

October 2, 1995

SUBJECT: Printing the Ballot on the Proposed Amendments  
For Use at the November General Election

On Friday, September 29, 1995, the Post Convention Committee delivered to the Board of Elections the draft ballots in three languages covering the 19 amendments to the Constitution proposed by the Third Northern Marianas Constitutional Convention. The Committee had been informed that the Board needed the draft ballots by October 4 in order to put them in proper form and get them printed in time.

On the previous day, the House of Representatives approved a Senate bill providing that the vote on the proposed amendments should be deferred until March 1996, although both houses were aware that the Post Convention Committee now maintained that the amendments should be voted on at the general election in November. The bill is being transmitted to the Governor who has 40 days to consider it. The Post Convention Committee is requesting the Governor to defer action on the bill and announce that he believes that the amendments should be considered at the November election. We do not know when the Governor will decide the issue or what the outcome will be.

At the meeting of the Board of Elections on October 2, we suggest that you determine whether this issue is on the agenda and, if not, take steps to put it before the Board for discussion. If it is discussed, we recommend that you request the Board to go forward with the printing of the ballots on the proposed amendments so that they can be considered at the November election if that is what the Governor ultimately decides. If there is any opposition to this proposal, you can make the following points:

First, the Board of Election (like the Post Convention Committee) has a constitutional mandate to put these amendments before the people at the general election in the absence of timely legislation providing for a special election. It is not for the Board to decide whether the Governor is going to approve or reject the proposed deferral until March 1996.

Second, the Post Convention strongly believes that the amendments should be considered at the November election for these reasons:

- The public education campaign is well underway and will provide ample opportunity for the public to be fully informed before the November election.
- Because of the Legislature's delay, the Committee had no choice but to expend considerable Commonwealth funds to prepare the ballots and supporting materials used at the polling locations and in the media..

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- Deferral of the vote will require the expenditure of substantial additional funds without any additional benefit.

- Consideration of the proposed amendments at the general election, where a large turnout can be expected, will permit a more accurate reading of public sentiment than at a special election with a much lower turnout.

- There is no evidence that a vote in November will entangle the amendments in the partisan campaigns of the candidates for political office.

Even if some of the Board members disagree with these points, you can fairly point out that the decision on this matter is now in the hands of the Governor and the Board should make certain that the amendments can go on the ballot in November if that is what the Governor decides. In short, the Board should go forward with the printing of the ballots which (you can suggest) could be used in March if that is the ultimate outcome of the matter.

HPW  
DCS

SUBJECT: Ballot Form for House Legislative Initiative No. 9-1

Congratulations on your confirmation as a member of the Board of Elections! The next few weeks promise to be busy ones at the Board. In a separate memo we will report on the current status of the Post Convention Committee's efforts to preserve the November 4 date for voting on the proposed amendments to the Constitution notwithstanding the recent action of the Commonwealth Legislature. In this memo we solicit your help in ensuring that the voters are fully informed regarding the Legislature's effort to increase its budget substantially in House Legislative Initiative No. 9-1.

Attached is a copy of HLI 9-1. You may remember our discussion of this during the Pre-Convention Committee meetings and the unsuccessful efforts to persuade the Senate and House to withdraw this initiative in light of the Convention's deliberations -- especially when it became clear that the Convention was proposing an overall ceiling of \$4.5 million including salaries, benefits, office expenses, leadership expenses and the Legislative Bureau.

We do not know whether the Board of Elections has received a draft ballot from the Legislature (or any other source) indicating how HLI 9-1 is going to be presented to the people on November 4. As a member of the Board, you certainly are entitled to request a copy of what has been submitted and to comment on its accuracy and fairness.

We are concerned that any proposed ballot will not fully and fairly set forth exactly what the Legislature is trying to accomplish by HLI 9-1. Two points need to be made:

**First, HLI 9-1 eliminates the present budget ceiling of \$2.8 in Section 16 of Article II and does not establish a new one for the Legislature (as distinct from the Legislative Bureau) although it still uses the words "budget ceiling".**

We think it is deceptive to use the words "budget ceiling" when there is no dollar amount established that is in fact the ceiling. What HLI 9-1 does is eliminate the cap of \$2.8 and then address separately how much the legislators get by way of salaries and benefits, representational allowances, office expenses, money for dues and travel, and funding for the Legislative Bureau.

