

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

TWENTY-NINTH DAY

Tuesday, July 16, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 10:53 a.m., Tuesday, July 16, 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.

President H. Guerrero: Mr. Secretary, can you take the roll call please?

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

President H. Guerrero: We have a quorum to conduct the Order of Business; let's proceed. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the Twelfth, Thirteenth and Fourteenth Days' Verbatim Journals and the Twenty-Eighth Day's Summary Journal.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Verbatim Journals of the Twelfth, Thirteenth and Fourteenth Days and the Summary Journal of the Twenty-Eighth Day. Discussions? Delegate King?

Delegate King: Thank you, Mr. President. If there is no objection from the delegates, I would like to make a correction on page 2 of the Summary Journal. The first paragraph, last three lines up where it says "Delegate King proposed in Chamorro that Chamorro be made the official language of the Constitutional Convention", I would like to strike out the "Constitutional Convention" and put "Commonwealth of the Northern Mariana Islands."

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

There being no further discussion, the motion to adopt the Verbatim Journals of the Twelfth Day, Saturday, June 29, 1985; Thirteenth Day, Sunday, June 30, 1985; Fourteenth Day, Monday, July 1, 1985, and the Summary Journal of the Twenty-Eighth Day, Monday, July 15, 1985, was carried by voice vote.

COMMUNICATIONS

Legal Opinion No. 25, from Mr. Joseph A. Guthrie, Assistant Attorney General, re Residency, Domicile and Citizenship.

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Communication No. 19, from the Chairman of the Senate Fiscal Affairs Committee, re proposals on powers of the mayors and municipal councils.

President H. Guerrero: In front of you, you have a couple of communications. One is from the Office of the Attorney General regarding residency, domicile, and citizenship in response to Legal Opinion No. 25, and another one is from Senator Benjamin T. Manglona. Delegate Calvo?

Delegate Calvo: Mr. President, if I'm in order, I would like to put on record my disagreement with Communication No. 19. I feel that the communication is neglecting the joint decision of the delegates from the island of Rota. I would like to ask these Convention delegates to please do not have this letter bears any of your decisions before us on Second and Final Reading regarding the local government. Thank you, Mr. President.

President H. Guerrero: If there's no further comment, I call on Delegate King.

#### COMMITTEE RECOMMENDATIONS/REPORTS

Committee Recommendation No. 8, from the Committee on Personal Rights and Natural Resources, recommending for adoption of Delegate Proposal Nos. 36-35 and 122-85: "To add a new Section to Article I of the Northern Marianas Constitution relating to Victims of Crime."

Committee Recommendation No. 55, from the Committee on Finance and Other Matters, recommending for adoption of the delegate proposals, entitled: "To add a new Section to the Schedule on Transitional Matters relating to Legislative Action Required.", with a Committee Draft Recommendation.

Chairman King: Thank you, Mr. President. Your Committee on Personal Rights and Natural Resources would like to resubmit Committee Recommendation No. 8 that was recommitted to my committee.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters would like to report to the Convention Committee Recommendation No. 55. This is in regard to the Schedule on Transitional Matters relative to legislative action required.

President H. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has no report.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has no report.

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

#### INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

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Chairman King: Thank you, Mr. President. Committee Recommendation No. 28 is "a proposed constitutional amendment to add a new section to Article I of the Northern Marianas Constitution relating to victims of crimes."

President H. Guerrero: Chairman Guerrero?

Chairman Guerrero: Your Committee on Finance and Other Matters would like to introduce for its First Reading, Committee Report No. 55: "To add a new Section to the Schedule on Transitional Matters relating to legislative action required."

SECOND AND FINAL READING

President H. Guerrero: We are now on Second and Final Reading. Before the Chair entertains any motion, in view that the Chair did not give the delegates ample time in reference of what will be considered for Second and Final Reading, and according to our Rules that we need unanimous consent if we are going to suspend the Rules, the Chair will take the position that if a delegate wishes to make an amendment that the Chair has the prerogative of calling a recess and have that amendment typed in a five-minute recess. If there's no objection, so be it.

Committee Recommendation No. 41: "A PROPOSED CONSTITUTIONAL AMENDMENT TO REPEAL SECTIONS 1, 2, 3, 4, 5, AND 6 OF ARTICLE VI AND SECTION 17(a) and (b) OF ARTICLE III OF THE CONSTITUTION OF THE NORTHERN MARIANA ISLANDS AND TO PROPOSE NEW SECTIONS 1, 2, 3, 4, 5, AND 6 OF ARTICLE VI AND SECTION 17(a), (b), AND (c) OF ARTICLE III RELATING TO LOCAL GOVERNMENT."

President H. Guerrero: We're now entertaining Committee Recommendation No. 41, Delegate Nabors?

Secretary Nabors: Thank you, Mr. President.

President H. Guerrero: Should we read the entire context?

Secretary Nabors: We have two extensive amendments; one submitted by Delegate Ramon Villagomez, as per our previous discussions, and the Committee as well has an extensive amendment that has been redrafted and is being incorporated into the main recommendation. In light of the fact that there may be some changes, I wonder if we might dispense with reading the proposal as it presently is written.

President H. Guerrero: Secretary Nabors, point of order. Can you at least read the title please before it is entertained?

Secretary Nabors: Committee Recommendation No. 41: A Proposed Constitutional Amendment to repeal Sections 1, 2, 3, 4, 5 and 6 of Article VI and Section 17(a) and (b) of Article III of the Constitution of the Northern Mariana Islands and to propose new Sections 1, 2, 3, 4, 5 and 6 of Article VI and Section 17(a), (b), and (c) of Article III relating to Local Government.

President H. Guerrero: Continue with your discussion.

Secretary Nabors: Thank you, Mr. President. I would like to recommend, if there is no objection, that we suspend the reading of the proposal as it presently appears because we now have three proposed amendments; one by

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the Committee on Local Government, one by the Convention as a result of prior discussions, and now, another one by Delegate Mafnas.

Delegate Villanueva: Objection.

President H. Guerrero: State your objection, Delegate Villanueva.

Delegate Villanueva: I want to hear the proposal, Mr. President.

Secretary Nabors read Committee Recommendation No. 41, as follows:

—"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification, pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

"I. Effective upon ratification, Article VI shall read as follows:

"Section 1. Local Government. Agencies of local government shall be established as provided by this article.

"Section 2. Election of Mayor. The qualified voters of Rota, Saipan, Tinian and Aguigan, and the islands north of Saipan shall elect a mayor for each island or group of islands.

"a) A mayor shall be qualified to vote in the Commonwealth, at least twenty-five years of age, a resident and domiciliary of the Commonwealth for at least three years immediately preceding the date on which the mayor takes office, and must reside in the island or islands served by the mayor after election, and must meet other qualifications provided by law. No person convicted of a felony in the Commonwealth or in an area under the jurisdiction of the United States may be eligible for this office unless a full pardon has been granted.

"b) The mayor shall be elected at a regular general election for a term of office of four years. A vacancy in the office of the mayor shall be filled by special election if one-half or more of the term remains and otherwise as provided by law.

"Section 3. Responsibilities and Duties of the Mayor.

"a) A mayor shall serve on the governor's council as established by Section 5 of this Article.

"b) A mayor shall administer government programs and services and appropriations provided by law for the island or islands served by the mayor and shall report quarterly to the governor relating to these programs and services or appropriations.

"c) A mayor may investigate complaints, conduct public hearings and with respect to government operations and local matters, and may submit findings or recommendation to the governor and the legislature. A mayor may issue a subpoena duces tecum to obtain information relating to local matters as maybe necessary for his investigation under this subsection at a public hearing.

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"d) The mayor of Saipan, in consultation with the precinct commissioners, and the mayor of the islands north of Saipan shall submit items for inclusion in the proposed budget for both government operations and capital improvement projects. The mayors of Rota and Tinian and Aguigan, in consultation with the Municipal Council, shall submit items for inclusion in the proposed budgets for both government operations and capital improvement projects, including requests from the resident department heads for their operations. The governor's budget submission to the legislature shall state his disposition of the budgetary requests contained in the submission from Rota, Saipan and the islands north of Saipan, and Tinian and Aguigan shall be rejected only for good cause.

"e) A mayor shall coordinate any extension of federal programs extended to the island or islands served by the mayor.

"f) A mayor shall act as principal local official for coordinating activities with disaster control for the mobilization of resources and meeting emergency conditions in his or her respective senatorial district.

"g) The mayors of Rota and Tinian and Aguigan shall appoint, in consultation with the respective Executive Branch Department Head, all resident department heads.

"h) A mayor shall perform other responsibilities as provided by law.

"Section 4. Compensation. A mayor shall receive an annual salary, plus an allowance for reasonable expenses as provided by law.

"Section 5. Governor's Council. The mayors elected under Section 2 and the executive assistant appointed under Article III, Section 18 shall be members of a governor's council that shall advise the governor on government operations and local matters. The governor shall preside over the council which shall meet regularly or at least four times a year to consider matters concerning relationship between the Commonwealth and its separate islands.

"Section 6. Municipal Councils/Precinct Commissioners.

"a) There shall be Municipal Councils for Rota and Tinian and Aguigan to be composed of not less than three (3) or more than five (5) members, elected at large on non-partisan basis. Candidates for municipal council shall be at least twenty-one (21) years of age, a resident of the municipality for three (3) years and shall serve for a period of two (2) years. The Council shall adopt its own Rules of Procedure.

"b) There shall be Precinct Commissioners for Saipan to be composed of four (4) members, elected by precincts on non-partisan basis. Candidates for Precinct Commissioners shall be at least twenty-one (21) years of age, a resident of the precinct for at least three (3) years immediately preceding the date on which the Precinct Commissioners takes office, and shall serve for a period of two (2) years.

"Section 7. Powers, Meeting, Compensation.

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"a) The Municipal Councils shall meet in regular session no more than twice a month, and shall be paid for each meeting as provided by law. The mayor, or a majority of the Council, may call special sessions of the Council as needed. The powers of the Municipal Council shall extend to all local matters of a predominately local nature not pre-empted by the Commonwealth Legislature, and shall include the following:

"1) Assist the mayor in the formulation of the annual budget delineating local needs.

"2) Have sole authority, upon the request of the mayor, to approve reprogramming of funds in the approved budget.

"3) To confirm all resident department heads.

"4) When a Mayor is unable to discharge the duties of office by reason of physical or mental disability, the presiding officer of the Municipal Council shall be acting Mayor. If the presiding officer is not available, another member shall be selected to serve.

"5) Additional powers and duties as provided by law.

"b) The Precinct Commissioners shall meet in regular session no more than twice a month, and shall receive an annual salary as provided by law. The Mayor of Saipan, or a majority of the Precinct Commissioners, may call special sessions as needed. The powers of the Precinct Commissioners shall extend to all matters of predominately local nature not pre-empted by the Commonwealth Legislature, and shall include the following:

"1) Assist the Mayor in the formulation of the annual budget delineating local needs.

"2) Shall advise the Mayor in reprogramming of funds in the approve budget.

"3) To serve as liaison between their respective precincts and the office of the Mayor in the delivery of public service.

"4) When a Mayor is unable to discharge the duties of office by reason of physical or mental disability, the presiding officer of the Precinct Commissioners shall be acting Mayor. If the presiding officer is not available, another member shall be selected to serve.

"5) Additional powers and duties as provided by law.

"Section 3. Section 5 of Article VI is hereby amended to read as follows:

"a) The chartered municipality form of local government on Rota and Tinian is hereby established. Local taxes paid to the chartered Municipal government of Rota and Tinian may be expended for local purposes on the island or islands producing those revenues. New Agencies of local government may not be established without the affirmative vote of two-thirds of the persons qualified to vote from the island or islands to be served by the proposed agency of local government.

"2. Effective upon ratification, subsection 17(a) and (b) of Article III is hereby to read as follows:

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"Section 9. The governor shall delegate to a mayor elected under the provisions of Article VI, Section 2, responsibility for the execution of Commonwealth laws as deemed appropriate and the administration of public services in the island or islands in which the mayor has been elected. Services being provided on a decentralized basis in Rota and Tinian on the effective date of this amendment shall continue.

"Section 10. Public services on Rota and Tinian shall be supervised by a resident department head in the department providing the services. No resident department head shall be appointed to serve in any commonwealth-wide board, commission, or authority. These arrangements shall apply to the islands north of Saipan when the population of these islands exceeds one thousand persons.

"Section 11. Election. An election of members of the Municipal Council and the precinct commissioners shall be held within sixty (60) days after ratification. The Board of Election shall conduct this election in accordance with existing laws."

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: Mr. President, I asked for the proposal to be read so that the members of this Convention can see the enormous work that the Committee on Local Government did. Thank you.

President H. Guerrero: Is there a motion to adopt it? Delegate Lizama?

Floor Leader Lizama: Mr. President, I move that Committee Recommendation No. 41 be adopted.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 41. Discussions? Delegate Villagomez?

Secretary Nabors: I have an amendment.... Oh, I'm sorry, I thought you call me.

