

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

THIRTY-FIFTH DAY

Monday, July 22, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:56 a.m., Monday, July 22, 1985, in the Convention Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

President H. Guerrero: Secretary Nabors, roll call, please.

The Convention Secretary called the roll, and 22 members were present. Delegates Juan Lizama and Maria Pangelinan were absent.

President H. Guerrero: We have a quorum and a majority to conduct the Order of Business. Before we proceed, the Floor Leader asked that I appoint another one to be the acting Floor Leader and I have asked that Delegate DL. Guerrero be the acting Floor Leader for today.

Acting Floor Leader DL. Guerrero: Thank you, Mr. President, for the indulgence of our Floor Leader in appointing me to substitute him for today. At this time, I move to adopt the 34th Day's Summary Journal.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the 34th Day's Summary Journal for Sunday, July 21st, 1985. Discussions? Delegate Reyes?

Delegate Reyes: Mr. President, on the second page, line 5 from the bottom of the first paragraph, beginning with the sentence "Delegate Reyes expressed further opposition to the real estate (condominium) measure passed during the session.", I'd like to have that be stricken out.

Secretary Nabors: No objection.

Delegate Limes: Privilege.

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

Delegate Limes: Just to set the record straight because last night there were some concerns that the executive has not prepared to host us. Perhaps we forgot that the Carolinian Affairs Office was quite receptive. Invitations were passed out to every member here, and I thank you for your participation. Thank you.

President H. Guerrero: Thank you, Delegate Limes. If there is no objection, then that sentence, starting on line 5 and ending on line 5 from the bottom, to be stricken from the Summary Journal. Discussions?

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Acting Floor Leader DL. Guerrero: No objection.

Delegate Mendiola: No objection.

There being no further discussion, the motion to adopt the 34th Day's Summar Journal was carried by voice vote.

Acting Floor Leader DL. Guerrero: Mr. President, I move to suspend from items E to G of the Order of Business and come down to item H, Special Orders of the Day.

Delegate Mendiola seconded the motion.

President H. Guerrero: Excuse me. Are you suspending it all the way down to H?

Acting Floor Leader DL. Guerrero: Yes, from E to G and come to item H, Special Orders of the Day.

#### SPECIAL ORDERS OF THE DAY

President H. Guerrero: Thank you. Is there any objection? Then would you like to pick up item H? We were discussing yesterday on Committee Recommendation No. 64. Delegate Torres, did you submit your amendment?

Delegate Torres: Yes, copies of the amendment have been passed and I would like to proceed from there.

President H. Guerrero: Go on.

Delegate Torres: I would like to add the following amendment after the "term of office" in the amendment that we passed two nights ago which shall read: "The Governor shall appoint three nonvoting ex-officio members to the Board of Education:".

President H. Guerrero: Delegate Torres, can you back up a little? Where are you inserting this?

Delegate Torres: I am inserting that in the amendment that I and Delegate Nabors had introduced and the Convention passed it.

President H. Guerrero: Can you be more specific? Is that subsection 3 (c)?

Delegate Torres: It has to do with the Board of Education so it has to be Section 1(c).

President H. Guerrero: After where?

Delegate Torres: After the "term of office", there's a sentence here which specifies the terms of office for the elected members and I would like to add this sentence after that. Delegate Nabors, could you take that out? Do you think you can take out the version that we authored together? Do you have that?

Secretary Nabors: Yes.

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President H. Guerrero: Is it after the first sentence that you are inserting this? Please, continue.

Delegate Torres: Okay. So after "a term of two years", add the language "the Governor shall appoint three nonvoting ex-officio members to the board of education: one (1) member shall be a student attending a public high school; one (1) member shall be a representative of nonpublic schools; and one (1) member selected by an exclusive bargaining representative of the teachers within the Department of Education."

President H. Guerrero: Is there a second to his motion?

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 64 on Section 1, subsection (c), after the second sentence. Discussions?

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

Delegate Torres: And, Mr. President, on the same Committee Recommendation 64, on Section 1(a), the first page, line 10, after the word "law.", I would like to insert part of the mission of the elementary and secondary education which shall read: "The educational system shall provide maximum educational and training opportunities and be sensitive and responsive to the needs and desires of the community as it pursues its central objective of developing human potential. The educational system shall also provide support and guidance for students in assessing areas of interest and ability, in clarifying values and goals, and in providing students with clear and accurate information so they may gain the most from their educational experience."

President H. Guerrero: Where are you inserting this?

Delegate Torres: I am inserting it on line 10 after the word "law." as part of the mission of the elementary and secondary education.

President H. Guerrero: Is there any second?

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to further amend Committee Recommendation 64.

Delegate Limes: Point of information, Mr. President. I don't have the committee recommendation. Was there a new one being passed out, Mr. President?

President H. Guerrero: When we voted on Second and Final Reading, there were copies passed out to all the members.

Delegate Limes: Then I don't have one.

President H. Guerrero: Page, can you get a copy of Committee Recommendation 64 for Delegate Limes? Discussions on the proposed amendment offered by Delegate Torres? No discussions? Delegate King?

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Delegate Mendiola: Point of information, Mr. President. Shall we vote on the floor amendment that Delegate Torres mentioned? I think he came out with another amendment. We passed the first, but the second is not.

President H. Guerrero: That's true, but we are discussing the next one now. Delegate King?

Delegate King: Thank you, Mr. President. I just want to ask a question to Delegate Torres. On the same page, line 18, where it says "The board of education shall formulate policy and exercise control over the public school system through the superintendent.", do you think that this will cover your floor amendment?

Delegate Torres: This will provide the superintendent as well as the board the mission of what our educational system should be and this would establish the perimeters within which the board and the superintendent will operate.

President H. Guerrero: Any other discussions?

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

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Thank you, Mr. President. I got a floor amendment to Committee Recommendation 64. On page 3, and this is supposed to be line 21 instead of 30, delete "one" and insert "two".

Secretary Nabors seconded the motion.

President H. Guerrero: Do you mean two percent instead of one percent?

Delegate Mendiola: That's correct, Mr. President.

President H. Guerrero: It has been moved by Delegate Mendiola to change on line 21, the word "one" is deleted and insert "two". Discussions? Delegate Calvo?

Delegate Calvo: Yes, Mr. President, I would like to ask the mover of that amendment what seems to be the rationale between this two percent because I think it's pretty much of my concern.

Delegate Mendiola: Mr. President, as everybody realize that we have been complaining about equal labors here into the Commonwealth of the Northern Marianas, I think we should give the Northern Marianas College to train our people with technical skills so that the import of labors into the Commonwealth could be reduced.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Yes, Mr. President, I would like to know the impact of this two percent of what resources are we talking about in the current fiscal year or next fiscal year.

President H. Guerrero: Can somebody, or Delegate Mendiola, would you like to respond?

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Delegate Mendiola: The impact of this will increase the budget of the Northern Marianas College. Like I said....

President H. Guerrero: Yes, Delegate Mafnas?

Delegate Mafnas: Mr. President, I understand that if you change one to two, definitely it will go up. What I would like to know is the two percent of the total resources. What is the two percent of the total resources for next fiscal year?

Delegate Mendiola: If I am not mistaken, right now is \$60 million and next year will be -- we don't know how much the total resources presently but I think in the neighborhood of \$60 million and that is \$600,000.

Delegate Mafnas: Two percent of \$60 million is 1.2 million?

Delegate Mendiola: Right.

Delegate Mafnas: Mr. President, I oppose the amendment. Presently, the College under Public Law, I don't know the public law number, is assured or guaranteed an appropriation of half a million dollars. The one percent that we provide here is a constitutional guarantee that the College is going to get, not less than one percent. If the College needs more than one percent, then they will come in to the Legislature and justify. The impact on the \$49 million revenues, local and Covenant, for the operations will be \$980,000 per annum. This is almost doubling the statutory guarantee. The Department of Education, for elementary and secondary, the impact that we are providing is not double or nearly double. In fact, it's less than the requirements of the Department of Education for elementary and secondary by over a million dollars. So I oppose this amendment because the College is already guaranteed what is being guaranteed under Public Law 4-97 of half a million dollars. Should the College need more than half a million dollars, they will have to go in to the Legislature and justify any increase. And I am very confident that the Legislature is extremely concerned of the importation of alien workers and they will appropriate additional funding to attack the problems of alien workers in the Northern Marianas. So the one percent constitutional guarantee is more than adequate to get the College rolling. Thank you.

President H. Guerrero: Delegate Torres?

Delegate Torres: Thank you. I have some questions for Delegate Mendiola. I would like to find out whether this amount would be in addition to the half a million dollars guaranteed legislatively plus the supplemental appropriations if need be. I would like to find out whether this constitutional guarantee of funding for the College would be in addition to the half a million dollars guaranteed legislatively plus supplemental appropriations.

Delegate Mendiola: No, Mr. President. This is the overall guarantee.

Delegate Torres: So you are saying that the half a million dollars that is legislatively guaranteed by Public Law 4-34 will be repealed in its entirety?

Delegate Mendiola: That is correct.

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Delegate Torres: Did we put any provision to indicate that?

Delegate Mendiola: No, I don't put it in; however, it's understood that the Constitution supersedes any statute that is presently in effect right now.

Delegate Torres: While I agree with you on that point. The fact remains that with the present language and with the present legislation or present law that on top of the half a million dollars plus the supplemental appropriations, the College is also guaranteed one percent of the general revenues. So I really want to be clear on that and not just assume that since the Constitution would supersede the present law that that will happen. I really want to be clear on it whether all that we are talking about is only and strictly one percent or two percent of the general revenues and not in addition to the half a million dollars plus appropriations from the Legislature. I really want to be clear on that.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: Mr. President, I have some information here. The College presently operates on a \$1.3 million budget. That's the amount that they are operating on at this time. The amount that you are questioning is the base. That's the amount that we are guaranteeing the higher ed. It doesn't mean that they will stay at that figure. If they need additional funding, they would have to justify for additional funding but that's the base that we are guaranteeing the higher education. And if this proposed amendment should go through, that should supersede the \$500,000. That is not in addition to.

Delegate Torres: Okay, you are talking about 1.3 as the base?

Delegate Ogumoro: Right now, that's the amount that they are operating on, according to the President of the College.

Delegate Mafnas: Point of information.

President H. Guerrero: State your point.

Delegate Mafnas: The college budget is not \$1.3 million.

Delegate Ogumoro: I beg your pardon?

Delegate Mafnas: It is not \$1.3 million.

Delegate Ogumoro: What is it?

Delegate Mafnas: It's a composition of all kinds of territorial teachers training, Covenant training funds, and whatever funds that are available.

Delegate Ogumoro: Well, that's what I'm saying. It's not comprised of just local funding or local resources.

Delegate Torres: May I proceed? Okay. Of that \$1.3 million, we know that half a million dollars is guaranteed by the Legislature. Is that correct? Of that \$1.3 million, how much constitute or what constitute the supplemental appropriation out of that \$1.3 because I'm sure that they will need a supplemental in addition to the guaranteed amount?

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Delegate Ogumoro: What do you mean by supplemental?

Delegate Torres: Supplemental appropriation.

Delegate Ogumoro: On a yearly basis?

Delegate Torres: Yes.

Delegate Ogumoro: You deduct five hundred from one point three.

Delegate Torres: No.

Delegate Ogumoro: Because that's approximately how much was given to them by the Legislature.

Delegate Torres: Okay, \$500,000, I think we agree on that; \$500,000 is the guaranteed amount. Okay, my question is, is the College currently receiving supplemental in addition to the guaranteed amount?

Delegate Ogumoro: Okay, let me just for a minute -- no it is not.

Delegate Torres: So the College is getting only half a million dollars from the Legislature and there is no supplemental.

Delegate Ogumoro: That's the local appropriation, yes. The \$1.3 is what she gets to run, you know, right now. That's the amount that she is running right now which is comprised of other sources.

Delegate Torres: Okay, I just want to understand the figure 1.3, so let me just continue. So the rest then the College gets from federal sources.

Delegate Ogumoro: Federal sources and other local resources.

Delegate Torres: I thought that the \$500,000 is the local.

Delegate Ogumoro: Well, according to -- that's the appropriation that she gets from the Legislature at the present time but she is being allowed also by the Governor's Office, if I am not mistaken, to supplement what she is presently receiving under the local appropriation.

Delegate Torres: So there is in fact a supplement not from the Legislature but from other local sources.

Delegate Ogumoro: Maybe we can call it a reprogramming if that's the way it would look.

Delegate Torres: Is that around \$10,000 or \$100,000?

Delegate Ogumoro: I don't have that figure but I can get it for you. I move for a two-minute recess, please.

Delegate Torres seconded, and President Guerrero declared a two-minute recess at 10:23 a.m.

RECESS

The Convention reconvened at 10:28 a.m.

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

Delegate Mafnas: Mr. President, I think we should set our priority. Is it higher education, or elementary and secondary? I think the priority of the Commonwealth should be in the elementary and secondary education. The College is already provided with a statutory guarantee of half a million dollars. The Department of Education will continue to receive territorial teachers training funds that will supplement the training of our teachers. The College will continue to receive assistance from all kinds of federal programs. And if we were to guarantee two percent of the total resources, then that means that the College will continue to receive also territorial teachers training funds through the Department of Education for the training of the teachers. I think our priority should be the elementary and secondary education. We are not ignoring the importance of our College. For that fact, we are proposing to insert a constitutional guarantee of nearly half a million dollars. Again, I ask the members to vote down the proposed amendment.

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

Delegate Inos: I have a few questions here on the amendment. Basically to the committee since we are including the mission of the College and I know that you did a public hearing on this, are you adding any more to the mission than it is already undertaking now? Presently?

Delegate Mafnas: No, we are not adding any more. They are undertaking vocational now.

Delegate Inos: No more questions.

President H. Guerrero: Delegate Lizama?

Delegate Lizama: Thank you, Mr. President. I also think that we should not support this amendment to increase or to earmark a two percent the budget for the Northern Marianas College. I think that the legislative earmarking has not been considered to be the wisest thing to do in the areas of planning, programming and budgeting. To make it or to put it in the Constitution would be far more unwise to do and so I think that we should not support the amendment. Thank you.

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

Delegate Tenorio: Thank you, Mr. President. During these past few minutes of discussions, I can't help but feel that we are trying to conduct a public hearing on budgets of the College at this time. If we are going to do that, I would like to see a plan for the College. I would like to see the budget for the College so that I can make my decision as to whether or not we should increase their budget or leave it the way it has been established by law. I think that there's a forum for which that type of discussion could be held, and I think the Legislature is the best place to go to and submit your budget, express your concern and add to whatever you want to the budget provided you have justification. If we are going to continue in this forum or in this Convention to discuss that so I think we should get all the information, perhaps even a five-year plan of the College so we can know what we are deciding here. I think it's unfair that we are being given only few minutes to deliberate or



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rather to digest the needs of the College. I would like to know more about it if we are going to continue with this type of discussion. I therefore feel that we should leave this type of request to the Legislature to address. Thank you.

President H. Guerrero: Delegate Torres?

Delegate Torres: Thank you. I do share the concern of Dr. Tenorio but since this issue is before us I think we should scrutinize it carefully before we make our decision. Delegate Ogumoro, could you give us the information?

Delegate Ogumoro: Yes, in the brief period that we had our recess, I was able to get additional information from the President of the College relative to the resources that they have now. She indicated that for FY 85 appropriations under the continuing resolution, the College is receiving \$184,000. She gets an additional \$184,000 from the territorial teachers training grant; she also has about \$20,000 from donations from the private sector, then an additional \$50,000 for contracts with the other departments in the government. The tuition fees that the College receives is in the neighborhood of about forty grand. Under the special services grants, they get an additional \$84,000. The Covenant Training Fund provides the College with approximately \$200,000 for operations. If I have my figures straight, that's totalling to about \$758,000. That's on resources.

Delegate Torres: So that's all the resources?

Delegate Ogumoro: Then I think, if I am not mistaken, the exact amount that she gave us at the beginning was one point three. That's her operational budget right now as it stands at the College.

Delegate Torres: May I inquire where do we get the rest of the resources since the base figure is one point three and you only indicated...?

Delegate Ogumoro: That would be from other federal programs that she had not have the time to get the exact figures for.

Delegate Torres: So can I assume then that the expenses is likewise \$758,000?

Delegate Ogumoro: It's above that. You know, she is operating on a \$1.3 million budget.

Delegate Torres: Well, I understand that but I am asking about the expenses whether the expenses is also \$1.3 million.

Delegate Ogumoro: According to what I understand from the information that she gives, that would be the figure that she operates with.

Delegate Torres: Okay. So how much out of the one point three is spent on personnel?

Delegate Ogumoro: Three hundred some thousand dollars is spent on part-time personnel and \$600,000 would be for full-time personnel. That figure \$600,000 includes the latest reclassification that was done for the personnel of the College. The rest would be All Others, I would think.

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Delegate Torres: So \$600,000 is for full-time instructors. Is that correct?

Delegate Ogumoro: That's correct.

Delegate Torres: Of those who are hired on full-time basis to be part-time instructors, how many of them are local?

Delegate Ogumoro: Information with me. If you are interested in getting that information, I could get it for you.

Delegate Torres: That's okay. How many of them are nonlocal?

Delegate Ogumoro: That, too, I don't have the figure.

Delegate Torres: Okay. How much is spent on All Others category?

Delegate Ogumoro: That would be the difference of \$900,000 from one point three, I would imagine.

Delegate Torres: Okay. So what is the enrollment of the College?

Delegate Ogumoro: 474 to date.

Delegate Torres: 474. Is that full-time or part-time?

Delegate Ogumoro: 180 for full-time and the rest is part-time.

Delegate Torres: 180 for full-time, okay, the difference is part-time. So, is the Legislature appropriating half a million dollars on the basis of full-time equivalent enrollment? Because there has to be a formula for the half a million dollars to make it logical.

