

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

NINETEENTH DAY

Saturday, July 6, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 10:13 a.m., Saturday, July 6, 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. Delegate Mafnas was absent.

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

President H. Guerrero: We have a majority and a quorum to conduct the Order of Business.

Delegate DL. Guerrero: Mr. President, let the record show that the delegate who is not here be officially excused, please.

President H. Guerrero: Delegate Mafnas earlier called and said he's ill today, so he's excused. Before I call on Floor Leader Lizama, you have in front of you is a summary journal of the before. The Chair has instituted this because we are behind with the verbatim journal so this would at least give us the summary of what had transpired the day before. Some minor amendments or changes on type errors. It should be July 5th instead of July 6th. And on the third line of the first paragraph, the first word "voice" should be "roll call vote", and going up one line, the fourth line from the bottom of the first paragraph, the delegates unanimously adopted the proposed amendment, insert "proposed amendment" and after "amendment," insert "as amended." And on the fourth line of the second paragraph, that "he had not," "not" is missing there, "been allowed to speak." And on line 7, beginning of that sentence "the Chairs states," instead of "states," it sould read "stated." Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt this summary journal.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Summary Journal for Friday, July 5th. Discussions?

The motion to adopt the Summary Journal was carried by voice vote.

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COMMUNICATIONS

Legal Opinion No. 24, from Mr. Eric S. Smith, Assistant Attorney General, re Qualifications for Holding Public Office and for Voting.

President H. Guerrero: In front of you, under Communications, is Legal Opinion No. 24, in reference to qualifications for holding public office and for voting. If there's no comment on that one, I would call on Chairman Manglona.

Delegate Villagomez: Mr. President?

President H. Guerrero: Yes, Delegate Villagomez?

Delegate Villagomez: Just for the journal, I'd like to state that I disagree with the opinion of the attorney under Opinion No. 24.

President H. Guerrero: Any other discussions? If none, Committee Reports. Chairman Manglona?

COMMITTEE REPORT/RECOMMENDATIONS

Committee Recommendation No. 15, from the Committee on Personal Right and Natural Resources, recommending for adoption of the proposed amendment to Section 3(b) of Article II relating to composition of the House of Representatives and to delete Section 11 of the Schedule on Transitional Matters relating to Saipan Election Districts.

Committee Recommendation No. 16, from the Committee on Personal Right and Natural Resources, recommending for adoption of the proposed amendment to Article XVIII, Section 5(a) to allow proposed amendments to be ratified in a special election.

Chairman Manglona: Mr. President, your Committee on Local Government has nothing to report, however, I would like to inform that the proposals status meet is passed out.

President H. Guerrero: Delegate Manglona, did you say it has been passed out?

Chairman Manglona: Yes.

President H. Guerrero: Chairman Lizama?

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

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, likewise, your Committee on Finance and Other Matters has no written report at this time.

President H. Guerrero: Chairman King?

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Chairman King: Mr. President, the Committee on Personal Rights and Natural Resources would like to report to the Convention, Committee Recommendation No. 15 and Committee Recommendation No. 16.

President H. Guerrero: The Chair receives Committee Recommendation Nos. 15 and 16. Any other committee reports? If none, we're under Introduction and First Reading. I would like to call on Chairman King to read the titles of Committee Recommendation Nos. 15 and 16.

INTRODUCTION AND FIRST READING AND REFERRAL OF PROPOSALS

Chairman King: Thank you, Mr. President.

President H. Guerrero: Excuse me.

Chairman DL. Guerrero: Are we not going to adopt the Committee Recommendations that were submitted?

President H. Guerrero: We don't adopt them. They are submitted until we get down to the General Orders for debate.

Chairman DL. Guerrero: When are we going to adopt the Committee Recommendations?

President H. Guerrero: I believe under the Robert's Rules, the Committee is supposed to report or submit it to the Chair and it will be under discussions under the General Orders of the Day. It will be placed under the General Orders of the Day for debate the next day.

Chairman DL. Guerrero: My question is, when are we going to adopt the Committee reports? Since the Committee's reports are readily available at this time, I think the Convention should either adopt the Committee's reports and then they could come in and introduce them for First Reading.

Delegate Villagomez: In the alternative, the President can state that it accepts the Committee Report and then it becomes the property of the Convention.

Chairman DL. Guerrero: Can Delegate Villagomez repeat that again?

President H. Guerrero: Can you repeat your statement?

Delegate Villagomez: In the alternative for the record that the Chair receives and accepts the Committee Recommendations as part of the record of the Convention.

Chairman DL. Guerrero: What you're saying is that the President himself can accept? Is this true?

Delegate Villagomez: That's correct.

President H. Guerrero: Under the Robert's Rules, I believe this is the version, page 422, is equivalent to terms in correct motion as applied to the Assembly's action with respect to boards or committee reports or any of their content the expression adopt, accept and agree to are all equivalent that is the text adopted becomes in effect the act or statement of

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the Assembly. It is usually best to use the word "adopt", however, since it is the least likely to be misunderstood, a common error is to move the report be received after it has been read apparently on the supposition that such a motion is necessary in order for the report to be taken under consideration or to be recorded as having been made. In fact this motion is meaningless since the report has already been received. Even before a report has been read, a motion to receive it is necessary if the time for its reception is established by the Order of Business or if no member objects.

Chairman DL. Guerrero: That's what I'm saying, if there's no member objected.

President H. Guerrero: Are you rejecting? We did that on the other reports and I thought we had an understanding that the Chair will accept the report and then debate it under the General Orders.

Chairman DL. Guerrero: Well, Mr. President, if there's no objection on the floor, then I think we can proceed, but am quite lost on this. There are several committee reports that the Convention has adopted first before they are even taken up.

