

SECOND CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
Convention Center - House of Taga
Saipan, Cm 96950

TWELFTH DAY

Saturday, June 29, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 10:10 a.m., Saturday, June 29, 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 or meditation was observed.

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

Secretary Nabors: Mr. President, on this beautiful day, all the 24 delegates are present.

President H. Guerrero: Thank you, Secretary Nabors. I'm sure it's a beautiful day, I acknowledge that also. We have a quorum, the Order of Business can be conducted. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, we don't have the journal for adoption this morning, I move that we go down on the next item.

Delegate Calvo: No objection.

President H. Guerrero: No objection, we will move on to Communications.

COMMUNICATIONS

President H. Guerrero: There is no official communication received by the Chair. Any other communications? If none, we'll go on to Committee Reports. Before we go on to Committee Reports, I passed out a guideline for the committee reports that we were discussing yesterday. Does anybody has any comments on this one before we receive committee reports from the chairmen of the substantive committees?

Floor Leader Lizama: Mr. President, I move that we take a three-minute recess.

There was a second to the motion.

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

The Convention recessed at 10:14 a.m.

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RECESS

The Convention reconvened at 10:27 a.m.

President H. Guerrero: The Convention is back to order. As I indicated before, this guideline is just a clarification to Rule 55. Any committee reports?

COMMITTEE REPORTS

Committee Recommendation No. 7, from the Committee on Personal Rights and Natural Resources, recommending for adoption of Delegate Proposal No. 76-85, Committee Draft 1, as amended by the Committee to read as follows: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE XVIII, SECTION 2(a) TO REQUIRE THAT VOTERS BE ASKED WITHIN TEN YEARS WHETHER THERE SHOULD BE ANOTHER CONSTITUTIONAL CONVENTION."

Committee Recommendation No. 8, from the Committee on Personal Rights and Natural Resources, recommending adoption of Delegate Proposal No. 36-85, Committee Draft 1, entitled: "A PROPOSAL TO ADD A NEW SECTION 11 TO ARTICLE I OF THE NORTHERN MARIANAS CONSTITUTION, RELATIVE TO VICTIM OF CRIME COMPENSATION.", as amended by the Committee.

Committee Recommendation No. 9, from the Committee on Governmental Institutions, recommending adoption of Delegate Proposal No. 52-85, entitled: "A PROPOSAL TO AMEND SECTION 7(a) OF ARTICLE II OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO ACTION ON LEGISLATION BY THE GOVERNOR."

Committee Recommendation No. 10, from the Committee on Governmental Institutions, recommending adoption of Delegate Proposal No. 57-85, Committee Draft 1, entitled: "A PROPOSAL TO AMEND ARTICLE II, SECTION 11 OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO PREVENTING THE APPOINTMENT OR ELECTION OF A MEMBER OF THE LEGISLATURE TO A PUBLIC OFFICE CREATED DURING HIS OR HER ELECTED TERM OF OFFICE.", as amended by the Committee.

Committee Recommendation No. 11, from the Committee on Governmental Institutions, recommending adoption of Delegate Proposal No. 50-85, as amended by the Committee to read as follows: "A PROPOSAL TO AMEND ARTICLE II, SECTION 15 OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO PREVENTING A MEMBER OF THE LEGISLATURE FROM VOTING ON A BILL IN WHICH HE OR SHE HAS FINANCIAL, PERSONAL OR PRIVATE INTEREST."

Committee Recommendation No. 12, from the Committee on Governmental Institutions, recommending adoption of Delegate Proposal No. 83-85, Committee Draft 1, entitled: "A PROPOSAL TO AMEND SECTION 18 OF ARTICLE III RELATING TO THE SALARY OF THE EXECUTIVE ASSISTANT FOR CAROLINEAN AFFAIRS.", as amended by the Committee.

Committee Recommendation No. 14, from the Committee on Finance and Other Matters, recommending adoption of Resolution No. 3-85, Committee Draft 1, entitled: "A RESOLUTION RELATIVE TO REQUESTING THE COMMONWEALTH LEGISLATURE TO EXTEND THE CONSTITUTIONAL CONVENTION FOR AN ADDITIONAL THIRTY DAY PERIOD.", as amended by the Committee.

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President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President. Before I make a committee report, I would like to ask the Chair whether we could make corrections on the Order of Business under the Committee Report Nos. 9, 10, 11 and 12. These committee reports are not committee reports of the Committee on Personal Rights and Natural Resources. These are not our reports.

Floor Leader Lizama: Mr. President, Nos. 9, 10, 11 and 12 are reports from the Committee on Governmental Institutions.

President H. Guerrero: Okay, please make the corrections on your Order of Business.

Chairman King: On another business, Mr. President, Committee Report No. 10 on Proposal No. 56-85, I believe that is a proposal with regards to MPLC, the Marianas Public Land Corporations. It is not for Other Government Employment.

Floor Leader Lizama: That's correct, Mr. President, and correction is necessary.

President H. Guerrero: Secretary Nabors?

Secretary Nabors: Can I recommend that this item agenda of Committee Reports be deferred until tomorrow and have these matters corrected and made properly.

Floor Leader Lizama: So moved.

There was a second to the motion.

Chairman DL. Guerrero: We can correct these right now with our pen.

Chairman King: I think, Mr. President, that these are just minor errors. We can just correct them with our pen and then proceed with the committee reports.

President H. Guerrero: Delegate Nabors, can you restate your motion please?

Secretary Nabors: I'd like to withdraw the motion, Mr. President.

Floor Leader Lizama: Mr. President, there's a motion to defer the reporting out of some of the committee reports until tomorrow.

President H. Guerrero: It has been withdrawn, Floor Leader Lizama.

Floor Leader Lizama: He didn't make a motion; I made a motion, Mr. President.

President H. Guerrero: Delegate Nabors was the one that made the motion, right?

Secretary Nabors: Right.

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President H. Guerrero: And it was withdrawn. How could you make a motion when he already made the motion?

Floor Leader Lizama: He simply made a suggestion and I said, so moved.

Secretary Nabors: He's right; I stand corrected.

Delegate Calvo: Mr. President, I think the consensus of the delegates now is to go ahead and make or initial it with pen whatever corrections we have to make. Can we proceed with that please?

Floor Leader Lizama: I withdraw my motion.

President H. Guerrero: All motions are withdrawn, just please make the corrections. Also, I just want to mention that basically the format for this one is not in line with the guideline but in the future the Chair will not accept the submissions of the chairmen of the committees recommendations which do not conform to the guideline. So we weren't consistent in the past. I believe the Committee on Organization and Procedures agreed that when you are making recommendations for changes, you'll have a narrative justification on that particular changes rather than just making recommendations. Secretary Nabors?

Secretary Nabors: Can I ask for an authoritative rundown what the changes are now?

President H. Guerrero: Chairman King?

Chairman King: I didn't catch his statement.

Secretary Nabors: What are the changes to be made here?

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: The corrections will be as follows: Committee Report No. 9, that would be a committee report coming from the Committee on Governmental Institutions. Committee Report No. 10, that is also under Governmental Institutions. No. 11, Governmental Institutions. No. 12, Governmental Institutions. And also to correct the reporting of Committee Report No. 10. The reporting involves not Proposal No. 55-85, rather, it's a proposal to amend Article II, Section 11, rather than having to do with the Marianas Public Land Corporations.

Secretary Nabors: What is the number?

Delegate Mafnas: It's a Proposal No. 57.

Secretary Nabors: Thank you.

Floor Leader Lizama: It's a Proposal No. 57. Thank you, Delegate Mafnas.

President H. Guerrero: The Chair accepts the submissions of the committees recommendations. Any other committee reports? I mean, from the Committee on Personal Rights and Natural Resources. Chairman King?

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Chairman King: Mr. President, correct me if I'm wrong. The communication under Item 4, does it mean that we should not adopt the committee reports?

Delegate Villagomez: That's in the President's proposed rules, under Item 4.

President H. Guerrero: Basically you are submitting your recommendation to the Convention. If we adopt it, then it means that the Convention agrees to the committee's recommendation, therefore it's being submitted for people's review and it will be put on the General Orders for discussions the next day. Delegate Villagomez?

Delegate Villagomez: Mr. President, I would like to request that the President states whether the Convention accepts the proposal or recommendation for consideration by the Committee of the Whole and the Convention.

President H. Guerrero: I did. I guess I wasn't very clear. As I stated, the Chair accepts the Committee Recommendation Nos. 7 and 8 from the Committee on Personal Rights and Natural Resources.

Delegate Villagomez: Thank you.

President H. Guerrero: Does that clarify, Chairman King?

Chairman King: Yes.

President H. Guerrero: Are there any other committees reports? Chairman Lizama?

Floor Leader Lizama: Mr. President, the Committee on Governmental Institutions submits to this Convention Committee Report No. 9, Committee Report No. 10, Committee Report No. 11 and Committee Report No. 12.

President H. Guerrero: The Chair accepts Committee Recommendation Nos. 9, 10, 11 and 12. Any other reports? Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters is happy to submit this morning Committee Report No. 14. This is in reference to Resolution 3-85 re extension of Convention days, and the committee is ready to take it up in today's agenda.

President H. Guerrero: The Chair accepts Committee Recommendation No. 14. Yes, Chairman Guerrero?

Chairman DL. Guerrero: In line with that, Mr. President, I would like to ask the unanimous consent of the delegates that the committee's report, as stated and amended, be adopted by the Convention, and I so move.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Report No. 14. Discussions? Delegate Villagomez?

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Delegate Villagomez: Mr. President, with due respect to the person who authored the resolution requesting an extension of the time for the Convention to operate and the recommendation of the committee to adopt the same, I would like to express my opposition to the resolution.

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

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

Floor Leader Lizama: I would like to have this resolution placed in the General Orders of the Day for discussions and when that time comes, then we'll have to deal with this subject under the General Orders of the Day.

President H. Guerrero: As I indicated before that if we adopt this report, it means the Convention agrees to it. That's why I said that the Chair accepts the submission of Committee Recommendation No. 17, and I indicated in the General Orders of the Day for any discussions and debate that we'll take these up today also.

