

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Fortieth Day
Friday, November 26, 1976

The Constitutional Convention of the Northern Mariana Islands reconvened while in Committee of the Whole. It was reconvened at 9:55 a.m.

The Honorable Olympio T. Borja, Delegate, presided.

The Plenary Session of the Convention was called to order at 9:58 a.m.

The Honorable Lorenzo I. Guerrero, President, presided over the Convention.

Chairman Olympio Borja: The Committee of the Whole has adopted Article XVII, regarding "Oath of Office," without amendment; Article III, regarding "Executive Branch of Government," with a substantial number of amendments; and Article XIII, regarding "Eminent Domain," with suggested changes for style.

I move that the Convention adopt Article XVII, regarding "Oath of Office," without amendment, on Second and Final Reading. The motion was seconded.

Motion to adopt Article XVII, regarding "Oath of Office," without amendment was voted on by roll call. The vote was 36 "Yes", a unanimous adoption.

Article XVII is as follows:

ARTICLE XVII: OATH OF OFFICE

Section 1: Oath of Office. All members of the legislature and officers and employees of the Commonwealth and its political subdivisions taking office shall take and subscribe to the following oath or affirmation:

I do solemnly affirm (or swear) that I will support and defend the Constitution and laws of the Commonwealth of the Northern Mariana Islands, the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the applicable provisions of the Constitution, laws and treaties of the United States of America, and that I will faithfully discharge my duties to the best of my ability (so help me God).

Chairman Olympio Borja: I move that the Convention adopt Article XIII, regarding "Eminent Domain," as amended.

The motion was seconded.

Delegate Jose Cruz: In regard to a unique problem we might face in the future on the island of Tinian, I would like to direct a question to the consultant. Over two-thirds of the land on Tinian has been committed to our future national defense. This leaves only one-third for public use. In Section 2 of Article XIII it states that, in my understanding, the federal government could take more land for national defense. There is no constraining language to prevent further acquisition of private or public land on Tinian. Is this correct?

Consultant Willens: Article XIII, which is now before this Convention, is addressed to the eminent domain power of the Commonwealth, not the eminent power of the United States government. The United States can exercise the right of eminent domain under the terms of the Covenant, but restrictions are set forth in the Covenant.

It is true, as Delegate Cruz says, that additional land could be acquired if needed by the United States government for defense purposes or by the Commonwealth under Article XIII. Such land could be taken by the Commonwealth on Tinian under Section 2 only if no public land is available for the particular purpose -- the building of a school, the building of a road, or construction of a power plant. It is obvious to me that Tinian would be treated very carefully because there is such limited land available to the civilian community that I doubt the Commonwealth would take any land for public purposes on Tinian unless it was absolutely needed for the benefit of the people of Tinian.

Delegate Jose Cruz: Under this provision it can be taken if required?

Consultant Willens: That is correct, Delegate Cruz.

Delegate Ramon Villagomez: I would like to move that the word "that" be deleted from the last line of Article XIII, Section 3, so that it will read "... any right in property vested pursuant ..," as a style change.

The motion was seconded and carried.

Floor Leader Rana: I understand the intention of Section 3 or Article XIII, however, the phrase used kind of puts me in a bad situation. "Such Compensation to be provided by the Commonwealth may include monetary relief or priority with respect to the distribution of public lands but shall not affect any right in property that vested pursuant to the repealed statute of limitations." Now, I understand that the only way to compensate these people is for distribution of public lands. The wording in the draft Constitution seems to confuse me if this is the intent or whether this could be construed to mean other things.

Delegate Francisco Palacios: I think the purpose here is to accommodate the compensation of those who lost land and affected by a statute of limitations.

Delegate Pedro Atalig: I move that the Convention delete the entire Section 3 of Article XIII after, "The legislature shall study whether to repeal a statute of limitations currently in force in the Commonwealth with respect to land."

The motion was seconded.

Delegate Magdalena Camacho: I think that amendment was defeated during the Committee of the Whole.

Delegate Joaquin Torres: This is necessary for the legislature to know why they are making a study to repeal the statute of limitations.

Delegate Ramon Villagomez: In regard to Delegate Atalig's motion to delete the last part of Section 3, the word "the" is the modern legal style of writing and discourages the use of the word "such."

Delegate Pedro Atalig: Delegate Villagomez, the word "such" and "the" are the same to me. What I would like to see here is, "If such compensation is to be provided," is the word "if," so that it will be clear that compensation may not be required.

Delegate Francisco Palacios: I do not believe, "Such compensation to be provided," should be deleted. If you take this out, then there is no guarantee that there will be compensation for such land.

Delegate Pedro Atalig: I would like to direct my question to Dr. Palacios. Section 3 states, "priority with respect to the distribution of public lands." Are you limiting the distribution of land to only Saipan, or could you provide distribution of land in Rota, too? Suppose a bad land transaction occurred in Saipan and you want to make a distribution, could you go to Rota and use that property in exchange?

Delegate Francisco Palacios: It is not as simple as "yes and no." You have to be very careful with this kind of thing.

Delegate Felix Ayuyu: I have a question on Section 3. Does this provision cover transactions between two private individuals where the government was never involved?

Delegate Pedro De la Cruz: The answer would probably be no because the government had no business in the transaction. This is a transaction between two individuals.

Delegate Joaquin Torres: If the government was not a party to any of these past transactions, then the government will not provide compensation.

Delegate Felix Ayuyuy: I would like to direct this question to the consultant.

Consultant Willens: I think the language, as its written, covers private parties. This was made clear in the debate by the sponsor of the proposal. One case involved a land dispute between relatives in the same family. That was a transaction between private parties.

Delegate Jose Mafnas: If this provision includes a transaction between an individual and the government, and also between two individuals, why are we requiring the Commonwealth to provide compensation?

Delegate Ramon Villagomez: There might be one or two situations where the statute of limitations has caused a person to lose his property to another individual without the government being involved. 99.9 percent of the time, the reason a person loses his land is because the government takes it and makes it into a homestead program and gives it away to other individuals. Look at San Antonio for instance. The entire area of San Antonio was owned by two people and if those two want to go back and take San Antonio, they can't do that. What the government can do is compensate them by giving them priority on a homestead in another place. The conflict is rarely between private individuals, it is the government taking the land.

Delegate Francisco Palacios: In the interest of justice I think we owe those people who lost their land, not at their own fault. Most of the land was lost during the Second World War, and they were victims of circumstance.

