

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

SIXTEENTH DAY

Wednesday, July 3, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:40 a.m., Wednesday, July 3, 1985, at 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 23 delegates were present.

Secretary Nabors: Mr. President, a quorum is present.

President H. Guerrero: We have majority and quorum present to conduct our business. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I ask that Delegate Villagomez be excused and we should fine him \$10.00 for being absent.

Secretary Nabors: Second.

President H. Guerrero: Why should we fine someone \$10.00?

Chairman DL. Guerrero: Objection, Mr. President. May I say my piece in this Convention, Mr. President?

President H. Guerrero: Yes, Delegate Guerrero.

Chairman DL. Guerrero: Mr. President, if we are going to establish a precedence here that if a delegate is absent during the roll call, he is to be fine, I think it's a bad practice because sometimes that delegate is prompted with other important matters that he is not able to meet his roll call. Thank you.

Floor Leader Lizama: Mr. President, I would like to make a modification that Delegate Villagomez be excused for the time being.

Chairman DL. Guerrero seconded.

President H. Guerrero: I would like to know why you are requesting that Delegate Villagomez be excused.

Floor Leader Lizama: I think, Mr. President, that he has some business this morning that cannot be avoided and he has to take care of. He may be able to come this morning before we adjourn.

President H. Guerrero: Did he communicate with you directly, or are you

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just making an excuse for him?

Floor Leader Lizama: There was some indication that he gave me yesterday that he will not be here on time, so I ask the indulgence of the delegates' consensus to excuse him.

Secretary Nabors: No objection.

President H. Guerrero: If no objection, so ordered that Delegate Villagomez be excused. In front of you, you have a communication from the Director of the Criminal Justice Planning Agency. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, we don't have the journal this morning so I think if that information should be given to the delegates, that we will adopt it next session.

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

COMMUNICATIONS

Comm. No. 7, from the Director of the Criminal Justice Planning Agency re compilation of report regarding jury trials in the Commonwealth.

President H. Guerrero: In front of you, we have the communication from Executive Director Richard Shewman, Criminal Justice Planning Agency. Is there any question on this? If not, we will go on to Reports of Committees.

COMMITTEE REPORTS/RECOMMENDATIONS

President H. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions does not have any report yet to submit at this time.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has nothing to report today, however, I just want to inform everyone that the proposals status has been passed out.

President H. Guerrero: Chairman King?

Chairman King: Mr. President, still no report from the Committee on Personal Rights and Natural Resources.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters has no written committee report since we are still conducting public hearings at this stage.

INTRODUCTION AND FIRST READING AND REFERRAL OF PROPOSALS

President H. Guerrero: Any proposals to be introduced? There is no Second and Final Reading of Proposals today.

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SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTION AND REFERRAL

President H. Guerrero: I have a copy of the resolution being circulated for everybody's signature. I'll request the indulgence of all the delegates to sign off. There are nine copies of the resolution, please make sure that you sign the document. Can I just get the Secretary to at least read the final version of the resolution?

At this point, Secretary Nabors read in its entirety, Resolution No. 5-85, entitled: "A Resolution to extend the deepest sympathy and condolences of the delegates of the Second Northern Marianas Constitutional Convention to the people of the Republic of Belau and to the family of President HARUO I. REMELIIK on the occasion of his untimely death."

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

Delegate Mafnas: Mr. President, I know that we adopted the resolution. There is a statement there where it says, "all his people loved him," apparently he was killed by, perhaps, nobody knows whether he was killed by his people. I wonder whether that is proper.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, I think it is highly important, as I stated earlier that this particular resolution must be refined in a way that it will not, you know, eventually -- we are not sure of what we are adopting or what is being placed in the context of the resolution itself. And I suggest that although the resolution has been circulated for signatures, the final review of this would be between yourself and the counsel. We want to make sure that nothing in this resolution contains something that is contradicting to what we would like to express to the late President.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I agree with the statement made by Delegate Guerrero.

President H. Guerrero: Which counsel are you referring to, Chairman Guerrero? Is it the Convention, you mean, or the leadership?

Chairman Guerrero: No. What I'm saying, Mr. President, is that the context of the resolution has to be thoroughly reviewed as to what has been expressed also by Delegate Mafnas. And I thought we had agreed during the previous session that this particular resolution has to be refined in a way that nothing will be contrary to our wishes.

President H. Guerrero: Okay, I suppose we can take that up under the Miscellaneous Business if you want to.

Chairman DL. Guerrero: What I'm saying, Mr. President, is for you and the

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counsel to review it and come up with the right language or wording to be in the context of this resolution.

President H. Guerrero: Chairman Guerrero, this is the language that the Legal Counsel came up with. After we gave him to polish it up, this is the one that he gave us. Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. If I might, I think that the comments of Delegate Mafnas and Delegate Guerrero are well taken and I shall take it upon myself to sit down again with Eric, the Legal Counsel, and the President and make certain that the contents, in all respects, are accurate and truly represent the sentiment of this body. Thank you.