**Second, HLI 9-1 authorizes expenditures annually for the Legislature in excess of \$8 million and probably closer to \$9 million and the voters need to be made aware of this on the ballot.**

These estimated costs result from adding up the funds authorized in HLI 9-1 for each of the following specified purposes:

Salaries and Benefits (Currently about \$48,000 x 27) =	\$1,296,000
Representational Allowances (\$10,000 x 27)=	\$ 270,000

Dues for conferences, etc. (Estimate)=	\$ 30,000
Office expenses (Maximum of \$200,000 for each Majority member and "at least" \$100,000 for each member permits \$200,000 for each of 27 members)=	\$5,400,000
Legislative Bureau=	\$2,000,000
TOTAL =	\$8, 996,000

This is a fair reading of the proposal, in light of the fact that the salaries of the legislators are likely to be increased by action of the salary commission during the next year, that the dues figure for conferences is probably low, and that the pressures to provide equal office expenses to minority members of the Legislature will be significant.

Although there are many formulations for the ballot that would be equally satisfactory, here is one possibility:

Do you approve the following amendment to Sections 16 and 17 of Article II of the Constitution as proposed by House Legislative Initiative No. 9-1?

To delete the current budget ceilings of \$2.8 million for the Legislature and \$800,000 for the Legislative Bureau; to authorize the expenditure by the Legislature, in addition to the salaries and personnel benefits of its members, of \$10,000 for official representation expenses for each member, dues for representation in regional and international organizations for the benefit of the Commonwealth, a minimum amount of \$100,000 to each member of the Legislature and \$200,000 to each majority member of the Legislature for office expenses, and \$2,000,000 for the Legislative Bureau, for an annual total authorization for legislative operations of approximately \$9,000,000; to establish a two-year term for the director of the Legislative Bureau and to require the director to submit annually an itemized budget.

HPW  
DCS



*THE HOUSE OF REPRESENTATIVES*  
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
P.O. Box 586  
Saipan, MP 96950

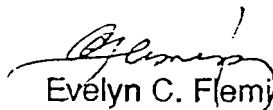
JUL. 1 1994

The Honorable Froilan C. Tenorio  
Governor  
Commonwealth of the Northern  
Mariana Islands  
Office of the Governor  
Capitol Hill  
Saipan, MP 96950

Dear Governor Tenorio:

I have the honor to transmit House Legislative Initiative No. 9-1, H.D.3, entitled: "A House Legislative Initiative to amend Article II, Sections 16 and 17 of the Commonwealth Constitution to increase the annual budget ceilings of the Legislature and the Legislative Bureau and for other purposes." Said bill passed both the House of Representatives and the Senate of the Ninth Northern Marianas Commonwealth Legislature by the required three-fourths (3/4) vote of the members present and voting of each house.

Sincerely,

  
Evelyn C. Fleming  
House Clerk

Attachment

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# HOUSE OF REPRESENTATIVES

NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
SECOND REGULAR SESSION, 1994

HOUSE LEGISLATIVE INITIATIVE NO. 9-1, H.D.3

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## A HOUSE LEGISLATIVE INITIATIVE

To amend Article II, Sections 16 and 17 of the Commonwealth Constitution to increase the annual budget ceilings of the Legislature and the Legislative Bureau and for other purposes.

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**Offered by Representative:** Jesus T. Attao

**Date:** February 17, 1994

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### HOUSE ACTION

Referred to: Committee on Judiciary and Governmental Operations

Standing Committee Report No. 9-4

First and Final Reading: March 10, 1994

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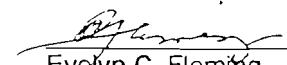
### SENATE ACTION

Referred to: Committee on Fiscal Affairs

Standing Committee Report: None

First Reading: April 7, 1994

Second and Final Reading: June 7, 1994

  
Evelyn C. Fleming  
House Clerk

NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

H. L. I. No. 9-1, H.D.3

FIRST REGULAR SESSION, 1994

A HOUSE LEGISLATIVE INITIATIVE

To amend Article II, Sections 16 and 17 of the Commonwealth Constitution to increase the annual budget ceilings of the Legislature and the Legislative Bureau and for other purposes.