Delegate Ogumoro: I think that the appropriation that you are talking about, the Legislature only appropriated \$184,000. The guaranteed amount of five hundred would include both full-time and part-time students.

Delegate Torres: Okay. So we are asking for \$1.3 million to support 184 full-time students. Is that correct?

Delegate Ogumoro: If I am not mistaken, the original Committee Recommendation guarantees \$1 million. The request that Delegate Mendiola is coming in with is for an additional of \$1 million. The one point three is the operational budget that she has at the moment.

Delegate Torres: I understand that, Delegate Ogumoro, but is it correct to say that we are asking for \$1.3 million to support 184 full-time students?

Delegate King: Point of information.

Delegate Ogumoro: Well, that's the figure for full-time students but we also have part-time students.

Delegate Torres: No, but is that correct or wrong?

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Acting Presiding Officer Calvo: Delegate Torres, will you yield for that point of information?

Delegate Torres: I yield.

Delegate Ogumoro: Of course, it includes 180 full-time students.

Delegate King: I would like to ask, or should I say, can the Governmental Institutions, which they conducted a hearing on this matter, assist Delegate Ogumoro because I believe they have the information during the hearing?

Acting Presiding Officer Calvo: Well, I believe the subject amendment is in order.

Delegate Ogumoro: Perhaps you can direct that to our Chairman. I don't have any other figures besides the one that I have been giving you.

Delegate Lizama: Mr. President?

Delegate Torres: Mr. President, please?

Delegate Mafnas: Mr. President?

Acting Presiding Officer Calvo: Can we have order on the floor, please? Are you through, Delegate Torres?

Delegate Torres: No.

Acting Presiding Officer Calvo: Would you yield to other delegates, please?

Delegate Torres: May I ask Delegate Lizama to please answer the question?

Delegate Mafnas: May we assist?

Acting Presiding Officer Calvo: Okay, if other delegates can assist Delegate Torres, I will recognize first Delegate Lizama.

Delegate Lizama: Mr. President, this matter on earmarking for the College was never brought up during the public hearing.

Delegate Mafnas: Second.

Delegate Lizama: It was never mentioned. And I agree with Delegate Tenorio that I don't think we should be conducting a public hearing in this matter. There's a question whether we are going to accept the policy recommendation to earmark or not accept it, period.

Acting Presiding Officer Calvo: Okay, I'm going back to Delegate Torres.

Delegate Torres: Yes, I understand Delegate Lizama's concern as well as Delegate Tenorio, but in order for us to have a perspective of whether or not to reject or accept it, I think it's only fair that we should be enlightened on these things, what is the rationale behind it. So I am asking the question. Are we asking for \$1.3 million to support 184 full-time students? That's my question.

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Delegate Mendiola: I'll answer that question, Mr. President.

Acting Presiding Officer Calvo: Okay, go ahead, Delegate Mendiola.

Delegate Mendiola: Thank you, Mr. President. No, we are not asking for the additional amount of -- I mean from one percent to two percent to support the 180 part-time. My intention on this is to enroll more of our high school graduates into the vocational education. On line 18, page 3, it says, "adult vocational education and professional development for our people of the Commonwealth." The rationale behind raising it from one to two is to provide our graduates students with skills that could replace the alien imports into the Commonwealth. This is for future enrollment; it's not for the 180 enrollment.

Delegate Torres: Yes, I understand that, Delegate Mendiola, but I should also add that we are getting federal money for vocational program. Now, the next logical question is, what are the kinds of programs that the College have?

Delegate Mendiola: Mr. President, I think under the territorial training funds, we cannot use that for vocational education. We use those for teachers.

Delegate Torres: I understand that. There is a consolidated grant which includes vocational.

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

Delegate Torres: Let me just ask this one final question.

Acting Presiding Officer Calvo: Okay, you may do so.

Delegate Torres: What are the programs that the College presently have and the College anticipates to have? What direction are we moving to? I mean, I am not clear on the direction of the College at this point. I want to be enlightened on the kinds of programs that they have and the kinds of programs that they anticipate to have. Thank you.

Acting Presiding Officer Calvo: Delegate Ogumoro?

Delegate Ogumoro: Mr. President, since we have the President of the College here and we are in the Committee of the Whole to discuss, may I be allowed, or may I ask that the delegates provide the President of the College the opportunity to give us that information?

Delegate Mafnas: Point of information. We are not in a Committee of the Whole, Mr. President.

Delegate Ogumoro: I'm sorry, but if I am in order, or will I be in order if I ask the President of the College at this point to provide us with that information that Delegate Torres is requesting for?

Delegate Lizama: Mr. President, point of information.

President Guerrero: State your point, Delegate Lizama.

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Delegate Lizama: At the public hearing, Mr. President, there were sufficient testimonies given that the College has a tremendous potential in the Commonwealth and the testimony was fully brought up by the President of the College. I have no qualms that the College has a great future in the Commonwealth but again I have to mention that just because the College has a future that we should make an attempt to earmark the College budget in the Constitution. I think the law that established the College is sufficient and I think the Legislature will be more concerned with the College activities as the time goes on, and I think the Legislature would always support the College. So I think that maybe we are dwelling into something that we need not have to since the College is basically a legislative-created institution. Thank you.

President H. Guerrero: Thank you. Yes, Delegate Guerrero.

Delegate DL. Guerrero: Simply, Delegate Ogumoro is asking whether there should be no objection because of the presence of the principal involved or the responsible person of the College is present here in this Convention. So in the interest and benefit of the Convention, we should entertain and try to get that information. It is important because we are trying to entertain this very Committee Recommendation at this point in time. So I would like to ask the indulgence of the members at least to allow and let's get that information.

Delegate Mafnas: Mr. President, I would object to that. We are going to end up conducting public hearings because I would have about 30 questions.

President H. Guerrero: Delegate Guerrero, there's an objection on the floor.

Delegate DL. Guerrero: Well, if there's an objection on the floor, then we can't help it because we are under the General Orders of the Day, Mr. President.

President H. Guerrero: Yes, Delegate Nabors.

Secretary Nabors: I move to end debate.

Delegate Mafnas seconded the motion.

President H. Guerrero: We have other people who would like to talk. Let me call Delegate Kaipat.

Delegate Kaipat: Thank you, Mr. President. Speaking of college, it is the highest institution of learning that we have. I think that we should treat this proposal very carefully and I think we should support it very much. And at this stage, I think we should involve all sorts of debate on this, not awaiting the Legislature but we should initiate some part of it. So far we have learned that its normal operational budget is one point three millions so we have seven sources of money to come up with \$758,000 and then next, \$542,000, from where. Someone mentioned that \$542,000, which is the difference from \$758,000 of one point three, is most likely from other federal grants. Now, I would like to ask Delegate Mendiola this. Probably this is what he was thinking of. When you work out your figure, does this come up to one point two millions at the end?

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Delegate Mendiola: Yes, if the present local of appropriation stays at the present level like \$60 million, so that will come up to one point two.

Delegate Kaipat: To one point two millions. So you were thinking that since the normal operation of the College is one point three, using one point two as a base earmarked for the College instead of \$500,000 you were thinking that probably this is a good figure to start with since we know that the operation is point two over your figure.

Delegate Mendiola: My thinking is that the present local appropriation guarantees only one percent. That is \$600,000. So to double that up, that will give one point two millions on top of what the College is getting from the federal programs.

Delegate Kaipat: I think I'll go along with you too if you state that there's no other string attached other than one point two earmarked for the College. Still we have about point one short of the current operating budget which is a good figure. Maybe, in other words, instead of saying the base of the earmarked \$500,000 for the College we can bring it up to one point two, which the normal operating budget is one point three from seven other sources and from only seven. The other seven sources that we recognized today come up to \$758,000 and still we need \$542,000 more, and somebody said, maybe it's from the other unknown federal grants. Whatever it is. But I really admire your figure because you seem to be just below the one point of the operating budget today. One point three and then you have one point two. Although you still have a point one million short, maybe after we earmark the College one point two, you can then go around and bring in small amount of money to come up with this. I like your figure because I think we should have higher education in the Marianas more in the higher priority. Thank you, Mr. President.

Delegate Torres: Point of information.

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

Delegate Torres: As I understand it, increasing this from one percent to two percent would generate \$1.2 million in local sources for the College. I don't think it is correct to say that the point one million is the deficit. I believe that point one is actually hundred thousands. So, if we rely on local sources for \$1.2 million in increasing from one percent to two percent then that would leave us with point one. Point one means hundred thousands and not one million. So on top of the one point two from -- okay this \$1.2 million from local sources only. On top of that, we will be getting almost two point in addition from the federal resources. So the budget, the actual figure will come up to almost \$4.0 million for the College, and I find this highly unusual for a new operation. Delegate Mendiola, could you please check your figures again?

President H. Guerrero: Let me recognize first Delegate Villanueva, unless you are willing to yield.

Delegate Villanueva: I yield, Mr. President.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Yes, Mr. President. I, for one, am always in support of promoting for higher education standard in our community. And if

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this is one solution to resolve the problem that is surrounding us today with flooding of alien workers into our islands, then I think it is high time for this Convention as well should look into it very positively and support the Adult Vocational Education and other professional developments in our community. I think the money will be spent wisely because it is for our people. We are not going to educate any outsiders other than our own indigenous. So I, for one, must say that I'm in full support if we have to increase the amount of money that requires to elevate our people to higher educational standard and at least to employ them into these existing industries that we have here in our islands and reduces the amount of alien importation from outside the Commonwealth. And furthermore, I believe that the money will be retained in the Commonwealth. Eventually the people will pay taxes after they graduated from school and those very taxes will again be reappropriated for the same purpose--higher education. So if the amount of percentage is justified to off balance the inflation of alien workers, I, for one, will fully support.

Delegate Villanueva: Point of information, Mr. President.

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

Delegate Villanueva: We have a reciprocal agreement with the State of Hawaii to consider our students residents, so we will be helping the people from Hawaii to award one or two students every year.

President H. Guerrero: Let me call Delegate King.

Delegate King: Thank you, Mr. President. I was the Chairman of the Board of Regents and I fully aware that not even one percent or two percent, this amount will not help the College. Vocational education and professional development are very expensive. And I would like to urge the delegates to support this two percent for the main reason that to increase the quality and meaningful post-secondary and adult education. We are talking about our own children that they need to go to our College instead of going abroad. So I believe we have a staff here from the College, Delegate Limes, who can express about the adult education and I believe he'll express that he has insufficient funding for that particular area. So I, for one, will support this proposed amendment. Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, the Governor submitted a request to the Legislature for medical referral. Even up to now they have not acted. Here we are trying to appropriate funds. The College Adult Basic Education has a funding; it's a federal funding. There's such a thing as SPELL grants where our students can go and apply and pay their tuitions. There is such a thing as Local Assistance Fund where local students are also qualified to apply and pay their tuitions. Mr. President, there is a pending request for medical referral in the Legislature amounting to over half a million dollars. They have not acted on it because of the funding situation and here we are trying to give outright constitutional appropriation of \$700,000.

Delegate King: Point of information, Mr. President.

President H. Guerrero: State your point.

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Delegate King: Last night I read the newspaper and there are some employees being paid double and also misused of housing allowance, and I rather see that be given to the referral, public health and power plant. Now, this is for our children. So I rather see that one be corrected rather than this one.

President H. Guerrero: Delegate Mafnas, continue.

Delegate Mafnas: Mr. President, the Legislature has yet to act on that appropriation request and here we are trying to immediately put a constitutional provision where \$700,000 in addition to the present half a million dollars. I don't understand. We asked for the plans, what are the plans, and the President of the College when she testified, she never brought this matter up to the Committee. The only reason why subsection (c) is included is because to ensure that the present law that guarantees the College half a million dollars is not repealed, or when it is repealed, it is provided in the Constitution. But there was no reason behind increasing or inserting a percentage other than to ensure the College of its present base grant. I move for the previous question.

Delegate Nabors seconded.

The motion to adopt the amendment offered by Delegate Mendiola was defeated by a raising of hands vote of eight for and ten against the motion. The rest abstained.

Secretary Nabors: Motion?

President H. Guerrero: Delegate Nabors?

Secretary Nabors: Thank you, Mr. President. On behalf of my colleague, Delegate Mafnas, we have passed out an amendment to Committee Recommendation 64. Beginning on line 8, insert the following language after the word "shall": "have autonomy in the administration of its affairs and shall formulate policy relating to the higher education needs of the Commonwealth of the Northern Marianas." and strike out the language at lines 8 and 9 "and through President".

Delegate Mafnas seconded the motion.

President H. Guerrero: Which page are you talking about?

Secretary Nabors: This is on page 2, line 8.

President H. Guerrero: On page 2?

Secretary Nabors: Following the word "shall". And maybe there were two different copies distributed that may be of confusion.

President H. Guerrero: Which section are we talking about?

Secretary Nabors: It's Section 2(c).

Delegate Mafnas: No, it's subsection (a).

President H. Guerrero: Are you talking about Section 1 or Section 2?



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Secretary Nabors: Section 2.

Delegate Mafnas: It's Section 2(a) and it is on page 3.

Secretary Nabors: Some copies, Mr. President, start on line 7, subsection 2(a): "The board of regents shall be appointed to staggered terms by the governor and shall" and then my language is to substitute "formulate policy and exercise control over the college through the present". This is to be stricken and my language will replace that. Motion to end debate.

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

The motion to adopt the floor amendment offered by Secretary Nabors was carried by voice vote.

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

Secretary Nabors: I move for the previous question.

Delegate DL. Guerrero seconded the motion.

President H. Guerrero: We are voting now on Committee Recommendation No. 64, as amended. Roll call, please?

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

YES: Delegate Vincent Calvo, David Cing, Herman Guerrero, Lorenzo DL. Guerrero, Alonzo Igisomar, David Igitol, Benusto Kaipat, Esteven King, Juan Lizama, Jesus Mafnas, James Mendiola, Paul Manglona, William Nabors, Felicidad Ogumoro, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres, Ignacio Villanueva and Rita Inos. (20 votes)

NO: Delegate Aniceto Mundo. (1 vote)

ABSTAIN: Delegates Luis Limes and Ramon Villagomez. (2 votes)

Delegate Villagomez: Mr. President, during the entire Convention and also in the first Convention, I have never abstained in a voting and I would like to get the experience of abstaining. And for that reason, I abstained. Thank you.

ABSENT: Delegate Maria Pangelinan.

And the motion was carried.

Secretary Nabors: Mr. President, I have 20 affirmative votes; I have one negative votes, two abstentions and one absent.

President H. Guerrero: Committee Recommendation 64 passed by 22 votes. Would the mover of Committee Recommendation No. 27 please give your rationale for making the motion before we vote?

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Delegate Ocumoro: My rationale last night, Mr. President, I would like that we reconsider Committee Recommendation No. 27 because some of our U.S. citizens who are of Northern Marianas descent are also going to be affected besides our U.S. citizens who are non-Northern Marianas descent.

President H. Guerrero: Those who are in favor of recalling Committee Recommendation No. 27, as amended, please raise your hands? Those oppose?

The motion to recall Committee Recommendation No. 27, as amended, was defeated by a raising of hands vote of six for and eight against the motion. The rest abstained.

President H. Guerrero: Yes, Delegate Villanueva?

Delegate Villanueva: Mr. President, I just want to say that I want to take back the mental harassment regarding Committee Recommendation No. 27. Thank you.

President H. Guerrero: You're welcome. Acting Floor Leader Guerrero?

#### GENERAL ORDERS OF THE DAY

Acting Floor Leader Guerrero: Mr. President, under the General Orders of the Day, the resolutions are not listed, Resolution Nos. 9 to 12. The so-called resolutions have been passed out to each of the delegates and I ask the indulgence of the members to include these under the General Orders of the Day so that we can discuss these resolutions. I so move, Mr. President.

Secretary Nabors seconded the motion.

President H. Guerrero: Are all the resolutions passed out?

Acting Floor Leader Guerrero: Yes, Resolutions 8, 9, 10, 11, and 12.

President H. Guerrero: In view that this is the last day, I'd ask for unanimous consent that we will include that also under the General Orders of the Day.

Delegate Villanueva: No objection.

President H. Guerrero: Delegate Calvo?

Delegate Calvo: Mr. President, at this time, I would like to advise the Convention that I have a resolution to introduce and I plan to introduce it under item L of our Order of Business for today. But I would also advise that at that time, I would ask the general consensus of the Convention to suspend Rule 38 so that we can dispose of each deliberations of these resolutions.

Secretary Nabors: No objection.

President H. Guerrero: Before we entertain the General Orders, if there are resolutions, I would suggest that we suspend the rules first and go to First Reading and then include those under the General Orders so we can take everything at one time since this is the last day.

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

President H. Guerrero: Delegate Nabors?

Secretary Nabors: In addition, Mr. President, a resolution is being prepared that relates to the staff and I'd like to serve notice that the measure should be on the floor momentarily.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Are we now, Mr. President, on Introduction of Resolutions?

President H. Guerrero: Yes.

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

Delegate Mafnas: I have two resolutions to introduce, extending thanks and appreciation to the staff of the Second Northern Marianas Constitution and a resolution extending appreciation to the Department of Education for its generous contribution to the Second Northern Marianas Constitutional Convention.

President H. Guerrero: Delegate Calvo?

Delegate Calvo: Mr. President, I have one resolution to present today and its title is to provide for a Post-Convention Committee responsible for coordinating public education on the proposed constitutional amendments adopted by the Convention and requesting the Governor and the Legislature to provide sufficient funding and support to properly carry out a public education program. Thank you, Mr. President.

President H. Guerrero: Any other resolutions? Delegate Nabors, do we have anymore resolutions to be introduced?

