

CONSTITUTIONAL CONVENTION  
of the  
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Thirty-Seventh Day  
Tuesday, November 23, 1976

The Constitutional Convention of the Northern Mariana Islands reconvened while in the Committee of the Whole. It was reconvened at 9:30 a.m.

The Honorable Olympio T. Borja, Delegate, presided.

Delegate Jose P. Mafnas requested that the following speech made during the Committee of the Whole be placed in the record. The speech is as follows:

Delegate Jose P. Mafnas: Mr. Chairman.

The general attitude that a salary of \$12,000 per annum for our legislators is much much too big. We have heard complaints from the public hearings that we must reduce it. We have heard from our constituents and the general public that our generosity by recommending the annual compensation of \$12,000 for our legislators -- this generosity might prevent ratification of the Constitution by our people. We have heard complaints that the consumers will ultimately suffer. We have heard complaints after seven years when the U. S. Government's subsidy stops, by draining this much money to our legislators, our Commonwealth Government will be broke, and that we have no other source of income to pay the legislators.

Yes, Mr. Chairman, I agree with those grievances. I agree with the general public that our legislature should not be an employment institution. I agree, Mr. Public, that our legislators are only thinking of themselves, that you, Mr. Public, had never taken advantage of your congressmen, that you have never knocked at Senator Borja's door at 3:00 in the morning asking for money. I agree that you, Mr. Public had never reminded Senator Herman Q. Guerrero of the coming election when you were asking Senator Guerrero to co-sign for you when applying for a loan at the bank. I agree, Mr. Public, that you always returned the \$500.00 that you borrowed from Senator Manglona. I agree with you, Mr. Public, that when Senator Rasa left for Guam to beg the Guam Legislature for free tuitions for your children who are attending school in Guam, that when Senator Rasa left for this purpose paid out of his pocket, Senator Rasa was only thinking of himself. I agree with you, Mr. Public, that you never credited goods and commodities from Senator Cruz's store and even if you did, Senator Cruz had never come after you for the payments, and if Senator Cruz went after you for the payment Senator Cruz is a bad man. Yes, Senator Cruz, you are only thinking of yourself, that's why your profits kept on going down.

I agree with you, Mr. Public, that after spending lots of money, even to the extreme of selling your properties, for the education of your children, your son who wants to be a congressman should be paid a low salary. I agree that your congressmen should not provide your family a good home, that your wife is crazy for asking for an electrical stove, that you should complain at all if the bank repossess your car, that your children should not complain for their school supplies, that you should not save money for their education in the future, that you, Mr. Congressmen, should not have more than one child because you cannot afford more than one child, because remember that Mr. Public will be knocking at your door for "give me money, give me money."

Yes, Mr. Chairman, a congressman does not have to campaign nowadays. A congressman who is up for re-election does not have to spend money for his campaign. He does not have to entertain his constituents. A congressman should not be paid equitably to meet his social obligation.

Mr. Chairman, I object to paying our congressmen \$12,000 per annum. Let's give them nominal wages, since only the low calibre people will be in these. Let these low calibre people work out a plan for our new government, let them come up with a magic formula to carry us over and our future generations after the U. S. Government says, we promised to help you for seven years, now you are on your own. Let these second class quality congressmen face the U. S. Congress to bail us out. Let them justify why we did not have a self-sustaining economy. Let them be rubber-stamps to the Governor because they don't know better. Let them legislate our laws, the kind of laws that will guarantee the bankruptcy of our Commonwealth Government.

Nominal salary will tend to invite average capacity people. Average capacity people will produce an average work. Average work will be disastrous to our Commonwealth Government and Commonwealth welfare.

The Plenary Session of the Convention was called to order at 8:10 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

Chairman Benjamin Manglona: Yesterday, your Committee of the Whole adopted unanimously Article I of the Draft Constitution, as amended, regarding "Personal Rights;" Article XV, as amended, regarding "Education;" and Article XVI, regarding "Corporations."

Floor Leader Rasa: I move that Article I, regarding "Personal Rights," be adopted by the Convention, as amended by the Committee of the Whole.

The motion was seconded.

Delegate Juan P. Tenorio: Point of information. Since this Article is being considered on Second and Final Reading, could this Article be recalled later under Convention Rule 51?

President Guerrero: Yes, provided you make your request at least one day in advance.

Delegate David Maratita: Is this also the time when a 3/4 vote is required for passage?

President Guerrero: Yes, that is correct.

Floor Leader Rasa: I move for the previous question.

The motion was seconded and carried.

The motion to adopt Article I, as amended, regarding "Personal Rights," on Second and Final Reading, was carried by roll call vote. The votes are as follow:

YES: Delegates David Atalig, Felipe Atalig, Pedro Atalig, Vicente Attao, Felix Ayuyu, Luis Benavente, Jose Borja, Olympio Borja, Antonio Camacho, Carlos Camacho, Magdalena Camacho, Daniel Castro, Jose Cruz, Pedro Dela Cruz, Juan S. Demapan, Hilario Diaz, Benigno Fitial, Herman Guerrero, Lorenzo Guerrero, Henry Hofschneider, Esteven King, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, David Maratita, Pedro Ogo, Francisco Palacios, Oscar Rasa, Leon Talsacan, Juan Tenorio, Manuel Tenorio, Jesus Villagomez and Ramon Villagomez. (35 votes)

NO: Delegate Gregorio Calvo. (1 vote)

Article I, regarding "Personal Rights," as adopted by the Convention on Second and Final Reading is as follows:

ARTICLE I: PERSONAL RIGHTS

Section 1: Laws Prohibited. No law shall be made that is a bill of attainder, an ex post facto law, a law impairing the obligation of contracts, or a law prohibiting the traditional art of healing.

Section 2: Freedom of Religion, Speech, Press and Assembly. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Section 3: Search and Seizure. The right of the people to be secure in their persons, houses, papers and belongings against unreasonable searches and seizures shall not be violated.

a) No warrants shall issue except upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

b) No wiretapping, electronic eavesdropping or other comparable means of surveillance shall be used except pursuant to a warrant.

c) Any person adversely affected by an illegal search or seizure has a cause of action against the government within limits provided by law.

Section 4: Criminal Prosecutions. In all criminal prosecutions certain fundamental rights shall obtain.

a) The accused has the right to assistance of counsel and, if convicted, has the right to counsel in all appeals.

b) The accused has the right to be confronted with adverse witnesses and to have compulsory process for obtaining favorable witnesses.

c) No person shall be compelled to give self-incriminating testimony.

d) There shall be a speedy and public trial.

e) No person shall be put twice in jeopardy for the same offense regardless of the governmental entity that first institutes prosecution.

f) Excessive bail shall not be required.

g) Excessive fines shall not be imposed.

h) Cruel and unusual punishment shall not be inflicted.

i) Capital punishment is prohibited.

j) Persons who are under eighteen years of age shall be protected in criminal judicial proceedings and in conditions of imprisonment.

Section 5: Due Process. No person shall be deprived of life, liberty or property without due process of law.

Section 6: Equal Protection. No person shall be denied the equal protection of the laws. No person shall be denied the enjoyment of civil rights or be discriminated against in the exercise thereof on account of race, color, religion, ancestry or sex.

Section 7: Quartering Soldiers. No soldier in time of peace may be quartered in any house without the consent of the owner, nor in time of war except as provided by law.

Section 8: Trial by Jury. The legislature may provide for trial by jury in criminal or civil cases.

Section 9: Clean and Healthful Environment. Each person has the right to a clean and healthful public environment.

Section 10: Privacy. The right of individual privacy shall not be infringed except upon a showing of compelling interest.

Chairman Felipe Atalig: On behalf of the Committee on Personal Rights and Natural Resources and the people of the Northern Marianas I am proud to announce the by-product of the work of the Committee. Let history show that for the first time the Convention approved an Article with the 3/4 vote. Let me congratulate the members of the Committee and Delegates of this Convention, and particularly the Chairman of the Committee.

Delegate Pedro Dela Cruz: Point of privilege. May we ask the distinguished Chairman to please get up and bow.

Chairman Felipe Atalig: I will do so and I would also like to recognize the legal consultants of this particular Committee, which the Delegates failed to approve a Resolution commending them for their excellent job. Let the record show that it was through their work that the Convention approved the first Article. Thank you.

Floor Leader Rasa: I move that the Convention adopt Article XV, regarding "Education," as amended by the Committee of the Whole, on Second and Final Reading.

The motion was seconded.

Roll call vote to adopt Article XV, as amended, was carried unanimously.

Article XV, regarding "Education," as adopted by the Convention on Second and Final Reading is as follows:

#### ARTICLE XV: EDUCATION

Section 1: Education: a) Every person in the Northern Mariana Islands shall have the right to free, compulsory and public elementary and secondary education within age and educational levels as provided by law.

b) There shall be higher education and adult education within the Northern Mariana Islands, consistent with the needs and resources of the people, as provided by law.

Chairman Benigno Fitial: On behalf of the people of the Northern Marianas and the future generations of the Northern Marianas, I wish to thank all the Delegates for voting unanimously for approval of this Article on "Education." It is a very important Article and I wish to thank all of you for your deep concern.

Floor Leader Rasa: I move that Article XVI, regarding "Corporations," be adopted by the Convention.

The motion was seconded.

Delegate Olympio T. Borja: I move for the previous question.

The motion was seconded and carried.

Roll call vote to adopt Article XVI, regarding "Corporations," was carried unanimously.

Article XVI, regarding "Corporations," as adopted by the Convention on Second and Final Reading is as follows:

#### ARTICLE XVI: CORPORATIONS

Section 1: Corporations. No private business corporation shall be organized and no existing corporate charter shall be extended or amended except by general laws.

Delegate Pedro Dela Cruz: Mr. President and fellow Delegates. On behalf of our Committee I would like to extend our appreciation for your voting unanimously.

Delegate Olympio T. Borja: Your Committee of the Whole, under my Chairmanship, discussed Article II, regarding the "Legislative Branch." Extensive deliberation and debate has taken place and as a result of that debate considerable changes have been made. I am pleased to report that the Committee of the Whole has adopted Article II, regarding the "Legislative Branch," as amended. At this time, Mr. President, I would like to move that the Convention adopt Article II, regarding the "Legislative Branch," as amended for the Second and Final Reading.

