

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

EIGHTEENTH DAY

Friday, July 5, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:35 a.m., Friday, July 5, 1985, in the Convention Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

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

Secretary Nabors: Mr. President, all 24 delegates are present; a quorum is present to conduct our business.

President H. Guerrero: We have a quorum to conduct the order of business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the 9th Day's Journal.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the 9th Day's Journal. Discussions? Delegate King?

Chairman King: Thank you, Mr. President. I just like to ask, if there's no objection from the delegates, that on page 156 where I made a remark, I would like to ask the Chair to delete the words after the "Convention." "The reason for that is", to delete these words and start with "as I mentioned".

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

Chairman King: Thank you.

President H. Guerrero: Discussions? Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. On Page 147, the very bottom, I ask that "order words" be changed to "other words". On page 156, strike out, on the fifth line, "And I don't know". And on the next line, I ask that the word "s" also be stricken out; and the next line, the words "to reserve the", strike out "to" and add "and". Thank you.

Delegate Mendiola: No objection.

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Delegate Mafnas: I move for the previous question.

Delegate Mendiola seconded the motion.

President H. Guerrero: If there is no objection on Delegate Mafnas' recommendation for deletions from the journal, so ordered.

The motion to adopt the 9th Day's Journal was carried by voice vote.

President H. Guerrero: The 9th Day's Journal is adopted.

COMMUNICATIONS

Legal Opinion No. 21, regarding Proposal No. 51-85.

Legal Opinion No. 25, regarding Residency, Domicile and Citizenship.

President H. Guerrero: In front of you also, you have a couple of legal opinions in reference to Proposal No. 51-85 and the Residency, Domicile and Citizenship. Are there any questions to those? If none, we will move on to Reports of the Committees. Chairman Lizama?

COMMITTEE REPORTS/RECOMMENDATIONS

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has nothing to report.

President H. Guerrero: Chairman King?

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

President H. Guerrero: Chairman Manglona?

Chairman Manglona: The Committee on Local Government has nothing to report at this time. Thank you.

President H. Guerrero: Chairman Guerrero?

Chairman Guerrero: Yes, Mr. President, your Committee on Finance and Other Matters also has no written report to the Convention today.

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

President H. Guerrero: I believe we passed out copies of all the proposals that were submitted last Tuesday. If you don't have a copy, just let us know.

SECOND AND FINAL READING OF PROPOSALS

Committee Recommendation No. 7: 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."

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President H. Guerrero: I'd like to call Secretary Nabors to read
Committee Recommendation No. 7.

At this point, Convention Secretary Nabors read Committee
Recommendation No. 7 in its entirety.

President H. Guerrero: Is there any motion to adopt this?

Delegate DL. Guerrero: I so move.

Secretary Nabors seconded the motion.

Delegate King: Mr. President, I don't know whether I am in order or not,
but I'd like to offer an amendment.

President H. Guerrero: Before I recognize you, Chairman King; a motion
has been made to adopt Committee Recommendation No. 7 on Second and Final
Reading. Discussions? Chairman King?

Delegate King: I am making a motion to the amendment.

President H. Guerrero: Is there any second to Chairman King's motion?

There was a second to the motion.

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

Delegate Manglona: Point of information. Can I request that rather than
this type of information that the actual committee recommendation be given
to each delegate with the strike outs and additions to that recommenda-
tion?

President H. Guerrero: What committee recommendation are you talking
about?

Delegate Manglona: Well, he's just telling which line to strike out and
what words to add in. I would like to have a copy of the way they
actually want it amended.

President H. Guerrero: I believe this is a normal format for an
amendment--a floor amendment.

Delegate DL. Guerrero: Question.

President H. Guerrero: Chairman Guerrero?

Delegate DL. Guerrero: Mr. President, I wonder -- is this a committee's
recommendation at this time, recommending for an amendment, or is this an
individual delegate offering an amendment on the floor during the Second
and Final Reading?

President H. Guerrero: This is an individual amendment. Just for a point
of clarification. The minute any chairman submits a report and the Chair
accepts it, it's no longer a property of the committee. It becomes the
property of the Convention. Therefore, Chairman King is only making a
recommendation as a delegate not as chairman of his committee.

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Delegate DL. Guerrero: Yes, Mr. President, but since Chairman King is the chairman of his committee who is submitting this final language on the provision of this amendment in the Constitution, I think it has to be the general consensus of the committee and sanctioned by the committee before Chairman King offer it on the floor.

