

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

EIGHTH DAY

Tuesday, June 25, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:40 a.m., Tuesday, June 25, 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 all the 24 delegates were present.

Secretary Nabors: All the 24 delegates are present, Mr. President; a quorum is present.

President H. Guerrero: A quorum is present, so we'll continue with the Order of Business.

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, Delegate Igitol has just asked me if we could spend another three or four minutes to look at the Third Day's Journal before we adopt the journal.

Delegate Nabors: No objection, Mr. President. Perhaps we should pass that item and move on and return later.

Floor Leader Lizama: No objection, Mr. President.

President H. Guerrero: There's no objection, we'll move on to Communications. There's no communication received. We'll move down to Committee Reports. Any committee reports? Chairman Manglona?

COMMITTEE REPORTS

Chairman Manglona: Mr. President, your Committee on Local Government has a number of recommendations to submit but due to the malfunction of our copier machine I will submit these Committee's recommendations to the floor tomorrow. Also, we have posted several legal counsel questions and we will submit that also in writing to the floor tomorrow. That is all, Mr. President.

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

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has nothing to report at this time.

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President H. Guerrero: Thank you, Chairman Lizama. Any other reports?
Chairman King?

Chairman King: Thank you, Mr. President. Your Committee on Personal
Rights and Natural Resources has no committee report at this time.

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

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on
Finance and Other Matters has no written report to report to the
Convention this morning, however the Committee itself is still in
committee meetings and doing its assignment and research and hopefully
will come up with written reports to the Convention by next week. I don't
have any further, Mr. President.

President H. Guerrero: Thank you, Chairman Guerrero. If there're no more
committee reports, we will move on to Introduction of Proposals and Refer-
ral of Proposals.

INTRODUCTION OF PROPOSALS AND REFERRALS

Delegate Villagomez: Mr. President, under letter H of the Order of
Business, Second and Final Reading of Proposals, perhaps until we have had
first readings, our Order of Business should state First Reading of
Proposals--Introduction and First Reading of Proposals instead of Second
and Final. That's my recommendation to the Chair unless I am not reading
this correctly. We should have Introduction of Committee Recommendations
and First Reading of Proposals.

President H. Guerrero: Thank you, Delegate Villagomez. The Chair notes
your recommendation and it will be addressed.

Delegate DL. Guerrero: Point of information.

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

Delegate DL. Guerrero: Thank you, Mr. President. That's exactly what the
Committee on Finance and Other Matters is going to do. Once we bring up
the committee's report to the Convention, eventually it will followup, of
course, after the introduction for first reading of the committee's
recommendations. Eventually, of course, it will be followed also by the
Committee of the Whole's discussions. That's how we are going to
recommend to this Convention, of course, after the committee concludes its
assignment.

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

Delegate Torres: Thank you, Mr. President. I have three proposals to
introduce this morning, authored by myself and several others. The first
proposal is "To amend Section 2 of Article XII of the Northern Marianas
Constitution to prevent acquisition of permanent or long-term interests
in real property by inheritance to a spouse not of Northern Marianas
descent." The second proposal is a "Proposal to amend Section 5 and
Section 6 of Article 12 of the Northern Marianas Constitution to prevent
corruption in corporations registered as persons of Northern Marianas

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descent." The third proposal is a "Proposal to amend Section 12 of Article III of the Northern Marianas Constitution to conform with a proposed amendment to Section 6 of Article XII of the Constitution."

Thank you.

President H. Guerrero: Thank you, Delegate Torres. Any further proposals to be introduced? Delegate Limes?

Delegate Limes: A proposal to add a new section to....

Delegate Villagomez: We cannot hear you.

President H. Guerrero: Delegate Limes, can you bring that mike closer to you?

Delegate Limes: "A proposal to add a new section to Article I to guarantee the right of the spouse of a citizen to reside in the Commonwealth."

President H. Guerrero: Thank you, Delegate Limes. Delegate Cing?

Delegate Cing: Thank you, Mr. President. I have three proposals here, introduced by myself and my colleagues from Tinian. No. 1, it is proposed that this Convention "establish a constitutional provision establishing the legal drinking age in the Commonwealth at age 18." No. 2, it is proposed that this Convention "establish a constitutional requirement requiring that all public offices be located in public government facilities." No. 3, it is proposed that this Convention "establish a constitutional requirement requiring the Governor of the Commonwealth to act on all legislations." Thank you.

