

August 30, 1995

Memo for Herman T. Guerrero
Chair, Post-Convention Committee

From: Howard Willens and Deanne Siemer

Re: Article-by-Article Approach to Ratification

As you know, we have been considering the question of how the amendments should be presented on the ballot. Two separate issues have to be addressed: (1) Compliance with the requirement imposed by the enabling legislation that each proposed amendment be limited to a single subject or topic; and (2) Presentation of the amendments to the voters so as to enable them to understand what the Convention did and to vote on the amendments intelligently. This memorandum outlines one approach for the Post-Convention Committee, addressing both its merits and its possible problems. We believe that these issues should remain confidential within the Committee until we have all had more time to consider them together.

From a public education and policy standpoint, we have no doubt but that the amendments to the Constitution should be considered by the voters on an article-by-article basis for the following reasons:

(1) The Convention dealt with the amendments on an article-by-article basis, and its approach should be given deference as the delegates were elected by the people for the purpose of exercising their judgment. Similarly, if the Post-Convention Committee recommends that the amendments be put on the ballot on an article-by-article basis, that should carry great weight.

(2) A comparison of the new article and the old article gives the voters the clearest picture of the choice to be made and thus is a fair way to present the amendments. Requiring the voters to consider each of the many changes to individual sections of the Constitution will add complexity and lead to great confusion.

(3) The Convention made conforming changes, deletions, and clarifications as it passed its principal reforms. Putting choices to the voters that do not include all the necessary

related changes could result in a constitution that will not work.

(4) Most of the changes do not affect the basic way the Commonwealth is governed. The Convention worked within the existing framework to correct perceived problems and to prevent problems from arising in the future. The overall objective was to make the existing government structure work better. The voters are familiar with the current government structure -- having dealt with it on two prior occasions in 1976 and 1985 -- and will be able to judge whether they agree that the Convention's amendments, as a package, will make the various branches of government more effective.

If ratified on an article-by-article basis, there would be 20 amendments on the ballot. They are described below. An Appendix is attached, for the Committee's use, that provides details. We put the updates and corrections of minor errors in the place of articles (13 and 16) that were not amended in any way. We put the removal of legislative matters under Article 8, where one of those was found.

Most of these proposed amendments have subheadings set forth in the Appendix that describe smaller groupings of amendments under the broader category. One of the important questions before us is whether the differences among these smaller groupings under the broader heading justify (or legally require) their separate treatment.

Amendment 1: (Article 1) Changes to the Bill of Rights to enhance protection of the environment and life.

Amendment 2: (Article 2) Downsize the Legislature, increase the term in the House and provide for at large election on Saipan to improve the quality of representation, protect against overspending and provide increased funding for professional staff, and improve the quality of legislation by providing for better procedures and leaving the task of passing "local" laws with the newly expanded municipal councils proposed by amendments to Article 6.

Amendment 3: (Article 3) Protect against overspending by the Executive Branch by changing the budget procedures, and make the Executive Branch more effective (by improving the succession process, providing better procedures to fill Executive Branch positions and minimize conflict with the Legislature, bringing control of public education back within the Executive Branch and utilizing decentralized school boards, improving the civil service, protecting the retirement fund, and providing better services and protection for indigenous peoples and cultures).

Amendment 4: (Article 4) Give the Judicial Branch a

constitutional basis and provide for prompt resolution of government disputes through use of advisory opinions.

Amendment 5: (Article 5) Provide priorities for representation in the United States to assist in securing member or delegate status in Congress.

Amendment 6: (Article 6) Provide real institutions of local government including municipal councils with enlarged legislative powers, specify procedures for the enactment of municipal ordinances including the exercise of a veto power by the mayor, gradually reduce dependency on Commonwealth funding for local government, and place a limit on the number of local government employees paid out of Commonwealth rather than local funds.

Amendment 7: (Article 7) Consolidate provisions for the effect of felony convictions, and provide a general rule that prevents those convicted of felonies from seeking or holding office.

Amendment 8: (Article 8) Delete the legislative provisions in Article 8 and elsewhere in the Constitution.

Amendment 9: (Article 9) Provide easier recall for all elected officials.

Amendment 10: (Article 10) Strengthened deficit reduction requirements and improved enforcement against violations of the constitution.

