

July 10, 1995

COMMITTEE ON LEGISLATIVE BRANCH AND PUBLIC FINANCE

REPORT NO. 5: ARTICLE II (LEGISLATIVE BRANCH)

The Committee met on Tuesday, June 13, 1995, Wednesday, June 14, 1995, Saturday, June 17, 1995, Tuesday, June 20, 1995, Wednesday, June 21, 1995, Saturday, June 24, 1995, Monday, June 26, 1995, Wednesday, July 5, 1995, and Monday, July 10, 1995 to consider proposed amendments to Article II, Legislative Branch.

The Committee considered over 100 proposals referred to it by the Committee on Organization and Procedures. These proposals are listed in the attachment to the Committee's report.

The Committee recommends changes in 9 of the 17 sections of Article II. These changes reflect the experience of the Commonwealth with the operation of the legislative branch over the nearly 20 years since the 1976 Constitution was written and the need to make the legislative branch more efficient, economical, and responsive in its operation.

Each section that the Committee believes should be amended is discussed below and the entire Article II as proposed to be amended is attached to this report.

Section 1: Legislative Power

No change.

Section 2: Composition of the Senate

The proposed Section 2 has four subsections, three of which contain significant amendments proposed by the Committee.

Section 2(a): The Committee recommends that the size of the senate be reduced from 9 to 6, with 2 senators from each senatorial district. This recommendation is one of many to accomplish a major downsizing of the Commonwealth's legislative branch. Based on public hearings conducted by the Committee and other expressions of public sentiment on the subject, the Committee has concluded that the present legislature is too large. The Committee believes that two senators from each senatorial district can provide essentially the same level of representation for constituents as the current number of senators. In order to achieve a reduction

in cost to accompany the reduction in size, the Committee has proposed amendments to Sections 16 and 17. A thorough discussion of cost reductions is set out there.

Section 2(b): Changing the number from nine to six obviously increased the possibility that the senators might be evenly divided on an issue. Section 2(b) is a new provision. Borrowing from the experience in the United States Senate and many states, the Committee decided to recommend that the Commonwealth's lieutenant governor be given the additional duties of presiding over the senate until it elects a presiding officer and voting only in the event of a tie. The proposed amendment to Section 17 (a) would also involve the lieutenant governor in the selection and removal of the director of the legislative bureau. In order to maintain the separation of powers between the legislative and executive branches of the Commonwealth government, the Committee intends that the lieutenant governor would have no other duties with respect to the operations and deliberations of the senate other than these three specific responsibilities.

Section 2(c): The Committee recommends that this provision (currently Section 2(b)) be amended by deleting the transitional language recommended by the 1976 Constitutional Convention in order to provide for staggered terms of the newly elected senators. By retaining the four year term and not specifying for overlapping terms, the Committee seeks to further its overall objective of reducing the costs of government, including the costs of elections. If the Committee's recommendation for an increase in the term of representatives from two years to four years is accepted, this would mean that all the elected officers provided for in the Constitution would run for election at the same time every four years. The Committee anticipates that these changes may, in a small and cohesive community like the Northern Marianas, increase the likelihood that the legislative and executive branches of government may work together in a more collaborative manner than has often been the experience in the Commonwealth.

Section 2(d): The Committee recommends that senatorial candidates be United States citizens. The present provision permits United States nationals also to be candidates. By requiring U. S. citizen status, the Committee recognized that it is excluding a relatively small number of Commonwealth residents who elected to become U.S. nationals rather than citizens after the termination of the Trusteeship Agreement. In view of the importance of the position, the Committee concluded that United States citizenship (and the commitment to the community that it represents) was an appropriate qualification for senator. The previous Section 2(d) has been added to this subsection so that all of the required qualifications for the position are set forth together.

Section 3: Composition of the House of Representatives

Section 3 currently contains four subsections. Amendments to all four subsections are proposed by the Committee.

Section 3(a): The Committee recommends that the house of representatives be reduced from its present size of 18 (with a constitutional cap of 20) to 13 (with a new proposed cap of 15). The Committee believes that 13 members, with 11 from Saipan, 1 from Rota, and 1 from Tinian, can provide adequate representation for the people. As explained above in connection with the senate, in order to achieve a

reduction in cost to accompany the reduction in size, the Committee has proposed new financial constraints in Sections 16 and 17.

The Committee's recommendation to downsize the house of representatives to this extent reflects its objective of achieving the maximum reduction in size consistent with the legal requirements imposed by the one person-one vote rule of the Commonwealth and United States Constitutions and the Committee's commitment to ensure that Rota and Tinian would each have at least one representative in the house.

The Committee reviewed the legal requirements imposed by the one person-one vote rule of the Commonwealth and United States Constitutions and believes that the proposed distribution complies with these requirements. This distribution (11 members from Saipan, 1 from Rota, and 1 from Tinian) constitutes a good faith effort to reapportion the house so that each member represents approximately the same number of citizens while accomplishing a number of other important objectives -- most significantly, preserving for Rota and Tinian a separate representative each.

