

THIRD NORTHERN
MARIANA ISLANDS
CONSTITUTIONAL CONVENTION
DAILY JOURNAL

37th DAY

Tuesday, July 11, 1995

PRESIDENT GUERRERO: The 37th day of the Third Constitutional Convention is called to order. Please stand for the moment of silence.

(A moment of silence was had.)

PRESIDENT GUERRERO: Thank you. Clerk, roll call, please.

(Convention Clerk called the roll).

CONVENTION CLERK: Mr. President, we have 26 delegates present and one absent.

PRESIDENT GUERRERO: We have a quorum of members to conduct business.

DELEGATE HOCOG: Mr. President.

PRESIDENT GUERRERO: Yes, Mr. Floor Leader.

DELEGATE HOCOG: I would like to resolve to the Committee of the Whole to present the resolution to Joseph Waechter, Chairman of United Micronesia Development Association, with respect to our

condolences to the late Honorable Larry Lee Hillblom.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to resolve to the Committee of the Whole to present a Constitutional Convention resolution to mourn the untimely passing of the late Honorable Larry Lee Hillblom and express the Third Constitutional Convention's sympathy and condolences to the family.

Discussion?

If not those in favor say "Aye." Those opposed say "Nay."

Motion carried.

We are now in the Committee of the Whole. At this time I would like to call on the original sponsor of Constitutional Convention Resolution No. 5. This was offered by Delegate Jose Lifoifoi. I would like him to come up here and read the resolution and ask that he present the resolution to Mr. Waechter.

Delegate Lifoifoi.

DELEGATE LIFOIFOI: A Constitutional Convention Resolution: To mourn the untimely passing of the Honorable Larry Lee Hillblom and to express the Third Constitutional Convention's deepest sympathy and condolences to his family.

Whereas the Honorable Larry Lee Hillblom was born on May 12, 1943 to Clarence and Helen Hillblom in Kingsburg, California; and Whereas the Honorable Larry Lee Hillblom untimely passed away in a tragic plane accident near the Island of Anatahan north of Saipan on May 21, 1995; and is survived by his mother Helen, his stepfather Andy Andersen and his brothers Grant and Terry and their families; and Whereas the Honorable Larry Lee Hillblom attended Kingsburg High School where he excelled academically, in sports and the dramatic arts; and Whereas through hard work and dedication through his remarkable leadership ability and strong personal motivation, the Honorable Larry Lee Hillblom graduated with honors from Fresno State University; and Whereas the Honorable Larry Lee Hillblom attended and graduated in 1969 from the prestigious Boalt Hall School of Law at the University of California at Berkeley at the height of the Free Speech Movement; and Whereas while at Boalt Hall the Honorable Larry Lee Hillblom persuaded two acquaintances, Adrian Dalsey and Robert Lynn, to form a courier service company in 1969, which has since been known the world over as DHL Worldwide Express, the initials of which stand for their respective last names; and Whereas as the

principal owner of DHL Worldwide Express, the Honorable Larry Hillblom, over the past 26 years, took DHL and transformed it into one of the most successful business enterprises in the world, employing over 38,000 people worldwide; and Whereas in addition to DHL, the Honorable Larry Lee Hillblom's business endeavors extended to Continental Micronesia, United Micronesia Development Association, Bank of Saipan, Marianas CableVision, the Dalat Palace Hotel & Golf Resort in Viet Nam, and others too numerous to mention; and whereas, 15 years ago the Honorable Larry Hillblom came to Saipan, fell in love with the Northern Mariana Islands and its people, and decided to make it his home; and whereas, over the years, the Honorable Larry Lee Hillblom gained a reputation as one of the most ardent supporters of Commonwealth self government, and one of the staunchest defenders of the integrity and sanctity of the Northern Marianas Covenant, the embodiment of political self determination by the people of the Northern Mariana Islands, through which the people of the Northern Mariana Islands joined the American political family; and Whereas the Honorable Larry Lee Hillblom had the unique distinction of serving the Northern Mariana Islands as its first

appointed Special Judge on the Judiciary of the Commonwealth, a position which he served on with distinction from 1989 until his death; and Whereas as Special Judge on both the Supreme Court of the Northern Mariana Islands and the Superior Court, was extremely proud of the lasting contribution and accomplishments he made in the development of the rule of law for the Northern Marianas; and Whereas the Honorable Larry Lee Hillblom's many accomplishments and contributions to the betterment of the Northern Mariana Islands deserves special recognition so as to accord him a special place of honor among the leaders of the Northern Mariana Islands, as well as to bestow a special thanks and farewell salute to him by all his fellow citizens in the Northern Mariana Islands; now, therefore, be it resolved by the Third Constitutional Convention of the Commonwealth Northern Mariana Islands, that the Convention deeply mourns and grieves the untimely and tragic passing of the late Honorable Larry Lee Hillblom, a true and exceptional citizen of the Commonwealth, whose many contributions to the betterment of the Commonwealth is hereby recognized acknowledged, and deeply appreciated; and be it further resolved that the President of the Third Constitutional

Convention certify, and that the Convention Secretary attest, to the adoption of this resolution and thereafter ever transmit copies thereof to his parents Helen and Andy Andersen; to his brothers Grant Andersen and Terry Hillblom; to Governor Froilan C. Tenorio of the Commonwealth of the Northern Mariana Islands; to Speaker Diego T. Benavente of the Commonwealth House of Representatives; to President Juan S. Demapan of the Commonwealth Senate, to Acting to Chief Justice Ramon G. Villagomez of the Superior Court of the Northern Mariana Islands; to Presiding Judge Alexandro C. Castro of the Superior Court of the Northern Mariana Islands; to DHL International, Pat Lupo, chairman; to Micronesia Development Association, Joseph W. Waechter, Chairman and to the law office of Donnici, Kerwin and Donnici-Peter J. Donnici, Esquire.

Adopted by the Third Constitutional Convention on July 6, 1995 certified by Herman T. Guerrero, President and John Oliver Gonzales, secretary.

Now I call upon the Chairman of the Board of UMDA, Joe Waechter, to receive the resolution.

PRESIDENT GUERRERO: On the behalf of the Third Constitutional Convention we would like to present you

with Resolution No. 5. You have heard the nice words that went with it. I hope that you can also convey the deepest sympathy and condolences to the family as well.

MR. WAECHTER: I sure will.

Mr. President and Delegates. On behalf of Larry's family, his many friends and business associates, I am honored to receive this. I know that they will all be very happy to receive it, particularly Larry's mother. Larry was her favorite son and she has followed his activities from afar. She will be happy to receive this I know. I know Larry would have been proud to receive this as well. He is a man that could have chosen in his position to live anywhere he wanted in the world. He chose Saipan because he loved it. He was a staunch defender of the CNMI and I know he would have been happy as well. Thank you, very much.

PRESIDENT GUERRERO: Thank you, Mr. Waechter, and thank you, Delegate Lifoifoi.

DELEGATE HOCOG: Mr. President.

Yes, Mr. Floor Leader.

DELEGATE HOCOG: Before we resolve from the Committee of the Whole, I would like to recognize the presence of Donald Mendiola and now, Mr. President, I rise from the Committee of the Whole to our plenary

session.

(The motion was seconded).

PRESIDENT GUERRERO: It last been moved and seconded to rise from the Committee of the Whole.

Discussion?

If not those in favor of the motion say "Aye." Those opposed say "Nay."

Motion carried.

We are now back to the plenary session of the Convention.

DELEGATE HOCOG: Mr. President.

PRESIDENT GUERRERO: Yes, Mr. Floor Leader.

DELEGATE HOCOG: I would like to move to adopt the Daily Journal of July 5th through July 9.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to adopt the Daily Journal from July 5th through the 9th.

Discussion?

If not those in favor of the motion say "Aye." Those opposed say "Nay."

Motion carried.

DELEGATE HOCOG: Mr. President, I would like to move to adopt the Summary Journal of July 6th.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to adopt the Summary Journal from Thursday July 6.

Discussion?

If not those in favor of the motion say "Aye." Those opposed say "Nay."

Motion carried.

Now we move to item 5. The Committee on Organizations and Procedures has plenary sessions scheduled for Thursday morning and for Saturday morning. Let me see if that is correct. It is Thursday and Saturday mornings. We are on target to complete our work by August 4th but we need to ensure that the committees meet as scheduled this week. The schedule is in your Daily Journal and we have also posted copies on the doors and on the bulletin board.

Regarding delegate amendments, you will notice on your order of business that item No. 6 has been changed from Delegate proposals to Delegate amendments. That is because the July 10 cutoff date for the introduction for delegate proposal has passed. Under rule 52 (d), no further delegate proposals can be introduced except with unanimous consent of the

Convention. This though does not mean that the substantive committees are cut off from considering new ideas that come up in the Committee meetings. The Committees have good outlines that cover all the main issues before the Convention and the Committees may consider any suggested change brought up by a member of a Committee. When we pass something on first reading that doesn't mean that it will not change on second reading. There there are two ways things may change on second reading.

First the Committee that sends the article to the floor may decide to offer amendments in light of other articles that are reported out or the debate on the floor. We need to make all the amendments consistent, so the committees will be working on that.

Second, delegates may introduce amendments. I want to just outline the procedures we will be using under our rules with respect to delegate amendments on second reading.

First, delegate amendments are used for articles that have passed on first reading. Once they pass on first reading they will be considered by the committees again before second reading. Second, under Rule 45, amendments have to be germane. This means you

can't propose an amendment that is on an entirely different subject than the section you are proposing to amend.

Third, under Rule 46 amendments have to be in writing. We have a form for delegate amendments and each one will be numbered so we can keep track of things.

Fourth, amendments are different than delegate proposals. Amendments have to be stated in exact constitutional language. So we want them to go through the lawyers for help with this. This won't limit what you want to do but we need to be sure that we get something that can be enacted and not something that won't work with other articles we have already passed.

Fifth, any amendment raised for the first time during the floor discussion on second reading will be sent to the responsible Committee for review and recommendation. It is very important that we restrict amendments to matters of importance where delegates sincerely believe they and others will support a specific change to an article that passed on first reading.

The first effort should be to get the

Committee that reported that article to the floor to reconsider their language. Unless you get real support perhaps from 4 or 5 members of the Committee you are unlikely to get your amendment passed on the floor. After a delegate amendment is prepared on the form and signed by those supporting it, it will be published in the Daily Journal so that all the delegates have a copy. COP will officially assign delegates amendments to the Committee that reported out the article. They will consider the amendment. When the article comes to the floor for second reading the Committee will report its recommendations. When the Committee brings its report to the floor on second reading any delegate who has gone through the necessary procedures can bring up his or her amendment on the floor. It is very important that you offer only amendments that are substantive. If the language that passed on first reading does not quite suit you but it is generally okay, then perhaps you should consider whether to propose an amendment. We have a lot of work to get through and considering a lot of small amendments will slow us down.

Also consider whether what you want to accomplish can be done through legislative history. We

will adopt the legislative history at the end of our work and it is the authoritative source on what the constitutional provisions mean.

Many times you don't have to spell things out in the exact constitutional language. They can be explained in the legislative history and you can get the same result. Basically, what I have just read has been approved by the Committee on Organization and Procedures and it will be passed out to all the members no later than tomorrow, as well as the necessary Delegate amendment form which is almost identical to the delegate proposal form so once it is passed out, I would ask everybody to review it, and if you have any problem on the procedures then, I suggest that you bring it directly to the floor for discussion.

At this time I would like to call on the Committee on Land and Personal Rights.

DELEGATE HOCOG: Mr. President.

PRESIDENT GUERRERO: Yes.

DELEGATE HOCOG: Before you do that I would like to move that all proposals that were recorded or submitted yesterday, I mean on July 10th, and have been assigned a number and returned back to the members, are to be considered or deemed introduced as of yesterday.

Thank you.

PRESIDENT GUERRERO: Yes. That is basically restating the memo I sent out yesterday to all the delegates as well as the notice that was posted on all the doors and around here in the legislative hall.

Yes, Delegate Aldan.

DELEGATE T. ALDAN: I don't like the motion. I think it should specify that those that were submitted yesterday for the counsel's review meet the requirement of July 10. To deem it submitted would mean that even though you don't want to submit it on the floor, it is submitted and I don't think that is the route we should take. I think it is better that whatever was submitted to the counsel as of July 10 is deemed to meet the requirement of the rules.

DELEGATE HOCOG: This is a subsidiary motion.

PRESIDENT GUERRERO: Any problem with that one? If not then so be it.

At this time we don't have anything if we don't have anything else, I would like to call on the chair of the Committee on Land and Personal Rights.

DELEGATE T. ALDAN: Mr. President.

DELEGATE LIFOIFOI: Mr. President, your Committee on Land and Personal Rights has completed its work on

Article 14, Natural Resources and requests that this Article be calendared for consideration today in the Committee of the Whole. Our report on this Article is very short and has been handed out to the delegates this afternoon and will be put in Daily Journal today. The Committee has completed Articles 1, 13, 14, 16 and the Preamble. We are now looking at Article 11. That is Public Lands. We hope to have this Article ready for consideration by the Convention at the plenary session this coming Saturday.

Thank you.

PRESIDENT GUERRERO: Thank you, Chairman Lifoifoi.

At this time I would like to call on the chair of the Committee of Legislative Branch and Public Finance to get the report on the progress of this Committee.

DELEGATE T. ALDAN: Mr. President, I had my hand raised up to ask you not to leave the issue on the procedures for amendments and I wanted to have a short recess so we can digest it first and maybe ask the legal counsel some questions if the Committee and the delegates are not clear on any of the specific items delineated on delegates' amendments. I thought that

would be prudent but since I didn't have the floor -- Your Committee on Legislative and Public Finance has tentatively completed its review on Article 2 and it is going to be, I think it is, calendared for further discussion. I will also report that we have started looking into Article 10 which relates to taxation and public finance. That's all, Mr. President.