Delegate King: No, I don't think so.

President H. Guerrero: The Committee Recommendation No. 7 for Second and Final Reading is not the property of the Committee on Personal Rights and Natural Resources. It's the property of the Convention; therefore, Chairman King is only -- or I should probably just refer him as Delegate King because he's making an amendment as a delegate to the Convention not as a chairman of that committee.

Delegate DL. Guerrero: I do understand that, Mr. President, but I think it's only appropriate that if the committee finds out that the final version of this particular amendment may not be the best suited language that the committee itself should come up with that, otherwise I don't have any quarrel if this is just a single delegate's amendment again to be entertained on the floor. We can proceed with it. But I believe that if this particular language has been reviewed by his committee, then I would agree that it's probably the best language that has to be amended at this time.

President H. Guerrero: Probably you are correct, Chairman Guerrero, that Delegate King might not be the best person to offer this recommendation, but he is offering it as a delegate not as chairman of his committee. Chairman King?

Delegate King: I was just going to say like that, Mr. President. Thank you.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, I think I understand the intention of Delegate King. While his intention is good, I think the wording that he proposes does not carry that intention clearly. And I think if this floor wants to amend it to reflect his intention, they should reword it in another way. And I'm looking here at the Constitution of Hawaii and their wording, I think, better expressed his intention. It says, as follows: "If any 9-year period shall elapse should which the question shall not have been submitted, the Lt. Governor shall certify the question to be voted on at the first general election following the expiration of such period." Although the details are not in line, the idea is there and I think this should be, maybe, resubmitted to the committee for better wording in a way that the intention does not identify his intention clearly.

President H. Guerrero: Delegate Manglona, just for a point of information. This document is not a document of the committee anymore, it belongs to the Convention as a whole. It has been adopted already.

Delegate Manglona: Yes, but I'm moving to resubmit it.

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President H. Guerrero: To resubmit it? We already adopted it. Delegate Mafnas?

Delegate Mafnas: Mr. President, can we proceed and debate on the question?

President H. Guerrero: Discussions on the friendly amendment by Delegate King?

Delegate Mafnas: Question.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Why is this amendment friendly?

President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. Just like I said before, since Mr. Guerrero or Delegate Guerrero pointed out that I'm the Chairman of the Committee on Personal Rights and Natural Resources so what he's pointing out, you know, very earlier so that's why I put it as "friendly amendment" so those kinds of misunderstanding perhaps would not be intruded to me, so however, friendly here doesn't seem to be accorded to me at this time. So that's why I said "friendly amendment" since I am the Chairman of the Personal Rights and Natural Resources I'm the one who's going to offer it as a delegate amendment to the Convention.

Delegate Mafnas: Next, will you kindly distinguish the difference of the Committee Recommendation No. 7 and the friendly amendment? Distinguish the difference.

Delegate King: The friendly amendment is from myself as a delegate.

Delegate Mafnas: Will you distinguish or explain the difference why are you striking out in the Recommendation No. 7 lines 10 and 11 and why are you inserting it? What's the difference?

Delegate King: The rationale between these two is just as I stated in the written portion of the friendly amendment. It says that -- you know, it's clearly stated there why I offer such an amendment.

President H. Guerrero: Delegate Mafnas, are you finished?

Delegate Mafnas: No, Mr. President. I'll yield to the next member; the answer is not clear.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I would like to have a clarification if I could, Mr. President. The proposed amendment would strike in its entirety line 10. According to my copy of Proposal 76-85, line 10 does not conform to the rationale in the proposed friendly amendment. Line 10 says: "Amendments proposed by 1985 Constitutional Convention and as provided by law," continuing on to line 11. If we were to strike that, it does not appear to me to accomplish the objective sought. Can I have a clarification, please?

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President H. Guerrero: Point of information, Delegate Nabors. The document that we have in front of us is Committee Recommendation No. 7, not -- what is the proposal's number? We're talking about a different document at the moment. This is what being considered and not the original proposal. Can you answer that, Delegate King?

Delegate King: Mr. President, since the Committee Recommendation No. 7 is not the property of the committee, I don't have that. We have the authority to make such amendment by the committee but unless the recommendation at the very first place is being deferred or resubmitted to the committee to do such amendment. Therefore, I am offering, as a delegate, an amendment to Committee Recommendation No. 7.

President H. Guerrero: Delegate Lizama?