The recognized differences among the three major islands of the Northern Marianas are deeply rooted in their history. Because of their separation by ocean, each of the islands has developed differently. The population (and depopulation) of each island has varied over the centuries. Whereas both Saipan and Tinian were depopulated by the Spanish (and by the Japanese in Tinian's case) for many decades, Rota was continuously inhabited and its residents speak a dialect of Chamorro different from the residents of the other two islands. Unlike the other two islands, Saipan was populated by a substantial number of Carolinians in the middle of the last century. Tinian's Chamorro population did not return in number from Yap until after World War II. Of the three islands, Saipan was the most extensively colonized by the Japanese. The islands have developed economically in different directions; Rota has always had a strong agricultural foundation, Saipan in recent decades has opted for development of tourist and commercial industries, and Tinian has recently elected to develop a legalized gambling attraction for tourists. The three islands were administered differently under successive colonial rulers; Rota, for example, remained a separate district under Trust Territory administration while Tinian and Saipan were administered by the United States Navy until 1962. As a result of these differences, Rota (and Tinian to a lesser extent) have strongly developed traditions of local government whereas Saipan, typically the seat of the central government, has developed strong institutions revolving around the central government.

These differences have been accommodated by Northern Marianas political institutions over the past several decades. When the Marianas District Legislature was created in 1963, care was taken to ensure that both Tinian and Rota had separate seats in the unicameral legislature. During the Covenant negotiations, Rota and Tinian urged that a bicameral legislature, in which each of the three islands would have equal representation in one house, was essential to ensure that their separate interests were adequately protected. This request was honored by a unanimous Marianas Political Status Commission and ultimately acceded to by the United States; it is now embodied in Section 203(c) of the Covenant. The Constitutional Convention in 1976 also recognized the need for separate representation in the house of representatives for Tinian and Rota and so provided in Section 3(a). In light of this history, the Committee concluded that it should not reduce the legislature to a size that would endanger the practice of separate representation for Tinian and Rota in order to comply with the one person-one vote constitutional requirement. The recommended size of

13 accommodates the concerns of the Committee and still achieves a significant reduction in the size of the house.

The proposed limitation to 15 members (rather than the current 20) is aimed at providing needed flexibility to deal with population growth that may vary from island to island. In the event, for example, that the citizen population on Saipan increases more than on the other two islands, the proposed cap would permit an additional representative to be added to the house to reflect this growth on Saipan. Without such flexibility, differential population growth would endanger the ability of the Commonwealth to continue to ensure separate representation in the house for both Rota and Tinian.

Section 3(b): This section provides for election districts for the house of representatives. The Committee recommends that Saipan and the islands north of it constitute a single district rather than the present six districts for purposes of election to the house of representatives. The Committee sees several advantages to this proposed amendment. First, it eliminates most of the political and legal complexities that otherwise would result from the redistricting on Saipan required under Section 4 to reflect population changes. Second, election at large on Saipan will tend to promote unity as each candidate seeks support from all elements of the community in order to gain office. Third, election at large will foster an island-wide perspective by the representatives and thereby tend to reduce to some extent the competition between separate districts for Commonwealth programs and services in a time of limited financial resources. Lastly, the Committee believes that election at large, together with the lengthening of the term, will increase the pool of qualified candidates that will better serve all segments of the community and provide a training ground for those candidates who aspire to higher office.

Section 3(c): The Committee recommends that the term of office for members of the house be increased to four years. Longer terms will improve the political process. It will reduce the amount of time that a member must direct towards reelection and thereby provide more time for the member's legislative duties. By reducing the number of elections, campaigning and election costs will be lower. The Committee expects that the longer term may also attract a larger pool of qualified candidates for the house of representatives. The coordination of elections for the house and the senate (as well as the governor) every four years may also produce a more consistent electoral result that will help the Commonwealth government to function more effectively than it has in the past.

Section 3(d): The Committee recommends that the qualifications for the house of representatives be changed in the same way as is proposed for the senate. The Committee proposes that candidates be required to be United States citizens for the same reasons discussed above with respect to the senate. The Committee recommends substituting the word "district" for "precinct" in the last sentence of the subsection in order to reflect the proposed change for election of representatives on Saipan and the islands north of it. This last sentence, which was added by the 1985 Convention, has been combined with the previous subsection so that all of the qualifications for the position are in a single subsection.

Section 4: Reapportionment

Section 4(a): The Committee recommends that the title of Section 4 and the text of Section 4(a) be amended to reflect the Committee's recommendation regarding election at large from Saipan and the islands north of it. The Committee's proposed amendment dealing with reapportionment of the house of representatives after the decennial census is designed to achieve the objective discussed above -- the maximum downsizing of the house of representatives consistent with legal requirements and the preservation of separate seats in the house for the Rota and the district of Tinian and Aguiguan. For example, if the citizen population of Rota or Tinian were to expand significantly more on a percentage basis than the population on Saipan, it might be possible to devise a reapportionment plan that would produce fewer representatives for Saipan while still complying with the one person-one vote requirements.

Section 4(b): The Committee updated this provision to delete the reference to redistricting and to designate the Commonwealth Supreme Court as the court that hears reapportionment matters. This reflects the establishment of the Commonwealth Supreme Court and the fact that these matters are within its jurisdiction.

Section 5: Enactment of Legislation

Section 5(a): The Committee recommends that Section 5(a) be amended to require joint hearings by both houses on all appropriations bills, and on all bills involving public debt, taxation or revenue matters. Such joint hearings are currently held at the discretion of the legislature's leadership and appear to contribute significantly to the orderly and timely consideration of proposed legislation.

The Committee's proposal is limited to bills dealing with the financial aspects of the Commonwealth. Based on recent experience with respect to proposed tax legislation, the Committee has concluded that joint hearings on such proposals (together with proposed amendments to Section 5(c)) will provide further assurance that such legislation will receive careful and deliberate consideration by the legislature before its enactment. In addition, the use of joint hearings on such proposed legislation will eliminate duplicate hearings and thereby avoid the necessity for senior government officials and others with an interest in the matter to repeat their testimony at two separate hearings. After such joint hearings are held, each house of the legislature retains its prerogatives to deliberate on the matter further and to vote pursuant to its own rules.

Section 5(b): No change.

Section 5(c): The Committee recommends an amendment to Section 5(c) that requires two readings in each house on a proposed bill on two separate days before the house votes on the bill. Under this provision neither house can suspend its rules to pass a bill on fewer than two readings. This will ensure that legislators and the public, where appropriate, have an opportunity to study and comment on the proposed law.

Section 5(d): No change.

Section 6: Local laws

This section covers local laws enacted by the delegations from the senatorial districts. This matter has been deferred by the Committee until the Committee on Executive Branch and Local Government has completed its work on Article VI (Local Government).

Section 7: Action on Legislation by the Governor

No change.

Section 8: Impeachment

The Committee recommends consolidation of all impeachment provisions in the Constitution into Section 8 of Article II since the legislature is the impeaching body. This simplifies the Constitution by eliminating the references to impeachment of the specified officials that are now found in Articles III, IV and V. The grounds for impeachment are the same as those presently set forth in these Articles.

Section 9: Vacancy

The Committee proposes that this section be amended to require that, in the event of a vacancy in the legislature, the governor make the designated appointment as soon as possible and no later than 20 days after the vacancy occurs. The Committee is concerned by the lack of representation of constituents that results from an unfilled vacancy and the adverse effect on the operations of the legislature. It is important that a legislative vacancy be filled as soon as possible and political concerns should be subordinated to the institutional needs of the government. If the governor fails to make a timely appointment, the unsuccessful candidate in the last election shall be deemed confirmed on the twenty-first day and may immediately take office. If the candidate is unwilling to serve, the governor must appoint a qualified person from that district.

Section 10: Compensation

The Committee recommends that the reference to a specific annual salary be deleted.

Section 11: Other Government Employment

No change.

Section 12: Immunity

No change.

Section 13: Sessions

No change.

Section 14: Organization and Procedures

No change.

Section 15: Conduct of Members

No change.

Section 16: Legislative Budget

The Committee recommends a substantial revision of Section 16 and proposes seven subsections to replace the current two.

The Committee is convinced that Commonwealth citizens want a less costly legislature. During the public hearings conducted by the Committee, this objective was endorsed by every legislator who testified. The history of amendments to the Constitution initiated by the legislature since the 1985 Convention, however, is a cause of concern to the Committee. Through the use of the legislative initiative, the legislature has obtained amendments to the Constitution that make the legislature more costly notwithstanding the clear intent of the 1985 Constitution to impose enforceable limitations. The same process is underway at the present. The legislature by House Legislative Initiative 9-1 is proposing to put before the voters at the general election scheduled for November 4, 1995, amendments to Section 16 and 17 that will increase the overall costs of the legislature from the current level of about \$4.8 million to about \$8 million. Reducing the number of legislators alone cannot achieve the objective of this Committee and meet the public's demand without corresponding limitations on legislative expenditures. The amendments proposed by the Committee are designed to impose enforceable limitations and should be construed accordingly.

Section 16(a): The Committee recommends an overall annual ceiling for all legislative expenditures. In order to avoid any uncertainty, the proposed language expressly includes within the ceiling the salaries and personnel benefits of the members of the legislature. The funds authorized up to the ceiling level are to support all the operations of the legislature, including the legislative bureau established under Section 17. Section 16(a) sets a ceiling; if the legislature can perform its responsibilities for less than the ceiling amount, it should do so. Requiring the legislature to fund its activities within a fixed amount makes it easier for the voters to understand the legislative budget and to hold the legislators accountable.

The Committee recommends that the all-inclusive ceiling on all expenditures of any kind for the administration and operation of the legislative branch be set at \$4.5 million annually with inflation protection provided under Section 16(e). This is a reduction of \$300,000 from the current level of \$4.8 -- consisting of the \$2.8 million cap imposed by present Section 16(a), about \$1.2 million for salaries and benefits, and the \$800,000 provided for the legislative bureau by Section 17.

