

June 5, 1995

Memo for the Chair, Committee on Judiciary and Other Elected
Offices

From: Legal team

Re: Overview of Issues Before the Committee

Under Rule 24(a), the Committee on Judiciary and Other Elected Offices has jurisdiction over the following matters:

1. Judicial Branch (Article IV)
2. Constitutional Amendment (Article XVIII)
3. Washington Representation (Article V)
4. Education (Article XV)
5. Civil Service (Article XX)
6. Initiative, Referendum, and Recall (Article IX)

It may be useful to consider the order in which these assignments will be taken up by the Committee. Delegates would then have an incentive to get any additional proposals to the Committee in time to be considered on its schedule (although the official cut-off date is July 10, 1995).

The legal team has reviewed the proposals received thus far by counsel in order to provide an overview. Individual memos on each of the articles listed above are attached to this memo. Those memos on individual articles suggest the order in which topics within each article might be taken up. This memo suggests an order in which the discussion of articles might be taken up and summarizes the categories into which the delegate proposals fall.

Counsel has received 29 proposals that fall within the committee's assignments, and we have used these proposals as one basis for suggesting the order in which the committee might consider the constitutional articles for which it has assigned responsibility. Not all of the proposals received by counsel will actually be introduced, and some may be changed before they are introduced. But the existing proposals reflect generally the ideas that delegates and others have had with respect to possible amendments to the constitution, and these ideas are likely to surface in the discussions of the committee regardless of whether formal proposals have been received.

We suggest the following order for the consideration of the Chair:

1. Washington Representation (Article V)
 - . termination of the office altogether
 - . splitting the office into separate appointed and elected offices
 - . appointed versus elected (with a single office)
 - . updating

(5 proposals received thus far)
2. Civil Service (Article XX)
 - . legislative versus constitutional language
 - . updating

(2 proposals received thus far)
3. Education (Article XV)
 - . deleting the Northern Marianas College from the constitution
 - . executive department versus school board as the governance of the school system
 - . elected versus appointed school board
 - . size, composition, and qualifications of the school board
 - . decentralized versus centralized school system
 - . deleting the provision for free and compulsory primary and secondary education

(9 proposals received thus far)
4. Judicial Branch (Article IV)
 - . constitutional status for the courts
 - . selection and retention of judges
 - . term of office
 - . number of judges
 - . advisory opinions

(15 proposals received thus far)
5. Constitutional Amendment (Article XVIII)
 - . changes in the method of constitutional amendment (deleting the constitutional convention or legislative initiative)
 - . length of time for calling the next convention
 - . public referendum

(5 proposals received thus far)

6. Initiative, Referendum, and Recall (Article IX)

- . changes in the required super-majority for qualifying a petition
- . change from a general to a special election for approving petitions.

(2 proposals received thus far)

The issues with respect to Article V on the Washington Representative are well defined by the proposals received thus far, and it is unlikely that any substantially new ideas will come in after the committee's work begins. It might be logical, therefore, to begin the agenda with this subject, allowing time for additional delegate proposals on other subjects to arrive.

The issues with respect to Article XX on the Civil Service Commission are likely to be fairly straight forward, and this may also be an easy topic for the Committee to resolve and get any recommendations to the floor.

Article XV on education presents the longest list of issues, and probably should be considered early enough in the process so that the Committee does not feel pressed for time in getting any recommendations ready.

The issues presented by the proposed amendments to Article IV on the judiciary are well defined because both the judiciary and the legislature have worked out comprehensive proposals. This should allow the Committee to make its decisions relatively quickly.

Article XVIII on constitutional amendment and Article IX on initiative, referendum, and recall are linked because popular initiative is one method of overcoming the constitutional amendments recommended by this convention. Logically, the article on constitutional amendment should be considered first.

June 5, 1995

Memorandum for the Chair, Committee on Land and Personal Rights

From: Legal team

Re: Issues before the Committee with Respect to Article XII,
Land Alienation

This memorandum lists the issues raised by sections within Article XII in order ranked by their apparent complexity or controversial nature, with the least complex and controversial first. The order also suggests issues that may logically flow one to another. This is intended to provide a starting point from which the Chair, in consultation with the Committee on Organization and Procedure, can set an agenda for the committee's work.

As of June 5, 1995, counsel had received 9 proposals to amend Article XII. It is likely that lawyers advising individual delegates will have other proposals to submit after the committee's work begins.

1. Section 4: Definition of Northern Marianas Descent

The 6 proposals dealing with the definition of Northern Marianas descent raise two principal issues:

- a) the percentage requirement of Northern Marianas "blood", current set at 25% -- should this be lowered or eliminated?
- b) how should adopted children be treated?

2. Section 5: Corporations

One proposal suggest changing the 100% Northern Marianas descent ownership that was added in the 1985 amendments back to the 51% ownership requirement that was in the 1976 constitution.

3. Legislative matters

There are two proposals to remove provisions added by the 1985 constitutional convention that counsel has identified as essentially legislative in nature.

Committee to get its recommendations on established articles of the constitution to the floor of the Convention before tackling any brand new articles or matters not assigned to other committees.