

by **Herman T. Guerrero, Chair**
Post-Convention Committee

My last two articles have concentrated on Article 2 (Legislative Branch) and some of the questions that have been raised about Amendment 2. Let's turn today to Amendments 3 (Executive Branch) and 10 (Taxation and Public Finance). The reforms proposed by the delegates in these areas pertain primarily to the operations of the Executive Branch and the protection of public funds.

Improve Coordination Between the Governor and the Legislature

Like most Commonwealth citizens, the delegates wanted to minimize disputes between the two elected branches of government and encourage the Governor and the Legislature to work together. We recognized that no constitutional provision can guaranty harmony between elected leaders. But the changes proposed by the delegates may make a difference.

For example, Amendment 3 requires the Governor to propose an annual budget with anticipated revenues based on existing laws. This will encourage both branches of government to look at projected revenues in a realistic way -- and to consider new sources of revenues separately from the annual budget process. Amendment 3 also changes the ground rules in the event that a budget is not passed at the beginning of the fiscal year -- as has happened too many times in the Commonwealth's history. Amendment 3 changes the continuing resolution procedure so that the Executive Branch cannot continue spending money at last year's pace even if anticipated revenues for the current fiscal year are less than the previous year's.

Amendment 3 also requires the Governor to report to the Legislature within 30 days after using his emergency powers, so that the Legislature can take action of a different kind if it wishes to do so. It also requires the Governor to submit an annual report in person before the Legislature. The delegates believed that this annual report in person -- like the State of the Union Message by the President of the United States before the Congress -- highlights the need of both branches of government to work together in the public interest.

Strengthen the Executive Branch

Several of the changes included in Amendment 3 are aimed at strengthening the Executive Branch. For example, Amendment 3 clarifies the succession rules so that the Governor and the Lieutenant Governor always share the same political objectives. The delegates were well aware of the political chaos that can result when the two highest officials in the Executive Branch come from different parties and have wholly different political goals.

With the same objective in mind, the delegates propose in Amendment 3 to eliminate several of the special-interest offices created in 1985 by the Second Constitutional Convention.

Such offices tend to limit both the Governor and the Legislature in deciding how best to organize the Executive Branch and to serve the public. Amendment 3 also brings back under the Executive Branch responsibility for both education and civil service. Proposed Amendment 13 deals with education and will be the subject of a later article in this series. But the general purpose of these changes is to recognize that there are only three branches of government in the Commonwealth and it is better to hold the Governor directly responsible for those very important activities in the Commonwealth like public education.

Protect Indigenous Cultures

The delegates were convinced that the preservation of Chamorro and Carolinian languages, cultures and traditions should be recognized in the Commonwealth Constitution. For that reason, Amendment 3 proposes a new Council for Indigenous Affairs with five members appointed by the Governor and confirmed by the Senate. The Council will have funding from the Marianas Public Land Trust to develop and promote programs aimed at preserving these two languages, cultures and traditions.

Some confusion has arisen about this Council because the delegates also decided to retain the position of the Executive Assistant for Carolinian Affairs. **Let me make this very clear: the Council for Indigenous Affairs is intended to protect and advance both local cultures.** It is expected that the Executive Assistant for Carolinian Affairs will work closely with the Council. In fact, the Executive Assistant might be appointed by the Governor to be a member of the Council or chosen by the Council to be either its Executive Director or Deputy Director.

Reduce the Deficit

Amendment 10 (Taxation and Public Finance) addresses some of the major issues in the Commonwealth. The delegates were concerned about the growing deficit in the Commonwealth. Amendment 10 requires the elimination of a deficit within two or three years after it is incurred. It requires the Governor to submit a deficit reduction plan to the Legislature as part of the annual budget submission. In order to make this meaningful, the delegates have proposed a hiring and salary freeze so long as there is a deficit, except for the hiring of needed public health and safety personnel -- with all savings in personnel costs going to reduction of the deficit. We are all aware of the ongoing dispute in the Federal Government about the deficit and how best to reduce it over 7 or more years. Lets make sure that the Commonwealth deals with its deficit problem in a timely fashion.

Protect Public Funds

Amendment 10 also seeks to protect public funds in several ways. It would prohibit the incurring of public debt in order to reduce a deficit. It provides that the Secretary of Finance cannot be removed except for cause. And it requires that taxes collected that will be rebated be maintained in a separate trust fund used only for tax rebates.