PRESIDENT GUERRERO: Thank you, Delegate Aldan. In reference to your question, Delegate Aldan we are going to put this in a better form so we can pass it out to all the members so they can review it and perhaps take it up at the next session. So in that sense it is not quite final.

DELEGATE T. ALDAN: It would be good if we don't calendar anything for second reading until we go through that procedure, a little bit of detail. I do appreciate it. Thank you.

PRESIDENT GUERRERO: Thank you. At this time I would like to call on the chair of Executive Branch and Local Government.

DELEGATE NOGIS: Thank you. Your Committee on Executive Branch and Local Government is continuing its deliberations on Article 3 and we anticipate to get into Article 6 regarding Local Government by next

week. Thank you.

PRESIDENT GUERRERO: Thank you, Chairman Nogis.

At this time I would like to call on Chair Hofschneider for the Committee on Judiciary Branch and Other Elected Offices.

DELEGATE HOFSCHEIDER: Thank you, Mr. President.

Mr. President, I am pleased to report the Committee on Judiciary and Elected Offices had a very productive public hearing on Tinian on Friday, July 7, 1995. We received testimony and statements that are included in the Daily Journal. The Committee is now working on Article 9 on Initiative, Referendum and Recall and Article 15 on Education in addition to Article 20 on Civil Service. We hope to have our reports on these articles for consideration in the Committee of the Whole on Saturday or early next week. Lastly, I would like to inform you and the members of the Judiciary and Elected Offices Committee that there will be a meeting immediately after the plenary session today.

Thank you.

PRESIDENT GUERRERO: Thank you. We now move to item 6, and I don't believe there is any proposed amendment yet.

Item 7, any motions or resolutions? If not, we move on to unfinished business.

Yes, Delegate Tom Aldan.

DELEGATE T. ALDAN: I am sorry I am not paying attention to the agenda. I do have proposals to submit, Mr. President.

PRESIDENT GUERRERO: The ones that were submitted as of yesterday; is that correct?

DELEGATE T. ALDAN: That is correct.

PRESIDENT GUERRERO: Okay. Let's go on. Please proceed.

DELEGATE D. MENDIOLA. I would like to comment on that. You were so fast, Mr. President, you caught us offguard and assumed there were no proposed amendments. Thank you, Delegate Aldan.

DELEGATE T. ALDAN: Proposal 566 would require that all bills be passed by a majority of the members of each house. This will prevent the bill from being passed by less than the majority of the members. For example, when a quorum for a meeting is established and two members leave it is no longer a quorum but business continues to be conducted. A bill can be passed by a majority of the members present which does not necessarily mean the majority of the members.

Proposal 568 provides that public employees shall have the right to organize for collective bargaining.

Proposal 569 provides that employees in the private sector who are U.S. citizens shall have the right to organize for collective bargaining.

Proposal No. 570 provides that the municipal Council shall be composed of five members all of which shall be precinct commissioners as well.

That's all. Thank you.

PRESIDENT GUERRERO: Delegate Mendiola.

DELEGATE D. MENDIOLA: Proposal No. 491 provides for the area 100 feet in land from the high water mark at Obyan Beach shall be preserved for the medicinal plants used in the traditional art of healing.

Proposal 493 provides that the public school system should have the power to collect fees for school purposes. The public school system shall levy an annual \$100 registration fee for every public school student.

Proposal 494 provides for the sole use of the CNMI retirement fund for its members only, provides the executive branch may not reprogram or utilize funds from the retirement fund for any purpose other than for

members of the fund, provides the legislative branch may not reappropriate or utilize funds from the retirement fund for any purpose other than for the members of the fund.

Proposal 595, a child who is not a person of Northern Marianas descent who is adopted before the age of 5 years by a person who is of Northern Marianas descent and who is a U.S. citizen shall not be entitled to own land or to apply for the homestead program within CNMI except that an adopted child may inherit land from the adopting parent or parents.

Proposal 596, the Supreme Court shall set a fixed rate or fee for lawyers representing parties, plaintiffs or defendants, in Article 11 or 12, litigation matters. The rate or fee shall give consideration to inflation and equivalent compensation of lawyers at the time the case was heard.

Proposal 597, it gives exclusive right or authority for the CNMI Public School system Board of Education to levy fees on students in both the primary and secondary levels of education.

Proposal 598 provides the Board of Education shall be composed of five elected and five appointed members as follows: Elected members- one from Tinian,

one from Rota, three from Saipan; appointed members, one student, one public school teacher, one private school teacher, one representative of the business community and one school administrator.

Proposal 599 provides that the Board of Education shall be elected on a non-partisan basis at an election conducted separately from the election of the governor and the legislature.

Proposal 600 amends the administrative duties and the responsibilities of the resident executive for indigenous affairs to include the following: The coordination and promotion of the education for and practice of the traditional art of healing; the coordination and promotion of the education for and practice of arts and crafts of the indigenous peoples of the CNMI and to ensure the preservation of all media of traditional arts and crafts; hiring of traditional specialists and staff, and promulgate rules and regulations in carrying out the duties of the office; also to delete from the duties and the responsibilities of the resident executive the reference to "coordinate an annual cultural festival" as it is already taken care of by the Commonwealth council for arts and culture.

Thank you, Mr. President.

PRESIDENT GUERRERO: Thank you. I recognize Delegate Villagomez.

DELEGATE VILLAGOMEZ: Mr. President, in view of the two proposals submitted by Delegate Aldan, I am withdrawing my Proposals 602 and 603 dealing with collective bargaining. It is going to be addressed by Delegate Aldan's proposals. That reduces the number of proposals.

PRESIDENT GUERRERO: Delegate Mariano Taitano.

DELEGATE TAITANO: I have a delegate proposal to introduce. Delegate Proposal 594 eliminates the Constitutional Convention as a means of amending the constitution. In the future Constitutional amendments would be proposed only by legislative initiative or popular initiate.

Delegate Proposal No. 601 provides that only Northern Marianas descent corporations as defined in Article 12 are qualified to hold mining rights on public lands in the Commonwealth. Subleasing of these lands to corporations that are not qualified as Northern Marianas descent corporations is not permitted.

Thank you, Mr. President.

PRESIDENT GUERRERO: Thank you, Delegate Taitano.
I call on Delegate Aldan.

DELEGATE T. ALDAN: Thank you. I was going to mention the numbers I have Proposal 507, 508, 572 to 576 and also Proposal 513 to 517.

Thank you.

PRESIDENT GUERRERO: Let me recognize Delegate Camacho.

DELEGATE CAMACHO: Mr. President, I am submitting a proposal. Actually it was submitted yesterday. And my understanding of the motion that Delegate Hocog made was that all of those that were submitted yesterday were deemed to be approved. It looks like we are now submitting proposals, and, therefore, I would like to just indicate that I have submitted a proposal yesterday which is to amend Article 12 so that section 1 should be left in its present form and the balance will be amended.

Thank you, Mr. President.

PRESIDENT GUERRERO: Thank you, Delegate Camacho.
Delegate Hofschneider.

DELEGATE HOFSCHEIDER: Mr. President, I have three proposals to submit. Proposal No. 444 provides for the governance of indigenous affairs as follows

establishment of a council for indigenous affairs.

Proposal 563 requires that leases for all public lands be approved by the legislature, of any size. And 564 exempts employees from the public school system specifically teachers from the prohibition on reemployment after retirement. Thank you.

PRESIDENT GUERRERO: Thank you, Delegate Hofschneider.

Delegate Igitol.

DELEGATE IGITOL: I have a proposal submitted yesterday. I haven't gotten it back yet. Is it okay to introduce that next Saturday?

PRESIDENT GUERRERO: They are still being worked on in terms of the language. So we can still introduce it. It is considered already submitted. If you want to read it Thursday you can do so. I hope it is going to be ready.

Any other proposals? Yes, Delegate San Nicolas.

DELEGATE SAN NICOLAS: If it was submitted yesterday then it is considered introduced?

PRESIDENT GUERRERO: Yes.

DELEGATE HOCOG: Mr. President.

PRESIDENT GUERRERO: Yes.

DELEGATE HOCOG: I would like to thank those delegates that did introduce their proposals as of yesterday. But actually they don't have to read it. It has been introduced.

PRESIDENT GUERRERO: Thank you, Mr. Floor Leader.

DELEGATE T. ALDAN: I would like to correct that.

PRESIDENT GUERRERO: Did you already correct it?

DELEGATE T. ALDAN: I would like to correct the floor leader and the president on that one. I think the understanding was at the beginning of the sessions that we adopt those that were previously submitted to the legal counsel so we don't go through the process of reading the whole 300 proposals on the first day or second day of session. Any subsequent proposal, my understanding, is that it must be introduced on the floor. I have never, to my knowledge, I didn't consent that anything submitted to counsel and numbered is automatically introduced.

DELEGATE HOCOG: Yes.

DELEGATE T. ALDAN: I would like to get the record straight because there is a whole lot going back and I don't think it should be introduced.

PRESIDENT GUERRERO: I recognize Delegate Maratita on a point of information.

DELEGATE MARATITA: If we are introducing bills now in this session today the deadline was yesterday.

PRESIDENT GUERRERO: We didn't have a session yesterday.

DELEGATE MARATITA: Yesterday was the deadline, cutoff date of July 10. If we are reading it today, if it was introduced yesterday it would have made the deadline. The deadline was yesterday, Mr. President. Now if we are introducing new proposals today --

DELEGATE HOCOG: Short recess.

PRESIDENT GUERRERO: We will have a short recess.

(Recess taken from 2:20 p.m. to 2:30 p.m.)

PRESIDENT GUERRERO: The session is called back to order. Yes, Delegate Aldan.

DELEGATE T. ALDAN: I think there is an understanding if you give the legal counsel the proposal, and if the legal counsel returns that back to you and you don't resubmit it to them with your signature, then it shall not be deemed introduced unless introduced today. That is the understanding.

PRESIDENT GUERRERO: You sign and turn it over to the staff.

DELEGATE T. ALDAN: Yes. I think it would be appropriate if the legal counsel looks at what was

decided in the first session or the second session with respect to mass introduction because it does not cover any subsequent proposals as being introduced and if that is the case I suggest that we affirm all of those introduced proposals as being deemed introduced.

PRESIDENT GUERRERO: Why don't you just move Delegate Aldan and we will reaffirm.

DELEGATE T. ALDAN: So moved

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to reaffirm that all proposals that have been submitted to the legal counsel and signed by the delegates and returned are deemed introduced as of up to the deadline, July 10.

DELEGATE CAMACHO: Mr. President.

MR. PRESIDENT: Yes.

DELEGATE CAMACHO: The second statement has changed the whole concept of this Proposal. The original one, if it is submitted to the legal counsel by yesterday it is deemed to be submitted. Now it is stated that it has to be introduced and then returned to the Delegate and signed by the Delegate before it is deemed submitted. Just this morning somebody tells me there are four proposals that are submitted that are

still in the hands of the legal counsel and he doesn't know what happened to them. And I don't know what happened to those four proposals. I, for one, submitted a proposal yesterday and I just got the documents back just now and I haven't got the time, this is a plenary session, for me to review what has been returned to me to see whether it is the same as what I submitted and if I don't do this by 12:00 midnight or by the closing of this plenary session then it is not introduced? Is that my understanding.

PRESIDENT GUERRERO: No. Because if you look at the Proposal it is dated July 10, your Proposal. So that is the day it went to the legal counsel. So it will be deemed submitted.

DELEGATE CAMACHO: Thank you.

PRESIDENT GUERRERO: Yes, Delegate Mendiola.

DELEGATE J. MENDIOLA: Are we still introducing proposals or are we in discussion?

PRESIDENT GUERRERO: Can we dispose of the motion first?

If there is no objection those in favor of the motion as stated by Delegate Aldan please say "Aye." Those opposed say "Nay."

Motion carried.

Yes, Delegate Mendiola.

DELEGATE J. MENDIOLA: Delegate Proposal 547 to provide for a stable and effective local government.

DELEGATE MARATITA: Point of clarification.

PRESIDENT GUERRERO: Yes. State your point.

DELEGATE MARATITA: Are you introducing a new proposal?

DELEGATE J. MENDIOLA: I thought we went through that already.

PRESIDENT GUERRERO: He is not introducing. Can you tell us if it has been filed.

DELEGATE J. MENDIOLA: I am just saying it out.

DELEGATE MARATITA: Oh, you are just reading it out.

PRESIDENT GUERRERO: He is. Can you wait for a minute. Wait. We have to change the tape. Continue, please. Delegate Mendiola, are you finished?

DELEGATE J. MENDIOLA: Just one.

PRESIDENT GUERRERO: Any other proposals to be read?

DELEGATE HOCOG: Yes, Mr. President, if that is the case maybe I will read my proposals that I filed yesterday.

PRESIDENT GUERRERO: Is it a short proposal?

DELEGATE HOCOG: Whether it is short, Mr. President, it is my business. Are you allowing me to introduce it, to read it?

PRESIDENT GUERRERO: Please continue.

DELEGATE HOCOG: Proposal No. 560 to provide that the option to lease for an additional 25 years will be subjected to a fair market value provided that depreciation of all improvements shall be first assessed.

561 provides that any improvement on property leased by person not of Northern Marianas descent shall be returned to the Northern Marianas descent owner at the end of the lease year without any buy back provision.

No. 558 an amendment to the 25 per cent Northern Marianas descent, provides that any person whose parents are of Northern Marianas descent also qualifies as Northern Marianas descent without any specific percentage.

559 amends the maximum term for a lease of public lands to provide for leases of 55 years, this will be comparable to the 55 year lease of private lands, and provides for a renewal of an additional 25 years after the 55 year term.

