

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

TENTH DAY

Thursday, June 27, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 10:12 a.m., Thursday, June 27, 1985, in the Convention Hall - 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.

President H. Guerrero: Before I call on Secretary Nabors to make the roll call, I would appreciate if the delegates speak out real loud in view of the shortage of microphones this morning. Secretary Nabors, make the roll call please.

The Convention Secretary called the roll, and 23 delegates were present. Delegate Tenorio was absent.

Secretary Nabors: We have 23 delegates present and one excused absent, Dr. Joaquin Tenorio; a quorum is present.

President H. Guerrero: Thank you, Secretary Nabors. There's a quorum, we can conduct the business of today. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I would like to ask that Delegate Tenorio be excused.

Secretary Nabors: No objection.

President H. Guerrero: So ordered. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, the Journal for the fourth day has already been passed out. I move that we adopt the Journal.

Secretary Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Fourth Day's Journal of the Convention. Discussions?

There being no discussion, the motion to adopt the Fourth Day's Journal was carried by voice vote.

President H. Guerrero: The Fourth Day's Journal is adopted.

COMMUNICATIONS

Comm. No. 6, from the Acting Superintendent of Education re proposed

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amendment to Section 13 of Article III and Article XV of the Constitution of the Northern Marianas relating to Board of Education and the Department of Education.

President H. Guerrero: In front of you is a memo that we received from the Acting Superintendent of Education regarding proposed amendment to Section 13 of Article III and Article XV of the Constitution of the Northern Marianas relating to Board of Education and the Department of Education. Is there any question on that? If none, then that communication is referred to the Committee on Governmental Institution. I would also like, not being in the agenda of today -- Communication No. 4 from the Chamorro/Carolinian Language Policy Commission, to refer that letter to the Committee on Personal Rights and Natural Resources for action and deliberation. Are there any other communications? If none, we'll go on to Committee Reports.

COMMITTEE REPORTS

Committee Recommendation No. 05, from the Committee on Finance and Other Matters, recommending adoption of Resolution No. 4-85, entitled: "A RESOLUTION REQUESTING THE GOVERNOR AND THE DIRECTOR OF PUBLIC WORKS TO WAIVE ALL UTILITY CHARGES FOR POWER AND WATER AT THE MEETING PLACE OF THE CONSTITUTIONAL CONVENTION, THE HOUSE OF TAGA, FOR THE DURATION OF THE CONVENTION."

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I would like to move to suspend the Order of Business and continue down to the next item and take it up at a later time Item (F).

Secretary Nabors: What's your motion?

Floor Leader Lizama: To suspend the Order of Business and we will take up the Committee Reports after we've completed perhaps the miscellaneous item.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, the Committee on Finance and Other Matters has something to address this Convention. This is in regard to Resolution 4-85, and I would like to ask the Floor Leader for his indulgence that we would like to have this disposed of this morning rather than to skip it.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: I would yield to Delegate Mafnas.

Delegate Mafnas: Perhaps, Mr. President, if the Floor Leader will explain his reason or reasons for skipping the agenda on order of business (F), it would be more clear to the delegates.

President H. Guerrero: Floor Leader Lizama, please explain.

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Floor Leader Lizama: Thank you, Mr. President. The Committee on Governmental Institution expects to be submitting some reports. We have not received the reports; they are being typed out now. I hope that prior to adjourning this session that committee reports that the Committee on Governmental Institution will be able to submit the reports that it desires to submit today.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: Mr. President, I would like to offer a recommendation that we stick with Item (F), proceed and discuss Committee Recommendation No. 05, and if the reports from the Committee on Governmental Institution are still not ready, then at that time we should make a determination whether we should suspend the Order of the Day and move down to Miscellaneous Business. That's my recommendation, Mr. President.

President H. Guerrero: Chairman Guerrero?

Chairman Guerrero: Mr. President, after the adoption of the committee report, I would like to ask the indulgence of the Convention Delegates that we have to place this resolution under the General Orders of the Day for discussions and adoption. And I just want to clarify that we must adopt the committee report prior to placing the resolution under the General Orders of the Day to be taken up by this Convention.

Floor Leader Lizama: No objection, Mr. President.

President H. Guerrero: The Chair will recommend that we'll go ahead with the Order of Business and when the report of the Governmental Institution Committee is finalized then we can always go back.

Floor Leader Lizama: Thank you, Mr. President.

President H. Guerrero: Just a typo error in the Order of Business. It indicates that it's the Local Government, it should be the Finance and Other Matters. So make that correction in your Order of Business. And also before we entertain the Committees Reports, Resolution No. 4-85 apparently was typed in the wrong place. It should be under the General Orders of the Day. Chairman Guerrero?

Chairman Guerrero: Mr. President, at this time, your Committee on Finance and Other Matters is happy to report to this Convention that Resolution No. 4-85 has been reported as you can see in the Committee's recommendation for its adoption in today's session. And if there's no objection, at this time, I would like to move that the Convention, as a whole, adopt this Committee Report and Recommendation No. 05. I so move.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 05 as reported by the Committee on Finance and Other Matters. Discussions?

There being no discussion, the motion to adopt Committee Recommendation No. 05 was carried by voice vote.

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President H. Guerrero: Committee Recommendation No. 05 is adopted. Are there any other committees reports? Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has nothing to report at this time. Thank you.

President H. Guerrero: Are there any other committee reports? Chairman King?

Chairman King: The Committee on Personal Rights and Natural Resources has no committee report at this time.

President H. Guerrero: Okay, we will go on to the next Order of Business, Introduction of Proposals and Referrals. Are there any proposals to be introduced? Delegate Villanueva?

INTRODUCTION OF PROPOSALS AND REFERRALS

Delegate Villanueva: Mr. President, I have three proposals here. One is "to amend Article II to add a Section 2(d)." The other proposal is "to amend Article II of the Constitution to add a Section 3(d)." And the last proposal is "to allow all persons of the Northern Marianas descent to be eligible to vote in all Northern Marianas election." Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Villanueva. Are there any other proposals? Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I have one proposal to submit this morning, a proposal "to add a new article to the Constitution of the Northern Mariana Islands to establish "A Taga" and "Aghurub" day once yearly for cultural revival activities by Chamorro and Carolinians of Northern Marianas descent."

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

Delegate Torres: Thank you, Mr. President. I have a proposal to introduce this morning, a proposal "to amend Section 3 of Article XII of the Northern Mariana Islands Constitution to protect innocent landowners against the practices of unscrupulous and high-pressure real estate brokers." Thank you.

President H. Guerrero: Thank you, Delegate Torres. Are there any more proposals? Delegate Pangelinan?

Delegate Pangelinan: Thank you, Mr. President. I have three proposals this morning: "To add a new section to Article X to specify the fiscal year of the Commonwealth.", "To add a new section to Article X relative to appropriation of public funds.", and "To add a new section to Article X to request the establishment of employment ceilings in the annual budgetary appropriations."

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

Delegate Mafnas: Thank you, Mr. President. I have two proposals. One is "to amend Section 7(a) and (b) and to delete (c) of Article II of the

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Northern Marianas Constitution." And the other one is "to amend Section 17(a), (b), and (c) of Article III of the Northern Marianas Constitution."

President H. Guerrero: Any more proposals? If none, I have three proposals to make. One of them is "to amend a section -- I'm not sure exactly which section -- of the Constitution regarding bribery of executive, judicial or legislative officers.", "to amend Article II, Section 7(a) to limit the authority of the Governor to veto administrative provisions of appropriations bills.", and "to add a new section to Article X to authorize rescission or deferral of budgetary authority by the Legislature." In front of you is the Referral or Committee Assignments on Delegate Proposals starting with 189-85 all the way to 200-85. Also, Proposal 1-85 is jointly referred to Committees on Finance and Other Matters, Local Government, and Personal Rights and Natural Resources. Proposal 162-85 is jointly referred to Committees on Finance and Other Matters, Local Government, and Personal Rights and Natural Resources. Proposal 186-85 is referred to Finance and Other Matters Committee.

(See attached Referral Sheet on Proposal Nos. 189-85 to 200-85.)

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTIONS

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

RESOLUTION NO. 4-85: "A RESOLUTION REQUESTING THE GOVERNOR AND THE DIRECTOR OF PUBLIC WORKS TO WAIVE ALL UTILITY CHARGES FOR POWER AND WATER AT THE MEETING PLACE OF THE CONSTITUTIONAL CONVENTION, THE HOUSE OF TAGA, FOR THE DURATION OF THE CONVENTION."

Chairman DL. Guerrero: Mr. President, at this time since this is the appropriate time to discuss this resolution, as I stated earlier, that Resolution No. 4-85 be placed under today's General Orders of the Day for discussion.

Delegate Mendiola seconded the motion.

President H. Guerrero: Do you want to move for the adoption of this resolution?

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Chairman DL. Guerrero: That's what I said, I move.

President H. Guerrero: It has been moved and seconded to adopt Resolution 4-85. Can I get the Secretary to read the resolution first?

At this point, Secretary Nabors read Resolution No. 4-85 in its entirety.

President H. Guerrero: Discussions? Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, for the interest of all the delegates as well, the Committee felt not only passing the resolution, after the Convention pass this resolution, we also felt that the Presiding Officer is the appropriate body of this Convention to follow up or make a follow up and contact the Governor as well as the Director of Public Works to ensure that this resolution is taken into consideration.

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

Delegate Tomokane: I have one question. Is the Con-Con the sole leasee of the House of Taga?

President H. Guerrero: Can you repeat your question please?

Delegate Tomokane: Is the Con-Con the sole leasee of the House of Taga?

Chairman DL. Guerrero: To answer that question, Mr. President, yes, there was a lease agreement signed by the Pre-Convention Committee.

President H. Guerrero: Are there any other discussions?

Secretary Nabors: I move to end the debate.

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

President H. Guerrero: Let's vote on the resolution.

The motion to adopt Resolution No. 4-85 was carried by voice vote.

President H. Guerrero: Resolution No. 4-85 is unanimously adopted by the Convention.

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MISCELLANEOUS BUSINESS

President H. Guerrero: Miscellaneous business? Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. I would like to, first of all, extend our gratitude to our colleagues for allowing the Tinian Delegation to travel to Tinian last evening to pay our respect to a public official who passed away. And while there, we met with our constituents who showed very keen interest on our work over here and were very pleased with our delegation's participation in this Constitutional Convention. In addition, Mr. President, they are anxiously awaiting the various committees to come to Tinian for the purpose of holding public hearings. They

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are very keen on the business of this Con-Con too. And we were very pleased to have the opportunity to go down there.

Secondly, Mr. President, in the Committee on Organization this morning, I would like to, if I could, offer my apologies to my colleagues for getting a little bit upset yesterday on some of the business of the Convention. Any mistakes that I made are certain mistakes of the mind and not of the heart, so I want to apologize to my colleagues; and also say, Mr. President, that we had an understanding in our Committee on Organization this morning that various matters that are being referred to the Attorney General are being worked out by their office and, I think, in a very expeditious manner and we are getting good results. I would like to, in that connection, correct any misunderstanding that may have resulted from our comments yesterday on the floor concerning the Attorney General's opinion.

The opinion of the Attorney General concerning the alien -- not alien but eligibility of voting of military personnel is, in my opinion, a good legal opinion. The only concern that I have is that it did not address my issue. My issue did not concern military people. My issue concerns third country alien, contract workers in the Northern Mariana Islands who are obtaining voting privileges and privileges that will make them eligible for U.S. citizenship and the future affect of that concern is going to have, especially on Tinian and probably Saipan as well. For instance, if you have 300 new citizens and each of those individuals sponsors five or six relatives, you are going to have an addition of some 1,500 eligible voters immediately into the political process. And I don't know how that number will affect Saipan, but 100 eligible voters on Tinian will put us out of business. So this is my concern. And I met with the Attorney General this morning, we had a meeting of minds, we had a good understanding, and he and I agreed that we are going to work out a language that will help us address this issue without going over the line in terms of conflicting with the Covenant. This is an issue that is a very, very vital concern in Tinian and all the Saipan people whom I met daily, and I do believe that we must address this issue in this Constitutional Convention.

Now, in that connection also, Mr. President, I wonder if my colleagues can get some thoughts to doing something in this Convention that will address what I consider to be a very basic concern of all of us. That concern is simply this. Under the Covenant that was negotiated, there were certain exceptions made for the people of the Northern Mariana Islands relative to restricting alienation of land. Now, I think that's fine, but I think we also need to elicit from the U.S. Government permission to make other exceptions in the Covenant that could be incorporated into the Constitution to protect the future inhabitants of each island. And by that I mean citizenship, voting qualifications and perhaps we, Mr. President, could establish a committee to come up with a resolution to the United States Government that would entertain the second negotiation if you will of our Covenant. But I'm also in the opinion that we can amend our Constitution even though it might conflict with the Covenant. If the conflict in the Covenant concerns local Commonwealth matters, we have that authority. I do not believe that the United States will object to our amendment if it only concerns inter-matters. If they approve the original Covenant, they can approve any amendment. Even if we were to amend the Constitution that are conflicted with the United States interest, the United States Govern-

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ment still has the right to accept our amendment. If they accepted the original document, they can accept any amendment thereto. So I would like to suggest that we'll not be so gun-shy in proposing amendments that might tend to conflict with the Covenant.

I talked with several staff of the United States House of Representatives Committee on Interior and Insular Affairs in March as well as the official staff of the United States Senate, and the indications from those gentlemen were that we, with the United States Congress will be receptive to reviewing any proposed amendment in the Constitution that conflicting with the Covenant, get their assent and approval.

I think there are certain areas, Mr. President, in the Constitution that we need to address that tend to get over the line and conflict with the Covenant but I think that we should buy the bullet and ask Washington to concur as Washington had in the past been very conservative, cooperative and I have no reason to believe they will continue to do so. So that's, in essence, all, Mr. President; and I ask and beg my colleagues for their consideration.

Again, I apologies for being wise. If I offended anyone yesterday with my remarks, especially my colleague, Delegate King from Tinian, I have no grudge whatsoever; I was just only trying to do the best job that I can so I can serve our constituents. Thank you.

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

Delegate Mafnas: Thank you, Mr. President. With respect to Delegate Nabors' concern about the influx of aliens, I think we have an answer for that. We will explore the idea of old policy of population explosion here on Saipan or in the Commonwealth.

Now we have been very, very serious about our work, we need to hear some members laugh.

Mr. President, during the last nine days, I listened to delegate proposals attempting to restructure the Legislature and to establish a budgetary limitation. You and I will agree that the general sentiment of the people of Saipan is to provide reforms in the Legislative Branch. Many if not all of the successful and unsuccessful candidates to the Constitutional Convention were asked by our voters to address the excessive expenditures in the Legislative Branch. This Convention is left without any alternative or choice but to diligently submit amendments with respect to legislative reforms.

I have reviewed all of the proposals with respect to legislative reforms. I fully support all of them. I believe that we should look at the following issues: (1) Reduce the composition of the Senate and the House of Representatives from nine to six and from 16 to 10. If this approach is adopted, the people of the Northern Marianas will realize a total savings of nearly \$300,000 from the salaries of the members of the Legislature beginning January of next year. (2) Delete the reasonable allowances provision in our Constitution. Again, additional \$312,000 savings will be enjoyed by our people. (3) Establish or create a Legislative Bureau to service both houses of the Legislature. If this approach is adopted, I can safely say that over \$300,000 will be saved.

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(4) Limit the number of session days to forty-five per annum or per year. Additional \$270,000 to \$300,000 will be saved from per diem. And (5) because the number of sessions is limited, the people of the Northern Marianas can realize an additional half a million or perhaps more through reduction of personnel.

While I am extremely cautious about establishing limitations in our Constitution, I firmly believe that the legislative branch will still be able to function even with such constitutional constraints. We cannot continue to seeing excessive public funds spent without adequate returns to the people of the Northern Marianas.

We must review all the proposals, solicit more ideas so that we can insure that this Convention delivers the most acceptable and reasonable amendments with respect to legislative reform to our dearest people.

I thank you.

President H. Guerrero: Thank you, Delegate Mafnas. Any other miscellaneous business? Delegate Torres?

Delegate Torres: Thank you, Mr. President., I have a question for the Attorney General if one is around.

President H. Guerrero: Let's just check.... Sergeant-at-Arms, can you check the Steno Pool please?

Delegate Villagomez: Mr. President, I have a short statement to make while we are waiting.

President H. Guerrero: Delegate Torres, would you yield to Delegate Villagomez?

Delegate Torres: I yield to Delegate Villagomez.

Delegate Villagomez: Thank you. I would like to get a moment to share my thoughts with respect to committee decisions in relation to public hearings, and I want to make this statement not to generate lengthy discussion. If you disagree, that's fine with me. But I thought it might help the committees to think about this matter.

In some of the reactions that I have observed by the committees to the proposals, the immediate reaction when they see some of the proposals is, let's have a public hearing and let's find out what the public will say about this proposal. That is a natural reaction when the proposal is of great importance and particularly when it's a complicated issue in the Constitution. However, I would like to point out that the reason we have been elected to the Constitutional Convention is so that we can sit down as delegates and study those proposals carefully and make decisions ourselves. And my point is, after we have sat down, we have thoroughly discussed it, we have asked the thoughts of the Attorney General or the other attorneys and we have made decisions on those proposals, then we present our decisions to the public for their comments and considerations. I suspect that the reaction of the public would not be very different from our initial reaction to the proposals. When we have a

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public hearing and we found out serious in proposals, what do you think of it. They probably going to say first, oh, what do you think of it; we elected you to study that and make decisions of them. Some of them would be prepared to make comments right away. But my point is, we shouldn't immediately think of giving it back to the public for their decision before we make our own studies. And so I strongly recommend that you consider the proposals first very carefully and make your own determinations and decisions before we actually go out to the public for their comments. That's all. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez. Before I call Delegate Torres, the Chair would like to appoint Secretary Nabors to preside for five minutes.

(At this point, Secretary Nabors took over the Chair.)

Presiding Officer Nabors: The Chair will recognize Delegate Torres.

Delegate Torres: Thank you, Mr. President. I have one question to the Attorney General and this question is relative to the AG's opinion -- there's no number here. It is dated 6-25-85, relative to Northern Marianas Descent as a Qualification for Office. I read this opinion with extreme interest, however, I have one very disturbing question. The question is, if restricting the holding of public office -- in this case, the Office of the Mayor -- to persons of Northern Marianas descent violates the Fourteenth Amendment which is the Equal Protection Clause, then, is the same, true of mandating that U.S. Presidents be natural born citizens of the United States?

Presiding Officer Nabors: Can I call upon the Attorney General to respond to that inquiry?

Attorney General Kosack: Thank you very much. The opinion, it doesn't have a legal number to it because there're some questions about what legal number it will have. The legal opinion which just came today was not written by me. It was written by Joseph Guthrie who is the Assistant Attorney General in my office. He is the most appropriate person to address you on this matter. I have read his opinion but I am not familiar about this long area. The question before that you've asked me is, if you can require to become a mayor that you will be a Northern Marianas descent, how is it that the United States Government has required that you should be a U.S. citizen to hold the Office of the President.

Delegate Torres: A native born U.S. citizen.

Attorney General Kosack: That's right, a native born U.S. citizen. Let me just take a moment to think about this. My initial answer was going to be that one distinction is based on citizenship and the other distinction is based on residency. See, when we say Northern Marianas descent, all we're really saying is actually not a racial distinction and it's actually not an ethnic distinction but it's a distinction based on residency since the definition is that you have to have been born in the Northern Marianas -- excuse me, have been residing in the Northern Marianas prior to 1950 or have been a descendant of someone who has a residency requirement. And as far as residency requirement to hold an office, they have looked at those and determined that only a short term residency requirement will withhold

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or withstand constitutional scrutiny because it only takes a short period of time to become familiar with the issues of that area and anything longer would not be appropriate. In the case of the United States requirement for President, what immediately comes to mind is that that is not a residency requirement. It's a different classification. That is a requirement of citizenship. Anything that throws me off in answering your question.... Well, I don't want to give you a straightforward answer from the top of my head.... It's the distinction between citizenship acquired through birth and citizenship acquired through naturalization. I don't want to answer that one when I don't have the thought on top of my head, but at least I hope you can see the distinction that one is a residency requirement and the other is a citizenship requirement.

Delegate H. Guerrero: Can we put in the Constitution not to allow U.S. citizens or disqualify U.S. citizens to run for offices?

Attorney General Kosack: Again, I'm giving you legal opinion without the benefit of research, but my answer to that would be most probably no, you cannot do that because it will violate the Equal Protection Clause and also it will violate the Privileges and Immunity Clause. And that basically the way the Covenant is set up is that U.S. citizens from the United States, U.S. citizens from or for interim United States citizens from the Northern Mariana Islands are to be treated the same and they will receive equal protection. It's supposed to flow both ways, and that would violate that.

Delegate H. Guerrero: Isn't that one way -- no, no, not one way. If a CNMI citizen who is not a U.S. citizen, in that case, cannot vote or cannot run for office in the U.S., would that also be a violation of CNMI citizens' rights under that provision of the Constitution?

Attorney General Kosack: I guess my question would be, are you focusing on the right of Northern Marianas citizens "today," or at the termination of the Trusteeship? There are two different situations.

Delegate H. Guerrero: Today.

Attorney General Kosack: Today, you got a situation where Northern Marianas citizens are not U.S. citizens; so as a result, they don't get all the advantages the U.S. citizens get. They don't carry passports, they don't have the ability to run for certain offices, and I think there's even some slight security positions that they cannot hold as examples. But I don't believe that violates the Equal Protection Clause.

Presiding Officer Nabors: May I make a recommendation to AG on the question that Delegate Torres has raised, and I realize how difficult it is for you to be off top of your head, to give a complete and well thought of response? If there's no objection, I wonder if it would be possible to ask that you hollow with your colleagues and get back to us tomorrow with a more thought out response to this inquiry. I see real problems and I'm glad Delegate Torres brought the issue.

Attorney General Kosack: I'd be pleased to do that. I'd ask one thing again. Can I get it in writing and we will send someone up here to pick it up, only for two reasons really? One is for the bookkeeping reason and we're taking all these legal opinions we are having requested and written

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so that we all got a record of them, and the other reason is, because this is such attorney issue, the difference between the two questions asked, as you know, have considerable differences, so I want to know exactly what it is that you want to ask us. And if it is more than one question, go ahead and put a couple of questions together so we can make sure we answer your exact question. I believe that the problem which the Acting President and I had yesterday was that I did not or actually Joel Bergsma did not answer a question that you thought had been posed but it turn out that some of the questions that were asked, he didn't ask the question that you had wanted to be asked.

Presiding Officer Nabors: Thank you. I'll ask Mr. Woodruff to get together with Delegate Torres and Delegate Guerrero and formulate those questions and get them to you immediately and we would appreciate your expeditious response. Thank you.

Attorney General Kosack: Thank you.

(At this point, President H. Guerrero took over the Chair, and Secretary Nabors took his seat.)

President H. Guerrero: Thank you, Secretary Nabors, for presiding. Delegate Pangelinan?

Delegate Pangelinan: For the sake of not being confronted again with technicalities of the following procedures and due to our limited staff and budget and for the sake of expediency in getting the significant concerns presented in the hearing, I ask the unanimous consent of the delegates, pursuant to Rule 67, to alter Rule 31(k) to read as follows: "All public hearings shall be recorded and a summary record be prepared. Copies of the summary record, if it's a public hearing, together with any exhibits and other related matters or materials as the committee may direct, shall be made, and a copy thereof shall be made available to each delegate as soon as practicable."

Delegate Mendiola: No objection.

Delegate DL. Guerrero: No objection.

President H. Guerrero: If there is no objection, it is so ordered. Any other miscellaneous business? Delegate King?

Chairman King: Thank you, Mr. President. I just like to point out in line to what Delegate Villagomez has pointed out concerning public hearings. I believe that if each standing committee that schedules to conduct public hearing and the members decide not to go to public hearings, especially to Rota and Tinian, the Rule No. 31 stated that public hearings should be conducted by the, shall be up to the quorum by the presence of the members of that committee. So I suggest that if the President come up with the budget whether or not the standing committee should conduct one or two public hearings on Rota and Tinian because I believe that if this committee come up with different schedules then we will end up with lots of expenditure to conduct public hearing. And I believe that if the standing committees should not conduct public hearing if the members are not quorum. So I just want to suggest that we can come up with coordination to point out all the important proposals and we will

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put it into one schedule and we are just going to form it into one public hearing instead of getting different times and we will end up with lots of trips going down to Tinian and Rota for the purpose of public hearings. That's all my request, Mr. President.

President H. Guerrero: Thank you, Chairman King, and I believe the Committee on Organization and Procedures discussed this matter and it was agreed that at least the different committees should jointly or at least try to jointly conduct public hearings in Rota or Tinian. Chairman Manglona has scheduled a meeting for Rota and Tinian on Saturday and Monday and he already made that clear to the Committee on Organization and Procedure. Apparently, there's no other chairman that approaches him. So what I am suggesting is that we already agreed that at least to reduce cost as well as efficiency in terms of public hearings that we should do or at least coordinate all the hearings on the other islands, and like I said, no other chairmen came up to him. I understand that two members from the Committee on Governmental Institution will be going to Rota and Tinian for the public hearing. Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, the Committee on Finance and Other Matters has requested to meet after the session mainly to discuss the plans that were organized by the Committee on Local Government, to discuss that particular issue and address within the Committee and to come up with a decision as to who will represent the Committee on Finance and Other Matters in the pending public hearing that we have to follow up. So I hope that the schedule from the Local Government Committee will be passing out to the appropriate substantive committees so we can discuss that schedule within the discussions of the committees.

President H. Guerrero: Thank you, Chairman Guerrero. I would just like to call your attention as a recommendation that you should disseminate copies of your public hearing notices to all the members also. I have not seen a copy and I would appreciate if copies are made available to all the members.

Chairman DL. Guerrero: Mr. President, may I comment on that? My request yesterday was to disseminate a copy to your office, however that has not been done but we will make tomorrow. I think it is necessary to give a copy to your office and especially the respective substantive committees so they can coordinate their public hearings.

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

Chairman Manglona: Thank you, Mr. President. The public hearings for Rota and Tinian have just been approved this morning, so the notice of public hearings will be out hopefully to each chairman just after the session this morning. I'll make sure that each chairman get his copy so that they can discuss with their committee the schedule and also the representatives from their committee who will be going. I understand that two delegates from each committee was agreed to be sent from the committees to represent them. It was, with the understanding of the leadership, that certain financial arrangement be made in order that all five members of the Local Government Committee will go. So if the arrangement has been made so that some of these financial burden are taken up by certain members of the committee to facilitate the trips of all the members of the Local Government. Thank you.

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

Delegate Mundo: Thank you, Mr. President. I just would like to encourage the other committees, the substantive committees to conduct hearings on Rota and Tinian that not only the committee's concern to be heard. Give our people the opportunity to hear other issues of concern. Thank you.

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

Delegate Tomokane: Thank you, Mr. President. In line with what Delegate King has just raised on the public hearings, I think there's a problem with Rule 31(j) on the first sentence and we have to deal with this matter. It says here that for the purpose of public hearings, the members of the committee attending shall constitute a quorum. What determines a quorum in a committee? Normally, we have five or six members. So if you go by simple majority, you need to have at least four to go to Rota or Tinian. We have a financial constraint confronting us, so I think we need to address this for recommendatory action or what the leadership may have in mind.

President H. Guerrero: Delegate Tomokane, I believe, according to Rule 31(j), it says that for the purpose of public hearings, the members of the committee attending shall constitute a quorum. So even if one member goes, that's constituted a quorum in a public hearing.

Delegate Tomokane: My question was, what constitutes a quorum in order to conduct a public hearing. Are two members enough?

President H. Guerrero: One person.

Delegate Tomokane: One person is enough?

President H. Guerrero: I guess if I am reading it correctly, the first sentence says, for the purpose of public hearings, the members of the committee attending shall constitute a quorum. So if the chairman is the only one there, I suppose it's a quorum unless there's a different interpretation.

Delegate Mafnas: Mr. President, will ask the Floor Leader, please?

Delegate Tomokane: Members is plural, Mr. President.

President H. Guerrero: Floor Leader# Lizama?

Floor Leader Lizama: What section is that, Mr. President?

President H. Guerrero: Rule 31(j) and it's on page 17.

Floor Leader Lizama: Mr. President, it's my understanding that whenever a committee meets, a quorum has to exist. It's my understanding from reading the law. And to constitute a quorum, there has to be at least one senatorial representative in that....

President H. Guerrero: I suggest that you read Rule 31(j), the first sentence, what does that mean. Since it makes reference to members, I assume that this is it, I might be -- I mean, I'm probably wrong to say

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just one because it makes reference to members. So probably two will constitute a quorum. Delegate Inos?

Delegate Inos: I think my opinion on this, to satisfy the grammatical mind, I would assume that if two from each committee will go, that would constitute a quorum from each substantive committee. I think that's an adequate number of representatives from each substantive committee. Another point that I would like to clarify from Chairman Manglona, I notice that he had a communication earlier to you in terms of lodging and cutting down cost -- lodging, room and board. Would that qualify the other members not in the Local Government?

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, I understood that the Convention will bear the cost of the two delegates from each committee. So I take it that the delegates from the other committees will have to be compensated by the Convention. As far as my committee, who could actually go, will be under the Convention's financial payment but I am willing to bear all the cost of the five members of my committee who will be going.

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

Floor Leader Lizama: Mr. President, having read Rule 31(j), it appears that you are right. The members of the committee attending the public hearing will constitute a quorum. It has nothing to do with the quorum as defined by the law, it appears.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: I have to say that the way the sentence is worded is incorrect. I cannot, just by reading that first sentence alone, determine whether only one or a simple majority of the members of that committee constitutes a quorum. But as you read further, it would, to me, mean that it's a simple majority of the committee that conducting that particular public hearing. So if it is the Committee on Organization, I would take it to mean that it would need four.

President H. Guerrero: I don't think so.

Secretary Nabors: Mr. President?

Delegate Ogumoro: May I just be allowed to continue? I share the concerns of the delegations from Rota and Tinian. I think that what they are expressing to the Convention is that if the substantive committees, other than the Local Government Committee, are to be accorded the opportunity or arrangements be made that those committees visit the islands of Rota and Tinian. I know that that would be a problem considering the meager fund that we have for this Convention. But I would like to ask that the Chair consider that recommendation. The people of Rota and Tinian should also be accorded the opportunity to be heard on matters other than just local matters. And if there is funding available, I would like to strongly recommend that the other substantive committees, meaning other than the Local Government, go down to Rota and Tinian for public hearings on measures or proposals that they have decided to call public hearings on.

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President H. Guerrero: Thank you for your concerns, Delegate Ogunoro. You know, for the purpose of public hearing, it's just conducting a hearing. They are not making decisions. Decisions will be made once the committee actually sat down and made its own deliberation. So they are basically just gathering information from the various people in the community. Delegate Igitol?

Delegate Igitol: Mr. President, I would like to offer something that probably would answer the question. As the Attorney General mentioned earlier that the Rules and Procedures were patterned after the Legislature's Rules. And what it does is that the Legislature, for the purpose of public hearing, they don't have to have three or four members present. One can constitute a quorum. I have been to several public hearings, especially for budget hearings, and only one member was present, and he conducted the public hearing. And that, as I mean, constitute a quorum. Like I said, again, the Attorney General mentioned that these Rules and Procedures were patterned after the Legislature's. Thank you.

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

Delegate Torres: Thank you, Mr. President. I find it rather sad that we have long ignored our neglected citizens of the northern islands. How are we going to accord this people the privilege to be heard? I understand that we are faced with financial constraint because of, perhaps, the neglect of the Legislature to provide special funding, but I guess that point is mute at this point in time. The question is, are we going to accord those people the same opportunity? Thank you.

President H. Guerrero: Thank you, Delegate Torres. Let's move to the next item.

Delegate Mafnas: Mr. President?

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: For my personal interest, I asked yesterday that my Proposal No. 186 be reassigned to Finance and Other Matters. Was this done during your meeting, please?

President H. Guerrero: Delegate Mafnas, if you heard the referrals this morning, I did mention that I reassigned Proposal 186 to Finance and Other Matters.

Delegate Mafnas: The reason why I am asking is because I have nothing here on my desk.

President H. Guerrero: That's correct, but I did make that reassignment this morning and thank you for bringing that up. I did make that reassignment as well as the joint referrals of two others -- 160 and 162 to the same three committees, Finance and Other Matters, Local Government, and Personal Rights and Natural Resources. Announcements? Excuse me, Delegate Villanueva?

Delegate Villanueva: Did we move to announcements already, Mr. President?

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President H. Guerrero: I'm just moving to announcements now. Where are you, announcements or miscellaneous?

Delegate Villanueva: I want to be in the miscellaneous.

President H. Guerrero: You are in the miscellaneous now.

(Laughter)

Delegate Villanueva: Mr. President, you know, we continue to introduce proposals and some of the proposals that will be introduced tomorrow, day after tomorrow, Monday, Tuesday, and so forth, would be similar to the ones that have already been introduced and public hearings are already scheduled for those proposals. For information, are the committees planning to take a trip to the northern islands or Rota or Tinian to conduct other public hearings because of the new proposals being introduced? Thank you, Mr. President.

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

Delegate Reyes: Thank you, Mr. President. I also would like to be in the miscellaneous item. I'd like to ask the blessing of the Chair to allow us to rearrange ourselves so that the people who are not smoking can be together and the smokers could be together. My concern, Mr. President, is that in the future when we have more of these meetings, especially if it goes on to the night, it's going to irritate some of us. Thank you.

(Applause)

President H. Guerrero: That's a good suggestion. Can I just have a raise of hand who are the smokers here? Who are not smokers, please raise your hand? Well, that's the prerogative of the President, under the Rules, to rearrange the seats. So why don't we put them on one side and the smokers on the other side? The airconditioner is over there so nonsmokers on this side. Any objection to that?

Delegate Reyes: No objection.

President H. Guerrero: Delegate Calvo?

Delegate Calvo: The smoke goes that way, so why don't you put them on that side.

Delegate Igitol: No, Mr. President.

President H. Guerrero: Isn't that airconditioner working up there? We'll just make the nonsmokers on my left side and the smokers on my right side.

Delegate Igitol: Right; thank you.

Delegate Manglona: Mr. President, there are some staff smoking on that side, so it's better for nonsmokers to be on this (Chair's right) side.

President H. Guerrero: Okay, that's it.

Delegate Ogumoro: Let's move down to announcements, please.

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Chairman DL. Guerrero: I think we should leave it up at the discretion of the Chair.

President H. Guerrero: No, I don't want to do that because the majority are saying that they don't want to smoke, I mean, the smokers on one side. I would rather move all the smokers on one side. That's, anyway, under Rule 20. If there's no more miscellaneous business, we'll go to announcements. Chairman Guerrero?

ANNOUNCEMENTS

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters, immediately after we adjourn, all the committee members will meet in the Saipan Delegation's Office in the room down there.

President H. Guerrero: Can you speak louder, please?

Chairman DL. Guerrero: I said that your Committee on Finance and Other Matters wishes to announce that immediately after we adjourn, we will meet in the Saipan Delegation's Chamber.

Chairman Manglona: Mr. President, the Committee on Local Government will be meeting immediately after this session right in the Hall. Thank you.

Chairman King: Your Committee on Personal Right and Natural Resources will meet at one o'clock in this Chamber.

Chairman Lizama: Mr. President, I urge that the members of the Committee on Governmental Institution be present in the one o'clock public hearing this afternoon at the Senate Chamber, and I also like to make the announcement that we will have another public hearing tomorrow at 2:30 p.m. here to tackle some proposals relative to the Marianas Public Land Trust Funds and I believe also on proposals dealing with Attorney General matter.

Chairman Manglona: Mr. President, likewise, the Committee on Local Government urges everyone here to please attend the public hearing at four o'clock in this Hall. I feel it is a very important meeting since we will be discussing matters on mayorship and commissionership as some of these proposals have brought up. Also, public services will be discussed. Thank you very much.

Secretary Nabors: Could I please ask a question to the Chairman of the Governmental Institution? It was announced yesterday that the Committee on Finance and Other Matters will hold a public hearing tomorrow at 3:00 p.m. in the Senate Chamber on seven different measures which many of them I have great interest and concern, and now I hear an announcement for another committee's public hearing over here at 2:30 p.m. Can we decide on that and find out if there's an overlapping of hearings, Delegate Lizama?

President H. Guerrero: Delegate Lizama, Delegate Nabors is asking a question.

Secretary Nabors: I thought we have decided to avoid that overlapping of hearings. Delegate Guerrero announced yesterday that his committee is

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having a public hearing in the Senate Chamber at three o'clock tomorrow on seven different measures and you just announce that definitely the Governmental Institution Committee will also meet here tomorrow at 2:30 p.m.

Chairman Lizama: It will be here rather than at the Senate Chamber.

Delegate Nabors: Will it take half an hour to finish your hearing tomorrow?

Chairman Lizama: No. Our hearing tomorrow will concentrate on two proposals with respect to Marianas Public Land Trust Funds and also we would concentrate on proposals that have to do with the Attorney General issue. Now, with the Attorney General issue, only three proposals have been submitted, to my understanding.

Chairman Nabors: Could I ask the committee, if possible, to schedule a hearing at one o'clock to give us at least two hours between hearings?

Chairman Lizama: That's fine. If there's no objection from my committee members, certainly I could.... Oh, I'm sorry, Delegate Nabors, it would be very difficult to reschedule it at one o'clock, so please at 2:30 or three o'clock?

President H. Guerrero: I think there's a reality over here that we have to take into account. We have over 200 proposals and also with time constraint, probably some of the public hearings will be overlapping. There is no way, and I suggest that if there's any overlapping to discuss that with the respective chairmen. But that's the reality that we are faced with.

Just for the information of the delegates, again, the Steno Pool reminded me that if you need things to be typed just put it in the typing box and they are always ready to assist. Our problem is the xerox or copier machine that we are constantly overloaded and there are too many different operators also. I would suggest that you ask someone in the Steno Pool to do the xeroxing. There's also constant request of additional proposals, and I'm not too sure why we constantly need copies of additional proposals but I would appreciate that you don't lose your copy so we can cut down on cost also. Any other announcements? Floor Leader Lizama?

Floor Leader Lizama: Mr. President, if there's no further announcement, I would like to move to adjourn this session until tomorrow at 9:30 a.m.

Chairman DL. Guerrero seconded the motion.

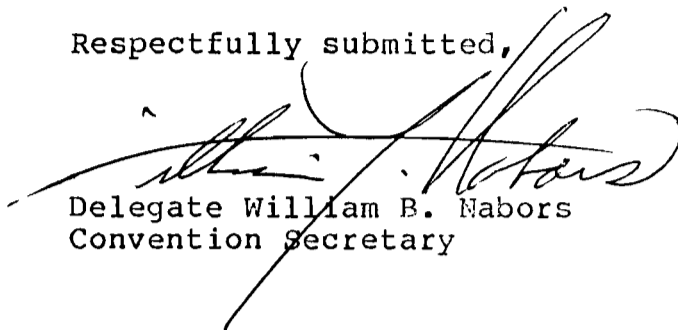
President H. Guerrero: It has been moved and seconded to adjourn this session until tomorrow at 9:30 a.m. Discussions?

There being no discussion, the motion to adjourn was carried by voice vote.

The Convention adjourned at 11:32 a.m., and to reconvene on Friday, June 28, 1985, at 9:30 a.m.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "William B. Nabors", written over the typed name below.

Delegate William B. Nabors
Convention Secretary