President H. Guerrero: My problem is that if we adopt this report, in reality it's like a resolution. We adopt it, then it comes under the General Orders for debate and then we throw it out basically because the report is with the attachment also.

Chairman DL. Guerrero: What you're saying is that the report with the Committee's recommendation that we have to take up, or just only the committee report itself that the committee is reporting to the Convention that the Committee's recommendation is hereby attached with this report?

President H. Guerrero: That's right. But if we adopt the text, it becomes, in effect, the act or the statement of the Assembly. If we adopt it right now, we're basically saying that we're adopting Committee Recommendation No. 15.

Chairman DL. Guerrero: Well, I have no quarrel, Mr. President, except to clarify further that at least the Committee is already reporting it out to this Convention and of course the recommendation may not be attached to the Committee's report.

President H. Guerrero: Does anyone has any objection for the Chair just receiving the reports?

Delegate Villanueva: No objection.

President H. Guerrero: These Recommendations will be placed under the General Orders of the Day on tomorrow's Order of Business for debate. Delegate Villanueva?

Delegate Villanueva: I have no objection, but there are only four election districts in Saipan not six.

Delegate Villagomez: Yes, but the Constitution says "six", and if we are going to amend the Constitution we have to change "six" if you want.

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Delegate Villanueva: I see. I just want to know that.

President H. Guerrero: Well, this will be taken up under the General Orders of the Day for debate. So all I was asking the Chairman is to introduce the titles.

Chairman King: Thank you, Mr. President. I would like to introduce to the Convention Committee Recommendation No. 15, with respect to Delegate Proposal No. 187-85: "To amend Section 3(a) of Article II relating to composition of the House of Representatives and to delete Section 11 of the Schedule on Transitional Matters relating to Saipan Election Districts." And also I would like to introduce to the Convention....

Delegate Villagomez: Correction. That should be 3(b) instead of 3(a); 3(b) of Article II.

Chairman King; 3(b), I'm sorry.

President H. Guerrero: Can you read the title of Committee Recommendation No. 16?

Chairman King: Committee Recommendation No.16, with respect to Delegate Proposal Nos. 77-85 and 112-85: "To amend Article XVIII, Section 5(a) to allow proposed amendments to be ratified in a special election."

President H. Guerrero: Thank you, Chairman King. This has been considered as First Reading of these two Committee Recommendations.

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTION AND REFERRAL

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

None

MISCELLANEOUS BUSINESS

President H. Guerrero: Delegate Calvo?

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Delegate Calvo: Thank you, Mr. President. I just like to ask the delegates to recognize that on your desk, you'll see a calendar. This calendar is from the courtesy of Luta Insurance Underwriter in accordance with the Micronesian Insurance Underwriter. Thank you, Mr. President.

President H. Guerrero: Where is the copy for the President?

Delegate Calvo: Somebody must have picked it.

President H. Guerrero: Any other miscellaneous business? If none, we'll go on to Announcements. Chairman Guerrero?

ANNOUNCEMENTS

Chairman DL. Guerrero: Yes, Mr. President, the Committee on Finance and Other Matters wishes again to announce that there will be another public hearing today at 1:00 p.m. right here in the same room. Again, we did pass out the public hearing notice since yesterday's session and I hope each of these delegates who have interest on his delegate proposal to be present. And immediately after the session, the Committee on Finance and Other Matters would like to meet.

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

Chairman Lizama: Mr. President, the Committee on Governmental Institutions would have its public hearing this afternoon at 1:30 here.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, the Committee on Local Government will be meeting immediately after this session in this hall. Thank you.

President H. Guerrero: Chairman King?

Chairman King: The Committee on Personal Rights and Natural Resources will meet immediately after this session right down at the Luta Office.

President H. Guerrero: Delegate Cing?

Delegate Cing: Thank you, Mr. President. I think, Mr. President, there's a problem here because Delegate Guerrero also mentioned about a meeting here.

President H. Guerrero: It's at the lower, big room. Any other announcements? I would like to remind the delegates that if they have not have their pictures taken today, the photographer is coming in tomorrow at around one o'clock. Delegate Calvo?

Delegate Calvo: Did you manage to get the people to drop down their price on that plaque?

President H. Guerrero: Delegate Cing?

Delegate Cing: I did that for you, Mr. President.

President H. Guerrero: What's the price now?

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Delegate Cing: It's \$130.

President H. Guerrero: It's \$130. Delegate Cing will ensure that he will keep negotiating for a better price. Right, Delegate Cing? Any more announcements? Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move that we adjourn until tomorrow afternoon at two o'clock.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded that we adjourn until tomorrow afternoon at two o'clock. Discussions? Delegate Limes?

Delegate Limes: Mr. President, you mentioned a couple of days ago that it's going to be at three o'clock.

President H. Guerrero: Do you have any objection to two o'clock? You do

Delegate Limes: Yes, because I already have a scheduled plan with my family.

President H. Guerrero: Is this in reference to the Convention? Excuse me, I didn't hear you, Delegate Limes.

Delegate Limes: I have already made a plan for my family convention itself, and if I may ask the indulgence of the Floor Leader to make it at three o'clock. Thank you.

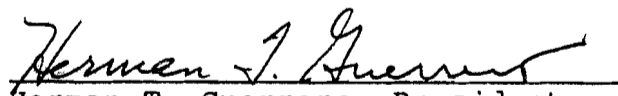
Floor Leader Lizama: No objection.

President H. Guerrero: Can we compromise at 2:30? Does anybody have any objection to three o'clock?

There being no further discussion, the motion to adjourn and to meet the next day at 3:00 p.m. was carried by voice vote.

The Convention adjourned at 10:39 a.m., and to reconvene on Sunday, July 7, 1985, at 3:00 p.m.

APPROVED:


Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary