

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

FOURTEENTH DAY

Monday, July 1, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:12 a.m., Monday, July 1, 1985, at the Convention Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

* The Honorable Herman T. Guerrero, President, presided.

President H. Guerrero Let's have a moment of prayer of meditation and also a moment of silence for the death of President Haruo Remeliik of Palau.

A moment of silent prayer or meditation was observed.

The Convention Secretary called the roll, and 20 delegates were present. Delegates Igitol, Lizama, Villagomez and Villanueva were absent.

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

President H. Guerrero: We have a quorum and we're ready to conduct the Order of Business for today. Before I go on calling anyone, first, I've designated Secretary Nabors to be the Acting Floor Leader in the absence of our Floor Leader, Juan Lizama. I call on Delegate Calvo.

Delegate Calvo: Mr. President, I move that those delegates who are not present this morning be excused.

Acting Floor Leader Nabors: No objection.

Chairman DL. Guerrero: No objection.

President H. Guerrero: There's no objection, so ordered. Acting Floor Leader Nabors?

ADOPTION OF JOURNALS

Acting Floor Leader Nabors: I move that we skip Item (D) of our Order of Business, the journals are being readied and will be, perhaps, ready for distribution before the session closes.

Delegate Calvo: No objection.

President H. Guerrero: If there is no objection, so ordered.

COMMUNICATIONS

President H. Guerrero: The Chair has not received any communication. Any communications from the floor? If none, we will go on to Reports of the Committees. Chairman King?

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COMMITTEE REPORTS/RECOMMENDATIONS

Chairman King: The Committee on Personal Rights and Natural Resources has nothing to report at this time.

President H. Guerrero: Chairman Manglona?

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

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters during the last few days, Mr. President, has been extensively conducting public hearings as well as deliberations within the committee itself and the disposition or status report from the committee itself will be passed out this morning for the benefit of all the delegates of this Convention. Now the proposed language or amendment from the committee will be forthcoming after it is typed hopefully within the next two days, Mr. President.

President H. Guerrero: Thank you, Chairman Guerrero. I call on Vice Chairman Mafnas.

Vice Chairman Mafnas: Thank you, Mr. President. Your Committee on Governmental Institutions has been working very, very hard; however, it has not finalized its reports, therefore there's no report this morning.

President H. Guerrero: Thank you, Vice Chairman Mafnas. If there are no more reports, Introduction of Proposals. Any proposals to be introduced today? Delegate Limes?

INTRODUCTION AND FIRST READING OF PROPOSALS

Delegate Limes: I have two proposals to introduce this morning, authored by six of us, a proposal "to amend the Constitution of the Northern Mariana Islands to require that elected public officials be able to communicate in two of the three major languages spoken in the Northern Mariana Islands.", and a proposal "to amend Section 1 of Article XII of the Constitution of the Northern Mariana Islands to allow veterans of the armed services to avail themselves of veterans benefits."

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

Secretary Nabors: Thank you, Mr. President. I have a proposal that would require the salaries of employees of atonomous and semi-atonomous agencies to be commensurate with similar positions in the Civil Service. I have another proposal that would require that resident auditors be assigned on a full-time basis to Tinian and Rota, and a proposal that would provide that each house of the Legislature shall be the final judge of the election and qualifications of its members and vested with the jurisdiction to determine the contest of the elections of any member to the Legislature. Thank you, Mr. President.

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

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Delegate Kaipat: Thank you, Mr. President. I have two proposals to submit this morning. First, a proposal "to amend Section 1 of Article VI of the Constitution of the Northern Mariana Islands relevant to Local Government, to read as follows: Organization and function in each of the senatorial district shall be done according to the unique and needs of the respective islands or group of islands and that the agencies shall be established accordingly." Second, a proposal "to amend Section 3(d) of Article VI of the Constitution of the Northern Mariana Islands relevant to annual budget submission and power of mayors to recommend amendments to the Commonwealth Budget."

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

Delegate Mafnas: Thank you, Mr. President. I have a proposal to offer this morning relative to amending Article II of the Northern Marianas Constitution by adding a new section relating to establishing a Legislative Bureau. This is in connection with the legislative reform. Thank you.

President H. Guerrero: Thank you, Delegate Mafnas. Any more proposals to be introduced? If none, I call on Chairman King to introduce Committee Recommendation Nos. 7 and 8 -- excuse me, Chairman King, I believe we did that last Saturday. My apology. In front of you, you have Delegate Proposal Nos. 220 up to 231 have been referred to various substantive committees.

(See attached Referral Sheet on Delegate Proposal Nos. 220-85 to 231-85.)