President H. Guerrero: Wait, wait, wait, Delegate Villagomez raised his hand first.

Delegate Villagomez: Thank you, Mr. President. Yesterday, we passed out a proposed amendment to Committee Recommendation No. 41 signed by myself. I'd like to ask the members to look at that proposed amendment, and for grammatical reasons, we need to make just two changes. On No. 8 where it says "On page 5, line 9, change the word 'Mayor' to 'Governor'." That should be "change the words 'Mayor of Saipan' to 'Governor'" instead of just "Mayor". On line 8, we say "On page 5, line 9, change the words 'Mayor of Saipan' to 'Governor'." That's on the proposed amendment to Committee Recommendation No. 41 passed out yesterday which I signed. And the next one is on No. 12 where the last word there is "members". That should not be in there. So cross out the word "members" and it will end with "than five (5)". So it would read "On page 4, line 1, strike out the terms 'than five (5)'."

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President H. Guerrero: Delegate Villagomez, can I make a suggestion? Can we go through your recommendation and start from there and read it for the journal?

Delegate Villagomez: You mean from No. 1?

President H. Guerrero: Yes.

Delegate Villagomez: Okay. First, let me make a motion. I move that Committee Recommendation No. 41 be amended in several parts -- actually 14 separate parts and I would go from No. 1 to No. 14:

1. On page 1, line 5, strike out the word "Saipan" before the first comma.
2. On page 2, lines 15 through 18, strike out the whole first sentence.
3. On page 2, line 19, put a comma after the "Rota" and strike out the word "and".
4. On page 2, line 20, after the comma, insert the words "and the mayor of the islands north of Saipan".
5. On page 2, line 25, strike out the word "Saipan".
6. On page 3, line 17, put a comma after the number "2"; strike out the word "and"; then on line 18, put a comma after the number "18" and after the comma, add "and the precinct commissioners".
7. On page 4, line 25, change the word "resdient" to "resident".
8. On page 5, line 9, change the words "Mayor of Saipan" to "Governor"; on line 14, strike out the word "mayor" and insert "governor"; on line 16, replace the word "mayor" with "governor"; on line 19, replace the word "mayor" with "governor".
9. On page 5, line 21, strike out the entire subsection 4 all the way down to line 25.
10. On page 3, line 23, underline the subtitle "Municipal Councils/  
Precinct Commissioners".
11. On page 3, line 25, strike out the terms "not less than" and "or more".
12. On page 4, line 1, strike out the terms "than five (5)".
13. On page 5, line 5, insert the term "by the council" after the word "selected".
14. On page 7, line 3, add the term "of this amendment" after the word "ratification".

That is the entire motion for amendment, Mr. President.

President H. Guerrero: Discussions on the amendment. Delegate Torres?



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Delegate Torres: Thank you, Mr. President. With all due respect to Delegate Villagomez, I would ask and I would urge our colleagues from Saipan, colleagues from Rota and colleagues from Tinian to look carefully at these amendments and reflect carefully on the ramifications of these amendments. My own interpretation of this amendment is essentially to vote down the entire package on local government. I sincerely urge everyone to not support this amendment. Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. (in Carolinian)

Delegate Mafnas: Mr. President, may I ask Delegate Kaipat to speak to the mike so that my interpreter can interpret what he is saying?

President H. Guerrero: Can you move the mike closer, Delegate Kaipat?

Delegate Kaipat: Mr. President, (in Carolinian)

Floor Leader Lizama: Point of information, Mr. President.

President H. Guerrero: State your point. Delegate Kaipat, there's a point of information by Delegate Lizama?

Delegate Kaipat: Yes, Delegate Lizama.

Floor Leader Lizama: May I ask Delegate Kaipat whether he wants the delegates to understand what he wants to say or whether he wants to communicate with the delegates, or does he want only to communicate with himself?

Delegate Kaipat: I'm not communicating with myself. When I talk, I want to communicate with other people. I don't speak to myself. But according to the law, it says we can communicate in Chamorro, in English and in Carolinian. And I feel I can express myself better by speaking in my own tongue.

Floor Leader Lizama: I would like to be able to understand what Delegate Kaipat is saying so that I can reflect what he is saying in my mind, so maybe he can convince me of his ideas and whatnot.

Delegate Kaipat: I feel that we should be fair to our constituents because they are listening while we are talking. And as you know, not all the Carolinian on Saipan understand what we are talking about. And they asked me specifically if I could address especially on this matter because it is concerning the Mayor, the local government involving especially the Carolinian community -- the minority group. So I would like to continue, Mr. President.

President H. Guerrero: Please do.

Delegate Kaipat: (in Carolinian) Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Kaipat. Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. Colleagues, your Committee on Local Government, as Delegate Villanueva pointed out, has done a great

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deal of work. We have consulted all the people of Tinian and Rota. I cannot speak for Saipan for the reason that our public hearing there was very small. I am disturbed to receive Miscellaneous Communication No. 16-20 because we have participated in several discussions with our good friend, Senator Manglona, from Rota and it was our understanding that we would try and have a meeting of the minds.

Delegate Mafnas: Objection.

President H. Guerrero: State your objection.

Delegate Mafnas: I don't want this distinguished Senator to be attacked on this floor without the opportunity to defend himself. Thank you.

Delegate Nabors: As I said, I'm surprised to see Communication No. 16-20 this morning from Senator Manglona for the reason that we had held extensive meetings during the entire Con-Con period and I thought we had a meeting of the mind. But apparently, this isn't the case as far as he is concerned. However, I am convinced that the people of Rota desire to have this council. I am in opposition to the amendment for the reason that I believe that it will result in killing the entire proposal upon ratification. The people of Saipan who attended our public hearing all supported maintaining the mayorship for Saipan. Some indeed were unhappy with the operation of the office but I would ask my colleagues to focus not on the individual but on the office itself. And if this is the desire of the people, then I believe that we should honor that desire. Also, in my personal opinion, I believe that there are those in Saipan who with the possibility of having the first Carolinian Mayor of Saipan are uneasy. And I want to say that democracy demands that the majority rule. And we should give the people the opportunity to have what they want on one hand and No. 2, to elect whomever they choose on the other. I would like to urge my colleagues to vote down the amendment offered by Delegate Villagomez.

Delegate Limes: Privilege.

President H. Guerrero: State your privilege, Delegate Limes.

Delegate Limes: I appreciate my friend, Delegate Nabors, for mentioning my name as a candidate for the mayorship but I think it's a conflict of interest because I am a delegate at present. Please refrain from making references of names. Thank you.

Delegate Nabors: I apologize to my good friend and colleague, Delegate Limes, I did not realize that I had mentioned his name. I would like to urge my colleagues to please give serious consideration to the proposed amendment. We have worked long and hard, we believe this represents the interests of the people as they expressed it, and we'd like to have the people in November to have the opportunity of voting it up or down on its merits. Thank you, Mr. President.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: I move for a 15-minute recess.

Delegate Mafnas seconded the motion.

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President H. Guerrero: There will be a 15-minutes recess.

The Convention recessed at 11:35 a.m.

RECESS

The Convention reconvened at 7:37 p.m.

President H. Guerrero: The session is back to order. I call on Delegate Villagomez.

Delegate Villagomez: Thank you, Mr. President. Earlier today, I made a motion to have a recess in order that the Committee on Local Government and myself as proponent or mover of the proposed amendment to Recommendation No. 41 and the representatives of Rota and Tinian could get together and come up with a set of proposed amendments that would be move acceptable to the delegates. The new proposed amendments have been passed out. And at this time I would like to request permission to withdraw my initial motion which was made this morning and replace it with the proposed floor amendments to Committee Recommendation No. 41 which has just been passed out which is signed by several people.

President H. Guerrero: Is there a second to that?

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded. First of all the original amendment was withdrawn and it has been moved and seconded and a new floor amendment in lieu of Delegate Villagomez' amendment is covering 33 points. Discussions? Delegate Lizama?

Delegate Lizama: Mr. President, it appears that the amendment will pass; however, I just like to express my personal feeling about the amendment. I don't think that the amendment, if approved by this Convention, will be ratified in the general election come November. I'm going to oppose the amendment.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. Mr. President, I respect the opinion of my colleague, Delegate Lizama, at the same time I believe that we all have worked very hard to try and compromise and reach a middle ground and I also believe that this for my personal opinion is that I intend to work for the ratification of all amendments that come out of this Convention. I'll put my personal animosity and ill feelings aside when I walk out of here tomorrow or the next day or the next, and campaign for total ratification. And I would hope that my colleagues would do likewise. Now, we can't have perfection. It is impossible. If we were to go out here now and canvass every person on Saipan, we would not get unanimity on anything. But we have to try and go with the majority and do the best that we can. I congratulate my colleague, Delegate Villagomez, for sitting down, working with us, to come up with this acceptable measure and I think that we have all sacrificed and compromised, and I think that we have a workable Committee Recommendation. Please support it, colleagues, and let's get on with the other business and get finished and get out and support the total package. Thank you, Mr. President.

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President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I yield to Delegate Kaipat.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I'm a little bit confused about this amendment. It looks like some people are trying to tell us what will happen in 1989. Can someone tell me what would be the status of the Mayor's Office on July 6, 1989 at three o'clock in the afternoon, four years from now?

President H. Guerrero: Can somebody answer that? Delegate Villagomez?

Delegate Villagomez: Yes. Four years from today, it would be less than four years from the ratification of this amendment. Because we don't expect this, if this is to be ratified, it will be ratified in the general election of this year. So, during that time there will still be a mayor in Saipan.

Delegate Kaipat: The word "status" -- what would be the status, what would be the improvement, or what would be the problem at that time on the municipality level? What would be the accomplishments that we can think of and what would be the thinking of the people towards this office at three o'clock in the afternoon on July 6, 1989? Is it a good office, a bad office? If it's good, why is it good? What are the improvements? If it is bad, why is it bad? What are the problems on July 6, 1989?

President H. Guerrero: Can somebody answer that? Delegate Pangelinan?

Delegate Pangelinan: On November 1st, 1985, the people will cast their votes for the person that they felt would be best to do their job during, and that would include July 6, 1989.

Delegate Kaipat: No, no. What I'm talking about is, can somebody tell me the status of the municipal government as far as accomplishment or no accomplishment on July 6, 1989 at three o'clock in the afternoon?

Delegate Pangelinan: That's what I'm trying to tell you. It will be up to that person that we voted on November 1st, 1985.

Delegate Kaipat: No, no; you're not getting me. I want somebody to answer me in this hall the status of that Mayor's Office as far as accomplishment, the community's reaction, the people's reaction toward that office, whether it's a good office or bad office. If it is bad, why? If it is considered on July 6, 1989 at three o'clock in the afternoon that it is a good office, why is it good?

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: If we adopt this proposed amendment to the Committee Recommendation, in effect, what it's going to happen is we are going to have a lame duck here for the next four years. In the end, the result would be that on the expiration of the four-year term, the mayor's accomplishments will be practically nil.

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Delegate Pangelinan: Point of information. Nobody can tell what our elected officials would do. When we vote, we put that trust on them to do their job. And I hope to God that they will do their job.

Delegate Kaipat: May I continue?

President H. Guerrero: Please.

Delegate Kaipat: So, we don't know the future.

Delegate Pangelinan: Just like we don't know any other officials that would....

Delegate Kaipat: No, no, no; I'm very specific about this because if four years come four years from now, 1989 on July 6, and they put in their headline on newspaper on Saipan that "the Mayor did a tremendous job for the past twelve months, he boosted the economy, he improved the secondary roads in the villages and many improvements from this candidate." Don't you think that the people will be confused if you put down that this mayor should be out two years from now if he improved the villages and all that?

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: We're looking for July 6 date here in the proposal and we can't find it.

Delegate Kaipat: What? Date?

Delegate Mafnas: Yes, July 6.

Delegate Kaipat: 1989? No. I don't care about the date and the time but the accomplishments, the action that was done by the Mayor's Office which is considered good or bad. If this is a projection for the bad office in 1989, if it's the other way around in 1989, you have a big heading in the newspaper that "the Mayor of Saipan did a tremendous job for the past three years and it should be praised" and all these. And then, don't you think it will be funny to kick that mayor out or close down his office because he did a good job in the community?

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, I'll try and answer the question. On July 6, 1989, three o'clock in the afternoon, the people of the Northern Marianas will....

Delegate Kaipat: Still be breathing, yes. Some of them will be dead already. That's a projection. Some will be dead, some will still be breathing.

(Laughter)

Delegate Mafnas: May I have the floor, please, Dr. Kaipat?

Delegate Kaipat: Go ahead.

Delegate Mafnas: Will cease to review the government services and appropriations provided by law for the island of Saipan and will cease to sub-

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mit to the Governor findings and recommendations relating to the services, will cease to investigate complaints and conduct public hearings with respect to local matters and will cease to submit findings and recommendation to the Governor, will cease to review or recommend items for inclusion in the proposed budget, will cease to review the proposed budget before submission to the Governor, to the Legislature and will cease to recommend amendments in the proposed budget relative to the island of Saipan. The mayor, on July 6, 1989, will cease to promulgate rules and regulations on local matters as provided by law. And the Mayor of Saipan will cease to expend for local public purposes revenues raised by local taxes that are designated by laws. And the Mayor of Saipan on July 6, 1989 will cease to make appointment, supervise and remove those employees as provided by law, to assist him in his performance, in the performance of his duties. And will cease to perform other responsibilities provided by law. Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Why do everything stop when this is July and we have an election in November? So everything will be stopped a couple of months before the election?

