

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

FIFTH DAY

Saturday, June 22, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 10:35 a.m., Saturday, June 22, 1985, at 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.

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

Delegate Villagomez: Mr. President, I apologize for having been absent yesterday from the Convention. I have to attend an appointment in Guam that I could not cancel, and I was able to attend only part of the committee's meeting yesterday afternoon. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez.

Secretary Nabors: Mr. President, we have a quorum; all delegates are present.

President H. Guerrero: Thank you, Secretary Nabors. We do have a quorum, so let's proceed.

ADOPTION OF JOURNAL

Floor Leader Lizama: Mr. President, I understand that the Second Day's Journal has already been completed, however the staff is preparing now the journal. It's a forty-page journal. I would like to ask that we suspend this order of the day for the adoption of the journal so that we could move down to the next item of the Order of the Day, if that would be the unanimous consent of the delegates.

Delegate DL. Guerrero: No objection.

President H. Guerrero: Okay. We will move on to the next--Communications.

COMMUNICATIONS

Comm. No. 4, from the Chairman of the Chamorro/Carolinian Languages Policy Commission (CCLC), re requests for inclusion in the Constitutional amendments relative to Chamorro and Carolinian languages.

Comm. No. 5, from the Administrator of the Division of Youth Services, submitting comments and recommendations for consideration and inclusion in the Constitution.

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President H. Guerrero: In front of you, we have two communications. Communication No. 4 from the Chairman of the Chamorro/Carolinian Languages Commission and the Executive Director of the Carolinian/Chamorro Languages Commission regarding the requests for inclusion in the constitutional amendment relative to Chamorro and Carolinian languages and other matters. And Communication No. 5 is from the Administrator of the Division of Youth Services, Department of Community and Cultural Affairs, submitting comments and recommendations for considerations and inclusion in the Constitution. Discussions? Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. I believe Delegate Pangelinan raised a question earlier exactly how are we to proceed on these recommendations. Is the Chair to introduce these measures, or we individual delegates will take it upon ourselves, or exactly how?

President H. Guerrero: At this time, the Chair is open for suggestions. Delegate Guerrero?

Delegate DL. Guerrero: Thank you, Mr. President. I believe this is merely a communication to the Convention delegates. And I believe should any of these delegate proposals has to be prepared to accommodate the request, I think it's only appropriate that the assignment be made by the leadership of this Convention rather than, you know, come up by yourself since this is addressing to the delegates of the Convention. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Guerrero. Any more discussions? Delegate Mafnas?

Delegate Mafnas: I support the suggestion that perhaps the leadership of the Convention should sponsor or should review these requests and take appropriate action, rather than us so we can avoid duplication of efforts. Thank you.

President H. Guerrero: Thank you, Delegate Mafnas. The Chair notes the recommendation and it will be taken up by the Committee on Organizations and Procedures. Delegate Lizama, you had your hand up.

Floor Leader Lizama: Nothing further, Mr. President.

President H. Guerrero: Any more discussions? Oh, excuse me....

Floor Leader Lizama: What I was going to say, Mr. President, was exactly what Delegate Mafnas had just said, so I have no further comments..

President H. Guerrero: Any more discussions? Floor Leader Lizama?

Floor Leader Lizama: I move that we adopt the recommendation of Delegate Guerrero.

Delegate Villagomez seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the recommendation by Delegate Guerrero. Any discussions?

There being no further discussion, the motion offered by Floor Leader Lizama was carried by voice vote.

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President H. Guerrero: If there's no more discussions under Communica-
tions, so we'll go on to the Committee Reports.

Delegate Villagomez: Mr. President, in the second correspondence from the
Administrator, Division of Youth Services, I would like to make brief
statements regarding two of the proposals for the benefit of the leader-
ship when they consider this request. The first on first page is the
proposed amendment to Article I, under Personal Rights, recommending that
there shall be excessive bail required in the CNMI and also that there
shall be excessive fines imposed on convicted criminals. For the benefit
of the leadership, I think that this will be directly contrary to the U.S.
Constitution, the principle of democracy and due process of law, and I
request the leadership to be very careful not to suggest any amendments to
our Constitution that would be so directly against the U.S. Constitution
and our very basic principle of American democracy. Thank you.

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

Delegate Manglona: Mr. President, the members of the Local Government
Committee wish to inform all the delegates that we plan to leave for Rota
on Saturday and Tinian on Sunday for our investigation trip to meet with
the....

Delegate Mafnas: Point of order, Mr. President.

President H. Guerrero: State your point of order.

Delegate Mafnas: Are we on announcements or committee reports?

President H. Guerrero: Committee reports.

Delegate Mafnas: Then I think Delegate Manglona is out of order. He is
announcing his committee's activities.

President H. Guerrero: The point is well taken. Delegate Manglona, can
you at least just report on your committee's report rather than making
announcement?

Delegate Manglona: I think, Mr. President, I'll go along with Delegate
Mafnas, I will go ahead and announce it in the Announcements and that
would be fine. Thank you.

President H. Guerrero: Floor Leader Lizama. Delegate King?

Delegate King: Thank you, Mr. President. The Committee on Personal
Rights and Natural Resources does not have committee report to report at
this time. Thank you.

President H. Guerrero: Can I request that you repeat what you just said?
You are not coming. I can't hear you at this end.

Delegate King: The Committee on Personal Rights and Natural Resources
still doesn't have any committee report. We're still meeting and
discussing all the proposals, so therefore, there's no committee's report
at this time.

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President H. Guerrero: Thank you, Chairman King. Chairman Manglona?

Chairman Manglona: Mr. President, the Committee on Local Government has no report today. Thank you.

