

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

TWENTY-SECOND DAY

Tuesday, July 9, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 3:15 p.m., Tuesday, July 9, 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 DL. Guerrero was absent.

Secretary Nabors: Mr. President, we have 23 delegates present.

President H. Guerrero: We have a majority and 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 Summary Journal.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Summary Journal for Monday, July 8, 1985. Discussions?

There being no discussion, the motion to adopt the Summary Journal for Monday, July 8, 1985, was carried by voice vote.

COMMUNICATIONS

Comm. No. 8, a telex from the Resident Representative to the United States re inquiries relayed to Washington regarding Representative's position.

Legal Opinion No. 10, from Mr. David L. Price, Governor's Special Legal Advisor, re Proposal No. 75-85 -- Mayor's Subpoena Power.

Legal Opinion No. 17, from Mr. Rexford C. Kosack, Attorney General, re Per Diem for Rota and Tinian Delegates.

President H. Guerrero: Under Communications, we have a telex that the Chair received from the Resident Representative to the United States regarding his position on the Office of the Washington Rep and Legal Opinion No. 10 and Legal Opinion No. 17. If there's no comment, then we'll move on to Committee Reports/Recommendations.

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COMMITTEE REPORTS/RECOMMENDATIONS

Committee Recommendation No. 19, from the Committee on Personal Rights and Natural Resources, recommending for adoption of the proposed amendment to Article XII, Section 3, to allow the sale and long-term lease of building above the first floor.

Committee Recommendation No. 20, from the Committee on Personal Rights and Natural Resources, recommending for adoption of the proposed amendment to Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

Committee Recommendation No. 21, from the Committee on Personal Rights and Natural Resources, recommending for adoption of the proposed amendment to add a new section in Article I to make abortion illegal in the Northern Mariana Islands.

Committee Recommendation No. 22, from the Committee on Personal Rights and Natural Resources, recommending for adoption of the proposed amendment to amend Article XIII, Section 1, to acquire either freehold or leasehold interest in private property necessary for the accomplishment of a public purpose.

Committee Recommendation No. 23, from the Committee on Finance and Other Matters, recommending for adoption of the proposed amendment to add a new section to Article X, to prohibit the imposition on certain real property taxes unless approved by three-fourths of the votes cast in a referendum.

Committee Recommendation No. 24, from the Committee on Finance and Other Matters, recommending for adoption of the proposed amendment to add a new section to Article II, to establish a ceiling of \$2,800,000 on the budget of the Legislature.

President H. Guerrero: Chairman Lizama?

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

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has no report today, likewise. Thank you.

President H. Guerrero: Vice Chairman Rita Inos?

Vice Chairman Inos: Mr. President, the Committee on Finance and Other Matters submits Committee Recommendation Nos. 23 and 24.

President H. Guerrero: Thank you. The Chair accepts the Committee Recommendation Nos. 23 and 24. Chairman King?

Chairman King: Thank you, Mr. President. The Committee on Personal Rights and Natural Resources would like to submit to the Convention Committee Recommendation Nos. 19, 20, 21 and 22.

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President H. Guerrero: Thank you, Chairman King. The Chair accepts the Committee Recommendation Nos. 19, 20, 21 and 22. Any other committee reports or recommendations? If none, I would like to call on Chairman King to read the committee recommendations to be considered on First Reading.

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

Committee Recommendation No. 19: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE XII, SECTION 3 TO ALLOW THE SALE AND LONG-TERM LEASE OF BUILDING ABOVE THE FIRST FLOOR.", for First Reading.

Committee Recommendation No. 20: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 2 OF ARTICLE XII OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO ACQUISITION.", for First Reading.

Committee Recommendation No. 21: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND THE CONSTITUTION TO ADD A NEW SECTION IN ARTICLE I TO MAKE ABORTION ILLEGAL IN THE NORTHERN MARIANA ISLANDS.", for First Reading.

Committee Recommendation No. 22: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE XIII, SECTION 1 TO ACQUIRE EITHER FREEHOLD OR LEASEHOLD INTEREST IN PRIVATE PROPERTY NECESSARY FOR THE ACCOMPLISHMENT OF A PUBLIC PURPOSE.", for First Reading.

Committee Recommendation No. 23: "A PROPOSED CONSTITUTIONAL AMENDMENT TO ADD A NEW SECTION TO ARTICLE X, TO PROHIBIT THE IMPOSITION OR CERTAIN REAL PROPERTY TAXES UNLESS APPROVED BY THREE-FOURTHS OF THE VOTES CAST IN A REFERENDUM.", for First Reading.

Committee Recommendation No. 24: "A PROPOSED CONSTITUTIONAL AMENDMENT TO ADD A NEW SECTION TO ARTICLE II, TO ESTABLISH A CEILING OF \$2,800,000 ON THE BUDGET OF THE LEGISLATURE.", for First Reading.

Chairman King: Thank you, President. Committee Recommendation No. 19: "To amend Article XII, Section 3 to allow the sale and long-term lease of building above the first floor." Recommendation No. 20: "To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition." Recommendation No. 21: "To amend the Constitution to add a new section in Article I to make abortion illegal in the Northern Mariana Islands." Recommendation No. 22: "To amend Article XIII, Section 1 to acquire either freehold or leasehold interest in private property necessary for the accomplishment of a public purpose."

President H. Guerrero: I'll call on Vice Chairman Inos.

Vice Chairman Inos: Thank you, Mr. President. Committee Recommendation No. 23: "A Proposed Constitutional Amendment to add a new section to Article X, to prohibit the imposition or certain real property taxes unless approved by three-fourths of the votes cast in a referendum." Committee Recommendation No. 24: "A Proposed Constitutional Amendment to add a new section to Article II, to establish a ceiling of \$2,800,000 on the budget of the Legislature." Thank you.

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President H. Guerrero: Thank you. There is no Second and Final Reading of Proposals.

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTION AND REFERRAL

None

President H. Guerrero: For the information of the members, going back to the Introduction, First Reading and Referral of Proposals, I have referred Delegate Proposal No. 276-85 from the Committee on Personal Rights and Natural Resources to Committee on Governmental Institutions. Also, the Chair erred in referring Delegate Proposal Nos. 201-85 and 213-85 which were originally referred to the Committee on Personal Rights and Natural Resources. Please note that those proposals have been referred to the Committee on Governmental Institutions. The Introduction of Resolution and Referral, the Resolution No. 7-85 is referred to the Committee on Organization and Procedure.

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

Committee Recommendation No. 18: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE VIII, SECTION 1 TO CHANGE THE DAY OF THE REGULAR GENERAL ELECTION TO SATURDAY."

President H. Guerrero: Secretary Nabors, can you read Committee Recommendation No. 18 please?

At this point, Secretary Nabors read Committee Recommendation No. 18 in its entirety.

President H. Guerrero: Thank you, Secretary Nabors. The Chair is ready to entertain a motion to resolve into a Committee of the Whole. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move that we resolve into a Committee of the Whole.

Delegate Mendiola seconded the motion.

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

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

The Convention resolved into a Committee of the Whole at 3:27 p.m.

COMMITTEE OF THE WHOLE

(During the Committee of the Whole, Delegate DL. Guerrero took his seat.)

The Convention reconvened its plenary session at 3:58 p.m.

President H. Guerrero: The session is now reconvened. Chairman Manglona?

Chairman Manglona: Mr. President, the Convention met in a Committee as a Whole and has voted to adopt Committee Recommendation No. 18. I move that this be adopted.

Delegate Torres seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Committee of the Whole's recommendation concerning Committee Recommendation No. 18. Discussions?

There being no discussion, the motion to adopt the Committee of the Whole's recommendation for adoption of Committee Recommendation No. 18 was carried by voice vote.

President H. Guerrero: Committee Recommendation No. 18 is adopted. Miscellaneous Business? Delegate Pangelinan?

MISCELLANEOUS BUSINESS

Delegate Pangelinan: Thank you, Mr. President. This afternoon I am very, very angry when I read the PDN Paper. I do not appreciate for a chairman of a committee to make comments to the paper on how he thinks a certain proposal will stand when presented on the floor. I am specifically referring to the comments made by the Chairman of the Committee on Finance and Other Matters regarding the Gambling Proposal that was on today's PDN Paper. If the chairman is already making a preconceived decision on a proposal that hasn't been presented to the floor based on the committee's findings, I find this chairman biased and it makes me very suspicious whether he is really acting impartially when he works with his committee members. I strongly believe that if such is the case, I am wasting my time evaluating issues presented to the committee when in fact there is already a predetermined decision as to how this Convention body will vote on a proposal. I have better things to do than work with a committee knowing that those efforts will not be based on its merits but personal opinions and maybe self-interests. I stand to vote on a proposal based on benefits and protections that it will give the CNMI people as a whole and I can easily do that at the Convention floor. I pray to God everyday during the moment of silent prayers to help me make the best decision for the CNMI people and not to let any personal interest or differences with other delegates interfere in my decision.

