

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

NINTH DAY

Wednesday, June 26, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:37 a.m., Wednesday, June 26, 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 Villagomez was absent.

Secretary Nabors: Mr. President, we have 23 delegates present; we have a quorum.

President H. Guerrero: We have a quorum to conduct our business. Pursuant to Rule 9(e), the Chair appoints Vice President Vincent Calvo to preside in this session. Delegate Calvo?

Delegate Calvo: Mr. President, before I go up there to preside, I would like to ask the unanimous consent of the delegates to grant Delegate Villagomez leave of absent.

Floor Leader Lizama: Mr. President, I just saw Delegate Villagomez coming in, I would like the Convention to recognize that he's here.

(At this point, Delegate Villagomez took his seat.)

President H. Guerrero: Can I call Delegate Calvo to come up here?

(At this point, First Vice President Calvo took over the Chair, and President Guerrero took his seat.)

Presiding Officer Calvo: Yes, Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. Acting President, I move that we suspend the Order of the Day, on Item D, the particular Journals for the fourth and fifth days, I understand, will be available tomorrow. They are not available at this time.

Delegate Nabors seconded the motion.

Presiding Officer Calvo: There's a motion on the floor to suspend the adoption of the Journals since we do not have the applicable papers with us this morning. Can we have discussions on that motion? If none, we

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shall proceed to the order of business (E) -- Communications.

COMMUNICATIONS

None

Presiding Officer Calvo: For the information of the delegates, we have no communication registered with the Chair now so we would, at this point in time, move down to order of business (F) on Committee Reports.

COMMITTEE REPORTS

Committee Recommendation No. 02, from the Committee on Local Government, recommending filing of Delegate Proposal No. 40-85, entitled: "TO AMEND PROVISIONS OF ARTICLE VI, RELATING TO LOCAL GOVERNMENT AND TO ESTABLISH MUNICIPAL COUNCIL FOR TINIAN AND ROTA.", and the subject matter will be incorporated into Delegate Proposal No. 118-85.

Committee Recommendation No. 03, from the Committee on Local Government, recommending for adoptions of Delegate Proposals No. 73-85, entitled: "TO REPEAL ARTICLE III, SECTION 17(b) OF THE CONSTITUTION OF THE NORTHERN MARIANA ISLANDS RELATIVE TO RESIDENT DEPARTMENT HEADS FOR ROTA AND TINIAN."; No. 109-85, entitled: "TO AMEND SECTION 2 OF ARTICLE VI OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO ELECTION OF MAYOR."; and No. 118-85, entitled: "TO AMEND ARTICLE VI OF THE NORTHERN MARIANA ISLANDS REGARDING LOCAL GOVERNMENT."

Committee Recommendation No. 04, from the Committee on Local Government, recommending for adoption of Delegate Proposal No. 124-85, entitled: "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."

Presiding Officer Calvo: Under Committee Reports, we have three committee recommendations numbered before the Chair and I would now like to recognize the Chairman of the Local Government Committee, Chairman Manglona.

Chairman Manglona: Mr. Acting President, the Committee on Local Government has Committee Recommendation No. 2 regarding Proposal No. 40-85 and Committee Recommendation No. 3 regarding Proposal Nos. 73-85, 109-85 and also 118-85; and Committee Recommendation No. 4 regarding Proposal No. 124-85. That's all, Mr. President, thank you.

Presiding Officer Calvo: Are there any other committee reports? If none, can I hear any motion for adoption? Floor Leader Lizama?

Floor Leader Lizama: Mr. Acting President, your Committee on Governmental Institution does not have any report to submit today.

Presiding Officer Calvo: Thank you, Floor Leader Lizama. May I hear from any other chairmen of the committees? If none, can I hear any adoption of the committee reports from the Local Government Committee?

Delegate Nabors: I so move, Mr. President.

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Presiding Officer Calvo: Recognized, Delegate Mundo.

Delegate Mundo: Mr. President, can I comment on one of the committee's recommendations?

Presiding Officer Calvo: Excuse me, Delegate Mundo, we have to put that first into a motion before we go into discussion on the matter. Am I in order, Floor Leader Lizama?

Floor Leader Lizama: I didn't quite catch the problem, Mr. President.

Presiding Officer Calvo: I requested for adoption of Committee Report Nos. 2, 3, and 4 so we can have discussions on the floor.

Floor Leader Lizama: Mr. President, can I ask that we take five minutes now so every delegate will have the opportunity to take a look first at the committee's recommendations, the reports?

Delegate Nabors: Objection, Mr. President.

Presiding Officer Calvo: Well, there's an objection from a delegate, so I will have to entertain more for the decisions of the other delegates. Delegate Nabors?

Delegate Nabors: I'd like to move, Mr. President, if I am in order, that Committee Reports or Recommendations 2, 3 and 4 be adopted.

Delegate Mendiola seconded the motion.

Presiding Officer Calvo: It has been moved and seconded that we adopt Committee Reports 2, 3 and 4. Do we have discussions on the motion? Delegate Mafnas?