BE IT ENACTED BY THE NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1           Section 1. Findings. The Legislature finds that because of numerous societal  
2 and economic changes, the current ceiling and other restrictions on Legislative  
3 expenditures provide an inadequate budget for the efficient operation of both Houses  
4 of the Legislature and the Legislative Bureau.

5           Section 2. Legislative Initiative. The Ninth Northern Marianas Commonwealth  
6 Legislature hereby approves the following Initiative to be placed before the people in  
7 a special election, as provided by law:

8                                   "A PROPOSED CONSTITUTIONAL AMENDMENT

9           (A) To amend Article II, Section 16 (a) which establishes a budget  
10 ~~ceiling on the Legislature of 2.8 million dollars a year. The amendment will~~  
11 raise this ceiling to allow for the adjustments made to amended Article II,  
12 Section 16(c). It will also provide for a mechanism to restrictively increase this  
13 budget based on the percentage change in the accepted price index prepared by  
14 the Director of Commerce and Labor. Personnel benefits, official  
15 representation expense allowances, dues for membership in regional and  
16 international governmental organizations, and Senatorial District Delegation  
17 funding will be excluded from the ceiling on the legislative budget.

18           Article II, Section 16 (b) is amended to change the numerical quarterly  
19 allotment restriction for the fiscal year in which there is a general election to 25  
20 percent of annual legislative allotment.

1 A new Article II, Section 16(c) is added to require a minimum allocation  
2 of 100 thousand dollars to all minority members of the Legislature, and 200  
3 thousand dollars to all majority members of the Legislature, for the operations  
4 and activities of their individual offices.

5 These amendments will delete the present language indicated below by  
6 crosshatching, and add the language indicated by the underlined text as  
7 follows:

8 "(a) Appropriations or obligations and expenditures, ~~exclusive of~~  
9 ~~the salaries,~~ of the members of the legislature for the operations and  
10 activities of the legislature, may not exceed ~~two million eight hundred~~  
11 ~~thousand dollars~~ the budget ceiling in any fiscal year. This amount is  
12 exclusive of the salaries and those personnel benefits of the members of  
13 the legislature that are routinely provided to other Commonwealth  
14 government employees and includes housing and inter-island travel  
15 expenses. This ceiling may be changed annually to reflect but not to  
16 exceed the percentage change in the accepted composite price index  
17 prepared by the Director of Commerce and Labor. Each members of the  
18 legislature shall each receive 10,000 dollars for official representation  
19 expenses inclusive of the member's allocation. All official representation  
20 amounts shall be inclusive of the ceiling on the legislative budget. Dues  
21 necessary for the representation of the legislature in regional and  
22 international organizations for the benefit of the Commonwealth shall  
23 be exclusive of the ceiling on the legislative budget. This ceiling on the  
24 ~~legislative budget shall be divided equally between the Senate and the~~  
25 ~~House of Representatives.~~

26 (b) Obligations and expenditures for the operations and activities  
27 of the legislature for the period October 1 through the second Monday in  
28 January of a fiscal year in which there is a general election, may not  
29 exceed ~~seven hundred thousand dollars~~ 25 percent of the annual  
30 legislative appropriation or the spending authority otherwise available  
31 by law, whichever is less. This ceiling shall apply to the various offices  
32 and activities in the same proportions as the annual spending authority  
33 provided by law.



1                   (c) There shall be a minimum allotment of 100 thousand dollars  
 2                   to each member of the Legislature, and 200 thousand dollars to each  
 3                   majority member of the Legislature for the operations and activities of  
 4                   their individual offices."

5                   (B) To amend Article II Section 17(a) which sets forth the appointment  
 6                   procedure for the director of the Legislative Bureau. This amendment would  
 7                   limit the term of office for the Director to two years, subject to renewal by the  
 8                   joint leadership of the legislature.

9                   To amend Article II, Section 17(c) which sets forth the duties of the  
 10                  Legislative Bureau. This amendment broadens the scope of the Bureau's  
 11                  duties.

12                  To amend Article II, Section 17 (f), which establishes a budget ceiling of  
 13                  eight hundred thousand dollars for the Legislative Bureau. This amendment  
 14                  will raise this ceiling to two million dollars, and also allow an annual increase  
 15                  based strictly on the percentage change in the accepted composite price index  
 16                  prepared by the Director of Commerce and Labor.

17                  A new subsection (g) is added which requires the director of the  
 18                  Legislative Bureau to submit an itemized budget for the Legislative Bureau for  
 19                  adoption by both houses through joint resolution.

20                  These amendments will delete the present language indicated below by  
 21                  crosshatching, and add the language indicated by the underlined text as  
 22                  follows:

23                                 "Section 17. Legislative Bureau. There is hereby established a  
 24                                 ~~legislative bureau in the Northern Marianas Commonwealth~~  
 25                                 Legislature.

26                                 (a) The bureau shall be headed by a director to be  
 27                                 appointed by the joint leadership of the legislature consisting of  
 28                                 the presiding officers, vice presiding officers, floor leaders, and  
 29                                 chairmen of the standing committees. The term of office for the  
 30                                 director shall be two years, subject to renewal by the joint  
 31                                 leadership of the legislature.

32                                 (b) The director shall employ all necessary staff, other than  
 33                                 personal staff of the members of the legislature, pursuant to

1 budgetary allocations. The staff members shall include legal  
2 counsel and other administrative staff.

3 (c) The bureau shall provide all ~~required~~ necessary  
4 services to the legislature in connection with order to assist the  
5 legislature in fulfilling its duties and responsibilities. during  
6 sessions and committee meetings. It shall maintain all records,  
7 files, library and other documents of the legislature.

8 (d) The director may be removed by a majority of the  
9 members of each house of the legislature with or without cause.

10 (e) The bureau shall be free from any political harassment  
11 or pressure.

12 (f) The legislative bureau shall have a budget ~~sufficient of~~  
13 at least two million dollars to permit it to fully and adequately  
14 perform its duties as specified in this Section. The budget of the  
15 legislative bureau may be changed annually to reflect but not  
16 exceed the percentage change in the accepted composite price  
17 index prepared by the Director of Commerce and Labor. The  
18 fund budgeted shall be independent of the budget ceiling  
19 established for the legislature under Section 16 of this Article, but  
20 in no event shall the funds appropriated exceed eight hundred  
21 thousand dollars in any fiscal year. Dues necessary for the  
22 representation of the legislature in regional and international  
23 organizations for the benefit of the Commonwealth shall be  
24 exclusive of the ceiling on the Legislative Bureau.

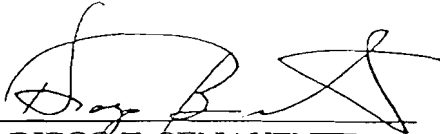
25 (g) The director of the bureau shall submit an itemized  
26 bureau budget for the following fiscal year to the presiding  
27 officers of each house no later than September 1 for adoption by  
28 the legislature through joint resolution. "

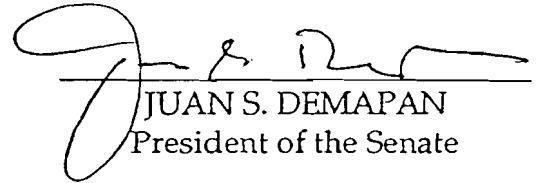
29 Section 3. Effective Date. This Initiative shall become effective upon  
30 certification of the vote approving the Initiative.

31 Section 4. Adoption and Transmittal. The Speaker of the House and the  
32 President of the Senate shall certify, and the Clerks of the House and Senate shall  
33 attest to the adoption of this Legislative Initiative. The Clerk of the House of  
34 Representatives shall then cause the Initiative to be transmitted to the Governor and

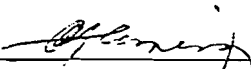
1 the Board of Elections with instructions that the Board place it before the people of the  
2 Commonwealth for a ratification vote, in conformance with Constitution Article  
3 XVIII, Section 5.

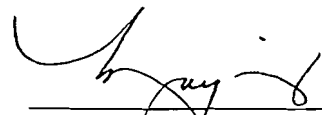
CERTIFIED BY:

  
\_\_\_\_\_  
DIEGO T. BENAVENTE  
Speaker of the House

  
\_\_\_\_\_  
JUAN S. DEMAPAN  
President of the Senate

ATTESTED BY:

  
\_\_\_\_\_  
EVELYN C. FLEMING  
House Clerk

  
\_\_\_\_\_  
NICOLASA B. BORJA  
Senate Clerk