Delegate Lizama: Mr. President, I don't have any problem accepting the amendment. I tend to have a little bit of confusion by reading the proposed amendment, line 10 in particular, if we say that we would have a Constitutional Convention 10 years after the effective date of the amendments proposed by the 1985 is very conceivable that there may not be amendments which could result or may result out of this Convention. So I prefer, I think, the amendment offered by Chairman King. I don't have any problem interpreting what is the intention of Chairman King's amendment.

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

Delegate Manglona: Okay, Mr. President, I would like to read what Delegate King's proposed amendment. On line 6, "the Legislature or the Governor, in the event the Legislature fails to act, shall submit this question to the voters at a regular general election no later than 10 years after the question was last submitted and as provided by law." I believe his amendment will read as such. However, my problem is, while this brings it closer to the solution, it is not exactly clear. His intention is that every 10-year interval, this question should be put to the public. And as I mentioned earlier, another wording should be used indicating that "if any 10-year period shall elapse during which the question shall not have been submitted, the Legislature or the Governor, should the Legislature fail to act, shall certify this question to be voted on the first general election following the expiration of such" period. I believe that wording would be more appropriate. Thank you.

President H. Guerrero: Floor Leader Lizama?

Delegate Lizama: I disagree because 10 years down the line in the next Constitutional Convention the same kind of amendment may be offered. So if we're going to read this in an imaginary sense, I don't think we are going to go any further. I think the amendment as proposed is okay.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. The intent of the amendment, the motion to amend is good and the language that is proposed adequately provides for the intent. It is not ambiguous to me; it means exactly what it says. This is the Convention and under the Rules of the Convention, each of the delegates have one chance to speak on a motion

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such as this but would have 15 minutes to speak on that motion. We are not following that rule. I am in favor of the amendment and I am prepared to vote. Thank you.

President H. Guerrero: Delegate Pangelinan?

Delegate Pangelinan: Can I just get a clarification? What the amendment explains here would have been the same if the voters had voted "no" for this Constitutional Convention to convene, that means that the provision there is no longer effective just like what Mr. King had stated in his amendment. If we had voted "no" for this Constitutional Convention to convene to make proposed amendments, this provision here under (a) which exactly follows the same language as the original committee report would have left the voters with no other option but (c) and (d). Right?

Delegate King: Right.

Delegate Pangelinan: Okay, I understand. Thank you.

President H. Guerrero: Any further discussions?

Delegate Mafnas: I move for the previous question.

Delegate Villagomez seconded the motion.

President H. Guerrero: It has been moved and seconded for the previous question.

The motion to adopt the friendly amendment offered by Delegate King was carried by voice vote.

President H. Guerrero: Discussions on the main motion?

Delegate DL. Guerrero moved for the previous question, and Delegate Lizama seconded the motion.

President H. Guerrero: It has been moved and seconded. Roll call, Secretary Nabors.

The Convention Secretary called the roll, and the motion for adoption of Committee Recommendation No. 7, as amended, on Second and Final Reading was carried by 24 affirmative votes.

President H. Guerrero: Committee Recommendation No. 7 is unanimously adopted as amended.

INTRODUCTION OF RESOLUTION AND REFERRAL

None

UNFINISHED BUSINESS

None

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SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

None

MISCELLANEOUS BUSINESS

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. I just want to congratulate the Convention for having adopted the first proposal to be presented to the voters in November. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez. Any other miscellaneous business? Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. Mr. President and colleagues, I want to take this opportunity to express my sincere gratitude to the officials of the Criminal Justice Planning Agency of the Northern Mariana Islands for what I consider to be a comprehensive study of the Jury System since it was established in the Commonwealth in 1978 through May 1985. This was a subject of Miscellaneous Communication 7 that was passed out earlier of the week. Specifically, I'd like to commend Mr. Edward C. Deleon Guerrero and Mr. Richard Shewman who is the director of that agency. The bottom line of this study shows that notwithstanding a close relationship of families and friends, our jury system seems to be functioning quite well, especially, as an attorney, I am gratified that the judicial system in the Marianas is working. I, therefore, Mr. President, would like to extend my gratitude again to Mr. Edward C. Deleon Guerrero and to Mr. Richard Shewman for their fine study.

Secondly, Mr. President, I would like to deal with a matter that is the antithesis and state my extreme displeasure at not being allowed to ask questions in a public hearing held in this Chamber on Wednesday (nigapna). To me, I consider this a put down and an embarrassment. I was elected in the same manner as anyone else in this Chamber and I demand to be treated equally and be given the opportunity to ask any questions that I might have, if I'm to represent my constituents who elected me and I do not wish to have this representation diminish in any form. I can only say, Mr. President, and to my opinion, the courtesy ought to be extended to each delegate and I believe that each delegate is capable of asking his own questions and should not be told to pass your questions to a committee member and that committee member will answer your question. I want that very clear. I brought this matter up to clear the air. I don't have any animosity or any ill-will feelings against anybody. But I want to represent the people of Tinian and I don't want anyone to try and short circuit the representation.

Now, Mr. President, on another matter, I'm grateful to the Committee on Personal Rights and Natural Resources for the courtesies extended to me in discussing various measures before that committee that were not in the

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committee's view merited of putting on the floor. These measures were 3-85, concerning the Marianas Public Land Corporations; 62-85, relating to the Chamorro/Carolinian Educational Program; 64-85 that would prohibit the selling of homesteads; 111-85 that would remove restrictions on selling of private property; 139-85 with regard to eligibility to vote; 149-85 that would establish monetary limit to deaths and injuries; 150-85, relating to election procedures; and I believe there was one additional proposal that we also discussed.

Now with regard to Proposal 3-85, I wish to advise my colleagues that this is a proposal concerning the abolishment of MPLC and transferring of its functions to the Department of Land Management. I've had the opportunity to discuss with several of my colleagues of this matter that is of serious concern to many, many people and I am happy to report, Mr. President, that we have reached, I believe, the meeting of the minds wherein it would no longer be necessary to consider 3-85. And in fact, we have, I believe, agreed on a compromise that will satisfy all concerns that I have with respect to the Marianas Public Land Corporations. And I believe in the power of compromise and I feel that each of us are going to have to do this if we are to make any progress.

Relative to Delegate Proposal 149-85, the proposal concerning the eligibility to vote, the Attorney General and I are working on a language that we believe will meet my concerns that put some additional restrictions in the Constitution concerning voting eligibility. I just received a call from the Attorney General this morning that we are to get together later today and hopefully have that language back to the committee sometimes today or tomorrow.

However, Mr. President, I do have some strong feelings concerning two other proposals. One being the selling of homestead lands. I believe that the homestead program was designed to provide land to the landless, a method by which a person could obtain public land on which he could house his family, and I believe that this is a noble expression of society's generosity to those among us who are less fortunate. But a logical extension of this philosophy dictates that some prohibition should be placed on people making profits from public domain, and I believe that we would defeat our purpose of providing land to the landless if we were to continue to permit those people to sell their homesteads as soon as they get a deed.

Relative to Delegate Proposal 62-85 that would require a Chamorro/Carolinian Educational Program to be a part of our educational curriculum in the Constitution is an identical proposal taken from the State of Hawaii's Constitution. I, therefore, believe that if any state considers a matter of this nature a constitutional matter, I don't believe that we, in good conscience, can say that it's merely a legislative one. I believe, Mr. President, as some constitutional experts have said that a Constitution is an embodiment of political values that people cherish and the goals they hope to achieve. We all know that administrative programs can be changed at any time, but once it becomes a part of our Constitution, our Legislature is obligated to fund it and the Executive is obligated to implement it. And it is in my opinion, also notice to the world, that we care enough about our Chamorro/Carolinian heritage, culture and traditions to recognize them in our Constitution and notice to the world that no man should tread upon this sacred institution. Thank you, Mr. President.

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Delegate Lizama: Mr. President?

President H. Guerrero: Before I recognize Floor Leader Lizama, the Chair rules that no delegate has the right to demand a chairman of the committee to ask questions in a public hearing unless you are a member of that committee. I suggest and the Chair highly recommends that if you wish to raise questions in the public hearing and you are not a member of that committee to talk to the chairman before the hearing. I would recommend also that the chairman would at least allow the delegate to raise a question. What I am trying to say is let's get our acts together and we don't want to look or appear that we have some conflicts. I also would like to comment that in the public hearings, I suggest that all delegates part their righteousness and their personality problems that conflict with one another outside the door. It's the task of this Convention to address itself on the issues and the matters that were elected for and not to talk about personalities of specific delegates or even personalities of the witnesses within specific departments or agencies of the government. Floor Leader Lizama?

