

HOUSE OF REPRESENTATIVES
SIXTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FOURTH SPECIAL SESSION, 1989

HOUSE LEGISLATIVE INITIATIVE NO. 6-2, H.D.1

A HOUSE LEGISLATIVE INITIATIVE

TO AMEND ARTICLE II, SECTION 16(a) OF THE COMMONWEALTH CONSTITUTION TO PROVIDE THAT THE ANNUAL BUDGET CEILING OF THE LEGISLATURE SHALL BE EXCLUSIVE OF THE SALARIES OF THE MEMBERS OF THE LEGISLATURE AND TO AMEND ARTICLE II, SECTION 17 TO PROVIDE FOR FUNDING FOR THE LEGISLATIVE BUREAU.

Offered by Representative: Vicente M. Sablan

Date: July 26, 1989

HOUSE ACTION


Referred to Committee on Judiciary and Governmental Operations

Standing Committee Report No. 6-64

First and Final Reading: September 15, 1989

SENATE ACTION

Second and Final Reading: October 16, 1989



EVELYN T. CASTRO
House Clerk

A HOUSE LEGISLATIVE INITIATIVE

To amend Article II, Section 16(a) of the Commonwealth Constitution to provide that the annual budget ceiling of the Legislature shall be exclusive of the salaries of the members of the Legislature/ and to amend Article II, Section 17 to provide for funding for the Legislative Bureau.

1 Section 1. Findings: Legislative Budget. The
2 Legislature finds:

3 (a) That by means of Constitutional Amendment
4 Number 9 in 1985 a ceiling of two million eight hundred
5 thousand dollars on appropriations, or obligations and
6 expenditures, in any fiscal year, was placed upon the
7 Legislature.

8 (b) That with the numerous societal changes since
9 1985, requiring increasingly complex analysis and
10 legislation, the current ceiling on expenditures is not
11 realistic and is inadequate for the operations and
12 activities of both Houses of the Legislature.

13 (c) That in proposing and ratifying Constitutional
14 Amendment Number 9 the people of the Commonwealth
15 intended to exclude from the ceiling on expenditures the
16 salaries of the Legislators, which salaries are
17 independently provided for by Article II, Section 10 of
18 the Constitution.

19 (d) That, contrary to this intent, Section 16 of
20 Article II of the Constitution is now being interpreted
21 and applied as requiring the equal division of all
22 funds, including the salaries of the Legislators.

23 (e) That the equal division of the Legislature's
24 budget works to the unfair disadvantage of the House of
25 Representatives, which has more members, and that this
26 unfairness can be remedied by excluding the salaries of

1 the members of the Legislature from the Legislative
2 budget ceiling.

3 (f) And finally, that this remedy can only be
4 adopted by amending Article II, Section 16(a) of the
5 Constitution.

6 Section 2. Findings: Legislative Bureau Budget. The
7 Legislature finds:

8 (a) That the Legislative Bureau was established in
9 Article II, Section 17 of the Commonwealth Constitution,
10 by means of Constitutional Amendment Number 10 in 1985,
11 as a legal and administrative bureau independent from
12 the political environment and pressures of the
13 Legislature.

14 (b) That the intent in creating the Legislative
15 Bureau as an independent legal and administrative entity
16 was to insulate it from all political pressures of the
17 Legislature, including the political financial pressures
18 inherent in the allocation of the Legislature's budget.

19 (c) That nevertheless Constitutional Amendment
20 Number 10 neglected to provide for any budget for the
21 Legislative Bureau independent of the Legislature's
22 budget.

23 (d) That the business of the Legislature requires a
24 Legislative Bureau staffed by qualified, experienced
25 technical and professional personnel in a number
26 sufficient to meet the increasing demands of an
27 increasingly complex society.

28 (e) That the independence of the Legislative Bureau
29 from political pressures cannot be assured without
30 funding independent from the Legislature's budget.

31 (f) And finally, that funds sufficient to properly

1 staff the Legislative Bureau can only be provided by
2 amending the Constitution.

3 Section 32. Legislative Initiative. The Sixth Northern
4 Marianas Commonwealth Legislature hereby approves the
5 following Initiative to be placed before the people for a
6 referendum ballot in the November 1989 general election:

7 "A PROPOSED CONSTITUTIONAL AMENDMENT

8 To amend Article II, Section 16(a), which provides for a
9 ceiling of two million eight hundred thousand dollars on the
10 annual budget of the Legislature, and to add to Section 17,
11 which establishes the Legislative Bureau to provide all legal
12 and certain administrative support to the Legislature, a new
13 paragraph (f). The amendment ~~of XXXX amend~~ Section 16(a)
14 and the addition of Section 17(f) are of XXXXX II as
15 indicated by the underlined text:

16 "Section 16: Budget Ceiling. There shall be a
17 ceiling on the budget of the legislature.

18 (a) Appropriations, or obligations and
19 expenditures, exclusive of the salaries of the
20 members of the legislature, for the operations and
21 activities of the legislature may not exceed two
22 million eight hundred thousand dollars in any
23 fiscal year. This ceiling on the legislative
24 budget shall be divided equally between the Senate
25 and the House of Representatives.

26 (b) Obligations and expenditures for the
27 operations and activities of the legislature for the
28 period October 1 through the second Monday in
29 January of a fiscal year in which there is a
30 regular general election, may not exceed seven
31 hundred thousand dollars or the spending authority

1 otherwise available by law, whichever is less.
2 This ceiling shall apply to the various offices and
3 activities in the same proportions as the annual
4 spending authority provided by law.

5 Section 17: Legislative Bureau. There is hereby
6 established a legislative bureau in the Northern Marianas
7 Commonwealth Legislature.

8 (a) The bureau shall be headed by a director
9 to be appointed by the joint leadership of the
10 legislature consisting of the presiding officers,
11 vice presiding officers, floor leaders, and the
12 chairmen of the standing committees.

13 (b) The director shall employ all necessary
14 staff, other than personal staff of the members of
15 the legislature, pursuant to budgetary allocations.
16 The staff members shall include legal counsel and
17 other administrative staff.

18 (c) The bureau shall provide all required
19 services to the legislature in connection with
20 duties and responsibilities during sessions and
21 committee meetings. It shall maintain all records,
22 files, library and other documents of the
23 legislature.

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

27 (e) The bureau shall be free from any
28 political harassment or pressure.

29 (f) The bureau shall have a budget sufficient
30 to permit it to fully and adequately perform its
31 duties as specified in this Section. The funds

1 budgeted shall be independent of the budget ceiling
2 established for the legislature under Section 16 of
3 this Article, but in no event shall the funds
4 appropriated exceed eight hundred thousand dollars
5 in any fiscal year."

6 Section 43. Adoption and Transmittal. The Speaker of
7 the House and the President of the Senate shall certify, and
8 the Clerks of the House and Senate shall attest to, the
9 adoption of this Legislative Initiative. The Clerk of the
10 House of Representatives then shall cause the Initiative to
11 be transmitted to the Governor, and to the Board of Elections
12 with instructions that the Board place it before the people
13 of the Commonwealth for a ratification vote, in conformance
14 with Constitution Article XVIII, Section 5, in the November,
15 1989 general election.

Date: 7/26/89

Introduced by: /s/ Vicente M. Sablan



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
House of Representatives
P.O. Box 586
Saipan, MP 96950

Standing Committee Report No. 6-64
September 15, 1989
RE: H.L.I. No. 6-2

The Honorable Pedro R. Deleon Guerrero
Speaker
House of Representatives
Sixth Northern Marianas Commonwealth
Legislature
P.O. Box 566
Saipan, MP 96950

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations to which
H.L.I. No. 6-2 was referred entitled:

"A House Legislative Initiative to amend Article II,
Section 16(a) of the Commonwealth Constitution to
provide that the annual budget ceiling of the Legislature
shall be exclusive of the salaries of the members
of the Legislature and to amend Article II, Section
17 to provide funding for the Legislative Bureau."

begs leave to report as follows:

I. RECOMMENDATION:

The Committee recommends that H.L.I. No. 6-2 be passed on
first, second and final readings as H.L.I. No. 6-2, H.D.1.
It further recommends that H.L.I. No. 6-1 be filed. It is
incorporated in H.L.I. No. 2.