SECOND AND FINAL READING OF PROPOSALS

None

President H. Guerrero: There is no second and final reading of proposals at this time. Just a correction in the Order of Business, we forgot to include the Introduction of Resolutions and Referrals. It should come right after the Second and Final Reading of Proposals. Acting Floor Leader Nabors?

INTRODUCTION OF RESOLUTIONS AND REFERRALS

Acting Floor Leader Nabors: Mr. President, I have one resolution to offer on behalf of the Second Constitutional Convention, all delegates acting as a Committee of the Whole; I ask permission, if there's no objection, to introduce a resolution expressing condolences and deep sorrow to the people of Palau and the family of the Honorable Haruo Remeliik for his untimely death.

Delegate Calvo: No objection.

Delegate Mendiola: No objection.

Chairman DL. Guerrero: No objection.

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President H. Guerrero: Thank you, Delegate Nabors. We will go on to Unfinished Business. We don't have any Special Orders of the Day, so we'll move on to the General Orders of the Day. Acting Floor Leader Nabors?

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

Committee Recommendation No. 7, regarding Delegate Proposal No. 76-85, Committee Draft 1, as amended by the Committee on Personal Rights and Natural Resources 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, regarding 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 on Finance and Other Matters.

Acting Floor Leader Nabors: Mr. President, for consideration of Committee Recommendation No. 7, amending Section 2(a) of Article XVIII of the Constitution.

President H. Guerrero: I need a motion to resolve into a Committee of the Whole.

Acting Floor Leader Nabors: I move that we resolve into a Committee of the Whole, Mr. President.

Chairman King seconded the motion.

President H. Guerrero: It has been moved and seconded to resolve into a Committee of the Whole to consider Committee Recommendations No. 7 and No. 8. Discussions?

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

The Convention resolved into a Committee of the Whole at 9:25 a.m.

COMMITTEE OF THE WHOLE

(During the Committee of the Whole, Delegates Igitol, Villagomez and Villanueva took their seats.)

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The Convention reconvened its plenary session at 11:43 a.m.

President H. Guerrero: The session is now reconvened. I call on Chairman Guerrero.

Chairman DL. Guerrero: Mr. President, the Committee of the Whole happily disposed of two assignments. The first one is Committee Recommendation No. 7 and majority members of the Committee of the Whole overwhelmingly adopted it. The Committee Recommendation No. 8 was, by majority, recommitted it back to the committee for further action and recommendation to the Committee of the Whole. So this is the report from the Committee of the Whole, Mr. President.

President H. Guerrero: Thank you, Chairman Guerrero. Acting Floor Leader Nabors?

Acting Floor Leader Nabors: Mr. President, I move that we accept the report of the Committee of the Whole.

Delegate Mendiola seconded the motion.

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

Chairman DL. Guerrero: Clarification, Mr. President. I believe the Committee of the Whole adopted it and I also would like to incorporate into the motion made by our Floor Leader as its first reading.

Acting Floor Leader Nabors: No objection.

President H. Guerrero: There's no objection. Those in favor of adopting the report of the Committee of the Whole for Committee Recommendation No. 8 and also to consider Committee Recommendation No. 7 as first reading, please designate it by saying "aye"....

Delegate Villagomez: Point of order.

President H. Guerrero: State your point.

Delegate Villagomez: Are we given the opportunity to discuss the motion?

President H. Guerrero: I did, but nobody raise their hands.

Delegate Villagomez: I did not hear that we were permitted to discuss it.

President H. Guerrero: Go ahead, Delegate Villagomez.

Delegate Villagomez: Thank you. I would like to ask my colleagues to reconsider the second portion of the report which is to refer back to the committee the Recommendation No. 8, and I move to amend the motion to adopt the first portion of the motion which is to adopt the Committee Recommendation No. 7. But with respect to recommitting of the Recommendation No. 8, I move that that portion not be included in the adoption of the Committee of the Whole's report.

Chairman DL. Guerrero: Clarification, Mr. President.

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President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Is Delegate Villagomez saying that if Recommendation No. 8 from the respective committee is not adopted by this Convention to recommit it back to the committee? Is that correct?

Delegate Villagomez: Basically, that is correct, but the correct way to state it is, the motion to adopt the decision of the Committee of the Whole to recommit Recommendation No. 8 be amended so that the motion will state that the recommendation of the Committee of the Whole to recommit Recommendation No. 8 not be adopted and that Recommendation No. 8 not be recommitted to the Standing Committee on Personal Rights and Natural Resources.

Chairman DL. Guerrero: Mr. President, is that the amended motion to be? Is that correct, Delegate Villagomez?

Delegate Villagomez: I am making a motion to amend the motion to adopt the report from the Committee of the Whole.

President H. Guerrero: Is there a second?

Chairman King seconded the motion.

President H. Guerrero: It has been moved and seconded not to adopt Committee Recommendation No. 8 by the Committee of the Whole. Discussions? Delegate Hafnas?

Delegate Hafnas: Mr. President, that's a parliamentary maneuver.

Delegate Villagomez: That's correct.

Delegate Hafnas: I believe at this point in time I am not in a position to take action on Committee Recommendation No. 8. While I raised valid arguments, I still see the need to perhaps recommit it to your Committee on Personal Rights and Natural Resources. I think the issue is important, and if Committee Recommendation No. 8 is placed for action or adoption by the Convention, I'm afraid it's going to die. Perhaps the Committee on Personal Rights and Natural Resources, if it's within its authority, can either table or file this and not report it to the Convention at all. If the findings of the committee dictate that this proposal is not or should not be in the Constitution, then they don't have to report it. So to give a chance to the dying proposal, I ask the members to vote against the motion. Thank you.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. I believe that this particular committee report be given a consideration or reconsideration to have an opportunity to conduct a public hearing on a similar delegate proposal that is yet still pending before the committee. I believe we should try to consolidate and compile and as much as possible the similar issues and be given the opportunity to report back to the Convention. And for that reason, I am also in opposition to defeat this particular issue that is being addressed by the Committee of the Whole, Mr. President. Thank you.

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President H. Guerrero: Thank you, Chairman Guerrero. Any more discussions? Mr. Secretary, can you restate the motion?

Acting Floor Leader Nabors: Thank you, Mr. President. The amendment is accepting the report of the Committee of the Whole which recommends action on both Committee Recommendations 7 and 8. If you vote "yes" on this motion then we will not accept Recommendation No. 8. If you vote "no" on this amendment then we proceed to vote to accept the report of the Committee of the Whole.

President H. Guerrero: Is that clear?

Delegate Villagomez: No. Not only that it's not clear, it's wrong.

President H. Guerrero: Can you restate your motion, Delegate Villagomez?

Delegate Villagomez: The motion is to amend the report of the Committee of the Whole so that only the first part of it would be accepted that is to adopt Recommendation No. 7 but not to accept the second portion which is the recommitting of Committee Recommendation No. 8 back to the Committee.

Acting Floor Leader Nabors: Then the motion is out of order. My motion was to accept the report of the Committee of the Whole, period.

President H. Guerrero: But he is amending your motion.

Delegate Villagomez: That's correct.

Acting Floor Leader Nabors: That's right, to exclude 8.

President H. Guerrero: That's right. So we're voting on his motion before we address the original motion.

As a result of the unclear voice vote, President Guerrero requested for a raising of hand vote. The motion to amend the Committee of the Whole report to exclude Committee Recommendation No. 8 from being referred back to the Committee on Personal Rights and Natural Resources was defeated by eight for and ten against the motion.

President H. Guerrero: We are back to the original question.

The motion of adopting the Committee of the Whole's recommendation and considering Committee Recommendation No. 7 also as first reading was carried by voice vote.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: May I ask that this be on the first reading so it will be included in the journal?

President H. Guerrero: It's already passed.

Delegate Villagomez: I accept the ruling of the Chair; it's carried.

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President H. Guerrero: Yes, Secretary Nabors?

Acting Floor Leader Nabors: Mr. President, if there is no objection, I ask the unanimous consent to allow the reading and consideration of Resolution No. 5-85, expressing sympathy and condolences to the people and family of former President Haruo Remeliik.

Delegate Villagomez: No objection.

President H. Guerrero: If there is no objection....

Delegate Mafnas: Objection.

President H. Guerrero: Objection?

Delegate Mafnas: Slight. May we be accorded copies of the resolution, Delegate Nabors? Mr. Secretary?

President H. Guerrero: Can you tell the Page-boy to make copies?

Delegate Mafnas: While we wait for the copies, may I ask, Mr. President, that we take strictly 3-minutes recess?

Delegate Villagomez: Excuse me, Mr. President.

President H. Guerrero: Yes.

Delegate Villagomez: I have a special request to make of my colleagues. I've been advised by the Executive Director of the Chamber of Commerce that I may have to conduct the Chamber's General Membership Meeting today at 12:00. I'm prepared to stay here but if it's not that necessary to stay here until after lunch, I would like to move for a recess until 1:30.

Acting Floor Leader Nabors: Objection.

President H. Guerrero: State your objection.

Acting Floor Leader Nabors: For the reason, Mr. President, that we have a scheduled flight to Tinian for a public hearing at noon had been rescheduled for 1:30 p.m..

President H. Guerrero: If there is no objection to recess for 3 minutes, we'll recess for 3 minutes.

The Convention recessed at 11:35 a.m.

RECESS

The Convention reconvened at 12:08 p.m.

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

Acting Floor Leader Nabors: Thank you, Mr. President. Mr. President, preliminarily, while Delegate Guerrero and I had contributions on formulating this measure, I would like the unanimous consent to have this proposed by the Committee of the Whole.

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Delegate Mendiola: No objection.

Acting Floor Leader Nabors: Thank you.

At this point, Secretary Nabors read in its entirety, Resolution No. 5-85, entitled: "A RESOLUTION RELATIVE TO EXTENDING DEEPEST SYMPATHY AND CONDOLENCES OF THE DELEGATES OF THE SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION TO THE FAMILY AND TO THE PEOPLE OF BELAU ON THE UNTIMELY DEATH OF THE ASSASSINATION OF PRESIDENT HARUO REMELIIK."

President H. Guerrero: Discussions? Delegate Mafnas?

Delegate Mafnas: Before I rise in support of the resolution, Mr. President, I think it is appropriate that we substitute the words assassin, bullets, and the word assassinated -- any reference to the word assassin. My reason for asking that we substitute those words is that we really do not know whether the late President was assassinated.

Mr. President, I had the privilege to work with President Remeliik during my tenure in the Trust Territory, I found the late President to be a very strong and consistent leader of Micronesia. One of his work qualities that we do not find among political leaders is that he carries the commitment of doing things that he thought was good for his people and not necessarily what the minority of his people think are good for them. This quality was with President Remeliik. I urge the fellow delegates to support this resolution. It is very untimely that something like this happened in this part of the Pacific while the delegates of the Northern Marianas are deliberating in improving our Constitution. I hope and pray that the late President met his death not from an assassin's bullet or bullets. I further pray that if that was the case, our beloved people and citizens of the Pacific will mark this as the last unfortunate incident. This, Mr. President, perhaps will be reflected in the history of the Pacific, this part, and the people will remember forever and will continue to think and believe that President Remeliik has left us physically but not in spirit.

I have a concern on this second page of the resolution and perhaps we need a clarification. On line 18, it calls for copies to be given to the three delegation chairmen. I don't think this belongs in the resolution, if the authors are referring to the three delegation chairmen of the Constitutional Convention. If it's referring to these three delegation chairmen, then the delegation chairmen's functions ceased when the Convention convened on June 18. Thank you.

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

Delegate Kaipat: Thank you, Mr. President. Mr. President, I would like for the Convention to strike out all the word "Palau" from this document and replace it with "Belau."

President H. Guerrero: Can I just interject, Delegate Kaipat? Instead of just changing it to "Belau," it should read "Republic of Belau." That's the appropriate way.

Delegate Kaipat: Republic of Belau, but the word "Palau" was the old word that was changed by Palau Congress to "Belau." Mr. Nabors was pronouncing

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it right but the word, the spelling is P-a-l-a-u throughout the document. I wonder if we could strike it out and replace the word with "Belau" (B-e-l-a-u) which is the right word used by the Congress of the Belau. Second, Mr. President, the cause of death, there are only four causes of death. It could be homicide, medical, accidental and suicide. Now, in this case, he had three bullets in the head and he is the President, so we usually use the word "murder" for lower people and "assassination" for higher echelon type of people in the government. So I think "assassination" is appropriate, "bullets" is appropriate, because he had three shots in the head. Thank you, Mr. President.

President H. Guerrero: Before I call on the next delegate, the Chair would like to recommend at least wherein lines 2 and 3, strike out the end of the sentence with just "was killed" and delete "by an assassin's bullets". And also every reference to assassination should be changed to "untimely death" rather than "assassination" because assassination has political implications or meanings to it. And I would like also to recommend that we probably strike out lines 12 and 13. Chairman Guerrero?

Chairman DL. Guerrero: Yes, Mr. President, I believe the resolution in itself, of course, is expressing our sympathy and condolences. Everyone has agreed to that; there's no question about it. The resolution in itself may have been on a rush format. I believe since we are introducing this by the Committee of the Whole that prior to its attesting by the members of the Convention Delegates, it's only appropriate that the resolution be referred at once to our Legal Counsel for its final format. This should be done before we sign the document. So without further discussions on this particular resolution, I think that since it is a very sensitive moment when we are discussing this resolution, I think it has to be reproduced or it has to be reviewed for proper language that should be put in. And for this reason, I would like to ask the indulgences of the delegates to move to end the debate on this resolution.

Delegate Torres: Point of information.

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

Delegate Torres: I just would like to know whether this is being offered by Delegate Guerrero and Delegate Nabors only instead of the Convention as a whole.

Chairman DL. Guerrero: Information, Mr. President.

