

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Forty-Fourth Day
Tuesday, November 30, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 10:10 a.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 39 Delegates present. No Delegates were absent or excused.

(4) ADOPTION OF THE JOURNAL.

Floor Leader Raga: I move that we adopt the Summary Journals of Days 42 and 43.

The motion was seconded and carried.

Chairman Atalig: There is a typographical error under "Miscellaneous" of the 42nd Day. There is not a complete sentence for Chairman Mafnas' request.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Borja: Mr. President, your Special Committee appointed to reach a compromise on the issues of "Composition of the House" and "Statute of Limitations" has met and compromised on "Statute of Limitations." Our recommendation has been inserted into the Schedule on Transitional Matters and will be presented to the house later in our calendar of business. We are still deliberating on "Composition of the House" and hope to reach a consensus soon.

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

Chairman Fitral: Mr. President, I would like to introduce for First Reading a new section for the Schedule on Transitional Matters--Section 7, regarding "Eminent Domain."

Chairman Fitral: I would like to introduce Section 6 on the Schedule on Transitional Matters, regarding "Continuity of Corporations and Licenses."

Chairman Mafnas: Mr. President, I would like to introduce at this time Section 12 on the Schedule, regarding "Commencement of Terms, and Section 9, regarding "Commonwealth."

(8) SECOND AND FINAL READING OF RECOMMENDATIONS

Calendared: Article VI, regarding "Local Government"
Preamble

Floor Leader Raga: Mr. President, I move that we resolve into the Committee of the Whole in order to consider the items listed under Second and Final Reading.

The motion was seconded and carried.

President Guerrero appointed Delegate Pedro M. Ogo to preside over the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 10:25 a.m.

The Convention reconvened in Plenary Session at 2:12 p.m.

Chairman Ogo: Mr. President, I am happy to report that the Committee of the Whole adopted the Preamble as amended by Preamble B. I now move that the Convention adopt on Second and Final Reading the Preamble as adopted by the Committee of the Whole.

The motion was seconded and carried by roll call vote. The votes were as follow:

YES: Delegates D. Atalig, P. Atalig, Attao, Ayuyu, J. Borja, O.T. Borja, Calvo, M. Camacho, Castro, J. Cruz, Dela Cruz, J. DLG. Demapan, Diaz, Fitial, L. Guerrero, Hofschneider, Igitol, King, Limes, Mafnas, B. Manglona, P. Manglona, V. Manglona, Maratita, Ogo, Palacios, Taisacan, J. Tenorio, M. Tenorio, Torres, J. Villagomez and R. Villagomez. (32 votes)

NO: Delegates F. Atalig, C. Camacho and H. Guerrero. (3 votes)

ABSTAIN: Delegates Benavente, A. Camacho and J.G. Demapan. (3 votes)

(As per the President's earlier ruling, the 3 abstentions were counted as affirmative votes, making the final count 35 affirmative and 3 negative.)

Chairman Ogo: Mr. President, your Committee also adopted Article VI, regarding "Local Government," as amended.

President Guerrero: Since it will require a few minutes for the staff to prepare the article on Local Government as adopted by the Committee, I suggest that we proceed to the First Reading of Sections 6, 7, 9 and 12 of the Schedule of Transitional Matters. But before we do that I will call a recess, subject to the call of the chair.

The Convention recessed at 2:20 p.m.

RECESS

The Convention reconvened at 2:35

President Guerrero: Sections 6, 7, 9 and 12 of the Schedule will be considered now under Special Orders of the Day. Mr. Floor Leader?

Floor Leader Raza: Mr. President, I move that we resolve into the Committee of the Whole in order to consider the sections of the Schedule on Transitional Matters as listed.

The motion was seconded and carried.

President Guerrero appointed Delegate Magdalena Camacho to preside over the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 2:45 p.m.

The Convention reconvened in Plenary Session at 4:32 p.m.

Chairwoman Camacho: Mr. President, I am happy to report that your Committee of the Whole has adopted Sections 7, 9 and 12 of the Schedule on Transitional Matters without amendment. It has also adopted, as amended, Section 6 of the Schedule. I move to adopt those sections on First Reading.

President Guerrero: Before we vote on those for First Reading please let us clear the calendar from this morning. Chairman Ogo?

Chairman Ogo: I move for the adoption on Second and Final Reading of Article VI, regarding "Local Government," as amended and recommended by the consultants for style.

The motion was seconded.