The motion was seconded.

Delegate Ramon Villagomez: I move for the previous question.

The motion was seconded.

Chairman Jose Mafnas: Point of privilege. May we have a short recess please.

President Guerrero: We will have a short recess subject to the call of the Chair.

The Convention recessed at ~~9:31~~ p.m. 8:31

RECESS

The Convention reconvened at 9:39 p.m. 8:39

Delegate Ramon Villagomez: I would like to withdraw my motion for previous question. I now move to suspend Rule 47 of our Rules of Procedure.

The motion was seconded and carried.

Delegate Ramon Villagomez: I move to amend Article II, Section 3, so that the composition of the lower house of the legislature would be 14 members--12 from Saipan and the Northern Islands, 1 from Rota and 1 from Tinian. I would like to add, for the benefit of the Northern Islands, that language be added to give them entitlement to 1 Representative as soon as their population reaches 800 to 900 people, or whatever Tinian has now. Also, I move that that the maximum number of legislators will be twenty.

The motion was seconded.

Delegate Benjamin Manglona: I wish to speak in opposition of the proposed amendment. I feel that one Representative from Rota would not be capable of coping with the activity of the legislature in order to well represent his constituents. Of course, we are interested in savings, but we can make savings in other areas of expenditure of the legislature. This afternoon I voted on the reduction of the legislator's salary from \$12,000 to \$8,000 per annum, merely to show the Convention that I am also in support of reducing the cost of the new Commonwealth Legislature. I feel it is useless to debate further on this matter. Many people have expressed their feelings one way or the other. At this time, I wish to ask the Delegates to keep in mind my justification for opposing this particular amendment.

Delegate Joaquin Torres: Could I be enlightened as to the reason for setting the maximum number of legislators at 20?

Delegate Ramon Villagomez: My answer to that question is that we are making a Constitution for a very long period of time and there will be an increase in population in the future and there will be a need to increase the number of legislators in the lower house in the future. At the same time, we have to allow for increases in the number of legislators, but we have to set a limit. In my own personal opinion, I feel that 20 members will be sufficient to account for the future increase in population.

Delegate Joaquin Torres: Are we to understand that 20 is an arbitrary number?

Delegate Ramon Villagomez: Yes, it is, because we have no way of knowing how many people will be here in 50 years. It has to be arbitrary to a certain extent.

Delegate Pedro Dela Cruz: I have a question to ask.

Delegate Villagomez is in favor of 12-1-1 composition of the lower house, and he mentioned that if his proposal is turned down by the Convention then Article II will not pass. I would like to ask Mr. Villagomez if he is threatening the Convention.

Delegate Ramon Villagomez: No, I am not threatening the Convention. I am warning the Convention of what I expect will happen.

Delegate Pedro Dela Cruz: I would like to ask the mover what is his objection to granting two Representatives to Rota?

Delegate Ramon Villagomez: The major objection is that it will create a great deal of imbalance. This would raise the maximum deviation to approximately 53 to 54 percent. The 12-1-1 composition will have a deviation of approximately 36 percent.

Delegate Pedro Dela Cruz: Our consultant, Mr. Willens, mentioned this morning that maximum deviation is not a legal matter. If I am wrong, please correct me.

Consultant Willens: Certainly the deviation figures are a matter of legal concern.

Delegate Pedro Dela Cruz: I drop my question and stand corrected.

Delegate Pedro Atalig: I would like to further amend Article II, Section 10, by changing the salary of the legislators from \$8,000 to 11,000 per annum.

Floor Leader Rasa: The motion is out of order since we are now discussing Article II, Section 3.

Delegate Pedro Atalig: I withdraw my motion.

Delegate Jose Cruz: The Convention is considering striking down the number of legislators from Tinian to one. I rise to oppose this proposed amendment, simply because it would not be to the advantage of the best interests of the people of Tinian. Rota and Tinian have joined hands to try and help each other because we have had limited resources and least number of representatives in any delegation. I urge my colleagues from Tinian to vote against this proposed amendment.

Delegate Francisco Palacios: I recognize the concern of the Delegates regarding the changes in the number of legislators. Rota from 3 to 1; Tinian from 2 to 1; and Saipan from 25 to 12. Saipan lost 13, Rota lost 2 and Tinian lost 1. I think later on we can increase the numbers of legislators.

Delegate Juan P. Tenorio: I move for the previous question.

The motion was seconded and defeated.

Floor Leader Rasa: I have accessed the marriage of the proposed amendment and I share the concern of our Delegates from the other municipalities. However, when I look at the composition of the senate I am convinced the proposed amendment is appropriate since I consider myself to be a representative of the people of the Northern Marianas.

Delegate Ramon Villagomez: I move for the previous question.

The motion was seconded and carried.

The motion to adopt the proposed amendment on Article II, Section 3, that the composition of the lower house of the legislature will be 12 for Saipan, 1 for Rota, and 1 for Tinian with a maximum of 20 legislators, was voted on by a roll call. The vote was as follows:

YES: Pedro Atalig, Felix Ayuyu, Jose Borja, Antonio Camacho, Carlos S. Camacho, Magdalena Camacho, Daniel Castro, Juan S. Demapan, Benigno Fitial, Herman Guerrero, David Maratita, Francisco Palacios, Oscar Rasa, Juan P. Tenorio, Joaquin Torres, Jesus Villagomez, and Ramon Villagomez.

