

SECOND CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
Convention Hall - House of Taga
Saipan, CM 96950

SECOND DAY

Wednesday, June 19, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:40 a.m. in the Convention Hall, House of Taga, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer was observed.

The Convention Secretary called the roll, and all the 24 delegates were present.

ADOPTION OF JOURNALS

President H. Guerrero: Thank you. The next part of the agenda is the adoption of the journal, but it's still being printed so I would like to do it toward the end when we receive it, if there's no objection.

COMMUNICATIONS

Comm. No. 1, from the Office of the Attorney General, re "Proposed Guidelines for Legal Assistance."

President H. Guerrero: We have a communication from the Office of the Attorney General regarding Proposed Guidelines for Legal Assistance. Is there any questions from the members regarding the communication? Yes, Delegate Guerrero?

Delegate L. DeLeon Guerrero: Mr. President, thank you. I think the communication from the Attorney General's Office is self-explanatory, and I think this is basically a guideline for each of the delegates. I would like to request the President that we also include the other communication that we received from the Commonwealth Health Coordinating Council which is chaired by Father Villagomez. I'm sure that all the delegates have received their copies. And it would be a good gesture on our part that all communications received on the same day should be included in that particular day's journal.

President H. Guerrero: Thank you for your suggestion. Delegate Villagomez?

Delegate R. Villagomez: We cannot hear very well back here.

President H. Guerrero: Delegate Guerrero, can you at least speak to the mike, please, for the benefit of the other delegates?

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Delegate L. Deleon Guerrero: Thank you, Mr. President. I said that Miscellaneous Communication No. 1 which the Convention received and copies have been passed out, I believe this particular miscellaneous communication is basically a guideline for delegate proposals and a format that this Convention will use during these meetings. I believe the guideline basically is self-explanatory. But No. 2, I said that I would like also to include under the Miscellaneous Communications all communications received by this Convention. And we have just received, of course, a letter addressed to this Convention, to the delegates, from the Commonwealth Health Coordinating Council which is chaired by Father Villagomez and this particular communication should be included in today's journal.

President H. Guerrero: There seems to be some echo in this room, I wonder if probably for the benefit of the delegates that if you are not speaking, to turn off your mike. It's picking up the noises from somewhere, that's why we are having difficulty. Does anybody have any objection in terms of the suggestion of Delegate Guerrero? Delegate Lizama?

Floor Leader Lizama: Mr. President, I would like to make a motion.

President H. Guerrero: Can you speak to the mike? I'm having difficulty hearing you also.

Floor Leader Lizama: I would like to make that into a motion so that the communication will be made a part of the communications to this Convention.

President H. Guerrero: It has been....

Delegate L. Deleon Guerrero: Mr. President, I believe all miscellaneous communications received by this Convention is unnecessary to put into motion because each delegate is entitled to receive that miscellaneous communication or a copy of the miscellaneous communication. Therefore, of course, I have no reservation in making it into a motion but I want to make it clear that any miscellaneous communication received by your good office or the good leadership of your office, copies should be passed out to each of the delegates. But for the purpose of including that Miscellaneous Communication No. 2 which is addressed to this Convention from Father Villagomez, I'm just sort of advising the President that that should be included as part of the miscellaneous communications, No.2.

President H. Guerrero: I call on Delegate Lizama.

Floor Leader Lizama: As I understood it, Mr. President, Delegate Guerrero stated in the first instance that this was a communication to each delegate. Now if he is construing this as communication miscellaneous nature for the convention, then I think we should, or maybe it's proper that we should entertain this in a motion form.

President H. Guerrero: Delegate King.

Delegate King: Mr. President, I believe yesterday we adopted the Rules of Procedure. And the Rules in the package indicated Rule 38 on Order of Business. I believe that we must stick to our own rules and follow the

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order of business. I think that Communications is not listed under Rule 38. So I believe that we should try to follow our Rules of Procedure.

President H. Guerrero: Okay. Delegate Nabors, you had your hand up?

Delegate Nabors: Thank you, Mr. President. I am a little confused on what's going on, but what I'd like to bring out is that I realized that miscellaneous communications need not have a vote to be adopted. But the Attorney General has made a recommendation or guidelines for legal assistance. And while I agree with Delegate Guerrero, I believe we ought to take some formal action in adopting these guidelines so that we can get on with our work. And whether that be by unanimous consent or vote, I have no preference but do feel that we ought to take some formal action. Thank you.

President H. Guerrero: Delegate Guerrero?

Delegate L. Deleon Guerrero: Thank you, Mr. President. I believe, like I said, that the miscellaneous communication from the Attorney General is merely a format and is self-explanatory in itself, stating that the legal assistance, of course, would be limited to some of their time. And therefore, I believe, to me, it's just giving us an idea on how this Convention should be assisted by his office. The only thing that I was, of course, calling the attention of the Chair is that, maybe inadvertently, this miscellaneous communication from the Commonwealth Coordinating Council is not included in today's Order of Business. So should I have to ask for the general consensus of the delegates that this should be included in today's journal, I have no reservation to it.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. About the miscellaneous communication of today, the second part, the communication from the Commonwealth Health Council concerning abortion, I have in my hand a draft proposal to answer what the Commonwealth Health Council is asking of abortions. So I'm ready to submit an abortion proposal this morning. Perhaps this would answer part of it.

President H. Guerrero: Thank you. Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I think Delegate Cing pointed out something that our Rules does not address. The Order of Business, miscellaneous or communication is not listed. I would like to ask the Floor Leader to render his opinion on the propriety of business letter E, pursuant to our Rules.

Floor Leader Lizama: Mr. President, I agree with Delegate Mafnas that the Rule, No. 38, does not....

President H. Guerrero: Can you turn that mike on?

Floor Leader Lizama: Rule No. 38 does not include miscellaneous communications. I think we have that opinion that under Rule 38 that we are going to have... but we do not have. Maybe we should allow ourselves to defer this matter for now until.... I believe that we are going to be doing some other businesses with respect to the Rules, so maybe we could defer this for now and then we could take it up at a later time.

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President H. Guerrero: Before I call on Delegate King....

Delegate King: Mr. President, I have a question on the statement made by Delegate Mafnas. My name is not Cing, it is Kin.

President H. Guerrero: My apology.

Delegate Mafnas: Mr. President, I said Delegate King. I know him; he's not Cing.

President H. Guerrero: I apologize; I did call you Cing. Delegate Pangelinan?

Delegate Pangelinan: Mr. President, Rule No. 67 allows us to suspend the rules, and I don't see any problem here in suspending the rules so that we can incorporate the communication for the Order of Business for today with the unanimous consent of the committee as a whole.

President H. Guerrero: Are you suggesting, making a motion, or what?

Delegate Pangelinan: I would like to move that the rules are suspended to incorporate, to amend the Order of Business of today to include communications.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to suspend the rule....

Delegate L. Deleon Guerrero: Point of clarification on what we are trying to do here, Mr. President.

President H. Guerrero: Delegate Guerrero?

Delegate L. Deleon Guerrero: I don't think we have to deal with the Rules when we have the agenda for today, which you've listed down the purpose of this agenda for discussion. What I'm saying is, the miscellaneous communications that are passed out to the delegates on everyday's convention is routine and a normal business of the Convention, therefore, we don't have to deal with amending our rules. I'm simply asking the Presiding Officer of the Convention that maybe inadvertently that it was not included in today's miscellaneous communications. So that's the point of clarification on my part.

President H. Guerrero: Okay, for clarification of the delegates, when I was going over the Rules this morning, there was nothing about communication but I felt that in the best interest of all the delegates that all communication comes in here will be included and distributed to all the delegates. And I want to keep this as a practice also. And unfortunately, when the agenda was typed out, we have not received the letter from the Commonwealth Health Council. So that's why it's not included. But it's not that I did not want it included but it's just that we didn't get it on time. Delegate Guerrero?

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Delegate L. Deleon Guerrero: Another thing, Mr. President, you know, unless there is an objection on the floor, then I would try to move to make it into a motion but I don't hear any objection at all to include this in today's miscellaneous communication.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, there is already a motion on the floor to suspend the rule. I think we should take it up....

Delegate Pangelinan: Second.

President H. Guerrero: There is a motion on the floor to suspend the Rules and it has been seconded. Any discussions on the motion?

Delegate Nabors: Motion to end the debate.

Delegate Ogunoro seconded the motion.

