

A look at Amendment No. 2

THE PRESIDENT'S PAGE
 BY HERMAN T. GUERRERO,
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 CONVENTION COMMITTEE

The basic choice before the voters on March 2 is whether they believe the amendments proposed by their elected delegates would produce a more effective, more responsive, and less costly government or whether they are satisfied with the current constitutional provisions on a subject.

Lets take a look today at Amendment No. 2 dealing with legislative branch of the government. The changes proposed by the delegates to the Commonwealth's legislative branch have stimulated widespread discussion in the community - which is as it should be, given the importance of our legislature in enacting sound laws and exercising meaningful oversight over the executive branch.

The Convention's Committee on Legislative Branch and Public Finance received more than 100 proposals to amend the sections of Article 2 (legislative branch). Based on concerns expressed during public hearings and otherwise, the Convention was convinced that Commonwealth citizens were seriously concerned with size, cost, and effectiveness of their legislature. As a result, the 27 delegates - putting aside any partisan or personal interests - voted unanimously to propose a package of very sig-



Guerrero

nificant changes to Article 2 that are put before the voters in Amendment 2.

Reduction in Size: The delegates have proposed that the House of Representatives be reduced from 18 (with a cap of 20) to 13 (with a cap of 15) and that the Senate be reduced from nine to six (with two senators elected from Rota, Tinian and Saipan). Reducing the number of legislators goes a long way towards reducing the overall costs of the legislature, although it does not ensure that cost reductions will in fact take place. But the delegates also were convinced, apart from past considerations, that a community as small as the Commonwealth does not require as many legislators as are currently provided for under the Constitution. There seems to have been very little disagreement with the reduction of the size of the House; indeed, many repre-

sentatives told the delegates that they agreed with the recommendation. Opposition has developed, however, with respect to the reduction of the size of the Senate. It is hard to understand why two senators from each island cannot perform just as effectively as three - especially when the 50 states of the United States have lived for more than 200 years with only two senators representing each state in the Senate.

Four-Year Term for the House of Representatives: The proposal to extend the term of office for the lower house from two years to four years resulted from a balancing of several different interests: increasing the effectiveness of the legislature, the need to ensure responsiveness to the voters, and the risk that the voters might elect a representative who turns out to be wholly incompetent or inattentive to his or her duties. Once the delegates decided to make the recall provisions in the Constitution much easier (as proposed in

Amendment No. 9), the proposed four-year term won overwhelming support among the delegates. A four-year term will reduce the amount of time that a member must direct towards reelection and enable the legislator to concentrate on his or her legislative duties. It will provide more stability in the House of Representatives; more time for study and preparation of sound legislative proposals; and less opportunity for experienced lobbyists to take advantage of inexperienced legislators. The longer term will also reduce the overall cost of elections in the Commonwealth and perhaps produce a more consistent electoral result, because the entire house (and half of the senators) will be elected every four years along with

the governor. Having the same length of term for both houses is not unusual; some 15 states have adopted this practice and several have four-terms for both houses. Overall, the delegates believed that this change would improve the political process and provide very important benefits to the Commonwealth in the years ahead.

Island-Wide Election for the House of Representatives on Saipan: Another recommendation of the delegates is that candidates for the lower house run island-wide on Saipan rather than from separate precincts of varying sizes. Our Founding Fathers in 1976 adopted a precinct system on Saipan because they were concerned and otherwise certain minorities on Saipan, especially the Carolinians, would not be represented in the lower house of the legislature. There were some other political concerns as well; the precincts represented compromise between the leaders of the two political parties and their competing interests. The delegates to the Third Constitutional Convention concluded that the precinct system - however justified 19 years ago - no longer served any useful purpose.

The population on Saipan is now more widely dispersed than was the case in 1976; Carolinians were (and are) regularly elected on an island-wide basis. Together with the proposed four-year term, the delegates also believed that island-wide election would produce more of an island-wide perspective on the part of the legislators. Each legislator will necessarily have to consider the impact of his or her actions on the many different constituencies on Saipan that the legislator will be seeking votes from at the next election. In addition, election-at-large on Saipan will elimi-


nate most of the political and legal complexities that otherwise would result from the periodic redistricting on Saipan required under the Constitution to reflect population changes.

Increased Funding for the Legislative Bureau: The voters in the Commonwealth are concerned with the size of the legislative budget, as most recently evidenced by the defeat of House Legislative Initiative 9-1. Although proposing a reduction in the overall size of the Legislature from 27 to 19, the delegates recommend a legislative budget of \$4.5 million (with inflation protection) slightly less than the budget under which the legislature was operating in 1995. But the delegates are recommending that specific limitation be placed on how this money can be spent.

They recommend that each legislator be treated equally so far as office expenses are concerned, whether they are in the House or the Senate and whether they are members of the majority or minority parties. They set a ceiling on office expenses and prohibit the use of public funds for personal or political purposes. As a result, the Legislative Bureau will have a budget more than twice its present size, which will enable it under professional leadership to hire the needed professional staff - fiscal analysts, economists, lawyers and others - to assist the legislators in developing sound laws and evaluating proposals placed before them by the executive branch or the private sector.

Foster Effectiveness and Openness: Several changes recommended by the delegates will increase the effectiveness and openness of legislative deliberations. For example, the delegates have proposed that the two houses conduct joint hearings on all financial matters that come before them, that each bill be given two separate readings on two separate days, that every expenditure of public funds be authorized in an appropriations bill, and that no new programs (or expansion of existing programs) that require public money to be spent be enacted without appropriating the necessary funds.

The choice is yours! Amendment No. 2 reflects the considered judgement of virtually all of the elected delegates that the status quo is not acceptable. They have presented a comprehensive reform package to address the widely-perceived problems of size, cost and effectiveness. They have done so after months of hard work, extensive public input at hearings and otherwise, and with no objective in mind except to honor their promises to their supporters to do their best to make the Commonwealth a better place in which to work and live.



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Speaker opposes proposed amendments on Legislature

By DAN PHILLIPS

Although he supports the idea of having Saipan House members elected island-wide and of having House members serving four-year terms, House Speaker Diego T. Benavente opposes the proposed constitutional amendment involving the Legislature.

Talking at a luncheon with a group of Commonwealth journalists at the Jade Garden Restaurant yesterday, Benavente said he did not support the idea of having equal funding for each member of the Legislature.

Under current practices, members of the Legislature who are part of the leadership or who are committee leaders receive more expense money than non-committee or minority members.

That would change if the proposed Article 2 of the CNMI Constitution as put together by



Benavente

the Third Northern Mariana Islands Constitutional Convention is approved in next month's special election.

Benavente said the practice of offering more money to legislative leaders provides a very real incentive for members to get more involved in leadership, and that there would be a lot less incentive to work harder if all members made the same amount.

"Right now, members are

motivated to become part of the majority, to chair committees and to participate more because they will receive more money if they do that. That is how the system works," the speaker said.

"Changing the system may create the possibility of a non-functioning Legislature, because members may not want to hold committee positions if they make the same money no

matter how much they participate," he said.

Benavente also said he opposed the proposal to take away all power from the Legislature to propose constitutional amendments through legislative initiatives.

"The proposal would remove that power from the Legislature for 25 years, and there is likely to be another situation

within that time when we may need a legislative initiative," he said.

As far as making House members on Saipan run island-wide, Benavente said the idea was an excellent one because it would force candidates to look at the interests of Saipan and the entire Commonwealth, and not just one particular small precinct."