

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

FOURTH DAY

Friday, June 21, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:50 a.m., Friday, June 21, 1985, in the Convention Center, House of Taga, San Vicente, 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 23 delegates were present. Delegate Ramon G. Villagomez was absent.

Secretary Nabors: Mr. President, a quorum is present this morning.

President H. Guerrero: Thank you, Secretary Nabors. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I ask that Delegate Villagomez be excused for today's session.

There being no objection, Delegate Villagomez was excused from today's session.

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, since the Journals for the second and third day's session are still unavailable, I ask that we go down to the next item.

President H. Guerrero: If there is no objection from the members, we shall move on to the next item on the agenda -- Communications?

COMMUNICATIONS

None

COMMITTEE REPORTS

Floor Leader Lizama: Mr. President, your Committee on Governmental Institutions has nothing to report at this time.

Delegate Manglona: Thank you, Mr. President. Your Committee on Local Government, which I chair, would like to inform this Convention that we

2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

are planning an investigation trip to the islands of Rota and Tinian for the purpose of getting a better understanding of the problems in the islands relating to the execution of Commonwealth laws and the delivery of public services in these islands. We intend to meet with the mayors, the department heads, and, members of the legislative delegation for each senatorial district, and we hope that this trip would benefit this Convention and the islands, as a whole, in the long run.

President H. Guerrero: Thank you, Delegate Manglona.

Delegate King: Mr. President and Members, the Committee on Personal Rights and Natural Resources has nothing to report at this time.

President H. Guerrero: Thank you, Delegate King. Delegate Guerrero?

Delegate L. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters has no written report at this time. However, I would like to make an oral report to the Floor that your Committee met this morning at 8:00 and we review the assignment that we have and, so far, there is only four proposals that are available to your Committee. The Referral Sheet, as of yesterday's session, there is supposed to be ten proposals referred to our Committee. It has been decided then, that, when we come to the announcement portion of our agenda, I will discuss the matter further.

President H. Guerrero: Thank you, Delegate Guerrero. Delegate Torres?

Delegate Torres: Thank you, President Guerrero. I would like to add a few comments to what Delegate Manglona had just stated -- the Committee on Local Government is also considering in calling in the Governor to testify or to give us a perspective as to the delivery of services to these islands so that we can have a balance view of what is happening. Also, we are still waiting for a legal opinion from the Attorney General before we can make any decision on the business that we discuss yesterday. I have yet to hear from them and I hope the leadership can expedite this process.

President H. Guerrero: Thank you, Delegate Torres. I am sure the Attorney General will expedite the matters and, it might be good that if and when you are requesting the Attorney General for an opinion, you put your request in writing, at least for written record that you submitted a request for an opinion, and this is also recommendable for any committee to do likewise.

Delegate Manglona: Mr. President, I had a chance to talk with the Attorney General this morning and this is for the benefit of all the Committees of the Convention, especially the Committee Chairmen. The Attorney General suggested that if there is any legal questions that need clarification or opinion, each Committee prioritize the questions and submit them to the Attorney General. They, in turn, will respond to the questions submitted to them in the order they are prioritized. So, if there is any request for a legal opinion, address it to the Attorney General, with a copy to the President, and the Attorney General will prepare a respond to the legal opinions in the order that they are prioritize from the respective Committees. The request mentioned by Delegate Torres, I have addressed that matter with the Attorney General and hopefully by tomorrow, we will receive his response to the request of Delegate Torres. At any rate, the information here is that each Committee Chairman will prioritize the legal questions raised in his Committee's deliberations, addressed them to the Attorney General, and the Attorney General will, in turn, respond to the

2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

legal questions in the order that they are addressed to his office. Thank you.

President H. Guerrero: Thank you, Delegate Manglona. Further discussions under Committee Reports? If none, let us move on to the next item on our agenda -- Introduction of Proposals.

#### INTRODUCTION OF PROPOSALS

Delegate Pangelinan: Mr. President, I have two proposals to introduce, and they are (1) "A proposal to add a new Article to the Constitution of the Northern Mariana Islands relating to gambling devices.", and the other one is "A proposal to repeal Article III, Section 17(b) of the Constitution of the Northern Mariana Islands relative to Resident Department Heads for Rota and Tinian.

President H. Guerrero: Thank you, Delegate Pangelinan. Delegate Manglona?

Delegate Manglona: Thank you, Mr. President. This morning I have several proposals to introduce. "A proposal to add a 7th Section to Article VI of the Constitution of the Northern Marianas." "A Proposal to amend Section 3(c) of Article VI to give the mayor the power to subpoena witnesses when investigating complaints." "A proposal to amend Section 2(a) of Article XVIII of the Constitution of the Northern Marianas." And the last is, "A proposal to prevent politics from interfering with each Delegate's duties, Section 5(a) of Article XVIII of the Northern Marianas Constitution is amended.

President H. Guerrero: Thank you, Delegate Manglona. Delegate Calvo?

