

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

Rec'd
11-17-76

VERBATIM JOURNAL (TRANSCRIPT)

ELEVENTH DAY
Thursday, October 28, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:05 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 37 Delegates present. Delegates Daniel P. Castro and Joaquin S. Torres were excused. No Delegates were absent.

Floor Leader Rasa: I move that those Delegates not in attendance be granted leave of absence.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move that we adopt the Summary Journal for the 10th Day.

The motion was seconded and carried to adopt the Summary Journal for the 10th Day.

(Delegate Joaquin S. Torres entered the Convention Hall.)

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Jose P. Mafnas: I would like to report that your Committee on Governmental Institutions is now discussing the executive branch of the government. I also have several Delegate Proposals which have been disposed of by your Committee. Regarding Delegate Proposal No. 75, entitled "Proposal Regarding Public Officials.", the Committee has set the age for Senator at 30 years minimum and the age for Representatives at 25 years minimum age.

Delegate Proposal No. 76, entitled "Proposal Regarding Governmental Institutions.", it was agreed that all sessions of the Legislature will be open to the public except on highly sensitive issues.

On Delegate Proposal No. 62, entitled "Proposal Regarding Immunity.", the Committee has decided to accept this.

Delegate Proposal No. 61, entitled "Proposal Regarding the Legislature.", requests that the Senate and House of Representatives shall be called "The Marianas Congress." Your Committee on Governmental Institutions has tentatively decided to call this body "The Northern Marianas Commonwealth Legislature." I have reservations on that particular conclusion.

On Delegate Proposal No. 17, entitled "Proposal Regarding the Legislative Branch of Government.", your Committee has agreed tentatively that the upper house will be called "The House of Senate" and will be composed of three Senators from Tinian, three Senators from Saipan and three Senators from Rota. The lower house, "The House of Representatives," will be composed of 30 members; 25 from Saipan, 3 from Rota and 2 from Tinian. Also regarding this Proposal, your Committee has tentatively agreed that appropriation bills should originate in the lower house and will be subject to approval by the upper house.

Chairman Felipe Atalig: I would like to yield the floor to Delegate Manuel Tenorio for presentation of the report from the Committee on Personal Rights and Natural Resources.

Delegate Manuel Tenorio: The Committee on Personal Rights and Natural Resources has deliberated on the provision on Initiative that had been re-referred to the Committee by Committee of the Whole yesterday. The Committee has agreed to recommend the first Proposal that was offered to the Convention requiring twenty percent (20%) of the total number of qualified voters within the Commonwealth.

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will make no report at this time.

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Delegate Juan S. Demapan introduced Delegate Proposal No. 112, entitled "Proposal Regarding Land." The Proposal was read by the Secretary.

Delegates Olympio T. Borja and Jose S. Borja introduced Delegate Proposal No. 113, entitled "Proposal Regarding Sovereign Immunity." The Proposal was read by Delegate Olympio T. Borja.

Delegates Manuel A. Tenorio, Luis M. Limes, Jose S. Borja, Francisco T. Palacios, Juan S. Demapan, Felix A. Ayuyu, Henry U. Hofschneider and Juan P. Tenorio introduced Delegate Proposal No. 114, entitled "Proposal Regarding Legislative Matters." The Proposal was read by the Convention Secretary.

Delegates Manuel A. Tenorio, Luis M. Limes, Francisco T. Palacios, Jose S. Borja, Juan S. Demapan, Henry U. Hofschneider, Hilario J. Diaz and Juan P. Tenorio introduced Delegate Proposal No. 115, entitled "Proposal Regarding Land Use." The Proposal was read by the Convention Secretary.

Delegates Manuel A. Tenorio, Luis M. Limes, Henry U. Hofschneider, Leon Taisacan, Daniel Castro, Lorenzo I. Guerrero and Juan P. Tenorio introduced Delegate Proposal No. 116, entitled "Proposal Regarding Natural Resources." The Proposal was read by the Convention Secretary.

Delegates Manuel A. Tenorio, Luis M. Limes, Leon I. Taisacan, Lorenzo I. Guerrero and Juan P. Tenorio introduced Delegate Proposal No. 117, entitled "Proposal Regarding Natural Resources." The Proposal was read by the Secretary.

Delegates Benigno R. Fitial and Pedro Igitol introduced Delegate Proposal No. 118, entitled "Proposal Regarding the Northern Marianas Youth Congress." The Proposal was read by Delegate Fitial.