Delegate Olympio Borja: This provision is provided to have the legislature study and repeal the statute of limitations. If the legislature does decide that compensation is needed then our Constitution provides this. I feel this part should not be deleted from Section 3.

Delegate Jose Cruz: I am in full support of Section 3 of Article XIII. After the end of World War II our people were confused and at that time we did not have the benefit of lawyers to assist our people on land matters. Now is the time for us to take corrective measures for the injustices imposed upon our people. We need to correct these land problems now. I urge everyone to support this Section. I don't care if the Commonwealth will be overburdened because of past errors. The people that we represent in this Convention are entitled to justice because of these inequities. We need to correct this now, not in the legislature. If we don't correct this now, the second coming of the Lord is very soon.

Floor Leader Rasa: I am having some reservations in regard to Section 3. Constitutional provisions are made, not to rectify past injustices, they are made to protect present and future actions of the government and private individuals. If the legislature should decide to repeal the statute of limitations, what future service would this serve. I understand that it is necessary for this problem to be rectified, but I think this is not a Constitutional provision. Constitutional provisions are designed to see that continued services and rights are protected. What has happened in the past can be rectified by legislative action. I think it is nonsense for a Constitutional provision to request the legislature to make a study.

Delegate Hilario Diaz: We are becoming repetitious. I move to end debate.

The motion was seconded.

President Cuerrero: Before I entertain that motion, there are still Delegates who wish to speak.

Delegate David Atalig: Does this provision include transactions before 1951?

Delegate Ramon Villagomez: The statute of limitations started in 1951. That means you had twenty years in which to make a claim on land. If you hadn't acted by 1971, you lost your right to go into court to ask for that land back. If you go into court now, you are barred by the statute of limitations.

Chairman Felipe Atalig: If I remember correctly, I think there was a motion made by Delegate Pedro Atalig to delete part of Section 3 of Article XIII. I think we should dispose of that motion.

Motion to delete part of Section 3 of Article XIII, so that it will read, "The legislature shall study whether to repeal any statute of limitations currently in force in the Commonwealth with respect to land," was voted on by roll call.

The motion was defeated.

Delegate Pedro Dela Cruz: I move that the Convention delete Section 3 of Article XIII in its entirety.

The motion was seconded.

By roll call vote, the motion was defeated.

President Guerrero: We will now vote on Delegate Borja's motion to adopt Article XIII, with style changes as adopted by the Committee of the Whole.

Roll call vote to adopt Article XIII in its entirety was called.

The motion was defeated.

Floor Leader Rasa: I move that the Convention adopted Section 1 and 2 of Article XIII, regarding "Eminent Domain," on Second and Final Reading.

The motion was seconded.

Motion to adopt Sections 1 and 2 of Article XIII was voted on by roll call. The vote is as follows:

YES: Delegates David Atalig, Felipe Atalig, Pedro Atalig, Vicente Attao, Felix Ayuyu, Luis Benavente, Jose Borja, Olympio Borja, Gregorio Calvo, Antonio Camacho, Magdalena Camacho, Daniel Castro, Jose Cruz, Pedro Dela Cruz, Juan DLG. Demapan, Juan S. Demapan, Hilario Diaz, Benigno Fitial, Herman Guerrero, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, David Maratita, Pedro Ogo, Francisco Palacios, Oscar Rasa, Leon Taisacan, Juan Tenorio, Manuel Tenorio, Joaquin Torres, Jesus Villagomez and Ramon Villagomez. (37 votes)

ABSTAIN: Delegates Carlos Camacho and Esteven King. (2 votes)

The motion carried.

Article XIII, Section 1 and 2 are as follow:

ARTICLE XIII: EMINENT DOMAIN

Section 1: Eminent Domain Power. The Commonwealth may exercise that power of eminent domain as provided by law to acquire private property necessary for the accomplishment of a public purpose.

Section 2: Limitations. Private property may not be taken without just compensation. Private land may be taken only if no suitable public land is available for the accomplishment of the public purpose.

Floor Leader Rasa: I move that the President appoint a conference committee to resolve the differences on Section 3 or Article XIII.

The motion was seconded.

President Guerrero: There being no objection from the floor, I will appoint such a committee.

Chairman Olympio Borja: I move that the Convention adopted on Second and Final Reading Article III, regarding "Executive Branch," with the exception of Sections 5, 14, 15, 16 and 17(b), since these Sections have proposed amendments.

The motion was seconded.

Delegate Vicente Manglona: Do all the Delegates have copies of these proposed amendments?

Delegate Benjamin Manglona: I am afraid if we adopt Article XIII in this manner, there is a chance some of the Sections may be omitted entirely.

Chairman Olympio Borja: If we can dispose of the part of Article XIII that was adopted by the Committee of the Whole showing the requested changes for style, together with the amendments made by the Committee of the Whole, then if there is need for more discussion on the other Sections, a committee could be appointed to present a proposal. That is the reasons I made my motion to adopted the Sections that will probably pass by a 3/4 majority.

Motion to adopt Article III, regarding "Executive Branch," with the exception of Sections 5, 14, 15, 16 and 17(b) was voted on by roll call.

The vote is as follows:

YES: Delegates David Atalig, Felipe Atalig, Pedro Atalig, Vicente Attao, Olympio Borja, Gregorio Calvo, Magdalena Camacho, Jose Cruz, Pedro Dela Cruz, Juan S. Demapan, Hilario Diaz, Benigno Fitial, Herman Guerrero, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Esteven King, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, Pedro Ogo, Francisco Palacio, Oscar Rasa, Leon Taisacan, Juan Tenorio, Manuel Tenorio, Joaquin Torres and Jesus Villagomez. (30 votes)

NO: Delegates Jose Borja, Carlos Camacho, Daniel Castro, Juan DLG. Demapan and Ramon Villagomez. (5 votes)

ABSTAIN: Delegates Vicente Ayuyu, Luis Benavente, Antonio Camacho and David Maratita.

The motion carried.

Delegate Ramon Villagomez: According to our Rules of Procedure, there must be a one day notice given in order to reconsider any Section or Article. I would like to make a motion to reconsider Section 11 or Article III. The reason I am doing this is because in Section 11 it requires the senate to give advice and consent on the appointment of the attorney general by the governor. I don't think the senate should be given this power in any Section or Article of this Constitution, because it ultimately gives them power to appoint. I oppose this idea. I think the upper house and the lower house should make advice and consent decisions as a whole. For these reasons I make a motion to recall Section 11 or Article III.