Floor Leader Lizama: Thank you, Mr. President.

President H. Guerrero: So can you withdraw your motion at least?

Chairman DL. Guerrero: No. My motion is still in order, Mr. President, because we are adopting the committee's report.

President H. Guerrero: Yeah, just the report.

Chairman DL. Guerrero: That's correct. Then after we adopt the motion to adopt the committee's report, I would like to move that we place this under the General Orders of the Day for further discussions.

Delegate Calvo seconded the motion.

President H. Guerrero: Just a point of clarification, Chairman Guerrero. By adopting the report, we're adopting the attached recommendation because that's what your report is saying.

Chairman DL. Guerrero: That exactly my motion is, Mr. President, with the attachment and the recommendation from your committee. There are some amendments that the committee made.

President H. Guerrero: Can we take that up under the General Orders of the Day?

Chairman DL. Guerrero: Well, that could be taken up under the General Orders of the Day. That's what the Floor Leader was suggesting that we will wait until we come down to the General Orders of the Day.

President H. Guerrero: Okay, can I ask you to withdraw your motion at this stage? Because by adopting this, we are already adopting the attachments, so why go to the General Orders of the Day.

Chairman DL. Guerrero: To move to the General Orders of the Day, Mr. President, is to discuss the pertinent resolution and the resolution itself has to be read in its entirety.

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President H. Guerrero: Okay, I guess we are still in order.

Secretary Nabors: Motion to end debate.

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

The motion to adopt Committee Report No. 14 was carried by voice vote.

President H. Guerrero: Committee Report No. 14 is adopted. Any other committee reports? Chairman Manglona?

Chairman Manglona: Mr. President, the Committee on Local Government has nothing to report this morning. Thank you.

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

INTRODUCTION OF PROPOSALS AND REFERRALS

President H. Guerrero: Chairman Manglona?

Chairman Manglona: I have two proposals this morning, Mr. President. One is a proposal "to prepare a constitutional provision that does the following: Requires that Boards and Commissions shall consider all recommendations made by the Executive Director relating to any case or issue. A recommendation shall be rejected only for good cause." Another is "to amend Section 2(a) of Article VI relating to the qualification of Mayor." Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I have two proposals to submit this morning. First, a proposal "to amend a new Article to the Constitution of the Commonwealth of the Northern Mariana Islands to establish a national identity for the people of the Northern Marianas descent, as a citizen of the Northern Mariana Islands, until such time they declared or acquired U.S. citizenship." Second is a proposal "to amend a new Article to the Constitution of the Northern Mariana Islands to renegotiate the Covenant to place the control of foreign affairs under the Government of the Northern Mariana Islands until such time the people of the Northern Mariana Islands become United States citizens."

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. I have one proposal to introduce this morning, a proposal "regarding mutual federal consultation on matters involving the Commonwealth of the Northern Mariana Islands.

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

Delegate Villanueva: Mr. President, I have a proposal here "to prohibit additional tax on the humble and beautiful people of the Northern Mariana Islands during the guaranteed Covenant funding." Thank you.

President H. Guerrero: Delegate Mafnas?

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Delegate Mafnas: I have two proposals here.

President H. Guerrero: Can you read the titles at least?

Delegate Mafnas: "To amend Section 3 of Article VII of the CNMI Constitution," and "to amend Article VIII by adding a new section to the Northern Marianas Constitution."

President H. Guerrero: Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. I have a proposal to introduce that would prohibit the over expenditure, over obligation for any officer, appointed or elected, to exceed the approved budgets and to provide a jail term in case of violation. Another proposal, Mr. President, is to provide for an Ombudsman for the Commonwealth of the Northern Mariana Islands. Third proposal is to require the popular election of board members of the Mariana Islands Ports Authority, Economic Development Authority, Mariana Islands Housing Authority, Board of Regents, Board of Education, MPLC and the Marianas Public Land Trust. And finally, Mr. President, a proposal "to amend Section 1, Article VII regarding eligibility to vote in the Commonwealth of the Northern Mariana Islands." Thank you.

President H. Guerrero: Thank you, Secretary Nabors. Any other proposals? Delegate Pangelinan?

Delegate Pangelinan: I have one proposal regarding Section 2 of Article V relative to the employment of nonresident workers.

President H. Guerrero: So we're in line with Guideline No. 6. Can I ask the chairman of each substantive committee, on introduction, read the committee's recommendation and consider it as first reading? Chairman Lizama?

Floor Leader Lizama: Mr. President, Committee Report No. 9....

President H. Guerrero: Committee recommendation.

Floor Leader Lizama: I mean, the committee's recommendation in reference to No. 9 deals with Delegate Proposal No. 52. Basically, the proposal calls for an amendment to Article II, Section 7(a). There is a technical amendment that is being offered and the amendment being that a word or the words -- I'm sorry, I take that back. The word "part" in the last sentence of that section, and if I may read that last sentence, "The Governor may veto an item, section or part..." And the recommendation is to add the word "part" in an appropriation bill and sign the remainder of the bill. The committee recommendation relates to Article II, Section 11. It is an amendment providing for an addendum, in essence, and I'll read the addendum. After the last sentence, to be added, "No member of the Legislature, during the term for which he is elected, shall be appointed or elected to any public office in the Commonwealth, which shall have been created during the term for which he was elected." Committee Recommendation No. 11 involves Article II, Section 15. I believe there is a typographical error involved in the recommendation but I should just mention that the amendment calls for the addition of a word "private" in the Article II, Section 15. So the amendment will be to add

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the word "private" in the first sentence and it would read as follows: "A member of the Legislature who has a financial personal or private interest...", and the addendum will be to include the word "private" in a bill before the Legislature shall disclose that interest and shall not vote thereon. "Shall not vote thereon" is an addendum to the first sentence. Committee Recommendation No. 12 deals on the subject of Article III, Section 18, relative to the Executive Assistant for Carolinian Affairs. And basically an addendum also is provided under Article III, Section 18, a new subsection (g) will be provided for, and the subsection (g) recommended to be included under Article III, Section 18, would be as follows: "The annual salary of the Executive Assistant for Carolinian Affairs shall not be less than the salary of any principal director." I will repeat that, Mr. President, "shall not be less than the salary of any principal department director." That is the recommendation of the Committee on Governmental Institutions.

Secretary Nabors: Mr. President, I am confused.

Floor Leader Lizama: I think some of you may be confused because what we actually did here was that we considered Proposal No. 88 but we amended the proposal to read in the language that I just stated. And I think, Mr. President, that the committee report will be further clarified, and the Committee on Governmental Institutions can do that at a later date.

Secretary Nabors: I don't know if I'm in order or not....

President H. Guerrero: Are you asking for a point of clarification?

Secretary Nabors: I think so.

President H. Guerrero: What are you going to ask about if you don't know?

Secretary Nabors: Would I suppose to copy it down what you are reading?

Floor Leader Lizama: No.

President H. Guerrero: Chairman Guerrero?

Chairman Guerrero: Mr. President, I think it's only appropriate since we are dealing with first reading of committee recommendation on any delegate proposal that any changes be accommodated in writing, otherwise we are deliberating ourselves and we are debating on oral deletion and insertion on his recommendation. So I suggest that we should wait for any debate on this particular report or recommendation from the committee, otherwise it will confuse all the delegates.

President H. Guerrero: You have a good point, Chairman Guerrero, it's confusing. Can this report be cleaned up?

Floor Leader Lizama: Mr. President, the recommendation is already in writing and I'm just reading what the recommendation is, and the proper language will be further clarified later, if necessary.

President H. Guerrero: Just for the information of Chairman Lizama, before I put this in the General Orders of the Day, I would like to see it clarified first. Can I call on Chairman King?

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Chairman King: Thank you, Mr. President. The Committee Recommendation No. 7 from the Committee on Personal Rights and Natural Resources with respect to Delegate Proposal No. 76-85, relative to XVIII, Section 2(a), the committee made a very small change here by deleting "seven" and replacing it with "ten" years. And after "date of", we add "amendments proposed by the 1985". After the "Constitutional", we add "Convention".

Secretary Nabors: Mr. President, point of order.

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

Secretary Nabors: I'm sorry, I must interrupt my colleague. I don't see anything under Item (L) concerning 7 or 8. And if there are changes, please put them in writing.

Chairman King: Committee Recommendation No. 7, Mr. President.

President H. Guerrero: He is just introducing it. Why don't you just read the title for introduction purposes.

Secretary Nabors: We are under General Orders of the Day.

President H. Guerrero: We are not on General Orders of the Day. We are still under (G), Introduction of Proposals, and I asked the chairmen of the substantive committees to read the committee recommendations, as first reading, before we put them under the General Orders of the Day. Does that clarify the matters? That was the suggestion of Chairman Guerrero that we introduce the proposals....

Delegate Ogumoro: I have a suggestion, Mr. President. Can I be recognized?

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: I share the concern of Delegate Nabors. If we intend to first read this under that particular item, we should have reflected it when the Order of Business was passed out because it's getting very confusing. So for our next session, Mr. President, I would like that the respective chairperson of our substantive committees make it a point or try to work it out with you in such a way that those proposals which are to be first read on that very same day that they are reporting on should be indicated under the appropriate item to avoid confusion.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. To clarify some of the confusions, I hope that the respective chairmen when it comes to introduction, to just say that he would like to introduce the following committee recommendations and just read their titles. This is why we are confused because we are already reading the whole context of the committee's recommendation. So I hope this clarifies this matter that when it comes to introduction, please just state that the following is committee's recommendation to be introduced, because everybody is so confused. I, myself, in the first time, was so confused also because we are already debating on the recommendations of the committee. So I hope that this clarifies that this is just only an introduction, and please just introduce it by its title.

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President H. Guerrero: The chairmen of all the substantive committees, please refrain from reading the context and just read the title.

Chairman King: Mr. President, shall I continue if I am in order?

President H. Guerrero: Yes, you are. Go ahead.

Chairman King: Okay. Committee Recommendation No. 8 with respect to Delegate Proposal No. 36-85, relative to a new Section 11 under Article I.

President H. Guerrero: Thank you, Chairman King. In front of you, you have the referral sheet for proposals that were submitted yesterday, starting with Delegate Proposal Nos. 214 to 219. There is no first and final readings of proposals.

(See attached Referral Sheet for Delegate Proposal Nos. 214-85 to 219-85.)

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTION AND REFERRALS

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

Committee Recommendation No. 6, regarding Delegate Proposal No. 56-85.

Committee Recommendation No. 14, regarding Resolution No. 3-85.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move that we resolve into a Committee of the Whole to deal with Committee Recommendation Nos. 6 and 14.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to resolve into a Committee as a Whole. Discussions?

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There being no discussion, the motion to resolve into a Committee of the Whole was carried by voice vote.

The Convention recessed to resolve into a Committee of the Whole at 11:00 a.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 12:32 p.m.

President H. Guerrero: The session is now back to order. I call on Delegate Torres to report on the deliberation of the Committee of the Whole.

Delegate Torres: Mr. President, the Committee of the Whole deliberated on two committee reports, Committee Report No. 6 and Committee Report No. 14. Committee Report No. 6 relative to Delegate Proposal No. 56-85, the Committee of the Whole adopted a motion to defer action on Proposal 56-85 to the Committee on Governmental Institutions so that the proposal can be jointly considered with Delegate Proposal No. 3-85. On Committee Report No. 14, reporting on Resolution 3-85, as amended, the Committee of the Whole moved not to adopt that particular resolution. Thank you, Mr. President.

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

Delegate Villagomez: I move that the Convention adopts the report of the Committee of the Whole.

Chairman King seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the report of the Committee of the Whole. Discussions? Chairman King?

Chairman King: I just want to get a point of clarification concerning the Committee Recommendation No. 6. According to my understanding, this Committee Recommendation No. 6 should be referred to the Committee on Personal Rights and Natural Resources instead of Governmental Institutions.

President H. Guerrero: I believe the motion was to defer until such time that the Committee on Governmental Institutions has had deliberation or hear public hearings on Proposal 3-85. So it's just a deferral until such time that that matter would be taken up. Yes, Delegate Villagomez?

Delegate Villagomez: Mr. President, before it is voted on, I'd like to amend my motion that the recommendation to defer Committee Recommendation No. 6 until the Committee on Governmental Institutions hold a public hearing and report its findings to the Committee of the Whole that there will be a time set when they should report and that would be Friday of next week, and that if they don't report by Friday, that the matter be put on the calendar for reconsideration despite the lack of report by the Committee on Governmental Institutions. That's the amendment to my motion.

Chairman King seconded the motion.

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

Delegate Villagomez: No, the motion is to adopt the report of the Committee of the Whole and to amend it so as to add that the report by the Committee on Governmental Institutions with respect to Proposal No. 3-85 be made no later than Friday next week.

President H. Guerrero: Thank you, Delegate Villagomez. Discussions on the motion? Secretary Nabors?

Secretary Nabors: On the amendment, Mr. President; I oppose the amendment for the reason that it's illustrative of what I was just suggesting, i.e., a rush to judgment. I oppose the Committee on Governmental Institutions from holding a public hearing on 3-85 because of a conflict of interest for the chairman who is an employee of the MPLC. And on miscellaneous, I would like to ask the President to reassign that measure to your Committee on Finance and Other Matters being the only committee constituted that does not have an apparent conflict of interest.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, the distinguished members, including myself, of your Committee on Governmental Institutions are insulted by the statement of Delegate Nabors. We have yet to experience conflict of interest when public hearings or on public hearings that had already been conducted. I would like the record to show that Proposal No. 3-85 was introduced by Delegate Nabors and I would consider that a conflict of interest because directly or indirectly he has a conflict with Marianas Public Land Corporations. Thank you.

President H. Guerrero: Chairman Lizama?

Floor Leader Lizama: Mr. President, I don't think it's necessary to refer the Proposal 3-85 to the Committee on Finance simply because I don't think that I am not cognizant of the ethical rules that I have to apply to myself, and I don't think that anybody from this Convention could make a judgment and talk about making a judgment. I don't think there's a conflict unless the person who has a problem of conflict creates a conflict for himself. Thank you, Mr. President.

President H. Guerrero: Just for a point of information also. The chairman can always designate other than himself to chair the public hearing. Delegate Pangelinan?

Delegate Pangelinan: I move for the previous question.

Delegate Villagomez seconded the motion.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, the motion is in reference to the motion made by Delegate Villagomez and the motion is to adopt the report of the Committee of the Whole with the amendment as provided by Delegate Villagomez who suggested that the Committee on Governmental Institutions will come forward by next week Friday, no later than next week Friday, a report on Proposal 3-85. Thank you.

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Delegate Villagomez: Let's vote.

The motion for the previous question was carried by voice vote. Secretary Nabors voted no.

President H. Guerrero: We'll go to the previous question. Those is favor....

Delegate Villagomez: That's incorrect. We voted on the previous question, now we should vote on the main motion.

President H. Guerrero: That's what I was trying to do. You were trying to confuse the Chair.

Delegate Villagomez: Go ahead.

