

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

THIRTY-THIRD DAY

Saturday, July 20, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:53 a.m., Saturday, July 20, 1985, at the Conventio 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.

Secretary Nabors called the roll, and 18 delegates were present. Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Maria Pangelinan, Francisco Tomokane, Ramon Villagomez and Ignacio Villanueva were absent.

President H. Guerrero: Yes, Delegate Mafnas?

Delegate Mafnas: I move to excuse all the delegates who are absent because they are still going to church. Thank you.

President H. Guerrero: Today is Saturday.

Delegate Mendiola seconded the motion.

Delegate Mafnas: Still.

President H. Guerrero: But there's no church service at this time of the d

Delegate Mafnas: There's a special service now at the Camalin or Ut, so they are there.

President H. Guerrero: Okay, if you say so. We have a quorum and a majority to conduct the Order of Business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the Thirty-Second Day's Summary Journal; the Fifteenth, Sixteenth and Seventeenth Days' Verbatim Journals.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Thirty-Second Day's Summary Journal; Fifteenth, Sixteenth and Seventeenth Days' Verbatim Journals. Discussions?

There being no discussion, the motion to adopt the Thirty-Second Day's Summary Journal of July 19, 1985; Fifteenth Day's Verbatim Journal of July 2, 1985; Sixteenth Day's Verbatim Journal of July 3, 1985 and Seventeenth Day's Verbatim Journal was carried by voice vote.

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President H. Guerrero: Before we go on with the Order of Business, for the benefit of those members who weren't here last night, there was no objection and we have shifted or the Chair have shifted things around. The Order of Business is slightly different from the normal Order of Business, so you don't get cut off hand in terms of the format that we have this morning. We are now under Item E, Committee Recommendations and Reports.

COMMITTEE RECOMMENDATIONS/REPORTS

President H. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has no report to submit. Just a moment, Mr. President. Mr. President, I was just been informed that Proposal 216 will be reported in at a later time.

President H. Guerrero: Okay. I believe that would be the next one, so that should be Committee Recommendation No. 66. Chairman Manglona?

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

President H. Guerrero: Chairman King?

Chairman King: Mr. President, we have no report from your Committee on Personal Rights and Natural Resources.

President H. Guerrero: Vice Chairman Inos?

Vice Chairman Inos: Mr. President, likewise, your Committee on Finance and Other Matters has nothing to report at this time.

President H. Guerrero: Thank you. We'll move on to the Introduction and First Reading. Can I call on Delegate Mafnas?

INTRODUCTION, FIRST READING AND REFERRALS OF PROPOSALS

Delegate Mafnas: Yes, Mr. President, your Committee on Governmental Institutions is reporting on Delegate Proposal 216, entitled: "To add a new Section 1(a) and (b) to the proposed Article on Civil Service relating to Retirement System." The copies are being xeroxed now for distribution.

President H. Guerrero: Thank you. We're now back to the Unfinished Business. Delegate Lizama, would you like to move?

UNFINISHED BUSINESS

Floor Leader Lizama: Yes, Mr. President, I move for the adoption of....

President H. Guerrero: Wait, wait. We need to resolve into a Committee of the Whole to entertain this.

Floor Leader Lizama: Wasn't this resolved yesterday?

President H. Guerrero: No. This is unfinished business.

Floor Leader Lizama: I would move then to resolve into a Committee of the Whole.

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Delegate Nabors seconded the motion.

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

The Convention resolved into a Committee of the Whole at 10:00 a.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 3:54 p.m.

President H. Guerrero: The session is called back to order. Delegate Lizama?

Delegate Lizama: Yes, Mr. President, the Committee of the Whole would like to report on the following: On Committee Recommendation No. 57, the Committee passed that recommendation with amendments and the amendments to the committee recommendation are as follows: On page 11, the word "establish" was replaced by the word "formulate". And the word "enforce" was replaced by the word "implement". On line 14, the word "rights appearing at the very end was stricken. On line 15, the word "and" appearing on the very beginning was stricken. On line 19, the word "rights" at the very end was also stricken. And the word "and" at the very beginning was also stricken. And then on the word "law", an "s" is added to that word. This is on line 20. And furthermore, on line 20, after the word "the", the words "Governor and" were added before the word "Legislature". On page 2, the words "is empowered to" were all stricken and the word "may" is added to that first sentence on the second page. On line 2, after the words "and to", that "to" was stricken and the word "shall" was included. On line 3, the word "her" was stricken and the word "the" replaced that word "her". On line 6, the last sentence, they are all stricken.

President H. Guerrero: Delegate Lizama, can you just read Subsection (c) on page 2?

Delegate Lizama: Subsection (c) will read then: "The Special Assistant may hire staff and shall promulgate rules and regulations in carrying out the responsibilities and duties."

President H. Guerrero: Okay.

Delegate Lizama: Committee Recommendation No. 55, at the request of one of the members of the Committee on Finance and Other Matters, that committee recommendation was withdrawn and it was suggested that the Convention will pass a resolution to give the Legislature attention to some of the problems that were raised in that committee recommendation. Committee Recommendation No. 65 was passed without any further amendment. Committee Recommendation No. 66 was also passed without any further amendment. I move that the report of the Committee of the Whole will be adopted.

Delegate Mafnas seconded the motion.

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

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

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President H. Guerrero: Let's have a five-minute recess.

Delegate Mafnas: I so move.

There being no objection, the Convention recessed at 3:59 p.m.

RECESS

The Convention reconvened at 4:13 p.m.

President H. Guerrero: The session is back to order. Since we have already entertained all business under Unfinished Business for consideration by the Committee of the Whole, we'll move down from (H) to (I). Yes, Delegate Ogumoro? Nobody wants to talk? We're now on Second and Final Reading.

SECOND AND FINAL READING

Delegate Ogumoro: I give up.

President H. Guerrero: Yes, Delegate Mendiola?

Delegate Mendiola: I move that Committee Recommendation No. 63 be adopted on Second and Final Reading.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 63 on Second and Final Reading. Discussions?

Delegate Mafnas: No need, Mr. President.

President H. Guerrero: If no discussion, going once, going twice; Secretary Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 63 on Second and Final Reading was carried by 17 affirmative votes. Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, Luis Limes, Maria Pangelinan, Karl Reyes and Ramon Villagomez were absent.

Secretary Nabors: Mr. President, I have 17 affirmative votes, no negative vote, and seven absent.

President H. Guerrero: Committee Recommendation No. 63 passed by the unanimous vote of the members present.

Secretary Nabors: Mr. President?

President H. Guerrero: Yes.

Secretary Nabors: I would like to ask, if there is no objection, that we defer consideration of CR 24 for a little later on the agenda. The amendments that are being made are not yet prepared.

President H. Guerrero: What is CR 24?

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Secretary Nabors: That's the one regarding education.

President H. Guerrero: Is it being retyped for Second and Final Reading?

Secretary Nabors: Yes, together with the floor amendments.

President H. Guerrero: If no objection, we'll move on to the next one.  
Yes, Delegate Nabors?

Secretary Nabors: Can I ask the unanimous of my delegates to deal with  
Committee Recommendation No. 42? I understand that we received notice of  
consideration under our Rules for the second day. We are now on the second  
day and I understand that there may not be a reconsideration of this parti-  
cular committee recommendation.

Delegate Villanueva: Objection; the Committee on Finance and Other Matters  
is still awaiting for more information.

President H. Guerrero: There is an objection. Yes, Delegate Torres?

Delegate Torres: Mr. President, I'd like to ask for patience of the dele-  
gates if we could defer 57 as well. We're working on the language for an  
amendment.

President H. Guerrero: Is it being retyped?

Delegate Torres: Yes; it could be done in....

President H. Guerrero: Secretary Nabors, is Committee Recommendation No.  
57 being retyped in view that there were some amendments to it?

Secretary Nabors: Mr. President, I gave all of the amended versions on  
First Reading to the Steno Pool for retyping and they are not yet finished.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Due to the fact that Committee Recommendations 57, 55  
and 65 are still being typed, so we'll go on to 51 and the rest before  
those proposals are being typed.

Secretary Nabors: No objection.

Delegate Manglona: Mr. President, can all these being deferred be placed  
at the bottom of the list again so we don't have to be jumping up and down  
if they are deferred? Can we put them at the bottom of the list?

Delegate Mendiola seconded.

Delegate Ogumoro: I would like to ask that they be placed on the calendar  
as soon as they are typed.

President H. Guerrero: Let's move on to 65. Secretary Nabors, can you  
read 65, please?

Secretary Nabors: My copy is in the Steno Pool, Mr. President. Those  
matters were amended this morning and I gave them to the Steno Pool for  
clean typing for Second and Final Reading.

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Delegate Mafnas: Committee Recommendation 65?

Delegate Torres: There's no amendment on that.

Secretary Nabors: I thought there were to be amendments.

Delegate Mafnas: There were to be amendments like who of the two senators will be out of office or be up for re-election.

President H. Guerrero: Yes, something was passed out.

Secretary Nabors: Oh, yes. Okay, we have it.

President H. Guerrero: We're now on 65. Secretary Nabors, can you read it, please?

Secretary Nabors read Committee Recommendation No. 65 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 65"

"A PROPOSED CONSTITUTIONAL AMENDMENT"

"To amend Section 2(a), Section 3(a) and Section 3(b) of Article II of the Northern Marianas Constitution, relating to the composition of the Senate and the House of Representatives.

"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(a) of Article II of the Northern Marianas Constitution is hereby amended to read as follows:

"Section 2: Composition of the Senate.

"a) The senate shall consist of six members with two members elected at large from each of three senatorial districts. The first senatorial district shall consist of Rota, the second senatorial district shall consist of Tinian and Aguiguan, and the third senatorial district shall consist of Saipan and the islands north of it. The senate shall be increased to eight members and two members shall be elected at large from a fourth senatorial district consisting of the islands north of Saipan at the first regular general election after the population of these islands exceeds one thousand persons."

"II. Section 3(a) of Article II of the Northern Marianas Constitution is hereby amended to read as follows:

"Section 3: Composition of the House of Representatives.

"a) The House of Representatives shall consist of ten members with eight members elected from Saipan and the islands north of it, one member elected from Rota and one member elected from Tinian and Aguiguan. The number

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of representatives may be increased by law to not more than twelve. The term of office for representatives shall be two years.

"b) For purposes of electing representatives Rota shall constitute one district, Tinian and Aguiguan shall constitute one district, and Saipan and the islands north of it shall constitute four districts. The legislature may change the number and boundaries of these districts only pursuant to its duties under section 4 of this article. When the population of the islands north of Saipan equals or exceeds the number of persons represented by any member of the House of Representatives these islands shall constitute a separate district electing one representative."

President H. Guerrero: Any motion to adopt Committee Recommendation No. 65?

Delegate Mafnas: I so move, Mr. President.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 65. Discussions? Delegate Tomokane?

Delegate Tomokane: Thank you, Mr. President. I have passed out a proposed floor amendment to Committee Recommendation No. 65. I would like to make a motion for this amendment.

President H. Guerrero: Please do.

Delegate Tomokane: On page 1, between lines 12 and 13, to insert a new subsection to read as follows: "Subsection (b). The term of office for senators shall be four years except that the candidate receiving the third highest number of votes in the first election in each senatorial district shall serve a term of two years." This is presently the wording of the Constitution. The addition will be "No person shall be elected senator more than two consecutive terms." On page 1, line 21, after the word "years.", insert a new sentence to read as follows: "No person shall be elected member of the House of Representatives more than four consecutive terms."

Delegate Torres seconded.

President H. Guerrero: It has been moved and seconded as per proposed floor amendment offered by Delegate Tomokane. Discussions on the amendment? Let me call first on Delegate Calvo.

Delegate Calvo: Thank you, Mr. President. Mr. President, if the intention of this amendment is to restrict a senator or a House of Representatives to a consecutive terms of office, there is a loophole that, of course, if and so the senator seek for the next seat in Congress and if he fails, he might have the chance of coming back the next time. So the "consecutive terms" here looks awkward for me. If the intention is to limit it to two terms, I think the "consecutive" should be removed.

Delegate Torres: Point of information.

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

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Delegate Torres: I think "consecutive" here is not awkward, if we really read this carefully. The intention here is to prevent any public officer or official, any legislator from accepting to be a senator or to be a congressman more than two terms in a row. Now, the loophole, which I don't consider a loophole that you can perhaps intentionally lose on the second year and then run again so that you have a total of three years. We're not limiting that. I guess the intention here of Delegate Tomokane is to ensure that you don't become entrenched and you don't become dictatorial when you run or when you become a senator or congressman for more than two consecutive terms. Now, on the Senate side, you will be coming out with about eight years. This is eight years. Now, the House of Representatives is again eight years, a total consecutive term of years or term of eight years. So I think the intention here is to prevent an individual from being entrenched so that the person will become insulated and become out of touch with his constituents and with present condition. Thank you.

Delegate Calvo: Yes, Mr. President. Exactly what I'm trying to point out is maybe our understanding to this sentence is different. I feel and I interpreted this way that the consecutive terms in this sentence says that it has to be a continuous. If the person is elected this term and he got elected the next term, then the third term he cannot seek for that office. But the way, the loophole I was looking at is if the person fail or didn't get elected the next term after serving a term, he can then come back on the third term and seek for that seat. So if we are to stop in eight years term, we must eliminate the word here "consecutive" and have it just limited to two terms.

President H. Guerrero: Can I ask Delegate Tomokane to explain his intention?

Delegate Tomokane: Thank you, Mr. President. Basically, if you look at the bottom line here, no person shall be in office for more than eight years. The present term for a senator is four years. So if you exceed eight years then, you know, the consecutive term, two terms, that would limit you. In the House of Representatives, the present term is two years and I'm proposing here that you should not run or be elected more than four terms, so it's eight years also the limitation. My intent here actually is as follows: One, by inserting this in the Constitution, we would guarantee of a self-renewing body. By that I mean that every eight years, we will see new faces in the House and new faces in the Senate. People with different convictions and different political philosophies. Perhaps that would serve to be more responsive of the changing time and needs and situations. Secondly, nobody will attempt to make a long term career out of an office in either house. Third, this would encourage aspirants to seek for such political office. As we observe the present trend, we see people that pretty soon they are just going to get their retirement from running in the political office. We watch how productive they are and we look at the kind of session laws that are coming out. Sometimes we criticize the Legislature to be behind in their responsiveness, not only to domestic needs but international-wide in our relations to the U.S. Government. No. 4, no one political philosophy would persist that is obsolete or outdated with respect to contemporary issues, situations or needs. Thank you.