Delegate Benavente: I move that we adopt Amendment No. 9th.

The motion was seconded.

Delegate Benavente: (Chamorro)

Delegate Dela Cruz: (Chamorro)

Delegate M. Tenorio: (Chamorro)

Delegate Jose Cruz: (Chamorro)

Delegate Benavente: (Chamorro)

Delegate Herman Guerrero: I'm concerned about Section 6. There would be an overlapping of duties and authorities if we continued our present kind of municipal government. There is also a conflicting part between the proposed amendment and the legislative branch as we have already adopted it. Regarding the other concern of Delegate Benavente, it is taken care of under Section 4 where added salaries can be justified to the legislature. Another point of concern is that the term of office for the mayors of the municipalities are not parallel. I understand that Tinian would only have two more years and Rota and Saipan would be four years. I think the provisions of this should be thoroughly discussed.

Delegate Calvo: Mr. President, I share the concern of the mayor with respect to his proposed amendment and having the charter municipality continued here on Saipan for the reasons he enumerated, however, I would like to pose a question. In case the Commonwealth government will absorb the fifty-plus employees now under the employ of the Saipan Municipal Council, what program is the Municipal Council going to maintain?

Delegate Benavente: Could you clarify that question?

Delegate Calvo: If the Commonwealth government absorbs the municipal employees under the municipal government now, what then would the municipal government do with respect to the programs?

Delegate Benavente: The central government would take over also the services. My concern is the employees currently employed by the local government. As to the future employment status, I am aware there is a transitional provision that the central government will absorb those employees, but as to how long the Commonwealth government will keep them--that is questionable.

Delegate Calvo: I think the stand of Rota...and I stand to be corrected by my colleagues...is to abolish the municipal council or municipal government as soon as possible. I'm wondering if we can't accommodate the mayor's concern here without even having to mention Rota and Tinian. Then, for that matter, if Tinian wishes to abolish their local council, too, they may do so. Is there anyway we can accommodate Saipan and leave Rota and Tinian alone? I'm asking the Committee on Local Government that question.

Chairman Ftial: Do I understand that you're asking if we can provide for Saipan alone?

Delegate Calvo: That is correct.

Chairman Ftial: Mr. President, it was the overwhelming decision of the Committee that the present system of local government must change and that the services would continue to be rendered to the communities. This was one basic principle that the Committee has adopted when they were deliberating on the local government issue.

Delegate Calvo: One last question, Mr. President. In other words, the Commonwealth government will absorb lock, stock and barrel the municipal government's function as well as the collateral, equipment and everything else?

Chairman Ftial: That is correct.

Delegate Benjamin Manglona: Mr. President, I am somewhat troubled by Section 6 of the proposed amendment. It may be repetitious but I tend to agree with my colleague, Senator Guerrero. I think the purpose of this proposed amendment is to continue the present chartered municipality until at least 1980. Mr. President, in the proposal for local government we have a provision for an elected mayor from each municipality. This will take effect upon the effective date of this Constitution. If we have a mayor to be elected upon the effective date of this Constitution, and if we continue to have the existence of the present municipality in Saipan--I would like to pose a question--who's going to be the spokesman for the people of the municipality? Is it the mayor of the existing municipal government or the mayor elected under the constitutional government?

Delegate Benavente: The new constitutional mayor will be elected after the termination date, which is 1980. So the constitutional mayor will not be elected until such time as the termination date comes.

Delegate Benjamin Manglona: Mr. President, the reason I posed that question is because I think there is a conflict here. The intention of this proposed amendment is to allow the present chartered municipality to continue on until 1980. At the same time, if our Constitution become effective next year and an election be held next year, that would mean we would have a mayor elected on each island. In the way we are asked to approve this amendment, we would be having two mayors. This is just not consistent with the language in the proposed provision for local government. Therefore, although I sympathize with my colleague Mayor Benavente, I think the only remedy here is to perhaps provide a provision to handle his concern on the employment aspect of the municipal employees, especially here on Saipan. Thank you.

Delegate Benavente: Clarification, Mr. President. On the proposed amendment number 98, Section 2, "Election of Mayor," says the people shall elect a mayor "as provided in Section 6." And Section 6(a) means that the new constitutional mayor will be elected maybe on or before 1980.

President Guerrero: Does that answer your question, Delegate Manglona?

Delegate Benjamin Manglona: I yield, Mr. President.

Chairman Fitial: I just want to say a few words, Mr. President. First, I want to indicate that I share the concern of our distinguished Delegate, Mayor Benavente. The Committee during its discussion on the proposed article on local government came up with the new system, new outlook, new approach to local government based on their belief that it would provide for uniformity, a standardization of Commonwealth services to be provided to the public. Also, duplication in the interest of cost and economy--to prevent duplication of efforts that can be best attained by one functional unit or one central government. It was the contention of your Committee, Mr. President, that we should abolish the present system of local government in order to adopt a new approach or a new outlook and provide a duration--it's like a trial--that after a given period of time, if the people desire or determine that they want to have a local government with all the departments and necessary functions with it, they can easily request the legislature to establish such local government operation for such community. I also share the concern of the Delegate Mayor Benavente who happens, also, to be a member of the Committee, that Saipan could operate on its own at the present time--but the effectiveness is questionable. The Committee discovered for a fact that the major portion of the revenues generated for the operation of the municipal government here on Saipan is derived from grants-in-aid supported by the present district legislature. The approach that we have proposed to the Convention is like a trial to assess the real need for such an extensive or expansive local government in the future. Thank you, Mr. President.

Delegate Jesus Villagomez: I would like to assure the Delegates and the present employees of the local government that upon the effective date of this Constitution their employment will not terminate at that time. There is a provision taking that into consideration in the Schedule of Transitional Matters regarding continuity of government employment and operations. This would assure you that you will not be taken off the payroll immediately following the effective date of the Constitution. I want that to be perfectly clear to everyone here.

Delegate Diaz: I think I can understand the concern of the honorable Delegate Mayor of Saipan. I share his concern, however, I also have reservations regarding proposed amendment 98. Before I state my reservations, Mr. President, I would like to ask the honorable Delegate Mayor Benavente if the last sentence under Section 3(d) has been restated.

Delegate Benavente: Yes, the underlined part.

Delegate Diaz: My reservation is that I have slightly a different version of Section 6(a). I would suggest that if there is an election following next year, all incumbents hold over until the Commonwealth election. In other words, instead of the incumbents holding office until 1980, in the case of an election--in the case of Tinian I think there will not be an election next year for the municipal council--but if the election was in 1978, then I would suggest that those incumbents would hold over until the new election for our Commonwealth governor. That would be merely my suggestion and maybe it would help the concern of the good mayor of Saipan.

Delegate J.P. Tenorio: As a member of the Saipan Municipal Council at the present, it is my feeling that one of the biggest problems we're facing is that everytime we deliberate in that honorable body there is a delineation of power in the area of jurisdiction concerning legislation and whatnot. It is my feeling that the new Commonwealth should be given the opportunity to get itself the proper bearing and whatnot. That would give the legislature of the Commonwealth, also, time enough to separate what they consider local matters from other matters. I'm a firm believer that the primary function of the government is service for its people. In that end, I believe that the existence of the municipal council is a burden to our taxpayer and that the municipal council should terminate itself as soon as possible and the money presently used for the municipal council should be spread out to the people in terms of services. Thank you.

President Guerrero: Alright, at this time could I ask the legal consultant to comment on this since it is very important.

Mr. Willens: Yes, thank you, Mr. President. I will not belabor the point but I would like to express a few thoughts about this proposed amendment to Article 6. It's been my view of the past several weeks that Article 6 on local government is one of those that will be looked at most carefully by the United States authorities in the course of reviewing this document by approval. As the document has emerged from the Convention I believe it is an article that will withstand very close scrutiny and it's an article of which you can be very proud. I think it can be explained and defended to the United States in these three important respects: First, it shows a considerable amount of political courage on the part of the members of this Convention to abolish existing institutions of local government and to create a new institution which you think is better designed for your purposes. It shows your concern for efficiency in terms of delivering public services and your emphasis on services for the people rather than positions and governmental bodies. Third, it reflects your concern for economy and will enable you to demonstrate to the United States that you have created an overall government structure that is appropriate for your small community and one with the limited resources that you will have over the next several years. So, I think the article that you have before you for Second Reading is a very important article and one that you can defend on those three important grounds that I have just summarized. I'm afraid that the proposed amendment really takes you right back to where you started from and I think it would really open up your article for a continuation of your existing institution of government. That is my view of the article as it presently stands.

Floor Leader Rasa: I move to end debate.

The motion was seconded and carried.

Motion to adopt proposed amendment 98 was defeated by roll call vote.

