

AMENDMENT NO. 2

AMENDMENT OF ARTICLE 2: LEGISLATIVE BRANCH

DESCRIPTION OF CHANGES
PROPOSED BY THE
CONSTITUTIONAL CONVENTION

AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION

ARTICLE II: LEGISLATIVE BRANCH

Section 1: None

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(a): Change the size of the Senate from 9 to 6 with 2 members from each district.

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, and 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 resident United States citizens.

Section 2(b): New; allows the lieutenant governor to break tie votes in the Senate.

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.

Section 2(c): Updating change to delete language governing a specific election that has already been held. (This is former Section 2(b).)

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

Section 2(d): Add qualification of U.S. citizenship to hold office of Senator. (This is former Section 2(c) and Section 2(d) combined.)

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(a): Change the size of the House of Representatives from 18 to 13 members; and decrease the maximum number of members from 20 to 15.

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 decreased or increased by law to not more than fifteen.

Section 3(b): Change the election of House members on Saipan from districts to at-large; provide a seat in the House for the Northern Islands when the number of U.S. citizens residing there is equal to the number of U.S. citizens represented by any other member of the House.

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 number of United States citizens residing in the islands north of Saipan equals or exceeds the number of United States citizens represented by any member of the house of representatives these islands shall constitute a separate district electing one representative.

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 6(a): Requires the Governor to transmit a vetoed bill to the legislature within 5 working days. (This was former Section 7(a).)

Section 6(b): None (This was former Section 7(b).)

Section 6(c): None (This was former Section 7(c).)

Section 6(d): None (This was former Section 7(d).)

Section 7: Adds language to consolidate all impeachment provisions in one place and make them uniform. (This was formerly Section 8.)

Section 8: Requires that vacancies in the legislature be filled promptly by providing a fixed time period within which the Governor must act. (This was formerly Section 9.)

Section 9: Adds a reference to a specific composite price index produced by the Department of Commerce to explain how salary increases are to be calculated.

Section 10: None (This is former Section 11.)

Section 6: 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 within five working days of the veto 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 twenty days in which to consider appropriation bills and forty 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 7: 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 8: 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 twenty 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 9: 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 salary may be made that exceeds the percentage change in the United States Department of Commerce composite price index for the period since the last change. An increase in salary may not apply to the legislature that enacted it.

Section 10: 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,

Section 15(b): Allocate \$70,000 each year to each member of the House and Senate for office expenses, over and above salary.

Section 15(c): Allocate an additional \$50,000 to the majority leader and \$35,000 to the minority leader of each house for leadership expenses.

Section 15(d): Allocate the remainder of the legislative budget (after the salary and expense allowances of members) to the legislative bureau.

Section 15(e): The new budget ceiling and salary and expense allocations are increased every two years but only by the amount of increase in the U.S. government's published price index.

Section 15(f): Prohibit the use of public funds (other than the member's salary and benefits) for personal or political activities.

Section 15(g): Substitute 25% of the annual budget for \$700,000 as the limitation on legislative spending in the last quarter during an election year.

(Section 16 formerly was Section 17.)

Section 16(a): Delete former selection process for the Director of the Legislative Bureau and substitute appointment by the President of the Senate, the Speaker of the House, and the Lieutenant Governor; add a four year term of office for the Director of the Legislative Bureau; and state minimum qualifications for the position of Director.

Section 16(b): Expand the duties of the Legislative Bureau.

Section 16(c): Expand the staff functions of the Legislative Bureau.

Section 16(d): Expand the provision for the non-partisan functioning of the Legislative Bureau.

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 16.

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 16: 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 presiding officer 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 15(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 non-partisan fashion. The bureau staff shall not be subject to any political harassment or pressure and shall not engage in any political activities.