

16 June 1995

To the Committee on Legislative Branch and Public Finance

Proposed Article II Agenda

This proposed Agenda deals with each section of Article II for which proposals have been submitted. The intent is to deal with major issues first in an orderly fashion and then proceed to other matters whose resolution may be easier in light of decisions made earlier.

1. Section 13 - Sessions. Proposals 14, 87, 99 and 381.

A. Should the Legislature continue as a full-time body or become part-time. If part-time, when shall it serve? There is a proposal for serving one month in the spring and one in the fall, and a proposal for having one four month session each year. If part-time, how should the compensation be adjusted? Should legislators be paid only while in session?

B. If the Legislature is to continue full-time, should the sessions be changed? There are proposals for 60 days beginning in January and 30 days beginning in July (from the Legislature), and for 120 consecutive calendar days.

C. Should there continue to be special sessions? If so should they be at the call of the Governor only, at the call of the Governor or the presiding officers (current scheme), or should a majority of either house also be able to call a special session, as the Legislature has proposed?

D. Should the Governor be required to call a special session to consider overriding a veto made within 40 days of the end of a regular session

2. Section 2 - Size and Composition of the House/ Proposals 16, 29, 54, 225, 306, 335, 341; 228, 334.

A. Should the House be reduced from its present size of 18? Seven proposals suggest different sizes, all smaller than at present. If the Committee favors downsizing, legal counsel will then advise the Committee on options which it may consider given the need to abide by the one person, one vote rules in the CNMI and in the United States Constitutions. Options include allocating seats on bases other than total population, which includes aliens, such as citizens, eligible voters or registered voters.

B. Should there be a cap on the size of the House? Some flexibility will prove helpful in dealing with population growth.

C. Should the members from Saipan be elected at large?

3. Section 3 - Size and Composition of the Senate. Proposals 18, 55, 305 and 384; 10, 196, 213.

A. Should the Senate be reduced from 9 to 6 members? If so, should the Lieutenant Governor break ties?

B. Should the Northern Islands be treated as part of the Saipan senate district and municipality for all purposes?

4. Sections 2 and 3 - Qualifications. Proposals 56, 85, 102, 224 and 373.

A. Shall a convicted felon be eligible to run for public office? To hold public office? What about appointed office?

B. Does it make a difference if the person has been pardoned?

C. Should the age requirement for the House be increased from 21 to 25 (no.54) and for the Senate, from 25 to 35 (no. 55)?

D. Should the Legislature continue to be authorized to change domicile and residency requirements for Senators? Should the residence requirement be changed. Presently, it is 5 years for the Senate and three years for the House.

5. Sections 2 and 3 - Term Limits. Proposals 17, 19, 190, 204, 223, 235, 322.

A. Should the length of terms be changed? There are proposals to increase the House term to four years and the Senate term to six years.

B. Should there be term limits?

C. If so, what should they be for the House? There are proposals to limit members to 2 two year terms, to 3 two year terms (no.54) to 4 two year terms and to 2 four year terms.

D. For the Senate, there are proposals for 2 four year terms, 3 four year terms and 2 six year terms.

E. Must the terms be consecutive? Can someone who sits out a term run again?

F. Should a limit apply to a term that has already been served? To one that is being served when the limit takes effect?

6. Section 10 - Compensation. Proposals 3, 58, 290 and 389.

A. An updating proposal recommended by counsel would delete the specific dollar amount of legislative salaries, as they are now set by advisory commission.

B. Should the members of the commission be appointed by the governor? (No. 14)

C. Proposal 58 provides a mechanism for putting the recommendations of the advisory commission into effect. The Committee may wish to consider whether it is legislative in nature.

D. The proposal to make the legislature part-time suggests legislators be paid a monthly salary while the legislature is in session for sessions actually attended (no. 14).

E. Should elected officials or candidates for office be prohibited

from paying gratuities to constituents?

7. Section 16 - Legislative Budget. Proposals 15, 79, 129, 130, 203, 233, 291, 292, 383, 5, 62

A. Should the present ceiling on the legislative budget, \$2.8 million, be changed? There are proposals to eliminate it entirely, to raise it to \$5 million and to tie it to a price index.

B. How should the budget be divided? Presently, it is split equally between the House and Senate. There are proposals to split it equally among all legislators, to split it equally among all legislators but provide an extra share for the presiding officer, to continue the present split between the houses but distribute 80% of each house's share equally and provide 20% to the providing officer and to continue the present split between the houses but give each majority member at least \$200,000 while other members get at least 100,000 (proposed by the Legislature). Should a house be able to change the rule by a three fourths vote?

C. What is included in the budget ceiling. The proposal from the Legislature excludes members' salaries and benefits, housing allowances, inter-island travel and dues to regional and international organizations. Does the Committee wish to specify those purposes for which budgeted funds can or cannot be used?

D. Shall the \$700,000 limit on expenditures during the quarter preceding a general election be changed? There are proposals to change it to 25% of the annual appropriation and to not include anything that is not within the budget ceiling.

E. Counsel have recommended deleting the 1985 transition provision.

8. Section 17 - Legislative Bureau. Proposals 38, 131, 132, 133, 292 and 382

A. There are proposals to delete this section entirely.

B. There are two proposals, one from the Governor, to remove the budget ceiling of the Bureau, as well as proposals from the Legislature to increase the budget of the Bureau, to permit its staff to assist the Legislature in community activities and the like and to limit the term of the Director.

9. Section 14 - Organization and Procedures. Proposals 13, 140, 403; 20, 201; 59, 139, 202, 231

A. There are several "open government" proposals. Shall there be public hearings on all major bills and resolutions, and shall they be held on all three major islands? Shall all government meetings be public? Shall all government records be available for public inspection? In the United States, this is generally handled by legislation which contains many exceptions to protect privacy and promote effective government.

B. Proposals 20 and 201 deal with the selection and removal of the

presiding officer. Does the Committee wish to deal with such matters in Constitution?

C. Who shall be the final judge of the election and qualifications of the member of the Legislature? Presently, each house is, though the Legislature may vest the courts with jurisdiction to determine contested elections. Should this be changed? One proposal would leave the authority with the Legislature and remove the reference to the courts. Two proposals would remove this authority from the Legislature and make the CNMI Supreme Court the final judge. If the authority stays with the Legislature, should the member whose election is contested vote on the contest?

10. Section 13 - Public Sessions. Proposals 61, 148, 149, 355

A. These proposals limit the ability of the Legislature to adjourn, require that the Legislature meet only in its own building and hold organizational meetings at a specified time. All appear to counsel to be legislative in nature.

11. Section 5 - Enactment of Legislation. Proposals 146, 167; 147,307; 273; 60, 214, 280

A. Currently, a bill must be confined to one subject. Shall that be strengthened by requiring that the subject be plainly expressed in the title? What if the Legislature adds to appropriations bills laws that do not deal with appropriations. Shall the bill be deemed void for violating the one subject rule so that the Governor need not act on it?

B. There are proposals that the Legislature may not enact a law except after specified readings and that matters such as appropriations bills, public leases and the annual reports of the Governor and Washington representative be dealt with only in joint sessions.

C. If the House or the Senate does not take final action within 90 days on any proposed appointment which requires their confirmation, shall the appointment be deemed confirmed? Is there a need for public hearings on all public appointments?

12. Section 7 - Governor's Action. Proposals 89, 166

A. Shall orders, resolutions and the like which require the concurrence of both houses, except for adjournment, be presented to the Governor and become effective only if approved or if, on reconsideration, passed by a two thirds vote?

B. Shall the Governor's veto power be changed to permit the Governor to propose amendments, and if the Legislature enacts the amended bill, the Governor must sign it?

13. Section 9 -Vacancies. Proposals 295, 313

A. Shall the Governor be required to make an appointment to fill a

vacant elected office within 5 days of becoming aware of the vacancy?

B. Shall the Governor be required to fill a vacancy in the Legislature within 30 days or the unsuccessful candidate willing to serve shall automatically fill the vacancy? If no candidate is available, shall a qualified person from the district or precinct be appointed?

14. Section 8 - Impeachment. Proposals 82 and 229

A. Shall all impeachment provisions be consolidated in Article II, since the Legislature is the impeaching body? This would delete references to impeachment procedures found elsewhere.

B. Shall the Chief Justice preside over an impeachment trial?

C. Shall a public official who has been impeached be subject to a criminal trial for the same conduct?

15. Updating. Proposal 1

This substitutes the CNMI Supreme Court, in place of the Commonwealth appeals court or the United States District Court, as the court that handles reapportionment matters.