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Amconsulate SALVADOR

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Bahia Constitution Proclaimed

1. From the moment he took office on April 7, 1967 Governor Luis Viana Filho worked feverishly to prepare a draft constitution to be acted upon before the May 15 legal deadline. His draft, which adhered strictly to the post revolutionary lines of the federal constitution, was delivered to the Legislative Assembly on April 17. MDB forces severely criticized the short time allowed for the legislative branch to consider the draft which, they said, was not an adaptation to the carta magna but an entirely new constitution. Despite the polemics involved, both benches immediately settled down to their tasks. ARENA Deputy Aloisio Short was elected president of the Constitutional Committee, and he was assisted by a vice president and eleven rapporteurs. Procedural rules closely followed the guidelines laid down in Institutional Act 4 of December 7, 1966. to the 1947 constitution was the abolishment of the State Council of Education.
2. The deputies had about thirteen days, until May 2, to study the draft and submit amendments. As was to be expected, 380 amendments of some 400 were tabled on the final day. The Constitutional Committee then took five days to review the work and this process eliminated about 130 amendments because of duplication, technical flaws or illegality. The assembly was, however, faced with the formidable task of debating the remaining 271 amendments, voting on them and incorporating the results into the draft of the executive branch, all within a time period of eight days. The President of the Legislative Assembly, Sacramento Neto, called the chamber for four sessions daily, some lasting all night, during the period May 8 - 10. After this phase the Constitutional Committee took another two days preparing the draft for voting on May 13 and promulgation May 14.
3. Though the MDB leader, Clodoaldo Campos, had earlier threatened to boycott the final voting "because the small voice of the opposition could situation where deputies will continue to receive their salary. The new constitution provides free schooling for all children 7 to 14 years of age and advanced free schooling when the student demonstrates aptitude and financial need.

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hardly be heard", his bench had worked harmoniously with ARENA deputies in the preparatory and discussion stages of the project. The press had commented favorably on the bi-lateral effort being exerted, and there was reason to hope that this state of euphoria would continue. On May 13, however, the MDB leader took exception to the chair's ruling that the amendments would be voted globally, and after a tumultuous session the MDB bloc of twelve angrily withdrew, refusing to take part in the voting. Reminiscent of the accusations levelled at the government party during the Brasília proceedings, MDB spokesmen charged that ARENA had dominated the project, that it had broken a pledge to vote amendments individually and that the result would be an undemocratic constitution. ARENA leaders answered that the MDB attitude had political motivation and pointed out that MDB sponsored amendments received full and favorable consideration in the chamber. (In fact, ARENA deputies authored 123 amendments to 148 for MDB of which 72 ARENA and 65 MDB were approved and incorporated into the constitution).

4. The executive's draft contained 6 chapters comprising 92 articles. The final constitution expanded the number of chapters to 11 and articles to 141. All of the key provisions submitted by the government were approved as well as many of the less controversial amendments proposed by the opposition. MDB forces were particularly vocal in condemning the appointment of the Vice Governor to preside over the Legislative Assembly and, due to their insistence, the circumstances under which he will not be permitted to preside (for example, during debates on expenditures of public funds; during any session to consider impeachment of the governor etc), were written into the new constitution. Another basic alteration to the 1947 constitution was the abolishment of the State Council of Education, which held semi-autonomous powers, including fiscal control, in the general sector of education. These powers will now be vested in the Secretary of Education. Another disputed clause, which was nevertheless approved, permits amendment of the constitution during a period of federal intervention. In the 1947 constitution, amendments were not permitted either during a state of siege or during a period of federal intervention. A provision concerning reapportionment of councilmen (vereadores) on the following basis of population, was much praised as an improvement over the present apportionments: municipalities with less than 25,000 population will have 9 councilmen; from 25,000 to 75,000, 11 councilmen; from 75,000 to 150,000, 13 councilmen; from 150,000 to 300,000, 15 councilmen; and more than 300,000, 19 councilmen. Under the new constitution, deputies will no longer receive their salaries during periods of illness of less than four months; during absences in excess of four months, the deputy will be replaced by an alternate and he (the deputy) will go on receiving his full salary -- this is the only situation where deputies will continue to receive their salary. The new constitution provides free schooling for all children 7 to 14 years of age and advanced free schooling when the student demonstrates aptitude and financial need.

5. Some of the more radical and/or controversial amendments which went down to defeat included: a) abolishment of the office of Vice Governor; b) establishment of the office of Vice Mayor; c) establishment of a state senate; d) establishment of a Secretariat of Culture; e) increasing the number of desembargadores to 25; f) permission for deputies who are teachers by profession/engage also in teaching activities; g) granting of pensions, in special cases, to deputies with 25 years of service; h) changing the organization of the Secretariat of Health back to the structure existing before the state administrative reform of 1966.

6. The Bahia constitution has been criticized as being a highly political document which further strengthens the executive branch to the detriment of the legislative. In the view of many observers, however, it adequately carries out many needed reforms, some of which were indicated in the federal constitution and others dictated by local needs and experience. Now that the dust has settled, both ARENA and MDB deputies are making peaceful overtures and the business of the Bahia legislative assembly will no doubt proceed as usual.

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The deputies had about thirteen days, until May 2, to study the draft constitution. As was to be expected, 30 amendments of some 400 were introduced on the final day. The Constitutional Committee then took four days to review the amendments and this process eliminated about 130 amendments because of lack of merit, technical flaws or illegality. The remaining amendments, however, were sent to the Legislative Assembly for review. The Assembly, meeting in the afternoon, took 13 days to review the amendments, voting on each and incorporating the results into the draft of the executive branch, all within a time period of eight days. The President of the Legislative Assembly, Sacramento Rato, called the chamber for four sessions daily, some lasting all night, during the period May 2 - 15. After this phase the Constitutional Committee took another two days preparing the draft for voting on May 13 and promulgation May 14.

7. Though the MDB leader, Orestes Borges, had earlier threatened to boycott the final voting because the small voice of the opposition would

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