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

Delegate Torres: Thank you, Mr. President. I'd like to go back to the Committee on Local Government. I believe that we should announce that we have entertained.....

Floor Leader Lizama: Point of order, Mr. President. I believe that the Committee on Local Government has already made its report and I believe that the person to be making that report is the chairman of the committee. I think that Delegate Torres is out of order.

President H. Guerrero: I believe it might be preferable, but there is nothing in the rules that prohibits other member of any specific committee, unless there is an understanding within that committee.

Delegate Villagomez: Why don't we hear him out?

Delegate Pangelinan: If that's the case, Mr. President, then we should clarify that because I thought that the purpose of forming a committee is that we elect a chairman to represent us on the committee here at the floor. And we might have some differences in the committee but the majority would agree on how the committee would proceed. And if we allow every committee to express their own opinion that should be expressed with the committee. I don't think we would, the business would progress further if we allow every delegate here to have an opportunity to express what they feel as a result of the committee's previous meeting.

President H. Guerrero: Thank you, Delegate Pangelinan.

Delegate DL. Guerrero: Point of Clarification.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Mr. President, I think it's only appropriate at times that if the chairman himself is not available or may be ill to have the vice chairman report on the committee's report. It is appropriate and timely appropriate to report at this time from the committee. However, I observed that many times when it comes down to Committee Report, you know, individual delegates would stand up on the floor and started talking. I think this particular agenda of the Convention is strictly to accommodate any report from the respective substantive committees. Therefore, I hope that you yourself as President of the Convention, when you know that a delegate is not consistent with the order of the day, you just have to advise him, rather than pointing ourselves out of order.

President H. Guerrero: Thank you, Chairman Guerrero. You had your hand up earlier also, do you have any other business? Yes, Chairman Guerrero.

Chairman DL. Guerrero: Thank you, Mr. President. At this time, your Committee on Finance and Other Matters, of course, wishes to report to the Convention that as soon as the Typing Pool is ready with our report, it

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should be distributed out to the Convention. Your Committee did review Resolution 1-85. Your Committee on Finance and Other Matters made some amendments to the resolution itself, and I hope that when the Committee's report as well as the resolution itself come up for today's business, I would like to ask the indulgence and full support of the delegates of this Convention. Until such time that the Committee's report is ready, Mr. President, I'd like to go down to the next order of business.

Delegate Nabors: No objection.

President H. Guerrero: Alright, we'll move on to the next order of business, Introduction of Proposals and Referrals. Delegate Torres?

Delegate Torres: Thank you, Mr. President. I have one proposal here to introduce this morning, authored by myself and several others, a "Proposal to add a new Section 5 to Article X of the Northern Marianas Constitution to prescribe deficit financing in the public sector throughout the Commonwealth of the Northern Mariana Islands." Thank you, Mr. President.

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

Delegate Manglona: I have one proposal here, Mr. President, introduced by myself and other delegates. It is a "Proposal to amend Article VI of the Constitution of the Northern Mariana Islands regarding local government." Thank you.

President H. Guerrero: Thank you, Delegate Manglona. Delegate Guerrero, you had your hand up? Any other proposals? Delegate Ogumoro?

Delegate Ogumoro: Yes, Mr. President, I have four proposals to introduce this morning. My first proposal is a "Proposal to establish an office of special assistant for the Governor for Women's Affairs." The second proposal is a "Proposal relative to establishing the Northern Marianas citizenship." My next proposal is "To promote private sector development in the Northern Marianas", and the last proposal, Mr. President, is "To establish the rights of crime victims."

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

Delegate Mundo: Thank you, Mr. President. I have two proposals to submit this morning, introduced by myself and three other delegates. One, is "To delete Section 17(a) and (b) of Article III in its entirety and to amend Section 17(c) of Article III of the Northern Marianas Constitution relating to public services. And the other one is "To delete Section 6(a) and (b) of Article VI of the Northern Marianas Constitution relating to other agencies of local government in its entirety." Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Mundo. Any more proposals? Delegate Tomokane?

Delegate Tomokane: Thank you, Mr. President. I have a proposal here to introduce on behalf of myself and nine other delegates, "to amend Section 1 of Article X of the CNMI Constitution relating to the term 'public purpose.'"

President H. Guerrero: Any more proposals? Delegate Tenorio?

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Delegate Tenorio: Thank you, Mr. President. I have several proposals to present. One is "to amend Section 4(f) of Article XI of the Northern Marianas Constitution." Next one is "to amend Section 5(g) of Article XI." Next one is "to amend Section 2 of Article XIV." Next one is "to amend Section 3 of Article XI." And the last one is "to amend Section 2 of Article III of the Northern Marianas Constitution." Thank you.

President H. Guerrero: Thank you, Delegate Tenorio. Any more proposals?

Delegate Villagomez: Yes, Mr. President. I have a proposal to amend Section (e) of the Schedule on Transitional Matters.

President H. Guerrero: Thank you, Delegate Villagomez. Any more proposals? If none, in front you is the referral sheets for the proposals submitted yesterday starting with Proposal 72-95 all the way down to Proposal 116-85. Copies are being xeroxed right now so probably by the end of the session, it would be available to all the delegates.

(See attached Referral Sheet on Proposal Nos. 72-85 to 116-85.)

President H. Guerrero: There are also two resolutions that were referred. We don't have the attached sheet but they were referred to Finance and Other Matters. They are Resolution Nos. 2-85 and 3-85. We'll go to the next item and this is the Second and Final Reading of Proposals.

SECOND AND FINAL READING OF PROPOSALS

None

President H. Guerrero: Since there is none, we'll move on to the Introduction of Resolutions. Any resolutions to be introduced? If none, we'll go to the next order of business, Unfinished Business. Any unfinished business?

UNFINISHED BUSINESS

None

Floor Leader Lizama: There's none, Mr. President.

President H. Guerrero: There's none. There is none for Special Orders of the Day, and there is none for L, General Orders of the day. We'll move on to Miscellaneous Business. Yes, Chairman Guerrero.

MISCELLANEOUS BUSINESS

Chairman DL. Guerrero: Mr. President, I understand, of course, that right now they are passing out the committee report from your Committee on Finance and Other Matters regarding Resolution 1-85, and it is only appropriate that I ask for the unanimous consent of the delegates that we go back to Item F of our agenda so we can adopt the committee report from the Committee on Finance and Other Matters. I so move.

Delegate Nabors seconded the motion.

President H. Guerrero: Delegate Mafnas?

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Delegate Mafnas: Mr. President, I have no objection provided we take five minutes recess.

Floor Leader Lizama: No objection, Mr. President.

Delegate Nabors: No objection, Mr. President.

President H. Guerrero: If there's no objection, we'll recess for five minutes.

The Convention recessed at 10:58 a.m.

RECESS

The Convention reconvened at 11:14 a.m.

President H. Guerrero: The Convention now reconvenes. There was a motion requesting for unanimous consent to suspend the Order of Business and go back to Committee Reports. If there is no objection, we're back to Item F, Committee Reports. Chairman Guerrero?

COMMITTEE REPORTS

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters is ready to report to this Convention for consideration and final adoption Committee Recommendation No. 01 on Resolution 1-85. And at this time, I'd like to make a motion to adopt the Committee's report and Recommendation No. 01 from your Committee on Finance and Other Matters. I so move.

There was a second to the motion.

President H. Guerrero: It has been moved and seconded to approve Committee Report No. 01 submitted by the Committee on Finance and Other Matters. Discussions? Delegate King?

Delegate King: Thank you, Mr. President. Since I'm the original author of this resolution, I have no comments to object the amendments on this resolution for the best interest of the particular functions of individual persons and also the leadership of the Convention, and therefore I accept the amendment, Mr. President.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President, if there is no question on the Committee's report other than the concern made by the original author, of course, that after the adoption of the Committee's report itself, then I have to make another motion to move down to Item L of today's agenda, the General Orders of the Day, so that we can consider this resolution. And it may be appropriate at that time that the concern raised by Delegate King can be incorporated at that particular time. Thank you.

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

Delegate Mafnas: Thank you, Mr. President. It was a tremendous experience to work with distinguished delegates and former Chairmen

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Manglona and Mundo from Rota and Tinian. I never met these two gentlemen before in my life, or I never worked together with them, however we were able to function by respecting each other and by the Chairman delegating authority to one another.

Delegate Manglona: Mr. President, I'm not the Chairman of the Tinian Delegation.

Delegate Mafnas: Did I say Manglona? I take it back--Chairman Mendiola. The resolution has a noble intention. I think it's appropriate that this Convention -- and I am very glad that the Committee on Finance and Other Matters was able to recognize the unselfish and untiring assistance of our employees in the Executive and Legislative Branches. I hope that Delegate -- I'm glad to hear that Delegate King does not object to include or to recognize the staff of the Legislature and the Executive Branch. Thank you.

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

Delegate DL. Guerrero: Mr. President, if there's no further question from the delegates, I would like to move to end debate.

Delegate Nabors seconded, and the motion was carried by voice vote.

Chairman DL. Guerrero: Mr. President, now I'd like to ask the indulgence and the unanimous consent of the delegates to adopt or vote on the Committee's report.

The motion to adopt Committee Recommendation No. 01, submitted by the Committee on Finance and Other Matters, was carried by voice vote.

Chairman DL. Guerrero: Mr. President, at this time it's only appropriate that I ask again the unanimous consent of the delegates to go down to Item L of our agenda so we can consider Resolution 1-85 on today's business, Mr. President. I so move.

There was a second to the motion.

President H. Guerrero: If there's no objection, we'll move down to Item L, General Orders of the Day. We're now on General Orders of the Day. Chairman Guerrero?

GENERAL ORDERS OF THE DAY

Chairman DL. Guerrero: Mr. President, again, your Committee on Finance and other matters would like to ask for the unanimous consent of the delegates of this Convention and at least, for the record, this Convention will unanimously be endorsing Resolution 1-85. And therefore, I'd like to move for discussions on this resolution, Mr. President.

Delegate Igitol seconded the motion.

President H. Guerrero: Chairman Guerrero, do you want to move to adopt this first before we go into discussions?

Chairman DL. Guerrero: Yes. Precisely, Mr. President.

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Delegate Nabors seconded to the motion.

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

Delegate Mafnas: Point of information, Mr. President.

President H. Guerrero: Yes, state your point.

Delegate Mafnas: Didn't we just adopt the report?

President H. Guerrero: Yes, we did.

Delegate Mafnas: But not the resolution?

President H. Guerrero: Not the resolution. Chairman Guerrero?

Chairman DL. Guerrero: Yes, clarification, Mr. President; that is correct. The Convention has just passed or adopted the Committee's report and that's why I asked for your unanimous consent so we could go down to Item L of today's agenda so we could consider Resolution 1-85.

President H. Guerrero: It has been moved and seconded to adopt Resolution 1-85, entitled: "Extending appreciation to the Pre-Convention Committee members, the staff of the Pre-Convention, Executive and Legislative Branches." Discussions? Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, I'd like to ask the Convention Secretary to read the context of the resolution, please.