Thank you.

PRESIDENT GUERRERO: Are you finished?

DELEGATE HOCOG: Yes, sir.

PRESIDENT GUERRERO: Are you sure?

DELEGATE HOCOG: Finished.

PRESIDENT GUERRERO: Any other proposals to be read? If not we will move on. I think we have finished Unfinished Business. We are now on the special orders of the day.

DELEGATE HOCOG: Mr. President.

MR. PRESIDENT: Yes, Mr. Floor Leader.

DELEGATE HOCOG: I move to calendar for the Committee of the Whole Article 2 and Article 14.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to calendar Article 2 and 14 for the Committee of the Whole.

Discussion?

If not those in favor of the motion say "Aye." Those opposed say "Nay."

Motion carried.

DELEGATE HOCOG: Mr. President, I would like now to resolve into the Committee of the Whole

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to resolve into the Committee of the Whole.

Discussion?

If not those in favor of the motion say "Aye." Those opposed say "Nay."

Motion carried.

At this time I would like to appoint Delegate Henry Hofschneider to chair the Committee of the Whole and at this time I would like to call him up.

CHAIR HOFSCHEIDER: I would like to call the Committee of the Whole into session. We have two articles before the floor. The first is Article 2. I would like to call on the Committee on the Legislative Branch Chairman, Chairman Aldan, to please enlighten the delegates on your Proposal.

DELEGATE T. ALDAN: Thank you, Mr. Chairman. Article 2 refers to the legislative branch. Based on the committee's meetings, several meetings, we would like to present today the proposed amendments. I would like to note we are not introducing this for first reading in the Committee of the Whole so we would like to get as much comment from the members so we can look at it again at the next meeting. Please raise your concerns.

Section 1 there is no change. Section 2 the composition of the Senate. The Senate shall consist of six members with two members elected at large from each of the three senatorial districts. The first senatorial district shall consist of Rota, the second senatorial district shall consist of Tinian and Aguiguan and so forth.

The only change there is from 9 to 6.

The lieutenant governor shall preside over the Senate until it elects the presiding officer and shall vote only in the event of a tie. The term of office for senator shall be four years. The senator must be a U.S. citizen, registered to vote in the Commonwealth at least 25 years of age and a resident and domiciliary of the Commonwealth for at least five years immediately preceding the date on which the senator takes office. A longer residence and domicile requirement may be provided by law. The candidate for the senate shall be a registered voter for the district where he or she is a candidate.

CHAIR HOFSCHEIDER: I would like to direct the delegates to section 2 and we will go down subsection by subsection. So any delegate who would like to ask questions we will go down in order. Subsection A of

section 2, is that the concern you are going to raise, Delegate Villagomez?

DELEGATE VILLAGOMEZ: First, can we have copies? I am a member of the committee and I don't have a copy.

CHAIR HOFSCHEIDER: Copies were distributed in the boxes on Article 2 for all delegates.

DELEGATE VILLAGOMEZ: I checked my box. I don't have any.

CHAIR HOFSCHEIDER: Is there any other Delegate that does not have copy of Article 2? There is four.

MR. HOCOG: Move for a short recess.

CHAIR HOFSCHEIDER:

(Recess taken from 2:40 p.m. to 2:45 p.m.)

CHAIR HOFSCHEIDER: I would like to call this Committee of the Whole back in session. Upon request by our reporter I would like to request each delegate to please talk into the microphone so that she can hear the words you are saying.

DELEGATE VILLAGOMEZ: I want to apologize. I have my copy. I just want to apologize. The staff did a good job. It is my fault.

CHAIR HOFSCHEIDER: We would like to go to back to our topic, Section 2, composition of the senate, subsection A. The chairman is waiting for any comments

or questions for the chairman.

Delegate Igitol, please.

DELEGATE IGITOL: Since we are on section 2, can we also discuss A, B, C, D together rather than just A?

CHAIR HOFSCHEIDER: The chair would like to see we go in order, please. I think the chairman, too, has that section so he can be ready to respond.

DELEGATE IGITOL: I don't have one on Section A, but on Section B I do.

CHAIR HOFSCHEIDER: Anybody on Section A?

DELEGATE IGITOL: None.

CHAIR HOFSCHEIDER: Okay. Shall we move to subsection B?

DELEGATE T. ALDAN: Based on the recommendation reducing the size from nine to six, the possibility of a tie is present. That is why we call on the lieutenant governor to preside over the senate until they elect a presiding officer and to break ties.

CHAIR HOFSCHEIDER: Yes, Delegate Igitol.

DELEGATE IGITOL: Thank you, Mr. Chairman, I think there is one thing you are missing, the appointment of the legislative bureau director by the lieutenant governor and I also raise the question about lieutenant

governor presiding over a sine die session and I think I asked for the legal counsel to take a look at other congresses, like the U.S. or anywhere, whether the lieutenant governor being the president of the Senate presides over the sine die legislative bureau. I offer to revisit that to the chairman.

CHAIR HOFSCHEIDER: Under the first question on the legislative bureau selection, it is under Section 17 of the article and I would like the chairman to respond to the other part.

Chairman Aldan.

DELEGATE T. ALDAN: Delegate Igitol is correct and legal counsel is looking into the sine die issue.

CHAIR HOFSCHEIDER: That's correct, Delegate Manglona.

DELEGATE MANGLONA: Yes, I just want to ask for clarification here. I want to clarify whether or not the lieutenant governor will only preside at the opening day of the Senate session in order to elect its presiding officer.

Is this the case?

CHAIR HOFSCHEIDER: That is correct.

DELEGATE MANGLONA: After the presiding officer is elected his presence will no longer be necessary,

right?

DELEGATE T. ALDAN: That is correct unless there is a tie.

CHAIR HOFSCHEIDER: Any other questions?
Delegate Gonzales.

DELEGATE GONZALES: Just for practical purposes in case that the voting is of course a tie, is the lieutenant governor going to be in here or will he be in his office or off island? How do we address this in case they are tied.

CHAIR HOFSCHEIDER: Delegate Aldan.

DELEGATE T. ALDAN: The lieutenant governor has to be in the Senate chamber when the session is called to break that tie. If he is off island that particular bill or what have you that needs Senate approval will have to wait for the lieutenant governor to get back to break that tie.

PRESIDENT GUERRERO: Delegate Gonzales, continue.

DELEGATE GONZALES: Second question. Here it says preside over the senate until it elects the presiding officer. Is the lieutenant governor going to be opening the sessions every time the Senate meets?

DELEGATE ALDAN: No. As soon as the Senate elects its presiding officer, that presiding officer will open

every session thereafter, until we decide on the sine die issue.

DELEGATE GONZALES: Thank you.

CHAIR HOFSCHEIDER: Delegate San Nicolas.

DELEGATE SAN NICOLAS: You covered that question.

Thank you.

CHAIR HOFSCHEIDER: Any other questions on subsection B? Mr. Floor Leader.

DELEGATE HOCOG: No, Mr. Chairman it is not a question but if this proposal is imposing difficulties to the members to get the Senate session going, I don't mind restoring back the 3-3-3 provision.

PRESIDENT GUERRERO: Chairman Aldan.

DELEGATE T. ALDAN: The Committee again, going back to subsection A, felt to reduce costs and put the money where it should be which is basically to fund professionals, recommendation of the Committee is to reduce it to six.

CHAIR HOFSCHEIDER: Any other Delegate questions on subsection B?

Let's go down to subsection C.

DELEGATE T. ALDAN: Subsection C maintains the present four years for the Senate for term of office.

CHAIR HOFSCHEIDER: Any questions on subsection C?

Subsection D.

DELEGATE T. ALDAN: Subsection D the Committee recommendation is that the senatorial candidates be United States citizens. The present provision permits United States nationals also to be candidates. By requiring U.S. citizen status the Committee recognizes it is excluding a relatively small number of Commonwealth residents who elected to become U.S. nationals rather than citizens.

CHAIR HOFSCHEIDER: Questions? Delegate Tenorio.

DELEGATE LILLIAN TENORIO: I would like to find out from the chairman how many people have been naturalized as nationals rather than U.S. citizens. How many people are affected.

DELEGATE T. ALDAN: We don't know for sure but there is between 10 and 20 nationals.

DELEGATE LILLIAN TENORIO: Is that a sure estimate?

CHAIR HOFSCHEIDER: You may continue.

DELEGATE LILLIAN TENORIO: I am sorry.

DELEGATE T. ALDAN: No.

PRESIDENT GUERRERO: Any other delegate questions? Delegate Gonzales.

DELEGATE GONZALES: One of the concerns for people to be eligible to vote is with regard to nationals and

U.S. citizens. On that aspect we are allowing nationals to vote. Here we are restricting nationals from running for office. How does this jive?

CHAIR HOFSCHEIDER: Chairman Aldan.

DELEGATE T. ALDAN: Yes, that jiving part, I am pretty sure we all want elected officials to jive with serving or making policies for U.S. citizens and I would just like -- we would just like to see that all elected officials are U.S. citizens.

CHAIR HOFSCHEIDER: You want to say something?

MR. ZIMMERMAN: I wanted to respond to the point made earlier about the numbers involved. What I found out from Mr. Borja who knows the census data is that apparently they don't keep a separate set of data for U.S. nationals but he believed there were several hundred that made the election about 20 years ago and there is probably a very small number now left because generally these were older people.

CHAIR HOFSCHEIDER: Delegate Maratita.

DELEGATE MARATITA: But who will have the duty to ensure that these are nationals? Is that under the board of election's responsibility? There is a question now being posed. How will we know at any one time who are the U.S. nationals?

MR. ZIMMERMAN: They will have to declare at the time they announce their candidacy for the position.

CHAIR HOFSCHEIDER: You may continue.

DELEGATE MARATITA: Let's say there are other U.S. nationals considered. For one the American Samoan. They are U.S. nationals. Now under this provision if they met the requirement here then they are not entitled to run as candidates.

DELEGATE T. ALDAN: That is correct.

MR. ZIMMERMAN: Chairman is correct.

CHAIRMAN ALDAN: That was the intent, yes, that only a U.S. citizen was to run for public office or for Senate.

CHAIR HOFSCHEIDER: Delegate Manglona.

DELEGATE MANGLONA: Let me try to clarify this citizenship. Under our covenant our people became U.S. citizens at the time when the U.S. president declare that we are citizens of the United States which is I believe November 7 or 11, 1986. I think that is the time when we become U.S. citizens.

At the same time our covenant provided that anybody who did not want to become a U.S. citizen may choose to become a U.S. national under our covenant. There is a history behind it. Some of our brothers and

sisters from the Carolinian people felt that some of them perhaps would rather like to choose to become a U.S. national rather than a U.S. citizen, and for that reason we provided that option under our covenant. So if we are to make these U.S. nationals part of the eligibility here, we have to maybe call it Northern Marianas U.S. nationals pursuant to the covenant so we can distinguish that from other U.S. nationals like American Samoans.

CHAIR HOFSCHEIDER: Delegate Camacho.

DELEGATE CAMACHO: Mr. Chairman, I have firsthand experience on this citizenship issue, because you see at one time I applied to be a national and the U.S. immigration people wrote back to me and said if you didn't notify us by that date that you want to be a U.S. national you have lost the opportunity. So then I applied for a U.S. passport to be a U.S. citizen.

CHAIR HOFSCHEIDER: Thank you, for the information.

President Guerrero.

PRESIDENT GUERRERO: Yes, Mr. Chairman. Section 302 of the covenant basically gives six months after the respective date of that section and I think the effective date was November 3rd. So six months from

that if you didn't declare, make a declaration under oath before any court established by the constitutional law of the United States or any court of record in the Commonwealth then you lose out being a national. So there was a deadline and I think Delegate Camacho is correct. In terms of trying to find the records perhaps we need to do research with the District Court as well as the Commonwealth court regarding nationals. Thank you.

CHAIR HOFSCHEIDER: Delegate Villagomez?

DELEGATE VILLAGOMEZ: I would like to direct my question to Mr. Willens.

If this section is forbidding U.S. nationals to run as senator, are we infringing on the fourteenth amendment or is it all right to restrict it to strictly U.S. citizen?

MR. WILLENS: Yes. We see no legal objection to restricting eligibility for office to U.S. citizens. The requirement of citizenship is frequently stated as a requirement for running for office in territories and states under the jurisdiction of the United States.

PRESIDENT GUERRERO: Point of information.

CHAIR HOFSCHEIDER: State your information.

PRESIDENT GUERRERO: Yes, Mr. Chairman. I

remember at the time that the delegate from American Samoa, was first elected to be a delegate to the U.S. Congress, he was required by U.S. law to be a citizen. So the day I guess before he took office he had to be sworn in as a U.S. citizen. I think there are precedents, even the U.S. Congress requires that you have to be a citizen of the United States to hold office in the House as well as in the Senate.

CHAIR HOFSCHEIDER: Thank you for the information.

Delegate Villagomez are you through?

DELEGATE VILLAGOMEZ: Yes. Thank you.

CHAIR HOFSCHEIDER: Any other questions from any of the delegates? Chairman Aldan, you may proceed.

DELEGATE T. ALDAN: The composition of the house of representatives, 3 (a). The Committee recommends that the house of representatives be reduced from its present 18 with a constitutional cap of 20 to 13 with a new proposed cap of 15. We believe that 13 members, 11 from Saipan and one from Rota and one from Tinian, can provide adequate representation for the people. The election for the house of representatives for Saipan as well as the other islands is at large.

Any questions, comments?

CHAIR HOFSCHEIDER: Section 3, the house of representatives, subsection A, any question?

Delegate Chairman Nogis.

DELEGATE NOGIS: May I ask the good chairman to explain the rationale for the last sentence on that section.

DELEGATE T. ALDAN: Which?

DELEGATE NOGIS: The number.