President H. Guerrero: It has been moved and seconded with a motion to end the debate. Delegate Tomokane?

Delegate Tomokane: Mr. President, for clarification, I would like to know the specific Rule that will be suspended.

President H. Guerrero: That's a good question. Can I get Delegate Pangelinan to restate her motion?

Delegate Pangelinan: Well, Rule.... First, following the Robert's Rules of Order when it is not consistent, we have Rule 66 for procedures for temporary alteration, suspension or rescission of rules. A rule of the Convention shall not be altered unless we have one-day notice, if it's going to be temporarily suspended. If we are going to permanently suspend it, then we need five days notice. However, if we get the unanimous consensus of the Committee of the Whole, then we can unanimously suspend the rule to get the business going.

President H. Guerrero: Is there -- are you referring to any specific rules?

Delegate Pangelinan: Oh, yeah, I'm sorry. 65, 66 and 67.

President H. Guerrero: Delegate Tomokane, it's Rule 67. Delegate Villagomez?

Delegate Villagomez: Rule 67 gives you the authority to suspend the rules. The question was not, what is the basis of the authority. The question now was, which rule are we suspending? Are we suspending Rule 38?

Delegate Pangelinan: We are suspending Rule 66.

Delegate L. Deleon Guerrero: Mr. President?

President H. Guerrero: Just a minute. Delegate Torres?

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Delegate L. Deleon Guerrero: I would like a point of order, to point out a point of order here.

President H. Guerrero: Delegate Guerrero?

Delegate L. Deleon Guerrero: We have a motion, and it was moved to end the debate. Immediately the Presiding Officer should put that into a vote. We start now debating about what rules and what we are suppose to do. I think what we need is to go back and vote on that end debate motion.

President H. Guerrero: There is a request to clarify the motion and that takes priority.

Delegate L. Deleon Guerrero: I'm sorry, Mr. President, but I think even the Rules itself, immediately if there's a motion to end the debate and was seconded, without no delay, you have to put that on the floor and have that thing voted.

Delegate Mafnas: Let's vote.

Delegate Villagomez: We cannot vote on a motion if we don't know what the motion is. Which rule are we suspending? I'm requesting that we suspend Rule 38. I'm requesting that we look at Rule 38 and see if that's the Rule we are suspending and then we can move on.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, it is my understanding that the intension of the mover is that she wants to have the entire Rules to be suspended for the time being....

President H. Guerrero: Delegate Torres?

Delegate Torres: I just want to get back to Delegate Tomokane's point of clarification. I think what Rule we are trying to suspend here is 38 and Rule 67 gives us the vehicle to do that.

President H. Guerrero: Delegate Pangelinan, can you just restate your motion in terms of, for the record, what we are actually...

Delegate Pangelinan: Okay. For the record, correction is made. I move that we suspend Rule 38, which does not include communication in the Order of Business, in consistent with Rule 67..

Delegate Nabors seconded the motion.

Delegate L. Deleon Guerrero: I move for the previous question.

Delegate King seconded the motion.

President H. Guerrero: Excuse me, Delegate Guerrero. What was your...?

Delegate L. Deleon Guerrero: I said I move for the previous question. There's already a second to the motion; so therefore, without any delay, put that into vote.

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The motion to suspend Rule 38 was carried by voice vote.

President H. Guerrero: Rule 38 is suspended. Delegate Manglona?

Delegate Manglona: Mr. President, I would like to move also that we suspend Rule 68.

Delegate Nabors: Point of order, Mr. President.

President H. Guerrero: Can I, just point of clarification. Are you calling to suspend Rule 68 under Rule 67 or 66?

Delegate Nabors: Point of order, Mr. President. With the passage of the last motion, we now are on item E of our Order of the Day. Thank you.

Delegate Manglona: I withdraw my motion, Mr. President.

President H. Guerrero: Thank you. Delegate Guerrero?

Delegate L. DeLeon Guerrero: Thank you, Mr. President. Now that the rule has been suspended merely to allow me into inserting this additional miscellaneous communication to simplify everybody's concern, I'd like to move that the miscellaneous communication from the Commonwealth Health Coordinating Council, which was forwarded by the chairman of the committee, Father Villagomez, be included in today's miscellaneous business under item E and be stated as Miscellaneous Communication No. 2.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to include the communication from the chairperson of the Commonwealth Health Coordinating Council as part of the communication and other business. Discussions?

There being no discussion, the motion to include the communication from the Commonwealth Health Coordinating Council as Miscellaneous Communication No. 2 was carried by voice vote.

Comm. No. 2, from Father Jose Villagomez, Chairman of the Commonwealth Health Coordinating Council, re abortion.

Delegate Mafnas: Are we still on, Order of Business, E, Mr. President?

President H. Guerrero: Yes.

Delegate Mafnas: May I pose a question to the Attorney General?

President H. Guerrero: Please do.

Delegate Mafnas: May I ask our Floor Leader whether I can pose questions to the Attorney General without resolving to the Committee of the Whole?

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: What was the question, Mr. President?

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President H. Guerrero: Delegate Mafnas, can you repeat your question please?

Delegate Mafnas: I would like to know whether I can pose a question to the Attorney General without the Convention resolving into a Committee of the Whole.

Floor Leader Lizama: Mr. President, I believe the question is, he is asking whether he could ask the Attorney General for a question. Is that the question? Without resolving the issue to the or referring the issue to the Committee of the Whole. That's what you are referring to, Delegate Mafnas. Is that right?

Delegate Mafnas: Yes, it is.

Floor Leader Lizama: I am not so sure whether we can do that. But I believe Delegate Mafnas could refer his question to the President.

Delegate Mafnas: Then may I ask you, Mr. President?

President H. Guerrero: I have no objection unless there's any objection from the members. Delegate Kaipat?

Delegate Kaipat: Mr. President, the previous question we voted is for first and second miscellaneous communications. And at this time, it sounds like we are deviating from our Order of Business for today. The next order should be the Committee Reports and then followed by Proposals. Since there is no committee report that we know of, we should be in the Proposal area. Thank you, Mr. President.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, you asked whether we have questions regarding the communication from the Attorney General. I know that if I ask you my question, you would not be able to answer. That's why I am inquiring whether I can ask the Attorney General a question and he can answer without resolving into a Committee of the Whole.

Floor Leader Lizama: Mr. President, I believe Delegate Mafnas is out of order at this time. I don't think that he could do that at this time because if he wants to make a question to the Attorney General, then I think he should ask the Attorney General his question. And I don't think that -- first, individually. And I don't think that the President should have to deal with that question right now. I think he is out of order.

Delegate Mendiola: Thank you, Mr. President. I think we have suspended Rule 38. So it's up to you to put it upside down, up-down, or whatever. So you're the Rule now up there whether you are going to have Delegate Mafnas's question pose to the Legal Counsel; it's up to you. We have suspended the Rule. So it's your rule now.

President H. Guerrero: Is there actually any objection to Delegate Mafnas' directing his question to the Attorney General?

There were several responses of no objection.

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Floor Leader Lizama: The question, Mr. President, is that once a Committee of the Whole could be formed, I believe that Rule 32 allows that. But I don't know why, what's the purpose of establishing a Committee of the Whole.

Delegate Nabors: No objection.

President H. Guerrero: Delegate Mafnas, why don't you go ahead and ask your question.

Delegate Mafnas: Yes. Before I ask my question, Mr. President, I ask the Floor Leader a question on the propriety of asking the Attorney General and he could not answer me. Now, he is telling me the answer and he is telling me that I am out of order. I would like now to ask the Attorney General to clarify the last sentence on No. 5, please.

Attorney General Kosack: Delegate Mafnas, are you referring to No. 5 of the letter which I sent in on the Guidelines for Legal Assistance?

Delegate Mafnas: Yes, the guidelines.