President H. Guerrero: Secretary Nabors, please read the resolution.

(At this point, Secretary Nabors read Resolution 1-85, Committee Draft 1, in its entirety.)

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

Delegate King: Thank you, Mr. President. Just to respond to Delegate Mafnas, I have no objection to include the other staff and also the Executive Branch and the Legislature in the resolution. So if it's the wisdom of this Convention, I have no objection.

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

Floor Leader Lizama: Mr. President, can somebody explain to me what is assiduous means?

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: The word "assiduous" to be defined for Delegate Lizama, it's simply means a constant, careful attention of the staff and other people that prepare it. It's a constant, careful attention.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Thank you, Delegate Kaipat, for your assistance.

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Delegate Kaipat: Thank you, Mr. President. The last "Whereas" on the second page of the resolution stated in part that, "Whereas, without the assistance of the three delegation chairmen, the staff of the Pre-Convention, the Executive and Legislative Branches, the ceremonies of the Second Northern Mariana Islands Constitution", so and so. Was it we thanked the people because of the good ceremony, or because of the good setup on the part of the Convention? Are we more concentrating on the ceremony, the first part of the Convention, or this Convention becomes possible because of their work?

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Yes, Mr. President, I believe it's both. We consider that without the diligent hardworks of the staff and the Convention Chairmen, the ceremony may not be a successful one as we expect.

President H. Guerrero: Secretary Nabors?

Secretary Nabors: Motion to end debate.

Delegate DL. Guerrero seconded, and the motion was carried by voice vote.

President H. Guerrero: Now we will vote on the resolution.

The motion to adopt Resolution No. 1-85 was carried by voice vote.

President H. Guerrero: Resolution No. 1-85 is unanimously adopted by the Second Northern Marianas Constitutional Convention. We'll go now to Miscellaneous Business. Any miscellaneous business? Chairman Guerrero?

MISCELLANEOUS BUSINESS

Chairman DL. Guerrero: Thank you, Mr. President. There are some concerns that I have to raise. I suppose we have discussed about the letterhead whether this Convention is going to have its own letterhead or stationery. I think it is highly important that the Second Constitutional Convention should have its own letterhead or stationery to be used by each chairman of the committee and its members as well as the format that we have discussed yesterday, Mr. President. I gave you two different format that were used during the First Constitutional Convention. I hope that the format I passed it on to you would be helpful to each of the respective substantive committees. And if there's no objection from the committees, I'd like to have that format be adopted for this Convention, Mr. President.

President H. Guerrero: The formats that Chairman Guerrero indicated are these two formats. Have copies of these been made available to the delegates?

Delegate Manglona: Can we see a copy of that, Mr. President? Can that be furnished?

Delegate DL. Guerrero: Mr. President, I think it is only appropriate -- of course, I just mentioned that because we have discussed about it as to what kind of format we are going to use. So I think it is only appropri-

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ate that at the later time of the day, you can pass that out immediately as soon as copies are available. I'm just pointing it out for the convenience of this Convention.

Delegate Manglona: Mr. President, I'd like to bring up another matter which I believe Vice Chairman Torres mentioned regarding the scheduling of public hearings, off-island trips, or committee functions. In order that there will be no conflict among the different committee activities, I would like maybe to recommend some kind of a big bulletin wherein you can write down the activities of the following week so that we can arrange our schedules efficiently. Thank you.

President H. Guerrero: Just for your point of information, Chairman Manglona, we did indicate it yesterday in the Committee on Organizations and Procedures that all public hearings, at least, will be coordinated by that committee so there wouldn't be any conflict of scheduled hearings. And I assume and I believe also that that's the most appropriate vehicle in terms of that committee to organize the public hearings.

Chairman Manglona: But what I'm thinking more is along the line of a committee having a speaker or something at a certain hour. I would not like to arrange for a committee to meet if another committee has a speaker in that committee, one of my members probably has a concern in the other committee. You know, small things like these can interrupt the committee's activities. Thank you.

Chairman King: Thank you, Mr. President. With regards to the format of the Convention or the letterhead, I thought we assigned the Legal Counsel, Rex Kosack, to get the format of the First Constitutional Convention for committee's report and I thought that we unanimously agreed to take that format to be used for this Second Constitutional Convention.

President H. Guerrero: You are correct in your statement, Chairman King. That was discussed in the Committee of Organizations and Procedures yesterday to use the format of reporting out committee reports that it's used by the First Constitutional Convention. Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. Further reference to the issue of public hearings, I would like to suggest that the Committee on Organizations meet immediately following the session today, either this morning or afternoon, and get on with the scheduling because I understand one committee has 21 public hearings scheduled or desires to hold 21 separate public hearings. That's only one committee. And with the time limits allowed, I believe we ought to find out what committees intend public hearings and schedule them immediately. The other thing, Mr. President, in that connection, I would like to suggest that perhaps it would be wise if we were to get a sheet of plywood and post it on a conspicuous place so that committee hearings or schedules and our schedules can be updated so that all delegates will know what's going on, when and where. Thank you, Mr. President.

President H. Guerrero: Thank you, Secretary Nabors. Your recommendation is noted and we'll do something about it. We are going to have a very heavy workload when the Convention starts formal considerations of committee reports, proposals, recommendations, etc., so I would like to ask that all committee chairmen to advise whenever they have a committee report or anything they would like to put on the agenda. Pursuant to Rule 23, the

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Committee on Organizations and Procedures will be able to fix the agenda for each day in such a way that we can conduct business in an orderly manner and consider related issues at the same time. Other necessary business that's not in the agenda for the particular day can be brought before the Convention by motion from the floor. For the information of the delegates, the Committee on Organizations and Procedures took the matter up on legal assistance and the Attorney General indicated that they will be available to the committees but they would like to be informed at least a day advance so that they can be prepared in terms of answering questions for the committee that they are going to discuss on that particular day. So I suggest, probably in the future, that would be a good approach. As far as the letterhead, I think it was brought up by some of the delegates that we will handle that by Monday. I did assign and I was told that it was supposed to have been finished yesterday. The Department of Education was printing it but unfortunately it wasn't ready as of yesterday afternoon. Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. May I request that the microphones be adjusted so that it can help us? I have four observations that I would like to make at this time and I will try to be as brief as possible. No. 1, in our committee consideration of some matters, we have found that some matters pertaining to one subject matter of the Constitution have been referred to different committees. For example, in considering the composition of the Marianas Public Land Corporation, some proposals pertaining to MPLC have been referred to our committee and some proposals have been referred to other committees. This may create a conflict. One committee may make a determination that conflicts with the determination of another committee regarding the same subject matter. I would like to recommend to the leadership of this Convention that you don't refer different proposals, wherein one subject matter, to different committees so we don't end up having separate recommendations regarding the same subject matter. And with respect to Marianas Public Land Corporation, I think falls under Natural Resources because it involves public land, that all MPLC matters be referred to the Committee on Personal Rights and Natural Resources. My second observation is, many of the proposals that have been submitted to us relate to legislative matters, legislative questions, and my observation has been that many of these proposals are given to us not because the people do not recognize that these are legislative matters but the Legislature has not done its work to work on these legislative matters and so now they are coming to us. One example is a request by the citizens that we put in the Constitution the salaries of the employees of the Commonwealth. That's obviously not a legislative, I mean, a constitutional question. That should be referred to the Legislature. I'd recommend to the committees that they have to recognize those areas that are not constitutional matters and delineate them as soon as possible so we do not waste time on those matters. It's unfortunate that the Legislature because it has not done many of its work now these matters are referred to us. The third observation I'd like to make is, in reviewing some of the proposals, some of them intend to add or clarify some of the existing constitutional provisions and then when we review the Analysis of the Constitution that was drafted in the last Con-Con, they provide those explanations or provisions to clarify the general terms in the Constitution. I strongly recommend to the committees to review the Analysis to see whether those recommendations are already in the Analysis. The reason for the Analysis is that we cannot form a Constitution that is very thick and very specific so we make the Analysis in order to explain some of the things and add

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meanings to the general terms in the Constitution. If we are to now take the proposals that specifically define or explain the general present constitutional provisions which is a very thick Constitution, that is already in the Analysis. The fourth observation I'd like to make is with respect to public hearings. In the last Constitutional Convention, we tried to have the committees work as much as possible and have their input and then we set aside a particular week for all of the committees to go out and try to hold all public hearings on all the proposals that they have before them. By that time, they have eliminated all those proposals that shouldn't be taken into consideration and identified the ones that need public hearings. And then at that time there wouldn't be any conflict because everybody will be out having public hearings. If, for example, the Committee on Local Government goes to Rota next week, we cannot hold a Convention because under our Rules there cannot be a public hearing going on when the Convention is going on, and it would certainly disrupt the Convention in general. So since I'm not a member of the leadership, I'd like to propose to the leadership that we set aside a particular week, perhaps the third week of the Convention for all the committees to go out and conduct public hearings instead of having some people sitting here waiting for one committee to finish its public hearing and then we continue with the Convention. That way everybody will be out having public hearings and the Convention will recess for the whole week, and it will be organized from here on ... get the public input and then we all come back and do our work as part of the Convention. That is all the observations I'd like to make at this time. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez, and the Chair notes your comments and recommendations. Chairman Guerrero?

Chairman DL. Guerrero: This is a point of information, Mr. President, in line with what Delegate Villagomez has stated. During the First Constitutional Convention, what we did, of course, was we came up with a plan from the Presiding Officer in consultation with the leadership, of course, that this is the plan to be used for the Convention and then we went on that basis. What the committee normally did during the Convention's deliberations was that the committee itself came up with a committee's recommendation to the Convention to be considered as first reading and allowed for a Committee of the Whole discussion. Then after the first Committee of the Whole discussion, we took the input from each individual, or the committee itself took the input from the individual delegates. And we went back again to the committee and then from thereon, public hearings were scheduled. And your Committee, of course, on Finance and Other Matters is in line with that plan provided, of course, that it is approved by the Organizational Committee of this Convention. But I think it's only appropriate that the Presiding Officer should come with plans ahead of time, and I agree that we have to reserve at least probably good 10 days for strictly public hearings among the committees. That's all I have, Mr. President.

President H. Guerrero: Thank you, Chairman Guerrero, and your comment is noted. Delegate Pangelinan?

Delegate Pangelinan: Yes, I'd just like to know whether the delegates from Tinian or Rota are going on their own expense if they chose to do so. I'm confused about the public hearings being conducted by themselves alone because then we're dealing with insular thinking. This is a Convention of the whole body and, you know, we would like to know what's also the Rota's position.

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Delegate Nabors: Point of information.

President H. Guerrero: State your point, Secretary Nabors.

Delegate Nabors: For the information of the delegates, this is a Committee on Local Government that proposes a trip not Rota or Tinian Delegations.

President H. Guerrero: The point is well taken.

Delegate Pangelinan: Composed of....

Delegate Nabors: Two delegates from Saipan, one from Rota, and one from Tinian.

Delegate Pangelinan: Thank you.

Delegate Nabors: And not at the Committee's own expense.

Delegate King: Thank you, Mr. President. I believe that all public hearings have to be scheduled first before any delegates can leave the island or call a recess of the Convention. So I suggest that if possible, if there's no objection, that all public hearings schedule should be placed in the Order of Business so that we can know all of these public hearings that are scheduled and it may be also for the convenience of the public. Thank you.

President H. Guerrero: Thank you, Chairman King. Floor Leader Lizama?

Floor Leader Lizama: Thank you, Mr. President. I believe the concern that Delegate Villagomez has mentioned, I think, is referring to the proposal that was submitted regarding the Marianas Public Land Corporation and the other proposal that was submitted regarding MPLT, I think, from three or four Tinian delegates. And one proposal that was submitted by myself. The number of the proposal from the Tinian Delegation is 3-85 and the one proposal submitted by me is 56. I tend to agree with Delegate Villagomez's recommendation that proposals with the same subject matter should be assign to one committee, however, Proposal No. 56-85 was assigned to Committee on Personal Rights and Natural Resources and Proposal No. 3-85 was assigned to the Governmental Institutions Committee. I can see why the President assigned Proposal 3-85 to the Committee on Governmental Institution because the proposal itself is recommending to abolish the Marianas Public Land Corporation and to establish in the Executive Branch the same department to deal with matters relating to this public land corporations function. Now Proposal No. 56 is a proposal simply intended to design the existing Marianas Public Land Corporation. So I would like the Chair to make a decision one way or the other on the two proposals that were submitted to Governmental Institutions whether they should be referred to Natural Resources Committee. My personal feeling is that this proposal.... I would like to recommend that Proposal No. 3-85 be reassigned to Personal Rights and Natural Resources Committee.

President H. Guerrero: I suggest that, you know, this thing can be handled efficiently more outside of the Convention time so we can move on to more pressing business. Delegate Kaipat?

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Delegate Kaipat: Thank you Mr. President. The four points of interest brought up by Delegate Villagomez this morning as part of his observations so far, only three or four days of the Convention. I think these are very important observations. However, these could be remedied within minutes. First part, the problem of certain proposals referred to two or three different committees at the same time, the remedy for this, Mr. President, is, whoever is assigning such proposals, if this is the President of this body, then they should know that they should be able to classify the four different committees and their specific functions. Two, and I agree with Delegate Villagomez about overlapping of reports and also delayness. The second, legislative matters not -- this is unconstitutional. I mean, as he mentioned that this is supposed to be done by Legislature. This could be remedied within minutes through a combination of committee chairmen identifying such thing with the help of the Attorney General's Office. And as far as some delegates, as he mentioned earlier that some delegates in their proposal tried to clarify or try to give explanation on their part, and this is probably not the way to write a proposal anyway. You don't put down the explanation like you do in analysis. Now the fourth one is the public hearing. I think public hearing for all of us delegates in this house is very important. This is part of our research, and you cannot come out with a sound proposal without a research. Thank you, Mr. President.

President H. Guerrero: Delegate Inos?

Delegate Inos: Thank you, Mr. President. I have to disagree with Delegate Kaipat on the second recommendation. I think that we have to decide what is or what should be constitutional for us and not to let the AG decide for us which is constitutional and which are legislative matters. We are unique and I hope that this committee as a whole or the delegates will think and agree with me that I think that we should be the ones deciding what should be our constitutional rights. Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I am scared; 21 public hearings in one committee, we have four committees. How many committee reports that will be presented? When the reports are presented, there will be heated arguments, perhaps we will spend, each of the delegates must and would like to speak on each report. Time is definitely against us. With all due respect to those members who still maintain that the Attorney General's review in determining a proposal whether it's legislative or constitutional matters, I think we should do away with this. I think we are capable enough, Mr. President, to make that determination ourselves. The attorney's time is very, very valuable to us. I would prefer to see them making research on legal matters, whether such proposals are unconstitutional or constitutional. I don't want them to tell me that these are legislative matters because I can do that, and I have confidence that everyone of us can do that and we have done that in our committee. The Section by Section Analysis of the Constitution provides the intent, the discussions when the framers of our Constitution put our Constitution together. I think that document is very valuable and it would help us to expedite the amendments or proposals during this Convention. If we have not reviewed that document then I will strongly urge the delegates to do it because debates would be based mostly on the review of the Analysis. Many of the proposals perhaps will not be proposed if that document is reviewed. ~~I think the concerns of Delegate~~

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Villagomez are significant and I will ask the leadership of this Convention to keep us moving not tomorrow but right now by moving to the next agenda.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: I would like to strongly recommend to the Chair that land subject matter with respect to having a legal counsel for this Convention be addressed in your meeting that will be called immediately after the session. I would like to know at this point if that question has not been addressed yet and try to address this. If we feel that we are short of money to put a legal counsel for the convention, then I think it is timely that we introduce a resolution in the next couple of days asking the Legislature to amend Public Law 4-30 to increase the appropriation or set aside some money for this Convention in order to hire a legal counsel for this Convention. That is if the majority of this Convention does not have legal counsel....

Delegate Mafnas: Point of information, Mr. President.

President H. Guerrero: State your point, Delegate Mafnas?

Delegate Mafnas: It is Public Law 4-22. That's the law that appropriated the funds for the Convention.

President H. Guerrero: Thank you.

Delegate Ogumoro: Thank you, for correcting me, Delegate Mafnas. But my concern, Mr. President is that we address that problem or concern that has been raised immediately.

President H. Guerrero: Thank you, Delegate Ogumoro, your concern will be taken up by the Committee on Organizations and Procedures. Floor leader Lizama?