DELEGATE T. ALDAN: The number of representatives may be increased by law to not more than 15. That is the maximum amount.

DELEGATE NOGIS: So there is no reason behind that, just to give a number.

DELEGATE T. ALDAN: Just to set a limit of 15 rather than increasing it beyond 15. We are concerned about cost as well and maybe running up to 20 members if we don't put a cap.

DELEGATE NOGIS: Thank you, Chair Hofschneider. Any other member want to question the chairman on subsection A?

Subsection B?

DELEGATE T. ALDAN: This section, Mr. Chairman, provides for election districts for the house of representatives. The committee recommends that Saipan

the and islands north of it constitute a single district rather than the present six districts for purposes of election to the house of representatives. The Committee sees several advantages to this proposed amendment. First, it eliminates most of the political and legal complexities that otherwise would result from the redistricting of Saipan required under section 4 to reflect population changes. Second, election at large in Saipan would promote unity as each candidate seeks support from all members of the community in order to get into office.

Third, election at large will force an island-wide perspective by the representatives and thereby tend to reduce to some extent the competition between separate districts for Commonwealth programs and services in times of limited financial resources.

Lastly the Committee believes that election at large together with the lengthening of the term will increase the pool of qualified candidates that will better serve all segments of the community and provide a training ground for those candidates that aspire to higher office.

CHAIR HOFSCHEIDER: Delegate Igitol.

DELEGATE IGITOL: May I be permitted to ask a

question on section A, again, on that last sentence.

CHAIR HOFSCHEIDER: I wish next time we don't have to do this, but with the permission of Chairman Aldan you may.

DELEGATE IGITOL: I was raising my hand but you didn't see me. Delegate Gonzales was blocking your view.

Anyway, Mr. Chairman, how should the legislature be guided on how this number of representatives is to be increased to 15? Only Saipan or increase one again, Rota, Tinian, or just leave it one each from Rota and Tinian?

DELEGATE T. ALDAN: It can be reapportioned depending on the population. If the island of Tinian had qualified voters, let's say an additional thousand, maybe Tinian will get one more representative.

DELEGATE IGITOL: Is that justification stated somewhere in writing?

DELEGATE T. ALDAN: Yes.

DELEGATE IGITOL: I haven't read this because I just got it now announced.

CHAIR HOFSCHEIDER: Mr. President.

PRESIDENT GUERRERO: Yes, Mr. Chairman. I want to add to the chairman's comment that one man one vote

dictates this basically. What happens to Rota and Tinian, whether they are going to get additional members, would depend on its population. So either way it will be decided by the populations of the two senatorial districts as well as Saipan. If at one point we have already exceeded the 15 then it is just a matter of apportioning it between the three main islands.

CHAIR HOFSCHEIDER: Thank you, Mr. President.

Floor leader.

DELEGATE HOCOG: Yes, Mr. Chairman if there is no objection from the delegates I recommend to reserve the two additional for the island of Rota and Tinian in the days ahead.

DELEGATE VILLAGOMEZ: Mr. Chairman.

CHAIR HOFSCHEIDER: Are you finished, Delegate Hocog.

DELEGATE HOCOG: I am recommending this if there is no objection from the members. Having eleven and having Tinian to have two and Rota two in the future does not change the trend of composition in the house of representatives so I know for sure, Mr. Chairman, that Tinian and perhaps Rota within two years perhaps can attain a population nearing 5,000, and the present

composition of 11 will not change the trend of composition of membership.

CHAIR HOFSCHEIDER: Are you going to answer?

DELEGATE VILLAGOMEZ: Yes.

CHAIR HOFSCHEIDER: Go ahead.

DELEGATE VILLAGOMEZ: During the Committee meeting with the help of Mr. Bernard Zimmerman he came up with a deviation formula based on the citizenship. We were able to manage barely a 20 percent deviation. We put a cap of two in the event the population trends moved, it could be Tinian, Rota or Rota Saipan, whichever the population dictates in the future perhaps by the next census. But by reserving it now, in the event the one man one vote doesn't support our action of giving one allocation to Rota and Tinian, then that might put us more at risk with the one man one formula even with this 20 percent. I think legal counsel can explain more of that.

CHAIR HOFSCHEIDER: I would like the chairman to respond to that.

DELEGATE T. ALDAN: I will turn the mike over to my good defense counsel, Bernie.

MR. ZIMMERMAN: The purpose of having two extra seats available was to give flexibility to account for

future population shifts to avoid a situation where, and we don't know in which direction the population will shift, but if you had it fixed at 13 and, for example, the population suddenly took off on Saipan then you might run the risk that under the formulas required by both the CNMI and the American constitution Rota or Tinian might be in danger of losing seat. So to try to deal with that problem we wanted to give some flexibility to avoid the situation which occasionally happens in the United States where the courts just decide we are going to make everybody run at large, you would have a 13 member at-large house of representatives.

So to avoid those kinds of scenarios we have two extra seats which can be used to avoid possible unconstitutional type situations which are brought about by population shifts which may be on Tinian, may be on Rota may be on Saipan but nobody can predict now.

CHAIR HOFSCHEIDER: Delegate Lifoifoi.

DELEGATE LIFOIFOI: If there is no objection I would like to move that we adopt Committee report No. 5.

(The motion was seconded).

DELEGATE HOCOG: Thank you, Mr. Chairman, for the idea to save on Convention discussion. I think it is worth hearing.

CHAIR HOFSCHEIDER: Chairman Lifoifoi, let's hear discussion on Article 2 on legislative branch.

DELEGATE LIFOIFOI: It is a motion now and it has been seconded. Let's put it to vote.

CHAIR HOFSCHEIDER: Clarification. You want to adopt report No. 5?

DELEGATE LIFOIFOI: We want the Committee of the Whole to adopt report No. 5 on Article 2.

CHAIR HOFSCHEIDER: There is a motion to adopt and it has been seconded for the Committee of the Whole to adopt report No. 5 on Article 2. I would like to open this for discussion whether this Committee would like to proceed in that manner. Delegate Borja.

DELEGATE BORJA: There are delegates that are not members of the Committee and I think they deserve a chance to hear what the Committee has proposed, going section by section instead of just approving the report right now without discussing everything.

CHAIR HOFSCHEIDER: Chairman Aldan?

DELEGATE T. ALDAN: I think the motion may have some merits, Mr. Chairman, in that we are not going to

entertain this report on first reading. The Committee will be meeting tomorrow and if any member, if the motion should pass I would suggest that any member, any delegate who has concerns about any specific section, is welcome to attend the meeting tomorrow because if not, the day after on Saturday we will introduce it for first reading, depending on the comments we receive between now and the introduction for first reading. That is all. I would just like to emphasize that and should the motion pass, the Committee is meeting tomorrow and any delegate who wants to share his or her concerns with the Committee, we would appreciate that. Thank you.

CHAIR HOFSCHEIDER: Yes, Delegate San Nicolas.

DELEGATE SAN NICOLAS: I share the concern of Delegate Borja. I think we have all the delegates here. We have the media who of course is very much interested in what is going on. It is a tedious task to go section by section but for the benefit of the delegates and the public, can we please continue with the section by section examination of what the Legislative Committee has put forth.

CHAIR HOFSCHEIDER: Chairman Lifoifoi.

DELEGATE LIFOIFOI: In light of the fact that that

this report will not be entertained on first reading. Maybe it will give the members, the delegates time to digest the Committee report and then maybe when it is ready to be entertained on the first reading, that is the time when each member will have a chance to introduce amendments or what have you.

CHAIR HOFSCHEIDER: The chair would like to dispose of the motion.

Those in favor of the motion say "Aye."
Those opposed say "Nay."

Let's show hands. Those in favor of the motion please raise your right hand. Those opposed.

Motion passed.

I would like to call for five minutes break.

(Recess taken from 3:20 p.m. to 3:30 p.m.)

CHAIR HOFSCHEIDER: I would like to call this Committee of the Whole back in session. We are now in Item 2, Article 14. Natural Resources.

I would like to call on the Vicechairperson, Delegate Aldan-Pierce to report on No. 5, Article 14, natural resources you may proceed.

DELEGATE ALDAN-PIERCE: Thank you, Mr. Chair. Mr. Chair, I would like to move to adopt report No. 5 of the Committee on Land and Personal Rights. This

report deals with Article 14, natural resources.

(The motion was seconded).

CHAIR HOFSCHEIDER: It has been moved and seconded to adopt Article 14 on natural resources.

Discussion.

You may proceed.

DELEGATE ALDAN-PIERCE: I would like to explain the Committee's proposed amendment. Section 1 covers the marine resources off the coast of the Commonwealth. This includes fish and other marine life. Under this section the Commonwealth claims all jurisdiction available to it now and in the future. All marine resources are to be managed, controlled, protected and preserved by the legislature for the benefit of the people.

CHAIR HOFSCHEIDER: We are now in section 1 of Article 14, marine resources.

Any questions from the floor?

President Guerrero.

PRESIDENT GUERRERO: Yes, can you be enlightened by the chair or the Vicechair? In terms of marine resources, by saying manage, control, protected and preserved that we can sell our fish? Not just preserve it, but sell it also?

DELEGATE ALDAN-PIERCE: Yes.

CHAIR HOFSCHEIDER: Continue, president.

PRESIDENT GUERRERO: No, actually she has answered my question.

CHAIR HOFSCHEIDER: Section 1 any questions from the floor? Delegate Maratita.

DELEGATE MARATITA: I want to indicate that I am in possession of an article which deals with the rights of the Commonwealth of the Northern Marianas under United States international law to control the exclusive economic zone and I want to insert this now in the Committee so this will become a source of reference to further expound on the assertion of the Commonwealth of its right to control the exclusive economic zone and this is from the University of Hawaii Law Review volume 13, page 477.

CHAIR HOFSCHEIDER: So be it. Delegate Vicente Aldan.

DELEGATE V. ALDAN: This is just a question.

CHAIR HOFSCHEIDER: Under section 1.

DELEGATE V. ALDAN: Yes, section 1. When they say marine resources I am assuming that it includes all the mineral and whatever, oil, in the ocean, right?

CHAIR HOFSCHEIDER: Vicechair Aldan-Pierce?

DELEGATE ALDAN-PIERCE: That is covered under section 4.

DELEGATE V. ALDAN: Yes, but the way it is stated in section 4 it is located on public lands. You see my point? If there is oil out there I don't know whether that is still public land if it is under water.

MS. SIEMER: Yes, Delegate Aldan, anything that is a resource in an area of the coastal waters where the Commonwealth has jurisdiction is controlled, managed, protected and preserved as prescribed by the legislature.

DELEGATE V. ALDAN: Okay, counsel. Thank you, thank you.

CHAIR HOFSCHEIDER: Any other questions? Section 2.

DELEGATE ALDAN-PIERCE: Section 2 covers uninhabited islands. The Committee deleted the first sentence of this section which covers Managaha Island. This sentence provides for cultural and recreational uses of public land under lease. The Committee believes that this it better dealt with under Article 11 Public Lands. Under Article 11 we can develop more coherent approach to the lease of public land where the lands are to be preserved for cultural and recreational

purposes. This would leave section 2 covering only the uninhabited islands that is used for preservation of birds and wildlife. The Committee has added to section 2 the islands of Angyota which is off the coast of Rota, like Maug and the other islands in the northern islands covered by this section, Angyota would be dedicated to the preservation of birds and wildlife.

CHAIR HOFSCHEIDER: Question? Delegate Seman?

DELEGATE SEMAN: What is the correct spelling because on the report it is A N G O T A on the draft article it is A N G Y U T A.

CHAIR HOFSCHEIDER: I would ask Delegate Manglona.

DELEGATE MANGLONA: Yes, I would like to make that correction. I think it is a typographical mistake. It should be consistent with what is on the report.

CHAIR HOFSCHEIDER: Delegate Floor Leader.

DELEGATE HOCOG: Thank you, Mr. Chairman. I guess I wonder if the Committee has made extensive investigation with respect to this island that is now being master planned by the Commonwealth Port Authority for utilization by the port.

CHAIR HOFSCHEIDER: Can you please inform whether the members of the subcommittee reviewed this.

DELEGATE ALDAN-PIERCE: The Committee did not go into detail as to why this island in Rota should be part of the uninhabited islands. I would like to ask Delegate Hocog if there are going to be any permanent structures on the island.

DELEGATE HOCOG: I believe the CPA expended substantial amount of money for a topographic survey as well as a perimeter survey to facilitate the master planning of the port's activity on this island.

CHAIR HOFSCHEIDER: Could you hold. We are going to switch tapes.

(Brief interruption).

CHAIR HOFSCHEIDER: Proceed.

DELEGATE HOCOG: I understand perhaps my good delegate from Rota, Delegate Manglona, is not aware of this but we would like to check into it further the need of CPA to develop this island for commercial purpose or rather to put this island for marine or wildlife habitat.

CHAIR HOFSCHEIDER: Delegate Maratita?

DELEGATE MARATITA: Thank you, Mr. Chairman I share the concern of Delegate Hocog in this regard. We have to consider the fact that that island is not so much -- I mean its size is very miniscule and for

preservation and protection of wildlife, I just wonder whether that place is to be for the purpose of preservation of wildlife. There is hardly anything that would perhaps support wildlife there. So I would wonder then, if the purpose is for protection or preservation of wildlife, perhaps it may be in the other article under public lands and perhaps the portion where it is called Taipingot, you know, next to the hotel south of that could be restricted and preserved for wildlife and I share the concern that there is a better use of Anjota island if it were to be really as planned in the development of the port in that area.

CHAIR HOFSCHEIDER: Is there a related issue Delegate Hocog?

DELEGATE HOCOG: Yes.

CHAIR HOFSCHEIDER: You may proceed.

DELEGATE HOCOG: Let me get back to the Committee on this and see whether the transfer of the property has been consummated by public land and the CPA; otherwise we will have to undo it if this is constitutionalized.

CHAIR HOFSCHEIDER: Let me recognize Delegate Villagomez and Delegate Manglona.

DELEGATE VILLAGOMEZ: I recommend in view of information we should defer action; however I would like to enlighten the Committee that island has been designated as a wild life area through the governor. It is a protected area for the migratory seabirds. As you know the U.S. has signed treaties protecting the migratory birds and also the water in between the island and the shore is a spawning area for the Tridacna clam program from by the Department of Land and Natural Resources. In fact under the local statute that is protected. That is why in the past there were many proposed projects, jet ski... So if CPA is serious in their plan they would have to undergo review by federal and local. So maybe to cut that short, that debate, we should defer action on this and have Delegate Hocog and the chairman discuss it further with the Secretary of Land and Natural Resources.

CHAIR HOFSCHEIDER: Delegate Manglona.

DELEGATE MANGLONA: Yes. I still strongly see the need that this small island be preserved for birds, wildlife and planned species. It is just a very beautiful island and it can best be utilized also for the recreation of our own people and tourist alike. I believe that even if we have planned to further develop

the west dock that we can make that development possible even without using this uninhabited island. If we are concerned about port development I am sure we can develop the inner portion of the existing port and if we are concerned about small boats maybe we can think about developing the area away from the present dock toward the peninsula there. There is a causeway from the inland over to the small island and I am sure some improvement on that causeway could be made without even affecting this island. Another thing also I would like to tell you that there is field land east of that area that is big enough for any related boat activity and maybe if there is a plan by CPA to utilize the field area there, which is east or north of that area; therefore, that could be used but I think preserve the island itself because it is a beautiful place. In fact it has always been recognized as a place where people can recreate, and I agree with Delegate Villagomez there are a lot of birds on that island. In fact at one time to be honest with you we almost did not build our dock because of the bird species found there by the Army Corps of Engineers. It is not that we don't want the harbor. I think we can proceed with the harbor development as long as we also preserve that area

there.

CHAIR HOFSCHEIDER: I would like to recognize Vicechair.

DELEGATE ALDAN-PIERCE: Mr. Chairman, I would like to go ahead with our report and we can deal with the issue on this island in Rota in the Committee later.

CHAIR HOFSCHEIDER: Yes. Delegate Gonzales, do you have anything to say in regards to that recommendation.

DELEGATE GONZALES: Yes the Bird Island? Is that the same since it is an island or are we going to just go ahead and take care of it in Public Lands? I was figuring if it is like Forbidden Island, which is connected to Saipan, we can include it in here for protection of wildlife species.

DELEGATE ALDAN-PIERCE: It was the consensus of the Committee to include Bird Island in Article 11 in Public Lands also.

DELEGATE GONZALES: My only concern there is with regards to Managaha. It is used for recreational purposes and with Bird Island it is a sanctuary for birds. So I don't want it to be open for recreational purposes since it is a wildlife sanctuary, just as perhaps Anjota and Rota.

CHAIR HOFSCHEIDER: Delegate Donald Mendiola.

DELEGATE D. MENDIOLA: Along with what Delegate Gonzales talked about in terms of Managaha, I would also like to see the interior part of Managaha preserved and not have people use it to recreate and enjoy themselves and go picnicking there and start pulling up those rare plants the we use for the traditional art of healing.

CHAIR HOFSCHEIDER: Delgate Villagomez?

DELEGATE VILLAGOMEZ: That is the intent, Mr. Chairman, is to place it under under the three islands, Managaha Island, Bird Island, Forbidden Island under Article 11 so that you can still provide protection while allowing some development. For Bird Island, for example, I am the one that proposed that, but I share the view that some of the land portion could be developed but the island itself, Bird Island could be preserved as a bird sanctuary. I was looking at it more in terms of a marine sanctuary. But it is the same, whatever term we are looking at, preservation of the birds, protections, as well for the turtle, allowing limited subsistence fishery while on the land portion you could allow a small scale resort. That is why the decision was to move all of this to the land

portion so that those concerns could be accommodated.

CHAIR HOFSCHEIDER: I would like to remind the floor that I think we have enough direction and discussion on this particular section. I would like to direct Vicechair Aldan-Pierce to continue on down to the next portion.

DELEGATE ALDAN-PIERCE: Thank you, Mr. Chair. Under section 3 there is no recommended change.

Section 4, this is a new section. It parallels Section 1 which covers marine resources in the Commonwealth water. This section covers national resources in Commonwealth public land. Thank you.

CHAIR HOFSCHEIDER: We are now on section 4.

Are there any questions from the floor, from the delegates? I would like to get direction from the Vicechairperson.

DELEGATE ALDAN-PIERCE: Ready for the question.

CHAIR HOFSCHEIDER: We have a pending motion to approve Article 4 on natural resources. I would like to take action on that now.

Those in favor say "Aye." Those opposed say "Nay." Ayes have it.

(Motion carried).

This concludes our agenda for the Committee

of the Whole. I would like to call on the floor leader.

DELEGATE HOCOQ: Thank you, Mr. Chairman. I would like now to ask the chair to step down so we can rise back to plenary session.

CHAIR HOFSCHEIDER: So be it, Mr. Floor Leader. Any other questions?

DELEGATE LIFOIFOI: Short recess.

CHAIR HOFSCHEIDER: We are not in recess. We are going back to plenary session.

PRESIDENT GUERRERO: We are almost finished. We are not entertaining any of this for first reading. Please sit down. You are overruled.

The plenary session is back to order. I would like to call at this time the chairman of the Committee of the Whole to report back on the deliberation of the Committee of the Whole.

DELEGATE HOFSCHEIDER: Thank you, Mr. President, your Committee of the Whole has adopted the report No. 5 on Article 2, Legislative Branch. Although no action was taken or no final action was taken on the Article it is anticipated that there will be a lot more work to be done on Article 2. At the same time I would like to advise all delegates to please make sure you

have your copies for the discussion in the committees. Thursday or Saturday this will be brought up again in that session.

Article 14 also was adopted by your Committee of the Whole without any changes. And the Committee will be again waiting for other information pertaining to other sources that are needed from the Department of Natural Resources as well as Rota. Thank you, Mr. President.

PRESIDENT GUERRERO: Mr. President, I would like to remind the members that there is some concern in the Committee of the Whole regarding the lengthy report No. 5 for Article 2. I would like to remind all the members to please attend also other meetings even if you are not a member of that Committee so you can deliberate and it will certainly facilitate the work of the Convention. It won't stop us. We still have to entertain reports and amendments to the constitution in the Committee of the Whole, but it will certainly help the convention in terms of submitting your input in committees. Even if you are not a member I suggest that you participate and I urge the chairs of all the committees to allow other members to participate as freely even if I, I have been reminded several times to

keep my mouth shut and was not recognized, but it is a good thing to do.

DELEGATE HOCOG: Mr. President.

PRESIDENT GUERRERO: Yes, Floor Leader.

DELEGATE HOCOG: If there no objection from the floor we would like to skip Item 11 so the Committee of the Whole can conclude their meeting at 4:00 I believe and move to Item 12 of the order of business.

(The motion was seconded).

DELEGATE CAMACHO: Mr. President.

PRESIDENT GUERRERO: Yes.

DELEGATE CAMACHO: I would like to make a statement. I want to put it on the privilege so I won't be interrupted.

PRESIDENT GUERRERO: There is an objection in terms of suspending the rules to go from No. 10 to No. 12. So at this time we will go on with the order of business.

DELEGATE CAMACHO: Mr. President, this is a privilege that I am asking.

PRESIDENT GUERRERO: State your privilege.

DELEGATE CAMACHO: I would like to make a statement. And this falls under No. 11, announcements and miscellaneous and you are bypassing No. 11.

PRESIDENT GUERRERO: I am not bypassing it. He was asking for unanimous consent to suspend and move on but there was objection.

So we are going back to No. 11.

DELEGATE CAMACHO: Thank you, Mr. President.

PRESIDENT GUERRERO: Well?

DELEGATE CAMACHO: Do you want me to make my statement now?

PRESIDENT GUERRERO: Go ahead.

DELEGATE CAMACHO: Mr. President, I am a delegate representing Saipan. Yesterday I presented a proposal, a comprehensive proposal on Article 12 indigenous land rights here in the CNMI. I want it known, Mr. President, that I favor economic development and a strong private sector in the CNMI; however, the economic development I support is controlled development. This means foreign investment certificates for major investors and small business opportunities for indigenous CNMI residents. I encourage local people to start their own business enterprises when they possess the means and skill to successfully operate their business. Today I am not convinced that article 12 is detrimental to CNMI economic development or for opportunities of

development in the CNMI; however, Article 12 land issues seem to be mixed with economic impact as a way to justify changing article 12 to suit special interest groups, companies and certain individuals. Land leases, not the right to sell, are a legitimate and practical way for CNMI residents to deal with serious investors so both parties have a satisfactory deal. We do not need to amend Article 12 in order to negotiate good leases which benefit both CNMI residents and investors. CNMI land is important to all indigenous residents of the CNMI. This is not a simple statement. For some reason it is a complicated statement for some outsiders to understand. It is not a complicated statement for CNMI residents, indigenous residents because we understand the value for of our land for our family members.

Today several people are presenting their views about CNMI land issue which have important future implications for every indigenous CNMI resident. As a local resident I am proud to say that the CNMI is my home. I was born here, raised here and have been raising my family here. My family situation is not much different from other CNMI residents who are of Chamorro and Carolinian descent. We recognize the CNMI

is our home and our place to live. We also are proud of our culture and traditions. We believe our land is to be inherited by our children. This is any different from any cultural group from anyplace in our world today? Are indigenous CNMI residents wrong to stand firm on holding their land for themselves and their children? I do not think indigenous people are wrong to protect their land rights. Many strong issues about land have been presented at this Third Constitutional Convention. Some of our elected delegates of this Convention are showing their concern, sensitivity and wisdom for the future well-being of our future residents, our children and grandchildren when land matters are being reviewed and discussed. I am not sure about some other delegates, but I want members of this Third Constitutional Convention, those voters who elected me as a delegate and others who may may not have voted for me but have a common interest in CNMI land to know that I want to maintain Article 12, strengthen it and make P.L. 8-32 null and void. Our CNMI founding fathers and I am one of them, want CNMI land protected for indigenous residents. Article 12 was negotiated and included in our covenant and constitution for that very reason. Without this formal

protection, indigenous land rights will be diminished and eventually forgotten. Indigenous residents of the CNMI have assurances of basic land rights with Article 12. Why should this assurance be compromised away at this constitutional convention? Is it a matter of greed? Is it a matter that outside influence has become so strong that local land rights are not important any longer? Maybe indigenous land rights are not so important to some CNMI residents but indigenous land rights are important to me, my family and my supporters.

I am sure that indigenous land rights are important to many others who share my views about the importance of land in the CNMI.

My choices, as I mentioned before is to maintain Article 12, strengthen it and make public law 8-32 null and void. We do not have a problem with Article 12 if our Constitution and CNMI laws are followed.

We do have a problem when current laws on Article 12 are circumvented. I maintain that is our situation here in the CNMI today. Instead of following our laws we have too many examples of individuals trying to circumvent Article 12. Circumvent our CNMI

constitution and circumvent honest land deals with CNMI owners.

I repeat this is our suggestion today in the CNMI.

Attorneys have created a number of land leasing and ownership problems that have been taken to court, local court and federal court.

Some of our testimony for this Convention has included words such as agreed, insensitivity and misrepresentation. Greed by some attorneys, by some CNMI residents and some outside investors has created problems for CNMI residents today. I cannot name a single CNMI resident who has complained about a land deal where the landowner was treated fairly by a land lease. However, complaints have continued to surface where greed, unfair transaction and insensitive situations have happened. Yes, greed seems easy to document since these cases receive a lot of attention in the court. The media and in so many conversations at local and social events.

Land leases are presently written in English. CNMI residents in many cases have not been able to understand the leases since their English skills are weak. Reading writing and speaking English

is difficult for these residents. As a result misunderstandings between local landowners and their attorneys have occurred. Dishonesty has so many opportunities to be an issue in these land leases. This apparently happens because so many people become involved in CNMI land transactions. Misunderstanding of terms and agreements have been so often without any effort to help the local landowners under their land lease. Allow me to review a list of people who might become involved in a land lease.

To begin with, we have the person who makes the first contact with the local landowner. This person might be a friend of the landowner. This person might not be a friend but a long term resident who has lived on Saipan for many years, an attorney representing a client, or attorneys representing themselves. In any case contact is made with the local landowner. Many reasons for owning this land are presented to the landowner. Some examples includes land for a personal residence, land for a commercial building or buildings, land for farming or land for some future speculation such as a massive development project. Some opportunities for dishonesty may come from the initial contact person who states the intended

use of the land their language used to communicate with the landowner, the choice of words used in the conversation and the amount of money the person is willing to pay for the land.

So many cases are now being disputed based upon the terms of the land transaction or original intention of the land use with some unfair results for the original landowner. As an elected delegate to the Third Constitutional Convention I want to maintain Article 12. I want it strengthened and I want public law 8-32 null and void. I cannot speak for other delegates in the third Constitutional Convention but my approach is to take Article 12 strengthen and make 8-32 null and void. For others that agree with me I recommend that we continue to talk to other delegates, voters and other interested indigenous people, our CNMI Chamorro or Carolinian residents. Think about the CNMI and answer this question: Are our people being treated fairly? Are we delegates acting for their well-being? Are we protecting our rights for our future generations? Are we rising above personal interests, pressure from special interest groups and greed to protect indigenous land rights? As delegates if you love your people please consider and support my

statement to maintain Article 12, strengthen it and make public law 8-32 null and void.

