

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

FIFTEENTH DAY

Tuesday, July 2, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:35 a.m., Tuesday, July 2, 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 the 24 delegates were present.

Secretary Nabors: Mr. President, all 24 delegates are present, therefore, we can conduct our business.

President H. Guerrero: We have a quorum, so let's proceed with the Order of Business for today. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the 7th and 8th Days' Journals.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the 7th and 8th Days' Journals. Discussions?

There being no discussion, the motion to adopt the 7th and 8th Days' Journals was carried by voice vote.

COMMUNICATIONS

Legal Opinion No. 15, regarding Delegate Proposal No. 61-85 (Section 2, Article IV).

Legal Opinion No. 18, regarding Delegate Proposal No. 15-85 (Section 1, Article II).

Legal Opinion No. 19, regarding Delegate Proposal No. 20-85 (Fugitives in Justice).

Legal Opinion No. 20, regarding Delegate Proposal No. 49-85 (Section 15, Article III).

President H. Guerrero: In front of you, you have the Legal Opinion Nos. 15, 18, 19 and 20. If you have questions on them, I suggest that we deferred them until we get the AG tomorrow or the people that wrote the legal opinions. Reports of the Committees -- Chairman Lizama?

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COMMITTEE REPORTS/RECOMMENDATIONS

Chairman Lizama: Mr. President, the Committee on Governmental Institutions does not have any report today.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has nothing to report today, however, we will be coming up with a report later on this week. Thank you.

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

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

President H. Guerrero: Please, speak louder.

Chairman King: Your Committee on Personal Rights and Natural Resources has nothing to report at this time, Mr. President.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters has no written report to report to the Convention this morning, however, the Committee is still conducting public hearings, and there's another one scheduled for today.

President H. Guerrero: Before we go on to the Introduction of Proposals, I believe there are some delegates who still have proposals, so at least write your own titles. Yes, Floor Leader Lizama?

Floor Leader Lizama: Mr. President, if there's no objection and the delegates wish to have a short recess so that we can have the last minute proposals to be introduced, I move that we take 10-20 minutes recess.

Chairman DL. Guerrero: No objection.

The Convention recessed at 9:40 a.m.

RECESS

The Convention reconvened at 10:00 a.m.

President H. Guerrero: The session is now reconvened. Any proposals to be introduced? Delegate Villanueva?

Delegate Villanueva: Mr. President, I have few proposals to introduce today.

President H. Guerrero: Can you read the titles, please?

Delegate Villanueva: One is to amend Article 1, Section 4(i), of the Northern Marianas Constitution. The second proposal is to amend the Constitution for the Legislature to provide compilation of crimes. My third proposal is to amend the Constitution for the Legislature to prohibit any member of the Second CNMI Constitutional Convention Delegates from run-

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ning for any elective office. The next one is to amend the Constitution for an elected public prosecutor. The next one is to prohibit the MPLC or any government agency or instrumentality from exchanging public land. The next one is to amend the Constitution for the Legislature to provide for definition of emergency and available resources. The next one is to prohibit all government sponsored travel outside the CNMI when the Governor declares and the Legislature concurs that there is a state of emergency in the Northern Marianas. The next one is to prohibit gambling in any form or style in the Commonwealth of the Northern Marianas. The next one is to amend Article II, Section 2 and Article II, Section 3, the composition of the Senate and the composition of the House. The next one is to amend the Constitution to provide for legislative sessions. The next one is to amend the Constitution to provide for government sponsored primary election. The next one is to amend the Constitution to abolish the Office of the Mayor of the northern islands and replace it with an elected member of the House of Representatives. The next one is to amend the Constitution to abolish the Mayor of Saipan and replace it with Village Commissioners. That's all, Mr. President, thank you.

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

Delegate Villagomez: I have a proposal to amend Section 8(b) of the Schedule on Transitional Matters.

President H. Guerrero: Delegate King?

Chairman King: Thank you, Mr. President. I have three proposals here to introduce on behalf of the Tinian Delegation. First, a proposal to amend the Constitution of the Commonwealth of the Northern Marianas to provide equal compensation for Tinian and Rota Department Heads at the same level as Division Chiefs on Saipan. Second, a proposal to amend the Constitution of the Northern Marianas relating to non-professional staff positions in the CNMI Legislature. And third, a proposal to amend the Constitution of the Commonwealth of the Northern Mariana Islands relating to CNMI interim citizenship for all persons born in the Commonwealth.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Thank you, Mr. President. I have one proposal to introduce with others, to regulate T.V. programs in the Northern Marianas.

President H. Guerrero: Delegate Limes?

Delegate Limes: I have three proposals I'd like to offer. The first proposal is a request by concerned parents, to add a new article to the Constitution regarding pornography. Another proposal is to amend Section 4 of Article XI of the Northern Marianas Constitution relative to public roads. Another proposal is to authorize the mayors and governor to act by executive order whenever the Legislature fails to perform its constitutional responsibility. Thank you, Mr. President.