Floor leader Lizama: Mr. President, we have just received the Second Day's Journal. If there is no objection, I would like to move that we suspend the Order of Business and move up to Item D of the Order of the Day so we can adopt the Second Day's Journal.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: I would like to second that motion.

Delegate DL. Guerrero: Objection, Mr. President.

President H. Guerrero: There's an objection on the floor. Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, we are talking about journal, I'm sorry, I have not be accorded a copy yet so can the Floor leader please be patience until we get our copies?

President H. Guerrero: Delegate Tomokane?

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Delegate Tomokane: Thank you, Mr. President. May I move to recess for at least 10 minutes before we adopt the journal because, you know, it's quite voluminous?

President H. Guerrero: If there's no objection, we'll recess for 10 minutes.

There being no objection on the floor, the Convention recessed at 12:01 p.m.

RECESS

The Convention reconvened at 12:09 p.m.

President H. Guerrero: The session is now reconvened. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I just notice that the journal of the second day is very thick and I think the delegates should be given the opportunity to digest the journal. So I would like to withdraw my motion to have the journal adopted by this session and I would like to suggest that we will take up the adoption of this journal on Monday and not right now.

President H. Guerrero: The motion to adopt the journal has been withdrawn. Any objection?

Delegate DL. Guerrero: No objection, Mr. President.

Delegate Mafnas: Mr. President, I yield to the senior delegate.

Delegate Villagomez: Mr. President, I yield to Delegate Mafnas.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I support the withdrawal of the motion to adopt the journal. I was going over this and I'm confused whether Delegate Lorenzo Guerrero is Delegate Lorenzo DeLeon Guerrero, or Lorenzo Guerrero. I think it's appropriate that they go over this journal and make the necessary corrections and address us accordingly please.

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

Chairman DL. Guerrero: Thank you, Mr. President. My other concern is, it is highly important that I hope that when we meet on Monday, it's not only the second day's Journal to be adopted. I hope that the third day's Journal as well as the fourth, if possible, be adopted on that particular day, otherwise we are delaying in adopting our journal on everyday's session.

President H. Guerrero: I'm sure that the Journal Clerk will do her best to finish all the journals for the third as well as the fourth day. Delegate Igitol?

Delegate Igitol: Mr. President, I sympathize the Clerk because she has a lot of things to transcribe on the machine. If only the Convention can exercise and take up Article XXXII, at times where they have to resolve

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into a Committee of the Whole where the Clerk doesn't have to record verbatim that is not necessary. As I look to this journal, most or some of these statements are not supposed to be recorded. And I strongly suggest to the leadership that they exercise Article XXXII when we call for a dissolve into the Committee as a Whole. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Igitol, and your concern is noted by the Chair. Any more miscellaneous business? Floor leader Lizama?

Delegate Villagomez: Mr. President?

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: I move that we adjourn until 6:00 o'clock tomorrow morning.

There were several objections on the floor.

President H. Guerrero: Out of order, we are not finished yet.

Delegate Villagomez: Thank you.

President H. Guerrero: If there is no further miscellaneous business, we are going to go on to item N, Announcements. Chairman Guerrero?

ANNOUNCEMENTS

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters wishes to announce that the Committee is going to meet at 2:30 this afternoon please.

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

Delegate Manglona: Mr. President, I would like to announce what I think is a committee report. The Committee on Local Government met yesterday afternoon and decided that it would take an investigation trip to Rota on Saturday and to Tinian on Sunday if the funds and the Convention meetings permit. We went over two proposals yesterday afternoon, proposals 2-85 and 4-85 and we found out that after lengthy discussions a serious problem exist in the authority of the Mayor on the delivery of services and one of the proposal also brought up about the establishment of a municipal council. And having gone through discussions over these, we found that a visit to the islands is necessary. At the same time around Tuesday or Wednesday of next week, we will be meeting with the Governor and the Mayor and other leaders of the island to discuss the same thing that we'll be discussing in Rota. This is not a public hearing. It would just basically be a meeting with the leaders of the different islands. Also I would like to announce that we have a question posted to the legal counsel, I believe it was the first question and it is with regards to the requirement when individual to hold office as a mayor provided that he is of Northern Marianas descent. So we are still awaiting the response to that. I think that's all, Mr. President. Thank you.

President H. Guerrero: Thank you, Chairman Manglona. Chairman King?

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Chairman King: Thank you Mr. President. Before I make the announcement to my committee, first, I would like to ask the Chair whether all the proposals listed on the sheets that were just passed out earlier been duplicated and passed out to the committee chairmen. If not, I would like to ask the Chair to expedite that so we can have the committee meetings because we cannot meet if we don't have the proposals. In addition to that, if the proposals are ready then I would like to invite the two delegates, Dr. Kaipat and Mr. Bill Nabors, to participate in our meeting concerning their proposals, the... I forgot, mainly what's the proposal of Dr. Kaipat but for Bill Nabors, it's Proposal No. 3-85. And another thing, just for the information here of the delegates, we plan to also conduct public hearings on the proposed amendments for abortion, nuclear waste material, and prostitution. So we'll come up with the exact date for public hearing. Thank you, Mr. President.

Floor Leader Lizama: I'll yield to Delegate Manglona first, Mr. President.

Chairman Manglona: Mr. President, I forgot. I would like to announce that the Committee on Local Government -- I would like to tell the members that we will be meeting for a few minutes right after this meeting, maybe only one minute. Thank you.

Floor Leader Lizama: Mr. President, I would like the members of the Committee on Governmental Institutions to meet right after the adjournment. And if there're no further announcements, Mr. President, I move that we adjourn now and to resume our business on Monday at nine o'clock so that tomorrow, Sunday, we will make that available for the committees to do their work.

Delegate Ogumoro seconded the motion.

President H. Guerrero: It has been moved and seconded that we adjourn or recess until Monday so that the committees will have time to go over the proposals tomorrow. Discussions? Chairman Guerrero?

Chairman Guerrero: Mr. President, I would like to ask the Floor Leader, of course, that for the interest of all the delegates, I just want to make sure that we are consistent with the statutes as the statute calls for the Convention to meet and shall continue in session for not more than 30 days. I just want some clarifications. Just make sure that we are not contradicting the statutory of this Convention. I would like to at least or maybe the Floor Leader has to incorporate in his motion for the record that the Plenary Session would reconvene on Monday but the committees should continue to do their homeworks or do their works for the purpose that tomorrow is Sunday, Mr. President. I think it's important that we have to make sure that we are not contradicting the statutory.

President H. Guerrero: That's a good point, Chairman Guerrero. Floor Leader Lizama?

Floor Leader Lizama: I believe, Mr. President, that the motion I made is a motion to adjourn until Monday. It's undebatable motion and I think we should vote on that motion. But before we take a vote, I just would like to mention that I don't think that the law requires us to meet continuously or the law requires us to continue in session for 30 days. The law doesn't require continuous....

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President H. Guerrero: Delegate Pangelinan?

Delegate Pangelinan: My interpretation of the law, and I am not a lawyer and maybe the Legal Counsel will be listening to my interpretation, is that the law allows, gives us 30 days to finish our job. It doesn't mean that we have to work that 30 days as long as we accomplish our job within that 30 days.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Mr. President, even if the motion is not debatable, we need to know whether we are doing things correctly. The language of the statute, and I quote Section 11 of Public Law 4-30, The 1985 Constitutional Convention to propose amendments to the CNMI Constitution shall convene on Saipan and "shall continue in session for not more than 30 calendar days." I repeat, "shall continue in session for not more than 30 calendar days." My interpretation of that is we are supposed to meet everyday for 30 calendar days -- everyday.

President H. Guerrero: Can I get the legal counsel from the AG to give his own opinion? Can you come to the mike please?

Attorney General Kosack: I believe our interpretation of that particular is that session itself last for 30 days that the committee, or not the committee but the delegates do not have to meet in session on each and everyday of those 30 days.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, according to the interpretation of the Attorney General, I will take back my motion that we will recess until Monday at nine o'clock in the morning.

Delegate Nabors seconded the motion.

Delegate Mafnas: Mr. President?

President H. Guerrero: Delegate Mafnas, is that a point of order?

Delegate Mafnas: No, not a point of order. I raised up my hand and the Floor Leader just went ahead and moved. I have a question on Public Law 4-30. My I ask my chairman to withdraw his motion so he won't point me out of order please?

Floor Leader Lizama: Mr. President, I will withdraw my motion to allow Delegate Mafnas to make his statement.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I am not a lawyer but I tend to agree with Delegate Villagomez on his interpretation of the law--shall continue in session and this is what constitutes the session not meetings. Mr. President, I would like to point something, point out to our delegates who are enjoying or not enjoying the \$75.00 a day, Section 18 of Public Law 4-30. That \$75.00 a day is payable if we work. Thank you. I hope they will work tomorrow.

President H. Guerrero: Delegate Pangelinan?

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Delegate Pangelinan: I just like to say that I got my interpretation from the 1976 Constitutional Journal which was interpreted by the Legal Counsel and was not objected.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: If we would like to be very technical about it, the phrase "it shall continue in session" and if we are going to take that literally it could also mean that we are not going to stop meeting, you know. But I tend to agree with the interpretation that has been rendered by the Attorney General that we don't have to meet every day for 30 days.

Delegate King: I believe, Mr. President, that if we don't agree with the interpretation of the Attorney General or the Assistant of the Attorney General, then I think we should not recess today and continue having the Convention until we complete the 30 days. Mr. President, I believe that we have the prerogative to recess and do other works like the assignments. So if that is the definition of the other two delegates from Saipan that we have to sit here for 30 days continuously, then let's do so.

Delegate Mafnas: Privilege.

President H. Guerrero: State your privilege, Delegate Mafnas.

Delegate Mafnas: I sympathize Delegate King, he is not reading between the lines. Thank you.

Delegate Ogumoro: Mr. President, if there are no proposals to be considered, I don't see any reason why we should sit in here. The committees are waiting to start working and I think my committee is ready to meet again on the proposals referred to us, so let's get to work.

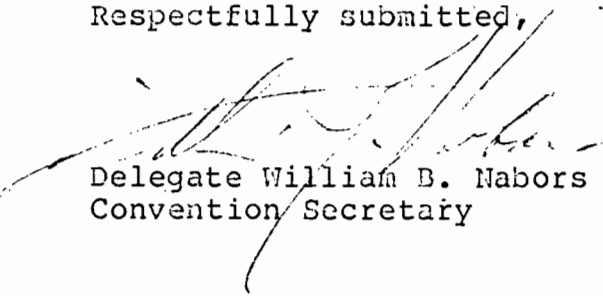
Floor Leader Lizama: I move for the previous question.

The motion was seconded and carried by voice vote.

The motion for the Convention to stand recessed until Monday was carried by voice vote.

The Convention recessed at 12:28 p.m. and to reconvene on Monday, June 24, 1985, at 9:00 a.m.

Respectfully submitted,


Delegate William B. Nabors
Convention Secretary