Some of you may be rich or blessed with large amount of land or consider land issues for others to worry about now. Please remember that your action during the third Constitutional Convention will follow you to your grave. As mentioned in here I favor economic development and a strong private sector in the CNMI; however, the economic development I support is controlled development. This means foreign investment certificates for business and small business opportunities for interested CNMI residents.

I am challenging local people to own a business enterprise when they possess skills to successfully operate a business of their own. The CNMI needs more economic development which allows indigenous residents to participate for their benefit. Arguments presented so far have not convinced me that article 12 is a detriment to CNMI economic development or for opportunities for development in CNMI. My observation is that article 12, land issues seem to be mixed with economic impact only as a way to justify changing Article 12 for the benefit of special interest groups, companies and certain individuals having interests here

in the CNMI. I am urging each delegate to consider this action carefully as a way to protect our indigenous land rights and I recommend the following:

First, vote to make Public Law 8-32 null and void. Second, make Article 12 stronger. Third, maintain Article 12's existence for another 25 years after the year 2011 so we can assure that those who have leased land return it to our people at the end of their lease, and four only a two-thirds majority popular initiative from each CNMI senatorial district can change Article 12.

Mr. President, thank you. For the privilege speech.

PRESIDENT GUERRERO: Thank you. Delegate Taitano.

DELEGATE TAITANO: Thank you, Mr. President, just an announcement, Mr. President, I would like to extend my congratulations and recognition to our distinguished delegate, former lieutenant governor for his 702 pact being approved by the Senate Energy and Natural Resources Committee of the U.S. Congress. Thank you.

PRESIDENT GUERRERO: Anybody else? If not we move on to the next order of business.

DELEGATE HOCOG: Move that this meeting is adjourned.

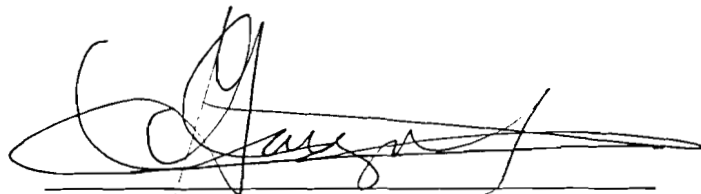
(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to adjourn. Those in favor say say "Aye." Those opposed say "Nay."

(The motion carried)

(The Convention adjourned at 4:15 p.m.)

Respectfully,



Convention Secretary

July 10, 1995

COMMITTEE ON LEGISLATIVE BRANCH AND PUBLIC FINANCE

REPORT NO. 5: ARTICLE II (LEGISLATIVE BRANCH)

The Committee met on Tuesday, June 13, 1995, Wednesday, June 14, 1995, Saturday, June 17, 1995, Tuesday, June 20, 1995, Wednesday, June 21, 1995, Saturday, June 24, 1995, Monday, June 26, 1995, Wednesday, July 5, 1995, and Monday, July 10, 1995 to consider proposed amendments to Article II, Legislative Branch.

The Committee considered over 100 proposals referred to it by the Committee on Organization and Procedures. These proposals are listed in the attachment to the Committee's report.

The Committee recommends changes in 9 of the 17 sections of Article II. These changes reflect the experience of the Commonwealth with the operation of the legislative branch over the nearly 20 years since the 1976 Constitution was written and the need to make the legislative branch more efficient, economical, and responsive in its operation.

Each section that the Committee believes should be amended is discussed below and the entire Article II as proposed to be amended is attached to this report.

Section 1: Legislative Power

No change.

Section 2: Composition of the Senate

The proposed Section 2 has four subsections, three of which contain significant amendments proposed by the Committee.

Section 2(a): The Committee recommends that the size of the senate be reduced from 9 to 6, with 2 senators from each senatorial district. This recommendation is one of many to accomplish a major downsizing of the Commonwealth's legislative branch. Based on public hearings conducted by the Committee and other expressions of public sentiment on the subject, the Committee has concluded that the present legislature is too large. The Committee believes that two senators from each senatorial district can provide essentially the same level of representation for constituents as the current number of senators. In order to achieve a reduction

in cost to accompany the reduction in size, the Committee has proposed amendments to Sections 16 and 17. A thorough discussion of cost reductions is set out there.

Section 2(b): Changing the number from nine to six obviously increased the possibility that the senators might be evenly divided on an issue. Section 2(b) is a new provision. Borrowing from the experience in the United States Senate and many states, the Committee decided to recommend that the Commonwealth's lieutenant governor be given the additional duties of presiding over the senate until it elects a presiding officer and voting only in the event of a tie. The proposed amendment to Section 17 (a) would also involve the lieutenant governor in the selection and removal of the director of the legislative bureau. In order to maintain the separation of powers between the legislative and executive branches of the Commonwealth government, the Committee intends that the lieutenant governor would have no other duties with respect to the operations and deliberations of the senate other than these three specific responsibilities.

Section 2(c): The Committee recommends that this provision (currently Section 2(b)) be amended by deleting the transitional language recommended by the 1976 Constitutional Convention in order to provide for staggered terms of the newly elected senators. By retaining the four year term and not specifying for overlapping terms, the Committee seeks to further its overall objective of reducing the costs of government, including the costs of elections. If the Committee's recommendation for an increase in the term of representatives from two years to four years is accepted, this would mean that all the elected officers provided for in the Constitution would run for election at the same time every four years. The Committee anticipates that these changes may, in a small and cohesive community like the Northern Marianas, increase the likelihood that the legislative and executive branches of government may work together in a more collaborative manner than has often been the experience in the Commonwealth.

Section 2(d): The Committee recommends that senatorial candidates be United States citizens. The present provision permits United States nationals also to be candidates. By requiring U. S. citizen status, the Committee recognized that it is excluding a relatively small number of Commonwealth residents who elected to become U.S. nationals rather than citizens after the termination of the Trusteeship Agreement. In view of the importance of the position, the Committee concluded that United States citizenship (and the commitment to the community that it represents) was an appropriate qualification for senator. The previous Section 2(d) has been added to this subsection so that all of the required qualifications for the position are set forth together.

Section 3: Composition of the House of Representatives

Section 3 currently contains four subsections. Amendments to all four subsections are proposed by the Committee.

Section 3(a): The Committee recommends that the house of representatives be reduced from its present size of 18 (with a constitutional cap of 20) to 13 (with a new proposed cap of 15). The Committee believes that 13 members, with 11 from Saipan, 1 from Rota, and 1 from Tinian, can provide adequate representation for the people. As explained above in connection with the senate, in order to achieve a

reduction in cost to accompany the reduction in size, the Committee has proposed new financial constraints in Sections 16 and 17.

The Committee's recommendation to downsize the house of representatives to this extent reflects its objective of achieving the maximum reduction in size consistent with the legal requirements imposed by the one person-one vote rule of the Commonwealth and United States Constitutions and the Committee's commitment to ensure that Rota and Tinian would each have at least one representative in the house.

The Committee reviewed the legal requirements imposed by the one person-one vote rule of the Commonwealth and United States Constitutions and believes that the proposed distribution complies with these requirements. This distribution (11 members from Saipan, 1 from Rota, and 1 from Tinian) constitutes a good faith effort to reapportion the house so that each member represents approximately the same number of citizens while accomplishing a number of other important objectives -- most significantly, preserving for Rota and Tinian a separate representative each.

The recognized differences among the three major islands of the Northern Marianas are deeply rooted in their history. Because of their separation by ocean, each of the islands has developed differently. The population (and depopulation) of each island has varied over the centuries. Whereas both Saipan and Tinian were depopulated by the Spanish (and by the Japanese in Tinian's case) for many decades, Rota was continuously inhabited and its residents speak a dialect of Chamorro different from the residents of the other two islands. Unlike the other two islands, Saipan was populated by a substantial number of Carolinians in the middle of the last century. Tinian's Chamorro population did not return in number from Yap until after World War II. Of the three islands, Saipan was the most extensively colonized by the Japanese. The islands have developed economically in different directions; Rota has always had a strong agricultural foundation, Saipan in recent decades has opted for development of tourist and commercial industries, and Tinian has recently elected to develop a legalized gambling attraction for tourists. The three islands were administered differently under successive colonial rulers; Rota, for example, remained a separate district under Trust Territory administration while Tinian and Saipan were administered by the United States Navy until 1962. As a result of these differences, Rota (and Tinian to a lesser extent) have strongly developed traditions of local government whereas Saipan, typically the seat of the central government, has developed strong institutions revolving around the central government.

These differences have been accommodated by Northern Marianas political institutions over the past several decades. When the Marianas District Legislature was created in 1963, care was taken to ensure that both Tinian and Rota had separate seats in the unicameral legislature. During the Covenant negotiations, Rota and Tinian urged that a bicameral legislature, in which each of the three islands would have equal representation in one house, was essential to ensure that their separate interests were adequately protected. This request was honored by a unanimous Marianas Political Status Commission and ultimately acceded to by the United States; it is now embodied in Section 203(c) of the Covenant. The Constitutional Convention in 1976 also recognized the need for separate representation in the house of representatives for Tinian and Rota and so provided in Section 3(a). In light of this history, the Committee concluded that it should not reduce the legislature to a size that would endanger the practice of separate representation for Tinian and Rota in order to comply with the one person-one vote constitutional requirement. The recommended size of

13 accommodates the concerns of the Committee and still achieves a significant reduction in the size of the house.

The proposed limitation to 15 members (rather than the current 20) is aimed at providing needed flexibility to deal with population growth that may vary from island to island. In the event, for example, that the citizen population on Saipan increases more than on the other two islands, the proposed cap would permit an additional representative to be added to the house to reflect this growth on Saipan. Without such flexibility, differential population growth would endanger the ability of the Commonwealth to continue to ensure separate representation in the house for both Rota and Tinian.

Section 3(b): This section provides for election districts for the house of representatives. The Committee recommends that Saipan and the islands north of it constitute a single district rather than the present six districts for purposes of election to the house of representatives. The Committee sees several advantages to this proposed amendment. First, it eliminates most of the political and legal complexities that otherwise would result from the redistricting on Saipan required under Section 4 to reflect population changes. Second, election at large on Saipan will tend to promote unity as each candidate seeks support from all elements of the community in order to gain office. Third, election at large will foster an island-wide perspective by the representatives and thereby tend to reduce to some extent the competition between separate districts for Commonwealth programs and services in a time of limited financial resources. Lastly, the Committee believes that election at large, together with the lengthening of the term, will increase the pool of qualified candidates that will better serve all segments of the community and provide a training ground for those candidates who aspire to higher office.

Section 3(c): The Committee recommends that the term of office for members of the house be increased to four years. Longer terms will improve the political process. It will reduce the amount of time that a member must direct towards reelection and thereby provide more time for the member's legislative duties. By reducing the number of elections, campaigning and election costs will be lower. The Committee expects that the longer term may also attract a larger pool of qualified candidates for the house of representatives. The coordination of elections for the house and the senate (as well as the governor) every four years may also produce a more consistent electoral result that will help the Commonwealth government to function more effectively than it has in the past.

Section 3(d): The Committee recommends that the qualifications for the house of representatives be changed in the same way as is proposed for the senate. The Committee proposes that candidates be required to be United States citizens for the same reasons discussed above with respect to the senate. The Committee recommends substituting the word "district" for "precinct" in the last sentence of the subsection in order to reflect the proposed change for election of representatives on Saipan and the islands north of it. This last sentence, which was added by the 1985 Convention, has been combined with the previous subsection so that all of the qualifications for the position are in a single subsection.

Section 4: Reapportionment

Section 4(a): The Committee recommends that the title of Section 4 and the text of Section 4(a) be amended to reflect the Committee's recommendation regarding election at large from Saipan and the islands north of it. The Committee's proposed amendment dealing with reapportionment of the house of representatives after the decennial census is designed to achieve the objective discussed above -- the maximum downsizing of the house of representatives consistent with legal requirements and the preservation of separate seats in the house for the Rota and the district of Tinian and Aguiguan. For example, if the citizen population of Rota or Tinian were to expand significantly more on a percentage basis than the population on Saipan, it might be possible to devise a reapportionment plan that would produce fewer representatives for Saipan while still complying with the one person-one vote requirements.

Section 4(b): The Committee updated this provision to delete the reference to redistricting and to designate the Commonwealth Supreme Court as the court that hears reapportionment matters. This reflects the establishment of the Commonwealth Supreme Court and the fact that these matters are within its jurisdiction.

Section 5: Enactment of Legislation

Section 5(a): The Committee recommends that Section 5(a) be amended to require joint hearings by both houses on all appropriations bills, and on all bills involving public debt, taxation or revenue matters. Such joint hearings are currently held at the discretion of the legislature's leadership and appear to contribute significantly to the orderly and timely consideration of proposed legislation.

The Committee's proposal is limited to bills dealing with the financial aspects of the Commonwealth. Based on recent experience with respect to proposed tax legislation, the Committee has concluded that joint hearings on such proposals (together with proposed amendments to Section 5(c)) will provide further assurance that such legislation will receive careful and deliberate consideration by the legislature before its enactment. In addition, the use of joint hearings on such proposed legislation will eliminate duplicate hearings and thereby avoid the necessity for senior government officials and others with an interest in the matter to repeat their testimony at two separate hearings. After such joint hearings are held, each house of the legislature retains its prerogatives to deliberate on the matter further and to vote pursuant to its own rules.

Section 5(b): No change.

Section 5(c): The Committee recommends an amendment to Section 5(c) that requires two readings in each house on a proposed bill on two separate days before the house votes on the bill. Under this provision neither house can suspend its rules to pass a bill on fewer than two readings. This will ensure that legislators and the public, where appropriate, have an opportunity to study and comment on the proposed law.

Section 5(d): No change.

