

B R F

-1414-

BENIGNO R. FITIAL
P.O. BOX 1280, SAIPAN, MP 96950
TEL. NO.: 322-9006/9054/9915
FAX NO.: (670) 322-9202

June 26, 1995

TO: THE COMMITTEE ON LEGISLATIVE BRANCH AND PUBLIC FINANCE OF
THE THIRD NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

FROM: BENIGNO R. FITIAL *BF*

COMMENTS TO ARTICLE II OF THE CNMI CONSTITUTION

Thank you for providing me, as former Speaker of the House, this opportunity to submit comments to the proposed changes to Article II of the CNMI Constitution. I hope you will find the following comments helpful and that they will provide guidance to you as you consider changes to Article II.

I am in full support of limiting the legislative budget as a positive step toward fiscal responsibility, however such limitation should be substantially less than two percent of the Commonwealth's annual revenue collections. Additionally, I endorse a reduction in the size of the Senate from 9 to 6 members with the Lieutenant-Governor as Presiding Officer. I also support a reduction in the size of the House to 13 members with 11 elected at large from Saipan. I am not, however, an advocate of changing the terms of office for legislators from 2 to 4 and 4 to 6 for Representatives and Senators, respectively. Further, any Senate or Representative

Rec'd 6/29/95- ca

position should only be a part-time position.

It is time for everyone, including the legislators to become fiscally responsible. The limitation of the legislative annual budget is merely the first step. Limitation of the annual budget in the era of deficits should be expected and wholeheartedly accepted and supported. A budget of two percent of the annual revenue collections is too generous and lacks fiscal responsibility. In 1994, annual revenue collection as reported in the Department of Finance's audited financial statement was \$151,000,000. This reflects a budget for the Legislature in the amount of \$3,020,000, as it would have been in 1994. A three million dollar budget is overly generous and one that I as former Speaker of the House and as a taxpayer find grossly unjustified. Perhaps a more appropriate budgetary figure would be no more than one percent of CNMI's annual revenue collections. Such an amount would be less of a shock to the constituents, but continues to border fiscal irresponsibility. With an annual budget of this amount, no more than one-half shall be allocated as salaries for the legislators. The remaining one-half shall pay for professional support staff and office expenses.

Professional support staff should have the appropriate qualifications to perform competently. I recommend, for the entire legislature, two additional attorneys, each with at least seven years experience in legislative work possessing a strong background

in finance and taxation, an economist with at least seven years government work experience involved in the formulation and evaluation of long-term socio-economic development strategies, a secretarial workpool consisting of four high level, dependable, and trustworthy legal secretaries with at least seven years experience working for a legislature or law office. The legislators should be able to rely on these professionals for much of the technical requirements needed by a legislator by drafting bills, reviewing bills, or providing legal advise on the sufficiency and constitutionality of all legislation. The need for competent professional support staff will aid the legislators in their task of creating better laws. This is a more cost effective expenditure than has previously occurred.

The reduction in the size of the legislature is another fiscally responsible step. There is no need for nine senators and eighteen representatives. The purpose of the legislature should be readily accomplished with fewer persons. The time for government providing jobs irrespective of actual need must come to an end. The reduction of the legislature is only a beginning.

The task of making laws is not one that requires twenty-seven persons giving their votes. A smaller legislature with increased professional support services should accomplish more. If we look as the legislature's history, the number of public laws generated in the third legislature is greater than any other. The third

legislature passed 107 laws, the fourth passed 72, the fifth passed 49, the sixth passed 46, the seventh passed 54, the eighth passed 42. At the time of the third legislature, there were twenty three members. The fourth through seventh legislatures had twenty four members and the eighth legislature had twenty seven members. There is an obvious pattern, one where number of laws passed decreases with an increase in the size of the legislature. While I am not suggesting that the measure of a legislature is the number of laws it passes, it does suggest that when there are fewer members in the legislature there seems to be more unity and less bickering and the purpose of the legislators is better accomplished. The third legislature, with fewer members accomplished more than any other legislature since that time.

Reducing the size of the legislature or changing the physical structure of the legislature does not address the problem that is inherent in the bicameral structure. The fact that Rota and Tinian with a combined population of less than 5,000 control the Senate is and always will be a major political problem for the legislature and the entire CNMI. I, therefore, suggest that for all controversial issues facing the legislature, such as budget, confirmation of executive appointments, approval of all public land leases, and the like should be disposed by the majority vote of the joint session of the legislature. This provides everyone a vote and eliminates the impasse that has existed in years past.

Limiting the number of consecutive terms for legislators while at first glance may have virtue in the fact that more persons would have the opportunity to participate in the government is essentially without merit. Not every person, whether seeking office or those holding office, is qualified to be a legislator irrespective of meeting the constitutional requirements of age and residency. The CNMI is in need of mature, thoughtful, and intelligent persons to represent the citizens of the CNMI in making its laws. Moreover, for those persons who are qualified and have shown themselves to be mature public servants by working diligently and prudently for their constituents and do not abuse the public's trust, limiting the number of consecutive terms for these legislators would be unfair to the people, those legislators, and the CNMI.

A further fiscally responsible act is to reduce the compensation currently paid to legislatures. The job is not an eight hour per day, five day per week commitment. Currently, most members do not put in this amount of time and have other business interests which claim their attention. As this is not a full-time position, the compensation should not reflect full time salaries. The compensation should reflect the work time actually spent. More appropriately, it should reflect the accomplishments made, which, as revealed by recent times, would relieve any need for compensation.

-1419-

Where a legislator can rely on his professional staff and provide adequate resources for that staff to perform its function, the potential time intensive nature of a legislator is eliminated. It is time to get the most bang for our buck and this, I believe, is the way to accomplish that goal.