is not satisfactory.

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION  
COMMITTEE ON LOCAL GOVERNMENT  
SUMMARY OF THE PUBLIC HEARING CONDUCTED ON SAIPAN  
JULY 9, 1985

The following is a summary of the Public Hearing held on Saipan on Tuesday, July 9, 1985 in the Garapan Elementary School Auditorium on the following delegate proposals:

1. Delegation Proposal No. 109-85
2. Delegate Proposal No. 250-85
3. Delegate Proposal No. 251-85

All witnesses who voiced their concerns regarding the above subject proposals strongly urged this Committee to maintain the present offices of the Mayors for Saipan and the Islands North of Saipan. Also, majority of the witnesses stated their concerns that the system of Commissionership must be established in order that the delivery of public services be more effective and responsive to the needs of the community.

In summary of this public hearing, this Committee felt that all the concerns raised are similar in nature with those concerns of the people on Rota and Tinian.

The public urged the Committee to grant more power and authority to the mayors.

The Hearing concluded at 11:00 p.m., July 9, 1985.