

THIRD NORTHERN
MARIANA ISLANDS
CONSTITUTIONAL CONVENTION
DAILY JOURNAL

THIRTY-NINTH DAY

Thursday, July 13, 1995

9:30 a.m.

PRESIDENT GUERRERO: The 39th day session of the Third Constitutional Convention is hereby called to order. Please stand for a moment of silence.

(A moment of silence was had.)

PRESIDENT GUERRERO: Preliminary matters. I wish to mention we expect the session this morning to end around 11:30. There will be Committee meetings this afternoon. Roll call, please, Con-Con Clerk.

(Convention Clerk called the roll).

CONVENTION CLERK: Mr. President, we have 25 present and two absent.

PRESIDENT GUERRERO: Thank you. Delegate Nogis asked that he be excused from this morning's session. He has family matters to attend to.

Floor Leader.

DELEGATE HOCO: Yes, Mr. President, I move to

adopt the Summary Journal of July 11.

PRESIDENT GUERRERO: Any second?

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to adopt the journal from Thursday, July 11.

Discussion?

DELEGATE VILLAGOMEZ: Mr. President, there are minor changes I will be submitting to the clerk, very minor.

PRESIDENT GUERRERO: Thank you.

Any other discussion?

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

Motion carried.

Mr. Floor Leader.

DELEGATE HOCOG: I think Mr. President, we should move to Item 5 of our order of business.

PRESIDENT GUERRERO: Item 5, reports of committees.

Committee on Organization and Procedures. Basically, we have put out the schedule for next week, and it is attached to your order of business for today. It will be in the Daily Journal for today also. We will follow pretty much the same schedule we

did this week. We will have plenary sessions on Tuesday, Thursday and Saturday. The committees will be meeting every day. We need to be finished with first readings by the middle of next week in order to stay on our schedule to finish by August 4th. So I urge the Committees to get your reports to the floor.

Publication after the first reading. COP is considering our options with respect to publishing the results of our work at the end of the first reading. We could publish a draft constitution before we start second readings and let the public have it for comment, or we could simply publish a notice that the first readings are completed and interested parties can pick up a copy at our office. We would like to know the delegates' thoughts on that.

The written procedures on delegate amendments are incorporated in, I believe, yesterday's journal, regarding the written procedures on delegates amendments. If anyone has any questions to bring to the floor, we can consider those on Saturday. So you will have some time to review it. Thank you.

At this time I would like to call on the Chair of the Committee on Lands and Personal Rights.

DELEGATE LIFOIFOI: The Committee on Land and

Personal Rights has looked into the questions raised with respect to Article 14 and we are ready to bring it back to the floor today for first reading.

The Committee is continuing its work on Article 11. Yesterday we heard a presentation by Mr. Ponciano Rasa with respect to public lands and transfers under Article 12. The Committee is considering a draft of Article 11 and we invite other members to our meetings. We have formed a subcommittee to consider what public lands should be set aside permanently as parks, preserves or community areas so that they are not lost to development. The subcommittee welcomes the views of all delegates on this question. The subcommittee members are Joey San Nicolas for Tinian, Benjamin Manglona for Rota and John Oliver Gonzales for Saipan. Thank you.

PRESIDENT GUERRERO: Thank you.

At this time I call on Delegate Aldan to report on Legislative Branch and Public Finance.

DELEGATE T. ALDAN: Thank you, Mr. President.

Your Committee on Legislative Branch and Public Finance has reviewed all proposals under taxes and we are now looking to Section 6, deficits. We also revisited Article 2, legislative branch and we

discussed the house terms as well as the salaries of the legislature.

That is all I have to report, Mr. President.

PRESIDENT GUERRERO: Thank you, Chairman Aldan.

I now call on perhaps the Vicechair of Executive Branch and Local Government, Vicechair James Mendiola.

DELEGATE J. MENDIOLA: Thank you, Mr. President. The chairman is not around; so let me take over.

The Committee on Executive Branch and Local Government is still in process of meetings and will be having meetings today at 3:00 in the afternoon.

At this time the Committee has set up a subcommittee on local government. We will be reporting in full as soon as we finish.

PRESIDENT GUERRERO: Thank you, Vicechair Mendiola.

I call now on Chair Hofschneider for the Committee on Judiciary and Other Elected Offices.

DELEGATE HOFSCHEIDER: Mr. President, I am pleased to report that the Committee on Judiciary and Other Elected Offices has completed its work on Article 9 which covers Initiative Referendum and Recall and also on Article 20 which covers the Civil Service. Our

report on Article 20 is in yesterday's Daily Journal.

Our report on Article 9 which is very short has been delivered to the delegates this morning.

The Committee has completed its work on Articles 4, 5, 9 and 20 and we have only Articles 15 and 18 to go.

The Committee has before it a draft of Article 15 on education. Our subcommittee headed by Delegate Esther Fleming has come out with a very innovative approach to decentralizing our educational system. We heard a great deal of support at the public hearings for decentralization of the school system. Coming up with a way of doing that at the constitutional level is a challenge. No one at the hearings suggested how we could actually accomplish this objective. The subcommittee is to be congratulated for their work and their support of a system of governing at the local level. We urge other delegates to please join us in the discussion at our committee meetings and we will be meeting tomorrow at 10:30 a.m. to review the other draft as a result of yesterday's discussion and we hope to have our draft ready for the Convention to consider on Saturday or next week.

Thank you, Mr. President.

PRESIDENT GUERRERO: Thank you, Chair Hofschneider. We are finished with reports of committees.

We move on to introduction of delegate amendments.

Any amendments to be offered?

DELEGATE HOCOG: Point of clarification, Mr. President.

PRESIDENT GUERRERO: Yes, state your appoint.

DELEGATE HOCOG: Are those proposals to be passed on first reading? Delegates are permitted on the floor to make an amendment prior to its second and final reading.

PRESIDENT GUERRERO: Yes, they are.

DELEGATE HOCOG: Okay. Thank you.

PRESIDENT GUERRERO: And Mr. Floor Leader, we do have on delegate amendments the memorandum that was incorporated in yesterday's journal and that is from the Committee on Organization and Procedures. So the form is attached to that one as well as procedures and we will discuss this further if there is a need on Saturday.

Now we move to Item 7.

Any motions or resolutions to entertain?

Delegate Igitol.

DELEGATE IGITOL: May I be allowed to make a short remark.

PRESIDENT GUERRERO: Please continue.

DELEGATE IGITOL: The purpose of this resolution is to call the attention of the French government to reassess the many pleas and negative reactions in the islands as well as that of the United States to abandon plans to conduct a series of about eight nuclear test explosions in the Pacific. The French government is trying to conduct its nuclear test just before a comprehensive test ban treaty is signed which will effectively halt all nuclear tests. Should the French government be allowed to conduct its nuclear test it could very well ruin or shatter the moratorium which has been in effect since 1992.

Furthermore, I am afraid if Paris continues with the test, Russia, the United States and maybe the other nations will be under pressure to resume their nuclear testing programs as well.

I would, therefore, ask that this resolution if passed be directly sent to the Honorable Jacques Chirac, President of France, and the Honorable

presiding officers of the French Parliament and all of the nearby islands as well.

Third Constitutional Convention Resolution

No. 7:

To unequivocally condemn and express adamant opposition to France's declared intention to resume nuclear testing in the south Pacific region.

Whereas, the proliferation of nuclear weapons, beginning with the bombings of Hiroshima and Nagasaki in 1945, followed by the military standoff of the Cold War era, and continuing with the pursuit of nuclear capability by diverse national interests, has created an unprecedented threat to the continued existence of human civilization and possibly life on Earth; and

Whereas, the pursuit of nuclear military power by nations through research, development, testing and implementation has diverted immense natural, human and financial resources away from more productive political and social endeavors; and

Whereas, the people of the Pacific having been made an unwitting battleground for the military conflicts of World War II were then further exploited as a testing ground for nuclear weapons by

industrialized nations without the consultation or consent of the affected island communities; and

Whereas, these prior programs of nuclear testing caused untold suffering, illness and death to the indigenous people of those islands and poisoned by the radioactive contamination the lands and waters which had served as their livelihood since time immemorial; and

Whereas, the majority of the nations of the world have come to realize that the only viable solution for the future of human civilization is the achievement of the stable world order wherein all nations can pursue self determination without detriment to world peace; and

Whereas, the necessary first step to a stable world order is the containment of the proliferation of nuclear weapons and eventual nuclear disarmament; and

Whereas, to this end 170 nations have agreed to indefinitely extend the Nuclear Nonproliferation Treaty and the major nuclear powers, including the United States, Britain, France, and Russia are scheduled to sign the Comprehensive Test Ban Treaty; and

Whereas, in contravention of this

international consensus to contain and reduce nuclear weaponry, France has recently announced that it plans to conduct a series of eight nuclear tests in Moraroa, French Polynesia between September 1995 and May 1996; and

Whereas, these plans for nuclear testing represent the blatant disregard and disrespect for the sentiments, health and welfare of the peoples of the region and place the lands and waters common to all Pacific peoples at risk for renewed radioactive contamination; and

Whereas, the Commonwealth of the Northern Mariana Islands by and through its elected representatives of the Third Northern Marianas Constitutional Convention wish to declare their solidarity with the people of French Polynesia and join the other Pacific nations of Guam, American and Western Samoa, Papua New Guinea, Nauru, Kiribati, New Zealand and Australia in opposing and condemning France's plans to engage in renewed nuclear testing; now, therefore

Be it resolved, by the third Northern Marianas Constitutional Convention to adamantly oppose and unequivocally condemn any attempt by any nation to subject the people, islands and ocean of the Pacific to

the dangers and risks of nuclear testing and express support for a permanent halt to nuclear testing; and.