Amendment 11: (Article 11) Reversal of the "sunset" provision on the governing board for public lands; redefine the fundamental policies for public lands, and update the Trust.

Amendment 12: (Article 12) Strengthen and add flexibility to Article 12.

Amendment 13: Correct outdated provisions in the Constitution.

Amendment 14: (Article 14) Extend the Commonwealth's claim to marine resources; protect natural resources on or under public lands, and provide a share of royalties and fees to local governments.

Amendment 15: (Article 15) Control gambling.

Amendment 16: Correct minor errors in the Constitution.

Amendment 17: (Article 17) Provide better ethical standards for all elected officials.

Amendment 18: (Article 18) Simplify and consolidate requirements for constitutional amendment making it easier to amend by popular

initiative and more difficult to amend by constitutional convention; and provide for mutual consent to changes in the Covenant.

Amendment 19: (Article 19) Provide an article declaring Commonwealth unity.

Amendment 20: (Schedule on Transitional Matters) Provide for transition with respect to the amendments to the Constitution.

Based on our legal research to date, we have some optimism that placing the amendments on the ballot in this fashion, perhaps breaking out only a few matters for separate treatment, can be defended in the courts if challenged. There are no cases interpreting the "single subject" rule in the context of amendments proposed by a convention. The few cases that have considered the issue have done so in reviewing popular initiatives that seek to amend the constitution and have indicated that different, and more stringent, rules may apply there. Even where popular initiatives are involved, however, the California courts have indicated that amendments that seek to accomplish a single objective may be combined together even if they amend different sections or articles. We will be prepared to discuss these legal issues with you in more detail when we come to Saipan, so that we can assess the risks involved in pursuing the article-by-article approach outlined in this memorandum and the Appendix.

August 29, 1995

APPENDIX: DETAILS ON AMENDMENTS

Amendment 1: Changes to the Bill of Rights to enhance protection of the environment and life

Providing additional protection for a clean environment

. Change Article 1, Section 9 to include affirmative protection against dumping or storage of nuclear wastes.

Providing a better basis for protection of life from conception through old age

. Delete Article 1, former Section 12.

. Substitute Article 1, new Section 11.

Amendment 2: Downsize the legislature, increase the term in the House, protect against overspending, and improve representation

Increase the term in the House

. Amend Article 2, Section 3(c) to provide a four-year term.

Limitations on the legislature to reduce costs and prevent overspending

. Amend Article 2, Section 2 to provide for a Senate of 6 rather than 9 and to allow the lieutenant governor to break ties.

. Amend Article 2, Section 3 to provide for a House of Representatives of 13 rather than 18 and to place an upper limit of 15 rather than 20.

. Amend Article 2, Section 15 to establish a new budget ceiling of \$4.5 million for the legislature and the legislative bureau covering all legislative branch operations. This ceiling is increased every two years but only by the amount of increase in the U.S. government's published composite price index.

. Amend Article 2, Section 5 to provide that the legislature must hold joint hearings on all appropriation, tax, debt, and revenue measures.

. Amend Article 2, Section 5 to provide that every expenditure of funds must be authorized in an appropriation bill and no law may be enacted that requires expenditure of funds without also appropriating the funds.

Making representation in the legislature more effective

. Amend Article 2, Section 3(b) to provide for at large election of all members of the house. This ensures representation of all significant groups, such as the Carolinian community and women.

. Delete the provisions for redistricting on Saipan in Article 2, Section 4 as unnecessary with at large elections.

. Amend Article 2, Section 4(a) to ensure at least one member from Tinian and one member from Rota in the House of Representatives, and that each member represents approximately the same number of U.S. citizens.

. Amend Article 2, Section 5(c) to require that each bill be read at least twice on two separate session days in each house before it is voted on.

. Amend Article 2, Section 6 to take the legislature and the legislative delegations out of the business of passing "local" laws.

. Amend Article 2, Section 9 (former Section 10) to require that vacancies in the legislature be filled promptly.

. Amend Article 2, Section 13 (former Section 14) to provide automatic expulsion of legislators convicted of a felony.

. Amend Article 2, Section 15 (former Section 16) to allocate amounts for office expenses equally to all legislators, to provide for the extra expenses of the leadership, and to prevent use of office expense allowances for political purposes. Amounts allocated are increased automatically every two years by reference to a published index to account for inflation.