Delegates Benigno R. Fitial and Pedro Igitol introduced Delegate Proposal No. 119, entitled "Proposal Regarding Public Disclosures by Elected Officials." The Proposal was read by Delegate Fitial.

Delegates Benigno R. Fitial and Pedro Igitol introduced Delegate Proposal No. 120, entitled "Proposal Regarding Public Disclosure of the Budget." The Proposal was read by Delegate Fitial.

Delegate Benigno R. Fitial and Pedro Igitol introduced Delegate Proposal No. 121, entitled "Proposal Regarding Governmental Institutions." The Proposal was read by Delegate Fitial.

Delegate Francisco T. Palacios introduced Delegate Proposal No. 122, entitled "Proposal Regarding Public Land."

Delegates Herman Q. Guerrero and Magdalena Camacho introduced Delegate Proposal No. 123, entitled "Proposal Regarding Employment and Conditions of Labor."

Delegates Herman Q. Guerrero and Magdalena Camacho introduced Delegate Proposal No. 124, entitled "Proposal Regarding the Imprisonment of Children."

Delegates Herman Q. Guerrero and Magdalena Camacho introduced Delegate Proposal No. 125, entitled "Proposal Regarding Child Labor."

Delegates Herman Q. Guerrero and Magdalena Camacho introduced Delegate Proposal No. 126, entitled "Proposal Regarding the Structure of Government."

REFERRAL OF PROPOSALS

Delegate Proposal No. 75, entitled "Proposal Regarding Public Officials.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 76, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 77, entitled "Proposal Regarding Code of Ethics.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 78, entitled "Proposal Regarding Capital Punishment.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 79, entitled "Proposal Regarding Private Employer.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 80, entitled "Proposal Regarding the Bill of Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 81, entitled "Proposal Regarding Land.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 82, entitled "Proposal Regarding Extradition.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 83, entitled "Proposal Regarding Apportionment in the House of Representatives.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 84, entitled "Proposal Regarding Public Land.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 85, entitled "Failure to Make Appropriations.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 86, entitled "Proposal Regarding Oath of Office.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 87, entitled "Proposal Regarding Existing Officers Continued in Office.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 88, entitled "Proposal Regarding Public Employees.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 89, entitled "Proposal Regarding Sea Fisheries.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 90, entitled "Proposal Regarding the Legislative Branch of Government." was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 91, entitled "Proposal Regarding the Office of Ombudsman.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 92, entitled "Proposal Regarding Revenue from Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 93, entitled "Proposal Regarding Justification of Governmental Programs.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 94, entitled "Proposal Regarding Personal Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 95, entitled "Proposal Regarding Finance, Local Government and Other Matters.

Delegate Proposal No. 96, entitled "Proposal Regarding Official Flag.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 97, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 98, entitled "Proposal Regarding Ombudsmen.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 99, entitled "Proposal Regarding Micronesian Claims Act.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 100, entitled "Proposal Regarding the Different Orders of Court.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 101, entitled "Proposal Regarding the Jurisdiction of the 'Supreme Court' of the Commonwealth.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 102, entitled "Proposal Regarding the Native Language of the Commonwealth of the Northern Mariana Islands.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 103, entitled "Proposal Regarding Conflicts of Interest.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 104, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 105, entitled "Proposal Regarding the Constitutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 106, entitled "Proposal Regarding Employment of Minorities in the Labor Force.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 107, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 108, entitled "Proposal Regarding Oath of Office.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 109, entitled "Proposes a Provision in the Commonwealth Constitution That the Following be Included in the Local Government.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 110, entitled "Proposal A Provision in the Commonwealth Executive Branch.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 111, entitled "Proposal Regarding Chamorro Language Requirement for Government Jobs.", was referred to the Committee on Governmental Institutions.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS

Delegate Felipe Atalig: I would like to introduce the following resolutions:

"Resolution No. 2:

"Resolved, that the Northern Marianas Constitutional Convention is aware of the fact that any land on Tinian which has been leased to the United States is publicly owned land, not land taken from private parties, and resolved further, that the Convention will take note of this fact in considering any proposal relating to privately owned land on Tinian."

"Resolution No. 3:

"Resolved, that the Northern Marianas Constitutional Convention, offers its best wishes to the most widely known citizen of Plains, Georgia, Jimmy Carter."

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDER OF THE DAY

Chairman Benigno Fitial: I would like to move that Committee Recommendation No.1

from the Committee on Finance, Local Government and Other Matters, regarding "Constitutional Amendment," be placed on the calendar for Second and Final Reading tomorrow, October 29, 1976.

The motion was seconded and defeated.

(12) GENERAL ORDERS OF THE DAY

Floor Leader Rasa: I move that the Convention resolve into the Committee of the Whole in order to consider Committee Recommendation No. 2 from the Committee on Governmental Institutions, regarding "The Judicial Branch of Government."

The motion was seconded and carried.

President Guerrero: I would like to call on the Delegate from Saipan, Delegate Olympio T. Borja to Chair the Committee of the Whole for today.

The Convention resolved into the Committee of the Whole at 2:26 p.m.

The Convention reconvened in Plenary Session at 3:11 p.m.

Chairman Olympio T. Borja: I would like to report that the Committee of the Whole, after thorough deliberation, has unanimously adopted Committee Recommendation No. 2 from the Committee on Governmental Institutions, regarding "The Judicial Branch of Government."

Chairman Olympio T. Borja: I now would like to move that the Convention accept my oral report on Committee of the Whole and that Committee Recommendation No. 2 from the Committee on Governmental Institutions be placed on the calendar for Second and Final Reading.

The motion was seconded and carried.

President Guerrero: I would like to call to the attention of the Delegates, that according to Rule 47, if there are any amendments, these should be in writing and distributed prior to such consideration.

Chairman Benigno Fitial: What is the decision of the Chair regarding Committee Recommendation No. 4: Constitutional Amendments, from the Committee on Finance, Local Government and Other Matters.

President Guerrero: Committee Recommendation No. 4: Constitutional Amendments, from the Committee on Finance, Local Government and Other Matters, is recognized as an amendment to Committee Recommendation No. 1: Constitutional Amendments, previously submitted by your Committee. This amendment will have to be offered during the Second Reading since Committee Recommendation No. 1 was already adopted, unamended, during its First Reading.

Chairman Benigno Fitial: I don't think it was understood in my previous motion that I was not asking for adoption of Committee Recommendation No. 4, I was asking that it be placed on the calendar for discussion.

President Guerrero: Any amendment to a Committee Recommendation that has already been adopted during its First Reading has to be made at the Second Reading.

(13) MISCELLANEOUS

Delegate Juan S. Demapan: I would like to make a few remarks.

Mr. President and fellow Delegates. The recent decisions to refer Committee Recommendation No. 3: Initiative, Referendum and Recall, indicate that there is misunderstanding and division of the House on a matter that may seemingly affect the Commonwealth at a point in time in the future.

Mr. President and fellow Delegates, the major problem we now face is that we are not thinking about Commonwealth as a whole but rather divisions of people. If this chamber continues to believe in the latter, I am sorry to say that this supposedly one Commonwealth, one people, is going to hell. What is past is past -- it's the future we look into. I, for one, strongly believe in a Commonwealth.

For only when there are differing types of governments and nations can there be a compromise. The Northern Marianas is one Commonwealth and nothing else. We shall all look ultimately for one direction. For if I were in a foreign country at one future date and someone asked me where I from, for sure I won't say I'm from Rota, but from the Commonwealth of the Northern Marianas. Therefore, I only urge each one of you to think Commonwealth.

Thank you.

Delegate Jose R. Cruz: If someone asked me where I am from, I am going to certainly answer, from the Marianas. But then I might say that I represent the individual people of Tinian.

(14) ANNOUNCEMENTS

Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters will meet at 9:00 a.m. tomorrow morning.

Chairman Jose P. Mafnas: The Committee on Governmental Institutions will meet tomorrow morning at 9:00 a.m. in the Convention Hall.

Chairman Felipe Atalig: The Committee on Personal Rights & Natural Resources will also meet tomorrow morning at 9:00 a.m.

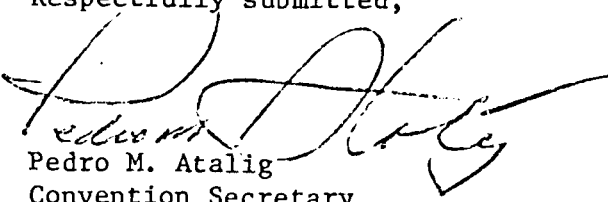
Convention Secretary: Mr. Rudy Sablan, Public Information Officer, is in the process of making biographical sketches of all the Delegates and also a pictorial record of the proceedings. He would like the Delegates to prepare their own biographical sketches and give them to him.

Delegate Juan DLG. Demapan: I move that the Convention recess until 2:00 p.m. tomorrow afternoon.

The motion was seconded and carried.

The Convention recessed at 3:20 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary