

*Revised
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H8*

30TH DAY - 2ND CON CON
JULY 17, 1985

Delegate Lizama: Mr. Chairman, I move for the adoption of Committee Recommendation No. 61.

Chairman: Would you restate that again?

Delegate Lizama: I move for the adoption of Committee Recommendation No. 61.

Delegate Mafnas: Second.

Chairman: It has been moved and seconded that we adopt Committee Recommendation No. 61. Discussion?

Delegate Mafnas: Mr. Chairman, I yield to Delegate Torres.

Delegate Torres: Thank you, Delegate Mafnas. Thank you, Mr. Chairman. This is a very significant proposal. I think it is in line with the Myrad(?) Reforms to make the Legislature more productive, of course, to enable the Legislature to do more quality work. I have a concern, and it is a pretty minor concern, however, I want to address this concern so that I can be clear in my mind on this issue. I am concern about the term of office for the director. I don't see anywhere here any term of office whether it's a two-year term, whether it's a six-month term, or one-day term. May I be informed on this?

Delegate Mafnas: Mr. Chairman.

Chairman: Yes, you may, Delegate Mafnas.

Delegate Mafnas: We did not specify the term because it's not specified. The Director serves at the pleasure of the Legislature and he may be removed with or without cause.

Delegate Torres: Mr. Chairman, so I assume that with that assertion I wonder whether subsection (e) is in line where it says that the bureau shall be free from political harrassment and or pressure.

Delegate Mafnas: Yes. I believe that the director will be free from political harrassment and pressure. All the executive directors, including department heads are free from political harrassment. The committee feels that this level at this level the individual or the incumbent shall serve at the pleasure the legislature in this case. I am in a situation where my appointment is indefinite. Today, tomorrow, I can be removed. I'm still free from political pressure.

Delegate Torres: On page 2 of the report, now I understand then that the director will be an unclassified employee. What about the Chief legal counsel, the assistant, the budget analyst, and all the people enumerated under number 2 on page 2 of the report.

Delegate Mafnas: The Chief legal counsel and the assistants will be on contract. These are professionals. You cannot put them on Civil Service. The Civil Service salary is not high enough to pay the salary of the legal counsel under Public Law 4-32.

Delegate Torres: On the third page of that same report, I read with delight and with great interest the attestation by the committee that the present cost will be, and I'm quoting, "will be reduced significantly perhaps as much as 50 percent." Could we be given a perspective on the present cost and the anticipated cost of the bureau?

Delegate Mafnas: Yes, Mr. Chairman. The other day or several days ago, I made a statement about the Legislative reform and under this set up I am very confident that the cost will perhaps be some about \$300, to \$400,000 -- the savings.

Delegate Torres: Would Delegate Mafnas agree that part of this Legislative reform is reduction in the composition of the Legislature?

Delegate Mafnas: Yes. Part of this, as we indicated in the committee's report, that many of the delegates submitted proposals addressing the questions -- with respect to legislative reform addressing the questions of qualifications and number of members in the Senate and the House of Representatives, the budgetary limitations for both houses, which your committee on finance and

other matters recommended favorably under committee recommendation 24, -- and I applaud the committee for its excellent job -- and limiting the number of session days, and the last one is the creation of the Legislative Bureau.

Delegate Torres: On that note, I am curious -- what happen to the proposals that are intended to do just that which to cause a reduction in the number of representatives and senators and I wonder whether the chairman from this committee can enlighten us on that.

Delegate Mafnas: I think I can still answer your question.

Delegate Torres: Please.

Delegate Mafnas: The committee is very much concern about limiting the number of members in the House and the Senate and we have decided to further discuss that because there will be perhaps an effect. Assuming -- I am looking at it -- these will be the consequences. Assuming that we decide -- expressed in some of the proposals to reduce the number of senators from 9 to 6, 2 from each senatorial district and assuming that we decide to reduce the number of House of Representatives on Saipan. We are looking at the possible consequences -- probably Rota and Tinian will vote down any reduction in the Senate. They will go ahead and probably approve the proposal to reduce the House of Representatives on Saipan because it does not affect the two islands. Let's say that

we reduce the number in the House of Representatives from 14 to 10 or 15 to 10 and the reduction will affect only Saipan, then the ratio in the Legislature will be something like 9 to 10. Nine Senators and 10 Representatives. So it's a decision that we are still looking into and with the extension of time that we have we will probably come up with a report. But again, I'm not trying to project the future or prophecy what's going to happen on Rota and Tinian but there is a good possibility they will probably vote down the reduction in the Senate and they will approve the reduction in the House of Representatives that will affect Saipan alone. So I hope that within the next few days we will be able to report something to the convention.

Chairman: Are you finish, Delegate Torres?

Delegate Torres: I am sure that that particular proposal regarding the composition is not up yet, but it's nice to tie it in with the comprehensive if we indeed are serious about comprehensive Legislative Reform then perhaps we should look seriously into that matter and not necessarily be perturbed by what Rota might feel about that because they have to consider reality too that we are all cost conscious, we are all for quality and we are all for progress. Thank you.

The Chair recognized Delegate Lizama.

Delegate Lizama: I really don't have much to say, except that I

want to make reference to line 15. I think this is a wonderful recommendation since it provides the removal of the director by a simple majority of each house of the legislature with or without cause. I strongly suggested this to the committee that this type of provision should be placed here in this committee recommendation. In so doing, it would allow practically every member of the Legislature to be able to -- it would guarantee loyalty to everybody in the Legislature. Now if you increase this removal requirement to, let's say, 2/3 it is going to be very difficult to serve the minority members of the Legislature. So this is going to put the director on the spot all the time. He's going to have some fear of removal so his loyalty has to be in place at all times. So I just want to point this out that this is one of the Committee's work that I think it took into consideration the very important thing of accommodating all the members of the Legislature because each member of the Legislature is going to be presenting issues that may defer(?) (be fair?) with his colleagues or her colleagues. Thank you.

The Chair recognized Delegate Mendiola.

Delegate Mendiola: I just want to find out whether the committee took into consideration the separate building of the House and the Senate. How do we get about getting these people together?

Delegate Mafnas: Do you see the so-called trailer house? That will be the bureau because it's between the two houses. (laughter)

Delegate Mendiola: Mr. Chairman, I think this will invite new building for both houses that houses both the Senate and the House of Representatives. I don't know whether the committee has taken that into consideration.

Delegate Mafnas: Mr. Chairman, yes, we did. The secretaries now assigned to committees will be assigned to the bureau. The offices where the secretaries are sitting will be vacated and there will be more offices available. We took those into considerations. Mr. Chairman, I would like to inform the members that we did this during the First Northern Marianas Legislature. We had a centralized administrative services where we had one Chief Legal Counsel, one assistant legal counsel and there was no problem. I'm sure the Legislature will be able to reorganize itself to accommodate this need should the people approve.

Delegate Lizama: Mr. Chairman, if no objection I would like to make some amendments on the committee recommendation.

Chairman: Delegate Lizama, may I recognize Delegate King and Delegate Villagomez then I will go back to you please.

Delegate Lizama: Okay.

The Chair recognized Delegate King.

Delegate King: Thank you, Mr. Chairman. I would just like to ask

the committee on Governmental Institution(?). Who is this director going to report to?

Delegate Mafnas: Pardon?

Delegate King: Who is his boss?

Delegate Mafnas: Upon confirmation, he will -- the way we envisioned it, he will -- of course, the presiding officers -- he will receive orders or instructions from the two presiding officers.

Delegate King: I mean, exactly, to who does he report to -- all the functions, his functions, his responsibilities.

Chairman: You mean, who is going to supervise the director?

Delegate King: Yes.

Delegate Mafnas: The group that appoints him -- that's the leadership, but among the leadership there is one head -- the Senate -- the President, and the House -- the Speaker.

Delegate King: I have one more question. What makes the committee think that this is going to be free position from the political harrassment and pressure since this person is going to be appointed by these higher presiding officers, what makes the committee think

that it will curtail the political harrassment or it will be free from political harrassment.

Delegate Mafnas: We would like to believe that the Legislature wants to serve the people to the best of its ability, best on its resources and the director, who is placed there because of his qualifications will be delegated the authority to do as required in the proposal and politics will be least of the Legislature's priority. The employees of the bureau as we foresee, envision, will be provided with contracts where they perhaps serve at the pleasure of the director, the administrative staff will be civil service employees. This group will be totally free from political pressure. They will be covered by the Civil Service as required by Section 16 of Article III of our Constitution. So, Mr. Chairman, probably the statement that they will be free from political harrassment is an overstatement if we say to ourselves that we cannot divorce politics from this kind of appointment. But I want to get away from that thinking and look at this positively and put my confidence in the hands of our legislators and the wisdom of the members.

Chairman: Are you finish, Delegate King?

Delegate King: Not yet. I think I like the intent of this proposal, however, if possible if there is no objection from the members or from the delegates -- in order for me to agree that these people or this director is going to be free from any

political harrassment, I would like to amend line 15. Instead of simple majority, I would like to put 2/3 majority of votes of each house of the Legislature. That will put this person in a very confidence and secure position by raising up the simple majority to a very stiff majority of 2/3.

Chairman: Are you raising that as a suggestion or is that a motion.

Delegate King: Well, I would like to make it, if there is no objection from the members. If they support me, I would like to make it into a motion...

Chairman: Delegate Lizama?

Delegate Lizama: I just stated earlier that the reason why we thought that it will be necessary to just make the requirement of removal by a simple majority because we want this person to be loyal, faithful to all the members of the Legislature. If you require 2/3 that is going to put this person in a very bias situation because if the House, for example, can garner 2/3 -- I'm sorry, if there is no 2/3 majority there is going to be a problem removing this person if he's not doing his job, servicing the minority. We want to neutralize the loyalty of this person. That's the reason why a simple majority we felt is the proper requirement.

Delegate Mafnas: When we were preparing this we had the 2/3 requirement on the removal and then we decided to take it off. We would like to see that a person at this level serves at the pleasure of the appointing authorities. What we have here is even better than that that it's simple majority. So really, if you put the 2/3 there it will make the servant the master and the master becomes the servant. So I understand the concern of Delegate King and I think it's a very noble suggestion, however, I believe that the director will be stronger than the members if there is a lack of 2/3. He doesn't have to listen to anybody. All he needs to do is acquire maybe four or five friends and maybe three friends in the Senate or four friends of the Senate and he's there until the end of the term of the Legislature. So I think the suggestion is very noble, however, it will affect the proposal significantly.

The Chair recognized Delegate Villagomez.

Delegate Villagomez: Thank you. The statement by Delegate Mafnas that politics in the Legislature may become the least priority is a very courageous statement and I have a curiosity related to that point. As you know, during the First Legislature, the lower house and the upper house were both Republicans and they did not have any difficulty using one set of staff. During the Second Legislature, the House turned into Democrats and the Senate remained Republicans so all of the employees of the House were moved over to the Senate and the House hired new staff and that's where we started increasing the budget of the Legislature and it went up and up from

there on. My curiosity is this, if you have a strong democratic house and you have a strong republican Senate and they are going to get together and appoint a director, can you give us an idea -- I have my own vision as to where this is going to end up -- but don't you see a tremendous problem there?

The Chair recognized Delegate Mafnas.

Delegate Mafnas: If I tell you "no" then I will be lying to myself. Maybe the House will outnumber the Senate, with respect to the chairmen of the standing committees. All they have to do is increase the committees by one and they outvote the Senate. We originally had a provision when we were preparing the reports that the director be appointed in a joint session, the majority vote of the members because of the problem that you just indicated. However, again, I am confident, and maybe that's an overstatement, that the best applicant will be selected and the Legislature will just do that. If there is a suggestion from the members to ensure that there is no deadlock in case one house is controlled by a different party, a democrat and the other one is a republican controlled house, if there is a suggestion we will welcome. I hope I answer your question.

Delegate Villagomez: Yes. I'll be thinking and perhaps I will have a suggestion by the time we get around to the second reading.

Chairman: I would like to recognize Delegate Limes for now.

Delegate Limes yield to Delegate Villanueva.