Secretary Nabors: Thank you, Mr. President. A resolution extending thanks and appreciation to the staff of the Northern Marianas Convention and a resolution extending thanks and appreciation to Mrs. Alicia DLG. Guerrero who is the supervisor of the Steno Pool. Thank you.

Delegate Villanueva: Point of information. Is that the same resolution as the one that Delegate Mafnas introduced, or is it a different one?

Secretary Nabors: It's the same except the one for Mrs. Guerrero.

Acting Floor Leader DL. Guerrero: Point of clarification.

President H. Guerrero: Yes, Delegate Guerrero.

Acting Floor Leader DL. Guerrero: Yes, the very resolution that Delegate Nabors is saying is the same resolution that goes to all the staff of this Convention which is appropriate that this Convention should express its appreciation to all the staff under one resolution.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Mr. President, could we take these under the Committee of the Whole so that we can go on with First Reading and then Final?

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President H. Guerrero: That's the recommendation of the Chair.

Acting Floor Leader DL. Guerrero: Mr. President, I think it is only appropriate that we go back so that we can dispose of the resolutions now under item I of our agenda.

President H. Guerrero: So, do you want to move?

Acting Floor Leader DL. Guerrero: Yes. I so move, Mr. President, that all the resolutions being passed out this morning will be calendared for this morning's session.

Secretary Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to include all the resolutions introduced today under the General Orders as well as yesterday's. If there's no objection, they will be included. Acting Floor Leader Guerrero?

Acting Floor Leader DL. Guerrero: Mr. President, I move that Resolution No. 8 be adopted by the Convention.

Delegate Mendiola seconded the motion.

President H. Guerrero: Delegate Guerrero, we are on item I. We need to resolve into a Committee of the Whole.

Acting Floor Leader DL. Guerrero: No. Mr. President, this is just a resolution and I think we should adopt this during the plenary session rather than to resolve ourselves into a Committee of the Whole.

President H. Guerrero: Delegate Calvo?

Delegate Calvo: Yes, Mr. President, I would go along with Delegate Guerrero. I think on resolution, we should dispose of it in this plenary session. I don't think and I don't see the need to resolve into a Committee of the Whole. Of course on any proposed amendment, we might have to resolve into a Committee of the Whole. Unless there's an objection from the delegates.

Delegate Mafnas: Objection.

President H. Guerrero: Do you have an objection, Delegate Mafnas?

Delegate Mafnas: Yes. I object because we don't have copies of the resolutions, one. Two, there will be changes that may not be necessary to be included in our Journal or unnecessary discussions.

President H. Guerrero: Can the Chair make a suggestion that we entertain first the General Orders and resolve into a Committee while the other resolutions are being either typed or xeroxed?

Delegate Mendiola: No objection.

Acting Floor Leader DL. Guerrero: No objection, Mr. President, if that is the case. But I think it's important since these are merely resolutions and most of them are just extending our appreciation to some of the key

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staff that rendered us services other than Resolution No. 8 and Resolution No. 9 which dealt with the Convention matters.

President H. Guerrero: I think No. 10 also deals with the Convention matters.

Acting Floor Leader DL. Guerrero: That's correct; I'm sorry.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: No, no, no, Mr. President, I still maintain the objection.

President H. Guerrero: Can we at least handle first the General Orders and then we come back to that one?

Secretary Nabors: No objection.

Delegate Mafnas: No objection to this.

President H. Guerrero: Would you like to move for that one?

Acting Floor Leader DL. Guerrero: I so move to resolve into a Committee of the Whole.

Secretary Nabors seconded, and the motion was carried by voice vote.

The Convention resolved into a Committee of the Whole to take up Delegate Proposal No. 318 and Committee Recommendation No. 67 at 11:18 a.m.

#### COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 12:53 p.m.

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

Delegate Villagomez: Mr. President, thank you for appointing me as Chairman of the Committee of the Whole for today. The Committee of the Whole met and considered two proposals. One, Delegate Proposal No. 318 and the other, Committee Recommendation No. 67. With respect to Committee Recommendation 318, the Committee passed the recommendation with an amendment on page 2, line 19, after the word "section", a period is placed and the words after the period are deleted. With respect to Committee Recommendation No. 67, it was passed by the Committee of the Whole without amendment. At this time, I move that the Convention adopts the decision of the Committee of the Whole and also adopts Committee Recommendation 318, as amended, and Committee Recommendation 67.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Delegate Proposal 318, as amended, and Committee Recommendation No. 67 and to consider them also as First Reading. Discussions?

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

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President H. Guerrero: Delegate Nabors?

Secretary Nabors: Mr. President, if the delegates have no objection, I would like to ask for unanimous consent to place the two measures adopted by the Committee of the Whole for Second and Final Reading now.

Delegate Mafnas: May I ask for one by one?

Secretary Nabors: Yes, one by one.

Delegate Villagomez: Mr. President, it's one o'clock. We should recess for at least one hour.

President H. Guerrero: Excuse me, go on, Delegate Villagomez. Were you saying something?

Delegate Villagomez: I prefer to recess for one hour and then go on.

Secretary Nabors: Okay, I'll withdraw my request for now.

President H. Guerrero: Okay, let's recess for an hour for lunch and then be back by two o'clock. Two o'clock because we still have other business to attend to, the final passage.

President Guerrero declared the Convention recessed at 12:56 p.m.

RECESS

The Convention reconvened at 2:21 p.m.

President H. Guerrero: The session is called back to order. At this time, I would like to pick up the resolutions.

Acting Floor Leader DL. Guerrero: Mr. President, I move that Resolutions 8, 9, 10, 11, and 12 be adopted by this Convention.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Resolutions 8, 9, 10, 11, and 12. Delegate Mafnas?

Delegate Mafnas: Do we have copies of the resolutions?

President H. Guerrero: Yes, they were passed out this morning.

Delegate Calvo: Privilege.

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

Delegate Calvo: Yes, I submitted a resolution this morning and the resolution should be numbered 13. If I am in order, I would like to ask the mover on all resolutions to please include that together with the others in the Order of Business.

President H. Guerrero: I understand from the Steno Pool that there are some that are still being xeroxed. I believe they are 13, 14, and 15.

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Acting Floor Leader DL. Guerrero: No objection, Mr. President.

President H. Guerrero: Do you want to discuss? No discussions?

Delegate Calvo: Resolution No. 8?

President H. Guerrero: Yes.

Delegate Calvo: No discussion.

Acting Floor Leader DL. Guerrero: Mr. President, I think it is only appropriate that we wait for the Convention Secretary so he can read the resolutions.

President H. Guerrero: Mr. Secretary, can you read Resolution No. 8?

At this point, Secretary Nabors read Resolution No. 8-85 in its entirety.

President H. Guerrero: Discussions?

There being no discussion, the motion to adopt Resolution No. 8-85 was carried by voice vote.

Acting Floor Leader DL. Guerrero: The next resolution in the calendar, Mr. President, is Resolution No. 9 and I move for its adoption by this Convention.

Delegate Mendiola seconded, and Secretary Nabors read Resolution No. 9-85 in its entirety.

President H. Guerrero: Delegate Cing?

Delegate Cing: Thank you, Mr. President. On line 3, I think we have gone up to 318 as of this morning.

President H. Guerrero: That's right. Any other discussions? Delegate Mendiola?

Delegate Mendiola: Mr. President, just a suggestion. Would it be better of if we put, on line 19, a time frame on this resolution, like within a year time or six months?

Secretary Nabors: Point of information. I believe that it would not be proper for the reason that the Legislature will shortly be out of business. I do feel, however, that some mechanisms should be devised to transmit a copy to the current Legislature as well as the new Legislature in January.

Delegate Mendiola: What do you mean by out of business?

Secretary Nabors: There's an election taking place in November.

Delegage Mendiola: So why don't we put here a year? I'm afraid, Mr. President, that it might just go through without taking any action. So if we could put some time limitation here.

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President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, they don't have to take action. We are just expressing our concern. I think to put a time limitation will not help. On line 18, if I may. What will the Convention think about inserting the word "Governor" after the word "to" -- "certified copies to the Governor"?

Secretary Nabors: No objection.

President H. Guerrero: The "Governor" and then comma?

Delegate Mafnas: I move for its adoption.

Secretary Nabors seconded, and the motion to adopt Resolution No. 9-85 was carried by voice vote.

At this point, Secretary Nabors read Resolution No. 10-85 in its entirety.

Acting Floor Leader DL. Guerrero: Mr. President, I move for the adoption of Resolution No. 10.

Secretary Nabors seconded. There being no discussion, the motion was carried by voice vote.

At this point, Secretary Nabors read Resolution No. 11-85 in its entirety.

Acting Floor Leader DL. Guerrero: Mr. President, I move for the adoption of Resolution No. 11.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Resolution No. 11. Delegate Villagomez?

Delegate Villagomez: Mr. President, I appreciate the work that was done by the attorneys and they have done some work. I am not totally satisfied with the way that they have approached the services that they gave to the Convention. They have shown and demonstrated conflict of interest in some instances regarding certain issues. They have appeared in the Convention only to support in favor of themselves against the interest of the people of the CNMI and have cheered statements made by members of the Convention which they feel was in their own personal interest, and I will elaborate on that further during the miscellaneous portion of our meeting today. And so even though I do appreciate the work that they have done, I am not totally satisfied. Thank you.

President H. Guerrero: Delegate Inos?

Delegate Inos: Mr. President, are we on the topic of making the resolution to the or appreciation to our legal assistants? I would also like to recognize other legal assistants that have been very valuable to the committee and most specifically to Joel Bergsma, Tim Bellas, Dave Price and Robert Naraja.



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President H. Guerrero: Can the Chair recommend that at least instead of saying Attorney General and Assistant Attorneys General make reference to Legal Counsels and it will cover everybody, not just Attorney General and Assistants?

Delegate Calvo: Point of information.

President H. Guerrero: Delegate Calvo?

Delegate Calvo: Mr. President, I think Resolution No. 12 should address that part unless we want to be specific and put down the names of those individuals. Thank you.

President H. Guerrero: Delegate Guerrero?

Acting Floor Leader DL. Guerrero: Mr. President, the appropriate amendment to that very concern is now being typed because it is something that was overlooked on the part of the introducer that certain members of the counsel were not named in the resolution. However, as I said, an additional "Whereas" to include the Legislative Counsel and other counsels that assisted the committees will also be named in this particular resolution. So if there's no objection on the floor at this time, I would like to move that in the floor amendment, to include those very concerns that were stated in the additional "Whereas".

Secretary Nabors seconded the motion.

Delegate Villanueva: I move for five minutes recess so that this can be worked out, Mr. President.

President H. Guerrero: Three minutes.

There being no objection, President Guerrero declared the Convention recessed at 2:36 p.m.

RECESS

The Convention reconvened at 2:45 p.m.

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

Secretary Nabors: Mr. President and colleagues, we are now have a distribution of a substituted resolution that's supposed to include all the counsels except David Price, Esquire, and Timothy H. Bellas. With your indulgence, I shall now read the substituted Resolution 11-85.

At this point, Secretary Nabors read the substituted Resolution No. 11-85.

Secretary Nabors: Excuse me, Mr. President, I guess we should have taken the full five minutes as it was originally requested.

Delegate King: Mr. President, can we take five minutes recess because we have two resolutions here and I believe Delegate Nabors is not reading the right resolution?

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President H. Guerrero: Let's have five minutes recess.

There being no objection, the Convention recessed at 2:48 p.m.

RECESS

The convention reconvened at 3:04 p.m.

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

Acting Floor Leader DL. Guerrero: Mr. President, while we are waiting for the correct amendments to Resolution No. 11, I would like to ask for unanimous consent to proceed with Resolution No. 12.

Delegate Villanueva seconded the motion.

President H. Guerrero: Mr. Secretary, can you read it?

At this point, Secretary Nabors read Resolution No. 12-85 in its entirety.

Acting Floor Leader DL. Guerrero: Mr. President, I move to adopt Resolution No. 12.

Delegate Mendiola seconded. There being no discussion, the motion to adopt Resolution No. 12-85 was carried by voice vote.

At this point, Secretary Nabors read Resolution No. 13-85 in its entirety.

President H. Guerrero: Delegate Calvo?

Delegate Calvo: Mr. President, I move that Resolution No. 13-85 be adopted by this Convention.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Resolution No. 13. Discussions? Delegate Torres?

Delegate Torres: Mr. President, I have a minor concern on page 2, line 18. I wonder whether this program will be conducted in all three languages. And if not, then I would like to move that Chamorro, Carolinian and English be inserted after the word "amendments".

President H. Guerrero: For the information of Delegate Torres, according to our Rules as well as Public Law 4-30, we are mandated to translate all in the local vernaculars.

Delegate Torres: Okay. On line 19, to remove "or" and just say "and administrative support".

Delegate Mendiola: No objection.

Delegate Torres: This is on second page, line 19.

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President H. Guerrero: Delegate Calvo?

Delegate Calvo: I want to verify this with Delegate Torres. Are you removing "or"?

Delegate Torres: Removing "or" and inserting "administrative".

President H. Guerrero: Delegate Mafnas, did you have your hand up?

Delegate Mafnas: Yes, thank you, Mr. President. I would like the main sponsor of the resolution to inform us how did he arrive to the numbers of members for the Post-Convention Committee. What's the significant of having eight members or nine?

Delegate Calvo: Thank you, Mr. President. The question before me now is how did I arrive with the number of this composition. I did, of course, consult with the Convention Consultant on this regard and I was primarily looking at the figure of about five membership but as to the explanation or rationale behind this, I did not have the time to discuss it. It was just given to me before the session this morning. So I will just leave it to the Convention. If they see that this is rather too many members for such task, I will be open to have this be decided upon. Thank you.

President H. Guerrero: Delegate Mafnas, are you finished?

Delegate Mafnas: One question. Is it appropriate to use "Honorable" on page 2?

Delegate Calvo: Yes, I feel it is in order, Delegate. After the words "following delegates", I think it is proper that we address "Honorable Members" to this Convention.

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

Delegate Mafnas: I am not satisfied.

Secretary Nabors: Okay, I have a suggestion. Could we, on line 1--the following persons, reference each name with "Delegate"?

Delegate Mafnas: That sounds better.

Delegate Calvo: Come again, please?

Secretary Nabors: Can we put "following persons" and strike "delegates" and then "Delegate Lorenzo I. Guerrero, Delegate Jesus P. Mafnas"?

Delegate Calvo: I have no objection if the Convention would adopt that.

President H. Guerrero: Any objection?

Delegate Mafnas: No objection.

President H. Guerrero: Are you satisfied, Delegate Mafnas?

Delegate Mafnas: Yes. On the third page, the first word, I assume this is "transmitted" not "transferred". Thank you.

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Secretary Nabors: Yes.

Delegate King: Mr. President?

President H. Guerrero: Can I recognize Delegate Kaipat first?

Delegate Kaipat: Thank you, Mr. President. I am in full agreement with Delegate Calvo about the nine people here. This way, I think they can split into three groups, three each in each subcommittee, and they can hit three places at the same time. So I agree with the nine figure.

President H. Guerrero: Delegate King?

Delegate King: Yes, Mr. President. Going back with the question that Delegate Mafnas posed out, I believe he just put "Delegate" and erased all the word "Honorable" all the way down.

President H. Guerrero: Delegate Inos?

Delegate Inos: Further on that particular topic, I wonder if it is still appropriate to address ourselves as delegates since our term is originally 30 days. After that, I don't know if it is still proper to use "delegate" as a title, maybe just "the Convention Committee composed of the following:" and then list the names.

Delegate Calvo: Yes, Mr. President, of course, the concern is legitimate. Maybe by the time this Post-Convention Committee takes up its task, it will be after the existence of Public Law 4-30. So I am not particularly feel whether we still can address ourselves as delegates for the purpose of honor, but if we are defeating the terms here then I would have no objection. But I think it's in order if we got no legal ramification to delete that. Well, let's hear the consensus of the Convention.

President H. Guerrero: Anybody wants to talk? Delegate Kaipat?

Delegate Kaipat: Mr. President, we want to use the word "delegate". Can we use or attach the words "Second Constitutional Convention Delegates" which will indicate the past-tense also? We were delegates once. Since we were the Second Constitutional Convention Delegates, it is still appropriate to use "delegate" here because we are still attached to the Second Constitutional Convention.

Delegate Calvo: Yes, Mr. President, I would agree with that. I think that since we are disposing of this today and it is still in effect by law, we still have to address the situation as delegates. So I think we are in order.

President H. Guerrero: Nobody objects to be called delegate I guess, so it's okay.

Delegate Calvo: No objection.

Delegate Igitol: No objection.

Delegate Calvo: Ready to vote on this.

President H. Guerrero: Any more discussions?

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Acting Floor Leader DL Guerrero: I just want to air out my concern, of course, Mr. President. I wonder whether it is more appropriate that maybe the Governor, jointly with the Legislature, select among the Delegates of this Second Constitutional Convention to be members of this Post-Convention's assignment to conduct the political education.

Delegate Calvo: Mr. President, again, I will leave that up to the Convention. I did not single out names here but just by random and I ask that the selection of names would be, of course, try to accommodate the islands of Rota, Tinian and also the Delegates of this Convention from Saipan. So the names, again, were by random selection. There was no single out or other interpretation to that. Thank you.

President H. Guerrero: In the original version, I believe, my name was included but I asked that it be taken out. I have duties that require my attention back in Washington, so I can't be over here definitely. Delegate Kaipat?