Delegate Mafnas: It is very simple. Just say that he is loved by his people and not all of his people. That's all. Just strike out the word "all". Thank you.

President H. Guerrero: Okay, thank you. We don't have Unfinished Business, no Special Orders of the Day, none for General Orders of the Day. Miscellaneous Business? Delegate Calvo?

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

None

MISCELLANEOUS BUSINESS

Delegate Calvo: Thank you, Mr. President. I just want to have the record straightened out that on Monday, I was present in this Convention. I was informed by my wife and other listeners of the radio KSAI yesterday morning that I was omitted from the Convention's presence of that meeting on Monday. So I would also reflect this information out to the media that please be ascertain that the subject individual your are naming on your listing or your coverage is the right or correct person you are identifying. In fact, I was the mover of that motion to excuse all those delegates who were absent in that meeting or Convention and I was erroneously being named as absent from the meeting. So I want the KSAI and other representatives from the other media to be more certain and be more careful please when disseminating information to the general public. Thank you.

Delegate Mafnas: Question?

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Were you in trouble with your wife, Delegate Calvo?

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Delegate Calvo: No, Mr. President. It was just unfortunate that upon arrival from an official trip to Tinian, I was accorded with that question that, "You weren't at the meeting." Unfortunately, the radio called that "Delegate Calvo", and I think there are other names that were listed as being subjected individuals that were absent on that day. So I just want to make sure that the record is straightened out that Delegate Calvo from Rota was present in that meeting. I have never been absent since the inception of this Convention. Thank you.

President H. Guerrero: Thank you, Delegate Calvo. Chairman King?

Chairman King: In line to what Delegate Calvo has mentioned out, I believe the reason why his name was mistaken because those people or those delegates that went to Tinian changed their names to other delegates' names, so that's maybe it, and I wonder why all names have been screwed up. Thank you.

(Laughter)

President H. Guerrero: I see that Delegate Villagomez has joined us in the session. We are down on Miscellaneous right now, Delegate Villagomez, for your information.

Delegate Villagomez: Thank you, Mr. President. I apologize for being late, I was at the court attending a court hearing.

President H. Guerrero: Thank you, Delegate Villagomez. Under the Order of Business, apparently, we received the Referral Sheet after we finished Item (G). I just like to bring to the attention of the committee, I mean, the delegates that Proposal Nos. 239-85 all the way down to Proposal 351-85 are referred to the various substantive committees. The attachments or copies of the proposals are being made so it will be delivered to all the members when finished from xeroxing. Apparently we have a lot of copies to be made and also a lot of proposals. Also, a lot of them need to be retyped because they were submitted in rough or handwritten format. Any more miscellaneous business? If none, we will go on to announcements. Chairman Lizama?

ANNOUNCEMENTS

Chairman Lizama: Mr. President, the Committee on Governmental Institutions will have a public hearing this afternoon at 2:30 here in the Convention Hall.

President H. Guerrero: Chairman King?

Chairman King: Your Committee on Personal Rights and Natural Resources will meet today at two o'clock in this Convention Hall and also with the two delegates who are going to participate in our meeting -- Delegate Villanueva and Delegate Nabors and Delegate Mafnas, if he wants.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: First announcement, Mr. President, the Finance and Other Matters Committee has put out a notice for public hearings on July 5 and July 6 on the attached following delegate proposals. Again, I would like to point out that should any of the Convention delegates wish to join the Committee, you are more than welcome to do so. I think

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that is that appropriate time for you to ask the witnesses any questions. The second announcement is the Committee wishes to announce that immediately after we adjourn this morning, I would like to meet again with the members of the Committee.

President H. Guerrero: Any other announcements? Chairman Manglona?

Chairman Manglona: Mr. President, I would like to inform the members of the Local Government Committee that there will be a committee meeting right after the Convention today. Also, I would like to announce to all the delegates that there will be a public hearing on Tuesday, July 8, regarding Proposal No. 109-85. This is regarding Resident Commissioners. Also, 189-85 regarding Casino Gambling. I urge everyone to attend this public hearing. Thank you. Excuse me -- there will be a public hearing notice to be passed out today or tomorrow. Thank you, Mr. President.

President H. Guerrero: I suggest also that the chairman of each committee, especially the Finance and Other Matters, to accord also the Chairman of the Fiscal Affairs Committee in the Senate as well as the Chairman of the Appropriations Committee in the House of Representatives. Yes, Secretary Nabors?

Secretary Nabors: Mr. President, I have received the resolution being circulated and signed by all members, and there are two matters that I would like to bring up. No. 1, Chairman Guerrero had let us use his pen to circulate it to make sure that all signatures to be done by the same pen. Now, that pen has not arrived back yet with the resolution. And No. 2 is that we have four different colors of ink and now it is necessary for us to retype the resolution and circulate it. But please check your pocket and your bag and see if you have an extra pen that belongs to Delegate Guerrero. Thank you.

Chairman Lizama: I'm sorry, I have it here.

President H. Guerrero: Shame on you, Floor Leader Lizama. Do you mean all of it has to be retyped?

Secretary Nabors: Yes.

(Laughter)

President H. Guerrero: Are there any other announcements? Delegate Mafnas?

Delegate Mafnas: Mr. President, may I ask why is the Casino Gambling Proposal is assigned to Local Government? I believe that is a Commonwealth-wide matter; it's not a local matter.

Chairman Manglona: Point of information, Mr. President. Yes, Proposal 189-85 was introduced by Delegate Mendiola and others. This is regarding legalizing of casino gambling to be decided by each respective municipalities. I believe this is in regard to local laws, so I understand that maybe that was one of the reasons why this matter was referred to our committee. Thank you.

President H. Guerrero: Delegate Mafnas, there are also other proposals on gambling which were to Finance and Other Matters.

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Delegate Mafnas: No, my concern is that it is a Commonwealth-wide matter at this point in time. I think it should be referred to Finance and Other Matters because it is a Commonwealth-wide matter at this point in time. Well, it's your decision. I'm not questioning; I'm just wondering.

Secretary Nabors: Point of information, Mr. President. I believe Finance and Other Matters has pending in its committee a gambling measure as well, the proposal on slot machines and other devices.

Deleate Mafnas: Because of that, I was wondering why separate the committee's assignments. Maybe because the Finance and Other Matters Committee has most of the gambling proposals, it should be assigned with that so we will have one committee reporting on the legalization of gambling.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. The assignment that was assigned to Finance and Other Matters, we had a public hearing on that and the Committee came up with some recommendations which hopefully will be on the floor sometimes by either this week or early part of next week. We have finished the necessary public hearing on that particular measure and we have incorporated some of the concerns that were raised as well as the concern of the introducer of the other delegate proposal. I hope by then that this particular issue or concern may be resolved in this Convention. Thank you.

Delegate Inos: Point of information, Mr. President. We heard one gambling measure which was 72-85 and we will be hearing 189-85 as you can see on your notice for July 6 here in the Convention Hall. Thank you.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Okay, if the other members of this committee have no objection, I will throw this proposal out from our public hearing, and if possible, we will join the other committee during their public hearing. Thank you.

President H. Guerrero: I suggest also that I notice here, the public hearing is basically for religious people. I suggest that you involve also the business community other than just religious people. It seems like it's lop-sided in terms of witnesses that you are requesting. All I am asking is that you have a wide representation in terms of witnesses, not just one interest group within the Commonwealth. It is only a suggestion. Are there any other announcements? The Chair would like to announce that starting Sunday, I would like to recommend that the chairmen will conduct their public hearings in the morning and we'll have our sessions in the afternoon, and after session, the committees should have their committee meetings. So I suggest that starting Sunday, we will have our sessions at least starting at three o'clock in the afternoon -- two o'clock, excuse me. Delegate Torres?

Delegate Torres: I know I may be out of order but I would like to request the Chair to please assign a legal counsel to each respective committee. Thank you.

President H. Guerrero: Delegate Villagomez?

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Delegate Villagomez: Mr. President, I strongly recommend that we start at two o'clock starting tomorrow if we are going to have a meeting tomorrow.

President H. Guerrero: There are some public hearings scheduled tomorrow. I mean, not tomorrow but Friday and Saturday, that is why I am recommending that we start on Sunday. Also, somebody came to the office requesting whether any of the delegates is interested in getting one of these. It costs \$150 by the way, but it is basically for souvenir purposes. Any member is welcome to purchase one. The Convention is not paying for it, by the way. So if you are interested, let us know. Any other announcements? Floor Leader Lizama?

Floor Leader Lizama: Thank you Mr. President. If there's no further announcement, I would like to move that we adjourn until Friday morning at 9:30.

Delegate Mendiola seconded the motion.

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

Delegate Villagomez: Why are we not meeting tomorrow?

President H. Guerrero: It is Fourth of July...

Delegate Mafnas: Mr. President, Sunday is more important to me than Fourth of July. Sunday is a religious day for me and here we are going to work on Sunday. I'm sorry, I disagree on the motion to recess until Friday.

Floor Leader Lizama: The Committee on Governmental Institutions and the Committee on Personal Rights and Natural Resources are going to be meeting tomorrow and it is important that we have that meeting tomorrow to resolve some of the issues that concerned both committees. I believe that July 4th is more important than Sunday, if you don't go to church. So I ask Delegate Mafnas, do you go to church every Sunday?

Delegate Mafnas: Well, I go to church everyday.

(Applause)

Secretary Nabors: Ready for vote.

President H. Guerrero: Are you ready to vote?

There being no further discussion, the motion to adjourn and to reconvene on Friday at 9:30 a.m. was carried by voice vote.

The Convention adjourned at 10:17 a.m. and to reconvene on Friday, July 5, 1985, at 9:30 a.m.

Respectfully submitted,


Delegate William B. Nabors
Convention Secretary