

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

TWENTY-FIFTH DAY

Friday, July 12, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 1:30 p.m., Friday, July 12, 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.

President H. Guerrero: Secretary Nabors, can you make the roll call please?

Secretary Nabors: Thank you, Mr. President.

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

Secretary Nabors: Mr. President, there are 24 delegates present.

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 11th Day's Journal and also I move that we adopt the Summary Journal of the 24th Day.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Verbatim Journal of the 11th Day's Session and the Summary Journal of the 24th Day's Session. Discussions?

There being no discussion, the motion to adopt the Verbatim Journal of the 11th Day's Session and the Summary Journal of the 24th Day's Session was carried by a voice vote.

COMMUNICATIONS

Comm. No. 14, from the Convention Consultant concerning Legal Opinion Nos. 7 and 9.

Legal Opinion No. 31, from the House Legal Counsel, re Delegate Proposal No. 186-85 (Enactment of Legislation)

Comm. No. 15, a courtesy copy of House Bill No. 165 re Criminal Code of the CNMI.

2ND CON CON JOURNAL -- 25th Day
July 12, 1985

President H. Guerrero: In front of you are three communications, one from the Convention Consultant concerning Legal Opinion Nos. 7 and 9 and also Legal Opinion No. 31 regarding Delegate Proposal 186-85 (Enactment of Legislation) and a courtesy copy of House Bill No. 165 concerning Criminal Code of the Northern Mariana Islands. We will move on to the Committee Recommendations. Chairman Lizama?

COMMITTEE REPORTS/RECOMMENDATIONS

Committee Recommendation No. 42, from the Committee on Finance and Other Matters, recommending for adoption of Delegate Proposal Nos. 72-85, 189-85, and 246-85, entitled: "A Proposed Constitutional Amendment to add a new Article to the Constitution relating to gambling in the Commonwealth of the Northern Mariana Islands."

Committee Recommendation No. 43, from the Committee on Finance and Other Matters, recommending for adoption of Delegate Proposal Nos. 107-85 and 293-85, entitled: "A Proposed Constitutional Amendment to amend the Northern Marianas Constitution to add a new Article to include a new official seal and flag of the Northern Marianas."

Committee Recommendation No. 44, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal Nos. 79-85, 102-85, 140-85, 179-85, 244-85, 245-85, and 271-85, entitled: "A Proposed Constitutional Amendment to amend Article III, Section 10 relating to the Governor's emergency powers."

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has Committee Recommendation No. 44 to submit to the Convention.

President H. Guerrero: The Chair accepts Committee Recommendation No. 44. Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters at this time is happily to report to you the Committee Recommendations No. 42 and No. 43.

President H. Guerrero: Thank you, Chairman Guerrero. The Chair accepts Committee Recommendations No. 42 and 43. Any other committee reports? Chairman Manglona?

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

President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President. The Committee on Personal Rights and Natural Resources has nothing to report today.

President H. Guerrero: Thank you. We're now into the Introduction and First Reading. I call on Chairman Guerrero.

2ND CON CON JOURNAL -- 25th Day
July 12, 1985

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

Committee Recommendation No. 42: "A PROPOSED CONSTITUTIONAL AMENDMENT TO ADD A NEW ARTICLE TO THE CONSTITUTION RELATING TO GAMBLING IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.", for First Reading.

Committee Recommendation No. 43: "A PROPOSED CONSTITUTIONAL AMENDMENT TO ADD THE NORTHERN MARIANAS CONSTITUTION TO ADD A NEW ARTICLE TO INCLUDE A NEW OFFICIAL SEAL AND FLAG OF THE NORTHERN MARIANAS.", for First Reading.

Committee Recommendation No. 44: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE III, SECTION 10 RELATING TO THE GOVERNOR'S EMERGENCY POWERS.", for First Reading.

Chairman DL. Guerrero: Thank you, Mr. President. Again your Committee on Finance and Other Matters would like to submit to this Convention the following: Committee Recommendation 42: "A Proposed Constitutional Amendment to add a new Article to the Constitution relating to Gambling in the Commonwealth of the Northern Mariana Islands." and Committee Recommendation 43: "A Proposed Constitutional Amendment to amend the Northern Marianas Constitution to add a new Article to include the new official seal and flag of the Northern Mariana Islands."

President H. Guerrero: Thank you. I call on Chairman Lizama.

Chairman Lizama: Mr. President, the Committee Recommendation No. 44, this is a proposed constitutional amendment to amend Article III, Section 10 relating to the Governor's emergency powers.

President H. Guerrero: Thank you.

SECOND AND FINAL READING

None

INTRODUCTION OF RESOLUTIONS AND REFERRALS

None

UNFINISHED BUSINESS

Committee Recommendation No. 27: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 8 OF THE SCHEDULE ON TRANSITIONAL MATTERS OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO INTERIM DEFINITION OF CITIZENSHIP."

Committee Recommendation No. 28: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 9 OF ARTICLE I OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO CLEAN AND HEALTHFUL ENVIRONMENT."

Committee Recommendation No. 29: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE XIV, SECTION 2 TO INCLUDE TWO OTHER UNINHABITED ISLANDS TO BE PROTECTED AND PRESERVED."

2ND CON CON JOURNAL -- 25th Day
July 12, 1985

Committee Recommendation No. 30: "A PROPOSED CONSTITUTIONAL AMENDMENT TO ADD A NEW SECTION 2 TO ARTICLE XVII OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO A CODE OF ETHICS."

Committee Recommendation No. 31: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 17(b) OF ARTICLE III OF THE NORTHERN MARIANA ISLANDS CONSTITUTION."