President H. Guerrero: Delegate Cing?

Delegate Cing: I was going to ask Delegate Tomokane to elaborate as well because the way I look at it, Mr. President, this will do me more harm than good. This will defeat the liberty that we are giving the people in regards to election. Another thing is that I got the feeling that when you are new



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Legislature, you need time to familiarize yourself with the parliamentary procedures. And before you know what's going on, you are going to be there already. Thank you.

President H. Guerrero: Next is Delegate Torres.

Delegate Torres: I'll yield to my colleague here, because I think he raised the issue and longer.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Thank you, Delegate Torres and Mr. President. I'm not worried about anyone staying in office forever, especially in the Legislature. I think this person in the Legislature is just one out of nine in the Senate and one out of fifteen in the House. So I would agree with the sentiment of Delegate Tomokane if he were to be in the Office of the Mayor or Governor where this one individual is in control of the office. In the House or in the Senate, he's just one of so many people. So I'm not too worried about this person being a dictator or, you know, taking over. As far as changing time, I think that's where the people come in. They have the authority to take care of that. And as Delegate Nabors said, he's going to take care of the Tinian Delegation this coming election. So if that mood is changed, let the people take care of that. So there's no problem as far as that. My problem and I see it in this Convention and I'm just going to be frank is that the behavior of the delegates in this Convention seems to be creating jobs for the delegates. No. 1, they don't want to reduce the number of senators from three to two. No. 2, they don't want the Department Heads to hold boards and commissions because they want just few over benefit. No. 3, they created the Municipal Council. Now, they want to limit the term for two terms so that they can spread the benefit. I say, let's act here. Don't look at the people now in the office and just think with an open mind. Thank you.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: I'll pass.

President H. Guerrero: Delegate Lizama?

Delegate Lizama: Thank you, Mr. President. I really don't know what's going on in this Convention. I have been seeing a lot of ghosts coming out of this Convention and this seems to be another ghost. I don't know the logic behind restricting a person from serving two terms, three terms, four terms, or five terms. I think that we have to be very careful because who knows a person may be the best lawmaker and that person may be the person that you want to keep for so long as that person can accomplish what the people want. And I don't know of any jurisdiction that imposes any restriction on a lawmaker running for one term, two term or third term. We've been so unique here in the Commonwealth and that's why I feel like boycotting this Convention already. But we're really have been very unique and maybe for some good reasons we have attempted to do just that. But I think in other instances or many instances, I don't know whether we are in the right track. This is one instance where I cannot in my good conscience realize any benefit restricting a person from running for two terms or three terms or four terms. Now, if it is a matter of trying to assure that different faces are going to come in to the Legislature, I think there is a process to do that and that is going through the general election and vote for the right person that would

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better serve the Commonwealth people. I am not saying that there's nothing good about limiting of the term but all in all, I think that the advantages of limiting the term is far less than the advantages of leaving the term open so that people can have a choice during the general election and this is the very basis or the very nature of the democratic process -- people vote based on what the candidates offer to the people. It's not so much. And I don't agree that there is that great possibility that if a person is elected more than two terms that that person will become a dictator. I disagree with that I don't know where we're coming from. But I honest to goodness hope that I don't see another ghost because if I do, I'm just going to have to say that I'm leaving. Thank you.

Delegate Torres: Point of information.

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

Delegate Torres: I believe that the average age of a congressman is roughly 35. Keeping everything constant, you have a total of 16 years. Now, if you add that to 35, you come up to 51 years old. So I just want to assure my colleague, Delegate Lizama, that you have a total of 16 years to serve. Let's say that you are the best lawmaker, you would have 16 years keeping everything constant. And let's say that the average age is 35 years old. If you add that to 16, by the time you feel like retiring, you'll be 51. So I think by the time you are 51, maybe it's about right to retire as suggested by the previous proposal that we passed.

Delegate Lizama: Point of information, Mr. President.

President H. Guerrero: Let me recognize first Delegate Cing.

Delegate Cing: I just want to say that I argued already a long time ago about the age because when you reach the age of, for example, 60, you are already going down the hill. You are already at the age of senility. When this individual asked me if I've been to Washington, D.C., I said no. He said, for your information, those people who are making decisions in Washington, D.C., are already 75 and 80 some years old. Thank you.

(Laughter)

President H. Guerrero: Delegate Lizama, state your point.

Delegate Lizama: Yes, I would just like to say that I don't think that we should be swayed by any of the cuff's statistics. I think this is a situation where, as already mentioned, a situation that was really never given, never went before the general public. And to play around with statistics, like Delegate Cing has already stated, in Washington, D.C., on Capitol Hill, many of those senators and congressmen are over the age of 60. And also I have seen this in Japan. Japan is a good example where the elderly statesmen are better statesmen than the young statesmen. We cannot undermine the old people because, in fact, I am very pleased with the performance of Delegate Kaipat in this Convention. I think he has something that gives us a lot of pride and I think we should not put down people just because a person is over 60. I have a lot of admiration. I'm a proponent of old people. In fact, I administered the first Aging Program for the Trust Territory Government and I'm proud for that. I've been working with elderly people such as in Palau, Marshalls, Ponape and here in the Commonwealth. I don't think that there's any justification to make a distinction, especially when it comes to law-

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making. I can see when it comes to maybe executing of laws that the Legislature enacts. Maybe the Governor -- maybe he should be restricted to age 60 but not the lawmakers. Because you're talking about a person with an enormous amount of ideas and experiences and we do not have any business generalizing how those old people can contribute to the Commonwealth just as we do not have any business generalizing how young a person can become a Governor. And like I mentioned in the Governor's limitation, I do not believe that you should limit the Governor to the age of 35. I think it should be left open; if we can have a Governor at the age of 21, why not. Let's not play around with age. Thank you, Mr. President.

Delegate Torres: Mr. President, very quickly. I think the statistics that I presented was not off the cuff, it's a point of information and I believe that the feat that is being spread around is a fear without foundation. The statistics that are brought out are based on logic and it's not off the cuff. Besides, as you grow older you perhaps become more wishful and perhaps you gain more wisdom, but the fact remains that perhaps the diminishing return law would become applicable here. So we have to consider that fact. Now, Japan -- well, Japan is a highly conservative country. Perhaps that's why they have a lot of old ministers or old, what do you call them, legislators. So I just want to defend the statistics that I brought out. It's not based on wishful thinking; it's based on logic. Thank you.

President H. Guerrero: Delegate Torres, just jokingly, don't come to Washington; they might barbecue you at the foot of the Capitol.

Delegate Mafnas: Mr. President?

President H. Guerrero: Delegate Mafnas, can I recognize first Delegate Inos?

Delegate Mafnas: Oh, yes, ladies first. No, I'm just joking. Thank you.

Delegate Inos: Mr. President, thank you. Everyday I pray to God to give me an open mind and I hope that when I make a decision, it's a decision that I'll live with, not a decision that it butt or what have we. I do like this provision, provided that this provision will go on the present provision in the Constitution. Thank you.

President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. First, I would like to say to Delegate Lizama that obviously he's a little bit confused because he has been absent for two days. The next one is I support the floor amendment because by the time that a senator or congressman would expire, it's almost up to the next Constitutional Convention. Another thing is I'm just wondering why Delegate Manglona is arguing about this. I was thinking maybe because he is afraid of his uncle to lose his position for not to run for the third term. These kinds of analyses I have on me, sometimes I feel like something is very personal. But I think the floor amendment is very good because it can change in the next Constitutional Convention. I hope I would not die before that. Thank you.

Delegate Manglona: Point of information. This will not come into effect until after the ratifications. So I'm not too worried about my uncle because he still has eight years, if he is concerned that I'm worried.

President H. Guerrero: Delegate Mafnas?

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Delegate Mafnas: Thank you. Mr. President, I think the proposed floor amendment has merits. Also, without the floor amendment and opens the opportunity for any person to run for so many terms also has merit. If we are concerned about the members of the Legislature who have become very, very powerful, perhaps that is the decision of the people. We just passed on First Reading the five-year service credit. I guarantee that they will retire under that plan. I see the merit of bringing in young, new ideas, young blood, maybe considering up in the mid 40's and perhaps there are advantages. But I cannot be convinced that this is the best way or the best route. If the people would like to elect a policy-maker four or five times, then let it be. If that person is not performing in the Legislature, then the people will decide that in the subsequent election. It takes a lot to be a member of the Legislature. I had a very little opportunity to be a member of the Fifth Northern Marianas Legislature. I was there for one year. And it took more than just to sit in the Chamber and answer "yes" or "no". There were instances where I had to make enemies or to turn my closest friends into my worst enemies because of the decisions that I had to make. And it took me good part of my life to be able to do that. We need seasoned, matured individuals to make policies for our government, policies that would affect not the next generation but many generations to come. Maturity does not necessarily means age, that you have to be old. You can be young and also matured. But my God, if you are doing your job as a representative of the people, I would like to vote for you again, not only for two consecutive terms but as many terms as you want because I have faith that you will be able to do exactly what is good for our people. I know the sentiment that, yes, many or some of our members in the Legislature have been there perhaps for more than 12 years or 14 years. Some of them have made it to the retirement under the same situation as members of the Legislature District, Congress of Micronesia, and now the Commonwealth Legislature. It was not their doing that they are still there; it was the decision of our people. While the floor amendment has merit and I share the concerns of the mover, the Northern Marianas will be the only place where we find limitations as to the members of the Legislature. I just got through reviewing the Model State Constitution to see whether there are states or territories that place this limitation, and there isn't one. Perhaps there are good reasons why policy-makers are not the same as administrators of policies. You tried to envision the future -- tomorrow, day after tomorrow; you try to formulate your ideas so that such policy will meet the goals and objectives of the future. And it takes an experienced member of the Legislature to be able to do it. And the same goes with the House. I believe Speaker O'Neal is the oldest member in the House of Representatives or is one of the oldest members in the House of Representatives. He is highly respected by the American people because of his commitments in serving his people. I would like this Convention to just give the opportunity to our people to decide who would not seat in the next election and who will seat for the next 16 years. Thank you.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: Mr. President, I move to end debate.

Delegate Calvo seconded, and the motion was carried by voice vote.

The motion to adopt the floor amendment offered by Delegate Tomokane to Committee Recommendation No. 35 was defeated by a raising of hands vote of four for and nine against the motion. The rest abstained.

President H. Guerrero: We are back to the main motion.

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Delegate Torres: Mr. President?

President H. Guerrero: Yes, Delegate Torres.

Delegate Torres: I'd like to make an amendment. On line 20 of the first page, after the words "not more than", I want to change that to be consistent with the acceptable apportionment of the Lower House from 12 to 15. Fifteen is the acceptable total number, using the apportionment table in the briefing papers of the First Con Con. It's an Appendix B, entitled: An apportionment of the Lower House. Fifteen is the acceptable number for the Lower House.

President H. Guerrero: Is there any objection?

Delegate Calvo: Yes.

President H. Guerrero: Who is raising an objection?

Delegate Calvo: I did. Aren't we suppose to have that in writing?

President H. Guerrero: You can ask for an amendment by unanimous consent. If there is no objection, you can do that.

Delegate Calvo: I did object because of that rule.

President H. Guerrero: Delegate Torres, then we can't entertain your motion.

Delegate Torres: Okay, so that means that Delegate Tenorio wants number 15 to be in writing.

President H. Guerrero: It's not Delegate Tenorio; it's Delegate Calvo.

Delegate Calvo: Yes.

Delegate Torres: I'm sorry, Delegate Tenorio. Delegate Calvo, would you like to see this table?

Delegate Calvo: No, Mr. President. I would like to have a recess so you can put that in writing for record.

Delegate Torres: Okay. Recess, please, for three minutes.

President H. Guerrero: Three minutes recess.

There being no objection, the Convention recessed at 4:56 p.m.

RECESS

The Convention reconvened at 5:11 p.m.

Delegate Mafnas: Mr. President?

President H. Guerrero: I need first to recognize....

Delegate Lizama: Mr. President, I'd like to still have another two minutes recess, please.

Delegate Villanueva: No objection.

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President H. Guerrero: Two more minutes of recess.

The Convention recessed at 5:12 p.m.

RECESS

The Convention reconvened at 5:14 p.m.

President H. Guerrero: The session is called back to order. Delegate Lizama?

Delegate Lizama: Mr. President, I was just discussing this Committee Recommendation No. 65 with Delegate Torres and in fact this committee recommendation came out as a result of the very, very convincing argument that was presented by Delegate Torres to the Committee on Governmental Institutions. And that's why this committee recommendation also came out too late in time. I understand that Delegate Torres is willing to have this committee recommendation be filed, and I would like to move so at this time.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to file Committee Recommendation No. 65. Discussions?

Delegate Lizama: No discussion, Mr. President.

Delegate Torres: Which one are we filing?

Delegate Lizama: Committee Recommendation No. 65.

Delegate Torres: I think we have a motion on the floor to vote on changing it from 12 to 15. So let's dispose of that first.

President H. Guerrero: There was no motion because it wasn't in writing. There was an objection, therefore, your motion cannot be entertained.

Delegate Torres: So, can I make a motion then?

President H. Guerrero: There is a motion on the floor to file Committee Recommendation No. 65. Discussions on that.

Delegate Torres: Mr. President, actually, I discussed something different with Delegate Lizama. It's not to file but to work on a different equation. So, please, Delegate Lizama, withdraw your motion for now until we discuss this.

Delegate Lizama: Okay, we'll then proceed with your amendment first. And if your amendment fails, then you would be amenable to making this committee recommendation be withdrawn. Is that correct?

Delegate Torres: Yes, because if Saipan is going to suffer from this, then I don't want Saipan to suffer.

Delegate Lizama: Let's vote on the motion, Mr. President.

President H. Guerrero: Your motion is withdrawn. Delegate Torres?

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Delegate Torres: I move that we change the word "twelve" to "fifteen" on line 20 of the first page.

Delegate Calvo seconded the motion.

President H. Guerrero: Where is the written amendment?

Delegate Torres: It's passed out.

President H. Guerrero: How come I don't have a copy? Oh, is this one?

Delegate Tenorio: Point of information, Mr. President.

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

Delegate Tenorio: Are you going back to the original number of representatives from the beginning? Are you changing everything back to the same one?

Delegate Torres: No, no, no; we're amending line 20 of the first page.

Delegate Tenorio: Yes, I know that, but what does that entail? Is that only from "twelve" to "fifteen"?

Delegate Torres: Oh, yes. That's all.

Delegate Tenorio: You're not changing ten members with eight elected from Saipan?

Delegate Torres: Everything remains the same except changing from "twelve" to "fifteen" at this point.

Delegate Tenorio: Thank you.

President H. Guerrero: Was there a second to your motion?

Delegate Torres: Yes.

President H. Guerrero: Discussions?

There being no discussion, the motion to adopt the floor amendment offered by Delegate Torres to Committee Recommendation No. 65 was carried by voice vote.

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

Delegate Mafnas: Mr. President, I have a floor amendment. This was really offered by Delegate Tomokane. On page 1, between lines 12 and 13, insert a new subsection to read as follows: This is to address the problem of who of the two senators that will be elected in November will go out first should this proposal be adopted by the people. I so move.

Delegate Torres seconded the motion.

President H. Guerrero: It has been moved and seconded on the floor amendment by Delegate Mafnas in reference to his amendment. Discussions on his amendment? Delegate King?

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Delegate King: Yes, Mr. President, I would like to ask Delegate Mafnas about the words here "first election". Is this appropriate here?

Delegate Mafnas: Which one?

Delegate King: The first election in each senatorial district. Is the word "first" appropriate in this provision? I don't think this is the first election.

Delegate Mafnas: You can strike it off. I so move that we strike it off.

Delegate King seconded the motion.

Delegate Lizama: No discussion.

President H. Guerrero: So how does it read? Just the first?

Delegate Mafnas: "In the election in each senatorial district shall serve a term of two years, the second highest."

President H. Guerrero: Discussions?

There being no discussion, the motion to adopt the floor amendment offered by Delegate Mafnas to Committee Recommendation No. 65 was carried by voice vote.

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

Delegate Lizama: I have a motion, Mr. President, and amendment to offer. I'd like to pass out this amendment.

Delegate Nabors: I think it's too bad we have five days extension.

Delegate King: I think it's better if we file this.

Delegate Lizama: Mr. President, Delegate Torres' offered amendment having been passed, my offered amendment is to increase the number of senators. Rather than six, retain it and make it still nine members -- three from each senatorial district. However, in the House of Representatives, instead of ten members, eleven member; nine from Saipan, one from Rota and one from Tinian.

Delegate King seconded the motion.

Acting Presiding Officer Calvo: Discussions on the motion?

Delegate Lizama: To retain the number of senators, nine members -- three from each senatorial district. However, for the composition of the House, instead of ten, make it eleven so we don't have to face the problem of a tie situation even in the Senate as well. Nine from Saipan, one from Rota and one from Tinian.

Delegate King: I second again.

President H. Guerrero: Discussions? Delegate Torres?

Delegate Torres: Yes. Although I initially agree with this equation, I



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still feel that the people in Saipan are unnecessarily being unfairly treated with this. While the two senatorial districts will have six member the third senatorial district will actually decrease their number of representatives in the House, and obviously with that decrease goes with it your bargaining power.

Delegate Lizama: Point of information, Mr. President.

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

Delegate Lizama: The reality here is that we're allowing the Legislature to increase the number of the House members from ten to fifteen, back to the normal situation, fifteen House members. Isn't that correct? So by allowing the Legislature to do that, most likely than not, they are going to increase. So we are going to try to psychologically affect the members of the Legislature to prevent them from increasing it suddenly. So eleven would be the most appropriate number.

Delegate Torres: I think the fact remains, Delegate Lizama, that while we are holding constant the composition of the Senate, we are in fact penalizing the third senatorial district by reducing its number in the House of Representatives, while keeping constant the other two senatorial districts.

Delegate Lizama: Having realize, do you want me to withdraw the committee recommendation?

Delegate Torres: I guess, let's vote.

Delegate Lizama: Let's vote on that.

President H. Guerrero: Those who are in favor of the proposed amendment by Delegate Lizama, please raise your right hand?

(There were nine for the motion.)

President H. Guerrero: Those oppose?

Delegate Mafnas: Mr. President?

President H. Guerrero: Yes.

Delegate Mafnas: I wasn't given the opportunity to speak against the amendment. At least I should be given the opportunity to echo my concern.

Delegate Lizama: I agree with that, Mr. President. Delegate Mafnas should be given the opportunity.

Delegate Mafnas: I don't look at it, Mr. President, as to who's going to benefit and who's going to be discriminated. That thing never crossed my mind. But I don't know what is the purpose of the amendment. We spent nearly one hour discussing Committee Recommendation 65 and here we are again. We voted, we tried to increase it. Are we afraid to tell our people or ask our people as to the number of compositions in the House and in the Senate? Are we afraid to just do what we had just passed because you are thinking in running for the Senate or the House of Representatives? I don't think by reducing the numbers or the composition will disqualify you. What it will do is that it will give the people more choice. By having more slots

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there will be more people running. And I think by limiting it, the selections would be better. I'm proposing that this be reduced without any reservations. I don't plan to run for the Legislature and I don't think I'll ever will. But I think the people of Saipan, my dear friends from Rota and Tinian, echoed their concern about this specific issue. When we were out in the villages trying to get their vote of confidence, we met with thousands and thousands of them. And the only reason why we are here now, the delegates from Saipan, is because we were united; we convinced them that this will be the foremost in our minds. What is wrong again? What is wrong by presenting this plan to the people, to the taxpayers whether they want to be ripped off with additional three hundred thousands to half a million dollars by the unresponsive, unproductive lawmakers? Our people on Saipan had spoken. All I ask is for the members from Tinian and Rota to give them the opportunity to say "yes" or "no". If you are convinced that your representatives or your people in Rota and Tinian will say "no" to this proposal, then convince them, join them if that is your position. But I can assure you that on Saipan, this proposal will receive an overwhelming support. So, Mr. President, I don't know what we're doing. We approved to reduce the composition of the Senate from nine to six. Here we are again increasing it back to nine. We have wasted precious time and energy trying to get Committee Recommendation 65 adopted on First Reading. We're just like children not knowing what we want. If we want to vote this down, let us do it. I'm tired. But please don't play games. Let us decide whether our people should be given the opportunity and I ask you to reject Committee Recommendation 65, as amended by Delegate Lizama, so we can vote on Second and Final Reading on this proposal. We can bury this if we have to do it, but let's not spend another one hour fooling ourselves or playing around.

President H. Guerrero: Let's vote now.

The motion to adopt the proposed floor amendment offered by Delegate Lizama to Committee Recommendation No. 65 was defeated by a raising of hands vote of six for and seven against the motion. The rest abstained.

Delegate Mafnas: Mr. President, I move for the previous question.

Delegate Nabors seconded the motion.

President H. Guerrero: We're voting on Committee Recommendation No. 65, as amended. Secretary Nabors?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 65, as amended, on Second and Final Reading, was voted, as follows:

YES: Delegates Herman T. Guerrero, Jesus Mafnas, Felicidad Ogumoro, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres, and Ignacio Villanueva. (8 votes)

NO: Delegates Vicente Calvo, David Cing, Rita Inos, Esteven King, Juan Lizama, and William Nabors. (6 votes)

ABSTAIN: Delegates Paul Manglona, James Mendiola, and Aniceto Mundo. (3 votes)

ABSENT: Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, David Igitol, Luis Limes, Maria Pangelinan and Ramon Villagomez.

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And the motion was carried.

Secretary Nabors: Mr. President, I have 8 affirmative votes, I have 6 negative votes, I have 3 abstentions and 7 absences.

President H. Guerrero: Committee Recommendation No. 65 passed by 11 votes.

Delegate Calyo: Mr. President, can I hear again the tally of the votes, please?

Secretary Nabors: I have 8 affirmative votes, I have 6 negative votes, I have 3 abstentions and 7 absentees.

Delegate Mafnas: Mr. President, Delegate Igitol is at the kitchen. Can we ask the indulgence of the members to...?

President H. Guerrero: Can you call him? Sergeant-at-Arms, can you call him? Delegate Igitol, we're voting on Committee Recommendation No. 65, as amended by Delegate Torres. Can you tell us your vote?

Delegate Igitol: Can the Secretary read the amendment?

At this point, Secretary Nabors called on Delegate Igitol and he answered "abstain".

Secretary Nabors: So I have 8 affirmatives, 6 negatives, 4 abstentions and 6 absentees.

President H. Guerrero: Therefore, Committee Recommendation No. 65 is passed by 12 votes. Can we take the other one?

Delegate King: Privilege, Mr. President.

President H. Guerrero: State your privilege.

Delegate King: I would like to say my observation concerning this issue. It seems that everytime when delegates from Tinian and Rota raised their hands to state out their concern, it's being ignored. I want the President to stop this kind of attitude, not to ignore the delegates from Tinian and Saipan when there is good to rebuttal concerning such matter or issue. I'm sick and tired of this.

Secretary Nabors: Committee Recommendation No. 51.

President H. Guerrero: Committee Recommendation No. 51 was moved by Delegate Torres. We need to vote on this one.

Delegate Torres: Mr. President, should I give my reason as to why?

President H. Guerrero: No, because you moved the last time, so we need to vote on this.

Delegate Ogomoro: Mr. President, perhaps it would help the delegates if Delegate Torres would let us know what his reasons are for having that proposal be reconsidered so that those of us who do not know what he has in mind would be able to be guided by his statement.

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Delegate Torres: Yes, if I may, Mr. President.

Delegate Villanueva: No objection.

President H. Guerrero: Go on, Delegate Torres.

Delegate Torres: It's a very simple reason. Actually, this is a joint reconsideration with Delegate Igitol. Delegate Igitol and I are concerned that there is no term of office set for the trustees and it's kind of ironic that we are setting a term of the office for the MPLC and not the MPLT, since MPLT is responsible for a huge vast sum of money. Of course, in the first ten years perhaps we shouldn't be alarmed or shouldn't be concerned because everything will be safe. But after the initial ten years, it's going to be an open season, so to speak, that is if they could invest in non-U.S. bonds. So that motivated us to ask for reconsideration. On top of that, we would like these five trustees to submit annual financial report of their affairs so that there is no conflict of interest. And we consulted with the AG on the language for the financial affairs that this shall be submitted annually to the Presiding Officers of the Legislature and the Governor on their financial affairs. So that if should there be any conflict of interest it will be easily detected. And we also provided for a staggered term of office -- a maximum term of six years; unstaggered for two trustees to serve for six years and three to serve for four years. We believe that this will insure continuity and this would also at the same time insure that those who are appointed trustees don't have the impression or the idea that they are there forever, that they are being checked and will be checked by the Legislature and the Governor periodically such as on an annual basis. That's really the only motivation, to insure that our money, the public money is invested carefully by the trustees. We're maintaining the five trustees, as amended by Delegate Villagomez. We're just adding a term of office and disclosure of information. That's all.

President H. Guerrero: Let's vote.

The motion to reconsider Committee Recommendation No. 51 was carried by a raising of hands vote of 11 for the motion. The rest abstained.

President H. Guerrero: It looks like a majority, so Committee Recommendation No. 51 is now open for discussions. Yes, Delegate Torres?

Delegate Torres: I move that Committee Recommendation 51 be adopted, as amended, and we passed out the amended version.

Delegate Nabors seconded the motion.

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

Delegate Manglona: I move to end debate.

Delegate Nabors seconded the motion.

The motion to adopt the amendment offered by Delegate Torres was carried by voice vote.

President H. Guerrero: Is this substituting the entire recommendation?

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Secretary Nabors: No.

President H. Guerrero: We just voted on the amendment.

Secretary Nabors: Right.

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

Delegate Mafnas: We're still in order.

President H. Guerrero: Still in order? We'll go back to the main motion?

Delegate Mafnas: Yes.

President H. Guerrero: We just voted to accept the amendment. Now we're voting on the amendment.

Secretary Nabors: We're voting on 51, as amended.

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

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 51, as amended, was voted on as follows:

YES: Delegates David Cing, Herman T. Guerrero, David Igitol, Rita Inos, Jesus Mafnas, Juan Lizama, Paul Manglona, James Mendiola, Aniceto Mundo, William Nabors, Felicidad Ogumoro, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres and Ignacio Villanueva (16 votes)

ABSTAIN: Delegates Vincent Calvo and Esteven King. (2 votes)

ABSENT: Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, Luis Limes, Maria Pangelinan and Ramon Villagomez.

And the motion was carried.

Secretary Nabors: Mr. President, I have 16 affirmative votes, I have zero negative vote, I have 2 abstentions and 5 absences.

President H. Guerrero: Committee Recommendation No. 51 is adopted by 18 votes. Would the mover for Committee Recommendation No. 16 please explain, give your rationale for calling it up? Didn't somebody move to recall this?

Floor Leader Lizama: I move that this will be deferred, Mr. President.

Delegate Mafnas seconded the motion.

President H. Guerrero: Who moved this?

Floor Leader Lizama: I don't know.

President H. Guerrero: Can we vote?

Floor Leader Lizama: Yes.

The motion to defer Committee Recommendation No. 16 was carried by voice vote.

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President H. Guerrero: We'll move on to Committee Recommendation No. 40. Would the mover of this explain your rationale?

Delegate Ogumoro: I would like that we defer the consideration of this proposal. I would like to ask that we defer until further. Am I still in order or would that necessitate another two days for reconsideration?

President H. Guerrero: Will the Parliamentarian give guidance to the President? She moved two days ago to recall Committee Recommendation No. 40. She is asking for deferment. The question is, what should be the ruling of the Chair?

Delegate Reyes: I think that cannot be done, Mr. President.

Delegate Ogumoro: Under what rule?

Delegate Reyes: When you call for reconsideration, it has to be for two days for its preparation so that it comes out on that given date.

Delegate Ogumoro: I'm not asking for deferment to the next day. It's for this same day but because they are typing the amendment. It's not ready.

Delegate Reyes: That's completely different then.

Delegate Ogumoro: If I am in order, Mr. President, may I ask that we move on to the other proposal and as soon as the amendment is ready to be distributed that we come back and reconsider that?

President H. Guerrero: If there is no objection, we'll move on to 20. Would the mover of Committee Recommendation No. 20 please give your rationale?

Delegate Nabors: Thank you, Mr. President. When this measure was passed originally, we inadvertently neglected to strike out a crucial provision. The provision that a spouse may not inherit land if the owner has children able to own land in the CNMI poses a number of problems. First, it restricts the right of the land owner to determine how his assets shall be distributed among his heirs by the making of a will. Secondly, it discriminates against a non-Northern Mariana Islands descent spouse who has been married 10, 20, 30, or even forty years, raised a family, helped with the spouse's career and worked to build up the family assets in favor of a possibly an opportunist spouse who never had any children and may have been married only a few years prior to death. Thirdly, it discourages mixed-marriages couples from having children. Concern is being raised about the convenient marriages and opportunist spouses. It seems that we must defer to the judgment of the land owner. Only the person who marries a person of non-Northern Marianas descent can truly judge whether the marriage is a convenient marriage or whether the wife or the husband is an opportunist. The land owner can always make a will and thereby prevent the spouse from inheriting any land. Further, if there is a problem with convenient marriages, the opportunistic spouse where the land owner fails to make a will, the Legislature could deal with it by its probate law. Land goes to the children of the Northern Marianas descent before it goes to a spouse who is not of Northern Marianas descent. Such a statute would be in conformance with the non-alienation provisions of the Covenant and the Constitution. The argument that this provision would help reduce conflicts between spouse and children of the deceased has little merit. Conflicts between heirs often occurs regardless of descent, especially in the absence of a will. Furthermore, this provision could actually work to

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separate children from the mother or father at this time when they are deprived of one parent by death. The spouse could be deprived of a means of support and forced to return to their country of origin. Complicated probate cases could result when there is a will leaving land in the spouse disqualified by this provision. Such a constitutional provision would deprive the spouse of inheritance intended for him or her resulting in the need to adjust the distribution of the assets. This would be even more complicated in the case of spouses who've already inherited land under existing constitutional provision. That is the reason why I believe that we ought to reconsider this matter to deal with this question of spouse who is not a person of Northern Marianas descent. Thank you.

The motion to recall Committee Recommendation No. 20 was carried by a raising of hands vote of 6 for and 5 against the motion. The rest abstained.

President H. Guerrero: Motion is carried to reconsider it. Yes, Delegate Igitol?

Delegate Igitol: Since we are calling for reconsideration, have you asked those that did not vote to identify their votes?

President H. Guerrero: Excuse me. Basically since those are the only people that raised their hands, the prevailing gets the abstention.

Delegate Tomokane: Point of information, Mr. President.

President H. Guerrero: Yes.

Delegate Tomokane: In reconsidering recommendations, did we suspend the applicable provisions of the rules because I believe you require two-thirds.

President H. Guerrero: We do not require two-thirds; we just require a majority. According to subsection (c) of Rule 51, it requires a majority of the members for reconsideration.

Delegate Tomokane: Simple majority?

President H. Guerrero: It says: "A motion to reconsider in Convention may not be called up until the second session day after it is moved and shall require an affirmative vote of a majority of the delegates to the Convention. Do you have any objections? Delegate Tomokane, did I answer your question?"

Delegate Tomokane: Yes.

President H. Guerrero: So Committee Recommendation No. 20 is up for reconsideration now. Delegate Lizama?

Floor Leader Lizama: Having heard Delegate Nabors stated the reasons for the recall of this committee recommendation, I would like now to make an amendment. And the amendment that I'm going to offer, I have passed out copies of the amendment. Basically, the amendment is calling for the going back to the existing provision of the Constitution. That is to say that transfer to a spouse by inheritance is not an acquisition under this section, period. And this would eliminate the other language of this sentence. It would eliminate under the adopted committee recommendation, if the owner dies without issue or with issue not eligible to own land in the Northern Mariana Islands. The offered amendment would strike that portion.

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Delegate Nabors: Mr. President, could I ask for just two minutes recess?

There being no objection, President Guerrero declared the Convention recessed at 5:54 p.m.

RECESS

The Convention reconvened at 6:19 p.m.

(At this point, Delegate Calvo took over the Chair.)

Acting Presiding Officer Calvo: The session is now called to order. Yes, Delegate Bill Nabors?

Delegate Nabors: Mr. President, I'd like to move that we suspend the consideration of Committee Recommendation No. 20 until later in the calendar.

Delegate Torres seconded the motion.

Acting Presiding Officer Calvo: There's a motion on the floor to defer....

Floor Leader Lizama: I object, Mr. President.

Acting Presiding Officer Calvo: State your objection.

Floor Leader Lizama: What is the reason for suspending it?

Delegate Nabors: There are few delegates who need additional clarification and I don't think it's fair to rush them in seeking that clarification in order to get an honest vote.

Floor Leader Lizama: Okay, then, in that case the motion for reconsideration will be deferred. My motion to make the amendment will be withdrawn.

Acting Presiding Officer Calvo: Okay, so be it.

Delegate Igitol: Mr. President?

Acting Presiding Officer Calvo: Before I recognize Delegate Igitol, there's a motion on the floor with regards to reconsideration or defer reconsideration of Committee Recommendation No. 20. Are we still in order? Is there any discussion on that motion? If there is none, is there any objection for that motion? Okay. Yes, Delegate Igitol?

Delegate Igitol: In regards to Delegate Bill Nabors saying that on behalf of the two delegates that they need additional clarification, it is only fair if whoever is going to explain this will explain it right here in front of us.

Acting Presiding Officer Calvo: Are you through, Delegate Igitol?

Delegate Igitol: Yes, sir.

Acting Presiding Officer Calvo: Okay, Delegate Lizama?

Floor Leader Lizama: Since there has been a request to allow us more time so that everyone would understand the ramification of the....



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Delegate Nabors: Point of information. I don't know, I guess we need a point of order. There was no objection to the motion for reconsideration as I can assure my colleagues that when the explanatory matter is made, everyone will have the benefit of it. But could we now move on to the other matter of the agenda?

Acting Presiding Officer Calvo: Yes, without any delay; but let me recognize first Delegate Ogumoro.

Delegate Ogumoro: If there is no objection from the floor, I would like that we now place for consideration Committee Recommendation No. 57, since it is now ready.

Delegate Nabors: Objection.

Delegate Torres: Mr. President, I can assure Delegate Ogumoro that this will be passed, but could she give us a little more chance to work on this? This, I think, will go through but just give us a chance to....

Delegate Nabors: No problem; the request is granted.

Delegate Cing: Why don't you give Delegate Torres more chance to castigate us on this?

Delegate Torres: No, I'm not going to castigate it; I assure you that. I think we have scrutinized it enough.

(At this point, President Guerrero took over the Chair.)

Delegate Ogumoro: No, we are not afraid of being castigated but we want to have it considered right now.

Delegate Torres: So if the chance is granted, would you....

Delegate Mendiola: Point of order.

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

Delegate Mendiola: Will you have some orders on the floor?

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. The next item on the agenda is Committee Recommendation No. 35. On behalf of myself and my other colleagues as a mover of the motion -- Oh, excuse me. My colleague and I move to reconsider both 27 and 35. After further consideration and consultation, it is our wish that both requests be withdrawn.

Delegate Mafnas seconded the motion.

Delegate Ogumoro: If I may, may I just know why we are scratching that from the agenda, Committee Recommendation No. 27?

Delegate Nabors: The power of compromise.

President H. Guerrero: So Committee Recommendation Nos. 35 and 27 are withdrawn. State for the record that they have been withdrawn. So we're now with Committee Recommendation No. 26.

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Delegate Mendiola: Mr. President, could you make that clear that the committee recommendations for reconsiderations are withdrawn?

President H. Guerrero: Committee Recommendation Nos. 35 and 27 for reconsiderations have been withdrawn.

(At this point, Delegate Calvo took over the Chair.)

Secretary Nabors read Committee Recommendation No. 26 in its entirety, follows:

"COMMITTEE RECOMMENDATION NO. 26

"A PROPOSED CONSTITUTIONAL AMENDMENT

To delete Article V in its entirety and to add a new Section 20 and Section 21 of Article III of the Northern Marianas Constitution relating to Resident Representative to the United States of America.

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:

"Effective upon ratification, Article V of the Northern Marianas Constitution is hereby deleted in its entirety and a new Sections 20 and 21 are hereby added to Article III to read:

"Section 20. Resident Representative to the United States. A resident representative to the United States shall be appointed by the Governor for a period of four (4) years to represent the Commonwealth in the United States and to perform those related duties provided by law with the advice and consent of the Legislature. The Governor shall provide a certification of the appointment upon confirmation by the Legislature to the United States Department of State.

"(a). Annual Report. The resident representative shall submit a written report by the second Monday of January of each year to the governor and legislature on the resident representative's official activities during the preceding year and matters requiring the attention of the government or people of the Commonwealth.

"(b). Compensation. The resident representative shall receive an annual salary and reasonable allowance for expenses provided by law. The salary may not be changed during a term of office.

"(c). Vacancy. In the event of a vacancy in the office of the resident representative to the United States, the governor shall appoint a successor with the advice and consent of the legislature.

"(d). Removal. The resident representative may be removed only for cause and by the affirmative vote of simple majority of the members of each house of the legislature."

"Section 21. Election of Resident Representative to the United States.

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If the Northern Marianas is given a non-voting delegate status in the Congress of the United States, the resident representative shall be elected for a term of two years.'"

Acting Presiding Officer Calvo: Do I hear any adoption for the reconsideration of this committee recommendation? Delegate Mendiola?

Delegate Mendiola: Did the Secretary read the substitute amendment?

Delegate Nabors: I don't know what I'm reading.

Delegate Mafnas: He was reading Committee Recommendation 26.

Acting Presiding Officer Calvo: Yes, that is correct. I think he should not read the substitute until somebody appropriately put that out on the floor. Delegate Mendiola?

Delegate Mendiola: Acting President, I would like to move for the adoption of the Substitute Committee Recommendation No. 26.

Delegate Nabors: Point of order.

Delegate Mafnas: That's true.

Acting Presiding Officer Calvo: Yes, state your order.

Delegate Nabors: We have to have a motion to adopt Committee Recommendation 26 first.

Delegate Mafnas: I so move.

Delegate Nabors seconded the motion.

The motion to reconsider Committee Recommendation No. 26 was carried by voice vote.

Acting Presiding Officer Calvo: We have now Committee Recommendation No. 26 before us to be reconsidered. Yes, Delegate Mendiola?

Delegate Mendiola: I'd like to move to amend Committee Recommendation No. 2 with the substitute amendment.

Delegate Mafnas: Privilege.

Acting Presiding Officer Calvo: State your privilege, Delegate Mafnas.

Delegate Mafnas: To avoid any accusation to the distinguished delegate of a possible conflict of interest, I wish to take this opportunity to introduce the amendment.

Acting Presiding Officer Calvo: So ordered.

Delegate Mendiola: Thank you, Delegate Mafnas.

Acting Presiding Officer Calvo: Go ahead.

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Delegate Mafnas: Mr. President, I move for the adoption of the Committee Substitute on Committee Recommendation 26. Copies were passed out in advance.

Delegate Nabors seconded the motion.

Acting Presiding Officer Calvo: We have a motion on the floor to consider the substitute of Committee Recommendation No. 26. Do we have any discussion on that amendment? Yes, Delegate Mafnas?

Delegate Mafnas: I reviewed the Committee Substitute for about three hours and I found it to be in order. And in the interest of time, I move for the previous question.

Delegate Nabors seconded the motion.

Acting Presiding Officer Calvo: Well, it doesn't look like anybody wishes to talk, so it's in order. We have a motion to end debate now on the subject of reconsideration of the Substitute Committee Recommendation No. 26.

Secretary Nabors called the roll, and the motion to adopt the Substitute Committee Recommendation No. 26 on Second and Final Reading was voted on by 18 affirmative votes. Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, Luis Limes, Maria Pangelinan and Ramon Villagomez were absent. And the motion was carried.

Delegate Nabors: Mr. President, I have 18 affirmative votes, I have no negative vote, I have no abstention, but I have 6 absentees.

Acting Presiding Officer Calvo: Excuse me. Am I correct that you don't have any abstentions?

Delegate Nabors: That's correct, no abstention.

Acting Presiding Officer Calvo: Okay, Committee Recommendation No. 26, as substituted, is passed on Second and Final Reading. Secretary Nabors, can we have Committee Recommendation No. 42?

Delegate Nabors: Committee Recommendation No. 42 -- that was noticed by Delegate Ogumoro.

Acting Presiding Officer Calvo: Yes, Delegate Ogumoro?

Delegate Ogumoro: At this point, I would like that I ask for the consensus of the membership or the delegates that we defer action or suspend action on this.

Acting Presiding Officer Calvo: Is there any objection on the request of Delegate Ogumoro?

Delegate Nabors: Objection.

Acting Presiding Officer Calvo: Go ahead. Yes, Mr. President?

Delegate H. Guerrero: We can vote in terms of whether we can consider this or not. It just need a majority vote.

Delegate Villanueva: Do we have to vote?

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Acting Presiding Officer Calvo: The requestor has indicated her position that she would like to have that deferred.

Delegate Mafnas: I object, Mr. President, to deferring it. Let's vote if we want to reconsider it. We spent six hours or four hours debating, now we are going to suspend it?

Acting Presiding Officer Calvo: Okay, let me recognize now the consensus of the leadership. Let me see by a show of hands. Do we have enough delegates wish to see that this be reconsidered--Committee Recommendation No. 42?

Delegate Ogumoro: May I note for the record? When this was discussed for reconsideration, it was discussed with members of the Committee on Finance and Other Matters. Unfortunately some of those members are not here that wanted to have this reconsidered so that we can go back to the language that the Committee on Finance and Other Matters recommended. So either we take action and just vote that we do not reconsider this, or we ask for deferment.

Acting Presiding Officer Calvo: So that's exactly what I was trying to get across. Do we want to have this reconsidered? If you do want to have this reconsidered, please state by putting your right hand up.

The motion to reconsider Committee Recommendation No. 42 was defeated by a raising of hands vote of one for and four against the motion. The rest abstained.

(At this point, President Guerrero took over the Chair.)

President H. Guerrero: Therefore, Committee Recommendation No. 42 cannot be considered. Would any of the members object if we take 57?

Delegate Inos: Objection. Can we take up 41?

President H. Guerrero: Okay. Would the mover of Committee Recommendation 41 please give your rationale for it?

Delegate Inos: I ask the unanimous consent of this body to please reconsider Committee Recommendation No. 41 as you probably have the floor amendment to be considered.

President H. Guerrero: Does everybody has a copy? Is everybody ready to vote?

The motion to recall Committee Recommendation No. 41 was carried by a raising of hands vote of 11 for the motion. The rest abstained.

President H. Guerrero: Motion carried to consider it and it's now on the floor. Delegate Manglona?

Delegate Manglona: Mr. President, I believe everyone has a copy of page 6 of Committee Recommendation No. 41 as we propose to amend the page 6 of that recommendation. The only addition that we would have is the one sentence that starts on line 13 to read as follows: "In furtherance of this section, the Mayor shall have the responsibility for insuring that the Resident Department Heads faithfully execute their duties under the law and in accordance with the policies of the Commonwealth Government for the administration of public services in the islands in which the Mayor has been elected." This

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will only clarify Section 9(a), especially on line 8 where the line which as deemed appropriate. We feel this will help us clarify that phrase. The only minor other change here is on line 20, to be consistent with the Constitution wherein a Department Head was supposedly to head, where the Department Director is to head the department, likewise the Resident Department Head will head the Resident Department. This is just a minor change to be consistent. Thank you.

Delegate King seconded the motion.

President H. Guerrero: Discussions?

Delegate Mafnas: Mr. President, I have no strong objection to this. Obviously, the Resident Department Head should be the head or else it won't exist. So that's not significant. I want the record to show that the Representative of the Personnel Officer is not a Resident Department Head. He is a representative of the Personnel Officer. I would vote in favor of the Committee Draft 1 on Committee Recommendation 41.

President H. Guerrero: Delegate Lizama?

Delegate Lizama: Mr. President, I would also not oppose to this amendment. I don't think it does any -- it doesn't enhance the Section 9(a) and it also does not diminish the value of Section 9(a).

President H. Guerrero: Delegate Torres?

Delegate Torres: While I do not have strong objection to this, I just want the record to show that with the addition of this subsection, the role of the Municipal Council will be considerably diminished. Also, while I have now strong objection to it, I want the record to show for historical purpose to convey my concern that the addition of this subsection would necessarily be reflected in the overall budget for the Local Government. I anticipate a significant increase in the budget for the Local Government. And I am hopeful that the respective municipality will take this into account and will act appropriately and seek ways to become accountable for this. Thank you.

Delegate Mendiola: I move to end debate.

Delegate Lizama seconded the motion.

Delegate Mafnas: One question please. On line 22, the words "budget called" what's that? What is a budget called?

Delegate Manglona: May I ask that question to you, Delegate Mafnas?

Delegate Mafnas: Budget called, I don't know. Does it mean the budget instructions or budget call? What's the original language in the recommendation because this was never part of the language? Not called. It should be budget call, c-a-l-l, or budget instructions.

Delegate Manglona: I think that is a typographical error.

Delegate Mafnas: May I then amend, Mr. President, to delete the word "called" and insert the word "instructions"?

Delegate Tenorio: No objection.

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Tenorio: I'm reading page 6, line 20, Section 10 of the original  
recommendation and they don't seem to be the same.

At H. Guerrero: Excuse me. There is under the amendment by Delegate  
Mafnas on page 3 of this proposed amendment, No. 31, which says, on page  
21, after the word "services", insert the following sentence to read:  
"The Department Head shall submit a budget to the Mayor, pursuant to  
budget code."

At Mafnas: It should have been call, c-a-l-l. I amended it to  
"Instructions".

At Manglona: Can you explain what budget instructions is?

At Mafnas: It tells you how to prepare budget and it provides for  
the codes and the allocations and things like that. It's a procedure. I  
asked for the previous question, Mr. President.

Delegate Nabors seconded the motion.

President H. Guerrero: We're now voting on Committee Recommendation No. 41,  
as amended.

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 18 affirmative votes. Delegates Lorenzo DL. Guerrero, Alonzo Igisomar,  
Justo Kaipat, Luis Limes, Maria Pangelinan and Ramon Villagomez were absent.  
The motion was carried.

Secretary Nabors: Mr. President, I have 18 affirmative votes, I have no  
negative vote, I have no abstention, but I have 6 delegates who are absent.

President H. Guerrero: Excuse me, can you give me those votes again?

Secretary Nabors: Yes. I have 18 affirmative votes, zero "no" vote, zero  
abstention and 6 absentees.

President H. Guerrero: Committee Recommendation No. 41, as amended, passes  
by 18 votes. Can I just explain something? The Chair inadvertently left out  
49 and 58 for considerations. I apologize. I was the one that typed out the  
order of Business and I thought I include them and somebody brought to my  
attention that both of them are not in. Yes, Delegate Mafnas?

Delegate Mafnas: May I ask the indulgence of the members to take up now  
Committee Recommendation 66 since it's not very controversial?

Delegate Nabors: No objection.

President H. Guerrero: If there's no objection, with the condition that after  
66 we will take up 57.

Delegate Villanueva: No objection.

President H. Guerrero: Secretary Nabors, can you read Committee Recommenda-  
tion No. 66?

Secretary Nabors read Committee Recommendation No. 66 in its entirety, as  
follows:

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"COMMITTEE RECOMMENDATION NO. 66

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To add new Section 1(a) and (b) to proposed Article on Civil Service relating to the Retirement System.

"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 Section 1(a) and (b) is hereby added to the proposed Article on Civil Service to read as follows:

"Section 1. Retirement System.

"a) Membership in employee retirement system of the Commonwealth shall constitute a contractual relationship. Accrued benefits of this system shall neither be diminished nor impaired.

"b) An employee who has acquired not less than twenty years of creditable service under the Commonwealth retirement system shall be credited an additional five years and shall be eligible to retire."

Delegate Mafnas: Mr. President.

President H. Guerrero: Yes.

Delegate Mafnas: The next line is the amendment. So, may I move for the adoption of Committee Recommendation No. 66?

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 66 for Second and Final Reading. Discussions? Delegate Mafnas?

Delegate Mafnas: Mr. President, I would like to move to amend the Committee Recommendation 66 and the amendment had been handed out. On line 11, strike out, please, the close quotation and it should read as follows: "An employee who elects to retire under this provision may not be re-employed by CNMI Government or any of its instrumentalities or agencies for more than 60 days in any fiscal year without losing his retirement benefits for the remainder of that fiscal year."

Delegate Villanueva seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 66 offered by Delegate Mafnas. Discussions? Delegate Reyes?

Delegate Reyes: Just a question here. Is this 60 days to mean calendar day



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Delegate Mafnas: Sixty calendar days because the employee may have to work on Sundays. So, yes; to clarify it, insert "calendar", please. I so move.

Delegate Villanueva seconded the motion.

President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. I just like to ask a question to Delegate Mafnas. I was thinking about the existing retirees. What will happen to those people that are getting now 20 years retirement benefits? Are they going to fall under this section?

Delegate Mafnas: No. They will not be covered. This will affect only those who are currently onboard. Those who have retired will not be affected.

Delegate King: Okay. If we are going to adopt this and is ratified by the people, do you think that most of the employees instead of getting 20-year services retirement, everybody will fall under the full retirement of 25 years?

Delegate Mafnas: Yes, if it is ratified.

Delegate King: May I ask how much the government will incur for this cost?

Delegate Mafnas: The government will save approximately \$5.2 million.

President H. Guerrero: Are you finished, Delegate King?

Delegate King: Yes.

President H. Guerrero: Let me recognize Delegate Lizama.

Floor Leader Lizama: Mr. President, just for purpose of clarification. As I read the Section (b), there may be some oversight. I don't know whether this is an oversight or what but I'm just wondering whether this is crediting five years of services. Would this be -- I wasn't so sure when this was deliberate and I just want to make sure that we are not doing something on an oversight situation. Delegate Mafnas, is this going to be perpetual, or did we discuss anything on time period that this thing will be allowed?

Delegate Mafnas: No, we are not restricting it.

Floor Leader Lizama: So it will be perpetual.

Delegate Mafnas: Yes.

Floor Leader Lizama: If I'm not mistaken, the report that came from the Consultant or the Economist of the EDLF, is there something in there that reflects the impact of this recommendation? If it is perpetual, it's suppose to be just for five-year period because, if I am not mistaken, the report is only for a five-year period.

Delegate Mafnas: No, the statement is that everything remains the same. The savings will be \$5.2 million. If more employees will retire, more savings will be realized. So that essentially was the report.

Floor Leader Lizama: I move to end debate, Mr. President.

Delegate King seconded the motion.

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President H. Guerrero: Let me recognize first Delegate Tenorio.

Delegate Tenorio: Thank you, Mr. President. This is just for clarification also. May I ask what's the retirement limit and what's the number of years that is the maximum for the full retirement?

Delegate Mafnas: The full retirement is 25.

Delegate Tenorio: Now, if a person retires at 25, is he going to be affected by this provision, the amendment?

Delegate Mafnas: If the employee has 25 years of creditable service or qualified service, yes.

Delegate Tenorio: Will he be affected also?

Delegate Mafnas: Yes.

Delegate Tenorio: Thank you.

The motion to end debate was carried by voice vote.

President H. Guerrero: We are voting now on the amendment.

The motion to adopt the amendment offered by Delegate Mafnas to Committee Recommendation No. 66 was carried by voice vote.

President H. Guerrero: We are back to Committee Recommendation No. 66, as amended. Discussions?

Delegate Nabors: I move for the previous question.

Delegate Mafnas seconded the motion.

President H. Guerrero: We will be voting now on Committee Recommendation No. 66, as amended.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 66, as amended, on Second and Final Reading was carried by 18 affirmative votes. Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, Luis Limes, Maria Pangelinan and Ramon Villagomez were absent.

Secretary Nabors: Mr. President, I have 18 affirmative votes, I have no negative vote, no abstention and six absences.

President H. Guerrero: Committee Recommendation No. 66 is passed by unanimous vote of all members present. We are now with Committee Recommendation No. 5 Delegate Torres?

Delegate Torres: Yes, I just asked the Sarge to check what's delaying the xerox.

President H. Guerrero: It's being passed out. While it's being passed, can you at least read, Secretary Nabors, Committee Recommendation No. 5?

Delegate Mafnas: I second to your statement.

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Secretary Nabors read Committee Recommendation No. 57 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 57

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article III of the Northern Marianas Constitution regarding Women's Affairs.

"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 III is amended to add a new section to read:

"Section \_\_\_\_ . Special Assistant for Women's Affairs.

"a) There is hereby established an Office of Special Assistant to the Governor for Women's Affairs. The Governor shall appoint a person, who is qualified by virtue of education and experience, to be the Special Assistant. The Special Assistant may be removed only for cause.

"b) It is the responsibility and duty of the Special Assistant to establish and implement a policy of affirmative action in the government and private sector to help women to achieve social, political and economic parity. The Special Assistant shall promote the interests of women, assist agencies of government and private organizations to plan and implement programs and services for women, monitor compliance of laws and regulations by government agencies and private organizations, organize community education strategies regarding the roles of women, and recommend to the governor and the legislature for consideration legislation of benefit to women.

"c) The Special Assistant maybe authorized to hire staff and shall promulgate rules and regulations in carrying out the responsibilities and duties.

"d) The Governor shall include in the budget of the executive branch the finding necessary to fully implement the provisions of this Section."

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I move for the adoption of Committee Recommendation No. 57 for Second and Final Reading.

Delegate Nabors seconded the motion.

President H. Guerrero: Let me recognize Delegate Inos.

Delegate Inos: On the committee recommendation, I would like to move to amend on line 11, delete the word "help" and substitute it with "assist" and further delete the word "to" after "women" on the same line.

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Delegate Mafnas seconded the motion.

President H. Guerrero: Can I get a clarification? Is that on line 11?

Delegate Inos: On line 11, it will read: "action in the government and private sector to assist women."

President H. Guerrero: Excuse me, I'm reading the Education. Is there a second to the motion?

Delegate Inos: Yes.

President H. Guerrero: Discussions?

There being no discussion, the motion to adopt the amendment offered by Delegate Inos was carried by voice vote.

President H. Guerrero: Delegate Torres?

Delegate Torres: Mr. President, I have an amendment here. I believe this is a fairly good amendment. On line 4, after the word "office", delete "of Special" and on line 5, "Assistant to the Governor", delete all those words. On line 6, after "person", delete the comma and insert "acceptable to a chartered women organization and is qualified by virtue of education and experience, period". And delete "to be the Special Assistant", on line 7, in its entirety. Following that, delete the word "Special" and insert the word "incumbent". On line 8, delete the word "Assistant". And going further down I would like to substitute the word "cause" for "malfeasance". On line 9, again after the words "duty of the", remove or delete "Special" and insert "incumbent". On line 10, remove the word "Assistant". And then on line 11, after the word "sector", put a period and delete everything else. On line 12, after the word "the", delete the word "Special" and insert "incumbent". On line 13, remove the word "Assistant". Going down to line 20, Subsection (c), again remove the words "Special Assistant" and put the word "incumbent" in. And there's a minor error here, you separate "may" from "be". On second page to add a Subsection (e) to read: "The Office for Women's Affairs shall be under the supervision of the Director of the Community and Cultural Affairs."

Delegate King seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 57, as offered by Delegate Torres. Discussions? Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. First question, what would be the position title for the Women's Affairs?

Delegate Torres: Still as stated. Actually the reason that I removed those things is unnecessary because the title is Special Assistant for Women's Affairs. It's indicated there already so it's redundant. Just put "incumbent". The title would still remain "Special Assistant".

Delegate Mafnas: Also, the amendment of "the Governor shall appoint a person acceptable to a chartered women organization," I don't know whether there is any such thing as chartered women organization.

Delegate Torres: The Ladies Association -- I think there is.

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Delegate Mafnas: Democrats or Republicans?

Delegate Torres: Both.

Delegate Mafnas: Another concern that I have is the removal clause -- malfeasance. Mr. President, I was a victim of this particular cause for removal and it took the court one week and it took me one week of pain, mental fatigue for me to prove that I was not guilty of this charge, malfeasance in public office. I would prefer that the same provision "removal only for cause". I prefer the provision "removal for cause". Going back, it says, the Governor shall appoint a person, then this is going to be placed under the supervision of the Director of Community and Cultural Affairs. It does not make sense. I am also concerned whether the position will be a Civil Service position. Is this the intent for placing it under the Director of Community and Cultural Affairs? I frankly like the original committee recommendation. It places importance to the office by placing it within the Governor's Office to be supervised by our Governor, the Chief Executive of our Government. It provides pride, attention, and importance to the office. And this is something that maybe we can say, well, you are wrong and I'm right and I don't want to argue. But by placing it under the Governor's Office or within the Governor's Office it places importance to the office, recognition to the office, and I really like Committee Recommendation 57 as is originally provided by the committee to the Convention. Perhaps I can be convinced if the mover of the floor amendment will try and explain the intent behind this and probably I can be satisfied.

Delegate Torres: Okay, Mr. President?

President H. Guerrero: Are you responding, Delegate Torres?

Delegate Torres: Yes, I will be responding.

President H. Guerrero: Please.

Delegate Torres: Okay. To my mind, making the women an adjunct of the Governor makes it even less important. I think if we are serious enough about this, it should be institutionalized in a department. This would give it more status than being an adjunct of the Office of the Governor. Of course, it would make it more salient, make it more visible by saying that it is a Special Assistant in the Governor's Office, but we have to consider the significance of this office. Putting it as an adjunct would really lessen the status of this Assistant or the Special Assistant for Women's Affairs. The major reason that I place it under the supervision of the Director of Community and Cultural Affairs is that this incumbent will be less susceptible to politicization because it is institutionalized already within a department. It will not be subject to the whims of political win. It will be guaranteed stability because it is institutionalized in a department. Now, the concern regarding changing from cause to malfeasance, I cannot really say much about this too since I am not really that familiar with legal terminologies of this. But all that I can say is that it makes things more specific. If you say cause, it could be for any cause. It could be for political cause and it could be for whatever cause that the person who appointed this incumbent deems appropriate. I think by making it a little bit more specific would give the incumbent a better view as to how he will behave in the office. I believe that institutionalizing this Special Assistant for Women's Affairs is what we need and this would give it status. It would give it stability, it would guarantee its funding and it would lessen politicization for this office to be used for political purposes. I think it is very important to insulate this

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office from politics. I'm sure it will be used for it. But if we can at least minimize the influence of politics to insulate it, get it away from the mainstream of politics, all the better I think for the women. On top of that by being under the supervision of the Community and Cultural Affairs, the women's affairs will have more leverage, in terms of getting more funding and in terms of doing whatever it wishes to do with local funding as well as federal funding. It would give it more independence. That is really my logic for placing it under a department because it would guaranty stability, insulate it from politics, insure stability and give status to it, and I think that's what it needs -- status. Thank you.

President H. Guerrero: Let me call Delegate Lizama first.

Floor Leader Lizama: Thank you, Mr. President. Since we only have two more days to end this Convention, I'm inclined to again use the word "ghost" and I hope that we don't come out producing something that would be coming from the ghost. If you look at Article III, Section 15, there's a provision providing for fifteen executive departments but none of the executive departments were mentioned in that provision. Now, if we are going to adopt the committee recommendation and lodge the Special Assistant for Carolinian Affairs into the Department of Community and Cultural Affairs, in essence what we would be doing would be to constitutionalize the Department of Community and Cultural Affairs and I don't think that there is logic to doing that. To do so would be inconsistent to the already mentioned in Article III, Section 15. So if the intent is to constitutionalize the Department of Community and Cultural Affairs, then there is logic. But if not, then there is no logic.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I was just going to say that but that thing escapes my mind. Mr. President, I cannot agree that by divisionalizing the Office of the Special Assistant for Carolinian Affairs, it will give more status. A department than a division by divisionalizing it, it lowers its status.

Delegate Torres: It's not divisionalizing, it's institutionalizing.

Delegate Mafnas: Well, it doesn't matter how you call it but it cannot be equal to the Department of Community and Cultural Affairs. It has to be lower than the Department of Community and Cultural Affairs. And the next line is the division, so it will be a division. If it's placed within the Governor's Office, I don't know who will say that it doesn't have a status. It is part, it will be part of the Governor's Office. If you draw a line, it's right there; it's next to the Governor's box. So that, to me, will provide more status. It would indicate the importance of this office since we are putting it in the Constitution and the funding will definitely be no problem because the Governor reprograms and the Special Assistant does not have to go through the Director of Community and Cultural Affairs before he or she wants to have additional funding. She or he just walks into the Governor's Office and says: Mr. Governor, I need \$50,000, will you kindly see and try and reprogram x-thousand for this project. So it really makes the job of the Special Assistant a lot easier and more by having it within the Governor's Office. As far as divorcing it from political influence or pressure, if he's appointed by the Governor, then the fact of the matter is that the political pressure is there or any kind of pressure. The only way to minimize a political pressure will be to classify the position of Special Assistant. Again that will be inconsistent with the other positions of Special Assistants in the Governor's Office. If this office is going to be placed under the Department of Community and

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Cultural Affairs, then we should call it Chief for Women's Affairs and not Special Assistant. Again by having the position titled "Chief", it is not or it will not be classified, it will be under accepted service contract. So I don't want to see this position lower than the chief. I want to see it higher than the chief. So, it's very, very difficult to really say, well, we want to remove politics from it because it is almost next to impossible to do that. So I move to end debate.

Delegate Torres: Point of information, Mr. President.

President H. Guerrero: State your point.

Delegate Torres: The logic really behind this is that the Governor's Office small as it is and we know also from seven years of experience that the Office of Carolinian Affairs has never been in that office. So you know, let's face the facts. This, and I'm sure of this, may never be in the Governor's Office. It may be placed perhaps as far away from the Governor's Office as possible.

Delegate Mafnas: Point of information. I wasn't referring to the location or its physical location; I was referring to the organizational set up.

Delegate Torres: But if we are talking about accessibility, I believe that that what gives its status and what that gives it more advantages that it will be very accessible to the Governor. I agree that perhaps they have direct line. But as again from the experiences of the Carolinian Affairs Office, it is not really working as intended to be. So I don't know. I thought that I was elevating the status of the women by doing this, by insulating it from the political instability and from making sure that they get what they need by institutionalizing it and not just making it an adjunct of the executive branch. My assumption was that it would make this office more secured. Thank you.

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

Delegate Ogumoro: I would yield to Delegate Inos. I thought I saw her hand up.

President H. Guerrero: Delegate Inos?

Delegate Inos: Yes, Mr. President, I thought you took my name down, but you forgot.

President H. Guerrero: I'm sorry, I apologize, I didn't see your hand.

Delegate Inos: On the amendment, I have a trouble of grasping the concept. If he is going to be appointed by the Governor, yet he should be under the Community and Cultural Affairs Office, I am just trying to envision this person who will be appointed by the Governor and then to have a director who will be the Community and Cultural Affairs Director. I automatically think that it is going to be creating a conflict here. I see this office as a very dynamic office and a person in this office will be looking after all kinds of things not just rights and interests but many different interests and I see this person or this office not being tied down with differences other than the Governor. To add another person aside from the Governor is going to be conflicting with the intent of this particular provision. If, on Section (d) we say that the Governor shall include in the budget of the executive branch the funding necessary to fully implement the provisions of this section; we a

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going to be placing it under the Community and Cultural Affairs then normally I would assume that it will be in the Community and Cultural Affairs' budget submitted to the Governor and not necessarily the Women's Affairs Office working on her or his own budget to submit to the Governor. So putting this under a particular division or a particular department is really not helping the matter any. It is suppressing the very existence of the particular intent because you cannot be as dynamic as....

Delegate Torres: Point of information.

Delegate Inos: Go ahead with your information.

Delegate Torres: If you take a broader perspective, it seems like we are looking at these things very narrowly. Actually the Women's Affairs Office would be all the better because not only would the Governor be helping this office but the Community and Cultural Affairs Office as well. So I don't see any conflict here. It is more advantageous for the office because they will be getting assistance from two directions on top of the federal assistance.. So, don't look at this in a much broader perspective. As far as I am concerned, there's no conflict. It will only help this office grow and prosper.

Delegate Inos: That's where I disagree with you, Delegate Torres. I would feel suppressed under this condition. I would feel that I would always have to be -- first of all, I would be listening to two bosses. One will be the Community Affairs Director and the other one will be the Governor.

Delegate Mafnas: If you ever get to the Governor.

Delegate Inos: If I ever get to the Governor, yes. I'm very negative on this. And implementing the goals of the office might be a little bit hard under a particular department.

Delegate Mafnas: I move for the previous question.

Delegate King seconded the motion.

President H. Guerrero: Let me first recognize Delegate Igitol and then Delegate Lizama.

Delegate Igitol: Mr. President, just for curiosity here and maybe Delegate Ogumoro can answer this question. It's just a simple question. How would the Carolinian ladies go about this? They have the Carolinian Affairs Office, and if they have any problem, they have to go to that office. And how would they do it again in going to the Women's Affairs Office? Just a curiosity.

Delegate Mafnas: Mr. President, I will assist the delegate.

President H. Guerrero: Delegate Ogumoro, would you like to respond to that, or would you allow Delegate Mafnas?

Delegate Ogumoro: I will allow my colleague to respond.

Delegate Mafnas: Well, if it's women's affairs, they will go to the Women's Affairs Office if her problem is regarding women. If her problem is relative to water problem, power problem and road problem, she will definitely go to the Executive Assistant for Carolinian Affairs.

Delegate Igitol: What happens to the Precinct Commissioners?



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Delegate Mafnas: Or to the Precinct Commissioners. Thank you for reminding me.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Yes, thank you, Mr. President. I think maybe I did not give the delegates my point in suggesting that if we are going to lodge this office into the Department of Community and Cultural Affairs that that will make the department a constitutionally created department. Now, the present Constitution does not or did not create any department. So maybe what Delegate Torres is trying to suggest is that this office could be lodged in a department. But to mention the name of the department in the Constitution would, and of itself, make that department a constitutionally created department. And I think that is the issue here that is very important.

Delegate Torres: I agree with you, Delegate Lizama.

Floor Leader Lizama: So I hope that that is well understood because we don't want to be creating a constitutional department just find out in the end or at a later time that we don't want that department or we want that department to be called a different name. So I move for the previous question.

Delegate Mafnas seconded the motion.

The motion to adopt the amendment offered by Delegate Torres to Committee Recommendation No. 57 was defeated by a raising of hands vote of two for and five against the motion. The rest abstained.

President H. Guerrero: We are back to the main motion.

Delegate Mafnas: I move for the previous question.

Delegate Mundo seconded the motion.

President H. Guerrero: We are voting now on Committee Recommendation No. 57 as amended. Secretary Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 57, as amended, on Second and Final Reading was voted on follows:

YES: Delegates David Cing, Herman T. Guerrero, David Igitol, Rita Inos, Juan Lizama, Jesus Mafnas, James Mendiola, Aniceto Mundo, Felicidad Ogumoro, William Nabors and Karl Reyes. (11 votes)

NO: Delegates Vincent Calvo and Esteven King. (2 votes)

ABSTAIN: Delegates William Torres, Joaquin Tenorio, Francisco Tomokane, and Ignacio Villanueva. (4 votes)

ABSENT: Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, Luis Limes, Paul Manglona, Maria Pangelinan and Ramon Villagomez.

And the motion was carried.

Secretary Nabors: Mr. President, I have 11 affirmative votes, two negative votes, four abstentions and seven absences.

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President H. Guerrero: Committee Recommendation No. 57 passed by 15 votes.

Delegate Torres: Mr. President?

President H. Guerrero: Yes?

Delegate Torres: If I am in order, I want to serve notice to recall 57.

Delegate Tomokane seconded the motion.

President H. Guerrero: Okay.

Delegate Igitol: Point of information, Mr. President. Yesterday, you announced that the last day is yesterday to recall.

President H. Guerrero: No, I thought yesterday was Saturday.

Delegate Igitol: Okay; it's alright.

President H. Guerrero: Tomorrow. Actually we will finish on Monday.

Floor Leader Lizama: I move for recess.

Delegate Nabors: Five minutes recess.

Floor Leader Lizama: No, adjourn until tomorrow.

President H. Guerrero: What would be the consensus of the members? Do you want to continue?

Delegate Igitol: Mr. President, if we recess and come back later, most of us will not be back.

Delegate Mafnas: I object to that, Mr. President. Either we recess now and come back tomorrow, or we stay and finish it.

President H. Guerrero: Can we suspend the Order of the Business and go down and entertain the others then? Delegate Ogumoro?

Delegate Ogumoro: Isn't the Committee Recommendation on Education ready?

President H. Guerrero: It is. Can we take that before we suspend the rules to entertain other things? Secretary Nabors, can you read Committee Recommendation No. 64?

Delegate Mendiola: Is the proposed amendment for First Reading?

President H. Guerrero: It's for Second and Final Reading.

Delegate Mafnas: The Secretary, Mr. President, is very tired.

President H. Guerrero: One more and then we go home.

Secretary Nabors read Committee Recommendation No. 64 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 64

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"A PROPOSED CONSTITUTIONAL AMENDMENT

"To repeal Section 13 of Article III, and to amend Article XV relative to education.

"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 on the second Monday of January 1988, Section 13 of Article II is repealed.

"II. Effective on the second Monday of January 1988, Article XV is amended to read:

"ARTICLE XV: EDUCATION

"Section 1. Elementary and Secondary Education.

"a) Every person in the Northern Mariana Islands shall have the right to free, compulsory and public elementary and secondary education with age and educational levels provided by law. The educational system shall recognize the distinct and unique cultural heritage and indigenous way of life of the people and shall be committed to provide for the language needs of the people and the preservation of their cultural integrity within a global community.

"b) Administration of the public elementary and secondary system of the Commonwealth shall be the responsibility of a superintendent of education appointed by a representative board of education. The board of education shall formulate policy and exercise control over the public school system through the superintendent. Other matters pertaining to its operations and duties shall be provided by law.

"c) The board of education shall be composed of seven members, one of whom shall be elected on a nonpartisan basis from the first senatorial district, one of whom shall be elected on a nonpartisan basis from the second senatorial district, two of whom shall be elected on a nonpartisan basis appointed by the governor with the advice and consent of the senate. At least one member appointed by the governor shall be a woman and at least one member shall be a person of Carolinian descent. Elected members of the board of education shall serve a term of four years commencing on the second Monday of January in the year following the regular general election at which they were elected. Appointed members of the board of education shall serve a term concurrent with the term of the governor and shall sit until their successor is appointed and qualified.

"d) A member of the board of education shall be qualified to vote in the Commonwealth, at least twenty-five years of age, and a resident and domiciliary of the Commonwealth for at least five years immediately preceding the date on which the member takes office. A longer residency and domicile requirement may be provided by law.

"e) The public elementary and secondary education system shall be

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guaranteed an annual budget of not less than fifteen percent of the general revenues of the Commonwealth. The budgetary appropriation may not be re-programmed for other purposes, and any unencumbered fund balance in a fiscal year shall be available for reappropriation.

"Section 2. Higher and Adult Continuing Education.

"a) The legislature shall establish by law a Northern Marianas College that shall be headed by a president. The president of the college shall be appointed by a representative board of regents. The board of regents shall be appointed to staggered terms by the governor and shall formulate policy and exercise control over the college through the president. The composition of the board of regents and other matters pertaining to its operations and duties shall be provided by law.

"b) The mission of the college shall be to provide the best quality and meaningful postsecondary and adult educational opportunities for the purpose of improving the quality of life for the individual and for the Commonwealth as a whole. The college shall be responsible for providing education in the areas of adult and continuing education, postsecondary and adult vocational education and professional development for the people of the Commonwealth.

"c) The college shall be guaranteed an annual budget of not less than one percent of the general revenues of the Commonwealth. The budgetary appropriation may not be reprogrammed for other purposes, and any unencumbered fund balance in a fiscal year shall be available for reappropriation."

President H. Guerrero: Any motion to adopt Committee Recommendation No. 64?

Floor Leader Lizama: Mr. President, I move.

Delegate King seconded.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 64. Discussions? Delegate Villanueva?

Delegate Villanueva: Question. Can the committee explain why we are electing some of the Board of Education members, why are we appointing some of them and why are we appointing all the members of the Board of Regents? And what is the difference between the two boards and the consideration thereof?

President H. Guerrero: Can the committee answer that? Delegate Lizama?

Delegate Lizama: Yes. The committee felt that to assure that there will be a woman representative in the Board of Education and also that there would be a Carolinian descent representative, that this can be better served by the appointment process rather than by the election process. The committee also felt that by providing for those two appointments, which I've already mentioned, that the Governor can assure also the quality of the Board of Education. Obviously, the hindsight of this is that the Governor would always appoint someone that would be most qualified in these two distinguished sectors of our community -- the Carolinian sector and the women population sector.

Delegate Villanueva: Follow up.

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President H. Guerrero: Just a minute. Delegate Ogumoro, would you like to augment?

Delegate Ogumoro: No, not at this time. I think he has answered what Delegate Villanueva's concerns were.

President H. Guerrero: Delegate Villanueva, do you still have questions?

Delegate Villanueva: Yes, one more.

President H. Guerrero: Please.

Delegate Villanueva: I notice that in the Board of Education we are considering a woman of Northern Marianas descent. Are we not concerned about this too in the Board of Regents? And can the committee explain why we are only concerned of the elementary and secondary and not the postsecondary education?

Delegate Lizama: Yes, Mr. President, if I may answer that.

President H. Guerrero: Delegate Lizama?

Delegate Lizama: The committee felt that there is a great difference between the Board of Education and the Board of Regents. On the normal situation, the Board of Regents is never an elected board. Most institutions of higher learnings have appointed board members rather than elected board members as opposed to Board of Education members. And it was the committee's determination also that if the Board of Regents will require election that this may discourage many donors of funds to the higher education entity. Now, we have the Northern Marianas Community College. And also the higher institution oftentimes requires expertise that the Board of Education does not necessarily require. By this, I mean that the most significant concern of the Board of Education is to provide for equitable representation in the policy-making of our elementary and secondary education system, and oftentimes the expertise required are not as great as the expertise that will be required in a higher educational level. So those are the concerns that were thought out by the committee.

Delegate Ogumoro: To add to what the Chairman has provided to the delegates we do not need to specify that there will be a representative of the women on the board or a representative of the Carolinians on the board. Public Law 1 would take care of that.

Delegate Villanueva: Before I leave the mike, Mr. President....

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: I am in opposition with this proposal or this recommendation because it discriminates. Because we elect and we appoint into the Board of Education and we recognize the women and the Carolinian and we don't elect and appoint into the Board of Regents. I felt that the committee looked at the Board of Regents as not as important as the Board of Education. I suggested too that kindergarten be included. I don't think they even care about the very young children. I refuse to entertain or to support a recommendation that discriminates. I like discrimination if you go all the way. But this is half discrimination; it hurts. Thank you, Mr. President.

President H. Guerrero: Let me recognize Delegate Ogumoro.

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Delegate Ogumoro: Yes, the only reason why we have to provide for the Board of Education that there be three appointments is just to insure that the women and the Carolinians are represented on the board. We are not sure whether those two categories or those two groups will be represented if we provide that all of the members would have to be elected. Since the Board of Regents will be appointed, the committee feels that there is no need to specifically mention that there has to be a woman, at least one woman or at least a person of Carolinian descent on the board. That should be taken care of by Public Law 1-8, and if the proposed amendment that we just passed is adopted or ratified, that would further protect that interest.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. We passed a proposed amendment earlier calling for the election of all members of the board. I now move that we adopt that amendment, Mr. President.

Delegate Torres seconded the motion.

Delegate Ogumoro: What amendment are you referring to?

President H. Guerrero: Delegate Nabors, can you be more clear, please?

Delegate Nabors: Yes, there was an amendment passed out earlier to all the delegates calling for Board of Education shall have five members elected at large on a nonpartisan basis as follows: One from the first senatorial district, one from the second senatorial district and three from the third senatorial district.

Delegate Mafnas: May I be privilege for a copy of the amendment, please? Mr. President, I move for three minutes recess.

Delegate Mendiola seconded the motion.

There being no objection from the floor, President Guerrero declared the Convention recessed at 7:52 p.m.

RECESS

The Convention reconvened at 7:56 p.m.

President H. Guerrero: The session is back to order. The Chair would like to announce that it made a mistake in reference to Committee Recommendation No. 65. That Committee Recommendation No. 65 actually failed. We need 14 votes and we only had 12, so it failed.

Delegate Mafnas: Mr. President, I knew that.

President H. Guerrero: Why didn't you tell me that 65 failed?

Delegate Mafnas: That's on the Legislature's composition.

Delegate Torres: I want to formally request for a recount.

Secretary Nabors: On 65, your vote please?

Delegate Torres: Delegate Lizama is not here.

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Delegate Nabors: So we have to verify this tomorrow then.

Delegate Torres: Could be revote tomorrow on that thing?

Delegate Calvo: No, we will verify it only. Okay, let's go onto the other matters.

President H. Guerrero: Let's continue with the discussions.

Delegate Mafnas: No, you just take it as a fraction thereof; 18 members, three-fourths of that would be 13.

Secretary Nabors: 13.5, there are only 12 votes made.

Delegate Mafnas: Yes, so it's one vote lower.

President H. Guerrero: It is still off by one vote, so therefore, it is defeated.

Delegate Mafnas: Right.

Delegate Torres: How many does it need to pass?

President H. Guerrero: It needs about 14 votes; you need to round it off.

Delegate Torres: Did you verify the number of people who were here?

President H. Guerrero: There were 18 members present. There were six nays, four abstentions and eight ayes.

Delegate Torres: I will ask for recall.

Delegate Mafnas: Mr. President, I give notice to recall or reconsider Committee Recommendation No. 65.

President H. Guerrero: Your notice has been noted by the Chair. Where are you who was offering an amendment or something?

Delegate Nabors: I'm offering an amendment to the ducation requiring an election of the board members and I would like to have the opportunity to deliberate.

Delegate Mafnas: And I also, Mr. President, give notice to recall -- no, never mind.

Delegate Nabors: On behalf of my colleague, Delegate Lee, and I, we offer this amendment for your consideration. Colleagues, I have no doubt that a woman will be elected to represent the island of Tinian on the Board of Education. I think, too, that a woman will be elected from the island of Lut. I hope that a Carolinian will be elected among the three allocated for the island of Saipan. But I do not support continuing to make special exceptions and the law for particular groups. I don't think it is healthy and I believe that we have to either have an appointment or an election, but not both.

President H. Guerrero: Was your motion seconded, Delegate Nabors?

Delegate Torres seconded the motion.

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President H. Guerrero: Any other discussions? Delegate Inos?

Delegate Inos: Question on the proposed amendment. On the motion, that the two highest vote getter will serve for a term of four years and the three second highest vote getter will serve for a term of two years. I foresee a problem here because instantly the two highest vote getter will always be from Saipan because the population here is larger, nine times.

Delegate Nabors: And they have the largest school population as well.

Delegate Inos: Right.

Delegate Torres: So why not? Well, one way to rectify this problem is to just go ahead and allow the first and second senatorial districts to serve for four years. I don't mind that.

Delegate Mafnas: Or make the election, Mr. President, Commonwealth-wide.

Delegate Mendiola: Suggestion?

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: How about if we put instead of highest vote getter, draw slot.

Delegate King seconded.

President H. Guerrero: If there is no objection, Delegate Mendiola is recommending that probably they will draw slot. Can you read your amendment, Delegate Mendiola?

Delegate Mafnas: Mr. President, point of clarification. How can you have two highest? There is only one highest. The highest and the second highest.

Delegate Nabors: That's if by drawing of slot.

Delegate Mafnas: Between the first and the second highest?

Delegate Nabors: All five.

Delegate Mafnas: All five? Oh, I see. Okay. I have no objection to that.

President H. Guerrero: Can somebody read the language to that effect?

Delegate Mendiola: Delegate Nabors, could you make up this?

President H. Guerrero: Let's recess for about three minutes so you can draft the language.

There being no objection from the floor, President Guerrero declared the Convention recessed at 8:03 p.m.

RECESS

The Convention reconvened at 8:05 p.m.

President H. Guerrero: The session is called back to order. Secretary Nabors



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Secretary Nabors: My language is as follows: The sentence "in the third senatorial district, period" and to strike the following sentence and insert in lieu thereof the following "The terms of the first members elected shall be determined by the drawing of slots with three members serving a term of four years and two members serving a term of two years." I'll repeat: "The terms of the first members elected shall be determined by the drawing of slot with three members serving a term of four years and two members serving a term of two years."

Delegate Mafnas seconded the motion.

Delegate Mafnas: I move to end debate.

Secretary Nabors seconded the motion.

The motion to adopt the amendment offered by Delegates Nabors and Torres was carried by voice vote.

President H. Guerrero: We are back to the original committee recommendation, as amended. Delegate Mafnas?

Delegate Mafnas: Mr. President, I move for the previous question.

Delegate Mendiola seconded the motion.

President H. Guerrero: We will be voting on this one now. Secretary Nabors?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 64, as amended, on Second and Final Reading was voted on as follows:

YES: Delegates Vincent Calvo, David Cing, Herman T. Guerrero, Rita Inos, Esteven King, Jesus Mafnas, James Mendiola, Aniceto Mundo, William Nabors, Felicidad Ogumoro, Karl Reyes, Joaquin Tenorio, Francisco Tomokane and William Torres. (14 votes)

ABSTAIN: Delegate Ignacio Villanueva. (1 vote)

ABSENT: Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, David Igitol, Benusto Kaipat, Luis Limes, Juan Lizama, Paul Manglona, Maria Pangelinan and Ramon Villagomez.

And the motion was carried.

Secretary Nabors: Mr. President, I have 14 affirmative votes, I have no negative vote, I have one abstention and I have nine absences.

President H. Guerrero: Do we have nine absences already?

Secretary Nabors: Nine already.

President H. Guerrero: So Committee Recommendation No. 64 passed by 15 vote

Delegate Mafnas: Mr. President, point of observation.

President H. Guerrero: Yes.

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Delegate Mafnas: Will you kindly admonish your Floor Leader for leaving us? He is supposed to keep us in order.

President H. Guerrero: The Floor Leader asked to be excused. He had an appointment at eight. I believe a couple of committee recommendations that are supposed to be up for reconsiderations were deferred, 40 and 20. Do the members have any objection to considering these tomorrow?

Delegate Mafnas: No objection. Let's go down to 21. Your favorite subject, Mr. President.

President H. Guerrero: Can we take this up tomorrow? Let's not ruin the Bishop's....

Delegate Mafnas: Point of information. I think if we were to commit sin tomorrow, then it compounded the punishment by God.

President H. Guerrero: Point of observation. We don't want to put the Bishop let the Bishop for a lot of praise....

Delegate Inos: Mr. President, can we take this on Tuesday?

Delegate Torres: Mr. President?

President H. Guerrero: Yes, Delegate Torres?

Delegate Torres: If I'm not out of order, I'd like to....

President H. Guerrero: Can I at least recognize Delegate Mendiola first because I know what you wanted? Delegate Mendiola?

Delegate Mendiola: Mr. President, I think everybody is tired. I don't think we are concentrating deeply to our works, so may I move...?

President H. Guerrero: Okay, wait. The Chair would like to take up Committee Recommendations 40, 20, 58, 19 and 21 tomorrow.

Delegate Ogumoro: Mr. President, I move that we reconsider Committee Recommendation No. 27 tomorrow.

Delegate Mafnas: I second that on behalf of justice.

President H. Guerrero: Is there any objection?

Delegate Mendiola: Objection.

President H. Guerrero: Delegate Ogumoro, it cannot be considered tomorrow. There is an objection and we need unanimous consent. Are you giving notice?

Delegate Ogumoro: Yes, to suspend our Rules to consider this tomorrow.

Delegate Igitol: Question?

President H. Guerrero: Delegate Igitol?

Delegate Igitol: Is there anything in our Rules that dictates how many times we should recall or reconsider an item?

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President H. Guerrero: Delegate Igitol?

Delegate Igitol: I have a request, Mr. President. When we are going to take up the abortion, I'd like to request for secret ballots. And if the subject is approved tomorrow, I'll ask the media to release it on Tuesday.

President H. Guerrero: I don't know what's the procedure for secret ballot.

Delegate Igitol: I think, Mr. President, it's allowable.

President H. Guerrero: I need to check in the Rules of Procedure as well as the Robert's Rules what it calls for because I honestly don't know the answer at this time.

Delegate Igitol: It's going to be excommunicated.

Delegate Mafnas: Exactly. Are we on Miscellaneous?

President H. Guerrero: Yes.

Delegate Mafnas: I have a concern.

President H. Guerrero: Can I recognize Delegate Torres?

Delegate Mafnas: Yes, I will yield to my junior delegate.

Delegate Torres: Thank you, senior. I don't want to be obnoxious but I really feel that we need to improve 64 further. So I'm going to give notice to recall it. And on top of that, I would like for a new, glaze proposal to be placed on the General Orders for tomorrow: "To add a new section to establish the Office of the Indigenous Affairs in the executive branch." Thank you.

President H. Guerrero: Are you suspending the rules to go back to Introduction of Proposals?

Delegate Torres: If I'm allowed to do that.

Delegate Mundo: No objection.

President H. Guerrero: Okay. Are you finished, Delegate Torres?

Delegate Torres: Do I have to formally announce it under Introduction of Proposals?

President H. Guerrero: Do you want to read the title?

Delegate Torres: Okay. The title is "To add a new section in the Commonwealth Constitution to create the Office of the Indigenous Affairs in the executive branch." Thank you.

President H. Guerrero: Delegate Mafnas? We are back to Miscellaneous.

Delegate Mafnas: Thank you, Mr. President. I cannot help it but to echo my concern relative to Delegate Manglona. He left the Convention, Mr. President, as soon as we reconsidered and approved the amendment to Committee Recommendation 41. I hope that he did not wait all day just for that purpose. I think

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it is unfair for the members to be here suffering and if my observation is correct, then I am very, very disappointed that I voted for the committee draft 1 on Committee Recommendation 41. If we are going to suffer, let us suffer together. That I hope that it was not a selfish interest. Thank you.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I would like to echo that concern as it relates to all of our absences. And I consider it deplorable that we sought the confidence of the public to come over here and do our best in the interest of the welfare of the Commonwealth. I can understand the situation with respect to Delegate Villagomez having a death as an immediate family but the other delegates, I can find no sympathy and no excuse and I'm very, very disappointed. So I would like the record to show that I echoed the sentiment expressed by colleague, Delegate Mafnas, and I wish to have it applied to all the delegates who are absent. And I hope that we can have a better attendance tomorrow and Monday so that we can complete our work. Those of us who are from other islands are extremely handicapped. We have children, I have cattle and I don't know whether or not they still exist. The sakki (stealer) may have finished everything. My children, we talked last evening after the phone service of Tinian was out for three days and they wanted to know whether or not, or why have we abandoned them, not even to call. And it is a great sacrifice to us. I know it is also a great sacrifice for those of you who live on the island. But let's be considerate of others and let's try to cooperate and finish our work and we can all go home, back to our families. Thank you.

President H. Guerrero: Delegate Tomokame?

Delegate Tomokame: Perhaps, Mr. President, those delegates who are absent today are writing up more proposals for tomorrow.

President H. Guerrero: I'd would like also to express my disappointment and despite the fact that the members sometimes they asked that this member be excused. Since the Presiding Officer is the person responsible to the funds, if they are not here and doing their business, I'm sorry but I don't want to be audited later on and say that so and so did not show up. How do I justify the expenses for that person? So I would suggest that in the future probably unless the members actually gave valid reasons for being absent, they either here or not. I understand and know Delegate Villagomez why he is not here but some other members, they never let us know. I'm very disappointed. Delegate Cing?

Delegate Cing: Yes. I just want to add to that, Mr. President. I want the record to show that I want the Northern Marianas citizens to know that we who continuously dragged ourselves to the end of this Convention are the heroes of the Northern Marianas. Thank you.

(Applause)

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

Delegate King: Thank you, Mr. President. I think I don't have anything to say for those people who are absent but I believe they have something to say to the President. I observed, I think, three times that everytime when an issue comes to a very heated issue, I raised my hand and you just ignored it. I hope that you should not take into consideration that because of your brother

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running for Saipan as a Senator and I cannot vote for Saipan. However, you should exercise by recognizing the delegates from Tinian and Rota when such issue is really concerned our islands. Thank you.

President H. Guerrero: Thank you for your concern, Delegate King, but I honestly didn't see your hand. And if because of that one incident your are making a generalization and I did recognize your hand, I mean I noticed your hand at that time but I didn't see that other times and I apologize if I didn't see it. But I had no intention of not calling you just because my brother is running for the Senate.

Delegate Mafnas: I believe that, Mr. President.

Delegate Igitol: Me, too.

President H. Guerrero: Any other miscellaneous business? If not, we are in Announcements. Delegate Reyes?

#### ANNOUNCEMENTS

Delegate Reyes: On the lighter side, Mr. President, we've been talking about our voting rights over here, so I'd like to invite our delegates to go and vote tomorrow. Thank you.

Delegate Inos: Can we vote, too?

President H. Guerrero: I believe there's a primary tomorrow. I was informed So it might be good to exercise your rights at that time whatever. If we don't have any more announcements, Delegate Mafnas?

Delegate Mafnas: Mr. President, Delegate Nabors gave your Committee on Governmental Institutions a proposal. We will try our best to look at that proposal and see whether we can make an accommodation. If we can do it, then that will be the last report by your Committee on Governmental Institutions. Other than that, we have disposed of all proposals and they are now in the file or ready to be closed.

President H. Guerrero: Can I ask Delegate Mafnas that you inform your chairman to provide -- do you have a disposition of all the proposals?

Delegate Mafnas: Yes. Within the committee, we have a disposition and we can provide the Convention with the complete disposition of all the proposals.

President H. Guerrero: I would appreciate. The Chair is ready to entertain adjournment. Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I'd like to, with the concurrence of my colleagues, move that we adjourn until 9:30 tomorrow morning.

Delegate Cing seconded the motion.

President H. Guerrero: Can I recommend that at least start a little bit late or something because at least those considerations that we kept deferring will give time to the members to go over them so we don't keep deferring those matters?

Delegate Nabors: Okay, Mr. President, I'd like to move that we adjourn until one tomorrow afternoon.

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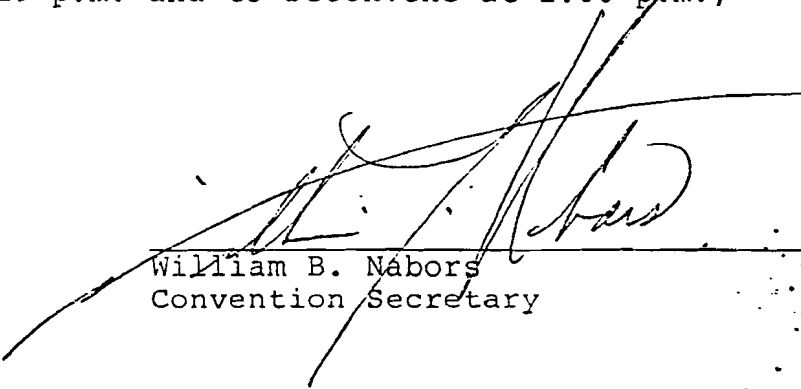
Delegate Villanueva seconded the motion.

There being no further discussion, the motion to adjourn was carried by  
voice vote.

The Convention adjourned at 8:29 p.m. and to reconvene at 1:00 p.m.,  
Sunday, July 21, 1985.

APPROVED:

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Herman T. Guerrero, President  
Northern Marianas Constitutional  
Convention

  
\_\_\_\_\_  
William B. Nabors  
Convention Secretary

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

SUMMARY JOURNAL

Saturday, July 20, 1985

Thirty-third Day

The session for the 33rd Day of the Northern Marianas Constitutional Convention was called to order at 9:59 a.m., by President Herman T. Guerrero. Nineteen (19) members were present; Delegates Villagomez, Pangelinan, Igisomar, Tomokane, and Lorenzo Guerrero were absent. The 32nd Day Summary Journal was adopted by voice vote, as were the Verbatim Journals for the 15th, 16th, and 17th Days.

There were no Communications. There was no Introduction and First Reading of Referral of Proposals.

At 10:05 a.m., the Convention resolved into a Committee of the Whole with Delegate Juan Lizama to chair. The Committee was to consider Committee Recommendation (CR) Nos. 57, (Women's Affairs) 55, (Transitional Matters) 65, (Composition of the Senate and House of Representatives) and 66, (Civil Service/Retirement Fund). CR No. 66 was added to the printed agenda.

At 11:54 a.m., the Committee of the Whole recessed until 2:00 p.m.

At 2:16 p.m., the Committee of the Whole resumed deliberations.

At 3:55 p.m., it was moved and seconded that the Committee rise and report. Chairman Lizama reported the CR No. 57 was adopted as amended, CR No. 55 was withdrawn, CR No. 65 was adopted and CR No. 66 was adopted. The Convention accepted the report of the committee on a voice vote. There was a brief recess.

At 4:16 p.m., the Convention resumed. There were no General Orders of the Day. There were a total of 17 proposals (3 were added) for Second and Final Reading.

CR No. 63, (Appropriate Bills) passed on a 17-0 vote with seven (7) absent; CR No. 64, (Education) passed, as amended, on a 15-0 vote with nine (9) absent; CR No. 57, (Women's Affairs) passed on a 15-2 vote with seven (7) absent; CR No. 55, (Transitional Affairs) was withdrawn; CR No. 65, (Composition of the Senate and House of Representatives) failed on a 12-6 vote with six (6) absent; CR No. 51, (Marianas Public Land Corporation) was reconsidered and passed, as amended on an 18-0 vote with six (6) absent. CR No. 16, (Ratification of Amendments) was not reconsidered, and CR No. 40, (Corporations) was deferred.

CR No. 20, (Acquisition) was deferred; CR Nos. 35 and 27, (Qualifications of Voters and Citizenship) were both withdrawn from reconsideration. CR No. 20, (Resident Representative) was reconsidered and a substitute recommendation passed on a 18-0 vote with six (6) absent. CR No. 42, (Gambling) did not meet sufficient votes for reconsideration; CR No. 41, (Local Government) was reconsidered and passed, as amended, 18-0 with six (6) absent. CR No. 66, (Civil Service/Retirement System) was passed, as amended, on an 18-0 vote, with six (6) absent.



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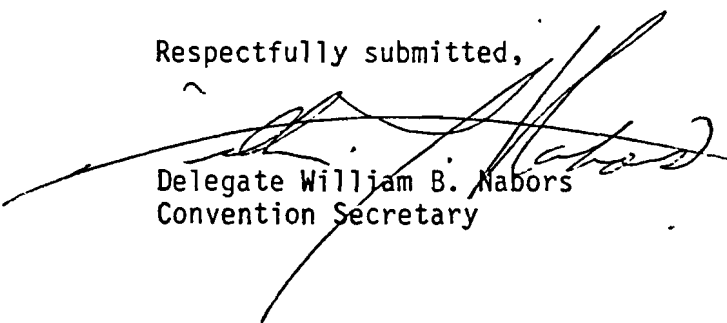
Delegate Ogumoro moved that CR No. 27, (Citizenship) be reconsidered July 21, 1985.

In Miscellaneous Business, Delegate Villanueva objected to CR No. 27 being brought up again, complaining that he was being "mentally molested" by its opponents. Delegate Igitol inquired about the possibility of a secret ballot on the abortion issue. Delegate Torres announced he wanted to introduce a new proposal. Under Suspension of the Rules, Delegate Torres read, for purposes of Introduction, a proposal "To establish an Office of Indigenous Affairs in the Executive Branch."

In other Miscellaneous Business, Delegate Mafnas noted that Delegate Manglona left the session hall after the vote was taken on CR No. 41. Delegate Nabors criticized the "deplorable" absenteeism at the Convention. Delegate Tomokane suggested that those absent might be writing more proposals. President Herman Guerrero also said he was disappointed by the absences. Delegate Cing suggested that those on hand are the "heroes of the NMI." Delegate King complained that he had not been called on to speak during the session. President Guerrero apologized for any problem in recognizing Delegate King.

At 8:32 p.m., it was moved and seconded to adjourn the Convention until 1:00 p.m., July 21, 1985.

Respectfully submitted,



Delegate William B. Nabors  
Convention Secretary