Section 6: Local laws

This section covers local laws enacted by the delegations from the senatorial districts. This matter has been deferred by the Committee until the Committee on Executive Branch and Local Government has completed its work on Article VI (Local Government).

Section 7: Action on Legislation by the Governor

No change.

Section 8: Impeachment

The Committee recommends consolidation of all impeachment provisions in the Constitution into Section 8 of Article II since the legislature is the impeaching body. This simplifies the Constitution by eliminating the references to impeachment of the specified officials that are now found in Articles III, IV and V. The grounds for impeachment are the same as those presently set forth in these Articles.

Section 9: Vacancy

The Committee proposes that this section be amended to require that, in the event of a vacancy in the legislature, the governor make the designated appointment as soon as possible and no later than 20 days after the vacancy occurs. The Committee is concerned by the lack of representation of constituents that results from an unfilled vacancy and the adverse effect on the operations of the legislature. It is important that a legislative vacancy be filled as soon as possible and political concerns should be subordinated to the institutional needs of the government. If the governor fails to make a timely appointment, the unsuccessful candidate in the last election shall be deemed confirmed on the twenty-first day and may immediately take office. If the candidate is unwilling to serve, the governor must appoint a qualified person from that district.

Section 10: Compensation

The Committee recommends that the reference to a specific annual salary be deleted.

Section 11: Other Government Employment

No change.

Section 12: Immunity

No change.

Section 13: Sessions

No change.

Section 14: Organization and Procedures

No change.

Section 15: Conduct of Members

No change.

Section 16: Legislative Budget

The Committee recommends a substantial revision of Section 16 and proposes seven subsections to replace the current two.

The Committee is convinced that Commonwealth citizens want a less costly legislature. During the public hearings conducted by the Committee, this objective was endorsed by every legislator who testified. The history of amendments to the Constitution initiated by the legislature since the 1985 Convention, however, is a cause of concern to the Committee. Through the use of the legislative initiative, the legislature has obtained amendments to the Constitution that make the legislature more costly notwithstanding the clear intent of the 1985 Constitution to impose enforceable limitations. The same process is underway at the present. The legislature by House Legislative Initiative 9-1 is proposing to put before the voters at the general election scheduled for November 4, 1995, amendments to Section 16 and 17 that will increase the overall costs of the legislature from the current level of about \$4.8 million to about \$8 million. Reducing the number of legislators alone cannot achieve the objective of this Committee and meet the public's demand without corresponding limitations on legislative expenditures. The amendments proposed by the Committee are designed to impose enforceable limitations and should be construed accordingly.

Section 16(a): The Committee recommends an overall annual ceiling for all legislative expenditures. In order to avoid any uncertainty, the proposed language expressly includes within the ceiling the salaries and personnel benefits of the members of the legislature. The funds authorized up to the ceiling level are to support all the operations of the legislature, including the legislative bureau established under Section 17. Section 16(a) sets a ceiling; if the legislature can perform its responsibilities for less than the ceiling amount, it should do so. Requiring the legislature to fund its activities within a fixed amount makes it easier for the voters to understand the legislative budget and to hold the legislators accountable.

The Committee recommends that the all-inclusive ceiling on all expenditures of any kind for the administration and operation of the legislative branch be set at \$4.5 million annually with inflation protection provided under Section 16(e). This is a reduction of \$300,000 from the current level of \$4.8 -- consisting of the \$2.8 million cap imposed by present Section 16(a), about \$1.2 million for salaries and benefits, and the \$800,000 provided for the legislative bureau by Section 17.

The Committee believes that \$4.5 million (with inflation protection) is sufficient for the effective operation of the legislature so long as the funds are used only for purposes related to the legislative duties of

the members set forth in this Article II. Because of the downsizing of the legislature proposed by the Committee from 27 members to 19 (six in the senate and 13 in the house), the Committee considered a corresponding reduction in the overall costs of the legislature. The Committee concluded, however, that additional funds were needed for professional support, technical and administrative operations and additional public hearings as discussed in this report and arrived at the proposed total with that in mind. The proposed cap of \$4.5 million is substantially less than the \$8.0 million or so that the legislature is proposing for itself in House Legislative Initiative 9-1 scheduled to go before the voters in November 1995.

The Committee was concerned that a fixed budget ceiling might interfere with the ability of the legislature to make major technological improvements, such as upgrading its computers or its telecommunications system, or to change or renovate its physical facilities in the decades ahead. The Committee expects that normal repair and upgrading expenditures will be met out of the annual budget and that larger projects (for example, in the \$50,000-\$100,000 range) can be financed by creating a reserve and funding it incrementally from the annual budget. However, major capital improvements (above \$100,000) should not be forestalled because of a fixed budget ceiling and should not be financed, for example, by interim staff reductions. The proposed Section 16(a) enables the legislature to fund major improvements through separate legislation. No funds appropriated for such major capital improvements may be used to increase the salaries, benefits or office expenses of any member, to pay the salaries of any employee of the legislature or legislative bureau, or to pay any consultant fees or travel expenses except in support solely of the capital improvement project.

Members shall receive only those personnel benefits regularly provided to other governmental employees.

Section 16(b): The Committee's proposed allocation of seventy thousand dollars to each member for office expenses differs from the present system in two important respects. Whereas the current provision divides the legislative budget evenly between the senate and the house, the Committee believes that it is more appropriate to allocate the funds equally to each member of the legislature. Each senator and representative has the same basic office expenses that need to be met, especially under a system where representatives are elected at large on Saipan.

In addition, the Committee's recommendation draws no distinction between majority and minority members of the legislature. It is now the practice to allocate substantially more funds to the office expenses of members of the majority than to members of the minority. Such a practice is proposed to be continued by House Legislative Initiative 9-1 which specifies a "minimum allotment of 100 thousand dollars to each member of the Legislature, and 200 thousand dollars to each majority member of the Legislature for the operations and activities of their individual offices." During public hearings the Committee heard testimony from minority members of the legislature regarding the current allocation of the legislature's funds. The Committee is persuaded that this differential treatment of majority and minority members cannot be justified; each member of the legislature has comparable legislative duties and office needs.. Moreover, the Committee believes that there should not be any financial inducement to switch from the minority to the majority, which tends to lead to instability within the legislative branch and to diminish its effectiveness in enacting laws and exercising needed oversight with respect to the executive branch.

The funds for office expenses provided by Section 16(b) are intended to cover all expenses of a member's office, including staff salaries, organizational dues, travel to conferences and meetings outside the Commonwealth, and ordinary administrative costs such as telephone and office supplies. The cost of inter-island travel and housing for legislators from Rota and Tinian will be paid out of the budget of the legislative bureau. The proposed Section 16(f) makes clear that these funds are not to be used for personal or political purposes.

Section 16(c): This proposed section provides additional funds to the majority and minority leaders for the operations and activities of their offices arising from their leadership responsibilities. The funds may be used for hiring additional staff, paying travel expenses, and meeting other expenses necessary to enable these members to facilitate the operation of the legislature.

Section 16(d): This section allocates to the legislative bureau all funds that remain after allowing for the salaries, benefits and office expenses of each member and the additional funds for majority and minority leaders provided by Section 16(c). The Committee is recommending substantial changes to Section 17 that will expand the functions of the legislative bureau. Section 16(d) increases the bureau's budget so it can perform its expanded functions. The Committee estimates that about \$2.15 million will be available for the bureau if the Committee's proposed amendments to Article II are adopted. This is only slightly more than the budget of "at least two million dollars" proposed in House Legislative Initiative 9-1.

Section 16(e): This section provides for inflation adjustments every two years to the dollar amounts contained in this section and thereby seeks to cure one of the flaws of the present ceiling. Such inflation protection is necessary to ensure that the dollar amounts set forth in Section 16 remain realistic and reasonable over time. The adjustment will be tied to the United States Department of Commerce composite price index using 1996 as the base year. As the index rises, falls or does not change, each amount provided in this section shall do the same. The current \$2.8 million ceiling for the legislature (and \$800,000 for the legislative bureau) will continue for fiscal year 1995 and fiscal year 1996 as set out in the transitional schedule. The proposed \$4.5 million ceiling will be operational for fiscal year 1997 and no adjustment for inflation will be made until fiscal year 1999. At that time, the index for September 1998 will be compared with the index for September 1996 to determine what adjustment in the \$4.5 million ceiling is required.

Section 16(f): This section makes explicit that the legislators are to use the funds they receive from the legislative budget (other than their salaries) only in furtherance of their duties as legislators. None of the funds are to be used for personal purposes or for any political activities. The Committee is aware that in recent years legislators have expended public funds (other than their salaries) for so-called "community workers" and to provide services and funds to constituents for such purposes as canopy rental, provision of tables, and gifts to individuals or organizations. Members are free to use their own salaries for these charitable or political purposes. But the proposed Section 16(f) makes clear that public funds made available for office expenses or the legislative bureau cannot be used for such personal or political purposes.

Legislators who testified in the Committee's public hearings acknowledged that such practices have become widespread in the Commonwealth and, unless the Constitution expressly restricts such practices, the legislators will be unable to resist the pressures from their constituents to make such gifts or expenditures or

provide such services. The Committee's recommendation that office expenses be limited to seventy thousand dollars for each member (rather than the \$100,000 or \$200,000 recommended by House Legislative Initiative 9-1) is intended to reduce some of these pressures and to provide only the amount that will enable the member to operate his or her office.

The Committee does not intend to limit the legislator's obligation to represent constituents in dealing with the Commonwealth government, in investigating alleged grievances or wrongdoing by public officials, or in proposing legislation aimed at addressing community needs that are brought to the attention of the members by their constituents. These duties are those customarily associated with the legislator's functions under Article II. The Committee's recommendations in Section 16 are designed to sharpen the distinction between legislative duties on the one hand and political activities on the other. Public funds made available to members under proposed Section 16(b) and Section 16(c) may be spent only for the former purpose and not for the latter.

Section 16(g): Section 16(g) provides that obligations and expenditures for the operations and activities of the legislature for the period October 1 through the second Monday in January of a fiscal year in which there is a regular general election may not exceed twenty five percent of the annual spending authority provided by law. This guards against excessive spending during or immediately after elections, which could leave the legislators, or their successors in office, short of funds for the balance of the fiscal year.

Section 17: Legislative Bureau

The Committee recommends that the legislative bureau proposed by the 1985 Constitution Convention and approved by the voters be continued. The Committee recognizes that the mandating of such a service facility in the constitution is unusual, but has concluded that the legislature needs the professional support of the bureau to perform its duties effectively. The Committee's proposed amendment of Section 17 is designed to strengthen the bureau's professionalism, to expand its functions, and to ensure that the increased funds made available under proposed Section 16(d) be spent only for purposes directly related to the duties of the legislature under Article II. The Committee proposes four subsections in place of the present six.

Section 17(a): The Committee's proposed amendment of Section 17(a) changes the current procedure relating to the selection of the bureau director in three important respects. First, the Committee recommends that the director be chosen by a small group of three officials rather than the much larger group of presiding officers, vice presiding officers, floor leaders, and chairmen of the standing committees now provided by Section 17(a). Reliance on this smaller group will minimize delay and the influence of political considerations in the selection of a qualified director. Involvement of the lieutenant governor in this process is designed to bring an outside perspective to bear on the selection process; the executive branch as well as the legislative branch has a strong interest in enhancing the professionalism and independence of the legislative bureau.

Second, the Committee recommends a fixed term of four years and removal during the term only for cause. Both of these new provisions are designed to increase the stature and independence of the director. The four year term is proposed to coincide with the four year terms of all the legislators if the Committee's other proposals are accepted, although it is possible that a newly elected legislature will need to work with an incumbent director who might not have been the first choice of the three appointing officials. The Committee concluded that the need to enhance the independence of the bureau and to ensure continuity in its work justified the four year term.

Third, the Committee is recommending that qualifications be established for the position of director. The proposed Section 17(a) would strengthen the legislative bureau by requiring its director to be a professional with relevant training and experience. Examples of relevant college degrees include public administration, public finance, economics, political science, accounting and business administration. Examples of relevant experience include experience in a legislative bureau or legislative analyst's office, work in the fields of public administration, public auditing or public finance, and the practice of public law with a public agency or a private firm. Applicants lacking college degrees may be considered if they have at least 10 years of relevant experience, which the Committee believed was roughly equivalent to the time required to earn a college degree and gain 5 years of experience.

Section 17(b): This proposed section specifies that the legislative bureau will provide all support services necessary for the orderly operation and administration of the legislature and its committees, subject to budget limitations. It expands the duties of the bureau beyond those presently set forth in Section 17(a). Under the proposed Section 17(b), the bureau would have responsibility for maintenance functions, clerical functions such as journal and sessions clerks, all copying, archiving and other record retention functions, and staffing the committees of both houses. Relieving the members of responsibility for the legislature's day-to-day operations will allow them to concentrate on performing their legislative duties.

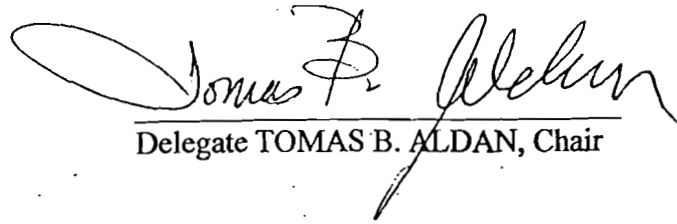
Section 17(c): This proposed section makes clear that the legislative bureau shall employ all staff required to perform its expanded functions. The Committee was impressed with the testimony of several legislators that they presently lacked competent staff to help them do research, draft legislation and analyze proposed legislation. The Committee believes that the increased budget of the legislative bureau provided by Section 16(d) should be used by the bureau to hire additional attorneys, legislative analysts, research assistants, economists and other professional staff. Their duties shall be limited to providing independent, non-partisan assistance to the legislators in executing their legislative responsibilities under Article II, such as researching, drafting, reviewing and analyzing proposed legislation and assisting the legislative committees.