Delegate Calvo: Thank you, Mr. President. Mr. President I have three proposals to introduce -- "A proposal to amend Section 8 of Article I of the Northern Marianas Constitution relating to Trial by Jury."; "A proposal to amend Section 10 of Article II of the Northern Marianas Constitution relating to emergency powers."; and, "A proposal to amend Section 1 of Article VIII of the Northern Marianas Constitution relating to Regular General Elections."

President H. Guerrero: Thank you, Delegate Calvo. Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I have two measures to submit this morning. Second Constitutional Convention, 1985, Saipan, Northern Mariana Islands, Constitutional Amendment No. X. A proposal to amend Article I of the constitution of the Northern Mariana Islands to delete the word "PERSONAL" and insert the word "BILL" to read "A BILL OF RIGHTS. Be it enacted by the second constitutional convention: Article I: of the Constitution of the Northern Mariana Islands is hereby amended to read as follows: Article I: BILL OF RIGHTS.", introduced by Delegate Benusto R. Kaipat, June 21, 1985. The second proposal, Mr. President -- "A proposal to amend Section 4, Article XII of the Constitution of the Northern Mariana Islands regarding DEFINITION of persons of Northern Mariana Descent. BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION: Section 1. "A person of Northern Marianas descent is a person and his or her descendéant who is of Chamorro or central Carolinian Blood or a combination THEREOF. Section 2. A person shall be considered to be full-blooded Northern Marianas Chamorro

2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

or Northern Marianas Carolinian if that person or his or her descendant was born, domiciled in Northern Marianas between the period of 3,000 BC to the year of our Lord 1940." Mr. President, the reason for this lengthy time period is because according to archeologists, the Chamorro were here 3,000 BC here in the Marianas and . . . .

Delegate Mafnas: Point of information, Mr. President.

President H. Guerrero: State your point of information, Delegate Mafnas.

Delegate Mafnas: Delegate Kaipat, I was born in 1942. Wouldn't I be a Northern Marianas descendant because I was born after 1940?

Delegate Kaipat: Northern Marianas descendant.

Delegate Mafnas: Thank you.

Delegate Kaipat: Your father and mother were born before 1940 and so, you are their descendant.

Floor Leader Lizama: Point of Order, Mr. President.

President H. Guerrero: State your point of order, Floor Leader Lizama.

Floor Leader Lizama: I have just been advised that the Clerk is having difficulty writing down what is being said and following what is happening. Also, there is a request that Delegates only read titles of their proposals and not the whole context. In this case, it will also be good for our Clerk because I am sure she can then follow what is happening and will be able to write down what is being said. It would be appreciated if other delegates would do likewise -- read only titles of their proposals, rather than reading all of it. Thank you.

President H. Guerrero: Thank you, Floor Leader Lizama. Your point is well-taken. I call on Delegate Igitol.

Delegate Igitol: Thank you, Mr. President. I have several proposals for introduction this morning, introduced by myself and several others. The proposals are: "To amend Article II, Section 2(a), Composition of the Senate;" to amend Article III, Section 10, Emergency Powers;" to amend Article III, Section 11, Attorney General;" to amend Article III, Section 12, Public Auditor;" to amend Article III, Section 13, call for elected Board of Regents and President of the College, Department of Education;" to amend Article III, to add a new Section 20, Public Health Systems;" to amend Article VI, Section 2, Election of Mayor for the third senatorial district;" to amend Article VIII, Section 1, relative to Regular General Election;" to amend Article X to add a new Section 5, relative to Entertainment Expenses for elected officials." Thank you, Mr. President.

Delegate King: Mr. President, I only have one proposal for introduction -- "A proposal to amend Section 12 of Article III of the Constitution of the Northern Marianas to require the election of the Public Auditor." Thank you.

President H. Guerrero: Thank you, Delegate King. Delegate Torres?

Delegate Torres: Thank you, Mr. President. I have two proposals to introduce this morning, introduced by myself and others. First is a

2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

proposal to amend Section 9(a) of Article III of the Northern Marianas Constitution to mandate a balanced budget for the CNMI Government in every fiscal year." The second proposal is "A proposal to amend Section 15 of Article III of the Northern Marianas Constitution to require periodic review and evaluation of all autonomous and semi-autonomous entities throughout the Commonwealth of the Northern Mariana Islands." Thank you.

President H. Guerrero: Thank you, Delegate Torres. Delegate Igisomar?

Delegate Igisomar: Mr. President, I would like to offer six proposals for introduction this morning, introduced by myself and several others. The first proposal deals with all elected officials in the Commonwealth of the Northern Marianas whereby it will require that such person would be of Northern Marianas descent. The other proposal is "A proposal relative to the Marianas Public Land Corporation." The third proposal requires an amendment to the Constitution of the Northern Marianas to include a new official seal and flag of the Northern Marianas, which proposes to take into consideration, not only the Chamorro culture, but also, the Carolinian culture. I would also like to offer a constitutional amendment extending the numbers of members of the Marianas Public Land Trust, to include not only representatives from Saipan, Rota and Tinian, but to include also representatives from the Carolinian Community and the women; and, lastly, I would like to offer an amendment dealing with the compensation for the Executive Assistant for Carolinian Affairs. Thank you.