Attorney General Kosack: Okay. We originally sent a letter to the President of the Convention in which we suggested that we will go ahead and be available for drafting legal, drafting all the proposals that will go to the President and then be assigned out to the committees. One of the things that we recognized yesterday is that we received proposals from three delegates so far and in those three proposals we had -- I mean in those three delegates, we had over 35 proposals. There's a lot of work there. We felt that with the number of proposals that were coming through if every delegate average 10 proposals, we will be looking and drafting about 250 proposals. Our ability with two and a half attorneys to generate, drafting those proposals into their correct forms is pretty limited. And what's going to happen is we will be bottling that before they ever reach the President. We discussed with the President yesterday how that might be resolved and the answer that came up with a suggestion was that the proposals be at least in a minimum, in the form of, say, and there are some samples up here which are going to be xeroxed from the First Constitutional Convention that basically list the title of what the proposal intends to do. That would be introduced, numbered and then referred by the President to the committee. In the committee, the members of the committee that would look at all the proposals before them and refer those proposals which they wish to act on for the legal drafting which we have suggested to be in strikeout-type form much as I know we handle the proposals for yourselves. It's exact, same form as your proposal. I also eliminates a lot of unnecessary work as we find out that the same themes are coming up repeatedly in the proposals, so we may end up drafting 11 different types, essentially the same proposals. So this will eliminate that repetition. That's what's referred to in the last sentence in No. 5, which is if the Committee then select those proposals, it needs to be written in legal form. There still be a proposal but it's just to have it further refined in a legislative style form. These are suggestions and, of course, obviously the delegates can change the guidelines in any way that they wish. Is that answer your question?

Delegate Mafnas: Thank you.

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Attorney General Kosack: Thank you.

President H. Guerrero: The next order of business is....

Delegate Villagomez: Excuse me, Mr. President. I have a question, Mr. President.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Is the Attorney General's referred function is simply to review a proposal and make changes to language for clarification and for correct grammar? Is that that?

Attorney General Kosack: Delegate Villagomez, what we were proposing to do because of the fact that we are going to be short on legal assistance -- so far, there are only two and a half of us attorneys and no other government's agencies have come forward and volunteer their attorneys and I would figure at least you are going to need five and probably quite a few more attorneys -- is that in the proposals when we receive them, we will make sure that the correct language is in there, make sure that there are no ambiguities that will cause problems at some later time, make sure that the correct legislative strikeout format is in there so people will know exactly what is being done. That's basically all that will be done with the proposal, as the proposal function. Our other function is to answer legal opinions and those will be referred to as by committee. Someone, a moment ago, mentioned they write two life amendment. I assume there's a possibility that that committee would say, this is consistent with the Covenant. And then we would provide legal opinions on that. Basically, those two functions.... There's a third function which is that we will review the committee reports when they come out to make sure that they are accurate, edit it for language, and also make sure that they are legally accurate as well. The bulk of our work will be in the legal, in the area of giving legal opinions to the committees.

Delegate Villagomez: You stated in No. 6 that the proposals will be kept confidential by the legal staff. Does that mean that the proposals will not be shown to the other delegates...?

Attorney General Kosack: Okay. There is a very confusion here and we are partly at fault. When I originally wrote this letter it was written on June 17 and attached to it were guidelines. There are 10 guidelines. You probably have a list of 10 guidelines. We, as a result of our meeting with the President yesterday, redrafted the guidelines and took out, which you are reading right now and came up with a list of 11 guidelines. It should be in front of you because I handed it out in front of every delegate this morning and I asked the staff, when they handed out the xeroxed copy to the letter to rip off those old guidelines. So when we talked about guidelines for legal assistance, there should be 11 guidelines on your page, not 10. If you have one with 10, please throw that away. That's already outdated.

Delegate Villagomez: Which attorney here that only half of him present?

(Laughter)

Attorney General Kosack: Well, the brain part has been removed from the rest of it.

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(Laughter)

Delegate Villagomez: Mr. President, I would like to request that all proposals which have been submitted to the Attorney General and which have been changed for appropriate language and format that they immediately be distributed among all the delegates before they are even introduced on the floor.

Attorney General Kosack: If I can interject. The proposals that we will edit have already been introduced on the floor. The proposals will be introduced without us having any involvement with it by each delegate. The delegate will introduce its proposal. All it's required by law is to state its title, that it have a place for numbering, that says who introduce and the date it's introduced, and then President will assign it to the committee. We won't touch that proposal. It will then go to the committee. The committee itself then will look over the proposals and refer to the legal counsel those that it wants to have legislative strike-out forms. And those, we will handle. But that will come directly from the committee chairmen to myself and I will assign it to the legal counsel and then we will return it back to the chairmen. So it's a public property at that point. It will go to all the members of the committee.

Delegate Villagomez: The proposals that are to be introduced are not reviewed by the Attorney General prior to their introduction.

Attorney General Kosack: That's correct.

Delegate Mundo: I have only one question, Mr. President. I notice in the letter here from the Attorney General, he did mention that they are going to provide at least 50% of their time. I would like to ask, has there been any arrangement with the other attorneys where to meet this people? How can we get in touch with the other attorneys?

Attorney General Kosack: Let me say one thing. I'm having a hard time hearing you here but I think you said we will provide 50% of our time. We are going to provide for you all of our time. We will provide, but we feel that all of our time between us will only amount to 50% of your needs. And so you are going to need to find at least two or maybe three more. There are another other than my office which has seven attorneys, there are another 12 attorneys in government. And we made a suggestion to the President on some attorneys who are available, who are good on the Constitution and have even indicated a willingness to work with the Convention. It's a matter of contacting their employers and getting their consent.

Delegate Mundo: That's all, Mr. President. I just want to clarify if there's any arrangement with the other attorneys. Thank you.

Delegate Mendola: Just one question to the Attorney General. You mentioned that after it is referred to the committee, it will be passed over to your office. How about before introduction? Can we refer all the proposals to you before introduction on the floor?

Attorney General Kosack: Thank you, Delegate. That was mentioned to us

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yesterday. That was what we originally proposed. When we started talking about on our basis of only working for some two or three days on the proposals, we recognize that what's going to happen is there will be an actual bottom act. We won't be able to work fast enough and I know you want to get the proposals to your committees as soon as possible. If you wait for us to do that work, it may take quite a bit time. We are getting a lot of different proposals. Some delegates are very specific and have all the strikeout type in there; another delegate just merely say I want to change this but don't state how. And those take a lot of time to work on. That's why. The suggestion actually was made not by us but by some of the delegates. They said maybe what we should do is just take the proposals, give them directly to the committee and then we will handle it.

Delegate Mendiola: Thank you.

President H. Guerrero: Anymore questions? We will continue with the Order of Business.

Floor Leader Lizama: Mr. President, so that we could proceed with our Order of Business, I would like at this time to make a motion.

President H. Guerrero: Can I just interrupt? Can you speak louder because you are not coming?

Floor Leader Lizama: So that we could proceed with our normal business, I would like at this time to make a motion. My motion would be that we suspend Rule 67 -- I mean, my motion is to make a suspension on a rule and the particular rule that I would like to specifically deal with is on the rule regarding the formation of the committees. Rule 67, Mr. President, specifically says that a rule could be suspended a rule, so I believe that the rule of construction we have to construe this as meaning that if we are going to suspend a rule that we have to deal specifically to the specific rule. I would like to make a motion that we suspend Rule No. 24. And I would like to suggest that a motion will then be entertained to make changes in this Rule.

Delegate Ogunoro: If there's no objection from the other delegates, I would like to move for a brief recess.

Delegate Mafnas: No objection.

Delegate Mendiola seconded the motion, and the Convention recessed at 10:23 a.m.

RECESS

The Convention reconvened at 10:39 a.m.

President H. Guerrero: I would like to call the Convention to order. Since Rule 38 has been suspended, the Chair will take its privilege of following the format that we have right now. We go now to the Committee Reports. And since -- oh, excuse me. I would like to recognize first Delegate Lizama.

Floor Leader Lizama: Mr. President, I would like to withdraw my motion at this time so we can proceed with the....

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President H. Guerrero: Can you speak up please?

Floor Leader Lizama: I would like to withdraw the motion that I previously made so that we can go down the agenda.

President H. Guerrero: Can you restate that motion that you're withdrawing?

Floor Leader Lizama: My previous motion was to make a suspension on the rule and I am withdrawing that motion.

Delegate Mafnas: Objection. I would like to know why.

Floor Leader Lizama: So that we could expeditiously work on the Order of Business, and I would, at a later time, properly make another motion. At this time, I would like to withdraw the motion.

President H. Guerrero: We will go to the next order of business. The next order is the Committee Reports. Since committees assignment has not been made, we'll move to the next one--Introduction of Proposals. And pursuant to Rule 54, the introduction of proposals will be signed by the delegate and submitted five copies to the Secretary who will number it and distribute it. Delegate Mendiola?