Floor Leader Lizama: Thank you, Mr. President. This is just a few remarks. I have to say that I did not deny Delegate Nabors the right to ask questions. In fact, he asked questions and I denied, in fact, Delegate Torres. And I think you explicitly stated that every chairman has the right to manage the committee, and I saw it fit that if we were to allow all the delegates to ask questions to the witnesses, it's just going to cause a chaotic experience in dealing with the witnesses and that's what I was trying to prevent. And I offered the suggestion that if a delegate wishes to ask questions that it would be best if the delegate would testify himself and let the committee members understand what the delegate wishes to offer. That's all, Mr. President.

President H. Guerrero: In addition, I believe any delegate has the right to present testimony as well as to be heard in the public hearing. So if you have any comments or testimony that you want to present to a specific committee, I suggest that's another avenue of doing it. Delegate King?

Delegate King: Thank you, Mr. President. I just like to extend my sincere appreciation to those members who came yesterday and attended the joint meeting of the Governmental Institutions and the Personal Rights and Natural Resources Committees. It's a very tremendous result because they came out with a good solution in terms of agreement and compromise which we discussed the entire Article XI concerning public lands. Those proposals that have related issues concerning this Article have been incorporated, not entirely but to the best interest of our islands and our people and I hope that the written report concerning our meeting will come out soon. And again, I would like to thank those people that spent their time here in trying to get their work done and missed the Liberation the whole day down there yesterday. Thank you.

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

Chairman DL. Guerrero: Thank you, Mr. President. Mr. President, I, as the Chairman of Finance and Other Matters, always announced on this floor that should there be a public hearing, any delegate is welcome to join the committee. Now we understand, of course, that each of the committee has that prerogative but I hope that each committee member be given also the

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opportunity to express himself and be recognized by each of the chairmen his presence, should he have any question to address to the witnesses at the public hearing. And please rest assured that our committee is more than happy to welcome any question to be addressed to the witnesses at the public hearing. And please, rest assured that our committee is more than happy to welcome any member, and as chairman of the committee, I would certainly recognize your presence. And should any member or delegate of this Convention wish to address any question to the witnesses, rest assured that that will be well done. I don't want to be one of those from my committee being accused for not given the opportunity to each of these delegates in this Convention. Thank you.

President H. Guerrero: Delegate Cing?

Delegate Cing: Thank you, Mr. President. This is in line with Delegate Guerrero's concern. I believe the reason why Delegate Nabors indicated that he was so mad last Wednesday is that he came in late during our hearing, Mr. President, and he persuaded the Chairman of the Governmental Institutions and he was provided with one last question, and when he addressed that question, I believe that we have already asked that question. Thank you.

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

Delegate Mafnas: I am not going to judge whether what happened last Friday or rather Wednesday is proper or improper. I believe that every member should be accorded the opportunity to ask questions when all the committee members have finished their questions. I am elected to represent not a committee but the people of Saipan, and don't short cut my representation to the people who elected me. If my questions are not satisfied, Mr. President, because I am deprived the opportunity to ask questions during the public hearing I can guarantee you that I will vote against any proposal that does not satisfy me. So again, I would urge the committees chairmen to recognize the solemn contract that every member has with the voters. So don't deprive me that opportunity.

With respect to conduct of members in public hearing, I think each member should know why he's behaving the way he is behaving. I get irritated when a witness comes in unprepared, isn't able to answer the questions that will assist me in deciding whether I should vote "yes" or "no" on the proposal. I have sat and listened in numerous legislative hearings identical to the public hearings that we have where witnesses claimed that they don't have time to prepare for their testimonies because they received the notice on Friday afternoon and the hearing was for Monday. These are responsible people that we are calling in to give us directions, their ideas and views. And if they cannot sit down and spend eight hours the following day upon receiving the notice, then I consider them irresponsible and I should conduct myself accordingly. So I do not wish the Chair to tell a member how to conduct himself in a public hearing. Each one of us is responsible for our own action, and I respectfully ask the Chair not to put anything more than what we have in our Rules of Procedure. Thank you.

President H. Guerrero: Delegate Igitol?

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Delegate Igitol: Well, Mr. President, I guess everybody said what I have to say but I just want to register a concern also. The committees sometimes accorded each delegate to come and speak to each committee regarding their proposals. Sometimes when a witness comes in, or rather a question being raised by a committee member during the hearing is not raised adequately. But when the witness speaks for the proposal, sometimes he just come up with a last minute question and that's the appropriate time for a member to ask question irregardless whether he's a member of the committee or not. And this is just a concern that I would like to offer also that each committee chairman should also consider this and allow the delegates to ask questions during the committee's public hearings. Thank you, Mr. President.

President H. Guerrero: Any morè miscellaneous business? Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. Just for a point of clarification for me. I have two books in my hand, the text from the Constitution of the Northern Marianas and its Analysis. Mr. President, in some of my proposals that I have submitted to Personal Rights and Natural Resources Committee, they mentioned that there's no use to put it in this book because it's already in here. When I read this book, it's simply a wild, variety of detailed language describing the analysis of this book. I was wondering. For instance, to take an example of committee's disposition on certain proposal. In here, one example is that on the protection of a citizen. They said that the Analysis of the Constitution has already included this concerned issue and they will not take action, however, age is not recommendable to add because it will conflict with our culture. I would like to ask the President of the Convention about the age under the Bill of Rights, not the Bill of Rights, but the voting age. Is it against the Chamorro culture for an 18 years old person to vote in the Commonwealth?

President H. Guerrero: Can you restate your questions?

Delegate Kaipat: Is it against the Chamorro culture for an 18 years old person to vote in the Commonwealth?

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Instead of putting this in the journal, I would like for the chairman to invite Delegate Kaipat to discuss this in the committee and we will be able to answer all his concerns at that time rather than doing it now.

Delegate Kaipat: Mr. President, the thing that concerns me, Delegate Nabors has just finished talking about his proposal and I have the right to hear also about the action taken by the committee. In all these filed proposals, there was no mention about consultation for legal opinion. The committee just take up in its entirety and filed quite a good number of my proposals, and I don't see any legal consultation at all. That's why I'm asking that if this is the case, if anything that are mentioned here don't have to be here, or anything that is mentioned in the Covenant, doesn't have to be here, then I will be satisfied with such explanation. The thing is if anything in the Covenant or in this Constitutional Analysis, we don't have to put it in here if it's present in here. And everything under the Bill of Rights are here and the Covenant, so I think we need some legal opinion on this kind of thing, if I'm not mistaken, instead of

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just filing it. When you talk about culture, you have to remember that we are dealing with two cultures. Age limitation, in Chamorro, may be different from Carolinian so we have to be very careful. So I would suggest, if the President cannot answer my question, I'd like to have a legal opinion on these two questions.

President H. Guerrero: Delegate Kaipat, under Miscellaneous Business, it is the place to air out any concern. The Chair would recommend that you address your issue to the appropriate substantive committee to answer your questions. Would the Chairman of the Personal Rights and Natural Resources accord Delegate Kaipat the opportunity to express his views and concerns regarding certain proposals?

Delegate King: Thank you, Mr. President. I recall one time that we invited him to come to our committee's meeting, however, he never showed up.

Delegate Kaipat: Mr. President, they invited me once on Habeas Corpus and I have 20 other proposals that I was not invited for.

Delegate King: In addition to that, Mr. President, we are still open to any delegates. I think, like we said yesterday, that we're still going round and around. But please, let me repeat again, you are welcome to our committee. (Chamorro language) I hope that this would touch your mind and your heart that this committee actually is not a filing committee. It's a committee, a working committee to hear what really your concerns are. So I hope that this would end this kind of discussions and please come to our committee. We are very diplomatic type of people in our committee. Thank you.

President H. Guerrero: As Delegate Mafnas indicated, we are all responsible of our own action; therefore, I suggest that any delegate should take the initiative if they have concern about a specific proposal to go to that appropriate committee and air out the differences.

Delegate Kaipat: Mr. President, before I go to that committee, I would like to have a written report from AG about the legality on those two questions I mentioned. First, what is the situation in the case where certain section in the Covenant mentioned certain law which is applicable to the Northern Marianas, the possibility of including that since all those mentioned in the applicable laws, some are mentioned in our Constitution and some are okay but not in Constitution. That's one question. Two from the Covenant and the second question would be the applicability of the Constitutional Analysis just like the Covenant. I don't think the committee can answer me on this one that's why I need a written legal interpretation before I sit down with the committee because I may be satisfied without seeing the committee after I see the AG.

President H. Guerrero: Delegate Kaipat, so the Chair doesn't get confuse or try to put words into your request, can I recommend that you put that into writing and submit it to the Chair so we can appropriately submit it to the AG?

Delegate Mafnas: Point of information, Mr. President.

President H. Guerrero: Delegate Mafnas?

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Delegate Mafnas: If Delegate Kaipat would review the AG's opinion, I recall that one of the opinions from the Attorney General addresses his first concern. I understand that there are about 25 opinions that have been issued. But one of those 25 opinions addresses the first concern by Delegate Kaipat.

Delegate Kaipat: I have all the interpretations too, but I don't have that opinion.

President H. Guerrero: Any more Miscellaneous Business? If not, announcements. Chairman Guerrero?

ANNOUNCEMENTS

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters wishes again to announce that there will be a public hearing today at one o'clock right here in the Convention Hall, hopefully in this Convention Hall. If not, then we'll still utilize the other room downstairs. Again, I wish to remind any delegate that have interest in his delegate proposal to please be present. And the last announcement is, immediately after we adjourn, the Committee on Finance and Other Matters wishes to meet again.

President H. Guerrero: Delegate Lizama?

Chairman Lizama: Mr. President, I have two announcements to make. First, I'd like to meet with the members of the Committee on Governmental Institutions at 1:30 this afternoon. Second, there will also be a public hearing this afternoon to deal with proposals relative to amending Article II. I also would like to welcome the delegates to come to this public hearing. But before they make the request to submit questions to the witnesses, I would like them to be here most of the time rather than coming here at the last minute. I apologize to Delegate Torres, I think he was here all the time and maybe I did not make the best judgment, I did not allow him to ask his questions to the witnesses. However, under the circumstances, I did not see that it was a good idea to have done so. But since some delegates feel that the delegates should be given the opportunity to direct the questions to the witnesses, the Committee on Governmental Institutions could accommodate such feelings. But please, if you're going to come here to direct questions to the witnesses, I hope that the delegates would be here most of the time so that they know and questions will not be repeated and therefore more time would be spent on trivial preview matters. That's all, Mr. President.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I have a notice of public hearing invited by Personal Rights and Natural Resources group to meet today, July 5th, 1:30 p.m. I was wondering if this is gonna be overlapped by using the same room with the Governmental Institutions group that is meeting also at 1:30. Is Delegate Lizama planning a meeting with his committee and a public hearing in this same hall? Or has he planned to use the other room? Because according to the Personal Rights and Natural Resources group, they are using this room with quite a good number of witnesses coming; I'm also included. And I thank the committee for inviting me because all these three -- prostitution, nuclear materials,

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and abortion are my bills. But there are still many other pending proposals that I'd like to talk to them about.

President H. Guerrero: Delegate Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government will be conducting a public hearing on Tuesday, July 9, 6:30 p.m., at the Garapan Elementary School Auditorium. We all urge delegates here to be present at the public hearing. It will bring up Delegate Proposal No. 109-85 to amend Section 2 of Article VI of the Northern Marianas Constitution relating to election of mayor to abolish the mayor's office on Saipan and to replace it precinct commissioners. I would like also to announce that the Committee on Local Government are having a Committee meeting at 1:00 o'clock this afternoon in this hall. Thank you.

President H. Guerrero: Chairman King?

Chairman King: I believe that the Committee on Personal Rights and Natural Resources will be having a public hearing in this Convention, for information to the Chairman of the Local Government that we had scheduled a public hearing this afternoon at 1:30 in this chamber. In addition to that is a reminder to that Governmental Institutions Chairman that I believe tomorrow we gonna meet again right after the Convention for joint matters. Thank you.

Delegate Mafnas: Mr. President, we have a mandate to deliver today to the Convention on Proposal No. 3-85, don't we? Probably the, I suggest that the Chairman on Personal Rights and Governmental Institutions should orally report as to the tremendous progress that we have achieved.

President H. Guerrero: Chairman Lizama or which chairman are we talking, Chairman King?

Delegate Mafnas: Personal Rights and Governmental Institutions.

President H. Guerrero: Chairman Lizama first.

Chairman Lizama: Is that point of information? Are you referring to 3-85, Delegate Mafnas?

Delegate Mafnas: Yes, I believe, Mr. President, that we have a mandate by the Convention to report today, Friday, according to the minutes.

