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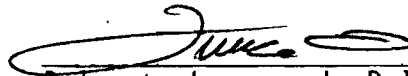
REPORT TO THE CONVENTION BY THE  
COMMITTEE ON FINANCE, AND OTHER MATTERS

Subject: Committee Recommendation No. 01.

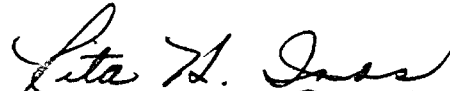
The Committee on Finance and Other Matters recommends that the Convention meeting in Committee of the Whole adopt the attached recommendation with respect to Resolution No. 1-85.

It is only appropriate to recognize and commend the Pre-Convention, Executive and Legislative Branches for their service and cooperation, for without it, our work is at a harder task. Resolution No. 1-85 provides for an appreciation and commendation. Therefore, this Committee strongly support and fully endorsed the adoption of this Resolution with the respective amendments. We also urge you all fellow delegates, for your unanimous endorsement.

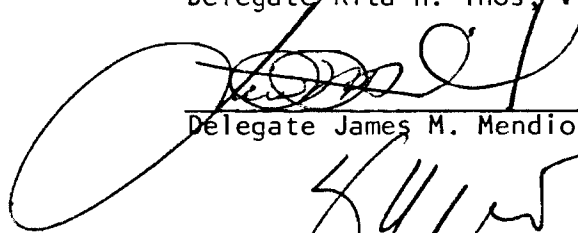
Respectfully submitted,



Delegate Lorenzo I. Deleon Guerrero  
Chairman



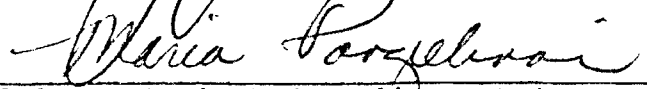
Delegate Rita H. Inos, Vice Chairman



Delegate James M. Mendiola, Member



Delegate David L. Igitoh, Member



Delegate Maria T. Pangelinan, Member



Delegate Ignacio Villanueva, Member

A RESOLUTION

Extending the appreciation to the Pre-Convention Committee members, the staff of the Pre-Convention, Executive and Legislative Branches.

1           WHEREAS, Delegate James M. Diola, Chairman of the Pre-  
2 Convention and his Committee members, Delegate Aniceto Lundo,  
3 Rota Delegation Chairman, and Delegate Jesus P. Mafu, Saipan  
4 Delegation Chairman, and the staff of the Pre-Convention, Executive  
5 and Legislative Branches served the Pre-Convention Committee and  
6 did an excellent job of coordinating the services in the preparation  
7 for the Second Northern Marianas Constitutional Convention; and

8           WHEREAS, the Pre-Convention Committee  
9 members, the staff of the Pre-Convention, Executive and Legislative  
10 Branches demonstrated great skill and responsibility in  
11 exercising their authority and responsibilities required  
12 to session in 1959 invaluable assistance and support services in  
13 the accomplishment of the responsibilities required pursuant to  
14 Public Law 4-30; and

15           WHEREAS, the Pre-Convention Committee  
16 members, the staff of the Pre-Convention, the Executive and Legis-  
17 lative Branches, have devoted substantial efforts in  
18 accomplishing efforts in accomplishing the important task of the Pre-  
19 Convention in drafting the Rules of Procedure of the Convention; and

20           WHEREAS, the Pre-Convention Committee  
21 members, the staff of the Pre-Convention, the Executive and Legis-

1 lative Branches assiduously cooperated in providing assistance to  
 2 set up and facilitate the opening ceremonies of  
 3 the Second Northern Marianas Constitutional Convention; and

4 WHEREAS, without the assistance of the three delegation  
 5 chairmen, the staff of the Pre-Convention, the Executive and Legis-  
 6 lative Branches, the ceremonies of the Second Northern Marianas  
 7 Constitutional Convention would not have been a success; and

8 NOW, THEREFORE, BE IT RESOLVED by the Commonwealth of the  
 9 Northern Mariana Islands Second Constitutional Convention that its  
 10 delegates express and extend their humble appreciation  
 11 to the three Pre-Convention delegation chairmen, the staff of  
 12 the Pre-Convention, the Executive and Legislative Branches; and

13 BE IT FURTHER RESOLVED that the President of the Convention  
 14 shall certify and the Convention Secretary shall attest to the  
 15 adoption of this resolution and transmit certified copies to the  
 16 three Pre-Convention delegation chairmen, the staff of the Pre-  
 17 Convention, the Governor, the Speaker of the House of Repre-  
 18 sentatives, and the President of the Senate of the  
 19 Northern Mariana Islands.

20  
 21 Date: 6/20/85

Offered by: /s/ Estever M. King

/s/ David M. Cing

/s/ William B. Nabors

/s/ Vicente M. Calvo

/s/ Rita H. Inos

/s/ Paul A. Mangiona

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION  
HOUSE OF TAGA  
SAIPAN, CM 96950

Report to the Convention by the  
Committee on Local Government

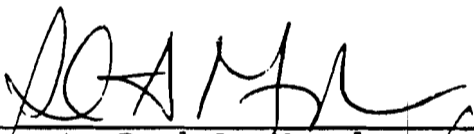
Subject: Committee Recommendation No. 02.

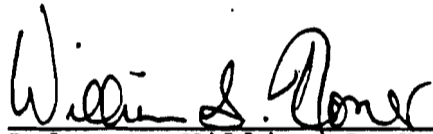
The Committee on Local Government recommends that the Convention meeting in Committee of the Whole adopt the recommendation below with respect to Delegate Proposal No. 40-85.

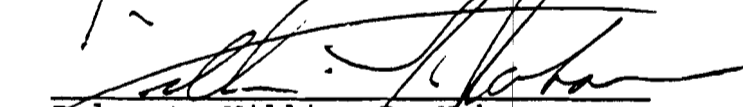
The Committee on Local Government discussed the matters addressed in Delegate Proposal No. 40-85 and found that the subject has not been treated adequately.


In consultation with the introducer, Delegate Aniceto H. Mundo, it was agreed that Delegate Proposal No. 40-85 be filed and the subject matter be incorporated into Delegate Proposal No. 118-85. Therefore, this Committee strongly support the filing of this Proposal and urge other fellow delegates for their unanimous endorsement.


Respectfully submitted,

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

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

  
\_\_\_\_\_  
Delegate William B. Mabors,  
Member

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

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

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION  
HOUSE OF TAGA  
SAIPAN, CM 96950

Report to the Convention by the  
Committee on Local Government

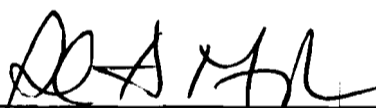
Subject: Committee Recommendation No. 03.


The Committee on Local Government recommends that the Convention meeting in Committee of the Whole adopt the recommendation of the Committee with respect to the following proposals:

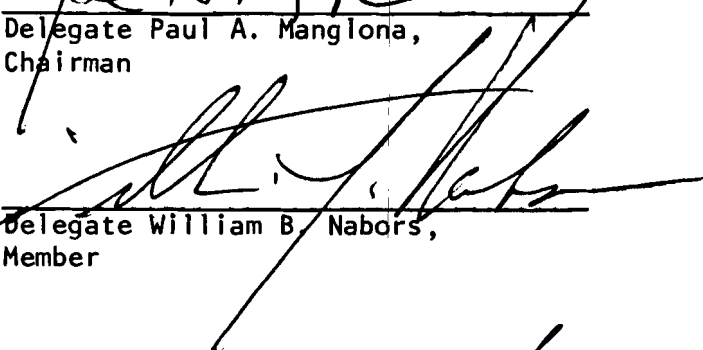
- (1) Delegate Proposal No. 73-85, repealing Section 17(b) of Article III relating to resident department heads.
- (2) Delegate Proposal No. 109-85, amending Section 2 of Article VI of the Northern Marianas Constitution relating to Election of Mayor.
- (3) Delegate Proposal No. 118-85, regarding Local Government.

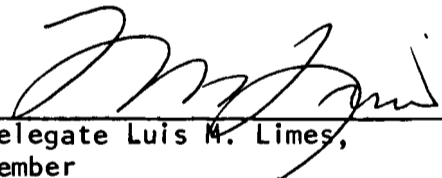
After extensive deliberation during the Committee's meeting, it was agreed that public hearings be held on the three proposals listed above. Therefore, this Committee strongly support the need for public hearings of the proposals and urge other fellow delegates for their unanimous endorsement.

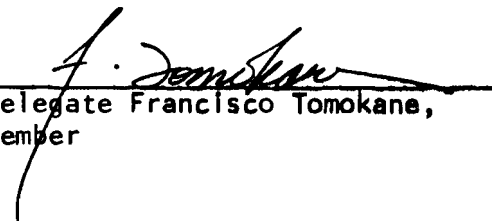
Respectfully submitted,

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

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

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

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

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

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION  
HOUSE OF TAGA  
SAIPAN, CM 96950

REPORT TO THE CONVENTION BY THE  
COMMITTEE ON LOCAL GOVERNMENT

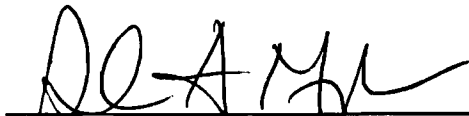
Subject: Committee Recommendation No. 04

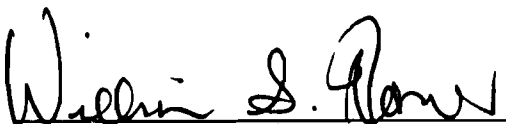
The Committee on Local Government recommends that the Convention meeting in Committee of the Whole adopt the recommendation below with respect to Delegate Proposal No. 124-85 regarding deletion of Section 6(a) and (b) of Article VI.

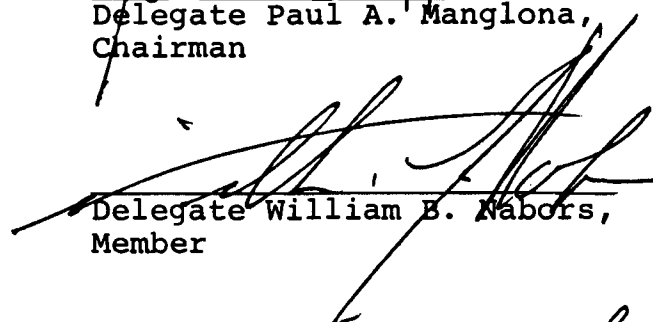
The Committee on Local Government discussed the matters addressed in Delegate Proposal No. 124-85 and decided to table this proposal indefinitely as its concerns will be incorporated in Delegate Proposal 118-85.

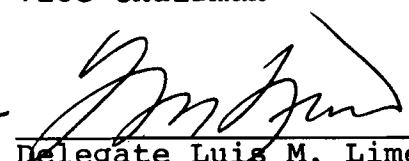
Therefore, this Committee strongly support this proposal to be tabled and urge other fellow delegates for their unanimous endorsement.

Respectfully submitted,

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

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

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

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

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

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

Subject: Committee Recommendation No. 25.

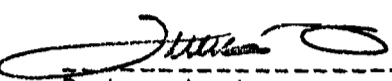
The Committee on Finance and Other Matters recommends that the Convention adopt the attached Resolution No. 4-85 and the recommendations contained in this report.

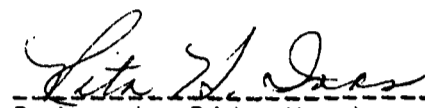
The facilities rental agreement for the Convention's meeting place requires that the Convention make its best effort to have power and water charges waived. This resolution will fulfill our responsibility under that agreement.

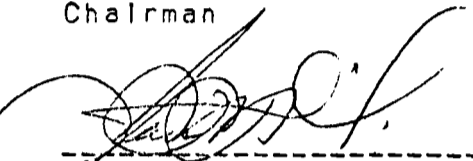
The committee noted that telephone services are not mentioned in the agreement and concluded that existing telephone services are included in the rental fee. Any additional lines added for the Convention would be the responsibility of the Convention. The committee also noted that the Convention is not the only organization using this building at this time, which raises a question of exactly what utility charges are to be waived. The wish of the committee is that the Convention fully discharge its obligations under the rental agreement.

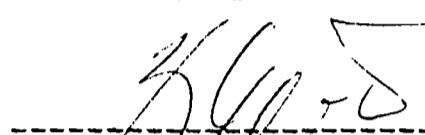


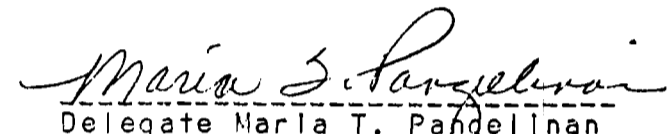
We urge all of you fellow delegates to give your unanimous endorsement to this resolution. In addition, we recommend that the President of the Convention and the Administrative Officer meet with the Governor to follow-up on the subject of this resolution. Respectfully submitted,

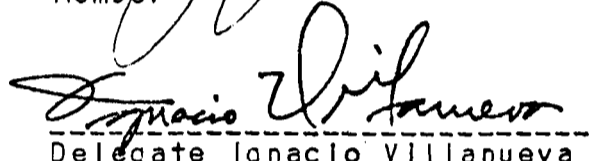
  
-----  
Delegate Lorenzo I. Guerrero  
Chairman

  
-----  
Delegate Rita H. Inos  
Vice Chairman

  
-----  
Delegate James M. Mendiola  
Member

  
-----  
Delegate David L. Iglitol  
Member

  
-----  
Delegate Maria T. Pandellinan  
Member

  
-----  
Delegate Ignacio Villanueva  
Member

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. Pangellinan, 3rd Vice President  
William B. Nabors, Convention Secretary  
Juan T. Lizama, Floor Leader

Members

Lorenzo I. Deleon Guerrero  
Alonso Iglomar  
David L. Igitol  
Rita H. Inos  
Benusto R. Kalpat  
Estevan M. King  
Luis M. Limes  
Jesus P. Mafnas  
Paul A. Manglona  
James M. Mendioia  
Aniceto H. Mundo  
Felicidad T. Ogunoro  
Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

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

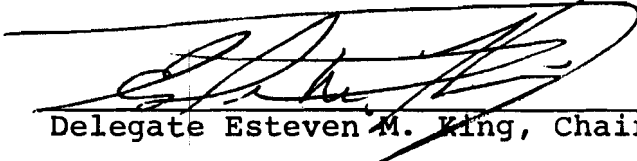
Subject: Committee Recommendation No. 6

The Committee on Personal Rights and Natural Resources, having met and deliberated on Delegate Proposal No. 56-85, recommends to the Committee of the Whole, that Article XI, Section 4(c) of the Constitution be amended to add the following language:

"A director may not hold a full-time paid position in the corporation. The directors shall abide by strict fiduciary duty."

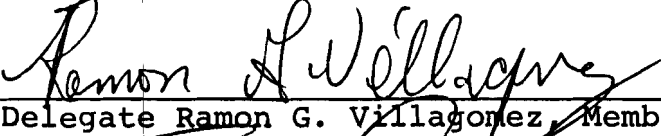
Your Committee strongly supports the intent of Delegate Proposal No. 56-85, and recommends to the Committee of the Whole for its adoption, as amended.

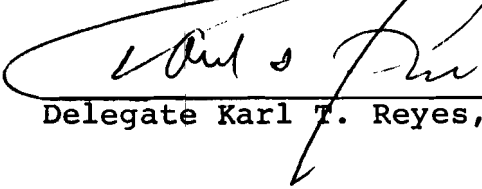
Respectfully submitted,

  
\_\_\_\_\_  
Delegate Estevan M. King, Chairman

  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio, Vice Chairman

  
\_\_\_\_\_  
Delegate Aniceto H. Mundo, Member

  
\_\_\_\_\_  
Delegate Ramon G. Villagomez, Member

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

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

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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. Lizana, Floor Leader

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

Members

Lorenzo I. Deleon Guerrero  
Alonzo Iglisom  
David L. Iglitol  
Rita H. Inos  
Benusto R. Kaipat  
Estevan M. King  
Luis M. Limes  
Jesus P. Mafnas  
Paul A. Manglona  
James M. Mendiola  
Aniceto H. Mundo  
Felicidad T. Ogunoro  
Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

Subject: Committee Recommendation No. 7.

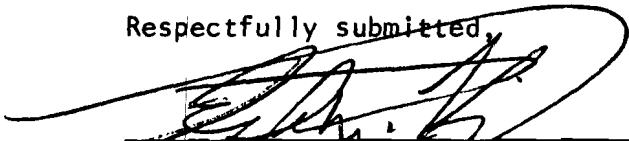
The Committee on Personal Rights and Natural Resources met and discussed Delegate Proposal No. 76-85 and recommends that the Convention meeting in Committee of the Whole adopt the proposed amendments to the Constitution with respect to Delegate Proposal No. 76-85, as amended, relating to Article XVIII, Section 2(a), to read as follows:


"Section 2: Constitutional Convention.

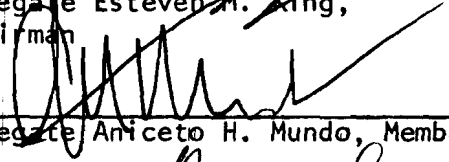
"a) The legislature, by the affirmative vote of a majority of the members of each house, may submit to the voters the question, 'Shall there be a constitutional convention to propose amendments to the Constitution?' The legislature, or the governor in the event the legislature fails to act, shall submit this question to the voters at a regular general election no later than ~~seven~~ ten years after the effective date of amendments proposed by the 1985 constitutional convention and as provided by law. An act of the legislature under this subsection may not be vetoed by the governor."

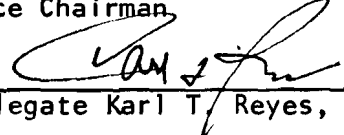
Your Committee recommends that the amendments made to Delegate Proposal No. 76-85 be adopted by the Convention and urge the unanimous endorsement of the members.

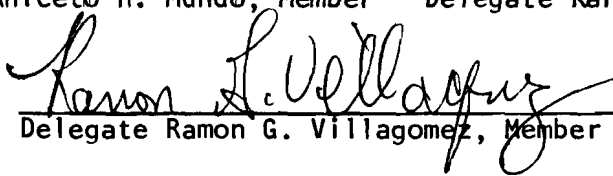
Respectfully submitted,

  
\_\_\_\_\_  
Delegate Estevan M. King,  
Chairman

  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio,  
Vice Chairman

  
\_\_\_\_\_  
Delegate Aniceto H. Mundo, Member

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

  
\_\_\_\_\_  
Delegate Ramon G. Villagomez, Member

SECOND NORTHERN MARIANAS  
CONSTITUTIONAL CONVENTION, 1985

COMMITTEE RECOMMENDATION NO. 7

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article XVIII, Section 2(a) to require that voters be asked within ten years whether there should be another constitutional convention.

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 as follows:

1     1. Effective upon ratification, Section 2(a) of Article XVIII  
2        is amended to read:

3             "a) The legislature, by the affirmative vote of a  
4             majority of the members of each house, may submit to the  
5             voters the question, 'Shall there be a constitutional  
6             convention to propose amendments to the Constitution?' The  
7             legislature, or the governor in the event the legislature  
8             fails to act, shall submit this question to the voters at a  
9             regular general election no later than ten years after the  
10            effective date of amendments proposed by the 1985  
11            constitutional convention and as provided by law. An act  
12            of the legislature under this subsection may not be vetoed  
13            by the governor."

14  
15  
16  
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18  
19                             Committee on Personal Rights  
20                             and Natural Resources  
21

FRIENDLY AMENDMENT TO COMMITTEE RECOMENDATION NO. 7

1. Line 10 -strike out in its entirety.
2. Line 11 - strike out the words "constitutional convention" and insert in lieu thereof the words "question was last submitted".

**Rationale:** This change would ensure that the opportunity for comprehensive review of the constitution would be guaranteed permanently, unless this provision is later changed. As CR No. 7 is presently worded, the mandatory submission of the question to the voters would expire in ten years unless this provision is amended again. If the voters said "No", or if a new convention did not amend this provision, the public then would have to depend on either legislative or popular initiative in order for the constitution to be amended or a constitutional convention called.

ANALYSIS OF CR. No. 7.

If the Convention does not propose this amendment, it is my view that the legislature would still have the power to ask the voters if there should be a constitutional convention, at any time it felt a convention was needed. The first sentence of Section 2(a) reads "The legislature, by the affirmative vote of a majority of the members of each house, may submit to the voters the question, "Shall there be a constitutional convention to propose amendments to the Constitution?" The Convention may wish to request a legal opinion to confirm this view. In addition, the voters could demand a constitutional convention pursuant to Article XVIII, Section 2(a), by popular initiative.

Consequently, there is some question as to whether we need to propose this amendment. This amendment would require that the voters 10 years from now be asked if they want another constitutional convention. The voters would probably vote "yes" because some would really want a convention, some would think "its ok; why not?", a few would be against it, and many wouldn't care and wouldn't vote on the question.

So there would probably be another constitutional convention 10 years from now. This does have the advantage of regular, concentrated review of the constitution, but the question is "Will we need another constitutional convention in 10 years?" I believe the 7 year requirement was put in the original constitution in

order to ensure that the voters had a chance to evaluate our new constitution after several years of experience and decide if we needed a constitutional convention to do a complete study and make changes and improvements, if needed. I'm not sure the same need will exist after this Convention. Basically, we have a good constitution, one that should stand the test of time well.

If we do want the voters to be asked, on a regular basis, whether there should be a constitutional convention, I would suggest that we change this recommendation so they are asked every 10 or 12 or 15 years. Ten years may be too short, fifteen may be better. So if we proceed with this proposed amendment, I would recommend changing this so the question is submitted to the voters at "the first regular general election twelve years after the question was last submitted to the voters . . . ." I am also not certain of the significance or purpose of the phrase "and as provided by law."

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. Pangellinan, 3rd Vice President  
William B. Nabors, Convention Secretary  
Juan T. Lizama, Floor Leader

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

Members

Lorenzo I. Deleon Guerrero  
Alonso Iglisomar  
David L. Iglitol  
Rita H. Inos  
Benusto R. Kalpat  
Estevan M. King  
Luis M. Limes  
Jesus P. Mafnas  
Paul A. Manglona  
James M. Mendiola  
Aniceto H. Mundo  
Felicidad T. Ogunoro  
Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

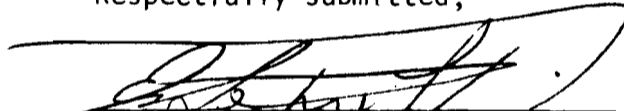
Subject: Committee Recommendation No. 8.


The Committee on Personal Rights and Natural Resources met and discussed Delegate Proposal No. 36-85 and recommends that the Convention meeting in Committee of the Whole adopt the proposed amendments made by the Committee with respect to Delegate Proposal No. 36-85, as amended, relating to a new Section 11, under Article I, to read as follows:


"Section 11: Victim of Crime Compensation. The legislature shall provide for a victim-of-crime assistance program for personal injuries such as rape, injury in the commision of robbery, and other types of injuries to be determined by the legislature. The legislature may require the perpetrator of the crime to drfray any or all costs that are reasonably related to the injury, be it bodily or otherwise, such as hospital cost(s), sick-leave payments, and all other costs subject to adjudication."


Your Committee recommends that the amendments made to Delegate Proposal No. 36-85, as amended, be adopted by the Convention and urge the unanimous endorsement of the members.

Respectfully submitted,

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

  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio,  
Vice Chairman

  
\_\_\_\_\_  
Delegate Aniceto H. Mundo,  
Member

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

  
\_\_\_\_\_  
Delegate Ramon G. Villagomez,  
Member



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 PERSONAL RIGHTS & NATURAL RESOURCES

Members

Lorenzo I. Deleon Guerrero  
Alonzo Iglisomar  
David L. Iglitol  
Rita H. Inos  
Benusto R. Kaipat  
Estevan M. King  
Luis M. Limes  
Jesus P. Mafnas  
Paul A. Manglona  
James M. Mendiola  
Aniceto H. Mundo  
Felicidad T. Ogunoro  
Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

Subject: Committee Recommendation No. 8

Your Committee has approved language to provide for the rights of victims of crime as an appropriate constitutional issue and believes that Article I on Personal Rights should address this issue. Too often a society allows the rights of a victim to be subjugated by the rights of the criminal. Such a travesty of justice should be allowed to be remedied by a court of law.

Your Committee is concerned over the possibly huge liability the government could incur if it was to provide restitution to victims. Since the government did not commit the crime, it should not be held responsible. The perpetrator of the crime should be responsible.

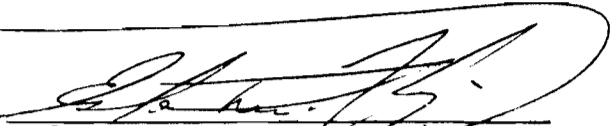
Your Committee accepted substitute language for a proposal to cover victims of crime, which is based on a model from the state of Michigan. While the Committee recognizes the capability and authority of the Legislature to further specify the particulars of a crime victims model legislation, the provision of a section in the Constitution guaranteeing the rights of crime victims would strengthen the applicability of the law.

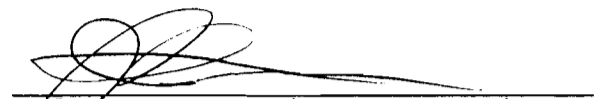
Delegate Proposals

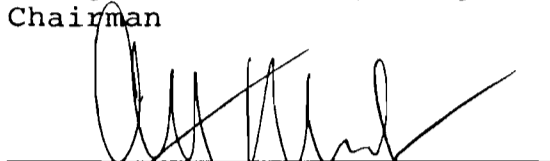
Your Committee carefully considered Delegate Proposals Nos. 36-85 and 122-85 dealing with the rights of victims of crime and agreed with their basic intent of providing restitution to the victims. The Committee sought to exclude the government from liability, however, placing the burden of restitution upon the criminal, not the government. The government, in the Committee's opinion, is in no financial state to provide for their type of compensation.

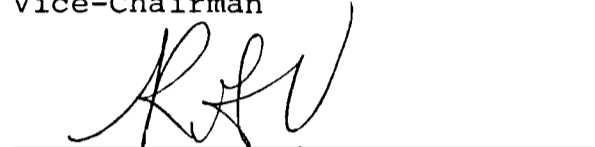
The placing of a new subsection under Section 4, Article I would secure the rights of victims of crime, while allowing the Legislature to arrive at comprehensive legislation based on a crime victims model legislation.

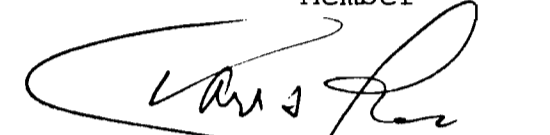
Respectfully submitted,

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

  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio  
Vice-Chairman

  
\_\_\_\_\_  
Delegate Aniceto H. Mundo  
Member

  
\_\_\_\_\_  
Delegate Ramon G. Villagomez  
Member

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

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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new Section to Article I of the Northern Marianas Constitution relating to Victims of Crime.

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 as follows:

- 1 I. Effective upon ratification, a new Section to Article I is added to read:  
2 "Section \_\_\_\_: Victims of Crime. The right of the people to be  
3 secure in their persons, houses, and belongings against crime shall be  
4 recognized at sentencing. No victim of a crime shall be deprived of  
5 restitution as a condition of probation except upon a showing of  
6 compelling interest."

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Committee on Personal Rights and Natural Resources

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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new Section to Article I of the Northern Marianas Constitution relating to Victims of Crime.

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 as follows:

- 1    1. Effective upon ratification, a new Section to Article I is added to read:  
2        "Section \_\_\_\_\_: Victims of Crime. The right of the people to  
3        be secure in their persons, houses, and belongings against crime shall  
4        be recognized at sentencing. Restitution to the crime victim shall  
5        be a condition of probation or parole upon a showing of compelling  
6        interest. The Legislature shall adopt provisions to implement this  
7        subsection during the calendar year following adoption of this subsection."

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13        PASSED SECOND AND FINAL READING ON JULY 18, 1985  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new Section to Article I of the Northern Marianas Constitution relating to Victims of Crime.

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 as follows:

1 I. Effective upon ratification, a new Section to Article I is added to read:

2 "Section \_\_\_\_\_: Victims of Crime. The right of the people to  
3 be secure in their persons, houses, and belongings against crime shall  
4 be recognized at sentencing. Restitution to the crime victim shall be  
5 a condition of probation upon a showing of compelling interest. The  
6 Legislature shall adopt provisions to implement this subsection during  
7 the calendar year following adoption of this subsection."  
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12 Adopted as amended by the Committee of the Whole and Convention on July 17, 1985  
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SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION  
HOUSE OF TAGA  
SAIPAN, CM 96950

COMMITTEE RECOMMENDATION NO. 9  
RE: DELEGATE PROPOSAL NO. 52-85  
June 27, 1985

The Honorable Herman T. Guerrero  
President  
Second Northern Marianas Constitutional  
Convention  
Saipan, CM 96950

Dear Mr. President:

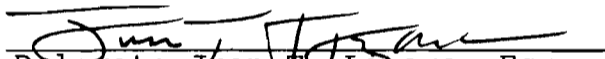
Your Committee on Governmental Institutions begs leave to report on its deliberation on Delegate Proposal numbered 52-85, which was referred to it for deliberation and is entitled:

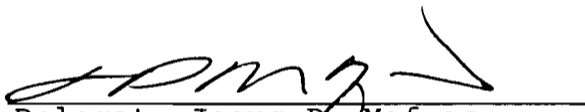
To amend Section 7(a) of Article II of the Northern Marianas Constitution relating to action on legislation by the Governor.

Your Committee, after extensive deliberation on the above Delegate Proposal, strongly recommends the adoption of the Proposal.

Your Committee urges the unanimous endorsement of other delegates to this Convention.

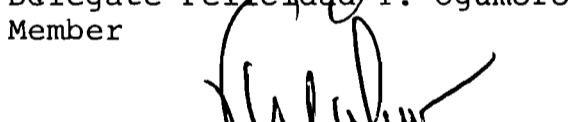
Respectfully submitted,

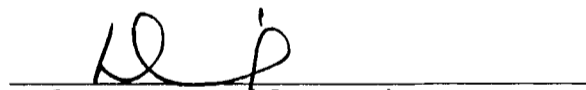
  
Delegate Juan T. Lizama, Esq.  
Chairman

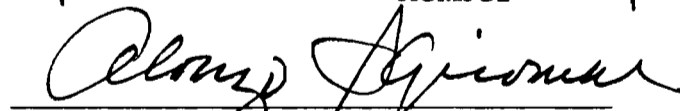
  
Delegate Jesus P. Mafnas  
Vice Chairman

  
Delegate Felicidad T. Ogumoro  
Member

  
Delegate Benusto R. Kaipat  
Member

  
Delegate Vicente M. Calvo  
Member

  
Delegate David M. Cing  
Member

  
Delegate Alonzo Agisomar  
Member

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION  
HOUSE OF TAGA  
SAIPAN, CM 96950

COMMITTEE RECOMMENDATION NO. 10  
RE: DELEGATE PROPOSAL NO. 57-85  
June 27, 1985

The Honorable Herman T. Guerrero  
President  
Second Northern Marianas  
Constitutional Convention  
Saipan, CM 96950

Dear Mr. President

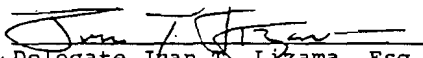
Your Committee on Governmental Institutions begs leave to report on its deliberation on Delegate Proposal numbered 56-85, which was referred to it for deliberation and is entitled:

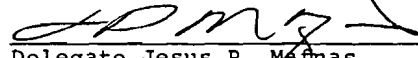
To amend Article II, Section 11 of the Northern Marianas Constitution relating to preventing the appointment or election of a member of the legislature to a public office created during his or her elected term of office.


Your Committee, after extensive deliberation on the above Delegate Proposal, strongly recommends the adoption of the Proposal.


Your Committee urges the unanimous endorsement of other delegates to this Convention.

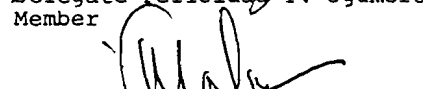
Respectfully submitted,

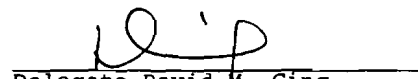
  
Delegate Juan T. Lizama, Esq.  
Chairman

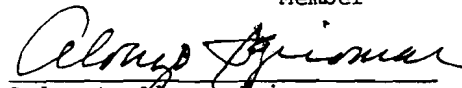
  
Delegate Jesus P. Mañas  
Vice Chairman

  
Delegate Felicidad T. Ogumoro  
Member

  
Delegate Benusto R. Kaipat  
Member

  
Delegate Vicente M. Calvo  
Member

  
Delegate David M. Cing  
Member

  
Delegate Dionzo Igisomar  
Member

REPORT TO THE CONVENTION BY THE  
COMMITTEE ON GOVERNMENTAL INSTITUTIONS

Subject: Committee Recommendation No. 10

Your Committee on Governmental Institutions recommends that the Convention meeting in Committee of the Whole adopt the attached proposed constitutional amendment with respect to other government employment of members of the legislature.

Your Committee's recommended constitutional amendment would do two things:

1. Clarify the constitutional language to make it explicit that the prohibition on other government employment also apply to elective offices such as delegate to a constitutional convention. Your Committee agrees with the legal opinion that this was the intent of the original constitution convention and only wishes to eliminate any ambiguity from the language.
2. Add a prohibition to prevent legislators from serving in an office created during their term until one year after the expiration of the term during which the office was created. This would prevent legislators from creating superfluous positions for their own advantage, so they can fill the post after leaving office. This sort of provision is included in the constitutions and laws of many states and seen by your Committee as highly desirable for the Commonwealth Constitution.

Your Committee specifically acknowledges page 53 of the Analysis of the Constitution as accurately reflecting the intent of your Committee with this recommendation, i.e. this constitutional provision prohibits a legislator from serving on any independent board, agencies, authorities or commissions but does not prohibit service on a dependent board, agency, authority or commission established by the legislature, reporting directly to the legislature and performing a task incidental to the law-making process. A good example of a dependent agency is the Tax Task Force.

Delegate Proposals: The only delegate proposal relating to this subject referred to your Committee on Governmental Institution was Delegate Proposal No. 57-85. This Committee Recommendation conforms fully with the intent of that proposal.



SECOND NORTHERN MARIANAS  
CONSTITUTIONAL CONVENTION, 1985

COMMITTEE RECOMMENDATION NO. 10

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article 11, Section 11 relative to other government employment of members of the legislature.

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 as follows:

1 1. Effective upon ratification, Section 11 of Article 11 is  
2 amended to read:

3 "Section 11. Other Government Employment. A member of  
4 the legislature may not serve in any other Commonwealth  
5 government position including other elective office or an  
6 independent board, agency, authority or commission  
7 established by this Constitution or by Commonwealth law. A  
8 person, having been a member of the legislature, may not  
9 serve in any elective or appointive Commonwealth government  
10 position created by statute during the term for which he or she  
11 was elected, for a period of one year following the  
12 expiration of the term during which the position was  
13 created."

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*Adopted by Cante of the State - 7/11/85*

*Adopted 2nd + final reading - 7/14/85*

Committee on Governmental  
Institutions

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article II, Section 11 relative to other government employment of members of the legislature.

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 as follows:

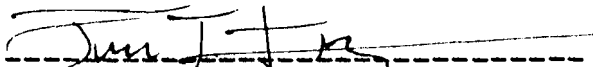
1     1. Effective upon ratification, Section 11 of Article II is  
2       amended to read:

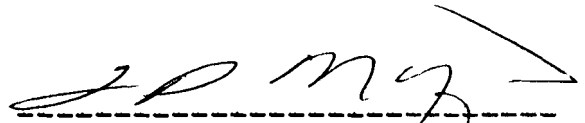
3             "Section 11. Other Government Employment. A member of  
4       the legislature may not serve in any other Commonwealth  
5       government position including other elective office or an  
6       independent board, agency, authority or commission  
7       established by this Constitution or by Commonwealth law. A  
8       person, having been a member of the legislature, may not  
9       serve in any elective or appointive Commonwealth government  
10      position created by statute during the term for which he  
11      was elected, for a period of one year following the  
12      expiration of the term during which the position was  
13      created."

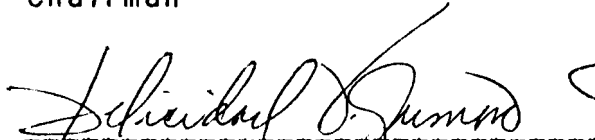
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Therefore, your Committee strongly urges all delegates to support the attached committee recommendation.

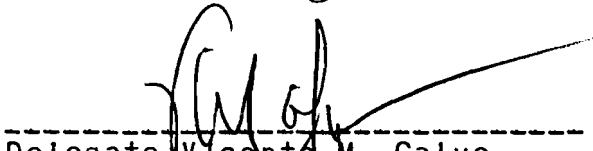
Respectfully submitted,

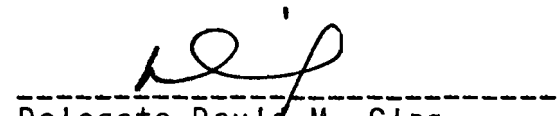
  
-----  
Delegate Juan T. Lizama, Esq.  
Chairman

  
-----  
Delegate Jesus P. Marnas  
Vice Chairman

  
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Delegate Felicidad T. Ogumoro  
Member

  
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Delegate Benusto R. Kalpat  
Member

  
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Delegate Vicente M. Calvo  
Member

  
-----  
Delegate David M. Cing  
Member

  
-----  
Delegate Alonzo Iglisamar  
Member

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION  
HOUSE OF TAGA  
SAIPAN, CM 96950

COMMITTEE RECOMMENDATION NO. 11  
RE: DELEGATE PROPOSAL NO. 60-85  
June 27, 1985

The Honorable Herman T. Guerrero  
President  
Second Northern Marianas  
Constitutional Convention  
Saipan, CM 96950

Dear Mr. President:


Your Committee on Governmental Institutions begs leave to report on its deliberation on Delegate Proposal numbered 60-85, which was referred to it for deliberation and is entitled:

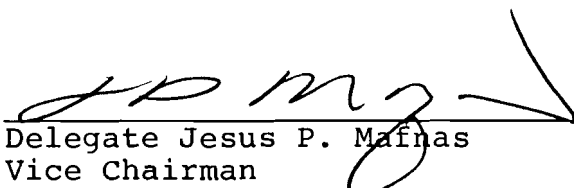
To amend Article II, Section 15 of the Northern Marianas Constitution relating to preventing a member of the legislature from voting on a bill in which he or she has financial, personal or private interest.

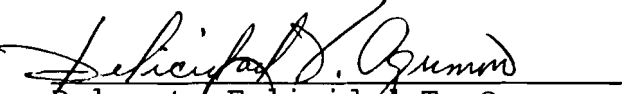
Your Committee, after extensive deliberation on the above Delegate Proposal, strongly recommends the adoption of the Proposal.

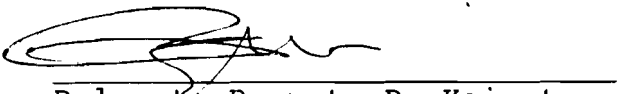
Your Committee urges the unanimous endorsement of other delegates to this Convention.

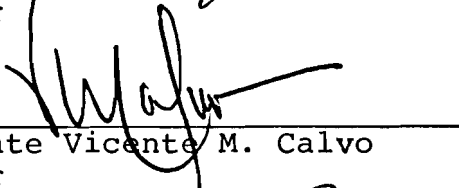
Respectfully submitted,

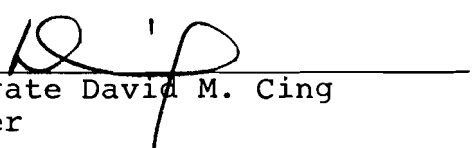
  
\_\_\_\_\_  
Delegate Juan T. Lizama, Esq.  
Chairman

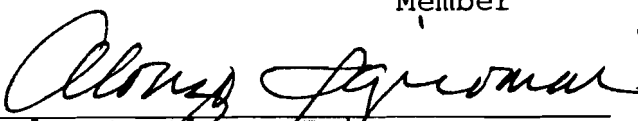
  
\_\_\_\_\_  
Delegate Jesus P. Mafnas  
Vice Chairman

  
\_\_\_\_\_  
Delegate Felicidad T. Ogumoro  
Member

  
\_\_\_\_\_  
Delegate Benusto R. Kaipat  
Member

  
\_\_\_\_\_  
Delegate Vicente M. Calvo  
Member

  
\_\_\_\_\_  
Delegate David M. Cing  
Member

  
\_\_\_\_\_  
Delegate Alonzo Igisomar  
Member

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION  
HOUSE OF TAGA  
SAIPAN, CM 96950

COMMITTEE RECOMMENDATION NO. 12  
RE: DELEGATE PROPOSAL NO. 88-85  
June 27, 1985

The Honorable Herman T. Guerrero  
President  
Second Northern Marianas  
Constitutional Convention  
Saipan, CM 96950

Dear Mr. President:

Your Committee on Governmental Institutions begs leave to report on its deliberation on Delegate Proposal numbered 88-85, which was referred to it for deliberation and is entitled:

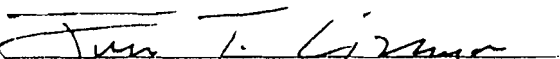
To amend Article III, Section 18 of the Northern Marianas Constitution relating to the salary of the Executive Assistant for Carolinian Affairs.

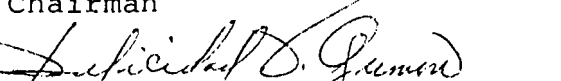
Your Committee, after extensive deliberation on the above Delegate Proposal, strongly recommends the adoption of the Proposal with the following amendment:

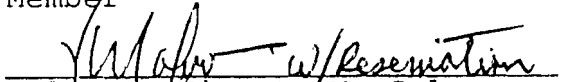
1. On line 5, delete "... be equal to ..." and insert "... not be less than ..."
2. On line 6, delete "... each of ..." and insert "... any ..."

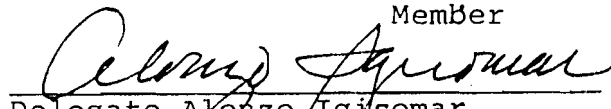
Your Committee urges the unanimous endorsement of other delegates to this Convention.

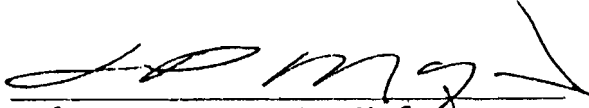
Respectfully submitted,


  
Delegate Juan T. Lizama, Esq.  
Chairman


  
Delegate Felicidad T. Ogumoro  
Member

  
Delegate Vicente M. Calvo  
Member

  
Delegate Alonzo Igisomar  
Member

  
Delegate Jesus P. Mafnas  
Vice Chairman

  
Delegate Benusto R. Kaipat  
Member

  
Delegate David M. Cing  
Member

REPORT TO THE CONVENTION BY THE  
COMMITTEE ON GOVERNMENTAL INSTITUTIONS

Subject: Committee Recommendation No. 12

Your Committee on Governmental Institutions recommends that the Convention meeting in Committee of the Whole adopt the attached proposed constitutional amendment with respect to the Executive Assistant for Carolinian Affairs.


Your Committee's recommended constitutional amendment would require that the salary of the Executive Assistant for Carolinian Affairs be at least as much as the salary of the lowest paid executive department head.

Your Committee finds that the position of Executive Assistant for Carolinian Affairs is difficult and important. The constitution enumerates five responsibilities for the Executive Assistant, responsibilities this person must carry out with limited powers and few resources beyond his personal skills. In a sense, the Executive Assistant has the responsibility of ensuring that government services reflect the needs of, and are delivered on an equitable basis to, persons of all ethnic groups. This constitutional amendment is necessary in order to ensure that the salary of the Executive Assistant properly reflects the responsibility and stature of the position.

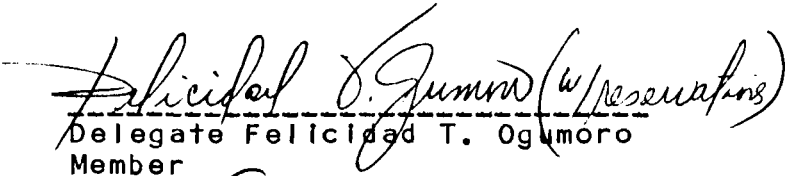
Delegate Proposals: Your Committee carefully considered two delegate proposals in its deliberations, Delegate Proposal No. 88-85 and Delegate Proposal No. 144-85. The substance of Delegate Proposal No. 88-85 was adopted by your Committee and included in this recommendation. Substantively, Delegate Proposal No. 144-85 would have changed the title of the Executive Assistant for Carolinian Affairs and have this person elected; the powers and responsibilities of the Executive Assistant would have remained essentially the same. Your Committee rejected this proposal primarily because of the administrative and practical difficulties of electing a person specifically of Carolinian descent and potential constitutional problems with such an approach.

Therefore, your Committee strongly urges all delegates to support the attached committee recommendation.

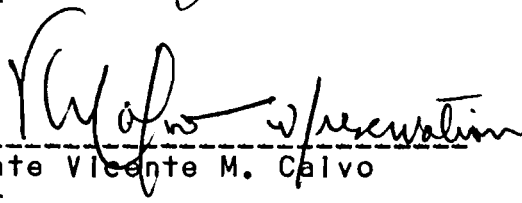
Respectfully submitted,

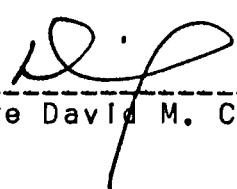
  
-----  
Delegate Juan T. Lizama, Esq.  
Chairman


  
-----  
Delegate Jesus P. Marinas  
Vice Chairman

  
-----  
Delegate Felicidad T. Ogunoro  
Member

-----  
Delegate Benusto R. Kaipat  
Member

  
-----  
Delegate Vicente M. Calvo  
Member

  
-----  
Delegate David M. Cing  
Member

  
-----  
Delegate Dionzo Laisomar  
Member

SECOND NORTHERN MARIANAS  
CONSTITUTIONAL CONVENTION, 1985

COMMITTEE RECOMMENDATION NO. 12

A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new subsection to Article III, Section 18 to require that the salary of the Executive Assistant for Carolinian Affairs not be less than that of an executive department head.

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 as follows:

- 1     1. Effective upon ratification, a new subsection is added to  
2     Section 18 of Article III to read:  
3         "\_\_\_\_\_) The annual salary of the Executive Assistant  
4     for Carolinian Affairs shall be not less than the annual  
5     salary of a head of an executive department."  
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Committee on Governmental  
Institutions

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SECOND NORTHERN MARIANAS  
CONSTITUTIONAL CONVENTION, 1985

COMMITTEE RECOMMENDATION NO. 12

A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new subsection to Article III, Section 18 to require that the salary of the Executive Assistant for Carolinian Affairs not be less than that of an executive department head.

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 as follows:

1. Effective upon ratification, a new subsection is added to Section 18 of Article III to read:

"\_\_\_\_) The annual salary of the Executive Assistant for Carolinian Affairs <sup>MAY</sup> ~~shall~~ be not less than the annual salary of a head of an executive department."

Adopted by Vote of the  
Whole of 7/1/85  
Adopted by 2nd & Final Reading  
7/14/85

Committee on Governmental  
Institutions

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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, 2nd Vice President  
William B. Nabors, Convention Secretary  
Juan T. Lizama, Floor Leader

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

Members

Lorenzo I. Deleon 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  
Felicidad T. Ogumoro  
Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

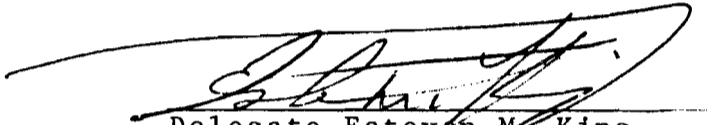
Subject: Committee Recommendation No. 13

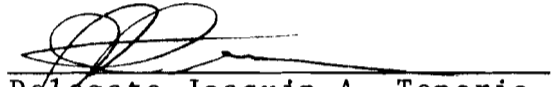
The Committee on Personal Rights and Natural Resources met and discussed Delegate Proposal No. 27-85, recommends to the Committee of the Whole, that Article I, Section 2 of the Constitution be amended to read as follow:

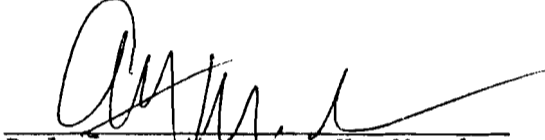
"Section 2: Freedom of Religion, Speech, Press, Assembly and Petition."

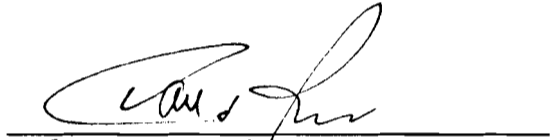
Your Committee supports the simple amendment made to Delegate Proposal No. 27-85, and recommends to the Convention for its adoption, as amended.


Respectfully submitted,

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

  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio,  
Vice Chairman

  
\_\_\_\_\_  
Delegate Aniceto H. Mundo,  
Member

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

  
\_\_\_\_\_  
Delegate Ramon G. Villagomez, Member

A PROPOSAL

To amend Section 2 of Article I of the Northern Mariana Constitution relating to freedom of religion, speech, press and assembly.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

3 "Section 2: Freedom of Religion, Speech, Press, ~~and~~  
4 Assembly and Petition. The Legislature shall make no law ~~shall~~  
5 ~~be made~~ respecting an establishment of religion, or prohibiting  
6 the free exercise thereof, or abridging the freedom of speech,  
7 or of the press, or the right of the people peaceably to  
8 assemble and to petition the government for redress of grievances."  
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Date: 6/18/85 Offered by: /s/ Benusto R. Kaipat  
Delegate Benusto R. Kaipat

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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 FINANCE AND OTHER MATTERS

Members

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


Subject: Committee Recommendation No. 14

The Committee on Finance and Other Matters recommends that the Convention adopt the attached Resolution No. 3-85, as amended, by the Committee.

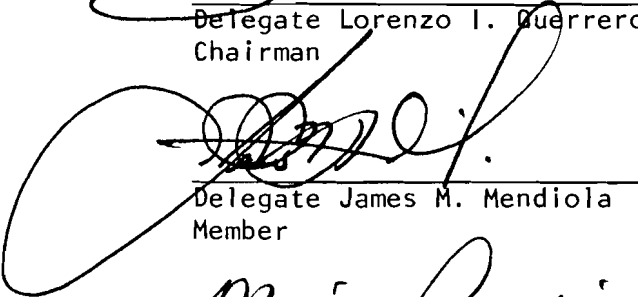
The subject resolution requests the Legislature to extend the life of the Convention for an additional ten days in order to give the delegates additional time to deliberate and give careful consideration to the various proposals. It also requests that additional funding be provided to enable the Convention to properly fulfill its responsibilities.

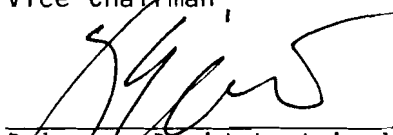
We recommend the adoption of Resolution No. 3-85, as amended, by the Convention.


Respectfully submitted,


  
\_\_\_\_\_  
Delegate Lorenzo I. Guerrero  
Chairman

  
\_\_\_\_\_  
Delegate Rita H. Inos  
Vice Chairman

  
\_\_\_\_\_  
Delegate James M. Mendiola  
Member

  
\_\_\_\_\_  
Delegate David I. Igitol  
Member

  
\_\_\_\_\_  
Delegate Maria T. Pangelinan  
Member

  
\_\_\_\_\_  
Delegate Ignacio Villanueva  
Member

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A RESOLUTION

RELATIVE TO REQUESTING THE COMMONWEALTH LEGISLATURE  
TO EXTEND THE CONSTITUTIONAL CONVENTION FOR AN  
ADDITIONAL THIRTY DAY PERIOD.

1           WHEREAS, under Public Law No. 4-30, the Constitutional  
2 Convention was only allocated thirty (30) calendar days to  
3 complete their work on the Constitution; and

4           WHEREAS, with the volume of proposals that have been  
5 introduced during the first ~~three (3)~~ eleven (11) days of the  
6 Convention, it seems clear that thirty (30) calendar days will  
7 not be sufficient to devote the time needed to make decisions on  
8 the various proposals; and

9           WHEREAS, since this is our Second Constitutional Convention,  
10 every effort should be made to ensure that another Constitutional  
11 Convention will not be required for at least another decade; and

12           WHEREAS, with the shortage of funds, available to the  
13 Convention it is not possible to hire independent legal staff or  
14 experienced research staff personnel sufficient to assist in  
15 carrying out our responsibilities efficiently and ~~expeditiously~~  
16 expeditiously within the time frame allowed under Public Law  
17 No. 4-30; and

18           WHEREAS, extension of the life of the Convention will  
19 necessitate additional funding to cover the costs of the  
20 Convention's work in an amount at least proportional to funding  
21 originally provided to the Convention; now, therefore

1           ~~NOW//THEREFORE//~~ BE IT RESOLVED by the Second Constitutional  
2 Convention that the Fourth Northern Marianas Commonwealth  
3 Legislature be and hereby is required to extend the life of the  
4 ~~the~~ Convention for an additional ~~thirty (30)~~ ten (10) days and  
5 provide supplemental funding proportional to the funding provided  
6 for the initial ten (10) days; and

7           BE IT FURTHER RESOLVED that the President of the Convention  
8 shall certify and the Convention Secretary shall attest to the  
9 adoption of this resolution and transmit copies thereof to the  
10 Speaker of the House and President of the Senate, Fourth Commonwealth  
11 Legislature.

12

13 Date: 6/21/85

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15 Offered by: /s/ William B. Nabors

16 /s/ James M. Mendiola

17 /s/ David M. Cing

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

Subject: Committee Recommendation No. 15

The Committee on Personal Rights and Natural Resources recommends that the Convention meeting in Committee of the Whole adopt the attached proposed constitutional amendment with respect to composition of the House of Representatives.

The Committee's recommended constitutional amendment would eliminate the current six election districts on Saipan for members of the House of Representatives and have Saipan's representatives elected at-large. It would also delete Section 11 of the Schedule on Transitional Matters, which describes Saipan Election Districts, as this section would be obsolete.

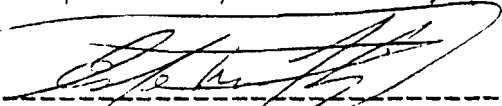
It is the view of your Committee that at-large election of members of the House of Representatives would 1) ensure that the most capable, best qualified people available take seats in the lower house, 2) enlarge the choice afforded the voters by giving all the voters the chance to vote for all of the candidates running on Saipan, and 3) foster an attitude of promoting the common welfare of all the people of the Commonwealth, as well as each municipality, among our elected representatives.

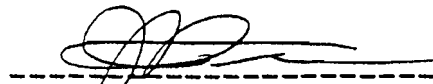
With the advances that have been made in transportation, communications, and sophistication in the Commonwealth during the past seven years, it is now possible for elected representatives to deal with problems affecting any and all villages on Saipan, not only one precinct; telephone services and the news media are now well developed. Too much concentration on every detail of the needs of an individual precinct often can mean that insufficient attention is paid to Commonwealth-wide needs.

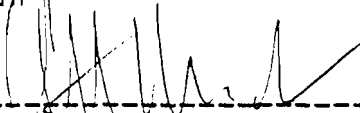
Delegate Proposals: The only delegate proposal relating to composition of the House of Representatives referred to your Committee on Personal Rights and Natural Resources was Delegate Proposal No. 187-85. This Committee Recommendation conforms fully with that delegate proposal.

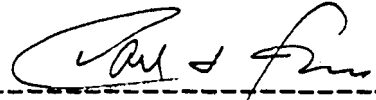
Therefore, your Committee strongly urges all delegates to support the attached committee recommendation.

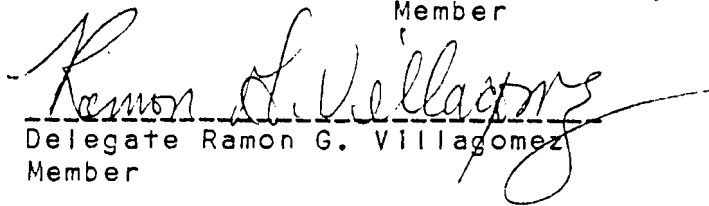
Respectfully submitted,

  
-----  
Delegate Esteven M. King  
Chairman

  
-----  
Delegate Joaquin A. Tenorio  
Vice Chairman

  
-----  
Delegate Aniceto H. Mundo  
Member

  
-----  
Delegate Karl T. Reyes  
Member

  
-----  
Delegate Ramon G. Villagomez  
Member





A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 3(b) of Article II relating to composition of the House of Representatives and to delete Section 11 of the Schedule on Transitional Matters relating to Saipan Election Districts.

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 as follows:

- 1 I. Effective as of the first regular general election  
2 following ratification, Section 3(b) of Article II is  
3 amended to read:  
4 "b) For purposes of electing representatives, Rota  
5 shall constitute one district, Tinian and Aguihan shall  
6 constitute one district, and Saipan and the Islands north  
7 of it shall constitute one district. The legislature may  
8 change the number and boundaries of these districts only  
9 pursuant to its duties under section 4 of this article.  
10 When the population of the Islands north of Saipan equals  
11 or exceeds the number of persons represented by any member  
12 of the house of representatives, these Islands shall  
13 constitute a separate district electing one  
14 representative."  
15 II. Effective as of the first regular general election  
16 following ratification, Section 11 of the Schedule on  
17 Transitional Matters is repealed.

Committee on Personal Rights and  
Natural Resources

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

Subject: Committee Recommendation No. 16

The Committee on Personal Rights and Natural Resources recommends that the Convention meeting in Committee of the Whole adopt the attached proposed constitutional amendment with respect to ratification of constitutional amendments.

The Committee's recommended constitutional amendment would permit proposed amendments to be ratified at a special election established by law, rather than requiring that ratification be concurrent with a general election, as is presently the case.

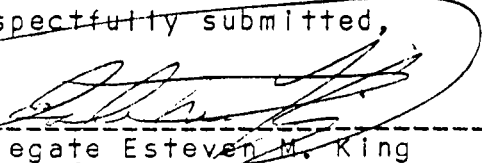
Currently, the Constitution requires that amendments be ratified at the next regular general election that is held at least sixty days after the amendment is proposed. Your Committee feels that two months may not be a sufficient period for public education in every case. Additionally, the existing provision could result in an important amendment having to wait two years for ratification, if it was proposed shortly before or after a general election.


Your Committee did not reach a conclusion on what period of time is the "right" amount of time for public education. Instead, we felt that this might vary depending on circumstances. To cope with this situation, the proposed amendment would give the legislature flexibility to set a special election for ratification of proposed amendments, allowing an appropriate period for public education.

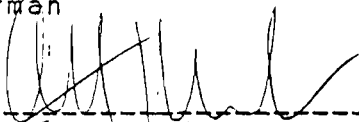
Delegate Proposals: Your Committee carefully considered two delegate proposals in its deliberations, Delegate Proposal No. 77-85 and Delegate Proposal No. 112-85. The attached committee recommendation represents our best judgement relating to the issues and approaches presented by those proposals.

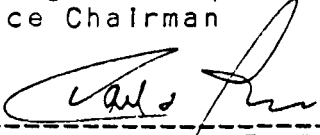
Therefore, your Committee strongly urges all delegates to support the attached committee recommendation.


Respectfully submitted,

  
-----  
Delegate Esteven M. King  
Chairman

  
-----  
Delegate Joaquin A. Tenorio  
Vice Chairman

  
-----  
Delegate Aniceto H. Mundo  
Member

  
-----  
Delegate Karl T. Reyes  
Member

  
-----  
Delegate Ramon G. Villagomez  
Member

SECOND NORTHERN MARIANAS  
CONSTITUTIONAL CONVENTION, 1985

COMMITTEE RECOMMENDATION NO. 16

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article XVIII, Section 5(a) to allow proposed amendments to be ratified in a special election.

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 as follows:

1. Effective upon ratification, Section 5(a) of Article XVIII

is amended to read:

"a) A proposed amendment to this Constitution shall be submitted to the voters for ratification at the next regular general election or at a special election established by law."

← 2 years →

Committee on Personal Rights  
and Natural Resources

PROPOSED AMENDMENT TO COMMITTEE RECOMMENDATION NO. 16

1. Line 4 - strike out the words "at the next" and insert in lieu thereof the words "no earlier than sixty days and not later than one year after the amendment is proposed,".
2. Line 5 - strike out the words "regular general election or".
3. Line 6 - insert the words "for that purpose. In the the event the legislature fails to act to provide for such election either prior to or within eight months after an amendment is proposed, the governor shall provide for such election.

Lines 3-6 of Committee Recommendation No. 16 would then read:

"a) A proposed amendment to this Constitution shall be submitted to the voters for ratification ~~at the next~~ no earlier than sixty days and not later than one year after the amendment is proposed, ~~regular general election or~~ at a special election established by law for that purpose. ~~In the the event the legislature fails to act to provide for such election either prior to or within eight months after an amendment is proposed,~~ the governor shall provide for such election."

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 PERSONAL RIGHTS & NATURAL RESOURCES

Members

SUBJECT: Committee Recommendation No. 17

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

The Committee finds that the most appropriate method for voting in referendum for proposed amendments to the Constitution is by Articles, rather than by an entire package or section or subsection. The predominant reason for advocating voting by article is to prevent potential conflicts arising from approving sections or subsections.

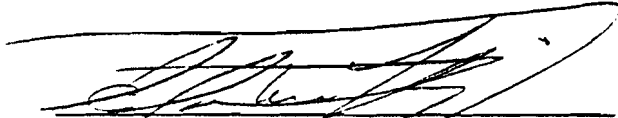
The Constitution is organized by Articles, according to their main intent. Each article represents a unique purpose, and each section and subsection delineates and further defines the scope of the Article. If one section or subsection is not approved by the voters but others are, then the original intent of the Article could be threatened.

For an example, say for subsections of Article XI Section 4 are up for ratification by the voters. Subsection(a) provides for the executive director and composition of the board of directors for Marianas while subsections(b-d) deal with other matters. If subsection(a) is not approved but (b-d) are approved, then Marianas Public Land Corporation could be effectively without director or board of directors.

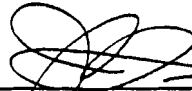
If the entire proposed amendments are presented to the voters as a whole for single "yes" or "no" vote, there is a high risk that the entire work of the Convention could be voted down. If the public has a strong opposition to any single proposed amendment, they have only the choice of either accepting that proposed amendment or rejecting the entire proposed amendments. On the other hand, if the voters are to vote per article of the Constitution, they may reject one article and accept another article or articles.

The Committee on Personal Rights and Natural Resources endorsed Resolution No. 6-85, Committee Draft 1 and urges the Committee of the Whole to adopt it in the best interests of our Constitution.

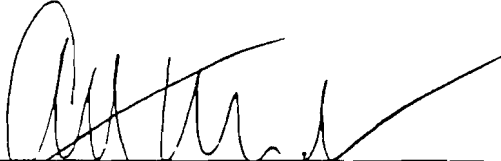
Respectfully submitted,



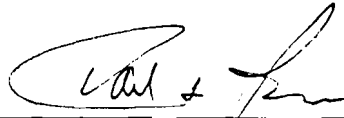
Delegate Esteven M. King  
Chairman



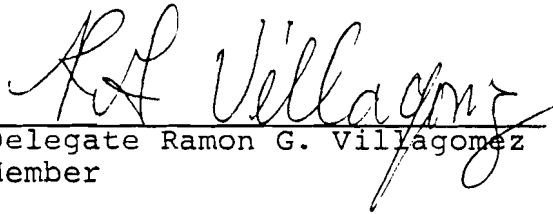
Delegate Joaquin A. Tenorio  
Vice-Chairman



Delegate Aniceto H. Mundo  
Member



Delegate Karl T. Reyes  
Member



Delegate Ramon G. Villagomez  
Member

A RESOLUTION

Relative to requesting the Northern Mariana Islands Commonwealth Legislature to amend Section 19 of Public Law 4-30 relating to Ratification of Proposed Amendments.

1           WHEREAS, under provisions of Section 19 of Public Law No. 4-30, all  
2 ~~proposals adopted~~ proposed amendments by the Second Constitutional Convention  
3 are to be voted upon by the people on ~~individually~~ an individual basis rather  
4 than collectively; and

5           WHEREAS, under this procedure, the people will spend a great deal of time  
6 ~~trying to~~ reading and ~~decide which measures to vote,~~ which will not only  
7 deciding on how to vote and would be so time consuming on election day, but may  
8 ~~also result in not getting the free expression of the people~~ as to prevent the  
9 voters from reading all proposals and freely expressing their decisions; and

10           WHEREAS, by voting on proposals individually, ~~you run the~~ there is a risk  
11 of the people ~~voting~~ approving half of the ~~adopted~~ proposals and not the  
12 ~~remainder, which might~~ other half, thus resulting in a conflict in within  
13 the Constitution; and

14           WHEREAS, it will be ~~not practical to incorporate~~ safe to consider the  
15 proposed amendments ~~into~~ by each Article of the Constitution and conduct political  
16 education on each Article of the Constitution, ~~as amended,~~ now, therefore,

17           BE IT RESOLVED by the Second Constitutional Convention, 1985, ~~requests~~ that  
18 the Fourth Northern Marianas Commonwealth Legislature is respectfully requested  
19 to amend Section 19 of Public Law 4-30 to allow the ~~proposals~~ proposed amendments  
20 to be voted upon ~~together~~ by each Article of the Constitution rather than by each  
21 ~~individually,~~ proposed amendment, and



1           BE IT FURTHER RESOLVED that the President shall certify and the Convention  
2 Secretary shall attest to the adoption of this Resolution and thereafter  
3 transmit copies to the President of the Senate, ~~and to~~ the Speaker of the  
4 House of Representatives, and the Governor.

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Date: July 2, 1985

OFFERED BY: /S/ William B. Nabors  
Delegate William B. Nabors,  
Tinian

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. Pangalinan, 3rd Vice President  
William B. Mabors, Convention Secretary  
Juan T. Lizana, Floor Leader

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

Members

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

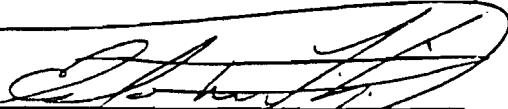
Subject: Committee Recommendation No. 18


The Committee on Personal Rights and Natural Resources met and deliberated on Delegate Proposal No. 80-85 and recommends that the Convention meeting in Committee of the Whole adopt the proposed amendments to the Constitution relative to Section 1 of Article VIII, "Regular General Election" to read as follows:

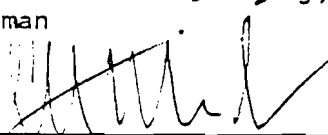
"Section 1: Regular General Election. The regular general election of the Commonwealth shall be held on the first ~~Tuesday~~ after the first Monday Saturday in November."

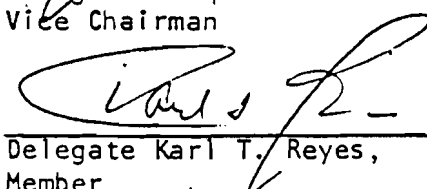
Your Committee recommends that the amendments made to Delegate Proposal No. 80-85 be adopted as Delegate Proposal No. 80-85, as amended, and urge the unanimous endorsement of the members.


Respectfully submitted,

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

  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio,  
Vice Chairman

  
\_\_\_\_\_  
Delegate Aniceto H. Mundo,  
Member

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

  
\_\_\_\_\_  
Delegate Ramon G. Villagomez, Member

SECOND NORTHERN MARIANAS  
CONSTITUTIONAL CONVENTION, 1985

COMMITTEE RECOMMENDATION NO. 18

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article VIII, Section 1 to change the day of the regular general election to Saturday.

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 as follows:

1     1. Effective upon ratification, Section 1 of Article VIII  
2         is amended to read:

3             "Section 1. Regular General Election. The regular  
4             general election of the Commonwealth shall be held on the  
5             first Saturday in November."  
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11                             Committee on Personal Rights  
12                             and Natural Resources  
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REPORT TO THE CONVENTION BY THE  
COMMITTEE ON PERSONAL RIGHTS & NATURAL RESOURCES

Subject: Committee Recommendation No. 18

The Committee on Personal Rights and Natural Resources recommends that the Convention meeting in Committee of the Whole adopt the attached proposed constitutional amendment with respect to day general elections shall be held.

The Committee's recommended constitutional amendment would have general elections held on Saturdays, rather than Sundays as at present.

Your Committee believes that changing the day of the regular general election to Saturday would result in greater convenience for voters and less work time lost. The latter would be of great benefit to the government, private employers, and the public alike, as it would reduce losses of productivity and income arising from the electoral process.

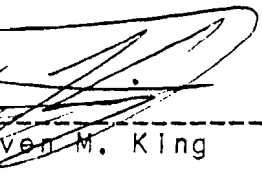
Your Committee notes that it now takes well into the day following the election to complete the process of tabulating election results. As most voters like to stay at home or at the homes of friends until they get the election results, and tabulators must stay away from their jobs in order to complete their work and then get some rest, much work time is lost on Monday and Tuesday when the election is held on Sunday. With the election held on Saturday, most people will be back to work on Monday, and everybody should be back by Tuesday.

Delegate Proposals: Your Committee carefully considered two delegate proposals in its deliberations, Delegate Proposal No. 80-85 and Delegate Proposal No. 101-85. Both proposals sought to change the day of election to Tuesday to make the CNMI general election coincide with U.S. elections. Your Committee rejected this approach for several reasons. First, holding the general election on Tuesday would result in nearly a full week of lost work due to the time it takes to tabulate the election results and the intensity with which our people are involved in the political process. Second, it is virtually impossible to make our elections truly coincide with mainland elections, due to the international date line and the enormous difference in time zones. Third, your Committee saw no compelling need to attempt to make our elections coincide with U.S. elections. And finally, making our general elections coincide with general elections in the states would

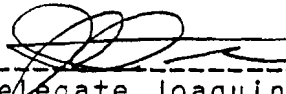
require a complicated readjustment in the terms of our elected officials, since U.S. elections are currently held a full year before our elections.

Therefore, your Committee strongly urges all delegates to support the attached committee recommendation.

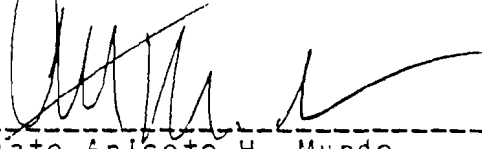
Respectfully submitted,



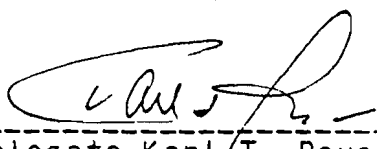
-----  
Delegate Esteven M. King  
Chairman



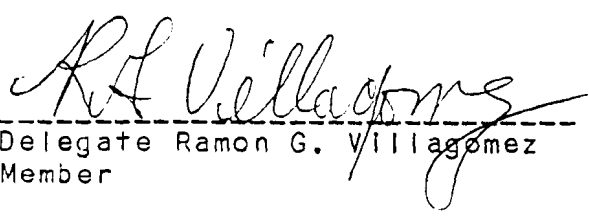
-----  
Delegate Joaquin A. Tenorio  
Vice Chairman



-----  
Delegate Aniceto H. Mundo  
Member



-----  
Delegate Karl T. Reyes  
Member



-----  
Delegate Ramon G. Villagomez  
Member

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

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6517/6572

Officers

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David M. Cing, 2nd Vice President  
Maria T. Pangelinan, 3rd Vice President  
William B. Nabors, Convention Secretary  
Juan T. Lizama, Floor Leader

Members

Lorenzo I. Deleon Guerrero  
Alonzo Iglisomar  
David L. Igitol  
Rita H. Inos  
Benusto R. Kaipat  
Estevan M. King  
Luis M. Limes  
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Felicidad T. Ogunoro  
Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

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

Subject: Committee Recommendation No. 19

The Committee on Personal Rights and Natural Resources recommends amending Section 3 of Article XII. The Committee supports retaining the restrictions of freehold interest in a 40 year leasehold interests with some amendments.

The Committee endorses and supports the significance of retaining the freehold and forty year restriction. Space above the first floor, however, was never considered. The intent of the original restriction would not be violated in the event floors above the first were sold or leased for longer period than forty years.

The Committee also recognizes that some landowners are taken advantage by others and they sell their land at prices far below their real value. Some protection could be given to them through a Constitutional provision.

Your Committee approved proposal No. 199-85 to amend Section 3 of Article XII, to allow the sale and long-term lease of building above the first floor. The Committee notes that the intent of the land alienation restriction of the Constitution would be held intact because of the first floor and the land it sits on would still be covered by Article XII. The proposed amendment would enable those of Northern Marianas descent to retain ownership of the land, while profiting from the sale of a structure above the first floor only.


The Committee also approved incorporating Delegate Proposal No. 203-85 with 199-85. The Committee agreed with the intent of requiring property assessment to protect landowners from unscrupulous and high-pressure real estate brokers.

Your Committee did not approve Delegate Proposal No. 111-85 because of its conflict with Article VIII, Section 805(a) of the Covenant.

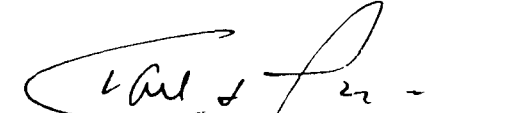
Therefore, your Committee strongly urges all delegates to support  
the attached committee recommendation.


Respectfully submitted,

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

  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio  
Vice-Chairman

\_\_\_\_\_  
Delegate Aniceto H. Mundo  
Member

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

  
\_\_\_\_\_  
Delegate Ramon G. Villagomez  
Member

PROPOSED FLOOR AMENDMENT TO COMMITTEE RECOMMENDATION NO. 19

"Section 3: Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property use in Section 1 includes freehold interests and leasehold interests of more than fifty-five (55) years including renewal rights, except for a freehold interest in the air space above the second floor of a permanent structure. The appraisal value of permanent or long-term interest, in real property in the Commonwealth shall be assessed by a professional and/or government sanctioned appraiser(s) and provide a copy to the landowner before any business transaction is effectuated. Any transaction in permanent or long-term interests in real property in the Commonwealth in violation of this provision shall be void ab initio and the real property shall be forfeited to the government.