INTRODUCTION OF PROPOSALS AND REFERRALS

Delegate Mendiola: Mr. President, I got two proposals, amendments to introduce this morning. They're introduced by myself and three others.

("A Proposal to amend Section 1 of Article VII regarding the eligibility to vote in the Commonwealth of the Northern Mariana Islands.

"A Proposal to amend Section 2(a) of Article VI to the Constitution of the Northern Mariana Islands to restrict eligibility of mayor to persons of Northern Marianas Descent.")

President H. Guerrero: Can you present that to the Convention Secretary? Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I have several proposals to introduce on behalf of myself and my colleagues from Tinian. The first one is "A Proposal to repeal Sections 2, 3, 4 and 5 of Article XI of the Constitution to abolish the Marianas Public Land Corporation and to reenact the same, to establish a Department of Land Management of the Commonwealth of the Northern Mariana Islands."

Second, "A Proposal to amend the Constitution by adding a new section thereto to Establish a Code of Ethics for public employees and officers of the Executive, Legislative and Judicial Branches of the Commonwealth Government including financial disclosure statements."

The other, "A Proposal to amend the Constitution by adding a new section thereto to restrict the operations budget of the Legislature to five percent (5%) of the Commonwealth Budget, or \$3 million per year, whichever is greater."

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The other, "A Proposal to amend the Constitution of the Northern Mariana Islands by adding a new section thereto to require public bidding for all goods, services, materials, and personal property needed by the Commonwealth Government."

And the other, "A Proposal to amend Section 2, Article III, of the Constitution of the Northern Mariana Islands to restrict the eligibility of persons to run for Governor of the Commonwealth to persons of Northern Marianas Descent." Thank you, Mr. President.

President H. Guerrero: Before I call on the next delegate, the proposals need to be -- pursuant to Rule 54, it has to be delivered to the Secretary. Delegate Torres has his hand up.

Delegate Torres: Thank you, Mr. President. I have three proposals to introduce this morning. One, to amend Article II, Section 2(a); the other, to amend Article II, Section 3(a); third, Article II, Section 13; fourth, Article II, Section 2(c); and the last, Article II, Section 3(c). These proposals are introduced by myself.

President H. Guerrero: Will you present that to the Secretary please? I call on Delegate Cing.

Delegate Cing: Thank you, Mr. President. I have proposals to amend and are introduced by myself and three other colleagues from Tinian.

No. 1, "To amend Section 3 of Article V of the Constitution of the Northern Mariana Islands to restrict the eligibility of Washington Representative to persons of Northern Marianas Descent."

No. 2, "To amend Section 6(a) of Article XI of the Constitution of the Northern Marianas to provide that Rota, Tinian and Saipan shall be equally represented on the Marianas Public Land Trust." Thank you.

President H. Guerrero: Please present it to the Secretary. I call now on Delegate Kaipat.

Delegate Kaipat: Thank you, Mr. President. Mr. President, I have the kind of lengthy proposals here. I have 15 proposals to submit this morning. And since everything seems to be very long, it's going to bore everybody, I'll just take out the important part and read it out. The others will be just the headings.

A "Proposed Amendment to Article I of the Constitution of the Commonwealth of the Northern Mariana Islands: Section 1. Laws Prohibited: subsection (a)" -- we have in the Constitution. "Subsection (b). The privilege of the Writ of Habeas Corpus shall not be suspended unless when in case of rebellion or invasion the public safety may require."

Another one, without a title, is "Proposed Amendments to the Constitution of the Commonwealth of the Northern Mariana Islands: Article X. Prohibition of Prostitution: Section 1. Neither Prostitution nor Bestiality shall exist within the Commonwealth of the Northern Mariana Islands; Section 2. The Commonwealth of the Northern Marianas Legislature shall have power to enforce this Article by appropriate legislation."

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A "Proposed Amendment to Article II, Section 1, in the Constitution of the Commonwealth of the Northern Mariana Islands: Section 1. Legislative Power: The Legislative power of the Commonwealth shall extend to all rightful subjects of legislation, however, shall not supersede certain applicable provisions in the United States Constitution and United States Laws; such power shall be vested in a Commonwealth Legislature composed of a Senate and a House of Representatives."

A "Proposed Amendment to the Constitution of the Commonwealth of the Northern Mariana Islands: Prohibition of Slavery: Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the Commonwealth of the Northern Mariana Islands; the Commonwealth of the Northern Mariana Islands Legislature shall have power to enforce this Article by appropriate legislation."

"Proposed Amendments to the Constitution of the Commonwealth of the Northern Mariana Islands: Article X. Prohibition of Nuclear Materials: Section 1. There shall be no storage of nuclear warheads, nor dumping of nuclear waste on land or in the sea within 200 miles radius of the Commonwealth of the Northern Mariana Islands; Section 2. There shall be no storage or dumping of poison gas, chemicals or biological bomb products on land or sea in the Commonwealth of the Northern Mariana Islands; Section 3. In case of war, the Government of the United States of America may be exempted from above and may exercise its authority and responsibility as stated in Article I, Section 104 of the Covenant."

A "Proposed Amendment to the Constitution of the Commonwealth of the Northern Mariana Islands: Supremacy of Constitution: This Constitution, the Covenant, and the applicable provisions of the United States Constitution, laws and treaties shall be the Supreme Law of the Commonwealth of the Northern Mariana Islands."

A "Proposed Amendment to the Constitution of the Commonwealth of the Northern Mariana Islands: Prohibition of Abortion: Every person who shall unlawfully cause the miscarriage or premature delivery of a woman for the reason other than medical nature, with the intent to do so, shall be guilty of abortion; the Commonwealth of the Northern Marianas Legislature shall have power to enforce this Article by appropriate legislation."

A "Proposed Amendment to the Constitution of the Commonwealth of the Northern Mariana Islands: Fugitives From Justice: A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in the Commonwealth of the Northern Mariana Islands shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

"Proposed Amendments to Article II, Section 2, of the Constitution of the Northern Mariana Islands: Section 2(c). No person shall be senator who shall not have attained to the age of thirty years, and been ten years resident of the Commonwealth of the Northern Mariana Islands, a citizen of the Commonwealth of the Northern Mariana Islands or of the United States, of a sound mind and of a person of Northern Marianas descent. No person convicted of felony may be eligible for this office unless a full pardon

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has been granted. (d) President of the Senate shall have no vote, but may vote only in case of a tie. (e) The Senate shall have the sole power to convict all impeachments. When sitting for the purpose, they shall be on oath or affirmation. When the Governor of the Commonwealth of the Northern Mariana Islands is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present in the Senate. (f) If an impeached public official is found guilty, he is removed from office and not permitted to hold any governmental office. If he has broken any laws, he may be tried for these in a court, just as any other person."

"Proposed Amendments to Article I, Sections 5 and 6, of the Constitution of the Commonwealth of the Northern Mariana Islands: Section X. Protection of Citizen: All persons born or naturalized in the Commonwealth of the Northern Mariana Islands and subject to the jurisdiction thereof are citizens of the Commonwealth of the Northern Mariana Islands. (a) No State shall make or enforce any law which shall abridge the privilege or immunities of citizens of the Commonwealth of the Northern Mariana Islands; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws nor shall private property be taken for public use, without just compensation. (b) No person shall be denied the enjoyment of civil rights or be discriminated against in the exercise thereof on account of race, color, sex, age, ancestry or religion."

A "Proposed Amendment to Article III, Section 2, of the Constitution of the Commonwealth of the Northern Mariana Islands: Section 2. No person except a person of Northern Mariana Islands descent and a citizen of the Commonwealth or of the United States of America shall be eligible to the Office of the Governor; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fifteen years resident within the Northern Mariana Islands. No person convicted of any felony may be eligible for this office unless a full pardon has been granted. A person with psychopathology nature shall not be eligible for the same office."

"Proposed Amendments to Article II, Section 3, of the Constitution of the Commonwealth of the Northern Mariana Islands: Section 3(a). The House of Representatives shall consist of fourteen members with ten members elected from Saipan and the islands to the north, two members elected from Rota and two members elected from Tinian and Aguiguan. The number of representatives may be increased by law. The term of office for the members of the House of Representatives shall be two years. (b) No person shall be a member of the House of Representatives who shall not have attained to the age of twenty-five years, and been ten years resident of the Commonwealth of the Northern Mariana Islands or of the United States of America, of a sound mind and of a person of Northern Mariana Islands descent. No person convicted of felony may be eligible for this office unless a full pardon has been granted. For the purpose of electing representative, Rota shall constitute one district, Tinian and Aguiguan one district, and Saipan and islands to the north shall constitute four election districts. The Commonwealth of the Northern Mariana Islands Legislature may change, redistricting pursuant to Section 4 of this Article, when the population of the islands north of Saipan exceed one thousand, they shall constitute a separate district electing two representatives. (c) Speaker of the

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House of Representatives shall have no vote, but may vote only in case of a tie."

A "Proposed Amendment to Article I, Section 4(c), of the Constitution of the Commonwealth of the Northern Mariana Islands: Section 4(c). There shall be a speedy and public trial. An accused shall have the right to be informed of the nature and cause of the charges against him."

"Proposed Amendments to the Constitution of the Commonwealth of the Northern Mariana Islands: Citizens Right To Vote: The right of citizens of the Commonwealth of the Northern Mariana Islands to vote shall not be denied or abridged by the Government of the Northern Mariana Islands on account of race, color or sex. It is prohibited for the Commonwealth of the Northern Mariana Islands from denying any citizen of the Commonwealth of the Northern Mariana Islands who is eighteen years of age or older the right to vote on account of age."

A "Proposed Amendment to Article I, Section 2. Section 2. Freedom of Religion, Speech, Press, Assembly, and Petition: Congress shall make no law 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 redress of grievances." On the hearing of this part, under Section 2, the Assembly -- Petition was not included. So that's all, Mr. President.

President H. Guerrero: Thank you, Delegate Kaipat. Before I call on other delegates, for the benefit of the delegates and also time, can I ask the delegates to at least just give the title and will go on to the next one for future reference? Because I'm sure there are going to be a lot of proposals. I call on Delegate King.

Delegate King: Thank you, Mr. President. I have two Proposals here that are introduced by myself on behalf of my colleagues from Tinian.

President H. Guerrero: Can you speak louder please?

Delegate King: I have two Proposals here that I would like to introduce by myself on behalf of my three colleagues of Tinian.

No. 1, "A Proposal to amend Section 2 of Article V of the Constitution of the Northern Mariana Islands to extend the term of the Washington Representative to a four (4) year term."

No. 2, "A Proposal to amend Section II of Article III of the Constitution of the Northern Mariana Islands to require the election of the Attorney General for a six year term". Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate King. Can you submit that to the Secretary please? Delegate Mundo?

Delegate Mundo: Mr. President, I move to take a recess until one o'clock this afternoon.

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Delegate Calvo seconded the motion.

President H. Guerrero: Was there a second? Did anybody second that?

Delegate L. Deleon Guerrero: Objection, Mr. President. There's an objection, Mr. President.

President H. Guerrero: It has been moved and seconded. Discussions?

Delegate L. Deleon Guerrero: Can I just enlighten, for the benefit, of course, of all the delegates? Mr. President, we have the first day's journal of our Convention....

Delegate Nabors: Point of order, Mr. President. The motion for recess is undebatable.

Delegate L. Deleon Guerrero: Mr. President, you recognized me. I hope Delegate Nabors do understand that I don't speak unless the Chairperson or the President recognizes me to have the floor.

President H. Guerrero: There is a motion on the Floor and we'll talk or discuss on that one. Delegate Pangelinan?

Delegate Pangelinan: Mr. President, I would like to take a vote, so that we do not.... I will object to a recess. I think we have business to conclude today in order to get the proposals going.

President H. Guerrero: Anymore further discussions? Vote?

The motion to recess was defeated by voice vote.

Delegate Pangelinan: Mr. President, if I may suggest, I think it is necessary that you make the appointments of committees so that we know all of these. You have to make the referrals of these proposals to the committees and I think we are jumping already ahead.

Delegate Torres: I believe that before we do that, we should get back to Delegate Manglona's proposed amendment to the Rules before we actually refer the proposed amendments to the committees. I believe that that should be referred to first before we actually assign members to the various committees.

President H. Guerrero: I call on Delegate Nabors.

Delegate Nabors: Thank you, Mr. President. If I might, I quite agree. We have quite a lot of works to do. If I might ask the indulgence of my colleagues that we could expedite matters and suspend the order of the day down to Item M so that appropriate motion can be made concerning the Rules and committees assignment to be made. I so move, Mr. President.

President H. Guerrero: I just want to point out that Rule 38 has been suspended, so it is at the discretion of the Chair.

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Delegate Nabors: May I then, Mr. President, with your indulgence, ask my colleagues for unanimous consent under Rule 67 to suspend Rule 68(a) to facilitate Delegate Manglona's amendment to Rule 24 as was being discussed yesterday?

Delegate Pangelinan: Mr. President, I think Delegate Manglona withdrew his motion yesterday because we adopted the Rules as presented to the delegates based on the Pre-Convention's presentation. So there was never any motion to adopt anything for today.

President H. Guerrero: Is there a second to the motion?

Delegate Manglona: Mr. President, what is the motion?

President H. Guerrero: Delegate Nabors, can you restate your motion please?

Delegate Nabors: The motion, Mr. President, was to ask for unanimous consent under Rule 67 for the purpose of suspending Rule 68(a) to facilitate an amendment to Rule 24 concerning committees.

Delegate Manglona: I second the motion, Mr. President.

President H. Guerrero: It has been moved and seconded to suspend Rule 68. Any discussions? I call on Delegate Villagomez.

Delegate Villagomez: I do not give my consent to that motion. We started to allow the delegates to introduce their proposals. We are not finished yet as I understand. We are getting out of order to do something else and then come back. I propose to the Chair that we go ahead and finish the Proposals since we have started and then move on to other subject matters rather than stopping right in the middle of something we're doing and go to something else and later we have to come back again to the same thing.

President H. Guerrero: Just a point of clarification. I thought all the proposals have been submitted.

Delegate Nabors: I apologize.

President H. Guerrero: Can you withdraw your motion?

Delegate Nabors: Of course, Mr. President. I apologize, fellow Delegate.

President H. Guerrero: Delegate Nabors, did you withdraw your motion at this time?

Delegate Villagomez: First, we have to clarify whether everybody have submitted their proposals. If everybody has, then I....

President H. Guerrero: Have everybody submitted their proposals? Please raise your hands if you have proposals to submit at this time. Delegate Nabors, are you withdrawing your motion?

Delegate Nabors: Yes, Mr. President.

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President H. Guerrero: Can I call on Delegate Villagomez? Delegate Villagomez, do you have proposals?

Delegate Villagomez: I have proposals that are being worked at this time.

President H. Guerrero: May I call on Delegate Villanueva?

Delegate Villanueva: Mr. President, I have a Proposal here to add to Article X on Taxation and Finance. It's a very short proposal, so if I may read the whole text.

President H. Guerrero: Can I ask that you read the title? Is it possible?

Delegate Villanueva: The title is to add a Section 5 on Article X: No real estate or real property tax shall be imposed to any citizens of the Northern Marianas.

President H. Guerrero: Is that your proposal? Is that the title of your proposal?

Delegate Villanueva: There is no title.

(Laughter)

President H. Guerrero: Is that a....

Delegate Villanueva: If I may read the whole text, it's very short, less than one paragraph.

President H. Guerrero: Please go ahead.

Delegate Villanueva: "No real estate or real property tax shall be imposed to any resident and/or citizen of the Commonwealth of the Northern Mariana Islands by the Commonwealth Territorial, or Local Government unless approved by three-fourths of the registered voters of the Commonwealth through a referendum." That's the proposal, Mr. President.

President H. Guerrero: Any other proposals? Delegate Villagomez?

Delegate Villagomez: This is "A Proposal to amend Section 2, Article XII, of the CNMI Constitution so that it will read: A transfer to a mortgage by means of a foreclosure on a mortgage is not an acquisition if the mortgagee does not hold the permanent or long-term interest in real property for more than ten (10) years beyond the term of the mortgage."

President H. Guerrero: Any further proposals? If none, then we will go to Miscellaneous Business. Delegate Nabors?

MISCELLANEOUS BUSINESS

Delegate Nabors: Thank you, Mr. President. I now would like to ask the indulgence of my colleagues and ask their unanimous consent under Rule 67 to allow us to amend Rule 68(a) to facilitate an amendment to Rule 24 concerning committees.

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Delegate Manglona seconded the motion.