Delegate Mendiola: Thank you, Mr. President. I have four proposals to introduce this morning. The proposal is "To amend Section 2(a) of Article VI of the Northern Marianas Constitution to establish a nuclear free zone;" "to amend Section 1 of Article IX;" "to amend Section 2 of Article IX;" and a resolution requesting . . . .

President H. Guerrero: Delegate Mendiola, can you hold to the resolution until we reach, in our Order of Business, Introduction of Resolutions?

Delegate Mendiola: I am sorry, Mr. President. Yes, of course.

President H. Guerrero: Thank you, Delegate Mendiola. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I have two proposals that I would like to submit -- the first proposal is with respect to Article III, Section 16, having to do with the Civil Service Commission, and the second proposal is with respect to Article III, Section 11 -- this has to do with the Attorney General's Office. Thank you.

President H. Guerrero: Thank you, Floor Leader Lizama. Delegate Mundo?

Delegate Mundo: Thank you, Mr. President. I have one proposal that I would like to introduce this morning -- this is introduced by myself and the other three delegates from Rota. "A proposal to amend certain provisions under Article IX"-- this is relative to the subjects of initiative, referendum and recall.

President H. Guerrero: Thank you, Delegate Mundo. Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. I have here a proposal to amend Article 10, Section 2, regarding Public Indebtedness.

2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

President H. Guerrero: Thank you, Delegate Reyes. Delegate Cing, do you have your hands up?

Delegate Cing responded by nodding "no".

Delegate Inos: Mr. President, I have a proposal here to amend any section of the Constitution of the Northern Marianas which refers to the island or municipality of Rota, to change the spelling of of "Rota" to "Luta" in order to recognize the cultural heritage of the people of Luta. Thank you. [APPLAUSE]

President H. Guerrero: Thank you, Delegate Inos. Delegate Guerrero?

Delegate L. Guerrero: Thank you, Mr. President. I have two proposals to introduce this morning, co-authored by eight other delegates. The first proposal is regarding eligibility for elective office, and the second proposal is regarding boards and commissions proceedings.

President H. Guerrero: Thank you, Delegate Guerrero. Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I have a proposal to offer on behalf of myself and nine others -- to amend Section 9(a) of Article III of the Northern Marianas Constitution.

President H. Guerrero: Thank you, Delegate Mafnas. Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I have several proposals to offer this morning. The first is a proposal "to amend Section 5 of Article XVIII of the Constitution of the Northern Mariana Islands regarding ratification of amendments to the Constitution." Y otro, "to amend Section 3 of Article XII of the Constitution of the Northern Mariana Islands to remove the restrictions on selling private property -- selling or leasing of private property, but restricting private property to indigenous inhabitants of the Northern Mariana Islands. Number 3, "to amend the Constitution to require legislative review and approval of all autonomous and semi-autonomous agencies of the Commonwealth Government. Y otro -- enao ha. [LAUGHTER]

President H. Guerrero: Thank you, Delegate Nabors. Any more proposals for introduction? If none, let us go on to item No. H,

#### SECOND AND FINAL READING OF PROPOSALS

None

#### INTRODUCTION OF RESOLUTIONS

President H. Guerrero: I believe there is resolution to be introduced -- I call upon Delegate Mendiola.

Delegate Mendiola: Thank you, Mr. President. I have a resolution to introduce this morning -- "A resolution relating to requesting the Commonwealth Legislature to allow the Constitutional Convention to recess until January, 1986."

2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

President H. Guerrero: Thank you, Delegate Mendiola. Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. Guaha un resolution -- bai taitai -- "Relative to requesting the Commonwealth Legislature to extend the Constitutional Convention for an additional thirty day period."

President H. Guerrero: Thank you, Delegate Nabors. Any more resolutions to be introduced? If none, we shall go on to the next business -- Unfinished Business.

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

None

MISCELLANEOUS BUSINESS

President H. Guerrero: Any Miscellaneous Business? Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I would like to bring up one matter at this time -- I would like to ask the indulgence of my colleagues, especially the Committee Chairmen to whom measures or proposals have been assigned, and in that connection, I would like to simply say that I would hope that everyone would take into consideration -- if an individual has a proposal, I think it is fair to say that that particular individual has a problem and I would hope that the Committee Chairmen, particularly the members of the Committee, would, in every instance, give the introducing delegate the opportunity of appearing before the Committee to explain what the problem the delegate has and determine from that point whether or not it has merit. I would hate to see a proposal to be summarily table, file, etc., without the delegate introducing it to have the opportunity of explaining the problem that he or she has or might have.

President H. Guerrero: Thank you, Delegate Nabors. Delegate King?

Delegate King: Thank you, Mr. President. In order for this Convention to act rapidly with proposed amendments, I would like the Chair to announce a deadline for submission of all proposals, in order for us to be able to screen or review all the proposals that are duplicates so that we can -- so that the Committee may be able to work and come up with committee reports.

President H. Guerrero: Thank you, Delegate King. Delegate Torres?

Delegate Torres: Thank you, Mr. President. In line with what Delegate King has just stated, I would like to request all Committee Chairmen that

2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

schedules for all public hearings on all proposals be made available to each delegate at least three days in advance.