President H. Guerrero: Delegate Guerrero?

Chairman DL. Guerrero: Delegate Nabors did ask for the unanimous consent to introduce the joint resolution, of course, that was prepared between Mr. Nabors and myself to be introduced by the Committee of the Whole in this particular plenary session, Mr. President.

The motion to end the debate was carried by voice vote.

President H. Guerrero: Secretary Nabors, can you restate the main motion, please?

Acting Floor Leader Nabors: Yes; thank you, Mr. President. I move that we adopt Resolution 5-85.

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Delegate Mendiola seconded the motion.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, does that motion include the suggestion by the President to delete lines 12 and 13?

President H. Guerrero: That was a suggestion.

Delegate Mafnas: That was a suggestion?

Acting Floor Leader Nabors: No objection, Mr. President.

Delegate Mafnas: What are you objecting to? No objection to what?

Acting Floor Leader Nabors: To deleting lines 12 and 13.

Delegate Mafnas: I object.

Acting Floor Leader Nabors: Oh, do you? The recommendation made by Delegate Mafnas concerning the delegation chairmen, we do not have any objection to that either. There perhaps could be a good deal of modification on the language and we are content to leave it up to the Legal Counsel to smooth any rough spots that maybe determine needed.

Delegate Mafnas: I would suggest that the language on lines 12 and 13 be modified to reflect the idea, but please don't delete it.

Acting Floor Leader Nabors: Acceptable.

Chairman DL. Guerrero: I move for the previous question, Mr. President.

Delegate Mendiola seconded the motion.

Delegate Reyes: Point of information, Mr. President.

President H. Guerrero: Are you stating a point of information, or a point of order?

Delegate Reyes: I just want to point out, Mr. President, that I don't want to diminish the content of this but I don't know whether I'm being naive to state that on line 13, I don't know whether the late President has, I mean, some other people have died for him, under this line 13 where it says, "and have given their lives". I'm recommending that we retain lines 12 and 13 but delete that "have given their lives" because at this point, I don't know whether he did....

President H. Guerrero: We cannot debate this at this time. Or are you recommending that?

Delegate Reyes: No. I'm asking that this thought be put in that recommendation to change lines 12 and 13.

Delegate Villagomez: Very well taken, Mr. President.

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President H. Guerrero: Well, there is no objection.

The motion to adopt Resolution No. 5-85, as amended, was carried by voice vote.

MISCELLANEOUS BUSINESS

President H. Guerrero: We are now under Miscellaneous Business. Any miscellaneous business? Chairman Manglona?

Chairman Manglona: Mr. President, in the public hearing held on Rota by the Committee on Local Government last Saturday night, the people of Rota spoke out. I would like to share with this Convention the general feeling and sentiment of the people of Rota on the major issues of concern to them, namely the position and the authority of the mayor. The people of Rota emphatically spoke out against the abolishment of the Office of the Mayor. They complaint that the government was being taken away from the people of Rota and felt that the representation in the executive decision-making process was being threatened. The people believe that the Mayor rather than the Governor's representative will ensure the interest of the people of Rota are fully represented in the Executive Branch. The Mayor, they said, will have to answer directly to his people. The position for the Office of the Mayor alone, however, is not sufficient or adequate, everyone at the meeting felt. Authority and responsibility must come with it. The administration of public services on the island should be under the responsibility of the Mayor. There must be a centralized supervision of the delivery of services in the island rather than for each department head reporting directly to the heads of the Executive Branch Department.

Concerns were also raised regarding the Mayor's role on the island's budget submission by the Governor to the Legislature. A more active and concrete participation by the Mayor in the budget submission was demanded.

My fellow delegates, these are some of the major concerns of the people of Rota. I only wish that the whole Convention could have been there for the hearing to hear the concerns of our people.

I fully understand that each of the islands in this Commonwealth has distinct interests and needs. Our job here as delegates in this Convention is to reconcile those competing demands of the separate islands. We all realize this is not an easy task. While realizing the limited population and resources of this Commonwealth, I am begging this Convention to please seriously consider our desire for a meaningful local government in our island.

In amending the Constitution, please help us reflect our island's unique values and goals so that our people also can be proud when they recite the Constitution's Preamble. We would like to be able to say like the rest of the people of this Commonwealth that this Constitution is "the embodiment of our traditions and hopes for our Commonwealth."

Today, the Local Government Committee of this Second Constitutional Convention will be having a public hearing in Tinian. I'm sure that our feelings will be echoed by their people too. Thank you.

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

Delegate Kaipat: Thank you, Mr. President. As one of the visiting committee to Rota the other day, I found out one vital thing, the importance of public hearing especially to those other remote islands like Rota to really hear the feeling and wish of the population rather than just calling in a director or a department head from certain departments or agencies and start asking them questions about certain proposals. It is very important to sit with the people too and listen to them talk. This morning, I submitted a proposal, a complete reorganization of local governmental level, from mayor down to other agencies and their functions and also responsibility that runs between the central government and periphery, such as in Rota, and how the delegation of responsibility will run. So I found out that the people in Rota are very strong and they were very anti-abolishment of mayorship or the resident department heads which is a part of the organization. So I would like to re-emphasize again the importance of meeting with the people not just directors and deputy directors from the departments but the people themselves, the people on the street, the people from other places because sometimes you pick up a very good information from the simple people rather than the directors themselves who are trying to make their boss happy, yet the people behind them may be suffering. Thank you.

President H. Guerrero: Acting Floor Leader Nabors?

Acting Floor Leader Nabors: Thank you, Mr. President. I, too, participated in the hearing on Rota and will participate in the public hearing today in Tinian. I am sorry that I was not able to participate in the public hearing held on Saipan, Saturday, or the one that will be held this afternoon. But I'm a firm believer in public hearings and I don't quite know what we are or where we are going, but I have a status sheet from the Committee on Personal Rights and Natural Resources and noted some eleven measures have been filed. And I'd like to inquire, if I could, because I don't believe any public hearings were held on those various measures. And, Mr. President, I guess I have to reiterate the fact that a delegate who introduces it takes the time to prepare a proposal that represents a concern. And whether it is a legislative matter or not, I think it is a theme line of demarcation. In going through the 50 States Constitutions that are in the President's Office, one can readily see a variety of matters that are contained in the various Constitutions that to me should be legislative matters but to those States were considered as constitutional matters. And I therefore believe that we are privileged to determine for ourselves what matters should or should not be in the Constitution. The concern that I have is that as an introducer of a proposal, not being (1) given the opportunity to appear before the committee to explain it; (2) not being able to appear in a public hearing to judge the sentiment of the public; and (3) not having a committee report to file a measure on which debate can be held. And I would like to emphasize that matters that I introduced at least are not matters that I dreamed up. They are matters that the constituents bring to my attention when we are at the beach, or in the bar, or at the airport, or on the road, or fiesta, or christening, or birthday party, or any other gatherings, and it is, therefore, my responsibility to bring that matter up for serious consideration. Now, I don't know, Mr. President, exactly what we ought to do if a matter introduced has been filed. Do we have the opportunity to address that matter and get our views on the matter on record for future historians to judge whether or not I was right, or a committee was correct or incorrect? I want to be judged by what I do, my performance and my concerns. And if the people twenty years from now can read the

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record and say Delegate Nabors was right and those other people should have listened, I want my children to have that benefit. Thank you.

President H. Guerrero: Thank you, Delegate Nabors. Just for your information, under Rule 26, if one-third of the elected delegates shall so request an issue under consideration by a substantive committee, it can be taken from its jurisdiction and place before the Convention. I call on Delegate Torres.

Delegate Torres: Thank you, Mr. President. In line with Delegate Nabors' concerns, I also want to register my displeasure over the intellectual arrogance of some delegates relative to the disposition of delegate proposals. I believe that most of the substantive committees have decided that public hearings are appropriate and proper before making final determination on the status of a delegate proposal. I am sure that not all of the delegates have done that, I mean, not all of the substantive committees have done that and I would go even further to say that some committees have decided that several proposals do not have merit at all. I don't know whether that's an exercise of intellectual arrogance or not, but I assume it is. I am really displeased over that kind of arrogance being displayed by some of our intellectuals. I'm sure that we all have different backgrounds and I'm sure that we all have different priorities, but at least accord, as what Delegate Nabors has said, accord those people the benefit of the doubt to explain to you the intent or the motive if you will of certain delegate proposals and not just judge it by the direction of the wind. Maybe if the wind is not blowing in the right direction, you say, okay, let's trash it; if it is, then we'll pick it up.

I also want to register my displeasure over some of the practices being done by some committee members in putting their signatures, affixing their signatures in proposals, in Committee Reports, which manifest or manifested that they do support that proposal and then came to the floor and say, I oppose it. I believe that's a mockery of their responsibilities and their function here. I believe that constitutes intellectual dishonesty. Thank you, Mr. President.

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

Delegate King: Thank you, Mr. President. I got the feeling that the deliberation before the Conveing is being addressed directly, even though the committee's name was not mentioned, but I think that falls under the Committee on Personal Rights and Natural Resources. Mr. President, I believe that this Convention, the delgates, should decide whether or not we are going to place it in the Constitution. It's not the public. The public is just to raise their concern before we put it to vote or before we consider it. The public is the ultimate people to ratify our work. Most of their concerns here that was raised or were raised on the proposals submitted by each delegate have been addressed redundantly, repetitious, duplication and so forth, and most of it, the merits should be rested by the Legislature, whether they like it at the Legislature or not, it's up to the people to change that on this coming general election in November. I think that the Committee on Personal Rights and Natural Resources viewed each delegate proposal in terms of whether or not such proposal or recommendation is good for 10 years which we just adopted. And I believe that if you look at it whether or not it's good within two years then the Legislature has the prerogative to change or to come out with legislation and change it every year or every month. But putting it in the Constitution, it seems to me that it's a concrete for 10 years.

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President H. Guerrero: The Chair would like to interject. Under Miscellaneous Business, it's not a place to debate issues or rebuttal. It's just a place to air out any concerns of....

Chairman King: Mr. President, that's the concern of the committee; it's not a debate.

President H. Guerrero: But you are rebutting to the remarks of Delegate Torres, and this is not the place to do that.

Chairman King: Mr. President, I think the issue regardless whether it's debatable or not is in the Miscellaneous and I should have the privilege to talk in the Miscellaneous.

President H. Guerrero: Wouldn't it be better if you air out your differences with Delegate Torres outside of the Convention time, because I honestly think that the Chair is going to rule that you are out of order.

Chairman King: Thank you, Mr. President, but it seems to me that something is going on in this Convention. Mr. President, allow me to say this that Recommendation No. 8, as a matter of fact, I stated out that I, for one, against it because I know that be handled by the Legislature. But sometimes we introduce it before the Convention for the sake of the benefit of the doubt to satisfy the delegates. Thank you.

Delegate Mafnas: Mr. President, may I ask....

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you. At the beginning of the session, Mr. President, I echoed my sincere feelings and belief that this Convention will move forward and will be productive if we look at the elements of compromise. I know that I am the author of the proposal to abolish the local government. I am glad that the proposal manifested or is able to evolve discussions. I am ready to work together with the distinguished delegates from Rota and Tinian to make sure that public services are extended to their beloved citizens on Rota and Tinian on timely basis. Mr. President, I will do my very best to also urge my friends or my fellow delegates to make the dream of the Rotanese and the Tinianese possible during this Second Northern Marianas Constitutional Convention. Thank you.

(Applause)

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

Delegate Manglona: Mr. President, I would like to recommend to all the delegates here that if the committee is coming out with a committee recommendation, especially if it conflicts or goes against the proposal of a certain delegate, I would like to recommend that that delegate be accorded a time to share his concern on the proposal. I'd just like to get this understanding among the different committees so that a lot of these debates on the floor can be avoided simply by getting the person who proposed the amendment in the committee. Thank you.

President H. Guerrero: Thank you, Delegate Manglona. I believe that's a good suggestion and I will urge the chairmen of the substantive committee to probably accommodate the recommendation of Delegate Manglona. Any other miscellaneous business? Chairman Guerrero?

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Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters did pass out a disposition sheet of the committee also and your committee did deliberately made it's decisions based on our findings in the public hearings, and if it's contrary to the delegate proposal, we did also give the introducer or the author to be heard. I hope that under Miscellaneous Business, we'll discontinue the arguments about our proposals, especially when it's being deliberated during the Convention or during the Committee of the Whole. I don't want to take much of my time but please bear with the committee, their decisions because the Committee on Finance and Other Matters did make this recommendation or disposition on the delegate proposal based on their findings from the public hearings. So, thank you, Mr. President, for recognizing me.

President H. Guerrero: Delegate Igitol?

Delegate Igitol: Thank you, Mr. President. First, I'd like to apologize for coming in late to this morning's session because when I left Saturday, I thought it was for 9:30 a.m., so I went to the office and I cam in 9:35.

Second, Mr. President and fellow delegates, I have introduced Proposal 109 with regards to local government here in Saipan. That proposal would call for precinct commissioners here on Saipan. I have looked into this proposal's demerit and the merits of it. During the campaign for this Convention, I visited a lot of villages and the concern of majority of these people, they are saying that the normal or the present Mayor's public service delivery is not so adequate. It doesn't reach down to the people. Because of that, they are recommending to have commissioners. I have looked, like I said, the cost and it is costly to have 12 or 13 commissioners because we have about 12 villages here. In turn, I turn around and make it precinct commissioners, and we have four precincts. And I believe the public services by precinct commissioners will be delivered properly. I also believe that the representatives serving each precinct, they made this as the representative of the people. Yes, I do believe that, but their function, as far as I'm concerned, is to legislate laws for the benefit of the people of the Commonwealth.

In looking as for Tinian and Rota, they have Mayors and they also have Department Heads. Department Heads are, in essence, the right hands of the Mayor. The population calls in Rota and Tinian are much less than the population on Saipan alone, but Saipan has only one Mayor and doesn't have right hands. For that reason, I have introduced that Proposal 109 and I'd like to ask the Committee on Local Government -- I know that they called for a public hearing I believe it was Thursday or Friday here and only those people showed up were the Mayors, or rather the Mayor and other Resident Heads or Department Heads here on Saipan. They echoed their concern about that resolution, but I believe I'm not satisfied of their response because their response is purely self-interest.

I call on the Committee to at least have a public hearing down in one of the villages, maybe once, and listen to the deliberation of the people because this people have said and have elected us. And not only us, but they told me that they wanted to have commissioners.

And with that, Mr. President and fellow delegates, I ask that you support that proposal to have precinct commissioners. Again, Mr. President, I looked into the cost factor but the question came to my mind, which is vital issue here, the cost or the adequate public services. Thank you, Mr. President.

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President H. Guerrero: Thank you, Delegate Igitol. If we don't have anymore business, the Chair would like to take up or is ready to entertain the adoption of the journals.

Acting Floor Leader Nabors: Mr. President, I move that we defer adoption of the journals until tomorrow morning.

Chairman DL. Guerrero seconded the motion.

President H. Guerrero: If no objection, then it's so ordered.

ANNOUNCEMENTS

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Before that, Mr. President, I would like to ask all the delegates here to place bear with our request for a 9:30 session tomorrow morning. We'll be in Tinian and we'll be arriving about nine o'clock. Thank you.

President H. Guerrero: Chairman King?

Chairman King: The Committee on Personal Rights and Natural Resources is going to meet today at 2:30 p.m. And for your information, for those people that have problem with their committee proposal, please see me and we can schedule it if you have problem with your proposal.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters wish to announce that we will have a public hearing today at three o'clock again at the Senate Chamber in regards to six different delegate proposals: Delegate Proposals 83-85, 50-85, 104-85, 160-85, 162-85 and 186-85. Should any of these Convention delegates has any interest regarding to these proposals, please be present at the Senate Chamber at 3:00 p.m.

President H. Guerrero: Vice Chairman Mafnas?

Vice Chairman Mafnas: Mr. President, on behalf of your Chairman, I wish to announce that we have a public hearing this afternoon in the Convention Chamber at 2:30. Proposal Nos. 11, 87, 113 and 144 will be heard. Tomorrow, notice in advance, another public hearing will be conducted in the Convention Chamber at 2:00 p.m. Proposal Nos. 3 and 86 will be heard, and I respectfully request the presence of Delegate Nabors to provide us a written testimony with respect to his proposal. Thank you.

President H. Guerrero: Thank you, Vice Chairman Mafnas. The Chair would like to remind all delegates that at the recommendation of the Chair that the Introduction of Proposals' deadline is tomorrow, Tuesday. Acting Floor Leader Nabors?

Acting Floor Leader Nabors: Thank you, Mr. President. Before I make a motion to adjourn, I'd like to advise the Convention that I just receive a call from Tinian, they are awaiting the Committee on Local Government together with the two delegates who are going to accompany the committee that lunch is ready and please hurry.

(Laughter)

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President H. Guerrero: Chairman Manglona?

Chairman Manglona: Along the same line, I would like to announce to all members of the Local Government Committee that there will be a committee meeting at 6:30 p.m. today in Tinian. Thank you.

President H. Guerrero: Acting Floor Leader Nabors?

Acting Floor Leader Nabors: Thank you, Mr. President. I would like to move that the Convention adjourn until tomorrow morning at 9:30.

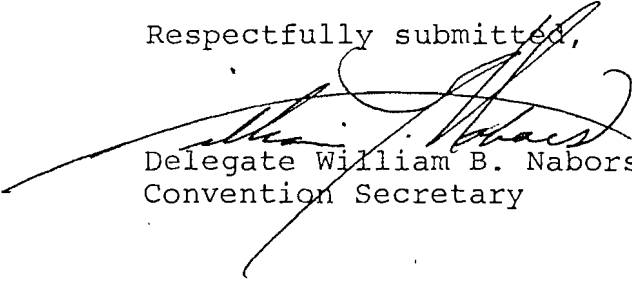
Chairman DL. Guerrero seconded the motion.

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

There being no discussion, the motion to adjourn until the next morning at 9:30 was carried by voice vote.

The Convention adjourned at 12:58 p.m. and to reconvene on Tuesday, July 2, 1985, at 9:30 a.m.

Respectfully submitted,



Delegate William B. Nabors
Convention Secretary