. Amend Article 2, Section 16 (former Section 17) to provide for a more capable and independent legislative bureau to support the legislature.

- The director of the legislative bureau is appointed and removed by the presiding officers of the legislature and the lieutenant governor.

The director serves a four-year term and may be removed during a term

only for cause.

- The bureau receives all of the legislative budget other than the salaries and office expenses of members.

- The bureau provides all administrative, staff and other services for the legislature other than the personal staff of the members.

. Amend Article 2, Section 7 (former Section 8) to consolidate impeachment provisions.

. Delete Article 3, former Section 19 with respect to impeachment of the Governor and Lieutenant Governor.

[Note: A portion of Article 4, former Section 6 with respect to impeachment of judges and justices was supposed to have been deleted.]

. Delete Article 5, former Section 7 with respect to impeachment of the Washington Representative.

Amendment 3: Making the Executive Branch more effective, protecting against overspending, decentralizing education, improving the civil service, protecting the retirement fund, and providing better services and protection for indigenous people and cultures

Changes to prevent overspending

. Amend Article 3, Section 9(a) to provide that the annual balanced budget submitted by the governor must be based on existing revenue generating laws, so that projections of possible new sources of revenues may not be used to balance the budget until actually enacted by the legislature.

. Add new provisions to Article 3, Section 9(a) that provide for automatic reductions in the budgets of all government agencies in the event no budget is adopted by the legislature before the start of the fiscal year and the projected revenues from existing revenue generating laws are lower than the previous year.

. Add a new subsection to Article 3, Section 9(a) to provide that during a period in which no budget has been approved by the legislature, each person authorized to expend public funds is held personally liable if they do not follow the constitutionally required limitations on spending.

. Amend Article 3, Section 12 to delete the guaranteed budget for the Public Auditor.

. Amend Article 3, Section 13 (former Article 15) to delete the guaranteed budget for the Public School System and for the Northern Marianas College.

. Amend Article 3, Section 18 to delete the guaranteed salary for the Carolinian Assistant.

. Amend Article 3, Section 16 to provide that the Civil Service Commission may recommend salary increases for government employees, and the legislature may decrease or reject those increases, but may not increase them.

Making the Executive Branch more effective

. Amend Article 3, Section 7 to provide that a lieutenant governor who becomes governor under the constitutional provisions for succession may appoint the replacement lieutenant governor (as the governor could do if the lieutenant governor's position became vacant).

. Amend Article 3, Section 9(a) to require the governor to submit a balanced budget at least 90 days before the start of the fiscal year.

. Amend Article 3, Section 9(b) to require the governor to deliver an annual report in person to a joint session of the legislature.

. Amend Article 3, Section 10 to require the governor to report to the legislature within 30 days of exercising emergency powers and to recommend appropriate legislation.

. Amend Article 3, Section 11 to delete the residency requirement for the Attorney General, to substitute a requirement that a candidate be a member of the CNMI bar, and to provide that the Attorney General can be removed during a term of office only for cause.

. Amend Article 3, Section 12 to ensure that the Public Auditor reviews but does not duplicate audits of government agencies performed by competent private auditors.

. Amend Article 3, Sections 12 and 14 to prevent nominees from serving in an acting capacity for more than 90 days, to require the Senate to act to confirm or reject nominees within 60 days, and to prevent the Governor from re-nominating anyone rejected for confirmation.

. Delete Article 3, former Section 21 which limited the Governor's power to appoint and remove members of boards and commissions.

Decentralizing education

. Delete former Article 15 providing for a centralized elected School Board with a

commissioner appointed by the Board.

. Substitute Article 3, Section 13 providing for locally elected school boards, a Secretary of Education appointed by the Governor, and mandated equal distribution on a per student basis of funds for instruction in the public schools. Funds for administration and for capital improvement projects are appropriated by the legislature in the usual manner and are not affected by the mandated per student distribution.

Strengthening the civil service

. Delete former Article 20 providing for a civil service system without clear direction as to coverage.