President H. Guerrero: It has been moved and seconded that under Rule 67, to suspend Rule 68(a) in reference to Rule 24. Discussions?

Delegate Pangelinan: Mr. President, I don't think there's ever a motion to be proposed for amendments. We have to state what we are amending.

Delegate Torres: In that case, I would like to make a motion to make the following amendments that would address Rule 24, Substantive Committees, for their committees to be as follows:

President H. Guerrero: Point of order. There is a motion on the floor.

Delegate Torres: There's no motion.

President H. Guerrero: There's a motion and has been seconded that under Rule 67, to suspend the rules and amend said Rule 68(a) in reference to Rule 24. Is that correct, Delegate Nabors?

Delegate Nabors: That's correct, Mr. President.

President H. Guerrero: Can you restate your motion please?

Delegate Nabors: Thank you. My motion is to ask my colleagues for unanimous consent under Rule 67, to amend or to suspend Rule 68(a) to facilitate an amendment to Rule 24 regarding committees.

Delegate Manglona seconded the motion.

President H. Guerrero: It has been moved and seconded. Delegate Guerrero?

Delegate L. Daleon Guerrero: Mr. President, I think it is only appropriate that at any time when amending the Rules of Procedure, it to be done in writing. Therefore, in the best interest of us, we would like to know if something is put in writing before amending the Rules of Procedure.

President H. Guerrero: Discussions? Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. If I could beg the indulgence of my colleagues, I would be happy to reduce it to writing, but the dilemma we face here is that we have a five-day requirement for amendments. And if we are to make the committees assignments, we are going to have to do something to expedite the time. Now if we need to take additional time to reduce it to writing, I'll be happy to accommodate the request. But I want to try and emphasize that I am simply asking the unanimous consent to suspend, under Rule 67, to allow us to repeal Rule 68(a) that require five-day notice so that amendments can be made to Rule 24. And I would like to ask my colleague, the Honorable Guerrero, if he could please allow us to proceed without the necessity of reducing it to writing and looking for xerox to pass our copies around, if possible. Thank you.

President H. Guerrero: Just a point of clarification. Delegate Nabors, do you want to repeal Rule 68(a), or are you going to suspend it? I thought I heard "repeal". Is that correct, or do you want it suspended?

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Delegate Nabors: Pardon me, Mr. President -- to suspend it.

President H. Guerrero: Thank you.

Delegate Elizama: I second Mr. Nabors' motion.

Delegate Mangiona: Mr. President, I would also like to ask Delegate Guerrero to please reconsider his statement. I think what the motion just stated is simply to amend a certain rule number and I think we are all here aware of what Mr. Nabors' motion is, and we should just vote now and act right away. We only have 30 days; we got to get going. Thank you.

Delegate Guerrero: Yes, Mr. President; I have no quarrel about amendments to any pertinent Rules of Procedure provided that it is unanimously consented by these delegates. The only reservation I have is that when amending the rules or any pertinent rule, it has to be done in writing so at least we will be specific as to which rules and what language are we going to use.

President H. Guerrero: I believe the motion to suspend the Rules is only in reference to Rule 63. Rule 24 comes in later. Is that correct?

Delegate Nabors: Yes, that's correct.

President H. Guerrero: I would like to call on Delegate Ogumoro.

Delegate Ogumoro: To expedite matters, I would like to ask that I think it suffice -- I mean, Rule 68 is on page 34 of our Rules of Procedure. Just turn to Rule 68. And if you want to read it or have Mr. Nabors to read it out loud. That is the Rule that he is trying to amend. So if it would satisfy Delegate Guerrero for Delegate Nabors to just read it out, so read out the Rule 66 that we are trying to suspend.

President H. Guerrero: I call on Delegate King.

Delegate King: Thank you, Mr. President. I am a little bit confused here because it seems to me that the motion has been seconded, I don't know how many times. I believe that the motion is to suspend Rules 67 and 63, to facilitate. He is just asking to facilitate an amendment to Rule 24. So let's take action on that motion and then we will go further down to make an amendment to Rule 24. I move to end the debate.

President H. Guerrero: Can I just clarify? I believe Delegate Guerrero, what he wants is that any proposed changes to the Rules, he wants it in writing. If there's going to be an amendment, it has to be in reference to Rule 24. Is that correct?

Delegate L. Deleon Guerrero: Mr. President, let me just clarify that again. In order for me to vote on the unanimous consent which Mr. Nabors is asking the indulgence of this Convention's delegates, I would like to know what is the proposed amendment. And therefore, I'm requesting that the proposed amendment be ready and available to each of the delegates if there is one ready to be amended.

President H. Guerrero: There is no amendment. Let me call first Delegate Lizama.

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Floor Leader Lizama: Mr. President, I believe we are wasting time. I move for the previous question.

There was a second to the motion.

President H. Guerrero: It has been moved and seconded to end discussions.

Delegate Nabors: Mr. President, can I have an opportunity to respond to Delegate Guerrero's inquiry?

President H. Guerrero: Go ahead.

Delegate Nabors: Thank you. I believe Delegate Guerrero asked for the amendment to be proposed to Rule 24 and I have that amendment. Unfortunately, we do not have any xerox facilities available. It is very, very short. Four items only, consisting of ten words, that I would like to have permission to read: Rule 24 to be amended to read as follows: (1) Government Institutions; (2) Personal Rights and Natural Resources; (3) Finance and Other Matters; (4) Local Government. That's all.

(Laughter)

Floor Leader Lizama: Mr. President, I think my motion was for the previous question. It is not a debatable motion; we should take a vote on that motion. I believe it was fully stated pretty well by Delegate Nabors what his motion was and the motion being that pursuant to Rule 67 that he would want to have the Rule 68 suspended for the time being so that he would facilitate moving of another motion, if any with respect to or with regards to the formation of the committees. I thank you.

President H. Guerrero: We will go to the motion of Mr. Nabors.

The motion offered by Delegate Nabors was defeated by voice vote.

Delegate Manglona: Mr. President, yesterday, I started to make a motion and that motion was to reclassify the committees. While the reclassification might favor a particular group or a senatorial district, the intention simply was to reclassify and reorganize the committees in such a way that we will have effective and efficient committees. So now, I would like to move to amend Rule 24 on the Substantive Committees to read as follows. I think Delegate Nabors had stated the committees breakdown already.

Delegate Mafnas: Point of clarification, Mr. President.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Was the motion defeated to suspend the Rules? Was it defeated?

President H. Guerrero: Yes. Correct, because it did not pass unanimously.

Delegate Mafnas: Am I correct to state then that Delegate Manglona is out of order?

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President H. Guerrero: Can I just get a point of clarification from Manglona? Is your amendment -- are you giving a five-day notice to amend?

Delegate Manglona: Well, I thought that Delegate Nabors' motion was approved.

President H. Guerrero: No. It failed because it was not an unanimous consent. Rule 67 requires unanimous consent of the delegates. And there was a dissenting vote.

Delegate Manglona: Mr. President, I would like to move that we repeal the whole Rules of Procedure.

There was a second to the motion.

President H. Guerrero: It has been moved and seconded to repeal the Rules of Procedure. It does require under Rule 66(a) for one-day notice. Delegate Lizama?

Floor Leader Lizama: Mr. President, I would like to ask that we take a recess at this time and meet at 1:30 this afternoon.

President H. Guerrero: I would like, at this time, to move that we recess until this afternoon at one o'clock.

The Convention recessed at 11:28 a.m.

RECESS

The Convention reconvened at 1:40 p.m.

President H. Guerrero: The Convention reconvenes. Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. Mr. President, in order to resolve the dilemma regarding the amendment of Rule 24, I propose the following motion. Under Rule 66(a), it is required that one-day notice be given and I hereby give that notice that I would like to make a motion to rescind Rule 68(a), and hereby give the one-day notice under Rule 66(a) and that I propose to make a motion tomorrow to amend on the Floor Rule 24, which sets up the committees of the Convention. My motion therefore, Mr. President, is to rescind Rule 68(a) under Rule 66(a) wherein one-day notice is provided for the purpose of offering a motion tomorrow to amend Rule 24. Thank you.

Delegate Manglona seconded the motion.

President H. Guerrero: It's not a motion. It's just a notice. We will entertain the motion tomorrow. He is just giving notice of the Chair....