Delegate Kaipat: Mr. President, I was thinking to, because time is limited, I was wondering if we could name this people according to their senatorial districts, like four people in Rota, four from Tinian and maybe four from Saipan. Maybe from the senatorial districts, maybe they can name people from Saipan. But being in the same senatorial district, you can conduct education here regularly at the regular time of the day, so you don't have to schedule it since you are among your people. But if somebody from Rota or somebody from Saipan to try and conduct education in Tinian, maybe it's going to be complicated as far as transportation and time is concerned. So I was wondering if we delegate ourselves could act as, what do you call this, public educators for all these laws that we made in this Convention. I am more concerned about transportation and time existence. The people in Tinian educate their people, Rota, their people, and Saipanese, their people.

President H. Guerrero: Excuse me, Delegate Kaipat. One of the responsibilities also is to come up with the Analysis and it might require everybody at one point over here other than the public education. But your concern, I think, has some merits to it. Delegate Reyes?

Delegate Reyes: Mr. President, I think since we are going to involve ourselves in educating of the public on these proposals, I think there should be at least three groups of people educating the people in English, three groups of people in Chamorro, and three groups in Carolinian just for Saipan. When it comes to Rota and Tinian, you need two groups only, three to educate them in English and three in Chamorro, so that will be six. So at least 15 people will be involved in educating the public.

Delegate Calvo: Mr. President, I think the concern of Delegate Reyes is well taken. It will be the responsibility of this Post-Convention people to set up how they are going to do it, but definitely they have to cover the most of it and make sure that the people, the voting population are pretty much knowledgeable and aware of the proposed amendments that are to be presented out in November. Thank you. We are ready to vote.

There being no further discussion, the motion to adopt Resolution No. 13-85 was carried by voice vote.

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President H. Guerrero: We will take Resolution 14.

At this point, Secretary Nabors read Resolution No. 14-85 in its entirety.

Acting Floor Leader DL. Guerrero: Mr. President, I move that Resolution No. 14 be adopted.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Resolution No. 14. Discussions? Delegate King?

Delegate King: Thank you, Mr. President. If there is no objection, I would like to include one person here. The name is Bob Coldeen, he assisted us on some of the committee's work. If there's no objection, can I include this? I believe I have brought this to your attention that he is going to help us on the committee's work.

President H. Guerrero: If there's no objection, we will include -- what is his name?

Delegate King: Bob Coldeen.

Secretary Nabors: How do you spell his last name?

Delegate King: It's C-o-l-d-e-e-n.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, I don't think another name would hurt, Pete Dela Cruz.

President H. Guerrero: Who's Pete Dela Cruz?

Delegate Manglona: He assisted our committee in some of the public hearings tapes and in writing up the committee's reports. Pete Dela Cruz.

President H. Guerrero: Did we miss anyone? Who else did we miss, before we vote? Pete Q. Dela Cruz?

There being no further discussion, the motion to adopt Resolution No. 14-85 was carried by voice vote.

President H. Guerrero: Resolution 15?

At this point, Secretary Nabors read Resolution No. 15-85 in its entirety.

Acting Floor Leader DL. Guerrero: I move that Resolution No. 15 be adopted.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Resolution No. 15. Discussions? Delegate Tomokane?

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Delegate Tomokane: Thank you, Mr. President. On line 9, the word "selfless", would it be more appropriate to use "unselfish"?

Secretary Nabors: No objection.

Delegate Mafnas: No objection.

President H. Guerrero: Any other corrections, additions, deletions, or discussions?

Delegate Mafnas: We will leave it up to you.

There being no further discussion, the motion to adopt Resolution No. 15-85 was carried by voice vote.

President H. Guerrero: We will go back to Resolution 11.

At this point, Secretary Nabors read Resolution No. 11-85, Committee Draft 3, in its entirety.

Acting Floor Leader DL. Guerrero: Mr. President, I move to adopt Committee Draft No. 3 on Resolution 11.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Resolution No. 11. Discussions? Delegate Mafnas?

Delegate Mafnas: Yes. Thank you, Mr. President. I wonder whether the third "Whereas" is redundant.

Secretary Nabors: May I respond, Mr. President?

Delegate Mafnas: Since we are indicating in the third "Whereas", or rather the fourth "Whereas", whether it is redundant.

Secretary Nabors: The third "Whereas" is included at a special request by the Committee on Finance and Other Matters because they did tie up the services of these gentlemen for several days without interruption.

Delegate Mafnas: The same was done to several legal counsels in the other committees. I wonder whether we should make a special notation on the fourth "Whereas". If the two gentlemen were tied up in the committee, then I suggest that all the legal counsels be listed.

President H. Guerrero: Delegate Guerrero?

Acting Floor Leader DL. Guerrero: Mr. President, the original intent, of course, or the introducer of this particular resolution has no reservation but I must state that the counsel that assisted the Committee on Finance and Other Matters really came out and assisted the committee. And for the very reason, we would like to express that in one of the Whereas's. So if the chairman or the vice chairman of each substantive committee would like to recommend about your counsel for the well done job of the counsel, I think it is only appropriate that if you want to move to include those, I don't have any reservation.

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President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: No, I am not explaining or indicating a reservation or anything. I am just wondering because the way I look at this, you know, the other counsels too provided assistance to the same committee and how come they are not noted. That's why I am saying that perhaps, is this intended for a special recognition rather than to list all the counsels in the last Whereas's?

Acting Floor Leader DL Guerrero: Can Delegate Mafnas mention who is the special legal counsel that assisted the Committee on Finance and Other Matters rather than the two gentlemen?

Delegate King: Point of information, Mr. President.

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

Delegate King: I think we received a letter from all the legal counsels, so those are the legal counsels that spent their time helping us. I agree with Delegate Mafnas.

Delegate Mafnas: I move for the previous question.

Secretary Nabors seconded. There being no further discussion, the motion to adopt Resolution No. 11-85, Committee Draft 3, was carried by voice vote.

President H. Guerrero: At this time, I would like to take up Delegate Proposal No. 318 and Committee Recommendation No. 67 for Second and Final Reading. Delegate Nabors, can you read Delegate Proposal No. 318?

At this point, Secretary Nabors read Delegate Proposal No. 318, as follows:

"DELEGATE PROPOSAL NO. 318

"A PROPOSED CONSTITUTIONAL AMENDMENT"

"To amend Article III of the Constitution of the Northern Mariana Islands relative to Indigenous 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 of the Constitution of the Northern Mariana Islands is amended to read:

"Section \_\_\_\_\_. Resident Executive for Indigenous Affairs.

"a) There is hereby established the Office of Resident Executive to the Governor for Indigenous Affairs. The Governor shall appoint a person with the necessary and sufficient education and experience to be



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Resident Executive with the advice and consent of the Senate. The term of office shall be four years. Nothing in this section shall preclude renewal of such appointment by the Governor. The Resident Executive may be removed before expiration of term as provided in Article II, Section 8, of this Constitution for incompetence, neglect of duty, commission of a felony, treason, or corruption.

"b) Responsibilities of Resident Executive. The duties and responsibilities of the Resident Executive for Indigenous Affairs shall include but not limited to:

- coordinate the development, distribution, adoption and translation of a comprehensive history of the Marianas.
- ensure local participation in executive managerial decision making in the government and private sector.
- assist and promote local entrepreneurial development.
- establish a community foundation for the advancement of the Indigenous People.
- coordinate the translation and distribution of such official documents as the CNMI Constitution, Covenant and Codes.
- plan for the establishment of the Indigenous Cultural Center and the Indigenous Hall of Fame.
- coordinate an annual cultural festival.
- develop and implement a long-range plan to assist and promote the entry of the indigenous people into professional and technical institutions of higher education.

"c) Duration of Office. The Office of Resident Executive for Indigenous Affairs shall commence immediately upon ratification of this section and last for ten (10) years unless otherwise provided by law.

President H. Guerrero: Correction, that portion is deleted; period after "section".

Secretary Nabors continued, as follows:

"d) The Resident Executive is authorize to hire staff and promulgate rules and regulations in carrying out the duties and responsibilities.

"e) The Governor shall include in the budget of the Executive Branch the funding necessary to fully implement the provisions of this section."

President H. Guerrero: Floor Leader Guerrero?

Acting Floor Leader DL. Guerrero: Mr. President, I move to adopt Delegate Proposal 318 on Second and Final Reading.

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Secretary Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Delegate Proposal 318. Discussions? Delegate Tomokane?

Delegate Tomokane: Thank you, Mr. President. I have a friendly proposed floor amendment to Delegate Proposal 318 that was passed out earlier. On page 1, line 1, insert the phrase "a new section is added to" after the comma; on line 2, delete the phrase "is amended"; on line 6, insert the phrase "who is of Northern Marianas descent" after the word "person". And I just note it that on line 14, the word "comption" should be "corruption". So if there's no objection, just include that also. On page 2, line 3, correct the typo "entreprennorial" to "entrepreneurial"; on line 9, insert the phrase "and the" between the word "Constitution" and the word "Covenant"; omit the comma and the word "codes" and insert the phrase "their analyses" after the word "and", so it will read: "Constitution and the Covenant and their analyses." On line 12, the word "and" should be "an" only; and on line 22, another typo and it should be "promulgate" not "promultage". And if there is no objection on the floor, I already discussed this with the delegate who proposed this measure to include after the line or between lines 16 and 17 of page 2 as an additional responsibility, "serve as an advocate of positions taken by indigenous people on issues brought before them."

President H. Guerrero: Can you restate your insertion?

Delegate Tomokane: Okay. As an additional responsibility of the Resident Executive "serve as an advocate of positions taken by indigenous people on issues brought before them." That's all, Mr. President.

Secretary Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Delegate Proposal No. 318 as offered by Delegate Tomokane. Discussions? Delegate Mafnas?

Delegate Mafnas: Yes, Mr. President, on line 11, page 1, I think this is an oversight. It was never intended. I would like to move, if there is no objection, that on line 11 to strike the words "before expiration of term".

President H. Guerrero: Can we dispose of the other amendment first?

Delegate Mafnas: Okay.

President H. Guerrero: Discussions on the amendment offered by Delegate Tomokane?

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

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I move that we strike the words on line 11, page 1, beginning from "before expiration of term" because there is no term.

Secretary Nabors seconded the motion.

Page 826 is missing from both sets of transcripts

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President H. Guerrero: Delegate Proposal No. 318 passed by 21 votes.  
Delegate Nabors, can you read Committee Recommendation 67?

Secretary Nabors read Committee Recommendation No. 67 in its entirety,  
as follows:

COMMITTEE RECOMMENDATION NO. 67

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To add a new section to Article X to require the legislature to impose  
fees on employers for the employment of nonresident workers.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Common-  
wealth 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 is added to Article X to  
read:

"Section \_\_\_\_\_. Nonresident Worker Fees.

"Employment of nonresident workers is a privilege granted by the Common-  
wealth pursuant to law. The legislature shall provide by law for annual  
fees to be paid by the employer for the privilege of having a nonresident  
worker reside and work in the Commonwealth, and such law shall prohibit  
the deduction by employers of any amounts from the pay of the nonresident  
worker on account of the fee required by this section or employers other-  
wise causing this cost to be borne by the employee. The legislature may  
exempt the actual employment of domestic workers in private homes from the  
fee required by this section."

Acting Floor Leader DL. Guerrero: Mr. President, I move to adopt Commit-  
tee Recommendation No. 67 on Second and Final Reading.

Secretary Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee  
Recommendation No. 67. Discussions? Delegate Calvo?

Delegate Calvo: Mr. President, I will continue to raise objection to  
this. I will ask that we defeat Second and Final Reading on this proposed  
Committee Recommendation 67. I feel that the committee did not seek other  
avenues that will, of course, help assist the intent. I feel that the  
proposed amendment that is before us now is not in order and that there  
some diversifications of its true intention. I feel that singling out  
that the Legislature may exempt the actual employment of domestic workers  
which I consider a luxury employment versus the construction activity in  
the Commonwealth. I feel that it is not proper for us to act upon this  
and I strongly believe that this is a legislative matter and we should  
again ask that this be incorporated with the other proposals that are to  
be transmitted to the legislative body for proper action and disposition.  
I will continue, Mr. President, to ask the indulgence of the delegates to  
please vote against this. I did not see that this intention now will best

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benefit the intention of limiting the alien workers into the Commonwealth. There are many loopholes that can be accorded with and I feel that we must have this out of this Convention and have the Legislature address this. And of course with our intention, the strong intention of the Convention to see that such thing in the Commonwealth is needed, then we should ask the Legislature to act upon. And I ask for the mere fact that the Legislature take this into serious consideration. Thank you, Mr. President.

President H. Guerrero: Delegate Inos?

Delegate Inos: Thank you, Mr. President. I don't agree to the first sentence that the committee did not seek other means of addressing this situation. The committee did sought other areas in which we could address or we could effectively address this particular situation here on our islands. And as I deliberated earlier this morning, we are trying to do something with this particular situation. And I will continue to ask my colleagues here and echo the voices of the local people in this regard and I still would say that this is the most effective way that we can, at this time, address the situation. As to the comment that the Legislature may exempt the actual employment of domestic workers, if you want the Legislature to exempt other employees that you think are luxurious at this time, please make your amendment. But I would urge each of you to please support this amendment because this is one step in addressing a real depressing situation here on our islands. Thank you.

President H. Guerrero: Delegate Manglona is next.

Delegate Manglona: Mr. President, imposing alien worker fee will not slow down the importation of foreign workers into the CNMI. What it will do is maybe it will provide more funds for training local workers. But what will these workers do once they get all the skills and the training from this fund. They are not going to go out and work for a construction company that pays a minimum wage of \$1.35. This is what these local workers will be getting if they plan to work for any local construction company today, \$1.35. So I think in the words of Delegate Reyes, we are barking at the wrong tree.

Delegate Villanueva: Point of information.

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

Delegate Villanueva: Mr. President, during the hearing, the private sector testified that it is costing them \$3.15 an hour for everything, to recruit these alien labors, transportation, housing and all these other things. And we asked why we can't pay the local residents more than the minimum wage. And so I want to emphasize that the public hearing indicated that it is costing the private sector \$3.15 an hour to recruit alien labors and to maintain them over here.

Delegate Manglona: Mr. President, the minimum wage for construction workers is \$1.35. No local person would wish to work for a local construction company. So I think we are trying to solve the problem in the wrong way. The solution is the minimum wage where, as I said before, you are cheating the employer directly. I believe that this fee will transfer indirectly to the worker. So I think this is a wrong solution to the problem.

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President H. Guerrero: Excuse me, the next person in my list is Delegate Villanueva.

Delegate Villanueva: That was the point of information.

(Laughter)

President H. Guerrero: You raised your hand prior to the point of information, Delegate Villanueva.

Delegate Villanueva: Right; I want to defend this proposal. Mr. President, I know that there's a conflict of interest in the Legislature. This is one of the reasons why something like this is not considered in the Legislature. I also know that there is a conflict of interest in the Administration, that is why something like this is not promulgated and regulated in the Administration. And now, Mr. President, I see that there is a conflict of interest in the Convention. Mr. President, I don't know where our delegates came from but I am aware that during the campaigning to be a delegate of this Convention a lot of our people, maybe not the people from Tinian and Rota, but as the other delegates mentioned, they are also concerned about this. We should address this issue.

Secretary Nabors: Point of information, Mr. President.

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

Secretary Nabors: The people of Tinian are most acutely interested in this problem, and we, delegates, are interested in a viable and workable solution.

Delegate Villanueva: Thank you. Fellow delegates, this proposal would open up the hearts of our legislators as well as the hearts of those people in the Administration that have or think they have conflict of interest if they introduce something like this. And also, if we approve this in this Convention, I am very sure that it will open the hearts of those delegates who voted for this proposal. I don't know why we are afraid, or some of us are afraid and reluctant to give this authority to the Legislature. This proposal is only giving the Legislature more reasons to impose this fee. They can raise the minimum of the alien labors. And as I indicated earlier, I was told and the committee was told that it is costing a construction company and other companies that are importing labors here about \$3.15 an hour. I don't know how that \$1.35 minimum wage is coming from. I know that that's what probably the alien labors are getting, but it is costing the company more than that. And if the construction workers or the construction company wishes to raise the salary of the alien labors, they have the prerogative. Nobody has to tell them to raise the minimum wage. We don't have to tell the Legislature. Private sectors have the prerogative to raise the minimum of not only the alien labors but also the local people that are interested in working for the private sectors. I want to appeal to the hearts and minds of our delegates and also the souls to please, this is the last proposal, please before you put your vote onto this measure, think of your people, think of your children and think of your children's children. Thank you.

(Laughter)

President H. Guerrero: Thank you. Delegate Kaipat?

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Delegate Kaipat: Thank you, Mr. President. I just want to ask for some clarifications from the committee members on these phrases "the annual fee to be paid by the employer". In other words, we hire Filipinos from the Philippines and the employer will be Saipanese, Northern Marianas descent. Is this right that the annual fee is to be paid by the Northern Marianas descent who is employing the Filipinos? Okay, the second thing is "such law shall prohibit the deduction by employers of any amounts from the pay of the nonresident". In other words, such money or the progressive, \$150 to \$2,000 progressive annual fee will be paid solely by the employer and not the nonresident worker. And it is against the law for that employer to ask the Filipino to give him some money to pay the fee. This is what it means. Probably this is what they meant by barking at the wrong tree because we are actually castigating the Northern Marianas descent, not the Filipinos. So I think to be fair....

Delegate Villanueva: Point of information, Mr. President.

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

Delegate Villanueva: I mentioned in the First Reading during the discussions that I dare the members here to prove to me that 50% of these employers are not Northern Marianas descent, Dr. Kaipat. That's why I am not worried about Northern Marianas descent here because 50% or more are nonNorthern Marianas descent employers.

Delegate Kaipat: What about the other 50%?

Delegate Villanueva: It could be only 30% are Northern Marianas descent employers.

Delegate Kaipat: I see. So is the motive behind this to castigate the nonresident employer that is using the nonresident worker? Huh?

Delegate Villanueva: Will you repeat the question?

Delegate Kaipat: In other words or an example is, a Korean using Filipinos, this is your example of 50% nonresident worker. Right? A Korean using Filipinos, the Korean is the employer and the Filipinos are the employees. So what we are trying to do is to castigate him to pay for these Filipinos' fees.

Delegate Villanueva: Well, the motive or the intention of this proposal is to inform this people that right now they have to pay if they recruit. And what we get from these employers, we use the money to train our people. In the statistic, you know, it shows that even clerks are recruited as alien workers.

Delegate Kaipat: Don't you think that as the time goes by, eventually all the people would be castigated because we will be the employers of the employees--Filipinos and Koreans? Don't you think that more people, the number of employers will increase as the time goes by?

Delegate Villanueva: When that time comes and we are recruiting less and less alien labors and we are employing more and more local people, we do not have to charge our local people for employing local people.

Delegate Kaipat: If the word "employer" is indicating that more than 50%

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are nonresident people, I think I will go along with this. But if this turns out to be 90% Northern Marianas descent employers and then Filipinos are not paying because it is against the law for him to pay, then we are castigating our people. But I will play along with your figure because you are trying to castigate the employer of nonresident type. Thank you.

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. I think there are two issues here. One is to restrict the influx of alien workers and the other one is to collect money to fund the vocational education programs. I think we have the answer to both. The restriction of influx of alien labors is addressed, I think, in Public Law 3-9, which is a very good law. It encompasses every single aspect of the alien labor. The problem there is that the Commerce and Labor has not promulgated the required regulation to implement that particular law. So on that particular instant, the influx control, I feel that we have adequate vehicle that should have addressed that already. If there are some conflicts of interest in that department, I think it is about time to address it to them and tell them to step aside and implement for the good of the CNMI. Now to collect enough money to fund the vocational education program, this morning the President of the Community College told me that with the \$400,000, it would be very sufficient to come up with the program to carry on the vocational ed. Now, presently the employers are paying \$70 for every single alien that comes in. These funds come in on a form of \$10 alien registration, \$40 physical examination, and \$20 on processing fee. If we want to assure the Commonwealth to collect another \$400,000 -- by the way, taking this \$70 and multiply it with the number of aliens, as given by the Department of Immigration, with 5,917, this amounts to \$414,000. So I would gladly recommend that we give the Legislature this particular proposal and tell them to tag along and the employers will gladly again pay the another extra \$70 for each additional labor so that they can again come up with another \$414,000 and leave it at that so that we, the private sector, can also be assured that we have enough money through projects to pay for ourselves, to pay for our taxes, and to shoulder the obligations that we have and support our government on a continual basis. I see that if we are to be required as the committee presented here with the break-down as to how this thing is going to be funded, we are all going to close shop and we will not be able to help the government further. I kindly ask my fellow delegates to support another means of approach and give this to the Legislature, show them how to do it, and I am pretty sure that they will be more receptive that way. Thank you.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: Thank you, Mr. President. I, too, am in support of the committee recommendation that we are discussing now. I cannot accept the arguments that because it is a complex issue and because this is not the fault of the employers that this measure should not be taken up in this Convention. The problem we are confronted with, the lack of skilled laborers, especially in the trade and technical areas, has confronted us for the past 12 years. Since the Comprehensive Employment and Training Act was implemented in the Trust Territory, we continued to say that we are not prepared to tackle this problem. When are we ever going to be ready to tackle this? It is getting very serious. The proposed policy that is in front of us is long overdue and we must make a decision now. If we want to continue to see the number of alien workers in the



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Commonwealth, then let's vote this down. But if we want to curtail that, let's vote for the proposal as recommended by the Committee on Finance and Other Matters. We talked about incentives this morning in deliberating on the proposed measure. The Third Legislature, if I am not mistaken, passed a law exempting the construction trades from the minimum. When are we ever going to provide the said incentives that we are arguing or we are talking about when arguing against the measure that is now pending before us. I feel that we must address this issue and let's vote in favor of the measure and put it to the people for their consideration in November. If nothing is done now, we might be faced with jobless children in the very near future. Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I'm still not convinced since we recess this morning to support Committee Recommendation No. 67. I share the sentiment expressed by Delegate Reyes that there is a better way to address this matter. What, in essence, we are doing over here is, like Delegate Kaipat stated, castigating the employers. We are telling the employers to hire those who have repeatedly refused to work as mason, as carpenter, and who have tried to work for a day or two then left the work site or work station and never showed up. I think this is very, very unfair to the employers. What will happen here is that if you charge \$150, \$2,000 per head, this would be passed on to the consumers. If it is construction, then it will be passed on to the house or home owners. So this is not really the resolution to the problem and I ask all the members to vote against this. We had a lengthy discussion this morning and no arguments or points have been presented so far to convince me to change my mind. I move for the previous question.

Secretary Nabors seconded the motion.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: I think the issue before us is important, Mr. President. Let's not rush and try to defeat the important issue before us. If this committee recommendation will not get the general consensus of the Convention, then let it be. But as I stated earlier, this morning, that the committee did an excellent job, it provides you with statistic, an updated statistic and it provides you with a recommendation on what the committee is recommending to the Convention. Yes, everytime we look around and we see delegate proposals, we feel they are legislative matters. Yet in the very Constitution today, there is a provision that the Legislature shall provide it by law and up to this date they haven't provide it by law. It is time that this issue should be put before the people and let them vote should they decide to vote it down. I think it is an issue that is an interested issue to the general being of this community. And I'm sorry that maybe Delegete Mafnas said that nothing ford yet he has seen to the Convention that this committee recommendation should be passed in this Convention. But what else do we want? We have proven you with statistic. It has even exceeded 30% of the total population of CNMI. Are we going to continue to allow this? Is it really other source or other way of rectifying the situation? I believe that the Legislature will eventually have to establish it in accordance with the committee's recommendation if it is ratified by the people. And they must follow that because they are mandated that they have to follow. Everybody is supporting to see that our own people are employed. Everybody expects

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that we have our own employers, but please turn around and find out how many of these contractors are really indigenous since we are now talking about indigenous here. How of those are the real people of our people? Most of them are from outside. Either they incorporated with a local company here as what we have been arguing on the past days that they just used their names. It is not going to hurt most of our people. This is one way to tap in, you know, to the solution that if you want to bring in an alien so you have to pay that fee. If you don't want it, please hire the local people.

Delegate Mafnas: Point of information.

President H. Guerrero: State your point.

Delegate Mafnas: Both Delegates Ogumoro and Guerrero were members of the Legislature and this thing was not taken up. Now we are saying that the Legislature has not been active or responsive or attentive to this problem. I have, Mr. President, a very small piggery; I have a very small farm; and I advertised for a farmer or a handy-man and not one came. Do you mean to tell me that I'll be forced, I will have to pay \$2,000 to promote or to continue on with my piggery and my little farm because none of our people responded to the examination announcement or job announcement? Thank you.

Delegate DL. Guerrero: Mr. President, may I continue?

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Mentioning by Delegate Mafnas that Delegate Ogumoro and I were members of the Legislature, I want the record to show that even Delegate Mafnas himself served as a member of the Legislature. But let's not forget ourselves that the very provision that we are trying to plug in the Constitution is not in existence with the Constitution that we have today. If it is so exist before then, I am sure that even Delegate Ogumoro and I will have this thing in the Legislature.

Delegate Mafnas: Point of clarification.

Delegate DL. Guerrero: No need to have the clarification. I know what clarification is he going to clarify.

(Laughter)

Delegate Mafnas: I was a member of the Fifth Northern Marianas Legislature before the Constitutional Government. I want that clarified.

Delegate DL. Guerrero: May I further say a point of information?

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

Delegate DL. Guerrero: I was a legislator during the Fifth Legislature and Mr. Nabors was the Counsel when I introduced to tap the same intent of this Convention today but bulk of contractors came in and against it because it is a conflict of interest. I mean, let's be realistic. Every day we face our in and out problems.

Delegate Villagomez: Point of order.

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

Delegate Villagomez: I think we are getting off tract here and we are not addressing the motion before the floor and we are wasting a lot of time. I don't care whose with the Legislature and I don't care what they did or didn't do, the question is whether this is good for the people now and for us to decide now in this Convention.

President H. Guerrero: That's true. The point of order is in order.

Delegate DL. Guerrero: Mr. President, it is the committee's recommendation and as the chairman of the committee, I would have to defend it until the very last moment.

President H. Guerrero: I would like to bring to the attention of Delegate Guerrero that we still have to approve the final proposed draft so I would only entertain half an hour further on this subject. Next in my list is Delegate Mendiola.

Delegate Mendiola: Mr. President, just one question. Does the Convention Rules have anything in regards to the conflict of interest?

President H. Guerrero: We don't have in our Rules of Procedure.

Delegate Mendiola: What about the silent Code of Ethics?

Secretary Nabors: Point of information.

President H. Guerrero: Delegate Nabors?

Secretary Nabors: The Robert's Rules provide that a conflict of interest for a direct personal but there again is pretty much optional on the part of the delegates as to whether or not they consider a conflict direct and personal.

Delegate Mendiola: As an executive owner of a construction, would that be a direct personal conflict of interest?

Secretary Nabors: It is up to the delegate to make that determination.

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

Delegate Mendiola: I'm finished.

President H. Guerrero: Delegate Torres?

Delegate Torres: Thank you, Mr. President. I have been waiting for this to do a little lecture. I think what we are facing here is a big problem. I think it is a systemic problem common in all developing countries and I disagree that there are only two issues involved here. There are multiple causes, multiple issues, and I'll name four of them. One is the fact that there is a wage differential between the private and the public sectors in favor of the public sector. There is also a disparity in job categories between white collar and blue collar work in favor of white collar. There is a problem with our education system. There is a lack of progressive and sufficiently funded vocational and technical education program for grades 9 to 12 and for post-secondary education. What we need is an

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education of technical and vocational for grades 9 to 12 and a program of career education and tracking system for grades k to 8. Another problem is attitude, a sense of work ethics; we don't have that. That's perhaps why we don't have dependable work force. One way to resolve this is to have an outreach program to indoctrinate our parents against the syndrome of white collar occupation. We should get the business community to sponsor programs, such as hotel management, mechanics and whatnot, so perhaps this is one way of reversing this syndrome. Also, we can offer other form of incentives for our people to get into this program, such as scholarship --two to four years scholarship. And the fourth major problem with this is the comparative advantage of the highly skilled, highly motivated and unfortunately very cheap labor force around us. These are the four major problems and they are systemic problems. We can argue days after days, years after years about this, we will never get anywhere. This is a major problem. We should address it and let's address it head-on. Look at the wage differential, look at the educational system, look at our work ethics and look at the comparative advantage around us. That's how we should deal with this problem. I think, again, both opposing camps have argued on this issue in circle and not really hitting at the major problem within the system. Thank you.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. (in Chamorro)

President H. Guerrero: Delegate Calvo?

Delegate Calvo: Mr. President, I was trying to put up something, you know, with the proposed amendment here but I just cannot figure the right words to insert here since I heard from the Chairman of the Committee that, of course, the intent of this is primarily to prohibit to those non-resident employers in the Commonwealth. But I was trying to figure out the constitutionality of that and I was now rocked two times. But, Mr. President, the most practical means I think to accommodate this intention can perhaps be addressed by an incentive program whereby the employer be given a tax incentive per every indigenous, train an hired maid, and of course, we must put a stop to food stamps and other related programs that contribute to the situation. I feel that there is alot of potential indigenous for the market but unfortunately there's some social programs that hamper the construction development, or name it whatever kind of employment section in the Commonwealth. So I feel that the only time I can be contented here is to put a stop on the food stamps and other related programs then we can be in order. Maybe they will come and start working and stay full-time, stay seven days or six days a week. I'm still looking at some words to accommodate the amendment I was trying to put out. Thank you, Mr. President.

President H. Guerrero: Delegate Inos?

Delegate Inos: Thank you, Mr. President. A plea for support, again. I don't believe that there exist a very good law in regards to this issue. If there is, then how can we account for the 23% increase of nonresident workers within one year. No. 2, most of us here agree that the committee is not addressing the situation properly. I think that if we are serious, then I would now be hearing amendments to better this proposal. The third one, I think that we should place this before the people, as we have done with the rest of our recommendations, our amendments for them to decide.

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The fourth, I would like to make a motion. I move to delete on line 12, beginning with the word "The", that full sentence thereof be deleted.

Delegate Mendiola seconded the motion.

Acting Presiding Officer Nabors: It has been properly moved and seconded that the last line, beginning on page 12, be deleted. Discussions?

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

Acting Presiding Officer Nabors: Delegate Manglona?

Delegate Manglona: Mr. President, I agree with the intent of this committee recommendation. My disagreement is the fact that we cannot carry out the intent. The persons who ultimately pay for this additional fee will be the alien workers. The employers will not be hit by this additional pay and I think I have explained this in detail previously. I'll agree with this intent if it is true that the employer will ultimately pay for the additional fee. And I believe that there is no conflict of interest here. My proposal is to increase the minimum wage so that the construction workers can be paid the same as the other workers in the other industry. Let's assume that you increase the minimum wage from \$1.35 to \$2.15. Automatically, I as an employer will be paying at least eighty cents per hour which is equivalent to \$6.40 per day which is equivalent roughly to \$1,800 per year. So why would I rather pay \$1,800 per year than the proposal here which I believe is \$150 initially....

Delegate Inos: Point of clarification.

Acting Presiding Officer Nabors: State your point, Delegate Inos.

Delegate Inos: Is Delegate Manglona proposing to amend this?

Acting Presiding Officer Nabors: Delegate Manglona, do you want to answer that?

Delegate Manglona: Well, I'm trying to bring out a point, so can I just finish it? My point is that if you increase the minimum wage from \$1.35 to \$2.15, I as an employer would be paying \$1,800 a year. And I don't mind to pay that because I know that I am paying it, Sablan Construction is paying it, Luta Construction is paying it, everyone is paying it. But if we go this route, only the local and the honest contractors will be penalized by this amendment. Only the honest people will be paying the \$150 per head and those other alien construction companies will be directly making the workers pay for this. So that is my objection to this amendment. We will be creating more unfair practices in the construction industry. It is bad enough today that some companies are not paying the minimum wage. So if I can be assured that the employer will pay this \$150 of what fee that is imposed, I will agree with this. But what I am trying to point out is that I as an honest employer will be hit by this and the other employer who is not honest will pass it on to the employee. So I think the honest way and the correct way to do this will be to increase the minimum wage. And I know that by doing it, I am going to be paying more than this fee that you are going to be imposing to me. But everybody is paying it, so I have no problem.

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President H. Guerrero: I would like to recognize Delegate Kaipat and Delegate Mafnas and we will vote. Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I would like to go back to stampede again, human stampede of 5,000 aliens in Marianas today. I will support this proposal knowing that we will castigate the employers who, according to the committee's study indicated that majority are alien's companies in Marianas today and while I can see that many of our own Northern Marianas descents' companies, employers will be hurt also at the same time. And the question is, why let this employee go? There's nothing as far as castigation is concerned. It's the Filipino that is going to do the job in Marianas. I was wondering that maybe to unload some of the burdens from the employer or the Northern Marianas descent is this company, Joeten or whatever it is, maybe we should try to do something to castigate the employees themselves by letting the employer get some money from the employees in a form of tax to pay this amount that that employer is supposed to be paying every year, the annual fee. Why castigate only the employer, especially if it turns out that he is a Northern Marianas descent type of employer? Why not let the employer get some money from the employees to pay the fee. Maybe this would be more fair. However, thinking on the line of their committee's research and result, I would like to go along as we did now, but maybe in the future we can do some changes, some modifications. There are two ways of stopping this stampede which is already ongoing on Saipan in the Commonwealth. You can stop it at a higher level or the employer/employers so that they can discourage the employers from bringing in more Filipinos or alien workers. And two, you can castigate the low level, step No. 2, on employees to prevent them from coming into Marianas. Thank you, Mr. President.

Secretary Nabors: Point of information, Mr. President. Could I inquire? The Public Auditor has some 15 alien workers. Would that be covered under this proposal?

Delegate DL. Guerrero: Yes.

Secretary Nabors: What about the people living on Capitol Hill?

Delegate Villanueva: Everybody is supposed to be included, including the government if it is recruiting alien workers and not hiring local people that are available. Everybody; no exemption.

Secretary Nabors: Does it include Micronesians?

Delegate Villanueva: Everybody is included, Bill, according to the committee.

Delegate Mafnas: Mr. President, I would like to ask questions to the committee. Does the committee have the number of non-Marianas descent companies or non-local companies?

Delegate DL. Guerrero: The committee did not get the number but it is plenty.

(Laughter)

Delegate Mafnas: How many is plenty?

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Delegate DL. Guerrero: Plenty means maybe 50.

Delegate Mafnas: Then the next question is, how much revenues are being generated by these companies, from business gross revenues and income tax?

Delegate DL. Guerrero: I assume if it's a local revenue, they are all included as revenues....

Delegate Mafnas: How much revenues?

Delegate DL. Guerrero: Not specifically from the non-CNMI citizens. I don't have that information.

Delegate Mafnas: Mr. President, the reason why I asked those questions because I'm afraid that, you know, developments will be retarded in the Northern Marianas. We are forgetting that the private sector is the major or the largest contributor to the funding or resources of the Northern Marianas and we are again trying to make development or progress, investment difficult. So I ask again the members to vote against the proposal, and I move for the previous question.

Secretary Nabors seconded the motion.

President H. Guerrero: We are voting on Committee Recommendation No. 67, as amended. Delegate Nabors, can you take the roll call?

At this point, Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 67, as amended, on Second and Final Reading was voted on by a roll call vote, as follows:

YES: Delegates David Cing, Lorenzo DL. Guerrero, David Igitol, Rita Inos, Benusto Kaipat, Luis Limes, James Mendiola, Felicidad Ogumoro, Ramon Villagomez, Ignacio Villanueva, and Esteven King. (11 votes)

NO: Delegates Vincent Calvo, Herman Guerrero, Alonzo Igisomar, Jesus Mafnas, Paul Manglona, Aniceto Mundo, William Nabors, Karl Reyes, and Joaquin Tenorio. (9 votes)

ABSTAIN: Delegates Francisco Tomokane and William Torres. (2 votes)

ABSENT: Delegates Juan Lizama and Maria Pangelinan.

And the motion was defeated.

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

President H. Guerrero: Committee Recommendation 67 is defeated. Recount?

Delegate DL. Guerrero: Yes. Can Delegate Nabors please review that because....

Secretary Nabors: Okay. I have yes vote for Delegate Cing, Delegate Lorenzo Guerrero, Delegate Igitol, Delegate Inos, Delegate Kaipat, Delegate King, Delegate Limes, Delegate Mendiola, Delegate Ogumoro, Delegate

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Villagomez, and Delegate Villanueva. I have no votes for Delegate Tenorio, Delegate Reyes, Delegate Nabors, Delegate Mundo, Delegate Manglona, Delegate Mafnas, Delegate Igisomar, Delegate Herman Guerrero, and Delegate Calvo. I have abstention for Delegate Tomokane and Delegate Torres. That's 11, 9, and 2. And 2 absent.

President H. Guerrero: Excuse me?

Secretary Nabors: 11 affirmative, 9 negative, 2 abstentions, and 2 absent.

President H. Guerrero: Still defeated; you need 17 votes.

Delegate DL. Guerrero: Can I have a copy of that?

Delegate Villanueva: Mr. President, I want to thank the members for voting on this and I want to emphasize that the committee tried its best to persuade.

President H. Guerrero: Delegate Inos?

Delegate Inos: I want the delegates to be aware that the Committee on Finance and Other Matters did address the concern of the public as was echoed over and over again. For the record, this Convention defeated the concern of the people. Thank you.

President H. Guerrero: Delegate Torres?

Delegate Torres: Yes. I also want the record to show that this problem should be dealt with comprehensively taking it into account wage differential, the educational system, work ethics, and comparative advantage. Thank you.

Secretary Nabors: Mr. President, if I might, I'd like also the record to show that I shall do my best as a legislator should I be successful in November on this issue.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: I think Miscellaneous is further down and I think that's the proper time to express our opinions. I think we should try to finish our business.

President H. Guerrero: Okay. I passed earlier the rough draft or at least the first typing without proofreading on the proposed constitutional amendments. The Steno Pools are typing now the corrected version for grammatical and typing errors. Do you want to take this up, or do you want to wait until they are finished?

Delegate Cing: Mr. President, can we take five minutes recess?

President H. Guerrero: It's going to take awhile to xerox all of them. It's going to take more than ten minutes.

Delegate Villagomez: Why don't we go on?

President H. Guerrero: Can we go on? I discussed with the Committee on



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Organization and Procedures in terms of these proposed constitutional amendments and we have agreed this morning that it's best that we start with Article I of those amendments and start numbering them from that section. Therefore, if there is no objection from the members, I would like to recommend and probably taking your copy and putting the numbers in that proposed Constitutional Amendment No. 1 will be the Committee Recommendation No. 28 and that is to amend Section 9 of Article I of the Northern Marianas Constitution relating to Clean and Healthful Environment. Can I ask the members to get their copy on that one and mark No. 1?

Delegate Mafnas: Mr. President, do you have that is listed down with you?

President H. Guerrero: I have the one with just the names. Do you want the numbering?

Delegate Mafnas: Right.

President H. Guerrero: Unfortunately, I don't have the list. I just wrote it down on my copy. Can we take five minutes recess?

Delegate Mafnas: Yes.

President H. Guerrero: Fifteen minutes -- excuse me.

The Convention recessed at 4:52 p.m.

RECESS

The Convention reconvened at 5:18 p.m.

President H. Guerrero: The session is called back to order. As I was mentioning, the Committee on Organization and Procedures agreed that we should do this by article and that all these proposals have merits of their own and we should let the public decide which one they want and which one they don't. And this is arranged by article and by section also. And if we are adding a new section to that article, it is inserted in here. So like No. 1 with Committee Recommendation No. 28 and that's Clean Environment. Going on down and we have 42 and that's the Interim U.S. Citizenship. Local Government is No. 24 and that's Committee Recommendation No. 41. Any comments or suggestions?

Secretary Nabors: No objection.

President H. Guerrero: Delegate Cing, do you have a question?

Delegate Cing: Yes. What about the one that we just passed, Committee Recommendation No. 318?

President H. Guerrero: It is the Proposed Constitutional Amendment No. 21, Indigenous Affairs.

Delegate Cing: Oh, okay.

President H. Guerrero: Delegate Tenorio, can you speak louder, please?

Delegate Tenorio: Mr. President, Article II, Section 5, Permanent Residency, I have arranged my Proposed Constitutional Amendments according to

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articles and I don't see these amendments in your list. Permanent Residency and also another one on Article II, Section 7, relative to action on legislation by the Governor.

President H. Guerrero: Isn't that under...?

Delegate Tenorio: It's 63 and that's No. 7.

President H. Guerrero: Which one is the Permanent Residency?

Delegate Torres: Mr. President, point of information. Permanent Residency is 62, Committee Recommendation No. 62 which is rampant alienation.

Delegate Tenorio: So that should be under, I think, Proposed Constitutional Amendment No. 5. I have it here and that is Section 5.

President H. Guerrero: No. 6?

Delegate Tenorio: It should be No. 5. And then Section 7(a) should be numbered 6 which is Government Action, I think.

President H. Guerrero: Excuse me. Can you make corrections that No. 5 should be No. 7 and No. 7 should be No. 6 because No. 5 is really Section 11 of Article II. So No. 6 should be No. 5 because that's Section 5 of Article II, and No. 7 should be No. 6 because that's Section 7 of Article II.

Delegate Villanueva: No. 64 of the recommendations is not here. It's on Education.

President H. Guerrero: Do you mean Education is not included in here?

Delegate Limes: Will you repeat that again, Mr. President?

President H. Guerrero: What happen to Education?

Delegate Tenorio: Another one, Mr. President, on the Budget Ceiling. This is on Article II, a new section. That, I think, should be No. 10.

President H. Guerrero: Do you mean the Legislative Budget?

Delegate Tenorio: No, the Budget Ceiling. It says here "To add a new section to Article II."

President H. Guerrero: Can you make reference to what proposal is that?

Delegate Tenorio: Let me see if I can.

President H. Guerrero: Isn't that the Legislative Budget you are talking about the budget ceiling?

Delegate Tenorio: Yes, that's correct.

President H. Guerrero: That's No. 9.

Delegate Tenorio: Well, there's one here where it says "To add a new

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section to Article XVI which is the Legislative Bureau." This other one is to add a new section. Are you proposing to put the new section before Section 16?

President H. Guerrero: Which one? Is that the Legislative Bureau? Legislative Bureau is the new section as well as the Legislative Budget.

Delegate Tenorio: Okay. That's a typographical error, I guess. They put Section 16 on the Legislative Bureau.

Delegate Ogumoro: Mr. President, what is the number for Education?

President H. Guerrero: After 36, can you insert Education over there and that's 64 and renumber from 37 down to 38, 39, 40, 41, 42, and 43? After 36, 37 should have been Education and that's 64. And renumber 37 with 38, 39, 40, 41, 42, and 43. Did we miss anything else? Oh, the Women's Affairs. My apology. What happen to that?

Delegate DL. Guerrero: I think after we go over this thing, we can go back and see if there's any correction.

President H. Guerrero: Yes, but we forgot the Women's Affairs. It should come before the Indigenous Affairs. Can we at least insert those and renumber it again? So actually there are 44.

Delegate Reyes: Where does the Women's Affairs come in?

President H. Guerrero: The Women's Affairs should come right after 20, before the Indigenous Affairs. We need to adopt the entire thing for final reading.

Acting Floor Leader DL. Guerrero: Yes. Mr. President, motion. I move that the Convention adopts all the Proposed Constitutional Amendments and the Committee Recommendations on their final Reading as in the package.

Secretary Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Proposed Constitutional Amendments for final reading. Delegate Ogumoro?

Delegate Ogumoro: Thank you, Mr. President. The Proposal on Education, I see that the amendment offered by Delegate Torres relative to the composition of the Board of Education is missing. I cannot find my copy of that amendment. If we can have Delegate Torres read it out.

Delegate Torres: I can provide that and I'm sure....

President H. Guerrero: Delegate Ogumoro, they are typing the amendment to insert those things.

Delegate Torres: Mr. President, I also would like to bring to your attention before we adopt these things that there are a lot of missing things either a word or phrase, so I really would hesitate to adopt these.

President H. Guerrero: The Legal Counsels have reviewed these that is why I'm asking whether we should want to wait until they make all the corrections and vote on the final version, or do you want to adopt it. If it's

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a phrase, or I know that in your copies, the Local Government which is Section 4 is missing that corrections have been made and the Steno Pool has been informed about it and the final version will be passed out.

Acting Floor Leader DL. Guerrero: Mr. President, with the understanding that all the necessary amendments or insertions for final should all be included. In that way, each delegate will have the opportunity to review it. But I hope that we proceed and adopt this on final reading.

President H. Guerrero: Also the Post-Convention Committee can review it also if there's a discrepancy. If there's no more discussion....

Delegate Torres: Mr. President, are you going to allow us to make some corrections? Because so far I have four proposals that are not complete.

President H. Guerrero: Can you name those proposals?

Delegate Torres: Yes. One is, it has to do with Permanent and Long-Term Interest in Real Property. The other one has to do with Public Land Trust. The other one is Permanent Residency. The other is the Education, of course. The other is the Corporation.

Secretary Nabors: Mr. President, may I suggest that we take 15 minutes or so and go through these and pick up any obvious oversights now?

President H. Guerrero: Okay, we will have 15 minutes recess.

The Convention recessed at 5:35 p.m.

RECESS

The Convention reconvened at 5:44 p.m.

President H. Guerrero: The session is back to order. I'd like to mention to the members that, like I said, this is not the final version, final typing and it has been proofread because these were typed by the Steno Pool up till about four this morning. And if you've been back there at night, sometimes it's hard to see in the evening. And I would like to recommend that if there are some changes or corrections that, you know, are oversight on the part of the Steno Pool that are still be incorporated and I did not have the chance to review also this in terms of proofreading it. So this is, in actuality, a rough draft that is presented to all members and I would like to ask the indulgence of the members that if there is no objection that any corrections that you notice, I would appreciate if you can bring it to the attention of the Chair. I will be here for an additional of two weeks on Saipan to wrap up the function of this Convention and transmit the document to the Governor and the Presiding Officers of the Legislature as well as make arrangement for translation in the local vernacular with the Department of Education. Delegate Manglona?

Delegate Manglona: Mr. President, do you see a problem in doing that? Because I think it's good now to at least spend for a few minutes so that, for the record, at least it will show in the journal. Because the problem with doing that is that there might be a deletion and it might be a substantive deletion and we don't want to question it in the future whether it should have been included or not. I think, at least for the record, we

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should mention it here just quickly at least because I don't want to be fighting in the future when all the delegates are scattered and we cannot get them back together and it might be a question of just one word but it is an important word. Thank you.

President H. Guerrero: Delegate Guerrero?

Acting Floor Leader DL. Guerrero: Mr. President, this whole package yet is still have to go through proofreading and I'm sure you are going to have some staff to go over this and the Counsel as well as the Secretary of the Convention. And if we do adopt it at this fashion, of course, this also would not limit us from coming back. And anything we see here that is inconsistent with what is in the journal or is in the amendments that were offered, then I think it's appropriate that that has to be accommodated because that has been the position of the Convention when we adopt it on Second and Final Reading.

President H. Guerrero: Delegate Guerrero has a point that everything is being recorded on verbatim journal on the Second and Final Reading.

Delegate Manglona: I don't agree with that, Mr. President, because a lot of times we have amendment that was just passed around and we voted on that without the reading of that amendment sometimes.

President H. Guerrero: Those amendments were provided to the Journal Clerk and attachments are going to be attached to the journal. And also the proceeding is being recorded, therefore, I believe all grounds are being covered. It will take us several hours to go over all of these if that's what you are insisting. The AG has reviewed it this morning and noticed a lot, even in the Local Government that a section was left out but it is not left out by the Convention but the Typing Pool secretaries' fault.

Delegate Manglona: Because I see some in Local Government that were not changed at all and I think the Convention agreed on the changes and that is my concern.

Acting Floor Leader DL. Guerrero: That's exactly what we stated, Delegate Manglona, that your very concern is already recorded by the Steno Clerk. So anything that you feel it's not incorporated with your concern which the Convention did pass, then I think you can address that tomorrow.

President H. Guerrero: Delegate Manglona, if you feel much safer, the corrected version will be passed out to all the members again for final reviews; I mean, for your copy. And as such time you can review it again and you can bring this matter to the attention of the Post-Convention and they can work it out. But I would like also the chance to go over all of these to proofread it. Delegate Cing?

Delegate Cing: Thank you, Mr. President. For the benefit of the delegates, Mr. President, I believe that you can tell us where we can find you in the two weeks that you are going to be here or give us your telephone number.

President H. Guerrero: Delegate Cing, for the remainder of the week, I'll probably be up here trying to wrap up things and move things out. After that, I'll be -- I talked to the Public Auditor and he has an empty room

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over there where I can use. And I am not too sure offhand what's the number for the Public Auditor. If not over there, then I'll be at AG's Office. Delegate Kaipat?

Delegate Kaipat: Mr. President, do you have the time to take all these 44 measures and put into AG's hand to work on all the proposals?

President H. Guerrero: They have already gone through at least the first round of proofreading today and they have given those copies to the Steno Pool to make the corrections. But if there are additional corrections that need to be brought to the attention of the Convention, then everyone is welcome to submit that so that we can cross-reference all these corrections. It only helps. Delegate Mafnas?

Delegate Mafnas: May we have the experience of the First Constitutional Convention on this specific matter?

Acting Floor Leader DL. Guerrero: Mr. President, the First Con Con, of course, exactly what we have now is that the Counsel compiled the whole section or the whole article of the Constitution and presented it before the Convention with the understanding, of course, that the Convention will adopt the very provisions of the Constitution. But should something reflect that it is contrary with the Second and Final Reading with cross checking back and forth with the verbatim journal, that has to be proof. The necessary changes will be made with the concurrence, of course, of the Secretary as well as the Convention because after we leave here the Secretary and the President, as we just passed a resolution for them to go over these things, not only the journals but the proofreading of these things.

President H. Guerrero: Delegate Villagomez, would you like to augment on Delegate Guerrero's statement?

Delegate Villagomez: Amend?

President H. Guerrero: Augment.

Delegate Villagomez: I cannot because I have a different recollection.

President H. Guerrero: Would you like to share your own recollection?

Delegate Villagomez: Yes. My recollection in the First Con Con was as the proposals were passed, the attorneys took them and finalized them right away. And by the time of the last day of the Convention, there were no changes necessary because it was all thoroughly completed and ready for final approval without any necessity for further review and changes.

President H. Guerrero: Delegate Guerrero?

Acting Floor Leader Guerrero: Yes, that is very true because, as I said earlier, that the Counsels, immediately upon adoption on Second and Final Reading, they start working on the final language of it. But should any inconsistencies on the passage of the intent, then the Counsels as well as the Secretary of the Convention have to review that. And as you may recall, Delegate Villagomez, that the final package, of course at the signing ceremony, was presented to us. But during the last day of our Convention in the Constitutional Convention Hall, the whole package was presented by the Counsel to the Convention.

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President H. Guerrero: Delegate Nabors?

Secretary Nabors: Point of privilege, Mr. President. I would like to recognize the presence of Governor Pedro P. Tenorio who just arrive at the Con Con Convention.

(Applause)

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, it appears that the Proposed Amendments were all ready for adoption during the First Constitutional Convention, perhaps we will just have to stop the clock and go over these tonight. I am concerned because it's not that I don't have any faith on my President and my Secretary but a comma would make a difference; a deletion of a word would make a great difference. So probably what I would like to suggest is that we go on with our business and we come back and go over these. Thank you.

President H. Guerrero: Delegate King?

Delegate King: Mr. President, I was a delegate of the First Constitutional Convention and my recollection is that the delegates just went over the Order of Business and like Delegate Guerrero said that we leave it up to the AG and the AG reviewed it and then we came back. Later, we reviewed and then adopted it in final. So if we can give it to the AG or the Legal Counsel to review it and we just go over our Order of Business and dispose of the rest and then come back later on and review the final package.

President H. Guerrero: Is that the consensus of the Convention?

Secretary Nabors: No objection.

Delegate Kaipat: No objection.

Delegate Mafnas: No objection.

President H. Guerrero: Alright; I can ask the Steno Pool at least to make the finish xeroxing of the corrected version so we can entertain that one instead of this one to be on the safe side. So we will suspend the final reading of the Proposed Constitutional Amendments and move on to the Order of Business. Delegate Guerrero?

Acting Floor Leader DL. Guerrero: Yes, I would like to suspend from Item J down to Item L and go on to Miscellaneous Business.

Delegate Mendiola seconded the motion.

President H. Guerrero: If there's no objection, why don't we just go down to K and L since there's no Unfinished Business and there's no Introduction.

Acting Floor Leader DL. Guerrero: Well, that's exactly what I said, to suspend those items and go all the way down to Item M.

President H. Guerrero: Okay. There's no Unfinished Business, no Intro-



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duction of Resolutions and Referrals; we are now under Miscellaneous  
Business. Delegate Mafnas?

MISCELLANEOUS BUSINESS

Delegate Mafnas: Mr. President and fellow delegates: I know in my heart that we have worked together here over the past 34 days in the best spirit of fellowship that we possibly could. We refused to let our personality differences come over the demands of the people; we insisted on cooperation over separation; and we chose debate over division. I am proud to be a part of this great Second Northern Marianas Constitutional Convention and I shall never forget how we did this job of setting forth amendments to the Constitution.

I have been in government service for over 19 years; my life is to serve the people and to help meet their needs. In all of the time of service I have never had a more exciting, challenging, or more rewarding experience than I have had here with you. You have convinced me that the Commonwealth of the Northern Marianas is in capable hands, is represented by bright minds and is being led by persons of proud and independent spirit. Although we may have been dominated by the Spanish, Germans, and the Americans for many years, the way we worked together here shows that the Chamolinian spirit burns stronger than ever before and is alive and well.

And, Mr. President, I would like to go on record as expressing my sincere appreciation to you for your steady, even-headed leadership and for your coolness at the controls of this Convention. Without your steadiness, we would have been unsteady; without your control, we would have been careless; and, without your respect, we would have been ruined. I was pleased to watch you grow into your position as the Convention progressed.

And so it has been with many of us--we grew into our position as delegate; we learned as we went along, and we are bigger for it. The Commonwealth needs us to continue that growth for much still remains to be done.

Thank you very much, Mr. President.

President H. Guerrero: Thank you, Delegate Mafnas. Delegate Cing?

Delegate Cing: Thank you, Mr. President. I, also, want to deliver a speech, if I may, Mr. President.

President H. Guerrero: You may.

Delegate Cing: Mr. President and fellow delegates of the Second Northern Marianas Constitutional Convention, as your Second Vice President, please allow me to extend my sincere appreciation to all of you.

I realize now that amending the Constitutions is not an easy task. There are times when I felt tired, sleepy, and even frustrated but without the patience, understanding and efforts I have been able to accomplish if not all then some of my objectives.

I would like to personally thank especially the delegates from Luta for their energetic support from the very beginning of this Convention to fulfill the Tinian and Luta's objectives on the issue of Local Government. This issue is of great importance to the people of whom we represent.

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I would like to extend my sincere appreciation also to the delegates from Saipan for their continued support and cooperation with us. I am thrilled that this experience, men and women gave freely and fully of their understanding, patience and guideline. I am more than happy to extend my deepest gratitude to the Committee of ten; and in this respect, I would like to publicly thank Delegate Jesus P. Mafnas. Delegate Mafnas, in kindness, showed me a lot of things in this Convention and this includes courage, integrity, compromise and a tactic of maneuver.

(Laughter)

Delegate Villagomez helped me to seek group head, wisdom in action. I am proud to have had these men and all of you as teachers.

I would also like to extend my appreciation to you, Mr. President, for you so tolerated with us during the Convention, understanding and inexperience and having yourself to learn how to manage so many different personalities

Lastly, I would like to thank all the media for their efforts to cover the Convention's proceedings from the very first day to the last day of the Convention, and to all the Convention staff for their great job.

I am very sorry if in one way or another I have hurt the feelings of some of you that have been involved in this Second Northern Marianas Constitutional Convention. Let us forgive each other and continue to work together for the enactment of the amendments for the upcoming election. So help us Lord. Thank you.

(Applause)

President H. Guerrero: Thank you, Delegate Cing. Delegate Guerrero?

Delegate DL. Guerrero: Please allow me also to deliver my last remarks in this Convention. I want to take these last few moments with you to reflect on our experiences throughout this Second Constitutional Convention, 1985, and to share some of my thoughts.

At the beginning, this Convention came to a hold due to certain frictions. And so I pled for cooperation and compromise. Our journey is long, our tasks are difficult, I thought that if this Convention was to be a success, we must cooperate and compromise. By experience, the First Constitutional Convention was a success because there was cooperation and compromise.

The delegates in the First Constitutional Convention represented all kinds of professions. Amongst the delegates, there were lawyers, a marine biologist, a woman, and a doctor, the late Dr. Francisco Palacios, (God be with him). In this Second Convention, we have delegate representation of business persons, lawyers, a doctor, teachers, political scientists, delegates with PH.D., Carolinian Delegates, and three women. There are many young minds in this Convention more than at the First Convention, a fact that sets this Convention apart from the first.

As one of the delegates in the First Convention, we came with mixed feelings. While each of us came with various ideas and visions eager to create a set of standards to guide our daily lives, to create a certain

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form of self-government, etc., we were afraid. We were afraid that the product of our work might not be that of what we wanted to achieve. We took the challenge anyway and went ahead and produced a "document". A document that we now call the Constitution of the Northern Mariana Islands.

We came to the First Convention with various ideas and visions and without experience, attempting to create an identity, in the form of rights, freedom and independences and we created one.

In this Second Convention, we have also come with various ideas and visions, but this time, not to create an identity, we have already achieved that in the First Convention. This time we have experience, and so our goal is to examine the different facets of our identity. To polish each part, where necessary, with new ideas and visions. We have discussed, reviewed, studied and researched here many various group interests, such as that of women's interests, that of the Carolinians, the separate islands, the separate offices and even separate functions and other interests. Throughout this Convention, we have examined and re-examined, considered and re-considered, and debated the various parts of our Constitution and as a result, we have arrived now with many proposals in an attempt to improve such parts. Throughout the seven years of our Constitution, those parts have been screaming to be re-examined, asking to be modified by way of amendment and we have done so.

Throughout this Second Convention, we have concentrated particularly with strong emphasis on the various group interests more so than in the First Convention. In putting forth and in supporting, by way of proposals, the various group interests, there were times when these interests clashed, almost leading to assaults, walk-outs and holding the entire Convention hostage. And through it all, it was by moderation, patience, love and sacrifices that we have settled our differences. As we agreed at the outset to certain Convention objectives, we have abided by these objectives, we have overcome our differences and thus we have come out rather successfully.

We have hammered out 318 proposed amendments. We should be very proud of the quality of these amendments considering the limited time and limited key staffs that we had.

This Convention has provided us with a chance to get a broader view of the many concerns throughout the Commonwealth. As a delegate from Saipan, I have benefitted from hearing the concerns of my countrymen from Luta and Tinian. May our differences continue to bring us closer in unity.

I bid you all farewell and God's blessings, and I want you to know that I am proud to have worked with you and to be a part of this Convention.

Thank you, Mr. President, for allowing me to have the floor. Good luck to you all, and God bless each and everyone of us here. Thank you.

President H. Guerrero: Thank you, Delegate Guerrero. Delegate Limes?

Delegate Limes: Thank you, Mr. President. Please allow me a moment of your time, fellow delegates.

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Mr. President and my fellow delegates: It is just thirty-five days today, although it seems very long ago, that the gavel first called the Second Northern Marianas Constitutional Convention to order. Yet I remember those first few days very well. We were divided -- divided by political party, divided by senatorial district, divided as Chamorros and Carolinians. One could almost see walls between the delegates, and none of us knew if the barriers could be overcome, whether the Convention would be able to adopt even one proposed Constitutional Convention.

But as we sit here today, we have adopted over 42 proposed amendments to be submitted to the voters in November. Each of these proposed amendments reflects a matter of importance to the welfare of our people. I, for one, am very pleased and proud that we are able to give the voters these choices about how their government is to be run, about the content of their Constitution, their fundamental law.

We have been successful in this Convention because we set aside our superficial differences when we began our committee work and focused on the issues. Throughout the many long hours of deliberations in the Committee of the Whole and debate in the plenary session, there was often tension in the air, but it was tension born of strong and deep convictions and passionate concern for the future of our islands. In the end, we found that we had more in common than there was dividing us. And I am gratified, Mr. President and my fellow delegates, at the decorum and respect we, as delegates, have shown to one another while being concentrated together for long days and hours dealing with such very sensitive, often even emotional, issues.

Mr. President, under your organizational leadership, we were able to dispose of the many issues before us. Your committees performed admirably, and I also wish to commend the committee chairmen and vice chairmen. Fellow delegates, we have argued and fought over the issues, and today we have approved the final result. We can be proud of what we have accomplished, even though there are certain to be some imperfections. This has been a historic Convention, the first opportunity for our people to update, improve, and strengthen their Constitution. We have all shared in it. This is an experience each of us will carry with us for the rest of our lives, and I wish to thank and congratulate all my fellow delegates upon the product of our labor and the way we did it.

I would also like to extend a very appreciative thankful to all the staff who have helped us on this effort.

Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Limes.

Secretary Nabors: May I, on a point of privilege, Mr. President?

President H. Guerrero: Yes.

Secretary Nabors: I would like to, if we could, recognize the Vice Speaker who just enter the Chamber.

(Applause)

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President H. Guerrero: Delegate Calvo?

Delegate Calvo: (in Chamorro)

President H. Guerrero: Thank you, Delegate Calvo. Any other members --  
Delegate Manglona?

Delegate Manglona: Mr. President and fellow delegates: All the arguments, the debates, the hijack, and the compromises that we witnessed taking place in this Convention Hall in the last 35 days gave me, as they say, a good feeling today. This is my first experience in working with different people of different backgrounds, different ideas, different beliefs, different professions, and different interests. Everyone was coming from different angle with all kinds of ideas in amending our Constitution and no one was afraid to voice his or her concerns no matter how unpopular they may be. It is a good feeling to see democracy at work here in this Convention.

Before the start of this Convention, I, as a delegate from the island of Rota, was anxious and uneasy as to what this Second Constitutional Convention would accomplish. My father and uncle were both members of the First Constitutional Convention, but because of some misunderstandings, they were not present on the very last day of the Convention to witness the product of their work.

Today, eight some years later, last day of the Convention, I think we have shown the entire Commonwealth people that we can live and work together even with all the differences that we have as one people. No mass body of water can separate our people in this great Commonwealth.

Although we come together in this Convention from different islands and different backgrounds, we all have the same goal, and that goal was what brought us here together.

That goal which we the people of the Northern Mariana Islands all share is based upon the principle of government by the consent of the governed, individual freedom and democracy.

Our work in the last 35 days will bring us much, much closer to this goal. I would like to give my sincere appreciation to all the delegates of this Convention for a job well done. I sincerely feel a great sense of accomplishment.

Our task does not end here, however. We must all help to obtain the consent of the governed. After all, this is what democracy is all about.

Thank you.

President H. Guerrero: Thank you, Delegate Manglona. Any other discussions? Delegate Igitol?

Delegate Igitol: Thank you, Mr. President. Mr. President and fellow delegates: Today, June 22, 1985, marks the end of the second historical event for the Commonwealth of the Northern Marianas - the Second Northern Marianas Constitutional Convention.

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Since the inception of this Convention on June 18 through today, I have watched with great interest how each delegate maneuvered vigorously within the committee meetings, the public hearings and on the Convention floor focusing on the points, merits and demerits of each proposed constitutional amendments.

As you all know, each of us delegates have a mission on behalf of our constituents, but above all, our single mission here is to amend our Constitution to the best of our ability to uphold and protect our laws, rights, common interests and cultures.

I wholeheartedly believe that we have accomplished what we came here to do. We should be proud of our accomplishments, and I do believe that the people of the Commonwealth of the Northern Marianas will be proud of their chosen ones and their accomplishments.

Mr. President, I would like at this time to congratulate all the delegates on the successful of this difficult task despite of a great number of challenging issues, vigorous and passionate arguments. Although the delegates came with different backgrounds and philosophies, they worked with the concept of compromise (give and take). Without this concept, the mission of this Second Constitutional Convention would not have been possible today.

Furthermore, Mr. President, my appreciation also goes to the beautiful administrative and support staff, the legal counsels, the executive and legislative branches and other people who assist this Convention one way or another.

I would also like to personally thank you, Mr. President, for your understanding and efforts in directing us in this difficult task, and I am very proud to be part of this Convention and serve under your guidance. And I say to you Kilisou, Si Yuus Maase, thank you and fare well to you all.

Thank you, Mr. President.

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

Delegate Kaipat: Thank you, Mr. President. For a moment I thought my last speech was yesterday so maybe this is the last one.

Governor Tenorio, President of the Delegations, distinguished guests, my fellow delegates, both men and female: I don't have a prepared speech with me but I would like to speak out clear as far as my own observation in this Constitutional Convention.

Being a doctor, a physician and a psychiatrist and psychologist, too, I have been monitoring all of you, your behavior, your brain waves, your emotional attitudes and I feel that this is a collection of a very, very intelligent people. And the most important thing is that all of you have a very independent minded and you don't seem to be listening to anybody. You come up with your own decision, whether they like it or not, and this is very important. I think the people that voted for you did the right thing by bringing all kinds of professionals together who are independent minded with high intelligent cautions and also very flexible and ready to compromise. These are the kinds of brain waves that we need to accomplish this kind of mission.

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Now, I feel that all of the 318 proposals that swept through the floor for the past 30 days, I think all of them are very important. I think some of us are quite sad because some, most of the proposals went through, in Delegate Villagomez' words, are filed in the waste basket. But I think those are very important things that will be in record although some of them will be prioritized to be given to the Congress to work on. The others are still important but eventually will pop up again. But the most important of all are the 44 that were put in front of us today. Out of the 318 proposals, only 44 are considered valid to add as our constitutional amendments to the already Constitution that we have.

Now, in my own observation, I would like to mention something that I have felt on all of these 44 proposals. I think the most important of all these things are the things that we considered evil for us. The three evils are the nuclear waste or the nuclear materials and other poison materials in the Marianas, proposal on abortion, and I think many of us fought on this thing and it eventually went through, and also, prostitution. Although prostitution went through other channel to the Legislature, it is still a very important issue and it will eventually come up as a local law.

Another thing and I think this is the most important of all which popped up today or yesterday is the Indigenous Affairs Office. I think this was introduced by Delegate Torres and I really support it and I think it was unanimous when they voted for it. It's an Indigenous Affairs Office which means to revive, retain, preserve and research the Chamorro and Carolinian cultures which are fading culture today. It has been fading gradually for the past 400 years. So I think this is very valid and I was very glad that this was taken up. And I know some people were affected emotionally. Being a psychiatrist, I know how to make you feel bad about your culture so when you get mad, you vote for it. So it went through.

Another thing which is the best news, I think, from Delegate Villanueva to the public of the Marianas is the prohibition of real property tax. And this is why the Guamanians and some of our families from Saipan went to Guam or to Honolulu and ran back to Saipan because of property tax. They know that they cannot stand with property tax. So having this in our Constitution at least for the next 10 year, it will not affect anybody in the Northern Marianas, and I hope somebody will delegate somebody to continue for another 10 years for the Third and Fourth Constitutional Convention.

Okay, another proposal is the new emblem flag of mwaar. This is why I am wearing this. This is the same mwaar that was planned and it was not debated harshly by the Chamorro population in this Hall to include mwaar as the Carolinian emblem in the Commonwealth flag to add along with the stars of the United States and the latte stone of Taga which indicates Chamorro. So American, Carolinian and Chamorro are hanging on our flag today, if this is passed through in November. The most important part on this is that I was sitting in this Hall while they were debating on this new Carolinian emblem to be embedded on our flag. I was very touched because there was no negative reaction from any Chamorro member on this floor against such a proposal. I thank everybody on behalf of the Carolinian people.

Another thing is the recognition of loopholes in two areas which I have been suspecting also. A loophole in our own law, the Constitution, in the area of land alienation and corporations. People have been buying up,

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taking our land in a very lawful, legal way and there's nothing we can do. Now we already found it and we have plugged it up and it will be a gradual method to follow up with other stronger language to make it more stable.

And another thing is the most important thing also, I think, especially to Rota and Tinian is the complete reorganization of our local government. In the First Constitution of the Commonwealth, it was an intention to gradually abolish the municipality if it was not completely abolished already. But then they found out through that experience for the past seven years that the communication and there was an overlapping of responsibility and lack of communication developed between the central government and the people. So this is being corrected by Proposal No. 41 which was brought into the floor by the Local Government Committee and I am very glad that everybody chipped in to help all the people of Rota and Tinian and I think they will never forget this help from us.

And one last thing is the proposal on Code of Ethics. We know that doctors, lawyers and other professionals have their own Code of Ethics. But having this Code of Ethics from Governor down to janitor in our system of government is probably the best thing that we just recently developed.

So in all, ladies and gentlemen, I feel that the purpose of this Second Northern Marianas Constitutional Convention was well done by good people.

Thank you very much.

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

Delegate Inos: Thank you, Mr. President. I believe that all the senior delegates have spoken, and I am grateful to say that as a junior delegate, I did learn a lot from this Convention. I have mixed feelings throughout the Convention. Some days I was very happy. As an example, when the Convention, the delegates as a whole accepted the three languages as our official languages here in the Northern Marianas. I was depressed at times, especially today, as the Convention rejected one of our proposals in regards to nonresident workers. But I believe we will push forward to see that all the issues that we debated and redebated and redebated will go down to the Legislature and to our executive office for review and follow-up.

I want to express my sincere appreciation to the Committee of ten and the Committee of fifteen and the committee of eight for their support and confident that we gave to each other and I am very proud that our final result is the 44 amendments that we will pose to the public for their review, for their scrutiny, and for their approval.

I want to thank you, Mr. President, for allowing me to express myself freely. Under your guidance, we were able to work well.

I am also fortunate to be a member of a committee under the distinguished leadership of Larry Guerrero and the fine, fine members of Finance and Other Matters Committee. I did learn a lot. And our efforts, I will never forget.



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I want to also express sincere gratitude and thanks to the ladies and the gentlemen of the Steno Pool Department, to the pages for the untiring effort, the friendly smiles and always there when we need them.

Thank you and may God bless you all.

President H. Guerrero: Thank you, Delegate Inos. Delegate Tomokane?