President H. Guerrero: Thank you, Delegate Torres. In reference to Delegate King's recommendation, under Rule 54, the last sentence, it states, "no delegate proposals shall be introduced on the last day of the Convention, except with the unanimous consent of the Convention," -- I can only recommend, I do not think I have the authority to set a deadline, but I can recommend that we have all proposals at least by the end of next week. Does any member have any objection to that recommendation? Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I do not have any objection to that recommendation -- I think it is very reasonable. I would, however, in that connection, suggest that if we complete our businesses speedily as possible today and recess until Monday to give us an opportunity over the weekend to put together our proposals in order to meet that Friday deadline next week.

President H. Guerrero: Thank you, Delegate Nabors. Delegate Reyes?

Delegate Reyes: Mr. President, on that recommendation for a deadline early next week, I would rather see that different recommendation be made, that after public hearings have been set and other proposals could be tailored to the decisions made by the public hearing, it is better off to be presented again -- I recommend, or would like to recommend, that at least we have the days, early days of this Convention that the proposals be submitted. Thank you.

President H. Guerrero: Thank you, Delegate Reyes. Delegate King?

Delegate King: If we are going to consider the request of Delegate Nabors, I would like the President to pose a question to the Legal Counsel as to whether or not they will be available tomorrow to assist the Committees' Chairmen or other delegates in working out with proposals.

President H. Guerrero: Can the Legal Counsel respond to the question by Delegate King?

At this point, Attorney General Rexford C. Kosack responded to the question posed by Delegate King.

Delegate Nabors: Mr. President, can we get the unanimous consent of the members here to resolve into Committee of the Whole to facilitate a resolution to this matter?

Floor Leader Lizama: Mr. President, I do not think there is a need to resolve into Committee of the Whole. I think this is a matter that has to be entertained by every member of this Convention and I think we should just go ahead and resolve the matter by all of us.

President H. Guerrero: I am giving the privilege to the Legal Counsel to speak to the members at this time.

Attorney General Kosack: The question that you asked me is whether or not the Legal Counsel would be available this weekend to assist in the drafting of proposals. At this point in time, we have not planned to be available



2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

over the weekend. I think what concerns me more about is your request about drafting of proposals. As I explained before, we will not be assisting in the drafting of individual proposals -- those will be drafted by you and other fellow delegates and referred to the different committees. It is then up to the committee to sit down and decide which proposals they wish to work with first and then send those proposals directly to us and we will make sure that -- most of the ones I have seen appeared to be in very good order and the typists have done quite a good job in making sure that the strikeouts are shown as well as the underscoring, etc. We will just sit down and ensure that they are constitutionally sufficient -- that it meets the constitutional language and that there are no ambiguities. On something like that, I would suggest that we all will work towards an agreement. The only real work right now before us, so that you know what we are doing -- the only work right now before us is that we have only one legal opinion -- it is a significant legal opinion and it is whether or not you can restrict the holding of office to people of Northern Marianas descent which has some strong constitutional issues raised by that opinion. But, as of this moment, among the three of us, that is actually what we have before us. We do encourage you, however, that if you do have legal opinion requests, or if any committee wish to give us any proposals today, let us know as the day goes on -- if we are not working up here, we will send someone from the office to pick it up and make sure that the work is done. I hope that answers your question.

Floor Leader Lizama: Mr. President, your Committee on Governmental Institutions met this morning and just for the information of the delegates, the Committee felt that of the -- the Committee felt that when reviewing the proposals that come before the Committee that that Committee would identify which of the proposals would require public hearings, which of the proposals would require legal opinions of the Attorney General, and, the Committee felt also that they would have the discretion of identifying the specific issues, such as the issue just mentioned by the Attorney General -- an issue, for instance, of limiting the requirement for the position of the Attorney General just to Northern Marianas descent. There is a legal issue there and a proposal such as the Attorney General's, an amendment to the Attorney General's Office, the Committee on Governmental Institutions has already identified that one of the issues would be put in writing to the Attorney General -- such concern would be, for example, there is a compelling interest involved, and if there is, perhaps, the Attorney General would make his opinion in that regard.

President H. Guerrero: Thank you, Delegate Lizama. Delegate King?

Delegate King: Thank you, Mr. President. I would just like to inquire further to the Attorney General. Since you said you do not have plans to be available tomorrow, what if the Convention decides to meet tomorrow and Sunday? Will not be available also?

Attorney General: We really have not made any decision on that and we could meet with you and talk to you about that matter. We are very flexible -- there are problems posed to us, and of course, there is the question of compensation provided to the delegates that meet during the weekends, and sure, there is compensation provided for delegates that meet during the weekends, and nothing provided for us for any extra time we work -- that is a slight consideration. In addition to that, I want to make sure that we understand together what I foresee as our role and if you are not satisfy with it, you can change it, but our role as being present here, is to try and be present when you meet. Most of the time, we will

2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

not be here when you meet, and in fact, today may probably be the last day we will be here and seen by you very much. Most of our work would be in the back room doing legal research, we will be getting your request from the Committee Chairmen, in writing, and we will just start hitting the books hard, writing legal opinions for you. We will come back to present the opinions to you, to meet with the Committee and explain the opinion in the Committee. So, if you meet on a Saturday or a Sunday, it does not mean much, unless you are going to discuss a legal opinion which we may have rendered and you want us to explain it more fully to you. With that in mind, we may be able to sit down and make certain arrangement with you. Thank you.

President H. Guerrero: To facilitate the function of the Convention, I plan to request the Committee on Organization and Procedures to meet afterwards to iron out any differences in reference to something like this.

Floor Leader Lizama: There has been a suggestion that we adjourn until Monday so that we can use the time to start preparing proposals so that we can expeditiously submit them for whatever disposition the Committee makes. We would be needing the time so that we may be able to work with our proposals and be ready to submit them by Monday, or sometime next week. The issue of when the next session would be is an issue that needs to be discussed now because the Delegates are anxious to know what to do with their time and schedule.

Delegate Inos: Thank you, Mr. President. I believe that there two suggestions on the floor, and our Floor Leader failed to indicate the other suggestion, in which you would have to be deciding on.

President H. Guerrero: Thank you, Delegate Inos. Delegate Guerrero?

Delegate L. Guerrero: Thank you, Mr. President. I know that the Convention, yet, is in the stage of being fully organized. However, I would like to point out that we are still understaffed, and with the workload that the Typing Pool has for today, xerox operators who have to xerox copies for the delegates -- I hope that the Committee on Organizaton and Procedure would seriously look into this matter and I would hope that we all can expedite the process of proposals that have been referred to the difference chairmen, and the additional staffing could be very important and significant to the Convention. The other point that I would like to raise is that I do understand that each of the delegates would like to have a copy of all proposals or resolutions irrespective of who was the introducer. I believe that this is a matter of time consuming, waste of money, etc. I believe the referral sheet is sufficient -- each of the introducer should be satisfied with the referral sheets that we have been receiving. I know that the Convention does not have that much money to expend on those kinds of expenses. So, I would like to suggest that any delegate who introduced the proposal be accorded a copy of his proposal rather than distributing a whole copy or package of the day's business. I would prefer to see the referral sheet because it is important for any of us here so that you would know if you proposals are being entertainment. Another matter that I would like to point out is that, is a matter of principle and certain dignities of this Convention -- I still see that the name plate of the President, the person whom we all are addressing as "Mr. President" is yet "Mr. Delegate.

2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

I hope that you are able to instruct the Administrative Officer of this Convention, and have your name plate corrected. Thank you.

President H. Guerrero: Thank you, Delegate Guerrero. The Chair notes your concerns and suggestions, and probably, we will have some recommendations. Delegate Kaipat?

Delegate Kaipat. Thank you, Mr. President. Mr. President, I do fear that the most serious and critical problem that we have right now is the legal counsel problem. Looking at the measures which I believe is up to 100 as of this morning, and it is only three days so far since we have been introducing proposals and there is still 26 more days to go, and the Attorney General has just mentioned that today would be the last day for them to be available to us and revert to researching in the library, I feel that, by sitting for the past two days in the Committee, we need a legal counsel. Somebody that will walk this floor, somebody that will be called between committee and committee and, be approached, at any working hour or day of the committee or individual delegate for constant legal opinion. By doing this, by having this person or persons, more than two or three people, walking between the four standing committees, could unload many of those table because of public hearing, table because of having to be referred to another committee, or to be sent to the Attorney General, I have a feeling that many of these issues could be reduced in size. Thank you, very much.

President H. Guerrero: Thank you, Delegate Kaipat. As a matter of clarification -- the Attorney General and his staff are not abandoning us. They are just saying that they have to start doing research whether at their office or other places. In terms of additional legal counsels, I have talked to the Speaker of the House of Representatives and we are working out a schedule in terms of getting the -- at least, have access of the Legal Counsels working for the House of Representatives. The Chair is in the process of getting more legal counsels from the Governor's Office. Further discussion? Delegate Pangelinan?

Delegate Pangelinan: Mr. President, I think that since you have already made the appointments to the various committees to do their work and with the chairmen heading their respective committees, I do not see any problem with us working over the weekend without the legal counsels advice. I think we all know what we are doing here -- we have the Briefing Papers that were provided to us -- it explains what we can do and cannot do; we have the Constitution and we have the Covenant and I think that the Attorney General needs this time to research on issues that were never addressed before. We know already, just by looking at the proposals, what can go in and what cannot go into the Constitution. We cannot just go on and recess today and then come back tomorrow and go on with the Order of Business. The substantive work is within the Committee and the Committee or Committees of this Convention can start working right after the plenary session. We can recess on the plenary session, and the Committees can still continue on its work, every day, on the hour. The Attorney General is more than willing to assist, so the Committees have to organized themselves and address what need the Attorney General's attention and what does not need the Attorney General's attention and still work without them being by our sides. I think that we ran as Constitutional Convention delegates because we want to do our work by ourselves, and make that decision by ourselves, too. The Attorney General is just an outside help and they are going to give us the guidance and the assistance, but the

2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

decision is really up to us. Thank you.

President H. Guerrero: Thank you, Delegate Pangelinan. Just for the information of the Delegates -- the Chair has been informed that the Bank of Guam has custody over the documents of the First Northern Marianas Constitutional Convention, so we are asking the Bank to release the documents to the Attorney General's Office to facilitate and expedite the functions and roles that he and his staff would be playing at this Convention. Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I listen to the concerns of legal counsels and what have you. I agree with Delegate Pangelinan. I have been preparing my own proposals with limited assistance from the Attorney General. The legal assistance is very valuable -- I think their role is to inform us of whether our proposal is a constitutional provision or our proposals are unconstitutional pursuant to the appropriate statutes, the Covenant or Constitution of the United States. I do not see any need for the legal assistance. In fact, the Attorney General has been very responsive by just sitting back here with two Assistant Attorneys General. For the past two days, we have not asked them for significant questions. So, I want to just echo my concern that the Attorney General's assistance is badly needed over here, or, even in our Committee's work. Our Committee met this morning and we identify those issues that should be referred to his office -- the Committee is providing legal opinion requests and I think we can move faster if we do these things ourselves. Delegate Nabors offered a suggestion that authors or introducers of proposals be given the opportunity to explain their side of the story. I would like to recommend that introducers or authors of proposals submit -- or proposals be accompanied by a "statement of intent" and also description of problems so that the Committee would have that information readily available. Some of the delegates have done that, some have not, and in our meeting this morning, we were asking ourselves, "what is really the intent of this proposal?" As much as possible, if time permits for the Delegates, I would like to know the intent of the proposal and if there are problems, a brief statement or description of the problem.

President H. Guerrero: Thank you, Delegate Mafnas. Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I think I would go along with the intent or the philosophy of having people that learn about laws to be sitting among us. Somebody mentioned earlier that -- well, everybody can write a proposal -- all of us can do that, but is it legal in a sense that we can put in a constitutional forum. I still feel that although everybody can read, write or speak English, everyone can do so by documenting what they would like to see included in the Constitution. We still need -- it does not have to be the Attorney General or his staff, but the people who could go through helping individuals, helping committees, walk the floor during working days -- to be among us, so that, for instance, Mr. Mafnas mentioned that this morning the Committee . . . .

Delegate Mafnas: Mr. Speaker, I wish to be addressed Delegate Mafnas.

Delégate Kaipat: Delegate and Mr. Mafnas . . . .

Delegate Mafnas: Thank you very much.

2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

Delegate Kaipat: Mr. President, Delegate Mafnas and I are in the same committee, and he and I know that there are a couple of measures to be referred to the Attorney General. He mentioned earlier that we can do that, but I do not think so. I do not think that we can play around with law -- to the specialists -- people who study law to do the work. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Kaipat. I am sure the Attorney General would be willing to render a response to the questions being raised. Before I call upon the Attorney General to respond to that, I would like to recognize first Floor Leader Lizama?

Floor Leader Lizama: There was a suggestion made quite earlier about whether or not we should recess or not. I believe we should take that matter now so that we know what the feelings of the Delegates are as far as recessing until Monday at 9:00 a.m.

President Guerrero: Before we dispose of that matter, I would like to give the Attorney General the opportunity to address the Floor.

Attorney General Kosack: Thank you, Mr. President. I just would like to say that we do recognize Delegate Kaipat's concern of the need to provide the need of a legal counsel at all times here in the Convention. I would like for you all to realize that we are available to assist you, as a matter of fact, we are stopping all legal advises to other departments of the Government so that we may concentrate in providing legal opinions and assistance to the Delegates here when needed. The assistance that I and my staff would be providing to this Convention is for a thirty day period and while other departments may need our assistance, most of our time would be directed to this Convention. A lot of the time that we will be doing work for this Convention would be done at our own time because by being here during the session and then going back to the office to do research on requests that we receive would not be sufficient for us to finish our work. So, we will be going home at nights and still be doing work for the Convention because we want to render the best opinions to you while the Convention is in session. I can honestly say that no attorney can, in his right mind, render an opinion in such short notice, or immediately when question. A research would have to be done on the subject matter and because of the significant issues that you are dealing with are so complex, no attorney, even the best attorney anywhere in the world can just walk around between committees and answer questions from the top of his head. It would be irresponsible of him to answer such questions posed to him without sitting down and doing some research. For instance, there are several questions that some of you Delegates have asked me about, and I cannot give you an answer because I would have to go back to the books and do some research on the subject matter before rendering an opinion. We do have to go back to the office, sit down and do our homework. If we give you a wrong answer without doing any research, it may change the destiny of the Northern Mariana Islands. So, I think by having a roving attorney walk around between committees, is not being able to provide you with the best legal assistance possible, unless it is just a regular or an ordinary procedural matter. If you really want a good legal opinion, you have to sit down and decide which ones are of significant value or have significant issues, put them in writing and we will respond with our opinions in writing, too. I would not recommend rendering an opinion from the top of our head without not having research the matter in depth. I hope that answers the concerns raised.

2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

President H. Guerrero: Thank you, Mr. Kosack. I believe this matter about legal counsel would be taken up by the Committee on Organization and Procedures, and at such time, the Committee will report out to the members of the Convention. At this time, I would suggest that we move on to the next item if there are no further business to be discussed under Miscellaneous Business. Delegate Villanueva?

Delegate Villanueva: Mr. President, since I have the floor, I would like to have this opportunity to inform the members of this Convention that I am opposed to recessing until Monday. I believe most of us have left our work behind, as well as family members, in order to be able to be present at this Convention. I hope that this Convention will continue unless it is recessed until next year. Thank you very much, Mr. President.

Floor Leader Lizama: Mr. President, I hope that Delegate Villanueva is not getting so disappointed of the progress of this Convention. I believe that it is important to understand that if we do recess in the Convention as a whole, there are other works that need to be taken care of. The Committees of this Convention would have to address issues referred to them. Your Committee on Governmental Institutions, for example, intends to meet tomorrow, should there be no session, to address the proposals that have already been distributed and referred to us. It is very important for the committees to review those proposals and also, it is very important that we set a deadline, although we cannot do it under the Rules, but at least among ourselves, agree to a deadline of submitting proposals as soon as possible in order that similar proposals addressed or submitted to Committees of the same subject matter may be reviewed by the committees at the same time. I do not think that if I take a recess, I would not be doing anything. It is just like the Attorney General -- when he goes home, he still has to go back to his office to continue his work. The same goes with me -- when I go home I still have to read through the pertinent things of the work of this Convention. I think that the committee works would begin -- to function more at best, once the proposals are put together. It is up to the individual committees to schedule the proposals for public hearings and such as requests to the Attorney General that needs submission. The Attorney General made a point -- no attorney in this world could come here and just say that this is the answer as requested here. Now, as a member of a committee -- as a committee member, I have to know the questions that are pertinent to the proposals and I cannot do that when we have -- when we are here on the floor debating on miscellaneous matters -- I cannot do that, I need time to reflect on the issues that have been presented. So, I understand the concern that you wish to move forward with our agenda, but we cannot do that at this time.

Delegate Mafnas: Mr. President, I object to a recess until Monday. If we do not meet tomorrow and there are proposals that will be ready tomorrow, then that means that a day is gone without you referring the proposals to the appropriate committees. We are fortunate to have a leader in our Committee as a Chairman, we were able to clear the proposals that have been assigned to the Committee on Governmental Institutions this morning and plan further actions on those proposals. But, to recess until Monday would cause delay in introducing additional or more proposals. I think we should meet again tomorrow if necessary so that the Convention can receive additional proposals and simultaneously the President can assign those proposals to the appropriate committee. When we go home at night, we can work on our proposals; even if we recess, we can still work on our

2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

proposals. Someone introduced a resolution asking the Legislature to extend the time of this Convention for another thirty days. Maybe we should ask the Legislature for thirty-three more days rather than thirty days because we are planning to recess. We have responsibility, we know what it takes to be a delegate and I think we should live up to the expectations of our people -- they expect us to work thirty days and thirty nights. Thank you.

Delegate Pangelinan: Mr. President, I would like to make a few remarks, too, just like most of our Delegates. We have heard several speeches made by some of our Delegates; some spoke of eloquence letting us know what to expect from this Convention, some spoke in ordinary language expressing their feelings and there are still others who have yet to say anything, but I am sure, are listening very carefully and evaluating the conduct of this Convention body. It is these differences in qualities that we each possess that brought us here because the people that voted for us saw these qualities in each one of us to balance out the extremes in the characters of each individuals. We all understand the importance of the work ahead of us -- we already know the problems facing this Convention -- problems of geographical differences, problems of minority, problems of majority, and problems of uniting together to work as one body of this Convention. If we fail to produce what we are supposed to do, the failure will not reflect on one stubborn delegate, two uncooperative delegates, or blame Rota Delegates, or blame Tinian Delegates, or blame Saipan Delegates. The failure will reflect on the Second Constitutional Convention. I am ready to do my best, work weekends, work ten hours a day, for the interest of the people of the Commonwealth who placed their trust in me to represent them in this Second Constitutional Convention with cooperation and compromise when necessary. Thank you, Mr. President.

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

Delegate Tomokane: Mr. President, if I may be also allowed to use three minutes to present my remarks . . . .

President H. Guerrero: You may, please proceed.

Delegate Tomokane: Mr. President, we have heard concerns with respect to the needs of this Convention, needs that deals with administrative requirements, such as legal assistance, staffing needs, facilities and what have you. I think the leadership have heard enough of this. We have a Committee of Organization and Procedures and it is comprised of Committees' Chairmen and the officers. Assessed what you have heard so far and let us have a plan of action and get this Convention moving. We have a thirty day mission here. Rota's needs should be addressed because they are represented, and so is Tinian. Saipan deserves the same treatment but the forgotten one is the -- our few brothers and sisters north of us. What is really purbating this Convention in terms of differences and conflict. I, myself, cannot solve that and that is why we have the leadership. I am anxious to see what the leadership can do to get this Convention going. We are not going to waste our miscellaneous business exchanging these kinds of remarks. I do not know if the Legislature would honor the resolution to recess until next January or extend it another thirty days. This thing is getting political and that is the challenge of this leadership. The challenge is to get this Convention going. Thank you.