NO: Felipe Atalig, Vicente Attao, Gregorio Calvo, Jose Cruz, Pedro Dela Cruz, Hilario Diaz, Henry Hofschneider, Esteven King, Luis Limes, Benjamin Manglona, Prudencio Manglona, Pedro Ogo, Jose Mafnas, Vicente Manglona, and Leon Taisacan.

ABSTAIN: David Atalig, Luis Benavente, Olympio Borja and Lorenzo Guerrero.

The motion was carried.

Floor Leader Rana: I move for a five-minute recess.

President Guerrero: We will have a short recess, subject to the call of the Chair.

The Convention recessed at 9:05 p.m.

RECESS

The Convention reconvened at 9:23 p.m.

Delegate Pedro Atalig: Since we have already suspended Rule 47, I would like to move the the Convention amend Article II, Section 10, by changing the legislators compensation from \$8,000 to \$12,000 per annum.

The motion was seconded.

Chairman Felipe Atalig: I believe, originally, the Delegate making the motion was in favor of the lower salary in order to reduce cost of the legislature.

Delegate Pedro Atalig: When I made my remarks this morning, I was concerned with the size of the legislature, not the salary. I think that \$12,000 is a reasonable salary for a legislator and commensurate with his position in life. I do not want a legislator living in a shack. I do not want a legislator's children not to be able to enjoy the comforts of life. I want quality. You cannot attract a qualified person for \$8,000. You cannot attract an attorney to be a legislator for \$8,000. When an attorney gets out of law school, his beginning salary is usually from \$11,000 to \$15,000 a year. You might attract an attorney who has already retired and just wants the status itself. A lot of young professional people want to help our community, but the salary will not attract them. I think Chairman Mafnas has stated this before in a Committee report. I hope you understand this.

Delegate David Maratita: I am in support of the amendment for the sole reason that we have reduced the size of the legislature. Now that we have reduced the size, I would like the members to reconsider this amendment to raise the salaries from \$8,000 to \$12,000.

Delegate Pedro Dela Cruz: This afternoon we discussed this at length. We even discussed the type of people we would be getting in the legislature. Some of the Delegates stated that the main concern of their constituents is salary. Are we going back again to the same subject and the same discussion? I move we end debate.

The motion was seconded.

President Guerrero: Before we end debate there are several other Delegates who wish to speak.

Delegate Manuel Tenorio: I don't know if \$12,000 is proper or \$8,000, for that matter. If you compute the cost of salaries per year for the 14 Representatives and 9 Senators you will get \$276,000 for salaries alone at \$12,000 per year for each legislator. At \$8,000 per year, the cost of salaries is \$224,000 per year, which is a difference of \$52,000. I am very much concerned with the public opinion regarding the salary of \$12,000. As stated in the public hearings held last week, the public is not in favor of \$12,000. I believe you have seen sufficient evidence that if this salary of \$12,000 is adopted, we might not get this Constitution ratified by the people. Mr. President, if I am in order I would like to amend the motion to read \$10,000.

President Guerrero: Because of extensive debate, we will proceed with the original motion and not accept your motion at this time.

Delegate Esteven King: I strongly oppose the amendment to Section 10. Even though you may travel around the world and you have 10,000 certificates or diplomas, you don't necessarily have quality. In this Convention, for example, some of the other candidates who wished to be Delegates may have been more qualified. People of

quality are sometimes crooks. This is not to limit the salary but to give an appropriate and accurate start. We are trying to start a beginning -- the beginning of the Commonwealth -- the beginning of our legislature. We had public hearings and the people gave their opinions. We need to take these opinions into consideration. Let's be more realistic. We don't want to cripple the people of our new Commonwealth. To good can be the bad and the bad can be the good. We are doing jumping-jack debate in this Convention. We need to work seriously because our people deserve a workable Constitution. This is a beginning and not a limitation.

Delegate Benjamin Manglona: I wish to speak in opposition of the motion to increase the compensation of the legislator's from \$8,000 to \$12,000. I am beginning to question the integrity of this Convention. This afternoon we were very much concerned with the cost of the salaries of our legislature. With 23 members in the legislature each earning \$12,000, that will mean a total salary of \$276,000. This formula with fewer legislators is more expensive than the original plan of more legislators, but with less salary. The original plan would save us \$52,000. Although we had more membership in the original proposal we could have saved \$52,000 with the \$8,000 salary. Saving is the prime factor in our decision. Therefore, Mr. President, I want to be consistent in my position this afternoon and I want to retain the \$8,000 as originally proposed.

Delegate Henry Hofschneider: We are having serious discussion and I wish all the Delegates would pay attention and stop playing around back here.

Floor Leader Rana: I would like to speak on my position to the proposed amendment. Arguments have been posed as to the necessity of attracting quality people. If money is used as a motivational factor for one to produce quality work, I don't think it would be produced as intended or anticipated. We have seen quality people forced to resign from public offices for activities which never contributed to the development of the people -- activities which were illegal in nature. These people were put in these offices because it was thought they were quality people. So the argument that money will attract quality people is a relative argument and cannot be used in its absolute sense. Furthermore, I would like to entertain this Convention by being a victim of circumstances due to public opinion. On many occasions I have risen to defend people as I saw fit. On occasions the majority has voted against the dictates of my own reasoning. Now public opinion has spoken once again and we are back once again to say that the public opinion is not that accurate and appropriate. All over the Marianas the people are tired of the work of the legislator's. I regret that this had to happen because I think the legislature has done many services for the people. But this is the case and I am answerable to no court of behavior except the dictates of my own reasoning. I will not place again myself to be a victim of circumstances. Let us place our decision on what the public desires. The people have spoken and they want a salary which is low, a salary which is commensurate to what they feel is appropriate -- \$8,000 is appropriate.

Delegate Vicente Manglona: I move to end debate.

The motion was seconded.

President Guerrero: There are still three other people who wish to speak. Would you withdraw your motion?

Delegate Vicente Manglona: I withdraw my motion.

Delegate Luis Llimas: I have come to the conclusion that we are so concerned about ourselves that we have, more or less, forgotten why we are here. In regard to compensation, I think all of us have sacrificed something. We had to come here to form something that was already dreamed of, yet it is sad that a few of us are still dreaming of charisma. Mr. President, I think the majority has spoken. We will be forming an internal government that will enable us to govern ourselves, and this is the moment that we should make a sacrifice, because what the United States has given us is seven short years. We have made promises to our constituents that we will do what is necessary for the betterment of the future. Yet I feel sad, because we all know as working people that we need to make a sacrifice. Let us start from the bottom and work up. We don't start from the top and fall down to the bottom. I fear if we start from the middle, which is \$12,000, we couldn't explain to our people that \$12,000 is good. I think the false lies, and I am sorry to say this, but we are the ones who are going out and giving them money. "But if you believe in me, I will do this for you." There are times when what we are doing is not proper.



I feel, in reference to Section 10, \$8,000 is the proper salary for the members of the legislature.

Delegate Magdalena Camacho: At this time I would like to endorse the amendment since the number of members in the House has been reduced to 14. The reason I endorsed \$8,000 in the beginning is because we had passed the proposal for the number of members of the House to be 19. We have to consider that our standards of living will be going up. If we are going to give the legislators \$8,000 and then some of the clerks \$8,000, I don't know how you will distinguish the two. I, therefore, move for previous question.

President Guerrero: I still have speakers who wish to speak.

Delegate Magdalena Camacho: I understand that, but we have been deliberating this since Committee of the Whole.

President Guerrero: This is a very important stage of this Convention and we need to deliberate this issue as much as we can.

Delegate Francisco Palacios: This morning I asked the Committee of the Whole to reduce the salary because the proposed number of members for the House and the Senate was 28 and it would cost our people \$336,000. This evening we reduced the number to 21 and proposed to give each legislator \$12,000. That would be \$252,000. If we keep the composition at 28 and give each member \$8,000, that would be a difference of \$26,000. Now, the number was reduced tonight by 25 percent. Other than salary, there will be more expenses with a high number of legislators -- staff, materials, office expenses and other fringe benefits. Therefore, if we keep the compensation at \$12,000 and reduce the number of members we are reducing the actual cost. We need to look at our economy and labor market. As soon as the Marianas becomes a constitutional government our people will be able to move to the mainland. Unless we compensate our people better, we will not be able to attract good people. I am looking at all areas to assess and analyze the cost. I feel that if we reduce the number of legislators in the lower house to 14, we need to get good qualified people.

Delegate Jose Borja: I wish to speak in support of the amendment. A lot of speakers have said the people are in objection of the higher salary, but I think the composition was actually the main concern. After reviewing the public hearing reports, I think that composition was the people's concern and not salary. I am in agreement with Delegate Palacios' statement. A person will seek a better opportunity as far as salary. By offering a high salary for the job of legislator you will create competition and get better qualified people. I am in support of this amendment.

Delegate Vicente Manglona: Point of information. I believe Delegate Palacios made a mistake in his speech. It should be 23 members and not 21.

Chairman Benigno Fitial: I rise in opposition of the proposed amendment, which will increase the annual salary of the legislator's from \$8,000 to \$12,000. I want to be consistent. We need to base the salary, first on the need, and then on the available resources. I understand that compensation compliments the composition of the legislature. At the present time the Northern Marianas are capable of generating only slightly over one million dollars per annum. If the composition of 12-1-1 for the lower house and 3-3-3 for the upper house is approved, that will be \$276,000 in salary alone per annum for just the legislature. That represents 17 percent of the total collected per annum for the Northern Marianas, 17 percent would go to 21 legislators which is only a fraction of the total population of 15,000 people. In the interest of our meager economy, \$8,000 for the annual salary of our legislator's is still high compared to the average wage earner, who earns \$3,000 per annum. This can be remedied in the future and we have provided a remedy in the Constitution for an adjustment to be made if it is warranted. Therefore, Mr. President, I move to end debate.

The motion was seconded.

President Guerrero: The Chair still has people who wish to speak on this issue.

Delegate Olympio Borja: I rise in support of an increase in salary, but not necessarily to \$12,000. Mr. President, if we approve the \$8,000 it will be for at least four years as provided in the Constitution, from the date the Constitution takes effect. That means we will be setting the legislator's salaries for at least five years, not just for one or two. Remember when the legislature fixed the salary for the Constitutional Convention Delegates, they went ahead with the \$30 per day. That would give you close to \$11,000 per year at the \$30 per day rate. The legislature set that salary to attract competent people, and I am pleased to see the quality here. I would like to call the attention of the Delegates to the Consumer Price Index in the Pacific Daily News on November 23rd. On page 6 A, it shows that the cost of living has gone up 31 percent within four years. Since 1972, the Congress of Micronesia has been receiving \$12,000 per annum for each Congressman. Should we trap the new legislators at the \$8,000 per year salary with the cost of living rising as fast as it is? We need to look at other salaries besides those of the legislator's. There will be changes in the future. We need to frame a Constitution that will provide some lee-way, at least to \$11,000, so we will be fair to our legislators. Therefore, I would like to ask my fellow Delegates to at least consider \$11,000. If we have 23 legislators at \$11,000 per annum, that would be \$253,000 per annum, a savings of \$23,000. I would like to ask that the Delegates at least consider \$11,000, even though I don't feel \$12,000 is too high. This is for the sake of a good legislature in the future. Thank you.

Delegate Juan P. Tenorio: When I voted on the compensation this afternoon, I was not getting that figure from the air, I arrived at it after some study. The revenue to be collected in 1978 is only 1.6 million. The potential cost of the new legislature is a million plus. What will the the people of the Commonwealth do? Will they benefit that much? As Delegate Fitial says, \$8,000 is too much. Let's be realistic.

Delegate Jose Cruz: I have heard some Delegates speak against the \$12,000 per annum, who now favor it. On the other hand, those who favored it are now speaking against it. I still say that you can attract quality people with a good salary, but if this Convention seriously wants to save some money, why not lower the salary. I, therefore, move to amend the amendment to \$6,000 per annum salary for each legislator.

The motion was seconded.

President Guerrero: I will not entertain your motion at this time.

Delegate Pedro Atalig: I withdraw my motion, Mr. President.

Delegate Jose Cruz: I move that the salary for the legislator's be set at \$6,000 per annum.

The motion was seconded.

President Guerrero: Do I understand, Delegate Atalig, that you are withdrawing your motion after very extensive deliberation?

Delegate Pedro Atalig: Yes, Mr. President.

Delegate Ramon Villagomez: I am in full support of the \$8,000 and I don't think we should debate the subject any longer. I, therefore, move that we end debate.

The motion was seconded and carried.

Delegate Jose Cruz: If this Convention seriously wishes to save public money, we should lower the salaries to \$6,000. I, therefore, moved that the salary of the legislator's be \$6,000 per annum, which is an amendment to Article II, Section 10 of our draft Constitution.

The motion to amend Article II, Section 10 of the draft constitution, that the salary of the legislator's be \$6,000 instead of \$8,000 per annum was voted on by roll call. The vote was as follows:

YES: Delegates Felipe Atalig, Felix Ayuyu, Olympio Borja, Gregorio Calvo, Antonio Camacho, Magdalena Camacho, Jose Cruz, Pedro Dela Cruz, Hilario Diaz, Henry Hofschneider, Pedro Igitol, Esteven King, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, Leon Taisacan, and Pedro Atalig.

No: Delegates David Atalig, Vicente Attao, Luis Benavente, Jose Borja, Carlos Camacho, Daniel Castro, Juan S. Demapan, Benigno Fitial, Herman Guerrero, Larry Guerrero, Luis Limes, David Maratita, Pedro Ogo, Francisco Palacios, Oscar Rasa, Juan Tenorio, Manuel Tenorio, Joaquin Torres, Jesus Villagomez, and Ramon Villagomez.

The motion was defeated.

Delegate Juan S. Demapan: I think we have a problem in this Convention. I think the Convention has no sense of thought here. We are running back and forth. I want the adoption of the legislative branch. I think we should adopt the 12-2-1 composition instead of the 12-1-1 composition of the lower house. It is only an addition of one man. I think we have strong justification. I don't think we should argue all night long. Rota needs an additional man in Congress. Our problem is that Rota needs one additional representative in the lower house.

President Guerrero: There will be a short recess subject to the call of the Chair.

The Convention recessed at 10:28 p.m.

RECESS

The Convention reconvened at 10:40 p.m.

Floor Leader Rasa: I move for the previous question.

The motion was seconded and carried.

Motion to adopt Article II, regarding "Legislative Branch," as amended by the Committee of the Whole was voted on by roll call. The vote was as follows:

YES: Delegates Felix Ayuyu, Luis Benavente, Jose Borja, Olympio Borja, Antonio Camacho, Carlos Camacho, Magdalena Camacho, Daniel Castro, Juan S. Demapan, Benigno Fitial, Herman Guerrero, Lorenzo Guerrero, Pedro Igitol, Francisco Palacios, Oscar Rasa, Juan Tenorio, Manuel Tenorio, Joaquin Torres, Jesus Villagomez and Ramon Villagomez. (20 votes plus 2 abstain votes)

NO: Delegates Felipe Atalig, Pedro Atalig, Vicente Attao, Gregorio Calvo, Jose Cruz, Pedro Dela Cruz, Hilario Diaz, Henry Hofschneider, Esteven King, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, Pedro Ogo and Leon Taiscan. (16 votes)

ABSTAIN: Delegates David Atalig and David Maratita. (2 votes which were counted as a "yes" vote, as per President Guerrero's prior order.)

The motion was defeated.

Floor Leader Rasa: I move that Section 1 of Article II, regarding "Legislative Branch," be adopted.

The motion was seconded.

Delegate Jose Cruz: I see a possible parliamentary maneuver here. By having this Convention passing Article II by sections, it might endanger the best interests of the people of the minority municipality.

Floor Leader Rasa: We all agree with all the Sections of Article II, except the composition of the House. In order to make this brief, I would like to amend my motion that we approve all Sections of Article II, except Section 3.

The motion was seconded.

Delegate Benigno Fitial: I move for the previous question.

The motion was seconded and carried.

Floor Leader Rasa: For clarification, it is my intention that after the passage of all Sections of Article II, except Section 3, I will make another motion that Section 3 be placed on tomorrow's calendar.

Motion to adopt all Sections of Article II, regarding "Legislative Branch," except Section 3, was voted on by roll call. The vote was as follows:

YES: Delegates David Atalig, Felipe Atalig, Vicente Attao, Felix Ayuyu, Luis Benavente, Jose Borja, Olympio Borja, Gregorio Calvo, Antonio Camacho, Magdalena Camacho, Pedro Dala Cruz, Juan S. Demapan, Hilario Diaz, Benigno Fitial, Herman Guerrero, Lorenzo Guerrero, Pedro Igitol, Luis Limen, Vicente Manglona, David Maratita, Pedro Ogo, Francisco Palacios, Oscar Rasa, Juan Tenorio, Manuel Tenorio, Jesus Villagomez and Ramon Villagomez. (28 votes, plus, 2 abstention).

NO: Delegates Carlos Camacho, Daniel Castro, Jose Cruz, Henry Hofschneider, Esteven King, Jose Mafnas, Prudencio Manglona and Leon Taisacan. (8 votes)

ABSTAIN: Delegates Pedro Atalig and Benjamin Manglona. (2 votes which were counted as "yes" votes, as per President Guerrero's prior order.)

The motion carried.

Article II, regarding "Legislative Branch," as adopted by the Convention on Second and Final Reading, except for Section 3, is as follows:

#### ARTICLE II: LEGISLATIVE BRANCH

Section 1: Legislative Power. The legislative power of the Commonwealth shall extend to all rightful subjects of legislation and shall be vested in a Northern Marianas Commonwealth legislature composed of a senate and a house of representatives.

Section 2: Composition of the Senate.

a) The senate shall consist of nine members with three members elected at large from each of the three senatorial districts. The first senatorial district shall consist of Rota, the second senatorial district shall consist of Tinian and Aguiguan, and the third senatorial district shall consist of Saipan and the islands north of it. The senate shall be increased to twelve members and three members shall be elected at large from a fourth senatorial district consisting of the islands north of Saipan at the first regular general election after the population of these islands exceeds one thousand persons.

b) The term of office for senator shall be four years except that the candidate receiving the third highest number of votes in the first election in each senatorial district shall serve a term of two years.

c) A senator shall be qualified to vote in the Commonwealth, at least twenty-five years of age, and a resident and domiciliary of the Commonwealth for at least five years immediately preceding the date on which the senator takes office. A longer residency and domicile requirement may be provided by law.

Section 4: Reapportionment and Redistricting.

a) At least every ten years and within one hundred twenty days following publication of the results of a decennial census, the legislature shall reapportion the seats in the house of representatives or revise the districts for electing representatives. A reapportionment or redistricting plan shall provide for contiguous and compact districts and for representation by each member of the house of representatives of approximately the same number of residents to the extent permitted by the separate islands and the distribution of population in the Commonwealth.

b) If the legislature fails to act pursuant to subsection (a), the governor shall promulgate a reapportionment or redistricting plan within one hundred twenty days after the expiration of the time for the legislature to act. The governor's plan shall be published in the same manner as an act of the legislature and upon publication shall have the force of law. Upon the petition of any person qualified to vote, the Commonwealth appeals court or the United States District Court if no Commonwealth appeals court has been created under section 3 or article IV has original and exclusive jurisdiction to review and plan and to amend it to comply with the requirements of this Constitution or to establish a plan if the governor has failed to act within the time provided.

Section 5: Enactment of Legislation.

a) Appropriation and revenue bills may be introduced only in the house of representatives. Other bills may be introduced in either house of the legislature.

b) A bill shall be confined to one subject except bills for appropriations or bills for the codification, revision or rearrangement of existing laws. Appropriation bills shall be limited to the subject of appropriations. Legislative compliance with the requirements of this subsection is a constitutional responsibility not subject to judicial review.

c) The legislature may not enact a law except by bill and no bill may be enacted without the approval of at least a majority of the votes cast in each house of the legislature.

Section 6. Local Laws. Laws that relate exclusively to local matters within one senatorial district may be enacted by the legislature or by the affirmative vote of a majority of the members representing that district. The legislature shall define the local matters that may be subject of laws enacted by the members from the respective senatorial districts, laws enacted through initiative by the voters of a senatorial district under article IX, section 1, regulations promulgated by a mayor pursuant to article VI, section 3(e), or local ordinances adopted by agencies of local government established under article VI, section 6(b).

Section 7: Action on Legislation by the Governor.

a) Every bill enacted shall be signed by the presiding officer of the house in which the bill originated and transmitted to the governor. If the governor signs the bill, it shall become law. If the governor vetoes the bill, it shall be returned to the presiding officer of each house of the legislature with a statement of the reasons for the veto. The governor may veto an item or section in an appropriation bill and sign the remainder of the bill.

b) The governor shall have twenty days in which to consider appropriation bills and forty days in which to consider other bills. If the governor fails either to sign or veto a bill within the applicable period, it shall become law.

c) A bill or item of a bill vetoed by the governor may be reconsidered by the legislature. If two-thirds of the members in each house vote upon reconsideration to pass the bill or item, it shall become law.

Section 8: Impeachment. The legislature may impeach those executive and judicial officers of the Commonwealth subject to impeachment under this Constitution. The house of representatives may initiate impeachment proceedings by the affirmative vote of two-thirds of its members and the senate may convict after hearing by the affirmative vote of two-thirds of its members.

Section 9: Vacancy. A vacancy in the legislature shall be filled by special election if one-half or more of the term remains. If less than one-half of the term remains, the governor shall fill the vacancy by appointing the unsuccessful candidate for the office in the last election who received the largest number of votes and is willing to serve, or if no candidate is available, any person qualified for the office from the district represented.

Section 10: Compensation. The members of the legislature shall receive an annual salary of eight thousand dollars and reasonable allowances for expenses provided by law. The salary of members may be changed no more than once every four years and only upon the recommendation of an advisory commission established by law to make recommendations concerning the compensation of Commonwealth executive, legislative and judicial officers. No change in the salary may be made that exceeds the percentage change in an accepted composite price index for the period since the last change. An increase in salary may not apply to the legislature that enacted it.

Section 11: Other Government Employment. A member of the legislature may not serve in any other Commonwealth government position including an independent board, agency, authority or commission established by this Constitution or by Commonwealth law.

Section 12: Immunity. A member of the legislature may not be questioned in any other place for any written or oral statement in the legislature and a member of the legislature may not be subject to arrest while going to or coming from a meeting of the legislature except for treason, a felony or breach of the peace.

Section 13: Sessions. The legislature shall meet for organizational purposes on the second Monday of January in the year following the regular general election at which members of the legislature are elected and shall be a continuous body for the two years between these organizational meetings. Each house shall meet in regular sessions as provided by its rules of procedure and may be convened at other times by its presiding officer or by the governor. When meeting pursuant to a call by the governor, the legislature shall consider only those subjects described in the call.

Section 14: Organization and Procedures.

a) Each house of the legislature shall be the final judge of the election and qualifications of its members and the legislature may vest in the courts the jurisdiction to determine contested elections of members. Each house may compel the attendance of absent members, discipline its members and, by the affirmative vote of three-fourths of its members, expel a member for commission of treason, a felony, breach of the peace, or violation of the rules of that house.

b) Each house of the legislature shall choose its presiding officer from among its members, establish the committees necessary for the conduct of its business, and promulgate rules of procedure. Each house may compel the attendance and testimony of witnesses and the production of books and papers before the house or its committees. The legislature shall keep a journal of its proceedings that shall be published from day to day.

c) The meetings of the legislature and its committees shall be public provided, however, that each house of the legislature or a legislative committee may meet in executive session if authorized by the affirmative vote of two-thirds of the members of the house. No final action on any legislative matter may be taken in executive session.

Section 15: Conduct of Members. A member of the legislature who has a financial or personal interest in a bill before the legislature shall disclose that interest and may not vote on the bill. The legislature shall enact a comprehensive code of conduct for its members that includes a definition of proper conduct for members with conflicts of interest and a definition of the proper scope of debate in the legislature.

Floor Leader Rasa: I move that Section 3 of Article II, regarding "Composition of the House of Representatives," be placed on the calendar for discussion tomorrow under "Special Orders of the Day."

The motion was seconded and carried.

Floor Leader Rasa: I move that we recess until 9:00 a.m. tomorrow.

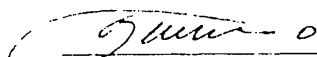
The motion was seconded.

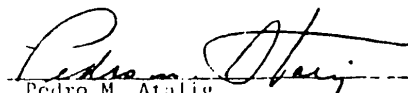
Delegate Felipe Atalig: Point of privilege. At this time it gives me an honor to ask the house to recognize the presence of Mayor Felipe Mendiola, Municipality of Tinian; Mayor Antonio Atalig, Municipality of Rota; the Honorable Alfonso Borja, Tinian Councilman; and Mr. Felix Rabauliman, President of the United Carolinian Association; and all present in the gallery this evening.

Motion to recess carried.

The Convention recessed at 10:55 p.m.

APPROVED:

  
Lorenzo I. Guerrero, President  
Northern Marianas Constitutional  
Convention

  
Pedro M. Atalig  
Convention Secretary