Delegate Tomokane: Thank you, Mr. President. I, too, have a personal note which I'd like to share with everyone including the audience. Today, my physical body does not feel well. I'm tired. However, my mental body feels good.

Psychologically, I am satisfied with the number of amendments that we passed in this Convention. Whatever the arguments were, such amendments, in my opinion, would be deliberated once more by the voting public. Of course, not all the amendments will be ratified. I wish they would.

I would like to point out that the success of this November ratification would depend on how we, delegates, play our role as catalysts for our for or against these amendments. Indeed political education in whatever shape or form is necessary for the accomplishment of our task as we approach the ratification day.

To me, this Convention has been a learning experience. Not only did I discover the various interests which prevailed our deliberations but the manner in which we resultedly took to dispose of the issues at hand given all the concerns raised and the exchanges of arguments on the floor. Most of all, I learned that my contribution in this Convention could be of positive and negative effect to certain people. And because of this reality, I'm anxious to move on to witness more of our future experience for it is there that I will undoubtedly see the true consequence of our actions today.

In closing, I urge each and every delegate of this Convention to reconsider this challenge favorably come 1995.

Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Tomokane. Any other members wish to talk? Delegate King?

Delegate King: Thank you, Mr. President. First, I would like to ask the Chair. I made two statements during the past deliberations and I would like to ask the Chair to delete the phrase or the statements that I made that Delegate Inos is not a good mother. The other statement that I raised before the Convention is that you were recognizing the Saipan delegates due to the fact that your brother is running. I would like those two to be stricken out, and I would like to ask the Chair whether or not the Chair has accepted it.

President H. Guerrero: If there's no objection from the floor, it's so ordered.

Delegate King: Second, Mr. President, I would like to thank you for

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appointing me as the Chairman for the Committee on Personal Rights and Natural Resources. And also I would like to thank the assistance of your staff.

And lastly, I would like to air out that the 44 proposed amendments, the amendments to be placed before the voters for ratification, hopefully if not all, will be passed. Frankly, I want to tell the delegates before this Convention that not all of the amendments that we adopted satisfied me, therefore, I cannot promise this Convention to get my full support to the 44 proposed amendments. Perhaps there is going to be a negative on my side in going out to the public to convince the public that they should ratify. This is my own personal feeling concerning to all the debates and deliberations that I know doubt on each proposed amendment. Thank you.

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

Delegate Mendiola: Thank you, Mr. President. I cannot find a word that has not been said already. But just a reminder to everybody in this Convention, when we first started this Convention, Delegate Mafnas came out with the two big C's and that is cooperation and compromise in order to be successful. And I'd like everyone of the delegates here to keep that in mind because at first I thought it doesn't mean a thing, but afterward I changed my mind. That is a workable two big C's. Finally, from the people of Tinian, I'd like to thank everyone here, the people of Saipan, the Governor, the staff, the Legislature, and those who I have not mentioned, Mr. President, and other staff of this Convention. Thank you from the people of Tinian.

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

Delegate Ogumoro: Thank you, Mr. President. Mr. President and fellow delegates, today marks the end of long hours of hard work for all of us. As I look back on what we have accomplished during the past 35 days, I can say that we have addressed almost all if not all of the concerns expressed to us by our people, especially during the days of our campaign for the Constitutional Convention Election.

Mr. President and fellow delegates, I would like to take this opportunity to thank and congratulate you all for your support especially on the passage of Committee Recommendation No. 67. If ratified in November, the proposed amendment would not only help improve the live of our women here but would also improve the live of our children and our men as well. Women are an integral part of our community. I am convinced that allowing them to equally participate in the educational, economic, social and political aspects of our development would only enhance the quality of live here in the Commonwealth.

Another major accomplishment, my fellow delegates, of this Constitutional Convention is reflected in Committee Recommendation No. 64. The favorable action taken on the subject committee recommendation is an indication of a strong commitment we all share in having a strong educational system established in the Commonwealth.

Fellow delegates, relative to the action taken by this Convention on the issue of gambling, I do hereby express my great disappointment on the defeat of Committee Recommendation No. 42. I seriously doubt the benefit of such committee recommendation to the people of the Commonwealth as

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passed by this Convention. At this stage of our development, I maintain the position that gambling would only make the rich richer and the poor poorer.

Mr. President and fellow delegates, being a part of the Second Constitutional Convention has been an enriching experience for me personally. It has definitely added another great chapter to my book, entitled: My Life. Thank you.

President H. Guerrero: Thank you, Delegate Ogumoro. Any other members? Delegate Villanueva?

Delegate Villanueva: Mr. President and fellow delegates, I want to thank you for allowing our voters to decide if they want to continue living at the beach, on the mountain, or in the air. I want to express my sincere gratitude and I also want to express the good feeling I learned or I received from working with different kinds of people. Earlier during our discussions, we have arguments that we should speak English, or Carolinian, or Chamorro. We did all of them. At one time, I brought my tape recorder so I can tape the speech in Carolinian. That would stay at bottom of my suitcase because I don't need to bring it back until ten years from now. I want to thank and give a very big appreciation to the Chairman of the Finance and Other Matters Committee for being a very strong leader and very compromising leader. He exercised the two big C's, Compromise and Cooperation. And I also want to express thanks to the President and to all the members of the Committee of ten and also the Committee on Governmental and Procedures. I think without these committees, our work in this Convention would not have been successful. I want to thank the staff of the Steno Pool for not only the typing work that they have done for us but for the food that they continue to provide myself and Delegate Mendiola. (Laughter)

Lastly and very serious, I want all the delegates to realize that this is not the end of the Convention. This might be the last day of the Convention when we meet and we discuss all the proposed amendments. The last day of our responsibility would probably be on November 3rd when all of these 44 proposals are considered by our people. Before that, I think we have a moral responsibility as well as professional responsibility to educate our people about the good things and bad things about these proposed amendments. Even though we have a resolution for Public Education Committee, if you are not included in that committee, I think each delegate here has a responsibility when they go back to their home to think that this 30 days work is not just work that has to be put in the ballot. It's something that is going to affect our lives at least for the next 10 years. I, for one, will be going back to my temporary home. During my stay here after this Convention, I would try to do everything I can to educate some of the people who have put me into this position. When I return to my temporary home, I would continue to educate some of our people who are there. Thank you very much.

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

Delegate Villagomez: Thank you, Mr. President. Experience is a great teacher, and I have learned through experience two things that are very

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applicable to this Convention. No. 1, out of controversy comes progress, and No. 2, we are strengthened by our difficulties.

After the experience I had with the First Constitutional Convention, my observations with the Legislature and the experience that I now have with this Convention, I am very pleased to declare that we have grown and matured politically. We have gained a great deal of knowledge necessary to be able to self-govern ourselves. We have learned a great deal from the Americans. We have learned the American ways.

One thing that we have learned that is very crucial is that when we have rights and we are not given that right, or we are deprived of that right, we fight for it. That is the American way. When Americans know that they have rights and those rights are deprived of them, they fight for it; they take you to court; they threaten you until you give them those rights which they are entitled to have.

One of the things we have done in this Convention that none of you have mentioned so far in this Miscellaneous Business is our courage to amend Section 8 of the Schedule on Transitional Matters, to change the word "include" to the word "means". And the reason we have done that is because we want to strengthen and clarify the intent and spirit of the First Convention that the words "U.S. citizen" as apply to us does not make any sense because we are not U.S. citizens. We are Trust Territory citizens. We have Trust Territory passports. And if we have to call ourselves U.S. citizens without defining it, then it wouldn't make any sense, so we put in the Constitution U.S. citizens to be defined as those of us who will become U.S. citizens at the termination of the Trusteeship Agreement. At the termination of the Trusteeship Agreement, Section 8 of the entire Schedule on Transitional Matters would disappear. It would become void and have no force of effect. During the interim period, we need to define U.S. citizen because of the use of that word to define ourselves who are not U.S. citizens.

We have caused a problem by using the word "include" in the First Constitutional Convention rather than the word "means". And the problem is this. U.S. citizens coming from the United States under the Fourteenth Amendment of the U.S. Constitution have every right, privilege and immunity in the CNMI pursuant to that language. At the same time, Trust Territory citizens who are defined to be U.S. citizens do not have all the rights, privileges, and immunities when they go to the United States.

The Covenant specific says we have all the privileges and immunities; it does not say all the rights. What this has done is to establish what I term to be an unequal application of the laws of the United States to two different classes of people. One, those of us who are defined under Section 8, and two, those who are defined under the Fourteenth Amendment of the Constitution.

When we learned that there is this unequal interpretation or treatment, we presented this to the Convention, and I am pleased to see that the Convention voted to demand -- not necessarily to demand but to seek equal treatment under the laws of the United States. All we want is to apply the laws equally. We are not asking for anything more than any other people of the United States have. We are simply asking that the laws of the U.S. be applied to us equally. A good analogy would be as follows:

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Mr. President, you have a house and I have a house. We have an understanding that my home is your home and your home is my home. You can come to my house anytime of the night or the day. You can watch T.V., listen to my radio, use my kitchen, use my bedroom, use my shower, and feel at home; and we have that understanding. And you do that. However, when I'm going to go to your house, I have to first submit an application and give you the reason and you have to review it and approve. And when I come to your house, I can only listen to your radio and watch your T.V. but I cannot use all the facilities.

That is an unequal relationship, and all that we are asking in amending Section 8 is to make it equal.

The reason I mentioned political maturity is that by voting in favor of that amendment, you have shown to your constituents and your people that you are ready to protect their interest and work for their interest. Whether you are going to be successful is not as important as the fact that you have fought for it.

Perhaps by October, as Richard Montoya indicated to us, the Trusteeship Agreement will end. When that happens, this is worthless. We are all American citizens and all Americans can vote here and we can now vote in the United States, and everything will be equal. And I am hoping that that would happen.

I am seriously praying that in October, the Trusteeship Agreement will be terminated and we all will become equal under the laws of the United States and we wouldn't even have to face this problem or this question in November election.

The important thing is that you have shown that you will fight for your people to be equally treated even though that fight may end up being worthless in October. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Villagomez. Any other members? If none, I would just like to say a few things on what have transpired or my observation also of what happened during the last 35 days. It wasn't very easy. Initially as some of the delegates echoed that initially there is a division of one group over the other and I find it very difficult and I was hoping and I prayed and probably God did answer my prayers that to soften the differences between the two because it makes it difficult at times to work. I have been criticized and yet I looked at it from a positive point of view that it is a positive criticism and I asked myself what is the lesson to be learned from that. I have listened to every delegate and I have learned tremendously a lot of things. I have learned patience from other people; I have learned how to refine properly arts of compromise and even to listen to other people without making a valid judgment of what they are saying and accept it as what is. I have learned a lot about the history of the Commonwealth from Dr. Kaipat and I have learned a lot from Delegate Mafnas; I have learned a lot also from Delegate Villagomez; I have learned a lot from everyone. I have noticed a lot of the substantive chairmen how protective they are when the committee recommendations come to the floor, even to the point that they will fight almost to the end. I have listened and have heard different points of views, things that I have never thought of and I admire that and the delegates for bringing it out. Sometimes there were

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passionate statements and sometimes the passionate statements are carried outside the hall of this Convention. And still we believe at least that we follow our own conscience and our own integrity. And most of all, the biggest thing that I have learned from this group which I did see that in the beginning of the Convention is the willingness to set aside the differences and trust one another. I noticed that in the beginning of the Convention that even with two divided groups, there seems to be distrust among one another. And I guess I have been, at one point, I kept telling myself I've been gone too long that these things are becoming very obvious from the outside, if you are standing from the outside. But I am very gratified and very happy that we set aside that and trust one another and cross barriers between women, men, Rota, Tinian, Chamorro, Carolinian, whatever that barrier might be. I'm very proud that I had the opportunity to know each and everyone of you over here and I am very proud for the product that we have done in this Convention. And I want to wish everyone the best in the future and that I hope even when I have personal interest on certain proposals that I am not in favor of, I hope that the majority of the people or the delegates or the wishes of the majority, I'll go along. And whatever the people decided in November, I will abide to that because that is the expressly wishes of the people. And I just want to congratulate everyone of the delegates for the input because I feel that everyone put something in the Convention, whether they are vocal and some are much more silent that probably are done in the committee works or side talks. But I would like also to extend my appreciation to the staff because I believe that they are sort of the backbone of the Convention in making sure that it runs smoothly, efficiently, and most of all, effectively. And I just want to thank all of you again for the opportunity and the trust you have bestowed in me to be the President of this Convention. Thank you.

(Applause)

At this time, I'd like to recess. As we agreed last time that we are going to have a little celebration, the Governor and the Vice Speaker from the House are here to join us in our celebration.

Secretary Nabors: Thank you, Mr. President. If I might, just prior to recess, I had expressed some concerns last evening with respect to not being hosted and I am proud to say that our Governor has supplemented our personal donations with the catering of the food and drinks and I apologize for having made those statements not being advised that my colleague, Delegate Mafnas, explained to me, and we are very happy to have the Governor participates. Thank you, Governor.

(Applause)

President H. Guerrero: So the Chair would like to recess right now and probably call it in about two hours, at nine.

There being no objection from the floor, the Convention recessed at 7:09 p.m.

RECESS

The Convention reconvened at 8:01 p.m.

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

Acting Floor Leader DL. Guerrero: Mr. President, for the interest of all the delegates, we would like to proceed and adopt the very final product of this Convention on its final reading and I would like to state that should any of the delegates wish to, of course, come tomorrow to assure that the very concerns or the amendments are inserted and proofread, to help the President as well as the Secretary of the Convention, then they may do so. I think it's important that before we adjourn tonight, we have to adopt the so-called product of the Second Constitutional Convention. So at this time, I move for the Final Reading of all the delegates or committee recommendations on all the Amendments to the Constitution.

Delegate Mafnas: Point of order. Is there a motion to move up, Mr. President?

Acting Floor Leader DL. Guerrero: I move to adopt.

Delegate Calvo seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Proposed Constitutional Amendments consisting of 44 proposals for Final Reading. Discussions? If none, Mr. Secretary, can you take the roll call one more time?

Secretary Nabors called the roll, and the motion to adopt all the Proposed Constitutional Amendments consisted of 44 Proposals on Final Reading was voted on by a roll call vote, as follows:

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

ABSENT: Delegates Ramon Villagomez, Maria Pangelinan, Juan Lizama, David Igitol, and David Cing.

(And the motion was carried.)

Secretary Nabors: Mr. President, I have 19 affirmative votes, I have no negative vote, I have no abstention, but I have 5 absent.

President H. Guerrero: Yes, Delegate Guerrero?

Acting Floor Leader DL. Guerrero: Before you announce the result of the vote, I hope also that without any reservation on the part of the Convention those members who are not present at this moment of roll call be allowed to answer once they are present in this Convention, if there is no objection.

Secretary Nabors: No objection.

President H. Guerrero: If no objection, in view that the President

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indicated that we are going to start at nine o'clock which we normally started late but for some reason we start it early on the last day. Yes, Delegate Mafnas?

Delegate Mafnas: Mr. President, I think there is a Public Law 4-32 which says that members must be present in voting. It's a statutory provision.

Acting Floor Leader DL Guerrero: Mr. President, I asked if there's no objection that should the delegates be present before we adjourn this Convention that they may be allowed to answer that roll call.

Delegate Mafnas: Mr. President, I have no objection, but the law prohibits it.

(Laughter)

Delegate Calvo: No comment; no objection.

President H. Guerrero: No objection?

Delegate Limes: No objection.

Delegate Calvo: Point of information, Mr. President.

President H. Guerrero: Yes, Delegate Calvo.

Delegate Calvo: I think because of the mere fact that you have requested for nine o'clock reconvening so it might not have been purposely enacted. So let's excuse them.

President H. Guerrero: Can I make an announcement? Just prior to adjournment....

Acting Floor Leader DL Guerrero: Just let those people be allowed to vote.

President H. Guerrero: Okay. For the benefit of the members, we have six sheets over here and I would like for all the members to come up and sign. I would appreciate if you finish signing it that you leave the pen and let the other person sign off so there's a consistency in the color of the ink.

Delegate Calvo: Mr. President?

President H. Guerrero: Yes.

Delegate Calvo: Can I be the last person to sign it so I can have the pen with me?

(Laughter)

President H. Guerrero: No, because one of them is mine.

Delegate Mafnas: May I request that you ask our elders to come up first?

(Laughter)



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(At this point, all the delegates present signed the document.)

Acting Floor Leader DL Guerrero: Mr. President, at this time, I would like to make a motion that the Second Northern Marianas Constitutional Convention adjourns sine die on the 35th Day of its Plenary Session.

Delegate Calvo seconded the motion.

President H. Guerrero: It has been moved and seconded to adjourn sine die on the 35th Day of its Plenary Session. I believe this is not debatable.

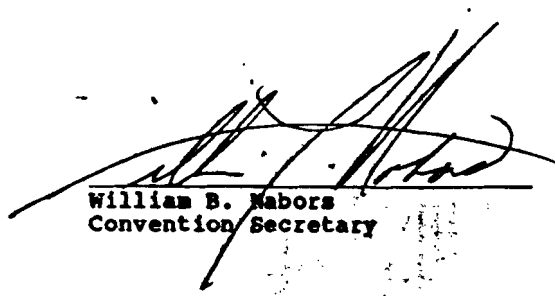
The motion to adjourn sine die on the 35th Day of the Second Northern Marianas Constitutional Convention was carried by voice vote.

(Applause)

The Second Northern Marianas Constitutional Convention was officially adjourned sine die at 8:20 p.m.

APPROVED:

Herman T. Guerrero, President  
Northern Marianas Constitutional  
Convention

  
William B. Nabors  
Convention Secretary

Office of the Attorney General  
Government of the Northern Mariana Islands  
Saipan, CM 96950