II. FINDING:

Constitutional Amendments Nos. 9 and 10 were fully endorsed
by Second Constitutional Convention in 1985 and were
approved by the people of the Commonwealth of the Northern
Mariana Islands in the referendum of the same year.

Because of prior spending abuses by preceding legislatures, Constitutional Amendment No. 9 was initiated as a restraining or disciplining mechanism. However, the Convention failed to remove the legislative members salaries from the budget ceiling of two million eight hundred thousand dollars. At this point in time, inflation has caught up with the budget ceiling so that the limitation becomes an injustice to both the Legislative Branch and to the people it purports to serve.

The House of Representatives comprises of fifteen members while the Senate comprises of nine members and the budget ceiling is equally distributed between the two houses. The Lower House ends up with inadequate professional and nonprofessional staffing in order to meet other essential obligations.

In addition to cost of the members salaries, the present budget ceiling must also be the burden of the Legislative Bureau pursuant to Constitutional Amendment No.10. This amendment mandates the leaderships of both houses of the legislature to appoint a director. The directors would appoint legal counsels and other professionals. In today's economic reality it is simply not possible to adequately staff an effective Legislative Bureau on the funds presently allotted.

III. ANALYSIS:

The present budgetary constrains place a heavy burden on each and every member of the Legislature. The inability to employ adequate technical and clerical staff forces the members of the House of Representatives to perform their own research, investigation and public relations. It is cumbersome to be a jack-of-all trade and master of none. Yet, it is expected of the members.

The legislature, specially the House of Representatives, agrees with a budget ceiling that is realistic in terms of changing times. The need of today are different from the needs of both yesterday and tomorrow. To meet changing needs, the committee proposes to the electorate to amend Article II, Section 16(a) so that the burden imposed upon the House of Representatives be alleviated. The nine members of the Senate, excluding their salaries from the one million four hundred thousand dollars budget ceiling, enjoys \$125,556.00 equally distributed. The fifteen members of the House of Representatives are stained to make means meet ends. Taking out from the 1.4 million dollars \$450,000 for members salaries, the distribution is \$63,333.00 for each member.

Besides the three officers of the House there are six standing committees: Committee on Ways and Means; Committee on Health, Education and Welfare; Committee on Natural Resources; Committee on Federal and Foreign Relations; Committee on Commerce and Tourism; and Committee on Judiciary and Governmental Operations. Would a Chairman of a Committee with \$63,333.00 budget be able to hire professional staff, pay his necessary office expenses, and meet the expectations of his constituencies?

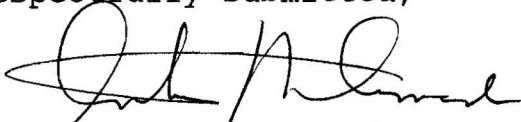
House Legislative Initiative No. 6-2 agrees with the people in putting restraint to the Legislative Branch budget of 2.8 million dollars. However, in order to meet the rising expectations of an increasingly complex and technical legislative function, salaries of the members and the operations of the Legislative Bureau must be excluded from the budget ceiling.

As to the Legislative Bureau, Amendment No. 10, subsection (b) requires, "The director shall employ all necessary staff, other than personal staff of the members of the legislature, pursuant to budgetary allocations." This implies that the Bureau have separate appropriations outside of and in addition to the 2.8 million dollars. Although, the Bureau is within the organizational structure of the Legislative Branch, it cannot fulfil its constitutional mandate without necessary independent funding.

IV. COMMENTS:

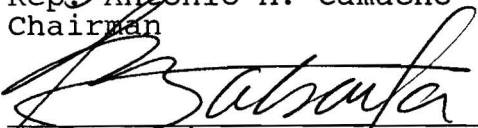
The Committee notes that House Legislation Initiative No. 6-1 is incorporated to H.L.I. No. 6-2. The action of the Committee is in consonant with Section 3 of Article XVIII of the Constitution of the Commonwealth of the Northern Mariana Islands.

Respectfully submitted,



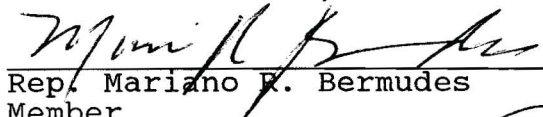
Rep. Antonio M. Camacho
Chairman

Rep. David C. Sablan
Vice Chairman




Rep. Gabriel B. Babauta
Member

Rep. Juan S. Torres
Member



Rep. Mariano E. Bermudes
Member



Rep. Manuel C. Sablan
Member



Rep. Vicente M. Sablan
Member

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9 1985, requiring increasingly complex analysis and
10 legislation, the current ceiling on expenditures is not
11 realistic and is inadequate for the operations and
12 activities of both Houses of the Legislature.

13 (c) That in proposing and ratifying Constitutional
14 Amendment Number 9 the people of the Commonwealth
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16 salaries of the Legislators, which salaries are
17 independently provided for by Article II, Section 10 of
18 the Constitution.

19 (d) That, contrary to this intent, Section 16 of
20 Article II of the Constitution is now being interpreted
21 and applied as requiring the equal division of all
22 funds, including the salaries of the Legislators.

23 (e) That the equal division of the Legislature's
24 budget works to the unfair disadvantage of the House of
25 Representatives, which has more members, and that this
26 unfairness can be remedied by excluding the salaries of

1 the members of the Legislature from the Legislative
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3 (f) And finally, that this remedy can only be
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13 Legislature.

14 (b) That the intent in creating the Legislative
15 Bureau as an independent legal and administrative entity
16 was to insulate it from all political pressures of the
17 Legislature, including the political financial pressures
18 inherent in the allocation of the Legislature's budget.

19 (c) That nevertheless Constitutional Amendment
20 Number 10 neglected to provide for any budget for the
21 Legislative Bureau independent of the Legislature's
22 budget.

23 (d) That the business of the Legislature requires a
24 Legislative Bureau staffed by qualified, experienced
25 technical and professional personnel in a number
26 sufficient to meet the increasing demands of an
27 increasingly complex society.

28 (e) That the independence of the Legislative Bureau
29 from political pressures cannot be assured without
30 funding independent from the Legislature's budget.

31 (f) And finally, that funds sufficient to properly

1 staff the Legislative Bureau can only be provided by
2 amending the Constitution.

3 Section 37. Legislative Initiative. The Sixth Northern
4 Marianas Commonwealth Legislature hereby approves the
5 following Initiative to be placed before the people for a
6 referendum ballot in the November 1989 general election:

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29 January of a fiscal year in which there is a
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2 This ceiling shall apply to the various offices and
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5 Section 17: Legislative Bureau. There is hereby
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14 staff, other than personal staff of the members of
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16 The staff members shall include legal counsel and
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19 services to the legislature in connection with
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21 committee meetings. It shall maintain all records,
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26 with or without cause.

27 (e) The bureau shall be free from any
28 political harassment or pressure.

29 (f) The bureau shall have a budget sufficient
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31 duties as specified in this Section. The funds

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2 established for the legislature under Section 16 of
3 this Article, but in no event shall the funds
4 appropriated exceed eight hundred thousand dollars
5 in any fiscal year."

6 Section 47. Adoption and Transmittal. The Speaker of
7 the House and the President of the Senate shall certify, and
8 the Clerks of the House and Senate shall attest to, the
9 adoption of this Legislative Initiative. The Clerk of the
10 House of Representatives then shall cause the Initiative to
11 be transmitted to the Governor, and to the Board of Elections
12 with instructions that the Board place it before the people
13 of the Commonwealth for a ratification vote, in conformance
14 with Constitution Article XVIII, Section 5, in the November,
15 1989 general election.

Date: 7/26/89

Introduced by: /s/ Vicente M. Sablan