The Committee believes that \$4.5 million (with inflation protection) is sufficient for the effective operation of the legislature so long as the funds are used only for purposes related to the legislative duties of

the members set forth in this Article II. Because of the downsizing of the legislature proposed by the Committee from 27 members to 19 (six in the senate and 13 in the house), the Committee considered a corresponding reduction in the overall costs of the legislature. The Committee concluded, however, that additional funds were needed for professional support, technical and administrative operations and additional public hearings as discussed in this report and arrived at the proposed total with that in mind. The proposed cap of \$4.5 million is substantially less than the \$8.0 million or so that the legislature is proposing for itself in House Legislative Initiative 9-1 scheduled to go before the voters in November 1995.

The Committee was concerned that a fixed budget ceiling might interfere with the ability of the legislature to make major technological improvements, such as upgrading its computers or its telecommunications system, or to change or renovate its physical facilities in the decades ahead. The Committee expects that normal repair and upgrading expenditures will be met out of the annual budget and that larger projects (for example, in the \$50,000-\$100,000 range) can be financed by creating a reserve and funding it incrementally from the annual budget. However, major capital improvements (above \$100,000) should not be forestalled because of a fixed budget ceiling and should not be financed, for example, by interim staff reductions. The proposed Section 16(a) enables the legislature to fund major improvements through separate legislation. No funds appropriated for such major capital improvements may be used to increase the salaries, benefits or office expenses of any member, to pay the salaries of any employee of the legislature or legislative bureau, or to pay any consultant fees or travel expenses except in support solely of the capital improvement project.

Members shall receive only those personnel benefits regularly provided to other governmental employees.

Section 16(b): The Committee's proposed allocation of seventy thousand dollars to each member for office expenses differs from the present system in two important respects. Whereas the current provision divides the legislative budget evenly between the senate and the house, the Committee believes that it is more appropriate to allocate the funds equally to each member of the legislature. Each senator and representative has the same basic office expenses that need to be met, especially under a system where representatives are elected at large on Saipan.

In addition, the Committee's recommendation draws no distinction between majority and minority members of the legislature. It is now the practice to allocate substantially more funds to the office expenses of members of the majority than to members of the minority. Such a practice is proposed to be continued by House Legislative Initiative 9-1 which specifies a "minimum allotment of 100 thousand dollars to each member of the Legislature, and 200 thousand dollars to each majority member of the Legislature for the operations and activities of their individual offices." During public hearings the Committee heard testimony from minority members of the legislature regarding the current allocation of the legislature's funds. The Committee is persuaded that this differential treatment of majority and minority members cannot be justified; each member of the legislature has comparable legislative duties and office needs.. Moreover, the Committee believes that there should not be any financial inducement to switch from the minority to the majority, which tends to lead to instability within the legislative branch and to diminish its effectiveness in enacting laws and exercising needed oversight with respect to the executive branch.

The funds for office expenses provided by Section 16(b) are intended to cover all expenses of a member's office, including staff salaries, organizational dues, travel to conferences and meetings outside the Commonwealth, and ordinary administrative costs such as telephone and office supplies. The cost of inter-island travel and housing for legislators from Rota and Tinian will be paid out of the budget of the legislative bureau. The proposed Section 16(f) makes clear that these funds are not to be used for personal or political purposes.

Section 16(c): This proposed section provides additional funds to the majority and minority leaders for the operations and activities of their offices arising from their leadership responsibilities. The funds may be used for hiring additional staff, paying travel expenses, and meeting other expenses necessary to enable these members to facilitate the operation of the legislature.

Section 16(d): This section allocates to the legislative bureau all funds that remain after allowing for the salaries, benefits and office expenses of each member and the additional funds for majority and minority leaders provided by Section 16(c). The Committee is recommending substantial changes to Section 17 that will expand the functions of the legislative bureau. Section 16(d) increases the bureau's budget so it can perform its expanded functions. The Committee estimates that about \$2.15 million will be available for the bureau if the Committee's proposed amendments to Article II are adopted. This is only slightly more than the budget of "at least two million dollars" proposed in House Legislative Initiative 9-1.

Section 16(e): This section provides for inflation adjustments every two years to the dollar amounts contained in this section and thereby seeks to cure one of the flaws of the present ceiling. Such inflation protection is necessary to ensure that the dollar amounts set forth in Section 16 remain realistic and reasonable over time. The adjustment will be tied to the United States Department of Commerce composite price index using 1996 as the base year. As the index rises, falls or does not change, each amount provided in this section shall do the same. The current \$2.8 million ceiling for the legislature (and \$800,000 for the legislative bureau) will continue for fiscal year 1995 and fiscal year 1996 as set out in the transitional schedule. The proposed \$4.5 million ceiling will be operational for fiscal year 1997 and no adjustment for inflation will be made until fiscal year 1999. At that time, the index for September 1998 will be compared with the index for September 1996 to determine what adjustment in the \$4.5 million ceiling is required.

Section 16(f): This section makes explicit that the legislators are to use the funds they receive from the legislative budget (other than their salaries) only in furtherance of their duties as legislators. None of the funds are to be used for personal purposes or for any political activities. The Committee is aware that in recent years legislators have expended public funds (other than their salaries) for so-called "community workers" and to provide services and funds to constituents for such purposes as canopy rental, provision of tables, and gifts to individuals or organizations. Members are free to use their own salaries for these charitable or political purposes. But the proposed Section 16(f) makes clear that public funds made available for office expenses or the legislative bureau cannot be used for such personal or political purposes.

