

June 16, 1995

MEMORANDUM FOR THE COMMITTEE ON EXECUTIVE BRANCH
AND LOCAL GOVERNMENT

SUBJECT: Possible Public Hearings on Thursday, June 22, 1995

If the Committee desires to have public hearings regarding the issues relating to Article III, a time period next week on the afternoon of June 22 ~~has been reserved~~ for that purpose. If possible, the Committee should decide whether it wishes to have such hearings on Friday, June 16, so that a proper notice can be prepared and be circulated no later than Monday, June 19. The Committee needs to consider these questions:

1) What issues before the Committee need public hearings, even if only to see if there is public support (or opposition) to what the Committee is thinking of doing? We are informed by the Chair that the Executive Assistant for Carolinian Affairs is off-island next week and would not be available to testify until the week of June 26. Many members of the Committee will want to hear from the Executive Assistant and representatives of the Carolinian community before making a decision on the many issues raised regarding Sections 18, 22 and 23 of Article III. If we put those sections aside, what would we want to have witnesses testify regarding with respect to Article III? The principal subjects appear to be:

- a) Processing of the Budget - Section 9(a)
- b) Election of the Attorney General - Section 11
- c) Appointment of Heads of Departments - Section 14
- d) Governor's authority to reorganize - Section 15
- e) Retirement system - Section 20

This is a very arbitrary list. The members may believe that other sections are more important or more appropriate for public hearings. Depending on the Committee's preferences, it might be best to postpone the hearings on Article III until the week of June 26 when all issues, including Sections 18, 22 and 23, might be heard at one time.

2) What persons do you want to hear from at public hearings? With respect to many of these issues, the Committee may wish to invite representatives of the Executive Branch so that we can get some official input from the Governor and his departments. Are there other people whose advice the members would respect, for example, former officials familiar with the financial operations of the Commonwealth, the organization of the Executive Branch, etc. Unlike land issues, there are not too many citizens in

private life who have views on some of the specific issues that this Committtee is considering.

3) Regardless of when you schedule the hearings, the Committee needs to decide whether it wishes to inform the public of the tentative positions of the Committee on some of the subjects of the public hearings. This might make the hearings more useful. But you also might not want to reveal even tentative positions until after the hearings on some sensitive subjects.

4) If the Committee defers public hearings until the week of June 26, it will want to begin deliberations on Article VI, Local Government, next week. This is especially important in view of the judicial decision that just came down in the case involving the Governor and the Mayor of Rota. In addition, the Committee on Organization and Procedures is scheduling hearings on Rota for two days (June 29 and 30) and on Tinian for two days the week later. In order to get the most out of these hearings, the Committee will want to review the many proposals before it on Article VI and consider the implications of the court decision.

Legal Counsel