Delegate Ramon Villagomez: On Article VI, Section 5, line 5, the word "ethnic." I would like to move to delete the words "and ethnic" on line 5 and on line 8

delete the words "and among ethnic groups." The reason I make the motion to delete those terms is to reduce as much as possible any language in the Constitution that would divide ethnic groups within the Commonwealth. I think that local matters would include ethnic matters.

The motion was seconded.

Chairman Fitial: In the interest of unity among the people of the Northern Marianas, I move to end debate.

The motion was seconded.

President Guerrero: Are we ready to vote on the entire Article VI, as amended?

Delegate Ramon Villagomez: We haven't voted on my motion.

President Guerrero: Your motion is only for deletion and that has been approved by the ethnic representative.

Chairman Fitial: Point of order. You are discriminating.

President Guerrero: I don't think we are discriminating. You are the sponsor of this particular amendment and you are in agreement with that so I don't think there's any need to call for a vote.

Delegate Carlos Camacho: Point of information. Can somebody tell me how many assistants does the mayor have under Section 4 for compensation?

Floor Leader Rasa: The term "assistants" is plural there so he could have more than one should he ever decide.

Delegate Jesus Villagomez: There would be as many as provided by law.

Delegate J.S. Demapan: Mr. President, I'm wondering if this municipality we are envisioning will be able to work because it is under commercial laws.
(laughter)

Chairman Fitial: I can answer that. That would provide that our municipal government would be operating legally.

Delegate J.S. Demapan: What are the politics we are practicing in the Northern Marianas? That is my major concern.

Motion carried to end debate.

Motion to delete, as offered by Delegate Villagomez, carried by vote by raising of hands.

Motion to adopt Article VI, as amended, carried by roll call vote. The votes were as follow:

YES:	Delegates D. Atalig, F. Atalig, P. Atalig, Attao, Ayuyu, J. Borja, O.T. Borja, M. Camacho, Castro, Cruz, Dela Cruz, Diaz, Fitial, L. Guerrero, Hofschneider, King, Limes, Mafnas, B. Manglona, P. Manglona, V. Manglona, Ogo, Palacios, Rasa, Taisacan, J. Tenorio, M. Tenorio, Torres, J. Villagomez and H. Villagomez. (30 votes)
NO:	Delegates Benavente, A. Camacho and H. Guerrero. (3 votes)
ABSTAIN:	Delegates C. Camacho and J.S. Demapan. (2 votes)

(As per the earlier ruling of President Guerrero, the 2 abstentions were counted as affirmative votes, making the final count 32 affirmative and 3 negative.)

(9) INTRODUCTION OF RESOLUTIONS

Chairman Fitial: I would like to introduce Resolution No. 7, regarding migration of Northern Marianas people to the United States.

(10) UNFINISHED BUSINESS

President Guerrero: May I ask the committee dealing with Section 11 of Transitional Matters? In this still with the Committee on Governmental Institutions, Chairman Mafnas?

Chairman Mafnas: Mr. President, as soon as we resolve the problem of the lower house we will tackle that problem. I hope it will be done soon.

President Guerrero: May I ask your committee to meet sometime tomorrow, then, so you can at least report to the Convention. I do ask that your committee and the Special Committee dealing with the composition of the lower house come up with a report for tomorrow. I hope these matters can be resolved soon so we can proceed with the business of the Convention.

(11) SPECIAL ORDERS OF THE DAY - None.

(12) GENERAL ORDERS OF THE DAY - None.

(13) MISCELLANEOUS

President Guerrero: I have distributed one communication, a letter from Strik Yoma, Director of Affairs, expressing their concern about our draft provisions.

(14) ANNOUNCEMENTS

Chairman Fitial: For the purpose of promoting unity among the people of the Northern Marianas, the Carolinian Delegation is hosting a party on Saturday for the Convention Delegates and staff from 6 to 8 p.m. It will be outside by the pool and everyone is invited.

Chairman O.T. Borja: Mr. President, your Special Committee will meet at seven o'clock this evening to discuss "Composition of the Lower House."


Secretary Atalig: The Style Committee will meet tomorrow morning twenty minutes before the Plenary Session begins.

Floor Leader Raza: I move that the Convention recess until ten o'clock tomorrow morning.

The motion was seconded and carried.

The Convention recessed at 5:50 p.m.

APPROVED:


Lorenzo I. Guerrero, President
Northern Marianas Constitutional
Convention


Pedro M. Atalig
Convention Secretary