Legislators who testified in the Committee's public hearings acknowledged that such practices have become widespread in the Commonwealth and, unless the Constitution expressly restricts such practices, the legislators will be unable to resist the pressures from their constituents to make such gifts or expenditures or

provide such services. The Committee's recommendation that office expenses be limited to seventy thousand dollars for each member (rather than the \$100,000 or \$200,000 recommended by House Legislative Initiative 9-1) is intended to reduce some of these pressures and to provide only the amount that will enable the member to operate his or her office.

The Committee does not intend to limit the legislator's obligation to represent constituents in dealing with the Commonwealth government, in investigating alleged grievances or wrongdoing by public officials, or in proposing legislation aimed at addressing community needs that are brought to the attention of the members by their constituents. These duties are those customarily associated with the legislator's functions under Article II. The Committee's recommendations in Section 16 are designed to sharpen the distinction between legislative duties on the one hand and political activities on the other. Public funds made available to members under proposed Section 16(b) and Section 16(c) may be spent only for the former purpose and not for the latter.

Section 16(g): Section 16(g) provides that obligations and expenditures for the operations and activities of the legislature for the period October 1 through the second Monday in January of a fiscal year in which there is a regular general election may not exceed twenty five percent of the annual spending authority provided by law. This guards against excessive spending during or immediately after elections, which could leave the legislators, or their successors in office, short of funds for the balance of the fiscal year.

Section 17: Legislative Bureau

The Committee recommends that the legislative bureau proposed by the 1985 Constitution Convention and approved by the voters be continued. The Committee recognizes that the mandating of such a service facility in the constitution is unusual, but has concluded that the legislature needs the professional support of the bureau to perform its duties effectively. The Committee's proposed amendment of Section 17 is designed to strengthen the bureau's professionalism, to expand its functions, and to ensure that the increased funds made available under proposed Section 16(d) be spent only for purposes directly related to the duties of the legislature under Article II. The Committee proposes four subsections in place of the present six.

Section 17(a): The Committee's proposed amendment of Section 17(a) changes the current procedure relating to the selection of the bureau director in three important respects. First, the Committee recommends that the director be chosen by a small group of three officials rather than the much larger group of presiding officers, vice presiding officers, floor leaders, and chairmen of the standing committees now provided by Section 17(a). Reliance on this smaller group will minimize delay and the influence of political considerations in the selection of a qualified director. Involvement of the lieutenant governor in this process is designed to bring an outside perspective to bear on the selection process; the executive branch as well as the legislative branch has a strong interest in enhancing the professionalism and independence of the legislative bureau.

Second, the Committee recommends a fixed term of four years and removal during the term only for cause. Both of these new provisions are designed to increase the stature and independence of the director. The four year term is proposed to coincide with the four year terms of all the legislators if the Committee's other proposals are accepted, although it is possible that a newly elected legislature will need to work with an incumbent director who might not have been the first choice of the three appointing officials. The Committee concluded that the need to enhance the independence of the bureau and to ensure continuity in its work justified the four year term.

Third, the Committee is recommending that qualifications be established for the position of director. The proposed Section 17(a) would strengthen the legislative bureau by requiring its director to be a professional with relevant training and experience. Examples of relevant college degrees include public administration, public finance, economics, political science, accounting and business administration. Examples of relevant experience include experience in a legislative bureau or legislative analyst's office, work in the fields of public administration, public auditing or public finance, and the practice of public law with a public agency or a private firm. Applicants lacking college degrees may be considered if they have at least 10 years of relevant experience, which the Committee believed was roughly equivalent to the time required to earn a college degree and gain 5 years of experience.

Section 17(b): This proposed section specifies that the legislative bureau will provide all support services necessary for the orderly operation and administration of the legislature and its committees, subject to budget limitations. It expands the duties of the bureau beyond those presently set forth in Section 17(a). Under the proposed Section 17(b), the bureau would have responsibility for maintenance functions, clerical functions such as journal and sessions clerks, all copying, archiving and other record retention functions, and staffing the committees of both houses. Relieving the members of responsibility for the legislature's day-to-day operations will allow them to concentrate on performing their legislative duties.

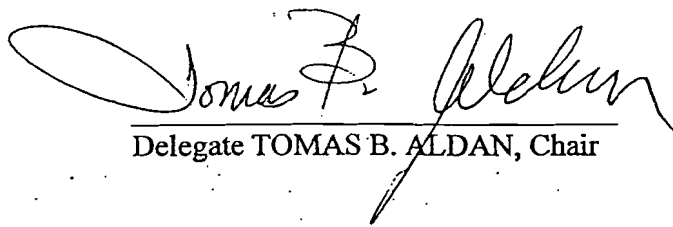
Section 17(c): This proposed section makes clear that the legislative bureau shall employ all staff required to perform its expanded functions. The Committee was impressed with the testimony of several legislators that they presently lacked competent staff to help them do research, draft legislation and analyze proposed legislation. The Committee believes that the increased budget of the legislative bureau provided by Section 16(d) should be used by the bureau to hire additional attorneys, legislative analysts, research assistants, economists and other professional staff. Their duties shall be limited to providing independent, non-partisan assistance to the legislators in executing their legislative responsibilities under Article II, such as researching, drafting, reviewing and analyzing proposed legislation and assisting the legislative committees.