. Substitute Article 3, Section 16 providing for a civil service system covering all persons paid from Commonwealth funds, and providing specified exceptions that may be created by the legislature, and exemptions that may be created by the Civil Service Commission. Downsize the Commission from 7 to 5 members; provide that the Commission members must be appointed from the private sector, so that no current government employees serve on the Commission; and change the term to five years, with staggered terms so that one member is appointed or reappointed every year.

. Delete the portion of former Article 5, Section 5 which provides an automatic exemption from the civil service for all members of the Washington Representative's staff even if they work within the Commonwealth, and leaves up to the legislature the exception for overseas positions.

Protecting the retirement fund

. Amend Article 3, Section 19 (former Section 20) to protect against unwise changes to the retirement system, to provide that the trustees have a fiduciary duty to protect the fund, and to eliminate constitutionally-required rules on benefits so that the trustees have flexibility to protect the fund.

Improving services and protections for indigenous peoples and cultures

. Add Article 3, Section 20 which creates a Council for Indigenous Affairs

Provide for a five member council serving a four year term

- Provide funding for the Council from the interest revenue from the Marianas Public Land Trust to be used for scholarships, medical referral, and housing programs for indigenous people

Provide powers for the Council to develop educational and cultural

programs, provide translations, and serve as an advocate for indigenous people.

. Delete Article 3, former Section 22 on the Special Assistant for Women's Affairs

. Delete Article 3, former Section 23 on the Resident Executive for Indigenous Affairs

. Amend Article 3, Section 18 to provide for an annual report from the Carolinian Assistant to the Council.

Amendment 4: Giving the Judicial Branch a constitutional basis and providing for prompt resolution of government disputes

. Delete former Article 4, which did not provide a constitutional basis for the current Supreme Court or Superior Court.

. Substitute new Article 4, Sections 1-10, which retains both courts in their current form, provides a constitutional basis for both courts, and provides independence for the judicial branch so that it can continue to act as an effective balance to the legislative and executive branches.

. Add Article 4, new Section 4 that provides for putting on the ballot the question whether to retain each justice or judge after an initial term of 6 years in the Superior Court and 12 years in the Supreme Court. This provision and most of the new Article 4 was taken from constitutional language proposed by the courts and the House of Representatives.

. Add Article 4, new Section 11 which provides for expedited and binding advisory opinions from the Supreme Court in cases where disputes arise between branches of government, or between the Commonwealth government and local government, in order to reduce the cost of litigating these issues.

Amendment 5: Providing priorities for representation in the United States

. Add Article 5, new Section 1 stating the priority of achieving member or delegate status in the United States Congress, and making this self-executing in the Commonwealth if Congress acts.

. Delete portions of Article 5, former Sections 2, 3 and 6 which had to do with member or delegate status and which are consolidated in the new Article 5, Section 1.

. Add Article 5, new Section 2 which consolidates former Article 5, Sections 1-6, providing for resident representative status until Congress acts.

. Delete portions of Article 5, former Sections 1, 3, 4, and 5 which deal with unnecessarily restrictive details on providing certification to the resident representative, residency requirement, timing of the annual report, and changes in salary.

Amendment 6: Downsizing local government, protecting against overspending, and improving representation

Downsizing local government

. Amend Article 6, Section 1 (and former Section 8) so that local government, consisting of mayors and municipal councils, is established for the three senatorial districts, and is established for the Northern Islands when they become a senatorial district.

. Add Article 6, new Section 3(j) providing for an executive assistant for the Northern Islands to take the place of the current mayor; and add a new provision to Article 4, Section 4(b) providing for an ex officio member of the Saipan Municipal Council elected by the residents of the Northern Islands.

Protecting against overspending

. Add Article 6, new Section 2(c) to control the salaries of mayors

. Add Article 6, new Section 4(c) to control salaries of municipal council members

. Add Article 6, new Sections 3(f) and 4(d)(e) (former portion of Section 8) including provisions for raising, budgeting, and spending revenues from local sources (not Commonwealth funds).

. Add Article 6, new Section 7 capping and gradually reducing Commonwealth spending for local government

Improving representation

. Add Article 6, new Section 3(a) to define the executive authority of mayors.

. Amend Article 6, Sections 4 and 5 (former Sections 6 and 7) to provide for municipal councils of 5 members (formerly 3 members) and to define the legislative authority of the councils.

. Add Article 6, Section 3(b) and Section 4(a) and (b) to define the responsibility of the mayors and municipal councils with respect to approving and vetoing local ordinances approved by the municipal council.

. Add Article 6, Section 3(c) and Section 4(c) and (f) to define the responsibility of the mayors and municipal councils with respect to agencies of local government.

Amendment 7: Consolidating provisions for effect of felony convictions

. Add Article 7, new Section 3 which provides that a person convicted of a felony may not seek or hold any elected or constitutionally-provided appointed office.

. Delete portion of Article 3, Section 2 that deals with felony convictions and eligibility to hold the office of Governor.

. Delete portion of Article 5, former Section 3 with respect to felony convictions and eligibility to hold the office of Washington Representative.

. Delete the portion of Article 6, former Section 2(a) with respect to felony convictions and eligibility to be Mayor.

. Delete the portion of Article 11, Section 4(b) that deals with felony convictions and eligibility to serve as a member of the Marianas Public Land Corporation..

Amendment 8: Deleting legislative provisions in Article 8 and elsewhere

. Delete Article 8, former Section 3 which directs the legislature to provide for registration of voters, nomination of candidates, voting, and election procedures. The legislature has accomplished this task. (Renumber remaining sections of Article 8.) This had not been done in 1976 when this language was put in the Constitution.

. Delete Article 1, former Section 11 on victims' rights, which is provided for by detailed legislation.

. Delete the portion of Article 3, Section 9(b) that required a comprehensive annual financial report. Requirements with respect to financial reporting are a responsibility of the legislature.

. Delete Article 7, former Section 3 which directs the legislature to provide for requirements of domicile and residence. The legislature has completed this task. This had not been done in 1976 when this language was put in the Constitution.

. Change Article 9, Section 1(d) to delete the references to persons qualified to vote. The legislature has put into place the necessary qualifications and challenge procedures, therefore only a reference to votes cast is required. This had not been done in 1976 when

this language was put in the Constitution.

. Change Article 9, Section 2(d) to delete the references to persons qualified to vote. The legislature has put into place the necessary qualifications and challenge procedures, therefore only a reference to votes cast is required.

. Delete Article 10, Section 2 which required a report on tax exemptions. Requirements with respect to reporting on tax exemptions is a responsibility of the legislature.

. Delete the portion of Article 11, Section 6(f) which provides for annual financial statements from the trustees of the Marianas Public Land Trust as provided by law. This is a responsibility of the legislature.

Amendment 9: Providing easier recall for all elected officials

. Amend Article 9, Section 3(a) to change the required number of signatures on a recall petition from 40% to 20% of the persons qualified to vote.

. Amend Article 9, Section 3(c) to provide that recall petitions approved by the Attorney General must be submitted to the voters within 90 days -- at a general election if one is to be held within that time, otherwise at a special election.

. Amend Article 9, Section 3(d) to provide that a recall petition takes effect if approved by a majority of the votes cast. The former provision required approval by 2/3 of the qualified voters.

Amendment 10: Deficit reduction and enforcement against constitutional violations

Deficit reduction

. Delete former Article 10, Section 6 on liquidation of deficits.

. Substitute a new Article 10, Section 5 on deficit retirement.

- Requires deficits to be retired within three years

- Imposes a freeze on new government employment and new salary increases while a deficit exists, but does not affect current government employees or reduce current salaries and allows the legislature to exempt public health and public safety jobs.

. Change Article 10, Section 1 to add a definition of public purpose, which limits the use of public funds.

Change Article 10, Section 5 to make it easier to levy real property taxes if a majority of the voters in the senatorial district where the taxes are to be levied approve.

Providing better enforcement for constitutional requirements

. Change Article 10, Section 9 on taxpayer actions to include any expenditure of funds for any reason (including the former reasons of expenditures for other than public purposes or for a breach of fiduciary duty) that is in violation of the Constitution.

Amendment 11: Reversal of the sunset provision on the governing board for public lands; re-defining the fundamental policies for public lands; and updating the Trust

Reversal of the sunset provision on the governing board for public lands

. Delete former Article 11, Section 4(f) which provided that the Marianas Public Land Corporation would be dissolved after 12 years (deleted a 1985 amendment)..

. Amend Article 11, Section 4 to provide for the governance of the public lands by a five-person board appointed from the private sector rather than by an executive branch agency headed by a single executive who is a government employee.

. Change the term of office to five years, with one director changed each year.

. Add a limit of one term.

. Substitute a requirement of adequate knowledge of landholding practices, customs and traditions in the Commonwealth for the former requirements of residence, general management, and language.

Redefining the fundamental policies for the use of public lands

. Amend Article 11, Section 5 to define the homestead, transfers of freehold interests, and transfers of leasehold interests for commercial purposes in a balanced program so that the public lands are used for the benefit of the people.

- The homestead policies are changed to include housing homesteads as well as land homesteads in order to accommodate more people; to restrict the sale of homesteads for 25 years after grant; and to allow the bureau to provide the remaining rules for the homestead program.

The transfers of freehold interests (other than for homesteads) is limited to government agencies; and may be done only after reasonable notice and public hearing.

- Land exchanges must be completed in two years.

- The transfers of leasehold interests may be done only after reasonable notice, public hearing, and an opportunity for competing bids so that the government gets a market price for the land. The legislature must approve leases of more than 25 years or more than 5 hectares, but must act within 60 days and may only approve or disapprove the proposed lease; no changes may be added. Leases of public land must expire after three years if the commercial development for which the lease was made is not accomplished.

. Add Article 11, Section 6 defining public lands that must be set aside in permanent preserves for public use and that cannot be sold or leased.

. Add Article 11, Section 7 which consolidates all land functions (surveying, considering disputes on land titles) in the bureau.

Updating the provisions for the Marianas Public Land Trust

. Change Article 11, Section 6(a) which provided for a change in the number of trustees after 10 years. Fix the number of trustees at five, with five year staggered terms.

. Change Article 11, Section 6(b) which provided for restrictions on the investments of the trustees that expired after 10 years. Substitute permanent restrictions as to fixed income securities, equities, and cash and cash equivalents.

. Add Article 11, Section 6(c) to allow the trustees to transfer interest income to the homestead program and to the Council on Indigenous Affairs.

Amendment 12: Strengthening and adding flexibility to Article 12 restrictions on alienation of privately-held land.

. Balance amendments to Article 12 so that Article 12 is strengthened and made more flexible to prevent unfairness, while retaining consistency among its parts.

. Amend Article 12, Section 2 to allow children and grandchildren (including children who are not persons of Northern Marianas descent and who are adopted before age 6) to obtain family lands by gifts from their parents or by inheritance. Allow spouses who are not persons of Northern Marianas descent to obtain land by inheritance to the extent permitted by the legislature.

. Amend Article 12, Section 3 to close loopholes in the 55 year lease restriction.

. Amend Article 12, Section 4 to provide that adopted children do not become persons of Northern Marianas descent who are eligible for homesteads and other benefits.

. Amend Article 12, Section 5 to close loopholes on the ownership and governance of corporations that own land so that control must be actually, completely, and directly in the hands of persons of Northern Marianas descent. Change the requirement of 100% ownership and directors to 51% (as provided in the 1976 Constitution) so that outside capital can be attracted.

. Amend Article 12, Section 6 to delete the void ab initio standard and to allow the courts to determine what remedy to provide in Article 12 cases. Establish a new office within the Attorney General's office to handle land matters and assist landowners. Provide a six year statute of limitations on bringing land cases but incorporate exceptions for fraud or disability.

Amendment 13: Correcting outdated provisions in the Constitution

. Delete former transition language in Article 2, Section 3(b), that is no longer necessary or operative.

. Delete the 1976 salary levels specified in Article 2, Section 10 (legislature) and Article 3, Section 5 (governor and lieutenant governor) which have not been operative for many years.

. Amend Article 2, Section 10 to specify the composite price index being used to compensate for inflation.

. Change the residency requirement for governor in Article 3, Section 2 from 10 years to 7 years to comport with the current requirements of U.S. constitutional law.

. Amend Article 2, Section 4 to provide jurisdiction in the Supreme Court to review reapportionment plans. The prior language did not name the Supreme Court because it was drafted before the Supreme Court was in existence.

. Amend Article 3, Section 8(b) to provide jurisdiction in the Supreme Court to decide questions of the disability of the governor. The prior language did not name the Supreme Court because it was drafted before the Supreme Court was in existence.

Amendment 14: Extending the Commonwealth's claim to marine resources; protecting natural resources on and beneath public lands; and providing a share of royalties to local governments

. Article 14, Section 1 claims all available jurisdiction over marine resources in waters off the coast of the Commonwealth.

. Add Article 14, new Section 4 which requires management of natural resources on or beneath the public lands for the benefit of the people.

. Add Article 14, new Section 5 providing that 5% of royalties and other fees paid to the Commonwealth with respect to protected natural resources on public lands (including submerged lands) and marine resources are to be shared with local governments. These revenues are available to local governments to spend as if they were locally raised revenues.

Amendment 15: Controlling gambling

. Delete former Article 21, Section 1 in its entirety.

. Substitute new Article 15.

Amendment 16: Correcting minor errors in the Constitution

. Change the word *soldier* in Article 1, Section 7 to *member of any armed force* to reflect the possible quartering of armed forces other than soldiers..

. Change former Article 22, Section 3 from *official language* (referring to English, Chamorro, and Carolinian) to *official languages*..

Amendment 17: Providing better ethical standards for all elected and appointed officials

. Delete former Article 19, Section 1 in its entirety.

. Substitute new Article 17.

Amendment 18: Simplifying and consolidating the requirements for constitutional amendment; providing for mutual consent to changes in the Covenant

Changing the requirements for constitutional amendment

. Amend Article 18 by deleting Section 1, Section 2(a), Section 3, Section 4(b), and Section 5(b) and amending the remaining sections so that constitutional amendment is changed from a mixed system (including popular initiative, legislative initiative, and constitutional convention) to a system based primarily on popular initiative, with restrictions to balance important interests.

. Change the requirement for proposing individual constitutional amendments by popular initiative to make it easier to get on the ballot. The requirement for signatures on an initiative petition is reduced from 50% to 30% of the persons qualified to vote in the Commonwealth together with 25% of the persons qualified to vote in each senatorial district.

. Delete the provision for proposing constitutional amendments by legislative initiative as no longer needed, given the easier access through popular initiative and longer experience with constitutional government. Individual legislators or groups of legislators can sponsor popular initiatives to accomplish constitutional amendments.

. Change the requirements for calling a constitutional convention to make it more difficult.

- No constitutional convention can be called for 25 years.

- The requirement for signatures on an initiative petition to call a convention is increased from 25% to 30% of the persons qualified to vote in the Commonwealth together with 25% of the persons qualified to vote in each senatorial district.

- The provision for the calling of a convention by a petition signed by 75% of the voters in one senatorial district is deleted.

. Change the requirement for review of proposed constitutional amendments by the Attorney General to make it more stringent. The Attorney General must ensure that there are no direct conflicts with other parts of the constitution that remain unamended. This requires proposed constitutional amendments to resolve all direct conflicts so that all parts of the Constitution continue to work together after passage of any amendment.

. Change the timing of the election to ensure sufficient time for public education. The question is on the ballot at the next regular general election so long as that election is at least 90 days from the time the petition is approved.

. Change the requirement for approval of proposed constitutional amendments to make it easier once on the ballot.

- Constitutional amendments proposed by popular initiative are approved if 60% of the votes cast Commonwealth-wide are affirmative.

- Constitutional amendments proposed by constitutional convention are approved if a majority of the votes cast Commonwealth wide are affirmative (or under a higher standard if set by the convention itself).

Providing for mutual consent to changes in the Covenant

- . Add Article 18, Section 3 to provide that proposed changes to the Covenant must be approved by the Legislature, the Governor, and the voters.

Amendment 19: Providing for Commonwealth Unity

- . Delete former Article 17.
- . Delete former Article 22.
- . Add new Article 19, with new title Commonwealth Unity, as the last provision in the Constitution.
- . Move provisions of former Article 17 to new Article 19 without change.
- . Move provisions of former Article 22 to new Article 19, changing section numbers, and specifying Marianas Trench blue for the official seal.

Amendment 20: Updating the Schedule on Transitional Matters

- . Add Sections 1-8 to the Schedule to set out the transition with respect to changes made by amendments to the Constitution.