

ALDAN EXPLAINS CON-CON'S VIEWS ON LEGISLATIVE POWERS

“The Constitutional Convention made some changes in the procedures under which the Legislature exercises its powers,” Tomas B. Aldan said in response to questions raised during the public education campaign by the Post Convention Committee, “but we did not make any change in the Legislature’s actual powers. The Legislature’s powers are undiminished.”

Aldan referred to the proposed Amendment #2 which would require joint hearings of the House and the Senate on all appropriation bills and on all bills involving public debt, taxation, or revenue. Amendment #2 also provides that all expenditures of public funds must be authorized in an appropriation bill. This means that authorizations for spending cannot be tacked onto resolutions or bills on other matters. Everything on expenditure of public funds will be in one place so that the Legislature can see the full extent of its actions when it votes on the appropriation bill. “The Con-Con did not take away any of the Legislature’s power to authorize the expenditure of public funds,” Aldan explained. “We just provided that they should do it in a way that is easy for the government departments and the public to understand.”

Aldan, who chaired the Committee on Legislative and Public Finance during the Convention, is a member of the Post-Convention Committee that is overseeing the public education campaign. “It is part of our function to explain what we did, and how what we did would change the status quo,” Aldan said. “That is the basic choice before the voters. Do we think the Legislature works very well the way it is now? Or are we willing to vote yes on the changes offered by the elected Con-Con delegates after a lot of hard work in considering and weighing the options.”

Amendment #2 also requires that each bill shall be read on at least two separate session days in each house before it is voted on. Delegate Lillian A. Tenorio, who is a principal staff person for the House, said that this proposed amendment is designed to make sure the press and the public know what is being considered by the Legislature, so they can have adequate input to the members of the House and Senate before they act. “This does not take away any power of the Legislature,” Tenorio said. “This is a good procedure so that bills are not passed in a rush before anyone has had a chance to do the necessary staff work or to hear the public’s views.”

Amendment #7 deletes some language that was in the 1976 Constitution directing the Legislature to provide the criteria by which domicile and residence are determined for voting purposes, and specifying the length of residence within the Commonwealth required for registering to vote. “We were advised by our legal counsel, Bernard Zimmerman and Jose Dela Cruz, that we could delete this language and allow the Legislature full latitude to deal with these subjects,” Aldan reported. Mr. Zimmerman is now a federal magistrate judge in San Francisco. His appointment to that position was pending while the Constitutional Convention was in progress. “Bernie Zimmerman taught U.S. constitutional law, and he is a real expert in the field,” Aldan said. “Also Justice Dela Cruz was a big help to our committee as we considered these amendments.”

Amendment #8 deletes a similar provision that was in the 1976 Constitution pointing the Legislature to providing for the registration of voters, nomination of candidates, absentee voting, secrecy in voting, administration of elections, resolution of contests, and other matters relating to election procedures. Since this guidance was given by the 1976 Constitution, the Legislature has acted and accomplished this task.

Aldan commented that under the very first section of Article 2, the Legislature is vested with the legislative power as to all rightful subjects of legislation. Deleting provisions that were put in the Constitution before there was any Commonwealth Legislature or any Commonwealth laws does not take anything away from the Legislature's general powers. "Indeed, I suppose somebody could argue that the Legislature is limited by this language currently in the Constitution that we are proposing to delete," Aldan said. "You know, if the Legislature has all legislative power except what the Constitution takes away, then maybe some lawyer could find a limitation here that was not intended by the Founding Fathers. The record is very clear that we want the Legislature to have all necessary power in these areas, and there are no limitations implied by the deletion of these provisions."

Another new procedure included in Amendment #2 involves the Lieutenant Governor in the opening of the Senate session. "This is like the way the Vice President of the United States works with the U.S. Senate. This is for the purpose of getting the Senate into session promptly," Aldan said. "We want them to get right to work. If they cannot agree on who should be the President of the Senate, and this is holding things up, then the Lieutenant Governor will break the tie and get things going." Aldan noted that this does not take anything away from the Senate. If the Senators can agree on a President of the Senate, at any time during the session, they can make a change. "Say for example that the Senate cannot agree on who should be elected President at the beginning of the session, and they are split 3-3. The Lieutenant Governor comes in and casts a tie-breaking vote. Then later on, four Senators decide that they can agree. At that point, they can substitute a new President of the Senate. This doesn't take anything away from the Senate; it just prevents delays," Aldan explained. "We think this is a more efficient way to go about it."