Section 17(d): This proposed section assures that the legislative bureau shall remain politically independent and non-partisan. The Committee believes that every member of the legislature, whether in the majority or the minority, should receive timely and responsive assistance from the bureau staff. The amendment also makes clear that the bureau's staff should not engage in any political activity at the request of a legislator or otherwise.

July 3, 1995

Delegate Proposals on Article II Submitted to the
Committee on Legislative Branch and Public Finance

No. 1	No. 146	No. 327
No. 3	No. 147	No. 334
No. 5	No. 148	No. 335
No. 10	No. 149	No. 341
No. 13	No. 166	No. 344
No. 14	No. 167	No. 355
No. 15	No. 174	No. 362
No. 16	No. 190	No. 365
No. 17	No. 194	No. 373
No. 18	No. 196	No. 375
No. 19	No. 200	No. 378
No. 20	No. 201	No. 381
No. 29	No. 202	No. 382
No. 38	No. 203	No. 383
No. 49	No. 204	No. 384
No. 50	No. 213	No. 389
No. 54	No. 223	No. 403
No. 55	No. 224	No. 414
No. 56	No. 225	No. 418
No. 58	No. 227	No. 420
No. 59	No. 228	No. 422
No. 60	No. 229	No. 442
No. 61	No. 233	No. 481
No. 62	No. 270	No. 495
No. 79	No. 273	No. 523
No. 82	No. 280	
No. 85	No. 283	
No. 87	No. 289	
No. 89	No. 290	
No. 99	No. 291	
No. 102	No. 292	
No. 129	No. 295	
No. 130	No. 301	
No. 131	No. 305	
No. 132	No. 306	
No. 133	No. 307	
No. 139	No. 313	
No. 140	No. 322	


Delegate TOMAS B. ALDAN, Chair

Delegate JUAN S. TENORIO, Vice Chair



Delegate VICENTE S. ALDAN



Delegate MARIAN ALDAN PIERCE

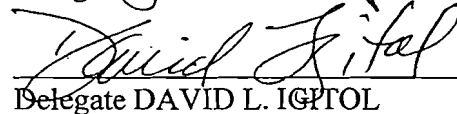


Delegate FRANCES LG BORJA



Delegate JOHN O. DLR. GONZALES


Delegate VICTOR B. HOCOG

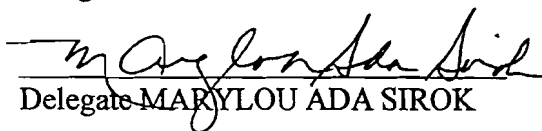

Delegate DAVID L. IGTOL

Delegate JOSE R. LIFOIFOI

Delegate JOEY P. SAN NICOLAS



Delegate BERNADITA T. SEMAN


Delegate MARYLOU ADA SIROK

Delegate JOAQUIN P. VILLAGOMEZ

ARTICLE II: LEGISLATIVE BRANCH (With proposed amendments) July 10,1995

Section 1: Legislative Power.

The legislative power of the Commonwealth shall extend to all rightful subjects of legislation and shall be vested in a Northern Marianas Commonwealth legislature composed of a senate and a house of representatives.

Section 2: Composition of the Senate.

a) The senate shall consist of six members with two members elected at large from each of three senatorial districts. The first senatorial district shall consist of Rota, the second senatorial district shall consist of Tinian and Aguiguan, the third senatorial district shall consist of Saipan and the islands north of it. The senate shall be increased to eight members and two members shall be elected at large from a fourth senatorial district consisting of the islands north of Saipan at the first regular general election after the population of these islands exceeds one thousand persons.

b) The lieutenant governor shall preside over the senate until it elects a presiding officer and shall vote only in the event of a tie.

c) The term of office for senator shall be four years.

d) A senator shall be a United States citizen qualified to vote in the Commonwealth, at least twenty-five years of age, and a resident and domiciliary of the Commonwealth for at least five years immediately preceding the date on which the senator takes office. A longer residency and domicile requirement may be provided by law. A candidate for the senate shall be a registered voter in the senatorial district where he or she is a candidate.

Section 3: Composition of the House of Representatives.

a)The house of representatives shall consist of thirteen members with eleven members elected from Saipan and the islands north of it, one member elected from Rota and one member elected from Tinian and Aguiguan. The number of representatives may be increased by law to not more than fifteen.

b)For purposes of electing representatives Rota shall constitute one district, Tinian and Aguiguan shall constitute one district, and Saipan and the islands north of it shall constitute one district. When the population of the islands north of Saipan equals or exceeds the number of citizens represented by any member of the house of representatives these islands shall constitute a separate district electing one

representative.

c) The term of office for representative shall be four years.

d) A representative shall be a United States citizen qualified to vote in the Commonwealth, at least twenty-one years of age, and a resident and domiciliary of the Commonwealth for at least three years immediately preceding the date on which the representative takes office. A longer residency and domicile requirement may be provided by law. A candidate for the house of representatives shall be a registered voter of the district where he or she is a candidate.

