

July 9, 1995

Memo for Herman T. Guerrero

From: Howard Willens and ^{Deanne} Deanne Siemer

Re: Delegate Proposals in the New/Other Category

We have been gathering delegate proposals that do not fall within any of the existing articles of the Constitution, with the idea that they would be assigned to one of the substantive committees for review. Under the original plan, the Committee on Land and Personal Rights was to have jurisdiction of these proposals. That Committee is likely to be tied up with Article 11 and Article 12 for some time.

The Committee on Judiciary and Other Elected Offices is making good progress, and we recommend that these proposals be assigned to that committee for a first review.

The proposals are numbers 49, 134, 270, 283, 315, 320, 330, 340, 343, 357, 371, 372, 380, 431, and 447. Copies are attached. One deals with mutual consent. Most have to do with controls on aliens, which will present some difficult legal problems should the Committee decide to pursue any of them. We would like as much lead time with these as possible.



Third Northern Mariana Islands Constitutional Convention -156-

Delegate Proposal No. 49

Date: May 2, 1995

It is proposed that a constitutional amendment be prepared that does the following:

Provides that the Legislature shall enact no law that permits non-U.S. citizens who are convicted of a felony in any place (their country, another country, or the U.S.) to enter the CNMI for any purpose.

Provides that the Legislature shall enact no law that permits non-U.S. citizens who are convicted of any crime in the CNMI to remain in the CNMI after conviction or to re-enter the CNMI at any time.

Requires that illegal aliens in the CNMI be deported and prohibited future entry into the CNMI.

Handwritten notes and signatures:
Submitted by: *[Signature]*
Submitted by: *[Signature]*
Submitted by: *[Signature]*
Submitted by: *[Signature]*

Submitted by:

Delegate JUSTO S. QUITUGUA

Handwritten signature: Magenta

CONSTITUTIONAL ARTICLE THAT WOULD BE AMENDED: Art. II, Sec. 5 (new subsection (e))

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED: None



Third Northern Mariana Islands Constitutional Convention

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Delegate Proposal No. 134

Date: May 15, 1995

It is proposed that a constitutional amendment be prepared that does the following:

Adds a provision to the Constitution to cover the definition of "mutual consent" as used by the Covenant.

Provides that the consent of the Commonwealth of the Northern Mariana Islands under the Covenant is to be expressed only by a declaration passed by both houses of the Legislature, signed by the Governor, and approved by the people by referendum under the same requirements as for the approval of an amendment to the Constitution by popular initiative.

(An amendment to the Constitution by popular initiative now requires a majority of the votes cast and at least two-thirds of the votes cast in each of two senatorial districts. Art. XVIII, Sec. 5(b))

Submitted by: *Herman T. Guerrero*
Delegate HERMAN T. GUERRERO

CONSTITUTIONAL ARTICLE THAT WOULD BE AMENDED: Art. XVIII, adds a new Section 6

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED: None



Third Northern Mariana Islands Constitutional Convention

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Delegate Proposal No. 270

Date: May 18, 1995

It is proposed that a constitutional amendment be prepared that does the following:

Provides that no person who has been deported from the Commonwealth as an illegal alien shall be permitted legally to reenter the Commonwealth.

Submitted by: _____

Delegate Justo S. Quitugua

A handwritten signature in cursive script, appearing to read "Justo S. Quitugua", written over a horizontal line.

CONSTITUTIONAL ARTICLE THAT WOULD BE AMENDED: Art. II, Sec. 5

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED: None



Third Northern Mariana Islands Constitutional Convention

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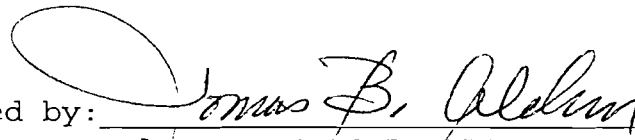
Delegate Proposal No. 283

Date: June 2, 1995

It is proposed that a constitutional amendment be prepared that does the following:

Prohibits the government from making available to any non-citizen any benefit based on indigent status.

Submitted by:


Delegate TOMAS B. ALDAN

CONSTITUTIONAL ARTICLES THAT WOULD BE AMENDED: Art. III, Sec. 17

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED: Art. II, Sec. 5



Third Northern Mariana Islands Constitutional Convention

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DELEGATE PROPOSAL NO. 315

DATE: June 6, 1995

It is proposed that a constitutional amendment be prepared that does the following:

Provides that the Washington representative shall deliver an annual report in person to a joint session of the Legislature on the third Wednesday of its first session each year.

This provision shall only take effect only if the position of Washington representative remains an elected position.

James B. Gocher
R. Sean Hutchins
D. B. Wiley

Submitted by:

[Signature]

Delegate DAVID L. IGITOL

CONSTITUTIONAL ARTICLE THAT WOULD BE AMENDED: New

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED: Art. V

*File-referred
to Judiciary
6/14/95*



Third Northern Mariana Islands Constitutional Convention

DELEGATE PROPOSAL NO. 320

DATE: June 6, 1995

It is proposed that a constitutional amendment be prepared that does the following:

Provides that the Chief Justice of the Commonwealth Supreme Court shall deliver an annual report on the state of the judiciary in person to a joint session of the Legislature on the fourth Wednesday of their first session of the year.

James B. Galvin
Ryan ...
27-P ...

Submitted by:

[Signature]
Delegate DAVID L. IGITOL

CONSTITUTIONAL ARTICLE THAT WOULD BE AMENDED: New

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED: Art. IV

Re-referred to Judiciary 6/12/95



Third Northern Mariana Islands Constitutional Convention

DELEGATE PROPOSAL NO. 330

DATE: May 10, 1995

It is proposed that a constitutional amendment be prepared that does the following:

Provides a method to ensure that small businesses, operating with an investment of \$1 million or less, are permitted or licensed only to U.S. citizens.

Submitted by: _____


Delegate JAMES M. MENDIOLA

CONSTITUTIONAL ARTICLE THAT WOULD BE AMENDED: Art. XVI

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED: None



Third Northern Mariana Islands Constitutional Convention

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DELEGATE PROPOSAL NO. 340

DATE: June 7, 1995

It is proposed that a constitutional amendment be prepared that does the following:

Provides that non-citizens will not be admitted to the CNMI and permitted to work unless the total number of non-citizens in the CNMI who are permitted to work does not exceed the total number of U.S. citizens who are resident in the CNMI.

[Note: this amendment would provide a variable cap on alien workers so that they would never outnumber U.S. citizens resident in the CNMI. This amendment would not affect tourists. Each year, the government would have to estimate the total number of U.S. citizens in the CNMI, taking account of the birth rate. It could then determine how many aliens would be allowed to enter during the year so that at the end of the year, the number of alien workers and their dependents would not be greater than the number of U.S. citizens.]

Submitted by:

A handwritten signature in black ink, appearing to read "Vicente S. Aldan".

Delegate VICENTE S. ALDAN

CONSTITUTIONAL ARTICLE THAT WOULD BE AMENDED: Art. III, Sec. 17

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED: None



Third Northern Mariana Islands Constitutional Convention

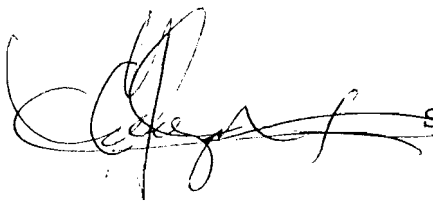
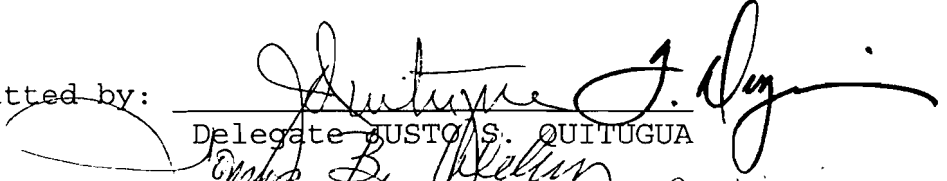
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DELEGATE PROPOSAL NO. 343

DATE: June 1, 1995

It is proposed that a constitutional amendment be prepared that does the following:

States a fundamental policy to guide government operations that the alien work force should be gradually reduced by upgrading local capacities and employing on-island human resources to the maximum.

Submitted by:   Delegate JUSTO S. QUITUGUA

CONSTITUTIONAL ARTICLE THAT WOULD BE AMENDED: New

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED: None

Judiciary
6/12/95



Third Northern Mariana Islands Constitutional Convention

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DELEGATE PROPOSAL NO. 357

DATE: May 19, 1995

It is proposed that a constitutional amendment be prepared that does the following:

Provides that no person who has been deported from the Commonwealth as an illegal alien shall be permitted legally to reenter the Commonwealth

Submitted by:

Delegate JUSTO S. QUITUGUA

Francis M. Boyce

CONSTITUTIONAL ARTICLE THAT WOULD BE AMENDED: New

Judiciary 6/12/95

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED: Art. I

Herman L. Guerrero



Third Northern Mariana Islands Constitutional Convention

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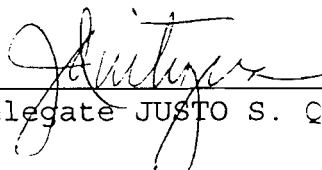
DELEGATE PROPOSAL NO. 371

DATE: June 9, 1995

It is proposed that a constitutional amendment be prepared that does the following:

Prohibits non-citizens who are permitted to enter the Commonwealth to work from bringing dependents to the Commonwealth.

Submitted by:


Delegate JUSTO S. QUITUGUA

CONSTITUTIONAL ARTICLE THAT WOULD BE AMENDED: New

Judiciary 4/12/95

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED: None



Third Northern Mariana Islands Constitutional Convention

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DELEGATE PROPOSAL NO. 372

DATE: June 9, 1995

It is proposed that a constitutional amendment be prepared that does the following:

Places a cap on damages that may be recovered from the CNMI government by private litigants at \$100,000 to the maximum extent (covering as many types of litigation) permitted under the U.S. Constitution.

Places a cap on damages that may be recovered from private persons by private litigants at \$100,000 to the maximum extent (covering as many types of litigation) permitted under the U.S. Constitution.

Submitted by: 

Delegate VICENTE S. ALDAN

CONSTITUTIONAL ARTICLE THAT WOULD BE AMENDED: New

Judiciary 6/12/95

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED: Art. IV



Third Northern Mariana Islands Constitutional Convention

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DELEGATE PROPOSAL NO. 380

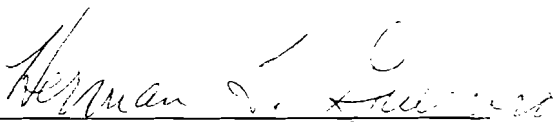
DATE: June 9, 1995

It is proposed that a constitutional amendment be prepared that does the following:

Provides that the total amount paid for all Commonwealth government employment of any kind, except public safety and public health, may not exceed ____% (a specified percentage) of total revenue collected by the Commonwealth.

Provides that the total amount paid for all local government employment of any kind may not exceed ____% (a specified percentage) of total revenue available to the local government.

Submitted by:


Delegate HERMAN T. GUERRERO

(Proposed by the the MAYOR OF THE NORTHERN ISLANDS, and submitted as a courtesy to put this proposal before the delegates.)

CONSTITUTIONAL ARTICLE THAT WOULD BE AMENDED: New

Judiciary 6/12/95

CONSTITUTIONAL ARTICLES AFFECTED: Art. X, Sec. 7



Third Northern Mariana Islands Constitutional Convention

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Delegate Proposal No. 431

Date: June 16, 1995

It is proposed that a constitutional amendment be prepared that does the following:

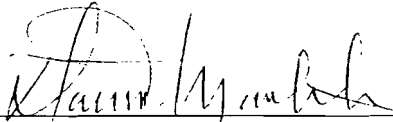
Limits the number of aliens permitted to enter the Commonwealth as follows:

(1) Requires an annual certification of the number of U.S. citizens within the workforce in the Commonwealth by the Commonwealth government agency responsible for the administration of the labor laws, to be done not later than January 31 of each year.

(2) Limits the number of alien workers in the Commonwealth to not more than 20% of the U.S. citizen workforce in the Commonwealth.

(3) Provides that aliens may not be admitted to the Commonwealth in excess of the number that would cause the total alien workforce in the Commonwealth to reach the 20% limit for the current year.

(4) Permits the Legislature to prescribe the manner in which the limitation would be administered as far as job categories are concerned.

Submitted by: 
Delegate DAVID Q. MARATITA

CONSTITUTIONAL ARTICLES THAT WOULD BE AMENDED: New

Land 6/19/95

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED:



Third Northern Mariana Islands Constitutional Convention

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Delegate Proposal No. 447

Date: June 16, 1995

It is proposed that a constitutional amendment be prepared that does the following:

Provides a basis for prohibiting non-U.S. citizens from giving birth in the CNMI.

Submitted by: _____

Justo S. Quitugua
Delegate JUSTO S. QUITUGUA

CONSTITUTIONAL ARTICLES THAT WOULD BE AMENDED: New

Land 6/20/95

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED: Art. I