Section 17(d): This proposed section assures that the legislative bureau shall remain politically independent and non-partisan. The Committee believes that every member of the legislature, whether in the majority or the minority, should receive timely and responsive assistance from the bureau staff. The amendment also makes clear that the bureau's staff should not engage in any political activity at the request of a legislator or otherwise.

July 3, 1995

Delegate Proposals on Article II Submitted to the
Committee on Legislative Branch and Public Finance

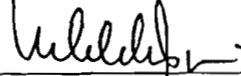
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Delegate JUAN S. TENORIO, Vice Chair



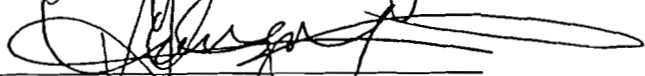
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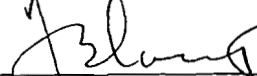
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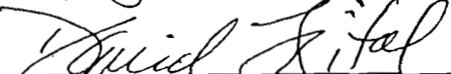
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Delegate JOHN O. DLR. GONZALES



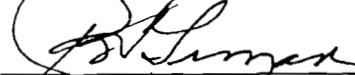
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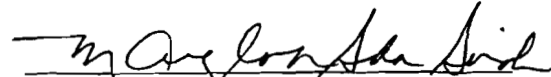
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Delegate JOSE R. LIFOIFOI

Delegate JOEY P. SAN NICOLAS



Delegate BERNADITA T. SEMAN



Delegate MARYLOU ADA SIROK

Delegate JOAQUIN P. VILLAGOMEZ

ARTICLE II: LEGISLATIVE BRANCH (With proposed amendments) July 10,1995

Section 1: Legislative Power.

The legislative power of the Commonwealth shall extend to all rightful subjects of legislation and shall be vested in a Northern Marianas Commonwealth legislature composed of a senate and a house of representatives.

Section 2: Composition of the Senate.

a) The senate shall consist of six members with two members elected at large from each of three senatorial districts. The first senatorial district shall consist of Rota, the second senatorial district shall consist of Tinian and Aguiguan, the third senatorial district shall consist of Saipan and the islands north of it. The senate shall be increased to eight members and two members shall be elected at large from a fourth senatorial district consisting of the islands north of Saipan at the first regular general election after the population of these islands exceeds one thousand persons.

b) The lieutenant governor shall preside over the senate until it elects a presiding officer and shall vote only in the event of a tie.

c) The term of office for senator shall be four years.

d) A senator shall be a United States citizen qualified to vote in the Commonwealth, at least twenty-five years of age, and a resident and domiciliary of the Commonwealth for at least five years immediately preceding the date on which the senator takes office. A longer residency and domicile requirement may be provided by law. A candidate for the senate shall be a registered voter in the senatorial district where he or she is a candidate.

Section 3: Composition of the House of Representatives.

a)The house of representatives shall consist of thirteen members with eleven members elected from Saipan and the islands north of it, one member elected from Rota and one member elected from Tinian and Aguiguan. The number of representatives may be increased by law to not more than fifteen.

b)For purposes of electing representatives Rota shall constitute one district, Tinian and Aguiguan shall constitute one district, and Saipan and the islands north of it shall constitute one district. When the population of the islands north of Saipan equals or exceeds the number of citizens represented by any member of the house of representatives these islands shall constitute a separate district electing one

representative.

c) The term of office for representative shall be four years.

d) A representative shall be a United States citizen qualified to vote in the Commonwealth, at least twenty-one years of age, and a resident and domiciliary of the Commonwealth for at least three years immediately preceding the date on which the representative takes office. A longer residency and domicile requirement may be provided by law. A candidate for the house of representatives shall be a registered voter of the district where he or she is a candidate.

Section 4: Reapportionment

a) At least every ten years and within one hundred twenty days following publication of the results of a decennial census, the legislature shall reapportion the seats in the house of representatives as required by changes in Commonwealth population or by law. A reapportionment plan shall provide for a house of representatives with the fewest number of seats that will permit each member to represent approximately the same number of citizens and will provide that the districts for Rota and for Tinian and Aguiguan will have at least one member each.

b) If the legislature fails to act pursuant to section 4(a), the governor shall promulgate a reapportionment plan within one hundred twenty days after the expiration of the time for the legislature to act. The governor's plan shall be published in the same manner as an act of the legislature and upon publication shall have the force of law. Upon the petition of any person qualified to vote, the Commonwealth supreme court has original and exclusive jurisdiction to review a plan and to amend it to comply with the requirements of this Constitution or to establish a plan if the governor has failed to act within the time provided.

Section 5: Enactment of Legislation.

a) Appropriation and revenue bills may be introduced only in the house of representatives. Other bills may be introduced in either house of the legislature. The legislature shall hold joint hearings on all appropriation bills and on all bills involving public debt, taxation or revenue.

b) A bill shall be confined to one subject except bills for appropriations or bills for the codification, revision or rearrangement of existing laws. Appropriation bills shall be limited to the subject of appropriations. Legislative compliance with this subsection is a constitutional responsibility not subject to judicial review.

c) The legislature may not enact a law except by bill. Each bill shall be read at

least twice on two separate days in each house before it is voted upon. No bill may be enacted without the approval of at least a majority of the votes cast in each house of the legislature.

d) The legislature shall enact no law which increases the class of nonaliens, except as to those persons defined in Covenant Section 506(c).

Section 6: Local Laws. [Deferred until consideration of Article VI (Local Government)]

Laws that relate exclusively to local matters within one senatorial district may be enacted by the legislature or by the affirmative vote of a majority of the members representing that district. The legislature shall define the local matters that may be the subject of laws enacted by the members from the respective senatorial districts, laws enacted through initiative by the voters of a senatorial district under article IX, section 1, regulations promulgated by a mayor under article VI, section 3(e), or local ordinances adopted by agencies of local government established under article VI, section 6(b).

Section 7: Action on Legislation by the Governor.

a) Every bill enacted shall be signed by the presiding officer of the house in which the bill originated and transmitted to the governor. If the governor signs the bill, it shall become law. If the governor vetoes the bill, it shall be returned to the presiding officer of each house of the legislature with a statement of the reasons for the veto. The governor may veto an item, section or part in an appropriation bill and sign the remainder of the bill; provided that the governor may not veto an item, section or part governing the manner in which an appropriation may be expended if any appropriation affected by the item, section, or part is approved.

b) The governor shall have 20 days in which to consider appropriation bills and 40 days in which to consider other bills. If the governor fails either to sign or veto a bill within the applicable period, it shall become law.

c) A bill or item, section, or part of a bill vetoed by the governor may be reconsidered by the legislature. The legislature shall have sixty days from the receipt of the governor's veto message in the house of origin of the vetoed bill, item, section, or part of a bill to reconsider the vetoed legislation. If two-thirds of the members in each house vote upon reconsideration to pass the bill, item, section, or part, it shall become law.

d) Any appropriation bill, or any bill affecting spending authority, government financial management, or organization of the government, enacted in the period between a regular general election and the second Monday of January of the following year shall be void unless enacted by the affirmative vote of three-fourths of the members of each

house of the legislature.

Section 8: Impeachment.

The governor, lieutenant governor, justices, judges and the resident representative to the United States are subject to impeachment by the legislature for treason, commission of a felony, corruption or neglect of duty. The house of representatives may initiate impeachment proceedings by the affirmative vote of two-thirds of its members and the senate may convict after hearing by the affirmative vote of two-thirds of its members.

Section 9: Vacancy.

A vacancy in the legislature shall be filled by special election if one-half or more of the term remains. If less than one-half of the term remains the governor shall, as soon as possible but not later than 20 days after the vacancy occurs, fill the vacancy by appointing the unsuccessful candidate for the office in the last election who received the largest number of votes and is willing to serve or, if no candidate is available, a person qualified for the office from the district represented. If the governor fails to fill the vacancy within the time specified, the unsuccessful candidate for the office in the last election who received the largest number of votes and is willing to serve shall be deemed appointed on the twenty-first day after the vacancy occurs and shall immediately take office.

Section 10: Compensation.

The salary of members shall be changed no more than once every four years and only upon the recommendation of an advisory commission established by law to make recommendations concerning the compensation of Commonwealth executive, legislative and judicial officers. No change in the salary may be made that exceeds the percentage change in an accepted composite price index for the period since the last change. An increase in salary may not apply to the legislature that enacted it.

Section 11: Other Government Employment.

A member of the legislature may not serve in any other Commonwealth government position including other elective office or independent board, agency, authority or commission established by this Constitution or by Commonwealth law. A person having been a member of the legislature, may not serve in any elective or appointive Commonwealth government position created by statute during the term for which he or she was elected, for a period of one year following the expiration of the term during which the position was created.

Section 12: Immunity.

A member of the legislature may not be questioned in any other place for any written or

oral statement in the legislature and a member of the legislature may not be subject to arrest while going to or coming from a meeting of the legislature except for commission of treason, a felony or breach of the peace.

Section 13: Sessions.

The legislature shall meet for organizational purposes on the second Monday of January in the year following the regular general election at which members of the legislature are elected and shall be a continuous body for the two years between these organizational meetings. Each house shall meet in regular sessions for no more than ninety days each year, sixty days before April 1 and 30 days after July 31 of each calendar year, and may be convened at other times for not more than ten consecutive days upon request by its presiding officer or by the governor. When meeting pursuant to a call by the governor, the legislature shall consider only those subjects described in the call.

Section 14: Organization and Procedures.

a) Each house of the legislature shall be the final judge of the election and qualifications of its members and the legislature may vest in the courts the jurisdiction to determine contested elections of members. Each house may compel the attendance of absent members, discipline its members and, by the affirmative vote of three-fourths of its members, expel a member for commission of treason, a felony, breach of the peace, or violation of the rules of that house.

b) Each house of the legislature shall choose a presiding officer from among its members, establish the committees necessary for the conduct of its business, and promulgate rules of procedure. Each house may compel the attendance and testimony of witnesses and the production of books and papers before the house or its committees. The legislature shall keep a journal of its proceedings that shall be published from day to day.

c) The meetings of the legislature and its committees shall be public except that each house of the legislature or a legislative committee may meet in executive session if authorized by the affirmative vote of two-thirds of the members of the house. Final action on any legislative matter may not be taken in executive session.

Section 15: Conduct of Members.

A member of the legislature who has a financial or personal interest in a bill before the legislature shall disclose that interest and may not debate on or vote on the bill.

Section 16: Budget Ceiling.

There shall be a ceiling on the budget of the legislature.

- a) All appropriations or obligations and expenditures for all operations and activities of the legislature, including the salaries and benefits of the members but excluding major equipment and capital improvement projects, may not exceed four and one half million dollars in any fiscal year.
- b) Each member shall receive seventy thousand dollars annually within this ceiling for office expenses including the expense of travel outside the Commonwealth.
- c) Within this ceiling the majority leader in each house shall receive an additional fifty thousand dollars a year and the minority leader in each house shall receive an additional thirty five thousand dollars a year for office expenses.
- d) The balance of the legislature's budget shall be allocated to the legislative bureau for the purposes specified in Section 17.
- e) The amount of the ceiling and all other dollar amounts stated in this section shall be adjusted every two years by the same percentage as the percentage change in the United States Department of Commerce composite price index using the beginning of fiscal year 1997 as the base.
- f) No part of the legislature's budget other than a member's salary and benefits may be used for personal or political activities.
- g) Obligations and expenditures for the operations and activities of the legislature for the period October 1 through the second Monday in January of a fiscal year in which there is a regular general election may not exceed twenty five percent of the annual spending authority provided by law. This ceiling shall apply to the various offices and activities in the same proportions as the annual spending authority provided by law.

Section 17: Legislative Bureau.

There is hereby established a legislative bureau in the Northern Marianas Commonwealth Legislature.

- a) The bureau shall be headed by a director who shall be appointed to a four year renewable term, and may be removed only for cause, by a majority vote of the lieutenant governor, the speaker of the house and the majority leader of the senate. The director shall have a college degree in a relevant field with at least five years of relevant experience or shall have at least ten years of relevant experience.
- b) The bureau shall provide all necessary support services for the operation,

administration and maintenance of the legislature and its committees within the budgetary allocation provided in Section 16(d).

c) The bureau shall employ all staff necessary, other than personal staff of the members, to perform these functions as permitted by its budget. The staff shall include trained or otherwise qualified clerical, operational, administrative and professional personnel.

d) The bureau shall be politically independent and shall perform its duties in nonpartisan fashion. The bureau shall not be subject to any political harassment or pressure and shall not engage in any political activities.

Separate Provision for the Schedule on Transitional Matters

Section --: Continuity of the legislature and the legislative bureau

Upon the effective date of Article II, the existing legislature, its members, presiding officers and employees, and the legislative bureau, its director and employees, and all laws and regulations affecting the legislature and the legislative bureau shall continue to exist and operate as if established pursuant to Article II, and shall, unless clearly inconsistent, be read to be consistent with this Article II. Sections 2, 3, 16 and 17 shall be implemented in connection with the next general election. The terms of all senators shall expire on the second Monday of 1997. The term of the person serving as director when the proposed amendment to Section 17 become effective shall expire July 1, 1997.

Section --: Salaries of Legislative and Other Officials

At the beginning of the fiscal year after the effective date of Article II, the majority leader of each house shall receive an annual salary of \$80,000 and the minority leader of each house shall receive an annual salary of \$60,000. The advisory commission in the course of its next review of the salaries of Commonwealth officials should seek to attain greater consistency in salaries among officials within the three branches of government and ensure that subordinate officials in the executive branch do not have salaries greater than the heads of the departments to whom they report.