Delegate Villagomez: Point of order. Is his motion that he is going to be making tomorrow going to temporarily alter the Rules? Under Rule 66, it says: A Rule of the Convention shall not be temporarily altered unless there's a one-day notice is given. Are we suspending the Rules temporarily, or is the motion going to be permanently on the alteration of the Rules?

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President H. Guerrero: Delegate Nabors, clarification please?

Delegate Nabors: Thank you, Mr. President. My motion tomorrow would be to rescind Rule 68(a), permanently.

Delegate Villagomez: If the motion is to permanently altered the Rule it is required that there would be five-day notice as provided by Rule 68.

Delegate Nabors: Thank you, Mr. President. Under rule 68(a), the Convention Rules can be temporarily altered, suspended, or rescinded after one-day notice. My position is that we can proceed under 68(a), giving notice that we will, tomorrow, rescind 68(a), eliminating the five-day notice. And I believe that the Rules are provided for the actich.

Delegate Villagomez: I disagree. I disagree, and I call upon the Attorney General to issue an opinion.

Delegate Mafnas: Mr. President, may we have a short recess while you discuss that with the Attorney General please?

President H. Guerrero: Yes, there will be a five-minute recess.

The Convention recessed at 1:47 p.m.

RECESS

The Convention reconvened at 1:54 p.m.

President H. Guerrero: The Convention reconvenes. Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I would like to clarify the procedure being followed here. As I understand it, the Rules require a one-day notice of an intention to rescind, suspend a Rule. Now for clarity, it is my proposal tomorrow to make a motion to temporarily suspend Rule 68(a), under Rule 66(a), for the purpose of amending Rule 24. And as I understand it, I am obligated to simply give notice of my intention, and the actual motion is to made tomorrow. Thank you, Mr. President.

President H. Guerrero: Does Delegate Villagomez has any objection to the restated motion -- the notice?

Delegate Villagomez: No.

President H. Guerrero: Okay. The other business we have is the Journal of the first day. I believe copies have been passed out to all the delegates. Delegate Mendiola?

Delegate Mendiola: I move to adopt the First Day's Journal of the Constitutional Convention.

Delegate Ogumoro seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Journal of the First Day of the Second Constitutional Convention. Any discussions?

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The motion offered by Delegate Mendiola for adoption of the First Day's Journal of the Second Constitutional Convention was carried by voice vote.

President H. Guerrero: The Journal is adopted.

Floor Leader Lizama: Mr. President, if there being no further business this afternoon, I would like to make a motion that we take a recess until tomorrow at nine o'clock. To adjourn until nine o'clock tomorrow morning.

President H. Guerrero: Can you just restate your motion? I can't hear it.

Floor Leader Lizama: I would like to make a motion that we adjourn at this time so we can start again tomorrow morning at nine o'clock.

Delegate Manglona seconded the motion.

Delegate L. Deleon Guerrero: Before you allow that, I think it is only appropriate that other members of the Convention should be asked if they have any miscellaneous business because we have not gone down yet to the Miscellaneous Business. I hope each of us should be allowed if we would like to speak on the floor. Let's not rush ourselves just to conclude the business of today. I ask the indulgence of the delegates to allow me because I would like to deliver a short speech.

Floor Leader Lizama: Mr. President, if Delegate Guerrero wants to make a speech, I do not mind having him making a speech. And therefore, I would defer my motion for adjournment until he makes his own speech.

President H. Guerrero: The motion has been deferred. Is there any miscellaneous business? I will recognize, Delegate Guerrero.

Delegate L. Deleon Guerrero: Thank you, Mr. President. Mr. President, I rise today to applaud and support a theme which has been expressed privately by many of our distinguished colleagues. We agree that it is timely that we, as a body of a whole, early and now, as we begin our deliberations on remodeling the law of our land, that we renew our pledge to fellowship and harmonious relations and that we recommit ourselves to the duty of searching for solutions for the common good of all the people of the Commonwealth.

I was elected to serve as a member of the First Northern Marianas Constitutional Convention and I was bestowed the singular honor of serving as its President. Time and time again, during those days discussions were heated and debates were hot; issues raised were often championed by impassioned presentations and sincere petitions. But, the discussions and debates became primarily diagnostic of our social, economic, and political policy needs, and passions gave way through compromise.

Our people have entrusted us with the hallowed duty of hammering out in thirty days a document which reflects rationality and reasonableness and which holds sacred the needs of the entire Commonwealth. We must put aside petty jealousies and polarizations and consider each bill presented on the basis of its merit for the whole, not the demeanor of the author. We must, in our passions, refuse to view acceptance of the bills we submit as personal endorsements, or their rejection as personal affronts.

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We are in the big league now. What we do here will live long after we conclude our proceedings and will control the destiny of the Commonwealth and its people for generations to come.

I am thrilled to be a member of the Second Northern Marianas Constitutional Convention and I am humbled to be associated with such worthy persons as yourselves. During these days let us ever be aware of the power of compromise, the wisdom of patience, the joy of fellowship and the great enduring harmony needed for all of our people.

Thank you, Mr. President.

(Applause)

President H. Guerrero: Thank you, Delegate Guerrero. I recognize Delegate Kaipat.

Delegate Kaipat: Mr. President, I'm lost. I would like to ask Delegate Guerrero if he could explain simply in Chamorro what he had said because most of his English words were very big, way above my head. So can he explain in summary, in Chamorro, what he was talking about?

Delegate J. DeLeon Guerrero: Mr. President, under the Miscellaneous Business, I think it is the prerogative of any individual to deliver.... With all due respect, Delegate Kaipat, you are free to have a copy of my speech.

Delegate Kaipat: No; I would like to hear it in Chamorro. Perhaps I will understand what he was saying. I am lost. I would like to know now in Chamorro.

Delegate Villagomez: Mr. President, thank you. With due respect to Dr. Kaipat and Mr. Guerrero, the past President of the Con Con, I think that each of us should be permitted to give a speech, make any statement in any language that we desire and it should be entirely up to each delegate to understand, listen and comprehend, or ignore the statements presented by the other delegates. I don't think it is proper to demand that a person use a particular language, or explain what he says. If Dr. Kaipat would like to have the document translated, he should talk to Delegate Guerrero individually and not take the time of the Convention to have each person explained what he has just said just because he said it on a different language. And therefore, Delegate Guerrero is trying to tell us to try and work together and be able to come up with some decisions of the Convention in a cooperative manner. Immediately, he is demanded to translate his statement which is the opposite of what he is intending to do. So I'd like for the Chair to try not to allow this kind of situation to happen.

President H. Guerrero: Just a point of clarification. Under Rule 69, Language, it is stated that English, Chamorro or Carolinian may be used in any proceeding of the Convention or in any Committee, except that any written submission or proposal shall be in English. Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. As I have mentioned earlier that although I can speak English, I am lost because Mr. Guerrero is using big words, and I'm really, honest to goodness. There are many words that

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had mentioned, like polarization and depolarization. I know only a little typographic tracing in physics. You know, that kind of words, perhaps, if he could bring it down to a certain level, like maybe in Carolinian or in Chamorro so I could understand because it's just like sentence-blank-sentence-blank for me. And this is how I look at the deliberation. Thank you, Mr. President.

President H. Guerrero: Let me recognize Delegate King.

Delegate King: Thank you, Mr. President. (In Chamorro language.)

(Applause)

President H. Guerrero: I recognize Delegate Torres.

Delegate Torres: Thank you, Mr. President. All that I want to say at this point in time is that we should get down to the real business of this Convention and not engage in petting personality classes that we have just heard. I think it would be very wise if we reserve our personality conflicts. Take it outside of this Convention. Let's get down to the real business of this Convention. We only have 30 days. We wasted two days already. So I strongly advised the leadership to exercise caution in allowing these kinds of exchange to occur. Thank you.

(Applause)

President H. Guerrero: Thank you, Delegate Torres. Delegate Mafnas, you raised your hand up?

Delegate Mafnas: Thank you, Mr. President. I observed the proceedings of this Convention today; we have lost so far two days. Committees have not been assigned; proposals have not yet been referred to the appropriate committees. We have 28 days more to go. Mr. President, I think this Convention, the leadership should listen to the concerns of the members. I was elected by 1,900 voters compared to some of the delegates from the other islands. This Convention is not going to pass a single proposal if the power of compromise is not recognized. Mr. President, you need 18 votes to pass a proposal from Rota, Tinian, or Saipan, and the present leadership does not have that number. We are willing to sit down and work together with you and your leadership provided that we do away with the element of politics. We all were elected without the element of politics. The public law that allowed this Convention was and is still very strict. We all went out and conducted ourselves -- our campaign rather without the element of politics. The first thing we did this morning and yesterday was, we tried to accuse that our Rules of Procedure are designed or portion, or portions are designed to accommodate a senatorial district, an individual, or a group of individuals. I think this Convention should start rolling. We should recognize the necessity of the power of compromise. I hope and pray that under your leadership we will be able to do much, much better than the then former President Larry Guerrero on the First Constitutional Convention. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Mafnas. Any more miscellaneous business? Delegate Tomokane?

Delegate Tomokane: Thank you, Mr. President. It appears that the timing now for this type of discussion is at this hour. I would like to bring to

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the attention of the leadership, and I will repeat that, the leadership of this Constitutional Convention that the essence of compromise should not be just put aside. Not in theory but let's look at it in real perspective. Furthermore, the resolution, resolution with respect to conflicts that we are facing now. That's a fact. The leadership is challenged to resolve that conflict. Through compromise or what means, it is up to the leadership of this Constitutional Convention. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Tomokane. Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. I would like to request the Chair to move this Convention immediately, get the chairpersons of the committees selected and the members of each committee and start assigning the proposals. In doing so, I very strongly remind, or I guess I can say advise the Chair, the President, that under the Rules of this Convention, in order to pass any proposals for amendments to the Constitution, you need three-fourths of the votes of the entire Convention. That comes to 18 votes. Unless there is compromise in this Convention, there will not be 18 votes when the time comes for voting on each proposal. Thank you.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. Since the beginning of the Pre-Con Convention, I have had some serious concerns about the way in which we are going to operate, mainly, from a fiscal standpoint and, secondly, from a time standpoint. I recall during the First Constitutional Convention that the budget was in excess of \$500,000. The present Legislature, in its wisdom, only allocated some \$100,000 in a 30-day period. It has been my hope that legal counsel could have been hired and made available for pre-filing of proposals some two weeks ago but everytime efforts were made to get assistance from the government and the Legislature, they were met with concerns about "wait and see who is going to be the President." Well, I think it is unfortunate that the Legislature, after the people of the Northern Mariana Islands voted two years ago that that should be a Constitutional Convention, I've delayed this bill and now have put us in the middle of a political campaign for Governor, for the Senate, and House. And I am sorry to say that politics is permeating this Convention. And it is my inclination that we delegates would be wise to ask the Legislature to allow us to recess until after the gubernatorial, senatorial and congressional elections schedule for November because I do not believe that it is going to be possible for us to complete our task, the enormous task, with 33 measures having been introduced the second day in a 30-day period. I would hope that the Chair might, in his wisdom, explore with the Legislature the possibility of our recessing after a 15-day period until January when this election campaign is over and we might come and sit soberly and finish our jobs. Now with respect to the possibility that we will not make any progress in this Convention unless we are either removed from politics or given to compromise, let me just say this. If this Convention doesn't pass a single proposal that the delegates within their hearts do not believe it is beneficial to the people, so be it. Let the people judge whether or not we, when we took our oath yesterday, meant what we were saying. Let the people judge whether or not you will vote for or against a proposal because of politics, or whether or not it has any benefit for the people

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of the Commonwealth. They, in the final analysis, would be the final judge. I intend to be a candidate in November; I, therefore, intend to do everything here possible for the benefit of the people. And if my proposals are not considered, I intend to tell the people about it, in the newspaper, in the radio and in the villages. So I would like to, in summary, Mr. President, if I could, ask that you consider getting, one, more money for this Convention, two, an extension of time for this Convention, or/and, three, consider the concerns of all parties: majority, minority, and mixed. Thank you.

President H. Guerrero: I recognize Delegate Manglona.

Delegate Manglona: Mr. President, a good amendment, an amendment that will benefit the whole Commonwealth will be passed not by 13 votes but by 19 votes; maybe not by 19 but by 20 votes; maybe not by 20 but by 21 votes. What I am trying to say is that a good amendment will be passed by 24 votes. If we can get all the amendments passed by 24 votes, we know it's damn good for the Commonwealth. But how could we start to make amendments and all that? We got to form a committee. We got to start working. And the formation of these committees should in no way be political. There should be no compromise. A compromise by itself would mean politics. You got to decide. The leadership is in your hands and you got to make that decision now. Afterwards, an amendment that is good will be passed.

President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. I wish to speak now in English. Mr. President, I have no problems whether the amendments are going to be passed or not. The major problem here, the major rule of this Convention is the quorum, and the quorum needs 13 members. And it needs one member from each senatorial district. So, guys, you have to look down and see Rule 4. So I don't care about the three-fourths votes for an amendment to go through but the Convention here itself. It needs a quorum. We need the quorum. I'm not talking personality here or whatever, or emotionally, but I think we are oversighting the main issue here in the Rules. So before we have the amendment in front of us, we should have a quorum of the Convention. So I think by having a quorum, we can pass any amendments here like what our colleague from Rota, Paul Manglona, said. So I'd like to ask the colleagues from Saipan, all the delegates from Saipan that this is -- the Rule of the Convention is the quorum. Thank you, Mr. President.

President H. Guerrero: I'll recognize first Delegate Kaipat.

Delegate Kaipat: Thank you, Mr. President. Mr. President, I think we are progressing very nicely in this Convention. Politics, we cannot lie to ourselves. All of us, because you, people, have been going to meeting at certain hiding places at night prior to this meeting. That's politics. And nobody can explain or describe in this conference what you have been meeting, what were your minutes. So that was politics and still is politics. Now threatening, there were several speakers today, although I am not the President of this Convention, I feel threaten. If you don't compromise, there will be no 18 votes which is three-fourths vote to pass a bill. That's politics. That's a very typical of -- it spells politics. You are saying politics on this floor. Compromise for what. You are asking for power. What kind of power do you like to have in your hands.

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We haven't even passed our bills, our Rules of Procedure which spell out the power in the committees. Do you know, or does anybody know here that there will be a certain people, like Larry, to be the chairman in a certain committee according to the President? Is this a bad idea to put Larry, a Republican Party, in a chairmanship of this floor? Compromise of power. So I don't think our President is playing politics here. If he was playing politics, he wouldn't put anybody in a chairmanship of the committee. And according to him, he had mentioned earlier, that he will announce that Mr. Larry Guerrero will be the Chairman for the Taxation Committee and Mr. Mafnas will be the Vice Chairman of the Governmental Institutions. So what's the compromise you are asking for? Do you want to be the chairman for all the committees? Do you want to be the President? We have to vote for the President and he won. So I feel that there's something hiding behind this threatening business. Rota people and Tinian people are also thinking that if you come up with your 18, 13 proposals on this floor, they can walk out anytime. Thank you, Mr. President.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, if there's no further business to be made, I would like to make a motion at this time to adjourn this meeting today and to reconvene tomorrow morning at nine o'clock.

Delegate Manglona seconded the motion.

President H. Guerrero: Can you just restate your motion please?

Floor Leader Lizama: The motion is to adjourn the meeting this afternoon and we will reconvene tomorrow morning at nine o'clock.

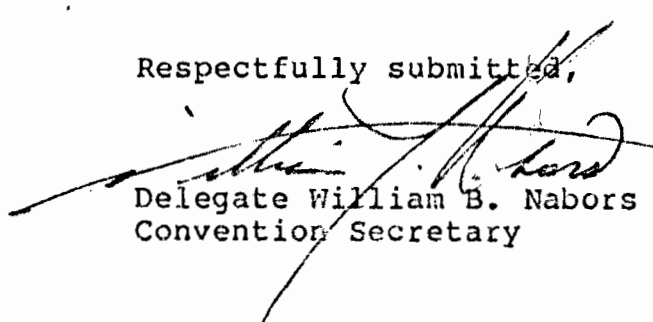
Delegate Manglona seconded the motion.

President H. Guerrero: It has been moved and seconded to adjourn the session this afternoon until tomorrow morning at nine o'clock.
Discussions?

There being no discussion, the motion offered by Floor Leader Lizama was carried by showing of a hand votes of 11 for and 5 against the motion; the rest abstained.

The Convention recessed at 2:27 p.m. and to reconvene at 9:00 a.m., Thursday, June 20, 1985.

Respectfully submitted,


Delegate William B. Nabors
Convention Secretary