

On My Mind
11/06/09

In the hope that some may find it helpful, this week's column is coming out early this week, and spells out how I intend to vote on Saturday's initiatives, and why.

The first question listed under the Constitutional Initiatives asks voters to approve (or not) House Legislative Initiative 15-3, which would amend Article XV, Sections 1(c) and (e) to (1) make the public school non-voting representative to the Board of Education a high school student, (2) eliminate the requirement for an "exclusive bargaining representative" to identify the teacher non-voting representative to the Board, and (3) require that the 15% of the annual budget allotted to the public school system by the Constitution be awarded by an annual appropriation.

I intend to vote "no" to this proposed amendment for two reasons. In the first place, the amendment provides that the legislature define how the teacher non-voting representative to the Board of Education be determined. I think this responsibility belongs to the teachers themselves. They should determine how their non-voting representative is selected. It should not be done for them.

In addition, I question the usefulness of adding the requirement that the monies allocated to PSS be done through annual appropriation. In the first place, it is always better to be more flexible than less so. In the second place, the whole appropriations game is so fraught with loopholes, pot holes and back-room politics, that I just don't feel comfortable having PSS monies distributed solely through that process.

The second question on the ballot asks voters to approve (or not) House Legislative Initiative 16-11, which would amend Article III, Section 9(a) of the Constitution and thereby prohibit the withdrawal of any funds from the General Fund except by appropriations made by law Article XV Section 2(a) of the Constitution of the Northern Mariana Islands.

I intend to vote "no" to this proposed amendment as well. In the first place, there is the puzzling insertion of the words "Article XV Section 2(a)," on the sample on the Election Commission website, which has nothing to do with the subject of this amendment, but with Northern Marianas College.

In the second place, the question doesn't really reflect the subject of the proposed amendment, which is the annual budget. The proposed amendment would suspend the governor's salary if s/he did not submit an annual balanced budget to the legislature on time, and would suspend the legislators' salaries if they did not approve a balanced budget before the beginning of the new fiscal year, which strikes me as totally unrealistic - who's going to enforce that? How?

And thirdly, the amendment proposes that while no funds could be withdrawn from the General Fund if there is no budget in place, it also provides that basic government health, safety and welfare services would remain available. Without further definition and/or guidelines, this provision offers a huge loophole for appropriating all sorts of monies even though there isn't an approved balanced budget in place.

The third question (*Please note: This is NOT a Constitutional Initiative, even if it is listed under that heading. Nor is it merely a "local" law, as identified on the ballot.*) asks voters to approve (or not) amendment to the Open Government Act of 2007 so that its provisions apply to the legislature and legislative bureau as well as to the Judiciary and to the Executive branch of government.

I intend to vote "yes" to this proposed amendment to the law because I firmly believe that all three branches of government - the Judiciary, the Executive, and the Legislative, should be held equally accountable under the terms of the Open Government Act. It was an act of cowardice of the legislature to exempt itself from the law it passed. This needs to be corrected.

The fourth question asks voters to approve (or not) Senate Legislative Initiative 16-11, which would amend Article VIII, Section 1 of the CNMI Constitution to provide that the CNMI hold its election in even-numbered years. This would eliminate holding a separate election, between CNMI regular elections, to elect CNMI's non-voting delegate to the U.S. House of Representatives, as is now required.

I intend to vote "no" to this proposed amendment to the CNMI Constitution because, as it now stands, it gives everyone elected to office in 2009 an extra year in office. The new Section 3, Implementation - and again, the Commission has confused things because there already IS a Section 3, labelled "Election Procedures," in this Article - could have called for everyone elected to office in 2009 to serve one year LESS in office, but self-servingly, the legislature chose to give itself one more year, not one less.

To avoid House members having to run for election again after only one year in office, the implementation could have called for House members to get one more year, but all other elected officials to get one less. But it did not. And without further discussion, without opportunity for public input, I am not willing to support such a self-serving provision.

Legislative initiatives to amend the Constitution require a majority of the votes cast to become effective. The Constitution says that popular initiatives amending the Constitution require a two-thirds majority of votes cast in each of two senatorial districts, but I am not clear as to whether this applies to an initiative amending a public law as the proposed Open Government amendment does..

Whatever the outcome of the election, the legislature should hold an oversight hearing of the Election Commission, to find out why things went so badly wrong in this election's education efforts. There are still errors on the Commission's depictions of "samples" of the initiatives on its web site, there still is no text available of the actual constitutional language, and there still is no information available on all the pros and cons - not even on all the provisions included in each of the initiatives being proposed.

One wonders, in fact, why the legislators themselves made no effort to provide information to the voters on the initiatives that they themselves had put on the ballot. It's as if they washed their hands of all of it, once they passed the initiatives. Don't they bear some responsibility for helping their constituents understand what it is they are supposed

to be voting on?

Only Representative Tina Sablan has the full text of the proposed amendments available on her web page. I have to admit I was not able to download any of them, but then, my computer often gets arbitrary and capricious when dealing with Adobe documents, so I don't know where the problem lies in this case. The web page for the legislature does not include the text of the amendments, and Representative Joseph J.N. Camacho's web site has only one.

Shameful!

Citizenship Day passed with nearly no notice - except that government offices were closed - on Monday of this week. Presumably, it was overshadowed by election fever. Rather ironic that the occasion on which the people of the CNMI were finally given citizenship is ignored because they are too involved in exercising one of the fundamental rights of citizenship - the freedom to vote for one's choice of representatives in a democratic government.

On Saturday, be sure to exercise YOUR right to vote!