



# I Galaidé

by John S. DelRosario, JR.

## Downsizing Legislative Representation

A ConCon proposal to reduce the size of the House of Representatives from eighteen to fifteen (18-15) ought to make those comfortable chairs into highly coveted seats. That election of representatives would be fielded on an island-wide basis should give the electorate a wider slate to choose from the three categories of people: Those who make things happen, those who watch what happens and those who didn't know what happened.

The current bicameral system is itself a luxury which evolved out of the notion of equally distributing political clout among the three senatorial districts. Though paradigms have changed, reducing the size of the legislature to a ten-member unicameral system could only happen when all hell freezes over. Tinian and Rota have tasted the succulence of political power against the larger Saipan legislative delegation.

It will take quite a lengthy political process for the smaller senatorial districts to understand and accept new realities in nurturing and feeding upon a system we can ill-afford. It boils down to a gamesmanship or what's politically correct not what's politically right. You can't pound this message home to either delegation for they are in the convention to protect their political turf at all cost. I find it rather unsettling, but then perhaps there's merit in ascertaining protection of the minority from the tyranny of the majority.

The idea of opening-up election of the House of Representatives on an island-wide basis rather than by the current precinct arrangement grants the electorate greater latitude in selecting the better candidates from all slates. This proposal would definitely ascertain that the cream of the crop is elected into office far more prepared to handle matters of state at any given time. I can speak with authority on this matter having spent nearly fifteen out of my twenty-three year government career in the legislative branch. I've seen them all from the smart to the not-so-smart and the not-smart at all bunch. Believe it or not, it is to our benefit to field our best brains in our legislative institution.

We also need to outgrow what I call "cultural fallacy" in the election of legislators based mostly on filial relationships. Often, the fate of candidates is decided on this basis. As such, we fail ourselves of the better choice of representatives and turn the political career of next of kin into an embarrassment. All things considered, the electorate is equally at fault for employing filial relationships over the actual qualifications of candidates. Mind you, this we must transcend so that we field the best minds to dispose of thoroughly reasoned public policies.

And the urgency to elect this calibre of people is even greater today.

With respect to legislative budget, the notion to divide legislative funds equally among members in both houses is, at the very least, a fair provision. This should permanently erase the usual excuse that "I didn't do anything because I am a minority". With the proposed equal share in the legislative budget, either you roll-up your sleeves and get to work or use your common sense and hand us your resignation immediately. It should put every legislator on equal playing ground and those who can't earn their stripes through honest work must be shown the exit door.

I understand that under the same proposal a certain commission would be given the responsibility to decide legislative salaries. I've always been supportive of giving legislators reasonable salaries in that they too have families to support just like any of us. I find it rather insulting though that we've given them salaries far below department secretaries and directors. Not only do we brain numb this unjustified public apathy but a lot of people would dig into their (legislators) wallets for assorted donations. We end up corrupting them by denying their families the very source of income upon which they also rely to meet their needs.

Politicians must also learn how to say "no" even without a smile. It is equally your responsibility to put your constituents in their place. Those who really need help can instantly be referred to appropriate government agencies for assistance. Those who dish out childish intimidations like "If I don't receive four canopies and six picnic or serving tables for my baptismal party, it'll be his last term" ought to be given the appropriate response forthwith. I mean, you're putting up a party (novena, birthdays, baptismal, holy communion and confirmation) and you still expect your representatives and senators to pitch-in canopies and tables? Whatever happened to the words "planning", "preparation" and "budgeting"? Please grow-up and grow-up fast! There's a saying in Chamorro: "Chamo fañaluluda ni ti tihonimo". See if you can digest it. It'll do you a bundle of good.

If I may reiterate, legislators have their own families too. I know that a lot our people have milked them of their meager paychecks. This is highly unfair and most embarrassingly, highly immature. It is the electorate who should support candidates either through in-kind contributions or monetary donations. You believe and take pride in what he stands for on issues and would walk the extra mile to ensure that his work product—through legislation—would have the greatest impact upon the people he represents. In short, let's sever the umbilical cord of political exploitation. It has no place in modern Marianas Politics. Thanks.

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# Article 12 clears first vote

tion could qualify as a person of Northern Marianas descent if it was incorporated in the Commonwealth, had its principal place of business in the Northern Marianas, had 51 percent of its directors who are Northern Marianas descent, and had 51 percent of its voting shares in the hands of persons of Northern Marianas descent.

In the 1985 convention, the was changed to 100 percent of the directors and 100 percent of the shares. The current delegates agreed to change it back to the 1976 version in order to attract capital to their companies from sources that are not of persons of Northern Marianas descent.

Section Six, the enforcement provision, generated considerable debate. The delegates are confronted with the terms "void ab initio" and "voidable".

Retired CNMI Supreme Court Chief Justice Jose S. Dele Cruz, a member of the Convention's legal team, explained to the delegates that the usage of the term "voidable" would give the courts some flexibility to decide what to do when there is a violation of Article 12.

He refused, however when asked by the delegates, his recommendation as to what term should be accepted, saying he can only provide the meaning to both terms and let them decide on this complex, far-reaching, policy decision.

"The Committee also noted that the provisions in current leases that go beyond 55 years would be severable." At the end of the 55 years, the lease would be over and the land would come back to the Northern Marianas owner," the report pointed out.

Section Four provides definition of persons of Northern Marianas descent. The delegates voted to change back the qualifying date to the original 1950 instead of 1960. This is to accommodate those Chamorro from Japanese that did not return to Saipan until after 1950.

"It means that anyone who was born or domiciled in the Northern Marianas in 1950, and who was a Trust Territory citizen, now becomes 100 percent Northern Marianas descent," the Committee added.

Section Five covers corporations and considerable changes were made in this particular section.

"We propose to close all of the loopholes, at present and in the future, by providing that the directors who are of Northern Marianas descent must govern, and shareholders of Northern Marianas descent must own and vote—actually, completely, and directly," the Committee on Lands and Personal Rights declared.

In the 1976 Convention, a corporation means that if any device

This means that child who are not 25 percent Northern Marianas descent can inherit family lands no matter what percentage they are. (2) There is an exception for spouses and adopted children who are not Northern Marianas descent.

"A spouse who has worked long and hard for many years with his or her mate and invested in joint family property should not be denied all inheritance of land," the Committee stated. "For this reason, we have suggested that a spouse be able to take a life estate—that is like a lease for life."

"Adopted children who are adopted before the age of six years would be able to inherit a life interest.

"We put in the age limit to take care of the fraudulent adoptions of 17 year old for purpose of transferring title," the Committee pointed out.

There is an exception for transfers involved in the foreclosure of mortgages. Section Three provides the definition of permanent and long-term interest in real property.

According to the Committee, there have been a number of terms put in leases that try to get around the 55 year limitation.

"In order to protect against any more imaginative devices created by lawyers the report stated, "we have added the phrase 'and related obligations.' This means that if any device

With respect to Section One, alienation of land, the Committee added a provision that requires disclosure in any land sale transaction.

"This disclosure, by the buyer to the owner, must include the facts necessary to ensure fairness," Tenorio reported.

"For example, if the owner knows that the person he or she is selling to is being paid, knows that a parcel is being assembled for lease for a commercial purpose, and wants to go ahead with the transaction—having those facts—then we think the person of Northern Marianas descent should be able to make that decision."

Section Two provides the definition of the term "acquisition." The Committee recommends three exceptions to the basic definition: 1) There is an exception for transfers by inheritance to a child or grandchild.



DELEGATES to the Third Northern Marianas Islands Constitutional Convention passed on First Reading Saturday (July 23) two articles, both dealing with land, including the controversial Article 12 issue, relative to land alienation.

The land alienation article took more than three hours of debate, including an attempt to refer the matter back to the Committee on Land and Personal Rights (LPR), which was defeated, a news release for the Commission said.

Delegate Lillian A. Tenorio explained on behalf of the Committee on Land and Personal Rights, what the Committee had accomplished in working on Article 12. She presented the Committee's findings and the draft language for the Delegates to consider.

The Chairman of the Committee on LPR is Delegate Jose R. Litofio of Saipan.

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