Section 4: Reapportionment

a) At least every ten years and within one hundred twenty days following publication of the results of a decennial census, the legislature shall reapportion the seats in the house of representatives as required by changes in Commonwealth population or by law. A reapportionment plan shall provide for a house of representatives with the fewest number of seats that will permit each member to represent approximately the same number of citizens and will provide that the districts for Rota and for Tinian and Aguiguan will have at least one member each.

b) If the legislature fails to act pursuant to section 4(a), the governor shall promulgate a reapportionment plan within one hundred twenty days after the expiration of the time for the legislature to act. The governor's plan shall be published in the same manner as an act of the legislature and upon publication shall have the force of law. Upon the petition of any person qualified to vote, the Commonwealth supreme court has original and exclusive jurisdiction to review a plan and to amend it to comply with the requirements of this Constitution or to establish a plan if the governor has failed to act within the time provided.

Section 5: Enactment of Legislation.

a) Appropriation and revenue bills may be introduced only in the house of representatives. Other bills may be introduced in either house of the legislature. The legislature shall hold joint hearings on all appropriation bills and on all bills involving public debt, taxation or revenue.

b) A bill shall be confined to one subject except bills for appropriations or bills for the codification, revision or rearrangement of existing laws. Appropriation bills shall be limited to the subject of appropriations. Legislative compliance with this subsection is a constitutional responsibility not subject to judicial review.

c) The legislature may not enact a law except by bill. Each bill shall be read at

least twice on two separate days in each house before it is voted upon. No bill may be enacted without the approval of at least a majority of the votes cast in each house of the legislature.

d) The legislature shall enact no law which increases the class of nonaliens, except as to those persons defined in Covenant Section 506(c).

Section 6: Local Laws. [Deferred until consideration of Article VI (Local Government)]

Laws that relate exclusively to local matters within one senatorial district may be enacted by the legislature or by the affirmative vote of a majority of the members representing that district. The legislature shall define the local matters that may be the subject of laws enacted by the members from the respective senatorial districts, laws enacted through initiative by the voters of a senatorial district under article IX, section 1, regulations promulgated by a mayor under article VI, section 3(e), or local ordinances adopted by agencies of local government established under article VI, section 6(b).

Section 7: Action on Legislation by the Governor.

a) Every bill enacted shall be signed by the presiding officer of the house in which the bill originated and transmitted to the governor. If the governor signs the bill, it shall become law. If the governor vetoes the bill, it shall be returned to the presiding officer of each house of the legislature with a statement of the reasons for the veto. The governor may veto an item, section or part in an appropriation bill and sign the remainder of the bill; provided that the governor may not veto an item, section or part governing the manner in which an appropriation may be expended if any appropriation affected by the item, section, or part is approved.

b) The governor shall have 20 days in which to consider appropriation bills and 40 days in which to consider other bills. If the governor fails either to sign or veto a bill within the applicable period, it shall become law.

c) A bill or item, section, or part of a bill vetoed by the governor may be reconsidered by the legislature. The legislature shall have sixty days from the receipt of the governor's veto message in the house of origin of the vetoed bill, item, section, or part of a bill to reconsider the vetoed legislation. If two-thirds of the members in each house vote upon reconsideration to pass the bill, item, section, or part, it shall become law.

d) Any appropriation bill, or any bill affecting spending authority, government financial management, or organization of the government, enacted in the period between a regular general election and the second Monday of January of the following year shall be void unless enacted by the affirmative vote of three-fourths of the members of each

house of the legislature.

Section 8: Impeachment.

The governor, lieutenant governor, justices, judges and the resident representative to the United States are subject to impeachment by the legislature for treason, commission of a felony, corruption or neglect of duty. The house of representatives may initiate impeachment proceedings by the affirmative vote of two-thirds of its members and the senate may convict after hearing by the affirmative vote of two-thirds of its members.

Section 9: Vacancy.

A vacancy in the legislature shall be filled by special election if one-half or more of the term remains. If less than one-half of the term remains the governor shall, as soon as possible but not later than 20 days after the vacancy occurs, fill the vacancy by appointing the unsuccessful candidate for the office in the last election who received the largest number of votes and is willing to serve or, if no candidate is available, a person qualified for the office from the district represented. If the governor fails to fill the vacancy within the time specified, the unsuccessful candidate for the office in the last election who received the largest number of votes and is willing to serve shall be deemed appointed on the twenty-first day after the vacancy occurs and shall immediately take office.

Section 10: Compensation.

The salary of members shall be changed no more than once every four years and only upon the recommendation of an advisory commission established by law to make recommendations concerning the compensation of Commonwealth executive, legislative and judicial officers. No change in the salary may be made that exceeds the percentage change in an accepted composite price index for the period since the last change. An increase in salary may not apply to the legislature that enacted it.

Section 11: Other Government Employment.

A member of the legislature may not serve in any other Commonwealth government position including other elective office or independent board, agency, authority or commission established by this Constitution or by Commonwealth law. A person having been a member of the legislature, may not serve in any elective or appointive Commonwealth government position created by statute during the term for which he or she was elected, for a period of one year following the expiration of the term during which the position was created.

