

by Herman T. Guerrero, Chair  
Post-Convention Committee

In my last article I reviewed the amendments proposed by the Convention delegates relating to Article 2 (Legislative Branch). I am extremely pleased to see that Speaker Diego T. Benevente has come out in favor of the proposed four-year term for House members and election on a Saipan-wide basis rather than from precincts. The Speaker encouraged the Convention delegates along these lines during the Convention and it is gratifying that one of the Commonwealth's most successful political leaders has endorsed these major reforms of the House of Representatives.

I hope that the Speaker will reconsider his position with respect to other amendments affecting the Commonwealth Legislature proposed by the delegates. He has reportedly expressed reservations about (1) the proposed allocation of public funds to legislators for their expenses; and (2) the changes in the procedures for the future amendment of the CNMI Commonwealth. Let's take a look at these issues and see why the delegates proposed significant reforms in these two areas.

#### **Use of Public Funds by the Legislature.**

Based on my own experience in the Legislature, I do not think that legislators aspire to leadership positions because they want more money. I do not think that the Speaker and current Committee chairmen (or their predecessors) have been so motivated. My own view is that leaders in the legislators achieve their positions because they want to demonstrate their ability to serve the Commonwealth, to persuade their constituents that they deserve reelection by virtue of their accomplishments, and to create a political record that might propel them into a higher Commonwealth office.

The issue here certainly is not about the salary that legislators receive. At more than \$39,000 plus per year (with a generous package of retirement and other benefits), the Commonwealth's legislators are paid more generously than legislators in all but a handful of the States. The salary commission is currently considering whether to increase the salaries of the legislators and other CNMI public officials.

The issue rather is about expense funds and the freedom that legislators currently have to use those funds for whatever purpose they want. This is what the Convention delegates were concerned about. The delegates propose that each legislator receive office expenses in the amount of \$70,000, to be used for employees, travel or supplies related to the legislator's performance of his or her legislative duties. This \$70,000 per year plus the member's salary of \$39,000 gives each legislator about \$110,000 to be used by the legislator in connection with the work of the Legislature.

The majority leader in each house will receive an additional \$50,000, and the minority leader in each house receive an additional \$35,000. This means that the Speaker and the President of the Senate will each have about \$160,000 in discretionary funds and the minority leaders in both houses will have about \$145,000 to spend -- every year that they are in office. All other administrative and support expenses for the legislature and its committees will be provided by the non-partisan Legislative Bureau, whose budget will be increased from its current level of \$800,000 to about \$2,000,000.

The delegates, after extensive public hearings and input from the legislators themselves, were persuaded that this allocation of public funds was a great improvement over the current system for the following reasons.

First, it gives each legislator the same basic amount for expenses, whereas the current system favors senators over representatives by splitting the legislative budget evenly between the House and the Senate. The delegates believed that every legislator, regardless of the house to which he or she was elected, has the same essential needs to staff the office with an administrative assistant, secretary or other position.

Second, the delegates rejected a system in which majority members of the Legislature get more office expenses than minority members. All members should be treated equally, with some extra allowance for the majority and minority leaders in both houses. Otherwise the system will encourage instability in the Legislature and prevent the effective operation of the minority members in both houses. HLI 9-1, defeated by the voters in the last election, would have perpetuated the current system by providing for at least \$100,000 to each legislator and \$200,000 to each majority member. If the Commonwealth voters want to reduce the costs of their Legislature, as the delegates did, some real ceiling must be put on so-called office expenses.

Third, the delegates concluded that expansion of the duties of the Legislative Bureau and a significant increase in its budget would truly meet the legitimate needs of the legislators. The Legislative Bureau as proposed by the delegates would have new professional leadership, sufficient funds to more than double its professional staff, and the ability to meet the administrative needs of the Legislature and all its committees. The delegates concluded that it would be more professional for the Bureau to arrange for the staffing of the committees rather than leave it exclusively to the committee chairs or the political leadership of the Legislature.

Fourth, the delegates have proposed a restriction on public funds that seems long overdue. If Amendment 2 is ratified, legislators cannot spend public funds (other than their salaries) for private or political purposes. Unfortunately, legislators and their constituents have in many cases viewed "office expenses" as a slush fund that can be used to provide services or funds to political supporters. The delegates --representing the public -- concluded that this practice should stop and have proposed a prohibition that would accomplish this objective. The delegates were told by many legislators in private that this limitation on the use of public funds was very much needed!

## **Amendment of the Constitution by the Legislature**

Speaker Benevente and other legislators have criticized the proposed amendment (Amendment No. 18) that would limit the means by which the CNMI Constitution can be amended in the future. Under this proposed amendment, however, the members of the Legislature would have the same rights as every other citizen in the Commonwealth to sponsor a popular initiative to amend the Constitution.

Under the present constitutional provisions, the Legislature is given special privileges to propose amendments to the Constitution. If three-fourths of the Legislature agree, a proposed amendment can go on the ballot and will go into effect if approved by a majority of the votes cast. All other amendments, however, require a majority vote plus a two-thirds vote in two of the three senatorial districts. Unfortunately, the Legislature has used this special amendment process principally to increase its own funding. This was most recently demonstrated by HLI 9-1, enacted by the Legislature without any public hearings and placed before the voters without any public education or information. Once the voters became aware that HLI 9-1 would increase the legislative budget to more than \$9 million, it was rejected.

Under the proposed Amendment 18, the Legislature would still play a leading role in suggesting needed amendments to the Constitution. The number of signatures required to place a popular initiative on the ballot has been reduced from 50% to 30% of the qualified voters in the Commonwealth. This means essentially that if ten members of the Legislature think that an amendment is required, they simply have to obtain about 300 signatures each in order to get the popular initiative on the ballot. This should certainly be an easy task for any legislator who has successfully run for office in the Commonwealth. One benefit of this approach is that the need to obtain signatures from the public will mean that some 3000 voters will be aware of the proposed amendment and the problem it is intended to address. It is simply wrong, therefore, to claim that the Legislature is denied all power to propose constitutional amendments for consideration by the voters.