President H. Guerrero: Delegate King?

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Delegate King: Thank you, Mr. President. I just like the record to show that I welcome Delegate Pangelinan to my committee.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Thank you, Mr. President. Excuse my ignorance on the statement, of course. Whatever is being quoted by the so-called media in regard to whatever statement was made because I don't even have time to read what was put out by the newspaper. I am sorry to say that whoever is quoting my statement, it got to be corrected. I am not trying to make a predetermination decision from each of the committee. Each of the committee has every right to vote, of course, during and even to the last minute of his decision. I am surprised that I maybe the victim of the newspaper today but I haven't even a chance to read that article. Therefore, my apology to my committee members should I offend them or hurt their decisions during any deliberations of the committee. Thank you.

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

Delegate Villagomez: Thank you, Mr. President. While we are speaking about committees, I have a complaint against the President and the Committee on Organization and Procedure. But first, let me see if my hearing is correct. I think I heard the President mentioned that Resolution No. 7-85 has been referred to the Committee on Organization and Procedure. Is that correct?

President H. Guerrero: That's correct.

Delegate Villagomez: I have been looking at paragraph 23 of our Rules on page 13 and there are six responsibilities and obligations of the Committee on Organization and Procedure. The first one is the preparation of the agenda for the Convention, the second is the appointment of the committee members, the third is overseeing the drafting of the constitutional provisions, the fourth one is to coordinate the work of the substantive committees, and the last is responsibility for the general business of the Convention. The Resolution No. 7-85 was submitted by the members of the Committee on Personal Rights and Natural Resources and I specifically requested that it be referred to the proper substantive committee for consideration and report back to the Convention. We have four substantive committees including Finance and Other Matters and that committee should be the proper committee to handle resolutions that do not fall within any specific portions of the Constitution that are being considered. This, I feel to be a very important resolution because from the very beginning of this Convention, I made a statement that some of the proposals which appeared to be more appropriate for legislative matters should be put together by the Convention and a resolution submitted to the Legislature requesting that they consider those proposals and take action as soon as they can. That is the purpose of this recommendation. I envision that upon review of this resolution by the substantive committee that to which it is referred, that committee will study whether it would be in the interest of the Convention to not only limit the content of that resolution to the proposals submitted to the Committee on Personal Rights and Natural Resources but perhaps include all of the proposals submitted to all of the committees which are relevant to legislative matters. And therefore, I am respectfully request that instead of giving that resolution to the Committee on Organization and Procedure which does not deal with substantive

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matters of the Convention that it be referred to the proper substantive committee of the Convention. Thank you.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. Delegate Villagomez, assuming that the Committee on Organization and Procedure would include matters of "legislative concern" from the other committees, wouldn't it be more logical to compile them in one transmittal?

Delegate Villagomez: As I've mentioned, I envision the committee that handles this resolution to gather all the legislative matters from all the other committees and put them together in one package and amend the resolution to include everything that has been submitted to the Convention. That is not the issue before the floor now. The issue is where should this resolution go, whether it should go to a substantive committee, or whether it should go to the Committee on Organization and Procedure. And when I look at the responsibilities of the Committee on Organization and Procedure, it does not deal with substantive resolutions or proposals submitted to the Convention; however, we have a committee, entitled, Finance and Other Matters. A resolution is a substantive matter submitted to the Convention for consideration by the Convention. However, we have a procedure of referring matters to a substantive committee for study and consideration and report back to the Convention.

Delegate Nabors: Thank you, Mr. President. I have no problem with the referral as it stands.

President H. Guerrero: The Chair originally did that so it could coordinate everything for the substantive committees. I believe Delegate Villagomez is thinking that the substantive committees -- it includes also the chairmen of all the substantive committees. I hope that it is also the function of the Committee on Organization and Procedure to coordinate everything as well as for the general business of the Convention. It also has the responsibility of overseeing the drafting of the constitutional provisions. If you want to stick to the Rules, then all committee recommendations probably will have to be approved first by the Committee on Organization and Procedure before they are brought to the floor. I have no objection referring it to the committee. If you want to, I can give it to Finance and Other Matters.

Delegate Villagomez: I believe it's really up to the Chair.