Committee Recommendation No. 32: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE VIII OF THE NORTHERN MARIANA ISLANDS CONSTITUTION BY ADDING A NEW SECTION 5 RELATING TO RESIGNATION FROM PUBLIC OFFICE."

Committee Recommendation No. 33: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 1 OF ARTICLE X OF THE NORTHERN MARIANAS CONSTITUTION."

Committee Recommendation No. 34: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 12 OF ARTICLE III OF THE NORTHERN MARIANAS CONSTITUTION, TO PROVIDE FOR APPOINTMENT OF A TEMPORARY PUBLIC AUDITOR BY THE GOVERNOR IN THE EVENT OF A VACANCY IN THE OFFICE OF PUBLIC AUDITOR, AND TO GUARANTEE THE MINIMUM BUDGET OF THE PUBLIC AUDITOR."

President H. Guerrero: We still have unfinished business from yesterday.

Chairman DL. Guerrero: Mr. President?

President H. Guerrero: Yes, Delegate Guerrero.

Chairman DL. Guerrero: I believe we have on the heading, of course, of Committee Recommendation 43 that should be included not only the flag but also the official language of the Commonwealth.

President H. Guerrero: Thank you. Is there any motion? 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?

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

The Convention resolved into a Committee of the Whole at 1:33 p.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 5:47 p.m.

President H. Guerrero: The plenary session is now back to order. I call on Delegate Inos.

2ND CON CON JOURNAL -- 25th Day
July 12, 1985

Delegate Inos: Thank you, Mr. President. I am pleased to report on the recommendation of the Committee as a Whole. Committee Recommendation No. 27, as amended, is adopted; Committee Recommendation No. 23, as amended, is also adopted; and Committee Recommendation No. 29 is adopted. Thank you.

President H. Guerrero: Delegate Inos, on the Committee Recommendations that have been amended, can you just point out for the record what were the amendments, or can you submit to the record?

Delegate Inos: Okay, Committee Recommendation No. 27, to delete "and their subsequent children" on line 12 and line 13 and on the second page, line 3.

President H. Guerrero: I believe there's an additional amendment.

Delegate Inos: And insert on the second page, line 2, a new paragraph; delete the semi-colon and add there a comma and "who, unless underaged, registered to vote in elections for the Mariana Islands District Legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1985; or". 1975; I thought I said 1975. On Committee Recommendation No. 28, on line 4, substituted "or" for "and" and on line 6 we substituted the word "is" for "are". Thank you.

President H. Guerrero: Is there a motion to adopt the Committee of the Whole's recommendation, as amended?

Delegate Inos: I move for the adoption of Committee Recommendation Nos. 27, 28 and 29, as amended.

Delegate DL. Guerrero seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation Nos. 27, 28 and 29, as amended, and also consider it as First Reading. Discussions?

There being no discussion, the motion to adopt Committee Recommendation Nos. 27, 28 and 29, as reported, was carried by a voice vote.

Secretary Nabors: Motion.

President H. Guerrero: Delegate Nabors?

Secretary Nabors: I move that we recess until 7:30 tonight.

Delegate Mendiola seconded the motion.

There being no discussion, the motion to recess until 7:30 p.m. was carried by a voice vote.

The Convention recessed at 5:51 p.m.

RECESS

The Convention reconvened at 7:47 p.m.

2ND CON CON JOURNAL -- 25th Day
July 12, 1985

President H. Guerrero: The session is back to order.

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

Secretary Nabors 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 to resolve into a Committee of the Whole was carried by a voice vote.

The Convention resolved into a Committee of the Whole at 7:48 p.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 11:10 p.m.

President H. Guerrero: The session is back to order. The Chair also call Delegate Herman Guerrero to report back. I would like to report that Committee Recommendation No. 30 is adopted. Committee Recommendation No. 31 is referred until such time that the Committee on Local Government comes up with their own report. Committee Recommendation No. 32 is adopted and Committee Recommendation No. 33 is adopted, as amended, and the amendment is to delete the last sentence in the amendment and insert "the Legislature shall provide the definition of public purpose." And Committee Recommendation No. 34 is adopted, as amended, and the amendment is on line 9, the word "shall" is deleted and inserted "may", on line 10 "unexpended surplus in a fiscal year shall revert to the General Fund" is deleted and inserted "unencumbered fund balance in a fiscal year shall be available for general reappropriation." I move that we adopt the report, as amended, and consider it as First Reading.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Committee's report. Discussions?

There being no discussion, the motion to adopt the Committee's recommendation, as amended, was carried by voice vote.

Floor Leader Lizama: Mr. President?

President H. Guerrero: Yes, Delegate Lizama.

Floor Leader Lizama: If I'm in order, I move that we suspend all the unfinished items and we go down to the last item. I move to adjourn until tomorrow morning, I mean tomorrow afternoon at one o'clock.

Delegate Mendiola seconded the motion.

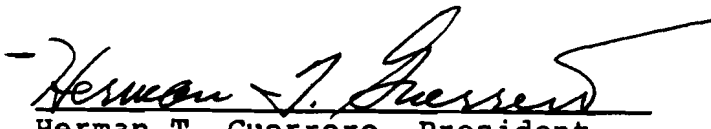
President H. Guerrero: If there is no objection, it was moved and seconded to suspend the Order of Business and adjourn until tomorrow afternoon at one o'clock.


2ND CON CON JOURNAL -- 25th Day
July 12, 1985

As a result of the unclear voice vote, the motion to adjourn and to meet the next day at 1:00 p.m. was carried by a show of hand vote of 13 for and 8 against the motion.

The Convention adjourned at 11:14 p.m. and to reconvene on Saturday, July 13, 1985, at 1:00 p.m.

APPROVED:


Herman T. Guerrero, President
Northern Marianas Constitutional
Convention


William B. Nabors
Convention Secretary