The motion to adopt the Committee of the Whole's report, as amended by Delegate Villagomez, was carried by voice vote. Secretary Nabors voted no.

President H. Guerrero: We are now under Miscellaneous Business. Delegate Nabors?

MISCELLANEOUS BUSINESS

Secretary Nabors: Thank you, Mr. President. I believe that it's going to be necessary for us to reach an understanding on these committee recommendations. I would like to -- my confusion rather is centered on the fact that I'm asked to make an expression on an amendment to a subsection which inferentially commits me to later vote for the proposal. I think I'll be pretty stupid to vote to amend, to accept that proposed amendment and then turn around and vote against the proposal. If there is a proposed amendment to a proposal, it seems to me it would be a lot more logical to incorporate your amendment into the proposal and report it as a committee recommendation so we vote it up or down. And I do feel also that the committee recommendations ought to be more explicit. Thank you.

President R. Guerrero: Thank you, Secretary Nabors. Chairman King?

Chairman King: Thank you, Mr. President. I just like to say a few words in regard to the Committee Recommendation No. 6 that has been referred to the Governmental Institutions Committee relative to Proposal No. 3-85. Mr. President, the Committee Recommendation No. 6 is just a section to amend, to add the following language that "the director may not hold a full-time pay position in the corporation." This amendment does not limit or delete Proposal No. 3-85. This is just a section proposed amendment or an addendum to Section 4(c). This does not also limit the committee not to act further more on Proposal 55-85. As we mentioned before that Proposal No. 3-85 and Proposal No. 56-85 are still under consideration or review of the committee. I think that the committee has the prerogative to come out with another recommendation on the same proposal....

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

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

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Floor Leader Lizama: There has been an adoption to refer the Committee Recommendation No. 6 until such time that the Committee on Governmental Institution will provide its own recommendation with respect to Proposal No. 3. I believe there seems to be a misunderstanding on the essence of adopting, at this time, Committee Report No. 6 for the reason that if we adopt Committee Report No. 6 at this time, in essence, we are totally eliminating Proposal No. 3 or discarding Proposal No. 3 and I don't think that the Convention can do that at this time.

Chairman King: Mr. President, I disagree.

Chairman DL. Guerrero: Point of information.

President H. Guerrero: State your point of information, Chairman Guerrero.

Chairman DL. Guerrero: Mr. President, I think under Miscellaneous Business, and I hope that this would not invite any debate again because of the issue that we have disposed of, and I agree with the Floor Leader that let's try to be in the order of our concern. If we raise that on the Miscellaneous, it will invite another debate and Miscellaneous prohibits actually the debates.

President H. Guerrero: Your point is well taken.

Chairman King: Can I continue, Mr. President?

President H. Guerrero: Continue, Chairman King.

Chairman King: So I hope that my colleague, Bill Nabors, should understand me that this recommendation has been presented prior to its adoption on first reading so I believe that you should have a chance to talk to me in regards to the issue. And therefore, I am very sad that he thought that this might eliminate his Proposal No. 3-85. So just for the curiosity of the committee that we are still under further review or discussion on your proposal. And if you feel that way, then you push us to file, perhaps, your proposal. So I hope that, you know, to have a very good working relationship in terms of colleagues, then we should have a prior discussion instead of having big arguments or disputes on the floor. Thank you, Mr. President.

President H. Guerrero: Just a point of information, Chairman King. According to Public Law 4-30, it states that "the Convention may not adopt more than one proposed amendment embracing or affecting the same section, subsection, or article of the Constitution or the same subject matter." Floor Leader Lizama?

Floor Leader Lizama: Mr. President, if there is no further miscellaneous business, I move that we go down to the announcements.

President H. Guerrero: Secretary Nabors?

Secretary Nabors: I realize that the amendment to the motion of the Committee of the Whole has adopted. I want to point out that in addition to 3-85, we have 156-85, introduced by our distinguished Floor Leader; we have 153, introduced by our distinguished Floor Leader, all concerning

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MPLC. So if we are going to put a limitation of next Friday, then I would respectfully suggest and urge any committees to which MPLC matters have been referred to try and report them all by next Friday and let's dispose of them. Thank you, Mr. President.

President H. Guerrero: Thank you, Secretary Nabors, and I'm sure that the chairman of that appropriate committee will handle it as soon as possible. Delegate Igitol?

Delegate Igitol: Before we move to announcements, I would like to request the Chair.... During the previous public hearings, there seems to be a lack of delivery of public notices to the affected witnesses. During the past public hearings I was sitting in, in fact I was sitting in one yesterday and to my surprise, a lot of the witnesses claimed that they just received the public announcement one hour, two hours, or three hours prior to the public hearing although the public notices were sent out two or three days previously. I suggest and strongly suggest to the Chair to rectify this problem because the issue that we issued for public hearings is very vital for information of the committees. And with that information given by the witness or witnesses gives us the proper idea of what to do with the proposals that we placed on the public hearings. Most of the witnesses don't have boxes down at the Administration Office in the Governor's Office. I suggest that other means of delivery should be instituted, like personal delivery to their offices. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Igitol, your point is well taken and it's a very good suggestion that those people, the witnesses need to be given the public hearing notice in person rather than sending it to the Governor's Office in view of some of the notices of the hearing that, you know, there's no ample time for them to response or even comment on. Delegate Villanueva?

Delegate Villanueva: Mr. President, this morning I introduced a proposal to prohibit imposition of additional tax to the beautiful people of the Northern Marianas. Mr. President, I want to emphasize that we are becoming a family of the Americans. Most Americans, except those who are not paying taxes, are complaining about all kinds of taxes that are being imposed to them by the Federal States, local and other government agencies. I hope, Mr. President, that the delegates in this Convention would look at this proposal. And even if they disagree with this proposal, they go back to their islands, to their homes and sleep comfortably. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Villanueva. I would like to set the record straight before we go on to announcements and I have been very quiet but I've heard comments about lack of organization, lack of staff in the secretarial pool. There are lots of comments, criticisms, allegations but I would like to point out that it seems that the members of the Committee on Organizations and Procedures are the biggest abusers of it. It's impossible. You keep saying, we don't have enough staff. I can assure you that during the first Con-Con, they have less staff, they have more members and they accomplished their work. You people expect miracles. I suggest you get down on your knees and start praying. You expect too much when you are the biggest abusers of it. The Secretary or the Steno Pool Supervisor asked me to relay the same thing. She wrote,

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"Mr. President and members, as much as we would like to make our work 'error-free', often times we find ourselves in the Steno Pool loaded with last minute requests coupled with requestors just swarming into the Steno Pool Office pulling papers or documents from tables or boxes that we have made available for distribution. Often times, I tried to make the role of the Steno Pool clear; however, such position or requests made from my office, of which I am responsible to supervise, are ignored because as some have advised us, 'we are here to serve at the pleasure of the delegates.' Although we are aware of such statement, we cannot serve each and every Delegate to the maximum extent possible unless the work flow is coordinated and adhered to as I have often requested of many of you to follow. Henceforth, beginning today, all requests coming to the Steno Pool should be directed to me personally and I will distribute and delegate the work among my staff. Requests that need to go into the next day's session must be delivered to me before 4:30 p.m., the day before. All requests received after the deadline will be calendared the day after. I also strongly recommend that committee chairmen work closely with their committee assistants and coordinate what they want to be calendared for the session. The committee assistants will then work with the Steno Pool Supervisor to accommodate the committee's requests. If all concern adhere to the Steno Pool's request, I am sure that all will be happy and the Convention will be productive and fruitful, thus meeting the expectations of our people that we all here at the Convention represent -- delegates as well as the staff." And I urge that every Delegate at least respect those people. And before you start making allegations, accusations and so forth, it seems like we discussed under the Committee on Organization and Procedures of a lot of things and yet when we come to the Convention Floor we all go our separate way. And what's the point of this committee meeting. It's best if the committee feels or the delegates feel that probably the Chair should just take the initiative and not listen to anyone else. If that's the prerogative of the committee, then I strongly will take the lead. But they are going crazy at times because they submit things to be typed the last minute. And I have specifically mentioned to the Steno Pool that if they don't get there in time, forget it; it will be covered during the next day. It's just as simple as that. Any other miscellaneous business? Delegate Hafnas?

Delegate Hafnas: Thank you, Mr. President. We have not been meeting on time and I think this relates to your concern because tomorrow's business is not delivered on timely basis to the Secretarial Pool. I heard on the radio that we have been meeting quarter till ten, 9:55 a.m. and so on and so forth. We attempted to extend the time of the Convention while it's not necessary to have a public hearing. I do not know of any public hearing scheduled for today nor tomorrow, except the ones for Rota and Tinian. I asked the members to put aside their prior commitments and concentrate on the business of the Convention so that we will not bring up another request for an extension of time. I am sorry if I implied one way or the other that the Convention is not moving forward under your leadership. If there was such an implication, then I wish the record to show that I never meant it. As I expressed earlier, I am willing to work cooperatively under your leadership and I would like to see that this Convention, under your leadership, delivers the expectation of our people, and I thank you.

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

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Delegate Torres: Thank you, Mr. President. In line with Delegate Igitol, relative to notices of public hearings. I would like to recommend to the Chair as well as the chairpersons for the four substantive committees that they make an effort to specifically and clearly describe the nature or intention of each delegate proposal schedule for public hearings and not simply transfer verbatim from the referral sheets to the notice of public hearings the same information because the delegates may know what those proposals are but, perhaps we should ask ourselves whether the public knows the intent or the nature of the delegate proposals. Sometimes, even myself, I just cannot understand the intent or the nature of the topic of the delegate proposal. A case in point is Delegate Proposal 142-85. No specific mention to any specific article or section in the Constitution. That is perhaps an isolated case. The point remain, however, that the public, if we want active participation from the public, each chairperson should make it a point to perhaps at the minimum provide a synopsis of each delegate proposal scheduled for public hearings. Thank you.

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

Delegate Igitol: Mr. President, one last comment relative to Delegate Mafnas' concern about public hearings. Three days ago, there was a public hearing passed to every delegate that the Finance and Other Matters Committee is having public hearings yesterday, today and Monday. And further, Mr. President, to abide with Public Law 4-30 since we have voted out the Resolution 3-35, I suggest that every committee or every delegate should come out and work even nighttime since I am prepared. Since the first day of this Convention, I was prepared to work even nighttime. And I have signed a contract with my family, my wife, so I can come to work in the morning all the way to midnight, if possible. Thank you, Mr. President.

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

Floor Leader Lizama: Mr. President, if there's no further miscellaneous business, may I ask that we go down to the announcements.

President H. Guerrero: I would like to recognize first Delegate Villanueva.

Delegate Villanueva: Mr. President, I'd like to suggest that the Committee on Organization and Procedures look into the possibility of the Convention celebrating the liberation of the people of the Northern Marianas. Thank you.

President H. Guerrero: If there's no miscellaneous business, we'll move on to announcements. Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. The Committee on Finance and Other Matters will continue its public hearing at three this afternoon and it will be down at the Senate Chamber as we had conducted the public hearing yesterday.

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

Chairman Lizama: Mr. President, the Committee on Governmental Institutions would like to meet with the members at 2:30 p.m. here.

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President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President. The Committee on Personal Rights and Natural Resources will be going to Tinian and Rota today to conduct public hearings. I hope that this will satisfy my colleague, Bill Nabors.

President H. Guerrero: Any more announcements? Delegate Torres?

Delegate Torres: With all due respect to my chairman, the Committee on Local Government will have a public hearing on Rota today, this afternoon, and the committee members will be departing at about three o'clock and I don't know whether I'll be out of order if I make a request for the Convention to convene perhaps at a later time tomorrow so we wouldn't miss it.

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

Floor Leader Lizama: Not announcement, Mr. President, but I would like to, if there is no further announcement, make a motion that we adjourn until Monday at nine o'clock in the morning.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adjourn until Monday morning at nine o'clock. Discussions? Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. I'm aware that there will be several committee reports to be offered and considered and I think we should move on and start having meetings everyday. Just today, I think I signed six separate committee reports and I think we should go and start working on those reports because there will be a lot more coming up after the public hearings. Therefore, I propose that we instead have a meeting tomorrow and see what we can eliminate.

President H. Guerrero: Can I just get a clarification? Delegate Villagomez, are you saying we are going to have plenary session or committee meetings?

Delegate Villagomez: Yeah, a Convention.

President H. Guerrero: Delegate Inos?

Delegate Inos: I support the remarks made by Delegate Villagomez and I have not forgotten that you've calendared for tomorrow to discuss in the Committee of the Whole certain committee recommendations and proposals.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: At this point, I would like to request Floor Leader Lizama to withdraw his motion and amend it, either withdraw or amend his motion that we meet tomorrow at 9:00 a.m.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: No, Mr. President. I think it's very important.

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Floor Leader Lizama: No, Mr. President. I think it's very important. While we realize the importance of having committee reports submitted as quickly as possible, I think we have to recognize the fact, too, that we have to digest each committee report so that when we come over here we'll be more organized in discussing the issues that are presented by the committee reports. We realize that problem and I think that we have to be given time as well also to digest on those committee reports and I think the proper time to meet and discuss the committee reports will be Monday.

President H. Guerrero: Delegate Limes?

Delegate Limes: Mr. President, I notice that the ticket that has been issued to each member -- I'm sorry, Mr. President -- that we will leave for Rota tomorrow at 7:00 p.m., I think, and all the members of the Local Government and Governmental Institutions will be absent if you are going to have a plenary session tomorrow, Mr. President.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I realize that the motion to recess is not debatable and recently we are in full-fledged debate. But I just want to advise my colleagues that we have scheduled a public hearing on Rota tomorrow....

President H. Guerrero: Point of information. The motion to adjourn is debatable; the motion to recess is not debatable.

Secretary Nabors: Now, I want to bring up that Delegate Villagomez made a recommendation that the first Con-Con when they recessed they set aside all their business until they complete the public hearings and whether or not we ought to consider that suggestion, or what are we going to do. I am not going to leave today at three o'clock if we are going to have a session tomorrow.

Floor Leader Lizama: I move for the previous question, Mr. President.

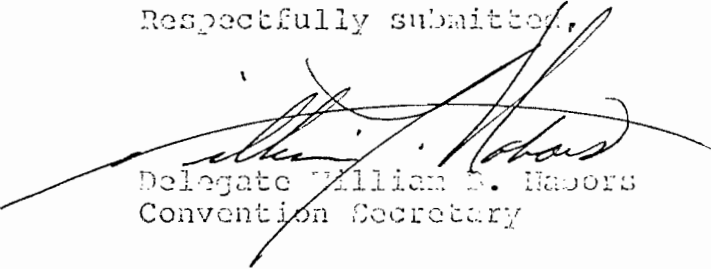
Delegate Villagomez seconded the motion.

There being no objection, the motion was carried by voice vote.

As a result of the voice vote, President Guerrero requested for a show of hand vote, and the motion to adjourn and reconvene on Monday at 9:00 a.m. was carried by six against and ten for the motion.

The Convention adjourned at 1:11 p.m.

Respectfully submitted,



Delegate William S. Nabors
Convention Secretary