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

Chairman DL. Guerrero: Thank you, Mr. President. This morning, I have 21 delegate proposals, and the intent is not to note the Convention, however, there are some meritorious within these proposals. Before I introduce them, Mr. President, I did have the opportunity, of course, to type in all the

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delegates' names on these particular proposals and they are more than welcome to review these proposals and if they feel it's appropriate for them to co-author the proposals, they are more than welcome to do so. The first proposal is to add Section 3 to Article XIV, relating to natural resources. The next proposal is to amend Section 8 of the Schedule on Transitional Matters to provide interim United States Citizenship. The next proposal is to amend Article III of the Constitution to provide that a board or commission member whose term has expired shall not sit until his successor is appointed and confirmed. The next is to amend Article XI, Section 6, to permit the principal fund of the Marianas Public Land Trust to be used as a guarantee for the issuance of bonds by the Commonwealth Government. The next one is to amend Article VIII, Section 4, to provide that elected officials will take office immediately after certification by the Board of Elections, in order to prevent lame duck politics and abuses. A two month transition period should be encouraged but not required. The formal ceremony may still be held on the second Monday of January. The next one is to amend Article IX, Section 1, to provide a fifty-five percent vote for passage of initiative measure rather than the present two-thirds. Section 1. Paragraph (d) of Article IX, Section 1, of the Northern Mariana Islands Constitution is hereby amended to read as follows. The next one is to amend Article IX, Section 2, to provide a fifty-five percent vote for passage of referendum measure rather than the present one-half requirement. The next proposal is to amend Article III, Section 17, to provide that resident department heads from Rota and Tinian shall report to their respective mayors who shall have broad authority to oversee the functions of all resident departments. Upon the concurrence of the legislative delegation, a mayor from Rota or Tinian may remove a resident department head under their jurisdiction. The next is to amend Article III, to require the Governor to report annually to the Legislature his specific recommendations and plans of implementation for the delivery of public services that may be more efficiently rendered by the private sector. The next proposal is to amend Article XII, Section 3, to provide for fifty (5) rather than forty (40) year leasehold interests, including renewal rights. The next is to amend Article II of the Constitution to limit for the next five (5) years the total annual appropriations made by the Legislature to an amount not to exceed the total annual appropriations as of October 1, 1986. Before expiration of an appropriations limitation, the Legislature shall enact a new five (5) year annual appropriations limitation. The next is to amend Article II of the Constitution to reduce the budget of the Legislature by 5% per month for each month into a new fiscal year for which the Legislature has failed to enact a budget. The next is a proposal to amend Article III, Section 13, to grant the Board of Education the authority to levy a business gross revenue tax surcharge of up to one percent solely for the purpose of financing public education. The next is to amend Article III of the Constitution to limit for the next seven (7) years the number of government employees to the number employed as of January 1, 1985. After that date the Legislature shall establish by law new seven year employment limits. The next is to amend Article X, Section 4, to add at the end of Section 4 the following prohibition against public debt. The next one is to amend Article II of the Constitution to permit the Legislature to exercise a legislative veto over executive action by joint resolution. The next is to amend Article II of the Constitution to require a 3/4 vote of the entire membership of a house before it may expel one of its members. The next one is to amend Article III, Section 10, to prohibit the Governor from declaring a state of emergency because the operations budget is exhausted. The next one is to amend Article XIV to declare a two hundred mile exclusive economic zone and fisheries and conservation management zone belonging exclusively to the people of the Commonwealth. The next one is to amend the Constitution to

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provide that as of January 1, 1986 the number of alien workers and investors, excluding tourists, in any island shall not exceed more than twenty-five percent of the total number of persons counted in the last decennial census as residents of that particular island. The last one is to amend Article I of the Constitution to create a right to access government documents unless there is a compelling governmental interest in its secrecy. Thank you, Mr. President.

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

Secretary Nabors: Mr. President, after that, I am almost ashamed to introduce my little proposal. But at any rate, this is a last proposal that I have. I would like my colleagues to amend the Constitution to consider Tinian as the Capitol of the Commonwealth.

(Applause)

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

Delegate Cing: Thank you, Mr. President. I have a couple of proposals here. One is to amend Article XI, Section 6(d), of the Constitution of the Northern Marianas. The other one is to amend Section 16 of Article III of the Constitution of the Northern Mariana Islands to elect the Civil Service Commission permanently. Thank you.

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

Delegate Kaipat: Thank you, Mr. President. I have one and the last proposal this morning. I hope it survives. A proposal to repeal Section 2, Article XIV, of the Constitution of the Commonwealth and reinstate with the following amendments. Sections 1 and 2 are still under typing.

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

Delegate Mundo: Thank you, Mr. President. I just have one proposal to submit this morning and that is to amend Section 5 of Article VI. Thank you, Mr. President.

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

Delegate Torres: I have what I will term it a rush proposal while we were having public hearings on Rota and Tinian and I don't have to crank my typewriter. However, I have proposals to introduce this morning. They are hand-wrote or handwritten. A proposal to add a new section and subsections (a), (b), and (c) to Article I of the Northern Marianas Constitution to safeguard against rampant alienation of the Commonwealth of the Northern Mariana Islands. Second, a proposal to amend Section 1 of Article VII of our Constitution relative to eligibility to vote in the Commonwealth. Third, a proposal to add a new section in Article II of the Northern Marianas Constitution to require periodic consultation and reporting of Congressional delegation activities. Fourth, a proposal to amend Section 2 and subsection 2(b) of Article VI of the Constitution relative to Local Government. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Torres. Any more proposals? Delegate Manglona?

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Chairman Manglona: Thank you, Mr. President. I have here a proposal to add a new subsection to Section 5 of Article XVIII, stating that the Convention shall provide for the time and manner in which the proposed amendments or revisions shall be submitted to the electorate. Another proposal is to provide a constitutional provision that does the following. This is in regard to Boards and Commissions. Another proposal is to provide that if the Covenant CIP funds guaranteed to Rota and Tinian are not appropriated in a fiscal year, the respective legislative delegation shall have authority to appropriate in the following year. Another proposal is to amend Article VI of the Northern Marianas Constitution relating to Local Government. Thank you, Mr. President.

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

Delegate Mafnas: Thank you, Mr. President. Two proposals to amend Section 10 of Article II of the CNMI Constitution and Section 5 of Article III of the CNMI Constitution.

President H. Guerrero: Thank you, Delegate Mafnas. Any other proposals? Delegate Inos?

Delegate Inos: Thank you, Mr. President. I have two proposals here. The first one is a proposal to add Section 9 to Article II of the CNMI Constitution. The second one is to add a new Article to the Constitution of the Northern Marianas relating to the Master Plan and Socioeconomic Development Plan for the Commonwealth of the Northern Mariana Islands.. Thank you.

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

Delegate Ogumoro: Thank you, Mr. President. I have a number of proposals here to submit. The first proposal is relative to establishing the official language of the Northern Marianas and regulate the use of foreign languages. The second proposal is to establish the offices of special assistants to the Governor. The third proposal is to grant the Governor the power to promulgate rules and regulations. The fourth proposal is relative to Civil Service Commission. And the last proposal is to amend the Constitution to make life imprisonment mandatory for rape.

President H. Guerrero: Delegate Tomokane?

Delegate Tomokane: Mr. President, I have a proposal to add a new section to Article XI of the Constitution.

President H. Guerrero: Did you finish, Delegate Tomokane? I'm sorry. I didn't hear you. My apology. Did you have only one? Any more proposals? Delegate Tomokane?

Delegate Tomokane: Do you want me to repeat my proposal? I have a proposal here to add a new section to Article XI of the Constitution. Thank you, Mr. President.

President H. Guerrero: Delegate Igitol?

Delegate Igitol: Mr. President, as I mentioned before that the proposal regarding Fiscal Management Policy, I'll just introduce the title and then

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I'll get the writing. A propose amendment to the Northern Marianas Constitution to provide for a Uniform Fiscal Management Policy, and second, an amendment to the original Proposal No. 116-85, relative to Section 2 of Article III.

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

Delegate Villagomez: Mr. President, I have a proposal that is still being drafted but I'd like to announce it anyway or submit it and then complete it after submitting it. This is a proposal to create a new title in the Constitution, entitled: Citizenship. And it is a proposal to amend the Constitution to add a new Title which would declare that the applicability of Amendment 14 of the U.S. Constitution in the CNMI pursuant to Section 501 of the Covenant be recognized by the Government of the Northern Mariana Islands and the definition of U.S. Citizens in Amendment 14 be accepted and declared to be applicable within the CNMI and declare that all people from the CNMI, pursuant to that Amendment 14 be declared as U.S. citizens and are entitled to U.S. passport. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Villagomez. Any other proposals? Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. I have here a proposal to add a new Section to the Constitution to authorize the CNMI Government to invest in private ventures that provide public facilities who export their profits outside CNMI. Thank you, Mr. President.

President H. Guerrero: Thank you. Any other proposals? If none, I have some proposals to introduce. One of them is to amend Section 8 of the Schedule on Transitional Matters. The other one is to amend Article III, Section 16 to define what classes of positions may be excluded for comprehensive government pay schedules enacted by statute. To provide a constitutional provision requiring that public property cannot be leased for less than the fair market value as determined by an independent appraisal. To amend Article III, Section 16, to establish the composition of the Civil Service Commission, specify the terms of members require status terms and specify the ground for which members may be removed. To add a new Section to Article III to guarantee the independent of boards and commissions. To add a new Section to Article III to establish the hospital, dispensary and the dispensaries of the Commonwealth as independent administrative entity. To repeal and reenact Section 16 of Article VI to permit corporation of villages. To amend Article II, Section 14(a) regarding the vote required to expel a member of the Legislature. If there is no more proposal, in front of you, you have the Referral Sheet for Proposal Nos. 232-85 all the way down to 238-85. Correction on the Referral Sheet. Proposal No. 235-85, I mean, 233-85 is referred actually to Local Government.

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTION AND REFERRAL

President H. Guerrero: Is there any introduction of resolution? Yes, Delegate Nabors?

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Secretary Nabors: Thank you, Mr. President. I have one resolution to introduce, "A Resolution requesting the Commonwealth Legislature to amend Section 19 of Public Law 4-30 relating to ratification of the proposed amendments by the Constitutional Convention."

President H. Guerrero: Thank you. Any other resolutions? If none, we don't have any unfinished business. No Special Orders of the Day, no General Orders of the Day.

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

None

MISCELLANEOUS BUSINESS

President H. Guerrero: Miscellaneous Business. Delegate Villagomez?

Delegate Villagomez: Mr. President, on the Second and Final Reading, we had a Committee Recommendation No. 7 that was approved by the Committee of the Whole and adopted by the Convention on its First Reading. Can we get some guideline as to what has happened to that? When is it calendared for Second and Final Reading? I don't see that there's any problem in presenting that to the Convention for Second and Final Reading. That would be the first amendment that will be completed by the Convention and then we can move on to other proposed amendments.

President H. Guerrero: The Committee on Organization and Procedures will take that up and we'll report back tomorrow.

Delegate Villagomez: Thank you.

President H. Guerrero: Any other miscellaneous business? Delegate Mafnas?