Be it further resolved that the President of the Convention shall certify and the secretary of the Convention shall attest to the adoption of this resolution and thereafter transmit copies to the Commonwealth of the Northern Mariana Islands, the President of the United States of America, the President of the United States Senate, the Speaker of the United States Representatives, the President of France, the Governor of Guam, the Governor of Hawaii, the Governor of American Samoa, and to the Heads of State of Japan, Philippines, Western Samoa, Papua New Guinea, Nauru, Kiribati, New Zealand, Australia, Marshall Islands, Palau, Federated States of Micronesia, Secretariat of South Pacific Commission, and the Secretariat of the South Pacific Forum.

Introduced by Delegate Igitol and sponsored by the entire 26 delegates.

Thank you, Mr. President.

PRESIDENT GUERRERO: Thank you. Yes, Delegate Aldan.

DELEGATE V. ALDAN: Thank you, Mr. President, if it would be okay I would like the delegates also to

consider if we could include the Secretary General of the United Nations in this before we vote.

PRESIDENT GUERRERO: Before I entertain your suggestion can we have a motion first to adopt it?

(The motion was made and seconded).

PRESIDENT GUERRERO: Can you clarify your statement, Delegate Aldan? Yes.

DELEGATE V. ALDAN: I would like the Secretary General of the United Nations be sent a copy.

PRESIDENT GUERRERO: Before I entertain that, I need to entertain a motion to adopt the resolution. Let me call on the Floor Leader to make a motion.

DELEGATE HOCOG: Mr. President, I believe they have already made the motion.

PRESIDENT GUERRERO: So be it. It has been moved and seconded to adopt resolution No. 7.

Discussion?

Delegate Vicente Aldan.

DELEGATE V. ALDAN: For the third time, Mr. President, I would like to ask Delegate Igitol and all the delegates who agree with me to also send the secretary general of the United Nations a copy of this resolution

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to to include that we provide a copy of this resolution to the secretary general. I believe that is the title, secretary general of the United Nations.

Discussion?

Those in favor of the amendment please say "Aye." Those opposed say "Nay."

Motion carried.

Those in favor of resolution No. 7 as amended please say "Aye." Those opposed say "Nay."

Motion carried.

We are finished. Any more resolutions. If not we move to unfinished business.

Does anybody want to read any other resolutions or any proposals that were submitted since July 10?

If not, we move on. Delegate Igitol you had your hand up?

DELEGATE IGITOL: Yes, again I asked two days ago whether we need to read the proposals already introduced on July 10.

PRESIDENT GUERRERO: You don't have to. But if you want to. Some members want to read it. That is why I am giving the opportunity to anybody who wants to

read it.

But if you are not interested we will just move on. It is incorporated in the journal.

Mr. Floor Leader.

DELEGATE HOCOG: Yes, Mr. President, I move to calendar for the Committee of the Whole Article 9 and Article 20 for discussion.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to calendar for the Committee of the Whole Article 9 and Article 20.

Discussions?

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 to the Committee of the Whole to entertain Article 9 and Article 20.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to resolve into the Committee of the Whole to entertain Article 9 and 20.

Discussion?

If not those in favor of the motion say

"Aye." Those opposed say "Nay."

Motion carried.

DELEGATE HOFSCHEIDER: Privilege.

PRESIDENT GUERRERO: State your privilege.

DELEGATE HOFSCHEIDER: We have on our desks the reports on Article 9 and 20 for the Committee of the Whole. Would you please, before you get off your chair, ask if everybody has the copies in front of them?

PRESIDENT GUERRERO: Does everybody have a copy before I entertain the Committee of the Whole?

DELEGATE HOFSCHEIDER: Thank you, Mr. President.

PRESIDENT GUERRERO: At this time I would like to appoint Delegate John Gonzales to preside over the Committee of the Whole.

DELEGATE HOCOG: Five minutes' recess.

PRESIDENT GUERRERO: So ordered.

(Recess taken from 10:00 a.m. to 10:15 a.m.)

CHAIR GONZALES: We are going to be entertaining Article 9 and 20 which are under the jurisdiction of the Committee on Judiciary and Other Elected Offices.

To proceed, may I call the chair of the Committee, Delegate Hofschneider, to present and from there we will discuss, Initiative, Referendum and

Recall.

DELEGATE HOFSCHEIDER: I move the Committee of the Whole adopt the report from the Committee on Judiciary and Other Elected Offices with respect to Article 9 Initiative Referendum and Recall.

(The motion was seconded).

CHAIR GONZALES: It has been moved and seconded. Any discussion?

DELEGATE HOFSCHEIDER: I would like to give the floor to Vicechair Delegate Mendiola.

DELEGATE D. MENDIOLA: Thank you, Mr. Chairman.

I would like to submit the Committee's recommendation. Article 9 covers three procedures by which the people can act in the legislative process.

First, the people can pass laws.

Second, under referendum the people can reject laws that the legislature has passed.

Third, under recall the people can reject the legislators themselves and throw them out of office. This power can also be used against the governor.

These three procedures were put into the Constitution by the 1976 Constitutional Convention and they were not touched by the 1985 Convention either. These three proposals are written the same way.

First, a certain number of people are required to sign a petition.

Second, the attorney general reviews the petition to be sure that the required number of people have signed.

Third, the issue raised by the petition is put on the ballot and the people vote on it.

For initiative and referendum, 20 percent of the persons qualified to vote need to sign the petition. And for recall 40 percent need to sign.

For initiative and recall, if two-thirds of the persons qualified to vote approve the measure it passes. For referendum, a majority of the votes cast is sufficient for that passage.

Some of the members of the Committee are concerned whether a local initiative shall be able to be over overturned by the Commonwealth legislature. If the local initiative gets enough votes to pass, it enacts a law, a local law. If that local law could be promptly overturned by the Commonwealth Legislature, the power of the local initiative would be reduced.

This outcome is dependent upon what the Committee on Executive Branch and Local Government decides to do with respect to municipalities' exclusive

jurisdiction to pass local laws. If they choose that option then there is no problem under Article 9 because the legislature would not be able to overturn a local initiative.

The Committee on Judiciary and Other Elected Offices recommends that the Committee of the Whole adopt this report. Of course, our Committee will revisit this report if there is a request.

CHAIR GONZALES: Thank you, Delegate Mendiola.

For discussion, Delegate Villagomez.

DELEGATE VILLAGOMEZ: Yes, Mr. Chairman, I would like to make a subsidiary motion.

The first sections stay.

I want everyone to go to page 2, Section 3 on recall, Subsection (c).

I will read the section.

A recall petition certified by the attorney general shall be submitted to the voters at the next regular general election unless special elections are provided by law for this purpose.

My amendment will be to amend Section 3 (c) of Article 9 by replacing the words, "The next regular general election unless special elections are provided by law for this purpose" with the words, you strike

that out and you replace it with the words "a special election to be conducted within three months of certification by the attorney general."

That means that once the petition for recall garners 40 percent of the signatures and is certified by the attorney general, the constitution will mandate the board of election to conduct a special election within three months rather than giving the legislature the authority to enact the special law, or to pass a bill calling for a special election. That is my motion.

If somebody would like to second that

(The motion was seconded).

CHAIR GONZALES: It is moved and seconded to include the words as read by Delegate Villagomez.

Floor leader.

Discussion.

DELEGATE HOCOG: Yes. Thank you, Mr. Chairman. I would like the author of the amendment to inform the delegates why he proposed to make an amendment like that.

No. 1, Mr. Chair, I believe the author of such amendment is a No. 1 proponent of cutting costs and, of course, this will initiate substantial costs

for a special election three months after the regular election. I believe the system works as it is today and it will be at a cheaper cost for the government or for the board of election to conduct a recall petition at the next general election. I think the system still works today. So why fix it if it ain't broke.

CHAIR GONZALES: Mr. Chair, you would like to respond?

DELEGATE VILLAGOMEZ: To respond to Delegate Hocog, cost is a factor, but if there is enough votes, 40 percent is almost half of the population, it is the wish of the people to recall that official, especially a legislator or governor. There has to be a better system of removing him from office. Let's say for example the petition is to recall maybe 50 percent of the legislature. Do you think the legislature will pass a bill calling for a special election? No way.

Also, Mr. Chairman and fellow delegates, the Legislative Committee has come up with a legislative branch, Article 2, amendment which calls for a four-year term of the House and four-year term of the Senate, and I think we are trying to standardize the election process to four years for the others. Are we going to wait four years while this official has

violated, damaged, misappropriated, you name it? Are we going to wait until four years later or maybe two years if the House term is put down to two years?

Please, I am a proponent of that four years but my rationale for four years is to make the recall process easier. Let's put the cost aside. Let's look at the integrity of the office. What about our elected officials? They tell us all the good things they are going to do. When they go into the office they might do the contrary, and I think the people deserve a simple system. Cost is not a factor. I think if that individual is bad, let's get rid of him right away in three months.

CHAIR GONZALES: Dr. Aldan, did you raise your hand?

DELEGATE V. ALDAN: Yes.

DELEGATE HOCOG: I believe I still have the floor.

CHAIR GONZALES: Thank you. Go ahead.

DELEGATE HOCOG: To address the concern of Delegate Aldan, the Legislative Branch and Public Finance Committee did address that if any member of the legislature commits any felony crime that requires recall, I think the legislative process takes its place

from there on and we adjust it after that. What other recall are we talking about? The competency of an individual? Who can test that? That is the reason that I am concerned about requiring a special election when we have blocked that in the legislative process, that any legislator, governor that commits a felony crime, felonious crime, will absorb all legal remedies and after he is convicted, he will be out from that office.

DELEGATE VILLAGOMEZ: May I?

CHAIR GONZALES: Let me recognize Dr. Aldan and then the president and then you.

DELEGATE V. ALDAN: I stand to be corrected. I am in the Legislative Committee and in that Committee actually we set a standard higher than heaven. Remember that if you are pardoned you cannot run for office. I think what Delegate Villagomez is trying to do is just create a standard similar to that. If it is expense that we are arguing about, I would rather pay a little bit to get somebody out of office if the general public thinks that that person or individual should not be in office because of something that he has done. That little expense is better than waiting and building all that frustration and anxiety and trying to figure

out what else he might be committing before we actually kick him out.

He made a point there that the Legislative Committee did sort of agree, as of now, for a four-year term for both houses. Now, we all know that it is very hard even, you know, for a legislation or given our culture to insult somebody. It is very hard because you insult one person you insult basically the whole family.

What we are doing is we are trying to make it easy for the other legislators to work for the public and that is the only intent of that motion, I think, and if I am wrong then please tell me that I am wrong. Thank you.

CHAIR GONZALES: Thank you, let's go to the president now.

PRESIDENT GUERRERO: Thank you, Mr. Chairman.

Even though the intent is noble, I have some concern. I would rather leave it to the discretion of the legislature to set a special election date, primarily because if it is too close to the general election let's say that we have a recall and one month later we are going to have another general election?

Let's be realistic. That is the whole

purpose for having that provision in the constitution -- to provide discretion on the part of the legislature to set a specific date so that it will be not too costly, and to ensure that we don't have every two months an election or something like that. I am in favor of removing a person that is guilty or not squeaky clean. Tell me of any of the elected officials in the past or in the future or now who is so squeaky clean that can pass the mustard of entering the Kingdom of Heaven. We will find faults in all people, including myself, as past legislators perhaps by omission, or not intentionally. I am not in favor of starting to point fingers. I think we should allow the process. In fact during the eighth legislature one of the congressman who is a current congressman again, was trying to do an investigative duty pursuant to the House rules and pursuant to the constitution, and just because they don't like for him to investigate, they are thinking in terms of initiating a petition. That is intimidation. If you make it too close, make it by simple majority also or by allowing something like that, I mean we need to allow the system to work. Let them carry out their duty and if it is too close to the election give it to the discretion of the legislature

to set a timetable of when the election ought to be and not just setting it in three months. If we are going to have one election in three months and two weeks later another election, I think the people will start wondering what kind of government we have. Thank you, Mr. Chair.

CHAIR GONZALES: Thank you, Mr. President.

We will go to Lillian Tenorio and then to Tom Aldan and then to Donald Mendiola.

Thank you.

DELEGATE LILLIAN TENORIO: The report says that the procedures did not work as smoothly as they should and I want to find out from the subcommittee if there were instances in which the legislature has failed to call for a special election when a recall petition has been certified by the attorney general.

Has there been such instance in the past?

DELEGATE LIFOIFOI: None.

CHAIR GONZALES: Delegate Mendiola.

DELEGATE D. MENDIOLA: It can be quite a nuisance when it happens. It is just that we really are cautious about the recall process because with what the president or President Delegate Guerrero has mentioned, having to set a deadline for the special election for

the recall process may be very, very detrimental to the process, here for the Commonwealth in general, because as he said earlier, what if it were just a month prior to the general election?

We are not only talking just about the cost but do we want the people to go to the recall and then come back in for the general election? Has it actually happened? No.

CHAIR GONZALES: Thank you. Does that answer your question?

DELEGATE LILLIAN TENORIO: Yes.

CHAIR GONZALES: Tom Aldan.

DELEGATE T. ALDAN: Thank you. I like Delegate Villagomez suggestion. However since this is time for discussion, I would urge the delegates to make recommendations to improve it.

The time frame I would suggest is that if the term is less than half remaining then we leave it to the legislature and if it is more than half, that we follow Villagomez's suggestion of 30 days. I am afraid also of the grounds for recall. I would like to see more teeth in there or just because you don't like the person that will be sufficient if you have 40 percent. We have to be mindful if we run an election at large

some of the members, especially in the House, may not garner 40 percent of the votes cast and may still be elected. If you can garner those others that didn't support you, you can recall. I am afraid of something happening, but I would like to ask the mover to change the motion to read that if it is more than half remaining in the term then a special election be made within 30 days or three months and if it is less than half we wait for the legislature. Thank you.

CHAIR GONZALES: Delegate Villagomez?

DELEGATE VILLAGOMEZ: Yes, Mr. Chair. That is why I was raising my hand. I agree with Delegate Aldan and I agree on the grounds. I was going do make that as an amendment.

If the term is less than half then leave it to the legislature. If it is more than half then we should have a special election.

CHAIR GONZALES: Yes. Do you want to amend your motion to reflect that?

DELEGATE VILLAGOMEZ: So moved.

CHAIR GONZALES: Your motion before this was to strike out what was proposed and to replace it within three months of certification of the attorney general for a special election to be conducted.

What Delegate Tom Aldan is asking, if that would be amenable to you --

DELEGATE VILLAGOMEZ: Yes. May I withdraw?

CHAIR GONZALES: And replace it with Tom Aldan -- we need somebody to --

DELEGATE HOCOG: Order in the Committee.

Mr. Chair, the reporter is going nuts with two persons talking at one time. So can we have order from the chair.

CHAIR GONZALES: Delegate Villagomez can we have order.

DELEGATE VILLAGOMEZ: My apology.

CHAIR GONZALES: Thank you.

DELEGATE HOCOG: I move for a short recess.

(Recess taken from 10:30 a.m. to 10:45 p.m.)

CHAIR GONZALES: Before we convene back I would remind the delegates that we are aiming to end at 11:30 but if we do drag on we will not take a recess until we dispose of the matter. For expediency, I would recognize Delegate Villagomez to clarify his motion and from there I will recognize Donald Mendiola for 30 seconds and Delegate Igitol and then I will ask Delegate Hofschneider to --

DELEGATE MANGLONA: Then me.

CHAIR GONZALES: Delegate Manglona and Hofschneider to speak --

DELEGATE VILLAGOMEZ: Thank you. I apologize for speaking while the others are. I don't make it a habit.

First of all, let me make it clear that I am withdrawing my first motion and I am replacing it with this motion which reads: To amend Section 3 (c) of Article 9, by replacing the words: "Next regular general election unless special elections are provided by law" with the words: "A special election to be conducted within three months of certification by the attorney general if a term of office is more than half remaining. If the term of office is less than half remaining, the legislature may pass a special election law."

And I hope somebody will second it.

(The motion was seconded).

CHAIR GONZALES: It has been moved and seconded.

DELEGATE HOCOG: Amendment.

CHAIR GONZALES: Discussion.

DELEGATE HOCOG: I wish to remind the chair you have to announce who is talking.

CHAIR GONZALES: Delegate Mendiola and then

Igitol.

DELEGATE D. MENDIOLA: Thank you, Chairman. I really don't appreciate the amendment of proposed Article 9, Section 3, Subsection (c) by Jack Villagomez. The subcommittee will take Delegate Tom Aldan's recommendation of the language of Article 9, Section 3 (c), or I guess now the new amendment to it and take it into consideration and the subcommittee will go over it on second reading.

However, I have a question that has been bothering me. It seems like every time at any reading of any of the articles or the subsections what happens is -- I would just like to clarify what one of our delegates, Delegate Jack Villagomez, does at any of the readings of any of the articles that come up before the chamber. He always has to come up and give an amendment or make a proposed change to the language and then withdraw his recommendation or his amendment to those proposals.

Is there such a thing as a uniformity of how things are to be done? I mean if I were to make a recommendation or to make an amendment to any Article to the constitution I will make sure that I will not embarrass myself before the media and the entire

chamber and the gallery, the other people outside also, by keep recalling my own recommendations to make amendments to any Proposal of any of the articles. Thank you, Mr. Chair.

CHAIR GONZALES: I would like to remind all the delegates that let's stick with the germane motions so that we can proceed.

Delegate Igitol, please.

DELEGATE IGITOL: Yes, Mr. Chair, I don't mind those changes for providing for a special election but we are forgetting that if we do have a special election other than the general election there is a missing part here -- like funding. So I would propose to the proposers to put in language here that if a special election is to be conducted other than the general election, language where a special appropriation will be included here by the legislature or language authorizing the governor to do a reprogramming for such costs for the election.

Thank you.

CHAIR GONZALES: Your recommendation will be taken by the committee and considered.

Thank you.

Delegate Manglona.

DELEGATE MANGLONA: Yes, I would like to say this, Mr. Chair, the right to recall is a democratic process given to our voters and we should not fear any of us should we become elected officials that we may be recalled. I think it is good to have this provision in our Constitution to have my assurance if I'm elected to a public office to make sure that I do the right thing for the public which put me in office.

I agree with the motion that if somebody is to be recalled, that if the term of office served is half and there is a remaining half to be served then I think we should put a deadline or provision in the constitution that will take care of that. We should not deny our voters to get rid of the people they elected if they don't feel they are serving their interests. To me, if we leave it to the legislature we must remember, let's say I am a Republican Washington representative or governor and they want to recall me but yet we leave the disposition for the legislature to determine whether or not there will be a special election for that.

What about if I am a Republican and maybe one house of the legislature is controlled by the Republicans -- the wishes of the people will never go

through because they will not permit it to happen. This is what I want to caution the members of this delegation that if we are serious about giving the people to exercise their right in recalling the elected official because they don't like what he or she is doing, then I think we should be willing to put something here in the constitution to make it happen.

CHAIR GONZALES: Let me recognize Delegate Hofschneider. Perhaps we can resolve this issue after he speaks. I think we have heard enough discussion.

Delegate Hofschneider.

DELEGATE HOFSCHEIDER: Yes, Mr. Chairman, I don't think anybody in this chamber wants this provision removed. It has been there. It has been intact since 1976 and it is a workable process; it is a democratic process. If for that matter anybody questions the recall process, the island of Tinian has done it in 1986. It went through the process; however, the voters weren't successful. We want to make the people of the Commonwealth feel that they elect positive leadership through political campaigns and so forth. I still feel that the Committee has done a great job on maintaining the status quo on this and if I am in order, Mr. Chairman, I would like to request that the

recommendation be brought back to the Committee. If, however, this floor, the Committee of the Whole, wants to take a vote on that motion then that is the discretion of the delegates, but I would like to recommend that we dispose of this recommendation. I was the main mover to adopt Article 9 and I wish to do so again request the chair to address the matter.

CHAIR GONZALES: Before we do that we have to dispose of the subsidiary motion. I think it is now time to dispose of it if that is okay for the delegates.

A motion is presently on the floor by Delegate Villagomez and all those --

I need to hear a motion for the previous question.

DELEGATE FIFOIFOI: Ready for the previous question.

CHAIR GONZALES: All in favor of the motion say "Aye." All those against it say "Nay."

There is a division.

All those in favor of the subsidiary motion please raise your hands.

(Convention Clerk counting hands).

CHAIR GONZALES: All those opposed please raise

your hands.

(Convention Clerk counting hands).

CONVENTION CLERK: 13, 14.

CHAIR GONZALES: Mr. Chairman, do you want roll call?

DELEGATE HOCOG: Roll call.

CHAIR GONZALES: Please, Convention clerk.

DELEGATE HOCOG: What was your count, Mr. Chair?

CHAIR GONZALES: It was evenly divided. I think it is better if we get a roll call.

DELEGATE HOCOG: Before we get a roll call can we find out from the chair what is evenly divided.

CONVENTION CLERK: 13, 13. I made a mistake.

CHAIR GONZALES: 13, 13. Let's call roll.

DELEGATE HOCOG: That is 26. What is your vote, Mr. Chair?

CHAIR GONZALES: Roll call, please.

{The roll was called and the Delegates voted as follows:}

YES: Delegates Tomas B. Aldan, Vicente S. Aldan, Carlos S. Camacho, Esther S. Fleming, John Oliver DLR. Gonzales, Benjamin T. Manglona, Joey P. San Nicolas, Teresita A. Santos, Bernadita T. Seman, Mariano Taitano, Helen Taro-Atalia, Joaquin P.

Villagomez.

NO: Marian Aldan-Pierce, Frances LG Borja, Herman T. Guerrero, Victor B. Hocog, Henry U. Hofschneider, David L. Igitol, Jose R. Lifoifoi, David Q. Maratita, Donald B. Mendiola, James H. Mendiola, Justo S. Quitugua, Marylou Ada Sirok, Juan S. Tenorio, Lillian A. Tenorio,

ABSTAINING: None.

CONVENTION CLERK: Mr. President, I have 12 members voting yes, 14 voting no and one member absent.

CHAIR GONZALES: The substantive motion has been defeated.

Let's proceed with the main motion.

DELEGATE HOFSCHEIDER: Yes, I move the previous question.

CHAIR GONZALES: It has been moved.

(The motion seconded).

CHAIR GONZALES: All in favor of the previous question please say "Aye." All those against say "Nay."

(The motion carried).

Now we will vote on the entire report itself since we have disposed of the subsidiary motion.

DELEGATE BORJA: That is it.

CHAIR GONZALES: The report has been adopted.

DELEGATE V. ALDAN: Privilege.

CHAIR GONZALES: We have disposed of Article 9,
thank God.

Let's proceed to Article 20 with respect to Civil Service. May I again ask the indulgence of the chairman of the Committee, Delegate Hofschneider to enlighten us.

DELEGATE HOFSCHEIDER: I move the Committee of the Whole to adopt the report of the Committee.

DELEGATE V. ALDAN: Mr. Chair, I had a privilege earlier. Sorry.

DELEGATE HOCO: No sorry. It is your privilege. Go ahead.

DELEGATE V. ALDAN: On Article 9 I would like to ask chairman --

DELEGATE HOCO: Point of order.

CHAIR GONZALES: State your order.

PRESIDENT GUERRERO: Mr. Chairman, he is out of order because that is not germane. That is not a privilege of the house. That is in discussion and debate already, so it is out of order.

CHAIR GONZALES: We have disposed of Article 9. We

are now on Article 20. We will proceed with Article 20, Civil Service.

DELEGATE V. ALDAN: That is okay.

DELEGATE HOFSCHEIDER: I move the Committee of the Whole to adopt the report of the Committee on Judiciary and Other Elected Offices with respect to Article 20 on Civil Service.

(The motion was seconded).

CHAIR GONZALES: It has been moved and seconded.

Discussion?

DELEGATE HOFSCHEIDER: At this time I would like our subcommittee chair to enlighten the members on the proposed Article.

DELEGATE QUITUGUA: First I would like to comment to the Committee members.

CHAIR GONZALES: Please proceed, Delegate Quitugua.

DELEGATE QUITUGUA: Thank you, again Mr. Chair. First I would like to thank the Committee members, for their diligent effort and support to provide a framework in our Constitution to ensure fairness in government employment. At the same time I extend a sincere thank you to the other delegates for participating in our Committee's deliberations.

Our thanks are also extended to the Civil

Service Commission, the Office of Personnel Management and the Office of the Attorney General for their responsive comments to this section of Article 20.

Our thanks also is in order to our legal counsel Deanne for her research efforts and patience in drafting and redrafting and redrafting the article.

Our thanks also is extended to our Chairman Hofschneider for his demonstrated leadership resulting in many accomplishments by the Judiciary and Other Elected Offices Committee.

Mr. Chair I would like to explain the Committee's proposed amendments for Article 20.

CHAIR GONZALES: Please.

DELEGATE QUITUGUA: As a preliminary matter, the Committee recommends that Article 20 be put back into Article 3 where it was in the 1976 constitution. Article 20 deals with the Civil Service Commission which is a part of the executive branch. There are only three branches of the Commonwealth government: the executive, the legislative, and judicial branches. Putting the Civil Service Commission in a separate Article does nothing with respect to the status of the commission itself. It just makes the Constitution longer without making it better.

In the 1976 Constitution, the Civil Service was covered in section 16 of Article 3 and we propose to put it back there.

In working on this proposal we heard testimony at a public hearing from the Civil Service Commission and from the Office of Personnel Management. As we put our draft together, we consulted both of them and provided them with drafts of the language we were considering and our proposed report.

There are three subsections to our Proposal. The first deals with who is in the Civil Service and who is not in it. The second deals with the Civil Service Commission itself. And the third requires the commission to classify all positions and provides it with the power to exempt certain positions from classification.

It might be easier, Mr. Chair, if you would allow me to go through all three sections first and then I will respond to any questions.

This provision is quite short and the provisions are integrated.

Section 16 (a) covers the Civil Service itself. We have provided a simple rule. Civil Service covers everyone who is employed by the Commonwealth

government or whose salary is paid by the Commonwealth government. The language about the objectives of the Civil Service system comes from the 1976 Constitution. That was not amended by the 1985 convention.

Under 16 (a) we have provided for two automatic exceptions. First, all elected officials are outside the Civil Service.

Second, all officials who are appointed by the governor under the Constitution are outside the Civil Service.

Under section 16 (a) we have also provided the flexibility for the legislature to create additional exemptions and to take positions entirely out of the civil service system. However, we have limited the legislature in this regard. The legislature may take a position out of the Civil Service entirely only if the position falls in one of five clearly defined categories.

The first category is professional positions.

The second category is managerial positions.

The third category is educational. This covers the College and schools so that their accreditation can be protected.

The fourth category is overseas positions and this covers the Washington rep and liaison offices in Hawaii and Guam.

The fifth category covers all the personal staffs of elected officials. It covers the personal staffs of the House and Senate. It covers the personal staffs of the governor and lieutenant governor, the mayor and municipal councils. It covers any other elected positions that may be created in the future. This flexibility for the legislature to take positions out of the Civil Service system is enough to make sure that the government can run smoothly but it is also limited so that it should not be abused.

Section 16 (b) establishes the Civil Service Commission. We propose to downsize the commission from 7 to 5 members, but we would do that by having existing appointments expire in due course. We would not throw anyone out of a job.

We also recommend that that all the members of the commission come from the private sector. Anyone who holds a government job would not be eligible to serve on the commission, although retirees would be eligible.

We also recommend a five-year term.

Currently the members serve six-year terms except that one member serves a four-year term. We think that staggered five-year terms with one term expiring each year will give the governor sufficient opportunity to appoint people to the Commission.

The remainder of Section 16 (b) has not been changed.

Section 16 (c) provides that the Civil Service Commission classify the jobs for which it is responsible and that it may exempt jobs from the classification system.

With respect to "excepted positions" and "exempted positions" we have drawn a very clear line. Only the legislature can create excepted positions that are outside the Civil Service altogether. Once a position is excepted, the Civil Service Commission has no jurisdiction over it. Only the Civil Service Commission can create exempted positions. An exempted position is still within the Civil Service system but it is not subject to all the policies and standards.

There are several important consequences of this revised Article that the delegates should be aware of.

First, the staff of the Judicial Branch is

included in the Civil Service system.

Second, the Legislative Bureau is included in the Civil Service system.

Third, the staffs of the autonomous agencies are included in the Civil Service system.

But, of course, the legislature has the flexibility to create excepted positions for the professional and managerial personnel in all these areas. The Committee believes there is no reason why comparable positions all across the government should not have comparable pay and benefits. We think it will increase fairness and efficiency.

The broad definition of the Civil Service system would include the staffs of the mayors and municipal councils, but the Committee created an exception under which the legislature can turn these into excepted positions that will be outside the Civil Service system. The Committee believes it is important for the legislature to make these judgments.

Thank you, Mr. Chair.

CHAIR GONZALES: Thank you, Delegate Quitugua for a fine presentation.

Discussion.

CHAIR GONZALES: Dr. Aldan.

DELEGATE V. ALDAN: Thank you, Mr. Chair.

On Section 16 (c), I wonder whether on this motion we could have the commission at least report the number of exempt positions they created through the legislature so it would just be like a one-step process where at least the public will know what kind of exempt positions have been created. Because I think as of now, if we put it this way, the way it is, it would be hard to know which is actually an exempt position created by the Civil Service and which is an excepted position.

Is that okay with the chair?

CHAIR GONZALES: Delegate Quitugua what is your reaction.

DELEGATE QUITUGUA: We have no problem taking it back but my suggestion is rather than crowding the Constitution we would like to place it under the legislative history.

DELEGATE ALDAN: That's fine.

CHAIR GONZALES: Thank you.

Any further discussion?

Delegate Tom Aldan.

DELEGATE T. ALDAN: Thank you, Mr. Chairman.

Is it the intent of the Committee to not

include as exempt division directors? Pursuant to executive order 94-3? If that is the case I applauded the Committee for that decision.

And my next comment, Mr. Chairman, with regards to staffing, are we going to have a huge staff of the Civil Service as it was prior to executive order 94-3 and also have an existing personnel office under the governor's office? How does the Committee look at the staffing of this Civil Service Commission?

My understanding now is there is only one or two. Is that going to be maintained a flexibility is going to be given to the legislature to create another personnel office or officer to replace what the governor took away by 94-3. I would like to be enlightened in that area.

CHAIR GONZALES: Delegate Quitugua, can you respond.

DELEGATE QUITUGUA: Yes, the first question on the deputy director.

DELEGATE T. ALDAN: Division director.

DELEGATE QUITUGUA: Division director. If they are not appointed by the Governor under the Constitution or given an exemption or exception then they will be considered under the Civil Service.

DELEGATE T. ALDAN: Just so that it be clear, because they were under Civil Service prior to Executive Order 94-3 and upon implementation of 94-3 they became appointees of the governor and outside the Civil Service. If that is clear, I applaud the Committee if that was the intent. It provides for continuity in programs and things like that. If not, I would like to ask you to look into it.

CHAIR GONZALES: Thank you, Delegate Aldan.

Delegate Seman.

DELEGATE SEMAN: In answer to Tom Aldan the division directors, if they are not excepted by the legislature, then they will be under the Civil Service system. Only the legislature can except positions.

CHAIR GONZALES: Thank you.

Any further?

DELEGATE HOFSCHEIDER: The second question of Chairman Aldan, the Civil Service commission is strictly a policy body. So it will maintain a minimal staff just for administrative grievances, maybe processing or whatever the commission needs to have.

DELEGATE T. ALDAN: I hope that is clear.

DELEGATE HOFSCHEIDER: It is from the history.

DELEGATE T. ALDAN: Just a minimal staffing and

not a humongous department.

DELEGATE HOFSCHEIDER: You are correct. Please, we should put that down the the legislative history.

CHAIR GONZALES: Thank you.

Delegate Manglona.

DELEGATE MANGLONA: I just want to ask a question. Please correct me if I am wrong. I understand the existing provision of the Civil Service calls for an independent and nonpolitical commission.

Does this new section also take care of that concern?

CHAIR GONZALES: Delegate Quitugua.

DELEGATE QUITUGUA: Yes. Under Section 16 (a) it indicates that the Civil Service shall be non-partisan and independent.

CHAIR GONZALES: Thank you.

Delegate David Igitol.

DELEGATE IGITOL: Thank you, Mr. Chairman. I am concerned also at the division head level and I would like to recommend the Committee to make it specific that the division directors and chiefs shall be under the Civil Service because that is where the operation rests. The directors or the secretaries are appointees of the governor and they come and go, but if a new

director or secretary comes in they need a guide in the division. So the operation rests with the division chief. I believe it is only appropriate that we include the division chiefs as part of the Civil Service.

DELEGATE HOFSCHEIDER: We will consider it in the legislative history.

CHAIR GONZALES: Any more discussion.

DELEGATE MANGLONA: Yes.

CHAIR GONZALES: Delegate Manglona.

DELEGATE MANGLONA: Mr. Chairman, I have another concern and this is really hurting sometimes. You know there are a lot of people especially close to election time -- employees have been harassed or been discriminated against. I wonder if the Committee will seriously look into this matter and see what protection we can give to our civil service employees because I notice it happens time and time again that people are intimidated. People are harassed. People's personnel actions are not signed. If something could be done along this thinking I would like the Committee to seriously look into this because I think it hurts to affect people who are not part of this political system and are intimidated just because of the election.

CHAIR GONZALES: Thank you.

Delegate Quitugua.

DELEGATE QUITUGUA: Yes, Mr. Chairman.

That concern was extensively discussed. The Committee was concerned about what Delegate Manglona said. We are concerned about political intimidation and that is why we recommend this Civil Service Commission be non-partisan and independent so they can deal with the harassments that were indicated and other problems of unfair practices that are occurring or will be occurring in regards to the government employees.

CHAIR GONZALES: Any further discussions?

It has been moved and seconded. Call for the previous question.

All those in favor of the report say "Aye."
All those against say "Nay."

(Motion carried).

That concludes the agenda for the Committee of the Whole. Thank you for your diligent efforts and insights and we shall proceed.

Mr. Floor Leader.

DELEGATE HOCOG: Don't make any decision
Mr. Chair. I have to make a motion.

CHAIR GONZALES: Sorry on my part.

DELEGATE HOCO: I would like the good chair to step down now so we can rise back to our plenary session.

(The motion was seconded).

CHAIR GONZALES: Thank you. All those in favor to rise back to the plenary session say "Aye." All those opposed say "Nay."

(Motion carried).

Thank you.

PRESIDENT GUERRERO: Plenary session is called back to order.

I call on Delegate Gonzales to report back on the deliberation of the Committee of the Whole.

DELEGATE GONZALES: Thank you, Mr. President.

I would like to report to you that Article 9 on Initiative Referendum and Recall recommended by the Committee on Judiciary and Other Elected Offices has been adopted.

Also I would like to report that report No. 3 on Article 20 Civil Service again recommended by the Committee Judiciary and Other Elected Offices has been adopted as presented.

Thank you, Mr. President.

PRESIDENT GUERRERO: Thank you.

Any other comments?

DELEGATE HOCOG: Mr. President.

PRESIDENT GUERRERO: Yes, Mr. Floor Leader.

DELEGATE HOCOG: I would like to calendar Article 2 and Article 14 for first reading.

(The motion was seconded).

PRESIDENT GUERRERO: Can we include perhaps Article 9 and Article 20? If there is no objection on the floor?

(The motion was seconded).

PRESIDENT GUERRERO: We have calendared this. Thank you. Mr. Floor Leader?

DELEGATE HOCOG: Mr. President, I would like to move now for the adoption for passage on first reading, Article 2.

(The motion was seconded).

PRESIDENT GUERRERO: Can we perhaps to try to take the one that is the easiest, perhaps Article 9, and entertain that first since there was no changes to the Constitution?

DELEGATE HOCOG: Okay. Then I withdraw my motion and replace it to move for passage of Article 9 on first reading.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to pass Article 9 on first and final reading -- I mean first reading.

DELEGATE HOCOG: First reading is the motion, Mr. President.

PRESIDENT GUERRERO: I stand corrected. First reading.

Discussion?

Let me recognize Delegate Vicente Aldan.

DELEGATE V. ALDAN: We are talking about Article 9, right, Mr. President?

PRESIDENT GUERRERO: Yes.

DELEGATE V. ALDAN: On the section on recall on Article 9, section 3 letter B regarding the certification by the attorney general. I would like to ask the chairman of the Committee if they could maybe consider putting a time limit in that section prior to the second reading. Maybe they could discuss that during their Committee after we approve this Article today. Thank you.

PRESIDENT GUERRERO: Delegate Tom Aldan.

DELEGATE T. ALDAN: I would like to ask the Committee to look at the concerns raised because if it comes up for second reading and it has not gone to

two-thirds I am afraid we have a problem. So just look at it and consider it.

Thank you.

PRESIDENT GUERRERO: Delegate Hofschneider.

DELEGATE HOFSCHEIDER: That is why everyone is welcome to attend the committee meetings. Delegate Chairman Aldan and Villagomez have perfect attendance in my meetings. I don't know why they didn't address this in the Committee meetings.

Thank you.

PRESIDENT GUERRERO: Delegate Villagomez.

DELEGATE VILLAGOMEZ: Mr. Chairman, I have proposals that address the concern of Delegate Dr. Aldan.

As you know, I was a minority and I think, as I understand or rather I am not a member of the Committee. My understanding of the manner in which the Article 9 on recall was done, I think there was not ample discussion and opportunity was not available.

PRESIDENT GUERRERO: Delegate Hofschneider, do you wish to respond.

DELEGATE HOFSCHEIDER: We had two meetings, Mr. President, on the same article only yesterday. My Committee met two times.

DELEGATE MARATITA: I can vouch for that I attended all committee meetings.

PRESIDENT GUERRERO: Order, please.

DELEGATE HOFSCHEIDER: We will take the matter into consideration as recommended by the delegates.

PRESIDENT GUERRERO: Roll call, please.

{The roll was called and the Delegates voted as follows:}

YES: Delegates Marian Aldan-Pierce, Frances LG Borja, Esther S. Fleming, John Oliver DLR. Gonzales, Herman T. Guerrero, Victor B. Hocog, Henry U. Hofschneider, David L. Igitol, Jose R. Lifoifoi, David Q. Maratita, Donald B. Mendiola, James M. Mendiola, Justo S. Quitugua, Teresita A. Santos, Bernadita T. Seman, Marylou Ada Sirok, Mariano Taitano, Helen Taro-Atalia, Juan S. Tenorio, Lillian A. Tenorio.