Date: \_\_\_\_\_

Offered by: COMMITTEE ON LOCAL GOVERNMENT



SECOND NORTHERN MARIANAS  
CONSTITUTIONAL CONVENTION, 1985

COMMITTEE RECOMMENDATION NO. 19

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article XII, Section 3 to allow the sale and long-term lease of building above the first floor.

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 as follows:

1 Effective upon ratification, Section 3 of Article XII is amended to  
2 read:  
3 "Section 3: Permanent and Long-Term Interests in Real Property. The  
4 term permanent and long-term interests in real property used in Section 1  
5 includes freehold interests except for a freehold interest in the air space  
6 above the first floor of a structure and leasehold interests of more than  
7 forty years including renewal rights. The appraisal value of freehold  
8 interests and leasehold interests in real property in the Commonwealth  
9 shall be assessed by a professional and/or government-sanctioned appraiser(s)  
10 before any business transaction is effectuated."

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19 Committee on Personal Rights and  
20 Natural Resources  
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"Section 3: Permanent and Long-Term Interests in Real Property: The term permanent and long-term interests in real property used in Section 1 includes freehold interests and leasehold interests of more than ~~50~~ <sup>60 yrs.</sup> fifty-five (55) years including renewal rights, except for a freehold interest in the air space above the second floor of a <sup>permanent</sup> structure. The appraisal value of ~~freehold interests and leasehold interests~~ <sup>Permanent or long-term interests</sup> in real property in the Commonwealth shall be assessed by a professional and/or government sanctioned appraiser(s) and provide a copy to the landowner before any business transaction is effectuated." Any transaction <sup>in</sup> ~~is~~ permanent or long-term interests <sup>in real property</sup> ~~in land~~ in the Commonwealth in violation of this provision shall be void ab initio and <sup>the</sup> real property shall be forfeited to the government.

Proposed amendment to Committee  
Recommendation No. 19  
Offered by Committee on  
Local Government

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

Telephone  
6517/6572

Officers

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

Members

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Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

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

Subject: Committee Recommendation No. 20

Your Committee on Personal Rights and Natural Resources carefully deliberated on Delegate Proposals Nos. 30-85 and 161-85. Based on its exhaustive deliberations, the Committee recommends certain amendments to Article XII, Section 2 of the Constitution.

The first part of the proposed amendments would permit acquisition of permanent or long-term interest in land by a spouse who is not a person of Northern Marianas descent, through inheritance, only if the owner of the land dies without children. If the owner dies with children, then his or her lands go to his or her children and not to alien spouse.

Your Committee considered existing circumstances which the children and the alien spouse of a CNMI descent have conflicts over ownership of the deceased father's/mother's lands. The Committee endorses and supports the intent to protect the land ownership of Northern Marianas descents over any land ownership of Non-Northern Marianas descents, such as alien spouses. Where there is a conflict between the two, the Committee favors the Northern Marianas descents.

The second part of the proposed amendments would extend the period of time in which a mortgage may hold the permanent or long-term interest in land acquired by means of a mortgage foreclosure. The extension would be from 5 years to 10 years beyond the term of the mortgage.

Your Committee learned that banking institutions are not entertaining applications for real estate mortgage loans in that the current restriction does not afford them adequate time to dispose of any land acquired by foreclosure. As a result, our citizens lack financial means to develop their lands, build homes, and obtain maximum benefits from their lands. In addition,

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

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 as follows:

- 1 1. Effective upon ratification, Section 2, Article XII is amended to read  
2 "Section 2: Acquisition. The term acquisition used in Section 1  
3 includes acquisition by sale, lease, gift, inheritance or other means.  
4 A transfer to a spouse by inheritance is not an acquisition under this  
5 Section if the owner dies without issue or with issue not eligible to  
6 own land in the Northern Mariana Islands. A transfer to a mortgagee  
7 by means of a foreclosure on a mortgage is not an acquisition under  
8 this section if the mortgagee is a full service bank, Federal Agency  
9 or Governmental entity of the Commonwealth and does not hold the  
10 permanent or long-term interest in real property for more than ten  
11 years beyond the term of the mortgage."

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15 PASSED SECOND AND FINAL READING, AS AMENDED, ON JULY 18, 1985

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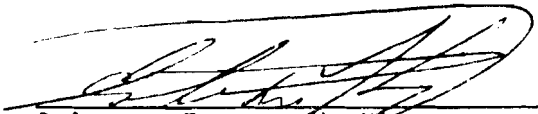
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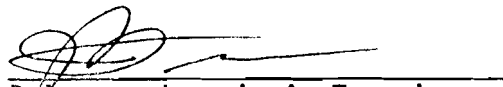
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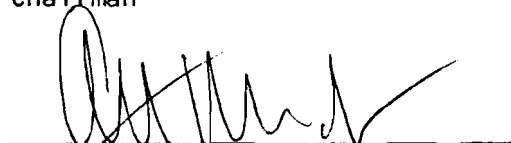
your Committee learned that available U.S. Federal real estate mortgage insurance programs are denied the citizens of the CNMI because of the current restriction. By adopting the Committee's proposed amendments, both the bankers and the Federal programs would assist our citizens in providing funds for insurance protection necessary for land developments.

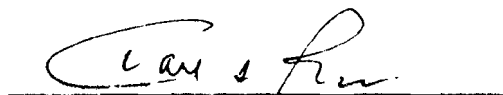
For the above reasons, your Committee recommends adoption of the attached proposed amendments.

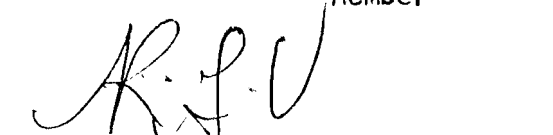
Respectfully submitted,

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

  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio  
Vice-Chairman

  
\_\_\_\_\_  
Delegate Aniceto H. Mundo  
Member

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

  
\_\_\_\_\_  
Delegate Ramon G. Villagomez  
Member

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

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 2, Article XII is amended to read:

2 "Section 2: Acquisition. The term acquisition used in Section 1 includes  
3 acquisition by sale, lease, gift, inheritance or other means. A transfer to  
4 a spouse by inheritance is not an acquisition under this section if the owner  
5 dies without issue or with issue not eligible to own land in the Northern Mariana  
6 Islands. A transfer to a mortgage by means of a foreclosure on a mortgage is not  
7 an acquisition under this section if the mortgagee does not hold the permanent or  
8 long-term interest in real property for more than ten years beyond the term  
9 of the mortgage."

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15 ADOPTED, AS AMENDED, BY THE COMMITTEE OF THE WHOLE AND THE CONVENTION ON  
16 JULY 10, 1985.

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

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 2, Article XII is amended to read:  
2 Section 2: Acquisition. The term acquisition used in Section 1 includes  
3 acquisition by sale, lease, gift, inheritance or other means. A transfer to  
4 spouse by inheritance is not an acquisition under this Section if the owner  
5 dies without issue or with issue not eligible to own land in the Northern  
6 Mariana Islands. A transfer to a mortgagee by means of a foreclosure on a  
7 mortgage is not an acquisition under this section if the mortgagee is a full service  
8 bank, Federal Agency or Governmental entity of the Commonwealth and does not  
9 hold the permanent or long-term interest in real property for more than ten  
10 years beyond the term of the mortgage."

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13 By the Committee on Personal Rights and Natural Resources

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ADOPTED, AS AMENDED, BY THE COMMITTEE  
OF THE WHOLE ON JULY 10, 1985.

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

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 2, Article XII is amended to read:  
2 "Section 2: Acquisition. The term acquisition used in Section 1 includes  
3 acquisition by sale, lease, gift, inheritance or other means. A transfer to  
4 a spouse by inheritance is not an acquisition under this section if the owner  
5 dies without issue or with issue not eligible to own land in the Northern Mariana  
6 Islands. A transfer to a mortgage by means of a foreclosure on a mortgage is not  
7 an acquisition under this section if the mortgagee does not hold the permanent or  
8 long-term interest in real property for more than ten years beyond the term  
9 of the mortgage."

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14 COMMITTEE ON PERSONAL RIGHTS AND  
15 NATURAL RESOURCES  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

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 1. Effective upon ratification, Section 2, Article XII is amended to read:
- 2       "Section 2: Acquisition. The term acquisition used in Section 1
- 3 includes acquisition by sale, lease, gift, inheritance or other means.
- 4 A transfer to a spouse or children who are not of Northern Marianas
- 5 descent by inheritance is not an acquisition under this section. *If the*
- 6 *owner dies without issue.* A transfer to a mortgage by means of a
- 7 foreclosure on a mortgage is not an acquisition under this section if
- 8 the mortgagee does not hold the permanent or long-term interest in
- 9 real property for more than ten years. *beyond the term of the mortgage!*

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Committee on Personal Rights and Natural Resources

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

Telephone  
6517/6572

Officers

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David M. Cing, 2nd Vice President  
Maria T. Pangelinan, 3rd Vice President  
William B. Nabors, Convention Secretary  
Juan T. Lizama, Floor Leader

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William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

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

Subject: Committee Recommendation No. 2/

Your Committee believes abortion should be illegal under the Northern Marianas Constitution because:

- 1) it is immoral;
- 2) it can become a matter of convenience to protect undisciplined lifestyle;
- 3) it can be construed as murder; and
- 4) it violates the sanctity of life.

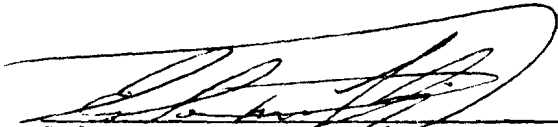
The Committee agrees, however, that in some excruciating circumstances abortion may be necessary or preferable to the delivery of the body, such as for medical reasons, in the case of rape or in consideration of the mental condition of the mother. For these reasons, the Committee recognizes that legislation can best address when or where to make exceptions to the prohibition of abortion.

Delegate Proposals

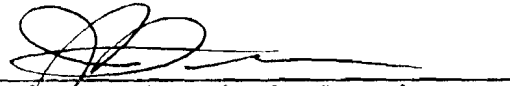
The Committee carefully considered Delegate Proposal Nos. 14 and 19 and decided to make abortion prohibited except as provided by law. The Legislature process can better deal with when to make exceptions. The main intent of both proposals, in the opinion of the Committee, is covered by the revised wording.

Therefore, your Committee strongly urges all delegates to support the attached committee recommendation.

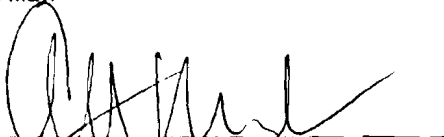
Respectfully submitted,



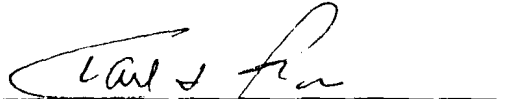
Delegate Esteven M. King  
Chairman



Delegate Joaquin A. Tenorio  
Vice-Chairman



Delegate Aniceto H. Mundo  
Member



Delegate Karl T. Reyes  
Member



Delegate Ramon G. Villagomez  
Member

SECOND NORTHERN MARIANAS  
CONSTITUTIONAL CONVENTION, 1985

COMMITTEE RECOMMENDATION NO. 21

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend the Constitution to add a new section in Article I to make abortion illegal in the Northern Mariana Islands.

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 as follows:

1 Effective upon ratification, Section 11 will be added under Article I to  
2 read:

3 "Section 11: Abortion. The abortion of the unborn child during the  
4 mother's pregnancy is prohibited in the Commonwealth of the Northern Mariana  
5 Islands, except as provided by law."  
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Committee on Personal Rights and  
Natural Resources


PROPOSED FLOOR AMENDMENT TO CR NO. 21 -- ABORTION.

"Section 11: Abortion. No abortion shall be performed in any public medical facility during the first trimester unless the pregnancy results from rape, incest or the mother's life is threatened."

Date: 7-12-85

Offered by:

  
DELEGATE WILLIAM B. MABORS

  
DELEGATE JOAQUIN A. TENORIO

*Defeated on  
7-21-85*



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. Pangalinan, 3rd Vice President  
William B. Nabors, Convention Secretary  
Juan T. Lizama, Floor Leader

Members

Lorenzo I. Deleon 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  
Felicidad T. Ogumoro  
Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

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

Subject: Committee Recommendation No. 22

The Committee on Personal Rights and Natural Resources recommends that the Convention, meeting in Committee of the Whole, adopt the attached proposed Constitutional Amendment with respect to Eminent Domain.

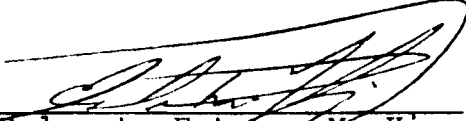
The Committee recommends that the Commonwealth exercise the power of eminent domain and acquire either "Freehold or "Leasehold" interest in private property necessary for the accomplishment of a public purpose.


Eminent domain is currently provided for in the Constitution "as provided by law" but the Committee realizes that the law restricts the government to freehold interest. The Committee agrees with Delegate Proposal No. 63-85 to include "leasehold interest" so that the Commonwealth could enter into a lease agreement with a private citizen if it serves a public purpose. This would allow return of private land upon expiration or termination of the lease.

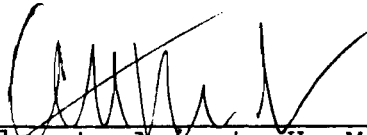
Delegate Proposal: Only Proposal No. 63-85 was submitted to this Committee to amend Section 1 of Article XII. The Committee carefully addressed the concern of the proposal to return the acquired property when it is no longer needed. The Committee noted that eminent domain by freehold interest cannot be returned to the owner. This concern is addressed upon expiration of the lease through this proposed amendment.

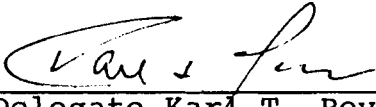
Therefore, your Committee on Personal Rights and Natural Resources strongly urges all delegates to support the attached Committee recommendation.

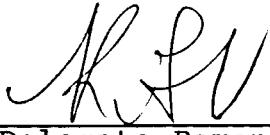
Respectfully submitted:

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

  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio  
Vice-Chairman

  
\_\_\_\_\_  
Delegate Aniceto H. Mundo  
Member

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

  
\_\_\_\_\_  
Delegate Ramon G. Villagomez  
Member

Attachment

SECOND NORTHERN MARIANAS  
CONSTITUTIONAL CONVENTION, 1985

COMMITTEE RECOMMENDATION NO. 22

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article XIII, Section 1 to acquire either freehold or leasehold interest in private property necessary for the accomplishment of a public purpose.

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 as follows:

1 Effective upon ratification, Section 1 of Article XIII is amended to read:

2 "Section 1: Eminent Domain Power. The Commonwealth may exercise the  
3 power of eminent domain as provided by law to acquire either freehold or  
4 leasehold interest in private property necessary for the accomplishment of  
5 a public purpose."  
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Committee on Personal Rights  
and Natural Resources



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

Subject: Committee Recommendation No. 23

The Committee on Finance and Other Matters recommends that the Convention meeting in Committee of the Whole adopt the attached proposed constitutional amendment relative to real property taxes.

The Committee's recommended constitutional amendment would prohibit any real property tax on unimproved, agricultural, or single family residential real property unless approved by three-fourths of the votes cast in a referendum. The recommended constitutional amendment would permit taxes to be levied on real property (land and improvements) developed for resorts or other commercial purposes, without requiring prior approval by the voters. The assessee could be either the owner or lessee of the property.

A referendum on a real property tax could be called by the legislature at any time, since this type of referendum does not fall within the meaning of referendum under Article IX, Section 2 of the Constitution, which is intended solely to provide to voters with a means to overturn existing laws, not agree to new ones. For the legislature to enact laws contingent upon approval by the voters is fully within the law-making authority of the legislature.

Your Committee believes it is desirable to impose, in light of the growth of Commonwealth expenditures over the last seven years, a constitutional restriction on the power of the legislature to enact Section 602 (Covenant) taxes. Prohibiting the legislature from enacting a real property tax without the concurrence of a three-fourths vote in a referendum is sound public policy and provides adequate protection to the taxpayers.

Land is considered to be the only significant asset that the people of the Commonwealth have. Substantial social, economic, and cultural dislocation would follow inevitably should lands be lost through the nonpayment of taxes. Further, your Committee believes ownership of property is least desirable measure of the taxpayer's ability to support the government. A real property tax often bears no relationship to the taxpayer's ability to pay, is difficult to administer, particularly under the land tenure conditions existing in the CNMI, and often results in inequities and injustices between taxpayers. One chief obstacle of administration is determining the

value of the property. Assessors often find it extremely difficult to determine, as the law would undoubtedly require, the "full value", "fair value", or "market value" of various properties and improvements.

Delegate Proposals: The only delegate proposal relating to real property taxes referred to your Committee on Finance and Other Matters was Delegate Proposal No. 31-85. This Committee Recommendation conforms fully with the intent of that proposal.

Therefore, your Committee strongly urges all delegates to support the attached committee recommendation.

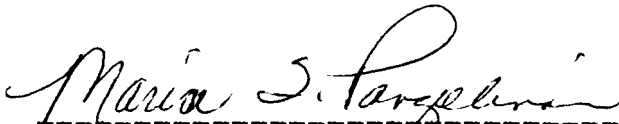
Respectfully submitted,



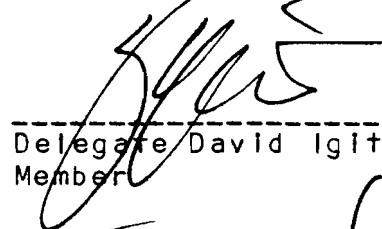
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Delegate Lorenzo I. Guerrero  
Chairman



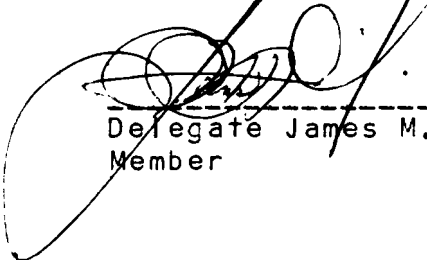
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Delegate Rita H. Inos  
Vice Chairperson



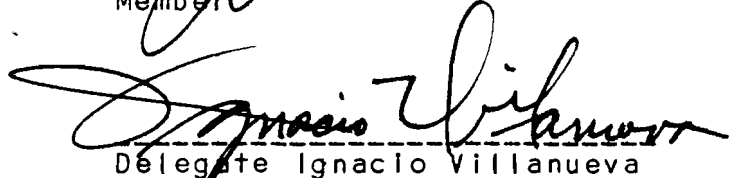
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Delegate Maria T. Pangelinan  
Member



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Delegate David Igitol  
Member



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Delegate James M. Mendiola  
Member



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Delegate Ignacio Villanueva  
Member

SECOND NORTHERN MARIANAS  
CONSTITUTIONAL CONVENTION, 1985

COMMITTEE RECOMMENDATION NO. 23

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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new section to Article X, to prohibit the imposition or certain real property taxes unless approved by three-fourths of the votes cast in a referendum.

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 as follows:

- 1 I. Effective upon ratification, a new section is added to  
2 Article X to read:  
3 "Section       . Real Property Taxes. No real  
4 property tax shall be levied upon the owners of any  
5 unimproved, agricultural, or single family residential real  
6 property, unless approved by three-fourths of the votes  
7 cast in a referendum."  
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13 Committee on Finance and  
14 Other Matters  
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REPORT TO THE CONVENTION BY THE  
COMMITTEE ON FINANCE AND OTHER MATTERS

Subject: Committee Recommendation No. 24

The Committee on Finance and Other Matters recommends that the Convention meeting in Committee of the Whole adopt the attached proposed constitutional amendment imposing a ceiling on the legislative budget.

The Committee's recommended constitutional amendment would impose a ceiling of \$2.8 million on the budget of the legislature. This amount would be divided equally between the House of Representatives and the Senate. The ceiling would represent an upper limit of \$1.4 million for each house; the actual amount received each year by each house (up to but not more than the ceiling) and its distribution for various purposes would be left up to the annual appropriations process. The proposed amendment would also permit, but not require, upward adjustment of the ceiling in an amount equal to the rate of inflation as measured by the U.S. Department of Commerce consumer price index.

Your Committee carefully considered the relevant delegate proposals, along with written testimony, House Joint Resolution No. 18, and Senate Bill No. 4-76. In its deliberations, the Committee sought to answer several questions:

1. What amount is an appropriate ceiling for the budget of the legislature?
2. Should the ceiling be apportioned between the two houses, and, if so, what amount should be apportioned to each house?
3. Should the ceiling provide further apportionment within each house, and, if so, how and in what amounts?
4. Should a time period be established during which the ceiling would be applied?

With respect to the appropriate amount for a ceiling on the legislative budget, your Committee found that the lowest figure recommended was \$2 million and the highest figure was \$3 million. Your Committee respectfully adopted the figure of \$2.8 million, which was recently agreed upon by the Senate and House of Representatives, at least informally, as the most appropriate amount for the legislative budget. The \$2.8 million figure can be

found both in Senate Bill 4-76 and in recent supplemental appropriations legislation.

With respect to the question of apportionment of the ceiling between the two houses, your Committee determined that the best approach is to allocate the ceiling equally between the two houses. We feel it would be unrealistic to leave it up to the legislature to decide how the ceiling is to be divided, since doing so could easily lead to unnecessary political fights between the two houses. This view was also supported by the Director of Finance. Various views were expressed as to the proportion each house should receive. Although the House of Representatives has more members than the Senate, your Committee feels that the equal distribution is the fairest approach because 1) both houses must support central administrative, clerical, and professional staffs, 2) both houses have similar fixed expenses for building maintenance and representation in regional organizations and before the U.S. government, 3) both houses have approximately the same number of committees, 4) both houses must act on the same legislation, and 5) each member of the Senate represents, and must keep in touch with, a larger number of constituents.

As to the question of whether the proposed constitutional amendment should provide a further breakdown within each house, your Committee decided it is not appropriate to go into this kind of detail in the constitution. To do so would unduly restrict the flexibility of the legislature in providing for its budget. Consequently, this should be left to the annual appropriations act or statute enacted by the legislature.

With respect to the final question of whether a time period should be established during which the ceiling would apply, your Committee determined that the ceiling should be permanent unless changed by constitutional amendment, but a means for adjustment for inflation should be provided in order to prevent a serious fiscal crunch for the legislature as a result of rising price levels. Your Committee noted that setting a fixed dollar amount to apply over a period of time, e.g. seven years, would have the effect of imposing a reduction in the legislative budget each year in an amount equal to the rate of inflation, since each year one dollar would buy less goods and services. This could have very adverse consequences, particularly if we were to experience a period of high inflation, since the process of constitutional amendment is slow and difficult.

In conclusion, your Committee finds that a constitutional provision establishing a ceiling on legislative spending is an

appropriate approach to controlling the costs of government. We note that many states indirectly limit legislative spending by either having a part-time legislature or limiting the number of session days each year. Such an indirect approach may not be the best for our young Commonwealth, but a legislative budget ceiling is a reasonable alternative.

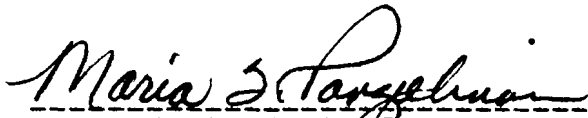
Delegate Proposals: Your Committee carefully considered two delegate proposals in its deliberations, Delegate Proposal No. 5-85 and Delegate Proposal No. 68-85. While your Committee adopted both proposals in principle, we established a different ceiling and apportionment of the ceiling between the two houses, for the reasons stated above.

Therefore, your Committee strongly urges all delegates to support the attached committee recommendation.

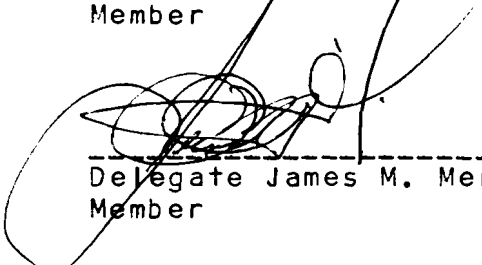
Respectfully submitted,

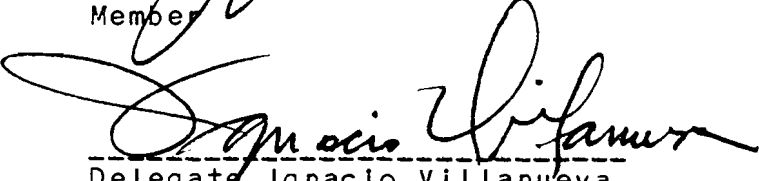
  
-----  
Delegate Lorenzo I. Guerrero  
Chairman

  
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Delegate Rita H. Inos  
Vice Chairperson

  
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Delegate Maria T. Angelinan  
Member

  
-----  
Delegate David Igitol  
Member

  
-----  
Delegate James M. Mendiola  
Member

  
-----  
Delegate Ignacio Villanueva  
Member

SECOND NORTHERN MARIANAS  
CONSTITUTIONAL CONVENTION, 1985

COMMITTEE RECOMMENDATION NO. 24

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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new section to Article II, to establish a ceiling of \$2,800,000 on the budget of the legislature.

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 as follows:

1     i. Effective upon ratification, a new section is added to  
2     Article II to read:

3             "Section ----- . Budget Ceiling. There shall be a  
4     ceiling on the budget of the legislature.

5             a) Appropriations, or obligations and  
6     expenditures, for the operations and activities of the  
7     legislature may not exceed two million eight hundred  
8     thousand dollars in any fiscal year; Provided, that this  
9     amount may be adjusted for each fiscal year by a percentage  
10    which will be the same as the percentage change in the  
11    United States Department of Commerce composite price index  
12    using the beginning of fiscal year 1986 as the base. This  
13    ceiling on the legislative budget shall be divided equally  
14    between the Senate and the House of Representatives.

15            b) Obligations and expenditures for the  
16    operations and activities of the legislature for the period  
17    October 1 through the second Monday in January of a fiscal  
18    year in which there is a regular general election may not  
19    exceed seven hundred thousand dollars or the spending  
20    authority otherwise available by law, whichever is less.  
21    This ceiling shall apply to the various offices and

1 activities in the same proportions as the annual spending  
2 authority provided by law."

3 II. Transition Provision. Upon ratification, the ceilings  
4 imposed by this amendment shall apply to the legislature on  
5 a pro rata basis computed with respect to the number of  
6 days remaining in the periods specified.

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Committee on Finance and  
Other Matters



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 GOVERNMENTAL INSTITUTIONS

Members

Lorenzo I. Deleon Guerrero  
Alonzo Iglisomar  
David L. Igitol  
Rita H. Inos  
Benusto R. Kalpat  
Estevan M. King  
Luis M. Limes  
Jesus P. Mafnas  
Paul A. Manglona  
James M. Mendiola  
Aniceto H. Mundo  
Felicidad T. Ogunoro  
Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

Subject: Committee Recommendation No. 25

The Committee on Governmental Institutions recommends that the Convention adopts the attached Constitutional amendment with respect to the Civil Service Commission.

The Committee's recommended Constitutional amendment will provide for the following, in addition to the existing provisions:

- (1) A separate Article for the Civil Service. Presently, it is in Article III;
- (2) The Civil Service Commission's authority will extend to agencies and instrumentalities and public corporations created by statutes of the Commonwealth Government; and
- (3) The authority to exempt positions from the civil service classifications will be constitutionally delegated to the Commission. Presently, the Constitution leaves to the Legislature the classification of positions other than Executive Department Heads.

By having a separate Article for the Civil Service, it will provide an insure greater sense independency. The Commonwealth Trial Court on Civil Action No. 80-11 determined that the Commission is not completely independent from the Executive Branch because it is under the Executive Branch's Article. The partial summary judgment dated June 26, 1980 states, in part:

"Section 16, is within Article III which establishes executive branch. This supports the basic propositions that the Civil Service Commission is to perform executive functions although independent to the extend it is free of political manipulation..."

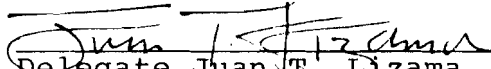
The extension of the Commission's authority will provide for a uniform classification system for employees in the Commonwealth Government. The present set up allows for different compensations for the same position. A custodial worker (janitor) in the Executive Branch in many instances is receiving a lower salary than the custodial worker in various agencies and/or instrumentalities of the Commonwealth Government. The positions of custodial worker, accountant, secretary, carpenter foreman, etc., require the same job qualifications. The compensation should be the same. In addition, the employees in the agencies/instrumentalities of the Commonwealth Government do not receive salary increases whenever the Executive and Judicial Branches employees receive such increases. The employees in the agencies/instrumentalities will enjoy the protection provided to the civil service employees. Presently, the employees serve at the pleasure of the members of the boards, commissions, and/or authorities. The employees employment records will be maintained in one office. Presently, they are scattered all over. If the proposed amendment is adopted, they will be covered by the civil service rules and regulations. Again, the proposed amendment will insure uniformity with respect to the application of personnel policies and compensation to all the employees in the public sector.


The Constitutional amendment will allow the Commission also to make determinations on the categories of positions to be excluded from the civil service classifications. This authority is given now to the legislature and then delegated to the Personnel Officer. The amendment will remove the authority from the legislature and the Personnel Officer. It is not the intent of this amendment to cover those positions that are constitutionally excluded from the civil service system. However, it is intended to provide consistency with respect to the authority of the Commission. The Commission is charged with the authority to establish and administer personnel policies. The amendment will strengthen the delegation of authority. The classification of positions will be left to the agency that is administering the system.

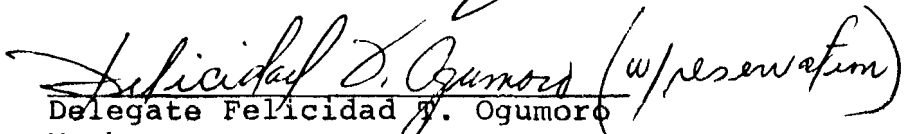
The Committee considered delegate Proposals Nos. 48-85, 100-85, 195-85, 282-85, 296-85, 305-85, and 307-85.

The Committee urges all delegates to support the attached Constitutional amendment.

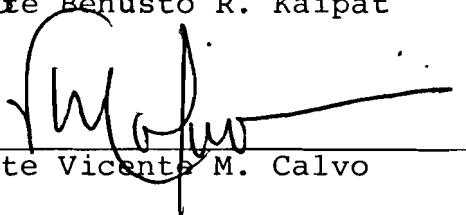
Respectfully submitted,


  
Delegate Juan T. Lizama, Esq.  
Chairman


  
Delegate Jesus P. Mafnas  
Vice Chairman

  
Delegate Felicidad T. Ogumoro (w/reservation)  
Member

  
Delegate Benusto R. Kaipat  
Member

  
Delegate Vicente M. Calvo  
Member

  
Delegate David M. Cing  
Member

  
Delegate Alonzo Agisomar  
Member

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A PROPOSED CONSTITUTIONAL AMENDMENT

To delete Section 16 from Article III in its entirety and to add a new Article \_\_\_\_\_ to the Northern Mariana Islands Constitution relating to Civil Service Commission.

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 as follows:

- 1 I. Effective upon ratification, Section 16 of Article III  
2 is deleted in its entirety and a new Article \_\_\_\_\_ is  
3 added to read:  
4 "Article \_\_\_\_\_. CIVIL SERVICE  
5 "Section 1: Civil Service. The legislature shall  
6 provide for a non-partisan and independent civil service  
7 commission with the duty to establish and administer  
8 personnel policies for the Commonwealth Government. The  
9 commission shall be composed of seven members appointed  
10 by the governor with the advice and consent of the senate.  
11 Six members shall serve a term of six years, staggered  
12 in such manner that the term of one member expires each  
13 year, and one member shall serve a term of four years  
14 expiring concurrently with the term of the governor.  
15 Members of the civil service commission may be removed  
16 only for cause. The commissioner's authority shall extend  
17 to positions other than those filled by election or by  
18 appointment of the governor in the departments and agencies  
19 of the executive branch and in the administrative staffs  
20 of the legislative and judicial branches. Exemption from  
21 the civil service shall be as provided by law, and the

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1            commission shall be the sole authority authorized by  
2            law to exempt positions from civil service classifications.  
3            Appointment and promotion within the civil service shall  
4            be based on merit and fitness demonstrated by examination  
5            or by other evidence of competence.

6        II.    "Transition Provision. Upon ratification, the governor  
7            is authorized to adjust the terms of members currently  
8            sitting on the civil service commission in such manner  
9            that one member's term will expire the same day as the  
10           governor's term and the term of one member shall expire  
11           in January of each of the following years: 1986, 1987,  
12           1988, 1989, 1990, and 1991."

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20           PASSED SECOND AND FINAL READING ON JULY 18, 1985

FLOOR AMENDMENT TO CR NO. 25

1. Line 3 - strike out the word "COMMISSION".
2. Line 8 - insert the following in front of the words "The commission's": "The commission shall be composed of seven members appointed by the governor with the advice and consent of the senate. Six members shall serve a term of six years, staggered in such manner that the term of one member expires each year, and one member shall serve a term of four years expiring concurrently with the term of the governor. Members of the civil service commission may be removed only for cause."
3. Line 12 - strike out the word "The" and insert in lieu thereof the words "Exemption from the civil service shall be as provided by law, and the"; strike out the word "only" and insert in lieu thereof the word "sole"; and insert the words "authorized by law" after the word "authority" and before the word "to".
4. Line 13 - strike out the word "the".
5. Add the following on line 16:

"II. Transition Provision. Upon ratification, the governor is authorized to adjust the terms of members currently sitting on the civil service commission in such manner that one member's term will expire the same day as the governor's term and the term of one member shall expire in January of each of the following years: 1986, 1987, 1988, 1989, 1990, and 1991."

*Offered by McFarquhar*

FLOOR AMENDMENT, C.R. NO. 25

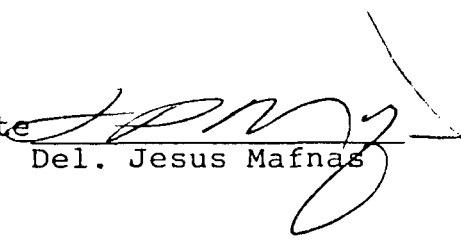
1. Lines 7 and 8, delete "its agencies, instrumentalities, and public corporations created by statutes."

The new sentence will now read:

"The legislature shall provide for a non-partisan and independent civil service commission with the duty to establish and administer personnel policies for the Commonwealth Government."

Date: July 17, 1985

Offered by Delegate

  
Del. Jesus Mafnas





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 GOVERNMENTAL INSTITUTIONS

Members

Lorenzo I. Deleon Guerrero  
Alonzo Igisomar  
David L. Igitol  
Rita H. Inos  
Benusto R. Kalpat  
Estevan M. King  
Luis M. Limes  
Jesus P. Mafnas  
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Aniceto H. Mundo  
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Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

Subject: Committee Recommendation No. 26

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.

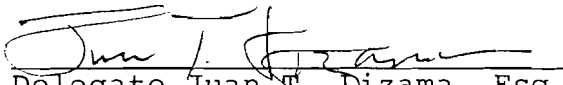
Disadvantages:

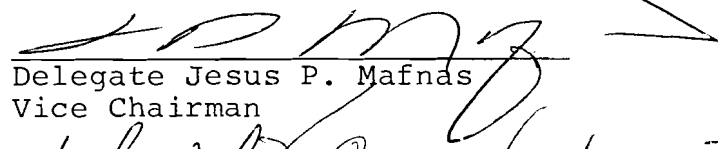
1. The Chief Executive and the Legislature will decide who is going to be the Resident Representative through the appointment and confirmation processes.
2. The United States Congress may get the impression that the people of the Commonwealth are not strongly pushing for a non-voting membership in the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

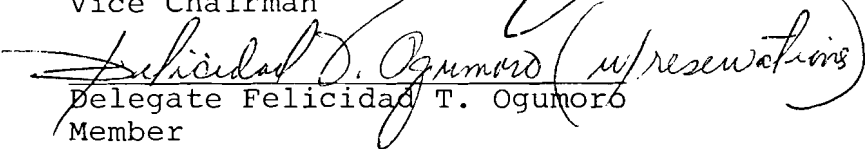
The Committee considered delegate Proposals Nos. 12-85, 29-85, 43-85, 67-85, 71-85, 143-85, 185-85, and 190-85.


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

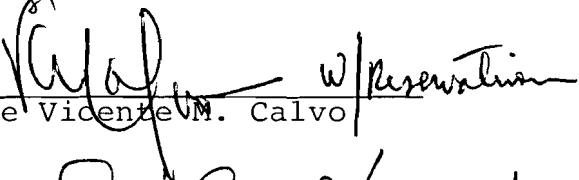
Respectfully submitted,

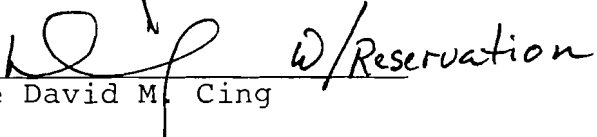
  
Delegate Juan T. Dizama, Esq.  
Chairman

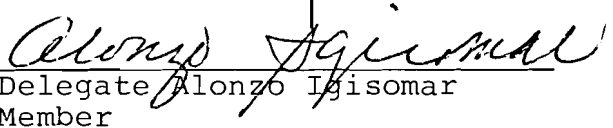
  
Delegate Jesus P. Mafnas  
Vice Chairman

  
Delegate Felicidad T. Ogunoro  
Member

  
Delegate Benusto R. Kaipat  
Member

  
Delegate Vicente M. Calvo  
Member

  
Delegate David M. Cing  
Member

  
Delegate Alonzo Ibisomar  
Member

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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

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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

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article V relative to representation in 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 as follows:

1 I. Effective upon ratification, Article V is amended to read:

2 "ARTICLE V: REPRESENTATION IN THE UNITED STATES

3 Section 1. Resident Representative to the United  
4 States. A resident representative to the United States  
5 shall be elected to represent the Commonwealth in the  
6 United States and perform those related duties provided by  
7 law. The governor shall provide a certification of  
8 selection promptly to the United States Department of State  
9 and to the resident representative.

10 Section 2. Term of Office. The term of office of the  
11 resident representative shall be two years, except that on  
12 the second Monday of January 1990, the term of office of  
13 the resident representative shall be increased to four  
14 years. In the event that the United States confers the  
15 status of member or non-voting delegate in the United  
16 States Congress on the resident representative and such  
17 status requires a different term, the term of office of the  
18 resident representative shall be that required by such  
19 status.

20 Section 3. Qualifications. The resident  
21 representative shall be qualified to vote in the

SUBSTITUTE  
COMMITTEE RECOMMENDATION NO. 26

1 Commonwealth, a citizen of the United States, at least  
2 twenty-five years of age, and a resident and domiciliary of  
3 the Commonwealth for at least seven years immediately  
4 preceding the date on which the resident representative  
5 takes office. A different period of residence and domicile  
6 may be provided by law. No person convicted of a felony in  
7 the Commonwealth or in any area under the jurisdiction of  
8 the United States may be eligible for this office unless a  
9 full pardon has been granted.

10 Section 4. Annual Report. The resident  
11 representative shall submit a written report by the first  
12 day of March of each year, except that an outgoing resident  
13 representative shall submit a final written report by the  
14 second Monday of January of the year he or she leaves  
15 office, to the governor and legislature on the resident,  
16 representative's official activities during the preceding  
17 year and matters requiring the attention of the government  
18 or people of the Commonwealth.

19 Section 5. Compensation. The resident representative  
20 shall receive an annual salary and reasonable allowance for  
21 expenses provided by law. The salary may not be changed  
22 during a term of office. The staff of the office of the  
23 resident representative shall be exempted from the civil  
24 service.

25 Section 6. Vacancy. In the event of a vacancy in the  
26 office of resident representative to the United States, the  
27 governor shall appoint a successor with the advice and  
28 consent of the legislature unless the United States confers  
29 the status of member or non-voting delegate in the United  
30 States Congress on the resident representative and such  
31 status requires a different method of filling vacancies, in

SUBSTITUTE  
COMMITTEE RECOMMENDATION NO. 26

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1        which case vacancies shall be filled in the manner required  
2        by such status .

3                Section 7. Impeachment. The resident representative  
4        is subject to impeachment as provided in article II,  
5        section 8, of this Constitution for treason, commission of  
6        a felony, corruption or neglect of duty."

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SUBSTITUTE  
COMMITTEE RECOMMENDATION NO. 26

1 Commonwealth, a citizen of the United States, at least  
2 twenty-five years of age, and a resident and domiciliary of  
3 the Commonwealth for at least seven years immediately  
4 preceding the date on which the resident representative  
5 takes office. A different period of residence and domicile  
6 may be provided by law. No person convicted of a felony in  
7 the Commonwealth or in any area under the jurisdiction of  
8 the United States may be eligible for this office unless a  
9 full pardon has been granted.

10 Section 4. Annual Report. The resident  
11 representative shall submit a written report by the first  
12 day of March of each year, except that an outgoing resident  
13 representative shall submit a final written report by the  
14 second Monday of January of the year he or she leaves  
15 office, to the governor and legislature on the resident  
16 representative's official activities during the preceding  
17 year and matters requiring the attention of the government  
18 or people of the Commonwealth.

19 Section 5. Compensation. The resident representative  
20 shall receive an annual salary and reasonable allowance for  
21 expenses provided by law. The salary may not be changed  
22 during a term of office. The staff of the office of the  
23 resident representative shall be exempted from the civil  
24 service.

25 Section 6. Vacancy. In the event of a vacancy in the  
26 office of resident representative to the United States, the  
27 governor shall appoint a successor with the advice and  
28 consent of the legislature unless the United States confers  
29 the status of member or non-voting delegate in the United  
30 States Congress on the resident representative and such  
31 status requires a different method of filling vacancies, in

SUBSTITUTE  
COMMITTEE RECOMMENDATION NO. 26

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5        section 8, of this Constitution for treason, commission of  
6        a felony, corruption or neglect of duty."

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SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

Telephone

6517/6572

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David M. Cing, 2nd Vice President  
Maria T. Pangelinan, 3rd Vice President  
William B. Nabors, Convention Secretary  
Juan T. Lizama, Floor Leader

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Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

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

Subject: Committee Recommendation No. 27

Four delegate proposals attempt to Amend Section 8 of the Schedule on Transitional matters relating to the interim definition of citizenship. Your Committee recognizes the need to clarify the status of subsequent children born of those persons after the approval date of the Constitution and qualify for the interim definition of citizenship, noting that proposals, 252, 253, 275 and 315 address this issue.

Your Committee believes the most appropriate and fitting language to use to clarify this issue is the term "and their subsequent children". Section 8 (a and b) should be amended to include this term.

Your Committee did not agree with incorporating subsection (f) to Delegate Proposal No. 275. Spouses do not meet the requirement of not owing allegiance to a foreign state required in the Covenant and Constitution.

Section 8 should clarify the term "United States citizen" or "United States national" as used in the Constitution by adding "and laws of the Commonwealth." This would make the meaning clearer and prevent ambiguity. Similarly, "includes" should be replaced with "means" as a clearer definition statement of exclusive intent.

The proposed amendments by our Committee will do the following:

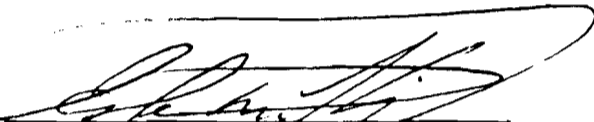
1. They clarify what the term "U.S. citizen and U.S. national" means rather than "includes."
2. They clarify that the definition of U.S. citizen and U.S. national is to be applied in the Constitution as well as in all laws of the CNMI.

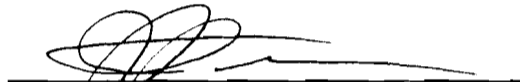
3. They declare that all children born after the date of approval of the Constitution by the CNMI people who fall under Section 8(a), (b), and (c) are also covered thereby.
4. They eliminate the requirement that TPI citizens born outside of the CNMI but domiciled in the CNMI since prior to January 1, 1975 be registered to vote in elections for the Mariana Islands District Legislature or for any municipal election in the CNMI.

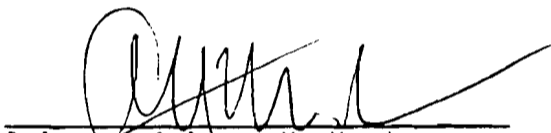
(Your Committee learned that this requirement was placed in the Constitution because during the First Con-Con there were large number of TPI citizens living and working in the CNMI. This is no longer true).

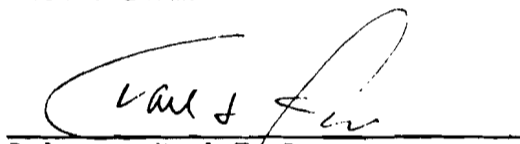
Therefore, your Committee strongly urges all delegates to support the attached committee recommendation.


Respectfully submitted,

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

  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio  
Vice-Chairman

  
\_\_\_\_\_  
Delegate Aniceto H. Mundo  
Member

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

  
\_\_\_\_\_  
Delegate Ramon G. Villagomez  
Member

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 8 of the Schedule on Transitional Matters of the Northern Marianas Constitution relating to Interim Definition of Citizenship.

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 8 of the Schedule on  
2           Transitional Matters is hereby amended to read:  
3           "Section 8: Interim Definition of Citizenship. For the period  
4           from the approval of the Constitution by the people of the Northern  
5           Mariana Islands to the termination of the Trusteeship Agreement,  
6           the term United States citizen or United States national as used  
7           in the Constitution and laws of the Northern Mariana Islands  
8           means those persons and their subsequent children who, on the date  
9           of the approval of the Constitution by the people of the Northern  
10          Mariana Islands, do not owe allegiance to any foreign state and  
11          who qualify under one of the following criteria:  
12          "a) persons and their subsequent children who were born in  
13          the Northern Mariana Islands, who are citizens of the Trust Territory  
14          of the Pacific Islands on the date of the approval of the Constitution  
15          by the people of the Northern Mariana Islands and who on that date  
16          are domiciled in the Northern Mariana Islands or in the United States  
17          or any territory or possession thereof;  
18          "b) persons and their subsequent children who are citizens of  
19          the Trust Territory of the Pacific Islands on the date of the  
20          approval of the Constitution by the people of the Northern Mariana  
21          Islands and who have been domiciled continuously in the Northern

1 Mariana Islands for at least five years immediately prior to  
2 that date;

3 "c) persons and their subsequent children domiciled in the  
4 Northern Mariana Islands on the date of the approval of the  
5 Constitution by the people of the Northern Mariana Islands who,  
6 although not citizens of the Trust Territory of the Pacific Islands,  
7 on that date have been domiciled continuously in the Northern  
8 Mariana Islands beginning prior to January 1, 1974."

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12 COMMITTEE ON PERSONAL RIGHTS  
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SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

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Maria T. Pangelinan, 3rd Vice President  
William B. Nabors, Convention Secretary  
Juan T. Lizama, Floor Leader

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

Members

Lorenzo I. Deleon Guerrero  
Alonzo Igisomar  
David L. Igitol  
Rita H. Inos  
Benusto R. Kalpat  
Estevan M. King  
Luis M. Limes  
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Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

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.

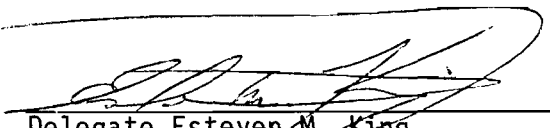
Your Committee takes into consideration the importance of a healthy environment and the decision of the First Constitutional Convention to protect such environment. To be certain that our entire environment is protected, we must keep all our waters, lands and air free from any type of pollutions. In 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.

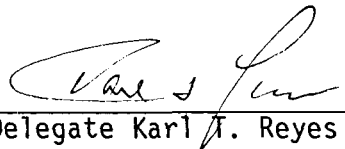
Respectfully submitted,



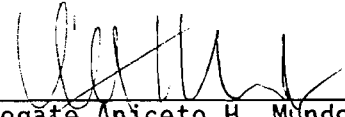
\_\_\_\_\_  
Delegate Esteven M. King  
Chairman




\_\_\_\_\_  
Delegate Joaquin A. Tenorio  
Vice Chairman



\_\_\_\_\_  
Delegate Karl J. Reyes  
Member



\_\_\_\_\_  
Delegate Aniceto H. Mundo  
Member



\_\_\_\_\_  
Delegate Ramon G. Villagomez  
Member



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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 as follows:

1 I. 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 and unnecessary noise  
5 pollution and the storage of nuclear or radioactive material and the  
6 dumping or storage of any type of nuclear waste are 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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15 ADOPTED, AS AMENDED, BY THE COMMITTEE OF THE WHOLE AND THE CONVENTION ON  
16 JULY 12, 1985.  
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7/15/85

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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 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 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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COMMITTEE ON PERSONAL RIGHTS  
AND NATURAL RESOURCES

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

Members

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

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

Subject: Committee Recommendation No. 29

The Committee on Personal Rights and Natural Resources recommends that the Convention adopt the attached proposed constitutional amendment.

In recommending the proposed amendment (CR No. 29), the Committee reviewed Delegate Proposal Nos. 95-85, 130-85, and 314-85.