Delegate Mafnas: Mr. President, I don't know how to go about in asking the Chair to put the Committee on Personal Rights and Natural Resources on notice to recall Proposal Nos. 201 and 213, relative to qualifications for a candidate for a senatorial district and a candidate for the House of Representatives.

President H. Guerrero: Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. I, too, have some concerns about the actions of the Committee on Personal Rights and Natural Resources and feel that a petition should be circulated to ask one-third of the delegates to recall and take from that Committee some measures that have some merits to be disposed of. Thank you.

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President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Do I need then under our Rules to circulate a petition, or what is the method? Is it required that a petition be circulated and be signed by one-third of the members?

Secretary Nabors: I believe that is correct, Mr. President.

Delegate Mafnas: Will you kindly point out the Rule number, please, Mr. Secretary of State?

Secretary Nabors: I believe it's Rule 26, on page 14. It says, "If one-third of the elected delegates shall so request, an issue under consideration by a substantive committee shall be taken from its jurisdiction and placed before the Convention."

President H. Guerrero: The Chair rules that it doesn't have to be by writing. It can be brought up in the Convention.

Delegate Mafnas: So how do we place that on either Special Orders or in the Order of Business?

President H. Guerrero: If a delegate request for it right now, we can bring it up to the floor and we can schedule it under -- I'll probably recommend that we will schedule it under the General Orders of the Day and take it up tomorrow.

Delegate Mafnas: May I proceed? Or would it be out of order, Mr. President, to move that Proposal Nos. 201 and 213 be recalled now? Would it be out of order?

President H. Guerrero: No, you are not. Can I get a show of hands in terms of the number of people that would like to recall Delegate Proposal Nos. 201 and 213?

Delegate Mafnas: I yield to Delegate Manglona.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: If Delegate Mafnas has no objection, I would recommend that you meet with the Committee and discuss your concern first with the Committee and if you feel that that doesn't satisfy you, bring it up here. May I ask you if you had a chance already to meet with the Committee regarding those two proposals?

Delegate Mafnas: No chance because we are both then busy.

Delegate Manglona: Well, I don't know, if you have no objection, then I recommend that you set a time with the Committee and discuss it. And if still you are not satisfied, then why, I have no objection to bringing it up here. Thank you.

President H. Guerrero: Delegate Nabors?

Secretary Nabors: Mr. President, I believe the Chairman of the Personal Rights and Natural Resources assured the delegates that they would be given an opportunity and I was surprised this morning to again find some of my

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measures having been filed without having been accorded an opportunity. I think Delegate Manglona's suggestion has merit. I intend to immediately seek an audience and if I am not satisfied then I intend tomorrow to canvass the delegates and see if I have one-third sympathy to support my measures. Thank you.

President H. Guerrero: Would Delegate Mafnas go with Delegate Manglona's recommendation?

Delegate Mafnas: Yes, I'll seek the audience with the Chairman of the Committee and if I'm not satisfied, then I'll ask the Chair to entertain a motion tomorrow.

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

Delegate Ogumoro: I had my hand up, I was just going to point out to the delegates that on the status table from the committee, they reflect the two proposals as being filed. So if the audience with the committee would be for Delegate Mafnas to try to ask them for reconsideration of their decision. Because if you note on the status table from the committee, the two proposals that Delegate Mafnas is referring to are reflected as being filed, unless I am mistaken.

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

Chairman King: Thank you, Mr. President. That's right that the Committee on Personal Rights and Natural Resources submitted a brief report of the Committee, however, I believe this kind of submission will bring to the attention of the delegates concerning their proposal if they are interested on their proposal. It's kind of difficult to go around and check everybody because they have different activities or different assignments but by putting out this kind of measure it will give them the opportunity to glance it right away and if they might have concern on it, they are welcome. If they are going to check us, be present during the committee meeting. We are very glad because I believe the introducer or the offer of the proposal have merits that's why he's introducing it. But somehow during the deliberation, we found out that according to our disposition statement here or comment that the committee found out during the deliberation. So it doesn't mean that we are not going to entertain it anymore. We can reconsider it if the committee feels. If you check us and we cannot reconsider it, then you can ask the floor to recall such proposal. So I believe by our action, it will bring the attention of the delegates to expedite such proposal in terms of their interest. Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. According to the statements I heard from some delegates here, it was so stated that something queer is going on in this Convention. In the Convention itself and also in the committees. I don't know what that ghost is, but there's something going on and natural for the Convention. So I would like to go along and I would like to recommend or request to the File Committee, or I mean, the Bill of Right Committee to answer some of my questions, sitting with them, about my proposals. Then eventually if I am not satisfied, like Delegate Mafnas, I would like to bring it out into the open and we will debate them.

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

Delegate Cing: Thank you, Mr. President. I think it's only fair to say that aside from our major role, responsibilities in the committees, it's good to note that it's our responsibility to get our proposal numbers and trace it from there. Go to the committees and try to find out what happens to your proposals. Thank you.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. At the time that I chaired the Committee of the Whole to consider whether to give each delegate the opportunity or to be accorded the opportunity to appear before the committees, the decision of the committee was that each member shall be accorded the opportunity to appear before the committee before or after the submission of the status sheet. I am very proud with my chairman for having completed all the sheets as we complete consideration of each of the proposals and then submitting them to you so that you will know what the committee has done with your proposals so that then you can request to appear before our committee. Some of the committees have not given us the complete report on their decisions on proposals and so we don't know whether our proposals have been filed, or continued, or adopted, or what they have done. So many of us are not able at this time to make determination what follow-up actions to take with respect to our specific proposals. The chairman of our committee has been wondering why his committee is being battered around in the Convention, and I would like to repeat to him not to feel bad about that. The reason that he is being battered around is that he is the one who has submitted work for the Convention, or submitted proposals for consideration of the Convention and that is the reason that he is being battered at this time. The other committees will be submitting their proposals in the future and we will be taking them up and also giving them the same kind of questioning that his committee is now getting. So we should accept all the statements that are being made with respect to committee work and I hope that we don't feel bad just because our committees are criticized or work are given back to us. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez. The Chair would just like to remind the delegates that there are some duplications of proposals submission so I suggest that you look at the various proposals and prioritize which one. And I suggest that instead of just supporting your own probably have a compromise and push for something because of the limitation of time. We only have 15 more days to go, so we don't have much. We are half way through. So I suggest that you review all proposals and figure out which ones are similar to your proposals and then check with the substantive committees and probably either support one after compromising which one would be a better proposal. Delegate Mafnas?

Delegate Mafnas: Mr. President, I understand and I share the concern of the delegates that we cannot be accorded the opportunity, one hundred percent, to express our views on our proposals or our thinking, but on proposals where it says, or like comments on disposition of the committee say it's good, however, the committee recommends for the Legislature to handle Proposal 217, for example, would allow our citizens, the people of the Northern Marianas, for some reasons beyond their control who are on Guam, students who are studying in the United States, who failed to vote because of time difference and time element of factor are required to re-register in order to vote in the subsequent election. To leave this in the hands of the Legislature is really a problem. This has been a problem for years and years as I understood

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or as I can recall. But to place it in the hands of the Legislature, at this point in time, this is the opportunity to make sure that this people, our students, our children who are, for reasons beyond their control, not in the Northern Marianas should be accorded the opportunity to vote in any elections of the Commonwealth regardless whether they registered, Mr. President. For economic reasons, we have many families who are now on Guam, Hawaii, and continental United States. It is the failure of our leaders that the economic development of the Northern Marianas is not up to par, cannot sustain the people of the Northern Marianas. I am quite disturbed by recognizing that the proposal is good yet it's filed because this is something that the Legislature can do. The Legislature has known about this problem since the first election in the Northern Marianas and to date and they have not done anything. Elections after elections, we have to expend public funds to re-register eligible voters who failed to vote. I would prefer to see that such funds be invested in the health care of our people and not to go out and re-register our people who failed to vote because of reasons beyond their control, and I thank you very much.

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

Delegate Manglona: Mr. President, I share the concern of Delegate Mafnas, and also, Delegate Pangelinan had emphasized this over and over again that we should be careful when you say that these proposals should be referred to the Legislature. We have known over seven years since the Constitution was passed what the Legislature has done, or rather has not done and that is why these delegates who have brought up these amendments are bringing them up because they know that nothing has happened to look at these problems. I, for one, have several proposals that really should have been done by the Legislature but nothing has been done and that's why I want these amendments to be considered and looked at carefully. We should not just easily throw it in the trash can. We should look at it carefully. Thank you.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Thank you. I share the concerns that have been expressed but I am still convinced that we cannot put provisions in the Constitution because the Legislature does not do its job. The particular proposal that Delegate Mafnas was referring to, we looked at Section 3 of Article VII, and that section grants very broad power to the Legislature to do exactly what he is hoping would be done by the Legislature. There are several matters that were taken into consideration not just that. For example, what if the person did not vote because he is no longer domiciled in the CNMI and has decided to live some place else permanently, how would you know that? That cannot be addressed in the Constitution. We would have to go down and start being very detailed regarding people who are outside of the CNMI, that's why we will give this to the Legislature. But again, I just want to emphasize that we cannot use the failure of the Legislature to act as justification for putting legislative matters in the Constitution. Thank you.

President H. Guerrero: Delegate Cing?

Delegate Cing: Thank you, Mr. President. I got the feeling that there's a solution that will solve this problem regarding proposals that are going to be compiled and sent down to the Legislature. The only reason that will solve this problem is that I would like to urge my fellow colleagues here to

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run again in November election so that we can see these proposals to be enacted. Thank you.

(Applause)

President H. Guerrero: Thank you, Delegate Cing. Any other miscellaneous business? Delegate Manglona?

Chairman Manglona: Mr. President, I would like to run again in the next election for a senatorial seat or a congressman seat or something but I am not a politician, and most of the things that I want here would most likely not be passed in the Legislature. And that's the main thing here, we are nonpartisan and we are here to do the work that most of our people out there wants us to do when this work cannot be done by the Legislature, most of these work. Thank you.

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

Delegate Mundo: Thank you, Mr. President. I would like to emphasize again that the committee do have reasons for coming up with this status report. If this people who introduce these proposals have any objections again, the committee is open to hear them. We don't want to put anybody down and there is nothing going on in the committee. So I would like to encourage all the introducers that if they have problems to see us because in this way, we can resolve the problems that they might have. Thank you, Mr. President.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, I would just like to share my view with respect to filing of proposals that the committees have determined to be matters concerning a concern or subjects they feel the proper body that should consider them is the Legislature. I tend to disagree that when a subject matter could be considered by the Legislature that it's necessary so that it cannot be made a constitutional subject matter. I disagree with that. I disagree with Delegate Villagomez' position that when a subject matter is legislative that it necessarily has to await legislative action.

Delegate Villagomez: Objection, Mr. President.

President H. Guerrero: Are you making a point of order?

Delegate Villagomez: Point of order. Mr. Lizama is making a statement that is not correct regarding my statement. I didn't say that if a matter is a legislative matter it shall not be in the Constitution. It may be in the Constitution but it does not belong in the Constitution. It should be in the Legislature. It's not prevented from being in the Constitution. Every single proposal that has been submitted up till today may be in the Constitution.

Floor Leader Lizama: Point of order, Mr. President. I think I have the floor and if Delegate Villagomez wants to rebut what I say, I think he should be given the opportunity to do so. May I have the floor, Mr. President?

President H. Guerrero: Matters under Miscellaneous Business are not debatable. Just air out your concerns.

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Floor Leader Lizama: May I continue, Mr. President? I apologize to Delegate Villagomez if I have said something that implicated that he was saying something which he did not say in fact. However, I just would like to make it clear that because we are here as a group and also as an individual representing the interest of the general public that I do not think that we are privy to consider proposals that have been submitted summarily, instantly, and having to overlook the importance of giving the general public the opportunity to share also with the delegates their positions with respect to the proposals. And I, for one, am a little bit disappointed too that many of the proposals have been determined or considered to be matters that should not go before this Convention. I believe our goals should be to hold as much public hearings on proposals that required them. I am not saying that all proposals required public hearings or majority of them required public hearings but essentially we should not look at proposals in the most selfish manner and say to ourselves alone that they are legislative matters, for example, without getting some kickbacks or looking from the other side of the points how perhaps the committee or the Convention could best accomplish the goals of the Convention and providing for the opportunity on proposals to be considered in the most in-depth fashion. So I request that the committee should have self restraint in simply tabling or filing proposals before the general public is given the opportunity for their feedbacks. That's all, Mr. President.

President H. Guerrero: Delegate Limes?

Delegate Limes: I'd like to share an experience when the Committee on Local Government had hearings on the two islands. The proposals that were assigned to the committee, various members or the authors were called and given the opportunity to give us their views on the proposals. When we had that hearings on Rota and Tinian, we were also ready on answering the proposals that were presented two days ahead of the public hearings. Yesterday, there was a strong concern of the Resident Department Heads when they read one of the proposals and the Chairman, the Vice Chairman and the rest of us explained fully what was the intention of that proposal. So that gives us the opportunity to call the author and also gives us the opportunity to see the merit and demerit of the proposal whether it can be incorporated with the other proposals. This is why many of us here are concerned. I think what they are asking, including myself, is please give us the benefit of the doubt before you sine die the proposal because I think each one of us here has a good intention. Delegate Torres yesterday came out with a very strong feeling because of the action that some of us have taken without really going over or giving the person the benefit of the doubt on the proposals. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Limes. I would just like to at least urge the indulgence of the delegates that when you are fighting for your proposals, again, look at it in terms of demerit and if there are some questions whether they are legislative matters or not. There are as of today 315 proposals submitted. The first Con-Con only submitted 148 proposals; we almost double that. We don't have the time and I honestly don't think that the committee has the time, or the Convention has the time to consider all of it. Delegate King?

Delegate King: Thank you, Mr. President. Please allow me to talk in Chamorro now. (In Chamorro language.)

President H. Guerrero: Delegate Torres.

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Delegate Torres: Thank you, Mr. President. (In Chamorro language.)
Mr. President, I don't think that we should be fearful of the volume of the work that we have. When we presented ourselves to the voters, we committed ourselves to 30 days, 30 nights perhaps of hard work, sweat and tears. I don't think that this Convention should worry about the volume. Volume is nothing. We committed ourselves and the voters thought that we are the most qualified delegates to represent their interest and protect their heritage in the Constitutional Convention. So I beg to disagree that we should look at the volume of our work. Let's just work together harmoniously; let's respect one another intellectually because as far as I am concerned, this Convention is being permeated by considerable degree of arrogance and I beg for respect for each other. Some of us have a very high education; some of us don't have education; some of us have very limited education. We beg that we all respect one another. Let's work together for the betterment of this Commonwealth and not to project an image for ourselves to our constituents. Thank you.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. Delegate Lizama implied that some of the decisions made by the Committee on Personal Rights and Natural Resources summarily and instantly decided to file matters without any consideration or adequate deliberation. This is to respond to Delegate Lizama and to assure him that there is not a single proposal before the committee that has been filed without adequate consideration and deliberation. In some of these proposals, we agonized; we asked all kinds of questions; we shared ideas; and it is not until we have exhausted all possible deliberations that we then make a decision. And to accuse the committee of filing proposals instantly and without any consideration does not have any basis or foundation. He is welcome to come and see the workings of the committee, to see whether his conclusion is correct. One example is Proposal No. 131 offered by a member of our committee. We went over this proposal for at least 30 minutes, perhaps more than an hour, and after asking the right questions and getting the author of the proposal, Dr. Tenorio, to realize that although his intent is very good and although what he wants to do would probably do very well for the CNMI, what he is proposing in that proposal is already permitted in the Constitution. There's nothing that prevents and it would be just a waste of language to add that in the Constitution. After realizing that, he voted against his own proposal based on the deliberations and questions, not on summarily and constant decision by the committee. If the committee is to take all of your proposals, my fellow delegates, and then give it to the Convention for the Convention's consideration without the committee taking it into full consideration and deliberation, we would not be doing our job. We would be giving it back to you and you will be making your decision and you will be sitting here until the end of this year.

Floor Leader Lizama: Mr. President?

President H. Guerrero: Are you rebutting the comments by Delegate Villagomez?