President H. Guerrero: Thank you, Delegate Cing. I call on Delegate Kaipat.

Delegate Kaipat: Thank you, Mr. President. I have two proposals to submit to the floor this morning. First, it's a proposal "to amend a new Article to the Constitution of the Northern Mariana Islands relevant to the Commonwealth of the Northern Marianas entering into a 'Compact' with another nation or foreign power." Second, "to amend a new Article to the Constitution of the Commonwealth of the Northern Mariana Islands relevant to the judgment in case of impeachment." This is all, Mr. President, thank you.

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

Delegate King: I have one proposal here, Mr. President, to introduce, a proposal "to repeal and reenact Article XI, Section 5(b), relative to transfer of freehold interest of public lands."

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

Delegate Manglona: I have several proposals here, Mr. President. The first one is "to amend Section 7 of Article II of the Constitution preventing the Governor and the Legislature from considering any bill during the seven-days period before the second Monday of January in the year following the regular general election." The second proposal is "to add a new subsection (h) to Section 3 of Article VI and to renumber section (h) to read subsection (i) of the Northern Marianas Constitution relating to

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Local Government." The third proposal is "to amend Article III of the Northern Marianas Constitution to add a new Section 20." Thank you, Mr. President.

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

Delegate Inos: Thank you, Mr. President. I would like to offer a proposal for "an amendment to add a new section of Article IV, entitled: 'Community Court.'" Thank you.

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

Delegate Igitol: Thank you, Mr. President. I have a proposal "to amend Section 2 of Article XVIII to add a new subsection (e): A delegate of the Constitutional Convention cannot be questioned in any other place for any written or oral statements in a Constitutional Convention." Thank you, Mr. President.

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

Delegate Tomokane: Mr. President, I have a proposal here, "to add a new section to the Schedule on Transitional Matters of the CNMI Constitution." Thank you.

President H. Guerrero: Thank you, Delegate Tomokane. I apologize to Delegate Igitol for calling him Delegate Inos. Any more proposals? Delegate Pangelinan?

Delegate Pangelinan: Mr. President, I have two proposals this morning, "to add a new section to Article X to require the liquidation of any deficit in the second fiscal year following the fiscal year the deficit occurred." The second proposal is "to add a new section to Article X to establish requirements for the accounting of public funds."

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

Delegate Ogumoro: I have a number of proposals here, Mr. President, to submit this morning. Proposal No. 1 is "to amend Article V, Section 1, of the Constitution to permit the Representative to the United States to assume a seat in the U.S. Congress at such time as the United States grants that right." My next proposal, Mr. President, is "to add a new section to Article I to require that restitution be made to victims of crimes." The third proposal is "to amend or to add a new section to Article II to authorize legislative veto of certain types of executive acts." My next proposal is "to add a new subsection to Section 1 of Article XV to require the public school teachers to have at least a bachelor's degree within five years." My next proposal is "to amend Article III, Section 4, to limit the Governor to two terms in office." Another proposal, Mr. President, is "to add a new section to Article III to prohibit wage discrimination and require divestiture of government-owned residential housing." My next proposal is "to establish a family court." And last proposal, Mr. President, is "to limit the emergency power of the Governor."

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

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Delegate Villagomez: I have a proposal "to amend Article II, Section 3(b), of the Constitution, to constitute Saipan as one electoral district instead of four electoral districts." I have a proposal "to amend Article VII, Section 1, of the Constitution, to clarify the definition of 'U.S. Citizen' as used in the Constitution for purposes of being eligible to vote in the CMII."

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

Delegate Mafnas: Thank you, Mr. President. I'm offering a proposal "to add a new subsection 5(d) to Section 5 of Article II relative to limiting the authority of the Legislature on appropriations."

President H. Guerrero: Thank you, Delegate Mafnas. Any more proposals? If none, the Proposals Referral Sheet was passed out to all members which begins with Proposal 133-85 all the way to 159-85. I would like to bring to the attention of the members that Proposal 154-85 is jointly referred to Governmental Institution and Local Government Committees. Also, at the concurrence of the Committee on Organization and Procedures, Proposal No. 3-85 is jointly referred to Committees on Governmental Institution and Personal Rights and Natural Resources. Proposal 123-85 is jointly referred to Committees on Governmental Institution and Local Government.

(See attached Referral Sheet on Proposal Nos. 133-85 to 159-85.)