Delegate Mafnas: No. But you're using.... Mr. President, he was using July 6, so I kept using July 6, 1989.

Delegate Kaipat: No, but July 6 is in the middle of the year and November is the election, 1989. So this mayor will stop everything a couple of months before the election.

Delegate Mafnas: No, Mr. President. On the day before the commissioners take their oath of office, the duties and responsibilities of the mayor, as I stated, will cease. And I don't know what day is that. Thank you.

President H. Guerrero: Delegate Pangelinan?

Delegate Kaipat: Can I continue, please? You know, my main point here is I'm not against this amendment but what I worry about is making future amendment that nobody in this room actually know what will happen. As I mentioned earlier, maybe the municipal government will tremendously be improved at that time. Maybe three years after he become a mayor. And it would be a very silly thing to remove him after knowing that he did a tremendous job. The public, the government and other governments from outside sources praise him and then pretty soon he's kicked out from his office because we made a previous commitment of cessation from his office, that's why I asked you whether you know, like Moses, what will happen in the projection of July 6, 1989. That's all, Mr. President, no more question.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you. Fellow delegates, if the Commonwealth ever needed the zeal and foresight of its people, it needs them now. As we deliberate on the very sensitive issue of our government, the local government, we may be charting a course that would give us problems for the next ten years. One of the founding fathers of the Commonwealth, an individual who has fought for the rights of his people, and a person whom I greatly admire and respect, have cautioned this Convention against the pitfalls of the proposed Constitutional Amendment on Local Government.

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In his letter to the President of this Convention, Senator Ben Manglona has this admonition for the delegates:

"It has been suggested that in order to provide an appropriate check and balance for such authority for the mayors, there should be municipal councils. I do not agree. The local law function of the Legislature as currently provided in the Constitution are adequate and workable.

"Addition of municipal councils to our government will certainly contribute nothing to accountability or efficiency and such councils would impose severe financial demands on our local taxpayers at a time when they are already being asked to assume the tax burden for more of the costs of the government."

He said in closing: "I am confident that the people of Rota join me in the opposition to the cumbersome, expensive and unnecessary imposition of such an additional layer of government."

I personally cannot help but agree with Senator Manglona. History will judge this Convention by its reaction to the proposed constitutional amendment. Let our deliberations on this matter be as thoughtful and as determined as possible, for we do not amend the Constitution for ourselves alone, but for our children and for generations to come. Whether our children and grandchildren live under a system of government that best suits their needs would be determined by our actions on this and other amendments to our Constitution. Let us not short changed our long-term goals for short-term and personal satisfaction.

I would hope, in closing, that the Second Northern Marianas Constitutional Convention will be remembered for its sense of unity and that no single issue should be allowed to disunite a united people. I thank you and I move to end debate.

Secretary Nabors: Hold it.

Delegate Mafnas: I support, Mr. President, the amendment.

Secretary Nabors: Thank you.

President H. Guerrero: I call first on Delegate Pangelinan.

Delegate Pangelinan: I'll yield to the other delegates.

President H. Guerrero: Let me call first on Delegate Torres.

Delegate Torres: Thank you, Mr. President. Dr. Kaipat asked us speculative questions and I can understand his concern. I am sure he has benefited from hindsight from his experience as one of the founding fathers of our Constitutional Government. Now, let me ask him a question, several questions. Did you ask yourself the same speculative questions when you voted to destroy the local government in the Commonwealth as attested in Article II, Section 6; Article III, Section 17(a), (b), and (c); and Article VI, Section 3(a) to (g)? Did you indeed reflect on your actions then when you voted to destroy local autonomy, home rule, local participation, in short a decentralized form of government? Are you now proud, Dr. Kaipat, that we have experienced for seven years being pampered

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and spoon-fed by our central government that accomplishes nothing but animosity, confusion and underdevelopment? Did you indeed speculate on your brave-calculated actions back then?

President H. Guerrero: Delegate Kaipat, are you going to respond to those?

Delegate Kaipat: Oh, yes. Seven years ago, I was sitting in Kaneohe at the leeway-windward side of Oahu; I didn't vote for this. I didn't know anything about this. And even if I know if I was here, which I was away physically and mentally, if I was here and I know that there is something wrong in that constitutional provision, I wouldn't vote for it. Any more questions?

Delegate Torres: That shows that he wasn't attending meetings to the destruction of our local government.

Delegate Kaipat: I cannot attend meeting when I'm away physically. How can I attend when I'm in Oahu, Hawaii, seven years ago?

Delegate Torres: To make things short, let's just say that we failed.

Delegate Kaipat: Somebody failed, but I didn't fail. Okay, Mr. President, just to save the good hearts of my friends from Tinian and Saipan, I would go ahead and vote for this projected amendment not knowing what I'm going to enter four years from now. I'll just make this thing pass through for the benefit of our friends from Tinian and Saipan after all these. I will stop making comments now and I will vote for this amendment.

(Applause)

President H. Guerrero: Let me call on Delegate Tomokane.

Delegate Tomokane: Thank you, Mr. President. I'm not going to go against anybody or I'm not going to support anybody's statement but I would like to make note that we have a working Constitution here and it provides for popular initiative. Four years from now down the line, if we feel that the Mayor's Office of Saipan should be retained, I think this provision provides for that action. And I think the people of Saipan are willing to make sure that this working document is fulfilled if we want to take that course. Why should we be scared of, you know, if the four years are coming down? Even though we just voted on an amendment that says that we will not have another Constitutional Convention for the next ten years, we can have it next year, we can have it two years from now by popular initiative. Thank you.

President H. Guerrero: Any further discussions? Delegate Limes?

Delegate Limes: Thank you, Mr. President. I just like to be enlightened on page 2, lines 15 to 18. It says "to delete the Mayor of Saipan from submission of the budget and other necessary work." I am just wondering whether the mayor will be just working with no consultation with the precinct commissioners to propose what they need for the community.

President H. Guerrero: Can somebody answer Mr. Limes' question? Delegate Villagomez?



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Delegate Villagomez: During the next four years, there won't be any precinct commissioners and the Office of the Mayor in Saipan will remain as it is, so the Office of the Mayor will continue to be part of the Governor's council. But after four years, there won't be anymore mayor and there will only be precinct commissioners. So we have to strike out that first sentence where it is talking about the mayor consulting with the precinct commissioners.

Delegate Limes: Excuse me, maybe I asked the question incorrectly. During the four years term of the mayor, would it be proper for him also to be submitting other proposed budgets for community services?

Delegate Villagomez: He will. On page 1 of the proposed amendment, proposed amendment No. 4, it says "the Mayor of Saipan shall remain as provided in this Constitution." Which means that his present powers and obligations will remain for another four years. And that's already provided in the present Constitution.

Delegate Limes: Thank you, Delegate Villagomez.

President H. Guerrero: Yes, Delegate Villagomez.

Delegate Villagomez: Mr. President, before we vote, one thing that we have done here is to take the power of confirmation of the resident department heads in Rota and Tinian and transfer it to the municipal council. In order to do that, we have to take that away from the present part of the Constitution giving it to the legislative delegations from Rota and Tinian. If we don't take that away from them, both of them are going to have that authority under the Constitution because presently, the delegation from Rota has it. And if we give it to the municipal council, then both of them will have it unless we take it away from the Legislature. So I'm asking for consent to add to my proposed amendment the following: "Any provision of this Constitution which is in conflict with these amendments shall become null and void upon the effective date of these amendments." In that way, without going back and amending those sections which give the right of ratification of their resident department heads of the Legislature, they automatically become void if we take it from them and give it to the legislative, I mean, to the....

Delegate Manglona: Point of information. Delegate Villagomez, I believe that we amended that section already.

Delegate Villagomez: Oh, you did?

Delegate Manglona: Yes, that's on Section 10. That Section 10 removes that authority. That's on page 6. If you read, on line 12, "effective upon ratification, subsections 17(a) and (b) of Article III is hereby amended as follows.", and Section 10 is an amendment of Section 17 (b) of Article III.

Delegate Villagomez: Okay. If it's covered, then that would not be necessary. I believe Delegate Manglona has one addition that he would like to make to this proposed amendment which I would not object to.

Delegate Manglona: Yes. On the second page that was submitted by Delegate Villagomez, No. 21, subsection (c): "In case of a vacancy, the governor shall appoint the unsuccessful candidate for the office in the

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last election." This whole subsection is with regards to the precinct commissionership. We failed to address the vacancy in the council, so a similar language will be placed immediately after this provision to read as follows: "In case of a vacancy, the mayor shall appoint the unsuccessful candidate for the office in the last election who received the next highest number of votes, otherwise the mayor shall appoint a person with the advise or consent of the senatorial delegation". This is for the council. Thank you.

Delegate Mafnas: No objection.

Delegate Nabors: I move to end debate.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to end debate.

Delegate Manglona: Oh, I think Delegate Nabors has one final amendment and that is it.

Delegate Nabors: Thank you, Mr. President. On page 2 of Committee Recommendation 41, at line 12, beginning with the sentence "A mayor may" and we need to insert "require" -- "A mayor may require..." We need to strike out the words "issue a subpoena duces tecum to obtain."

Delegate Villagomez: That's already in.

Delegate Mafnas: It's already included.

Delegate Nabors: Okay. Then following information, we need to insert "in writing". Then on line 14, we need to place a period after "subsection" and strike the words "at a public hearing". That's all.

Delegate Mafnas: No objection.

Delegate Nabors: Motion to end debate.

Delegate Mafnas seconded, and the motion to end debate was carried by voice vote.

President H. Guerrero: We're now back to the main motion. Discussions?

Floor Leader Lizama: Mr. President, that was a motion to end debate.

President H. Guerrero: That was the amendment.

Delegate Villagomez: Previous question.

It was seconded by Delegate Nabors.

The motion to adopt the amendments as proposed by Delegates Villagomez, Manglona and Nabors was carried by voice vote.

President H. Guerrero: We're now back to the main motion. Discussions?  
Delegate Mafnas?

Delegate Mafnas: I move for the previous question.

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Delegate Nabors seconded the motion.

President H. Guerrero: We're now voting for Committee Recommendation No. 41. Delegate Nabors?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 41, as amended, on Second and Final Reading was voted on by a roll call vote, as follows:

YES: Delegates Vicente Calvo, David Cing, Herman Guerrero, Lorenzo DL. Guerrero, Alonzo Igisomar, David Igitol, Rita Inos, Benusto Kaipat, Esteven King, Luis Limes, Jesus Mafnas, James Mendiola, Paul Manglona, Aniceto Mundo, William Nabors, Felicidad Ogumoro, Maria Pangelinan, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres, Ramon Villagomez and Ignacio Villanueva. (23 votes)

ABSTAIN: Delegate Juan Lizama. (1 vote)

And the motion was carried.

Secretary Nabors: Mr. President, I have 23 affirmative votes and one abstention.

President H. Guerrero: The Committee Recommendation is passed by 24 votes. This is Committee Recommendation No. 41.

(Applause)

President H. Guerrero: Secretary Nabors, can you read Committee Recommendation No. 52?

Secretary Nabors read Committee Recommendation No. 52 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 52

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 13 or Article II of the Northern Marianas Constitution relating to sessions.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Section 13 of Article II of the Northern Marianas Constitution is hereby amended to read as follows:

"Section 13: Sessions. The legislature shall meet for organizational purposes on the second Monday of January in the year following the regular general election at which members of the legislature are elected and shall be a continuous body for the two years between these organizational meetings. Each house shall meet in regular sessions for no more

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than ninety days each year, sixty days before April 1 and thirty days after July 31 of each calendar year, and may be convened at other times for no more than ten consecutive days upon request by its presiding officer or by the governor. When meeting pursuant to a call by the governor, the legislature shall consider only those subjects described in the call."

President H. Guerrero: Any motion to adopt it for Second and Final Reading? Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move for the adoption of Committee Recommendation No. 52.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 52. Discussions? Delegate Inos?

Delegate Inos: Thank you, Mr. President. Did I hear Delegate Nabors to say, on line 10, "sixty days before January 1?"

Secretary Nabors: No.

President H. Guerrero: It should be ninety days.

Secretary Nabors: On line 10, ninety days each year, sixty days before April 1.

Delegate Inos: Thank you.

President H. Guerrero: Discussions?

Delegate Mafnas: Point of information.

President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: Delegate Nabors was thinking or rather is thinking of his inauguration in January for the municipal council in Tinian.

(Laughter)

President H. Guerrero: Delegate Igitol?

Delegate Igitol: Just a question here on line 13. Is it the presiding officer or presiding officers?

President H. Guerrero: Presiding officer.