Floor Leader Lizama: No; it's just a point of information.

President H. Guerrero: Recognized, Delegate Lizama.

Floor Leader Lizama: I apologize to the members of the Personal Rights and Natural Resources Committee. I did not make a statement to imply that the Committee on Personal Rights and Natural Resources was not deliberating on

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the proposals but I was only trying to suggest that we should get rid in our minds the idea that just simply because a subject matter seems to be a legislative matter that this Convention should not dwell along that subject. That was my only point. Thank you, Mr. President.

President H. Guerrero: Mr. President, in the early stage of our Convention, there was a suggestion that some of the proposals that are definitely, and I'll repeat, definitely legislative matters, we will put them together in a form of resolution addressed to the Legislature showing our concern as a body, people that have looked into the Constitution, that these are the concerns of the delegates elected by the people who reviewed the Constitution and have felt that the Legislature is supposed to look into these matters, that suggestion never materialized. I would like to ask each delegate to reconsider that proposal and let us form ourselves as a body and do present to the Legislature our concerns that some of the matters are just matters that the Legislature should be taking up or should have been taken up and let them know that the Constitutional Convention has addressed it and maybe that would be palatable to them than just a private citizen saying that you, as a legislator has not done your work. I fully support that suggestion, and I'd like to see at the end of this Convention that. Because let's face it, many of these proposals are legislative matters and if we don't take it up to the Legislature, they will feel that we just indulge ourselves with constitutional matters and there's nothing legislative and they will never feel that there are things that they have not done so. As a group, I think it is very appropriate that we should bind ourselves, sign all these as a group, this resolution and send it to them and let them tackle it from there. Thank you, Mr. President.

President H. Guerrero: Delegate Manglona?

Chairman Manglona: Mr. President, if I am in order, I would like to make a motion. I move that before a committee recommendation is brought to the floor, the introducer of the proposal be accorded the opportunity to come to the committee to save time. My second part of the motion is that the committee chairman appoints a member to write a minority report and those members who object to the committee recommendation should not sign their names on the committee recommendation. And the third one, to accommodate what Delegate Carl Reyes has just mentioned is that after the two parts of this motion is approved then the legislative matters would be voted on by this floor and then and only then that we have the resolution for the Legislature to act on these recommendations. Thank you.

Delegate Nabors seconded the motion.

President H. Guerrero: Discussions? Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, I thought we were all in agreement, everybody has no objection that should a delegate wish to follow up his proposal, he may do so without any objection. I hate to see that when we enter into the Miscellaneous Business and then we start giving out motions on the floor. I think Miscellaneous Business is only limited to the concerns, of course, that more or less an individual delegate of this Convention would like to express. I, for one, have confidence with the Committee that they have judgment of their own also to go over each of the delegate proposals, provided, of course, that it is accorded a public hearing as well to be heard on that particular issue. And I, for one, agreed that should it be a legislative matter or legislative issue, I have no objection that each respective

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committee should come up with their own resolution and the resolution should be from this Convention addressed to the Legislature. And I hope that this particular issue is raised practically every session and it continues to give us a debate when we are not suppose to be debating under the Miscellaneous because reason for that debate is disagreement between the individual delegates. So I hope the Convention will proceed and start doing its work, as you said, we only have 15 days left over out of the 30 days that allows under the statute.

Chairman Manglona: Point of information, Mr. President. I would like to be informed when is the appropriate time I can bring this motion up.

President H. Guerrero: What motion?

Chairman Manglona: The three motions that I....

President H. Guerrero: You know, we have been discussing this for days, for 15 days, we are going around in circles. Somebody has to break this circle. I hate to impose....

Delegate Villagomez: Mr. President, I would like to ask my colleagues to consent to the elimination of the last 100 words in the journal, please.

Delegate Mafnas: They are all consented.

Secretary Nabors: What are they?

Delegate Villagomez: Well, there's one word there that I don't like to see it in the Journal of the Constitutional Convention.

Secretary Nabors: Is it one or one hundred?

Delegate Villagomez: We can count how many words back to back and just eliminate it.

Secretary Nabors: No objection.

Delegate Mafnas: Mr. President, there's a motion on the floor, and Delegate Guerrero was debating on the motion.

President H. Guerrero: Any other discussions? Delegate Pangelinan?

Delegate Pangelinan: Mr. President, I think if we look at the journal of June 21st, we have discussed this matter already, and when we resolved into a Committee of the Whole, we had an understanding exactly what Delegate Manglona is proposing or is taking into a motion now. I really felt that we should just read the records of what we already understood to do and move on to the next business.

President H. Guerrero: I am not recognizing anyone yet. Is that a point of information, or a point of order?

Floor Leader Lizama: May I ask, Mr. President, that Delegate Manglona will withdraw his motion?

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Chairman Manglona: Mr. President, before I decide on what to do on my motion, I would like to make clear one of the parts of my motion. That part is the part on the minority report. I feel that a lot of time is wasted in this floor or even in the Committee of the Whole because that is the time when the committee actually gathers information from the other members of this Convention. I feel that, or rather also bring out their concerns. So before a committee recommendation is brought out on the floor, I would like to know why some members of the committee who are bringing this recommendation out to this floor object to the recommendation. I feel that those members who are signing the recommendation are not doing their job. They are lying to me. I trust the members of the committee that they are doing their work. And when I see their signatures there, I look at the person who signs that and that influence my decision also. So I want those people who object to it not to sign the recommendation and form a report. I want to know why they object to it, we only have 30 days, and I don't have the time to look at all the details and I depend on them. So that's part of my motion. Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, let's be realistic. We have hard time formulating, presenting the principle report. If I were to sign a report and I go by the majority rule of my committee, I affix my signature and I stand to defend such report regardless whether I don't agree with it. If we were to go and distinguish the minority from the majority from the committee, Mr. President, I guarantee you that we will be sitting here if the Legislature is so concerned until next year. If four of the committee members or five of the committee members agreeing and I become the minority because they do not agree with my position, I don't want to see any minority report. As a member of the Committee on Governmental Institutions, if my desire or my wishes are not shared by the majority, I sign the committee report and I stand by my committee to honor and protect the majority. That is the most democratic way of handling things. So I ask again the indulgence of the mover to withdraw his motion. I think it is clear from our journal what we must do.

Chairman Manglona: Okay, I will withdraw my motion, but first I would like to mention that those people who do not agree with the recommendation when that recommendation is brought to floor, I don't want to hear then that they are objecting to the recommendation because by that time they have already agreed with the majority. I withdraw my motion.

President H. Guerrero: Just for your information, I believe in any committee, any minority report can be submitted. Nobody can stop you from submitting it. I think it will just create additional burden on any committee to get someone write the minority report but if any member of that committee would like to submit a separate report, I would suggest, you know, that they do so.

Delegate Mafnas: It doesn't have to be a report, Mr. President. I can argue and debate against a proposal if I disagree on the floor. I don't have to submit a report. I think it's incumbent and we have a noble responsibility if not moral. If you sign a report that means that you are agreeing not to disagree. If I don't want to sign the report or if I disagree and don't want to sign it, then don't sign it.

President H. Guerrero: I suggest the Chair will not entertain anything on this issue again. Any other miscellaneous business?

Chairman DL. Guerrero: This is on a different issue, Mr. President.

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President H. Guerrero: Okay, Delegate Guerrero.

Chairman DL. Guerrero: Thank you, Mr. President. Before us today, I suppose each of the delegate has received a house resolution. Let the record show that the House of Representatives passed House Resolution No. 128 extending warmest congratulations from the House of Representatives to all the delegates of the Second Constitutional Convention of the CNMI upon their election. I, for one, Mr. President, would like to sincerely express my appreciation to the House of Representatives in recognizing the important task of this delegation as well as we also have been elected by our people, and I thank them for recognizing that and, of course, coming up with a resolution. Thank you.

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

Delegate Reyes: Mr. President, I kindly request the Chair to excuse me, I have to conduct a MIHA meeting at 11:30 a.m.

President H. Guerrero: You are excused. Any other miscellaneous business? Delegate Ogumoro?

Delegate Ogumoro: Thank you, Mr. President. My concern is relative to committee reports. I would like to suggest that committee reports explain the decisions of the committee with regards to the particular proposal that they are reporting on. It is not sufficient that we state what that amendment is relative to and then have another graph saying the committee recommends adoption. I feel that the committee report should reflect what the intent of the proposal is and also the findings of the committee relative to that proposal. And that is a suggestion, Mr. President. I would like to see that future reports contain those points I have enumerated. Thank you.

President H. Guerrero: For the information of Delegate Ogumoro, I passed out this morning a guideline for the committee chairmen to use and I suggest that you look at that. Any more miscellaneous business? If none, we will go on to announcements. Any announcements? Chairman Lizama?

ANNOUNCEMENTS

Chairman Lizama: Mr. President, I would like to meet with the members of the Committee on Governmental Institutions right after the session and also there will be a public hearing this afternoon at two o'clock. Thank you.

President H. Guerrero: Chairman King?

Chairman King: The Committee on Personal Rights and Natural Resources will meet today in this Convention Chamber at 2:00 p.m.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters wishes to announce that there will be a public hearing today at three o'clock here at the Convention Hall as well but the committee decided that our hearing will be conducted down at the other room that the committee has been using for committee meetings on the following Delegate Proposal Nos. 119-85, 125-85, 126-85 and 128-85. Should any of the delegates wish to attend this public hearing, please do so. Also, immediately after we adjourn, I would like to meet with the committee members. Thank you.

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President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government will be meeting at one o'clock this afternoon in this Convention Hall. Thank you.

President H. Guerrero: Delegate Limes?

Delegate Limes: I have an announcement too, Mr. President. For those who have not received the program about today's activities by the Citizens Committee against the nuclear waste dumping, there will be a service over at the American Memorial Park today at 5:00 p.m. Everyone of us are invited.

President H. Guerrero: Thank you. Chairman Lizama?

Floor Leader Lizama: Mr. President, if there is no further announcement, I would like to move that we adjourn until tomorrow morning at 9:30.

Chairman DL. Guerrero seconded the motion.

President H. Guerrero: Just a minute, we are not finished yet. Delegate Villagomez?

Delegate Villagomez: I would like to announce to Chairman Lizama that he has a meeting at 11:45 a.m. today. Thank you.

President H. Guerrero: For the information of the delegates as well as the staff assistants, I suggest that you submit your travel vouchers and if you require assistance, the Administrative Officer or the staff can assist you. Any other announcements? If none, Floor Leader Lizama?

Floor Leader Lizama: I move that we 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 was carried by voice vote.

The Convention adjourned at 11:29 a.m. and to reconvened on Wednesday, July 3, 1985, at 9:30 a.m.

Respectfully submitted,


Delegate William B. Nabors
Convention Secretary