2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

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

Delegate Nabors: Thank you, Mr. President. I do not know if I am in order, but I would like to move to suspend the Order of the Day and move to adjournment and move that we adjourn until 8:00 a.m., tomorrow morning.

President H. Guerrero: Delegate Nabors, you are out of order. We have not finished with the Order of the Day. Delegate Igitol?

Delegate Igitol: Mr. President, just before you move on to the next business, this is an information to the Chair as well as the Delegations of Rota and Tinian. The Department of Finance is still waiting notification from probably the Governor as to who is the President, Vice President and other officers of this Convention in order to comply with the provisions of Public Law 4-30. That obligations of funding for this Convention may be executed -- I have just been informed by my department that we have a few documents sitting up at Finance Office regarding this Convention which they cannot take action on because of the absence of the notification as to the leadership of this Convention. I believe you should write to the Governor as called for in Public Law 4-30 to inform the Governor and the presiding officers of the Legislature as to who are the officials of this Convention. The Governor, in turn, will write to the Department of Finance and advise them of who the officers are for this Convention and who is the authorized signator for expenditure of the funds under the law. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Igitol. The Chair notes your concern -- we have already informed the leadership of this Commonwealth that the Convention is organized and functional and also, informed the Governor to inform the Department of Finance in terms of the authority of the presiding officer to expend funds under the law and we will provide a copy of the letters to the members if they so decided or if any one wish a copy of it. Delegate Igitol?

Delegate Igitol: Another matter, Mr. President. You should also execute a memo to the Department of Finance requesting the transfer of funds from the accounts -- Account Nos. 1709, 1710 to 1711, as called for in Public Law 4-30. All unobligated funds from the election and the Pre-Convention should be transferred to the Convention funds.

President H. Guerrero: Thank you, Delegate Igitol. We will take your concern under advisement. If there are no further miscellaneous business, let us go on to Announcements.

#### ANNOUNCEMENTS

President H. Guerrero: Before I recognize any one, copies of the proposals have just been passed and that is in reference to Proposal Nos. 32-85 up to 71-85. Also, a copy of Resolution No. 1-85, and there is no indication in terms of committee referral. Resolution No. 1-85 is referred to the Committee on Finance and Other Matters. The proposals that were introduced today will be made available at our next session. Any announcements to be made? Delegate King?

Delegate King: Mr. President, I would like to ask members of my Committee on Personal Rights and Natural Resources to meet in this Chamber for about



2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

five minutes. I do realize that the Committee on Organization and Procedures is also meeting right after this session, but I only want a few minutes with my Committee members. Thank you.

President H. Guerrero: Delegate King, since I am calling a meeting of the Committee on Organization and Procedures immediately after this session, can it be done right after that committee.

Delegate King: Mr. President, can you grant me just five minutes or maybe later than that.

President H. Guerrero: No more than five minutes. Thank you, Delegate King. Delegate Manglona?

Delegate Manglona: Mr. President, I would like to remind members of your Committee on Local Government that we are having a committee meeting at 2:00 p.m., today, here at the Convention Hall. Thank you.

President H. Guerrero: Thank you, Delegate Manglona. Delegate Guerrero?

Delegate L. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters would like to announce that your Committee will be meeting at 1:00 p.m., mainly to go over the additional assignments that we have just been assigned to. At the same token, your Committee wishes to proceed as early as possible with the public announcements, media, and communications to all government agencies, private sectors and the mayors. I have listed about eleven different departments or different interested parties that should be accorded a copy of the assignments that we have so that we can receive their comments. We would like to proceed with our public hearings no later than next week, Wednesday, June 26. Before Wednesday, hopefully by Monday, I would have to ask for your indulgence and assign us a legal counsel to work with the Committee and to prepare the necessary documents and information for the public hearings.

President H. Guerrero: Thank you, Delegate Guerrero. I am sure we can address your concern during the Committee on Organization and Procedures meeting. Since you are a member of that Committee, I believe that that would be the most appropriate time to address that matter. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I would like to call a meeting for the Committee on Governmental Institutions-- a meeting for the Committee at 2:30 p.m., today, right here. Thank you.

President H. Guerrero: Any more announcements? If none, the Chair is ready to entertain a motion for adjournment. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I would like to make a motion -- I would like to move that this Convention adjourns until 9:00 a.m., tomorrow morning.

Delegate Mafnas seconded the motion.

2ND CON CON JOURNAL -- 4th Day  
June 21, 1985

President H. Guerrero: It has been moved and seconded to adjourn the session until tomorrow morning at 9:00. Any discussion?

There being no discussion, the motion to adjourn and to meet the next day at 9:00 a.m., was carried by voice vote.

The Conyention adjourned at 11:05 a.m., and to reconvene at 9:00 a.m., Saturday, June 22, 1985.

Respectfully submitted,



Delegate William B. Nabors  
Convention Secretary