Currently, Article XIV, Section 2 of the Northern Marianas Constitution, addresses two important concepts with respect to "Uninhabited Islands." First, it restricts the use of Managaha Island for cultural and recreational purposes only. Second, it identifies two islands, Sariguan and Maug, to be maintained as uninhabited places and used only for preservation. The Committee intends to perpetuate these concepts and, in addition, finds appropriate to include three other uninhabited islands to be protected and preserved.

Delegate Proposal No. 95-85 had similar intention, but fell short by eliminating the second and very important concept. In addition to Managaha, it restricts "other islands provided by law" for cultural and recreational purposes only. The Committee finds that the concept of preservation of uninhabited islands well suited for that purpose must be continued as espoused by our present Constitution.

Delegate Proposal No. 314-85 maintained both concepts promoted by our present Constitution. However, it added additional language which the Committee finds unnecessary and included two other uninhabited islands for preservation which are not appropriate for that purpose. The island of medinilla has been leased to the United States for military purposes. The island of Aguiquan, which is in close proximity to Tinian, may be feasible for economic development. Its biological value as unique habitat for flora and fauna has been reduced by the presence of feral animals.

Delegate Proposal No. 130-85 maintains both concepts as expressed in our present Constitution. The proposal, however, excluded the island of Sariguan, but added the islands of Uracas, Asuncion and Guguan for preservation.

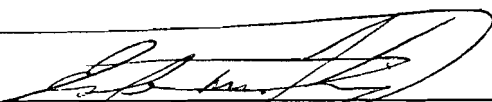
During the deliberations, the Committee reviewed a report from the Department of Natural Resources and finds that Uracas, Asuncion and Guguan are volcanically active and are generally unsuitable for permanent habitation. They have not been occupied since the war. Thus in their undisturbed state, these islands have acquired a unique flora and fauna and are, therefore, well suited for preservation or sanctuary status. In order to protect and preserve these unique biological characteristics, including the native wildlife and habitats, access to these islands must be controlled. One very important feature of these islands is that there are no feral animals. The compelling reason for excluding Sariguan from the list of uninhabited islands for preservation is because of substantial environmental damage caused by feral pigs and goats. It appears that public hunting is the only practical means presently available for controlling these animals, and thus the recommendation to open it up for public access. While fruit bats and coconut crabs are present on Asuncion, these, including goats and pigs, the game animals most popular with hunters, are more abundant on the other Northern Islands (i.e. Anatahan, Sariguan, Alamagan, Pagan, and Agrigan).


If the uninhabited islands are protected, they could serve as source of population of wildlife to be used for restocking other islands where certain species have been depleted. For example, fruit bats, which are present on Guguan and Asuncion, could be used to replenish the already declining (or perhaps extinct) population on Tinian and Saipan.

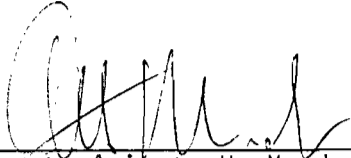
The Committee deleted the protection of fish from Delegate Proposal No. 130-85, because it finds that it would be difficult to determine how much area of the ocean surrounding each island and what species of fish are to be protected. The Committee decided that management or protection of fish could be addressed by an appropriate agency of the government if necessary.

In view of the above findings, the Committee unanimously supports Committee Recommendation No. 29 for adoption by the Convention.

Respectfully submitted,

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

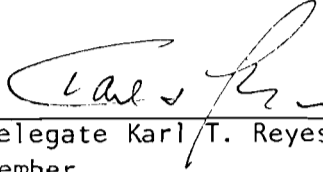
  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio  
Vice-Chairman



Delegate Aniceto H. Mundo  
Member



Delegate Ramon G. Villagomez  
Member



Delegate Karl T. Reyes  
Member

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article XIV, Section 2 to include two other uninhabited islands to be protected and preserved.

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 as follows:

1. 1. Effective upon ratification, Section 2 of Article XIV is amended  
2 to read:

3 "Section 2: Uninhabited Islands. The island of Managaha  
4 shall be maintained as an uninhabited place and used only for  
5 cultural and recreational purposes. The islands of Maug, Uracas,  
6 Asuncion, Guguan and other islands specified by law shall be  
7 maintained as uninhabited places and used only for the preservation  
8 and protection of natural resources, including but not limited to  
9 bird, wildlife and plant species."

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Adopted by Committee of the Whole and Convention on July 12, 1985.

SECOND NORTHERN MARIANAS  
CONSTITUTIONAL CONVENTION, 1985

COMMITTEE RECOMMENDATION NO. 29

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article XIV, Section 2 to include two other uninhabited islands to be protected and preserved.

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 as follows:

1 Effective upon ratification, Section 2 of Article XIV is amended to read:  
2 "Section 2: Uninhabited Islands. The island of Managaha shall be  
3 maintained as an uninhabited place and used only for cultural and recreational  
4 purposes. The islands of Maug, Uracas, Asuncion, Guguan and other islands  
5 specified by law shall be maintained as uninhabited places and used only for  
6 the preservation and protection of natural resources, including but not limited  
7 to bird, wildlife and plant species."

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Committee on Personal Rights and  
Natural Resources

OFFERED BY DEL. L.I. GUERRERO

A proposed floor amendment to the Committee Recommendation  
No. 29.

to delete the word "Maug" from line 4.



SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

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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 FINANCE & OTHER MATTERS

Members

Subject: Committee Recommendation No. 30

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

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

(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.

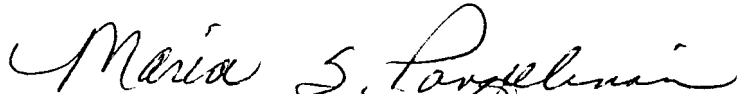
Your Committee on Finance and Other Matters is in accord with the intent and purpose of Delegate Proposal No. 4-85, as amended herein, and recommends that it pass Final Reading in the form attached hereto as Delegate Proposal No. 4-85, Conference Draft No. 1.

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

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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 as follows:

1 1. Effective upon ratification, A new Section 2 of Article XVII is  
2 added to read:  
3 "Section 2: Code of Ethics. The legislature shall adopt a  
4 Code of Ethics which shall apply to appointed and elected officers  
5 and employees of the Commonwealth and its political subdivisions,  
6 including members of boards, commissions, and other  
7 instrumentalities."

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16 Adopted by Committee of the Whole and Convention on July 12, 1985.

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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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COMMITTEE ON FINANCE AND OTHER MATTERS

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SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

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Officers

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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 GOVERNMENTAL INSTITUTIONS

Members

Subject: Committee Recommendation No. 31

Lorenzo I. Deleon Guerrero  
Alonzo Igisomar  
David L. Igitol  
Rita H. Inos  
Benusto R. Kaipat  
Estevan M. King  
Luis M. Limes  
Jesus P. Mafnas  
Paul A. Manglona  
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

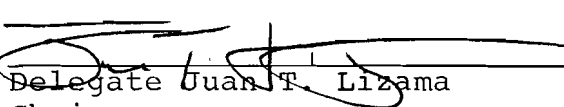
The Committee on Governmental Institutions recommends that the attached constitutional amendment with respect to appointment of a resident department head on Rota and Tinian to serve on boards, commissions, or authority.

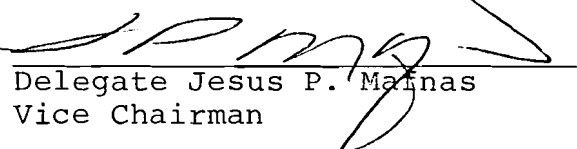
The Committee's recommended constitutional amendment will prevent appointment of a resident head to serve on boards, commissions, or authority. It is believed that resident heads should be more concerned in the delivery of essential services than to be too occupied attending meetings or conferences of boards, commissions, or authority totally unrelated to this functions as resident department heads.


Delegate Proposal: The Committee considered proposal No. 215-85.

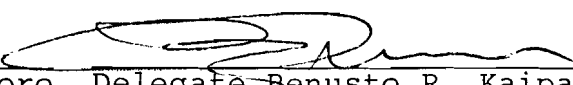
The Committee urges all delegates to support the recommended constitutional amendments.

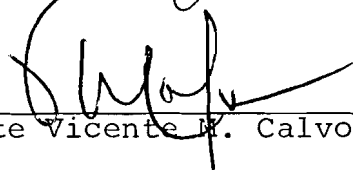
Respectfully submitted,

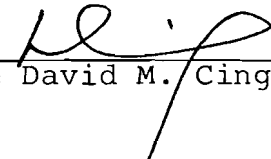
  
Delegate Juan T. Lizama  
Chairman


  
Delegate Jesus P. Mafnas  
Vice Chairman

  
Delegate Felicidad T. Ogumoro  
Member

  
Delegate Benusto R. Kaipat  
Member

  
Delegate Vicente M. Calvo  
Member

  
Delegate David M. Cing  
Member

  
Delegate Alonzo Igisomar  
Member

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 17 b) of Article III of the Northern Mariana Islands Constitution.

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 17 b) of Article III is  
2 hereby amended to read:  
3 "b). Public services on Rota and Tinian shall be  
4 supervised by a resident department head in the department  
5 providing the services appointed by the head of the executive  
6 branch department with the advice and consent of the majority  
7 of the members of the legislature from the senatorial district  
8 in which the resident department head shall serve. A resident  
9 department head may not be appointed to serve in any board,  
10 commission, or authority. The same arrangements shall apply to  
11 the islands north of Saipan when the population of these islands  
12 exceeds one thousand persons."

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15 Committee on Governmental  
16 Institutions  
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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 GOVERNMENTAL INSTITUTIONS

Members

Lorenzo I. Deleon Guerrero  
Alonzo Igisomar  
David L. Igitol  
Rita H. Inos  
Benusto R. Kaipat  
Etevan M. King  
Luis M. Limes  
Jesus P. Mafnas  
Paul A. Manglona  
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. 32

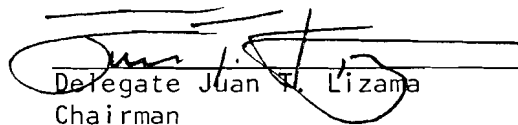
The Committee on Governmental Institutions recommends that the Convention adopts the attached constitutional amendment with respect to requiring elected public official to resign from office upon declaring to the election board an intent to seek another public office.

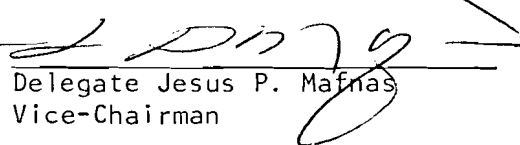
The Committee's recommended constitutional amendment will require, for instance, a senator who has served half of his term to resign his office once he has been certified to be a candidate for i.e. Governor, Lt. Governor, or Representative to the United States.

Delegate Proposals: The Committee considered delegate proposal 226-85.


The Committee strongly urge all delegates to support the recommended constitutional amendment.

Respectfully submitted,

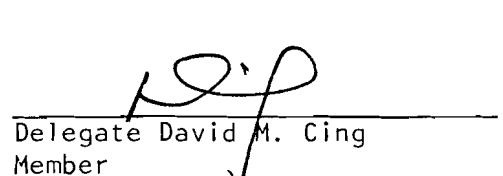
  
Delegate Juan T. Lizama  
Chairman

  
Delegate Jesus P. Mafnas  
Vice-Chairman

  
Delegate Felicidad T. Ogumoro  
Member

  
Delegate Benusto R. Kaipat  
Member

  
Delegate Vicente M. Calvo  
Member

  
Delegate David M. Cing  
Member

  
Delegate Alonzo Igisomar  
Member



---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article VIII of the Northern Mariana Islands Constitution by adding a new Section 5 relating to resignation from public office.

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 as follows:

1 1. Effective upon ratification, Section 1 of Article VIII of the  
2 Northern Mariana Islands is hereby amended by adding a new  
3 Section 5 to read:

4 "Section 5. Resignation from Public Office. An elected  
5 public officer shall resign from office upon certification to be  
6 a candidate for another public office, if the term of the office  
7 sought begins before the end of the term of the office held."

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17 Adopted by Committee of the Whole and Convention on July 12, 1985.  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article VIII of the Northern Mariana Islands Constitution  
by adding a new Section 5 relating to resignation from public office.

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           Section 1. Article VIII of the Northern Mariana Islands is hereby  
2 amended by adding a new Section 5 to read as follows:

3                   "Section 5. Resignation from Public Office. An elected  
4 public officer shall resign from office upon certification  
5 to be a candidate for another public office, if the term  
6 of the office sought begins before the end of the term of  
7 the office held."

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Committee on Governmental Institution

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SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

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Members

Lorenzo I. Deleon Guerrero  
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Ramon G. Villagomez  
Ignacio Villanueva

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

Subject: Committee Recommendation No. 23

The Committee on Finance and Other Matters recommends that the Convention meeting in Committee of the Whole adopt the attached constitutional provision relative to the definition of public purpose.

The proposed constitutional amendment would permit the legislature to determine what may and what may not be considered public purpose for which tax revenues may be allocated. In deliviating the various causes to which tax revenues may be allocated, the Legislature shall be guided in its choice of recipients of public funds by the following restatement of the analysis to the Constitution.

"A public purpose is one that directly and substantially benefits the public welfare. The direct and substantial benefits to the welfare necessary for a finding of public purpose most be reasonably foreseeable and reasonably likely to occur. This section does not prohibit government participation with private investors in enterprises that will benefit the public welfare. A public purpose does not include an objective that brings benefits only to few persons or corporations, that results in profits most of which are exported from the Commonwealth to the benefit of persons in other countries, that redresses private wrongs, or that improves private property."

Report to the Convention by the Committee  
on Finance and Other Matters

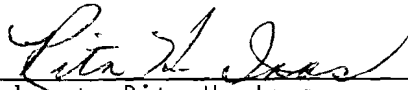
Committee Recommendation No. 33

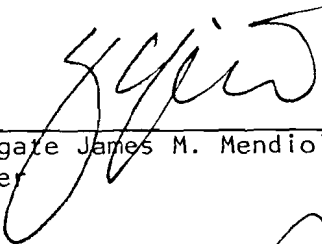
Page 2

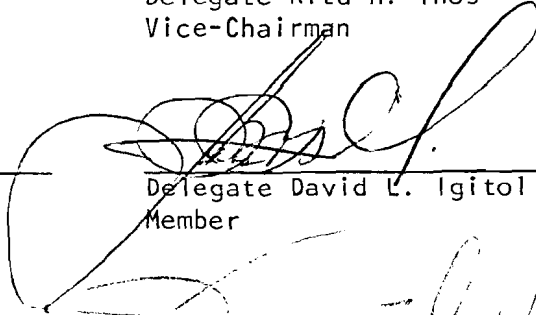
Your Committee on Finance and Other Matters is in accord with the intent and purpose of the proposed constitutional amendment and recommends its passage on final reading in the form hereto attached.

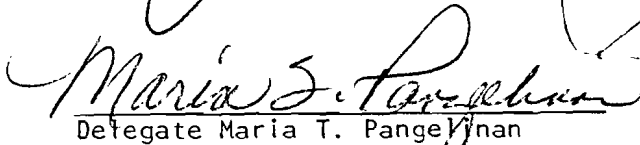
Respectfully submitted,


  
\_\_\_\_\_  
Delegate Lorenzo I. Guerrero  
Chairman

  
\_\_\_\_\_  
Delegate Rita H. Inos  
Vice-Chairman

  
\_\_\_\_\_  
Delegate James M. Mendiola  
Member

  
\_\_\_\_\_  
Delegate David L. Igitol  
Member

  
\_\_\_\_\_  
Delegate Maria T. Pangelinan  
Member

  
\_\_\_\_\_  
Delegate Ignacio Villanueva  
Member

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 1 of Article X of the Northern Marianas Constitution.

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 as follows:

1 I. Effective upon ratification, Section 1 of Article X is amended to read:

2 "Section 1: Public Purpose.

3 "a) A tax may not be levied and an appropriation of public  
4 money may not be made, directly or indirectly, except for a public  
5 purpose. The legislature shall provide the definition of public  
6 purpose."

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15 ADOPTED, AS AMENDED, BY THE COMMITTEE OF THE WHOLE AND THE CONVENTION ON  
16 JULY 12, 1985.

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 1 of Article X of the Northern Marianas Constitution.

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           Section 1. Section 1 of Article X of the Northern Marianas

2           Constitution is hereby amended to read as follows:

3                   "Section 1: Public Purpose.

4                           "a) A tax may not be levied and an appropriation of  
5                           public money may not be made, directly or indirectly, except  
6                           for a public purpose. The legislature shall provide by law  
7                           what may and what may not be considered public purpose."

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Committee on Finance and Other Matters

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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 FINANCE AND OTHER MATTERS

Members

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

Subject: Committee Recommendation No. 34

Your Committee on Finance and Other Matters recommends that the Convention meeting in Committee of the Whole adopt the attached proposed constitutional amendment with respect to appointment of a temporary public auditor in the event of a vacancy in the office of Public Auditor.

The proposed amendment is essentially a policy decision on the part of the convention to transfer authority to fill vacancies, from the presiding officer of the senate to the governor to be consistent with existing appointment practices. The Committee added a budgetary provision to ensure the independence of the public auditor. The duties and responsibilities of the public auditor under the proposed amendment remain the same.

Delegate Proposals: Three delegate proposals relating to the public auditor were referred to and carefully considered by your Committee on Finance and Other Matters, Delegate Proposals Nos. 50-85, 83-85, and 104-85. This recommendation conforms fully with the intent of Delegate Proposal No. 50-85.

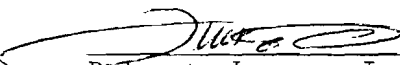
Delegate Proposal No. 83-85 called for election of the public auditor. The Committee finds no compelling reason to amend the selection of the public auditor from the current appointment process to an elected one. Electing the public auditor would mean that his or her ability to get votes rather than professional competence would be the determining factor in his or her selection. Favoritism toward the right people and leniency in general could often become more important in securing the re-election of the public auditor, than performing a fair, impartial, independent, non-partisan, and competent job. The Committee finds no correlating between ability to secure votes and ability to perform as public auditor.

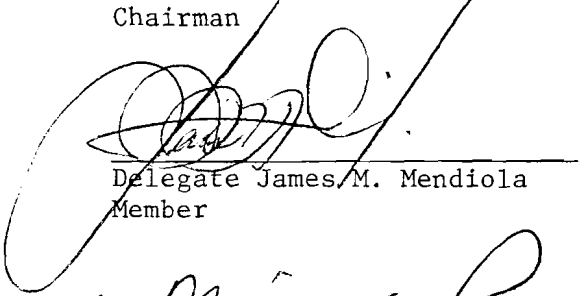
In addition to changing the appointing authority for vacancies as accepted by your Committee, Delegate Proposal No. 104-85 contains constitutional restrictions which were rejected by your Committee because they may not be feasible to implement given the current state of the auditing profession in the Commonwealth. As the number of local auditors increase, statutory restrictions on the term of temporary appointments may be imposed.

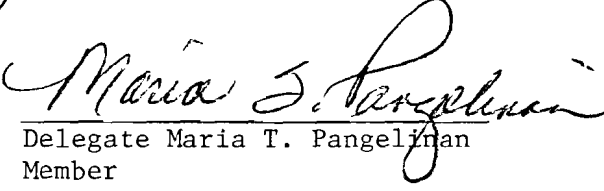
Additionally, your Committee also reviewed Delegate Proposal No. 273-85 referred to the Committees on Governmental Institutions and Local Government, which called for resident auditors to be assigned to Rota and Tinian on a full-time basis. Your Committee did not incorporate this proposal in its recommendation because we agree with the testimony of the Public Auditor that there is not a compelling need for this. Under the present set-up the Public Auditor has the flexibility to provide auditing services at the appropriate level. Rather than resident auditors, what is needed is more understanding of financial management practices by executives and administrators.

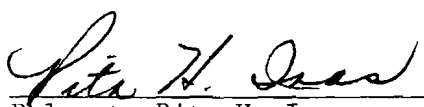
Therefore, your Committee strongly urges all delegates to support the attached committee recommendation.

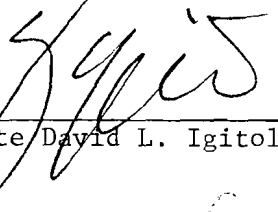
Respectfully submitted,


  
\_\_\_\_\_  
Delegate Lorenzo I. Guerrero  
Chairman

  
\_\_\_\_\_  
Delegate James M. Mendiola  
Member

  
\_\_\_\_\_  
Delegate Maria T. Pangelinan  
Member

  
\_\_\_\_\_  
Delegate Rita H. Inos  
Vice-Chairman

  
\_\_\_\_\_  
Delegate David L. Igitol  
Member

  
\_\_\_\_\_  
Delegate Ignacio Villanueva  
Member



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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 12 of Article III of the Northern Marianas Constitution, to provide for appointment of a temporary public auditor by the governor in the event of a vacancy in the office of public auditor, and to guarantee the minimum budget of the Public Auditor.

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 as follows:

- 1 1. Effective upon ratification, Section 12 of Article III is amended  
2 to read:
- 3 "Section 12. Public Auditor. The governor shall appoint a  
4 public auditor with the advice and consent of each house of the  
5 legislature. The public auditor shall audit the receipt, posses-  
6 sion and disbursement of public funds by the executive, legisla-  
7 tive and judicial branches of the government, an instrumentality  
8 of the Commonwealth or an agency of local government and shall  
9 perform other duties provided by law. The Public Auditor shall  
10 be guaranteed an annual budget of at least \$500,000. The budgetary  
11 appropriation may not be reprogrammed for other purposes, and any  
12 unencumbered fund balance in a fiscal year shall be available for  
13 general reappropriation. The public auditor shall report to the  
14 legislature and the governor at least once every year and this  
15 report shall be made public promptly. The public auditor may be  
16 removed only for cause and by the affirmative vote of two-thirds  
17 of the members of each house of the legislature. In the event that  
18 there is a vacancy in the office of public auditor, the governor  
19 shall appoint a temporary public auditor to serve until the vacancy  
20 is filled."

21

Adopted by Committee of the Whole and Convention on July 12, 1985

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 12 of Article III of the Northern Marianas Constitution, to provide for appointment of a temporary public auditor by the governor in the event of a vacancy in the office of public auditor, and to guarantee the minimum budget of the Public Auditor.

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 12 of Article III is amended to read:  
2 "Section 12. Public Auditor. The governor shall appoint a public  
3 auditor with the advice and consent of each house of the legislature.  
4 The public auditor shall audit the receipt, possession and disbursement  
5 of public funds by the executive, legislative and judicial branches of  
6 the government, an instrumentality of the Commonwealth or an agency of  
7 local government and shall perform other duties provided by law. The  
8 Public Auditor shall be guaranteed an annual budget of at least \$500,000.  
9 The budgetary appropriation shall not be reprogrammed for other purposes,  
10 and any unexpended surplus in a fiscal year shall revert to the general  
11 fund. The public auditor shall report to the legislature and the  
12 governor at least once every year and this report shall be made public  
13 promptly. The public auditor may be removed only for cause and by the  
14 affirmative vote of two-thirds of the members of each house of the  
15 legislature. In the event that there is a vacancy in the office of  
16 public auditor, the governor shall appoint a temporary public auditor  
17 to serve until the vacancy is filled."

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Committee on Finance and Other Matters

21

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

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6517/6572

Officers

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

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

Members

Lorenzo I. Deleon Guerrero  
Alonzo Iglisomar  
David L. Igitol  
Rita H. Inos  
Benusto R. Kalpat  
Estevan M. King  
Luis M. Limes  
Jesus P. Mafnas  
Paul A. Manglona  
James H. Mendole  
Aniceto H. Mundo  
Felicidad T. Ogunoro  
Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

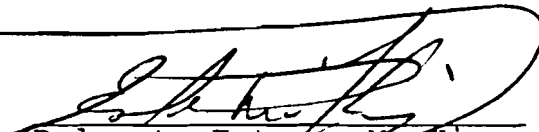
SUBJECT: Committee Recommendation No. 35

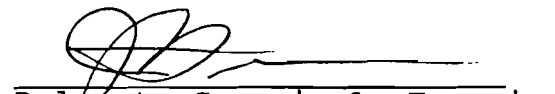
The Committee on Personal Rights and Natural Resources met and deliberation on Delegate Proposal No. 188-85 and recommends that the Convention meeting in Committee of the Whole adopt the proposed to the Constitution relating to Qualification of Voters under Section 1 of Article VII, to read as follows:


"Section 1 Qualification of Voters. A person is eligible to vote who, on the date of the election, is eighteen years of age or older, is domiciled in the Commonwealth and has resided in the Commonwealth for a period of time provided by law, is not serving a sentence for a felony, has not been found by a court to be of unsound mind, and is either a citizen or national of the United States as specifically defined in Section 8(a), (b) and (c) of the Schedule on Transitional Matters of this Constitution. ~~The Legislature may require that person eligible to vote be citizens of the United States.~~

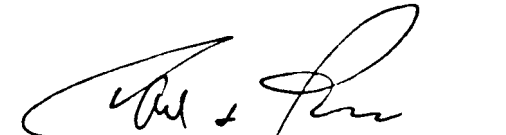
Your Committee recommends that the amendments made to Section 1 of Article VII of the Constitution be adopted and urge the unanimous endorsement of other members of the Convention.

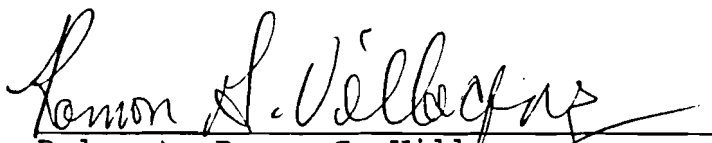
Respectfully submitted,

  
\_\_\_\_\_  
Delegate Estevan M. King  
Chairman

  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio  
Vice Chairman

  
\_\_\_\_\_  
Delegate Aniceto H. Mundo  
Member

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

  
\_\_\_\_\_  
Delegate Ramon G. Villagomez  
Member

Officers

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

Members

Lorenzo I. Deleon Guerrero  
Alonzo Iglisomar  
David L. Igitol  
Rita H. Inos  
Benusto R. Kalpat  
Estevan M. King  
Luis M. Limes  
Jesus P. Mafnas  
Paul A. Manglona  
James M. Mendiola  
Aniceto H. Mundo  
Felicidad T. Ogunoro  
Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

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

Subject: Analysis on Committee Recommendation No. 35


The Committee on Personal Rights and Natural Resources has submitted to the Convention Committee Recommendation No. 16 and proposed that it be adopted in the Committee of the whole and reported to the Convention. This is to provide the analysis on that committee recommendation and the reasons for such proposed amendment to the Constitution.

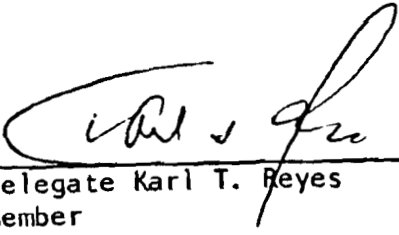
Recommendation No. 35 proposes that Article VII Section 1 of the Constitution be amended in order to add the statements that U.S. citizen or national means as such words are defined in Section 8(a), (b) and (c) of the Schedule on Transitional Matters of the Constitution. The purpose of that amendment would be to clarify the meaning of U.S. citizen or national as used in determining qualifications for voting in the CNMI and to prevent any confusion with the definition of U.S. citizen in Amendment 14 to the U.S. Constitution.

Your Committee takes into consideration the fact that "United States citizen" as defined in the CNMI Constitution differs and is not the same as the definition of "U.S. citizen" under Amendment 14 of the United States Constitution. In order to clarify which definition of United States citizen we are referring to when we use such term, this proposed amendment is made to make that clarification. For the above reasons your committee recommends adoption of Committee Recommendation No. 16 and the proposed amendment therein. This proposal is based on Delegate Proposal No. 188-85.

Respectfully submitted,

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

  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio  
Vice-Chairman



---

Delegate Karl T. Reyes  
Member



---

Delegate Aniceto H. Mundo  
Member



---

Delegate Ramon G. Villagomez  
Member

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 1 of Article VII of the Northern Marianas Constitution relating to Qualification of Voters.

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 1 of Article VII is amended to

2 read:

3 "Section 1: Qualification of Voters. A person is eligible to  
4 vote who, on the date of the election, is eighteen years of age or  
5 older, is domiciled in the Commonwealth and has resided in the  
6 Commonwealth for a period of time provided by law, is not serving a  
7 sentence for a felony, has not been found by a court to be of unsound  
8 mind, and is either a citizen or national of the United States as  
9 specifically defined in Section 8(a), (b) and (c) of the Schedule on  
10 Transitional Matters of this Constitution."  
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Committee on Personal Rights & Natural  
Resources

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. Pangellinan, 3rd Vice President  
William B. Nabors, Convention Secretary  
Juan T. Lizama, Floor Leader

REPORT TO THE CONVENTION BY THE  
COMMITTEE ON GOVERNMENTAL INSTITUTION

Members

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

Subject: Committee Recommendation No. 36


The Committee on Governmental Institutions recommends that the Convention adopt the attached constitutional amendment with respect to the legislative veto of executive actions which are related to either rule making authority or the establishment of policy.

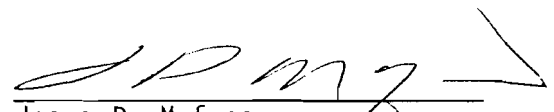
The constitutional amendment recommended by the Committee will allow for the legislature to veto Executive branch actions which promulgate rules and regulations. By providing this said legislative veto, the legislature may not be required to repeal the specific law which provides for the promulgation of the rules and regulations in question.

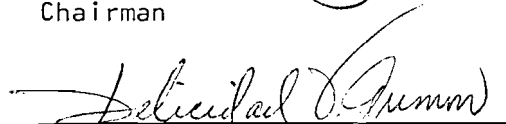
Delegate Proposal. The Committee considered Delegate Proposals Nos. 181-85 and 269-85.


The Committee urges all Convention delegates to support its recommended constitutional amendment.

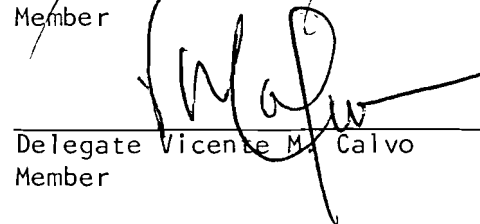
Respectfully submitted,

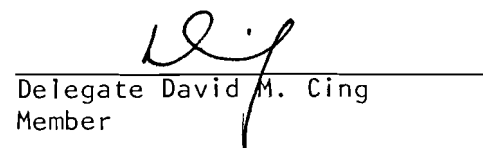
  
\_\_\_\_\_  
Delegate Juan T. Lizama  
Chairman

  
\_\_\_\_\_  
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 Igisomar  
Member

PROPOSED FLOOR AMENDMENT TO CR NO. 36

Replace lines 3-7 with the following:

"Section \_\_\_\_\_. Legislative Veto. The legislature may provide by law for legislative veto by single or joint legislative resolution or executive regulations promulgated under that law. The legislature may also provide by law for a legislative veto of actions to reprogram public funds. A legislative veto ~~shall~~<sup>may only</sup> be exercised within ninety days of the date the the action is reported to the legislature."

Also, on line 1 - delete the words "upon ratification" and insert in lieu thereof the words "as of the effective date of the Constiution of the Commonwealth of the Northern Mariana Islands"



*Refering  
7/14/85*

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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new Section \_\_\_\_\_ to Article II to authorize legislative veto of certain types of Executive acts.

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 as follows:

1 I. Effective upon ratification, Article II is amended to add a new section  
2 to read:

3 "Section \_\_\_\_\_. Legislative Veto. The legislature may provide  
4 for legislative review and veto of specific executive actions involving  
5 rule-making authority or establishment of policy by joint resolution.  
6 Legislative veto shall not extend to the application of rules or  
7 regulations to individual cases."  
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11 Adopted by Committee of the Whole and Convention on July 13, 1985  
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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new Section \_\_\_\_\_ to Article II to authorize legislative veto of certain types of Executive acts.

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 II is amended to add a new section  
2 to read:

3 "Section \_\_\_\_\_. Legislative Veto. The legislature may provide for  
4 legislative review and veto of specific executive actions involving  
5 rule-making authority or establishment of policy by joint resolution.  
6 Legislative veto shall not extend to the application of rules or regulations  
7 to individual cases."

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Committee on Governmental Institutions

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 GOVERNMENTAL INSTITUTION

Members

Lorenzo I. Deleon Guerrero  
Alonzo Igisomar  
David L. Igitol  
Rita H. Inos  
Benusto R. Kaipat  
Estevan M. King  
Luis M. Limes  
Jesus P. Mafnas  
Paul A. Manglona  
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. 37

The Committee on Governmental Institutions recommends that the Convention adopt the attached constitutional amendment with respect to limiting any proposed annual budget to the level of revenue anticipation.


The amendment recommended by the Committee will require that the level of anticipated revenue should be determined by the Executive branch for purposes of developing an annual budget for submission to the legislature. Presently, the legislature may approve an annual budget based on only its own determination of anticipated revenue irrespective of the executive branch's determination.

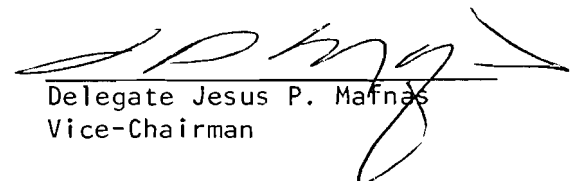
Over the past years, the Commonwealth government has been faced with a continuing shortage of funds. The Governor's estimated figures of total revenues have been increased significantly without adequate support that such additional revenues would and/or could be realized. Moreover, the Commonwealth has experienced time and time again the inability of the Legislature to agree with itself on the total estimated resources and revenues available for appropriation. Surely, without Delegate Proposal No. 99-85, it is very likely that the Legislature may continue to appropriate more expenditures than the amount of revenue estimated as being available from existing resources.

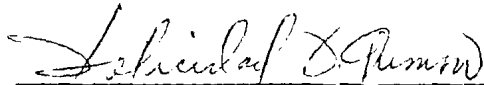
Delegate Proposal: The Committee considered Delegate Proposal No. 99-85.


The Committee urges all delegates to support the Committee's recommended constitutional amendment.

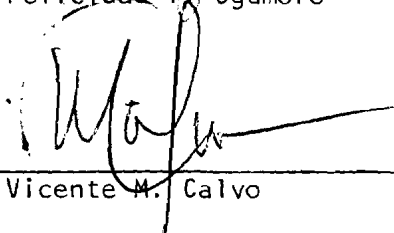
Respectfully submitted,

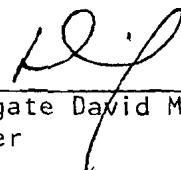
  
Delegate Juan T. Lizama  
Chairman

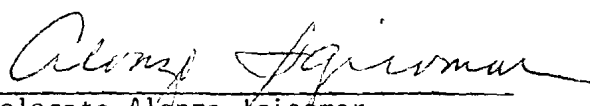
  
Delegate Jesus P. Mafnas  
Vice-Chairman

  
\_\_\_\_\_  
Delegate Felicidad T. Ogumoro  
Member

  
\_\_\_\_\_  
Delegate Benusto R. Kaipat  
Member

  
\_\_\_\_\_  
Delegate Vicente M. Calvo  
Member

  
\_\_\_\_\_  
Delegate David M. Cing  
Member

  
\_\_\_\_\_  
Delegate Alonzo Agisomar

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 9(a) of Article III of the Northern Mariana Islands Constitution relating to Executive Functions.

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(a) of Article III is amended to  
2 read:  
3 "Section 9: Executive Functions.  
4 "a) The governor shall submit to the legislature a proposed  
5 annual budget for the following fiscal year. The proposed budget  
6 shall describe anticipated revenues of the Commonwealth and  
7 recommend expenditures of Commonwealth funds. The anticipated  
8 revenues shall not be increased by the legislature without the  
9 consent of the governor. In preparing the proposed budget, the  
10 governor shall consider submissions made by the mayors of Rota,  
11 Saipan, Tinian and Aguiguan, and the islands north of Saipan as  
12 to the budgetary needs of those islands and by the executive  
13 assistant appointed under section 18 of this article. The  
14 governor's submission to the legislature with respect to the  
15 budget shall state the governor's disposition of the budgetary  
16 requests contained in these submissions and may include  
17 recommended legislations with respect to taxation. If the budget  
18 is approved by the legislature, the governor may not reallocate  
19 appropriated funds except as provided by law. If a budget is not  
20 approved before the first day of the fiscal year, appropriations  
21 for government operations and obligations shall be at the level



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 GOVERNMENTAL INSTITUTIONS

Members

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

Subject: Committee Recommendation No. 38

The Committee on Governmental Institutions recommends that the Convention adopt the attached constitutional amendment with respect to giving the legislature sole discretion to determine the qualifications of its members.

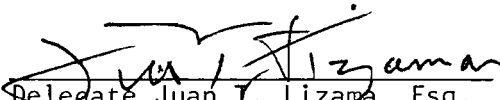
This provision will provide authority to the legislature to establish qualification requirements for its members, and to be able to expel members without having to resort to judicial determination of the qualification of the expelled member. If the expelled member wishes to contest the action of the legislature, such member may seek judicial review.


Delegate Proposal:

The Committee considered Delegate Proposal No. 238-85.

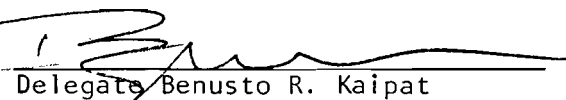
The Committee urges all Convention Delegates to support the Committee's recommended constitutional amendment.

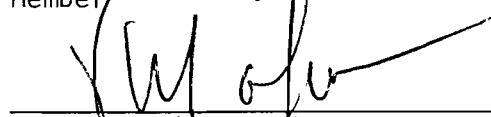
Respectfully submitted,

  
\_\_\_\_\_  
Delegate Juan T. Lizama, Esq.  
Chairman

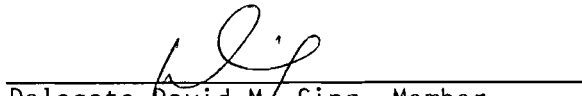
  
\_\_\_\_\_  
Delegate Jesus P. Mafnas  
Vice Chairman

  
\_\_\_\_\_  
Delegate Felicidad T. Ogumoro  
Member

  
\_\_\_\_\_  
Delegate Benusto R. Kaipat  
Member

  
\_\_\_\_\_  
Delegate Vicente M. Calvo  
Member

  
\_\_\_\_\_  
Delegate Alonzo Igisomar  
Member

  
\_\_\_\_\_  
Delegate David M. Cing, Member

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 14(a) of Article II regarding the vote required to expel a member of the legislature:

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 14(a) of Article II is amended to read:

2 "Section 14: Organization and Procedures.

3 "a) Each house of the legislature shall be the final judge of  
4 the election and qualifications of its members and the legislature may vest  
5 in the courts the jurisdiction to determine contested elections of members.  
6 Each house may compel the attendance of absent members, discipline its members  
7 and, by the affirmative vote of three-fourths of its members, expel a member  
8 for commission of treason, a felony, breach of the peace, or violation of  
9 the rules of that house."  
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13 COMMITTEE ON GOVERNMENTAL INSTITUTIONS  
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*Adopted by Committee  
of the whole on 7/13/85*  
*Adopted Second Final Reading  
on 7/14/85*



TECHNICAL AMENDMENT CR NO. 38

1. In the last line of the introductory clause, delete the words "to read".
2. Line 1 - place a Roman Numeral "I" in front of the word "Effective".
3. Line 2 - strike out in its entirety.
4. Line 5 - place an "s" at the end of the word "election".

These are just to put the proposed constitutional amendment in proper form.

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 14(a) of Article II regarding the vote required to expel a member of the legislature.

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 14(a) of Article II is amended to read:

2 "Section 14: Organization and Procedures.

3 "a) Each house of the legislature shall be the final judge of  
4 the election and qualifications of its members and the legislature may vest  
5 in the courts the jurisdiction to determine contested election of members.  
6 Each house may compel the attendance of absent members, discipline its members  
7 and, by the affirmative vote of three-fourths of its members, expel a member  
8 for commission of treason, a felony, breach of the peace, or violation of  
9 the rules of that house."  
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13 COMMITTEE ON GOVERNMENTAL INSTITUTIONS  
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SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

Telephone

6517/6572

Officers

Herman T. Guerrero, President  
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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 GOVERNMENTAL INSTITUTIONS

Members

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

Subject: Committee Recommendation 39

Your Committee on Governmental Institutions recommends that the Convention meeting in Committee of the Whole adopt the attached proposed constitutional amendment with respect to conduct of members of the legislature.

Your Committee's recommendation will broaden the scope of Section 15 of Article II and will better assure proper conduct by members of the legislature. This recommendation also conforms with the advice of counsel given in Legal Opinion No. 22.

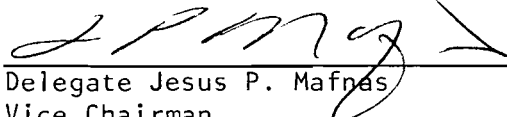
Delegate Proposal:

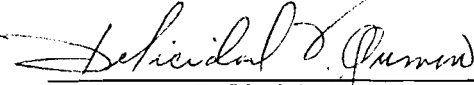
Your Committee considered Delegate Proposal Nos. 58-85, 60-85 and 200-85 and believes that this proposed amendment is the best constitutional approach to the concerns raised.

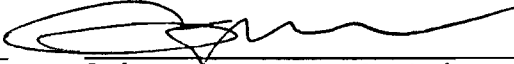
Therefore, your Committee urges all delegates to support the attached committee recommendation.

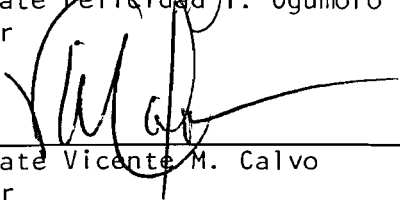
Respectfully submitted,

  
\_\_\_\_\_  
Delegate Juan T. Lizama, Esq.  
Chairman

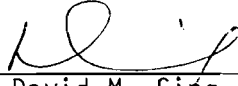
  
\_\_\_\_\_  
Delegate Jesus P. Mafnas  
Vice Chairman

  
\_\_\_\_\_  
Delegate Felicidad T. Ogunoro  
Member

  
\_\_\_\_\_  
Delegate Benusto R. Kaipat  
Member

  
\_\_\_\_\_  
Delegate Vicente M. Calvo  
Member

  
\_\_\_\_\_  
Delegate Alonzo Igisomar  
Member

  
\_\_\_\_\_  
Delegate David M. Cing, Member

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 15 of Article II of the Northern Marianas Constitution relative to conduct of members of the legislature.

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 15 of Article II is amended to read:

2 "Section 15: Conduct of Members. A member of the legislature who has  
3 a financial, private or personal interest in a bill before the legislature  
4 shall disclose that interest and may not vote on the bill. The offense of  
5 corrupt solicitation of members of the legislature, and any occupation or  
6 practice of solicitation of such members to influence their official action,  
7 shall be defined by law and shall be punished by fine and imprisonment. The  
8 legislature shall enact a comprehensive code of conduct for its that includes  
9 a definition of proper conduct of members with conflicts of interests and a  
10 definition of the proper scope of debate in the legislature."

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15 COMMITTEE ON GOVERNMENTAL INSTITUTIONS  
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SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

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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 Iglisomar  
David L. Igitol  
Rita H. Inos  
Benusto R. Kaipat  
Estevan M. King  
Luis M. Limes  
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Felicidad T. Ogumoro  
Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

Subject: Committee Recommendation No. 40

The Committee on Local Government finds that Article XII, Section 5 and 6 is not doing what it was originally intended to accomplish; that is, to protect the local people from being exploited by shrew foreign investors. The Committee believes that the present provisions are inadequate, and if anything, they provide the mechanism for circumventing the land alienation clause in the CNMI Constitution and in the Covenant. For this reason, the committee strongly recommends amending section 5 and 6 of Article XII of the Constitution. The committee agrees that the indigenous rights to ownership in real property in the Commonwealth should be fully protected against "exploitation from aggressive and economically more advanced outside groups."

While your committee fully supports and recommends unanimous approval of the intent of the amendment it also recognizes the potential economic disadvantage of the restriction. Outside investors may be hesitant to invest substantially in the CNMI because of perceived high-risk factor under the proposed amendment. The reason is that investors normally expect to maximize profits, minimize costs, and depart for greener pastures elsewhere. On the other hand, your committee recognizes the painful reality of our scarce resources in terms of land, water, electricity, skilled labor force, etc. The CNMI is easily swamped by ruthless, rugged, and unscrupulous investors if lawmakers are not careful in the disposition of our limited resources.


To balance the competing and often conflicting interests between economic development and political and economic subjugation your committee finds it highly imperative to reach a compromise. Your committee has no desire to stifle economic development. Your committee also has no intent to disenfranchise or disinherit the indigenous people of their rightful ownership to their land. For these reasons, your committee strongly agrees that corporations shall be considered persons of Northern Marianas descent if and only if the corporation has one-hundred percent (100%) directors of whom are persons of Northern Marianas descent and has one-hundred (100%) voting shares actually owned by persons of Northern Marianas descent for purposes of acquiring freehold and/or leasehold interests in real property in the CNMI. At the same time, your committee


fully supports increasing leasehold rights for non-Northern Marianas descent from forty years (40) to fifty-five (55) years. Increasing the leasehold term would enable foreign investors to amortize their capitalization cost and maximize profits at the same time.

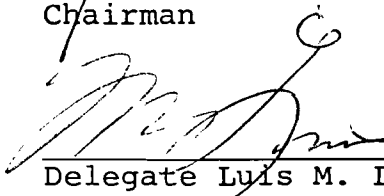
Clearly, the arrangement above is economically advantageous not only to foreign investors but also to the local population. Your committee believes that both the local people and outside investors would maximize their returns in their investments: outside investors lease real property long enough to amortize initial capitalization cost and maximize profits while the lessor or land owner benefits from the lease agreement and any concomittant improvement that results from the leasehold agreement thereof.

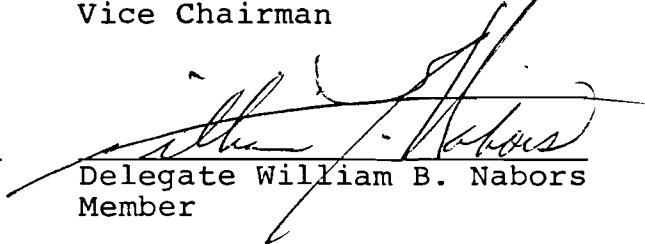
Delegate Proposal: The only delegate proposal relating to Corporations of Northern Marianas descent referred to your Committee on Local Government was Delegate Proposal 162-85. This Committee Recommendation carries the full intent of that delegate proposal. Therefore, your Committee on Local Government recommends unanimous support and endorsement at the attached recommendation.


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

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 5 and 6 of Article XII of the Northern Marianas Constitution to prevent corporation from fraudulently qualifying as persons of Northern Marianas descent.

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 as follows:

1 I. Effective upon ratification, Section 5 and 6, of Article XII are amended to read:

2 "Section 5: Corporation.

3 A corporation shall be considered to be a person of Northern  
4 Marianas descent so long as it is incorporated in the Commonwealth,  
5 has directors one-hundred percent of whom are persons of Northern  
6 Marianas descent and has voting shares (i.e. Common and preferred)  
7 one-hundred percent of which are actually owned by persons of  
8 Northern Marianas descent as defined in Section 4. Section 4:  
9 Minors, as defined by applicable laws of the Commonwealth, may not  
10 be eligible to become directors of a corporation. No trusts or  
11 voting by proxy by non-Marianas descent be permitted. Beneficial  
12 title shall not be severed from legal title."

13 "Section 6: Enforcement.

14 Any transaction made in violation of Section 1 shall be void  
15 ab initio. Whenever a corporation ceases to be qualified under  
16 Section 5, a permanent or long-term interest in land in the  
17 Commonwealth acquired by the Corporation after the effective date  
18 of this Amendment shall be immediately forfeited without right of  
19 cure to the government of the Commonwealth of the Northern Mariana  
20 Islands. The Registrar of Corporation shall issue regulations to  
21 ensure compliance and the legislature may enact enforcement laws  
22 and procedures."

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Sections 5 and 6 of Article XII of the Northern Marianas Constitution to prevent corporations from fraudulently qualifying as persons of Northern Marianas descent.

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 as follows:

1 I. Effective upon ratification, Sections 5 and 6, of Article XII are amended  
2 to read:

3 "Section 5: Corporations.

4 A corporation shall be considered to be a person of Northern  
5 Marianas descent so long as it is incorporated in the Commonwealth,  
6 has its principal place of business in the Commonwealth, has directors  
7 one-hundred percent of whom are persons of Northern Marianas descent  
8 and has voting shares one-hundred percent of which are persons of  
9 Northern Marianas descent as defined in Section 4. Minors, as defined  
10 by applicable laws of the Commonwealth, shall not be eligible to  
11 become directors of a corporation. No voting by proxy shall be permitted."

12 "Section 6. Enforcement.

13 Any transaction made in violation of Section 1 shall be void  
14 ab initio. Whenever a corporation ceases to be qualified under  
15 Section 5, a permanent or long-term interest in land in the Commonwealth  
16 acquired by the corporation after the effective date of this Constitution  
17 shall be forfeited to the government of the Commonwealth of the Northern  
18 Mariana Islands. The Registrar of Corporations shall issue regulations  
19 to ensure compliance."

20  
21 Adopted by Committee of the Whole and Convention on July 13, 1985



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A PROPOSED CONSTITUTIONAL AMENDMENT

TO AMEND SECTIONS 5 AND 6 OF ARTICLE XII OF THE NORTHERN MARIANAS  
CONSTITUTION TO PREVENT CORPORATIONS FROM FRAUDULENTLY QUALIFYING  
AS PERSONS OF NORTHERN MARIANAS DESCENT.

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 1. Effective upon ratification, Sections 5 and 6, of Article XII are  
2 amended to read:

3 "Section 5: Corporations.

4 A corporation shall be considered to be a person of Northern  
5 Marianas descent so long as it is incorporated in the Commonwealth,  
6 has its principal place of business in the Commonwealth, has  
7 directors one-hundred percent of whom are persons of Northern  
8 Marianas descent and has voting shares one-hundred percent of which  
9 are persons of Northern Marianas descent as defined in Section 4.  
10 Minors, as defined by applicable laws of the Commonwealth, shall  
11 not be eligible to become directors of a corporation."

12 "Section 6: Enforcement.

13 Any transaction made in violation of Section 1 shall be void  
14 ab initio. Whenever a corporation ceases to be qualified under  
15 Section 5, a permanent or long-term interest in land in the  
16 Commonwealth acquired by the corporation after the effective date  
17 of this Constitution shall be forfeited to the government of the  
18 Commonwealth of the Northern Mariana Islands.

19 Date: 7/11/85

Offered by:

COMMITTEE ON LOCAL GOVERNMENT

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:

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

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

a) A mayor shall be qualified to vote in the Commonwealth, at least twenty-five years of age, a resident and domiciliary of the <sup>Islands: Islands of the Northern Mariana Islands</sup> Commonwealth for at least <sup>one</sup> ~~three~~ years immediately preceding the date on which the mayor takes office, and must reside in the island or islands served by the mayor after election, and <sup>shall</sup> ~~must~~ 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) The mayor shall be elected at a regular general election for a term of office of four years. A vacancy in the office of the mayor shall be filled by special election if one-half or more of the term remains and otherwise as provided by 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.

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 <sup>request information</sup> ~~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.

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, ~~and~~ the executive assistant appointed under Article III,  
18 Section 18, 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 *Rote/Twice* 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 resident department heads.

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 to serve.

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

7 Saipan b) 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~~, 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 in the formulation of the annual  
15 budget delineating local needs.

16                   2) Shall advise the Mayor 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 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 <sup>is hereby established</sup>. 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 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 <sup>Saipan,</sup> Rota and Tinian on the  
19 effective date of this amendment shall continue.

20 Section 10. Public services on Rota and Tinian shall be <sup>headed</sup> supervised  
21 by a resident department head in the department providing the services. <sup>the</sup> 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.

1           Section 11. Election. An election of members of the Municipal  
2 Council and the precinct commissionership shall be held within sixty (60)  
3 days after ratification. The Board of Election shall conduct this election  
4 in accordance with existing laws.

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COMMITTEE ON LOCAL GOVERNMENT





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  
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David L. Igitol  
Rita H. Inos  
Benusto R. Kalpat  
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Luis M. Limes  
Jesus P. Matnas  
Paul A. Mangiona  
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Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Enacio 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.

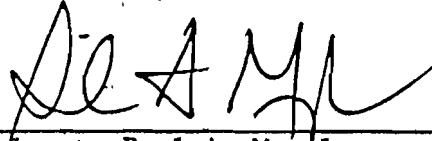
DELEGATE PROPOSAL:


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.

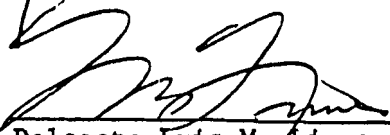
Attached are summaries of the Public Hearings conducted on Rota, Tinian and Saipan.

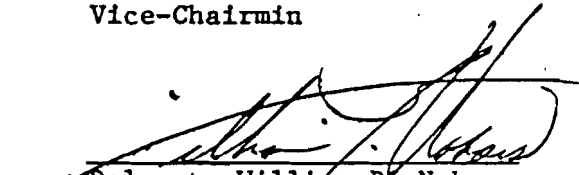
Your Committee is in accord with the intent and purpose of subject proposals and with the views and desires of the public, and hereby recommend passage by the Second Constitutional Convention of the Commonwealth of the Northern Mariana Islands.


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.

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.
- 1). 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. Delegate 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.

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

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Ernesto T. Guerrero, President  
Vicente M. Calvo, 1st Vice President  
Vicente M. Cing, 2nd Vice President  
Vicente T. Pangellinan, 3rd Vice President  
William B. Kabors, Convention Secretary  
Ernesto T. Lizama, Floor Leader

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

Members

Ernesto I. Deleon Guerrero  
Vicente I. Igisomar  
Vicente L. Igitol  
Vicente H. Inos  
Vicente R. Kaipat  
Vicente M. King  
Vicente M. Limes  
Vicente P. Mafnas  
Vicente A. Manglona  
Vicente M. Mendiola  
Vicente H. Mundo  
Vicente L. Ogunoro  
Vicente T. Reyes  
Vicente A. Tenorio  
Vicente Tomokane  
Vicente S. Torres  
Vicente G. Villagomez  
Vicente Villanueva

Subject: Committee Recommendation No. 42

The Committee on Finance and Other Matters recommends that the Convention, sitting as a Committee of the Whole, adopt in principle the attached Constitutional provision with respect to gambling in the Commonwealth of the Northern Mariana Islands.

The proposed Constitutional amendment would provide stability to the Commonwealth's anti-gambling policy by prohibiting all forms of gambling except for the Commonwealth's traditional games of bingo, batu, cockfighting, and raffles. Gambling includes all games of chance, gambling devices such as slot machines, poker machines that pay out or rackup points that can be exchanged for cash or other valuable consideration, and other similar devices that give cash or credits or other valuable considerations, other than free games. Other gambling activities are permitted on a limited basis and for fund-raising purposes only if the activity is exclusively owned and operated by a recognized religious organization, governmental or non-profit corporations. All of the net proceeds derived from these activities shall be earmarked for public projects and other charitable organizations. The legislature shall enforce this requirement by law.

The proposed amendment further provides that gambling may be permitted if two-thirds of the registered voters in a referendum held in a senatorial district pursuant to Article IX of the Constitution approve of the gambling activity within that district.

The Committee went through several painstaking and often tortuous exercises, including numerous drafts in finally arriving at a consensus Constitutional provision. There were great concerns on the adverse impacts that gambling might bring to the community. A reflection of the 1979 referendum was also reiterated as a reinforcement of the people's desire to eliminate gambling devices in the Commonwealth of the Northern Mariana Islands. The question of substantial revenue gained by the poker machines' presence in the Commonwealth of the Northern Mariana Islands was also considered. Adverse activities


such as gambling should not be used as an excuse for supporting the government. At times, we accommodate adverse activities because of the need for more revenue. But then all this does is allow for more funds to be wasted since the Committee realizes during all the public hearings that the concern is not on how much money the government has but how such money is spent. It appears, however, that moral objections seem to be relaxing enough to allow each senatorial district to make a decision on gambling. This is reflected in Section 2 of the Committee recommended amendment. The only issue that appears abundantly clear to your Committee is that gambling remains and will continue to be a controversial issue.

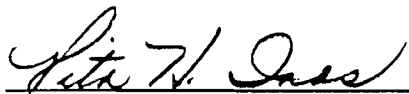
If voters who approve gambling later desire to repeal gambling, the voters of a senatorial district may do so if the repeal is approved in a referendum.

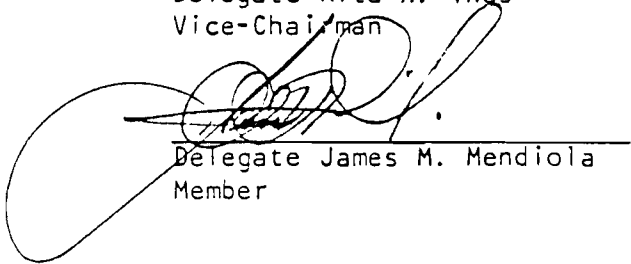
Delegate Proposal: Delegate Proposals numbered 72-85, 189-85, and 246-85 were considered by the Committee. Delegate Proposal No. 72-85 which prohibits gambling devices is incorporated in Section 1 of the proposed amendment. Delegate Proposal No. 189-85 is covered by Section 2. The intent of Delegate Proposal No. 246-85 is incorporated in a modified form.

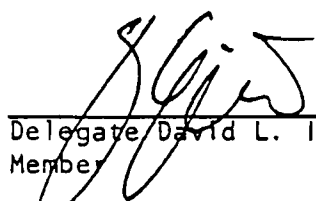
Your Committee on Finance and Other Matters is in accord with the intent and purpose of Delegate Proposals number 72-85, 189-85, and 246-85, and recommends passage on final reading in the form attached hereto as Committee Draft 1.

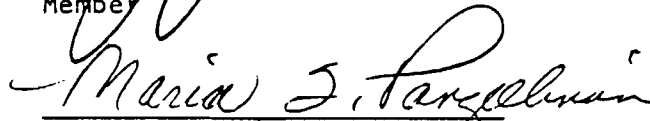
Respectfully submitted,

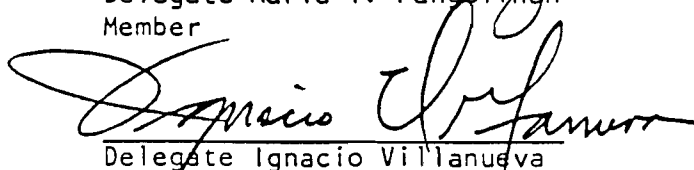
  
\_\_\_\_\_  
Delegate Lorenzo I. Guerrero  
Chairman

  
\_\_\_\_\_  
Delegate Rita H. Inos  
Vice-Chairman

  
\_\_\_\_\_  
Delegate James M. Mendiola  
Member

  
\_\_\_\_\_  
Delegate David L. Igitol  
Member

  
\_\_\_\_\_  
Delegate Maria T. Pangelinan  
Member

  
\_\_\_\_\_  
Delegate Ignacio Villanueva  
Member

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A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new Article \_\_\_\_ to the Constitution relating to gambling in the Commonwealth of the Northern Mariana Islands.

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 Article \_\_\_\_ is added to read:

2 "Article \_\_\_\_ . GAMBLING

3 "Section 1: Prohibition. Gambling shall be prohibited unless  
4 the gambling activity involves bingo, batu, cockfighting, raffles, or  
5 other activities owned and operated by religious, governmental, or  
6 nonprofit corporations.

7 "Section 2: Legalized Gambling. Other forms of gambling may be  
8 permitted if two-thirds of the registered voters <sup>in an initiative</sup> ~~held~~ held  
9 in a senatorial district approve of the gambling activity within that  
10 district. Upon approval of gambling pursuant to this section, the  
11 legislature shall regulate the gambling activity by law.

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18 Committee on Finance and Other Matters  
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SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

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Maria T. Pangalinan, 3rd Vice President  
William B. Nabors, Convention Secretary  
Juan T. Lizama, Floor Leader

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

Members

Lorenzo I. Deleon Guerrero  
Alonzo Iglisomar  
David L. Igitol  
Rita H. Inos  
Benusto R. Kaipat  
Estevan M. King  
Luis M. Limes  
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Felicidad T. Ogunoro  
Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

Subject: Committee Recommendation No. 43

The Committee on Finance and Other Matters recommends that the Convention meeting in Committee of the Whole adopt the attached recommendation with respect to the official seal and flag of the Commonwealth of the Northern Mariana Islands.


The proposed constitutional amendment would have the effect of redesigning the official seal and flag of the Commonwealth of the Northern Mariana Islands to reflect the traditional and cultural heritage of the Chamorro and Carolinian people of the Northern Mariana Islands.

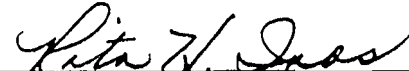
The official seal of the Commonwealth shall consist of a circular field of blue having in its center a white star superimposed on a grey latte stone, surrounded by the traditional Carolinian Mwaär consisting of the following flowers: Langilang, Flores Mayu (Seyur), Angagha, and Teibwo, on the outer border, and the words encircling the Mwaär: "Commonwealth of the Northern Mariana Islands" and "Official Seal." The official flag of the Commonwealth shall consist, on both sides of a rectangular field of blue, a white star in the center, superimposed on a grey latte stone, surrounded by the traditional Carolinian Mwaär. The dimensions of the seal and flag, the mwaär, the star and latte stone shall be provided by law.

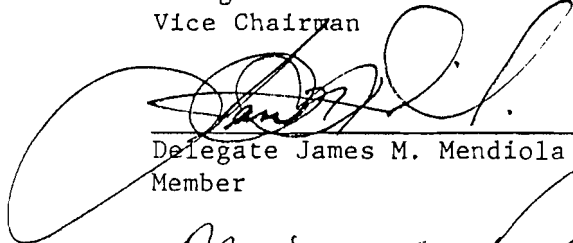
The Committee believes that the inclusion of the official languages of the Commonwealth in this new Article would be appropriate as part of its recognition of the culture and traditions of the people of the Commonwealth. The government shall encourage the usage and preservation of the Chamorro and Carolinian languages, where appropriate, in government, schools, and other official functions. Section 3 would permit government agencies to choose, where appropriate, any of the three languages. Section 3 does not confer a right on an individual to have a document be translated at government expense into another one of the official languages. It merely permits a government agency to choose one or more of three languages in which to transact its business.

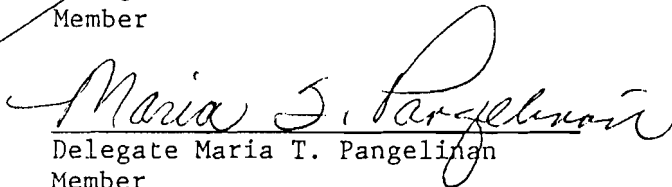
Your Committee on Finance and Other Matters is in accord with the intent and purpose of Delegate Proposal Nos. 107-85 and 293-85 and recommends its passage on final reading in the form attached hereto as Committee Draft 1.

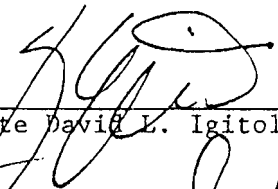
Respectfully submitted,

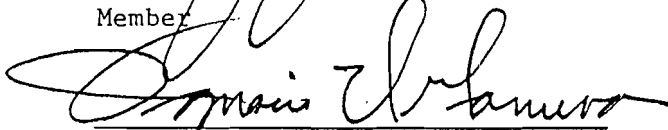
  
\_\_\_\_\_  
Delegate Lorenzo I. Guerrero  
Chairman

  
\_\_\_\_\_  
Delegate Rita H. Inos  
Vice Chairman

  
\_\_\_\_\_  
Delegate James M. Mendiola  
Member

  
\_\_\_\_\_  
Delegate Maria T. Pangelinan  
Member

  
\_\_\_\_\_  
Delegate David L. Igitol  
Member

  
\_\_\_\_\_  
Delegate Ignacio Villanueva  
Member

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend the Northern Marianas Constitution to add a new Article \_\_\_\_\_  
to include a new official seal and flag of the Northern Marianas.

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 Article \_\_\_\_\_ is added to read:

2 "Article \_\_\_\_\_. OFFICIAL SEAL, FLAG AND LANGUAGES.

3 "Section 1. Official Seal. The official seal of the  
4 Commonwealth shall consist of a circular field of blue  
5 having in its center a white star superimposed on a grey  
6 latte stone, surrounded by the traditional Carolinian Mwáár  
7 consisting of the following flowers: Langilang, Flores Mayo,  
8 (Seyúr), Angagha, and Teibwo, on the outer border, and the  
9 words encircling the mwáár. "Commonwealth of the Northern  
0 Mariana Islands" and "Official Seal."

1 "Section 2. Official Flag. The official flag of the  
2 Commonwealth shall consist, on both sides of a rectangular  
3 field of blue, a white star in the center, superimposed on a  
4 gray latte stone, surrounded by the traditional Carolinian  
5 Mwáár. The dimensions of the flag, the mwáár, the star and  
6 latte stone shall be provided by law."

7 "Section 3. Official Languages. The official languages  
8 of the Commonwealth shall be English, Chamorro, ~~and~~ Carolinian,

*and English*

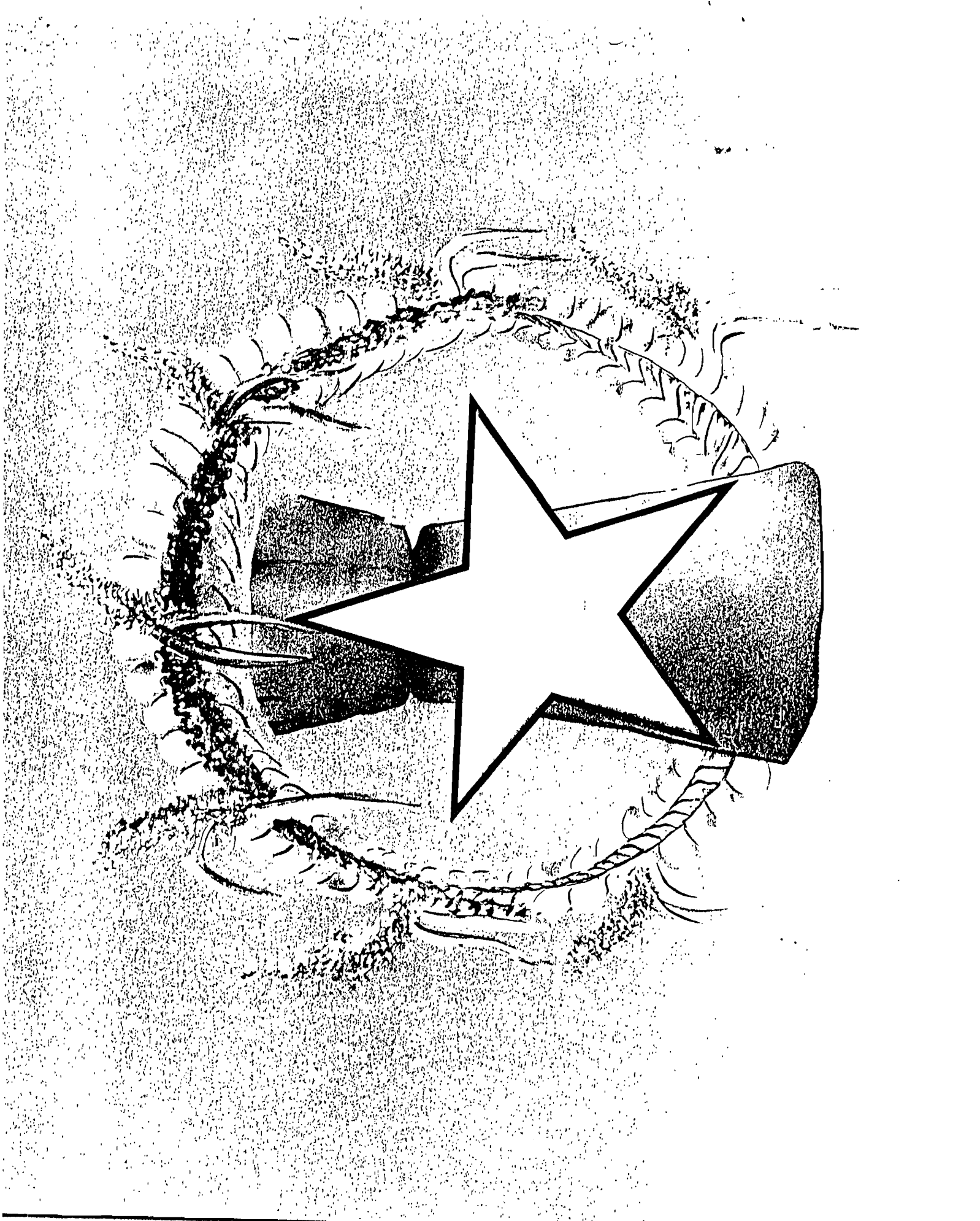
The Chamorro and Carolinian people of the Mariana Islands have in recent years expressed a growing concern over the future of their two languages. This concern has manifested itself in the movement for bilingual forms of education in all of the Mariana Islands, the passage of statutes regarding official languages and the establishment of language commissions.

The Guam experience has been one of continual decline in Chamorro language proficiency over the past two to three decades. The death of the Chamorro language on Guam has been widely prophesied. While the Chamorro language appears strong in the Northern Marianas, there are signs that the trends which have occurred on Guam are now beginning on Saipan. In addition, the Saipan language experience is made more complex by the existence of the Carolinian language, which is acknowledged as a legitimate indigenous language of the area.

The reasons usually given for the state of the Carolinian and Chamorro languages are numerous. They include inadequate attention in education, the arrival of mass media, economic development, the lack of government support, the changing nature of the Catholic Church and increased levels of immigration. Many individuals also analyze the situation as a natural consequence of close political identification with the United States. Guam has been a Territory of the U.S. since 1898 and the Northern Marianas has opted for Commonwealth status with the U.S. in 1977.

It is clear that the reasons for the perceived decline of the indigenous languages of the Marianas are complex and that the factors often identified are inter-related. While it is true that the question of language survival for Chamorro and Carolinian has been frequently discussed, it has not been discussed formally. Moreover, it has not had the benefit for protection under the CNMI constitution.





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. Pangellinan, 3rd Vice President  
William B. Nabors, Convention Secretary  
Juan T. Lizama, Floor Leader

REPORT TO THE CONVENTION BY THE  
COMMITTEE ON GOVERNMENTAL INSTITUTIONS

Members

Lorenzo I. Deleon Guerrero  
Alonzo Igisomar  
David L. Igitol  
Alta H. Inos  
Benusto R. Kalpat  
Estevan M. King  
Luis M. Limes  
Jesus P. Mafnas  
Paul A. Manglona  
James M. Mendiola  
Viceto H. Mundo  
Felicidad T. Ogunoro  
Carl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Lamon G. Villagomez  
Ignacio Villanueva

Subject: Committee Recommendation No. 44

Your Committee on Governmental Institutions recommends that the Convention meeting in Committee of the Whole adopt the attached proposed Constitutional amendment with respect to the emergency powers of the Governor.

Your Committee's proposed amendment would require the term "other calamity" in the existing Constitutional provision granting emergency powers to the Governor to be defined by law.


Your Committee finds that past experience has shown that the current Constitutional provision is too broad and invites abuses. With skillful use of language, almost anything can be considered a "calamity" or a potential calamity justifying use of emergency power. Your Committee believes that having this term defined by law will prevent abuses while still providing sufficient flexibility to ensure that the Governor will be able to invoke emergency powers in a time of genuine necessity.

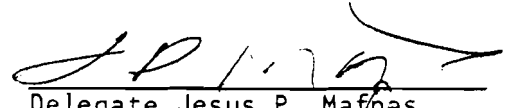
In the absence of a statute defining "other calamity", the Governor's emergency powers would be limited to cases of invasion, civil disturbance, and natural disaster. Your Committee notes that these are the three conditions that require immediate, urgent action by the chief executive, and it is either impossible or there is insufficient time to consult with the legislature. These three conditions are the ones that historically served as the basis for granting emergency powers to the Governor. The proposed amendment would permit the legislature to extend the conditions under which the Governor could use his emergency powers. This assures that the Constitutional provisions would not be too restrictive.

Delegate Proposals: Your Committee considered seven Delegate Proposals, all seeking to further define or restrict the Governor's emergency powers, Delegate Proposals Nos. 79-85, 102-85, 140-85, 179-85, 244-85, 245-85, and 271-85. Your Committee feels that the language of the attached recommendation best addresses the concern without being too rigid. One proposal had to be rejected because it sought to grant authority which is prohibited by the Covenant.

Therefore, your Committee strongly urges all delegates to support the attached Committee Recommendation.

Respectfully submitted,


  
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Delegate Juan P. Lizama, Esq.  
Chairman


  
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Delegate Jesus P. Mafnas  
Vice-Chairman

  
\_\_\_\_\_  
Delegate Felicidad T. Ogumoro  
Member

\_\_\_\_\_  
Delegate Benusto R. Kaipat  
Member

\_\_\_\_\_  
Delegate Vicente M. Calvo  
Member

  
\_\_\_\_\_  
Delegate David M. Cing  
Member

  
\_\_\_\_\_  
Delegate Alonzo Insomar  
Member



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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article III, Section 10 relating to the  
Governor's emergency powers

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 I. Effective upon ratification, Section 10 of Article III  
2 is amended to read:

3 "Section 10. Emergency Powers. The governor may declare  
4 a state of emergency in the case of invasion, civil disturbance,  
5 natural disaster or, as provided by law, other calamity and may  
6 mobilize available resources to respond to that emergency."  
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12 Committee on Government  
13 Institutions  
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