Delegate Villanueva: Mr. Chairman, I want to make a statement on this proposal. I'm in favor of this proposal. I've seen this type of a set up, work for the last 12 years. The State of Hawaii has this Legislature Bureau. The director is appointed for eight years and he can be removed anytime that he is not performing well. One of the advantages of this type of set up is that they have a permanent staff that know the history of legislations even though they didn't pass in the Senate or the House or vetoed by the Governor or overridden by the Legislature. They have good records. The staff, the administrative staff, as well as the research staff, the legal staff have been working there (end of tape) in the political parties that control the house and Senate. But one thing that accomplishes this is that they don't have to keep looking around for a good legal counsel or for a good director or for a librarian or for a custodian or for a xerox operator. The staff that they have has, except for the Legal Counsel and the Director, this capability, otherwise, they are not going to keep them there. And since we are limiting the sessions of the Legislature we need permanent staff combined, joint staff, Senate and House. And it's been working very well. Of course, there is going to be politics because sometimes the majority in the House or in the Senate would say, "You are supposed to finish my proposed bill before the other." But this bureau does not treat the legislators as majority or minority. As proposed bills are requested and researches are requested, they are researched. And a lot of times they don't have

to do reasearch because they already have research on that. All they have to do is update the research. And all you have to do is tell the research clerk that you want something in the area of abortion and they will ask you, "are you against or opposed", "how strong do you want to oppose it?", "how strong do you want to support it?". And a lot of times they already have this document. This staff also read newspapers, read court decisions, they read a lot of books because they have to know their materials. A new legislator with very little knowledge in the law in the state don't have to spend his whole time researching in the library. All he's got to do is go to this bureau and say, "I need something in this area to enlighten me." And they'll have it. There is very little politics, at least in the State of Hawaii, that is involve in the Legislative Bureau. And when I look at this proposal I envision something like that also that very easily if two senators are trying to propose a bill or a law then this bureau will say, "Senator so and so already has a bill on that. Do you want the same copy and do you want to joint(ly) author the bill?" And nobody gets mad because eventhough one is a Democrat and the other is Republican, they both want that type of bill. And this is why, Mr. Chairman, I'm in favor of this proposal. Thank you.

There was a motion to end debate. The motion was seconded.

Chairman: Before I entertain that motion, I would like to recognize Delegate Nabors and then Delegate Lizama.

Delegate Nabors: Thank you, Mr. Chairman. I'd like to ask a question -- I think it's a very excellent idea -- having worked at the Legislature for sixteen years, but my question is, why shouldn't this be a legislative matter?

The Chair recognized Delegate Mafnas.

Delegate Mafnas: When the third legislature, the Republicans, for example, controlled the -- Let's take the Second Legislature, to begin with. The two parties -- there were two parties -- they didn't want to pursue this because of possible question of loyalty. When the Third Legislature took over and again the Republicans were in control, I intervened and I said, "let's go back to the First Legislature where we've merged the functions of the administrative services and the professional services." The problem was -- the house is the house and the senate is the senate. We want to have our own people without any consideration to the cost to the taxpayers. Yes, I agree with Delegate Nabors that this could be a legislative matter, but let's face it -- you have a Republican-controlled Senate and a Democratic-controlled Senate (House?) and you can never get this thing in place. I think Delegate Nabors' concern has merit, but I believe that if we have to put this in the constitution, let's do it. Let our people decide on this issue.

Delegate Nabors: I just have one follow-up please. I don't have any additional question, I just would like to make an observation. My experience in the Legislature -- my sense in this situation is

that even if we put it in the constitution, it's going to be ignored or duplicated. Each house has currently got their own immediate staff. They got \$2.8 million to do it and believe me, it's going to be done.

Delegate Mafnas: Mr. Chairman, I respect the opinion of Delegate Nabors. He was our Chief Legal Counsel in the Fifth Marianas District Legislature. He served us well. There were two political parties in the Legislature. He wasn't partisan, and I am very confident that this will work and the same quality that Mr. Nabors possess at that time will be acquired. I want to ask the members to look at Page 3, 1st paragraph. This is the whole grudge of the bureau. Right now we have two chief legal counsels with different positions, interpretations of the bill. By having one, we can smooth the passage. The Legislature will have to worry only of the Attorney General. With the Attorney General that we have, the two legal counsels in both houses have worked very well with Mr. Kosack. We eliminate the possibility of three people -- three top legal minds giving opinions. The bill will be passed smoothly and promptly, reports will be issued, less debate will take place because it's coming from almost the same source. Right now, we have -- I don't know how many typewriters in both houses. If the Legislature is not in session, there is nothing to be xeroxed. If there is any, then it's not Legislature's business. The xerox operators and the clerks are quiet. They sit back for two, three days. We have machines underutilized, manpower underutilized at the public's expense. Supplies and materials are procured. We

have excess supplies, in some cases, one house has excess supplies the other does not have enough or more than the other house. Supplies and materials are not controlled -- not monitored. So page 3, 1st paragraph is the mid(?) of all these -- of the intent.

The Chair recognized Delegate Lizama.

Delegate Lizama: Just a minor amendment, if no objection. On line 4, we should strike out the words "of Legislative Bureau" and on line 6, to be consistent with the Constitution, we should strike out "Speaker and Vice President" and in place include "Presiding Officers" -- "Vice Presiding Officers". And on line 15, strike out the word "of" after majority, strike out "s" on "votes" and insert after "of", "the members of each house of the Legislature". Line 17 strike out "and" and "/"(slash). In the first sentence -- line 1 I mean so that there is no confusion here, insert "a new" before "Section" -- "effective upon ratification, a new section" strike out 16 "is added to Article II to read". Strike out "is amended".

Delegate Mafnas: May I suggest to the Chairman to submit that for the Second Reading?

Chairman: Yes, I would recommend Delegate Lizama that you put that in writing. Oh, the Secretary would provide that.

Delegate Lizama: On line 1, after "ratification," "a new" add those words "section" strike out "16" and include "is added to

Article II", strike out "is amended to read". On line 4, strike out "of Legislative Bureau" and on line 6, strike out "Speaker, Vice President" and insert "Presiding Officers". On line 15, strike out the word "of" after "majority" and "s" "votes" "vote of the members of each house" insert "the members of". And on line 17, strike "and/".

Chairman: Before I entertain that as a motion, can I just recognize Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. Chairman. I also go along with this amendment -- constitutional amendment. I'm also in the same committee that worked on this thing and I think the important aspect of this is the centralization of the function of personnel and the thing that we see over this is the tremendous decrease in cost -- we economize this as they mentioned in here by 50 percent. Another important aspect of this centralization is the _____ and the continuity of the recordkeeping system which is very important especially for the new, incoming congressman. I have a feeling that the only people who would dislike this type of a set up completely are the congressmen themselves because most of them, they even go out to campaign for their future position they usually have well-organized system of their own people to bring into the congress when they win, like secretaries, etc. I have a feeling that only the Congressmen will have this, but when we people will look from the side we know that this will decrease in cost tremendously.

There was a motion to end debate and it was seconded.

Chairman: Secretary Nabors, would you repeat the amendment as proposed by Delegate Lizama?

(One delegate noted that it was requested that Delegate Lizama put his amendment in writing so that it can be taken up on Second Reading.)

Delegate Lizama: That's why I said if there will be no objection, rather than making my amendment into a motion or putting my amendment into a motion -- if no objection, those amendments could be made.

Delegate Mendiola: Mr. Chairman, I think everybody is tired.

Chairman: I read that we are going to entertain that on Second and Final Reading?

Delegate King: Mr. Chairman, may I pose one question before I vote on this? Just one. I just like to ask the Committee on Governmental Institution(?), if the Legislative Bureau is established, would this branch be extended down to Tinian and Rota?

Delegate Mafnas: This is (centered) here where the Legislature is sitting.

Delegate King: This is central?

(One delegate replied "yes".)

Delegate Mendiola: Tinian and Rota will have their own budget.

Delegate Mafnas: We just approved recommendation 41.

Chairman: Back to the main motion. It's been moved and seconded to end debate.

The motion carried by voice vote.

The motion to adopt Committee Recommendation No. 61 was voted on and adopted. (One delegate moved for the Committee of the Whole to rise.) The Chair recognized Delegate Igitol who noted that he wants to recognized the proposer to extend the ConCon's additional life to 5 days. (The same delegate who moved previously moved for the Committee of the Whole to rise made the same motion. The motion was seconded.)