

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

TWENTIETH DAY

Sunday, July 7, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 3:13 p.m., Sunday, July 7, 1985, in the Convention Hall - House of Tage, 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: We have 23 delegates present.

President H. Guerrero: We have a majority and a quorum present to conduct the Order of Business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the Summary Journal.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Summary Journal for Saturday, July 6, 1985. Discussions?

There being no discussion, the motion to adopt the Summary Journal for Saturday, July 6, 1985, was carried by voice vote.

COMMUNICATIONS

None

COMMITTEE REPORTS/RECOMMENDATIONS

Committee Recommendation No. 17, from the Committee on Personal Rights and Natural Resources, recommending for adoption of Resolution No. 6-85, Committee Draft 1, entitled: "A RESOLUTION RELATIVE TO REQUESTING THE NORTHERN MARIANA ISLANDS COMMONWEALTH LEGISLATURE TO AMEND SECTION 19 OF PUBLIC LAW 4-30 RELATING TO RATIFICATION OF PROPOSED AMENDMENTS."

President H. Guerrero: Under the Committee Reports, in the Order of Business, Committee Recommendation No. 17 is being rescheduled until tomorrow. There seems to be some problem with the report so that is not going to be taken up or submitted today. Are there any reports of the committees? Chairman Manglona?

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

President H. Guerrero: Chairman King?

Chairman King: The Committee on Personal Rights and Natural Resources would like to ask the Chair, as you announced it, that Committee Recommendation No. 17 will be scheduled for tomorrow. And with the exception of that report, we have nothing to report at this time.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, likewise, the Committee on Finance and Other Matters has no written report to report in this session.

President H. Guerrero: Chairman Lizama?

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

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

None

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTION AND REFERRAL

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

(At this point, Delegate Mafnas took his seat.)

GENERAL ORDERS OF THE DAY

Committee Recommendation No. 15: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND 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: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE XVIII, SECTION 5(a) TO ALLOW PROPOSED AMENDMENTS TO BE RATIFIED IN A SPECIAL ELECTION."

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President H. Guerrero: Delegate Pangelinan?

Delegate Pangelinan: I move that we resolve into a Committee of the Whole to discuss Committee Recommendation Nos. 15 and 16.

Delegate Lizama seconded the motion.

President H. Guerrero: It has been moved and seconded to resolve into a Committee of the Whole. Discussions?

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

The Convention resolved into a Committee of the Whole at 3:22 p.m.

#### COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 5:48 p.m.

President H. Guerrero: The session is now reconvened. Delegate Pangelinan?

Delegate Pangelinan: Thank you, Mr. President. Your Committee of the Whole deliberated on Committee Recommendation No. 15 and after much deliberations, the Committee of the Whole voted "no" against adopting Recommendation No. 15. Your Committee of the Whole discussed Committee Recommendation No. 16 and they adopted it.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: I move that we adopt the recommendation of the Committee of the Whole.

There was a second to the motion.

President H. Guerrero: It has been moved and seconded to adopt the report of the Committee of the Whole by accepting Committee Recommendation No. 16 for first reading. Discussions?

There being no discussion, the motion to adopt the report of the Committee of the Whole was carried by voice vote.

#### MISCELLANEOUS BUSINESS

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I have two matters that I would like to bring to the attention of my colleagues. One concerns the, I guess, cavalier nature in which the Administration's witnesses are responding to request for information in the nature of public hearings. The Committee on Local Government held a public hearing more than a week ago, the individuals appearing promised written statements to their testimonies and to date, none has been received. The public hearings yesterday that were scheduled, one committee, the Governmental Institutions, no witnesses showed up at all. And I would like to suggest that the President considers addressing a letter asking whether or not an

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invitation to appear should be followed, or whether or not subpoenas should be issued for those individuals that the committees desire to have testified. The other matter, Mr. President, I would like to bring to the attention of my colleagues that the constituents over from Tinian for the Fourth of July celebration were very interested in our work and asked that I remind the Convention that they look forward to receiving any of the standing committees for public hearings to be held on Tinian. Thank you.

President H. Guerrero: Thank you, Delegate Nabors. The Chair is aware of your first concern. Before the Chair writes to the Governor, I would like to find out first whether ample time, like two days notice were given to the witnesses in reference to public hearing. Chairman Guerrero?

Chairman DL. Guerrero: Information, Mr. President. In most cases, yes, because we have acknowledge receipts that have been acknowledged by each of the respective agencies or departments, however, excused were made at times before the committee that they just got it in few hours until such time that we proved it to them that this has been acknowledged by your office. So I agree with Mr. Nabors that witnesses from the government, especially the department heads or the directors of all these departments should be directed by the Governor to appear before the committee if we ask them to appear before the committee. It is important and essential that this Convention must accomplish its assignment as mandated by law within 30 days. Everyone is concerned about the eight hours job. Why the Convention have to work over or more than eight hours a day? Because we are mandated by that public law. So I think it is imperative that the witnesses have to bear with the committees at times when they have to work beyond their normal working hours and even holidays, Saturdays and Sundays. And I even told my witnesses that the last result of the committee is to exercise the subpoena and I hate to use that. I asked the cooperation also of the witnesses to please appear and bear with the committee on the task that we are facing.

President H. Guerrero: Thank you, Chairman Guerrero. Just for your information, I informally mentioned this to the Acting Governor, Lt. Governor Pedro A. Tenorio, yesterday and I told him that a letter is forthcoming from the Chair regarding this issue. Any other miscellaneous business? Delegate Villagomez?

Delegate Villagomez: Just to note that this is the 20th day of our Convention and so far we have only had one proposed amendment by the Convention. That one has to do with when are we going to have the next Constitutional Convention. It's almost embarrassing, but that's true. Now we have had one other one on first reading. I just signed five committee recommendations that will be submitted tomorrow. It looks like we are going to be very busy in the next few days. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez. I did encourage the chairmen of the standing committees to start submitting committee recommendations so we can take action. Chairman King?

Chairman King: Thank you, Mr. President. I was a little bit hesitant to get into a big argument on floor, however, I would like to ask the Committee on Local Government since they have been conducting from the beginning a lot of public hearings and they only have a local governmental issue. Since it's 20 days now, I hope that they could come out tomorrow or day

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after tomorrow so we can see what's the status of the local government because that is the main concern of Tinian and Rota. Thank you, Mr. President.

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

Delegate Mafnas: Thank you, Mr. President. I wish to share an observation. On my proposal to abolish the distinguished Office of the Mayors, in the public hearing on Saipan, I am very dismayed, or I was very dismayed and I am still dismayed to know that potential candidates were the key witnesses during that public hearing. I hope that on the public hearing for the proposal on the commissionership, it will be open to everyone and not to the prospective candidates for the Office of the Mayor again to be the key witness to determine whether the commissionership should be revived. Lastly, Mr. President, I would like to congratulate your Committee on Personal Rights and Natural Resources for a job well done and for the manner that it receives and digests heated discussions relative to all the reports that have been presented so far. Thank you.

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

Chairman Manglona: Mr. President, I would like to comment on the adoption of the Proposal No. 15. You mentioned in the Committee of the Whole that it is important that....

President H. Guerrero: Point of clarification. It's 16.

Chairman Manglona: I mean on the defeated Recommendation 15, I'm sorry. I agree with your statement that this Convention should consider itself as working for the good of the whole Commonwealth and that the whole Commonwealth should act as one and not as different minority groups or as coming from different islands. However, I would like to point out that that is an ideal situation that we would like to see. And I would like to point out that in order to obtain that ideal situation and before we obtain that, it is a fact of live that all of us have distinct needs, have differences, have different desires and that these differences must first be recognized. The Commonwealth must recognize these differences. And once they are recognized, then we will act as one. That is why we have this Constitutional Convention, that is why you have different delegates from different islands coming here to voice our differences. And by recognizing these differences, then we will act as one Commonwealth. As Delegate Mundo pointed out, he has no problem in a unicameral legislature. I, for one, have no problem also in a unicameral legislature but we can have this only if the differences are recognized. If each of the minorities are recognized, then there will be no problem. So I realize that this Recommendation 15 and everyone of us should admit it that indirectly it affects minorities and therefore we should recognize this. Once we recognize this, we have no problem. We will move on and we will act as one Commonwealth. On another matter on Local Government Committee, it's a big job to come out with a recommendation because of this idea of realizing the differences of the islands. This committee intends to recognize these differences. When we come up with a recommendation, we will come up with a package that hopefully would listen and recognize the different islands and will really take into account their needs and their wishes. So please bear with us because once we have this package out, we

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hope to have provided you with the wishes of the people and that with the recognition of this, I think this Commonwealth will be a great Commonwealth. Thank you.

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

Delegate Mendiola: Thank you, Mr. President. Going through the public notices that have been issued out by the committees, I found out that the witnesses have been identified as Mayor of Tinian and Mayor of Rota and I was wondering whether these notices have been sent to Tinian for this purpose.

President H. Guerrero: Can somebody respond? Can you figure out which committee?

Delegate Mendiola: If you look at the notices, I think it's all the committees.

President H. Guerrero: Is that the one that has just been passed out today?

Delegate Mendiola: Not only that, but all the committees.

Chairman DL. Guerrero: For your information, we have been sending it out to Tinian and Rota.

Delegate Mendiola: Maybe our committee but not the others.

Delegate Mafnas: Point of order.

Chairman DL. Guerrero: There is no such thing as point of order under Miscellaneous Business.

Delegate Mendiola: Mr. President, I think during the July 4th celebration here, some of our constituents had mentioned that public hearing notices were not forwarded to Tinian, and I would like to ask the indulgence of the chairman of each committee to please send the public hearing notices to both Tinian and Rota.

President H. Guerrero: That is a very good suggestion, Delegate Mendiola, and I hope the chairmen are listening and will make it routinely as a habit of transmitting a copy of the notice of public hearings to Rota and Tinian. Yes, Delegate Inos?

Delegate Inos: Thank you, Mr. President. To respond to Delegate Mendiola's question, I inquired about the same question at the initial stage when we started to have our hearings and I was informed that the Steno Pool will take care of informing the other islands and that they will be sending the information to the other islands, and I'm satisfied with their response. Thank you.

President H. Guerrero: So I stand corrected, and I will inform the Steno Pool and to ensure that copies are sent to the respective islands. Delegate Torres?

Delegate Torres: Thank you, Mr. President. My comment would be confined to Delegate King's suggestion or hint on the Local Government Committee. I

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just would like to remind Delegate King that the Committee on Local Government does not work on a piecemeal and hazard fashion, rather, this committee will present to the Convention a comprehensive package taking into account not only the views of Rota, Tinian but Saipan as well, and we have yet to have our public hearings on Saipan. And for your information, we will be having that on Tuesday. And until such time that we have completed our public hearings, that will be the time when you will be accorded a comprehensive package relative to the deliberations and reports of the Committee on Local Government. Thank you.

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. I would like to point out an observation here. The presentation that we have today which is considered a major presentation of one-man one district precinct, it took us three hours to deliberate and finally decided upon. I would like to ask the Chair that maybe he can go back to the respective committees and ask them how many presentations they are going to make and times that by three hours and arrange ourselves within the remaining ten days to finish it up. Thank you.

President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President. I just would like the record to show that I am very afraid of the unicameral.

President H. Guerrero: Are you answering Delegate Reyes's question, or are you just talking on top of your head?

Chairman King: No. I just want that to show in the record because some of the people are not afraid of the unicameral, but I am really afraid.

President H. Guerrero: Thank you, Delegate King. It might be good also, probably in the committee's recommendation to point out the advantages as well as the disadvantages. That might shorten the time of debate. It's just a recommendation, but I believe that will be worth thinking about.

Delegate Mafnas: Suggestion, Mr. President.

President H. Guerrero: Yes, Delegate Mafnas?

Delegate Mafnas: Your Committees on Personal Rights and Natural Resources and the Governmental Institutions experienced a very productive way in accomplishing many, many of the proposed amendments. We sat here one day for about five hours and we were able to entertain all of the proposals affecting a particular article. Moreover, we agreed not to disagree. I wonder whether the committees having dual assignments can sit down and look at all the proposals and jointly review them. It took us less than five hours or a little over five hours to do away with one article. The way it is now, if we are going to have 20 proposals submitted or recommendations for adoptions, you multiply that by the number of hours will take us to decide, you know, you are going to stop the clock at 11:59 p.m. on the 17 of July. This is just a thought. Maybe your Committee on Organization and Procedure can further discuss this. Thank you.

President H. Guerrero: Thank you, Delegate Mafnas. Your concern is noted by the Chair. Any more miscellaneous business? Delegate Kaipat?

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Delegate Kaipat: Thank you, Mr. President. I think everybody is concerned about the time element now with the bulk of workload ahead of us and the short period of time that we are facing. I think we should push the measure that are supposed to go to the Congress. Make sure that we can get that 10 extra days more aside from this delegation of the Convention.

President H. Guerrero: Thank you, Delegate Kaipat. Any other miscellaneous business? Yes, Floor Leader Lizama?

Floor Leader Lizama: Mr. President, if there's no further miscellaneous business, shall we go into announcements?

ANNOUNCEMENTS

President H. Guerrero: Okay. We are on Announcements now. Any announcement? Chairman Manglona?

Chairman Manglona: Your Committee on Local Government will be meeting immediately after this Convention's session. Thank you.

President H. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has scheduled a public hearing to deal on an incredible load of proposals dealing with Article III. The public hearing is scheduled for Tuesday at nine o'clock in the morning. I also would like to make an announcement that the Committee on Governmental Institutions would like to meet with the members tomorrow morning at ten o'clock.

President H. Guerrero: Chairman King?

Chairman King: The Committee on Personal Rights and Natural Resources will meet tomorrow at 8:30 a.m. And also, I would like to make an additional announcement that we are going to have a second public hearing here on Saipan regarding the issue of crime victim.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters wishes to announce also that we will have a public hearing tomorrow night here in the Chamber. Since we will have quite numbers of witnesses, we may have to use this Chamber if no other committee will conduct a public hearing here. In line, I would like to ask the committee members to meet here tomorrow morning at eight o'clock.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: I would like to urge everyone here in this Convention to please attend our public hearing to be held on July 9, Tuesday evening, 6:30 p.m., at the Garapan Elementary School Auditorium. The proposals involved here are Delegate Proposals 109-85, 160-85, and 162-85. I'm sorry, 160-85 and 162-85 will be heard in another public hearing earlier that same day at the Federal District Court in Nauru Building, at nine o'clock. So on Tuesday again, we will have two public hearings. One at nine in the morning at the Federal District Court, Nauru Building,



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regarding Proposals 160-85 and 162-85. That same day at 6:30 p.m., at the Garapan Elementary School, we will be discussing 109-85. Thank you.

President H. Guerrero: Before I entertain for adjournment, can I have a show of hand on the number of delegates who have not had their pictures taken for that plaque? Three people? I would like to call the gentleman in probably tomorrow again so we can get this thing out of the way. Do you prefer it in the morning or afternoon?

Floor Leader Lizama: Afternoon, before the session.

President H. Guerrero: What time is the session?

Floor Leader Lizama: Four o'clock.

President H. Guerrero: One o'clock.

Floor Leader Lizama: Four.

Chairman DL. Guerrero: Mr. President, I thought we all agreed that the session is going to start at 3:00 p.m.

President H. Guerrero: I would like to actually start the session at two o'clock.

Floor Leader Lizama: I was wondering if we could be meeting at four o'clock so the committees could be working. I think most of the work tomorrow would be....

President H. Guerrero: Can we have the session and then the committee works?

Floor Leader Lizama: I prefer that since I don't think we will be doing much in tomorrow's session.

President H. Guerrero: My concern is that, you know, if we go after the working hours, we are talking about overtime for the staff. I'm trying to minimize so we don't over expend it.

Floor Leader Lizama: Oh, I see. Two o'clock is fine and I so move.


Delegate Mendiola seconded the motion.

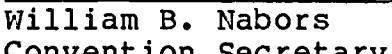
President H. Guerrero: It has been moved and seconded to adjourn until tomorrow afternoon at two o'clock.

There being no further discussion, the motion to adjourn and to reconvene the next day at two o'clock was carried by voice vote.

The Convention adjourned at 6:15 p.m., and to reconvene on Monday, July 8, 1985, at 2:00 p.m.

APPROVED:

  
Herman T. Guerrero, President  
Northern Marianas Constitutional  
Convention

  
William B. Nabors  
Convention Secretary