President H. Guerrero: No, since you already criticized the Chair. Yes, Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I tend to agree with Delegate Nabors that it will be in our best interest if at the end of this Convention, we will put together all the proposals that will feel as subjects that the Legislature should be dealing with. And this will make this Convention look a lot better and it will make this Convention look more coordinated especially before the Legislature. We don't want to be criticized by submitting down to the Legislature piece-meal recommendations. I think at the end of this Convention, all the committees perhaps should get together and try to put together those proposals that were considered to be matters of legislation and we would all sign off on the resolution. That's all, Mr. President.

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President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: I believe, Mr. President, the concern should be addressed to the leadership of this Convention because eventually the transmittal of any document whether it's a legislative or passage of this would be, of course, by the leadership of this Convention. And prior to the end of the Convention, we should compile all these legislative matters or whatever regulation that may be existed today that need to be implemented and should be addressed to the appropriate body such as the Legislature or even the Governor. So the Committee on Organization and Procedure should look over whatever resolution or whatever concern addressed from the committee itself.

Delegate Lizama: Mr. President, just one comment.

President H. Guerrero: Yes, Delegate Lizama.

Delegate Lizama: I think Delegate Villagomez has a valid concern. The Committee on Personal Rights and Natural Resources has already submitted the Convention the resolution and I think he was correct when he said that that resolution should be referred to the appropriate substantive committee. I think that maybe to avoid such problem in the future, all the substantive committees should agree or reach an understanding that when it comes to resolution to be submitted to the Legislature being that we would be requesting the Legislature to consider those subjects that we view to be as matters of legislation that we should hold back until maybe the committees get together and put together all the proposals that we consider to be matters of legislation.

President H. Guerrero: The Chair was going to recommend that we will hold a meeting of the Committee on Organization and Procedure following this session and recommends that instead of having partial referral from each committee, he's going to recommend that everything will be put in one referral and be sent down to the Legislature or to the Governor or whoever. But if the members object to the Chair referring this matter to the Committee on Organization and Procedure, I'm willing to refer it to a committee. Delegate Igitol?

Delegate Igitol: Thank you, Mr. President. While we are still on the subject of complaints, I have a complaint to the Committee on Personal Rights and Natural Resources. A couple of days ago, they put out a committee disposition and they indicated on one of the delegate proposals adopted as amended and I have checked the chairman of that committee and he indicated to me that the proposal was approved as amended and it should be brought to the Convention. Yesterday, they submitted Resolution 7-85 and that subject proposal, as indicated, is forwarded to the Legislature for legislative matter. I believe, Mr. President, that the committee prematurely indicated that the proposal is approved, as amended, and should be forwarded to the Convention for approval. I guess, Mr. President, that the committee has to answer or explain why they made such, if I can use the terminology that Delegate Bill Torres used, but I would not do that. But I still need an answer. Thank you.

President H. Guerrero: In view of Delegate Villagomez' concern and supported by Delegate Lizama, I'll refer that resolution to Finance and Other Matters Committee for recommendation and disposal. Chairman King?

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Chairman King: Thank you, Mr. President. I think the procedure if the committee does not introduce any recommendation or is not deferred back to the committee, it is the property of the committee and the committee has the authority to review back all delegate proposals to see whether the first judgment or the briefing status of the delegate proposal is really taken under consideration to be placed on the position of the Constitution. On the action of my committee members was conducted in a very democratic way that we decided whether or not to put such or to consider such proposal. However, I sympathize that Delegate Igitol's proposal was not considered to be put out before the Convention by my committee but taking under consideration that we didn't file it but we placed it to be transmitted down to the Legislature which we hope that the Legislature might take a very good action on this proposal. Again, all proposals that were transmitted to our committee or to any substantive committee, it is the property of the committee. I wish that none of the delegates should try to dictate the committee what to do with the proposal. I think it is the prerogative of the committee to open their heart and their mind in a very sound decision that can be very acceptable before the Convention to be ratified by the people of the CNMI. I hope that personality because I, for one, as delegate of this Convention, I know that some of my proposals do not satisfy the delegates of this Convention but I respect their decision, and I hope that the future will determine whether the amendment of the Constitution is good or bad. So I place my confidence in the committees on whatever they did to my proposals but hopefully that the future will be the judgment of our work.

President H. Guerrero: Delegate Igitol?

Delegate Igitol: Mr. President, I am not dictating the committee. I'm only saying that if they are not ready or they are not sure of the determination of such proposal they should not indicate "approved, as amended." That's all my concern. Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I really don't have any complaint on your Committee on Personal Rights and Natural Resources. The record will reflect that the committee has been very productive. I was able to find how the committee function and it really amazes me. A proposal from Saipan, or proposals from the delegates from Saipan, our three representatives sitting in as witnesses from Saipan and the two members from Rota and Tinian are the ones hearing the proposals, and I found this to be very interesting and it's really working.

Delegate Torres: Point of information. Mr. Mafnas, are you saying that that is your public hearing?

Delegate Mafnas: If you go back and review the records, how many did we disapprove, and I cannot say that it is not working. I think that the committee is really functioning and is reporting. My question, Mr. President, is this. On the proposals referred under Resolution No. 7-85 to be transmitted to the Legislature of which you are now referring to your Committee on Finance and Other Matters, well, your Committee on Finance and Other Matters has the authority to say, well, let these be constitutional matters and not legislative matters; or is its role limited to formulating or revising the resolution and continue on "as recommended by the Committee on Personal Rights and Natural Resources?"

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President H. Guerrero: I don't know the answer. Delegate Villagomez?

Delegate Villagomez: Thank you. I think the committee has the discretion or the authority to declare them not more appropriate for legislative but more appropriate for constitutional matters. I do not fear that they have that authority because I have faith in them. That's my answer to that question, but I have another comment to make. I think since certain delegates have raised the uniqueness and the function of the Committee on Personal Rights and Natural Resources, I think it's only fair that we give the delegates some information on how we function. For your information, all the proposals that were submitted to this committee were first reviewed one time. And at the first review, we identified those ones that are obviously in conflict with the Constitution or the Covenant, or don't make any sense and then we went through it again the second time and then we went through it the third time for those that have not been eliminated. In the second time we found that some of the proposals were in critical condition and some of them were placed under intensive care but we went ahead and submitted a report as to what the initial decision of the committee is. After the second review, we went back and reviewed them again. And in one instance, the one that Delegate Igitol is talking about, the committee reconsidered that and decided that although we have adopted it once before, when we reviewed it again and considered other aspects of that proposal, we decided that it was more appropriate for legislative matter the third time around. So although it was on stable condition up to that point or during that time, there was a proposal to recommend it for abortion. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez. Delegate Igitol, if you would like to recall your proposal, you can do that under our Rules. So if you can get nine people to agree, you can bring it directly to the floor. So you do have recourse. I just want to let you know.

Delegate Igitol: I'll look into that, Mr. President.

President H. Guerrero: Delegate Mundo?

Delegate Mundo: Thank you, Mr. President. It seems like everybody is busy criticizing the Personal Rights and Natural Resources Committee and nobody is looking as to how many days we have left, Mr. President. We have eight more days to go and so far we have not received any reports from the two substantive committees. I hope that we don't have to wait until July 18 to receive all those reports. Thank you, Mr. President.

President H. Guerrero: I'm sure that the other committees' turn will come up. The Chair would like to recommend that all public hearings at least be finished either three or four days prior to the end of the Convention. Does anybody have any objection to that? Any other miscellaneous business?

ANNOUNCEMENTS

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: The Committee on Finance and Other Matters wishes to announce that immediately after adjournment, the committee would like to meet to review the assignments based on the public hearing this morning.

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President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, we have a real public hearing tonight at 6:30 at the Garapan Elementary School regarding precinct commissioners. Also, I would like to announce that the Committee on Local Government will be meeting in the Rota Delegation Office after this session. Thank you.

President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President. My Committee on Personal Rights and Natural Resources which has been criticized for fifteen days of this Convention would like to meet tomorrow at nine o'clock down at the Rota Delegation Office.

President H. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions will have another public hearing tomorrow, here at nine o'clock to deal with proposals under Article II. And also, I would like to meet with the committee members immediately after adjournment of today's session.

President H. Guerrero: The Chair would like to call a meeting of the Committee on Organization and Procedure tomorrow morning at eight o'clock. Any other announcements? If none, Floor Leader Lizama?

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

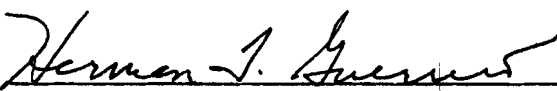
Chairman DL. Guerrero seconded the motion.

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

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

The Convention adjourned at 4:24 p.m. and to reconvene on Wednesday, July 10, 1985, at 2:00 p.m.

APPROVED:


Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary