

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Thirtieth Day
Tuesday, November 16, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 9:13 a.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 35 Delegates present. Delegates Jose R. Cruz, Pedro Q. Dela Cruz, Manuel A. Tenorio and Ramon G. Villagomez were excused. No Delegates were absent. A quorum was present.

Floor Leader Rasa: Mr. President, I move that those Delegates not present be excused.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: Mr. President, I move that the Summary Journal of the 29th Day be adopted by the Convention.

The motion was seconded and carried. The Summary Journal of the 29th Day was adopted.

Delegate Juan DLG. Demapan: I move that the Verbatim Transcripts of Days 19, 22, 23 and 24 be adopted by the Convention.

The motion was seconded and carried. The Verbatim Transcripts of Days 19, 22, 23 and 24 were adopted.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Mafnas: Mr. President, your Committee on Governmental Institutions met yesterday and discussed Resolution No. 5, as introduced by the Honorable Delegate Ramon G. Villagomez. It passed unanimously.

President Guerrero: A sheet should have been distributed giving the schedules for public hearings. For that purpose we'll have a five-minute recess.

The Convention recessed at 9:18 a.m.

RECESS

(Delegates Manuel Tenorio and Ramon Villagomez entered the Convention Hall during the recess.)

The Convention reconvened at 9:25 a.m.

President Guerrero: The Chairmen should now have all necessary papers pertaining to the public hearings and we can proceed with our order of business.

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS - None.

(8) SECOND AND FINAL READING OF PROPOSALS - None.

(9) INTRODUCTION OF RESOLUTIONS - None.

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY

Floor Leader Rasa: I move for the adoption of Resolution No. 2, as introduced by Delegate Felipe Atalig.

The motion was seconded.

Delegate David Maratita: Mr. President, I move that we resolve into the Committee of the Whole in order to discuss these Resolutions.

Floor Leader Rasa: Mr. President, I don't think it is necessary that we resolve ourselves into the Committee of the Whole. These are very short Resolutions and the arguments for and against them could be easily perceived. It would be a waste of time to resolve into the Committee of the Whole.

President Guerrero: The Chair will recognize the fact that we can discuss this in Plenary Session rather than resolving into the Committee of the Whole, if there is no objection from the floor. If there is no objection, we will proceed with the discussion on Resolution No. 2.

Delegate Maratita: Mr. President, the Resolution before us for discussion, I feel is not necessary due to the fact that the substance of the Resolution is noting that the Convention is aware that any land on Tinian which has been leased to the United States is publicly owned land. If we were to read the Covenant, Mr. President, it is a well-established fact that these publicly owned lands on Tinian are publicly owned lands. I don't think we should dwell on the necessity of taking a stand on this Resolution. It would be a waste of our time and I hope the Convention will see no need to pass this Resolution.

Delegate Hilario Diaz: Since the Covenant has explicitly stated reasons for leasing the land on Tinian and that is public land, I do not see a reason for the Resolution. However, Mr. President, I would like the introducer to give us some enlightenment as to what prompted him to introduce this Resolution and what was his intention.

Delegate Felipe Atalig: First of all, I share the views of the Delegate from Garapan, Maratita. But it appears to me, Mr. President, that the Delegate from Garapan still has a misconception as to the content of the Resolution itself. The purpose of the Resolution is to reconfirm and reaffirm the position as stated in the Covenant. I feel that this Convention should adopt a position whereby to reinforce the Covenant. I think the Delegate from Garapan should be aware of and remember different deliberations by different representatives which have been stated and claim that the two-thirds land of Tinian belongs to the people of Tinian. This is the idea, Mr. President. I want to convey the message and remind them that the two-thirds land of Tinian is not the land of the people of Tinian, but is the land of the Northern Marianas Commonwealth Government. Therefore, Mr. President, I see no harm in passing this Resolution to reconfirm our position.

Delegate Benigno Fitial: Although I don't see any harm, I still don't see any need. Mr. President, we are aware that the land leased to the military on Tinian is public land and there is no need to reaffirm that awareness. Therefore, Mr. President, I move that this Resolution be tabled.

The motion was seconded.

Delegate Jose Mafnas: Privilege, Mr. President. May I ask the mover of the motion to please withdraw his motion to table. There are Delegates who have questions on this particular Resolution.

Delegate Fitial: Do we continue to question our awareness?

Delegate Mafnas: It goes further than that, Mr. President. May I ask the mover of the motion to please withdraw his motion.

Delegate Fitial: No.

Motion to table Resolution No. 2 carried by roll call. The votes were as follow:

Yes: Delegates David Atalig, Pedro Atalig, Felix Ayuyu, Jose

Borja, Carlos Camacho, Daniel Castro, Juan DLG. Demapan, Hilario Diaz, Benigno Fitial, Herman Guerrero, Henry Hofschneider, Esteven King, Benjamin Manglona, David Maratita, Pedro Ogo, Jesus Villagomez and Ramon Villagomez.

No: Delegates Felipe Atalig, Gregorio Calvo, Jose Mafnas, Vicente Manglona, Francisco Palacios, Oscar Rasa, Leon Taisacan, Juan Tenorio, Manuel Tenorio and Joaquin Torres.

Abstain: Delegates Vicente Attao, Luis Benavente, Olympio T. Borja, Antonio Camacho, Magdalena Camacho, Juan S. Demapan, Lorenzo I. Guerrero, Pedro Igitol, Luis Limes, and Prudencio Manglona.

Floor Leader Rasa: I move that Resolution No. 3 be filed by the Convention.

The motion was seconded and carried by voice vote.

Delegate Jose Mafnas: I move that Resolution No. 5 be adopted unanimously.

The motion was seconded.

Delegate Joaquin Torres: Mr. President, I ask that Delegates who are affected by this Resolution not vote, based on conflict of interest.

Delegate Gregorio Calvo: Mr. President, yesterday the Committee on Governmental Institutions met and agreed to include the name of the author of this Resolution. Am I in order to make an amendment from the floor at this time?

President Guerrero: You are in order to make an amendment if there's no objection.

Delegate Calvo: I would like to make an amendment to include the words "Introduced by Ramon G. Villagomez" following the title sentence of the Resolution. It would then read, "A Resolution offering sincere congratulations to the delegates and other members of the new legislature, as offered by Delegate Ramon G. Villagomez."

The motion was seconded.

Delegate Felipe Atalig: Mr. President, with all due respect to my fellow delegate from Rota, I really don't see a need for inserting the words after "legislature" of "introduced by Delegate Villagomez." I think introducing that would have some significant change on the title itself. And, besides, Mr. President, the original appeared with the introducer's name on the Resolution. It is for that very reason that I am against the proposed amendment.

Delegate Calvo: Mr. President, I just feel that the person introducing this should be given due recognition.

Delegate Olympio T. Borja: Mr. President, I believe it is just a matter of style. If we put the name of the introducer following the title sentence it could affect the title, but I go along with the mover that the name of the introducer should be inserted. I would like to ask the mover if he would have any objection to putting that "introduced by" following "Resolution No. 5" and just above "A Resolution offering...." If he will go along with that, I will support it. I think that would be the most appropriate spot.

Delegate Benigno Fitial: I don't see any need, Mr. President, to insert the name of the introducer. I have never seen a resolution that was passed by a legislative body or any constituted body that included the name of the introducer. I think that if we all agree to endorse this Resolution, it should bear the name of the body, rather than the name of an individual.

Floor Leader Rasa: Mr. President, there is no rule which restricts specification regarding the author, but it is a normal procedure that anything introduced on an individual basis and adopted by the house, should be the property of the house. I have no objection to putting somebody's name as the introducer but, then, there might be some future question as to what will happen to individual proposals which have been taken into consideration by the committees--whether our names would be reflected on the documents--or whatever it is. My point in question is that it is not the normal legislative procedure to have the name of the introducer included in the Resolution which is supposed to be

attested by the officers of the Convention. I think it is necessary that we realize the fact that although we have various ideas coming into the Convention, the action of the Convention should be considered as a unitary action in that only the officials of the Convention should have their names specified in the documents. I would have to oppose such a move simply because it would technically provide precedence for future disputes over ideas as introduced by individual delegates.

Delegate Joaquin Torres: Mr. President, since the issue under debate relates to giving due recognition to individual delegates' effort in this Convention, I move that a verbatim transcript of all those speaking in favor of the Resolution be attached to this Resolution.

President Guerrero: Delegate Torres, we are discussing the motion offered by Delegate Calvo from Rota.

Delegate Torres: I am amending the motion, Mr. President.

Delegate Torres' motion to amend was seconded.

President Guerrero: May I ask the mover of the motion to amend to restate his motion.

Delegate Torres: The motion is to incorporate Delegate Calvo's suggestion of inserting Delegate Villagomez' name in the title of this Resolution. And, then, my motion was to also include a verbatim transcript of all those speaking in favor of this Resolution to be attached to the Resolution before it is submitted to those individuals covered by the Resolution.

On voice vote, Delegate Torres' motion to amend was defeated.

Floor Leader Rasa: Mr. President, I forgot to include that should a person desire to know the name of an introducer, the record will reflect all names of introducers of all measures. To have somebody's name on the Resolution would only duplicate what we already have in the record of the Convention.

Delegate Olympio T. Borja: Mr. President, I am still in support of inserting the name of the introducer. I am, mainly, because yesterday when your Committee deliberated they agreed that we should recognize the author. As pointed out by Floor Leader Rasa, if we don't have a rule specifically providing for this, either we put it or we don't. Our legislature in the Northern Mariana Islands, on bills or resolutions, puts "introduced by." That is provided for in the rules there and although our rules don't so provide, I don't think it would hurt since the Committee recommended doing so. I, therefore, still support the motion to insert the name of the introducer by putting the words "Introduced by Delegate Ramon G. Villagomez" on top of the words "A Resolution."

Delegate David Maratita: I wonder if the Committee Chairman, to which this Resolution was referred, has made a report as to the action taken. That would constitute a record to the Convention, and I believe the action taken yesterday in the Committee would reflect that the person who introduced the Resolution was the Honorable Ramon G. Villagomez and if the action taken by the Committee was favorable. I am neither recommending nor not recommending the approval of inserting the name of the introducer in the Resolution, but I think, as a matter of practice, normally the name of the introducer is not on the final product of a Resolution, or Bill, for that matter. It does not make much difference to me, Mr. President, and I urge that we take a vote.

Delegate Jesus Villagomez: I believe we have had enough discussion on this matter and I, therefore, move we end debate.

The motion was seconded and carried.

Chairman Jose P. Mafnas: Point of privilege. We cannot vote on the amended motion because we have not temporarily suspended Rule 47, according to our Rules of Procedure.

Delegate Olympio T. Borja: I believe with unanimous consent we can entertain any amendment or we can move for the suspension of Rule 47.

Chairman Jose P. Mafnas: Yes, Delegate Borja is correct. That was on Resolution No. 2 and No. 3. We are now discussing Resolution No. 5.

Floor Leader Rasa: I move that we suspend House Rule 47.

The motion was seconded and carried.

Delegate Jesus Villagomez: Point of order. I thought the suspension had to be unanimously approved. I raised up my full opposition to the suspension, therefore, it could not possibly be approved.

President Guerrero: If I am not mistaken, Rule 47 suspension, does not require unanimous consent, but a majority consent.

Delegate Jesus Villagomez: Do you mean that unanimous consent means a simple majority? That is not unanimous consent.

Chairman Felipe Atalig: I don't think the speaker in the back is fully aware of what is specified in Rule 47. Rule 47 does not specify that it has to unanimous consent, therefore, I believe we are in order.

President Guerrero: We will now vote on Delegate Calvo's amendment to the motion. Would the Secretary please read the amendment to the motion?

The proposed amendment was as follows:

I move that the words "Introduced by Delegate Ramon G. Villagomez," appear on the resolution above the words "A RESOLUTION."

Delegate Olympio T. Borja: As I stated earlier, possibly we could put the words "Introduced by," following the "Resolution No. 5", and then the words "A Resolution." If this is acceptable to Delegate Calvo, then this is the amendment to the motion.

President Guerrero: The Chair believes the normal procedure, if you want to include the name of the introducer, is to place it on the top right-hand side of the page: "Introduced by."

Delegate Francisco T. Palacios: We are spending too much time on this kind of monkey-business.

Delegate Gregorio Calvo: I am in agreement with the amendment as stated by Delegate Borja.

The motion to amend the Resolution carried.

Chairman Jose P. Mafnas: I move that the remarks made by Delegate Palacios be stricken from the record. This is not monkey-business.

Delegate Francisco T. Palacios: I am privileged to say whatever I want on the floor.

President Guerrero: The Chair will recognize that that is the privilege of the individual Delegate. But I hope that after this session, Delegate Palacios will request that the Secretary strike that word from the record.

Delegate Francisco T. Palacios: No, Mr. President.

President Guerrero: We will not vote on the adoption of Resolution No. 5, as amended.

The motion was carried.

The Resolution is as follows:

Introduced by Delegate Ramon G. Villagomez

A RESOLUTION

Offering sincere congratulations to the delegates and other members of the new legislature.

WHEREAS, the people of the Northern Mariana Islands have elected a new group of legislators, including delegates to the Constitutional Convention, as members of the new legislature; and

WHEREAS, the delegates and the other new legislators will ensure that preparation for the Commonwealth Government is efficient and thorough; and

WHEREAS, the spirit of unity, effectiveness and fairness necessary to the above endeavors is being promoted by the delegates and the other legislators;

NOW, THEREFORE, BE IT RESOLVED, That the Northern Marianas Constitutional Convention offers its sincere congratulations to the delegates and the other new members of the new legislature, and that a copy of this Resolution be sent to each member of the new legislature.

ADOPTED: November 16, 1976

/s/Lorenzo I. Guerrero
President, Constitutional Convention

/s/Pedro M. Atalig
Convention Secretary

(12) GENERAL ORDERS OF THE DAY - None

(13) MISCELLANEOUS

Chairman Benigno Fitial: Several days ago, this Convention adopted a Resolution, which I introduced, which congratulated the newly elected President of the United States. I want to register my concern that that Resolution was unanimously adopted by the Convention and the introducer was not recognized. It was considered as offered by the Committee of the Whole. Mr. President, there is some inconsistency. I want to point this out for the Convention.

President Guerrero: For your information, there was a motion at that time, if there was no objection, that the Committee of the Whole appear as the introducer of that Resolution.

Chairman Benigno Fitial: I was hoping that the Convention would have more sense of respect for the introducer, the author of the Resolution. I agree with Delegate Palacios, so let us not monkey around.

President Guerrero: I would like the Convention to recognize the presence in the gallery of the students from Marianas High School, as well as their teacher. They are here to study the Convention, as well as being interested citizens of the Northern Marianas.

Delegate Juan D.L.G. Demapan: I want to advise the Convention Delegates to please be careful of the language they use. In the gallery there are several students, and it is very improper for any Delegate in this Convention to use improper or unfair language. Thank you.

Delegate Joaquin Torres: Several people have indicated to me that they are having problems obtaining copies of the proceedings of this Convention. I understand, from these people, that they are not being provided copies because there is no money to duplicate more documents. Perhaps, Mr. President, you can direct the Secretary to make these documents available to anyone upon request. Also, the press has complained to me that they are not receiving copies. The reason given is that there is no money to duplicate copies. I would hope that a box would be provided for the press to obtain copies of the proceedings of this Convention. Not only the Pacific Daily News, but our local paper.

I would also like to find out the status of Delegate Rasa's request for public hearings in Guam.

President Guerrero: There will be a delegation of not more than six members, at least one from each municipality, sent to Guam over the weekend.

Convention Secretary: I would like to make a remark in regard to Delegate Torres' statement. First of all, the press has never approached me in asking that copies be provided for them. We have, in the xerox room, set aside special boxes for them. I have directed my xerox people to provide all reports to the press and to put it in their respective boxes; which they have. I am kind of dissatisfied that the press is going to you and not to me. I wonder if they think you are the Convention Secretary. I have informed my public information officers and administrative assistants to provide information to the public and I have not heard complaints coming to me.

Delegate Benjamin Manglona: Since you have appointed me to head the Delegation for the Rota public hearings, I am proud to announce that the following people were appointed by their respective substantive Committees to go to Rota. They are: Delegates Felipe Atalig, Manuel Tenorio, Herman Q. Guerrero, Joaquin Torres, Luis Benavente, Esteven King, David Atalig, and Greg Calvo. I am proud to say that the people of Rota are looking forward to receiving them with honor. The check-in time will be tomorrow, Wednesday, at 3:30 p.m. at the Continental ticket counter.

Delegate Vicente Manglona: The Delegates going to Tinian are: Benigno Fitial, Juan Tenorio, Jose Cruz, Antonio Camacho, Olympio T. Borja, Juan S. Damapan, Jose Borja, and Pedro Ogo. Also, legal consultant, Mark Weisburd, will accompany our delegation. There are two flights scheduled to Tinian and I would like to see everyone be on schedule.

Delegate Benjamin Manglona: Also accompanying the delegation to Rota are two consultants, and it is a pleasure to have them accompany the delegation to Rota. This delegation will be returning to Saipan, Thursday, at 2:30 p.m. We are scheduling public hearings on Rota on Wednesday at 7:30 p.m. and on Thursday from 8:00 a.m. to 12:00 noon.

Delegate Francisco T. Palacios: I would like to announce the names of the members on the committee for the Saipan public hearings. They are: Delegates Ramon Villagomez, Oscar Rasa, Jesus Villagomez, and all members of the Committee on Governmental Institutions who are not going to Rota and Tinian. Other Delegates not going to Rota and Tinian are welcome to come in and participate in the Saipan public hearings.

I want to meet with the members of the Saipan public hearings immediately following this session to discuss our program.

Delegate Vicente Manglona: I will give the members of the Tinian Public Hearing Delegation copies of the schedule.

President Guerrero: The Chair would like to urge the Delegates who are not going to Tinian and Rota public hearings to participate in the public hearings in Saipan. We will conduct the hearings here starting at 9:00 a.m. tomorrow and the following day. Please check with Delegate Palacios on the schedule to see if there are any changes.

Also, the Chair would like to announce that the group going to Guam sometime this weekend to meet with the University students, will be Chaired by Floor Leader Rasa. Delegate Benigno Fitial will also accompany the group. I would like to check with Delegate Olympio T. Borja to see if he will be able to attend this hearing. The other member will be delegated by the President of the Convention.

Delegate Joaquin Torres: I just came back from the Xerox room as a follow-up on the Convention Secretary's statement, and the Xerox man told me there was no box for the Marianas Variety. So I would hope that you will take care of this.

President Guerrero: We will communicate with our Secretary. For your information, a week ago, the Secretary of the Convention advised me that the Marianas Variety had been neglecting to pick-up their copies.

(14) ANNOUNCEMENTS

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will meet immediately following this session to discuss transitional matters. Copies will be distributed at that meeting.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions will meet immediately following this session to discuss transitional provisions. I urge every member to be present.

President Guerrero: I would like to request that the Delegation from Rota and the Delegation from Tinian should try to select at least one Delegate to accompany the group to Guam for public hearings. Report who you have selected to me please.

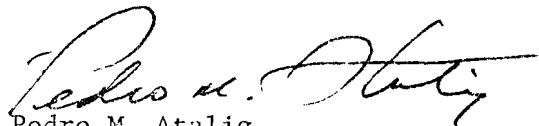
Also, there will be a meeting at 1:00 p.m. today of the three Committee Chairmen, the Floor Leader, Convention Secretary and the three Vice Presidents.

Floor Leader Rasa: Since we will be having public hearings tomorrow and Thursday, I would like to move that the Convention recess until Friday at 2:00 p.m.

The motion was seconded and carried.

The Convention recess at 10:15 a.m.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary