

5 Constitution articles pass first vote

DELEGATES to the Third Constitutional Convention yesterday passed on first reading five articles of the proposed draft constitution.

They include: Article 3, Executive Branch; Article 10, Taxation and Public Finance; Article 15, Education; Article 18, Constitutional Amendment and Mutual Consent; and Article 19, Code of Ethics.

According to a news release, the most controversial one turned out to be Article 18, the constitutional amendment and mutual consent.

Recommended for passage with amendments by the Committee on

Executive Branch and Local Government chaired by Del. Felix R. Nogis, Article 3 spells out a revised executive branch.

The Committee proposed changes in 14 of 23 sections that reflect the experience of the Commonwealth with the operation of the Executive Branch over the past 20 years.

Under the qualifications of the Governor, the Committee reduced the residency requirement from 10 years to 7 years based on the advice of legal counsel that the shorter period of required residency require-

ment would have a much better chance of being sustained if challenged in court under the provisions of the U.S. Constitution.

With regards to Section Nine on executive functions the Committee recommended that the Governor be required to submit a proposed budget no less than three months in advance of the fiscal year.

This would give the Legislature ample time to consider the proposed budget in a timely manner so that any differences between the two branches could be resolved before the beginning of the fiscal year.

In order to encourage this process, the Committee recommends that the Legislature be required to approve a budget and submit it to the Governor no less than 30 days before the start of the fiscal year.

The Committee also recommended that the Governor be required to deliver an annual report in person before a joint session of the Legislature.

Turning to Section 11 on the Attorney General's Office, the Committee concluded that the Attorney General should remain an appointed one, with two recommendations: that the five year residency be deleted and that the Attorney General can only be removed for cause.

The Committee likewise added a requirement that the attorney general be a member of the CNMI bar association.

On the other hand, the Public Auditor's office, under Section 12 is to be maintained with three conditions set forth.

They include: deletion of the guaranteed annual budget, maximize the office's reliance on audits conducted by other private or public entities, and set a time period under which office shall be filled if a vacancy occurs.

Under Section 14, heads of the departments, the committee inserted a language that no "acting" head of a department serve for more than 90 days.

This gives the Senate 60 days to act on the Governor's nominee. If the Senate fails to act within 60 days, the appointee shall be deemed confirmed.

Regarding Section 19, the Retirement System, there were several new sections added, including a provi-

sion that the Legislature cannot amend or repeal the Retirement Fund without first obtaining the views of the retirement fund's board of trustees regarding the cost and administrative impact on the fund; it provides that the fund's board of trustees has the excused fiduciary responsibility to invest fund assets.

The proposal also permits the Legislature and Executive Branch to appropriate or reprogram only those fund assets declared excess by the Board of Trustees.

It sets a termination date for the special credit provided by the 1985 convention to those members with twenty years of service.

There is also a section designed to place all former governors and lieutenant governors on an equal basis with respect with retirement annuities and other benefits. Benefits shall be paid out of annual appropriations, not out of fund assets.

The Committee also recommended that the Office of Women's Affairs be deleted from Constitution altogether.

The Resident Executive for Indigenous Affairs is also being removed and replaced with a five person Council for Indigenous Affairs to advance and promote programs aimed at preserving Chamorro and Carolinian language, culture and traditions.

The Council members are to be appointed by the Governor with advance and consent to the Senate. The Council's functions include those now assigned to the Indigenous Affairs, Language Commission, and Arts Council. The Carolinian/Affairs Office remains in the Constitution.

Delegates debate amendment & mutual consent provision

The four-hour Committee of the Whole and Plenary Session breezed through four of the five amendments during Thursday's plenary session, except Article 18, the Constitutional Amendment and Mutual Consent provision.

Saipan Delegate Tomas B. Aldan, who chairs the Committee on Legislative Branch and Public Finance, attempted to change the manner to ratify the proposed changes in the Covenant from two-thirds of the votes cast and least a majority of the votes cast in each of the two of the senatorial districts.

Aldan's proposed amendment would delete the necessity to have approval from two senatorial districts.

Delegate Benjamin T. Mangiona lead the delegations from Tinian and Rota in strong objection for the Aldan's amendment, saying this could lead to disunity within the Commonwealth.

Mangiona said he would "beg" the delegates not to allow Aldan's amendment to pass, noting this would put Tinian and Rota at a disadvantage in that the majority of the voters reside on Saipan.

Saipan Delegate Carlos S. Camacho pointed out that unity among the residents of the Northern Marianas is very important.

"We would find means to accommodate our people Commonwealth-wide", Camacho said. "The key here is that we are CNMI people. We are all Chamorros and Carolinians".

Rota Delegate Teresita Santos urged the delegates to "stop this Con-

stitutional insanity", noting she will not support any secession movement from Rota.

Aldan pointed out that to require two senatorial districts a two-third majority of the votes cast may be illegal if not unconstitutional.

"Unity as I am hearing from our good neighbors means what is good for Rota or Tinian. What is good for the Commonwealth is unity as long as we recognize Tinian and Rota or that we don't take anything away from Tinian or Rota," Aldan pointed out.

"I ask my good neighbors from Tinian and Rota to listen to themselves when they talk about unity or about eliminating the requirement that two senatorial district must pass an amendment. You get irritated. You get angry. You stopped listening and center all your concern about what's in it for Tinian or what's in it for Rota. You don't want to lose your strength or bargaining power irrespective of the wishes of the majority, said Aldan.

Please tell me I am wrong by accepting the wishes of the majority in amending the Constitution or ratifying an initiative in a referendum. The message is protectionism. To continue to control the wishes of the majority. To continue to have the residents of Saipan beg for your support because of the veto power Tinian and Rota has.

"Aldan gave a scenario in which if 75 percent of the vote cast wants to amend the constitution or pass an initiative, and the voters of Tinian and Rota did not support the proposed amendment by a simple majority, it

dies.

Is this what you call the rule of the majority? Aldan asked. "Let us stop harboring the ideals of what's in it for me. Let's begin to practice oneness, by recognizing the system we live and sleep with, the democratic system. Let us begin to adopt the principle of one man one vote. This will certainly promote unity. Let's start thinking of what is good for the Commonwealth, not what is good for Saipan, not what is good for Tinian and not what is good for Rota. But what is good for everyone, as a unity. Only then we achieve unity", Aldan concluded.

After defeating Aldan's motion to amend the process, the Delegates voted by 23-3 to approve Article 18. Delegates Aldan, Jack P. Villagomez, and Juan S. Tenorio voted against the proposed article.

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