

On My Mind

11/20/09

The biggest question, of course, is who will win the election - and by what margin. Not nearly so significant, but interesting, nonetheless, will be how many people actually turn out and vote, compared to the number who voted on November 7th. It would be even more interesting if that number were higher than the number who voted in the earlier election. Since most run-offs around the world, apparently, garner less votes than the original election, what a news-worthy event that would be - more people in the CNMI voting in its first ever run-off than voted in the original election!<P/>

It would be nice to have the CNMI set such a record. But more important is that everyone who is eligible get out and vote. Every vote will count, is needed, will make a difference. Just remember: in that booth, no one is watching. It doesn't matter what you've been promised, what you've promised. Vote for what you believe is best for the CNMI!!!!<P/>

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With constitutional amendments still seemingly on peoples' minds, former long-time CNMI resident and frequent correspondent Bill Stewart has come up with another one. This one, however, would apply throughout the U.S., and not just to the CNMI, as did the three up for passage earlier this month that the Election Board finally decided did indeed pass.<P/>

His proposed amendment reads as follows: "[The U.S.] Congress shall make no law that applies to the citizens of the United States that does not apply equally to the Senators or Representatives, and Congress shall make no law that applies to the Senators or Representatives that does not apply equally to the citizens of the United States."<P/>

That would mean that members of Congress would no longer be able to get special benefits by passing laws favoring only themselves. Nor would members of Congress be able to impose fees, taxes, or the like, on the general electorate without themselves being subjected to the same requirements. They would not be able to excuse themselves.<P/>

Sounds like an amendment that should be seriously considered not only nationally, but also locally, for the CNMI Constitution, so that members of the CNMI legislature could no longer pass laws favoring themselves but not the electorate.<P/>

Wouldn't it be nice if such an amendment could be made retroactive and wipe out some of the laws that now give members of Congress, and the CNMI legislature, excessive benefits? Hope springs eternal, so they say!<P/>

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In the interests of keeping people informed, herewith, finally, the actual text that was

proposed and will now become part of the CNMI Constitution as a result of the passage of the three legislative initiatives. Many thanks to Representative Tina Sablan for making them available to me in a format I could use for the column. Had I realized the Election Commission had no intention of publishing them, I would have put them out earlier.<P/>

(New text is underlined; deleted text is shown crossed out.)<P/>

House Legislative Initiative 15-03, HD 1 amends Article XV: Education, Section 1: Elementary and Secondary Education (c), (e), so that it reads as follows:<P/>

(c)<i>The board of education shall have five members, elected at large on a non-partisan basis as follows: one from the first senatorial district, one from the second senatorial district and three from the third senatorial district. Elected members of the board of education shall serve terms of four years except that the terms of the first members elected shall be determined by drawing of lots with three members serving a term of four years and two members serving a term of two years. The governor shall appoint three nonvoting ex-officio members to the board of education: one member shall be a<u> high school student</u> attending a public school; one member shall be a representative of nonpublic schools; and one member selected by <s>an exclusive bargaining representative of </s>the teachers within the <s> Department of Education </s> <u>Public School System. The selection process of a public school teacher representative shall be established by law.</u> Elected members of the board shall serve commencing on the second Monday of January in the year following the regular general election at which they were elected. <u>The elected board members shall be limited to two terms.</u.</i><P/>

(e) The public elementary and secondary education system shall be guaranteed an annual budget of not less than fifteen percent of the general revenues of the Commonwealth <u>through an annual appropriation.</u> The budgetary appropriation may not be reprogrammed for other purposes, and any unencumbered fund balance at the end of a fiscal year shall be available for reappropriation.</i><P/>

House Legislative Initiative 16-11, HD 2, amends Article III, Section 9 of the CNMI Constitution to read as follows:<P/>

<i>...If a balanced budget is approved by the legislature, the governor may not reallocate appropriated funds except as provided by law. If a balanced budget is not approved before the first day of the fiscal year,<s> appropriations for government operations and obligations shall be at the level for the previous fiscal year</s> <u>no money shall be drawn from the General Fund, provided that certain government services and employees shall remain available as provided by law in order to deliver services essential to the</u></i>

health, safety, and welfare of the people of the Commonwealth and to protect against damage to and destruction of property; provided further, that if the governor does not submit a detailed and balanced budget to the legislature by April 1st, the governor's salary shall be suspended until such time that a detailed and balanced budget is submitted to the legislature, and if the legislature does not pass a balanced budget by October 1st, the legislators' salaries shall be suspended until such time that a balanced budget is passed by the legislature.

Senate Legislative Initiative 16-11, amends Article VIII, Section 1 of the CNMI Constitution to read as follows:

Section 1: Regular General Election. The regular general election of the Commonwealth shall be held the Tuesday next after the first Monday in November in even-numbered years.

(The next section, Section 3, is completely new, but is not shown as such in the original version passed by the legislature. I have taken the liberty of underlining it here, to make clear that it is all new. In addition, the Constitution already has a "Section 3" titled "Election Procedures." It will be up to the Law Revision Commission, as I understand it, to reconcile the conflicts.)

Section 3. Implementation. Upon ratification of this initiative in accordance with section 4 hereof, Article VIII, Section 1, as amended hereby, shall be implemented as follows, notwithstanding any constitutional or statutory provision to the contrary:

(a) There shall be a regular general election in 2009 held pursuant to Article VIII, Section 1 of the CNMI Constitution and applicable election laws of the Commonwealth that were in effect prior to ratification of this initiative; provided that a person elected to office, the term of which is:

(1) Two years, shall serve a term of three years such that the next regular general election to that office shall occur in 2012 and every two years thereafter.

(2) Four years, shall serve a term of five years such that the next regular general election to that office shall occur in 2014 and every four years thereafter.

(b) The regular general election in 2011 shall be moved to 2012 as prescribed by Article VIII, Section 1, as amended, of the CNMI Constitution and Commonwealth election laws. The term of office of an incumbent holding office to which the election has been moved from 2011 to 2012 shall expire at midnight of the day prior to inauguration to that office in 2013.

The Covenant party full-page slam against the *Marianas Variety* that appeared in today's *Saipan Tribune* leaves an ugly taste in the mouth. It

hardly speaks well for the Covenant party. Nor does it speak well for the Tribune. Oddly enough, the only one who comes out a winner (as underdog/victim) is the Variety!
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A similar statement could be made about the Covenant's "waves." They, too, generate negative feelings. They don't win any points for the Covenant party. Nor do they speak well for all the sycophants on display. In this case, however, there are no winners - least of all those stuck in the resulting endless, pointless, noisy, traffic jam.
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