Section 12: Immunity.

A member of the legislature may not be questioned in any other place for any written or

oral statement in the legislature and a member of the legislature may not be subject to arrest while going to or coming from a meeting of the legislature except for commission of treason, a felony or breach of the peace.

Section 13: Sessions.

The legislature shall meet for organizational purposes on the second Monday of January in the year following the regular general election at which members of the legislature are elected and shall be a continuous body for the two years between these organizational meetings. Each house shall meet in regular sessions for no more than ninety days each year, sixty days before April 1 and 30 days after July 31 of each calendar year, and may be convened at other times for not more than ten consecutive days upon request by its presiding officer or by the governor. When meeting pursuant to a call by the governor, the legislature shall consider only those subjects described in the call.

Section 14: Organization and Procedures.

a) Each house of the legislature shall be the final judge of the election and qualifications of its members and the legislature may vest in the courts the jurisdiction to determine contested elections of members. Each house may compel the attendance of absent members, discipline its members and, by the affirmative vote of three-fourths of its members, expel a member for commission of treason, a felony, breach of the peace, or violation of the rules of that house.

b) Each house of the legislature shall choose a presiding officer from among its members, establish the committees necessary for the conduct of its business, and promulgate rules of procedure. Each house may compel the attendance and testimony of witnesses and the production of books and papers before the house or its committees. The legislature shall keep a journal of its proceedings that shall be published from day to day.

c) The meetings of the legislature and its committees shall be public except that each house of the legislature or a legislative committee may meet in executive session if authorized by the affirmative vote of two-thirds of the members of the house. Final action on any legislative matter may not be taken in executive session.

Section 15: Conduct of Members.

A member of the legislature who has a financial or personal interest in a bill before the legislature shall disclose that interest and may not debate on or vote on the bill.

Section 16: Budget Ceiling.

There shall be a ceiling on the budget of the legislature.

a) All appropriations or obligations and expenditures for all operations and activities of the legislature, including the salaries and benefits of the members but excluding major equipment and capital improvement projects, may not exceed four and one half million dollars in any fiscal year.

b) Each member shall receive seventy thousand dollars annually within this ceiling for office expenses including the expense of travel outside the Commonwealth.

c) Within this ceiling the majority leader in each house shall receive an additional fifty thousand dollars a year and the minority leader in each house shall receive an additional thirty five thousand dollars a year for office expenses.

d) The balance of the legislature's budget shall be allocated to the legislative bureau for the purposes specified in Section 17.

e) The amount of the ceiling and all other dollar amounts stated in this section shall be adjusted every two years by the same percentage as the percentage change in the United States Department of Commerce composite price index using the beginning of fiscal year 1997 as the base.

f) No part of the legislature's budget other than a member's salary and benefits may be used for personal or political activities.

g) Obligations and expenditures for the operations and activities of the legislature for the period October 1 through the second Monday in January of a fiscal year in which there is a regular general election may not exceed twenty five percent of the annual spending authority provided by law. This ceiling shall apply to the various offices and activities in the same proportions as the annual spending authority provided by law.

Section 17: Legislative Bureau.

There is hereby established a legislative bureau in the Northern Marianas Commonwealth Legislature.

a) The bureau shall be headed by a director who shall be appointed to a four year renewable term, and may be removed only for cause, by a majority vote of the lieutenant governor, the speaker of the house and the majority leader of the senate. The director shall have a college degree in a relevant field with at least five years of relevant experience or shall have at least ten years of relevant experience.

b) The bureau shall provide all necessary support services for the operation,

administration and maintenance of the legislature and its committees within the budgetary allocation provided in Section 16(d).

c) The bureau shall employ all staff necessary, other than personal staff of the members, to perform these functions as permitted by its budget. The staff shall include trained or otherwise qualified clerical, operational, administrative and professional personnel.

d) The bureau shall be politically independent and shall perform its duties in nonpartisan fashion. The bureau shall not be subject to any political harassment or pressure and shall not engage in any political activities.

Separate Provision for the Schedule on Transitional Matters

Section --: Continuity of the legislature and the legislative bureau

Upon the effective date of Article II, the existing legislature, its members, presiding officers and employees, and the legislative bureau, its director and employees, and all laws and regulations affecting the legislature and the legislative bureau shall continue to exist and operate as if established pursuant to Article II, and shall, unless clearly inconsistent, be read to be consistent with this Article II. Sections 2, 3, 16 and 17 shall be implemented in connection with the next general election. The terms of all senators shall expire on the second Monday of 1997. The term of the person serving as director when the proposed amendment to Section 17 become effective shall expire July 1, 1997.

Section --: Salaries of Legislative and Other Officials

At the beginning of the fiscal year after the effective date of Article II, the majority leader of each house shall receive an annual salary of \$80,000 and the minority leader of each house shall receive an annual salary of \$60,000. The advisory commission in the course of its next review of the salaries of Commonwealth officials should seek to attain greater consistency in salaries among officials within the three branches of government and ensure that subordinate officials in the executive branch do not have salaries greater than the heads of the departments to whom they report.