President H. Guerrero: Any other questions? Discussions? Going once, going twice, Secretary Nabors, take the roll call.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 52 on Second and Final Reading was carried by 24 affirmative votes.

Secretary Nabors: Mr. President, I have 24 affirmative votes.

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President H. Guerrero: Committee Recommendation No. 52 is passed by unanimous vote. Secretary Nabors, can you read the next one--53?

Secretary Nabors read Committee Recommendation No. 53 in its entirety, as follows: -

"COMMITTEE RECOMMENDATION NO. 53

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 2 of Article II of the Northern Marianas Constitution to add a new subsection (d) relating to the Composition of the Senate.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Section 2 of Article II is amended to add a new subsection (d) to read:

"Section 2: Composition of the Senate.

"'d) A candidate for the house of senate shall be a registered voter in the senatorial district where he or she is a candidate.'"

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, I move for the adoption of Committee Recommendation No. 53.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 53 for Second and Final Reading. Discussions? No discussions? Going once, going twice, Secretary Nabors, take the roll call.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 53 on Second and Final Reading was carried by a roll call vote of 24 affirmative votes.

Secretary Nabors: Mr. President, I have 24 affirmative votes.

President H. Guerrero: Committee Recommendation No. 53 is passed unanimously. Secretary Nabors, can you read Committee Recommendation No. 54.

Secretary Nabors read Committee Recommendation No. 54 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 54

"A PROPOSED CONSTITUTIONAL AMENDMENT

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"To amend Section 3 of Article II of the Northern Marianas Constitution by adding a new subsection (d) relating to the composition of the the House of Representatives.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 or Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Section 3 of Article II is amended by adding a new subsection (d) to read:

"Section 3. Composition of the House of Representatives.

"'d) A candidate for the house of representatives shall be a registered voter of the election precinct where he or she is a candidate.'"

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move for the adoption of Committee Recommendation No. 54.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 54 for second and final reading. Discussions?

Delegate Lizam: No discussion.

President H. Guerrero: No discussions? Going once, going twice, Secretary Nabors, please take the roll call.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 54 on Second and Final Reading was carried by a roll call vote of 24 affirmative votes.

Secretary Nabors: Mr. President, I have 24 affirmative votes.

President H. Guerrero: Committee Recommendation No. 54 is adopted by unanimous vote.

Delegate Mafnas: Privilege.

President H. Guerrero: State your privilege, Delegate Mafnas.

Delegate Mafnas: The two proposals, Mr. President, Committee Recommendations 53 and 54 were filed then revived by the Convention, and this shows the power of compromise. Thank you.

President H. Guerrero: Delegate Nabors, can you read Committee Recommendation No. 51?

Secretary Nabors read Committee Recommendation No. 51 in its entirety, as follows:

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"COMMITTEE RECOMMENDATION NO. 51

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article XI, Section 6(a) to provide for an increase in the number of trustees of the Marianas Public Land Trust from three to five.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 or Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Section 6(a) of Article XI is amended to read:

"'a) The trust shall have three trustees appointed by the governor with the advice and consent of the senate.'"

Floor Leader Lizama: Point of information, Mr. President.

President H. Guerrero: Excuse me.

Secretary Nabors: Excuse me, there was an amendment.

Floor Leader Lizama: There was an amendment and the one we have now don't reflect the amendment that was made on First Reading. Now, I think the amendment....

President H. Guerrero: Delegate Nabors, can you read the right one? It's not your copy but the corrected version that was passed out.

Secretary Nabors: Thank you, Mr. President. Is this the amendment by Delegate Igitol?

Delegate Villagomez: No, no, no.

Secretary Nabors: So which one?

Floor Leader Lizama: No. That was the amendment on First Reading and I think on Second Reading, the proposed amendment should be read.

President H. Guerrero: Can you read the amendment that was passed out?

Secretary Nabors: I apologize, Mr. President; I got too many papers here to decipher it. Okay, this is "Effective upon ratification, Section 6(a) of Article XI is amended to read: 'a) The trust shall have five trustees appointed by the governor with the advice and consent of the Senate. Three shall be from Saipan, one from Rota, one from Tinian, one shall be a woman and one shall be a person of Carolinian descent.'"

President H. Guerrero: Is there a motion to adopt it? Floor Leader Lizama?

Floor Leader Lizama: Privilege.

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Delegate King: I move for the adoption of Committee Recommendation No. 51.

Delegate Villagomez seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 51. State your privilege, Delegate Lizama.

Delegate Lizama: I want to hear what was the thing that was finally read. I'm a little bit confused. I think the amendment is to make the appointment of five trustees take effect ten years after the effective date of the Constitution or -- no, no, that was the amendment. In other words, prior to the ten-year period, the Public Land Trust Fund will still have three board of directors or board of trustees. But then after ten years, the Public Land Trust Fund will have five trustees. There shall be a member from Rota, one from Tinian, one shall be a woman and one shall be of a Carolinian descent. That was the amendment.

Delegate Villagomez: Mr. President.

Delegate Mafnas: I move for a five-minute recess.

Delegate Villagomez: Yes, I was the one who moved for this. The language that I have down is "ten years after the effective date of this Constitution, the trust shall have five trustees appointed by the governor with the advice and consent of the Senate. There shall be ...", and then the rest is as read.

Delegate Lizama: Point of information, Mr. President.

President H. Guerrero: State your point.

Delegate Lizama: We still need to retain the provision as it is written in Section 6(a) in order to maintain the number of trustees. So the proposed amendment should have that existing provision first and then add the amendment to it.

President H. Guerrero: Five minutes recess.

The Convention recessed at 3:30 p.m.

RECESS

The Convention reconvened at 3:56 p.m.

President H. Guerrero: Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. This is Committee Recommendation No. 51.

At this point, Secretary Nabors reread Committee Recommendation No. 51 as follows:

"To amend Article XI, Section 6(a) to provide for an increase in the number of trustees of the Marianas Public Land Trust from three to five.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:



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"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Section 6(a) of Article XI is amended to read:

"'a) The trust shall have five trustees appointed by the governor with the advice and consent of the Senate. Three shall be from Saipan, one from Rota, one from Tinian, one shall be a woman and one shall be a person of Carolinian descent.'"

Delegate King: I move.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 51. Discussions? Delegate Igitol?

Delegate Igitol: Mr. President, I have a floor amendment to Committee Recommendation No. 51 that was passed out this morning. I move for adoption of the floor amendment to Committee Recommendation No. 51.

Delegate King seconded the motion.

Delegate Igitol: Okay, Mr. President, I'll read the motion.

President H. Guerrero: Your amendment.

Delegate Igitol: A proposed floor amendment to joint Committee Recommendation No. 51. "a) The trust shall have three trustees appointed by the governor with the advice and consent of the senate. The composition of the trust shall be one from each senatorial district. The trustees shall serve a term of six (6) years."

President H. Guerrero: Discussions?

Delegate Nabors: Motion to end debate.

Delegate King seconded, and the motion to end debate was carried by voice vote.

President H. Guerrero: We're back to the main motion.

Floor Leader Lizama: No, no, there's a motion to amend. Mr. President, point of information.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: We need to vote on the offered amendment.

President H. Guerrero: What amendment?

Delegate Mendiola: We're under discussions.

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Floor Leader Lizama: No. Delegate Igitol just offered an amendment and we ended discussion on that amendment. Aren't we suppose to take a vote on the amendment?

President H. Guerrero: I'm sorry, Delegate Lizama. I stand corrected. We're voting on the amendment as proposed by Delegate Igitol.

As a result of the unclear voice vote, President Guerrero requested for raising of hands vote, and the motion to adopt the floor amendment offered by Delegate Igitol was carried by 10 for and 9 against the motion. The rest abstained.

Secretary Nabors: I move for the previous question.

President H. Guerrero: I'm going to recognize Delegate Kaipat. We're back to the main motion.

Delegate Kaipat: Mr. President, did we vote on Delegate Villagomez' amendment already? So it is reamended or amended again by Delegate Igitol?

Delegate Lizama: Point of information, Mr. President.

President H. Guerrero: Yes, Delegate Lizama.

Delegate Lizama: The amendment that was offered by Delegate Igitol, in actuality, after the Convention just adopted it, what it did was really to strike out the....

Delegate Kaipat: Villagomez' amendment?

Delegate Lizama: No, to strike out what is being put down or written in Committee Recommendation No. 51.

President H. Guerrero: Point of clarification. I was trying to clarify this because I thought we recessed because that was not the original amendment from what I was informed of and Delegate Nabors read a different version rather than the one that was passed out by Delegate Villagomez. Did you figure out what we voted on?

Floor Leader Lizama: Yes, we did.

Delegate King: We're still in order, Mr. President.

President H. Guerrero: We're back to the main motion then.

Delegate King: That's right.

President H. Guerrero: Discussions? Which one did we amend?

Delegate Mendiola: We amended the amendment made by Delegate Villagomez.

President H. Guerrero: Secretary Nabors, can you read the amendment?

(Laughter)

Secretary Nabors: Mr. President, I'm confused.

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President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: The amendment that was offered by Delegate Villagomez yesterday and approved by the Convention is not incorporated in what was passed out to all of us.

President H. Guerrero: That's my understanding.

Delegate Ogumoro: So I think we should take another five-minute recess and correct that Committee Recommendation and go all over again.

Delegate Nabors: I agree that we should go over it again but I don't think we need another five-minute recess, Delegate Ogumoro. I neglected to read Delegate Villagomez' amendment that was adopted as First Reading, and I think I'd like to have the opportunity to correct my error.

Delegate Mafnas: May I ask the President first to admonish the Secretary?

(Laughter)

President H. Guerrero: Mr. Secretary?

Secretary Nabors: I apologize, Mr. President; I am getting terribly confused. Now, "after the Constitution has been in effect for ten years, the number of trustees appointed by the governor with the advice and consent of the senate shall be increased to five. Three shall be from Saipan, one from Rota, and one from Tinian. At least one trustee shall be a woman and one trustee shall be of Carolinian descent."

President H. Guerrero: Is that it?

Secretary Nabors: Yes, Mr. President.

Delegate Villagomez: Mr. President, this language is added to the existing language in the Constitution. So the existing language will remain as it is and it's just followed by this.

Floor Leader Lizama: That's correct.

Delegate Villagomez: That otherwise, if we take out the existing language then we'll have problems.

Delegate Lizama: Mr. President, point of information.

President H. Guerrero: State your point.

Floor Leader Lizama: May I ask then Delegate Nabors to read again the complete version of the proposed constitutional amendment?

Delegate Villagomez: What you do, Delegate Bill, is read the existing language now and then just follow it with that.

Secretary Nabors: Well, according to my records, the existing language is as follows: "'a) The trust shall have three trustees appointed by the governor with the advice and consent of the senate. After the Constitution has been in effect for ten years, the number of trustees appointed by

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the governor with the advice and consent of the senate shall be increased to five. Three shall be from Saipan, one from Rota, and one from Tinian. At least one trustee shall be a woman and one trustee shall be of Carolinian descent.'"

Floor Leader Lizama: Mr. President?

President H. Guerrero: Yes, Floor Leader Lizama.

Floor Leader Lizama: If there's not going to be any amendment to this proposed constitutional amendment, I move that we end debate and vote on it.

Delegate Kaipat seconded the motion.

Delegate Igitol: There are two motions on the floor, Mr. President.

Floor Leader Lizama: We're beginning our process so that's why I suggested that if there's not going to be any motion, then....

Secretary Nabors: No, the language that I read was adopted yesterday. Now, there's another floor amendment offered by Delegate Igitol that we now have to address.

President H. Guerrero: Can we at least first have a motion to adopt the corrected version?

Floor Leader Lizama: Mr. President, I move that we adopt Committee Recommendation No. 51 as read by Delegate Nabors.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 51. Discussions? Delegate Igitol?

Delegate Igitol: Am I going to read my amendment again? I move for adoption of the proposed amendment to joint Committee Recommendation No. 51, and I read again, "a) The trust shall have three trustees appointed by the governor with the advice and consent of the senate. The composition of the trust shall be one from each senatorial district. The trustees shall serve a term of six years."

Delegate King seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 51. Discussions? Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. Of these three trustees that Delegate Igitol mentioned here, I would like to ask Mr. Igitol, if there's any Carolinian descent among these three.

President H. Guerrero: Delegate Igitol?

Delegate Igitol: Mr. President, the composition here is that since the people of Tinian and Rota are also concerned to be part of this Trust, I proposed that three--one from each and the Governor has the prerogative of appointing one from Saipan. He might appoint a Carolinian descent, a Chamorro, or whatever, but the Trust must have three.

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President H. Guerrero: Discussions?

Floor Leader Lizama: I move to end debate.

Delegate Mendiola seconded, and the motion to end debate was carried by voice vote.

There being no further discussion, the motion to adopt the amendment offered by Delegate Igitol was defeated by raising of hands vote of 7 for and 10 against the motion. The rest abstained.

Delegate Igitol: Mr. President?

President H. Guerrero: Yes, Delegate Igitol.

Delegate Igitol: The delegates seem to be embarrassed of voting. Everybody is abstaining. Most of them abstained.

Floor Leader Lizama: Mr. President?

President H. Guerrero: The abstention goes to the prevailing side. Yes, Delegate Lizama?

Floor Leader Lizama: I believe that the motion to amend was defeated.

President H. Guerrero: That's what I said.

Floor Leader Lizama: Mr. President, I move for the previous question.

Delegate Nabors seconded the motion.

President H. Guerrero: We're voting on joint Committee Recommendation No. 51. Secretary Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Joint Committee Recommendation No. 51, as amended, on Second and Final Reading was voted on by a roll call vote as follows:

YES: Delegates Vincent Calvo, David Cing, Herman Guerrero, Alonzo Igisomar, Benusto Kaipat, Luis Limes, Juan Lizama, Jesus Mafnas, James Mendiola, William Nabors, Felicidad Ogumoro, Karl Reyes, Francisco Tomokane, Ramon Villagomez and Ignacio Villanueva. (15 votes)

NO: Delegates Lorenzo DL. Guerrero, David Igitol, Maria Pangelinan and Joaquin Tenorio. (4 votes)

ABSTAIN: Delegates Rita Inos, Esteven King, Paul Manglona, Aniceto Mundo, and William Torres. (5 votes)

And the motion was carried.

Secretary Nabors: Mr. President, 15 affirmative votes, 4 negative votes, and 5 abstentions.

President H. Guerrero: Joint Committee Recommendation No. 51 passed by 20 votes. Delegate Nabors, can you read Committee Recommendation No. 20?

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Secretary Nabors: Mr. President, if there is no objection, I'd like to ask that we defer consideration of Committee Recommendation No. 20 until tomorrow?

Delegate King: Objection. May we know what's the reason for deferring this Committee Recommendation No. 20 twice?

Secretary Nabors: Thank you, Mr. President. I apologize, colleagues, but we have been tied down, bugged down with Committee Recommendation No. 41 and we have two committees involved and we need simply to have a meeting of the mind on some languages.

Delegate King: In that case, I agree.

Secretary Nabors: Thank you.

President H. Guerrero: If there is no objection, this will be taken up tomorrow. Secretary Nabors, can you read Committee Recommendation No. 36?

Secretary Nabors read Committee Recommendation No. 36 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 36

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To add a new Section \_\_\_\_\_ to Article II to authorize legislative veto to certain types of executive acts.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Article II is amended to add a new section to read:

"Section \_\_\_\_\_. Legislative Veto. The legislature may provide for a legislative review and veto a specific executive actions involving rule-making authority or establishment of policy by joint resolution. Legislative veto shall not extend to the application of rules or regulations to individual cases."

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move for the adoption of Committee Recommendation No. 36 on Second Reading.

Delegate King seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 36. Discussions? Delegate Lizama?

Delegate Lizama: Mr. President, I'd like to offer an amendment. This

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morning, the proposed amendment to this Committee Recommendation was passed out and I believe everyone has a copy.

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: Mr. President, does the Chairman still has the floor on the amendment?

President H. Guerrero: He does. Would you like to read your amendment, Delegate Lizama?

Delegate Lizama: The offered amendment reads as follows: "The legislature may provide by law for legislative veto by single or joint legislative resolution or executive regulations promulgated under that law. The legislature may also provide by law for a legislative veto of actions to reprogram public funds. A legislative veto may only be exercised within ninety days of the date the action is reported to the legislature."

Delegate Nabors: Question.

President H. Guerrero: Yes, Delegate Nabors.

Delegate Nabors: Can I inquire as to what is the current policy and what problem does it attempt to address?

Delegate King: Point of order. I think that the motion need to be seconded before we discuss it.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been seconded. Discussions? Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I'd like to inquire, if I could, as to what is the current practices with respect to this reprogramming and what problem does this proposed amendment address?

Delegate Lizama: I believe, Delegate Nabors, that reprogramming is provided by Public Law 3-16. And we just want to make the language more clear because what we have before us already is not really very clear, and we also would like to require that the exercise of the legislative veto may only be made within ninety days. In the absence of that, we may be giving the Legislature the authority to exercise this power indefinitely, and I think there should be some definite time in which the exercise should be made.

Secretary Nabors: Thank you. I may be wrong but I thought that prior to reprogramming, it requires the consent of the Chairman of the Appropriations Committee of the House of Representatives and the Chairman of the Fiscal Affairs Committee of the Senate.

Delegate Mafnas: That is true.

Secretary Nabors: I thought so. And most recently, Mr. President, I recall from the media that the Governor has requested for concurrence of the leadership of the Legislature to address an emergency. And as I

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recall that if the suggested method is not acceptable that they should direct or assist in finding a suitable way to deal with the emergency.

President H. Guerrero: Delegate Lizama, are you going to answer that?

Delegate Lizama: I don't know how to respond to that. The intention I'm getting from the question is that there's existing now a governor's power to reprogram. Is that what you're saying?

Delegate Nabors: Yes. I understand there is a consent now required. And as I recall during the emergency, he sought an input from the Legislative Office--the Senate and House. And if he currently does that, why then do we need to address this matter in the Constitution?

Delegate Lizama: Yes. I guess when this proposal was introduced, the intent was to provide for a better clarification on what the Governor can do and what also the Legislature can do. Maybe that has been the practice, but I'm not really so cognizant of how the Governor reprograms and how he deals with the Legislature. To have this thing in the Constitution would in effect allow for the legislature or would give the Legislature the power to veto but at the same time it will not hinder the Governor under the existing law from reprogramming. That's how I look at it.

Delegate Nabors: Mr. President, I'll pass for now, but I'd like to get some better presentation.

Delegate Lizama: Mr. President, we have the Legal Counsel here from the Senate. Maybe we could inquire from the Legal Counsel how they deal on this.

President H. Guerrero: Delegate Mafnas, can I ask you to probably.... So won't you go ahead, Delegate Mafnas?

Delegate Mafnas: Mr. President, I supported this before we received the opinion from the Attorney General's Office and I thought that the reason for deferring this was for us to get together and further discuss the significance of the opinion. And we were very busy trying to catch up with our work and the Chairman wasn't able to call us together to discuss the opinion. So I would ask the indulgence of the members to allow your Committee on Governmental Institutions to meet on this and seek the assistance of the available counsel because this is a significant amendment to our Constitution, giving the Governor to reprogram funds then at the same time reserve the right to veto such action. It may be unconstitutional. I support the legislative veto, however, I would like to ask the indulgence of the members that we defer action on this until the committee meets and obtains the assistance of the counsel. Thank you.

Delegate King: Second.

Delegate Nabors: No objection.

President H. Guerrero: Delegate Lizama?

Delegate Lizama: I believe, yes, Delegate Mafnas is correct in saying that the Committee on Governmental Institutions was to have looked first on the opinion that came from the Attorney General's Office. However, I did not have the opportunity to meet with the members but I have read the



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opinion and I felt that the opinion did not give any suggestion that the legislative veto would be unconstitutional. However, the opinion was concerned on how the language of this proposed amendment should be written so that it would not conflict with the so-called separation of power concept. And I think the proposed amendment pretty much takes care of the concerns that the Attorney General indicated. I think the Attorney General is here and also the Counsel from the Legislature is here. Maybe we could ask both of them and find out how they feel about the proposed amendment. If they feel that it would be unconstitutional or if they feel that it needs further work, then maybe we should defer this. But should we first ask the Counsel?

President H. Guerrero: Let me call first on Delegate Mafnas.

Delegate Mafnas: Mr. President, in the AG's opinion, I saw a citation, Valeo v. Buckley, and that citation was the one that declared Public Law No. 1-9 unconstitutional under the principles of the separation of power or doctrine on the separation of powers. And whenever I see that citation, you know, I'm afraid that this particular piece of proposal will be declared unconstitutional. I am not a lawyer and I am not questioning the integrity of my Chairman, but I just want to be given the opportunity to seek further information. Thank you.

Delegate Mendiola: Mr. Chairman, I think we have a motion on the floor.

Delegate Lizama: Mr. President, I would not object to the deferment of this. I move to defer this Committee Recommendation.

Delegate Nabors seconded the motion.

President H. Guerrero: If there is no objection, this will be taken at a later time. We're now on Committee Recommendation No. 50. Secretary Nabors, can you read Committee Recommendation No. 50?

Secretary Nabors read Committee Recommendation No. 50 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 50

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 9(a) and (b) of Article III of the Northern Marianas Constitution to mandate a balanced budget for the Commonwealth of the Northern Mariana Islands Government in every fiscal year.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

"I. Effective upon ratification, Section 9(a) and (b) of Article III is amended to read:

"Section 9. Executive Functions.

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"(a) The governor shall submit to the legislature a proposed annual balanced budget for the following fiscal year. The proposed balanced budget shall describe anticipated revenues of the Commonwealth and recommend expenditures of Commonwealth funds. The anticipated revenues shall not be increased by the legislature without the consent of the governor. In preparing the proposed balanced budget, the governor shall consider submissions made by the mayors of Rota, Saipan, Tinian and Aguiguan, and the islands north of Saipan as to the budgetary needs of those islands and by the executive assistant appointed under section 18 of this article. The governor's submission to the legislature with respect to the budget shall state the governor's disposition of the budgetary requests contained in these submissions and may include recommended legislation with respect to taxation. If a balanced budget is approved by the legislature, the governor may not reallocate appropriated funds except as provided by law. If a balanced budget is not approved before the first day of the fiscal year, appropriations for government operations and obligations shall be at the level of the previous fiscal year.

"(b) The governor shall report at least annually to the legislature regarding the affairs of the Commonwealth and new measures that are necessary or desirable. The report shall include a comprehensive annual financial report prepared in accordance with generally accepted governmental accounting principles."

President H. Guerrero: Any motion to adopt it?

Delegate Guerrero: I so move.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 50. Discussions? If no discussion, going once, going twice, Secretary Nabors, roll call.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 50 on Second and Final Reading was carried by a roll call vote of 24 affirmative votes.

Secretary Nabors: Mr. President, I have 24 affirmative votes.

President H. Guerrero: Committee Recommendation No. 50 is adopted by unanimous vote. We're now on Committee Recommendation No. 49.

Delegate DL. Guerrero: Mr. President, on behalf of the Committee on Finance and Other Matters, I would like to ask for unanimous consent to defer this until tomorrow's agenda, please.

Secretary Nabors: No objection.

President H. Guerrero: If there is no objection, we'll move on to Committee Recommendation No. 40.

Secretary Nabors: Mr. President, if there is no objection, I ask for unanimous consent to defer Committee Recommendation No. 40 also for tomorrow's calendar to give us some time because there's a measure that we simply have to agree with the language.

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President H. Guerrero: If there's no objection, so ordered. We'll move on to Committee Recommendation No. 19.

At this point, Secretary Nabors read Committee Recommendation No. 19 in its entirety, as follows:

"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.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"Effective upon ratification, Section 3 of Article XII is amended to read:

"Section 3: Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property used in Section 1 includes freehold interests except for a freehold interest in the air space above the first floor of a structure and leasehold interests of more than forty years including renewal rights. The appraisal value of freehold interests and leasehold interests in real property in the Commonwealth shall be assessed by a professional and/or government-sanctioned appraiser(s) before any business transaction is effectuated."

President H. Guerrero: Delegate Nabors, you are reading the wrong thing. Can I give you a copy to read the right one?

Secretary Nabors: Okay, now, "Section 3: Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property used in Section 1 includes freehold interests and leasehold interests of more than 55 years including renewal rights, except an interest acquired above the first floor of a condominium building. The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the land owner before any sale or long term lease is executed regarding that land. Any land transaction in violation of this provision shall be void."

President H. Guerrero: Is there a motion to adopt it?

Delegate King: I move to adopt it.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 19. Discussions? Delegate Villagomez?

Delegate Villagomez: Mr. President, my recollection is that this Committee Recommendation and Committee Recommendation No. 40 were the ones that

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were to be considered together, not Recommendation 20 because we have to consider the 55 years together with the 100% ownership by persons of Northern Marianas descent. And possibly, Delegate Nabors mixed up the No. 19 and No. 20. I think we are ready to proceed on No. 20 but we are not ready to proceed on No. 19 and No. 40 because of the 55 years and the 100% Northern Marianas descent ownership. So, to correct matters, I propose that we defer 19 and 40 but we proceed on 20.

Secretary Nabors: Mr. President, my colleague is correct. I stand corrected; however, we are not prepared to proceed on 20 either because there are some matters that were discussed with Delegate Reyes on the MIHA mortgage problem that the Committee needs to finalize. So Delegate Villagomez is correct that 19 and 40 were companion measures, but 20 also needs just a minor explanation to the Committee members. So if I could, without objection, Mr. President, ask your indulgence to please allow us to defer action on 19 until tomorrow and I promise my colleagues that we will be better organized.

President H. Guerrero: Can I ask the mover to withdraw that motion.

Delegate King: I withdraw my motion.

President H. Guerrero: If there's no objection, so be it. We're now with Committee Recommendation No. 43.

At this point, Secretary Nabors read Committee Recommendation No. 43 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 43

"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.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, a new Article \_\_\_\_\_ is added to read:

"ARTICLE \_\_\_\_\_. OFFICIAL SEAL, FLAG AND LANGUAGES.

"Section 1: Official Seal. The official seal of the Commonwealth shall consist of a circular field of blue having in its center a white star superimposed on a gray latte stone, surrounded by the traditional Carolinian Mwaar consisting of the following flowers: Langilang, Flores Mayo (Seyur), Angagha, and Teibwo, on the outer border, and the words encircling the mwaar. 'Commonwealth of the Northern Mariana Islands' and 'Official Seal.'

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"Section 2: Official Flag. The official flag of the Commonwealth shall consist, on both sides of a rectangular field of blue, a white star in the center, superimposed on a gray latte stone, surrounded by the traditional Carolinian Mwaar. The dimensions of the flag, the mwaar, the star and latte stone shall be provided by law."

"Section 3: Official Languages. The official languages of the Commonwealth shall be Chamorro, Carolinian and English."

Delegate DL. Guerrero: I move to adopt Committee Recommendation No. 43 on Second and Final Reading.

Delegate Inos seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 43. Discussions? Delegate Lizama?

Delegate Lizama: Mr. President and fellow delegates, I'm very proud to be a Chamorro and I'm very proud to be able to speak in Chamorro as well as in English. In the First Reading of this proposed constitutional amendment, I stated very explicitly that I'm not very articulate in speaking English. I have a little bit problem of articulating sometimes and I also stated that I have some problems, too, of articulating in Chamorro and that's because sometimes when you used to speak in two or more different languages, sometimes you just tend to forget or you just tend to get used to using one language as oppose to the other but that does not mean that you have forgotten your language. I will never forget my Chamorro language. I like the intent. I appreciate the work of the Committee and I agree with the intent of the proposed constitutional amendment. However, as I stated in our discussions during the First Reading of this proposed amendment, I believe that if this proposed constitutional amendment is adopted or ratified, that perhaps we may be looking ahead to a chaotic experience. I mentioned that it's going to create a chaos because many of our people are going to try and take advantage of this and there will be people in the Commonwealth that will not be able to learn the Chamorro language and also the Carolinian language. Now, as I read this proposed constitutional amendment, Section 3 in particular states "the official languages of the Commonwealth shall be Chamorro, Carolinian and English." The word "languages" is used in plural term. I interpret this to mean that this may well require the languages of Chamorro, Carolinian and English for instance to be used in legal documents, etc., etc. And I also I'm a little bit concerned what this will mean if this is ratified. For instance, which one of the three languages will prevail or would to be paramount in the event that there would be conflict of interpretation or conflict of meanings in what they prefer to convey. Now, would Chamorro be paramount, would Carolinian be paramount or English be paramount? That is the problem that I have with this constitutional amendment. Thank you, Mr. President.

President H. Guerrero: Delegate Inos?

Delegate Inos: Thank you, Mr. President. So that my colleague, Delegate John, will not experience chaos and I hope that he would take seriously the committee report that we submitted to the floor of our real intention

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of this particular section, I would like to move to propose a floor amendment to Committee Recommendation No. 43.

Delegate Habors seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 43. Discussions?

Delegate Inos: I think that all the members have the written amendment.

President H. Guerrero: Delegate Torres?

Delegate Torres: Thank you, Mr. President. I like the proposed amendment. I think it takes into account my concern or the concern that I raised regarding this particular section. I take special note, however, on several things in this proposed amendment. For example, it gives the Legislature the -- to my mind, this is quite historical. It gives the Legislature the enforcement authority. Also, this particular section is not subject to judicial review. My question is, does this mean that we can't take issues to the court?

President H. Guerrero: Delegate Inos, can you answer that?

Delegate Inos: On this particular amendment, so that I address the concern of my colleagues who were raising that this may be chaotic and that we might be demanding to go to court because Section 3 is stated as such, to further clarify that, I hope that I gave the Legislature the enforcement that I proposed in this amendment and that any provision made under this particular section will be deemed as appropriate also by the judicial branch.

President H. Guerrero: Delegate Torres?

Delegate Torres: If the Chair permits and I ask for the indulgence of the delegates, could I read the opinion that I have sought relative to this issue?

Delegate Lines: No objection.

Delegate Villagomez: No objection.

Delegate Torres: Okay. To the Attorney General: Please make "official comments" on the ramifications of Section 3 in Committee Recommendation No. 43. While we are concerned, and rightfully so, about the dignity and maintenance of our indigenous languages and cultures--that is Chamorro and Carolinian, we are also mindful of the potential chaos that would result from this section. Specifically, does Section 3 require a person or a government official to know English, Chamorro and Carolinian? Does it entail that any person or government official has the unalienable right to decide whether to use English, Chamorro or Carolinian, alternately and/or individually at will without regard for meaningful communication? Does the section require that all "official documents" be printed in three languages, example, CNMI Constitution, Covenant, CNMI Code, etc.?

I believe that the amendment that Delegate Inos is proposing partly answered some of my concerns and I am satisfied with the proposed amend-

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ment which is being offered by Delegate Inos. I believe that it incorporates the concerns that I had raised earlier regarding the true intent of Section 3, and I believe that there won't be much of a chaos with this amendment. Thank you.

President H. Guerrero: I would like to express my view on this one as a delegate. I believe that the official seal and official flag should have gone to the Legislature. And the official flag since it is being changed should have been opened to public participation and competition should have been announced as an island-wide matter. The design itself is good. It's just the approach that I'm not in favor of. But I would leave it up to the people to decide whether they want to or not on this issue. I just don't like the way it was done and I just want to put that on record.  
Delegate Manglona?

Delegate Manglona: I have the same concern as the President. I would like to ask the Committee if the proposed flag should be as shown in this picture, or is the Legislature free to ship around the mwaar-mwaar or the latte stone and the star? I like the basic idea of the three major items representing the different groups, but can the Legislature be free to work around or ship around these three items?

Delegate DL. Guerrero: No. I'll let the Committee member, Delegate Villanueva, answer that question.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: No, only the size of the star or the latte stone or the mwaar-mwaar. Only the size that you are free to fool around with and not the design.

Delegate Manglona: I thought the Committee's intent was to reflect the three different groups in the Commonwealth. And if that is the intent, I would recommend that maybe there should be a contest as to the final design because I've been hearing from certain individuals that maybe the mwaar-mwaar would look better if it crosses the latte stone at the bottom and goes behind the latte at top. I mean, things like this, we can maybe leave it up for contest. But the idea that it is surrounding the latte stone is not bad. But I feel that maybe through contest we can incorporate the concern of the Committee and yet come out with a better design.

President H. Guerrero: Let me call on Delegate Villanueva.

Delegate Villanueva: I yield to Delegate Igitol.

President H. Guerrero: Delegate Igitol?

Delegate Igitol: Mr. President, when we first call on the people of the Commonwealth to have a contest for the Commonwealth flag, the design was made by Gonzalo and he won it. The only thing that we are asking is, if you see the star here, there's a rope surrounding the blue and the latte stone and the star. We just wanted to change that to a flower instead of a rope.

President H. Guerrero: Delegate Manglona?

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Delegate Manglona: Well, the flower is not surrounding the latte stone here.

President H. Guerrero: Delegate Inos?

Delegate Inos: To further clarify this, I think that if Delegate Manglona would read Committee Recommendation No. 43 and would further read on the proposed amendment, it actually describes what it will look like.

Delegate Manglona: It doesn't have to look almost exactly as the picture here. Right?

Delegate DL. Guerrero: Point of information, Mr. President.

President H. Guerrero: State your point, Delegate Guerrero?

Delegate DL. Guerrero: Yes. Mr. President and members of this Convention, as I mentioned during the deliberations of the Committee of the Whole that the so-called flag and seal that we are proposing will eventually be improved as may deem necessary to be improve and not necessarily as to what you have seen in the picture that we have shown to the delegates. Furthermore, I must point out that this particular recommendation, to recognize the official language of our traditional people came from the commission or the members of the Language Commission which is also established by law, which is the Public Law 3-25. And with the good intent of this commission plus being supported with a public hearing, the Committee highly recommend that this be adopted in this Convention and let the people decide in the general referendum should they decide to take this as the official language as well as the design or re-design of the flag.

President H. Guerrero: Delegate Guerrero, can I ask you whether the commission submitted the same proposal to the Legislature for entertainment, or has it ever submitted any recommendation to the Legislature?

Delegate DL. Guerrero: I cannot answer that, Mr. President, whether the commission did, and I don't think that the commission is trying to circumvent the Legislature and come up to this Convention. I doubted that that is the intent of the commission.

President H. Guerrero: Delegate Inos?

Delegate Inos: Thank you, Mr. President. To further assure my colleagues here, all the delegates, we did go or the questions that you were asking were asked also in our deliberation when we had lengthy meetings on this particular issue. I think what we're asking is as our Chairman already stated. We're not trying to change the original design as was won through contest. We're merely asking that and what the commission is asking is a recognition of one of the indigenous population here in the Northern Marianas by merely putting the mwaar, the flowers around the original design. So that is the reason why we thought that if we could, if we submit this again for another contest, it's going to be another -- the original intent or the original seal and flag designs would totally be changed. That is the reason that we came up to this decision and we figured that we would let the people decide if they are willing to accept this new design. Thank you.



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President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. According to the proposed amendment No. 43, it does not state that the United States and the year 1978 should be included. And it looks like the sample that they just passed out, they put UNITED STATES 1978 above the Official Seal. So I believe this should be out because this is not been stated in the proposed amendment. And I'd like to raise my concern; my concern is, I'd like to get rid of this star. I'd rather see mwaar-mwaar and latte stone only.

President H. Guerrero: I believe the star stands for the one people of the Commonwealth. Unfortunately, it wasn't clarified in the recommendation.

Delegate King: Shall we delete the words "United States" and "1978" out from this emblem or symbol?

President H. Guerrero: Delegate Villagomez? Oh, do you want someone to answer your question?

Delegate King: Yes, because it is inconsistent.

Delegate Mafnas: Point of information.

President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: This is not part of the Committee's report. This is just a sample, but it's not part of the report.

Delegate King: No, but I think it's part of the clarification.

Delegate Mafnas: No, nobody has mentioned this.

Delegate King: So why are they passing it out?

Delegate Mafnas: For us to envision the future.

(Laughter)

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Mr. President, I don't have the answer to Delegate King but I have my own view on the proposal. In looking at the present flag or seal, I see that the Chamorro people are clearly and adequately represented by the latte stone. That is a Chamorro, as far as we know, Taga stone. Similar to the latte stone is a Chamorro structure or heritage, or whatever it is. I also see that, from my own view, when I look at the flag here, it makes me feel like we are part of the United States. That star may represent the CNMI as part of -- one of the stars of the United States. But there is something missing, something very significant and that is the Carolinian descent. They are not represented in the flag as it is now. And I think that by putting in the mwaar-mwaar, then it will become complete. It will represent the Chamorro, the fact that we are part of the United States, and the Carolinians. And so I fully support the proposed committee recommendation.

President H. Guerrero: Delegate Mafnas?

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Delegate Mafnas: Thank you. I support the committee recommendation without any reservations. If there is going to be a place for our languages and for the identity or limited identity that we have as indigenous, I would not like to see it in a law where it can be wiped out with a stroke of pen.- The Constitution is our making. The language or the local languages that we have included are our mother's tongue. I respect the sentiment of the members who believe that perhaps this belongs or should have been referred to the Legislature, however, since the Constitution is our Constitution, the two languages, indigenous or the vernaculars are our languages, the most appropriate place to place this is in the Constitution. So without any further delay because there is no objection, I move for the previous question.

Delegate Guerrero seconded the motion.

President H. Guerrero: We're voting on Committee Recommendation No. 43 -- as amended, excuse me.

Floor Leader Lizama: We will vote on the amendment first.

President H. Guerrero: I forgot about the amendment. Excuse me. We move back to the amendment. We're voting on the amendment.

The motion to adopt the amendment offered by Delegate Inos to Committee Recommendation No. 43 was carried by voice vote. Delegate Lizama voted "nay".

President H. Guerrero: Discussions on the main motion?

Delegate DL. Guerrero: I move for the previous question.

Delegate Mendiola seconded the motion.

President H. Guerrero: Secretary Nabors, let's have a roll call.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 43, as amended, on Second and Final Reading was voted on by a roll call vote, as follows:

YES: Delegates Vicente Calvo, David Cing, Herman Guerrero, Lorenzo DL. Guerrero, Alonzo Igisomar, David Igitol, Rita Inos, Benusto Kaipat, Luis Limes, Jesus Mafnas, Paul Manglona, James Mendiola, Aniceto Mundo, William Nabors, Felicidad Ogumoro, Maria Pangelinan, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres, Ramon Villagomez and Ignacio Villanueva. (22 votes)

No: Delegate Juan Lizama (1 vote)

ABSTAIN: Delegate Esteven King (1 vote)

And the motion was carried.

Secretary Nabors: Mr. President, I have 22 affirmative votes, one "no" and one abstention.

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President H. Guerrero: Committee Recommendation No. 43 is passed by 23 votes. Secretary Nabors, can you read the next one?

Secretary Nabors: Mr. President, may I have a privilege first?

President H. Guerrero: Please.

Secretary Nabors: Mr. President, I hate to sound like a broken record, but I'd like to ask my colleagues for unanimous consent to defer action on Committee Recommendation No. 35 for the following reasons: As you know, we've had quite a lot of discussions over the last few days and weeks on this proposal and Delegate Villagomez and I are still discussing it and are attempting to work out an accommodation regarding it. Today I had an interview and I'm advised by Delegate Villagomez that I was in error in two respects concerning this matter and I would like to apologize for those errors. I believe that we can have a meeting of the minds regarding this matter and I would like to have an additional day for us to discuss this matter and see if we can dispose of it without a lot of discussions. So my colleagues, if we could, I'd like to ask for unanimous consent that we defer this particular committee report until tomorrow.

Delegate Pangelinan: Mr. President?

President H. Guerrero: Yes.

Delegate Pangelinan: I don't have any objection for this to be deferred. However, I want the Chair to make sure that those who have not come to Second and Final Reading go first before this deferred request. I saw here deferred July 15 and we're still not ready. So please consider that.

Delegate Mafnas: Mr. President?

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: I have no objection, too, to accommodate the Secretary; however, I want the Secretary to unbusy himself tomorrow so we can get this on the calendar and not to come back again and say that I'm very busy. Thank you.

President H. Guerrero: The Chair will reschedule all of these tomorrow. Whether they want to or not, it will be on the calendar and that is final. We'll move on to Committee Recommendation No. 27.

At this point, Secretary Nabors read Committee Recommendation No. 27, as follows:

"COMMITTEE RECOMMENDATION NO. 27

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 3 of the Schedule on Transitional Matters of the Northern Marianas Constitution relating to Interim Definition of Citizenship.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

"I. Effective upon ratification, Section 3 of the Schedule on Transitional Matters is hereby amended to read:

"Section 3. Interim Definition of Citizenship. For the period from the approval of the Constitution by the people of the Northern Mariana Islands to the termination of the Trusteeship Agreement, the term United States citizen or United States national as used in the Constitution and laws of the Northern Mariana Islands means those persons and their subsequent children who, on the date of the approval of the Constitution by the people of the Northern Mariana Islands, do not owe allegiance to any foreign state and who qualify under one of the following criteria:

"a) persons who were born in the Northern Mariana Islands, who are citizens of the Trust Territory of the Pacific Islands on the date of the approval of the Constitution by the people of the Northern Mariana Islands and who on that date are domiciled in the Northern Mariana Islands or...."

Delegate Villagomez: Mr. President, excuse me for interrupting, but I think Mr. Nabors is again reading a wrong document. We took out "and their subsequent children" on (a), (b) and (c) and the word "means", on line 8, should be there instead of "include".

Delegate Inos: There's an additional text also on the second page.

President H. Guerrero: Can we have a five-minute recess? This has been retyped and unfortunately, it's not there.

There being no objection, the Convention recessed at 10:17 p.m.

RECESS

The Convention reconvened at 10:22 p.m.

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

Delegate Nabors: Mr. President, I would like to ask again for unanimous consent since this measure is a companion measure with Committee Recommendation No. 35 that we defer action on it until tomorrow, and I can assure my colleagues that we will be much better organized tomorrow.

Delegate King: No objection.

Delegate Lizama: No objection.

President H. Guerrero: Since there's no objection, so ordered. I understand that Committee Recommendation is really incorporated into Committee Recommendation No. 50 which we already adopted.

Delegate DL. Guerrero: Can we ask the Chairman of the GI Committee to clarify that? Chairman John, will you please clarify that for the record?

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Delegate Lizama: Yes, for the record, Committee Recommendation No. 37 has been incorporated into Committee Recommendation No. 50. I move -- well, no need to withdraw. Just take it off from Item H.

President H. Guerrero: Before we go on with the Order of Business, there are some committee recommendations that are finished so I'd like to pass them out and at least do the First Reading also today so we can take them up for general debate tomorrow, I mean, under the Orders of the Day. If there is no objection, I would like to get the unanimous consent and go back to the Committee Recommendations so at least the Chair can accept Committee Recommendations Nos. 56 to 64 and they will be entertained tomorrow for debate by the Committee of the Whole. Can I call then on Delegate Mafnas?

Delegate Mafnas: Mr. President, I would object to Committee Recommendation 56. Committee Recommendation No. 56 was not discussed by your Committee on Governmental Institutions. In fact, this was filed. I'm sorry; a proposal relative to Committee Recommendation No. 56 was filed by your Committee on Governmental Institutions, so I would object to have this for First Reading tomorrow.

Chairman Lizama: May I explain that, Mr. President?

President H. Guerrero: Chairman Lizama?

Chairman Lizama: This Committee Recommendation No. 56 came as a result of the Committee's meeting that was held when Vice Chairman Mafnas did not participate. So this was fully discussed, Delegate Mafnas. I realize that his signature is not in the report, however, this was fully discussed. If you will look at the Committee Recommendation, all the members signed off on the Committee Recommendation except for Delegate Mafnas.

Delegate Mafnas: Mr. President, I don't want to debate with my Chairman, but I asked the other three members about this and they are in agreement with me. So I ask that we do not place this for First Reading tomorrow.

Chairman Lizama: I would object to that, Mr. President. This has already been discussed fully well with those three members that Delegate Mafnas is referring to. Now, if those three delegates will want to withdraw their signatures on this Committee Recommendation, I would like to know who they are so that maybe I could be let to suggesting that this should be withdrawn. Now having them signed on the Committee Recommendation, I don't want to dwell on the subject anymore. I think it should be read and let them figure it out in their discussions whether they are going to continue approving it or not approving it.

President H. Guerrero: Delegate Calvo?

Delegate Calvo: Mr. President, I would like to clarify this to Vice Chairman Mafnas. This was indeed discussed. The other measure that I think, which I signed it with a big reservation, is the one that we are anticipating to defeat. But this one, we did discuss it and we based ourselves on the testimonies that were submitted before us. The other one, I think, that we discussed earlier today is the one that we are supposed to take away and not this one.

Chairman Lizama: Mr. President, may I say furthermore?

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President H. Guerrero: Let me call on Delegate Kaipat first.

Delegate Kaipat: Thank you, Mr. President. The Committee Recommendation No. 56 was discussed. We had a public hearing on this one and unfortunately on the day we adopted this, Delegate Mafnas was not around. As you can see, he didn't sign it. But this was adopted by the Committee; it was not filed. As a matter of fact, I remember the Chairman distributed to each one of us to write up a proposal and this was assigned to Delegate Calvo on that day. So this was not filed; it was adopted by the Committee on that day.

Delegate Mafnas: Mr. President, the question to the Attorney General was about the residency requirement and not the removal provision. We agreed and in fact, we filed this. And it was revived to check the residency requirement. That's why I am concerned about this because I have no objection on the residency requirement if it is increased or decreased.

Chairman Lizama: I see. Point of information, Mr. President.

President H. Guerrero: State your point, Chairman Lizama.

Chairman Lizama: Yes, during the discussions with the members of the Committee on Governmental Institutions, the only amendment or recommendation to have been included in this proposed constitutional amendment was the requirement of residency. The Committee did not discuss the last sentence as stated in the proposed constitutional amendment. I understand now the problem that Delegate Mafnas is facing. Now, there's no need to have this thing withdrawn. It could be read now and sometimes tomorrow morning, I will move that the last sentence be stricken.

Delegate Mafnas: I have no objection to that, Mr. President.

President H. Guerrero: Can I call then on Chairman Lizama? We are back to Committee Recommendations now.

#### COMMITTEE RECOMMENDATIONS/REPORTS

Committee Recommendation No. 56, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal Nos. 28-85, 34-85, 105-85, 116-85, and 133-85: "To amend Section 11 of Article III of the Northern Marianas Constitution relative to the Attorney General."

Committee Recommendation No. 57, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal No. 121-85: "To amend Article III of the Northern Marianas Constitution regarding Women's Affairs."

Committee Recommendation No. 58, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal Nos. 38-85, 61-85, 98-85, 152-85, 157-85, 172-85 and 173-85: "To amend Sections 2, 3, and 4 of Article V of the Northern Marianas Constitution relating to the Judicial Branch."

Committee Recommendation No. 59, from the Committee on Finance and Other Matters, recommending for adoption of a proposed constitutional amendment: "To propose an amendment to Article X of the Northern Marianas Constitution to provide for a Uniform Fiscal Management Policy."

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Committee Recommendation No. 50, from the Committee on Personal Rights and Natural Resources and Committee on Governmental Institutions, a joint recommendation for adoption of Delegate Proposal Nos. 3-85, 56-85, 64-85, 129-85, 156-85, 169-85, 258-85, and 306-85: "To amend Article XI, Sections 4 and 5 relative to the Marianas Public Land Corporation."

Committee Recommendation No. 61, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal No. 232-85: "To amend Article II of the Northern Marianas Constitution by adding a new Section 16 relating to establishing Legislative Bureau."

Committee Recommendation No. 62, from the Committee on Personal Rights and Natural Resources, recommending for adoption of Delegate Proposal No. 298-85: "To add a new Section \_\_\_\_\_ (a), (b), and (c) to Article I of the Northern Marianas Constitution to safeguard against rampant alienation of the Commonwealth of the Northern Mariana Islands."

Committee Recommendation No. 63, from the Committee on Finance and Other Matters, recommending for adoption of Delegate Proposal Nos. 211-85 and 170-85: "To amend subsections (a) and (c) of Section 7 of Article II and to add a new subsection (d) to Section 7 of Article II, relative to action on legislation by the Governor, and to prohibit certain types of bills during the period of a lame-duck legislature."

Committee Recommendation No. 64, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal Nos. 32-85, 33-85, 106-85, 117-85, 182-85, 193-85, 214-85 and 266-85: "To repeal Section 13 of Article III, and to amend Article XV relative to education."

Chairman Lizama: Thank you, Mr. President. The Committee on Governmental Institutions would like to submit Committee Recommendation No. 56 and also Committee Recommendation No. 57 and Committee Recommendation No. 61. Committee Recommendation No. 60 is a committee recommendation that would be jointly submitted. I would prefer that the Chairman of the Personal Rights and Natural Resources will report this in.

President H. Guerrero: What about Committee Recommendation No. 58?

Chairman Lizama: That is correct, Mr. President. And also Committee Recommendation Nos. 58 and 64.

President H. Guerrero: The Chair accepts Committee Recommendation Nos. 56, 57, 58, 61, and 64. I call on Chairman King.

Chairman King: Thank you, Mr. President. Your Committee on Personal Rights and Natural Resources would like to submit to the Convention, Committee Recommendation Nos. 60 and 62.

President H. Guerrero: The Chair accepts Committee Recommendation Nos. 60 and 62. Chairman Guerrero?

Chairman DL. Guerrero: Yes, your Committee on Finance and Other Matters would like to present also to this Convention, Committee Recommendation No. 59.

President H. Guerrero: What about 63? Is that yours?

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Chairman DL. Guerrero: Yes, that's correct -- including Committee Recommendation 63. There are two of them.

President H. Guerrero: The Chair accepts Committee Recommendation Nos. 59 and 63. We are now on Introduction and First Reading, I call on Chairman Lizama to read the titles.

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

Chairman Lizama: Mr. President, Committee Recommendation No. 56 is "a proposed constitutional amendment to amend Section 11 of Article III of the Northern Marianas Constitution relative to the Attorney General."; Committee Recommendation No. 57 is "a proposed constitutional amendment to amend Article III of the Northern Marianas Constitution regarding Women's Affairs."; Committee Recommendation No. 58 is "a proposed constitutional amendment to amend Sections 2, 3, and 4 of Article IV of the Northern Marianas Constitution relating to the Judicial Branch." Mr. President, something is missing here on Committee Recommendation No. 58. Section 4 is not included in here.

President H. Guerrero: Section 4?

Chairman Lizama: Yes. There's supposed to be a Section 4 in this Committee Recommendation.

Delegate Mafnas: Mr. Chairman, if I may, I think Section 4 in the original proposal calls for an election of judges and we agreed not to include that.

Chairman Lizama: That is correct, but I think we're just going to add the concern raised by Delegate Torres yesterday. We took cognizance of that concern to increase the age of the judges from 30 to 35. It's a minor amendment.

Delegate Mafnas: We'll amend it tomorrow on the floor.

Chairman Lizama: I just want to note on that, Mr. President.

President H. Guerrero: Go on, please.

Chairman Lizama: Committee Recommendation No. 61 is "a proposed constitutional amendment to amend Article II of the Northern Marianas Constitution by adding a new Section 16 relating to establishing Legislative Bureau." and Committee Recommendation No. 64 is "a proposed constitutional amendment to repeal Section 13 of Article III, and to amend Article XV relative to education."