NO: Tomas B. Aldan, Carlos S. Camacho, Joaquin P. Villagomez.

ABSTAINING: Vicente S. Aldan, Benjamin T. Manglona, Joey P. San Nicolas.

CONVENTION CLERK: Mr. President, we have 20 members voting yes, 3 noes, 3 abstentions and one member absent.

PRESIDENT GUERRERO: Article 9 passes on first reading.

Mr. Floor Leader.

DELEGATE HOCOG: Yes, Mr. President, I would like to move for passage of Article 2 on its first reading.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to pass Article 2 on first reading.

Discussion?

Yes, Delegate Borja.

DELEGATE BORJA: Mr. President, I have a concern with Section 3 (c) of the report as presented by the Committee.

I have made my views known at the Committee level and I would like to make it known here at the Convention.

I am opposed to increasing the term of the House to four years and I have several concerns.

My first concern is on complacency. We would be giving more opportunity to the representatives to just lay back the first couple of years and not be effective at all until the latter term in office. The second concern I have is on influences by special interest groups. Knowing that a representative is in office for four years, special interest groups would be given more impetus to align themselves with

representatives to get legislations that they want. There have been arguments presented that two years is not enough for a representative to get his feet wet. My response to that is if a person needs more than two years to be an effective legislator he or she should not have run in the first place. Some argue that a four-year term is incentive to having a better and larger pool of candidates. I would hope that the incentive to run for any public office is foremost to make this great Commonwealth a better Commonwealth and not solely by the length of time in office.

My fellow delegates, the present two-year term is working. Please let us leave alone what is not broken. In view of that I would like to make a motion to amend Section 3 of the Committee's report to retain the present two-year term for the House.

Thank you, Mr. President.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to keep the current term of the house to two years.

Is that correct?

DELEGATE BORJA: Yes, Mr. President.

PRESIDENT GUERRERO: It has been moved and

seconded.

Discussion?

Delegate San Nicolas.

DELEGATE SAN NICOLAS: Thank you, Mr. President.

I guess I made my feelings known yesterday at yesterday's Committee meeting. Allow me to say a little something.

I understand that there are, a lot of costs involved. I am aware of the predicament faced by legislatures because of the two-year term that they have. I know this because I have spoken to certain legislators and even to people who work for the legislators. But I have also listened to constituents, to voters, and to to tell you the truth I share their concern.

Number one, in the eyes of a voter knowing that their representatives must answer to them every two years provides for the responsiveness and accountability that these concerned citizens desire. And because of that it gives the voters the flexibility to vote, to keep in or vote out representatives that they feel are not responsive to the island and constituent needs. Thank you.

PRESIDENT GUERRERO: Delegate Villagomez.

DELEGATE VILLAGOMEZ: Mr. President, I am in support for the two years. Earlier I supported four years because I thought maybe we could have an easier recall. The decision during the recall reflects this Con-Con doesn't want a special election. To ensure that it is easier to get rid of undesirable elected officials I think a two-year term is better and I ask that those who support four years please vote for two.

PRESIDENT GUERRERO: Delegate Hocog.

DELEGATE HOCOG: Yes, Mr. President. Thank you.

I have heard reasons as to why they don't support the four-year term for a congressman. Number one, voting down the special election; the other one is complacency; and another one is if they don't possess the quality to be an elected official he has no business putting his feet in.

If we are to seriously look, Mr. President, why then would we allow one body of the legislature to go on four years for complacency and for other reasons, and I think if that is the case then perhaps the delegates can seriously look into selecting their leaders every two years and not four years for one house and different for another. I support, Mr. President, the provision for four-year term knowing

the difficulties enumerated by some of the members. It is difficult. The first term, Mr. President, when you're elected to the house of representatives, is a difficult beginning. It is a learning process, how smart you are when you get elected does not make the difference when you are in office especially when you are a minority.

Another reason that we don't want to set a term limit for a legislator is because should there be an elected individual that is representing the people in their best interests, we want them to continue.

I guess, Mr. President, allowing the four-year term for legislator in the House and having to have good legislators that fall under the two term, two-year provision, perhaps then we can ascertain their quality by providing them an additional two years to make it four and that way we can be certain that this individual will ensure delivery of public service in the best interest of the public.

We have provided a recall provision, I hope of which the Committee will seriously consider the additional recommendation provided by Delegate Villagomez although it was defeated on the floor but I think the Committee will take that into consideration

to be presented on its second and final reading.

I guess, Mr. President, and members of this delegation, I think we have to be mindful of this legislator serving two years and we need the quality. Should any one of them be convicted or any one of them is obviously abusing public funds, I think the general public can file a complaint, file criminal charges against this individual so that the legislative provision about elected officials convicted of a felony can take its course and that will definitely remove an elected official that is not serving the best interests of the general public.

So, Mr. President and members, I ask your indulgence and support so that we think seriously in making our votes to give our house of representative candidates in the future the chance to work for us a longer time and provide a better quality of service.

Thank you.

PRESIDENT GUERRERO: Thank you, Delegate Hocog. I need to recognize Delegate Mendiola.

DELEGATE D. MENDIOLA: Thank you, Mr. President, I respect the Floor Leader's opinion on the merits of allowing our legislators a four-year term.

However, I disagree with him. I support the

two-year term, Mr. President. For one thing I don't feel that any legislator -- regardless whether that legislator is new or is a minority member of the house or the legislature -- I don't feel the legislature is an educational ground for that legislator to learn the process of how to go about his or her duties. Because to begin with, it is not a wise decision to run for legislative office without the proper education before getting into it. To allow a member of the legislature to be in the house for four years, although it does not apply to the present legislature, I do see a lax attitude as I walk around here in the legislature and I don't see very many things getting done. I am just giving out my sentiments because I am a voter, too, and I vote people into the office and I get misrepresented, I suppose. That is how I see it. I am a very vocal person on my position. I don't apologize for anybody. But for those people that are affected, I do not apologize. It goes to you. Those who are not affected, well, you know it is not affecting you. However, please, let us not give them four years. I have seen, Mr. President, that even a two-year term is too long and they have not done much and even in the past it has been a part of our history. I don't mean

to put them all down or anybody down. It's just that I believe the legislature should be working on their promises to the people.

Thank you, Mr. President.

PRESIDENT GUERRERO: Thank you, Delegate Donald Mendiola.

I keep a listing of people raising their hands. The next one in line is Delegate Camacho.

DELEGATE CAMACHO: Mr. President, I became elected to the House of the Congress of Micronesia in 1967. It was a difficult year. As you know we sat together in the Congress with the other districts and we worked together.

I mention this because the analogy that is being used to support the four years is really way off base. I think we should stick to the two years and four years in the Senate. The fact that the Senate is four and the house is two is for a different purpose. The Senate represents islands, states; the house represents population.

I have observed the legislature both during my tenure as governor, the first elected governor, and I have noticed difficulties that some legislators have. I agree, if you cannot cope with finding the

bathroom during the two years that you are in the house then you should not go into the legislature.

The analogy is totally wrong. I urge these delegates. We are trying to downsize basically for various reasons. Among them is the cost and here we are trying to increase the House to four years.

So I urge the delegates to please vote it down now. Let's not create another employment agency for house members in the future.

Thank you, Mr. President.

PRESIDENT GUERRERO: Thank you, Delegate Camacho.

Delegate Tom Aldan.

DELEGATE T. ALDAN: Thank you, Mr. President.

I am supporting that the House serve a term of four years. If anything I would rather like to see the Senate down to two years.

Let me give you the scenario. The only body in our legislature that dictates to the majority is the Senate and that house should have a higher turnover than these representing the wishes of the majority.

Thank you.

PRESIDENT GUERRERO: Thank you, Delegate Aldan.

I now call Delegate Lillian Tenorio.

DELEGATE LILLIAN TENORIO: Thank you,

Mr. President. I want to reiterate what I stated in the Committee.

I believe, in my observation working in the legislature, that two years is too limited for a lawmaker to learn the work and be effective. I think "be effective" is the important part of my remark.

I think for those who have served in the legislature, legislative work is complex and it is a little bit complicated. I think that with the two-year term a legislator's horizon is somewhat shortened. There is no interest in long range vision and by putting in a four-year term what we would be doing is having the representatives look at long-term solutions to our problems and this would also lead to more stable policy making and some consistency in law making.

I have noticed that there are over 101 proposals that were submitted to change the legislature and the thrust of the Committee's work was to look at ways to make the legislature more effective and responsive to the people.

I think this amendment of changing the term to four years is one way of achieving that goal.

I want to answer or rebut the assertion made about special interests.

Special interests in my view thrive within an environment in which people are inexperienced and unprepared and ill-informed. You combine these elements with the pressure of election you will have a lobbyist's dream of a legislature.

I think a four-year term will limit the power of lobbyists because the representatives will learn the ropes and gain sufficient understanding of issues and the laws that we have on our books and would tend to be more cautious of special interests or lobbyists knocking on their door. I have seen this in my observation in my work in the legislature and I tend to disagree with the assertion that somehow extending the limit to four years will make the lobbyists or special interests rule the House.

Thank you.

PRESIDENT GUERRERO: Before I recognize Delegate Maratita, I would like to recognize the presence of the speaker of the house and the director of the legislative bureau as well as everybody else in the gallery.

I would like the members to also acknowledge that it is Grace's birthday today, on the legal team staff.

(Applause).

PRESIDENT GUERRERO: Delegate Maratita, you have the floor.

DELEGATE MARATITA: Thank you, Mr. President. There is time to everything, Ecclesiastes. There is a time to everything. (LAUGHTER).

So what I am saying is if we are put in two years for the members of the House of Representative, then they have their time of two years. They could work within that time limit that they are given. We are given 60 days in our Constitutional Convention and we are trying to do everything to revise the Constitution within 60 days. So what I am saying is that time is a factor. If you have given two-year terms for the House of Representatives then you have that maximum of two years. You should try to do everything in your power to make that two years worthwhile. If you are given four years, you have four years. You could give them forever. What I am saying is if we all agree to a two-year term and the majority decides that we should leave it to two years, so be it. If you say four years and everybody agrees, so be it also.

Thank you.

PRESIDENT GUERRERO: Thank you, Delegate Maratita.

I call on Delegate Igitol.

DELEGATE IGITOL: Mr. President, I think we have heard enough discussion. So I move to end debate.

(The motion was seconded).

DELEGATE HOFSCHEIDER: Point of information.

PRESIDENT GUERRERO: State your information. What is it.

DELEGATE HOFSCHEIDER: Delegate Maratita didn't mention the number of rosaries, novenas, velas the House of Representatives have to travel to and give money out of their pockets. Just to add to his time of office.

DELEGATE TAITANO: Point of information, Mr. President.

PRESIDENT GUERRERO: State your point.

DELEGATE TAITANO: May I ask my question to the good speaker whether he supports two or four years.

PRESIDENT GUERRERO: That is not a point of information.

DELEGATE TAITANO: Whatever.

PRESIDENT GUERRERO: I need to entertain the motion.

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

Motion carried.

Now we are voting on the amendment offered by Delegate Borja to maintain the two-year term for the House of representative.

Roll call, please.

{The roll was called and the Delegates voted as follows:}

YES: Delegates Frances LG Borja, Carlos S. Camacho, David L. Igitol, Jose R. Lifoifoi, Benjamin T. Manglona, David Q. Maratita, Joey P. San Nicolas, Bernadita T. Seman, Mariano Taitano, Helen Taro-Atalia,, Joaquin P. Villagomez.

NO: Delegates Tomas B. Aldan, Vicente S. Aldan, Marian Aldan-Pierce, Esther S. Fleming, John Oliver DLR. Gonzales, Herman T. Guerrero, Victor B. Hocog, Henry U. Hofschneider, Donald B. Mendiola, James M. Mendiola, Marylou Ada Sirok, Juan S. Tenorio, Lillian A. Tenorio.

ABSTAINING: Justo S. Quitugua, Teresita A. Santos.

CONVENTION CLERK: Mr. President.

PRESIDENT GUERRERO: I think you forgot someone.

CONVENTION CLERK: Mr. President.

PRESIDENT GUERRERO: How many votes do we have so far?

DELEGATE HOCO: That is not fair, Mr. President,.

PRESIDENT GUERRERO: No.

DELEGATE HOCO: When you vote no, Mr. President, that means the motion is approved?

CONVENTION CLERK: Mr. President, the result of the vote is 13 yes, 11 noes.

PRESIDENT GUERRERO: Order. Please.

DELEGATE HOCO: I have my count, Mr. President, if the clerk doesn't have hers.

CONVENTION CLERK: We have the count. We have three people counting.

13 noes, 11 yeses, 2 abstentions and one absent.

PRESIDENT GUERRERO: What is the vote?

CONVENTION CLERK: 13 noes, 11 yeses, two abstentions and one member absent.

PRESIDENT GUERRERO: The amendment to Article 2...

DELEGATE HOCO: It passed.

DELEGATE TAITANO: Defeated.

PRESIDENT GUERRERO: We voted no on the amendment, so the amendment is defeated. The abstentions go to

the prevailing side.

DELEGATE BORJA: Point of information. In view of the voting that took place -- it shows there are not enough votes for two-thirds to pass this section. Can I ask that this section be voted separately on second and final reading?

PRESIDENT GUERRERO: That is your prerogative.

DELEGATE BORJA: Thank you.

PRESIDENT GUERRERO: Mr. Floor Leader.

DELEGATE HOCOG: Yes, Mr. President.

PRESIDENT GUERRERO: Can we continue with our deliberation?

DELEGATE HOCOG: Yes.

PRESIDENT GUERRERO: The Floor Leader has the floor.

DELEGATE HOCOG: I move, Mr. President, to consider passing Article 3, Section 16 on first reading.

DELEGATE T. ALDAN: Point of order.

DELEGATE HOCOG: Let's get a clarification.

PRESIDENT GUERRERO: State your point.

DELEGATE T. ALDAN: We are still on first reading of Article 2.

DELEGATE HOCOG: Mr. President, I am sorry.

Correction. Can we go back then and make a motion to pass Article 2 on first reading.

DELEGATE T. ALDAN: You did already.

PRESIDENT GUERRERO: We are back to the main motion. Let's have a roll call.

DELEGATE HOCO: Thank you.

PRESIDENT GUERRERO: Before I have roll call I recognize the chair for the Committee.

DELEGATE T. ALDAN: I would like to note for the record that the concern of the delegates was raised again during the Committee meeting and as a result we deleted the transitional provision for the salaries of the legislature.

Thank you.

PRESIDENT GUERRERO: Mr. Chair, I have to rule that whatever the Committee amended or deleted still has to be approved by the Convention itself because technically the Article 2 is in the possession of the Convention and not the Committee. Any deletion by the Committee has to be put forth for the Convention to vote on.

DELEGATE VILLAGOMEZ: Point of information or rather clarification.

PRESIDENT GUERRERO: State your point.

DELEGATE VILLAGOMEZ: This report Mr. Chair doesn't include that change.

PRESIDENT GUERRERO: This report, whatever we have, that was the one that was approved by the Committee of the Whole at the last session. So whatever was adopted by the Committee of the Whole stands, unless any action by the Committee is put forth and adopted by the convention because you are actually amending something that the Committee of the Whole has deliberated on, voted on, and the Committee of the Whole takes precedence over the substantive Committee.

Mr. Chair.

DELEGATE T. ALDAN: Can I then ask the floor leader to amend the motion that adoption would be without the legislature salary? That is the only change.

PRESIDENT GUERRERO: Are you amending further Article 2?

DELEGATE T. ALDAN: Yes.

PRESIDENT GUERRERO: You are in order if you want to make further amendment.

DELEGATE T. ALDAN: So I therefore move that we adopt Article 2 without the legislative salary

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to adopt Article 2 without the legislative salary.

Can you be more specific on that one because you might delete the actual language of a provision of the Constitution.

Are you making reference to the Schedule on Transitional Matters?

DELEGATE T. ALDAN: That's correct.

PRESIDENT GUERRERO: That is the motion. It is to delete the legislative salary in the Schedule Transitional Matters; so it is not the actual provision of the Constitution.

Discussion?

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

Motion carried.

We are back to the main motion? Any further discussion?

If not, roll call.

{The roll was called and the Delegates voted as follows:}

YES: Delegates Tomas B. Aldan, Vicente S. Aldan, Marian Aldan-Pierce, Frances LG Borja,, Esther

S. Fleming, John Oliver DLR. Gonzales, Herman T. Guerrero, Victor B. Hocog, Henry U. Hofschneider, David L. Igitol, Jose R. Lifoifoi, Benjamin T. Manglona, David Q. Maratita, Donald B. Mendiola, James M. Mendiola, Joey P. San Nicolas, Justo S. Quitugua, Teresita A. Santos, Bernadita T. Seman, Marylou Ada Sirok, Mariano Taitano, Helen Taro-Atalia, Juan S. Tenorio, Lillian A. Tenorio, .

NO: Joaquin P. Villagomez.

ABSTAINING: Carlos S. Camacho.

CONVENTION CLERK: Mr. President, we have 24 members voting yes; one voting no; one member abstaining and one member absent.

PRESIDENT GUERRERO: Article 2 passes on first reading as amended.

Mr. Floor Leader?

DELEGATE HOCOG: Yes, Mr. President, I move that we pass Article 3, Section 16 on first reading.

(The motion was seconded).

DELEGATE HOCOG: That is the former Article 20 on Civil Service.

PRESIDENT GUERRERO: It has been moved and seconded to pass report No. 3, Article 20 on Civil Service.

Discussion?

If not, roll call, please.

{The roll was called and the Delegates voted as follows:}

YES: Delegates Tomas B. Aldan, Vicente S. Aldan, Marian Aldan-Pierce, Frances LG Borja, Carlos S. Camacho, Esther S. Fleming, John Oliver DLR. Gonzales, Herman T. Guerrero, Victor B. Hocog, Henry U. Hofschneider, David L. Igitol, Jose R. Lifoifoi, Benjamin T. Manglona, David Q. Maratita, Donald B. Mendiola, James M. Mendiola, Justo S. Quitugua, Joey P. San Nicolas, Bernadita T. Seman, Marylou Ada Sirok, Mariano Taitano, Helen Taro-Atalia, Juan S. Tenorio, Lillian A. Tenorio, Joaquin P. Villagomez.

NO: None

ABSTAINING: None.

CONVENTION CLERK: Mr. President, we have 26 members voting yes and one member absent.

PRESIDENT GUERRERO: Article 20 passes on first reading.

Floor Leader.

DELEGATE HOCOG: Yes. I move to suspend Item 11 order of business and go directly to Item 12.

(The motion was seconded).

PRESIDENT GUERRERO: Mr. Floor Leader, you forgot Article 14. Can we entertain that?

DELEGATE HOCOG: I withdraw my motion, and I move for passage on first reading of Article 14.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to pass Article 14 on first reading.

Discussions?

PRESIDENT GUERRERO: Roll call.

{The roll was called and the Delegates voted as follows:}

YES: Delegates Tomas B. Aldan, Vicente S. Aldan, Marian Aldan-Pierce, Frances LG Borja, Carlos S. Camacho, Esther S. Fleming, John Oliver DLR. Gonzales, Herman T. Guerrero, Victor B. Hocog, Henry U. Hofschneider, David L. Igitol, Jose R. Lifoifoi, Benjamin T. Manglona, Donald B. Mendiola, James M. Mendiola, David Q. Maratita, Justo S. Quitugua, Joey P. San Nicolas, Teresita A. Santos, Bernadita T. Seman, Marylou Ada Sirok, Mariano Taitano, Helen Taro-Atalia, Juan S. Tenorio, Lillian A. Tenorio, Joaquin P. Villagomez.

NO: None

ABSTAINING: None

CONVENTION CLERK: Mr. President, we have 26 members voting yes; one member absent.

PRESIDENT GUERRERO: Article 14 passed first reading.

I know the members are tired already.

DELEGATE TAITANO: I am not.

PRESIDENT GUERRERO: But it would be nice if everyone could say "Yes" or "No" rather than "Hunggan" or "Ahi." We are sounding like we are in the zoo.

Let's continue, Mr. Floor Leader.

DELEGATE HOCO: Yes, Mr. President.

I move to suspend Item 11 of the order of business and go directly to Item 12

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to suspend item 11 and move to Item 12. Those in favor say "Aye." Those opposed say "Nay."

Motion carried.

DELEGATE HOCO: I move for adjournment Mr. President.

PRESIDENT GUERRERO: It has been moved and seconded to adjourn.

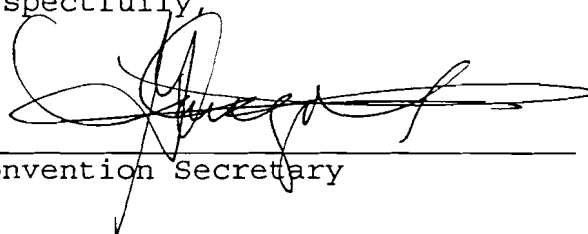
Those in favor of the motion say "Aye."
Those opposed say "Nay."

Motion carried.

This meeting is adjourned.

(The Convention adjourned at 12:10 p.m.)

Respectfully,

A handwritten signature in black ink, appearing to be "J. H. ...", written over a horizontal line.

Convention Secretary

**SCHEDULE FOR
WEEK OF JULY 17, 1995**

MONDAY, JULY 17, 1995

Committee on Judiciary and Other Elected Offices meeting: 9:00 a.m. to 10:30 a.m.

Committee on Executive Branch and Local Government meeting: 10:30 a.m. to noon

Committee on Land and Personal Rights meeting: 1:30 to 3:00 p.m.

Committee on Legislative Branch and Public Finance meeting: 3:00 p.m. to 4:30 p.m.

TUESDAY, JULY 18, 1995

Committee on Organization and Procedures 8:00 a.m. to 9:00 a.m.

Committee on Land and Personal Rights meeting 9:00 a.m. to 10:30 a.m.

Committee on Executive Branch and Local Government meeting 10:30 a.m. to noon

Plenary Session 1:30 p.m. to 4:00 p.m.

WEDNESDAY, JULY 19, 1995

Committee on Judiciary and Other Elected Offices meeting: 9:00 a.m. to 10:30 a.m.

Committee on Legislative Branch and Public Finance meeting: 10:30 a.m. to noon

Committee on Land and Personal Rights meeting: 1:30 p.m. to 3:00 p.m.

Committee on Executive Branch and Local Government meeting: 3:00 p.m. to 5:00 p.m.

THURSDAY, JULY 20, 1995

Committee on Organization and Procedures meeting 8:00 a.m. to 9:15 a.m.

Plenary Session: 9:30 a.m. to 11:30 a.m.

Committee on Land and Personal Rights meeting: 1:00 p.m. to 2:45 p.m..

Committee on Executive Branch and Local Government meeting: 3:00 p.m. to 5:00 p.m.

FRIDAY, JULY 21, 1995

Committee on Executive Branch and Local Government meeting: 9:00 a.m. to 10:30 a.m.

Committee on Judiciary and Other Elected Offices meeting: 10:30 a.m. to noon

Committee on Land and Personal Rights meeting: 1:30 to 3:00 p.m.

Committee on Legislative Branch and Public Finance meeting: 3:00 p.m. to 4:30 p.m.

SATURDAY, JULY 22, 1995

Committee on Organization and Procedures meeting: 8:30 a.m. to 9:30 a.m.

Plenary session 10:00 a.m. to noon

SUNDAY, JULY 23, 1995

No meetings

July 12, 1995

COMMITTEE ON JUDICIARY AND OTHER ELECTED OFFICES

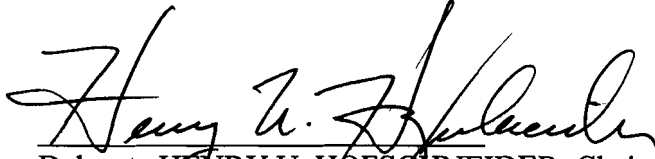
REPORT NO. 4: ARTICLE IX, INITIATIVE, REFERENDUM AND RECALL

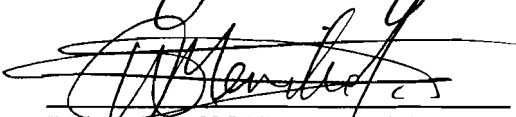
The Committee met on Wednesday, July 5, 1995, Monday, July 10, 1995, and Wednesday, July 12, 1995 to consider proposed amendments to Article IX: Initiative, Referendum and Recall. The Committee considered Delegate Proposals 156, 163, 555, and 346.

The Committee recommends no changes in Article IX. There have been a few instances in which procedures under this Article did not work as smoothly as they should, but that is to be expected because these are new exercises of political rights that had not been used in the Trust Territory or in the Marianas before the first Constitution was written. The Committee expects that these procedural difficulties will be sorted out without the need for any action to amend the Constitution.

The Committee addressed the question whether a local initiative could be overcome by the Legislature. It decided to await the outcome of the work on Article VI, covering Local Government, before deciding whether any amendment of Article IX was necessary. If local laws are defined in Article VI and made the exclusive province of the municipalities, then there is no problem under Article IX. When a local initiative is passed, it would enact a local law. That local law could not be overturned by the Legislature.

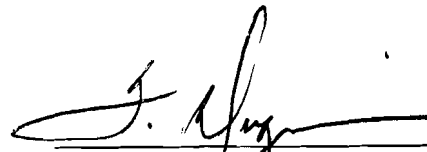
Respectfully submitted,

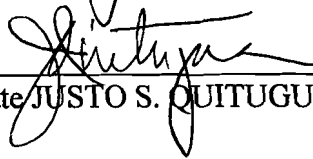

Delegate HENRY U. HOFSCHEIDER, Chair


Delegate DONALD B. MENDIOLA, Vice Chair


Delegate ESTHER S. FLEMING


Delegate JAMES M. MENDIOLA


Delegate FELIX R. NOGIS


Delegate JUSTO S. QUITUGUA

Delegate TERESITA A. SANTOS


Delegate BERNADITA T. SEMAN

Delegate MARIANO TAITANO

ARTICLE IX: INITIATIVE, REFERENDUM AND RECALL

Section 1: Initiative.

The people may enact laws by initiative.

a) An initiative petition shall contain the full text of the proposed law. If the petition proposes a general law for the Commonwealth, the petition shall be signed by at least twenty percent of the persons qualified to vote in the Commonwealth. If the petition proposes a local law that affects only one senatorial district, the petition shall be signed by at least twenty percent of the persons from the senatorial district who are qualified to vote.

b) An initiative petition shall be filed with the attorney general for certification that the requirements of section 1(a) have been met.

c) An initiative petition certified by the attorney general shall be submitted to the voters at the next regular general election that is held at least ninety days from the date the petition has been certified.

d) An initiative petition that proposes a general law for the Commonwealth shall become law if approved by two-thirds of the votes cast by persons qualified to vote in the Commonwealth. An initiative petition that proposes a local law shall become law if approved by two-thirds of the persons from the senatorial district who are qualified to vote. An initiative petition that has been approved by the voters shall take effect thirty days after the date of the election unless the petition provides otherwise.

Section 2: Referendum.

The people may reject laws by referendum.

a) A referendum petition shall contain the full text of the law sought to be rejected. If the law is a general law for the Commonwealth, the petition shall be signed by at least twenty percent of the persons qualified to vote in the

Commonwealth. If the law is a local law that affects only one senatorial district, the petition shall be signed by at least twenty percent of the persons from the senatorial district who are qualified to vote.

b) A referendum petition shall be filed with the attorney general for certification that the requirements of section 2(a) have been met.

c) A referendum petition certified by the attorney general shall be submitted to the voters at the next regular general election that is held at least thirty days from the date the petition has been certified.

d) A referendum petition concerning a general law for the Commonwealth shall take effect if approved by a majority of the votes cast by persons qualified to vote in the Commonwealth. A referendum petition concerning a local law shall take effect if approved by a majority of the votes cast by persons from the senatorial district who are qualified to vote. A law that is the subject of an approved petition shall become void and be repealed thirty days after the date of the election unless the petition provides otherwise.

Section 3: Recall.

Elected public officials are subject to recall by the voters of the Commonwealth or of the island, islands or district from which elected.

a) A recall petition shall identify the public official sought to be recalled by name and office, state the grounds for recall, and be signed by at least forty percent of the persons qualified to vote for the office occupied by the public official.

b) A recall petition shall be filed with the attorney general for certification that the requirements of section 3(a) have been met.

c) A recall petition certified by the attorney general shall be submitted to the voters at the next regular

general election unless special elections are provided by law for this purpose.

d) A recall petition shall take effect thirty days after the date of the election if approved by two-thirds of the persons qualified to vote for the office involved.

e) A recall petition may not be filed against a public official more than once in any year or during the first six months of a term in office.