President H. Guerrero: We'll move to the next order in our business, the Second and Final Reading of the Proposals. There's none.

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTIONS

President H. Guerrero: Any resolutions to be introduced? If none, I have "A proposed Resolution requesting the Governor and the Director of Public Works to waive all utility charges for power and water to the meeting place of the Constitutional Convention, the House of Taga, for the duration of the Convention." This is a technical amendment in reference to the Facility Rental Agreement that was signed by the members of the Pre-Convention Committee.

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

President H. Guerrero: I want to take up the adoption of the journal.

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Floor Leader Lizama: Yes, Mr. President.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: I move that we suspend the Order of Business and go back to Item D, and I so move that the Third Day's Journal be adopted.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Journal of the Third Day of the Second Constitutional Convention. Discussions? If there's no discussion, those who are in favor say "aye"?

Delegate Villagomez: Mr. President?

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: On page 54 of the Journal, the fifth paragraph from the top where it says, Delegate Villagomez. I'd like to make corrections on the two-first sentences so that it will read as follows: "Mr. President, I oppose the motion to amend Rule 24 which in effect would create a committee, one entire committee of the Convention, solely for the purpose of considering the issue of local government." That's the correction that I would like to have made.

Delegate Nabors: No objection.

President H. Guerrero: There is no objection, so ordered.

The motion to adopt the Third Day's Journal was carried by voice vote.

President H. Guerrero: The Journal is adopted. Delegate Mafnas, you had your hand up.

Delegate Mafnas: Yes, Mr. President. I was going to ask you to strike out a sentence here that doesn't make sense, under page 56. I guess I'll be out of order if you....

President H. Guerrero: I believe if there's no objection, we can still consider.

Delegate Mafnas: Under "Delegate Mafnas: We did not separate this Convention.", I don't understand that. There's a word missing. So I ask the indulgence of the members to strike that sentence out. Thank you.

Floor Leader Lizama: No objection.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, on page 56, six lines down, an incomplete sentence: "We did not separate this Convention." The sentence doesn't make sense at all. I ask the indulgence of the delegates to strike it out.

Delegate DL. Guerrero: No objection.

President H. Guerrero: If there's no objection, so ordered. The Journal

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is adopted, we'll go back to Miscellaneous Business. Any miscellaneous business? Delegate Villagomez?

MISCELLANEOUS BUSINESS

Delegate Villagomez: Mr. President, at this time, I would like to offer some of my experiences in the last Constitutional Convention and then make an observation in this Convention and then make a recommendation to the leadership of the Convention. First, in the First Constitutional Convention, each of the committees had a legal counsel sitting in all of the meetings of the committees. The legal counsel taperecorded the discussions and decisions of the committees. They took notes on the discussions and the decisions of the committees. Immediately after the committees met on a daily basis, the attorneys then put together a draft of the decisions of the committees to be presented to the Convention as committee recommendations or proposal for constitutional articles or sections. The decisions of the committee to be presented to the Convention were then supported by statements drafted by the attorneys. In this Convention, I am in the same committee that I was in at the last Convention which is the Personal Rights and Natural Resources. We have not had an attorney sitting in our committee. The chairman of our committee has been taking all the notes on all of the decisions but is not able to take notes on the discussions to support the decision of the committee. It is very difficult, I can understand, and we have not been able to submit to the Convention the decisions of our committee. We have made several final decisions on proposals for amendments to the Constitution. We have not been able to submit that to the Convention because we are lacking the type of backup support that we had in the first Convention. I notice that we have attorneys sitting in the Convention every morning. We have not been utilizing their services since during these discussions; we don't really have the need for the attorneys not much as we do in the committees. It is the committee function where the work is being done. It is in the committees that we make decisions, that we have discussions, that we analyze each and every part of every proposal. It is in the committees that we need the assistance of counsel. It is also from the committees' work that we need the assistance of counsel to put together in a draft form the recommendation and proposal of the committees to be presented to the Convention. Unless we do that, we're going to continue to go over the reading of proposals in the Convention because it's going to take time for the committee chairmen to do that by themselves. My recommendation, therefore, is that we request from the Office of the Attorney General and all the attorneys assisting the Convention that they sit in the committee meetings, that one of them be assigned to each of the committees to help the committees in their deliberations, to help draft the recommendation or report of the committees to the Convention, and the backup materials that they would gather from the discussions. In the last Convention, the Analysis of the Constitution was put together from the notes of the attorneys that were taken at the time when the committees were deliberating on the constitutional proposals. That is not being done at this time. And it looks to me like we wouldn't be able to put together an analysis or any supporting materials for any of the amendments that we are going to make in the Constitution because we lack the facility for recording and preparing those materials to support any of the proposed amendments. I recommend that the leadership talk with the attorneys and see if we can have the attorneys sitting in the committees' meetings. Thank you.

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President H. Guerrero: Thank you, Delegate Villagomez. Your concern is noted by the Chair, and I believe also and I expect the chairman of each committee that whatever deliberations or discussions that were made during the Committee on Organization and Procedures to relay such information. But again, the Chair notes your concern and it will be brought up by the Committee on Organization and Procedures. Chairman Guerrero?

Chairman Guerrero: Mr. President, the concern raised by Delegate Villagomez is a very valid or important concern, and your Committee on Finance and Other Matters as well is planning that after the committee has compiled their own research, before we make decisions, we would like to consult, of course, with the legal experts to formalize the final recommendations and findings of the committee for the Convention. I think it is important that since we are not constitutional lawyers, we are nothing but delegates, some of us are attorneys that have legal expertise and other professional people sitting here as delegates, however to compile for final reports, I think it's important that the knowledge of our attorneys should be utilized as much as possible in compiling all of these decisions. Otherwise, I see the point that there will be a lot of unnecessary arguments on the floor just to try and clarify the section-by-section findings of the committees. I think it is a very valid concern and I think the Chair should allow also each respective chairman of the committee to make an immediate request if he sees it's needed. The other business is, Mr. President, this morning during the meeting of the Committee on Organization and Procedures with the leadership of this Convention, I called the attention of the Presiding Officer on the format to be used on notices for public hearings. I hope that the delegates or the chairman of each of the substantive committees will agree with the format that I presented to you so we can proceed in notifying the necessary witnesses in this fashion. Otherwise if we are not going to agree as to what type of format we are supposed to use as part of the legal format for this Convention, then it's going to install the committee's work. So I would like to part from this discussion and maybe you can take the lead on this information.

President H. Guerrero: Thank you, Chairman Guerrero. I have no objection to the format and I believe this morning, none of the other chairmen objected to it or any of the other leadership. Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. As we entered into committee work, I have noted in the past two days, exactly what Delegate Villagomez had stated earlier, that the most important part of our work now is the committee work, and I would strongly recommend that one counsel be assigned to each committee and such counsel, the lawyer, should be sitting in the committee all the way through, taking his own tape, notes, and involve in the discussions with the committee during the deliberations of the committee. And the same counsel will take the important facts or research on his own for the committee and report back to the chairman of the same committee. I have emphasize earlier the importance of counsel, the legal counsel, working on this floor among the committees, but I would strongly suggest at this time that one counsel will stay with one committee until the committee adjourns its meeting. And at the end of the committee's work, he should compile all the discussions and conclusion of such meeting and he will be sitting during the public hearing taking notes and consult with the committee members and specially the chairman. And I think this is the only way we can expedite the committee work and process of papers to this hall. Thank you, Mr. President.

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President H. Guerrero: Thank you, Delegate Kaipat. Your concern is noted and it will be taken up by the Committee on Organization and Procedures. Any more miscellaneous business? Delegate Tomokane?

Delegate Tomokane: Thank you, Mr. President. I would like to also bring to the attention of the leadership with respect to Rule 31(a). This relates to committee work also. And I would like the leadership to prepare themselves for this accommodation: All public hearings shall be recorded and transcribed. We know that we have only adopted a third day's Journal; we are undergoing the seventh day session. It seems like we are inadequately staffed for this purpose. Thank you, Mr. President.

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

Delegate Mafnas: Thank you, Mr. President. To Chairman Guerrero, this morning I introduced a proposal to limit appropriation authority of the Legislature. I asked your Committee on Finance and Other Matters to review Sections 702 and 704 of Article VII to determine the necessity and perhaps the legality of the present appropriation practice of our Legislature. I firmly believe that once the U.S. Congress appropriates funds to the CNMI Government in accordance with Section 702, it does not require the local Legislature to further appropriate. This position in my opinion is supported under Section 704(a) of Article VII. The subsection states as follows in part: Subsection (a) provides that funds which are received by the Government of the Northern Marianas, under Section 702, under any fiscal year will remain available for obligation and expenditure by the local government in fiscal years for the broad purposes for which the funds were appropriated. I know that the issue, the proposal may be sensitive but I think that the authority of our Legislature should be limited to local revenues. I thank you.

President H. Guerrero: Thank you, Delegate Mafnas. Any more miscellaneous business? If none, we'll go on to announcements. Any announcements? Chairman Manglona?

ANNOUNCEMENTS

Chairman Manglona: Mr. President, your Committee on Local Government would like to announce to all members that we'll be holding a meeting in this Convention Hall at 2:00 p.m. this afternoon.

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

Chairman King: Thank you, Mr. President. This morning during the leadership meeting, the Chairman of the Governmental Institution and myself agreed to have a joint meeting of the two committees for the purpose that we already invited some witnesses to come in this afternoon at two o'clock on the issue of Public Land Corporation. So if there's no objection from the membership, the meeting that was scheduled has already been confirmed again this morning, so I ask the other committee to meet us here in this Chamber at 2:00 p.m. this afternoon.

President H. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institution will meet this afternoon at 1:30 p.m.

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President H. Guerrero: Chairman Guerrero?

Delegate Calvo: Point of information, Mr. President.

President H. Guerrero: State your point, Delegate Calvo.

Delegate Calvo: If I understood it correctly, Chairman Manglona called for a committee meeting here in this Chamber at 2:30 p.m. this afternoon and I believe likewise with Chairman King, he requested for a meeting here. Can we clear the place because we have witnesses to be with us in that committee? So can it be arranged now and have the other committee meet at the other portion of this unit?

Chairman Manglona: Point of information, Mr. President.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: We will be meeting most likely at that corner of the hall, so I don't think we will be bothering anyone.

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

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters wishes to announce that your committee will be meeting this afternoon at two o'clock and the place will be down at the Saipan Delegation Chamber.

President H. Guerrero: Thank you, Chairman Guerrero. Any more announcements? Floor Leader Lizama?

Floor Leader Lizama: Mr. President, if there is no further announcement to be made, I move that we adjourn until tomorrow morning at nine o'clock.

Delegate DL. Guerrero seconded.

Floor Leader Lizama: Mr. President, correction please, at 9:30 in the morning.

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

Floor Leader Lizama: My motion is to adjourn the session today until tomorrow morning at 9:30.

Delegate Ogumoro: We are having a meeting....

Floor Leader Lizama: Mr. President, my committee will do some work tomorrow morning at around eight o'clock. That would be a decision to be made this afternoon when the Committee on Governmental Institution will be meeting as well.

President H. Guerrero: Just point of information, Floor Leader Lizama. I did mention that I would like to meet with the Committee on Organization and Procedures every morning at eight o'clock. Can you make your meeting at 8:30 a.m.?

Floor Leader Lizama: That's fine, Mr. President.

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President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Also, Mr. President, this morning we set the meeting for nine o'clock and I was here at nine o'clock. We didn't start until quarter to ten because we need to give some time to the secretaries to finalize the journal and the agenda. So this would give them some times to get the papers ready before we sit down and wait. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez. Is there a second to the motion?

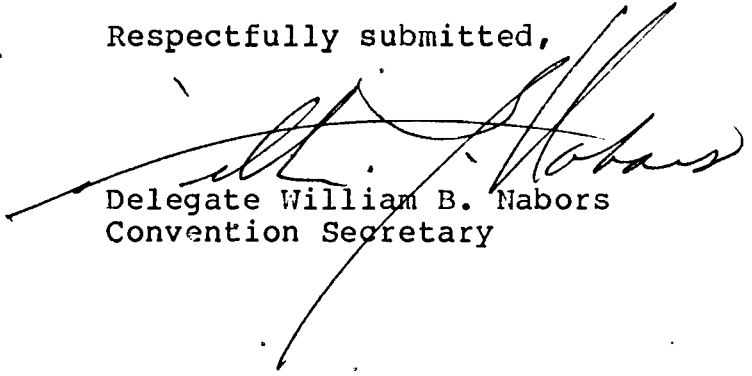
Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to recess until tomorrow morning at 9:30.

The motion to recess until the next day at 9:30 a.m. was carried by voice vote.

The Convention recessed at 10:20 a.m., and to reconvened on Friday, June 26, 1985, at 9:30 a.m.

Respectfully submitted,



Delegate William B. Nabors
Convention Secretary