Chairman Lizama: Thank you, Delegate Mafnas. Yesterday, the two committees--the Committee on Personal Rights and Natural Resources and the Committee on Governmental Institutions, they met and the purpose of the meeting was to discuss Proposal 3-85 and proposal 56-85 and other proposals relative to the subject of the Marianas Public Land Corporation. Yesterday, the committees, they were able to come with what would be the most appropriate amendments to be made with respect to Article II, Section 4 and also with respect to Article II, Section 5. The Committee on Natural Resources will be responsible to put it together--the Committee recommendation. With respect to Article II amendments, the Committee for Governmental Institutions will be putting out the Committee's recommendation. With respect to Article II, Section 11 relative to

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Marianas Land Trust. So there is already that understanding that the committee recommendation will be submitted jointly by the two committees. The details of what was agreed on yesterday, those will be presented. The committees' recommendations.

Legate Igitol: Mr. President, point of information.

President H. Guerrero: Delegate Igitol?

Legate Igitol: Are we on Announcements or Miscellaneous Business?

President H. Guerrero: We are under Announcements.

Legate Igitol: It seems that we're taking up the Miscellaneous Business. May we suspend the order of business and go back to letter M?

President H. Guerrero: We can still do it, unless you are objecting, Legate Igitol.

Legate Igitol: No, but we're not following the rules, Mr. President.

President H. Guerrero: Well, if there is no objection, the Chair will cognize Delegate Lizama.

Chairman Lizama: Well, to put it shortly, the work of the two committees yesterday was very productive and I think that all those delegates that submitted proposals for amending Article II, Sections 4, 5 and 6 would be most satisfied when they see the two recommendations that the two appropriate committees are going to be reporting to the Convention. Thank you very much.

President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President, in line to what Mr. Chairman or Floor Leader Lizama said, the report has been put in final form. And I believe that before we put it out to the Convention, these two committees can meet once again and try to look over the final version of the recommendation. In that case, we'll save more time for the deliberation during the deliberation of the Convention. So I hope that once this report is finalized, we will meet again to expedite the report to the Convention. Thank you.

President H. Guerrero: Any other announcement? The Chair would like to announce that I'd like to meet with the Committee on Organization and Procedure tomorrow morning at eight o'clock, or make it 8:30. Also, I have asked the gentleman to come tomorrow to take photographs for those people who want to have those plaque souvenir. They need the pictures of everybody, whether you're buying one or not. It looks kind of strange if some slots are empty. So I would recommend that you at least look your best tomorrow morning. They are going to take all the pictures.

Delegate Cing: I'm prompt today, Mr. President.

President H. Guerrero: Any other announcement? Any motion to adjourn?

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Floor Leader Lizama: I move, Mr. President, that we adjourn until tomorrow morning at 9:30.

Delegate Mendiola seconded the motion.

President H. Guerrero: Discussions?

Delegate Mafnas: Mr. President.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, I ask that the Civil Service Commission meet as soon as possible to determine or to decide on the certification for overtime for the Con Con employees tomorrow at 9:00 a.m.. May I ask the Chair or the mover to amend that and make it in the afternoon so that we can have something done in the morning to discuss in the afternoon?

President H. Guerrero: Is there any conflict if tomorrow afternoon?

Delegate DL. Guerrero: We have public hearing in the afternoon.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Pardon?

President H. Guerrero: Would you be finished by ten o'clock, 10:30?

Delegate Mafnas: We should be finished by ten o'clock.

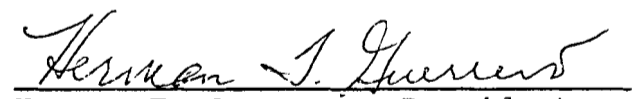
President H. Guerrero: Would you object to that one?

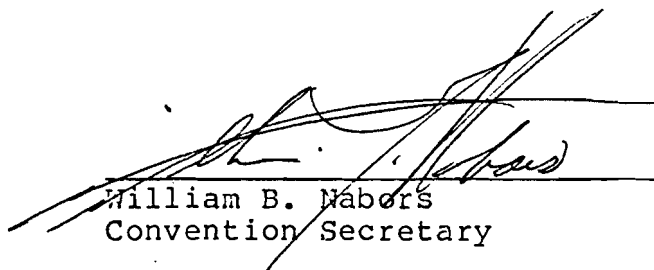
Floor Leader Lizama: No objection.

There being no further discussion, the motion to adjourn and to reconvene on Saturday at 10:00 a.m. was carried by voice vote.

The Convention adjourned at 10:50 p.m. and to reconvene Saturday, July 6, 1985, at 10:00 a.m.

APPROVED:


Herman T. Guerrero, President
Northern Marianas Constitutional
Convention


William B. Nabors
Convention Secretary