Floor Leader Rasa: I believe we have disposed of that particular Section only as a Committee of the Whole.

President Guerrero: No, that Section has been adopted by the Convention.

Delegate Jose Cruz: I oppose the idea of the house of representatives being included in that advice and consent. I think it's time the small populated islands of Rota and Tinian have a say in what is done. It has been said "you have a safeguard in the senate." This is very important to us and its time we speak of our rights and protect our interests.

Delegate Olympio Borja: Delegate Villagomez is giving notice that he wishes Article III, Section 11, be placed on the calendar for reconsideration in accordance with Rule 51 of our Rules of Procedure. The motion is in order if we approve it by a majority vote.

Floor Leader Rasa: Before us is amendment no. 77 which proposes that principle department heads be appointed with the advice and consent of the legislature. Would this accommodate Delegate Villagomez' concern?

Delegate Ramon Villagomez: There is obviously a conflict between that amendment and Section 11 or Article III. In my interpretation the language would still prevail in Section 11 and with respect to the judges.

Floor Leader Rasa: If my reasoning is correct, I construe this to mean that the attorney general is a department head and if this amendment is passed, his appointment must have the advice and consent of the legislature. Could we have some clarification from the legal consultant?

Consultant Willens: Mr. President, I think the amendment that the Floor Leader has pointed out raises the very same issue, but it would not control the specific constitutional provision related to the attorney general. Even if Section 14 were amended by proposed amendment no. 77, it would still be an amendment to Section 11 with respect to the attorney general to accomplish the objective of Mr. Villagomez. I think it is a matter of reality, however. He probably recognizes that the issue is before the House in the context of an amendment to Section 14 and he might be guided in that with respect to Section 11 depending on the outcome. It would take a separate amendment to Section 11 in order to change the provision with respect to the attorney general.

Floor Leader Rasa: Although that is the opinion of the legal consultant, I consider the office of the attorney general to be a principle department of the executive branch, and according to this amendment it would need the advice and consent of the legislature. Am I correct in assuming, according to this proposed amendment, that all principle department heads would require the advice and consent of the legislature and not just the senate?

Delegate Ramon Villagomez: I would like to ask the consultant if amendment no. 77 includes the judges and attorney general as principle department heads? If so, then this amendment requires approval of their appointment by advice and consent of the legislature? If this amendment is passed and that is the case, then I will withdraw my motion, but not until I am assured that is the case.

Consultant Willens: If that is the direction of the body and if Delegate Guerrero makes clear that his amendment covers not only heads of departments but also the attorney general and judges, and if the Convention passes that amendment, then it will simplify my job and I will go back and do whatever you want.

Delegate Ramon Villagomez: I withdraw my motion, with the understanding that amendment no. 77 includes the attorney general and the judges as principle department heads.

Floor Leader Rasa: I move that Section 5 of Article III be adopted by the Convention on Second and Final Reading.

The motion was seconded.

Delegate Olympio Borja: I move that the Convention adopt proposed amendment no. 78, to Article III, Section 5, regarding "Compensation."

Delegate David Atalig: The Committee in support of this amendment to give the governor a salary of \$25,000 and the lieutenant governor a salary of \$22,000 for several reasons. Assuming that the salaries of the department heads would be lower than the governor and lieutenant governor, we would not be able to attract our bright young people if it is under \$18,000.

President Guerrero: The Chair would like to advise the Delegates that we have deliberated this issue during the Committee of the Whole so please try to confine this to a very limited debate at this time.

Delegate Juan S. Demapan: Would it be inconsistent to include the maximum salary in the Constitution rather than leaving it up to the legislature?

Floor Leader Rasa: Delegate Demapan there is a proposed amendment which stipulates a salary of \$25,000 for the governor and \$22,000 for the lieutenant governor.

Floor Leader Rasa: I move for the previous question.

Motion to adopt proposed amendment no. 78 on Article III, Section 5, regarding "Compensation," was voted on by roll call.

The motion carried.

Motion to adopt Section 5 of Article III, as amended by amendment no. 78, on Second and Final Reading was voted on by roll call. The vote is as follows:

YES: Delegates David Atalig, Felipe Atalig, Vicente Attao, Jose Borja, Antonio Camacho, Carlos Camacho, Magdalena Camacho, Daniel Castro, Jose Cruz, Pedro Dela Cruz, Juan S. Demapan, Herman Guerrero, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, David Maratita, Francisco Palacios, Oscar Rasa, Leon Taisacan and Ramon Villagomez. (24 votes)

NO: Delegates Pedro Atalig, Felix Ayuyu, Luis Benavente, Olympio Borja, Gregoria Calvo, Juan DLG. Demapan, Hilario Diaz, Esteven King, Vicente Manglona, Pedro Ogo, Juan Tenorio, Manuel Tenorio, Joaquin Torres and Jesus Villagomez. (15 votes)

The motion was defeated.

Delegate Juan Tenorio: I move that the Convention adopt Section 5 or Article III, as adopted by the Committee of the Whole, stating that the salary of the governor and lieutenant governor shall be "as provided by law," on Second and Final Reading.

The motion was seconded.

Delegate Joaquin Torres: I move to amend proposed amendment no. 78 so that it will set the salary of the governor at \$20,000 per annum and \$18,000 per annum for the lieutenant governor. I move that the Convention adopt the amendment to the proposed amendment of Article III, Section 5.

The motion was seconded.

Delegate Carlos Camacho: I originally endorsed giving the legislature the power of setting the salaries of the governor and lieutenant governor, but I have changed my views. Since the legislators and the governor will be elected at the same time, if there is a difference in their political affiliations, it is possible that the governor could go as long as twelve months without pay. That is why we should set their salaries in the Constitution.

Delegate Ramon Villagomez: I move that we suspend Rule 47 in order to consider Delegates Torres' motion to amend amendment no. 78.

President Guerrero: Since there is no objection in the House, suspension of Rule 47 is ordered.

Floor Leader Rasa: We need to seriously consider this amendment as the only alternative is to allow the legislature to set the salaries. Knowing how partisanship permeates local politics I cannot in good conscience say that the law would be reasonable because it will be subject to mass politicking. I move for the previous question.

The motion was seconded and carried.

Motion to adopt Article III, Section 5, inclusive of the amendment to set the governor's salary at \$20,000 and the lieutenant governor's salary at \$18,000 was voted on by roll call vote. The vote was as follows:

YES: Delegates Felipe Atalig, Vicente Attao, Luis Benavente, Olympio Borja, Antonio Camacho, Carlos Camacho, Magdalena Camacho, Daniel Castro, Jose Cruz, Hilario Diaz, Benigno Fitial, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Esteven King, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglon, Vicente Manglona, David Maratita, Pedro Ogo, Joaquin Torres, Jesus Villagomez and Ramon Villagomez. (31 votes)

NO: Delegates David Atalig, Pedro Atalig, Felix Ayuyu, Jose Borja, Gregorio Calvo, Juan DLG. Demapan, Juan S. Demapan, and Herman Guerrero. (8 votes)

The motion carried.

Floor Leader Rasa: I move we recess until 1:30 p.m.

The motion was seconded and carried.

The Convention recessed at 12:12 p.m.

RECESS

The Convention reconvened at 1:53 p.m.

Floor Leader Rasa: I move that the Convention adopt Section 14 of Article III.

The motion was seconded.

Delegate Olympio Borja: I move to amend the motion by adopting proposed amendment no. 77.

The motion was seconded.

Delegate Pedro Dela Cruz: I am in opposition to this amendment.

Delegate Benjamin Manglona: I have very strong reservations on the proposed amendment no. 77. I must bring to the attention of the Convention that several days ago this Convention made a decision in regard to Article II, Section 5(c) on enactment of legislation. Legislation can be adopted by each house with a majority of the votes cast. That was the original power taken away from the majority of the membership. Also, Article II, Section 8, "Confirmation of Appointment," was deleted in the Constitution. Today we are discussing another provision which originally gave the power to the senate on confirmation. Section 16 provides that a confirmation commission established which is composed of one member from each island from the senate and the house will have four from Saipan, one from Rota and one from Tinian. It states that the majority of the membership in the commission will make the confirmation. That means the representatives from Saipan could make confirmation even if there is no representative from the other two islands. What else do the Delegates from Rota and Tinian want. We have already given them confirmation power in the senate and that is where the confirmation balancing of power is suppose to be. Two islands should not be able to dominate the senate. We have to find a balance where two islands do not dominate confirmation. Proposed amendment no. 77 takes away the power of the senate. It is true that in the United States the senate is given this power. I think the original provision is the most practical and I urge the Delegates to disapprove this amendment.

Delegate Herman Guerrero: I realize the concern of our neighboring islands. As provided in Section 17(b), the department heads on Rota and Tinian will need confirmation of only the legislators from the respective islands. With respect to the main department heads on Saipan, my proposed amendment states confirmation would be required from the legislature, not just the members from Saipan. I think this is a very liberal and reasonable approach.

Delegate Hilario Diaz: Our identity is being taken away as teammates in the new Commonwealth government. I urge you to reconsider this amendment and if it is felt that the legislature should have the power of confirmation then we should require a 3/4 vote instead of a majority. I urge you to leave confirmation power with the senate.

Delegate Jose Cruz: I rise to speak in opposition of proposed amendment no. 77. Since the very first day of this Convention, the so called minorities from Rota and Tinian, have tried to bring to the attention of the Convention the very serious problems that these two islands have suffered in the past 27 years under the Trusteeship Administration. We have been reminded that the provision of the Covenant establishing a two house legislature is enough safeguard to correct all the deficiencies that have prevailed in the past. We have talked about this many times in the past, so why is this amendment being submitted now?

Delegate Felipe Atalig: I have to disagree. This amendment deals with only one Section and does not diminish the power of the senate. Just because the United States provides for confirmation in the senate does not mean we have to. In my

experience with the Congress of Micronesia we have seen problems arise by not having a joint house confirm positions that require the confirmation of the Congress. I don't think we should specify the word "senate."

Delegate David Maratita: Will advice and consent be acted upon by each house acting alone? If advice and consent is up to the legislature, then each house will provide its own rules as to how this will be handled. I move for the previous question.

Chairman Jose Mafnas: The way I read Section 14, it does not prevent the legislature from having a joint committee on confirmation power. It has been left up to the legislature as to whether or not they have a joint committee on confirmation except for the attorney general, land commission members, department heads, public auditor and the judges. Those positions must be confirmed the Senate. Other than those positions the legislature is left with great power to formulate its own rules and regulations as to whether or not to have a joint committee. Therefore, I urge the members of this Convention to defeat proposed amendment no. 77.

Delegate Jose Cruz: I am in favor of amendment no. 77. We cannot rely on mistrust because of the past. We must look into the future and correct this mistrust.

Delegate Juan S. Demapan: I am in opposition to the proposed amendment. Can we be assured that an appointment made by the governor will be considered by the majority of all the legislators?

Delegate Vicente Manglona: I think this very body is generating political cancer. I, therefore, move to end debate.

The motion was seconded and carried.

Motion to adopt proposed amendment no. 77 was defeated by roll call vote.

Motion to adopt Section 14 or Article III on Second and Final Reading was voted on by a roll call vote. The vote is as follows:

YES: Delegate David Atalig, Felipe Atalig, Pedro Atalig, Vicente Attao, Luis Benavente, Olympio Borja, Gregorio Calvo, Antonio Camacho, Jose Cruz, Pedro Dela Cruz, Juan S. Demapan, Hilario Diaz, Benigno Fitial, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Esteven King, Luis Limes, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, David Maratita, Pedro Ogo, Francisco Palacios, Oscar Rasa, Leon Taiscan, Juan Tenorio, Manuel Tenorio, Joaquin Torres and Jesus Villagomez. (31 votes)

NO: Delegate Carlos Camacho, Magdalena Camacho, Daniel Castro, Juan DLG. Demapan, Herman Guerrero and Ramon Villagomez. (6 votes)

ABSTAIN: Delegates Felix Ayuyu and Jose Borja. (2 votes)

The motion was carried.

Floor Leader Rasa: I move that the Convention adopt Article II, Section 15 on Second and Final Reading.

The motion was seconded.

Chairman Benigno Fitial: The intent is very clear in proposed amendment no. 79. This would prevent the legislature from having the power to reorganize the executive branch and would give that responsibility to the governor. The legislature will approve or disapprove reorganization action taken by the governor.

Chairman Olympio Borja: I move that the Convention adopt proposed amendment no. 79 to Article II, Section 15.

The motion was seconded.

Consultant Willens: I do think there is some misunderstanding here. The legislature must have the legal authority to establish and change the executive departments.

Executive departments do not emerge out of thin air. They are created by law, they are given specific functions by law, monies are appropriated for them by law, and they must operate pursuant to law. Law comes from the legislature. I understand the interest behind the amendment, which is to make reorganization more readily available to the executive branch, but on the other hand, the executive branch does not have the authority to change the law. The governor and his staff cannot make changes in departments which are regulated by law. That is why the sentence was in here to make clear that the legislature could, itself from time to time, pass new laws creating new departments, taking functions away from old departments or do whatever is necessary to implement the statutes that are enacted by the legislature. The last part of Section 15 is designed to permit the governor to make such reorganization as he can without changing the law. If he wants to make a reorganization which changes the law he has to go to the legislature for its approval or disapproval. I really feel there is a legal issue here which we may not have been clear enough in explaining to the Convention.

Chairman Benigno Fitial: If that is the case, Mr. President, there is definitely a misunderstanding here. The intention that I expressed is for the reorganization to be made by the executive branch and approved by the legislature, meaning that the legislature has that authority to approve or disapprove such reorganization.

Delegate Ramon Villagomez: Anyone who understands how government works, would understand that this amendment violates the principles of government. You cannot form a government that takes away the power of the legislature for making laws. That's their job. I don't see that there is a substance to this amendment. I oppose it entirely.

Chairman Benigno Fitial: I must apologize since I offered this amendment, but my intentions are not clearly expressed in the proposed amendment. I thought I made it very clear to the legal consultants and I wanted the reorganization made by the executive branch and submitted to the legislature for its approval or disapproval. This does not accomplish my intentions so I intend to withdraw the motion.

Delegate Olympio Borja: I withdraw my motion to adopt amendment no. 79.

I wish to speak in support of Article III, Section 15. The legislature should create the necessary branches of our government. The style is good and the wording is good in Section 15 and I am in support of its adoption.

Delegate Pedro Dela Cruz: I move for the previous question.

The motion was seconded and carried.

Motion to adopt Section 15 of Article III on Second and Final Reading was voted on by roll call vote. The vote is as follows:

YES: Delegates David Atalig, Felipe Atalig, Pedro Atalig, Vicente Attao, Felix Ayuyu, Jose Borja, Olympio Borja, Gregorio Calvo, Antonio Camacho, Magdalena Camacho, Daniel Castro, Jose Cruz, Pedro Dela Cruz, Juan S. Damapan, Hilario Diaz, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Esteven King, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, David Maratita, Pedro Ogo, Francisco Palacios, Leon Taisacan and Jesus Villagomez. (29 votes)

NO: Delegates Joaquin Torres and Ramon Villagomez. (2 votes)

ABSTAIN: Delegates Luis Benavente, Oscar Rasa, Juan Tenorio and Manuel Tenorio. (4 votes)

(As per the earlier ruling of the President, the "abstain" votes were counted as "yes," making the vote 33 "yes" and 2 "no.")

The motion carried.

Chairman Benigno Fitial: I would like to apologize for the inconvenience I caused with respect to amendment I introduced which was withdrawn. I don't want to see the legislature tampering with the offices of the executive branch just to create jobs to accommodate friends.

Floor Leader Rasa: I move that the Convention adopt Section 16 of Article III on Second and Final Reading.

The motion was seconded.

Delegate Olympio Borja: I move to amend that motion to include the adoption of amendment no. 80.

The motion was seconded.

Delegate Jesus Villagomez: Amendment no. 80 should be corrected to read, "The legislature shall provide for a non-partisan and independent civil service commission to establish and administer the personnel policies applicable to executive and administrative departments and agencies and to the administrative staff of the judicial and legislative branches of government." The reason this needs to be changed is to distinguish between the personal staff of the individual legislator's and the staff of the legislative branch itself.

Motion to adopt Section 16 of Article III inclusive of amendment no. 80 on Second and Final Reading was voted on by roll call vote. The vote is as follows:

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

NO: Delegate Jose R. Cruz. (1 vote)

ABSTAIN: Delegate Herman Guerrero. (1 vote)

(As per the earlier ruling of the President, the one "abstain" vote was counted as a "yes" vote, making the vote 36 "yes" and 1 "no.")

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

The Convention recessed at 3:30 p.m.

RECESS

The Convention reconvened at 3:50 p.m.

Floor Leader Rasa: I move that the Convention adopt Section 17(b) of Article III on Second and Final Reading.

The motion was seconded.

Delegate Olympio Borja: I move to amend the motion to include amendment no. 82.

The motion was seconded.

Delegate Juan S. Demapan: I have several questions in regard to amendment no. 82. First, is it safe to say the introducer intends to have the Northern Islands included in such public services? (Answer - yes). Second, is it safe that he would like to have the services as soon as possible? (Answer - yes) What is the present population of the Northern Islands? (Answer - approximately 100 persons) Is it safe to say, if projected, the growth of these islands would reach 1000 population in ten years?

Delegate Pedro Dela Cruz: There is a plan pending to open Pagan for tourist development and this would include an airport. That would encourage people to move there.

Delegate Jose Mafnas: The plan referred to by Delegate Dela Cruz is projected to happen 30 or 40 years from now.

Delegate Pedro Dela Cruz: No, that is not correct.

Delegate Antonio Camacho: Does this mean that the Northern Islands will not have public services?

Delegate Jesus Villagomez: Section 17(c) states that public services will be provided on an equitable basis to all citizens of the Commonwealth. This, of course, includes the Northern Islands.

Delegate Antonio Camacho: Who will supervise such services in the Northern Islands until the population reaches 1000 persons? The mayor?

Delegate Joaquin Torres: The mayor will supervise such services until the Northern Islands has 1000 people. The department heads on Saipan will also supervise.

Delegate Antonio Camacho: Tinian has less than 1000 people, but we are guaranteeing them resident department heads. Why?

Delegate Vicente Manglona: Tinian has many programs, mainly agriculture. They have a public works as big as Rota. We have a super dispensary staffed with doctors. That's the difference.

Delegate Antonio Camacho: Does that mean we don't go by population, we go by what is already there?

Delegate Daniel Castro: Do we still have to wait until the population is 1000 if Tinian should lose population, to say, 500? I think this is discriminatory. Why was 1000 arrived at in order for the Northern Islands to have a representative or anything?

Delegate Joaquin Torres: If we are using Tinian as an example, let's compare Tinian's public works to the Northern Islands. Why should we provide a resident department head when the Northern Islands only has two employees in public works. I am not trying to deprive the Northern Islands, but I am concerned about cost. Let's just not hire people for the sake of hiring them. We have a mayor established in this Constitution for the Northern Islands. I am sure the mayor can supervise these services, if and when they are provided. Let's be realistic.

Delegate Daniel Castro: I am looking more than ten years ahead when the Northern Islands are more mature. I am asking that provisions be placed in the Constitution for the future. The people of the Northern Islands deserve as much as the people of the other islands.

Delegate Olympio Borja: We are all in agreement that the Northern Islands deserve consideration either when the population exceeds 1000 or when the legislature feels department heads are necessary. I agree with Delegate Torres, that there is too little population now to provide these department heads. Do we really intend that the Northern Islands should have to wait until they have 1000 people if, let's say in ten years they have 800 and are in a position to warrant the department heads and a representative? In Article III, Section 17(c) it states, "Public services shall be provided to all citizens in the Commonwealth on an equitable basis. The legislature may require these services be provided through decentralized arrangement. The governor shall make any necessary recommendation to the legislature in order to accomplish this objective." This makes it possible to change the policy on department heads if the governor feels it is necessary.

Delegate Magdalena Camacho: Why is this based on 1000 population. I know the legislature used that figure in order to have representation in the senate, but why here. Tinian does not have 1000 people.

Delegate Luis Benavente: If we are concerned with cost, let the mayor supervise in the Northern Islands, Rota and Tinian.

Delegate Jesus Villagomez: The people of the Northern Islands can be assured that what public service which are need will be provided.

Delegate David Atalig: I move that the Convention delete from Section 17(b) the phrase "with the advice and consent of the majority of the representatives and senators in the legislature from the island where the resident department head shall perform his duties."

The motion was seconded and defeated.

Delegate Jose Cruz: I support amendment no. 82 as is and feel it reflects concern for the people of the Northern Islands.

Motion to adopt Article III, Section 17(b), inclusive of amendment no. 82 on Second and Final Reading was voted on by roll call vote. The vote is as follows:

YES: Delegates Felipe Atalig, Luis Benavente, Olympio Borja, Gregorio Calvo, Jose Cruz, Pedro Dela Cruz, Benigno Fitial, Herman Guerrero, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Esteven King, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, David Maratita, Pedro Ogo, Francisco Palacios, Oscar Rasa, Leon Taisacan, Juan Tenorio, Manuel Tenorio, Joaquin Torres and Jesus Villagomez. (27 votes)

NO: Delegates David Atalig, Felix Ayuyu, Jose Borja, Antonio Camacho, Magdalena Camacho, Daniel Castro and Ramon Villagomez. (7 votes)

ABTAIN: Delegates Pedro Atalig, Vicente Attao and Juan S. Demapan. (3 votes)

(As per the earlier ruling of the President, the 3 abstentions were counted as affirmative votes, making the vote 30 "yes" and 7 "no".)

The motion carried.

Delegate Pedro Dela Cruz: There is another amendment to Article III, which calls for the addition on another Section to this Article, Amendment no. 84.

Chairman Olympio Borja: My motion this morning did not include the adoption of a new Section to Article III. Article III is completed.

Convention Secretary: I seek direction from the Floor Leader as to whether this amendment is in order for discussion at this time.

Floor Leader Rasa: I believe we would be in order to entertain such amendment.

Delegate David Maratita: I move that the Convention adopt amendment no 84, which is an addition of one Section to Article III. The additional Section is entitled, "Executive Assistant for Chamorro Affairs."

The motion was seconded.

Delegate Pedro Dela Cruz: What is the basis for your amendment?

Delegate David Maratita: We have provided for a Special Assistant of Carolinian Affairs and I feel there should be an assistant of Chamorro descent. I never believed that one ethnic group should have been identified in the Constitution, but since this was done, we will have to identify each group.

Delegate Olympio Borja: I am not entirely opposed to Delegate Maratita's amendment. The reason I support the Assistant for Carolinian affairs is because we know the Carolinians are in the minority. There is a possibility that the Chamorros may be in the minority in the distant future if many people move into the Northern Marianas from the outside and this amendment may be timely but premature.

Delegate Jose Cruz: I think it is high time this Convention realize that with the termination of the United Nations Trusteeship Agreement and ratification of this Constitution we will all be American citizens. I resent this kind of proposed amendment. I am an American and I am proud to be an American. Next we will hear a proposal from the Philipino Americans that they want a traditional chief in the executive branch. The Korean Americans and Japaneses Americans will ask for amendments to this Constitution. I say, we will all be Americans and I am opposed to this amendment, with all due respect to the introducer, because I know he is sincere.

Delegate Jesus Villagomez: Since we have already recognized the Carolinian minority in the Constitution, maybe we should have a provision, in the event that we, the Chamorros, become a minority with the influx of new people in the Northern Marianas. Possibly we could make a minor change in the amendment. We could state, "An executive assistant may be appointed by the governor with the advice and consent of the senate in the event that the Chamorro become a minority in the Northern Mariana Islands." I so move that this amendment be made to the amendment no. 84.

Delegate Olympio Borja: I would like to ask the consultant if the inclusion of this amendment would jeopardize the passage of this Constitution by the United States Government?

Consultant Williams: I would like to express some views on this which may be controversial to some of you. I am becoming increasingly concerned at some of the decisions being made by the Convention with respect to this Constitution. I am concerned because I think there will be people looking at this document back in the United States who will do so not in strict compliance with their obligation back in the United States. Their obligation is to approve this Constitution if it is consistent with the Covenant and with the United States Constitution. I and my colleagues have done our best to make certain that your Constitution is consistent with the Covenant and the United States Constitution. I am concerned because I think there will be people back in the United States looking for some reason to disapprove this Constitution. Disapprove it because it calls for an expensive government, because it reflects unAmerican concerns and practices, or they think it is not workable in some respect. I do not sympathize with those views and I and others will defend this Constitution. I believe that the particular provision for the Carolinians is one of the provisions that will raise questions back in the United States. I think it can be answered to the satisfaction of anyone back in the United States who thinks about the problems here in the Northern Marianas and the special history with respect to the Carolinians. I think, however, if you went further and provided for a possible Special Assistant for the Chamorros at some point in the future when the Chamorros are in the minority, that that would cross the border line. I think it would reflect, furthermore, a kind of fear here in the Northern Marianas which might raise second questions in the minds of people back in the United States whether you are, in fact, ready to become part of the United States and if you are, in fact, ready to take on the responsibilities and the risks of being part of the United States, as well as the benefits and the privileges. I am concerned at the impression this kind of provision might make. You do have the Constitutional authority to appoint a Special Assistant for any purpose whatsoever at any time you want to under this Constitution. The legislature is free to require to creation of such a post at any time it wants to. The governor can appoint among his personal staff someone to represent any minority that he or she wants to give special recognition to. You do not need a provision like this in the Constitution to protect your people and I am concerned about the impression that it might create back in the United States. On the whole, this is a matter of judgment not strict legal opinion, but I think that I am obligated to give you my best judgment on these matters.

Delegate Pedro Ogo: I don't think we should define ethnic groups in our Constitution.

Floor Leader Rasa: I move that we end debate.

The motion was seconded and carried.

Motion to amend amendment no. 84 was seconded and defeated by roll call vote.

Motion to adopt amendment no. 84 to Article III was defeated by roll call vote.

Article III as adopted on Second and Final Reading is as follows:

ARTICLE III: EXECUTIVE BRANCH

Section 1: Executive Power. The executive power of the Commonwealth shall be vested in a governor who shall be responsible for the faithful execution of the laws.

Section 2: Qualifications of the Governor. The governor shall be qualified to vote in the Commonwealth, at least thirty years of age, and a resident and domiciliary of the Commonwealth for at least seven years immediately preceding the date on which the governor takes office. A different period of residence and domicile may be provided by law. No person convicted of a felony in the Commonwealth or in any area under the jurisdiction of the United States may be eligible for this office unless a full pardon has been granted.

Section 3: Lieutenant Governor. The lieutenant governor shall have the same qualifications as required for the office of governor and shall perform those duties specified in this article and those assigned by the governor or provided by law. Whenever the office of lieutenant governor is vacant, the governor shall appoint a successor with the advice and consent of the senate.

Section 4: Joint Election of the Governor and Lieutenant Governor. The governor and lieutenant governor shall be elected at large within the Commonwealth and for a term of office of four years. The governor and lieutenant governor shall be elected jointly with each voter casting a single vote applicable to both offices. No person may be elected governor more than three times.

Section 5: Compensation. The governor shall receive an annual salary of twenty thousand dollars and the lieutenant governor an annual salary of eighteen thousand dollars. Both shall receive reasonable allowances for expenses provided by law. Upon the recommendation of the advisory commission on compensation provided by Article II, section 10, the legislature may change the salary of the governor or lieutenant governor. Neither salary may be changed during a term of office.

Section 6: Other Government Employment. The governor or lieutenant governor may not serve in another Commonwealth position or receive compensation for performance of official duties or from any governmental body except as provided by section 5. The legislature shall enact a code of conduct for the governor, lieutenant governor and heads of executive departments that includes a requirement of disclosure of financial or personal interests sufficient to prevent conflicts of interest in the performance of official duties.

Section 7: Succession to the Governorship. In case of the removal, death or resignation of the governor, the lieutenant governor shall become governor. If the offices of governor and lieutenant governor are both vacant, the president of the senate shall become acting governor. An acting governor who assumes office when more than one year remains in the term may serve only until a governor is chosen in a special election provided by law.

Section 8: Absence or Disability of the Governor.

a) When the governor is physically absent from the Commonwealth, the lieutenant governor shall be acting governor. If the lieutenant governor is also absent or is otherwise unavailable, the presiding officer of the senate shall be acting governor.

b) When the governor is unable to discharge the duties of the office by reasons of physical or mental disability, the lieutenant governor shall be acting governor. If the lieutenant governor is unavailable, the presiding officer of the senate shall be acting governor. If the person next in succession to the governor has reason to believe that the governor is unable to discharge the duties of the office, that person shall file a petition to declare a vacancy with the Commonwealth appeals court or the United States District Court if no Commonwealth appeals court has been created under article IV, section 3. The court has original and exclusive jurisdiction to determine all questions regarding the disability of the governor and the existence of a vacancy in the office of governor.

Section 9: Executive Functions.

a) The governor shall submit to the legislature a proposed annual budget for the following fiscal year. The proposed budget shall describe anticipated revenues of the Commonwealth and recommend expenditures of Commonwealth funds. In preparing the proposed budget, the governor shall consider submission made by the mayors of Rota, Saipan, Tinian and Aguiguan, and the islands north of Saipan as to the budgetary needs of this islands and by the executive assistant appointed under section 18 of this article. The governor's submission to the legislature with respect to the budget shall state the governor's disposition of the budgetary requests contained in these submissions and may include recommended legislation with respect to taxation. If a budget is approved by the legislature, the governor

may not reallocate appropriated funds except as provided by law. If a budget is not approved before the first day of the fiscal year, appropriations for government operations and obligations shall be at the level for the previous fiscal year.

b) The governor shall report at least annually to the legislature regarding the affairs of the Commonwealth and new measures that are necessary or desirable.

c) The governor shall have the power to grant reprieves, commutations and pardons after conviction for offenses after consultation with a board of parole to be established by law. This power shall not apply to impeachment.

Section 10: Emergency Powers. The governor may declare a state of emergency in the case of invasion, civil disturbance, natural disaster or other calamity and may mobilize available resources to respond to that emergency.

Section 11: Attorney General. The governor shall appoint an attorney general with the advice and consent of the senate. The attorney general shall be responsible for providing legal advice to the governor and executive departments, representing the Commonwealth in all legal matters, and prosecuting violations of Commonwealth law.

Section 12: Public Auditor. The governor shall appoint a public auditor with the advice and consent of each house of the legislature. The public auditor shall audit the receipt, possession and disbursement of public funds by the executive, legislative and judicial branches of the government, an instrumentality of the Commonwealth or an agency of local government and shall perform other duties provided by law. The public auditor shall report to the legislature and the governor at least once every year and this report shall be made public promptly. The public auditor may be removed only for cause and by the affirmative vote of two-thirds of the members of each house of the legislature. In the event that there is a vacancy in the office of public auditor, the presiding officer of the senate shall appoint a temporary public auditor to serve until the vacancy is filled.

Section 13: Department of Education. The legislature shall establish a department of education that shall be headed by a superintendent of education appointed by a representative board of education. The governor shall appoint the members of the board of education for a term of four years with the advice and consent of the senate. The board of education shall formulate policy and exercise control over the public school system through the superintendent. The composition of the board of education and other matters pertaining to its operations and duties shall be provided by law.

Section 14: Heads of Executive Departments. Each principal department shall be under the supervision of the governor and, unless otherwise provided by law, shall be headed by a single executive. The governor shall appoint the heads of executive departments with the advice and consent of the senate. The governor may remove the heads of executive departments. The governor may at any time require information in writing or otherwise from the head of any administrative department, office or agency of the Commonwealth.

Section 15: Executive Branch Departments. Executive branch offices, agencies and instrumentalities of the Commonwealth government and their respective functions and duties shall be allocated by law among and within not more than fifteen principal departments so as to group them so far as practicable according to major purposes. Regulatory, quasi-judicial and temporary agencies need not be a part of a principal department. The functions and duties of the principal department and other agencies of the Commonwealth shall be provided by law. The legislature may reallocate offices, agencies and instrumentalities among the principal departments and may change their functions and duties. The governor may make changes in the allocation of offices, agencies and instrumentalities and in their functions and duties that are necessary for efficient administration. If these changes affect existing law, they shall be set forth in executive orders which shall be submitted to the legislature and shall become effective sixty days after submission, unless specifically modified or disapproved by a majority of the members of each house of the legislature.

Section 16: Civil Service. The legislature shall provide for a non-partisan and independent civil service commission with the duty to establish and administer personnel policies for the Commonwealth government. The commission's authority shall extend to positions other than those filled by election or by appointment of the governor in the departments and agencies of the executive branch and in the administrative staffs of the legislative and judicial branches. Appointment and promotion within the civil service shall be based on merit and fitness demonstrated by examination or by other evidence of competence.

Section 17: Public Services.

a) The governor may delegate to a mayor elected under the provisions of Article VI, section 2, responsibility for the execution of Commonwealth laws and the administration of public services in the island or islands in which the mayor has been elected. Services being provided on a decentralized basis in Rota and Tinian on the effective date of this Constitution shall continue to be provided on this basis unless the governor personally certifies after public hearings on the island involved that such decentralization is inconsistent with the efficient and economical delivery of services.

b) Public services on Rota and Tinian shall be supervised by a resident department head in the the departments providing the services appointed by the head of the executive branch department with the advice and consent of the majority of the members of the legislature from the senatorial district in which the resident department head shall serve. These arrangements shall apply to the islands north of Saipan when the population of these islands exceeds one thousand persons.

c) Public services shall be provided on an equitable basis to the citizens of the Commonwealth. The legislature may require that these services be provided through decentralized administrative arrangements. The governor shall make any necessary recommendations to the legislature in order to accomplish this objective.

Section 18: Executive Assistant for Carolinian Affairs.

a) The governor shall appoint an executive assistant for Carolinian affairs who is acceptable to the Carolinian community within the Commonwealth.

b) The executive assistant shall be a member of the governor's council created under Article VI, section 5, and shall advise the governor on matters affecting persons of Carolinian descent within the Commonwealth.

c) The executive assistant shall review the application of government policies and the availability and quality of government services for persons of Carolinian descent and may report findings or recommendations on these matters to the governor.

d) The executive assistant may investigate complaints and conduct public hearings regarding matters affecting persons of Carolinian descent. The executive assistant may report findings or recommendations on these matters to the governor.

e) The executive assistant may recommend items for inclusion in the proposed annual budget, review the budget before its submission by the governor to the legislature, and recommend amendments to the budget relating to matters affecting persons of Carolinian descent.

f) The executive assistant may at any time require information in writing or otherwise with respect to matters affecting persons of Carolinian descent from the officers of any administrative department, office or agency of the Commonwealth.

Section 19: Impeachment. The governor and lieutenant governor are subject to impeachment as provided in Article II, section 8, or this Constitution for treason, commission of a felony, corruption or neglect of duty.

Delegate Ramon Villagomez: I would like to give notice to the House that I intend to make a motion to reconsider Article II for the purpose of submitting amendment no. 85.

President Guerrero: We are behind on our schedule and we will postpone discussion of that amendment until a later time.

Delegate Ramon Villagomez: I move that the Convention President formulate a new schedule for consideration of articles on Second and Final Reading, placing those issues that are not controversial first on the calendar.

The motion was seconded.

President Guerrero: There being no objection from the Floor, I will take care of that matter.

The Resident Commissioner will be here at 8:30 a.m. Monday to present to the Delegates their Certificates of Election to the Constitutional Convention.

Floor Leader Rasa: I move that the Convention suspend items 1, 2 and 3 or the Order of Business for today.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move that the Convention adopt the Summary Journals of the 38th and 39th Days.

The motion was seconded and carried.

Floor Leader Rasa: I move that we suspend items 5, 6 and 7 of the Order of Business and move to item 8, "Second and Final Reading."

The motion was seconded and carried.

Chairman Jose Mafias: I would like to submit a written report from the Committee on Governmental Institutions regarding the disposal of Delegate Proposals by your Committee.

President Guerrero: The Convention will receive your report.

(8) SECOND AND FINAL READING OF RECOMMENDATIONS

Floor Leader Rasa: I move that the Convention resolve itself into the Committee of the Whole in order to discuss Article X, regarding "Taxation," and Article XIV, regarding "Natural Resources," as shown under item 8 on our Order of Business.

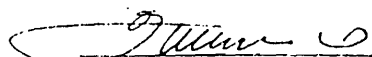
The motion was seconded and carried.

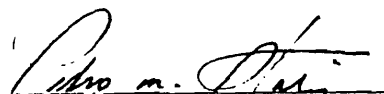
President Guerrero: I appoint Delegate Benjamin Manglona to preside over the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 5:40 p.m.

The Convention recessed while in the Committee of the Whole, to reconvene in Plenary Session the following morning at 9:00 a.m. Recess was called at 9:00 p.m.

APPROVED:


Lorenzo I. Guerrero, President
Northern Marianas Constitutional
Convention


Pedro M. Atalig
Convention Secretary