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Yes, Mr. President, your Committee on Finance and Other Matters would like to introduce committee recommendations for First Reading, I mean, introduction, Committee Recommendation No. 59: "A proposed constitutional amendment to propose an amendment to Article X of the Northern Marianas Constitution to provide for a Uniform Fiscal Management Policy." and Committee Recommendation No. 63: "A proposed constitutional amendment to amend subsections (a) and (c) of Section 7 of Article II and to add a new subsection (d) to Section 7 of Article II, relative to action



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on legislation by the Governor, and to prohibit certain types of bills during the period of a lame-duck legislature."

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

Chairman King: Thank you, Mr. President. Committee Recommendation No. 50 is a joint recommendation by your Committee on Governmental Institutions and Committee on Personal Rights and Natural Resources, "a proposed constitutional amendment to amend Article XI, Sections 4 and 5 relative to the Marianas Public Land Corporation." and Committee Recommendation No. 52: "A proposed constitutional amendment to add a new Section \_\_\_\_\_ (a), (b), and (c) to Article I of the Northern Marianas Constitution to safeguard against rampant alienation of the Commonwealth of the Northern Mariana Islands."

President H. Guerrero: Thank you. We'll move back to the Order of Business. We have no Introduction of Resolutions and Referrals, no Unfinished Business, and no Special Orders of the Day. Delegate Igitol?

Delegate Igitol: Mr. President, introduction of resolutions....

President H. Guerrero: Resolution? Where are you?

Delegate Mafnas: Introduction of proposals.

Delegate Igitol: Are we on letter (I), Mr. President?

President H. Guerrero: Excuse me? Yes, I'm sorry.

Delegate Mafnas: No objection.

Secretary Nabors: No objection.

#### INTRODUCTION OF RESOLUTIONS AND REFERRALS

Delegate Igitol: If I can get the unanimous consensus of the Convention, I have a proposal to submit.

President H. Guerrero: Go on.

Delegate Igitol: It's a proposal "to add a new Section 16 to Article III of the Northern Marianas Constitution to provide for Department of Revenue and Taxation." Another one is "to add a new Section to Article III of the Northern Marianas Constitution to provide for Department of Budget and Finance."

President H. Guerrero: Thank you. Will you give those to the Secretary?

Floor Leader Lizama: Mr. President, point of information. Do we have something in our Rules that....

President H. Guerrero: Yes, it's one day prior to....

Floor Leader Lizama: One day prior? So he is still in order?

President H. Guerrero: He is still in order.

Delegate Mafnas: Point of information.

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President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: We have to extend our indulgence to him or else he is going to be removed from his job. That was a request from his director.

(Laughter)

Delegate Manclona: No objection.

President H. Guerrero: Moving right along, I said that already disposed off the Second and Final Reading. We don't have any under Introduction of Resolutions, we don't have any under Unfinished Business, we don't have any under the Special Orders of the Day.

#### INTRODUCTION OF RESOLUTIONS

None

#### UNFINISHED BUSINESS

None

#### SPECIAL ORDER OF THE DAY

None

#### GENERAL ORDERS OF THE DAY

President H. Guerrero: Under this General Orders of the Day, since it seems like everyone looks kind of liturgic, we might want to suspend this until tomorrow, if there's no objection.

Floor Leader Lizama: It's getting too late, Mr. President. No objection.

President H. Guerrero: We'll move down to Miscellaneous Business. Delegate Villagomez?

#### MISCELLANEOUS BUSINESS

Delegate Villagomez: I'll promise to be short. I just want to mention that I watched the six o'clock news today and Phillip Swett, the Cable TV person, stated that in yesterday's Convention I submitted a proposal to the Convention that all future Constitutional Conventions will be conducted in Chamorro. I'm disappointed that he is not here. No. 1, I did not submit any proposal to that effect. No. 2, I didn't make that kind of recommendation even. All I did was make an observation, that in observing the people who used Chamorro, I observed that they were able to effectively convey their thoughts and message, and that was the extent of it. I do not know whether -- and I didn't even see him here -- I don't know where he got his information. But I am very disturbed that the Convention is receiving a very bad coverage by Cable TV in that respect and that they gave the public wrong information. I do not know whether Phillip Swett was sent up here from Guam to make his mistakes up here in the course of

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learning and getting new experience, but I hope that he presents the facts to the public accurately. Secondly, just so you're more informed as to the reason for deferring the matter on citizenship, the point that Mr. Nabors apologized about is, when he was speaking on the TV at six o'clock today, he mentioned that after the termination of the Trusteeship, if we pass this resolution, then all U.S. citizens would be disfranchised and wouldn't be able to vote. And of course, that's not correct. Even if we pass this amendment, upon the termination of the Trusteeship, the amendment itself is dead and everybody here can vote from the United States and from here. And the second point that Bill made a mistake on is, he stated that if we pass this bill, he wouldn't be able to vote here. That also is not correct because he has been here since prior to January 1, 1974, therefore he will be able to vote. And, so again the public is given the wrong information through that. That's all, Mr. President, thank you.

President H. Guerrero: Thank you. Delegate King, you have your hand up.

Chairman King: Yes, Mr. President. If there's no objection from the floor and if it's appropriate for me to make a motion at this time because of Committee Recommendation No. 6 which was recommitted to my Committee on June 29 and Committee Recommendation No. 22 that was also recommitted to my Committee on July 10, 1985, I would like to move that we file these two committee recommendations. First, after discussion with the author, Delegate Nabors, he agreed for the Committee to file Committee Recommendation 22 and also Committee Recommendation 6 which we incorporated with Committee Recommendation No. 60. And therefore, I'd like to move before the Convention to file these two committee recommendations.

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: Mr. President, point of clarification. Or may I ask a question? Perhaps the Floor Leader can answer it. When a committee recommendation is recommitted to the committee, it is the property of the committee and the committee is free to do whatever it wishes. And if your Committee on Personal Rights and Natural Resources so wishes to file them, then let it be it. Am I correct?

President H. Guerrero: That's correct. Chairman King?

Chairman King: Okay, so instead of making a motion, I'd like to go now for a point of information.

President H. Guerrero: What I'm saying is once it's recommitted back, it's the property of the committee; therefore, it's not the property of the Convention.

Chairman King: Therefore, I'd like to report before the Convention the status of these two recommendations.

Delegate Mafnas: No objection.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Thank you, Mr. President. I know that everyone is tired so I'm going to make it short. But I would like to acknowledge an important event that happened today and that is the adoption of Committee Recommendation No. 41. It is important because I feel that this is an

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initial step toward granting the peoples of Rota and Tinian their long-awaited desire for a local government. I would like to thank all the members of this Convention for realizing the importance of this and granting us this wish. Now, like I mentioned before, I think we can be able to say that this Constitution now is the embodiment of our hope and wishes. We can be able to say this like the rest of the people of this Commonwealth and we ask for the support of everyone here to educate our people and make them realize that only through this type of relationship can we live and say that we are one Commonwealth. I have a reservation in the municipal council, however, that is a problem or for the benefit of the island only and we will work that out. At least the problem is with us only, and I will support Committee Recommendation No. 41 because I think that this is what the people wants and I'm willing to go along. Thank you.

President V. Guerrero: Delegate Lizama?

Delegate Lizama: Mr. President, I know everybody is tired but I have something here that after listening to this, everyone can go home and have a good sleep. I'd like to read an article that was in the paper today. I'm going to read it very fast: "Once upon a time, there was a small island. In the north lived a tribe of white people, and in the south lived a tribe of brown people. One day the kings of each tribe happened to meet while walking in the jungle. Being that both tribes were of a peaceful nature, they received each other as friends. They sat down together to share the knowledge of their ancestors.

"The brown king described his village like a paradise, where his people have found peace working close to nature. For centuries, they have heard the voices of their ancestors through the pounding waves on their shores, and whistling wind through their valleys. They have fished the seas and reefs and worked the soil for so long the land became a child who had grown strong enough to take of them all. The brown king's people wanted for nothing and spent their days in joyous celebration of life. However, a disease had befallen his people and he was sent into the jungle to find a cure.

"The white king was amazed at the genuine warmth and kind nature of the brown king. He marveled at the simple sincerity he had never seen in man. He told the brown king of his village, where his people had learned to blend the metals of the land to form powerful machines to assist them in their labors. They studied nature's creations and laws, and created a village that stood tall above the trees. Through their schools of higher learning they taught themselves to blend the earth's elements to combat disease, starvation and the harsh tropical environment. His people enjoyed discovering the power of their own creativity. But lately his people were suffering from an emotional depression. He was sent into the jungle to find a cure.

"The brown king could see that the white people had grown wise in the ways of the mind. The white king could see the great unity with the heart that the brown king possessed. Each understood that the other held the cure he sought. For the brown king knew it was not a disease that afflicted his people, but their inner stirrings, calling for growth and change, and desire to discover the power of their creaturehood. The white king could see his people were beginning to lose sight of their own hearts, their own purpose behind their great creations. He knew the brown villagers could

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bring that unity of self and nature back into the hearts of his people. Together the two kings joined their villages to form a people strong in heart, and bursting with intellectual creative joy. The future generations grew rich in the knowledge of the heart and mind. Word spread throughout the world. Soon many villagers from many lands came to the tiny island to experience the blending worlds. To this day it is said that the people of this island continue to grow strong and free, exploring creations of the mind, while sharing the loving spirit of the heart." Thank you. "Signed: Paul C. Bassler."

President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. I would like to inform the President that I think we made a mistake on Committee Recommendation No. 29 which was adopted yesterday on Second and Final Reading. So for record purpose, instead of "two other uninhabited islands", it's supposed to be "three". It was typed down "two" and was read "two", so it's supposed to be "three uninhabited islands".

Delegate Mafnas: Mr. President, was "Maug" excluded?

(Laughter)

Delegate King: It's supposed to be "three" instead of "two".

President H. Guerrero: I think it can be considered as a technical correction since you're just referring only to the title. Isn't it?

Delegate King: Yes.

Delegate Mafnas: No problem.

President H. Guerrero: Any other miscellaneous business? Floor Leader Lizama?

Floor Leader Lizama: I move that we adjourn until tomorrow.

President H. Guerrero: Oh, wait. What about announcements? Excuse me -- I'm sorry.

#### ANNOUNCEMENTS

President H. Guerrero: I would like to meet with the Committee on Organizations and Procedures to finalize on the proposed format for tomorrow. So I'd like to meet around nine o'clock and session will start at 10:00 a.m. Yes, Chairman Guerrero.

Chairman DL. Guerrero: Yes, the Committee on Finance and Other Matters would like to meet at 9:30 then tomorrow morning.

President H. Guerrero: Any other announcements? Chairman Manglona?

Chairman Manglona: Mr. President, the Committee on Local Government will meet at 3:30 a.m. tomorrow. Thank you.

President H. Guerrero: Any other announcements? Chairman King?

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Chairman King: Yes. I'd like to ask the Chair whether you can make an announcement to the delegates whether we are going to have a get-together party maybe, or whatsoever after the Convention.

President H. Guerrero: Oh, just a point of announcement, the House did pass the five-day extension and it has been transmitted to the Senate. So we're hopeful and keep our fingers crossed that the Senate will meet tomorrow to give us the extension. Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. Could I ask the Committee on Natural Resources and Personal Rights, possibly, to spare about fifteen minutes tomorrow morning to finalize our language on the measures that are pending between us?

President H. Guerrero: If there's no more announcement, the Chair.... Delegate Mafnas?

Delegate Mafnas: Mr. Chairman? Oh, Mr. President, I'm sorry. May I ask the hardworking Chairman of your Committee on Governmental Institutions to call a meeting tomorrow at 9:45 a.m. before the session?

Chairman Lizama: Any special reason?

Delegate Mafnas: Yes, the members are requesting.

Chairman Lizama: I so call that meeting for tomorrow at 9:45 a.m.

President H. Guerrero: But I would appreciate if all the members of the Committee on Organizations and Procedures show up on time. You, people, have been bad these past 30 days.

(Laughter)

President H. Guerrero: Motion?

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


Delegate Manglona seconded the motion.

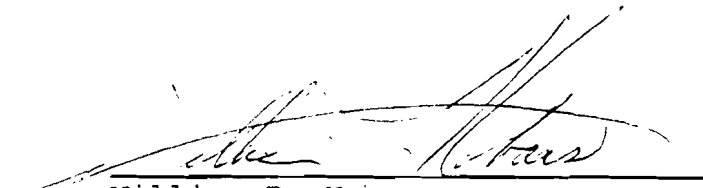
President H. Guerrero: It has been moved and seconded to adjourn until tomorrow morning at ten o'clock.

There being no further discussion, the motion to adjourn and to meet the next day at ten o'clock in the morning was carried by voice vote.

The Convention adjourned at 10:59 p.m. and to reconvene at 10:00 a.m., Wednesday, July 17, 1985.

APPROVED:

  
Herman T. Guerrero, President  
Northern Marianas Constitutional  
Convention

  
William E. Nabors  
Convention Secretary