Delegate Mafnas: I move for five minutes recess.

The motion has been seconded.

Presiding Officer Calvo: Is there any objection to that motion? If none, we will take five minutes recess.

The Convention recessed at 9:45 a.m.

RECESS

The Convention reconvened at 10:00 a.m.

Presiding Officer Calvo: The Convention is now back in session. Delegate Nabors?

Delegate Nabors: Mr. President, if there's no objection, I would like to withdraw my motion to adopt Committee Recommendations 2, 3 and 4.

Floor Leader Lizama: No objection.

Presiding Officer Calvo: Is there any objection to that motion?

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Delegate DL. Guerrero: No objection.

Floor Leader Lizama: No objection.

Presiding Officer Calvo: If there's no objection to the motion that we dispose of order of business (F) for today, we'll move down to order of business (H). May I recognize Chairman Guerrero?

Delegate DL. Guerrero: Mr. President, I think it's only appropriate that the appropriate Chairman of the Local Government Committee must address this Convention for the purpose of withdrawing his committee's reports so everybody can have knowledge about it.

Presiding Officer Calvo: It's so ordered. May I call on Chairman Manglona?

Chairman Manglona: Mr. President, the Committee Recommendation Nos. 2, 3 and 4 from the Local Government Committee will be brought up under Miscellaneous Business. We believe that these are recommendations on certain proposals and not recommending on the amendments. So these, if the delegates wish to discuss these, would be discussed under Miscellaneous Business. Thank you.

Floor Leader Lizama: No objection.

Presiding Officer Calvo: If there's no objection from the Convention, we will then take the committee reports of the Local Government Committee under Miscellaneous Business in the order of business of today. We will now entertain Order of Business (G), Introduction of Proposals. Delegate Mendiola?

#### INTRODUCTION OF PROPOSALS

Delegate Mendiola: Thank you, Mr. President. I have one proposal to introduce this morning with four other colleagues, "To amend the Constitution of the Commonwealth of the Northern Mariana Islands to allow each municipality to decide whether to legalize casino gambling."

Presiding Officer Calvo: Are there any other proposals? President Guerrero?

Delegate H. Guerrero: Thank you, Mr. President. I have three proposals. One of them is "to amend Section 4 of Article V of the Constitution of the Northern Mariana Islands re Annual Report of the Resident Representative to the United States." Another proposal is "to add a new Section 4 of Article VII of the Constitution of the Commonwealth of the Northern Mariana Islands re when residence does not change.", and "to add a new subsection (d) to Section 5 of Article II of the Constitution of the Commonwealth of the Northern Mariana Islands re use of prior appropriation upon failure to pass appropriate bills."

Presiding Officer Calvo: Delegate Torres?

Delegate Torres: Thank you, Mr. President. I have two proposals here to introduced this morning. One proposal would certainly help the farmers and fishermen. A proposal to exempt from all forms of Commonwealth taxes

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all fishing and farmers cooperatives in the Commonwealth of the Northern Marianas." The second proposal is a proposal "to add new subsections c, d, and e to Article XV of the Northern Marianas Constitution to mandate school accreditation and adoption of appropriate, relevant, and quality standards of education in the public school system." Thank you.

Presiding Officer Calvo: Delegate Igisomar?

Delegate Igisomar: Mr. President, I would like to offer at this time two proposals, co-sponsored by nine delegates from Saipan. One of the proposals is "to amend Section 16 of Article III of the Northern Marianas Constitution." And second, a proposal "to add a new section of Article III of the Northern Marianas Constitution relating to boards, agencies, authorities and commissions."

Presiding Officer Calvo: May I ask the delegates please to make sure that you talk to the microphones for records purposes? Delegate Cing?

Delegate Igisomar: Mr. President, some of these mikes are not working properly.

Delegate Cing: Thank you, Mr. President. I have one proposal here, introduced by myself and my colleagues from Tinian, "to amend the Constitution of the Commonwealth of the Northern Mariana Islands to extend the government retirement program to employees in the Commonwealth who are employed by the United States Federal Government." Thank you.

Presiding Officer Calvo: Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. I have a proposal here, introduced myself and nine other delegates, "to amend Article XII, Section 3 of the Constitution of the Northern Mariana Islands relative to permanent and long-term interest in real property." Thank you.

Presiding Officer Calvo: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I have a proposal here, offered by myself and the so-called minority/majority, "to amend Article II of the Northern Marianas Constitution by adding a new Section 15 relating to punishment of nonmembers." Thank you.

Presiding Officer Calvo: Do we have any more proposals to be offered? Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. By proposal is still being typed. It is a "proposal relevant to an impeachment or dismissal of elected and appointed position and other governmental employees convicted of the crimes listed below." I have about 12 major crimes that could be impeached any top official employees or dismissal of low governmental employees.

Presiding Officer Calvo: Do we have any more proposals to be offered? If none, the Chair would like to make the following reference. Under the same order of business, for the information of the delegates, we have transmittal referrals. Each should have by now the referral of proposals that were introduced and their assignments to the respective committees.

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Secondly, the referral on proposals that were assigned subsequently to another standing committees, or due assignments are also before you for your info. That's about all.

(See attached Referral Sheet on Proposal Nos. 160-85 to 188-85.)

SECOND AND FINAL READING OF PROPOSALS

Presiding Officer Calvo: Now, the Chair would like to move down to order of business (H), Second and Final Reading of Proposals, Since there's none, we all agreed that the withdrawal of this order of business under (H) be carried down to order of business (M), under Miscellaneous. So if we don't have any business to deal with on (H), I would like to move down to Introduction of Resolutions.

INTRODUCTION OF RESOLUTIONS

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

None

MISCELLANEOUS BUSINESS

Presiding Officer Calvo: We are now on Item M, Miscellaneous Business. Delegate King?

Delegate King: Thank you, Mr. President.

Presiding Officer Calvo: Excuse me, can you talk into the mike?

Delegate King: Thank you, Mr. First Vice President. I just like to announce, since I don't have the copy of the information on those proposals that we have reviewed and disposed by the committee. I know the list that I obtained is still there to be xeroxed and I will pass it out later. So I just want to announce that I will pass that out to each member so they can see what action the Committee on Personal Rights and Natural Resources did on each proposal that was referred to my committee. Another thing, I have received two legal opinions and I believe that the two legal opinions have been passed out to each member. I just like to ask the indulgence of each delegate here because maybe one or some of the delegates here might bring this up so I would like to ask if we can suspend this until maybe tomorrow so that the committee can have a chance to look at this and discuss the legal opinions.

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Presiding Officer Calvo: Is that your statement?

Delegate King: A request.

Delegate Nabors: Thank you, Mr. President. I want to address my remarks to this Legal Opinion No. 1 concerning the eligibility or restricting the right to vote, and I would like to request the Attorney General to be present and to explain this opinion and answer some questions that I have regarding it for the reasons that No. 1, I don't agree with it; No. 2, I don't like it. And I want to get some answers because in fact, as I understand the Attorney General, he is telling this Convention that it cannot amend the Commonwealth Constitution. And I want to make certain that I understand fully the reasoning behind it, and I want to put forth my own legal opinion concening this issue.

Presiding Officer Calvo: Your point, Delegate Nabors, is well taken. Unfortunately I did not see any representative from the Attorney General's Office sitting in this Convention, and definitely the Chair will address that situation so we will see their presence here from here on. Delegate King?

Delegate King: The reason why I made that request, Mr. President, is because there is no legal counsel here and I would like to take the opportunity to call the legal counsel whoever provides this legal opinion. That's the main reason that I requested the Chair to suspend this until tomorrow.

Presiding Officer Calvo: Delegate Mundo?

Delegate Mundo: Thank you, Mr. President. I would like to comment on Committee Report No. 02 for the benefit of those introducers on Delegate Proposal No. 40-85. I would like the Committee to include this proposal under Proposal No. 118-85. Thank you, Mr. President.

Presiding Officer Calvo: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I just got through reviewing the referral sheet and I would like to ask the indulgence of the Chair and the appropriate committee to review Proposal No. 186. I personally feel that this proposal relating to appropriations should be assigned to Finance and Other Matters. This is my proposal. Thank you.

Presiding Officer Calvo: The Chair will take that into consideration and meet with the Committee on Organization and Procedures.

Delegate Mafnas: The Governmental Institution has no business with this proposal.

Presiding Officer Calvo: Any miscellaneous business to discuss today? Delegate Torres?

Delegate Torres: Thank you, Mr. President. I also noted on the Referrals regarding the proposals that I introduced yesterday that the proposal that was supposed to reflect what was being amended was assigned to a different committee. I believe that particular proposal I'm referring to is Proposal 160-85 should be jointly entertained by the Committee on Local Government.

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Presiding Officer Calvo: Do I understand correctly that the proposal is 116?

Delegate Torres: 160-85 and 162-85 ought to be jointly entertained instead of separated. Because if you do separate that, then there's no way that the committee will understand what that amendment is all about because that amendment is specifically to reflect another amendment.

Presiding Officer Calvo: Thank you, Delegate Torres. We will consider that in the leadership meeting. The Chair would like to provide the Convention under the Miscellaneous Business that there are copies of the answers to Delegate Torres' questions that have been passed out to the delegates. Do we have questions to that effect? The second position that the Chair would like to entertain at this point is, we have also copies of several legal opinions have been passed out to the delegates. Are there any other questions or comments to this respect? Delegate Tomokane?

Delegate Tomokane: Thank you, Mr. President. Regarding the legal opinion that we will be receiving, I would like to restate my discussion again. Regarding the legal opinions that we have received so far and hopefully those that we anticipate to receive, I've a concern to raise here whether we are to accept one-sided legal opinion, or do we have the opportunity to be exposed to two or three legal opinions on the same matter because I want to know whether these legal opinions are to be considered as conclusive to our deliberations here. Thank you.

Presiding Officer Calvo: Delegate Nabors?

Delegate Nabors: Mr. President, I would like to have the opportunity to respond to that subject and advise my colleagues that we held a meeting yesterday with the President of the Bar Association and also Randy Fennel, a local attorney. And the purpose of that meeting was to have them find out from the membership of the Bar whether there are attorneys who would be available to provide pro bono services to the Convention, that is services without remuneration or charges, and they are currently in the process of finding out what attorneys would be available to render assistance to us on free basis and we expect to get a response in the course of the day. And I have been designated informally to coordinate requests from delegates who might be in need of legal assistance and to try and get a balanced opinions for our guidance. We hope to have something definitive on that before the end of the day. Thank you.

Presiding Officer Calvo: Chairman Manglona?

Chairman Manglona: I have two concerns. First, I would like to recognize the generosity of Secretary Nabors. He has available in the Office of the President sets of Constitution for the different States, territories, and other areas. My second concern, for the understanding of all the delegates here concerning their proposals, the Committee on Local Government, as you are aware under the Committee Reports, has recommended decisions on the different proposals. So if any delegate here has a proposal and his concern is what happened to it, this will be distributed by the Committee on the floor and to be discussed under Miscellaneous Business. There is an understanding that under Committee Reports, only recommendations or amendments will be discussed. To your concern as to what happened to your proposals, there will be a paper going around for your information so that



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you will know the status of your proposals. That is all, Mr. President.

Presiding Officer Calvo: President Guerrero?

Delegate H. Guerrero: Going back to the legal opinion, I just want to mention to the delegates that the legal opinions are only tools for the delegates to work with. That's only for our guidance and it doesn't mean that if any attorney of the Con Con gives legal opinion, that's final. It is up to the delegates to make that decision. This Convention is the one to make that decision. I can say that any legal opinion ... we requested for legal opinions on the same subject because they are lawyers but it's up to us to make that decision on any recommendations or opinion given by the attorneys. Thank you.

Presiding Officer Calvo: Delegate Pangelinan?

Delegate Pangelinan: I just want to remind the delegates with respect to the legal opinion that when the Attorney General issued an opinion that says this is unconstitutional or inconsistent with the Covenant, we all took an oath of office here to faithfully support the Constitution of the United States and the Covenant that established the Commonwealth of the Northern Marianas in political union with the United States and we must respect these certain legal, political and practical constraint. The legal restraint is the limitation imposed by the Covenant and the U.S. Constitution. The political restraint is that we chose to function within the American system of government and perhaps knew of no other way. And I think this limitation we should all understand so that we do not waste more time disagreeing or seeking alternative means to say that we are amending the Covenant instead of the Constitution. Thank you.

Presiding Officer Calvo: The Chair would like to provide the delegates that we have also the Committee on Organization and Procedures that has established a policy for legal counsel assistance. This has been passed out to all the delegates. Does anyone have any questions, or have a copy of this? Delegate Mafnas?

Delegate Mafnas: No, Mr. President, I would like to ask the Chair whether the Constitutions of the different States are available for reviewing of the members, or is it a personal property of Mr. Nabors, or is it a property of the Convention?

Presiding Officer Calvo: May I recognize the President?

Delegate H. Guerrero: For the information of the delegates, those copies are available to all the delegates. All we ask is that when you check out, you take things out, check out with the secretary. We also have available the ... and other guidance. Thank you, Mr. President.

Delegate Mafnas: Is it the property of the Convention?

Delegate Nabors: Yes.

Delegate Mafnas: So in order words, we bought the sets from Mr. Nabors.

Delegate Nabors: Yes.

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Delegate Mafnas: Thank you. So it is not out of his generosity.

(Laughter)

Presiding Officer Calvo: At this point in time, the Chair would like to address some typographical errors on the policy for legal counsel assistance. If I may, under the function of Legal Counsel is to -- this is on page 1, item (2), after the second sentence there: "Legal Counsel will be available to sit with the Committees at times", taking out the word "the". And on item (3), immediately before the last sentence on the words "two days following" should follow by a period, and then capital "c" on "committee". And on the same page 1, right at the last paragraph, the last sentence, we have "legal" that has to be spelled with double "l" one. That's about all that have to corrected at this time. Delegate Ogumoro?

Delegate Ogumoro: Mr. President, I stand to be corrected, but I thought earlier....

Presiding Officer Calvo: Excuse me, can you please speak louder?

Delegate Ogumoro: I thought earlier Chairperson Manglona indicated that his committee recommendation is going to be discussed under miscellaneous. Are you ready to take that up?

Presiding Officer Calvo: Excuse me. We are still under miscellaneous so still it can be taken up. Chairman Manglona?

Chairman Manglona: Mr. President, that is still up for discussion if anybody wishes to discuss it further. I take it that there is no concern since nobody was bringing it up. From now on, recommendations on what action we take on proposals would be just distributed and not announce in the Committee Reports. We will try to get copies out to everyone before the Convention so that if you have any concern on that they can take it up under the Miscellaneous Business. And if lengthy discussion is necessary, we can break up into a Committee of the Whole. Thank you.

Presiding Officer Calvo: Delegate Ogumoro?

Delegate Ogumoro: I don't know what's happening to my microphone here. But I would like to offer a recommendation since we are running against time. I feel that, with all due respect to all of you, the respective chairpersons should go ahead if they feel that their substantive committee and the committee members have all agreed that they should conduct public hearing on certain proposals, that they should go ahead, that they should not waste time to try to put forth their report to the Plenary Session saying that they are going to conduct public hearing. They should just go ahead and still hold those public hearings with those coordinators.... Thank you.

Presiding Officer Calvo: Delegate Villagomez?

Delegate Villagomez: Thank you. I came in this morning and found out that my microphone has been taken away from me and this microphone doesn't reach. Anyway, for the benefit of all the delegates, I think it's only fair that we explain to them what procedure we are going to follow with respect

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to committee reports and recommendations and that would prevent any future questioning about what's going on. Immediately after we recessed, few minutes earlier, all the chairmen of the committees and the President and the three attorneys of the Convention had a short meeting and we discussed the experience that we had with the first Constitutional Convention with respect to the recommendation of the committees. Here is what we are going to do from now on. The committees are going to make reports and recommendations to the Convention only with respect to specific proposals or amendments in the Constitution that have been decided by the committee. They are not going to present to the Convention reports on specific proposals by delegates. That would take one year before we can finish discussing each single proposal. We are going to discuss only proposals that they make with respect to specific amendments in the Constitution. That would then be referred to the Committee of the Whole for complete discussions and then report it to the Convention for voting, and that would save a lot of time. With respect to what they do with each specific proposal in the committees, it's entirely up to them. They can file it, they can amend it, they can adopt it, and they can do anything with it. In order for a specific delegate or individual delegate to find out what happens to their proposal, we have adopted a form that lists each delegate's proposal, the subject matter of the proposal, and the disposition by the committee. You can find out what the committee did with your proposal by looking at that status sheet on each proposal. And so from now on we are not going to have from the committee's report on specific proposals or what they do with the proposals. We will only hear their proposal or recommendation for specific amendments to the Constitution that they have already approved, discussed, had public hearing on and want the Convention to adopt. Thank you.

Presiding Officer Calvo: The Chair would like to take the unanimous consent of the delegates or the Convention with regards to that. I believe strongly that we have earlier accepted the fashion that was instituted in the first Constitutional Convention, the fashion of committee reports. Are we all agreed to abide with that? And unless we have to approve before this Convention whether disposition of committees, like filing and tabling of proposals would not be submitted before the Convention, then so ordered. But I feel the Chair will have to entertain the consensus of the delegates, whether we want to proceed with the discussion from Delegate Villagomez and that will help us expedite our work with the limited time. And at this point of statement, the committee would submit reports that directly would amend part of the Constitution. Proposals that are tabled or filed, disposition will not be in a form of reporting to the Convention but in a form of referral sheet that will be passed out, if I understand correctly. What is the position of the Convention? May I recognize the President?

Delegate H. Guerrero: I just want to mention to the delegates that what Delegate Villagomez was stating is basically endorsing what the Committee on Organization and Procedures had already recommended in terms of reporting out the reports and coming up with the language for any amendments for inclusion to the Constitution. Thank you.

Presiding Officer Calvo: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I am not well versed with the discussion but for my understanding, Delegate Villagomez did mention that

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only those measures or proposals would be for amendment to the current Constitution would be submitted by the committee to the floor. What would be the fate of the new articles or new amendments to the Constitution? Would this kind of proposal be accepted into the new Constitution, or we just amend the old, the first Constitution that we already adopted in the past? What would be the fate of the new articles -- something new into this document?

Presiding Officer Calvo: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I believe the agreement, Delegate Kaipat, was that if the committee passes and adopts either an amendment to an existing article in the Constitution or if it agrees to adopt any new additional article or section of the Constitution, all inclusive would be reported to the floor for action.

Presiding Officer Calvo: Delegate Villagomez?

Delegate Villagomez: I didn't raise my hand.

Presiding Officer Calvo: Okay. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I think what Delegate Villagomez is trying to suggest is that we should try to make this Convention more efficient and that we should not just simply create a Committee of the Whole to discuss matters that the committee itself could deal with. Now each committee will be reporting out status report on proposals that they have reviewed. Now on the status report, many of the delegates are going to be disappointed because perhaps their proposals are being tabled or being considered as legislative matters, for instance. Now if there is a concern of a delegate on his particular proposal, for example, that delegate could take upon himself to discuss or explain in the miscellaneous section of our Order of Business and find out from the committee or committees why his proposal has been decided to be filed or determined to be a legislative matter.

Presiding Officer Calvo: Delegate Torres?

Delegate Torres: Thank you, Mr. President. In line with what Delegate Lizama has just stated, I believe that there is a memo issued by the President this morning on that regards. The question is, will the author or authors of the proposal have a chance to comment on the decision or disposition of their proposal. Answer: It is expected that each committee will hear the views of the author or authors before making any decision on the recommended disposition of a proposal.

Floor Leader Lizama: Mr. President, I agree that it will be expected, however it will not be a mandatory thing. Now, if one delegate feels that it is necessary to be heard more fully, then I think we have already agreed that we would entertain concerns under the miscellaneous.

Presiding Officer Calvo: Delegate Villanueva?

Delegate Villanueva: Mr. President, I would like the Floor Leader to let us know if these suggestions are not in conflict with any of the Convention rules. And second, if there's no conflict, I'd like to recommend that this procedure be put in black and white.

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Delegate Nabors: I second the motion.

Delegate Villanueva: It's only a suggestion.

Presiding Officer Calvo: Can we hear from the Floor Leader please?

Floor Leader Lizama: Mr. President, I would like to recommend that we take this matter before the Committee on Organization and Procedures and with the leadership and perhaps by tomorrow, we could give you a better idea as to how we are going to work out this problem.

Presiding Officer Calvo: Delegate Mafnas?

Delegate Mafnas: Mr. President, this is our ninth day and we have not determined what to do on the reports, and again the Floor Leader is asking the President to allow the Committee on Organization and Procedure to take it up. That means tomorrow we will debate again whether we agree or disagree. You know, I don't understand this. Delegate Ogumoro stated that time is of the essence, time is our enemy. I don't know how hard Delegate Villagomez' suggestion. Now, I don't want to discuss anything or debate anything that is not intended to amend the Constitution. So I ask the indulgence of the members. I sent a note to Delegate Lizama to resolve into a Committee of the Whole so that our steno will not have to take this deliberation down. Our Journal, today's Journal will become probably 100 pages long. So let's try and settle this problem and not just the Committee on Organization and Procedures, Mr. President.

Presiding Officer Calvo: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I'm agreeing with the proposal that has been stated by Delegate Villagomez, however, if the Convention feels that a Committee of the Whole should be established, we can do that now.

Presiding Officer Calvo: Well, before I ask the consensus of the Convention, may I recognize Chairman Guerrero?

Chairman DL Guerrero: Thank you, Mr. President. Mr. President, I think the discussion that we again discussed this morning is merely the format to be used, and that format from the fourth day or the fifth day of our session has been submitted for practical purposes and expediency of the committees work. And I'm sure that the rules of the Organization and Procedures Committee or the leadership of this Convention did agree that that format should be used in the committee. Now, I want to note one thing that the disposition of the committee yet still have to follow by the recommendation of the committee as the status of that delegate proposal. That doesn't mean that the Convention will not be notified. The Convention will be well notified on the committees' reports with the attachment sheet on the disposition of any committee. And I hope we can proceed with the Convention business because all along we have designed the format, we have agreed with the format and I think we have to proceed with the business of the Convention as well as the committees.

Presiding Officer Calvo: Yes, Chairman Guerrero, I did emphasize or stated earlier that we have accepted the fashion of the first Constitutional Convention as means to facilitate the second Constitutional Convention. But the fact remains is that the way the report should be

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written. The format has been acknowledged and accepted by this body, but the issues that are to be reported are the questions of the mind now whether we should report to the Convention dispositions of the committees on proposals that were filed, proposals that were tabled, I think that is before us now. And the Chair, with all honesty, felt that resolving into a Committee of the Whole for this little thing of the essence now is not in order, otherwise appeal by the Convention is heard by the Chair.

Delegate Mafnas: I appeal, Mr. President. We have spent 30 minutes already discussing this. If you think it is not necessary, then why spent 30 minutes.

Floor Leader Lizama: I move that we form a Committee of the Whole to discuss this matter.

There was a second to the motion.

Presiding Officer Calvo: Okay, there's no objection to that motion on the floor, do I hear discussions on the motion?

Chairman DL Guerrero: I move for the previous question.

There was a second to the motion.

The motion to resolve into a Committee of the Whole was carried by voice vote.

The Convention resolved into a Committee of the Whole at 10:40 a.m.

#### COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 11:00 a.m.

Presiding Officer Calvo: The session is now back to order. May I recognize the Chairman of the Committee of the Whole to report its findings?

Delegate Villagomez: Thank you, Mr. President. I am pleased to announce or report to the Convention the decision of the Committee of the Whole on two issues. The first issue is whether the substantive committees would accord each of the delegates the opportunity to appear before the committee with respect to their specific proposals either before or after the status sheet has been presented to the Convention. I am happy to report that the Committee of the Whole unanimously approved that motion. The second issue is whether the report and recommendation of the committee to the Convention include only specific proposals for amendments to the Constitution. During the discussions the question of whether resolutions should be included in this proposal, and the consensus of the Committee of the Whole is that resolutions will follow regular procedures and are not to be eliminated under this motion. The motion was unanimously carried, and the Committee of the Whole decided that the committees reporting to the Convention should include only specific proposals for amendments to the Constitution. Thank you.

Presiding Officer Calvo: For the benefit of the Convention, we have the Chairman of the Committee of the Whole report its findings when we

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resolved into a Committee of the Whole. Without any delay, do we all agree on the submission before us as a report on findings of the Committee of the Whole?

Delegate Nabors: Agree.

Presiding Officer Calvo: If there's no objection to that, so ordered.

Delegate Lizama: No objection.

Presiding Officer Calvo: Is there any other miscellaneous business?  
Delegate Nabors?

Delegate Nabors: Only a very short one, Mr. President, if I might. I would like to just kind of open my heart and express my gratitude for the unity and cooperation that my colleagues are showing here; especially, I would like to give recognition to the two chairmen in their public hearing yesterday, the public inquiry. It showed the understanding on the particular proposals that were under discussion by genuine interest in getting at the problems. And after all, that's why we are here for. And I'm simply gratified at this attitude and I am grateful and hope that we can keep moving in the right direction. Thank you.

Floor Leader Lizama: Point of information.

Presiding Officer Calvo: State your point of information.

Floor Leader Lizama: Chairmen who?

Delegate Nabors: Floor Leader Lizama's committee and Chairman Esteven King's committee.

Floor Leader Lizama: Thank you very much.

Presiding Officer Calvo: Delegate King?

Chairman King: Thank you, Mr. First Vice President. I just want the record to show that it is not a public hearing; it's just an invitation to those people that we want to talk with concerning Proposal No. 3-85. If that is going to be a public hearing, then I will come up with a notice, you know, and give the same opportunity to those people who want to come and testify. So I just want the record to show that this is not an official public hearing. Thank you.

Presiding Officer Calvo: If there is no more under Miscellaneous Business, I would like to entertain the Announcements on the order of business now. Floor Leader Lizama?

#### ANNOUNCEMENTS

Floor Leader Lizama: Mr. President, I'd like to announce that the Committee on Governmental Institution will meet at 1:30 p.m. this afternoon.

Delegate Mafnas: Mr. President, point of information, or may I ask a question? To meet where?

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Floor Leader Lizama: To meet right here in this Chamber.

Delegate Mafnas: Thank you.

Presiding Officer Calvo: May I recognize Chairman Manglona?

Chairman Manglona: Mr. President, I would like to announce that there will be a public hearing on Thursday in this Convention Hall, if there is no objection, regarding the Local Government's proposals that I have listed under Committee Recommendation No. 03 earlier this morning plus two other proposals not listed here. I believe it's Proposal 151. I would also like to announce that the Committee on Local Government will be meeting at 2:30 p.m. this afternoon.

Presiding Officer Calvo: Delegate Mendiola?

Delegate Mendiola: Thank you, Mr. President. I would like to announce that the Tinian Delegation will be leaving for Tinian this afternoon to pay our respect to our distinguished citizen in Tinian, and at the same time, I would like to ask the Convention to reconvene tomorrow at nine o'clock, 9:30 a.m.

Presiding Officer Calvo: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. The Committee on Finance and Other Matters wishes at this time to announce that we will be conducting public hearing beginning Friday, June 28, at 3:00 p.m. on the following proposals: 5-85, 68-85, 85-85, 89-85, 99-85, 108-85 and 109-85, and this is going to be at the Senate Chamber, Mr. President. On Saturday, which is June 29, at the same time again, 3:00 p.m., the same place, Senate Chamber, on the following delegate proposals: 31-85, 56-85, 69-85, 72-85, 4-85, 108-85, 68-85 and 41-85. On Monday, which is July 1st, same time, 3:00 p.m. again, on the following delegate proposals: 83-85, 50-85 and 104-85. Immediately after the Convention's adjournment, Mr. President, I would like to call the indulgence of all the members of the committee to meet again this afternoon at two o'clock.

Floor Leader Lizama: Point of information, Mr. President. I thought we already made an agreement that the Committee on Governmental Institution will be holding its public hearing at the Senate Chamber. I'm going to make an announcement that there will be a public hearing tomorrow at one o'clock in the Senate Chamber. I wonder whether there may be a conflict in making the announcement for Finance and Other Matters Committee for Friday because the subject matter involved tomorrow might take up until Friday to complete the hearing.

Presiding Officer Calvo: Let the Chair remind all the chairmen that we have other places where we can conduct hearings. The only problem remains there is that if the same witnesses are to accord the committees, so it is only fit and proper that these hearings are coordinated within the Organization and Procedures Committee. So I think these things are in order now.

Floor Leader Lizama: Mr. President, I think it's very important to recognize that it would help if a committee selects a specific place so that the general public would have the general idea that when a specific



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committee is going to hear a proposal that the public will know that if it involves Governmental Institution Committee that the place of that public hearing would be the Chamber so there will be some kind of a general understanding by the public so they don't have to be confused in figuring out where, for example, the Governmental Institution Committee is going to hear out their proposals.

Presiding Officer Calvo: Delegate King?

Chairman King: Thank you, Mr. Vice President....

Presiding Officer Calvo: Will you speak louder please?

Chairman King: I'm kind of confused on the coordination of these public hearings because I thought that we have discussed this in the President's Office that all public hearings should be reviewed first by the Committee on Organization and Procedures so that the schedules should not be overlapping. It seems to me that this morning I saw only one public hearing notice and now we have a lot of public hearings being reported out to the Convention. I think that whatever discussions we have in the Committee on Organization and Procedures should be respected accordingly in order to avoid all these kinds of confusion. I'm kind of confused on all these kinds of public hearing, Mr. President.

Presiding Officer Calvo: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. I hope I don't confuse the other respective substantive committees. The Chairman of Other Matters did announce at the early public hearing.

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time. Nobody can hold up our session hall two or three days contingent upon one hearing going over. If you have to go into evenings to finish, go ahead, but we cannot, Mr. President, keep the session hall or place of meeting open contingent upon witnesses going overtime, then stick to the subject, answer the questions, and get finished with the business.

Delegate Mafnas: Just to add that not only those who are testifying but even those who are listening and asking questions, stick to the subject. Mr. President, I asked our chairman to reserved the Chamber for the Committee on Governmental Institution. This committee has a tremendous load. And I don't know, I just don't feel comfortable down in the Senate. So I ask the Committee on Organization and Procedures to review our request to reserve the Chamber for your Committee on Governmental Institution. Thank you.

Presiding Officer Calvo: Your request is noted down. May I recognize Delegate Inos?

Delegate Inos: Thank you, Mr. President. I would just like to have a point of information to my distinguished Chairman on Finance and Other Matters on the announcement that he made for Friday. There was a mistake on the last item there. It should not be 109-85, it should be 110-85. Thank you.

Chairman Manglona: Mr. President, I announced earlier that our committee will be meeting this Thursday at 4:00 p.m. I would also like to announce our plan and I realize that this should be subjected to the Committee on Organization and Procedures. That plan is to call a public hearing on the same proposal numbers, No. 73-85, 109-85, 118-85, 151-85 and 154-85. These proposals will also be discussed in the public hearings planned for Monday and Tuesday of next week. On Monday, a public hearing will be held on Rota; on Tuesday, a public hearing will be held on Tinian. That's all; thank you, Mr. President.

Chairman King: Thank you, Mr. Vice President. I would like to announce to the members of the Committee on Personal Rights and Natural Resources to meet immediately right after the adjournment of the Convention. The reason for that is as I mentioned this morning that I will pass out the disposition of the committee on each proposal that we've reviewed. So I would like the Page Boy to pass this out for the information of each member. Thank you.

Presiding Officer Calvo: Is there any announcement that has to be made by the chairmen or other delegates? The Chair would like to announce that corrected copies of the Rules of Procedure have been passed out to all the members of the Convention.

Floor Leader Lizama: If there's no further announcement, Mr. President, I move that we adjourn until tomorrow morning at nine o'clock.

There was a second to the motion.

Delegate Nabors: May we request for 9:30 a.m. please?

Floor Leader Lizama: 9:30 tomorrow morning.

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Presiding Officer Calvo: Has that been seconded?

Delegate Nabors seconded the motion.

Presiding Officer Calvo: Okay. There's a motion on the floor that we recess until tomorrow at 9:30 a.m. for the 10th Day Convention. Is there any discussion on that motion? If there's no objection from the floor, then the motion is so ordered. Do I hear any objection to that motion?

Floor Leader Lizama: No objection.

Presiding Officer Calvo: Excuse me, Delegate Nabors?

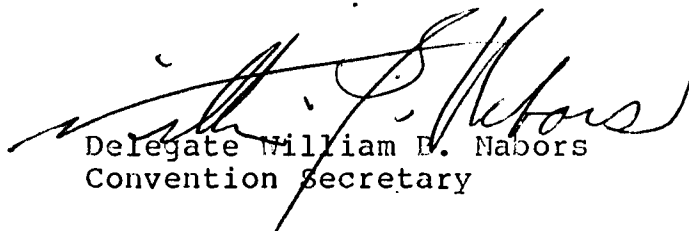
Delegate Nabors: I just served notice here, I want the Office of the Attorney General to ... and here is a status table filing my proposal without me having the opportunity....

Presiding Officer Calvo: Let me, with all honesty, rule my colleague here out of order. We have a motion before us to adjourn until tomorrow morning at 9:30. Are you ready for the question?

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

The Convention recessed at 11:17 a.m., and to reconvene on Thursday, June 27, 1985, at 9:30 a.m.

Respectfully submitted,



Delegate William E. Nabors  
Convention Secretary