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SECOND CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
CONVENTION HALL - HOUSE OF TAGA
Saipan, CM 96950

FIRST DAY

Tuesday, June 18, 1985

Pursuant to CNMI Public Law No. 4-30, the Second Constitutional Convention of the Northern Mariana Islands convened its First Day Session in the Convention Hall - House of Taga, San Vicente, Saipan, at 9:18 a.m., on Tuesday, June 18, 1985.

The Honorable Delegate-Elect James M. Mendiola, Pre-Convention Committee Chairman, presided.

Chairman J. Mendiola: First of all, I'd like to welcome all the delegates; Honorable Pedro P. Tenorio, Governor of the Commonwealth of the Northern Marianas; Lieutenant Governor Tenorio; Judge Hefner; His Excellency Bishop Camacho; and Speaker of the House of Representatives; ladies and gentlemen, people of the Commonwealth of the Northern Marianas. First, I would like to officially convene this Convention, the 1985 Second Constitutional Convention. This Convention is now in order. I would like to call upon His Excellency Bishop Tomas Camacho for the invocation, please.

(At this point, everybody rose, and His Excellency Tomas A. Camacho, Bishop of the Chalan Kanoa Diocese, administered the invocation.)

Chairman J. Mendiola: Now, I would like to call upon our Governor, the Honorable Pedro P. Tenorio, to give us his brief remarks. Governor Tenorio, please.

Governor Pedro P. Tenorio: Thank you, Mr. Pro Tem Chairman. Good morning, Your Excellency Bishop Camacho, Chief Judge Hefner, Judge Laureta, Lt. Governor Tenorio, Delegates to the Second Northern Marianas Constitutional Convention, distinguished guests and visitors: It gives me great pleasure to appear before you and participate in this momentous occasion. The people of our great Commonwealth have placed a great deal of trust and confidence in you by electing twenty-four of you to be delegates to this Second Constitutional Convention.

Since the inception of our government in 1978, the Commonwealth has experienced tremendous growth, and we have matured economically, socially and politically. Much of our progress and growth, in both, the public and private sectors, is attributable to provisions contained in our Constitution.

The Constitution that you will be analyzing and reviewing has been the supreme law of the land and contains provisions which take into consideration our unique cultures and the relationship between the Commonwealth and the United States. You are charged with the responsibility of reviewing and adopting proposed amendments to that document.

It would be presumptuous on my part to suggest areas where improvements are needed. However, one area not in our Constitution deserves your support and favorable action. I am strongly recommending that you address

women's rights and privileges in the Commonwealth with a view toward insuring that equal rights and protection be extended. I respectfully request that in your deliberations you place the greatest emphasis on what is best for all of the people of our Commonwealth and do not allow your judgment to be swayed by those with special interests.

Like any other documents, our Constitution can be improved and amended to reflect the knowledge and experience that we have gained by being a self-governing entity for the last seven and a half years. Do not be afraid of change but do not recommend changes which are not necessary or important to our economic, social and political well-being.

The task which lies ahead is not easy. Any amendments you adopt, if approved in accordance with Section 5 of Article XVIII will become the supreme law of the Northern Mariana Islands.

I would like to express my sincere thanks and appreciation to all of you as you face the challenge which lies ahead. I pray to God that He will grant you the intelligence, wisdom and foresight so that the ultimate product you agree upon is truly beneficial to present and future generations.

God bless you all. Si Yuus Maase.

(Applause)

Chairman J. Mendiola: Thank you, Governor Tenorio. Now, I would like to call upon the Chairman of the Board of Elections for presentation of the certificates.

(At this point, Mr. Plasido M. Tagabuel, Chairman of the Board of Elections, passed out the Certificates of Election to the delegates-elect, individually.)

(Applause)

Chairman J. Mendiola: Thank you, Mr. Chairman. Now, I would like to ask Mr. Torres for the call of the roll, please.

At this point, Mr. Joaquin Torres called the roll, as follows:

Delegate-elect Lorenzo I. Deleon Guerrero
Delegate-elect Herman T. Guerrero
Delegate-elect Alonzo Igisomar
Delegate-elect David L. Igitol
Delegate-elect Benusto R. Kaipat
Delegate-elect Luis M. Limes
Delegate-elect Juan T. Lizama
Delegate-elect Jesus P. Mafnas
Delegate-elect Felicidad T. Ogumoro
Delegate-elect Maria T. Pangelinan
Delegate-elect Karl T. Reyes
Delegate-elect Joaquin A. Tenorio

Delegate-elect Francisco Tomokane
Delegate-elect William S. Torres
Delegate-elect Ramon G. Villagomez
Delegate-elect Ignacio Villanueva

Delegate-elect Vicente M. Calvo
Delegate-elect Rita H. Inos
Delegate-elect Paul A. Manglona
Delegate-elect Aniceto H. Mundo

Delegate-elect David M. Cing
Delegate-elect Esteven M. King
Delegate-elect James M. Mendiola
Delegate-elect William B. Nabors

Mr. Torres: Mr. Chairman, we have 24 presence.

Chairman J. Mendiola: Thank you, Mr. Torres. Next in our Order of Business for today is the Oath of Office by the Honorable Chief Judge Hefner. Please stand.

At this point, all the 24 delegates stood up with Chief Judge Hefner.

Chief Judge Hefner: All delegates, please raise your right hand and repeat after me: "I do solemnly swear that I will support and defend the Constitution and laws of the Commonwealth of the Northern Mariana Islands, the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the applicable provisions of the Constitution, laws and treaties of the United States of America and that I will faithfully discharge my duties to the best of my ability, so help me God."

(Applause)

Chairman J. Mendiola: Thank you, Judge Hefner. Next in our agenda will be the election of the President of this Convention. May I hear any motion for nomination? Delegate Cing?

Delegate D. Cing: Thank you, Mr. Chairman. I would like to nominate Herman T. Guerrero.

Delegate Benusto Kaipat seconded the nomination.

Chairman J. Mendiola: It has been moved and seconded. Next, Delegate Igisomar?

Delegate A. Igisomar: Mr. Chairman, I would like to nominate Mr. Jesus P. Mafnas.

Delegate Ignacio Villanueva seconded the nomination.

Chairman J. Mendiola: Anymore nominations? Recognized, Delegate Villagomez.

Delegate R. Villagomez: I move that the nominations be closed.

Delegate William Nabors seconded the motion.

Chairman Mendiola: It has been moved and seconded to close the nominations. Okay, Jack? We have the ballots here to be passed out by Mr. Charlie Calvo.

(The ballots were passed out to all the delegates and collected by Mr. Calvo, and then Chief Judge Hefner counted the ballots.)

Chairman Mendiola: The election result is nine for Mafnas and fifteen for Guerrero.

(Applause)

Chairman J. Mendiola: Ladies and gentlemen, the President for the 1985 Second Constitutional Convention is Mr. Herman T. Guerrero.

(Applause)

(At this point, President Herman T. Guerrero took over the Chair, and Delegate James Mendiola took his seat.)

President H. Guerrero: Thank you. Before we go on with the Order of Business, I would like to say a few remarks.

Honored guests, Governor Pedro P. Tenorio, Lt. Governor Pedro A. Tenorio, Speaker Vicente M. Sablan, Chief Judge Robert Hefner, His Excellency Bishop Tomas Camacho, and my fellow delegates: As the newly elected President of the Second Constitutional Convention of the Northern Mariana Islands, I am honored to welcome each and every one of you to this historic event.

At the outset, I would like to extend our thanks and appreciation to the people of the Commonwealth of the Northern Mariana Islands and to Governor Pedro P. Tenorio in lending his support in the preparation of this auspicious occasion. I wish to acknowledge the dedication of the Pre-Convention Committee, without whose help, this day would not have been possible. Also, I extend my personal gratitude to my fellow delegates and our mutual constituency for their vote of confidence. This Constitutional Convention will do its utmost to benefit all the peoples of the Northern Mariana Islands.

We face many difficult tasks in the days ahead -- our primary task being to safeguard the Constitution. You will note that I see ourselves as guardians rather than framers of the Constitution and I make this distinction for important reasons. Already, our Constitution is well-drafted and has served us well over the years. I suggest that this is an opportunity for constitutional review and delicate modifications only after weighty consideration of those fundamental principles which we seek to change. I suggest further, that we must take great care to recognize that there are appropriate vehicles for change and not all of them arise within the context of the Constitutional Convention. There are changes that can be met judicially, changes that are more appropriately addressed legislatively, and lastly, those changes, those few changes that can and should only be addressed constitutionally.

Our Constitution is one body of law that governs all and this must be our guide as delegates to this Convention. We come from many walks of life and represent many interests, however, in this forum, we must have one common goal and this must be the common good of the people of the Northern Mariana Islands. We must exercise restraint in achieving this end and hope that we can rely on your support collectively to achieve this very difficult end. Thank you -- Si Yuus Maase.

(Applause)

President H. Guerrero: The next order of business is the adoption of the Rules of Procedure. Delegate Mafnas?

Delegate J. Mafnas: Mr. President, I move that we adopt the Rules of Procedure.

There was a second to the motion.

Delegate P. Manglona: I move that we take a five-minute recess due to the original copy been given to us differs from the copy that we have advanced.

Delegate D. Cing: Mr. President?

President H. Guerrero: Delegate Cing?

Delegate D. Cing: What Delegate Manglona was trying to say is we have a different copy on our table that favors somebody which is not us. I would like to move for a short recess, Mr. President.

There was a second to the motion.

President H. Guerrero: Granted. Recess for five minutes.

The Convention recessed at 9:50 a.m.

RECESS

The Convention reconvened at 9:57 a.m.

President H. Guerrero: The meeting is now reconvened. Delegate Manglona?

Delegate P. Manglona: Mr. President, I move that we amend the substantive committees to read as follows: No. 1, Governmental Institutions; No. 2, Natural Resources and Personal Rights and Education; No. 3, Taxation and Finance; No. 4, Local Government and Other Matters.

Delegate Cing seconded the motion.

President H. Guerrero: It has been moved and seconded that the substantive committees be renamed as follows: One is Governmental Institutions; Two, Natural Resources, Personal Rights and Education; Three, Taxation and Finance; Four, Local Government. Discussions? Yes, Delegate Guerrero?

Delegate L. Deleon Guerrero: Thank you, Mr. President. I have no reservations regarding the proposed amendment on the floor; however, Mr. President and fellow delegates, I believe we had a lengthy discussion during the prior Pre-Convention Committee's meeting on couple occasions and I think everyone had agreed, including the chairmen representing the delegates from their respective senatorial districts, that this particular proportionate of committees would be adopted at that particular meeting. It's to my surprise that my fellow delegates from Rota and Tinian are proposing a floor amendment at this stage. Thank you.

President H. Guerrero: Delegate Lizama?

Delegate J. Lizama: Mr. President, I think that was the understanding of the delegations when they met on several occasions. There was a proposal for a combination of the Personal Rights and Education with Natural Resources. And it was further agreed that we separate Finance and Taxation as a single committee, and we also created a committee by itself, the Local Government Committee and also the Governmental Institutions. So I think I agree with Delegate Manglona that there should be an amendment to this Rules.

President H. Guerrero: Delegate Kaipat?

Delegate B. Kaipat: Mr. President, practically, the document we are facing now was made almost totally by the Pre-Convention Committee, including the delegates from Saipan Senatorial District. So I think the delegates of this Convention from the other two senatorial districts have all the right to amend any version or provision of this document. They mentioned that there were some participations from the other senatorial districts. Yes, there were -- the Chairman from Tinian and also the Chairman from Rota, but the other members or delegates were not there. So practically, this document was made by the people from Saipan. So the gentleman who's making a motion for an amendment has all the right to do so. And the question here raised. Is the committee -- in the original document, there were only three committees but were eventually changed to four committees after a lengthy debate by the delegates from Saipan Senatorial District. Practically, we are the ones, from Saipan, that changed it from the original three committees to four committees. So this is the reason of confusion now. Now, arrangement between the people who made these four committees with Mafnas, as our Pre-Convention Chairman of the senatorial district of Saipan, and the thinking of the people from Rota and Saipan is quite different. As they have described and Mr. Manglona mentioned earlier that the combination of Personal Rights and Natural Resources and combination of Finance and Taxation and separation of Local Government as a whole separate committee and also one for Governmental Institutions was a suggestion of a certain group of people plus the people from Rota and Saipan but not from the senatorial district, chaired by Mr. Mafnas. So I will go along with Delegate Manglona from Rota.

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

Delegate D. Cing: Thank you, Mr. President. This is just a response to Delegate Herman Guerrero. I don't think there is some illegality in meeting with other delegates prior to the convention. The problem here, Mr. President, is that we want to have four committees instead of four --

at four committees instead of three. And this is why we are trying to make an amendment here on the floor, Mr. President. Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate J. Mafnas: Thank you, Mr. President. I think it will be sad if we were to start this convention with accusation that our Rules is to satisfy a particular group or a particular delegate. I do not see any problem with the proposed amendment from the distinguished delegate from Rota. If this is a way to pave a better working relationship, I support the amendment, Mr. President, and I move for the previous question.

Delegate William Nabors seconded the motion.

Delegate R. Villagomez: Point of order.

President H. Guerrero: Yes, Delegate Villagomez?

Delegate R. Villagomez: Mr. President, there was a motion on the floor to amend the Rules. We don't have rules yet. There're no rules to amend. There has been a motion to amend -- I'm sorry. There was a motion to adopt the Rules that have been proposed and have been presented to us from the work of the Pre-Convention Committee. In order to expedite matters, I request the Chair to take this matter on this manner to go ahead and adopt the Rules, as proposed by the Pre-Convention Committee, and then this afternoon when we don't have people sitting here and waiting for us, we can then have motions to amend the Rules. We can't amend the rules that we don't have yet. For that reason, I propose that the Chair entertains the motion to adopt the Rules that have been proposed and then this afternoon we can entertain motions to change any of the rules. That will give them time to read everything and then they can change any part of the Rules and finish everything this afternoon. That's my recommendation to the Chair.

President H. Guerrero: Delegate Manglona?

Delegate P. Manglona: Mr. President, I tend to agree with Delegate Villagomez. I move that we adopt the Rules here. And as he suggested, we can....

Delegate J. Mafnas: Point of order, Mr. President.

President H. Guerrero: Delegate Mafnas?

Delegate J. Mafnas: There was a motion to adopt the Rules and it has been seconded. I think it would be appropriate for Delegate Manglona to withdraw his motion to amend the Rules.

Delegate P. Manglona: I withdraw my motion.

President H. Guerrero: Thank you. There's a motion....

Delegate W. Nabors: Previous question.

President H. Guerrero: Previous question?

Delegate L. Deleon Guerrero: We are back to the main motion.

President H. Guerrero: The motion to adopt....

Delegate W. Nabors: The proposed Rules.

President H. Guerrero: Previous question -- the proposed amendment. Delegate Guerrero?

Delegate L. Deleon Guerrero: Yes; thank you, Mr. President. At this time, I would like to move to adopt the context of these proposed Rules. As there was a motion on the floor, so I would like to move also, at the same time, that we end the debate.

There was a second to the motion.

The motion to adopt the proposed Rules of Procedure was carried by voice vote.

President H. Guerrero: The next agenda is the Miscellaneous Business.

MISCELLANEOUS BUSINESS

Delegate W. Nabors: Mr. President, I would like to inquire as to the availability of a legal counsel immediately following the opening ceremony to meet with the Tinian Delegation for the purpose of preform the proposals that we have available.

President H. Guerrero: Can that be handled afterwards?

Delegate W. Nabors: Okay.

President H. Guerrero: Okay. The next agenda is the Announcements.

ANNOUNCEMENTS

President H. Guerrero: At this time, the Chair would like to announce that pursuant to Rule 8, I would like to appoint the first Vice President from Rota, Vincent M. Calvo; the second Vice President from Tinian, David Cing; and the third Vice President from Saipan, Delegate Maria Pangelinan. The Convention Secretary will be Bill Nabors and the Convention Floor Leader is Delegate Juan Lizama. At this time, I would like to call upon Bishop Tomas Camacho for the benediction.

(At this point, His Excellency Bishop Tomas A. Camacho administered the benediction.)

President H. Guerrero: Is there any motion to recess? Delegate Mendiola?

Delegate J. Mendiola: Mr. President, I would like to move to recess until the newly elected President organize the Convention itself, both, from administration to all the committees, until tomorrow morning at nine.

Delegate L. Deleon Guerrero seconded the motion.

President H. Guerrero: It has been moved and seconded that the Convention be recessed until tomorrow morning at nine o'clock.

The motion to recess until tomorrow morning at nine o'clock was carried by voice vote.

The Convention recessed at 10:12 a.m.

Respectfully submitted,

William B. Nabors
Convention Secretary

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

SECOND DAY

Wednesday, June 19, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:40 a.m., Wednesday, June 19, 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.

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

ADOPTION OF JOURNALS

President H. Guerrero: Thank you. The next part of the agenda is the adoption of the journal, but it's still being printed so I would like to do it toward the end when we receive it, if there's no objection.

COMMUNICATIONS

Comm. No. 1, from the Office of the Attorney General, re "Proposed Guidelines for Legal Assistance."

President H. Guerrero: We have a communication from the Office of the Attorney General regarding Proposed Guidelines for Legal Assistance. Is there any questions from the members regarding the communication? Yes, Delegate Guerrero?

Delegate L. Deleon Guerrero: Mr. President, thank you. I think the communication from the Attorney General's Office is self-explanatory, and I think this is basically a guideline for each of the delegates. I would like to request the President that we also include the other communication that we received from the Commonwealth Health Coordinating Council which is chaired by Father Villagomez. I'm sure that all the delegates have received their copies. And it would be a good gesture on our part that all communications received on the same day should be included in that particular day's journal.

President H. Guerrero: Thank you for your suggestion. Delegate Villagomez?

Delegate R. Villagomez: We cannot hear very well back here.

President H. Guerrero: Delegate Guerrero, can you at least speak to the mike, please, for the benefit of the other delegates?

Delegate L. Deleon Guerrero: Thank you, Mr. President. I said that Miscellaneous Communication No. 1 which the Convention received and copies have been passed out, I believe this particular miscellaneous communication is basically a guideline for delegate proposals and a format that this Convention will use during these meetings. I believe the guideline basically is self-explanatory. But No. 2, I said that I would like also to include under the Miscellaneous Communications all communications received by this Convention. And we have just received, of course, a letter addressed to this Convention, to the delegates, from the Commonwealth Health Coordinating Council which is chaired by Father Villagomez and this particular communication should be included in today's journal.

President H. Guerrero: There seems to be some echo in this room, I wonder if probably for the benefit of the delegates that if you are not speaking, to turn off your mike. It's picking up the noises from somewhere, that's why we are having difficulty. Does anybody have any objection in terms of the suggestion of Delegate Guerrero? Delegate Lizama?

Floor Leader Lizama: Mr. President, I would like to make a motion.

President H. Guerrero: Can you speak to the mike? I'm having difficulty hearing you also.

Floor Leader Lizama: I would like to make that into a motion so that the communication will be made a part of the communications to this Convention.

President H. Guerrero: It has been....

Delegate L. Deleon Guerrero: Mr. President, I believe all miscellaneous communications received by this Convention is unnecessary to put into motion because each delegate is entitled to receive that miscellaneous communication or a copy of the miscellaneous communication. Therefore, of course, I have no reservation in making it into a motion but I want to make it clear that any miscellaneous communication received by your good office or the good leadership of your office, copies should be passed out to each of the delegates. But for the purpose of including that Miscellaneous Communication No. 2 which is addressed to this Convention from Father Villagomez, I'm just sort of advising the President that that should be included as part of the miscellaneous communications, No.2.

President H. Guerrero: I call on Delegate Lizama.

Floor Leader Lizama: As I understood it, Mr. President, Delegate Guerrero stated in the first instance that this was a communication to each delegate. Now if he is construing this as communication miscellaneous nature for the convention, then I think we should, or maybe it's proper that we should entertain this in a motion form.

President H. Guerrero: Delegate King.

Delegate King: Mr. President, I believe yesterday we adopted the Rules of Procedure. And the Rules in the package indicated Rule 38 on Order of Business. I believe that we must stick to our own rules and follow the

order of business. I think that Communications is not listed under Rule 38. So I believe that we should try to follow our Rules of Procedure.

President H. Guerrero: Okay. Delegate Nabors, you had your hand up?

Delegate Nabors: Thank you, Mr. President. I am a little confused on what's going on, but what I'd like to bring out is that I realized that miscellaneous communications need not have a vote to be adopted. But the Attorney General has made a recommendation or guidelines for legal assistance. And while I agree with Delegate Guerrero, I believe we ought to take some formal action in adopting these guidelines so that we can get on with our work. And whether that be by unanimous consent or vote, I have no preference but do feel that we ought to take some formal action. Thank you.

President H. Guerrero: Delegate Guerrero?

Delegate L. Deleon Guerrero: Thank you, Mr. President. I believe, like I said, that the miscellaneous communication from the Attorney General is merely a format and is self-explanatory in itself, stating that the legal assistance, of course, would be limited to some of their time. And therefore, I believe, to me, it's just giving us an idea on how this Convention should be assisted by his office. The only thing that I was, of course, calling the attention of the Chair is that, maybe inadvertently, this miscellaneous communication from the Commonwealth Coordinating Council is not included in today's Order of Business. So should I have to ask for the general consensus of the delegates that this should be included in today's journal, I have no reservation to it.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. About the miscellaneous communication of today, the second part, the communication from the Commonwealth Health Council concerning abortion, I have in my hand a draft proposal to answer what the Commonwealth Health Council is asking of abortions. So I'm ready to submit an abortion proposal this morning. Perhaps this would answer part of it.

President H. Guerrero: Thank you. Delegate Hafnas?

Delegate Hafnas: Thank you, Mr. President. I think Delegate Cing pointed out something that our Rules does not address. The Order of Business, miscellaneous or communication is not listed. I would like to ask the Floor Leader to render his opinion on the propriety of business letter E, pursuant to our Rules.

Floor Leader Lizama: Mr. President, I agree with Delegate Hafnas that the Rule, No. 38, does not....

President H. Guerrero: Can you turn that mike on?

Floor Leader Lizama: Rule No. 38 does not include miscellaneous communications. I think we have that opinion that under Rule 38 that we are going to have... but we do not have. Maybe we should allow ourselves to defer this matter for now until.... I believe that we are going to be doing some other businesses with respect to the Rules, so maybe we could defer this for now and then we could take it up at a later time.

President H. Guerrero: Before I call on Delegate King....

Delegate King: Mr. President, I have a question on the statement made by Delegate Mafnas. My name is not Cing, it is King.

President H. Guerrero: My apology.

Delegate Mafnas: Mr. President, I said Delegate King. I know him; he's not Cing.

President H. Guerrero: I apologize; I did call you Cing. Delegate Pangelinan?

Delegate Pangelinan: Mr. President, Rule No. 67 allows us to suspend the rules, and I don't see any problem here in suspending the rules so that we can incorporate the communication for the Order of Business for today with the unanimous consent of the committee as a whole.

President H. Guerrero: Are you suggesting, making a motion, or what?

Delegate Pangelinan: I would like to move that the rules are suspended to incorporate, to amend the Order of Business of today to include communications.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to suspend the rule....

Delegate L. Deleon Guerrero: Point of clarification on what we are trying to do here, Mr. President.

President H. Guerrero: Delegate Guerrero?

Delegate L. Deleon Guerrero: I don't think we have to deal with the Rules when we have the agenda for today, which you've listed down the purpose of this agenda for discussion. What I'm saying is, the miscellaneous communications that are passed out to the delegates on everyday's convention is routine and a normal business of the Convention, therefore, we don't have to deal with amending our rules. I'm simply asking the Presiding Officer of the Convention that maybe inadvertently that it was not included in today's miscellaneous communications. So that's the point of clarification on my part.

President H. Guerrero: Okay, for clarification of the delegates, when I was going over the Rules this morning, there was nothing about communication but I felt that in the best interest of all the delegates that all communication comes in here will be included and distributed to all the delegates. And I want to keep this as a practice also. And unfortunately, when the agenda was typed out, we have not received the letter from the Commonwealth Health Council. So that's why it's not included. But it's not that I did not want it included but it's just that we didn't get it on time. Delegate Guerrero?

Delegate L. Deleon Guerrero: Another thing, Mr. President, you know, unless there is an objection on the floor, then I would try to move to make it into a motion but I don't hear any objection at all to include this in today's miscellaneous communication.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, there is already a motion on the floor to suspend the rule. I think we should take it up....

Delegate Pangelinan: Second.

President H. Guerrero: There is a motion on the floor to suspend the Rules and it has been seconded. Any discussions on the motion?

Delegate Nabors: Motion to end the debate.

Delegate Ogumoro seconded the motion.

President H. Guerrero: It has been moved and seconded with a motion to end the debate. Delegate Tomokane?

Delegate Tomokane: Mr. President, for clarification, I would like to know the specific Rule that will be suspended.

President H. Guerrero: That's a good question. Can I get Delegate Pangelinan to restate her motion?

Delegate Pangelinan: Well, Rule.... First, following the Robert's Rules of Order when it is not consistent, we have Rule 66 for procedures for temporary alteration, suspension or rescission of rules. A rule of the Convention shall not be altered unless we have one-day notice, if it's going to be temporarily suspended. If we are going to permanently suspend it, then we need five days notice. However, if we get the unanimous consensus of the Committee of the Whole, then we can unanimously suspend the rule to get the business going.

President H. Guerrero: Is there -- are you referring to any specific rules?

Delegate Pangelinan: Oh, yeah, I'm sorry. 65, 66 and 67.

President H. Guerrero: Delegate Tomokane, it's Rule 67. Delegate Villagomez?

Delegate Villagomez: Rule 67 gives you the authority to suspend the rules. The question was not, what is the basis of the authority. The question now was, which rule are we suspending? Are we suspending Rule 38?

Delegate Pangelinan: We are suspending Rule 66.

Delegate L. Deleon Guerrero: Mr. President?

President H. Guerrero: Just a minute. Delegate Torres?

Delegate L. Deleon Guerrero: I would like a point of order, to point out a point of order here.

President H. Guerrero: Delegate Guerrero?

Delegate L. Deleon Guerrero: We have a motion, and it was moved to end the debate. Immediately the Presiding Officer should put that into a vote. We start now debating about what rules and what we are suppose to do. I think what we need is to go back and vote on that end debate motion.

President H. Guerrero: There is a request to clarify the motion and that takes priority.

Delegate L. Deleon Guerrero: I'm sorry, Mr. President, but I think even the Rules itself, immediately if there's a motion to end the debate and was seconded, without no delay, you have to put that on the floor and have that thing voted.

Delegate Mafnas: Let's vote.

Delegate Villagomez: We cannot vote on a motion if we don't know what the motion is. Which rule are we suspending? I'm requesting that we suspend Rule 38. I'm requesting that we look at Rule 38 and see if that's the Rule we are suspending and then we can move on.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, it is my understanding that the intension of the mover is that she wants to have the entire Rules to be suspended for the time being....

President H. Guerrero: Delegate Torres?

Delegate Torres: I just want to get back to Delegate Tomokane's point of clarification. I think what Rule we are trying to suspend here is 38 and Rule 67 gives us the vehicle to do that.

President H. Guerrero: Delegate Pangelinan, can you just restate your motion in terms of, for the record, what we are actually...

Delegate Pangelinan: Okay. For the record, correction is made. I move that we suspend Rule 38, which does not include communication in the Order of Business, in consistent with Rule 67.

Delegate Nabors seconded the motion.

Delegate L. Deleon Guerrero: I move for the previous question.

Delegate King seconded the motion.

President H. Guerrero: Excuse me, Delegate Guerrero. What was your...?

Delegate L. Deleon Guerrero: I said I move for the previous question. There's already a second to the motion; so therefore, without any delay, put that into vote.

The motion to suspend Rule 38 was carried by voice vote.

President H. Guerrero: Rule 38 is suspended. Delegate Manglona?

Delegate Manglona: Mr. President, I would like to move also that we suspend Rule 68.

Delegate Nabors: Point of order, Mr. President.

President H. Guerrero: Can I? Just a point of clarification, are you calling to suspend Rule 68 under Rule 67, or 66?

Delegate Nabors: Point of order, Mr. President. With the passage of the last motion, we now are on item (E) of our Order of the Day. Thank you.

Delegate Manglona: I withdraw my motion, Mr. President.

President H. Guerrero: Thank you. Delegate Guerrero?

Delegate L. Deleon Guerrero: Thank you, Mr. President. Now that the rule has been suspended merely to allow me into inserting this additional miscellaneous communication to simplify everybody's concern, I'd like to move that the miscellaneous communication from the Commonwealth Health Coordinating Council, which was forwarded by the chairman of the committee, Father Villagomez, be included in today's miscellaneous business under item (E) and be stated as Miscellaneous Communication No. 2.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to include the communication from the chairperson of the Commonwealth Health Coordinating Council as part of the communication and other business. Discussions?

There being no discussion, the motion to include the communication from the Commonwealth Health Coordinating Council as Miscellaneous Communication No. 2 was carried by voice vote.

Comm. No. 2, from Father Jose Villagomez, Chairman of the Commonwealth Health Coordinating Council, re abortion.

Delegate Mafnas: Are we still on order of business (E), Mr. President?

President H. Guerrero: Yes.

Delegate Mafnas: May I pose a question to the Attorney General?

President H. Guerrero: Please do.

Delegate Mafnas: May I ask our Floor Leader whether I can pose questions to the Attorney General without resolving to the Committee of the Whole?

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: What was the question, Mr. President?

President H. Guerrero: Delegate Mafnas, can you repeat your question please?

Delegate Mafnas: I would like to know whether I can pose a question to the Attorney General without the Convention resolving into a Committee of the Whole.

Floor Leader Lizama: Mr. President, I believe the question is, he is asking whether he could ask the Attorney General for a question. Is that the question? Without resolving the issue to the or referring the issue to the Committee of the Whole. That's what you are referring to, Delegate Mafnas. Is that right?

Delegate Mafnas: Yes, it is.

Floor Leader Lizama: I am not so sure whether we can do that. But I believe Delegate Mafnas could refer his question to the President.

Delegate Mafnas: Then may I ask you, Mr. President?

President H. Guerrero: I have no objection unless there's any objection from the members. Delegate Kaipat?

Delegate Kaipat: Mr. President, the previous question we voted is for first and second miscellaneous communications. And at this time, it sounds like we are deviating from our Order of Business for today. The next order should be the Committee Reports and then followed by Proposals. Since there is no committee report that we know of, we should be in the Proposal area. Thank you, Mr. President.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, you asked whether we have questions regarding the communication from the Attorney General. I know that if I ask you my question, you would not be able to answer. That's why I am inquiring whether I can ask the Attorney General a question and he can answer without resolving into a Committee of the Whole.

Floor Leader Lizama: Mr. President, I believe Delegate Mafnas is out of order at this time. I don't think that he could do that at this time because if he wants to make a question to the Attorney General, then I think he should ask the Attorney General his question. And I don't think that -- first, individually. And I don't think that the President should have to deal with that question right now. I think he is out of order.

Delegate Mendiola: Thank you, Mr. President. I think we have suspended Rule 38. So it's up to you to put it upside down, up-down, or whatever. So you're the Rule now up there whether you are going to have Delegate Mafnas's question pose to the Legal Counsel; it's up to you. We have suspended the Rule. So it's your rule now.

President H. Guerrero: Is there actually any objection to Delegate Mafnas' directing his question to the Attorney General?

There were several responses of no objection.

Floor Leader Lizama: The question, Mr. President, is that once a Committee of the Whole could be formed, I believe that Rule 32 allows that. But I don't know why, what's the purpose of establishing a Committee of the Whole.

Delegate Nabors: No objection.

President H. Guerrero: Delegate Mafnas, why don't you go ahead and ask your question.

Delegate Mafnas: Yes. Before I ask my question, Mr. President, I ask the Floor Leader a question on the propriety of asking the Attorney General and he could not answer me. Now, he is telling me the answer and he is telling me that I am out of order. I would like now to ask the Attorney General to clarify the last sentence on No. 5, please.

Attorney General Kosack: Delegate Mafnas, are you referring to No. 5 of the letter which I sent in on the Guidelines for Legal Assistance?

Delegate Mafnas: Yes, the guidelines.

Attorney General Kosack: Okay. We originally sent a letter to the President of the Convention in which we suggested that we will go ahead and be available for drafting legal, drafting all the proposals that will go to the President and then be assigned out to the committees. One of the things that we recognized yesterday is that we received proposals from three delegates so far and in those three proposals we had -- I mean in those three delegates, we had over 35 proposals. There's a lot of work there. We felt that with the number of proposals that were coming through if every delegate average 10 proposals, we will be looking and drafting about 250 proposals. Our ability with two and a half attorneys to generate, drafting those proposals into their correct forms is pretty limited. And what's going to happen is we will be bottling that before they ever reach the President. We discussed with the President yesterday how that might be resolved and the answer that came up with a suggestion was that the proposals be at least in a minimum, in the form of, say, and there are some samples up here which are going to be xeroxed from the First Constitutional Convention that basically list the title of what the proposal intends to do. That would be introduced, numbered and then referred by the President to the committee. In the committee, the members of the committee that would look at all the proposals before them and refer those proposals which they wish to act on for the legal drafting which we have suggested to be in strikeout-type form much as I know we handle the proposals for yourselves. It's exact, same form as your proposal. It also eliminates a lot of unnecessary work as we find out that the same themes are coming up repeatedly in the proposals, so we may end up drafting 24 different types, essentially the same proposals. So this will eliminate that repetition. That's what's referred to in the last sentence in No. 5, which is if the Committee then select those proposals, it needs to be written in legal form. There still be a proposal but it's just to have it further refined in a legislative style form. These are suggestions and, of course, obviously the delegates can change the guidelines in any way that they wish. Is that answer your question?

Delegate Mafnas: Thank you.

Attorney General Kosack: Thank you.

President H. Guerrero: The next order of business is....

Delegate Villagomez: Excuse me, Mr. President. I have a question, Mr. President.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Is the Attorney General's referred function is simply to review a proposal and make changes to language for clarification and for correct grammar? Is that that?

Attorney General Kosack: Delegate Villagomez, what we were proposing to do because of the fact that we are going to be short on legal assistance -- so far, there are only two and a half of us attorneys and no other government's agencies have come forward and volunteer their attorneys and I would figure at least you are going to need five and probably quite a few more attorneys -- is that in the proposals when we receive them, we will make sure that the correct language is in there, make sure that there are no ambiguities that will cause problems at some later time, make sure that the correct legislative strikeout format is in there so people will know exactly what is being done. That's basically all that will be done with the proposal, as the proposal function. Our other function is to answer legal opinions and those will be referred to as by committee. Someone, a moment ago, mentioned they write two life amendment. I assume there's a possibility that that committee would say, this is consistent with the Covenant. And then we would provide legal opinions on that. Basically, those two functions.... There's a third function which is that we will review the committee reports when they come out to make sure that they are accurate, edit it for language, and also make sure that they are legally accurate as well. The bulk of our work will be in the legal, in the area of giving legal opinions to the committees.

Delegate Villagomez: You stated in No. 6 that the proposals will be kept confidential by the legal staff. Does that mean that the proposals will not be shown to the other delegates...?

Attorney General Kosack: Okay. There is a very confusion here and we are partly at fault. When I originally wrote this letter it was written on June 17 and attached to it were guidelines. There are 10 guidelines. You probably have a list of 10 guidelines. We, as a result of our meeting with the President yesterday, redrafted the guidelines and took out, which you are reading right now and came up with a list of 11 guidelines. It should be in front of you because I handed it out in front of every delegate this morning and I asked the staff, when they handed out the xeroxed copy to the letter to rip off those old guidelines. So when we talked about guidelines for legal assistance, there should be 11 guidelines on your page, not 10. If you have one with 10, please throw that away. That's already outdated.

Delegate Villagomez: Which attorney here that only half of him present?

(Laughter)

Attorney General Kosack: Well, the brain part has been removed from the rest of it.

(Laughter)

Delegate Villagomez: Mr. President, I would like to request that all proposals which have been submitted to the Attorney General and which have been changed for appropriate language and format that they immediately be distributed among all the delegates before they are even introduced on the floor.

Attorney General Kosack: If I can interject. The proposals that we will edit have already been introduced on the floor. The proposals will be introduced without us having any involvement with it by each delegate. The delegate will introduce its proposal. All it's required by law is to state its title, that it have a place for numbering, that says who introduce and the date it's introduced, and then President will assign it to the committee. We won't touch that proposal. It will then go to the committee. The committee itself then will look over the proposals and refer to the legal counsel those that it wants to have legislative strikeout forms. And those, we will handle. But that will come directly from the committee chairmen to myself and I will assign it to the legal counsel and then we will return it back to the chairmen. So it's a public property at that point. It will go to all the members of the committee.

Delegate Villagomez: The proposals that are to be introduced are not reviewed by the Attorney General prior to their introduction.

Attorney General Kosack: That's correct.

Delegate Mundo: I have only one question, Mr. President. I notice in the letter here from the Attorney General, he did mention that they are going to provide at least 50% of their time. I would like to ask, has there been any arrangement with the other attorneys where to meet this people? How can we get in touch with the other attorneys?

Attorney General Kosack: Let me say one thing. I'm having a hard time hearing you here but I think you said we will provide 50% of our time. We are going to provide for you all of our time. We will provide, but we feel that all of our time between us will only amount to 50% of your needs. And so you are going to need to find at least two or maybe three more. There are another other than my office which has seven attorneys, there are another 12 attorneys in government. And we made a suggestion to the President on some attorneys who are available, who are good on the Constitution and have even indicated a willingness to work with the Convention. It's a matter of contacting their employers and getting their consent.

Delegate Mundo: That's all, Mr. President. I just want to clarify if there's any arrangement with the other attorneys. Thank you.

Delegate Mendiola: Just one question to the Attorney General. You mentioned that after it is referred to the committee, it will be passed over to your office. How about before introduction? Can we refer all the proposals to you before introduction on the floor?

Attorney General Kosack: Thank you, Delegate. That was mentioned to us

yesterday. That was what we originally proposed. When we started talking about on our basis of only working for some two or three days on the proposals, we recognize that what's going to happen is there will be an actual bottom act. We won't be able to work fast enough and I know you want to get the proposals to your committees as soon as possible. If you wait for us to do that work, it may take quite a bit time. We are getting a lot of different proposals. Some delegates are very specific and have all the strikeout type in there; another delegate just merely say I want to change this but don't state how. And those take a lot of time to work on. That's why. The suggestion actually was made not by us but by some of the delegates. They said maybe what we should do is just take the proposals, give them directly to the committee and then we will handle it.

Delegate Mendiola: Thank you.

President H. Guerrero: Anymore questions? We will continue with the Order of Business.

Floor Leader Lizama: Mr. President, so that we could proceed with our Order of Business, I would like at this time to make a motion.

President H. Guerrero: Can I just interrupt? Can you speak louder because you are not coming?

Floor Leader Lizama: So that we could proceed with our normal business, I would like at this time to make a motion. My motion would be that we suspend Rule 67 -- I mean, my motion is to make a suspension on a rule and the particular rule that I would like to specifically deal with is on the rule regarding the formation of the committees. Rule 67, Mr. President, specifically says that a rule could be suspended a rule, so I believe that the rule of construction we have to construe this as meaning that if we are going to suspend a rule that we have to deal specifically to the specific rule. I would like to make a motion that we suspend Rule No. 24. And I would like to suggest that a motion will then be entertained to make changes in this Rule.

Delegate Ogumoro: If there's no objection from the other delegates, I would like to move for a brief recess.

Delegate Mafnas: No objection.

Delegate Mendiola seconded the motion, and the Convention recessed at 10:23 a.m.

RECESS

The Convention reconvened at 10:39 a.m.

President H. Guerrero: I would like to call the Convention to order. Since Rule 38 has been suspended, the Chair will take its privilege of following the format that we have right now. We go now to the Committee Reports. And since -- oh, excuse me. I would like to recognize first Delegate Lizama.

Floor Leader Lizama: Mr. President, I would like to withdraw my motion at this time so we can proceed with the....

President H. Guerrero: Can you speak up please?

Floor Leader Lizama: I would like to withdraw the motion that I previously made so that we can go down the agenda.

President H. Guerrero: Can you restate that motion that you're withdrawing?

Floor Leader Lizama: My previous motion was to make a suspension on the rule and I am withdrawing that motion.

Delegate Mafnas: Objection. I would like to know why.

Floor Leader Lizama: So that we could expeditiously work on the Order of Business, and I would, at a later time, properly make another motion. At this time, I would like to withdraw the motion.

President H. Guerrero: We will go to the next order of business. The next order is the Committee Reports. Since committees assignment has not been made, we'll move to the next one--Introduction of Proposals. And pursuant to Rule 54, the introduction of proposals will be signed by the delegate and submitted five copies to the Secretary who will number it and distribute it. Delegate Mendiola?

INTRODUCTION OF PROPOSALS AND REFERRALS

Delegate Mendiola: Mr. President, I got two proposals, amendments to introduce this morning. They're introduced by myself and three others.

("A Proposal to amend Section 1 of Article VII regarding the eligibility to vote in the Commonwealth of the Northern Mariana Islands.

"A Proposal to amend Section 2(a) of Article VI to the Constitution of the Northern Mariana Islands to restrict eligibility of mayor to persons of Northern Marianas Descent.")

President H. Guerrero: Can you present that to the Convention Secretary? Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I have several proposals to introduce on behalf of myself and my colleagues from Tinian. The first one is "A Proposal to repeal Sections 2, 3, 4 and 5 of Article XI of the Constitution to abolish the Marianas Public Land Corporation and to reenact the same, to establish a Department of Land Management of the Commonwealth of the Northern Mariana Islands."

Second, "A Proposal to amend the Constitution by adding a new section thereto to Establish a Code of Ethics for public employees and officers of the Executive, Legislative and Judicial Branches of the Commonwealth Government including financial disclosure statements."

The other, "A Proposal to amend the Constitution by adding a new section thereto to restrict the operations budget of the Legislature to five percent (5%) of the Commonwealth Budget, or $3 million per year, whichever is greater."

The other, "A Proposal to amend the Constitution of the Northern Mariana Islands by adding a new section thereto to require public bidding for all goods, services, materials, and personal property needed by the Commonwealth Government."

And the other, "A Proposal to amend Section 2, Article III, of the Constitution of the Northern Mariana Islands to restrict the eligibility of persons to run for Governor of the Commonwealth to persons of Northern Marianas Descent." Thank you, Mr. President.

President H. Guerrero: Before I call on the next delegate, pursuant to Rule 54, proposals have to be delivered to the Secretary. Delegate Torres has his hand up.

Delegate Torres: Thank you, Mr. President. I have three proposals to introduce this morning. One, to amend Article II, Section 2(a); the other, to amend Article II, Section 3(a); third, Article II, Section 13; fourth, Article II, Section 2(c); and the last, Article II, Section 3(c). These proposals are introduced by myself.

President H. Guerrero: Will you present that to the Secretary please? I call on Delegate Cing.

Delegate Cing: Thank you, Mr. President. I have proposals to amend and are introduced by myself and three other colleagues from Tinian.

No. 1, "To amend Section 3 of Article V of the Constitution of the Northern Mariana Islands to restrict the eligibility of Washington Representative to persons of Northern Marianas Descent."

No. 2, "To amend Section 6(a) of Article XI of the Constitution of the Northern Marianas to provide that Rota, Tinian and Saipan shall be equally represented on the Marianas Public Land Trust." Thank you.

President H. Guerrero: Please present it to the Secretary. I call now on Delegate Kaipat.

Delegate Kaipat: Thank you, Mr. President. Mr. President, I have the kind of lengthy proposals here. I have 15 proposals to submit this morning. And since everything seems to be very long, it's going to bore everybody, I'll just take out the important part and read it out. The others will be just the headings.

A "Proposed Amendment to Article I of the Constitution of the Commonwealth of the Northern Mariana Islands: Section 1. Laws Prohibited: subsection (a)" -- we have in the Constitution. "Subsection (b). The privilege of the Writ of Habeas Corpus shall not be suspended unless when in case of rebellion or invasion the public safety may require."

Another one, without a title, is "Proposed Amendments to the Constitution of the Commonwealth of the Northern Mariana Islands: Article X. Prohibition of Prostitution: Section 1. Neither Prostitution nor Bestiality shall exist within the Commonwealth of the Northern Mariana Islands; Section 2. The Commonwealth of the Northern Marianas Legislature shall have power to enforce this Article by appropriate legislation."

A "Proposed Amendment to Article II, Section 1, in the Constitution of the Commonwealth of the Northern Mariana Islands: Section 1. Legislative Power: The Legislative power of the Commonwealth shall extend to all rightful subjects of legislation, however, shall not supersede certain applicable provisions in the United States Constitution and United States Laws; such power shall be vested in a Commonwealth Legislature composed of a Senate and a House of Representatives."

A "Proposed Amendment to the Constitution of the Commonwealth of the Northern Mariana Islands: Prohibition of Slavery: Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the Commonwealth of the Northern Mariana Islands; the Commonwealth of the Northern Mariana Islands Legislature shall have power to enforce this Article by appropriate legislation."

"Proposed Amendments to the Constitution of the Commonwealth of the Northern Mariana Islands: Article X. Prohibition of Nuclear Materials: Section 1. There shall be no storage of nuclear warheads, nor dumping of nuclear waste on land or in the sea within 200 miles radius of the Commonwealth of the Northern Mariana Islands; Section 2. There shall be no storage or dumping of poison gas, chemicals or biological bomb products on land or sea in the Commonwealth of the Northern Mariana Islands; Section 3. In case of war, the Government of the United States of America may be exempted from above and may exercise its authority and responsibility as stated in Article I, Section 104 of the Covenant."

A "Proposed Amendment to the Constitution of the Commonwealth of the Northern Mariana Islands: Supremacy of Constitution: This Constitution, the Covenant, and the applicable provisions of the United States Constitution, laws and treaties shall be the Supreme Law of the Commonwealth of the Northern Mariana Islands."

A "Proposed Amendment to the Constitution of the Commonwealth of the Northern Mariana Islands: Prohibition of Abortion: Every person who shall unlawfully cause the miscarriage or premature delivery of a woman for the reason other than medical nature, with the intent to do so, shall be guilty of abortion; the Commonwealth of the Northern Marianas Legislature shall have power to enforce this Article by appropriate legislation."

A "Proposed Amendment to the Constitution of the Commonwealth of the Northern Mariana Islands: Fugitives From Justice: A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in the Commonwealth of the Northern Mariana Islands shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

"Proposed Amendments to Article II, Section 2, of the Constitution of the Northern Mariana Islands: Section 2(c). No person shall be senator who shall not have attained to the age of thirty years, and been ten years resident of the Commonwealth of the Northern Mariana Islands, a citizen of the Commonwealth of the Northern Mariana Islands or of the United States, of a sound mind and of a person of Northern Marianas descent. No person convicted of felony may be eligible for this office unless a full pardon

has been granted. (d) President of the Senate shall have no vote, but may vote only in case of a tie. (e) The Senate shall have the sole power to convict all impeachments. When sitting for the purpose, they shall be on oath or affirmation. When the Governor of the Commonwealth of the Northern Mariana Islands is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present in the Senate. (f) If an impeached public official is found guilty, he is removed from office and not permitted to hold any governmental office. If he has broken any laws, he may be tried for these in a court, just as any other person."

"Proposed Amendments to Article I, Sections 5 and 6, of the Constitution of the Commonwealth of the Northern Mariana Islands: Section X. Protection of Citizen: All persons born or naturalized in the Commonwealth of the Northern Mariana Islands and subject to the jurisdiction thereof are citizens of the Commonwealth of the Northern Mariana Islands. (a) No State shall make or enforce any law which shall abridge the privilege or immunities of citizens of the Commonwealth of the Northern Mariana Islands; nor shalll any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws nor shall private property be taken for public use, without just compensation. (b) No person shall be denied the enjoyment of civil rights or be discriminated against in the exercise thereof on account of race, color, sex, age, ancestry or religion."

A "Proposed Amendment to Article III, Section 2, of the Constitution of the Commonwealth of the Northern Mariana Islands: Section 2. No person except a person of Northern Mariana Islands descent and a citizen of the Commonwealth or of the United States of America shall be eligible to the Office of the Governor; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fifteen years resident within the Northern Mariana Islands. No person convicted of any felony may be eligible for this office unless a full pardon has been granted. A person with psychopathology nature shall not be eligible for the same office."

"Proposed Amendments to Article II, Section 3, of the Constitution of the Commonwealth of the Northern Mariana Islands: Section 3(a). The House of Representatives shall consist of fourteen members with ten members elected from Saipan and the islands to the north, two members elected from Rota and two members elected from Tinian and Aguiguan. The number of representatives may be increased by law. The term of office for the members of the House of Representatives shall be two years. (b) No person shall be a member of the House of Representatives who shall not have attained to the age of twenty-five years, and been ten years resident of the Commonwealth of the Northern Mariana Islands or of the United States of America, of a sound mind and of a person of Northern Mariana Islands descent. No person convicted of felony may be eligible for this office unless a full pardon has been granted. For the purpose of electing representative, Rota shall constitute one district, Tinian and Aguiguan one district, and Saipan and islands to the north shall constitute four election districts. The Commonwealth of the Northern Mariana Islands Legislature may change, redistricting pursuant to Section 4 of this Article, when the population of the islands north of Saipan exceed one thousand, they shall constitute a separate district electing two representatives. (c) Speaker of the

House of Representatives shall have no vote, but may vote only in case of a tie."

A "Proposed Amendment to Article I, Section 4(c), of the Constitution of the Commonwealth of the Northern Mariana Islands: Section 4(c). There shall be a speedy and public trial. An accused shall have the right to be informed of the nature and cause of the charges against him."

"Proposed Amendments to the Constitution of the Commonwealth of the Northern Mariana Islands: Citizens Right To Vote: The right of citizens of the Commonwealth of the Northern Mariana Islands to vote shall not be denied or abridged by the Government of the Northern Mariana Islands on account of race, color, or sex. It is prohibited for the Commonwealth of the Northern Mariana Islands from denying any citizen of the Commonwealth of the Northern Mariana Islands who is eighteen years of age or older the right to vote on account of age."

A "Proposed Amendment to Article I, Section 2. Section 2. Freedom of Religion, Speech, Press, Assembly, and Petition: Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for redress of grievances." On the heading of this part, under Section 2, the Assembly -- Petition was not included. So that's all, Mr. President.

President H. Guerrero: Thank you, Delegate Kaipat. Before I call on other delegates, for the benefit of the delegates and also time, can I ask the delegates to at least just give the title and will go on to the next one for future reference? Because I'm sure there are going to be a lot of proposals. I call on Delegate King.

Delegate King: Thank you, Mr. President. I have two Proposals here that are introduced by myself on behalf of my colleagues from Tinian.

President H. Guerrero: Can you speak louder please?

Delegate King: I have two Proposals here that I would like to introduce by myself on behalf of my three colleagues of Tinian.

No. 1, "A Proposal to amend Section 2 of Article V of the Constitution of the Northern Mariana Islands to extend the term of the Washington Representative to a four (4) year term."

No. 2, "A Proposal to amend Section II of Article III of the Constitution of the Northern Mariana Islands to require the election of the Attorney General for a six year term". Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate King. Can you submit that to the Secretary please? Delegate Mundo?

Delegate Mundo: Mr. President, I move to take a recess until one o'clock this afternoon.

Delegate Calvo seconded the motion.

President H. Guerrero: Was there a second? Did anybody second that?

Delegate L. Deleon Guerrero: Objection, Mr. President. There's an objection, Mr. President.

President H. Guerrero: It has been moved and seconded. Discussions?

Delegate L. Deleon Guerrero: Can I just enlighten, for the benefit, of course, of all the delegates? Mr. President, we have the first day's Journal of our Convention....

Delegate Nabors: Point of order, Mr. President. The motion for recess is undebatable.

Delegate L. Deleon Guerrero: Mr. President, you recognized me. I hope Delegate Nabors do understand that I don't speak unless the Chairperson or the President recognizes me to have the floor.

President H. Guerrero: There is a motion on the floor and we'll talk or discuss on that one. Delegate Pangelinan?

Delegate Pangelinan: Mr. President, I would like to take a vote so that we do not.... I will object to a recess. I think we have business to conclude today in order to get the proposals going.

President H. Guerrero: Anymore further discussions? Vote?

The motion to recess was defeated by voice vote.

Delegate Pangelinan: Mr. President, if I may suggest, I think it is necessary that you make the appointments of committees so that we know all of these. You have to make the referrals of these proposals to the committees and I think we are jumping already ahead.

Delegate Torres: I believe that before we do that, we should get back to Delegate Manglona's proposed amendment to the Rules before we actually refer the proposed amendments to the committees. I believe that that should be referred to first before we actually assign members to the various committees.

President H. Guerrero: I call on Delegate Nabors.

Delegate Nabors: Thank you, Mr. President. If I might, I quite agree. We have quite a lot of works to do. If I might ask the indulgence of my colleagues that we could expedite matters and suspend the order of the day down to Item (M) so that appropriate motion can be made concerning the Rules and committees assignment to be made. I so move, Mr. President.

President H. Guerrero: I just want to point out that Rule 38 has been suspended, so it is at the discretion of the Chair.

Delegate Nabors: May I then, Mr. President, with your indulgence, ask my colleagues for unanimous consent under Rule 67 to suspend Rule 68(a) to facilitate Delegate Manglona's amendment to Rule 24 as was being discussed yesterday?

Delegate Pangelinan: Mr. President, I think Delegate Manglona withdrew his motion yesterday because we adopted the Rules as presented to the delegates based on the Pre-Convention's presentation. So there was never any motion to adopt anything for today.

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

Delegate Manglona: Mr. President, what is the motion?

President H. Guerrero: Delegate Nabors, can you restate your motion please?

Delegate Nabors: The motion, Mr. President, was to ask for unanimous consent under Rule 67 for the purpose of suspending Rule 68(a) to facilitate an amendment to Rule 24 concerning committees.

Delegate Manglona: I second the motion, Mr. President.

President H. Guerrero: It has been moved and seconded to suspend Rule 68. Any discussions? I call on Delegate Villagomez.

Delegate Villagomez: I do not give my consent to that motion. We started to allow the delegates to introduce their proposals. We are not finished yet as I understand. We are getting out of order to do something else and then come back. I propose to the Chair that we go ahead and finish the Proposals since we have started and then move on to other subject matters rather than stopping right in the middle of something we're doing and go to something else and later we have to come back again to the same thing.

President H. Guerrero: Just a point of clarification. I thought all the proposals have been submitted.

Delegate Nabors: I apologize.

President H. Guerrero: Can you withdraw your motion?

Delegate Nabors: Of course, Mr. President. I apologize, fellow Delegate.

President H. Guerrero: Delegate Nabors, did you withdraw your motion at this time?

Delegate Villagomez: First, we have to clarify whether everybody have submitted their proposals. If everybody has, then I....

President H. Guerrero: Have everybody submitted their proposals? Please raise your hands if you have proposals to submit at this time. Delegate Nabors, are you withdrawing your motion?

Delegate Nabors: Yes, Mr. President.

President H. Guerrero: Can I call on Delegate Villagomez? Delegate Villagomez, do you have proposals?

Delegate Villagomez: I have proposals that are being xeroxed at this time.

President H. Guerrero: May I call on Delegate Villanueva?

Delegate Villanueva: Mr. President, I have a Proposal here "to add to Article X on Taxation and Finance." It's a very short proposal, so if I may read the whole text.

President H. Guerrero: Can I ask that you read the title? Is it possible?

Delegate Villanueva: The title is "to add a Section 5 on Article X: No real estate or real property tax shall be imposed to any citizens of the Northern Marianas."

President H. Guerrero: Is that your proposal? Is that the title of your proposal?

Delegate Villanueva: There is no title.

(Laughter)

President H. Guerrero: Is that a....

Delegate Villanueva: If I may read the whole text, it's very short, less than one paragraph.

President H. Guerrero: Please go ahead.

Delegate Villanueva: "No real estate or real property tax shall be imposed to any resident and/or citizen of the Commonwealth of the Northern Mariana Islands by the Commonwealth Territorial, or Local Government unless approved by three-fourths of the registered voters of the Commonwealth through a referendum." That's the proposal, Mr. President.

President H. Guerrero: Any other proposals? Delegate Villagomez?

Delegate Villagomez: This is "A Proposal to amend Section 2, Article XII, of the CNMI Constitution so that it will read: A transfer to a mortgage by means of a foreclosure on a mortgage is not an acquisition if the mortgagee does not hold the permanent or long-term interest in real property for more than ten (10) years beyond the term of the mortgage."

President H. Guerrero: Any further proposals? If none, then we will go to Miscellaneous Business. Delegate Nabors?

MISCELLANEOUS BUSINESS

Delegate Nabors: Thank you, Mr. President. I now would like to ask the indulgence of my colleagues and ask their unanimous consent under Rule 67 to allow us to amend Rule 68(a) to facilitate an amendment to Rule 24 concerning committees.

Delegate Manglona seconded the motion.

President H. Guerrero: It has been moved and seconded that under Rule 67, to suspend Rule 68(a) in reference to Rule 24. Discussions?

Delegate Pangelinan: Mr. President, I don't think there's ever a motion to proposed for amendments. We have to state what we are amending.

Delegate Torres: In that case, I would like to make a motion to make the following amendments that would address Rule 24, Substantive Committees, for their committees to be as follows:

President H. Guerrero: Point of order. There is a motion on the floor.

Delegate Torres: There's no motion.

President H. Guerrero: There's a motion and has been seconded that under Rule 67, to suspend the rules and amend said Rule 68(a) in reference to Rule 24. Is that correct, Delegate Nabors?

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

President H. Guerrero: Can you restate your motion please?

Delegate Nabors: Thank you. My motion is to ask my colleagues for unanimous consent under Rule 67, to amend or to suspend Rule 68(a), to facilitate an amendment to Rule 24 regarding committees.

Delegate Manglona seconded the motion.

President H. Guerrero: It has been moved and seconded. Delegate Guerrero?

Delegate L. Deleon Guerrero: Mr. President, I think it is only appropriate that at any time when amending the Rules of Procedure, it got to be done in writing. Therefore, for the best interest of us, we would like to know if something is put in writing before amending the Rules of Procedure.

President H. Guerrero: Discussions? Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. If I could beg the indulgence of my colleagues, I would be happy to reduce it to writing, but the dilemma we face here is that we have a five-day requirement for amendments. And if we are to make the committees assignments, we are going to have to do something to expedite the time. Now if we need to take additional time to reduce it to writing, I'll be happy to accommodate the request. But I want to try and emphasize that I am simply asking the unanimous consent to suspend, under Rule 67, to allow us to repeal Rule 68(a) that require five-day notice so that amendments can be made to Rule 24. And I would like to ask my colleague, the Honorable Guerrero, if he could please allow us to proceed without the necessity of reducing it to writing and looking for xerox to pass our copies around, if possible. Thank you.

President H. Guerrero: Just a point of clarification. Delegate Nabors, do you want to repeal Rule 68(a), or are you going to suspend it? I thought I heard "repeal". Is that correct, or do you want it suspended?

Delegate Nabors: Pardon me, Mr. President -- to suspend it.

President H. Guerrero: Thank you.

Delegate Pangelinan: I second Mr. Nabors' motion.

Delegate Manglona: Mr. President, I would also like to ask Delegate Guerrero to please reconsider his statement. I think what the motion just stated is simply to amend a certain rule number and I think we are all here aware of what Mr. Nabors' motion is, and we should just vote now and act right away. We only have 30 days; we got to get going. Thank you.

Delegate Guerrero: Yes, Mr. President; I have no quarrel about amendments to any pertinent Rules of Procedure provided that it is unanimously consented by these delegates. The only reservation I have is that when amending the rules or any pertinent rule, it has to be done in writing so at least we will be specific as to which rules and what language are we going to use.

President H. Guerrero: I believe the motion to suspend the Rules is only in reference to Rule 68. Rule 24 comes in later. Is that correct?

Delegate Nabor: Yes, that's correct.

President H. Guerrero: I would like to call on Delegate Ogumoro.

Delegate Ogumoro: To expedite matters, I would like to ask that I think it suffice -- I mean, Rule 68 is on page 34 of our Rules of Procedure. Just turn to Rule 68. And if you want to read it or have Mr. Nabors to read it out loud. That is the Rule that he is trying to amend. So if it would satisfy Delegate Guerrero for Delegate Nabors to just read it out, so read out the Rule 68 that we are trying to suspend.

President H. Guerrero: I call on Delegate King.

Delegate King: Thank you, Mr. President. I am a little bit confused here because it seems to me that the motion has been seconded, I don't know how many times. I believe that the motion is to suspend Rules 67 and 68, to facilitate. He is just asking to facilitate an amendment to Rule 24. So let's take action on that motion and then we will go further down to make an amendment to Rule 24. I move to end the debate.

President H. Guerrero: Can I just clarify? I believe Delegate Guerrero, what he wants is that any proposed changes to the Rules, he wants it in writing. If there's going to be an amendment, it has to be in reference to Rule 24. Is that correct?

Delegate L. Deleon Guerrero: Mr. President, let me just clarify that again. In order for me to vote on the unanimous consent which Mr. Nabors is asking the indulgence of this Convention's delegates, I would like to know what is the proposed amendment. And therefore, I'm requesting that the proposed amendment be ready and available to each of the delegates if there is one ready to be amended.

President H. Guerrero: There is no amendment. Let me call first Delegate Lizama.

Floor Leader Lizama: Mr. President, I believe we are wasting time. I move for the previous question.

There was a second to the motion.

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

Delegate Nabors: Mr. President, can I have an opportunity to respond to Delegate Guerrero's inquiry?

President H. Guerrero: Go ahead.

Delegate Nabors: Thank you. I believe Delegate Guerrero asked for the amendment to be proposed to Rule 24 and I have that amendment. Unfortunately, we do not have any xerox facilities available. It is very, very short. Four items only, consisting of ten words, that I would like to have permission to read: Rule 24 to be amended to read as follows: (1) Government Institutions; (2) Personal Rights and Natural Resources; (3) Finance and Other Matters; (4) Local Government. That's all.

(Laughter)

Floor Leader Lizama: Mr. President, I think my motion was for the previous question. It is not a debatable motion; we should take a vote on that motion. I believe it was fully stated pretty well by Delegate Nabors what his motion was and the motion being that pursuant to Rule 67 that he would want to have the Rule 68 suspended for the time being so that he would facilitate moving of another motion, if any, with respect to or with regards to the formation of the committees. I thank you.

President H. Guerrero: We will go to the motion of Mr. Nabors.

The motion offered by Delegate Nabors was defeated by voice vote.

Delegate Manglona: Mr. President, yesterday, I started to make a motion and that motion was to reclassify the committees. While the reclassification might favor a particular group or a senatorial district, the intention simply was to reclassify and reorganize the committees in such a way that we will have effective and efficient committees. So now, I would like to move to amend Rule 24 on the Substantive Committees to read as follows. I think Delegate Nabors had stated the committees breakdown already.

Delegate Mafnas: Point of clarification, Mr. President.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Was the motion defeated to suspend the Rules? Was it defeated?

President H. Guerrero: Yes. Correct, because it did not pass unanimously.

Delegate Mafnas: Am I correct to state then that Delegate Manglona is out of order?

President H. Guerrero: Can I just get a point of clarification from Manglona? Is your amendment -- are you giving a five-day notice to amend?

Delegate Manglona: Well, I thought that Delegate Mabors' motion was approved.

President H. Guerrero: No. It failed because it was not an unanimous consent. Rule 67 requires unanimous consent of the delegates. And there was a dissenting vote.

Delegate Manglona: Mr. President, I would like to move that we repeal the whole Rules of Procedure.

There was a second to the motion.

President H. Guerrero: It has been moved and seconded to repeal the Rules of Procedure. It does require under Rule 66(a) for one-day notice. Delegate Lizama?

Floor Leader Lizama: Mr. President, I would like to ask that we take a recess at this time and meet at 1:30 this afternoon.

President H. Guerrero: I would like, at this time, to move that we recess until this afternoon at one o'clock.

The Convention recessed at 11:28 a.m.

RECESS

The Convention reconvened at 1:40 p.m.

President H. Guerrero: The Convention reconvenes. Delegate Mabors?

Delegate Mabors: Thank you, Mr. President. Mr. President, in order to resolve the dilemma regarding the amendment of Rule 24, I propose the following motion. Under Rule 66(a), it is required that one-day notice be given and I hereby give that notice that I would like to make a motion to rescind Rule 68(a), and hereby give the one-day notice under Rule 66(a) and that I propose to make a motion tomorrow to amend on the floor Rule 24 which sets up the committees of the Convention. My motion therefore, Mr. President, is to rescind Rule 68(a) under Rule 66(a) wherein one-day notice is provided for the purpose of offering a motion tomorrow to amend Rule 24. Thank you.

Delegate Manglona seconded the motion.

President H. Guerrero: It's not a motion. It's just a notice. We will entertain the motion tomorrow. He is just giving notice of the Chair....

Delegate Villagomez: Point of order. Is his motion that he is going to be making tomorrow going to temporarily alter the Rules? Under Rule 66, it says: A Rule of the Convention shall not be temporarily altered unless there's a one-day notice is given. Are we suspending the Rules temporarily, or is the motion going to be permanently on the alteration of the Rules?

President H. Guerrero: Delegate Nabors, clarification please?

Delegate Nabors: Thank you, Mr. President. My motion tomorrow would be to rescind Rule 68(a) permanently.

Delegate Villagomez: If the motion is to permanently altered the Rule, it is required that there would be five-day notice as provided by Rule 68.

Delegate Nabors: Thank you, Mr. President. Under Rule 68(a), the Convention Rules can be temporarily altered, suspended, or rescinded after one-day notice. My position is that we can proceed under 68(a), giving notice that we will, tomorrow, rescind 68(a), eliminating the five-day notice. And I believe that the Rules are provided for the action.

Delegate Villagomez: I disagree. I disagree, and I call upon the Attorney General to issue an opinion.

Delegate Mafnas: Mr. President, may we have a short recess while you discuss that with the Attorney General please?

President H. Guerrero: Yes, there will be a five-minute recess.

The Convention recessed at 1:47 p.m.

RECESS

The Convention reconvened at 1:54 p.m.

President H. Guerrero: The Convention reconvenes. Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I would like to clarify the procedure being followed here. As I understand it, the Rules require a one-day notice of an intention to rescind, suspend a Rule. Now for clarity, it is my proposal tomorrow to make a motion to temporarily suspend Rule 68(a), under Rule 66(a), for the purpose of amending Rule 24. And as I understand it, I am obligated to simply give notice of my intention, and the actual motion is to made tomorrow. Thank you, Mr. President.

President H. Guerrero: Does Delegate Villagomez has any objection to the restated motion -- the notice?

Delegate Villagomez: No.

President H. Guerrero: Okay. The other business we have is the Journal of the first day. I believe copies have been passed out to all the delegates. Delegate Mendiola?

Delegate Mendiola: I move to adopt the First Day's Journal of the Constitutional Convention.

Delegate Ogumoro seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Journal of the First Day of the Second Constitutional Convention. Any discussions?

The motion offered by Delegate Mendiola for adoption of the First Day's Journal of the Second Constitutional Convention was carried by voice vote.

President H. Guerrero: The Journal is adopted.

Floor Leader Lizama: Mr. President, if there being no further business this afternoon, I would like to make a motion that we take a recess until tomorrow at nine o'clock. To adjourn until nine o'clock tomorrow morning.

President H. Guerrero: Can you just restate your motion? I can't hear it.

Floor Leader Lizama: I would like to make a motion that we adjourn at this time so we can start again tomorrow morning at nine o'clock.

Delegate Manglona seconded the motion.

Delegate L. Deleon Guerrero: Before you allow that, I think it is only appropriate that other members of the Convention should be asked if they have any miscellaneous business because we have not gone down yet to the Miscellaneous Business. I hope each of us should be allowed if we would like to speak on the floor. Let's not rush ourselves just to conclude the business of today. I ask the indulgence of the delegates to allow me because I would like to deliver a short speech.

Floor Leader Lizama: Mr. President, if Delegate Guerrero wants to make a speech, I do not mind having him making a speech. And therefore, I would defer my motion for adjournment until he makes his own speech.

President H. Guerrero: The motion has been deferred. Is there any Miscellaneous business? I will recognize, Delegate Guerrero.

Delegate L. Deleon Guerrero: Thank you, Mr. President. Mr. President, I rise today to applaud and support a theme which has been expressed privately by many of our distinguished colleagues. We agree that it is timely that we, as a body of a whole, early and now, as we begin our deliberations on remodeling the law of our land, that we renew our pledge to fellowship and harmonious relations and that we recommit ourselves to the duty of searching for solutions for the common good of all the people of the Commonwealth.

I was elected to serve as a member of the First Northern Marianas Constitutional Convention and I was bestowed the singular honor of serving as its President. Time and time again, during those days discussions were heated and debates were hot; issues raised were often championed by impassioned presentations and sincere petitions. But, the discussions and debates became primarily diagnostic of our social, economic, and political policy needs, and passions gave way through compromise.

Our people have entrusted us with the hallowed duty of hammering out in thirty days a document which reflects rationality and reasonableness and which holds sacred the needs of the entire Commonwealth. We must put aside petty jealousies and polarizations and consider each bill presented on the basis of its merit for the whole, not the demeanor of the author. We must, in our passions, refuse to view acceptance of the bills we submit as personal endorsements, or their rejection as personal affronts.

We are in the big league now. What we do here will live long after we conclude our proceedings and will control the destiny of the Commonwealth and its people for generations to come.

I am thrilled to be a member of the Second Northern Marianas Constitutional Convention and I am humbled to be associated with such worthy persons as yourselves. During these days let us ever be aware of the power of compromise, the wisdom of patience, the joy of fellowship and the great enduring harmony needed for all of our people.

Thank you, Mr. President.

(Applause)

President H. Guerrero: Thank you, Delegate Guerrero. I recognize Delegate Kaipat.

Delegate Kaipat: Mr. President, I'm lost. I would like to ask Delegate Guerrero if he could explain simply in Chamorro what he had said because most of his English words were very big, way above my head. So can he explain in summary, in Chamorro, what he was talking about?

Delegate L. Deleon Guerrero: Mr. President, under the Miscellaneous Business, I think it is the prerogative of any individual to deliver.... With all due respect, Delegate Kaipat, you are free to have a copy of my speech.

Delegate Kaipat: No; I would like to hear it in Chamorro. Perhaps I will understand what he was saying. I am lost. I would like to know now in Chamorro.

Delegate Villagomez: Mr. President, thank you. With due respect to Dr. Kaipat and Mr. Guerrero, the past President of the Con Con, I think that each of us should be permitted to give a speech, make any statement in any language that we desire and it should be entirely up to each delegate to understand, listen and comprehend, or ignore the statements presented by the other delegates. I don't think it is proper to demand that a person use a particular language, or explain what he says. If Dr. Kaipat would like to have the document translated, he should talk to Delegate Guerrero individually and not take the time of the Convention to have each person explained what he has just said just because he said it on a different language. And therefore, Delegate Guerrero is trying to tell us to try and work together and be able to come up with some decisions of the Convention in a cooperative manner. Immediately, he is demanded to translate his statement which is the opposite of what he is intending to do. So I'd like for the Chair to try not to allow this kind of situation to happen.

President H. Guerrero: Just a point of clarification. Under Rule 69, Language, it is stated that English, Chamorro or Carolinian may be used in any proceeding of the Convention or in any Committee, except that any written submission or proposal shall be in English. Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. As I have mentioned earlier that although I can speak English, I am lost because Mr. Guerrero is using big words, and I'm really, honest to goodness. There are many words that

he had mentioned, like polarization and depolarization. I know only a little typographic tracing in physics. You know, that kind of words, perhaps, if he could bring it down to a certain level, like maybe in Carolinian or in Chamorro so I could understand because it's just like sentence-blank-sentence-blank for me. And this is how I look at the deliberation. Thank you, Mr. President.

President H. Guerrero: Let me recognize Delegate King.

Delegate King: Thank you, Mr. President. (In Chamorro language.)

(Applause)

President H. Guerrero: I recognize Delegate Torres.

Delegate Torres: Thank you, Mr. President. All that I want to say at this point in time is that we should get down to the real business of this Convention and not engage in petting personality classes that we have just heard. I think it would be very wise if we reserve our personality conflicts. Take it outside of this Convention. Let's get down to the real business of this Convention. We only have 30 days. We wasted two days already. So I strongly advised the leadership to exercise caution in allowing these kinds of exchange to occur. Thank you.

(Applause)

President H. Guerrero: Thank you, Delegate Torres. Delegate Nafnas, you raised your hand up?

Delegate Nafnas: Thank you, Mr. President. I observed the proceedings of this Convention today; we have lost so far two days. Committees have not been assigned; proposals have not yet been referred to the appropriate committees. We have 28 days more to go. Mr. President, I think this Convention, the leadership should listen to the concerns of the members. I was elected by 1,900 voters compared to some of the delegates from the other islands. This Convention is not going to pass a single proposal if the power of compromise is not recognized. Mr. President, you need 18 votes to pass a proposal from Rota, Tinian, or Saipan, and the present leadership does not have that number. We are willing to sit down and work together with you and your leadership provided that we do away with the element of politics. We all were elected without the element of politics. The public law that allowed this Convention was and is still very strict. We all went out and conducted ourselves -- our campaign rather without the element of politics. The first thing we did this morning and yesterday was, we tried to accuse that our Rules of Procedure are designed or portion, or portions are designed to accommodate a senatorial district, an individual, or a group of individuals. I think this Convention should start rolling. We should recognize the necessity of the power of compromise. I hope and pray that under your leadership we will be able to do much, much better than the then former President Larry Guerrero on the First Constitutional Convention. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Nafnas. Any more miscellaneous business? Delegate Tomokane?

Delegate Tomokane: Thank you, Mr. President. It appears that the timing now for this type of discussion is at this hour. I would like to bring to

the attention of the leadership, and I will repeat that, the leadership of this Constitutional Convention that the essence of compromise should not be just put aside. Not in theory but let's look at it in real perspective. Furthermore, the resolution, resolution with respect to conflicts that we are facing now. That's a fact. The leadership is challenged to resolve that conflict. Through compromise or what means, it is up to the leadership of this Constitutional Convention. Thank you, Mr. President.

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

Delegate Villagomez: Thank you, Mr. President. I would like to request the Chair to move this Convention immediately, get the chairpersons of the committees selected and the members of each committee and start assigning the proposals. In doing so, I very strongly remind, or I guess I can say advise the Chair, the President, that under the Rules of this Convention, in order to pass any proposals for amendments to the Constitution, you need three-fourths of the votes of the entire Convention. That comes to 18 votes. Unless there is compromise in this Convention, there will not be 18 votes when the time comes for voting on each proposal. Thank you.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. Since the beginning of the Pre-Con Convention, I have had some serious concerns about the way in which we are going to operate, mainly, from a fiscal standpoint and, secondly, from a time standpoint. I recall during the First Constitutional Convention that the budget was in excess of $500,000. The present Legislature, in its wisdom, only allocated some $100,000 in a 30-day period. It has been my hope that legal counsel could have been hired and made available for prefiling of proposals some two weeks ago but everytime efforts were made to get assistance from the government and the Legislature, they were met with concerns about "wait and see who is going to be the President." Well, I think it is unfortunate that the Legislature, after the people of the Northern Mariana Islands voted two years ago that that should be a Constitutional Convention, have delayed this bill and now have put us in the middle of a political campaign for Governor, for the Senate, and House. And I am sorry to say that politics is permeating this Convention. And it is my inclination that we delegates would be wise to ask the Legislature to allow us to recess until after the gubernatorial, senatorial and congressional elections schedule for November because I do not believe that it is going to be possible for us to complete our task, the enormous task, with 33 measures having been introduced the second day in a 30-day period. I would hope that the Chair might, in his wisdom, explore with the Legislature the possibility of our recessing after a 15-day period until January when this election campaign is over and we might come and sit soberly and finish our jobs. Now with respect to the possibility that we will not make any progress in this Convention unless we are either removed from politics or given to compromise, let me just say this. If this Convention doesn't pass a single proposal that the delegates within their hearts do not believe it is beneficial to the people, so be it. Let the people judge whether or not we, when we took our oath yesterday, meant what we were saying. Let the people judge whether or not you will vote for or against a proposal because of politics, or whether or not it has any benefit for the people of the

Commonwealth. They, in the final analysis, would be the final judge. I intend to be a candidate in November; I, therefore, intend to do everything here possible for the benefit of the people. And if my proposals are not considered, I intend to tell the people about it, in the newspaper, in the radio and in the villages. So I would like to, in summary, Mr. President, if I could, ask that you consider getting, one, more money for this Convention, two, an extension of time for this Convention, or/and, three, consider the concerns of all parties: majority, minority, and mixed. Thank you.

President H. Guerrero: I recognize Delegate Manglona.

Delegate Manglona: Mr. President, a good amendment, an amendment that will benefit the whole Commonwealth will be passed not by 18 votes but by 19 votes; maybe not by 19 but by 20 votes; maybe not by 20 but by 21 votes. What I am trying to say is that a good amendment will be passed by 24 votes. If we can get all the amendments passed by 24 votes, we know it's damn good for the Commonwealth. But how could we start to make amendments and all that? We got to form a committee. We got to start working. And the formation of these committees should in no way be political. There should be no compromise. A compromise by itself would mean politics. You got to decide. The leadership is in your hands and you got to make that decision now. Afterwards, an amendment that is good will be passed.

President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. I wish to speak now in English. Mr. President, I have no problems whether the amendments are going to be passed or not. The major problem here, the major rule of this Convention is the quorum, and the quorum needs 13 members. And it needs one member from each senatorial district. So, guys, you have to look down and see Rule 4. So I don't care about the three-fourths votes for an amendment to go through but the Convention here itself. It needs a quorum. We need the quorum. I'm not talking personality here or whatever, or emotionally, but I think we are oversighting the main issue here in the Rules. So before we have the amendment in front of us, we should have a quorum of the Convention. So I think by having a quorum, we can pass any amendments here like what our colleague from Rota, Paul Manglona, said. So I'd like to ask the colleagues from Saipan, all the delegates from Saipan that this is -- the Rule of the Convention is the quorum. Thank you, Mr. President.

President H. Guerrero: I'll recognize first Delegate Kaipat.

Delegate Kaipat: Thank you, Mr. President. Mr. President, I think we are progressing very nicely in this Convention. Politics, we cannot lie to ourselves. All of us, because you, people, have been going to meeting at certain hiding places at night prior to this meeting. That's politics. And nobody can explain or describe in this conference what you have been meeting, what were your minutes. So that was politics and still is politics. Now threatening, there were several speakers today, although I am not the President of this Convention, I feel threaten. If you don't compromise, there will be no 18 votes which is three-fourths vote to pass a bill. That's politics. That's a very typical of -- it spells politics. You are saying politics on this floor. Compromise for what. You are asking for power. What kind of power do you like to have in your hands.

We haven't even passed our bills, our Rules of Procedure which spell out the power in the committees. Do you know, or does anybody know here that there will be a certain people, like Larry, to be the chairman in a certain committee according to the President? Is this a bad idea to put Larry, a Republican Party, in a chairmanship of this floor? Compromise of power. So I don't think our President is playing politics here. If he was playing politics, he wouldn't put anybody in a chairmanship of the committee. And according to him, he had mentioned earlier, that he will announce that Mr. Larry Guerrero will be the Chairman for the Taxation Committee and Mr. Mafnas will be the Vice Chairman of the Governmental Institutions. So what's the compromise you are asking for? Do you want to be the chairman for all the committees? Do you want to be the President? We have to vote for the President and he won. So I feel that there's something hiding behind this threatening business. Rota people and Tinian people are also thinking that if you come up with your 18, 13 proposals on this floor, they can walk out anytime. Thank you, Mr. President.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, if there's no further business to be made, I would like to make a motion at this time to adjourn this meeting today and to reconvene tomorrow morning at nine o'clock.

Delegate Manglona seconded the motion.

President H. Guerrero: Can you just restate your motion please?

Floor Leader Lizama: The motion is to adjourn the meeting this afternoon and we will reconvene tomorrow morning at nine o'clock.

Delegate Manglona seconded the motion.

President H. Guerrero: It has been moved and seconded to adjourn the session this afternoon until tomorrow morning at nine o'clock. Discussions?

There being no discussion, the motion offered by Floor Leader Lizama was carried by showing of a hand votes of 11 for and 5 against the motion; the rest abstained.

The Convention recessed at 2:27 p.m. and to reconvene at 9:00 a.m., Thursday, June 20, 1985.

Respectfully submitted,

Delegate William B. Nabors
Convention Secretary

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

THIRD DAY

Thursday, June 20, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:45 a.m., Thursday, June 20, 1985, in the Convention Center - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

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

Secretary Nabors: Thank you, Mr. President, a quorum is present.

President H. Guerrero: Thank you, Secretary Nabors. Yes, Delegate Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I believe that the journal has not been distributed yet, so I would like to have the journal matter be deferred until the journal is available.

President H. Guerrero: We are having difficulty hearing you up here, so can you just sit down and pull the mike close to you?

Floor Leader Lizama: Mr. President, the journal is not available at this time, so if we could ask the patience of the delegates, we could have the adoption of the journal be made at a later time.

President H. Guerrero: Is there any objection from the delegates?

Delegate Nabors: No objection.

President H. Guerrero: So be it.

COMMUNICATIONS

Comm. No. 3, from the Executive Director of the Mariana Islands Housing Authority, re Suggested Amendment to Section 2, Article XII of the Constitution, regarding "Acquisition."

President H. Guerrero: In front of you, there is a communication from the Executive Director of the Mariana Islands Housing Authority, suggesting amendment to Section 2, Article XII of the Constitution re "Acquisition". Does anyone have any question? If there is no question....

COMMITTEE REPORTS

President H. Guerrero: There is no committee report at this time.

Floor Leader Lizama: Mr. President, at this time, I would like to ask if we could suspend the rule on the Order of Business so we could move down to Item (L). We would like to proceed with our routine business. And I believe that there is an important matter that has to be taken care of so that we could proceed with our work in this Convention. If the delegates.... My motion is to proceed down to Item (L) at this time and to suspend the rule.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to suspend the Rules of Procedure to go down to (L).

Delegate Villagomez: Mr. President, can we have discussions on that motion?

President H. Guerrero: Yes. Discussions? Delegate Villagomez?

Delegate Villagomez: If the purpose of the motion is so that we can proceed with our work, part of our work is contained in letter (G). Letter (G), of course, we don't have any committees yet, so we don't have any committee reports. Letter (G) is the Introduction of Proposals and Referrals. Why are we jumping that? That's part of our work and we should get that out of our way and then proceed down as the President had set forth in the agenda.

Floor Leader Lizama: Mr. President, I tend to agree with Mr. Villagomez that the bulk of our work is to begin introducing proposals, however, we have been functioning for the last three days without committees and I think it's very urgent that the Convention should begin putting together the committees and the membership involved in each committee. This is a very crucial matter for the Convention. Without the committees, this Convention cannot proceed with its work. I ask the indulgence of the delegates if we could accept the motion so that the committees could be immediately formed and therefore the proposals could be submitted diligently and thereafter the proposals could be referred by the President to the appropriate individual committee. Thank you, Mr. President and delegates.

Delegate Mafnas: Thank you, Mr. President. I still do not see the significance for suspending G and moving down to letter L of the Order of Business. We are still going to be here all day if we have to be here all day and we still can accomplish L. Thank you.

Delegate Nabors: Excuse me. I yield to Delegate Kaipat.

Delegate Kaipat: Thank you, Mr. President. The General Orders of the Business compared to Introduction of Proposals, I think it will take only a matter of half an hour or so to introduce proposals and there are many, I'm sure, among the group who would like to introduce their proposals today so that the girls in the office could start working on those for the committees' work. I feel that I think we should take up in the order of

Introduction of Proposals first because it would take a shorter time and it would be a lenghty debate in the General Orders of the Day which might take whole day. I feel that I think we should go ahead and follow down the pattern.

President H. Guerrero: Delegate Lizama, would you like to withdraw your motion, or do you want to put it to a vote?

Floor Leader Lizama: I take it that Delegate Kaipat is requesting for my motion to be withdrawn. Is that the insistent of Delegate Kaipat?

President H. Guerrero: Delegate Kaipat, Delegate Lizama is talking to you.

Delegate Kaipat: What was your question, Mr. Floor Leader?

Floor Leader Lizama: I will withdraw my motion, Mr. President.

Delegate Kaipat seconded the motion.

President H. Guerrero: Thank you. Delegate Guerrero?

Delegate L. Deleon Guerrero: Mr. President, I'm sorry but I'm kind of lost again. The motion was offered by the Parliamentarian, of course, Delegate Lizama....

Delegate Nabors: Point of order, Mr. President. The motion, as I understand it, has been withdrawn.

President H. Guerrero: He stand corrected.

Delegate Guerrero: Mr. President, at any time that a motion has been seconded, especially when there is a debate or discussion on the motion, it is the property of the Convention. I disagree with Mr. Nabors stating that I am out of order. We should vote on the motion whether we should suspend the Order of the Day, or not.

Floor Leader Lizama: Mr. President, I've already withdrawn my motion and it does not necessarily have to be seconded. It is my motion. I'm the mover of the motion and I have the prerogative to withdraw it. Now, if someone else wants to make the same motion, I believe it is a privilege of every delegate to do so.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: I withdraw my second, Mr. President.

Delegate Mafnas: Mr. President, I think the Robert's Rules of Order prohibits the mover of the motion to withdraw his motion. I would like to ask the assistance of Delegate Villagomez to cite the proper provision of the Robert's Rules of Order.

Delegate Nabors: Objection.

President H. Guerrero: Before I call on anyone, I just want to point out that you look on Rule 41, Withdrawal of Motions. There's a provision which says that it may be withdrawn by a maker at any time before being amended or put to a vote. Delegate Villanueva?

Delegate Villanueva: Mr. President, I hope that from now until the end of this Convention anyone who wants to make a motion to think of the motion thoroughly if it's significant because for the last two days, I've been hearing motions withdrawn. We discussed the motion and it's just withdrawn. I hope that, you know, whoever wants to make a motion, it's the prerogative....

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

President H. Guerrero: There's a point of order on the floor. Please, state your point of order.

Floor Leader Lizama: The Rules of Order specifically says that I could request or lift to withdraw my motion. Now my motion has been withdrawn already. I do not want any delegate to accuse me that I did not give thoughts on my motion prior to making the motion. Now, it is my decision based on my reasoning, good judgment to withdraw my motion at this time. Now, if the delegates feel that I should again make my motion moved, or so move, I would gladly do so.

President H. Guerrero: The point is well taken. Let's move down to the next agenda--Introduction of Proposals. Delegate Ogumoro?

INTRODUCTION OF PROPOSALS

Delegate Ogumoro: Mr. President, I got one proposal here to introduce this morning, and my proposal is "To establish an independent system of education in the Northern Marianas." It's introduced by myself and five others.

President H. Guerrero: Thank you. Can you turn that over to the Secretary please? Delegate Inos?

Delegate Inos: Thank you, Mr. President. I have a similar proposal as proposed by Delegate Ogumoro, and it's "A Proposal to amend Section 13 of Article III to make the Department of Education Atonomous." This is offered by myself and all the delegates from Rota as well as Delegate Ogumoro. Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I have two proposals to submit this morning. First, "Proposed amendments to Article III, Section 4 of the Constitution of the Commonwealth of the Northern Mariana Islands: Section 4. Joint Election of the Governor and Lieutenant Governor: (a) The Governor and Lieutenant Governor shall be elected at large within the Commonwealth for a term of office of four years. (b) The Governor and Lieutenant Governor shall be elected jointly with each voter casting a single vote applicable to both offices. No person may be elected Governor more than a total of two terms." No. 2, a "Proposed amendments to Article III, Section 11 of the Constitution of the Commonwealth of the Northern

Delegate Mendiola: Thank you, Mr. President. I have a couple of proposals to introduce this morning, introduced by myself and my three other colleagues. The first proposal is the Northern Marianas Training Fund. The second proposal is to amend Article V, Section 3, of the Northern Marianas Constitution. Thank you, Mr. President.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Mr. President, I have 11 proposals offered by 10 delegates from Saipan: First, "To amend Section 2(a) of Article 2 of the CNMI Constitution relating to the composition of the Senate."; second, "To amend Section 3(a) of Article II of the CNMI Constitution relating to composition of the House of Representatives."; three, "To amend Section 3(b) of Article II of the Northern Marianas Constitution relating to the composition of the House of Representatives."; four, "To amend Section 7(a) of Article II of the CNMI Constitution relating to action on legislation by the Governor."; next, "To amend Section 7(c) of Article II of the CNMI Constitution relating to action on legislation by the Governor."; next, "To amend Section 4 of Article 3 of the CNMI Constitution relating to Public Auditor."; next, "To amend Section 15 of Article III of the Northern Marianas Constitution."; next, "To delete Section 16 from Article III in its entirety and to add a new Article to the Constitution relating to the same subject."; next, "To amend Section 10 of Article II of the CNMI Constitution relating to Compensation."; next, "To amend Section 13 of Article II of the CNMI Constitution."; and finally, "To amend Section 5 of Article III of the CNMI Constitution relating to Compensation." Thank you.

President H. Guerrero: Thank you, Delegate Villagomez. Delegate Lizama, you had your hand up?

Floor Leader Lizama: Yes, Mr. President, I have five proposals. The first one relates to Article III, Section 2 -- I'm sorry -- Article XIII, Section 2, respecting the eminent domain provision. The second proposal relates to Article II, Section 11. There's to be an expansion to that provision of Section 11 and I shall just read it. It is very short. In addition to the already existed provision, the proposal being that to be added: "No member of the Legislature, during the term for which he is elected, shall be appointed or elected to any public office in the Commonwealth, which shall have been created during the term for which he was elected." The next proposal relates to Article II, Section 15. It's a very short proposal: A member of the Legislature who has a financial -- I'm proposing to delete that "financial" and to provide for the word "private" -- interest in a bill before the Legislature shall.... "A member of the Legislature who has a private interest in a bill before the Legislature shall disclose that interest and shall not vote thereon." A proposal regarding Bribery or Corrupt Solicitation by the Legislature and public officers. And the other proposal is in regards to Article XI, Section 4. Section 4 concerns the basic structure of the Public Land Corporation.

President H. Guerrero: Thank you, Delegate Lizama. Delegate Nafnas?

Delegate Nafnas: Thank you, Mr. President. I have a proposal here introduced by the 10 Saipan Delegates to delete Article V in its entirety and to add a new Section 20 to Article III of the Northern Marianas Constitution.

Mariana Islands: Section 11. Attorney General: The Governor shall appoint an Attorney General with the advice and consent of the Senate. The Attorney General shall be a citizen of the Commonwealth of the Northern Mariana Islands or of the United States of America and of the Northern Mariana Islands descent. The Attorney General shall be responsible for providing legal advice to the Governor and executive departments, representing the Commonwealth in all legal matters, and prosecuting violations of Commonwealth laws." Thank you, Mr. President.

President H. Guerrero: I would like to request the indulgence of the members that some proposals are lengthy that you just state the titles of your proposals. Delegate Torres?

Delegate Torres: Thank you, Mr. President. I have one proposal to introduce this morning, a "Proposal to add a new Section 11 to Article I of the Northern Marianas Constitution." The title of this section would be "Victim of Crime Compensation." This is introduced by myself and nine others. Thank you, Mr. President.

President H. Guerrero: Thank you. Delegate Cing?

Delegate Cing: Thank you, Mr. President. I have three proposals here, introduced by myself and my other colleagues from Tinian. No. 1, "To amend the Constitution of the Commonwealth of the Northern Mariana Islands to require that a clerk of courts office be established on Tinian and Rota." No. 2, "To amend Section 11 of Article II of the Constitution of the Northern Mariana Islands to Prohibit Political Appointees from serving on any Boards and Commissions." No. 3, "To amend Section 9 of Article I of the Constitution of the Northern Mariana Islands to Prohibit Sound Pollution." Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Cing. Delegate Mundo, you have your hand up?

Delegate Mundo: Thank you, Mr. President. I have one proposal to submit this morning and that is "To amend provisions of Article VI, relating to Local Government and to Establish Municipal Council for Tinian and Rota." And this proposal is offered by myself, the Rota Delegates and the Tinian Delegates. Thank you, Mr. President.

President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. I have two proposals here that I would like to introduce by myself on behalf of the Tinian Delegates and the other proposal is on behalf of the entire community from both islands because we are representing by the delegates from Rota and Tinian. The first one, Mr. President, is a "Proposal to amend the Constitution of the Commonwealth of the Northern Mariana Islands to require that all Federal Programs be extended to Rota and Tinian with fully staffed offices." The second proposal from Rota and Tinian is "To amend the Constitution of the Commonwealth of the Northern Mariana Islands to require that all CIP Funds for Rota and Tinian be controlled by the Mayors of those municipalities." Thank you, Mr. President.

President H. Guerrero: Delegate Mendiola?

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

Delegate Mendiola: I'm sorry, Mr. President, I got two other proposals to introduce this morning. One is "To amend Section 1 of Article V of the Northern Marianas Constitution relating to representation in the United States." Second, "To amend Section 2 of Article XI of the Northern Marianas Constitution relating to Submerged Lands." Thank you, Mr. President.

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

Delegate Tomokane: Thank you, Mr. President. I have one proposal to introduce this morning on behalf of myself and nine delegates: "A Proposal to amend Article IV, Section 2, of the CNMI Constitution by adding the following sentences which consist of two after the fourth one therein."

President H. Guerrero: Thank you, Delegate Tomokane. Any more proposals? Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. I have a proposal to add to Article X, Section 4, under Public Debt Limitation. The proposal is submitted by myself and nine other colleagues from Saipan. Thank you.

President H. Guerrero: Thank you, Delegate Reyes. Delegate Pangelinan?

Delegate Pangelinan: Just a point of information, Mr. President. All proposals have to be introduced and referred. What do we do with the proposal that was submitted by the Mariana Islands Housing Authority under Communication No. 3?

President H. Guerrero: I believe that was introduced by Delegate Villagomez yesterday. Is that correct?

Delegate Villagomez: That's correct.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I have one proposal to introduce, "To amend Section 6(d) of Article XI of the Constitution of the Northern Mariana Islands to divide the interest from the Tinian Military Lease monies equally between the Municipalities of Rota, Saipan and Tinian for Community Projects." Thank you.

President H. Guerrero: Thank you, Delegate Nabors. Any more proposals? Delegate Hafnas?

Delegate Hafnas: Thank you, Mr. President. I ask the indulgence of the delegates, I just received my other proposal from the Typing Pool.

Delegate Nabors: No objection.

Delegate Hafnas: Thank you, Delegate Nabors. A "Proposal to add a new Section 14 to Article II of the Northern Marianas Constitution relating to budget of the Legislature." It's introduced by myself and nine other colleagues.

President H. Guerrero: Thank you, Delegate Mafnas. Any more proposals to be introduced? If none, then we will move to Item H. Since there's nothing, we will move to Item I. Delegate King?

INTRODUCTION OF RESOLUTIONS

Delegate King: Thank you, Mr. President. I have here a resolution that I would like to offer to the Convention forum and it is introduced by my colleagues from Tinian and Rota: "Extending the appreciation to the Pre-Convention Chairman and his Committee members." I would like to ask the President if we should have the Secretary read the contents of this resolution.

President H. Guerrero: Okay. Granted. You can take that and give it to the Secretary. Delegate Nabors?

Delegate Nabors: Yes, Mr. President?

President H. Guerrero: Can you read the resolution introduced by Delegate King?

Delegate Nabors: Thank you.

At this point, Secretary Nabors read the resolution, as follows:

"RESOLUTION NO. 1-1985

A RESOLUTION

RELATIVE TO EXPRESSING APPRECIATION AND GRATITUDE TO THE PRE-CONVENTION CHAIRMAN AND COMMITTEE MEMBERS.

WHEREAS, Delegate James M. Mendiola, Chairman of the Pre-Convention and his Committee members, Delegate Aniceto M. Mundo, Rota Delegation Chairman, and Delegate Jesus P. Mafnas, Saipan Delegation Chairman, served the Pre-Convention Committee and did an excellent job of coordinating the services in the preparation for the 1985 Second Constitutional Convention; and

WHEREAS, Delegate Mendiola and his Committee members have demonstrated great value of leadership and sensitivity in exercising their authority and responsibilities pursuant to Section 10 of Public Law 4-30; and

WHEREAS, Delegate Mendiola and his Committee members have devoted substantial energy and capacity to furthering the important task of the Pre-Convention Committee in drafting the Rules of Procedure of the Convention; and

WHEREAS, Delegate Mendiola and his Committee members assidously cooperated in providing assistance to facilitate and set up for the opening ceremonies of the Second Constitutional Convention; and

WHEREAS, without the assistance of the above three delegation chairmen the ceremonies of the Second Constitutional Convention would not have been a success; and

NOW, THEREFORE, BE IT RESOLVED, by the Second Constitutional Convention of the Northern Mariana Islands that its delegates do and hereby express and extend their warm and deep appreciation and thanks to the above three delegation chairmen; and

BE IT FURTHER RESOLVED that the President of the Convention shall certify to and the Convention Secretary attest the adoption hereof and transmit certified copies thereof to the three delegation chairmen, the Governor of the Commonwealth of the Northern Mariana Islands, the President of the Senate and Speaker of the House of the Northern Mariana Islands.

Dated: June 20, 1985"

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

Delegate Mafnas: Thank you, Mr. President. I'm honored by the resolution, however, I do not wish to take credit when I do not deserve. I think the resolution fails to address or extend the Convention's appreciation to those people from Saipan who were here on Saturday and Sunday without compensation preparing for the delegates' arrival and arranging the place prior to the convening of the Convention on the 18th of June. I think the resolution should also extend the Convention's appreciation to the Governor, the Speaker and the President of the Senate for the assistance they have provided us to prepare for the Convention. There were about 30 people who came last Saturday and Sunday and I know because I was here. My two colleagues here from Tinian and Rota were at their beloved islands. I support the resolution provided that my concerns are addressed and that appreciation should also be extended to these distinguished citizens of the Northern Mariana Islands. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Mafnas, the Convention will take notice of it. I call on Delegate Cing?

Delegate Cing: Thank you, Mr. President. If Delegate Jesus Mafnas is sincere at this moment, I would recommend that he will draft a resolution similar to that extending appreciation to those people who worked too without compensation.

Delegate Mafnas: Mr. President, the distinguished Co-Chairman or Chairmen from Rota and Tinian were aware of this. They are totally aware of this. I didn't offer the resolution, and I apologize to the citizens of the Northern Marianas who assisted us. They were aware of this and I think Delegate Cing should have addressed that to their Chairman from Tinian.

President H. Guerrero: Delegate Lizama?

Delegate Lizama: Mr. President, the concern of Delegate Mafnas for inclusion in the resolution, I think is out of order....

President H. Guerrero: It will be referred to the committee. Delegate King?

Delegate King: Thank you, Mr. President. I sympathize the feelings of Delegate Mafnas, however, the resolution....

Delegate Nabors: Point of order. Mr. President, I do not see in the Order of the Day that allows the delegates to engage in such discussions. If their concerns pertain to miscellaneous nature, I think they should wait until we reach that part in the Order of Business.

Delegate King: Mr. President, can the Chair allow me please since I am the author of that resolution?

Delegate Nabors: Mr. President, our Rules provides that the President shall refer the resolution to the committee to study ... only available for discussions. And I would like to ask my colleagues that it's better to raise any miscellaneous matters that they might have in the appropriate order of the day please.

President H. Guerrero: The point is well taken. Let's move to the next agenda. Any more resolutions? If none, Unfinished Business. There's no unfinished business, then Special Orders of the Day. There's none, so we will move to the General Orders of the Day. Delegate Nabors?

GENERAL ORDERS OF THE DAY

Delegate Nabors: Thank you, Mr. President. Colleagues, as you may recall, I gave notice, as required under the Rules, yesterday that it will be my proposal to make a motion to suspend Rule 68(a), under Rule 66(a), for the purpose of amending Rule 24 to facilitate the committees assignments. I now, therefore, move to suspend Rule 68(a), under Section 66(a), for the purpose of facilitating an amendment to Rule 24.

Delegate Ogumoro seconded the motion.

President H. Guerrero: It has been moved and seconded to suspend Rule 68(a), under Rule 66(a), for the purpose of amending Rule 24. Discussions? Delegate Villagomez?

Delegate Villagomez: Will you repeat the motion again?

President H. Guerrero: The motion is -- can I just ask Delegate Nabors to restate his motion please?

Delegate Nabors: Thank you, Mr. President. My motion is to suspend Rule 68(a), under Rule 66(a), for the purpose of facilitating an amendment to Rule 24. Thank you.

Delegate Villagomez: Is the suspension of Rule 68(a) be temporarily or permanently?

Delegate Nabors: Temporarily.

President H. Guerrero: Delegate Kaipat

Delegate Kaipat: Thank you, Mr. President. This is just a point of information for me. I would like to refer this to Mr. Nabors. Yesterday, he used the word "rescind". Today, he said, suspend. I am not too familiar with that word that he used yesterday.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I apologize for the terminology I used yesterday. I should have said as I said it today, to suspend, not rescind. Thank you.

President H. Guerrero: Any further discussion?

Delegate Nabors: I move to end the debate.

Delegate Limes seconded the motion.

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

The motion to end the debate was carried by voice vote.

President H. Guerrero: Now, we will vote on Delegate Nabors' motion.

Delegate Nabors: Mr. President, I would like to yield to the delegate from Rota, Delegate Manglona.

Delegate Manglona: Mr. President?

President H. Guerrero: Just a minute. The debate just ended, so we need to vote on your amendment motion.

Delegate Nabors: Yes, I'm sorry, Mr. President.

The motion offered by Delegate Nabors for suspension of Rule 68(a), under Rule 66(a), for the purpose of facilitating an amendment to Rule 24 was carried by a raising of hand vote of only one against and the rest for the motion.

Delegate Manglona: I believe the passage of that motion allows me now to move for an amendment of Rule 24. I have here a copy of how I would like Rule 24 to be amended, if I may be allowed to pass it out. Mr. President, I move that the committees' classification be as stated in this copy.

Delegate Cing seconded the motion.

The amendment to Rule 24, as submitted by Delegate Manglona, read as follows:

"Motion to amend Rule 24 to read as follows:

24. Substantive Committees. Four (4) substantive Committees shall be created with the following subject area responsibilities.

Names of Committee	General Subject Area
Governmental Institutions	executive branch, legislative branch, judicial branch, and Washington Representative
Personal Rights and Natural Resources	bill of rights, eligibility to vote, land alienation, election procedures and natural resources

Finance and Other Matters taxation and finance

Local Government local government and corporations"

President H. Guerrero: It has been moved and seconded to amend Rule 24 as followed.

Delegate Villanueva: Mr. President, we do not have copies of whatever amendment is that.

Delegate Cing: I am happy to provide a copy to Delegate Villanueva.

President H. Guerrero: Do all members have copies? Discussions? Delegate Mafnas?

Delegate Villagomez: Mr. President?

Delegate Mafnas: I'll yield, Mr. President, to Delegate Villagomez.

Delegate Villagomez: I would like to point out to the President Rule 40, page 20, of our Rules of Procedure and request the President to state to the Convention each and every motion that is presented to the Convention. The language of the Rule is: "When a motion is made, it shall be stated to the Convention by the President." That's my first point. The second point I'd like to raise is a point of order. We have in our Rules a provision for a Committee of the Whole. There is a purpose and a function of that committee. Apparently the Floor Leader has not taken any action to utilize the Committee of the Whole that is provided to us in our Rules. And unless he is going to do so, I would, on behalf of the Floor Leader, move that we resolve the Convention into a Committee of the Whole so that we can take up the question of whether to amend Rule 24 of our Rules and then rise and report back to the Convention the decision of the Committee of the Whole.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded that the Convention be resolved into a Committee of the Whole. Discussions? Delegate Nabors?

Delegate Nabors: Thank you. Can I ask the moving delegate the purpose for which he makes a motion?

Delegate Villagomez: Yes, you can. The purpose, of course, of the Committee of the Whole as provided in the Robert's Rules of Order and the Rules of the Convention which each of us should have read and understood is to allow free and extended discussions on the question presented to the committee. I would like to point out to the President that under the Rules of the Convention, each of our delegates are entitled to speak one time. We are limited as to the time, the number of time you can speak and the length of time that you may speak. Unless we resolve ourselves into a Committee of the Whole, the President is not to allow each people to speak three or four times on the same issue. If we resolve into a Committee of the Whole, you can speak all day, 10 times a day, if you want. The purpose, of course, is not to use the formal Convention sitting to discuss issues which would require extensive discussions among the delegates.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I appreciate the explanation, and the explanation clearly points out why we should not resolve into a Committee of the Whole. There is no reason to prolong this matter. Everyone knows what is going to happen. And to delay and allow unlimited debate, I think it will unnecessarily waste our precious time. Currently, Mr. President, we have 73 measures that have been introduced most of which are very substantive, the lawyers must get measures that need research that can only be assigned to them by the committees. And I would like to ask my fellow delegates that we should not resolve ourselves into a Committee of the Whole. Each of us has an opportunity to speak once, and I think we ought to organize our thoughts so that we can put on record whatever we have in our minds in the one opportunity that we've been given under our Rules. Thank you.

Delegate Ogumoro: I move to end the debate.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to end the debate. I will call on a vote.

Delegate Mafnas: Mr. President, you called upon me and I yielded to Delegate Villagomez. Am I still next on line to speak?

President H. Guerrero: Yes, Delegate Mafnas, please.

Delegate Mafnas: Thank you, Mr. President. Yesterday, we spent nearly two hours discussing the proposed amendments or the suspension of our Rules. The Journal Clerk was busy taking down every statement or words that each delegate made. By resolving into a Committee of the Whole, she does not have to do that, and it saves time. We will be able to adopt perhaps today's journal tomorrow again. Mr. President, I support the amendment, but don't deny us to resolve into Committee of the Whole. I ask the indulgence of the members.

Delegate Nabors: I move for previous question.

President H. Guerrero: It has already been moved.

The motion offered by Delegate Ogumoro to end the debate was carried by voice vote.

President H. Guerrero: There's a motion by Delegate Ray Villagomez to resolve into Committee of the Whole.

As a result of the voice vote, the President requested for a show of hand vote on the motion offered by Delegate Villagomez. The motion was defeated by 10 for and 12 against the motion. The rest abstained.

President H. Guerrero: The motion is defeated. Continue the debate on the motion to amend Rule 24.

Delegate L. DL. Guerrero: Mr. President, this is a point of clarification. I thought we already passed the motion to suspend the Rules. Our colleague from Rota, of course, has to introduce his amendment.

President H. Guerrero: It has already been introduced and seconded.

Delegate L. DL. Guerrero: Has it been seconded?

President H. Guerrero: That's correct. Delegate Villagomez?

Delegate Villagomez: Mr. President, I oppose the motion to amend Rule 24 which in effect would created a committee. One entire committee of the Convention is solely for the purpose of considering the issue of local government. This committee does not have any other responsibility but local government. The other committees, under Rule 24, would have several responsibilities in addition to government organization and in general for the CNMI, the judiciary, financing....

Delegate Mendiola: Point of information.

President H. Guerrero: Delegate Mendiola, please state your point.

Delegate Mendiola: The Local Government and Corporations -- it is not only local government. It has two functions.

Delegate Villagomez: Thank you for the correction. Local Government and Corporation -- let me take up first the point on corporation. The title in the present Constitution relating to corporation has two sentences. What it does is, it tells us that we are not to create any corporation or extend any existing corporation except by general laws. That being the entire article under corporation. I can assure you that they are not going to spend three or four days talking about how to amend that article in the Constitution. You can even eliminate that in five minutes. You can throw that out from the Constitution and it is not going to make any difference for the Commonwealth. Putting corporations there so as to make it looks like they have more obligations or responsibilities than one doesn't make any sense. It is very obvious that the purpose of this committee that is being created is solely to consider local governments. And I'd like to proceed to say that under the responsibilities of the other committees, under Rule 24, all of the other sections of the Constitution need to be undertaken by those other committees. It doesn't make sense to me that one whole committee would be limited to handling only local government which is even less complex than the entire Government of the CNMI. The entire Government of the CNMI under Government Institutions includes executive branch, legislative branch, judicial branch and Washington Representative. Under the Local Government -- you don't even have judicial branch under Local Government. You don't have -- you may create a municipal council, but are you going to take the entire Convention period just to handle local government in one committee? That doesn't make sense at all. I venture to say, and I should be permitted to speak until I'm finished since this is not the Committee of the Whole and I have only one chance. Each of you will have your chance to speak, so please keep your hands down until I'm finished. The purpose, of course, in the committee -- I mean, the delegations from Rota and Tinian insisting on having a sole committee to handle local governments is that, that is their main concern and that they want to make sure that as much power as

can be delegated to a local government be done so. And of course, it's their duty to do that. But I think they are defeating the purpose of a committee by limiting the responsibility of one committee and giving broad and great responsibilities to other committees. I think it is unfair to the other committees. It will be fair if we distributed the work equally, we all work together for the whole Convention rather than giving the three committees all the difficult tasks and giving one committee just one issue to discuss and present to the Convention. For that reason, I urge the entire membership of the Convention, the delegates, to carefully consider what is the purpose of this amendment. What would it accomplish and how would it affect the other committees and the delegates in those other committees. I ask you to vote against creating one committee to handle solely the question of local government. Thank you, Mr. President.

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

Delegate Manglona: Mr. President, I have only one sentence to say. You can never judge or determine the amount of money that is in a piggy bank by the size of the piggy bank. Thank you.

President H. Guerrero: Thank you, Delegate Manglona. Delegate Calvo?

Delegate Calvo: Thank you, Mr. President. It is the third day now, Mr. President. As we all sat here together to address ourselves with the amendments and to deal with things that are important and detrimental in the future endeavors. Mr. President, there seem to be concerns about committees. I am not here to address the situation that a committee would be benefiting from certain sections of the Constitution by the mere fact, Mr. President and delegates, out of the total proposals that were submitted, I have heard approximately 30% of that were addressed to local function of governmental and therefore I cannot agree in all honesty that local government is a small island and it should not be addressed as a crucial fact remain before us. I would dare ask the Rota Delegates' concern should not take personalities, should not take island and segregate it with other entities. I think the committee's responsibility is to address matters before us when it comes to voting. So I should then ask that we vote on the amendment that is now before us so we could sit and focus ourselves to the situation now before us. I cannot, Mr. President and members, continue to hear speeches and forget about the entities that we have. We only have 27 days more to go. And without due respect of all the others to abide with friendship and unified our position to address the situation, then there will never born the productive of this Constitution and the amendments. Mr. President, I thank you for the opportunity.

President H. Guerrero: Thank you, Delegate Calvo. I'll call now on Delegate Inos.

Delegate Inos: Thank you, Mr. President. I emphathize with what Delegate Villagomez has stated. In its efficiency, I do feel that creating this Local Government in its entirety is not to give us the power by all means. It is not a power struggle that we are after. We have been servants of the local government on Rota and I know you do exercise this on Saipan some form of local government as stated in the Constitution. We are concerned of the efficiency of the delivery of the services under

local government. I appeal to my colleagues here, each of you, not just from Rota, not just from Tinian, but all of you from the island of Saipan to please give us this opportunity because as you see, this is an urgent matter with us and it is not the power that we want. It is the efficiency in carrying out our government into operations. Thank you.

President H. Guerrero: Go on, Delegate Mafnas.

Delegate Mafnas: Thank you, Mr. President. I stated earlier that I have no objection to the amendment, however, it was noted during the discussions by one of the delegates that 30% of the proposals relate to local government. I can say by listening to the proposals that maybe 50% of the proposals are legislative matters and not constitutional matters. We were accused on the first day that the existing provisions in our Rules, Rule 24, will benefit a particular island, or limited group of individuals; however, the amendment, Mr. President, is completely in support of the statement that was made during the first day of our session. It is intended to address or benefit groups of island, or group of islands such as Rota and Tinian. We did not bring this matter up. It was them who brought it up. And I am afraid that many talents, efforts by the members of this Convention will be wasted. However, if this is the only way to get your good office to proceed with your committees assignment, I will support the amendment.

Delegate Nabors: Motion to end debate.

There was a second, and the motion was carried by voice vote.

President H. Guerrero: We will vote on the amendment to Rule 24.

Delegate Mafnas: Point of information first, please? Where is the Education going to be? There is no Education here in the proposed amendment, and other matters.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Yes. I would like to answer that question asked by Delegate Mafnas. I think the President has the prerogative to assign any introduction of proposed amendments to any committee he thinks that is proper. Thank you.

President H. Guerrero: Thank you. Delegate Manglona?

Delegate Manglona: I believe that if Mr. Mafnas means the Department of Education, that of course should be under the Executive Branch. If it means the educational rights that each student is allowed, that I believe would be under Personal Rights.

Delegate Mafnas: Is it proper -- would it be proper and perhaps clear rather than to have the President to exercise his prerogative to reflect such assignments in the appropriate committee?

Delegate Villagomez: Point of information, Mr. President.

President H. Guerrero: Yes, Delegate Villagomez?

Delegate Villagomez: Thank you. Under the proposed amendment on the Local Government, it says: "Local Government and cooperations". I would like to know, cooperations among who or by who.

President H. Guerrero: Delegate Manglona?

Delegate Nabors: Mr. President, I would like to respond to the inquiry. That's a typo. It should be corporation, c-o-r. Thank you.

The motion offered by Delegate Manglona to amend Rule 24 was carried by a raising of hand vote of 14 for and 3 against the motion. One abstained.

Delegate Nabors: Mr. President, I move for a short recess.

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

The Convention recessed at 10:50 a.m.

RECESS

The Convention reconvened at 11:11 a.m.

President H. Guerrero: The session now reconvenes. The next item in the Order of Business is Miscellaneous Business. I call on Delegate King.

MISCELLANEOUS BUSINESS

Delegate King: Thank you, Mr. President. I just like to make a brief remark, Mr. President, concerning my earlier point of order by my colleague. I believe that according to Robert's Rules whoever makes a motion, he should have the opportunity first to speak on the motion. Whoever makes the second on the motion should be the second person to speak on the motion. However, Mr. President, I sympathize the feelings of Delegate Mafnas and I'd like to express to this Convention that I am reluctant to include those people that work during the preparation of this Convention ceremony because I don't know who are those people. But he should appreciate me for recognizing the three delegation chairmen that continue to work in a way that they can cooperate and we realize that they did a very good job. So that's why I took my opportunity to give them the appreciation. Now if Delegate Mafnas wants to extend the same appreciation to those people, it's their prerogative to come up with another resolution. But my resolution is entirely, as I said, is entirely for the three delegation chairmen because I've elected the Chairman from Tinian, and also Rota and Saipan, they elected their chairmen, to do the Pre-Convention task in order for us to start the first day of the Convention. And, therefore, Mr. President, although maybe Jess Mafnas doesn't like me or neither me doesn't like him, it doesn't matter but I appreciate their job. And I feel the feeling that if this is going to be a very personal matter, then I don't think we can work properly in this Convention. But let's accept each other. If they did a good job, we should appreciate it. If they did a bad job, then we should try to consider or reconsider. So that's all, Mr. President.

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

Delegate Mafnas: I yield first to Delegate Villagomez.

Delegate Villagomez: I was just going to ask the President whether he can advise us as to when we will have the committees set up and when the committees are going to start functioning.

President H. Guerrero: I was planning of making the chairmen, I mean, the committees assignment this afternoon as well as referrals on the proposals introduced so far. Does that answer your question, Delegate Villagomez? Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I have a prepared text to deliver. Before I do that, I wish to request the Chair that proposals upon numbering to be distributed to the Governor, the two Presiding Officers of the Legislature, the Mayors, and to the media. I want to assure Delegate King that I like him.

(Applause)

Delegate Mafnas: However, I am sadden by his statement and I respect his position not to recognize the assistance of the unselfished citizens of Saipan, at least, who assisted us in the preparation of this Convention on Saturday, Sunday and Monday. Again, I wish to note that I do not take credit when I don't deserve it.

Mr. President, yesterday, I spoke about the spirits of cooperation and the importance of compromise. Today, I want to assure you that our position has not changed. Moreover, it is more solidified than yesterday.

For two and a half days, we have spent our time trying to figure out how to amend Rule No. 24. We became very excited and accused each other that the adopted committee assignments under Rule 24 would benefit only an individual, a limited group of individuals and/or a segregated group of islands. This accusation was unfounded and uncalled for in an august body such as a Constitutional Convention. Isn't it obvious that the reason for amending Rule 24 is to satisfy a particular senatorial delegation or delegations? Who are we trying to kid? I stated during the opening session of this Convention that I have no objection to the amendment and that the journal will show that I supported the amendment today. However, let us not make fools of ourselves. You forced me to be suspicious.

Cooperation and compromise are two essential elements that will determine the accomplishment of this Convention. I listened yesterday to the statements made by several distinguished delegates with great concern and interest. I have to admit that I was dismayed. The delegates who spoke against cooperation and compromise totally missed the messages, concerns and interests.

In any democratic organization, these two essential elements are inseparable. Otherwise, to try to function in an organization without the concept of cooperation is to welcome authoritarianism and tyranny.

The cost of non-cooperation is too great. The majority group in this Convention can only afford to ignore minority plea for fellowship if it carries the number of votes mandated by the Convention Rules and can force through any issue brought to the floor. If we permit ourselves to put

self and limited geographical and political interests over the interests of our people as a whole, then I am forewarning each delegate that our names in history will be cremated by our future generations because we shall have behaved here in shame.

If we do not accept that compromise, giving and taking, is imperative to this Convention, then we have a lot of learning to do. Many great nations were founded under the element of negotiation. We cannot have everything that we want. I have to weigh what is important to our people in order to take from your proposal or to give up interests from mine. The same with you.

In closing, I pledge my fullest support to this Convention under the concept of the big two "C's" -- Compromise and Cooperation.

Thank you.

President H. Guerrero: Thank you, Delegate Mafnas. Any other matters? Delegate Lizama?

Floor Leader Lizama: Mr. President, I really appreciate the comments of Delegate Mafnas. And I, for one, hope that this Convention would operate more smoothly as we go along, and I, for one, also would hope that each and every one of the delegates would operate in the manner that when dealing with issues that are presented to the Convention that the participation of each delegate would come out of the individual conscience of the delegate rather than coming out of the factional conscience of the delegates which means that, I hope, the delegates here realize the importance of deriving by-products of this Convention for the good of the Commonwealth people rather than for the good of the factional divisions that we have started to realize operating, or we have started to realize it's at work now. And I think that if we could only try to make our conscience more sincere that as we deal with the issues that the priority would be for the Commonwealth people rather than the political factions or whatnot. Thank you very much, Mr. President.

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

Delegate Tomokane: Thank you, Mr. President. I just would like to -- I think this is miscellaneous item. It really makes a big difference if we correct our actions or deliberations today. We've just voted to suspend 66(a) of the Rules and the other provisions pertaining thereto which concerns a group or an individual's motion. Technically, we did not suspend 66(a). We suspended 67(a) and I can prove it to you. Rule 15 has been numbered twice in our Rules of Procedure. We have two Rule 15. If we renumber it, we'll end up with 75 rules. That would make 66(a) 67(a) instead.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Yeah, I think that's a typo error, Mr. President. If we could look at it carefully, we might end up with typo errors. So it's a minor correct that has to be done.

President H. Guerrero: I believe there're two Rule 15's until such time that somebody makes an amendment to change those typo errors. There are some typo errors in here and those technical amendments need to be made. I call on Delegate King.

Delegate Manglona: Mr. President, I move that we just keep the numbering as is and if you want to refer to Rule 15, refer to the page number where it appears. So if you are referring to Rule 15(a), just specify the page number so we don't have to go into much problem. I wish the delegates will understand that and just make a note there and so that if you want to refer to a rule number, just refer to the page number.

Floor Leader Lizama: Mr. President, I move that the matter that was brought up by Delegate Tomokane would be deferred until some time later this afternoon and I so move to have a recess right now until two o'clock this afternoon.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to defer the point that was made by Delegate Tomokane until this afernoon and also to recess until two o'clock this afternoon. It has been moved and seconded. Discussions?

Delegate Villagomez: There are two motions and I ask for a division.

Floor Leader Lizama: He asked for division of the motions. The first motion being for deferral on the matter brought up by Delegate Tomokane. We'll take up on that motion first, Mr. President.

President H. Guerrero: Each order is divided.

The motion to defer Delegate Tomokane's point until later in the afternoon was carried by voice vote.

Floor Leader Lizama: My next motion being that we'll recess now until two o'clock this afternoon.

The motion offered by Floor Leader Lizama for a recess until two o'clock in the afternoon was carried by voice vote.

President H. Guerrero: We will adjourn until this afternoon at two o'clock.

The Convention recessed at 12:20 p.m.

RECESS

The Convention reconvened at 2:30 p.m.

President H. Guerrero: The afternoon session is now reconvened. We are still on Miscellaneous Business. Yes, Delegate Lizama?

Floor Leader Lizama: If there is no further miscellaneous business at this time, I would like to make a motion. However, before I make my motion, I like to emphasize that Delegate Tomokane this morning was quite

correct when he stated that he had observed that there are two Rule No. 15 in the Rules we adopted on the first day of this Convention. And also during the recess this afternoon, several typographical errors were also observed by other delegates. I think that it is proper that we make amendments to these incorrect or typographical errors, and I, therefore, would like to make a motion pursuant to Rule 67 in the hope that unanimously we could suspend Rule 68(a) so that we could make corrections to the typographical errors as well as the error that was observed by Delegate Tomokane. My motion being that we would suspend Rule 68(a) pursuant to Rule 67. We need unanimous consent under this motion.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to suspend Rule 67 by unanimous consent.

Delegate Manglona: Mr. President, I just like to point out that since he is moving to suspend the Rule to amend that particular typographical error, why don't we also include the error under Rule 25, wherein stated that "the three committees as seems appropriate". That should actually be four. Why don't we just include that and we will just do it in one shot.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, I have a written thing here with me that I would pass out, indicating what parts or portions of the Rules are to be corrected. And I tend to agree with Delegate Manglona that the incorrect thing under Rule 24 could also be taken up if we would suspend Rule 68 pursuant to Rule 67.

Delegate Manglona: Rule 25. That's under Rule 25.

Floor Leader Lizama: Thank you, Delegate Manglona. If we would suspend the Rule, we could take up or make further amendments if the other delegates also see other incorrectness or erroneous type.

President H. Guerrero: Delegate Lizama, do you want to pass out your different changes?

Floor leader Lizama: Yes, I would do now.

The following are the amedments to the Rules of Procedure submitted by Floor Leader Lizama:

"Pursuant to Rule 67 regarding temporary alteration, suspension or recission of Rules, I move for unanimous consent to suspend Rule 68(a) requiring 5 days notice to amend the Rules, and to make the following technical amendments to the Rules:

1. Rule 15, Duties of Administrative Officer, on page 8, be renumbered Rule 15(A) and the lettered paragraphs (a) through (h) thereunder on pages 8 through 10 be redesignated (1) through (8).

2. Rule 15, Duties of Other Employees, on page 10, be renumbered Rule 15(B) and the lettered paragraphs (a) through (c) thereunder on pages 10 and 11 be redesignated (1) through (3).

3. The reference to Rule 14 in Rle 15(B)(1) on page 10 of the Rules (as amended by this motion) is amended to read: Rule 15(A).

4. The reference to Rule 14 in Rule 15(B)(3) on page 11 of the Rules (as amended by this motion) is amended to read: Rule 15(A).

5. The reference to three committees in Rule 25 is changed to read four committees.

6. Rule 40, Starting Motions, is changed to read: Rule 40. Stating Motions."

President H. Guerrero: Is there any objection on the floor to suspend Rule 67?

Floor Leader Lizama: Mr. President, it's Rule 68(a).

President H. Guerrero: Delegate Lizama? I mean, excuse me, to suspend Rule 68(a).

Floor leader Lizama: That's right, Mr. President.

President H. Guerrero: If there's no objection.... Delegate Villanueva?

Delegate Villanueva: Mr. President, is this suspension only, specifically to what Delegate Lizama has given us a copy for? In case we find other typographical errors in the other sections, are we free to point that out?

Delegate DL. Guerrero: Point of information.

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

Delegate DL. Guerrero: Thank you, Mr. President. I believe Delegate Manglona is asking for a consent, of course, of Floor Leader Lizama to incorporate his motion also to include Rule 25.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: I understand that's already incorporated under No. 5 in the paper that he handed out.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, I think that if we are going to unanimously suspend Rule 68 so that we would allow ourselves to make the corrections that have already been observed as well as the point that Delegate Manglona has just stated or has just mentioned, perhaps also this should be an opportunity for the other delegates if they see anything else that are incorrect in the Rules that have been adopted on the first day maybe this is the appropriate time to mention out those incorrectness and we may well incorporate those errors in this process that we are attempting to do now.

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

Delegate Villanueva: Mr. President, Rule No. 8 and Rule No. 12, I think there's a little conflict there. Rule No. 8 says: The President shall appoint from among its membership three vice-presidents, and Rule No. 12 says: Majority of the elected delegates shall elect a new vice-president, and so forth and so on.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, I think we are looking at two sets of Rules. The one that was passed out prior to the convening of the Convention, that they were passed out rather to the delegates and also there was one that was passed out on the very first day of the Convention. For example, the concern raised by Delegate Manglona on the three substantive committees on the Rules of Procedure that was passed out on the day of the Convention reflects four and not three. So I wonder what or which one of the Rules are we now discussing.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, the concern that was brought up by Delegate Manglona, I believe, refers to the amended substantive committees rule that we adopted this morning, and I believe Delegate Mafnas made an observation regarding the absence of the education subject area that was not included in the adopted rule this morning. Is that correct, Delegate Mafnas?

Delegate Mafnas: May I respond to that? No, it's incorrect. I think Delegate Manglona indicated that there are three committees on his copy. That's my recollection of his statement. If that is so, then it is incorrect. If not, then I yield to Delegate Manglona.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, my copy, the copy that I have here in front is the copy that was adopted on the first day of the Convention. And I believe also the others will have the same word "three" on their copies if they look under Rule 25. Under Rule 25, I quote the last sentence, "notwithstanding the above allocation of ... Organization and Procedures may reassign matters among the three committees...." That should state "four".

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you. I understand now what he's talking about.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Thank you, Mr. President. I believe that the Rules of Procedure has been thoroughly reviewed before and we all agreed at that time that any inconsistencies, during the last discussion and conclusion of the delegates, would have to be included which I think that's supposed to be done prior to the Convention. However, we can see that there are still numerous number of probably typographical errors and I don't think there are much substantive changes in the Rules of Procedure other than renumbering it. So I, for one, have no objection to it and I think we should renumber them appropriately according to the Rules.

President H. Guerrero: If there is no objection, I'm going to call for a vote on the amendments to the Rules. Delegate Mafnas?

Delegate Mafnas: I would like to amend the motion to reletter or renumber all the provisions of the Rules if they are incorrect.

Delegate Guerrero seconded the motion.

Floor Leader Lizama: No objection, Mr. President.

President H. Guerrero: Any discussions?

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

There was a second, and the motion was carried by voice vote.

President H. Guerrero: Any other miscellaneous business? We need to vote on the amendments to the Rules as amended by Delegate Guerrero -- excuse me, by Delegate Mafnas.

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

President H. Guerrero: Any other miscellaneous business? If none, then we'll move on to the next item, the announcements. Delegate Villagomez?

ANNOUNCEMENTS

Delegate Villagomez: Mr. President, the next item of our agenda is the order of adjournment. This morning I asked if you can take up the appointments of committees so that they can start working ... and you indicated that you will be making the appointments this afternoon. If there's nothing else under miscellaneous business....

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

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: I believe that you are going to be making the appointments for the membership of each individual substantive committee and I believe that we could proceed in forming the committees now before we even think of adjourning at this time.

President H. Guerrero: Thank you, Delegate Lizama. As I indicated this morning that I was going to make the committees assignment, I can say that I'm very pleased that the delegates approved a committee structure this morning to do the substantive work of the Convention. Pursuant to Rules 29 and 27, I will now appoint the chairmen and vice chairmen and members of the substantive committees. For Committee on Governmental Institutions, I appoint Delegate Juan T. Lizama, Chairman; Delegate Jesus P. Mafnas, Vice Chairman; Delegate Felicidad T. Ogumoro, Member; Delegate Benusto I. Kaipat, Member; Delegate Vicente M. Calvo, Member; Delegate David M. Cing, Member; Delegate Alonzo Igisomar, Member. Appointments for Committee on Personal Rights and Natural Resources, I appoint Delegate Esteven M. King, Chairman; Delegate Joaquin A. Tenorio, Vice Chairman;

Delegate Aniceto H. Mundo, Member; Delegate Ramon G. Villagomez, Member; Delegate Karl T. Reyes, Member. For Committee on Finance and Other Matters, I appoint Delegate Lorenzo I. DL. Guerrero, Chairman; Delegate Rita H. Inos, Vice Chairperson; Delegate James M. Mendiola, Member; Delegate David L. Igitol, Member; Delegate Maria T. Pangelinan, Member; Delegate Ignacio Villanueva, Member. For Committee on Local Government, I appoint the following delegates: Delegate Paul A. Manglona, Chairman; Delegate William S. Torres, Vice Chairman; Delegate William B. Nabors, Member; Delegate Luis M. Limes, Member; Delegate Francisco Tomokane, Member.

Fellow delegates, making appointments to the committees is a difficult task. I spent many hours considering the recommendations and concerns of delegates along with the skills and experience of each delegate. Unfortunately, it is not possible to accommodate everyone, but I believe that we now have a committee structure that will allow us to work together and thoughtfully deliberate on the proposed amendments. We are charged ith a careful review of the Commonwealth Constitution. This is a significant, for the meaning of the Commonwealth is working together for the common welfare of our people.

I look forward now to all joining together in a spirit of open-mindedness and cooperation to accomplish our task for the benefit of all the people of the Commonwealth of the Northern Mariana Islands regardless of political party, island, ethnic group or any of the many other things which divide us. Thank you.

I would like to call on the Sergeant-at-Arms to at least pass out the committees assignment.

The other assignment, I mean, announcement is, apparently the KCNM Radio 1053 on your dial is adding an additional broadcast to their Con-Con coverage starting tonight. A daily wrapped-up report would be aired following the 18 network news at 8:00 p.m., nightly, Monday through Friday, throughout the Convention. So all delegates are aware, we are currently broadcasting live at 11:00 a.m. and 3:00 p.m. from the Tinian Delegation's Office here at the House of Taga, daily, Monday through Friday, to keep the public informed of the Con-Con proceedings. This is from the News Director of KCNM Radio, Sybil Spencer.

Mrs. Alice Guerrero who is handling the Steno Office, I mean, the Steno Pool has informed me that any delegates that would like to have any proposals or anything typed, please give it to her anytime.

I would like for the Sergeant-at-Arms to distribute out the committee referrals on the proposals. The Chair has referred the following proposals to the appropriate committees: Proposal No. 1-85 is referred to Personal Rights and Natural Resources, Proposal No. 2-85 - Local Government and Corporations, Proposal No. 3-85 - Governmental Institutions, Proposal No. 4-85 - Finance and Other Matters, Proposal No. 5-85 - Finance and Other Matters, Proposal No. 6-85 - Finance and Other Matters, Proposal 7-85 - Governmental Institutions, Proposal 8-85 - Governmental Institutions, Proposal 9-85 - Governmental Institutions, Proposal 10-85 - Governmental Institutions, Proposal 11-85 - Governmental Institutions, Proposal 12-85 - Governmental Institutions, Proposal 13-85 - Personal Rights and Natural Resources, Proposal 14-85 - Personal Rights and Natural

Resources, Proposal 15-85 - Governmental Institutions, Proposal 16-85 - Personal Rights and Natural Resources, Proposal 17-85 - Personal Rights and Natural Resources, Proposal 18-85 - Personal Rights and Natural Resources, Proposal 19-85 - Personal Rights and Natural Resources, Proposal 20-85 - Governmental Institutions, Proposal 21-85 - Governmental Institutions, Proposal 22-85 - Personal Rights and Natural Resources, Proposal 23-85 - Governmental Institutions, Proposal 24-85 - Governmental Institutions, Proposal 25-85 - Personal Rights and Natural Resources, Proposal 26-85 - Personal Rights and Natural Resources, Proposal 27-85 - Personal Rights and Natural Resources, Proposal 28-85 - Governmental Institutions, Proposal 29-85 - Governmental Institutions, Proposal 30-85 - Personal Rights and Natural Resources, Proposal 31-85 - Finance and Other Matters.

Starting with Proposal No. 32 on, copies will be made available tomorrow.

Proposal No. 32-85 - Governmental Institutions, 33-85 - Governmental Institutions, 34-85 - Governmental Institutions, 35-85 - Governmental Institutions, 36-85 - Personal Rights and Natural Resources, 37-85 - Personal Rights and Natural Resources, 38-85 - Governmental Institutions, 39-85 - Governmental Institutions, 40-85 - Local Government, 41-85 - Finance and Other Matters, 42-85 - Governmental Institutions, 43-85 - Governmental Institutions, 44-85 - Finance and Other Matters, 45-85 - Governmental Institutions, 46-85 - Governmental Institutions, 47-85 - Governmental Institutions, 48-85 - Governmental Institutions, 49-85 - Governmental Institutions, 50-85 - Finance and Other Matters, 51-85 - Governmental Institutions, 52-85 - Governmental Institutions, 53-85 - Governmental Institutions, 54-85 - Governmental Institutions, 55-85 - Governmental Institutions, 56-85 - Personal Rights and Natural Resources, 57-85 - Governmental Institutions, 58-85 - Governmental Institutions, 59-60 - Personal Rights and Natural Resources, 60-85 - Governmental Institutions, 61-85 - Governmental Institutions, 62-85 - Finance and Other Matters, 63-85 - Governmental Institutions, 64-85 - Finance and Other Matters, 65-85 - Finance and Other Matters, 66-85 - Personal Rights and Natural Resources, 67-85 - Governmental Institutions.

Delegate Villagomez: Mr. President?

President H. Guerrero: Yes, Delegate Villagomez?

Delegate Villagomez: Out of the 67 proposals, there are only two referred to Local Government Committee. I can see that they are going to be very busy in the next few days.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, I'm glad that Delegate Guerrero is not in my committee because I do not want anybody bored in my committee. Mr. President, Local Government, although it might seem to be a small committee, really is a serious committee. As we have seen in the past eight years with the two Administration, it is obvious that to have a harmonious relationship among the islands this should be looked at because this is the basic -- this is the basic of our Constitution, the understanding between the islands. So I hope Delegate Villagomez will understand this, and I ask the other delegates to please understand this. Thank you, Mr. President.

President H. Guerrero: Delegate Guerrero?

Delegate L. DL. Guerrero: I believe Delegate Manglona mentioned in the early stage of his statement that he is glad Delegate Guerrero is not in his committee.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: I take that back. Delegate Ramon Villagomez.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, if we have already finished with the miscellaneous business -- oh, I'm sorry. If there's no announcement to be made at this time, I would like to make -- if the other delegates don't have any announcements to make, I'd like to make an announcement at this time.

Delegate L. DL. Guerrero: Privilege, Mr. President.

President H. Guerrero: Delegate Guerrero?

Delegate L. DL. Guerrero: I would like to take the privilege of the floor, Mr. President, to speak in Chamorro.... (In Chamorro language)

Delegate Nabors: Point of order, Mr. President.

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

Delegate Nabors: Is Delegate Guerrero making an announcement?

Delegate L. DL. Guerrero: No, Mr. President.

Delegate Nabors: Then I think Delegate Guerrero is out of order, Mr. President.

Delegate L. DL. Guerrero: Delegate Guerrero has asked for privilege of the floor and was recognized by the Presiding Officer.

Delegate Nabors: Then, Mr. President, I suggest that we put his request for privilege to vote.

Delegate L. DL. Guerrero: Mr. President, I object because the President has recognized my privilege on the floor. The reason why I asked is, for the benefit of all the delegates, Mr. President, you have just passed out the assignments of the committees. Now, if Delegate Nabors doesn't want me to express my sincere appreciation for your accomplishment, then let it be.

President H. Guerrero: Can I interject, Delegate Guerrero, for a minute? Does Delegate Nabors object to Delegate Guerrero's...?

Delegate Nabors: I do, your honor, Mr. President.

President H. Guerrero: Can I ask for a vote?

The request of Delegate L. DL. Guerrero for privilege of the floor to speak in Chamorro language was carried by voice vote. Delegate Nabors voted nay.

President H. Guerrero: Please continue, Delegate Guerrero.

Delegate L. DL. Guerrero: Thank you, Mr. President and delegates of this Convention.... (In Chamorro language)

(Applause)

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

Delegate Nafnas: Point of information. Do we have to vote whenever a delegate ask for the privilege of the floor, Mr. President? May I ask our Floor Leader to clarify that? Isn't that everyone of us has a privilege?

President H. Guerrero: Delegate Lizama, can you please clarify the Rules please?

Floor Leader Lizama: Mr. President, I believe that when Delegate Guerrero started to make a speech that he asked the President if he could make a speech at that particular time and the President advised the delegate, the Honorable Delegate, that he could so do so. Delegate Nabors suggested that he was out of order. I believe that when another delegate makes that suggestion that it becomes subject to the decision of the floor whether he could proceed with his speech. And I believe that he was granted that. So for this reason, I think that the concern that Delegate Nafnas has raised is altogether an issue, Mr. President.

Delegate Nafnas: Mr. President?

President H. Guerrero: Delegate Nafnas?

Delegate Nafnas: Mr. President, it's not a question whether my question is moot. I want clarification because Delegate Guerrero asked for the privilege, the Chair recognized him.

Floor Leader Lizama: Point of order, Mr. President. I believe that the....

Delegate Nafnas: I asked him a question, simple, yes or no. Do we have to vote when we ask for the privilege and we are accepted by the Chair?

Floor Leader Lizama: Mr. President?

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: When a delegate is out of order, he is subject to the floor's decision. When he's out of order, whether he should proceed, I think it was proper for the vote to have taken place. So the answer is yes. At that particular time, yes, the answer was that it was proper for a vote to have been taken.

Delegate Mafnas: Mr. President, my question has not been answered yet.

President H. Guerrero: Can I answer your question, Delegate Mafnas?

Delegate Mafnas: Will you answer it please?

President H. Guerrero: It is the privilege of the Chair to recognize any member. And at that time I did ask for the delegates to vote on it. So it's up to the Chair to decide. Is it clear, Delegate Mafnas? It doesn't have to be put to a vote. It just happen at that time I did ask for a vote.

Delegate Mafnas: Thank you.

Delegate Villagomez: Mr. President?

President H. Guerrero: I don't have any announcement, but I just want to find out from my chairman when we are going to start meeting with the committee.

President H. Guerrero: Delegate King?

Chairman King: Thank you, Mr. President. I raised my hand earlier and I was kind of disappointed because I was not recognized. And the reason why I raised my hand is that I'd like to make an announcement to my committee. However, I just want to make a short clarification that we are out of order already since the beginning because I think we are on line Item N, Announcements. It seems to me that we are confused. So I'd like to thank Delegate Guerrero who put us back to order. So I would like to announce to my committee, if possible today and if there's no objection, to meet right after the Convention. I would like to ask the President which room here that is available for the committee to work on its assignment. Thank you, Mr. President.

President H. Guerrero: Can I ask the chairmen of the committees, or solicit the chairmen of the committees to get with your committee members and discuss this issue after the session is finished? Delegate Lizama?

Floor Leader Lizama: Mr. President, I would like to meet with the members of my committee as soon as the session is adjourned.

President H. Guerrero: Delegate Manglona

Chairman Manglona: Mr. President, I would like to ask the members of my committee, likewise, to meet right after the session this afternoon. Thank you.

President H. Guerrero: Delegate Guerrero?

Chairman L. DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters wishes to announce that all members in this committee will have to meet first thing tomorrow morning at eight o'clock right here in the gallery.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, at this time, I would like to move to adjourn this session and we meet again tomorrow morning at 9:30.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adjourn the session until tomorrow morning at 10:30 -- no, 9:30; excuse me. Any discussions?

There being no discussion, the motion to adjourn and to meet the next day at 9:30 a.m. was carried by voice vote.

The Convention recessed at 3:15 p.m. and to reconvened at 9:30 a.m., Friday, June 21, 1985.

Respectfully submitted,

Delegate William B. Nabors
Convention Secretary

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

FOURTH DAY

Friday, June 21, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:50 a.m., Friday, June 21, 1985, in the Convention Center, House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer was observed.

The Convention Secretary called the roll, and 23 delegates were present. Delegate Ramon G. Villagomez was absent.

Secretary Nabors: Mr. President, a quorum is present this morning.

President H. Guerrero: Thank you, Secretary Nabors. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I ask that Delegate Villagomez be excused for today's session.

There being no objection, Delegate Villagomez was excused from today's session.

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, since the Journals for the second and third day's session are still unavailable, I ask that we go down to the next item.

President H. Guerrero: If there is no objection from the members, we shall move on to the next item on the agenda -- Communications?

COMMUNICATIONS

None

COMMITTEE REPORTS

Floor Leader Lizama: Mr. President, your Committee on Governmental Institutions has nothing to report at this time.

Delegate Manglona: Thank you, Mr. President. Your Committee on Local Government, which I chair, would like to inform this Convention that we

are planning an investigation trip to the islands of Rota and Tinian for the purpose of getting a better understanding of the problems in the islands relating to the execution of Commonwealth laws and the delivery of public services in these islands. We intend to meet with the mayors, the department heads, and, members of the legislative delegation for each senatorial district, and we hope that this trip would benefit this Convention and the islands, as a whole, in the long run.

President H. Guerrero: Thank you, Delegate Manglona.

Delegate King: Mr. President and Members, the Committee on Personal Rights and Natural Resources has nothing to report at this time.

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

Delegate L. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters has no written report at this time. However, I would like to make an oral report to the Floor that your Committee met this morning at 8:00 and we review the assignment that we have and, so far, there is only four proposals that are available to your Committee. The Referral Sheet, as of yesterday's session, there is supposed to be ten proposals referred to our Committee. It has been decided then, that, when we come to the announcement portion of our agenda, I will discuss the matter further.

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

Delegate Torres: Thank you, President Guerrero. I would like to add a few comments to what Delegate Manglona had just stated -- the Committee on Local Government is also considering in calling in the Governor to testify or to give us a perspective as to the delivery of services to these islands so that we can have a balance view of what is happening. Also, we are still waiting for a legal opinion from the Attorney General before we can make any decision on the business that we discuss yesterday. I have yet to hear from them and I hope the leadership can expedite this process.

President H. Guerrero: Thank you, Delegate Torres. I am sure the Attorney General will expedite the matters and, it might be good that if and when you are requesting the Attorney General for an opinion, you put your request in writing, at least for written record that you submitted a request for an opinion, and this is also recommendable for any committee to do likewise.

Delegate Manglona: Mr. President, I had a chance to talk with the Attorney General this morning and this is for the benefit of all the Committees of the Convention, especially the Committee Chairmen. The Attorney General suggested that if there is any legal questions that need clarification or opinion, each Committee prioritize the questions and submit them to the Attorney General. They, in turn, will respond to the questions submitted to them in the order they are prioritized. So, if there is any request for a legal opinion, address it to the Attorney General, with a copy to the President, and the Attorney General will prepare a respond to the legal opinions in the order that they are prioritize from the respective Committees. The request mentioned by Delegate Torres, I have addressed that matter with the Attorney General and hopefully by tomorrow, we will receive his response to the request of Delegate Torres. At any rate, the information here is that each Committee Chairman will prioritize the legal questions raised in his Committee's deliberations, addressed them to the Attorney General, and the Attorney General will, in turn, respond to the

legal questions in the order that they are addressed to his office. Thank you.

President H. Guerrero: Thank you, Delegate Manglona. Further discussions under Committee Reports? If none, let us move on to the next item on our agenda -- Introduction of Proposals.

INTRODUCTION OF PROPOSALS

Delegate Pangelinan: Mr. President, I have two proposals to introduce, and they are (1) "A proposal to add a new Article to the Constitution of the Northern Mariana Islands relating to gambling devices.", and the other one is "A proposal to repeal Article III, Section 17(b) of the Constitution of the Northern Mariana Islands relative to Resident Department Heads for Rota and Tinian.

President H. Guerrero: Thank you, Delegate Pangelinan. Delegate Manglona?

Delegate Manglona: Thank you, Mr. President. This morning I have several proposals to introduce. "A proposal to add a 7th Section to Article VI of the Constitution of the Northern Marianas." "A Proposal to amend Section 3(c) of Article VI to give the mayor the power to subpoena witnesses when investigating complaints." "A proposal to amend Section 2(a) of Article XVIII of the Constitution of the Northern Marianas." And the last is, "A proposal to prevent politics from interfering with each Delegate's duties, Section 5(a) of Article XVIII of the Northern Marianas Constitution is amended.

President H. Guerrero: Thank you, Delegate Manglona. Delegate Calvo?

Delegate Calvo: Thank you, Mr. President. Mr. President I have three proposals to introduce -- "A proposal to amend Section 8 of Article I of the Northern Marianas Constitution relating to Trial by Jury."; "A proposal to amend Section 10 of Article II of the Northern Marianas Constitution relating to emergency powers."; and, "A proposal to amend Section 1 of Article VIII of the Northern Marianas Constitution relating to Regular General Elections."

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

Delegate Kaipat: Thank you, Mr. President. I have two measures to submit this morning. Second Constitutional Convention, 1985, Saipan, Northern Mariana Islands, Constitutional Amendment No. X. A proposal to amend Article I of the constitution of the Northern Mariana Islands to delete the word "PERSONAL" and insert the word "BILL" to read "A BILL OF RIGHTS. Be it enacted by the second constitutional convention: Article I: of the Constitution of the Northern Mariana Islands is hereby amended to read as follows: Article I: BILL OF RIGHTS.", introduced by Delegate Benusto R. Kaipat, June 21, 1985. The second proposal, Mr. President -- "A proposal to amend Section 4, Article XII of the Constitution of the Northern Mariana Islands regarding DEFINITION of persons of Northern Mariana Descent. BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION: Section 1. "A person of Northern Marianas descent is a person and his or her descendeant who is of Chamorro or central Carolinian Blood or a combination THEREOF. Section 2. A person shall be considered to be full-blooded Northern Marianas Chamorro

or Northern Marianas Carolinian if that person or his or her descendant was born, domiciled in Northern Marianas between the period of 3,000 BC to the year of our Lord 1940." Mr. President, the reason for this lengthy time period is because according to archeologists, the Chamorro were here 3,000 BC here in the Marianas and . . . .

Delegate Mafnas: Point of information, Mr. President.

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

Delegate Mafnas: Delegate Kaipat, I was born in 1942. Wouldn't I be a Northern Marianas descendant because I was born after 1940?

Delegate Kaipat: Northern Marianas descendant.

Delegate Mafnas: Thank you.

Delegate Kaipat: Your father and mother were born before 1940 and so, you are their descendant.

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

President H. Guerrero: State your point of order, Floor Leader Lizama.

Floor Leader Lizama: I have just been advised that the Clerk is having difficulty writing down what is being said and following what is happening. Also, there is a request that Delegates only read titles of their proposals and not the whole context. In this case, it will also be good for our Clerk because I am sure she can then follow what is happening and will be able to write down what is being said. It would be appreciated if other delegates would do likewise -- read only titles of their proposals, rather than reading all of it. Thank you.

President H. Guerrero: Thank you, Floor Leader Lizama. Your point is well-taken. I call on Delegate Igitol.

Delegate Igitol: Thank you, Mr. President. I have several proposals for introduction this morning, introduced by myself and several others. The proposals are: "To amend Article II, Section 2(a), Composition of the Senate;" to amend Article III, Section 10, Emergency Powers;" to amend Article III, Section 11, Attorney General;" to amend Article III, Section 12, Public Auditor;" to amend Article III, Section 13, call for elected Board of Regents and President of the College, Department of Education;" to amend Article III, to add a new Section 20, Public Health Systems;" to amend Article VI, Section 2, Election of Mayor for the third senatorial district;" to amend Article VIII, Section 1, relative to Regular General Election;" to amend Article X to add a new Section 5, relative to Entertainment Expenses for elected officials." Thank you, Mr. President.

Delegate King: Mr. President, I only have one proposal for introduction -- "A proposal to amend Section 12 of Article III of the Constitution of the Northern Marianas to require the election of the Public Auditor." Thank you.

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

Delegate Torres: Thank you, Mr. President. I have two proposals to introduce this morning, introduced by myself and others. First is a

proposal to amend Section 9(a) of Article III of the Northern Marianas Constitution to mandate a balanced budget for the CNMI Government in every fiscal year." The second proposal is "A proposal to amend Section 15 of Article III of the Northern Marianas Constitution to require periodic review and evaluation of all autonomous and semi-autonomous entities throughout the Commonwealth of the Northern Mariana Islands." Thank you.

President H. Guerrero: Thank you, Delegate Torres. Delegate Igisomar?

Delegate Igisomar: Mr. President, I would like to offer six proposals for introduction this morning, introduced by myself and several others. The first proposal deals with all elected officials in the Commonwealth of the Northern Marianas whereby it will require that such person would be of Northern Marianas descent. The other proposal is "A proposal relative to the Marianas Public Land Corporation." The third proposal requires an amendment to the Constitution of the Northern Marianas to include a new official seal and flag of the Northern Marianas, which proposes to take into consideration, not only the Chamorro culture, but also, the Carolinian culture. I would also like to offer a constitutional amendment extending the numbers of members of the Marianas Public Land Trust, to include not only representatives from Saipan, Rota and Tinian, but to include also representatives from the Carolinian Community and the women; and, lastly, I would like to offer an amendment dealing with the compensation for the Executive Assistant for Carolinian Affairs. Thank you.

Delegate Mendiola: Thank you, Mr. President. I have four proposals to introduce this morning. The proposal is "To amend Section 2(a) of Article VI of the Northern Marianas Constitution to establish a nuclear free zone;" "to amend Section 1 of Article IX;" "to amend Section 2 of Article IX;" and a resolution requesting . . . .

President H. Guerrero: Delegate Mendiola, can you hold to the resolution until we reach, in our Order of Business, Introduction of Resolutions?

Delegate Mendiola: I am sorry, Mr. President. Yes, of course.

President H. Guerrero: Thank you, Delegate Mendiola. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I have two proposals that I would like to submit -- the first proposal is with respect to Article III, Section 16, having to do with the Civil Service Commission, and the second proposal is with respect to Article III, Section 11 -- this has to do with the Attorney General's Office. Thank you.

President H. Guerrero: Thank you, Floor Leader Lizama. Delegate Mundo?

Delegate Mundo: Thank you, Mr. President. I have one proposal that I would like to introduce this morning -- this is introduced by myself and the other three delegates from Rota. "A proposal to amend certain provisions under Article IX"-- this is relative to the subjects of initiative, referendum and recall.

President H. Guerrero: Thank you, Delegate Mundo. Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. I have here a proposal to amend Article 10, Section 2, regarding Public Indebtedness.

President H. Guerrero: Thank you, Delegate Reyes. Delegate Cing, do you have your hands up?

Delegate Cing responded by nodding "no".

Delegate Inos: Mr. President, I have a proposal here to amend any section of the Constitution of the Northern Marianas which refers to the island or municipality of Rota, to change the spelling of of "Rota" to "Luta" in order to recognize the cultural heritage of the people of Luta. Thank you. [APPLAUSE]

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

Delegate L. Guerrero: Thank you, Mr. President. I have two proposals to introduce this morning, co-authored by eight other delegates. The first proposal is regarding eligibility for elective office, and the second proposal is regarding boards and commissions proceedings.

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

Delegate Mafnas: Thank you, Mr. President. I have a proposal to offer on behalf of myself and nine others -- to amend Section 9(a) of Article III of the Northern Marianas Constitution.

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

Delegate Nabors: Thank you, Mr. President. I have several proposals to offer this morning. The first is a proposal "to amend Section 5 of Article XVIII of the Constitution of the Northern Mariana Islands regarding ratification of amendments to the Constitution." Y otro, "to amend Section 3 of Article XII of the Constitution of the Northern Mariana Islands to remove the restrictions on selling private property -- selling or leasing of private property, but restricting private property to indigenous inhabitants of the Northern Mariana Islands. Number 3, "to amend the Constitution to require legislative review and approval of all autonomous and semi-autonomous agencies of the Commonwealth Government. Y otro -- enao ha. [LAUGHTER]

President H. Guerrero: Thank you, Delegate Nabors. Any more proposals for introduction? If none, let us go on to item No. H,

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTIONS

President H. Guerrero: I believe there is resolution to be introduced -- I call upon Delegate Mendiola.

Delegate Mendiola: Thank you, Mr. President. I have a resolution to introduce this morning -- "A resolution relating to requesting the Commonwealth Legislature to allow the Constitutional Convention to recess until January, 1986."

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

Delegate Nabors: Thank you, Mr. President. Guaha un resolution -- bai taitai -- "Relative to requesting the Commonwealth Legislature to extend the Constitutional Convention for an additional thirty day period."

President H. Guerrero: Thank you, Delegate Nabors. Any more resolutions to be introduced? If none, we shall go on to the next business -- Unfinished Business.

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

None

MISCELLANEOUS BUSINESS

President H. Guerrero: Any Miscellaneous Business? Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I would like to bring up one matter at this time -- I would like to ask the indulgence of my colleagues, especially the Committee Chairmen to whom measures or proposals have been assigned, and in that connection, I would like to simply say that I would hope that everyone would take into consideration -- if an individual has a proposal, I think it is fair to say that that particular individual has a problem and I would hope that the Committee Chairmen, particularly the members of the Committee, would, in every instance, give the introducing delegate the opportunity of appearing before the Committee to explain what the problem the delegate has and determine from that point whether or not it has merit. I would hate to see a proposal to be summarily table, file, etc., without the delegate introducing it to have the opportunity of explaining the problem that he or she has or might have.

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

Delegate King: Thank you, Mr. President. In order for this Convention to act rapidly with proposed amendments, I would like the Chair to announce a deadline for submission of all proposals, in order for us to be able to screen or review all the proposals that are duplicates so that we can -- so that the Committee may be able to work and come up with committee reports.

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

Delegate Torres: Thank you, Mr. President. In line with what Delegate King has just stated, I would like to request all Committee Chairmen that

schedules for all public hearings on all proposals be made available to each delegate at least three days in advance.

President H. Guerrero: Thank you, Delegate Torres. In reference to Delegate King's recommendation, under Rule 54, the last sentence, it states, "no delegate proposals shall be introduced on the last day of the Convention, except with the unanimous consent of the Convention," -- I can only recommend, I do not think I have the authority to set a deadline, but I can recommend that we have all proposals at least by the end of next week. Does any member have any objection to that recommendation? Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I do not have any objection to that recommendation -- I think it is very reasonable. I would, however, in that connection, suggest that if we complete our businesses speedily as possible today and recess until Monday to give us an opportunity over the weekend to put together our proposals in order to meet that Friday deadline next week.

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

Delegate Reyes: Mr. President, on that recommendation for a deadline early next week, I would rather see that different recommendation be made, that after public hearings have been set and other proposals could be tailored to the decisions made by the public hearing, it is better off to be presented again -- I recommend, or would like to recommend, that at least we have the days, early days of this Convention that the proposals be submitted. Thank you.

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

Delegate King: If we are going to consider the request of Delegate Nabors, I would like the President to pose a question to the Legal Counsel as to whether or not they will be available tomorrow to assist the Committees' Chairmen or other delegates in working out with proposals.

President H. Guerrero: Can the Legal Counsel respond to the question by Delegate King?

At this point, Attorney General Rexford C. Kosack reponded to the question posed by Delegate King.

Delegate Nabors: Mr. President, can we get the unanimous consent of the members here to resolve into Committee of the Whole to facilitate a resolution to this matter?

Floor Leader Lizama: Mr. President, I do not think there is a need to resolve into Committee of the Whole. I think this is a matter that has to be entertained by every member of this Convention and I think we should just go ahead and resolve the matter by all of us.

President H. Guerrero: I am giving the privilege to the Legal Counsel to speak to the members at this time.

Attorney General Kosack: The question that you asked me is whether or not the Legal Counsel would be available this weekend to assist in the drafting of proposals. At this point in time, we have not planned to be available

over the weekend. I think what concerns me more about is your request about drafting of proposals. As I explained before, we will not be assisting in the drafting of individual proposals -- those will be drafted by you and other fellow delegates and referred to the different committees. It is then up to the committee to sit down and decide which proposals they wish to work with first and then send those proposals directly to us and we will make sure that -- most of the ones I have seen appeared to be in very good order and the typists have done quite a good job in making sure that the strikeouts are shown as well as the underscoring, etc. We will just sit down and ensure that they are constitutionally sufficient -- that it meets the constitutional language and that there are no ambiguities. On something like that, I would suggest that we all will work towards an agreement. The only real work right now before us, so that you know what we are doing -- the only work right now before us is that we have only one legal opinion -- it is a significant legal opinion and it is whether or not you can restrict the holding of office to people of Northern Marianas descent which has some strong constitutional issues raised by that opinion. But, as of this moment, among the three of us, that is actually what we have before us. We do encourage you, however, that if you do have legal opinion requests, or if any committee wish to give us any proposals today, let us know as the day goes on -- if we are not working up here, we will send someone from the office to pick it up and make sure that the work is done. I hope that answers your question.

Floor Leader Lizama: Mr. President, your Committee on Governmental Institutions met this morning and just for the information of the delegates, the Committee felt that of the -- the Committee felt that when reviewing the proposals that come before the Committee that that Committee would identify which of the proposals would require public hearings, which of the proposals would require legal opinions of the Attorney General, and, the Committee felt also that they would have the discretion of identifying the specific issues, such as the issue just mentioned by the Attorney General -- an issue, for instance, of limiting the requirement for the position of the Attorney General just to Northern Marianas descent. There is a legal issue there and a proposal such as the Attorney General's, an amendment to the Attorney General's Office, the Committee on Governmental Institutions has already identified that one of the issues would be put in writing to the Attorney General -- such concern would be, for example, there is a compelling interest involved, and if there is, perhaps, the Attorney General would make his opinion in that regard.

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

Delegate King: Thank you, Mr. President. I would just like to inquire further to the Attorney General. Since you said you do not have plans to be available tomorrow, what if the Convention decides to meet tomorrow and Sunday? Will not be available also?

Attorney General: We really have not made any decision on that and we could meet with you and talk to you about that matter. We are very flexible -- there are problems posed to us, and of course, there is the question of compensation provided to the delegates that meet during the weekends, and sure, there is compensation provided for delegates that meet during the weekends, and nothing provided for us for any extra time we work -- that is a slight consideration. In addition to that, I want to make sure that we understand together what I forsee as our role and if you are not satisfy with it, you can change it, but our role as being present here, is to try and be present when you meet. Most of the time, we will

not be here when you meet, and in fact, today may probably be the last day we will be here and seen by you very much. Most of our work would be in the back room doing legal research, we will be getting your request from the Committee Chairmen, in writing, and we will just start hitting the books hard, writing legal opinions for you. We will come back to present the opinions to you, to meet with the Committee and explain the opinion in the Committee. So, if you meet on a Saturday or a Sunday, it does not mean much, unless you are going to discuss a legal opinion which we may have rendered and you want us to explain it more fully to you. With that in mind, we may be able to sit down and make certain arrangement with you. Thank you.

President H. Guerrero: To facilitate the function of the Convention, I plan to request the Committee on Organization and Procedures to meet afterwards to iron out any differences in reference to something like this.

Floor Leader Lizama: There has been a suggestion that we adjourn until Monday so that we can use the time to start preparing proposals so that we can expeditiously submit them for whatever disposition the Committee makes. We would be needing the time so that we may be able to work with our proposals and be ready to submit them by Monday, or sometime next week. The issue of when the next session would be is an issue that needs to be discussed now because the Delegates are anxious to know what to do with their time and schedule.

Delegate Inos: Thank you, Mr. President. I believe that there two suggestions on the floor, and our Floor Leader failed to indicate the other suggestion, in which you would have to be deciding on.

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

Delegate L. Guerrero: Thank you, Mr. President. I know that the Convention, yet, is in the stage of being fully organized. However, I would like to point out that we are still understaffed, and with the workload that the Typing Pool has for today, xerox operators who have to xerox copies for the delegates -- I hope that the Committee on Organizaton and Procedure would seriously look into this matter and I would hope that we all can expedite the process of proposals that have been referred to the difference chairmen, and the additional staffing could be very important and significant to the Convention. The other point that I would like to raise is that I do understand that each of the delegates would like to have a copy of all proposals or resolutions irrespective of who was the introducer. I believe that this is a matter of time consuming, waste of money, etc. I believe the referral sheet is sufficient -- each of the introducer should be satisfied with the referral sheets that we have been receiving. I know that the Convention does not have that much money to expend on those kinds of expenses. So, I would like to suggest that any delegate who introduced the proposal be accorded a copy of his proposal rather than distributing a whole copy or package of the day's business. I would prefer to see the referral sheet because it is important for any of us here so that you would know if you proposals are being entertainment. Another matter that I would like to point out is that, is a matter of principle and certain dignities of this Convention -- I still see that the name plate of the President, the person whom we all are addressing as "Mr. President" is yet "Mr. Delegate.

I hope that you are able to instruct the Administrative Officer of this Convention, and have your name plate corrected. Thank you.

President H. Guerrero: Thank you, Delegate Guerrero. The Chair notes your concerns and suggestions, and probably, we will have some recommendations. Delegate Kaipat?

Delegate Kaipat. Thank you, Mr. President. Mr. President, I do fear that the most serious and critical problem that we have right now is the legal counsel problem. Looking at the measures which I believe is up to 100 as of this morning, and it is only three days so far since we have been introducing proposals and there is still 26 more days to go, and the Attorney General has just mentioned that today would be the last day for them to be available to us and revert to researching in the library, I feel that, by sitting for the past two days in the Committee, we need a legal counsel. Somebody that will walk this floor, somebody that will be called between committee and committee and, be approached, at any working hour or day of the committee or individual delegate for constant legal opinion. By doing this, by having this person or persons, more than two or three people, walking between the four standing committees, could unload many of those table because of public hearing, table because of having to be referred to another committee, or to be sent to the Attorney General, I have a feeling that many of these issues could be reduced in size. Thank you, very much.

President H. Guerrero: Thank you, Delegate Kaipat. As a matter of clarification -- the Attorney General and his staff are not abandoning us. They are just saying that they have to start doing research whether at their office or other places. In terms of additional legal counsels, I have talked to the Speaker of the House of Representatives and we are working out a schedule in terms of getting the -- at least, have access of the Legal Counsels working for the House of Representatives. The Chair is in the process of getting more legal counsels from the Governor's Office. Further discussion? Delegate Pangelinan?

Delegate Pangelinan: Mr. President, I think that since you have already made the appointments to the various committees to do their work and with the chairmen heading their respective committees, I do not see any problem with us working over the weekend without the legal counsels advice. I think we all know what we are doing here -- we have the Briefing Papers that were provided to us -- it explains what we can do and cannot do; we have the Constitution and we have the Covenant and I think that the Attorney General needs this time to research on issues that were never addressed before. We know already, just by looking at the proposals, what can go in and what cannot go into the Constitution. We cannot just go on and recess today and then come back tomorrow and go on with the Order of Business. The substantive work is within the Committee and the Committee or Committees of this Convention can start working right after the plenary session. We can recess on the plenary session, and the Committees can still continue on its work, every day, on the hour. The Attorney General is more than willing to assist, so the Committees have to organized themselves and address what need the Attorney General's attention and what does not need the Attorney General's attention and still work without them being by our sides. I think that we ran as Constitutional Convention delegates because we want to do our work by ourselves, and make that decision by ourselves, too. The Attorney General is just an outside help and they are going to give us the guidance and the assistance, but the

decision is really up to us. Thank you.

President H. Guerrero: Thank you, Delegate Pangelinan. Just for the information of the Delegates -- the Chair has been informed that the Bank of Guam has custody over the documents of the First Northern Marianas Constitutional Convention, so we are asking the Bank to release the documents to the Attorney General's Office to facilitate and expedite the functions and roles that he and his staff would be playing at this Convention. Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I listen to the concerns of legal counsels and what have you. I agree with Delegate Pangelinan. I have been preparing my own proposals with limited assistance from the Attorney General. The legal assistance is very valuable -- I think their role is to inform us of whether our proposal is a constitutional provision or our proposals are unconstitutional pursuant to the appropriate statutes, the Covenant or Constitution of the United States. I do not see any need for the legal assistance. In fact, the Attorney General has been very responsive by just sitting back here with two Assistant Attorneys General. For the past two days, we have not asked them for significant questions. So, I want to just echo my concern that the Attorney General's assistance is badly needed over here, or, even in our Committee's work. Our Committee met this morning and we identify those issues that should be referred to his office -- the Committee is providing legal opinion requests and I think we can move faster if we do these things ourselves. Delegate Nabors offered a suggestion that authors or introducers of proposals be given the opportunity to explain their side of the story. I would like to recommend that introducers or authors of proposals submit -- or proposals be accompanied by a "statement of intent" and also description of problems so that the Committee would have that information readily available. Some of the delegates have done that, some have not, and in our meeting this morning, we were asking ourselves, "what is really the intent of this proposal?" As much as possible, if time permits for the Delegates, I would like to know the intent of the proposal and if there are problems, a brief statement or description of the problem.

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

Delegate Kaipat: Thank you, Mr. President. I think I would go along with the intent or the philosophy of having people that learn about laws to be sitting among us. Somebody mentioned earlier that -- well, everybody can write a proposal -- all of us can do that, but is it legal in a sense that we can put in a constitutional forum. I still feel that although everybody can read, write or speak English, everyone can do so by documenting what they would like to see included in the Constitution. We still need -- it does not have to be the Attorney General or his staff, but the people who could go through helping individuals, helping committees, walk the floor during working days -- to be among us, so that, for instance, Mr. Mafnas mentioned that this morning the Committee . . . .

Delegate Mafnas: Mr. Speaker, I wish to be addressed Delegate Mafnas.

Delegate Kaipat: Delegate and Mr. Mafnas . . . .

Delegate Mafnas: Thank you very much.

Delegate Kaipat: Mr. President, Delegate Mafnas and I are in the same committee, and he and I know that there are a couple of measures to be referred to the Attorney General. He mentioned earlier that we can do that, but I do not think so. I do not think that we can play around with law -- to the specialists -- people who study law to do the work. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Kaipat. I am sure the Attorney General would be willing to render a response to the questions being raised. Before I call upon the Attorney General to respond to that, I would like to recognize first Floor Leader Lizama?

Floor Leader Lizama: There was a suggestion made quite earlier about whether or not we should recess or not. I believe we should take that matter now so that we know what the feelings of the Delegates are as far as recessing until Monday at 9:00 a.m.

President Guerrero: Before we dispose of that matter, I would like to give the Attorney General the opportunity to address the Floor.

Attorney General Kosack: Thank you, Mr. President. I just would like to say that we do recognize Delegate Kaipat's concern of the need to provide the need of a legal counsel at all times here in the Convention. I would like for you all to realize that we are available to assist you, as a matter of fact, we are stopping all legal advises to other departments of the Government so that we may concentrate in providing legal opinions and assistance to the Delegates here when needed. The assistance that I and my staff would be providing to this Convention is for a thirty day period and while other departments may need our assistance, most of our time would be directed to this Convention. A lot of the time that we will be doing work for this Convention would be done at our own time because by being here during the session and then going back to the office to do research on requests that we receive would not be sufficient for us to finish our work. So, we will be going home at nights and still be doing work for the Convention because we want to render the best opinions to you while the Convention is in session. I can honestly say that no attorney can, in his right mind, render an opinion in such short notice, or immediately when question. A research would have to be done on the subject matter and because of the significant issues that you are dealing with are so complex, no attorney, even the best attorney anywhere in the world can just walk around between committees and answer questions from the top of his head. It would be irresponsible of him to answer such questions posed to him without sitting down and doing some research. For instance, there are several questions that some of you Delegates have asked me about, and I cannot give you an answer because I would have to go back to the books and do some research on the subject matter before rendering an opinion. We do have to go back to the office, sit down and do our homework. If we give you a wrong answer without doing any research, it may change the destiny of the Northern Mariana Islands. So, I think by having a roving attorney walk around between committees, is not being able to provide you with the best legal assistance possible, unless it is just a regular or an ordinary procedural matter. If you really want a good legal opinion, you have to sit down and decide which ones are of significant value or have significant issues, put them in writing and we will respond with our opinions in writing, too. I would not recommend rendering an opinion from the top of our head without not having research the matter in depth. I hope that answers the concerns raised.

President H. Guerrero: Thank you, Mr. Kosack. I believe this matter about legal counsel would be taken up by the Committee on Organization and Procedures, and at such time, the Committee will report out to the members of the Convention. At this time, I would suggest that we move on to the next item if there are no further business to be discussed under Miscellaneous Business. Delegate Villanueva?

Delegate Villanueva: Mr. President, since I have the floor, I would like to have this opportunity to inform the members of this Convention that I am opposed to recessing until Monday. I believe most of us have left our work behind, as well as family members, in order to be able to be present at this Convention. I hope that this Convention will continue unless it is recessed until next year. Thank you very much, Mr. President.

Floor Leader Lizama: Mr. President, I hope that Delegate Villanueva is not getting so disappointed of the progress of this Convention. I believe that it is important to understand that if we do recess in the Convention as a whole, there are other works that need to be taken care of. The Committees of this Convention would have to address issues referred to them. Your Committee on Governmental Institution, for example, intends to meet tomorrow, should there be no session, to address the proposals that have already been distributed and referred to us. It is very important for the committees to review those proposals and also, it is very important that we set a deadline, although we cannot do it under the Rules, but at least among ourselves, agree to a deadline of submitting proposals as soon as possible in order that similar proposals addressed or submitted to Committees of the same subject matter may be reviewed by the committees at the same time. I do not think that if I take a recess, I would not be doing anything. It is just like the Attorney General -- when he goes home, he still has to go back to his office to continue his work. The same goes with me -- when I go home I still have to read through the pertinent things of the work of this Convention. I think that the committee works would begin -- to function more at best, once the proposals are put together. It is up to the individual committees to schedule the proposals for public hearings and such as requests to the Attorney General that needs submission. The Attorney General made a point -- no attorney in this world could come here and just say that this is the answer as requested here. Now, as a member of a committee -- as a committee member, I have to know the questions that are pertinent to the proposals and I cannot do that when we have -- when we are here on the floor debating on miscellanous matters -- I cannot do that, I need time to reflect on the issues that have been presented. So, I understand the concern that you wish to move forward with our agenda, but we cannot do that at this time.

Delegate Mafnas: Mr. President, I object to a recess until Monday. If we do not meet tomorrow and there are proposals that will be ready tomorrow, then that means that a day is gone without you referring the proposals to the appropriate committees. We are fortunate to have a leader in our Committee as a Chairman, we were able to clear the proposals that have been assigned to the Committee on Governmental Institutions this morning and plan further actions on those proposals. But, to recess until Monday would cause delay in introducing additional or more proposals. I think we should meet again tomorrow if necessary so that the Convention can receive additional proposals and simultaneously the President can assign those proposals to the appropriate committee. When we go home at night, we can work on our proposals; even if we recess, we can still work on our

proposals. Someone introduced a resolution asking the Legislature to extend the time of this Convention for another thirty days. Maybe we should ask the Legislature for thirty-three more days rather than thirty days because we are planning to recess. We have responsibility, we know what it takes to be a delegate and I think we should live up to the expectations of our people -- they expect us to work thirty days and thirty nights. Thank you.

Delegate Pangelinan: Mr. President, I would like to make a few remarks, too, just like most of our Delegates. We have heard several speeches made by some of our Delegates; some spoke of eloquence letting us know what to expect from this Convention, some spoke in ordinary language expressing their feelings and there are still others who have yet to say anything, but I am sure, are listening very carefully and evaluating the conduct of this Convention body. It is these differences in qualities that we each possess that brought us here because the people that voted for us saw these qualities in each one of us to balance out the extremes in the characters of each individuals. We all understand the importance of the work ahead of us -- we already know the problems facing this Convention -- problems of geographical differences, problems of minority, problems of majority, and problems of uniting together to work as one body of this Convention. If we fail to produce what we are supposed to do, the failure will not reflect on one stubborn delegate, two uncooperative delegates, or blame Rota Delegates, or blame Tinian Delegates, or blame Saipan Delegates. The failure will reflect on the Second Constitutional Convention. I am ready to do my best, work weekends, work ten hours a day, for the interest of the people of the Commonwealth who placed their trust in me to represent them in this Second Constitutional Convention with cooperation and compromise when necessary. Thank you, Mr. President.

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

Delegate Tomokane: Mr. President, if I may be also allowed to use three minutes to present my remarks . . . .

President H. Guerrero: You may, please proceed.

Delegate Tomokane: Mr. President, we have heard concerns with respect to the needs of this Convention, needs that deals with administrative requirements, such as legal assistance, staffing needs, facilities and what have you. I think the leadership have heard enough of this. We have a Committee of Organization and Procedures and it is comprised of Committees' Chairmen and the officers. Assessed what you have heard so far and let us have a plan of action and get this Convention moving. We have a thirty day mission here. Rota's needs should be addressed because they are represented, and so is Tinian. Saipan deserves the same treatment but the forgotten one is the -- our few brothers and sisters north of us. What is really purbating this Convention in terms of differences and conflict. I, myself, cannot solve that and that is why we have the leadership. I am anxious to see what the leadership can do to get this Convention going. We are not going to waste our miscellaneous business exchanging these kinds of remarks. I do not know if the Legislature would honor the resolution to recess until next January or extend it another thirty days. This thing is getting political and that is the challenge of this leadership. The challenge is to get this Convention going. Thank you.

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

Delegate Nabors: Thank you, Mr. President. I do not know if I am in order, but I would like to move to suspend the Order of the Day and move to adjournment and move that we adjourn until 8:00 a.m., tomorrow morning.

President H. Guerrero: Delegate Nabors, you are out of order. We have not finished with the Order of the Day. Delegate Igitol?

Delegate Igitol: Mr. President, just before you move on to the next business, this is an information to the Chair as well as the Delegations of Rota and Tinian. The Department of Finance is still waiting notification from probably the Governor as to who is the President, Vice President and other officers of this Convention in order to comply with the provisions of Public Law 4-30. That obligations of funding for this Convention may be executed -- I have just been informed by my department that we have a few documents sitting up at Finance Office regarding this Convention which they cannot take action on because of the absence of the notification as to the leadership of this Convention. I believe you should write to the Governor as called for in Public Law 4-30 to inform the Governor and the presiding officers of the Legislature as to who are the officials of this Convention. The Governor, in turn, will write to the Department of Finance and advise them of who the officers are for this Convention and who is the authorized signator for expenditure of the funds under the law. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Igitol. The Chair notes your concern -- we have already informed the leadership of this Commonwealth that the Convention is organized and functional and also, informed the Governor to inform the Department of Finance in terms of the authority of the presiding officer to expend funds under the law and we will provide a copy of the letters to the members if they so decided or if any one wish a copy of it. Delegate Igitol?

Delegate Igitol: Another matter, Mr. President. You should also execute a memo to the Department of Finance requesting the transfer of funds from the accounts -- Account Nos. 1709, 1710 to 1711, as called for in Public Law 4-30. All unobligated funds from the election and the Pre-Convention should be transferred to the Convention funds.

President H. Guerrero: Thank you, Delegate Igitol. We will take your concern under advisement. If there are no further miscellaneous business, let us go on to Announcements.

ANNOUNCEMENTS

President H. Guerrero: Before I recognize any one, copies of the proposals have just been passed and that is in reference to Proposal Nos. 32-85 up to 71-85. Also, a copy of Resolution No. 1-85, and there is no indication in terms of committee referral. Resolution No. 1-85 is referred to the Committee on Finance and Other Matters. The proposals that were introduced today will be made available at our next session. Any announcements to be made? Delegate King?

Delegate King: Mr. President, I would like to ask members of my Committee on Personal Rights and Natural Resources to meet in this Chamber for about

five minutes. I do realize that the Committee on Organization and Procedures is also meeting right after this session, but I only want a few minutes with my Committee members. Thank you.

President H. Guerrero: Delegate King, since I am calling a meeting of the Committee on Organization and Procedures immediately after this session, can it be done right after that committee.

Delegate King: Mr. President, can you grant me just five minutes or maybe later than that.

President H. Guerrero: No more than five minutes. Thank you, Delegate King. Delegate Manglona?

Delegate Manglona: Mr. President, I would like to remind members of your Committee on Local Government that we are having a committee meeting at 2:00 p.m., today, here at the Convention Hall. Thank you.

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

Delegate L. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters would like to announce that your Committee will be meeting at 1:00 p.m., mainly to go over the additional assignments that we have just been assigned to. At the same token, your Committee wishes to proceed as early as possible with the public announcements, media, and communications to all government agencies, private sectors and the mayors. I have listed about eleven different departments or different interested parties that should be accorded a copy of the assignments that we have so that we can receive their comments. We would like to proceed with our public hearings no later than next week, Wednesday, June 26. Before Wednesday, hopefully by Monday, I would have to ask for your indulgence and assign us a legal counsel to work with the Committee and to prepare the necessary documents and information for the public hearings.

President H. Guerrero: Thank you, Delegate Guerrero. I am sure we can address your concern during the Committee on Organization and Procedures meeting. Since you are a member of that Committee, I believe that that would be the most appropriate time to address that matter. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I would like to call a meeting for the Committee on Governmental Institution -- a meeting for the Committee at 2:30 p.m., today, right here. Thank you.

President H. Guerrero: Any more announcements? If none, the Chair is ready to entertain a motion for adjournment. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I would like to make a motion -- I would like to move that this Convention adjourns until 9:00 a.m., tomorrow morning.

Delegate Mafnas seconded the motion.

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President H. Guerrero: It has been moved and seconded to adjourn the session until tomorrow morning at 9:00. Any discussion?

There being no discussion, the motion to adjourn and to meet the next day at 9:00 a.m., was carried by voice vote.

The Convention adjourned at 11:05 a.m., and to reconvene at 9:00 a.m., Saturday, June 22, 1985.

Respectfully submitted,

Delegate William B. Nabors
Convention Secretary

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

FIFTH DAY

Saturday, June 22, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 10:35 a.m., Saturday, June 22, 1985, at the Convention Center - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

Secretary Nabors called the roll, and all the 21 delegates were present.

Delegate Villagomez: Mr. President, I apologize for having been absent yesterday from the Convention. I have to attend an appointment in Guam that I could not cancel, and I was able to attend only part of the committee's meeting yesterday afternoon. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez.

Secretary Nabors: Mr. President, we have a quorum; all delegates are present.

President H. Guerrero: Thank you, Secretary Nabors. We do have a quorum, so let's proceed.

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I understand that the Second Day's Journal has already been completed, however the staff is preparing now the Journal. It's a forty-page journal. I would like to ask that we suspend this order of the day for the adoption of the journal so that we could move down to the next item of the Order of the Day, if that would be the unanimous consent of the delegates.

Delegate DL. Guerrero: No objection.

President H. Guerrero: Okay. We will move on to the next--Communications.

COMMUNICATIONS

Comm. No. 4, from the Chairman of the Chamorro/Carolinian Languages Policy Commission (CCLC), re requests for inclusion in the Constitutional amendments relative to Chamorro and Carolinian languages.

Comm. No. 5, from the Administrator of the Division of Youth Services, submitting comments and recommendations for consideration and inclusion in the Constitution.

President H. Guerrero: In front of you, we have two communications. Communication No. 4 from the Chairman of the Chamorro/Carolinian Languages Commission and the Executive Director of the Carolinian/Chamorro Languages Commission regarding the requests for inclusion in the constitutional amendment relative to Chamorro and Carolinian languages and other matters. And Communication No. 5 is from the Administrator of the Division of Youth Services, Department of Community and Cultural Affairs, submitting comments and recommendations for considerations and inclusion in the Constitution. Discussions? Secretary Mabors?

Secretary Mabors: Thank you, Mr. President. I believe Delegate Pangelinan raised a question earlier exactly how are we to proceed on these recommendations. Is the Chair to introduce these measures, or we individual delegates will take it upon ourselves, or exactly how?

President H. Guerrero: At this time, the Chair is open for suggestions. Delegate Guerrero?

Delegate DL. Guerrero: Thank you, Mr. President. I believe this is merely a communication to the Convention delegates. And I believe should any of these delegate proposals has to be prepared to accommodate the request, I think it's only appropriate that the assignment be made by the leadership of this Convention rathe than, you know, come up by yourself since this is addressing to the delegates of the Convention. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Guerrero. Any more discussions? Delegate Mafnas?

Delegate Mafnas: I support the suggestion that perhaps the leadership of the Convention should sponsor or should review these requests and take appropriate action, rather than us so we can avoid duplication of efforts. Thank you.

President H. Guerrero: Thank you, Delegate Mafnas. The Chair notes the recommendation and it will be taken up by the Committee on Organizations and Procedures. Delegate Lizama, you had your hand up.

Floor Leader Lizama: Nothing further, Mr. President.

President H. Guerrero: Any more discussions? Oh, excuse me....

Floor Leader Lizama: What I was going to say, Mr. President, was exactly what Delegate Mafnas had just said, so I have no further comments.

President H. Guerrero: Any more discussions? Floor Leader Lizama?

Floor Leader Lizama: I move that we adopt the recommendation of Delegate Guerrero.

Delegate Villagomez seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the recommendation by Delegate Guerrero. Any discussions?

There being no further discussion, the motion offered by Floor Leader Lizama was carried by voice vote.

President T. Guerrero: If there's no more discussions under Communications, so we'll go on to the Committee Reports.

Delegate Villagomez: Mr. President, in the second correspondence from the Administrator, Division of Youth Services, I would like to make brief statements regarding two of the proposals for the benefit of the leadership when they consider this request. The first on first page is the proposed amendment to Article I, under Personal Rights, recommending that there shall be excessive bail required in the CNMI and also that there shall be excessive fines imposed on convicted criminals. For the benefit of the leadership, I think that this will be directly contrary to the U.S. Constitution, the principle of democracy and due process of law, and I request the leadership to be very careful not to suggest any amendments to our Constitution that would be so directly against the U.S. Constitution and our very basic principle of American democracy. Thank you.

President T. Guerrero: Thank you, Delegate Villagomez. Delegate Manglona?

Delegate Manglona: Mr. President, the members of the Local Government Committee wish to inform all the delegates that we plan to leave for Rota on Saturday and Tinian on Sunday for our investigation trip to meet with the....

Delegate Mafnas: Point of order, Mr. President.

President T. Guerrero: State your point of order.

Delegate Mafnas: Are we on announcements or committee reports?

President T. Guerrero: Committee reports.

Delegate Mafnas: Then I think Delegate Manglona is out of order. He is announcing his committee's activities.

President T. Guerrero: The point is well taken. Delegate Manglona, can you at least just report on your committee's report rather than making announcement?

Delegate Manglona: I think, Mr. President, I'll go along with Delegate Mafnas, I will go ahead and announce it in the Announcements and that would be fine. Thank you.

President T. Guerrero: Floor Leader Limana. Delegate King?

Delegate King: Thank you, Mr. President. The Committee on Personal Rights and Natural Resources does not have committee report to report at this time. Thank you.

President T. Guerrero: Can I request that you repeat what you just said? You are not coming. I can't hear you at this end.

Delegate King: The Committe on Personal Rights and Natural Resources still doesn't have any committee report. We're still meeting and discussing all the proposals, so therefore, there's no committee's report at this time.

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

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

President H. Guerrero: Thank you, Chairman Manglona. Delegate Torres?

Delegate Torres: Thank you, Mr. President. I'd like to go back to the Committee on Local Government. I believe that we should announce that we have entertained.....

Floor Leader Lizama: Point of order, Mr. President. I believe that the Committee on Local Government has already made its report and I believe that the person to be making that report is the chairman of the committee. I think that Delegate Torres is out of order.

President H. Guerrero: I believe it might be preferrable, but there is nothing in the rules that prohibits other member of any specific committee, unless there is an understanding within that committee.

Delegate Villagomez: Why don't we hear him out?

Delegate Pangelinan: If that's the case, Mr. President, then we should clarify that because I thought that the purpose of forming a committee is that we elect a chairman to represent us on the committee here at the floor. And we might have some differences in the committee but the majority would agree on how the committe would proceed. And if we allow every committee to express their own opinion that should be expressed with the committee, I don't think we would progress further if we allow every delegate here to have an opportunity to express what they feel as a result of the committee's previous meeting.

President H. Guerrero: Thank you, Delegate Pangelinan.

Delegate DL. Guerrero: Point of Clarification.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Mr. President, I think it's only appropriate at times that if the chairman himself is not available or may be ilied to have the vice chairman report on the committee's report. It is appropriate and timely appropriate to report at this time from the committee. However, I observed that many times when it comes down to Committee Report, you know, individual delegates would stood up on the floor and started talking. I think this particular agenda of the Convention is strictly to accommodate any report from the respective substantive committees. Therefore, I hope that you yourself as President of the Convention, when you know that a delegate is not consistent with the order of the day, you just have to advise him, rather than pointing ourselves out of order.

President H. Guerrero: Thank you, Chairman Guerrero. You had your hand up earlier also, do you have any other business? Yes, Chairman Guerrero.

Chairman DL. Guerrero: Thank you, Mr. President. At this time, your Committee on Finance and Other Matters, of course, wishes to report to the Convention that as soon as the Typing Pool is ready with our report, it

should be distributed out to the Convention. Your Committee did review Resolution 1-35. Your Committee on Finance and Other Matters made some amendments to the resolution itself, and I hope that when the Committee's report as well as the resolution itself come up for today's business, I would like to ask the indulgence and full support of the delegates of this Convention. Until such time that the Committee's report is ready, Mr. President, I'd like to go down to the next order of business.

Delegate Nabors: No objection.

President M. Guerrero: Alright, we'll move on to the next order of business, Introduction of Proposals and Referrals. Delegate Torres?

Delegate Torres: Thank you, Mr. President. I have one proposal here to introduce this morning, authored by myself and several others, a "Proposal to add a new Section 5 to Article I of the Northern Mariana Constitution to prescribe deficit financing in the public sector throughout the Commonwealth of the Northern Mariana Islands." Thank you, Mr. President.

President M. Guerrero: Thank you, Delegate Torres. Delegate Manglona?

Delegate Manglona: I have one proposal here, Mr. President, introduced by myself and other delegates. It is a "Proposal to amend Article VI of the Constitution of the Northern Mariana Islands regarding local government." Thank you.

President M. Guerrero: Thank you, Delegate Manglona. Delegate Guerrero, you had your hand up? Any other proposals? Delegate Ogumoro?

Delegate Ogumoro: Yes, Mr. President, I have four proposals to introduce this morning. My first proposal is a "Proposal to establish an office of special assistant for the Governor for Women's Affairs." The second proposal is a "Proposal relative to establishing the Northern Marianas citizenship." My next proposal is "To promote private sector development in the Northern Marianas", and the last proposal, Mr. President, is "To establish the rights of crime victims."

President M. Guerrero: Thank you, Delegate Ogumoro. Delegate Mundo?

Delegate Mundo: Thank you, Mr. President. I have two proposals to submit this morning, introduced by myself and three other delegates. One, is "To delete Section 17(a) and (b) of Article III in its entirety and to amend Section 17(c) of Article III of the Northern Marianas Constitution relating to public services. And the other one is "To delete Section 6(a) and (b) of Article VI of the Northern Marianas Constitution relating to other agencies of local government in its entirety." Thank you, Mr. President.

President M. Guerrero: Thank you, Delegate Mundo. Any more proposals? Delegate Tomokane?

Delegate Tomokane: Thank you, Mr. President. I have a proposal here to introduce on behalf of myself and nine other delegates, "to amend Section 1 of Article X of the CNMI Constitution relating to the term 'public purpose.'"

President M. Guerrero: Any more proposals? Delegate Benorio?

Delegate Tenorio: Thank you, Mr. President. I have several proposals to present. One is "to amend Section 1(2) of Article II of the Northern Marianas Constitution." Next one is "to amend Section 5(g) of Article II." Next one is "to amend Section 2 of Article XIV." Next one is "to amend Section-3 of Article XI." And the last one is "to amend Section 2 of Article III of the Northern Marianas Constitution." Thank you.

President M. Guerrero: Thank you, Delegate Tenorio. Any more proposals?

Delegate Villagomez: Yes, Mr. President. I have a proposal to amend Section (e) of the Schedule on Transitional Matters.

President M. Guerrero: Thank you, Delegate Villagomez. Any more proposals? If none, in front you is the referral sheets for the proposals submitted yesterday starting with Proposal 72-85 all the way down to Proposal 115-85. Copies are being xeroxed right now so probably by the end of the session, it would be available to all the delegates.

(See attached Referral Sheet on Proposal Nos. 72-85 to 115-85.)

President M. Guerrero: There are also two resolutions that were referred. We don't have the attached sheet but they were referred to Finance and Other Matters. They are Resolution Nos. 2-85 and 3-85. We'll go to the next item and this is the Second and Final Reading of Proposals.

SECOND AND FINAL READING OF PROPOSALS

None

President M. Guerrero: Since there is none, we'll move on to the Introduction of Resolutions. Any resolutions to be introduced? If none, we'll go to the next order of business, Unfinished Business. Any unfinished business?

UNFINISHED BUSINESS

None

Floor Leader Lizama: There's none, Mr. President.

President M. Guerrero: There's none. There is none for Special Orders of the Day, and there is none for E, General Orders of the Day. We'll move on to Miscellaneous Business. Yes, Chairman Guerrero.

MISCELLANEOUS BUSINESS

Chairman DL. Guerrero: Mr. President, I understand, of course, that right now they are passing out the committee report from your Committee on Finance and Other Matters regarding Resolution 1-85, and it is only appropriate that I ask for the unanimous consent of the delegates that we go back to Item F of our agenda so we can adopt the committee report from the Committee on Finance and Other Matters. I so move.

Delegate Mabors seconded the motion.

President M. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, I have no objection provided we take five minutes recess.

Floor Leader Lizama: No objection, Mr. President.

Delegate Magofna: No objection, Mr. President.

President M. Guerrero: If there's no objection, we'll recess for five minutes.

The Convention recessed at 10:58 a.m.

RECESS

The Convention reconvened at 11:14 a.m.

President M. Guerrero: The Convention now reconvenes. There was a motion requesting for unanimous consent to suspend the Order of Business and go back to Committee Reports. If there is no objection, we're back to Item (F), Committee Reports. Chairman Guerrero?

COMMITTEE REPORTS

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters is ready to report to this Convention for consideration and final adoption Committee Recommendation No. 01 on Resolution 1-85. And at this time, I'd like to make a motion to adopt the Committee's report and Recommendation No. 01 from your Committee on Finance and Other Matters. I so move.

There was a second to the motion.

President M. Guerrero: It has been moved and seconded to approve Committee Report No. 01 submitted by the Committee on Finance and Other Matters. Discussions? Delegate King?

Delegate King: Thank you, Mr. President. Since I'm the original author of this resolution, I have no comments to object the amendments on this resolution for the best interest of the particular functions of individual persons and also the leadership of the Convention, and therefore I accept the amendment, Mr. President.

President M. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President, if there is no question on the Committee's report other than the concern made by the original author, of course, that after the adoption of the Committee's report itself, then I have to make another motion to move down to Item L of today's agenda, the General Orders of the Day, so that we can consider this resolution. And it may be appropriate at that time that the concern raised by Delegate King can be incorporated at that particular time. Thank you.

President M. Guerrero: Thank you, Chairman Guerrero. Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. It was a tremendous experience to work with distinguished delegates and former Chairmen

Manglona and Mundo from Rota and Tinian. I never met these two gentlemen before in my life, or I never worked together with them, however we were able to function by respecting each other and by the Chairman delegating authority to one another.

Delegate Manglona: Mr. President, I'm not the Chairman of the Tinian Delegation.

Delegate Mafnas: Did I say Manglona? I take it back--Chairman Mendiola. The resolution has a noble intention. I think it's appropriate that this Convention -- and I am very glad that the Committee on Finance and Other Matters was able to recognize the unselfish and untiring assistance of our employees in the Executive and Legislative Branches. I hope that Delegate -- I'm glad to hear that Delegate King does not object to include or to recognize the staff of the Legislature and the Executive Branch. Thank you.

President M. Guerrero: Thank you, Delegate Mafnas. Delegate Guerrero?

Delegate DL. Guerrero: Mr. President, if there's no further question from the delegates, I would like to move to end debate.

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

Chairman DL. Guerrero: Mr. President, now I'd like to ask the indulgence and the unanimous consent of the delegates to adopt or vote on the Committee's report.

The motion to adopt Committee Recommendation No. 91, submitted by the Committee on Finance and Other Matters, was carried by voice vote.

Chairman DL. Guerrero: Mr. President, at this time it's only appropriate that I ask again the unanimous consent of the delegates to go down to Item L of our agenda so we can consider Resolution 1-85 on today's business, Mr. President. I so move.

There was a second to the motion.

President M. Guerrero: If there's no objection, we'll move down to Item L, General Orders of the Day. We're now on General Orders of the Day. Chairman Guerrero?

GENERAL ORDERS OF THE DAY

Chairman DL. Guerrero: Mr. President, again, your Committee on Finance and other matters would like to ask for the unanimous consent of the delegates of this Convention and at least, for the record, this Convention will unanimously be endorsing Resolution 1-85. And therefore, I'd like to move for discussions on this resolution, Mr. President.

Delegate Igitol seconded the motion.

President M. Guerrero: Chairman Guerrero, do you want to move to adopt this first before we go into discussions?

Chairman DL. Guerrero: Yes. Precisely, Mr. President.

Delegate Nabors seconded to the motion.

President H. Guerrero: It has been moved and seconded.

Delegate Mafnas: Point of information, Mr. President.

President H. Guerrero: Yes, state your point.

Delegate Mafnas: Didn't we just adopt the report?

President H. Guerrero: Yes, we did.

Delegate Mafnas: But not the resolution?

President H. Guerrero: Not the resolution. Chairman Guerrero?

Chairman DL. Guerrero: Yes, clarification, Mr. President; that is correct. The Convention has just passed or adopted the Committee's report and that's why I asked for your unanimous consent so we could go down to Item L of today's agenda so we could consider Resolution 1-35.

President H. Guerrero: It has been moved and seconded to adopt Resolution 1-35, entitled: "Extending appreciation to the Pre-Convention Committee members, the staff of the Pre-Convention, Executive and Legislative Branches." Discussions? Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, I'd like to ask the Convention Secretary to read the content of the resolution, please.

President H. Guerrero: Secretary Nabors, please read the resolution.

(At this point, Secretary Nabors read Resolution 1-35, Committee Draft 1, in its entirety.)

President H. Guerrero: Thank you, Secretary Nabors. Discussions? Delegate King?

Delegate King: Thank you, Mr. President. Just to respond to Delegate Mafnas, I have no objection to include the other staff and also the Executive Branch and the Legislature in the resolution. So if it's the wisdom of this Convention, I have no objection.

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

Floor Leader Lizama: Mr. President, can somebody explain to me what is assiduous means?

President H. Guerrero: Delegate Naipat?

Delegate Naipat: The word "assiduous" to be defined for Delegate Lizama, it's simply means a constant, careful attention of the staff and other people that prepare it. It's a constant, careful attention.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Thank you, Delegate Naipat, for your assistance.

Delegate Maipat: Thank you, Mr. President. The last "Whereas" on the second page of the resolution stated in part that, "Whereas, without the assistance of the three delegation chairmen, the staff of the Pre-Convention, the Executive and Legislative Branches, the ceremonies of the Second Northern Mariana Islands Constitution", so and so. Was it we thanked the people because of the good ceremony, or because of the good setup on the part of the Convention? Are we more concentrating on the ceremony, the first part of the Convention, or this Convention becomes possible because of their work?

President M. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Yes, Mr. President, I believe it's both. We consider that without the diligent hardworks of the staff and the Convention Chairmen, the ceremony may not be a successful one as we expect.

President M. Guerrero: Secretary Nabors?

Secretary Nabors: Motion to end debate.

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

President M. Guerrero: Now we will vote on the resolution.

The motion to adopt Resolution No. 1-85 was carried by voice vote.

President M. Guerrero: Resolution No. 1-85 is unanimously adopted by the Second Northern Marianas Constitutional Convention. We'll go now to Miscellaneous Business. Any miscellaneous business? Chairman Guerrero?

MISCELLANEOUS BUSINESS

Chairman DL. Guerrero: Thank you, Mr. President. There are some concerns that I have to raise. I suppose we have discussed about the letterhead whether this Convention is going to have its own letterhead or stationery. I think it is highly important that the Second Constitutional Convention should have its own letterhead or stationery to be used by each chairman of the committee and its members as well as the format that we have discussed yesterday, Mr. President. I gave you two different format that were used during the First Constitutional Convention. I hope that the format I passed it on to you would be helpful to each of the respective substantive committees. And if there's no objection from the committees, I'd like to have that format be adopted for this Convention, Mr. President.

President M. Guerrero: The formats that Chairman Guerrero indicated are these two formats. Have copies of these been made available to the delegates?

Delegate Manglona: Can we see a copy of that, Mr. President? Can that be furnished?

Delegate DL. Guerrero: Mr. President, I think it is only appropriate -- of course, I just mentioned that because we have discussed about it as to what kind of format we are going to use. So I think it is only appropri-

ate that at the later time of the day, you can pass that out immediately as soon as copies are available. I'm just pointing it out for the convenience of this Convention.

Delegate Manglona: Mr. President, I'd like to bring up another matter which I believe Vice Chairman Torres mentioned regarding the scheduling of public hearings, off-island trips, or committee functions. In order that there will be no conflict among the different committee activities, I would like maybe to recommend some kind of a big bulletin wherein you can write down the activities of the following week so that we can arrange our schedules efficiently. Thank you.

President N. Guerrero: Just for your point of information, Chairman Manglona, we did indicate it yesterday in the Committee on Organizations and Procedures that all public hearings, at least, will be coordinated by that committee so there wouldn't be any conflict of scheduled hearings. And I assume and I believe also that that's the most appropriate vehicle in terms of that committee to organize the public hearings.

Chairman Manglona: But what I'm thinking more is along the line of a committee having a speaker or something at a certain hour. I would not like to arrange for a committee to meet if another committee has a speaker in that committee, one of my members probably has a concern in the other committee. You know, small things like these can interrupt the committee's activities. Thank you.

Chairman King: Thank you, Mr. President. With regards to the format of the Convention or the letterhead, I thought we assigned the Legal Counsel, Ron Nosack, to get the format of the First Constitutional Convention for committee's report and I thought that we unanimously agreed to take that format to be used for this Second Constitutional Convention.

President N. Guerrero: You are correct in your statement, Chairman King. That was discussed in the Committee of Organizations and Procedures yesterday to use the format of reporting out committee reports that it's used by the First Constitutional Convention. Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. Further reference to the issue of public hearings, I would like to suggest that the Committee on Organizations meet immediately following the session today, either this morning or afternoon, and get on with the scheduling because I understand one committee has 21 public hearings scheduled or desires to hold 21 separate public hearings. That's only one committee. And with the time limits allowed, I believe we ought to find out what committees intend public hearings and schedule them immediately. The other thing, Mr. President, in that connection, I would like to suggest that perhaps it would be wise if we were to get a sheet of plywood and post it on a conspicuous place so that committee hearings or schedules and our schedules can be updated so that all delegates will know what's going on, when and where. Thank you, Mr. President.

President N. Guerrero: Thank you, Secretary Nabors. Your recommendation is noted and we'll do something about it. We are going to have a very heavy workload when the Convention starts formal considerations of committee reports, proposals, recommendations, etc., so I would like to ask that all committee chairmen to advise whenever they have a committee report or anything they would like to put on the agenda. Pursuant to Rule 23, the

Committee on Organizations and Procedures will be able to fix the agenda for each day in such a way that we can conduct business in an orderly manner and consider related issues at the same time. Other necessary business that's not in the agenda for the particular day can be brought before the Convention by motion from the floor. For the information of the delegates, the Committee on Organizations and Procedures took the matter up on legal assistance and the Attorney General indicated that they will be available to the committees but they would like to be informed at least a day advance so that they can be prepared in terms of answering questions for the committee that they are going to discuss on that particular day. So I suggest, probably in the future, that would be a good approach. As far as the letterhead, I think it was brought up by some of the delegates that we will handle that by Monday. I did assign and I was told that it was supposed to have been finished yesterday. The Department of Education was printing it but unfortunately it wasn't ready as of yesterday afternoon. Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. May I request that the microphones be adjusted so that it can help us? I have four observations that I would like to make at this time and I will try to be as brief as possible. No. 1, in our committee consideration of some matters, we have found that some matters pertaining to one subject matter of the Constitution have been referred to different committees. For example, in considering the composition of the Marianas Public Land Corporation, some proposals pertaining to MPLC have been referred to our committee and some proposals have been referred to other committees. This may create a conflict. One committee may make a determination that conflicts with the determination of another committee regarding the same subject matter. I would like to recommend to the leadership of this Convention that you don't refer different proposals, wherein one subject matter, to different committees so we don't end up having separate recommendations regarding the same subject matter. And with respect to Marianas Public Land Corporation, I think falls under Natural Resources because it involves public land, that all MPLC matters be referred to the Committee on Personal Rights and Natural Resources. My second observation is, many of the proposals that have been submitted to us relate to legislative matters, legislative questions, and my observation has been that many of these proposals are given to us not because the people do not recognize that these are legislative matters but the Legislature has not done its work to work on these legislative matters and so now they are coming to us. One example is a request by the citizens that we put in the Constitution the salaries of the employees of the Commonwealth. That's obviously not a legislative, I mean, a constitutional question. That should be referred to the Legislature. I'd recommend to the committees that they have to recognize those areas that are not constitutional matters and delineate them as soon as possible so we do not waste time on those matters. It's unfortunate that the Legislature because it has not done many of its work now these matters are referred to us. The third observation I'd like to make is, in reviewing some of the proposals, some of them intend to add or clarify some of the existing constitutional provisions and then when we review the Analysis of the Constitution that was drafted in the last Con-Con, they provide those explanations or provisions to clarify the general terms in the Constitution. I strongly recommend to the committees to review the Analysis to see whether those recommendations are already in the Analysis. The reason for the Analysis is that we cannot form a Constitution that is very thick and very specific so we make the Analysis in order to explain some of the things and add meanings to the general

terms in the Constitution. If we are to now take the proposals that specifically define or explain the general present constitutional provisions which is a very thick Constitution, that is already in the Analysis. The fourth observation I'd like to make is with respect to public hearings. In the last Constitutional Convention, we tried to have the committees work as much as possible and have their input and then we set aside a particular week for all of the committees to go out and try to hold all public hearings on all the proposals that they have before them. By that time, they have eliminated all those proposals that shouldn't be taken into consideration and identified the ones that need public hearings. And then at that time there wouldn't be any conflict because everybody will be out having public hearings. If, for example, the Committee on Local Government goes to Rota next week, we cannot hold a Convention because under our Rules there cannot be a public hearing going on when the Convention is going on, and it would certainly disrupt the Convention in general. So since I'm not a member of the leadership, I'd like to propose to the leadership that we set aside a particular week, perhaps the third week of the Convention for all the committees to go out and conduct public hearings instead of having some people sitting here waiting for one committee to finish its public hearing and then we continue with the Convention. That way everybody will be out having public hearings and the Convention will recess for the whole week, and it will be organized from here on ... get the public input and then we all come back and do our work as part of the Convention. That is all the observations I'd like to make at this time. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez, and the Chair notes your comments and recommendations. Chairman Guerrero?

Chairman DL. Guerrero: This is a point of information, Mr. President, in line with what Delegate Villagomez has stated. During the First Constitutional Convention, what we did, of course, was we came up with a plan from the Presiding Officer in consultation with the leadership, of course, that this is the plan to be used for the Convention and then we went on that basis. What the committee normally did during the Convention's deliberations was that the committee itself came up with a committee's recommendation to the Convention to be considered as first reading and allowed for a Committee of the Whole discussion. Then after the first Committee of the Whole discussion, we took the input from each individual, or the committee itself took the input from the individual delegates. And we went back again to the committee and then from thereon, public hearings were scheduled. And your Committee, of course, on Finance and Other Matters is in line with that plan provided, of course, that it is approved by the Organizational Committee of this Convention. But I think it's only appropriate that the Presiding Officer should come with plans ahead of time, and I agree that we have to reserve at least probably good 10 days for strictly public hearings among the committees. That's all I have, Mr. President.

President H. Guerrero: Thank you, Chairman Guerrero, and your comment is noted. Delegate Pangelinan?

Delegate Pangelinan: Yes, I'd just like to know whether the delegates from Tinian or Rota are going on their own expense if they chose to do so. I'm confused about the public hearings being conducted by themselves alone because then we're dealing with insular thinking. This is a Convention of the whole body and, you know, we would like to know what's also the Rota's position.

Delegate Mabors: Point of information.

President N. Guerrero: State your point, Secretary Mabors.

Delegate Mabors: For the information of the delegates, this is a Committee on Local Government that proposes a trip not Rota or Tinian Delegations.

President N. Guerrero: The point is well taken.

Delegate Pangelinan: Composed of....

Delegate Mabors: Two delegates from Saipan, one from Rota, and one from Tinian.

Delegate Pangelinan: Thank you.

Delegate Mabors: And not at the Committee's own expense.

Delegate King: Thank you, Mr. President. I believe that all public hearings have to be scheduled first before any delegates can leave the island or call a recess of the Convention. So I suggest that if possible, if there's no objection, that all public hearings schedule should be placed in the Order of Business so that we can know all of these public hearings that are scheduled and it may be also for the convenience of the public. Thank you.

President N. Guerrero: Thank you, Chairman King. Floor Leader Lizama?

Floor Leader Lizama: Thank you, Mr. President. I believe the concern that Delegate Villagomez has mentioned, I think, is referring to the proposal that was submitted regarding the Marianas Public Land Corporation and the other proposal that was submitted regarding MPLC, I think, from three or four Tinian delegates. And one proposal that was submitted by myself. The number of the proposal from the Tinian Delegation is 3-85 and the one proposal submitted by me is 56. I tend to agree with Delegate Villagomez's recommendation that proposals with the same subject matter should be assign to one committee, however, Proposal No. 56-85 was assigned to Committee on Personal Rights and Natural Resources and Proposal No. 3-85 was assigned to the Governmental Institutions Committee. I can see why the President assigned Proposal 3-85 to the Committee on Governmental Institution because the proposal itself is recommending to abolish the Marianas Public Land Corporation and to establish in the Executive Branch the same department to deal with matters relating to this public land corporations function. Now Proposal No. 56 is a proposal simply intended to redesign the existing Marianas Public Land Corporation. So I would like the Chair to take a decision one way or the other on the two proposals that were submitted to Governmental Institutions whether they should be referred to Natural Resources Committee. My personal feeling is that this proposal.... I would like to recommend that Proposal No. 3-85 be reassigned to Personal Rights and Natural Resources Committee.

President N. Guerrero: I suggest that, you know, this thing can be handled efficiently more outside of the Convention time so we can move on to more pressing business. Delegate Taipot?

Delegate Kaipat: Thank you Mr. President. The four points of interest brought up by Delegate Villagomez this morning as part of his observations so far, only three or four days of the Convention. I think these are very important observations. However, these could be remedied within minutes. First part, the problem of certain proposals referred to two or three different committees at the same time, the remedy for this, Mr. President, is, whoever is assigning such proposals, if this is the President of this body, then they should know that they should be able to classify the four different committees and their specific functions. Two, and I agree with Delegate Villagomez about overlapping of reports and also delayness. The second, legislative matters not -- this is unconstitutional. I mean, as he mentioned that this is supposed to be done by Legislature. This could be remedied within minutes through a combination of committee chairmen identifying such thing with the help of the Attorney General's Office. And as far as some delegates, as he mentioned earlier that some delegates in their proposal tried to clarify or try to give explanation on their part, and this is probably not the way to write a proposal anyway. You don't put down the explanation like you do in analysis. Now the fourth one is the public hearing. I think public hearing for all of us delegates in this house is very important. This is part of our research, and you cannot come out with a sound proposal without a research. Thank you, Mr. President.

President H. Guerrero: Delegate Inos?

Delegate Inos: Thank you, Mr. President. I have to disagree with Delegate Kaipat on the second recommendation. I think that we have to decide what is or what should be constitutional for us and not to let the AG decide for us which is constitutional and which are legislative matters. We are unique and I hope that this committee as a whole or the delegates will think and agree with me that I think that we should be the ones deciding what should be our constitutional rights. Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I am scared; 21 public hearings in one committee, we have four committees. How many committee reports that will be presented? When the reports are presented, there will be heated arguments, perhaps we will spend, each of the delegates must and would like to speak on each report. Time is definitely against us. With all due respect to those members who still maintain that the Attorney General's review in determining a proposal whether it's legislative or constitutional matters, I think we should do away with this. I think we are capable enough, Mr. President, to make that determination ourselves. The attorney's time is very, very valuable to us. I would prefer to see them making research on legal matters, whether such proposals are unconstitutional or constitutional. I don't want them to tell me that these are legislative matters because I can do that, and I have confidence that everyone of us can do that and we have done that in our committee. The Section by Section Analysis of the Constitution provides the intent, the discussions when the framers of our Constitution put our Constitution together. I think that document is very valuable and it would help us to expedite the amendments or proposals during this Convention. If we have not reviewed that document then I will strongly urge the delegates to do it because debates would be based mostly on the review of the Analysis. Many of the proposals perhaps will not be proposed if that document is reviewed. I think the concerns of Delegate Villagomez are

significant and I will ask the leadership of this Convention to keep us moving not tomorrow but right now by moving to the next agenda.

President M. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: I would like to strongly recommend to the Chair that the subject matter with respect to having a legal counsel for this Convention be addressed in your meeting that will be called immediately after the session. I would like to know at this point if that question has not been addressed yet and try to address this. If we feel that we are short of money to get a legal counsel for the convention, then I think it is timely that we introduce a resolution in the next couple of days asking the Legislature to amend Public Law 4-30 to increase the appropriation or set aside some money for this Convention in order to hire a legal counsel for this Convention. That is if the majority or this Convention does want to have legal counsel.

Delegate Mafnas: Point of information, Mr. President.

President M. Guerrero: State your point, Delegate Mafnas?

Delegate Mafnas: It is Public Law 4-22. That's the law that appropriated the funds for the Convention.

President M. Guerrero: Thank you.

Delegate Ogumoro: Thank you, for correcting me, Delegate Mafnas. But my concern, Mr. President is that we address that problem or concern that has been raised immediately.

President M. Guerrero: Thank you, Delegate Ogumoro, your concern will be taken up by the Committee on Organizations and Procedures. Floor leader Lizama?

Floor leader Lizama: Mr. President, we have just received the Second Day's Journal. If there is no objection, I would like to move that we suspend the Order of Business and move up to Item D of the Order of the Day so we can adopt the Second Day's Journal.

President M. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: I would like to second that motion.

Delegate DL. Guerrero: Objection, Mr. President.

President M. Guerrero: There's an objection on the floor. Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, we are talikng about journal, I'm sorry, I have not be accorded a copy yet so can the Floor leader please be patience until we get our copies?

President M. Guerrero: Delegate Tomokane?

Delegate Tomokane: Thank you, Mr. President. May I move to recess for at least 10 minutes before we adopt the journal because, you know, it's quite voluminous?

President M. Guerrero: If there's no objection, we'll recess for 10 minutes.

There being no objection on the floor, the Convention recessed at 12:01 p.m.

RECESS

The Convention reconvened at 12:00 p.m.

President M. Guerrero: The session is now reconvened. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I just notice that the journal of the second day is very thick and I think the delegates should be given the opportunity to digest the journal. So I would like to withdraw my motion to have the journal adopted by this session and I would like to suggest that we will take up the adoption of this journal on Monday and not right now.

President M. Guerrero: The motion to adopt the journal has been withdrawn. Any objection?

Delegate DL. Guerrero: No objection, Mr. President.

Delegate Mafnas: Mr. President, I yield to the senior delegate.

Delegate Villagomez: Mr. President, I yield to Delegate Mafnas.

President M. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I support the withdrawal of the motion to adopt the journal. I was going over this and I'm confused whether Delegate Lorenzo Guerrero is Delegate Lorenzo DeLeon Guerrero, or Lorenzo Guerrero. I think it's appropriate that they go over this journal and make the necessary corrections and address us accordingly please.

President M. Guerrero: Thank you, Delegate Mafnas. Delegate Guerrero.

Chairman DL. Guerrero: Thank you, Mr. President. My other concern is, it is highly important that I hope that when we meet on Monday, it's not only the second day's Journal to be adopted. I hope that the third day's Journal as well as the fourth, if possible, be adopted on that particular day, otherwise we are delaying in adopting our journal on everyday's session.

President M. Guerrero: I'm sure that the Journal Clerk will do her best to finish all the journals for the third as well as the fourth day. Delegate Igitol?

Delegate Igitol: Mr. President, I sympathize the Clerk because she has a lot of things to transcribe on the machine. If only the Convention can exercise and take up Article VIXIII, at times where they have to resolve

into a Committee of the Whole where the Clerk doesn't have to record verbatim that is not necessary. As I look to this journal, most or some of these statements are not supposed to be recorded. And I strongly suggest to the leadership that they exercise Article XXXII when we call for a dissolve into the Committee as a Whole. Thank you, Mr. President.

President M. Guerrero: Thank you, Delegate Igitol, and your concern is noted by the Chair. Any more miscellaneous business? Floor leader Lizama?

Delegate Villagomez: Mr. President?

President M. Guerrero: Delegate Villagomez?

Delegate Villagomez: I move that we adjourn until 5:00 o'clock tomorrow morning.

There were several objections on the floor.

President M. Guerrero: Out of order, we are not finished yet.

Delegate Villagomez: Thank you.

President M. Guerrero: If there is no further miscellaneous business, we are going to go on to item V, Announcements. Chairman Guerrero?

ANNOUNCEMENTS

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters wishes to announce that the Committee is going to meet at 2:30 this afternoon please.

President M. Guerrero: Thank you, Chairman Guerrero. Chairman Manglona?

Delegate Manglona: Mr. President, I would like to announce what I think is a committee report. The Committee on Local Government met yesterday afternoon and decided that it would take an investigation trip to Rota on Saturday and to Tinian on Sunday if the funds and the Convention meetings permit. We went over two proposals yesterday afternoon, proposals 2-85 and 4-85 and we found out that after lengthy discusssions a serious problem exist in the authority of the Mayor on the delivery of services and one of the proposal also brought up about the establishment of a municipal council. And having gone through discussions over these, we found that a visit to the islands is necessary. At the same time around Tuesday or Wednesday of next week, we will be meeting with the Governor and the Mayor and other leaders of the islands to discuss the same thing that we'll be discussing in Rota. This is not a public hearing. It would just basically be a meeting with the leaders of the different islands. Also I would like to announce that we have a question posted to the legal counsel, I believe it was the first question and it is with regards to the requirement when individual to hold office as a Mayor provided that he is of Northern Marianas descent. So we are still awaiting the response to that. I think that's all, Mr. President. Thank you.

President M. Guerrero: Thank you, Chairman Manglona. Chairman Ting?

Chairman King: Thank you Mr. President. Before I make the announcement to my committee, first, I would like to ask the Chair whether all the proposals listed on the sheets that were just passed out earlier been duplicated and passed out to the committee chairmen. If not, I would like to ask the Chair to expedite that so we can have the committee meetings because we cannot meet if we don't have the proposals. In addition to that, if the proposals are ready then I would like to invite the two delegates, Dr. Naipat and Mr. Bill Nabors, to participate in our meeting concerning their proposals, the... I forgot, mainly what's the proposal of Dr. Naipat but for Bill Nabors, it's Proposal No. 3-85. And another thing, just for the information here of the delegates, we plan to also conduct public hearings on the proposed amendments for abortion, nuclear waste material, and prostitution. So we'll come up with the exact date for public hearing. Thank you, Mr. President.

Floor Leader Lizama: I'll yield to Delegate Manglona first, Mr. President.

Chairman Manglona: Mr. President, I forgot. I would like to announce that the Committee on Local Government -- I would like to tell the members that we will be meeting for a few minutes right after this meeting, maybe only one minute. Thank you.

Floor Leader Lizama: Mr. President, I would like the members of the Committee on Governmental Institutions to meet right after the adjournment. And if there're no further announcements, Mr. President, I move that we adjourn now and to resume our business on Monday at nine o'clock so that tomorrow, Sunday, we will make that available for the committees to do their work.

Delegate Ogumoro seconded the motion.

President N. Guerrero: It has been moved and seconded that we adjourn or recess until Monday so that the committees will have time to go over the proposals tomorrow. Discussions? Chairman Guerrero?

Chairman Guerrero: Mr. President, I would like to ask the Floor Leader, of course, that for the interest of all the delegates, I just want to make sure that we are consistent with the statutes as the statute calls for the Convention to meet and shall continue in session for not more than 30 days. I just want some clarifications. Just make sure that we are not contradicting the statutory of this Convention. I would like to at least or maybe the Floor Leader has to incorporate in his motion for the record that the Plenary Session would reconvene on Monday but the committees should continue to do their homeworks or do their works for the purpose that tomorrow is Sunday, Mr. President. I think it's important that we have to make sure that we are not contradicting the statutory.

President N. Guerrero: That's a good point, Chairman Guerrero. Floor Leader Lizama?

Floor Leader Lizama: I believe, Mr. President, that the motion I made is a motion to adjourn until Monday. It's undebatable motion and I think we should vote on that motion. But before we take a vote, I just would like to mention that I don't think that the law requires us to meet continuously or the law requires us to continue in session for 30 days. The law doesn't require continuous....

President N. Guerrero: Delegate Pangelinan?

Delegate Pangelinan: My interpretation of the law, and I am not a lawyer and maybe the Legal Counsel will be listening to my interpretation, is that the law allows, gives us 30 days to finish our job. It doesn't mean that we have to work that 30 days as long as we accomplish our job within that 30 days.

President N. Guerrero: Delegate Villagomez?

Delegate Villagomez: Mr. President, even if the motion is not debatable, we need to know whether we are doing things correctly. The language of the statute, and I quote Section 11 of Public Law 4-30, The 1985 Constitutional Convention to propose amendments to the CNMI Constitution shall convene on Saipan and "shall continue in session for not more than 30 calendar days." I repeat, "shall continue in session for not more than 30 calendar days." My interpretation of that is we are supposed to meet everyday for 30 calendar days -- everyday.

President N. Guerrero: Can I get the legal counsel from the AG to give his own opinion? Can you come to the mike please?

Attorney General Kosack: I believe our interpretation of that particular is that session itself last for 30 days that the committee, or not the committee but the delegates do not have to meet in session on each and everyday of those 30 days.

President N. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, according to the interpretation of the Attorney General, I will take back my motion that we will recess until Monday at nine o'clock in the morning.

Delegate Nabors seconded the motion.

Delegate Mafnas: Mr. President?

President N. Guerrero: Delegate Mafnas, is that a point of order?

Delegate Mafnas: No, not a point of order. I raised up my hand and the Floor Leader just went ahead and moved. I have a question on Public Law 4-30. May I ask my chairman to withdraw his motion so he won't point me out of order please?

Floor Leader Lizama: Mr. President, I will withdraw my motion to allow Delegate Mafnas to make his statement.

President N. Guerrero: Delegate Mafnas?

Delegate Mafnas: I am not a lawyer but I tend to agree with Delegate Villagomez on his interpretation of the law--shall continue in session and this is what constitutes the session not meetings. Mr. President, I would like to point something, point out to our delegates who are enjoying or not enjoying the $75.00 a day, Section 10 of Public Law 4-30. That $75.00 a day is payable if we work. Thank you. I hope they will work tomorrow.

President N. Guerrero: Delegate Pangelinan?

Delegate Pangelinan: I just like to say that I got my interpretation from the 1976 Constitutional Journal which was interpreted by the Legal Counsel and was not objected.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: If we would like to be very technical about it, the phrase "it shall continue in session" and if we are going to take that literally it could also mean that we are not going to stop meeting, you know. But I tend to agree with the interpretation that has been rendered by the Attorney General that we don't have to meet every day for 30 days.

Delegate King: I believe, Mr. President, that if we don't agree with the interpretation of the Attorney General or the Assistant of the Attorney General, then I think we should not recess today and continue having the Convention until we complete the 30 days. Mr. President, I believe that we have the prerogative to recess and do other works like the assignments. So if that is the definition of the other two delegates from Saipan that we have to sit here for 30 days continuously, then let's do so.

Delegate Mafnas: Privilege.

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

Delegate Mafnas: I sympathize Delegate King, he is not reading between the lines. Thank you.

Delegate Ogumoro: Mr. President, if there are no proposals to be considered, I don't see any reason why we should sit in here. The committees are waiting to start working and I think my committee is ready to meet again on the proposals referred to us, so let's get to work.

Floor Leader Lizama: I move for the previous question.

The motion was seconded and carried by voice vote.

The motion for the Convention to stand recessed until Monday was carried by voice vote.

The Convention recessed at 12:28 p.m. and to reconvene on Monday, June 24, 1985, at 9:00 a.m.

Respectfully submitted,

Delegate William B. Nabors
Convention Secretary

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

SIXTH DAY

Sunday, June 23, 1985

There was no Plenary Session this date, however, there were committee meetings.

Respectfully submitted,

Delegate William B. Nabors
Convention Secretary

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

SEVENTH DAY

Monday, June 24, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:30 a.m., Monday, June 24, 1985, in the Convention Center - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

The Convention Secretary called the roll, and 23 delegates were present. Delegate R. Villagomez was absent.

Secretary Nabors: Mr. President, a quorum is present.

President H. Guerrero: There is a quorum. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move that we excuse Delegate Villagomez.

Delegate DL. Guerrero seconded the motion.

Delegate Nabors: No objection.

Delegate DL. Guerrero: Mr. President, I think the Floor Leader just wants to show that the Convention Delegates excuse Delegate Villagomez at least for the time being during the roll call.

President H. Guerrero: Yes, Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the Second Day's Journal, the Journal that was passed out last Friday.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Second Day's Journal of the Second Northern Marianas Constitution. Discussions? Delegate Mafnas?

Delegate Mafnas: Mr. President, if there is no objection from the delegates, I respectfully ask that my statement on page 17 I guess, or 37, the last sentence be stricken out from the Journal.

Delegate DL. Guerrero: No objection.

Delegate Mendiola: No objection.

President H. Guerrero: If there is no objection, then Delegate Mafnas' statement on page 37, the last sentence shall be deleted from the Journal. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I don't see anything wrong with the statement. I think it is only proper that it should be included. I think the leadership with the President will certainly show that as we continue in this Convention that perhaps....

Delegate Mafnas: Mr. President?

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I must admit to the Convention and to you, Mr. President, that I made that statement prematurely, so I ask that it will be stricken out.

Delegate Mabors: No objection.

President H. Guerrero: There is no objection, it shall be stricken out from the Journal. Any more discussions?

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

President H. Guerrero: The Second Day's Journal is adopted. There's no communication, we'll move on to Committee Reports.

COMMUNICATIONS

None

COMMITTEE REPORTS

President H. Guerrero: Any committee reports?

Floor Leader Lizama: Mr. President, the Committee on Governmental Institution has nothing to report at this time, however, I would like the Convention to know that the Committee on Governmental Institution will begin hopefully to hold public hearings by Thursday afternoon. Some of the proposals that have been referred to the Committee on Governmental Institution, hopefully also, we would like to have them disposed or acted upon prior to Thursday so the Convention will certainly be receiving committee reports no later than Wednesday of this week.

President H. Guerrero: Thank you, Chairman Lizama. Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has nothing to report today. Thank you.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters is happy to report to you that the committee met on Saturday and Sunday and we have deliberated on some of the delegates' proposals that were being referred to your committee as well also as we

were accorded the opportunity to call in a delegate who introduced that particular proposal. Eventually of course, the committee will come back with a written committee report and that has to be done during this week, Mr. President.

(At this point, Delegate Villagomez took his seat.)

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

Chairman King: Thank you, Mr. President. Your Committee on Personal Rights and Natural Resources has nothing to report at this time, however, just for your information purposes, the Committee on Personal Rights and Natural Resources has reviewed forty proposals already and we will come up with a written report as soon as we put them in a final form.

President H. Guerrero: Thank you, Chairman King. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I would like the delegates to recognize that Delegate Villagomez is here already.

President H. Guerrero: Thank you. If there is no further committee reports, we will go to the Introduction of Proposals and Referrals. Any proposals to be introduced? Delegate Torres?

INTRODUCTION OF PROPOSALS AND REFERRALS

Delegate Torres: Thank you, Mr. President. I have three proposals to introduce this morning, authored by myself and several others. The first one is "A Proposal to amend all sections of the Constitutions of the Northern Mariana Islands to prohibit any person convicted of a felony without full pardon in the Commonwealth or elsewhere from being elected or appointed to any public office, autonomous or semi-autonomous entities inclusive, throughout the Commonwealth." The second proposal is "A Proposal to minimize corruption in the Marianas Public Land Trust by amending Section 6(a) and 6(f) of Article XI of the Northern Marianas Constitution." The third proposal is "A Proposal to add a new Section 7 to Article XI of the Northern Marianas Constitution to proscribe inter-island land exchange of public lands." Thank you, Mr. President.

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

Delegate Limes: I have a few proposals here, Mr. President, "A proposal to amend Article III, Section 2."; "A proposal to amend Article IV, Section 5."; "A Proposal to amend Article VI, Section 5."; and "A proposal to amend Article III, Section 17(c)."

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

Delegate Mendiola: Thank you, Mr. President. I got one proposal to introduce this morning, introduced by myself and three others, "to amend the Constitution of the Commonwealth of the Northern Mariana Islands regarding eligibility of residency."

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

Delegate Kaipat: Thank you, Mr. President. I have this morning with me five proposals to submit to the President. The first is "A Proposal to

amend Section 3 of Article III of the Constitution of the Northern Mariana Islands relevant to temporary absence or disability of the Governor." The second is "A Proposal to repeal Section 13 of Article III of the Constitution of the Commonwealth of the Northern Mariana Islands relevant to the Executive Assistant for Carolinian Affairs and to reinstate with the following amendments." Third is "A Proposal to repeal Section 7 of Article III of the Constitution of the Northern Mariana Islands relevant to succession of the governorship." Next is "A Proposal to amend Sections 2 and 3 of Article 4 of the Constitution of the Northern Mariana Islands relevant to the term of office and qualification of Representative in the United States." Next and the last is "A New Proposal to amend the following to the Constitution of the Commonwealth of the Northern Mariana Islands the enumeration in the Constitution of certain rights shall not be construed, denied or discouraged other retain by the people." That is all, Mr. President.

President M. Guerrero: Thank you, Delegate Taipat. Any more proposals? Flor Leader Lizama?

Floor Leader Lizama Mr. President, I would like to offer four proposals. The first one is a proposal regarding "Article XI, Section 5." The second one is a proposal regarding "Article XI, Section 5." The third is in regards to "Article IV, Section 2." And the fourth one is in regards to "Article VII, Section 1."

President M. Guerrero: Thank you, Floor Leader Lizama. Any more proposals? Delegate Tomakane?

Delegate Tomokane: Thank you, Mr. President. I have a proposal here which is introduced by myself and nine other delegates, "To amend the phraseology of the Preamble of the Northern Marianas Constitution." Thank you.

President M. Guerrero: Thank you, Delegate Tomokane. Delegate Villanueva?

Delegate Villanueva: Mr. President, I have a proposal here to add to Article I. The title is "To prohibit abortion in the Commonwealth of the Northern Mariana Islands."

President M. Guerrero: Thank you, Delegate Villanueva. Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I have several proposals here to offer: (1) "To amend Section 5 of Article IV of the Northern Marianas Constitution relating to appointment and qualifications of judges." (2) "To add a new Section 7 to Article XVIII of the Northern Marianas Constitution relating to conflicting amendments and revisions." The next is "To amend Section 17(a) of Article III; to delete Section 17(b) and (c) of Article III of the Northern Marianas Constitution in their entirety relating to public services." The last is "To delete Article VI of the Northern Marianas Constitution in its entirety pertaining to the Offices of the Mayors."

President M. Guerrero: Thank you, Delegate Mafnas. Any more proposals? Secretary Mabors?

Secretary Mabors: Thank you, Mr. President. I have a proposal "to amend the Constitution to provide for Chamorro/Carolinian Education Program." I have a proposal "to amend the Constitution relating to eminent domain proceedings." The third proposal would be "to amend the Constitution to prohibit the selling of homesteads." The next proposal would "amend the Constitution concerning the Marianas Public Land Corporation." The next proposal would "amend the Constitution relating to the Governor's emergency powers." Next is "A Proposal that would provide civil immunity to executive branch officials for actions taken in their official capacity." The next proposal would "to amend the Constitution to remove and prohibit any limits being placed on actions for wrongful death or injuries." The last proposal is "to amend the Constitution regarding election procedures." Thank you, Mr. President.

President M. Guerrero: Thank you, Secretary Mabors. Are there any more proposals? If none, I understand that the Steno Pool has passed out copies of the proposals that were introduced last week and I have referred those proposals starting with Proposal 113-85 all the way to 132-85.

(See attached Referral Sheet on Proposal Nos. 113-85 to 132-85.)

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTIONS

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

None

MISCELLANEOUS BUSINESS

President M. Guerrero: We are now on Miscellaneous Business. Any miscellaneous business? Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. I think, Mr. President, on Saturday's session before we adjourned there were some concerns regarding the public law for this Convention and we asked to have some opinion more or less. I wonder if the AG or the Attorney General has some opinion that has been rendered to you regarding the session.

President M. Guerrero: Does the AG has any opinion?

Legal Counsel E. Smith: At this point in time, we have no written opinion yet. They just came up with the request this weekend and discovered it this weekend. I will just do a formal research. I don't have a written opion ... because it is oral. That's all.

President M. Guerrero: When can we expect an opinion?

Legal Counsel Smith: You will have an opinion today.

President M. Guerrero: Does that satisfy you, Delegate Guerrero?

Chairman DL. Guerrero: Yes, Mr. President. I think it's appropriate that it must be written since this is a statute.

President M. Guerrero: As soon as it is ready, it will be made available to all the members. Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. At this time, I have two motions I would like to make under Miscellaneous Business. The first motion relates to the fact that many of the proposals that have been submitted to the Convention relate to legislative matters or matters that should be taken up by the Legislature. In some of the meetings that our committee have undertaken, we have designated some of the proposals as matters for the Legislature and then set them aside and decided not to take actions. My motion is as follows, that the four substantive committees of the Convention designate those proposals they deem to constitute legislative work or proposals that should be referred to the Legislature rather than the Constitutional Convention and that the leadership of the Convention then gather those designations and make a list of them and at the end of the Convention we will refer them to the Legislature and ask for their study and action so that we don't just waste time reviewing the proposals and designating them as legislative matters, where we could use these to give ideas to the Legislature for them to have things to think about and make studies and take actions if necessary. This may subsequently be formed into a resolution requesting the Legislature to take action on those matters. But at this time, my motion is for the committees to identify those proposals which they feel should be referred to the Legislature, the leadership to make a list of those and then have them ready to be presented to the Legislature toward the end of our Convention. That's my motion.

President M. Guerrero: That's a motion not a suggestion, isn't it?

Floor Leader Lizama seconded the motion.

President M. Guerrero: Discussions? It has been moved and seconded. Can you state your motion again? It's a little bit lengthy.

Delegate Villagomez: Yes. The motion is for each of the substantive committees to designate those proposals which they feel should be referred to the Legislature for legislative work rather than the Constitutional Convention, and then the leadership to make a list, gather all those designations and make a list of all those proposals that the Convention deems should be referred to the Legislature for legislative action.

2ND CON CON JOURNAL -- 7th Day
June 24, 1985

President H. Guerrero: Discussions? Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. Mr. President, I have never encountered a situation where motions are made in Miscellaneous Business. Beyond that, I think that we have to be very careful about setting ourselves up as Almighty to determine what should or should not be in the Constitution. Secondly, I don't think there is any merit in advising the Legislature about matters that we might consider to be within their prerogative for the simple reason that there are many, many matters in the Constitution that admonished the Legislature to take action and here we are in our seventh year of our Constitutional Government and the Legislature hasn't done anything. For instance, under the Constitution, the Legislature and the Local Government was admonished to come up with a proposal, a study, and investigation as to the workability of the congressional delegation handling local matters. There hasn't been one single thing done by the Legislature concerning that matter. And I personally have no faith that the Legislature would response to any suggestion made by this Convention. My solution is to run for the Legislature and get down there and do something that they should have been doing all along. So to summarize, I believe that the motion under this item is out of order, and number two, even if it isn't, I do not support it. Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I am personally against that motion because of this reason. I feel that each one of us when we submit a measure we went through so much painful and time consuming period to try to come up with such measure and I really don't think that the committee should decide whether this would go to the Legislature or not, without calling for public hearing on certain measure, without the knowledge of a consultant, such as the AG and his staff to really examine these important measures which are considered by each one of us as we submited such measures. And also aside from public hearing and consultation with the AG and other law firms which is required prior to referring such a measure to this Legislature, it will also be appropriate to bring it into the House openly and as a Committee of the Whole for us to discuss because we might save some of those measures when we are all cooperating together. Thank you.

President H. Guerrero: Thank you, Delegate Kaipat. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I agree with Delegate Villagomez that some of the proposals that have already been submitted do not necessarily have to be constitutional matters and that they are legislative matters. I share certainly his concern, however, I tend to agree with Delegate Nabors that we have to be very careful in simply and summarily identifying proposals that may well look like legislative matters but unless the committees would put themselves to work and review thoroughly the proposals and if so require that public hearing should be provided for and until such time that the committees are certain to dispose or act upon the individual proposals that the concern that Delegate Villagomez just mentioned should be the committees' responsibility to determine one way or the other. Thank you, Mr. President.

President H. Guerrero: Delegate Tangelinan?

Delegate Pangelinan: Thank you, Mr. President. First, the Robert's Rules of Order says that don't use your knowledge of Parliamentary Law to hinder business by constantly raising point of order and insisting upon the strict observance of every rule at a meeting in which the majority of the members have no knowledge of these rules." For the sake of effeciency and getting the business in order, I ask the indulgence of these members that if there is an issue or concern on the floor that we address this issue and we make our suggestions and then we vote on it. I agree with Mr. Villagomez that there are legislative issues that can be addressed and there are constitutional issues, but there is also another concern that we have is that it is up to us to make any issue, a constitutional issue as long as that issue is in consistent with the Covenant and the U.S. Constitution. Our only limitation is that there is a limitation imposed on us by the Covenant and the U.S. Constitution and this motion would really be up to the discretion of the committee whether we want to address it in our Constitution or not, and it would create a lot of problems on the common sense of each delegate. Thank you.

President N. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, in line with what Delegate Pangelinan just stated, I move to suppress the question.

President N. Guerrero: Is that a motion to end debate?

Floor Leader Lizama: It's a motion to suppress the question, meaning that the Convention need not have to vote on the previous question.

Delegate Villagomez: I think the proper motion would have been to table or to file. I've never heard of a motion to suppress.

Floor Leader Lizama: A motion to suppress is similar to a motion to table though. The question however, a motion to table means that we are just going to defer the motion but my motion is to suppress the question. And if I may ask the indulgence of Delegate Villagomez, I hope that he could make a motion to withdraw his motion.

President N. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I agree with Delegate Villagomez and I think or I believe rather that the delegates here will not present the concerns in a proposal form if the problems in the their respective islands are not serious. It is unfortunate that the Legislature since the inception of the Commonwealth Government has been far sighted on these problems. Your Committee, Mr. President, on Governmental Institution has agreed to set these issues aside and present them to the Convention urging the Legislature to review and address the concerns of your delegates under a resolution form. And I think it is incumbent upon us to respect the proposals submitted by each delegate to either table it or further refer it to a body that has not been responsive to the problems that the people of the Northern Marianas are encountering. I support the motion. I think it will save time for this Convention if each chairman and members of the four standing committees will review the proposals and take action as moved by Delegate Villagomez. Thank you.

President N. Guerrero: Delegate Villagomez?

Delegate Villagomez: Mr. President, perhaps my motion is not well understood and I have very good intentions. But my purpose is just to make use of the time that we put into this and also to give to the Legislature the benefit of our thinking by what matters could be taken up by the Legislature rather than here with the Convention. If any of the committees find that there is no legislative matters in their committees, then of course we will not have anything from them. All I am saying is that those proposals that any of the committees should decide that they really shouldn't be in the Convention it should be in the Legislature, then we should make a list of those and give it to the Legislature. It is a simple task that would benefit the Legislature and the general public by using the product of this Convention. When the Convention decides that something should go to the Legislature, we have identified something for them. And for that reason -- I didn't anticipate a lot of discussions and debates and so I thought maybe my motion was not well presented or clarified.

President T. Guerrero: Can I ask Delegate Villagomez to withdraw your motion and make it a recommendation so that the Committee on Organization and Procedures can take it up?

Delegate Villagomez: Yes, I am amenable to that. I will withdraw my motion and request that it will be referred to either the proper substantive committee or to the Committee of the Whole.

President T. Guerrero: Thank you. So his motion has been withdrawn. Delegate Manglona?

Delegate Manglona: Mr. President, I seconded the motion so I would like to comment on that. I agree very much with Delegate Villagomez that all those proposals which a committee deems necessary for the Legislature to act should be referred to the Legislature. However, before we do that I would like also to suggest that those committees which feel have a certain concern on a proposal should be accorded the opportunity to review also that proposal and then if that committee feels that it should be send to the Legislature, then, and only then should we refer it to the Legislature. So I would suggest that those committees who have concerns should look at that proposal also so that we can avoid instances as Mr. Nabors had pointed out. Thank you.

President T. Guerrero:: Floor Leader Lisama?

Floor Leader Lisama: Mr. President, I've stated earlier that I really share the concern of Delegate Villagomez, however, I think in the case of the Governmental Institution Committee it's obvious to many delegates that the Governmental Institution has a tremendous task of having to review so many proposals. This is one committee task that I just cannot see how a requirement should be made to put together what proposals referred to the Committee on Governmental Institutions, to come forward immediately and suggest to the Convention the need to immediately submit recommendations to the Legislature and whatnot. It is my thinking that each committee has the task also of identifying those proposals that need legislative attention. I'm pretty positive that each committee knows what it's doing. The time will come when each committee will be submitting resolutions to the Convention, and I think each committee should make that determination. I don't want to be required to submit recommendations on proposals submitted to the Convention when I am not prepared to do so.

President M. Guerrero: Thank you, Floor Leader Lizama. Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. I think there are merits to those suggestions that were raised on the floor. Again, last week sometimes we discussed how the delegate proposal should be treated within the committee and has to be addressed to the Convention. Again, I think we have prepared a sample format to present it to the committee so at least that particular format on a day-to-day as the committee progress its function may report it to the Convention after the disposition of the committee. I think it's important and I share the concern of Delegate Villagomez and other delegates that have spoken in the matter of our interest because I'm sure that each individual delegate here would like to see the progress of his proposal and a lot of these proposals may not necessarily be addressed as constitutional issue and it could also be treated as legislative matter. In order to have that to make it be known in this Convention, I think it is only incumbent upon the committees to come up with their report and with attach sheet on the status of the delegate proposal and the recommendation of the committee, Mr. President.

President M. Guerrero: Chairman Guerrero is referring to a proposal report in terms of each proposal. And basically what it does is that I think it makes reference in terms of the disposition by the committees. So we are going to have this xeroxed and provide all members of the Convention which I believe it's a good format to use. Delegate Villagomez?

Delegate Villagomez: Thank you. Mr. President, I mentioned earlier that I have two motions. My next motion, I anticipate would not generate a lot of discussions, but if it does I would request the Floor Leader to move that we will resolve into the Committee of the Whole so we don't put it in the Journal. And this motion has to do with the proposals being submitted on a daily basis. The motion is as follows: I move that the submission of proposals to the Convention be done within the first fifteen days of our Convention, that after the fifteenth day of the Convention there will be no further submission of new proposals so that the Convention will concentrate on working on the proposals that have been submitted in the first fifteen days of the Convention.

Floor Leader Lizama: I second that motion, Mr. President.

President M. Guerrero: I believe that's an amendment to the Rules, because according to the Rules you cannot submit proposal one day prior to the end of the session.

Delegate Villagomez: The last day?

Floor Leader Lizama: That is correct, Mr. President, that each and everyone of us could submit proposals up to the last day of the thirty day period.

President M. Guerrero: I just want to mention that the Committee on Organization and Procedure recommended that all proposals be submitted at least ten days prior to the end of the session. I was going to make that announcement under the.... Excuse me, I stand corrected. I believe the last day to submit proposals would be this coming Monday, otherwise the committee might not be able to accommodate any new proposals.

Delegate Villagomez: With the unanimous consent of the Convention, I believe that under our rules we could make that change and have the Rule states that the last day for submission of proposals to the Convention be the fifteenth day. So the Chair can find out if there is a unanimous consent from the Convention, and if not, then I will just drop my motion. I have a very good intention so I think it will help the Convention.

President N. Guerrero: Is there any objection? Floor Leader?

Floor Leader Lizama: Mr. President, I tend to agree with the motion, however, I like Delegate Villagomez to state his motion in the form that it will also be calling for the suspension of the applicable rules.

Delegat Villagomez: Okay, let's do it properly. At this time, I give notice that tomorrow I will move to amend the Rules of the Convention so that instead of allowing proposals to be submitted up to the twenty ninth day of the Convention, it will be changed to the fifteenth day of the Convention and I ask the unanimous consent of the floor to suspend Rule 56 (a) requiring five days notice.

Floor Leader Lizama seconded the motion.

President N. Guerrero: Delegate Villagomez gave notice that under Rule 56 (a), he is going to ask for unanimous consent under Rule 67 to suspend Rule 68.

Delegate Villagomez: That's correct.

Delegate Mabors: No. Point of order, Mr. President. I thought that Delegate Villagomez was giving notice for his intention tomorrow to request for suspension of Rule 56, Mr. President. Not that other motion not meeting its second.

President N. Guerrero: It's only a notice, right?

Delegate Mabors: Notice.

Delegate Villagomez: I would like the Chair to find out if there will be a unanimous consent for tomorrow, if not I will drop the whole subject.

President N. Guerrero: You know you can ask for unanimous consent under Rule 67 today, rather than give a one day notice under Rule 56.

Delegate Villagomez: If that is the ruling of the Chair, I hereby ask for unanimous consent....

Delegate Manglona: Mr. President?

President N. Guerrero: Delegate Manglona?

Delegate Manglona: I wholeheartedly agree with the intention of Delegate Villagomez, however, I would like just to point out a very important issue here. I think that while we are all elected as delegates to represent our people, some individuals also, some of our citizens who like also to make proposals and they are not aware that Monday will be the last day to submit proposals. I know that if I were to go to the island I am representing I will hear another proposal again, maybe next week or the following

week. So I would like to at least leave this open so that our people are given the opportunity also, and I would like to suggest that we just make a recommendation for all the delegates to please put in all their proposals by Monday or by the fifteenth day of this Convention. Just get that understanding among ourselves and to submit all the different proposals that we have by Monday. Any proposals submitted afterwards might not be considered. So if we just get that understanding, we will get this thing going. I just ask that we consider those people outside who might have recommendations as we go on. Thank you.

President M. Guerrero: Is there any objection to the recommendation by Delegate Manglona, instead of trying to amend the Rules?

Delegate Madnas: Mr. President?

President M. Guerrero: Just a minute, I believe Ray Villagomez was asking for unanimous consent.

Delegate Villagomez: Yes. If not, then I will have to give the notice. I have to change Rules....

President M. Guerrero: You would like to change the Rule?

Delegate Villagomez: Yes.

Delegate Nabors: Point of information.

President M. Guerrero: State your point of information.

Delegate Nabors: Monday is the fourteenth day and Tuesday is the fifteenth day, we are not talking about a lot of time. And also, any delegate should have sense enough to know that if he doesn't get his proposal in this week, the workload likely will be such that it won't be considered, so I don't see the big deal.

Delegate DL. Guerrero: Point of information.

President M. Guerrero: State your point of information, Delegate Guerrero.

Delegate DL. Guerrero: Mr. President, I think the leadership of this Convention met this morning, and of course, in line with Delegate Villagomez is just to set up the limitation of the introductions of delegate proposals. I suppose maybe Delegate Villagomez should be addressed of what has been discussed during this morning's session or during the discussion this morning under the leadership. I believe it is only appropriate that you should explain what has been discussed and what was agreed upon before we act on it in any motion.

President M. Guerrero: Delegate Villagomez, for your information, the Committee on Organization and Procedures recommended that all proposals be submitted by Monday at the latest for consideration. Anything received after that might not receive the consideration of the substantive committees.

Delegate Villagomez: I withdraw my motion.

President M. Guerrero: Delegate Villagomez withdrew his motion requesting for unanimous consent under Rule 37. Delegate Pangelinan?

Delegate Pangelinan: Mr. President, I don't like the words "might not." I think we should decide because there are many proposals that are conflicting. We are receiving proposals that say, we are asking the introducer of the proposals to explain and they say, well, we want this proposal, provided that that proposal on Natural Resources is passed or Local Government is passed, so then we have to piece these together. I address each proposal on the current system, but there are proposals that are being addressed provided that the other five proposals which are assigned to different committees are approved. This is creating a problem on the committees recommendation.

President M. Guerrero: Thank you, Delegate Pangelinan. Floor Leader Lizama?

Floor Leader Lizama: I think, Mr. President, that I, for one, would like to see that all proposals be submitted as soon as possible. And therefore at this time, I would like to give notice that tomorrow I will be making a motion to suspend Rule 38 pursuant to Rule 37 and that this would make my motion be a proper motion under Rule 36. The motion that I will be making tomorrow would be to require that proposals be submitted no later than next week Friday.

Delegate Nabors: Next week Friday, or this week Friday?

Floor Leader Lizama: No, next week Friday. After next week Friday, there will be no further submissions of proposals.

Delegate Mafnas: Mr. President, I really don't see any problem, but it's good to set the date for termination of proposals submission. If I come up with a significant amendment at the urging of my constituents or the people of Saipan or the Northern Marianas after the dateline, I'm sure that the Convention will perhaps allow such delegate or myself to introduce such proposal because it is important. But for planning purposes for all your standing committees, I believe that we should set a dateline for such submission. Thank you.

President M. Guerrero: Delegate Calvo?

Delegate Calvo: Mr. President, I have observed the speakers under the Miscellaneous Business today, and believed Delegate Villagomez pointed out some important roles that I believe we must address ourselves. I feel strongly that by next week Monday, all delegates should dispose of their submission of proposals. I knew for a fact that everybody is aware that we are really tight with the proposals on hand or presently with us. And I feel strongly that proposals that are coming that are either heading to amend the Constitution, we are overlapping our proposals which we cannot stop any individual. But I will ask the delegates that please review all the referrals and if you feel there's an issue of your concern as prompted under that proposal, in the event that a decision is made by the Committee of the Whole that submission by a reporting committee be on the floor then you will find time to make your position on the issue. I feel that we have basically more major and crucial subject proposals that are already before us. I feel that with the leadership position to have it on Monday, I strongly believe that this should really help us out with our time. We

will have the time of receiving more the proposals and then have them referred to the committees. I also feel that the concern of those in regards to the proposals or in regards to the issues of entertaining proposals submission before this Convention, Mr. President and delegates of this Convention, if so there are some serious or detrimental issues on proposals that they be accorded to be acted upon after the date designated for termination of submission; we should then address this to the Convention. And I think with all due indulgence and respect, the Convention should take the issue up because by that time we should all be prepared and we should all know that it should be in the Analysis of the Constitution at least. It's not a matter of objective but perhaps just a point of information to the subject delegate that this issue is in the Analysis of the Constitution for a witness to have his own floor for his position and that's taking time. Public hearing is really tight up to assume that. The leadership when met this morning indicated that all chairmen will be soon putting out public hearing notices and I could see that we will really be tight up for the next few days. So I ask the indulgence and support of this Convention that we will limit or we will accept proposals after Monday, this coming Monday, only if it's necessary or detrimental or serious cases. Thank you, Mr. President.

President H. Guerrero: It seems like everybody agreed in principle, but it's a question of whether it should be done under a recommendation or a change in rules. I would like to see if we can recess for five minutes and resolve this. The meeting is recessed for five minutes.

There being no objection, the Convention recessed at 10:20 a.m.

RECESS

The Convention reconvened at 10:30 a.m.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I would like to make a suggestion. I would like to ask also the indulgence of the Convention delegates to agree to the suggestion that by next week, Tuesday, we would like to have all proposals to be submitted by then, however if proposals at a later time need to be submitted as Delegate Mafnas has suggested that the delegates could still be allowed to submit significant proposals. This is just a suggestion but it will be maybe important if we could hear how the other delegates feel about this suggestion.

President H. Guerrero: The Chair highly recommends the recommendation made by Floor Leader Lizama. Delegate Ijitol, you had your hand up?

Delegate Ijitol: Mr. President, I fully agree with that recommendation to have a strongly recommended dateline, however, I feel that I would like to give notice that I have a proposal coming up but I don't think it will be up before the dateline that we are submitting. I have requested for the assistance of the Public Auditor and the Director of Finance for this, I would say, a very significant proposal that will establish a uniform fiscal management policy governing the three branches of government. And since the fact is that this week they have a budget hearing, I just like to notify the Convention that my proposal will not be submitted before Monday or Tuesday. Thank you, Mr. President.

President M. Guerrero: Thank you. I believe we have discussed this business enough. Any more Miscellaneous Business? Delegate Torres?

Delegate Torres: Thank you, Mr. President. Up to this point in time I'm still not clear on four basic issues relative to the disposition of delegate proposals. First question, who will provide the guidelines to determine what is constitutional and what is not? Second, who is to approve such a guideline if there is any? Third, will the authors be accorded the privilege to respond to the disposition of the proposal? And lastly, will there be an appeal process? If so, how? Thank you, Mr. President.

President M. Guerrero: Secretary Mabors?

Secretary Mabors: Mr. President, can I please ask Delegate Torres to repeat the fourth point? I missed it. Thank you.

Delegate Torres: Appeal process.

Secretary Mabors: Thank you.

President M. Guerrero: Delegate Torres, your concern has been noted and this will be taken up by the Committee on Organization and Procedures. We will provide you the answer by tomorrow. Any other Miscellaneous Business? If none, we'll go on.... Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. Fellow delegates, this morning I introduced two proposals that will definitely solve many of our problems with respect to local government and the delivery of essential and required public services to our people on Rota, Tinian and the islands north of Saipan. Moreover, it will save the innocent taxpayers of the Northern Marianas significant amounts every fiscal year.

In my proposals, I am doing away with the Office of the Mayors. Simultaneously, I am proposing to amend Article III to require the Governor to appoint his representatives for the Islands of Rota and Tinian. These representatives shall be responsible for the delivery of essential and required public services. Furthermore, they will not have to worry about getting elected in the next general election.

I am humbly soliciting the wisdom of the Committee on Local Government to give my proposals its fullest attention and consideration. I am asking the same committee to address the following issues during its deliberation on the proposals:

(1) Efficiency of the delivery of essential and required public services;

(2) Savings that will be realized by the taxpayers. When discussing this issue, I suggest that the committee prepares comparative budgets of the mayors from Fiscal Years 1977 through 1985 and the proposed budget for Fiscal Year 1986.

(3) Determine what significant added duties and responsibilities or authority that have been given or delegated to the respective mayors to warrant increases in their budgets from Fiscal Year 1977 to date.

(4) And also determine other savings that will be realized as a result of the subject proposals. These areas are office spaces, equipment, vehicles, travel, etc.

I will ask for the same information whenever amendments to Article VI are put forth for adoption by the Convention. Thank you for your valuable attention.

President H. Guerrero: Thank you, Delegate Nafnas. Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. There was distributed a few moments ago a report to the Convention on delegate proposals, I would like to inquire as to what is this. What is it supposed to be? Is this a committee report, or what?

President H. Guerrero: Can I call on Delegate Guerrero?

Delegate DL. Guerrero: Thank you, Mr. President. I think it's the sample format that has been distributed out which is merely a working paper from the committee itself. It will have to be accompanied by the committee's report and that should in detail more or less notifying not only the individual delegate that introduced this proposal but merely the recommendations and findings of the committee. But it has to be accompanied together with the committee's report of its findings, Mr. President.

Secretary Nabors: Thank you, Mr. President.

President H. Guerrero: We'll move on to Announcements.

ANNOUNCEMENTS

President H. Guerrero: Under Announcement, the Steno Pool staff again are ready to assist the Convention with its needs. Boxes have been provided in the Steno Pool section for various committees and the three delegation offices. For any typing needs such as proposals, resolutions, committee reports and recommendations, etc., must be dropped in the box for typing in the Steno Pool or to be directly forwarded for the attention of Alicia Guerrero. This would make the coordination of the workflow in the Pool more efficiently and time saving. Delegates also are asked to sign transmittal slip whenever they receive materials from the Pool. Such slip will verify that delegates or committee chairmen receive materials assigned to them. Any request or inquiry should be again directed to the attention of Alicia Guerrero.

The other announcement, the AV is going to be available after the meeting for any committee that might need their assistance. And also, Steve Woodruff is available to meet with any committee that desires his assistance. And the other thing is that Charles Calvo has been assigned to the Committee on Local Government. Any other announcements? Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I would like the Committee on Governmental Institution to meet after the session.

President H. Guerrero: Delegate Manglona?

Chairman Manglona: Mr. President, I ask all the members of the Local Government Committee to please meet at two o'clock in this Hall.

President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President. The Committee on Personal Rights and Natural Resources had the understanding to meet today at 4:00 p.m.

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

Chairman DL. Guerrero: Mr. President, I would also like to announce that the Committee on Finance and Other Matters wishes to have its meeting again immediately after the adjournment of the Convention.

President H. Guerrero: Any other announcements? If none, Floor Leader Lizama?

Floor Leader Lizama: Mr. President, if there's no further announcement to allow for committee work, I move that we recess until tomorrow morning at nine o'clock.

There was a second to the motion.

President H. Guerrero: It has been moved and seconded to recess until tomorrow morning at nine o'clock. Discussions?

There being no discussion, the motion to recess until the next morning at nine o'clock was carried by voice vote.

The Convention recessed at 10:50 a.m., and to reconvene on Tuesday, June 25, 1985, at 9:00 a.m.

Respectfully submitted,

Delegate William B. Nabors
Convention Secretary

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

EIGHTH DAY

Tuesday, June 25, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:40 a.m., Tuesday, June 25, 1985, in the Convention Center - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

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

Secretary Nabors: All the 24 delegates are present, Mr. President; a quorum is present.

President H. Guerrero: A quorum is present, so we'll continue with the Order of Business.

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, Delegate Igitol has just asked me if we could spend another three or four minutes to look at the Third Day's Journal before we adopt the journal.

Delegate Nabors: No objection, Mr. President. Perhaps we should pass that item and move on and return later.

Floor Leader Lizama: No objection, Mr. President.

President H. Guerrero: There's no objection, we'll move on to Communications. There's no communication received. We'll move down to Committee Reports. Any committee reports? Chairman Manglona?

COMMITTEE REPORTS

Chairman Manglona: Mr. President, your Committee on Local Government has a number of recommendations to submit but due to the malfunction of our copier machine I will submit these Committee's recommendations to the floor tomorrow. Also, we have posted several legal counsel questions and we will submit that also in writing to the floor tomorrow. That is all, Mr. President.

President H. Guerrero: Thank you, Chairman Manglona. Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has nothing to report at this time.

President M. Guerrero: Thank you, Chairman Lisama. Any other reports? Chairman King?

Chairman King: Thank you, Mr. President. Your Committee on Personal Rights and Natural Resources has no committee report at this time.

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

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters has no written report to report to the Convention this morning, however the Committee itself is still in committee meetings and doing its assignment and research and hopefully will come up with written reports to the Convention by next week. I don't have any further, Mr. President.

President M. Guerrero: Thank you, Chairman Guerrero. If there're no more committee reports, we will move on to Introduction of Proposals and Referral of Proposals.

INTRODUCTION OF PROPOSALS AND REFERRALS

Delegate Villagomez: Mr. President, under letter H of the Order of Business, Second and Final Reading of Proposals, perhaps until we have had first readings, our Order of Business should state First Reading of Proposals--Introduction and First Reading of Proposals instead of Second and Final. That's my recommendation to the Chair unless I am not reading this correctly. We should have Introduction of Committee Recommendations and First Reading of Proposals.

President M. Guerrero: Thank you, Delegate Villagomez. The Chair notes your recommendation and it will be addressed.

Delegate DL. Guerrero: Point of information.

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

Delegate DL. Guerrero: Thank you, Mr. President. That's exactly what the Committee on Finance and Other Matters is going to do. Once we bring up the committee's report to the Convention, eventually it will followup, of course, after the introduction for first reading of the committee's recommendations. Eventually, of course, it will be followed also by the Committee of the Whole's discussions. That's how we are going to recommend to this Convention, of course, after the committee concludes its assignment.

President M. Guerrero: Thank you, Chairman Guerrero. Introduction? Delegate Torres?

Delegate Torres: Thank you, Mr. President. I have three proposals to introduce this morning, authored by myself and several others. The first proposal is "To amend Section 2 of Article XII of the Northern Marianas Constitution to prevent acquisition of permanent or long-term interests in real property by inheritance to a spouse not of Northern Marianas descent." The second proposal is a "Proposal to amend Section 3 and Section 5 of Article 12 of the Northern Marianas Constitution to prevent corruption in corporations registered as persons of Northern Marianas

descent." The third proposal is a "Proposal to amend Section 12 of Article III of the Northern Marianas Constitution to conform with a proposed amendment to Section 5 of Article XII of the Constitution." Thank you.

President N. Guerrero: Thank you, Delegate Torres. Any further proposals to be introduced? Delegate Limes?

Delegate Limes: A proposal to add a new section to....

Delegate Villagomez: We cannot hear you.

President N. Guerrero: Delegate Limes, can you bring that mike closer to you?

Delegate Limes: "A proposal to add a new section to Article I to guarantee the right of the spouse of a citizen to reside in the Commonwealth."

President N. Guerrero: Thank you, Delegate Limes. Delegate Cing?

Delegate Cing: Thank you, Mr. President. I have three proposals here, introduced by myself and my colleagues from Tinian. No. 1, it is proposed that this Convention "establish a constitutional provision establishing the legal drinking age in the Commonwealth at age 18." No. 2, it is proposed that this Convention "establish a constitutional requirement requiring that all public offices be located in public government facilities." No. 3, it is proposed that this Convention "establish a constitutional requirement requiring the Governor of the Commonwealth to act on all legislations." Thank you.

President N. Guerrero: Thank you, Delegate Cing. I call on Delegate Kaipat.

Delegate Kaipat: Thank you, Mr. President. I have two proposals to submit to the floor this morning. First, it's a proposal "to amend a new Article to the Constitution of the Northern Mariana Islands relevant to the Commonwealth of the Northern Marianas entering into a 'Compact' with another nation or foreign power." Second, "to amend a new Article to the Constitution of the Commonwealth of the Northern Mariana Islands relevant to the judgment in case of impeachment." This is all, Mr. President, thank you.

President N. Guerrero: Thank you, Delegate Kaipat. Delegate King?

Delegate King: I have one proposal here, Mr. President, to introduce, a proposal "to repeal and reenact Article XI, Section 5(b), relative to transfer of freehold interest of public lands."

President N. Guerrero: Thank you, Delegate King. Delegate Manglona?

Delegate Manglona: I have several proposals here, Mr. President. The first one is "to amend Section 7 of Article II of the Constitution preventing the Governor and the Legislature from considering any bill during the seven-days period before the second Monday of January in the year following the regular general election." The second proposal is "to add a new subsection (h) to Section 3 of Article XI and to renumber section (h) to read subsection (i) of the Northern Marianas Constitution relating to

Local Government." The third proposal is "to amend Article III of the Northern Marianas Constitution to add a new Section 20." Thank you, Mr. President.

President M. Guerrero: Thank you, Delegate Manglona. Delegate Inos?

Delegate Inos: Thank you, Mr. President. I would like to offer a proposal for "an amendment to add a new section of Article IV, entitled: 'Community Court.'" Thank you.

President M. Guerrero: Thank you, Delegate Inos. Any more proposals? Delegate Igitol?

Delegate Igitol: Thank you, Mr. President. I have a proposal "to amend Section 7 of Article VIII to add a new subsection (c): 'A delegate of the Constitutional Convention cannot be questioned in any other place for any written or oral statements in a Constitutional Convention." Thank you, Mr. President.

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

Delegate Tomokane: Mr. President, I have a proposal here, "to add a new section to the Schedule on Transitional Matters of the CNMI Constitution." Thank you.

President M. Guerrero: Thank you, Delegate Tomokane. I apologize to Delegate Igitol for calling him Delegate Inos. Any more proposals? Delegate Pangelinan?

Delegate Pangelinan: Mr. President, I have two proposals this morning, "to add a new section to Article X to require the liquidation of any deficit in the second fiscal year following the fiscal year the deficit occurred." The second proposal is "to add a new section to Article X to establish requirements for the accounting of public funds."

President M. Guerrero: Any more proposals? Delegate Ogumoro?

Delegate Ogumoro: I have a number of proposals here, Mr. President, to submit this morning. Proposal No. 1 is "to amend Article V, Section 1, of the Constitution to permit the Representative to the United States to assume a seat in the U.S. Congress at such time as the United States grants that right." My next proposal, Mr. President, is "to add a new section to Article I to require that restitution be made to victims of crimes." The third proposal is "to amend or to add a new section to Article II to authorize legislative veto of certain types of executive acts." My next proposal is "to add a new subsection to Section 1 of Article XV to require the public school teachers to have at least a bachelor's degree within five years." My next proposal is "to amend Article III, Section 4, to limit the Governor to two terms in office." Another proposal, Mr. President, is "to add a new section to Article III to prohibit wage discrimination and require divestiture of government-owned residential housing." My next proposal is "to establish a family court." And last proposal, Mr. President, is "to limit the emergency power of the Governor."

President M. Guerrero: Thank you, Delegate Ogumoro. Any more proposals? Delegate Villagomez?

Delegate Villagomez: I have a proposal "to amend Article II, Section 3(b), of the Constitution, to constitute Saipan as one electorial district instead of four electorial districts." I have a proposal "to amend Article VII, Section 1, of the Constitution, to clarify the definition of 'U.S. Citizen'-as used in the Constitution for purposes of being eligible to vote in the CNMI."

President M. Guerrero: Thank you, Delegate Villagomez. Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I'm offering a proposal "to add a new subsection 5(d) to Section 5 of Article II relative to limiting the authority of the Legislature on appropriations."

President M. Guerrero: Thank you, Delegate Mafnas. Any more proposals? If none, the Proposals Referral Sheet was passed out to all members which begins with Proposal 133-85 all the way to 159-85. I would like to bring to the attention of the members that Proposal 154-85 is jointly referred to Governmental Institution and Local Government Committees. Also, at the concurrence of the Committee on Organization and Procedures, Proposal No. 3-85 is jointly referred to Committees on Governmental Institution and Personal Rights and Natural Resources. Proposal 123-85 is jointly referred to Committees on Governmental Institution and Local Government.

(See attached Referral Sheet on Proposal Nos. 133-85 to 159-85.)

President M. Guerrero: We'll move to the next order in our business, the Second and Final Reading of the Proposals. There's none.

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTIONS

President M. Guerrero: Any resolutions to be introduced? If none, I have "A proposed Resolution requesting the Governor and the Director of Public Works to waive all utility charges for power and water to the meeting place of the Constitutional Convention, the House of Taga, for the duration of the Convention." This is a technical amendment in reference to the Facility Rental Agreement that was signed by the members of the Pre-Convention Committee.

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

President M. Guerrero: I must be [illegible] the Adoption of the Journal.

Floor Leader Lizama: Yes, Mr. President.

President M. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: I move that we suspend the Order of Business and go back to Item D, and I so move that the Third Day's Journal be adopted.

Delegate Nabors seconded the motion.

President M. Guerrero: It has been moved and seconded to adopt the Journal of the Third Day of the Second Constitutional Convention. Discussions? If there's no discussion, those who are in favor say "aye"?

Delegate Villagomez: Mr. President?

President M. Guerrero: Delegate Villagomez?

Delegate Villagomez: On page 54 of the Journal, the fifth paragraph from the top where it says, Delegate Villagomez. I'd like to make corrections on the two-first sentences so that it will read as follows: "Mr. President, I oppose the motion to amend Rule 24 which in effect would create a committee, one entire committee of the Convention, solely for the purpose of considering the issue of local government." That's the correction that I would like to have made.

Delegate Nabors: No objection.

President M. Guerrero: There is no objection, so ordered.

The motion to adopt the Third Day's Journal was carried by voice vote.

President M. Guerrero: The Journal is adopted. Delegate Mafnas, you had your hand up.

Delegate Mafnas: Yes, Mr. President. I was going to ask you to strike out a sentence here that doesn't make sense, under page 56. I guess I'll be out of order if you....

President M. Guerrero: I believe if there's no objection, we can still consider.

Delegate Mafnas: Under "Delegate Mafnas: We did not separate this Convention.", I don't understand that. There's a word missing. So I ask the indulgence of the members to strike that sentence out. Thank you.

Floor Leader Lizama: No objection.

President M. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, on page 56, six lines down, an incomplete sentence: "We did not separate this Convention." The sentence doesn't make sense at all. I ask the indulgence of the delegates to strike it out.

Delegate DL. Guerrero: No objection.

President M. Guerrero: If there's no objection, so ordered. The Journal

is adopted, we'll go back to Miscellaneous Business. Any miscellaneous business? Delegate Villagomez?

MISCELLANEOUS BUSINESS

Delegate Villagomez: Mr. President, at this time, I would like to offer some of my experiences in the last Constitutional Convention and then make an observation in this Convention and then make a recommendation to the leadership of the Convention. First, in the First Constitutional Convention, each of the committees had a legal counsel sitting in all of the meetings of the committees. The legal counsel taperecorded the discussions and decisions of the committees. They took notes on the discussions and the decisions of the committees. Immediately after the committees met on a daily basis, the attorneys then put together a draft of the decisions of the committees to be presented to the Convention as committee recommendations or proposal for constitutional articles or sections. The decisions of the committee to be presented to the Convention were then supported by statements drafted by the attorneys. In this Convention, I am in the same committee that I was in at the last Convention which is the Personal Rights and Natural Resources. We have not had an attorney sitting in our committee. The chairman of our committee has been taking all the notes on all of the decisions but is not able to take notes on the discussions to support the decision of the committee. It is very difficult, I can understand, and we have not been able to submit to the Convention the decisions of our committee. We have made several final decisions on proposals for amendments to the Constitution. We have not been able to submit that to the Convention because we are lacking the type of backup support that we had in the first Convention. I notice that we have attorneys sitting in the Convention every morning. We have not been utilizing their services since during these discussions; we don't really have the need for the attorneys not much as we do in the committees. It is the committee function where the work is being done. It is in the committees that we make decisions, that we have discussions, that we analyze each and every part of every proposal. It is in the comnitees that we need the assistance of counsel. It is also from the committees' work that we need the assistance of counsel to put together in a draft form the recommendation and proposal of the committees to be presented to the Convention. Unless we do that, we're going to continue to go over the reading of proposals in the Convention because it's going to take time for the committee chairmen to do that by themselves. My recommendation, therefore, is that we request from the Office of the Attorney General and all the attorneys assisting the Convention that they sit in the committee meetings, that one of them be assigned to each of the committees to help the committees in their deliberations, to help draft the recommendation or report of the committees to the Convention, and the backup materials that they could gather from the discussions. In the last Convention, the Analysis of the Constitution was put together from the notes of the attorneys that were taken at the time when the committees were deliberating on the constitutional proposals. That is not being done at this time. And it looks to me like we wouldn't be able to put together an analysis or any supporting materials for any of the amendments that we are going to make in the Constitution because we lack the facility for recording and preparing those materials to support any of the proposed amendments. I recommend that the leadership talk with the attorneys and see if we can have the attorneys sitting in the committees' meetings. Thank you.

President M. Guerrero: Thank you, Delegate Villagomez. Your concern is noted by the Chair, and I believe also and I expect the chairman of each committee that whatever deliberations or discussions that were made during the Committee on Organization and Procedures to relay such information. But again, the Chair notes your concern and it will be brought up by the Committee on Organization and Procedures. Chairman Guerrero?

Chairman Guerrero: Mr. President, the concern raised by Delegate Villagomez is a very valid or important concern, and your Committee on Finance and Other Matters as well is planning that after the committee has compiled their own research, before we make decisions, we would like to consult, of course, with the legal experts to formalize the final recommendations and findings of the committee for the Convention. I think it is important that since we are not constitutional lawyers, we are nothing but delegates, some of us are attorneys that have legal expertise and other professional people sitting here as delegates, however to compile for final reports, I think it's important that the knowledge of our attorneys should be utilized as much as possible in compiling all of these decisions. Otherwise, I see the point that there will be a lot of unnecessary arguments on the floor just to try and clarify the section-by-section findings of the committees. I think it is a very valid concern and I think the Chair should allow also each respective chairman of the committee to make an immediate request if he sees it's needed. The other business is, Mr. President, this morning during the meeting of the Committee on Organization and Procedures with the leadership of this Convention, I called the attention of the Presiding Officer on the format to be used on notices for public hearings. I hope that the delegates or the chairman of each of the substantive committees will agree with the format that I presented to you so we can proceed in notifying the necessary witnesses in this fashion. Otherwise if we are not going to agree as to what type of format we are supposes to use as part of the legal format for this Convention, then it's going to install the committee's work. So I would like to part from this discussion and maybe you can take the lead on this information.

President M. Guerrero: Thank you, Chairman Guerrero. I have no objection to the format and I believe this morning, none of the other chairmen objected to it or any of the other leadership. Delegate Taipat?

Delegate Taipat: Thank you, Mr. President. As we entered into committee work, I have noted in the past two days, exactly what Delegate Villagomez had stated earlier, that the most important part of our work now is the committee work, and I would strongly recommend that one counsel be assigned to each committee and such counsel, the lawyer, should be sitting in the committee all the way through, taking his own take, notes, and involve in the discussions with the committee during the deliberations of the committee. And the same counsel will take the important facts or research on his own for the committee and report back to the chairman of the same committee. I have emphasize earlier the importance of counsel, the legal counsel, working on this floor among the committees, but I would strongly suggest at this time that one counsel will stay with one committee until the committee adjourns its meeting. And at the end of the committee's work, he should compile all the discussions and conclusion of such meeting and he will be sitting during the public hearing taking notes and consult with the committee members and specially the chairman. And I think this is the only way we can expedite the committees work and process of papers to this hall. Thank you, Mr. President.

President N. Guerrero: Thank you, Delegate Naipat. Your concern is noted and it will be taken up by the Committee on Organization and Procedures. Any more miscellaneous business? Delegate Tomokane?

Delegate Tomokane: Thank you, Mr. President. I would like to also bring to the attention of the leadership with respect to Rule 31(a). This relates to committee work also. And I would like the leadership to prepare themselves for this accommodation: All public hearings shall be recorded and transcribed. We know that we have only adopted a third day's Journal; we are undergoing the seventh day session. It seems like we are inadequately staffed for this purpose. Thank you, Mr. President.

President N. Guerrero: Thank you, Delegate Tomokane. Any more miscellaneous business? Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. To Chairman Guerrero, this morning I introduced a proposal to limit appropriation authority of the Legislature. I asked your Committee on Finance and Other Matters to review Sections 702 and 704 of Article VII to determine the necessity and perhaps the legality of the present appropriation practice of our Legislature. I firmly believe that once the U.S. Congress appropriates funds to the CNMI Government in accordance with Section 702, it does not require the local Legislature to further appropriate. This position in my opinion is supported under Section 704(a) of Article VII. The subsection states as follows in part: Subsection (a) provides that funds which are received by the Government of the Northern Marianas, under Section 702, under any fiscal year will remain available for obligation and expenditure by the local government in fiscal years for the broad purposes for which the funds were appropriated. I know that the issue, the proposal may be sensitive but I think that the authority of our Legislature should be limited to local revenues. I thank you.

President N. Guerrero: Thank you, Delegate Mafnas. Any more miscellaneous business? If none, we'll go on to announcements. Any announcements? Chairman Manglona?

ANNOUNCEMENTS

Chairman Manglona: Mr. President, your Committee on Local Government would like to announce to all members that we'll be holding a meeting in this Convention Hall at 2:00 p.m. this afternoon.

President N. Guerrero: Thank you, Chairman Manglona. Chairman King?

Chairman King: Thank you, Mr. President. This morning during the leadership meeting, the Chairman of the Governmental Institution and myself agreed to have a joint meeting of the two committees for the purpose that we already invited some witnesses to come in this afternoon at two o'clock on the issue of Public Land Corporation. So if there's no objection from the membership, the meeting that was scheduled has already been confirmed again this morning, so I ask the other committee to meet us here in this Chamber at 2:00 p.m. this afternoon.

President N. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institution will meet this afternoon at 1:30 p.m.

President M. Guerrero: Chairman Guerrero?

Delegate Calvo: Point of information, Mr. President.

President M. Guerrero: State your point, Delegate Calvo.

Delegate Calvo: If I understood it correctly, Chairman Manglona called for a committee meeting here in this Chamber at 7:30 p.m. this afternoon and I believe likewise with Chairman King, he requested for a meeting here. Can we clear the place because we have witnesses to be with us in that committee? So can it be arranged now and have the other committee meet at the other portion of this unit?

Chairman Manglona: Point of information, Mr. President.

President M. Guerrero: Chairman Manglona?

Chairman Manglona: We will be meeting most likely at that corner of the hall, so I don't think we will be bothering anyone.

President M. Guerrero: Thank you, Chairman Manglona. Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters wishes to announce that your committee will be meeting this afternoon at two 'clock and the place will be down at the Saipan Delegation Chamber.

President M. Guerrero: Thank you, Chairman Guerrero. Any more announcements? Floor Leader Lisama?

Floor Leader Lisama: Mr. President, if there is no further announcement to be made, I move that we adjourn until tomorrow morning at nine o'clock.

Delegate DL. Guerrero seconded.

Floor Leader Lisama: Mr. President, correction please, at 9:30 in the morning.

President M. Guerrero: Can you restate your motion please?

Floor Leader Lisama: My motion is to adjourn the session today until tomorrow morning at 9:30.

Delegate Cyumoro: We are having a meeting....

Floor Leader Lisama: Mr. President, my committee will do some work tomorrow morning at around eight o'clock. That would be a decision to be made this afternoon when the Committee on Governmental Institution will be meeting as well.

President M. Guerrero: Just point of information, Floor Leader Lisama. I did mention that I would like to meet with the Committee on Organization and Procedures every morning at eight o'clock. Can you make your meeting at 8:30 a.m.?

Floor Leader Lisama: That's fine, Mr. President.

President H. Guerrero: Delegate Villagomeza?

Delegate Villagomez: Also, Mr. President, this morning we set the meeting for nine o'clock and I was here at nine o'clock. We didn't start until quarter to ten because we need to give some time to the secretaries to finalize the journal and the agenda. So this would give them some times to get the papers ready before we sit down and wait. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez. Is there a second to the motion?

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to recess until tomorrow morning at 9:30.

The motion to recess until the next day at 9:30 a.m. was carried by voice vote.

The Convention recessed at 10:20 a.m., and to reconvened on Friday, June 26, 1985, at 9:30 a.m.

Respectfully submitted,

Delegate William B. Nabors
Convention Secretary

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

NINTH DAY

Wednesday, June 26, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:37 a.m., Wednesday, June 26, 1985, in the Convention Center - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

The Convention Secretary called the roll, and 23 delegates were present. Delegate Villagomez was absent.

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

President H. Guerrero: We have a quorum to conduct our business. Pursuant to Rule 9(e), the Chair appoints Vice President Vincent Calvo to preside in this session. Delegate Calvo?

Delegate Calvo: Mr. President, before I go up there to preside, I would to ask the unanimous consent of the delegates to grant Delegate Villagomez leave of absence.

Floor Leader Lizama: Mr. President, I just saw Delegate Villagomez coming in, I would like the Convention to recognize that he's here.

(At this point, Delegate Villagomez took his seat.)

President H. Guerrero: Can I call Delegate Calvo to come up here?

(At this point, First Vice President Calvo took over the Chair, and President Guerrero took his seat.)

Presiding Officer Calvo: Yes, Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. Acting President, I move that we suspend the Order of the Day, on Item D, the particular Journals for the fourth and fifth days, I understand, will be available tomorrow. They are not available at this time.

Delegate Nabors seconded the motion.

Presiding Officer Calvo: There's a motion on the floor to suspend the adoption of the Journals since we do not have the applicable papers with us this morning. Can we have discussions on that motion? If none, we

shall proceed to the order of business (E) -- Communications.

COMMUNICATIONS

None

Presiding Officer Calvo: For the information of the delegates, we have no communication registered with the Chair now so we would, at this point in time, move down to order of business (F) on Committee Reports.

COMMITTEE REPORTS

Committee Recommendation No. 02, from the Committee on Local Government, recommending filing of Delegate Proposal No. 40-85, entitled: "TO AMEND PROVISIONS OF ARTICLE VI, RELATING TO LOCAL GOVERNMENT AND TO ESTABLISH MUNICIPAL COUNCIL FOR TINIAN AND ROTA.", and the subject matter will be incorporated into Delegate Proposal No. 118-85.

Committee Recommendation No. 03, from the Committee on Local Government, recommending for adoptions of Delegate Proposals No. 73-85, entitled: "TO REPEAL ARTICLE III, SECTION 17(b) OF THE CONSTITUTION OF THE NORTHERN MARIANA ISLANDS RELATIVE TO RESIDENT DEPARTMENT HEADS FOR ROTA AND TINIAN."; No. 109-85, entitled: "TO AMEND SECTION 2 OF ARTICLE VI OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO ELECTION OF MAYOR."; and No. 118-85, entitled: "TO AMEND ARTICLE VI OF THE NORTHERN MARIANA ISLANDS REGARDING LOCAL GOVERNMENT.".

Committee Recommendation No. 04, from the Committee on Local Government, recommending for adoption of Delegate Proposal No. 124-85, entitled: "TO DELETE SECTION 6(a) AND (b) OF ARTICLE VI OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO OTHER AGENCIES OF LOCAL GOVERNMENT IN ITS ENTIRETY.".

Presiding Officer Calvo: Under Committee Reports, we have three committee recommendations numbered before the Chair and I would now like to recognize the Chairman of the Local Government Committee, Chairman Manglona.

Chairman Manglona: Mr. Acting President, the Committee on Local Government has Committee Recommendation No. 2 regarding Proposal No. 40-85 and Committee Recommendation No. 3 regarding Proposal Nos. 73-85, 109-85 and also 118-85; and Committee Recommendation No. 4 regarding Proposal No. 124-85. That's all, Mr. President, thank you.

Presiding Officer Calvo: Are there any other committee reports? If none, can I hear any motion for adoption? Floor Leader Lizama?

Floor Leader Lizama: Mr. Acting President, your Committee on Governmental Institution does not have any report to submit today.

Presiding Officer Calvo: Thank you, Floor Leader Lizama. May I hear from any other chairmen of the committees? If none, can I hear any adoption of the committee reports from the Local Government Committee?

Delegate Nabors: I so move, Mr. President.

Presiding Officer Calvo: Recognized, Delegate Mundo.

Delegate Mundo: Mr. President, can I comment on one of the committee's recommendations?

Presiding Officer Calvo: Excuse me, Delegate Mundo, we have to put that first into a motion before we go into discussion on the matter. Am I in order, Floor Leader Lizama?

Floor Leader Lizama: I didn't quite catch the problem, Mr. President.

Presiding Officer Calvo: I requested for adoption of Committee Report Nos. 2, 3, and 4 so we can have discussions on the floor.

Floor Leader Lizama: Mr. President, can I ask that we take five minutes now so every delegate will have the opportunity to take a look first at the committee's recommendations, the reports?

Delegate Nabors: Objection, Mr. President.

Presiding Officer Calvo: Well, there's an objection from a delegate, so I will have to entertain more for the decisions of the other delegates. Delegate Nabors?

Delegate Nabors: I'd like to move, Mr. President, if I am in order, that Committee Reports or Recommendations 2, 3 and 4 be adopted.

Delegate Mendiola seconded the motion.

Presiding Officer Calvo: It has been moved and seconded that we adopt Committee Reports 2, 3 and 4. Do we have discussions on the motion? Delegate Mafnas?

Delegate Mafnas: I move for five minutes recess.

The motion has been seconded.

Presiding Officer Calvo: Is there any objection to that motion? If none, we will take five minutes recess.

The Convention recessed at 9:45 a.m.

RECESS

The Convention reconvened at 10:00 a.m.

Presiding Officer Calvo: The Convention is now back in session. Delegate Nabors?

Delegate Nabors: Mr. President, if there's no objection, I would like to withdraw my motion to adopt Committee Recommendations 2, 3 and 4.

Floor Leader Lizama: No objection.

Presiding Officer Calvo: Is there any objection to that motion?

Delegate DL. Guerrero: No objection.

Floor Leader Lizama: No objection.

Presiding Officer Calvo: If there's no objection to the motion that we dispose of order of business (F) for today, we'll move down to order of business (H). May I recognize Chairman Guerrero?

Delegate DL. Guerrero: Mr. President, I think it's only appropriate that the appropriate Chairman of the Local Government Committee must address this Convention for the purpose of withdrawing his committee's reports so everybody can have knowledge about it.

Presiding Officer Calvo: It's so ordered. May I call on Chairman Manglona?

Chairman Manglona: Mr. President, the Committee Recommendation Nos. 2, 3 and 4 from the Local Government Committee will be brought up under Miscellaneous Business. We believe that these are recommendations on certain proposals and not recommending on the amendments. So these, if the delegates wish to discuss these, would be discussed under Miscellaneous Business. Thank you.

Floor Leader Lizama: No objection.

Presiding Officer Calvo: If there's no objection from the Convention, we will then take the committee reports of the Local Government Committee under Miscellaneous Business in the order of business of today. We will now entertain Order of Business (G), Introduction of Proposals. Delegate Mendiola?

INTRODUCTION OF PROPOSALS

Delegate Mendiola: Thank you, Mr. President. I have one proposal to introduce this morning with four other colleagues, "To amend the Constitution of the Commonwealth of the Northern Mariana Islands to allow each municipality to decide whether to legalize casino gambling."

Presiding Officer Calvo: Are there any other proposals? President Guerrero?

Delegate H. Guerrero: Thank you, Mr. President. I have three proposals. One of them is "to amend Section 4 of Article V of the Constitution of the Northern Mariana Islands re Annual Report of the Resident Representative to the United States." Another proposal is "to add a new Section 4 of Article VII of the Constitution of the Commonwealth of the Northern Mariana Islands re when residence does not change.", and "to add a new subsection (d) to Section 5 of Article II of the Constitution of the Commonwealth of the Northern Mariana Islands re use of prior appropriation upon failure to pass appropriate bills."

Presiding Officer Calvo: Delegate Torres?

Delegate Torres: Thank you, Mr. President. I have two proposals here to introduced this morning. One proposal would certainly help the farmers and fishermen. A proposal to exempt from all forms of Commonwealth taxes

all fishing and farmers cooperatives in the Commonwealth of the Northern Marianas." The second proposal is a proposal "to add new subsections c, d, and e to Article XV of the Northern Marianas Constitution to mandate school accreditation and adoption of appropriate, relevant, and quality standards of education in the public school system." Thank you.

Presiding Officer Calvo: Delegate Igisomar?

Delegate Igisomar: Mr. President, I would like to offer at this time two proposals, co-sponsored by nine delegates from Saipan. One of the proposals is "to amend Section 16 of Article III of the Northern Marianas Constitution." And second, a proposal "to add a new section of Article III of the Northern Marianas Constitution relating to boards, agencies, authorities and commissions."

Presiding Officer Calvo: May I ask the delegates please to make sure that you talk to the microphones for records purposes? Delegate Cing?

Delegate Igisomar: Mr. President, some of these mikes are not working properly.

Delegate Cing: Thank you, Mr. President. I have one proposal here, introduced by myself and my colleagues from Tinian, "to amend the Constitution of the Commonwealth of the Northern Mariana Islands to extend the government retirement program to employees in the Commonwealth who are employed by the United States Federal Government." Thank you.

Presiding Officer Calvo: Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. I have a proposal here, introduced myself and nine other delegates, "to amend Article XII, Section 3 of the Constitution of the Northern Mariana Islands relative to permanent and long-term interest in real property." Thank you.

Presiding Officer Calvo: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I have a proposal here, offered by myself and the so-called minory/majory, "to amend Article II of the Northern Marianas Constitution by adding a new Section 15 relating to punishment of nonmembers." Thank you.

Presiding Officer Calvo: Do we have any more proposals to be offered? Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. By proposal is still being typed. It is a "proposal relevant to an impeachment or dismissal of elected and appointed position and other governmental employees convicted of the crimes listed below." I have about 12 major crimes that could be impeached any top official employees or dismissal of low governmental employees.

Presiding Officer Calvo: Do we have any more proposals to be offered? If none, the Chair would like to make the following reference. Under the same order of business, for the information of the delegates, we have transmittal referrals. Each should have by now the referral of proposals that were introduced and their assignments to the respective committees.

Secondly, the referral on proposals that were assigned subsequently to another standing committees, or due assignments are also before you for your info. That's about all.

(See attached Referral Sheet on Proposal Nos. 160-85 to 188-85.)

SECOND AND FINAL READING OF PROPOSALS

Presiding Officer Calvo: Now, the Chair would like to move down to order of business (H), Second and Final Reading of Proposals. Since there's none, we all agreed that the withdrawal of this order of business under (H) be carried down to order of business (M), under Miscellaneous. So if we don't have any business to deal with on (H), I would like to move down to Introduction of Resolutions.

INTRODUCTION OF RESOLUTIONS

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

None

MISCELLANEOUS BUSINESS

Presiding Officer Calvo: We are now on Item M, Miscellaneous Business. Delegate King?

Delegate King: Thank you, Mr. President.

Presiding Officer Calvo: Excuse me, can you talk into the mike?

Delegate King: Thank you, Mr. First Vice President. I just like to announce, since I don't have the copy of the information on those proposals that we have reviewed and disposed by the committee. I know the list that I obtained is still there to be xeroxed and I will pass it out later. So I just want to announce that I will pass that out to each member so they can see what action the Committee on Personal Rights and Natural Resources did on each proposal that was referred to my committee. Another thing, I have received two legal opinions and I believe that the two legal opinions have been passed out to each member. I just like to ask the indulgence of each delegate here because maybe one or some of the delegates ~~here~~ might bring this up so I would like to ask if we can suspend ~~this~~ until maybe tomorrow so that the committee can have a chance to look at ~~this~~ and discuss ~~the legal opinions.~~ discussions of the legal opinions

Presiding Officer Calvo: Is that your statement?

Delegate King: A request.

Delegate Nabors: Thank you, Mr. President. I want to address my remarks to this Legal Opinion No. 1 concerning the eligibility or restricting the right to vote, and I would like to request the Attorney General to be present and to explain this opinion and answer some questions that I have regarding it for the reasons that No. 1, I don't agree with it; No. 2, I don't like it. And I want to get some answers because in fact, as I understand the Attorney General, he is telling this Convention that it cannot amend the Commonwealth Constitution. And I want to make certain that I understand fully the reasoning behind it, and I want to put forth my own legal opinion concening this issue.

Presiding Officer Calvo: Your point, Delegate Nabors, is well taken. Unfortunately I did not see any representative from the Attorney General's Office sitting in this Convention, and definitely the Chair will address that situation so we will see their presence here from here on. Delegate King?

Delegate King: The reason why I made that request, Mr. President, is because there is no legal counsel here and I would like to take the opportunity to call the legal counsel whoever provides this legal opinion. That's the main reason that I requested the Chair to suspend this until tomorrow.

Presiding Officer Calvo: Delegate Mundo?

Delegate Mundo: Thank you, Mr. President. I would like to comment on Committee Report No. 02 for the benefit of those introducers on Delegate Proposal No. 40-85. I would like the Committee to include this proposal under Proposal No. 118-85. Thank you, Mr. President.

Presiding Officer Calvo: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I just got through reviewing the referral sheet and I would like to ask the indulgence of the Chair and the appropriate committee to review Proposal No. 186. I personally feel that this proposal relating to appropriations should be assigned to Finance and Other Matters. This is my proposal. Thank you.

Presiding Officer Calvo: The Chair will take that into consideration and meet with the Committee on Organization and Procedures.

Delegate Mafnas: The Governmental Institution has no business with this proposal.

Presiding Officer Calvo: Any miscellaneous business to discuss today? Delegate Torres?

Delegate Torres: Thank you, Mr. President. I also noted on the Referrals regarding the proposals that I introduced yesterday that the proposal that was supposed to reflect what was being amended was assigned to a different committee. I believe that particular proposal I'm referring to is Proposal 160-85 should be jointly entertained by the Committee on Local Government.

Presiding Officer Calvo: Do I understand correctly that the proposal is 116?

Delegate Torres: 160-85 and 162-85 ought to be jointly entertained instead of separated. Because if you do separate that, then there's no way that the committee will understand what that amendment is all about because that amendment is specifically to reflect another amendment.

Presiding Officer Calvo: Thank you, Delegate Torres. We will consider that in the leadership meeting. The Chair would like to provide the Convention under the Miscellaneous Business that there are copies of the answers to Delegate Torres' questions that have been passed out to the delegates. Do we have questions to that effect? The second position that the Chair would like to entertain at this point is, we have also copies of several legal opinions have been passed out to the delegates. Are there any other questions or comments to this respect? Delegate Tomokane?

Delegate Tomokane: Thank you, Mr. President. Regarding the legal opinion that we will be receiving, I would like to restate my discussion again. Regarding the legal opinions that we have received so far and hopefully those that we anticipate to receive, I've a concern to raise here whether we are to accept one-sided legal opinion, or do we have the opportunity to be exposed to two or three legal opinions on the same matter because I want to know whether these legal opinions are to be considered as conclusive to our deliberations here. Thank you.

Presiding Officer Calvo: Delegate Nabors?

Delegate Nabors: Mr. President, I would like to have the opportunity to respond to that subject and advise my colleagues that we held a meeting yesterday with the President of the Bar Association and also Randy Fennel, a local attorney. And the purpose of that meeting was to have them find out from the membership of the Bar whether there are attorneys who would be available to provide pro bono services to the Convention, that is services without remuneration or charges, and they are currently in the process of finding out what attorneys would be available to render assistance to us on free basis and we expect to get a response in the course of the day. And I have been designated informally to coordinate requests from delegates who might be in need of legal assistance and to try and get a balanced opinions for our guidance. We hope to have something definitive on that before the end of the day. Thank you.

Presiding Officer Calvo: Chairman Manglona?

Chairman Manglona: I have two concerns. First, I would like to recognize the generosity of Secretary Nabors. He has available in the Office of the President sets of Constitution for the different States, territories, and other areas. My second concern, for the understanding of all the delegates here concerning their proposals, the Committee on Local Government, as you are aware under the Committee Reports, has recommended decisions on the different proposals. So if any delegate here has a proposal and his concern is what happened to it, this will be distributed by the Committee on the floor and to be discussed under Miscellaneous Business. There is an understanding that under Committee Reports, only recommendations or amendments will be discussed. To your concern as to what happened to your proposals, there will be a paper going around for your information so that

you will know the status of your proposals. That is all, Mr. President.

Presiding Officer Calvo: President Guerrero?

Delegate H. Guerrero: Going back to the legal opinion, I just want to mention to the delegates that the legal opinions are only tools for the delegates to work with. That's only for our guidance and it doesn't mean that if any attorney of the Con Con gives legal opinion, that's final. It is up to the delegates to make that decision. This Convention is the one to make that decision. I can say that any legal opinion ... we requested for legal opinions on the same subject because they are lawyers but it's up to us to make that decision on any recommendations or opinion given by the attorneys. Thank you.

Presiding Officer Calvo: Delegate Pangelinan?

Delegate Pangelinan: I just want to remind the delegates with respect to the legal opinion that when the Attorney General issued an opinion that says this is unconstitutional or inconsistent with the Covenant, we all took an oath of office here to faithfully support the Constitution of the United States and the Covenant that established the Commonwealth of the Northern Marianas in political union with the United States and we must respect these certain legal, political and practical constraint. The legal restraint is the limitation imposed by the Covenant and the U.S. Constituion. The political restraint is that we chose to function within the American system of government and perhaps knew of no other way. And I think this limitation we should all understand so that we do not waste more time disagreeing or seeking alternative means to say that we are amending the Covenant instead of the Constitution. Thank you.

Presiding Officer Calvo: The Chair would like to provide the delegates that we have also the Committee on Organization and Procedures that has established a policy for legal counsel assistance. This has been passed out to all the delegates. Does anyone have any questions, or have a copy of this? Delegate Mafnas?

Delegate Mafnas: No, Mr. President, I would like to ask the Chair whether the Constitutions of the different States are available for reviewing of the members, or is it a personal property of Mr. Nabors, or is it a property of the Convention?

Presiding Officer Calvo: May I recognize the President?

Delegate H. Guerrero: For the information of the delegates, those copies are available to all the delegates. All we ask is that when you check out, you take things out, check out with the secretary. We also have available the ... and other guidance. Thank you, Mr. President.

Delegate Mafnas: Is it the property of the Convention?

Delegate Nabors: Yes.

Delegate Mafnas: So in ~~order~~ other words, we bought the sets from Mr. Nabors.

Delegate Nabors: Yes.

Delegate Mafnas: Thank you. So it is not out of his generosity.

(Laughter)

Presiding Officer Calvo: At this point in time, the Chair would like to address some typographical errors on the policy for legal counsel assistance. If I may, under the function of Legal Counsel is to -- this is on page 1, item (2), after the second sentence there: "Legal Counsel will be available to sit with the Committees at times", taking out the word "the". And on item (3), immediately before the last sentence on the words "two days following" should follow by a period, and then capital "c" on "committee". And on the same page 1, right at the last paragraph, the last sentence, we have "legal" that has to be spelled with double "l" one. That's about all that have to corrected at this time. Delegate Ogumoro?

Delegate Ogumoro: Mr. President, I stand to be corrected, but I thought earlier....

Presiding Officer Calvo: Excuse me, can you please speak louder?

Delegate Ogumoro: I thought earlier Chairperson Manglona indicated that his committee recommendation is going to be discussed under miscellaneous. Are you ready to take that up?

Presiding Officer Calvo: Excuse me. We are still under miscellaneous so still it can be taken up. Chairman Manglona?

Chairman Manglona: Mr. President, that is still up for discussion if anybody wishes to discuss it further. I take it that there is no concern since nobody was bringing it up. From now on, recommendations on what action we take on proposals would be just distributed and not announce in the Committee Reports. We will try to get copies out to everyone before the Convention so that if you have any concern on that they can take it up under the Miscellaneous Business. And if lengthy discussion is necessary, we can break up into a Committee of the Whole. Thank you.

Presiding Officer Calvo: Delegate Ogumoro?

Delegate Ogumoro: I don't know what's happening to my microphone here. But I would like to offer a recommendation since we are running against time. I feel that, with all due respect to all of you, the respective chairpersons should go ahead if they feel that their substantive committee and the committee members have all agreed that they should conduct public hearing on certain proposals, that they should go ahead, that they should not waste time to try to put forth their report to the Plenary Session saying that they are going to conduct public hearing. They should just go ahead and still hold those public hearings with those coordinators.... Thank you.

Presiding Officer Calvo: Delegate Villagomez?

Delegate Villagomez: Thank you. I came in this morning and found out that my microphone has been taken away from me and this microphone doesn't reach. Anyway, for the benefit of all the degates, I think it's only fair that we explain to them what procedure we are going to follow with respect

to committee reports and recommendations and that would prevent any future questioning about what's going on. Immediately after we recessed, few minutes earlier, all the chairmen of the committees and the President and the three attorneys of the Convention had a short meeting and we discussed the experience that we had with the first Constitutional Convention with respect to the recommendation of the committees. Here is what we are going to do from now on. The committees are going to make reports and recommendations to the Convention only with respect to specific proposals or amendments in the Constitution that have been decided by the committee. They are not going to present to the Convention reports on specific proposals by delegates. That would take one year before we can finish discussing each single proposal. We are going to discuss only proposals that they make with respect to specific amendments in the Constitution. That would then be referred to the Committee of the Whole for complete discussions and then report it to the Convention for voting, and that would save a lot of time. With respect to what they do with each specific proposal in the committees, it's entirely up to them. They can file it, they can amend it, they can adopt it, and they can do anything with it. In order for a specific delegate or individual delegate to find out what happens to their proposal, we have adopted a form that lists each delegate's proposal, the subject matter of the proposal, and the disposition by the committee. You can find out what the committee did with your proposal by looking at that status sheet on each proposal. And so from now on we are not going to have from the committee's report on specific proposals or what they do with the proposals. We will only hear their proposal or recommendation for specific amendments to the Constitution that they have already approved, discussed, had public hearing on and want the Convention to adopt. Thank you.

Presiding Officer Calvo: The Chair would like to take the unanimous consent of the delegates or the Convention with regards to that. I believe strongly that we have earlier accepted the fashion that was instituted in the first Constitutional Convention, the fashion of committee reports. Are we all agreed to abide with that? And unless we have to approve before this Convention whether disposition of committees, like filing and tabling of proposals would not be submitted before the Convention, then so ordered. But I feel the Chair will have to entertain the consensus of the delegates, whether we want to proceed with the discussion from Delegate Villagomez and that will help us expedite our work with the limited time. And at this point of statement, the committee would submit reports that directly would amend part of the Constitution. Proposals that are tabled or filed, disposition will not be in a form of reporting to the Convention but in a form of referral sheet that will be passed out, if I understand correctly. What is the position of the Convention? May I recognize the President?

Delegate H. Guerrero: I just want to mention to the delegates that what Delegate Villagomez was stating is basically endorsing what the Committee on Organization and Procedures had already recommended in terms of reporting out the reports and coming up with the language for any amendments for inclusion to the Constitution. Thank you.

Presiding Officer Calvo: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I am not well versed with the discussion but for my understanding, Delegate Villagomez did mention that

only those measures or proposals would be for amendment to the current Constitution would be submitted by the committee to the floor. What would be the fate of the new articles or new amendments to the Constitution? Would this kind of proposal be accepted into the new Constitution, or we just amend the old, the first Constitution that we already adopted in the past? What would be the fate of the new articles -- something new into this document?

Presiding Officer Calvo: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I believe the agreement, Delegate Kaipat, was that if the committee passes and adopts either an amendment to an existing article in the Constitution or if it agrees to adopt any new additional article or section of the Constitution, all inclusive would be reported to the floor for action.

Presiding Officer Calvo: Delegate Villagomez?

Delegate Villagomez: I didn't raise my hand.

Presiding Officer Calvo: Okay. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I think what Delegate Villagomez is trying to suggest is that we should try to make this Convention more efficient and that we should not just simply create a Committee of the Whole to discuss matters that the committee itself could deal with. Now each committee will be reporting out status report on proposals that they have reviewed. Now on the status report, many of the delegates are going to be disappointed because perhaps their proposals are being tabled or being considered as legislative matters, for instance. Now if there is a concern of a delegate on his particular proposal, for example, that delegate could take upon himself to discuss or explain in the miscellaneous section of our Order of Business and find out from the committee or committees why his proposal has been decided to be filed or determined to be a legislative matter.

Presiding Officer Calvo: Delegate Torres?

Delegate Torres: Thank you, Mr. President. In line with what Delegate Lizama has just stated, I believe that there is a memo issued by the President this morning on that regards. The question is, will the author or authors of the proposal have a chance to comment on the decision or disposition of their proposal. Answer: It is expected that each committee will hear the views of the author or authors before making any decision on the recommended disposition of a proposal.

Floor Leader Lizama: Mr. President, I agree that it will be expected, however it will not be a mandatory thing. Now, if one delegate feels that it is necessary to be heard more fully, then I think we have already agreed that we would entertain concerns under the miscellaneous.

Presiding Officer Calvo: Delegate Villanueva?

Delegate Villanueva: Mr. President, I would like the Floor Leader to let us know if these suggestions are not in conflict with any of the Convention rules. And second, if there's no conflict, I'd like to recommend that this procedure be put in black and white.

Delegate Nabors: I second the motion.

Delegate Villanueva: It's only a suggestion.

Presiding Officer Calvo: Can we hear from the Floor Leader please?

Floor Leader Lizama: Mr. President, I would like to recommend that we take this matter before the Committee on Organization and Procedures and with the leadership and perhaps by tomorrow, we could give you a better idea as to how we are going to work out this problem.

Presiding Officer Calvo: Delegate Mafnas?

Delegate Mafnas: Mr. President, this is our ninth day and we have not determined what to do on the reports, and again the Floor Leader is asking the President to allow the Committee on Organization and Procedure to take it up. That means tomorrow we will debate again whether we agree or disagree. You know, I don't understand this. Delegate Ogumoro stated that time is of the essence, time is our enemy. I don't know how hard Delegate Villagomez' suggestion. Now, I don't want to discuss anything or debate anything that is not intended to amend the Constitution. So I ask the indulgence of the members. I sent a note to Delegate Lizama to resolve into a Committee of the Whole so that our steno will not have to take this deliberation down. Our Journal, today's Journal will become probably 100 pages long. So let's try and settle this problem and not just the Committee on Organization and Procedures, Mr. President.

Presiding Officer Calvo: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I'm agreeing with the proposal that has been stated by Delegate Villagomez, however, if the Convention feels that a Committee of the Whole should be established, we can do that now.

Presiding Officer Calvo: Well, before I ask the consensus of the Convention, may I recognize Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. Mr. President, I think the discussion that we again discussed this morning is merely the format to be used, and that format from the fourth day or the fifth day of our session has been submitted for practical purposes and expedency of the committees work. And I'm sure that the rules of the Organization and Procedures Committee or the leadership of this Convention did agree that that format should be used in the committee. Now, I want to note one thing that the disposition of the committee yet still have to follow by the recommendation of the committee as the status of that delegate proposal. That doesn't mean that the Convention will not be notified. The Convention will be well notified on the committees' reports with the attachment sheet on the disposition of any committee. And I hope we can proceed with the Convention business because all along we have designed the format, we have agreed with the format and I think we have to proceed with the business of the Convention as well as the committees.

Presiding Officer Calvo: Yes, Chairman Guerrero, I did emphasize or stated earlier that we have accepted the fashion of the first Constitutional Convention as means to facilitate the second Constitutional Convention. But the fact remains is that the way the report should be

written. The format has been acknowledged and accepted by this body, but the issues that are to be reported are the questions of the mind now whether we should report to the Convention dispositions of the committees on proposals that were filed, proposals that were tabled, I think that is before us now. And the Chair, with all honesty, felt that resolving into a Committee of the Whole for this little thing of the essence now is not in order, otherwise appeal by the Convention is heard by the Chair.

Delegate Mafnas: I appeal, Mr. President. We have spent 30 minutes already discussing this. If you think it is not necessary, then why spent 30 minutes.

Floor Leader Lizama: I move that we form a Committee of the Whole to discuss this matter.

There was a second to the motion.

Presiding Officer Calvo: Okay, there's no objection to that motion on the floor, do I hear discussions on the motion?

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

There was a second to the motion.

The motion to resolve into a Committee of the Whole was carried by voice vote.

The Convention resolved into a Committee of the Whole at 10:40 a.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 11:00 a.m.

Presiding Officer Calvo: The session is now back to order. May I recognize the Chairman of the Committee of the Whole to report its findings?

Delegate Villagomez: Thank you, Mr. President. I am pleased to announce or report to the Convention the decision of the Committee of the Whole on two issues. The first issue is whether the substantive committees would accord each of the delegates the opportunity to appear before the committee with respect to their specific proposals either before or after the status sheet has been presented to the Convention. I am happy to report that the Committee of the Whole unanimously approved that motion. The second issue is whether the report and recommendation of the committee to the Convention include only specific proposals for amendments to the Constitution. During the discussions the question of whether resolutions should be included in this proposal, and the consensus of the Committee of the Whole is that resolutions will follow regular procedures and are not to be eliminated under this motion. The motion was unanimously carried, and the Committee of the Whole decided that the committees reporting to the Convention should include only specific proposals for amendments to the Constitution. Thank you.

Presiding Officer Calvo: For the benefit of the Convention, we have the Chairman of the Committee of the Whole report its findings when we

resolved into a Committee of the Whole. Without any delay, do we all agree on the submission before us as a report on findings of the Committee of the Whole?

Delegate Nabors: Agree.

Presiding Officer Calvo: If there's no objection to that, so ordered.

Delegate Lizama: No objection.

Presiding Officer Calvo: Is there any other miscellaneous business? Delegate Nabors?

Delegate Nabors: Only a very short one, Mr. President, if I might. I would like to just kind of open my heart and express my gratitude for the unity and cooperation that my colleagues are showing here; especially, I would like to give recognition to the two chairmen in their public hearing yesterday, the public inquiry. It showed the understanding on the particular proposals that were under discussion by genuine interest in getting at the problems. And after all, that's why we are here for. And I'm simply gratified at this attitude and I am grateful and hope that we can keep moving in the right direction. Thank you.

Floor Leader Lizama: Point of information.

Presiding Officer Calvo: State your point of information.

Floor Leader Lizama: Chairmen who?

Delegate Nabors: Floor Leader Lizama's committee and Chairman Esteven King's committee.

Floor Leader Lizama: Thank you very much.

Presiding Officer Calvo: Delegate King?

Chairman King: Thank you, Mr. First Vice President. I just want the record to show that it is not a public hearing; it's just an invitation to those people that we want to talk with concerning Proposal No. 3-85. If that is going to be a public hearing, then I will come up with a notice, you know, and give the same opportunity to those people who want to come and testify. So I just want the record to show that this is not an official public hearing. Thank you.

Presiding Officer Calvo: If there is no more under Miscellaneous Business, I would like to entertain the Announcements on the order of business now. Floor Leader Lizama?

ANNOUNCEMENTS

Floor Leader Lizama: Mr. President, I'd like to announce that the Committee on Governmental Institution will meet at 1:30 p.m. this afternoon.

Delegate Mafnas: Mr. President, point of information, or may I ask a question? To meet where?

Floor Leader Lizama: To meet right here in this Chamber.

Delegate Mafnas: Thank you.

Presiding Officer Calvo: May I recognize Chairman Manglona?

Chairman Manglona: Mr. President, I would like to announce that there will be a public hearing on Thursday in this Convention Hall, if there is no objection, regarding the Local Government's proposals that I have listed under Committee Recommendation No. 03 earlier this morning plus two other proposals not listed here. I believe it's Proposal 151. I would also like to announce that the Committee on Local Government will be meeting at 2:30 p.m. this afternoon.

Presiding Officer Calvo: Delegate Mendiola?

Delegate Mendiola: Thank you, Mr. President. I would like to announce that the Tinian Delegation will be leaving for Tinian this afternoon to pay our respect to our distinguished citizen in Tinian, and at the same time, I would like to ask the Convention to reconvene tomorrow at nine o'clock, 9:30 a.m.

Presiding Officer Calvo: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. The Committee on Finance and Other Matters wishes at this time to announce that we will be conducting public hearing beginning Friday, June 28, at 3:00 p.m. on the following proposals: 5-85, 68-85, 85-85, 89-85, 99-85, 108-85 and 109-85, and this is going to be at the Senate Chamber, Mr. President. On Saturday, which is June 29, at the same time again, 3:00 p.m., the same place, Senate Chamber, on the following delegate proposals: 31-85, 66-85, 69-85, 72-85, 4-85, 108-85, 68-85 and 41-85. On Monday, which is July 1st, same time, 3:00 p.m. again, on the following delegate proposals: 83-85, 50-85 and 104-85. Immediately after the Convention's adjournment, Mr. President, I would like to call the indulgence of all the members of the committee to meet again this afternoon at two o'clock.

Floor Leader Lizama: Point of information, Mr. President. I thought we already made an agreement that the Committee on Governmental Institution will be holding its public hearing at the Senate Chamber. I'm going to make an announcement that there will be a public hearing tomorrow at one o'clock in the Senate Chamber. I wonder whether there may be a conflict in making the announcement for Finance and Other Matters Committee for Friday because the subject matter involved tomorrow might take up until Friday to complete the hearing.

Presiding Officer Calvo: Let the Chair remind all the chairmen that we have other places where we can conduct hearings. The only problem remains there is that if the same witnesses are to accord the committees, so it is only fit and proper that these hearings are coordinated within the Organization and Procedures Committee. So I think these things are in order now.

Floor Leader Lizama: Mr. President, I think it's very important to recognize that it would help if a committee selects a specific place so that the general public would have the general idea that when a specific

committee is going to hear a proposal that the public will know that if it involves Governmental Institution Committee that the place of that public hearing would be the Chamber so there will be some kind of a general understanding by the public so they don't have to be confused in figuring out where, for example, the Governmental Institution Committee is going to hear out their proposals.

Presiding Officer Calvo: Delegate King?

Chairman King: Thank you, Mr. Vice President....

Presiding Officer Calvo: Will you speak louder please?

Chairman King: I'm kind of confused on the coordination of these public hearings because I thought that we have discussed this in the President's Office that all public hearings should be reviewed first by the Committee on Organization and Procedures so that the schedules should not be overlapping. It seems to me that this morning I saw only one public hearing notice and now we have a lot of public hearings being reported out to the Convention. I think that whatever discussions we have in the Committee on Organization and Procedures should be respected accordingly in order to avoid all these kinds of confusion. I'm kind of confused on all these kinds of public hearing, Mr. President.

Presiding Officer Calvo: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. I hope I don't confuse the chairmen of the other respective substantive committees. The Chairman of the Committee on Finance and Other Matters did announce at the early stage that sometimes this week we will pursue with our public hearing. Now we just finished it up, of course, since our staff committee or committee assistant came in with the notices. We did announce that we are going to have our public hearing be conducted. I hope it's not going to be construed to mean that it is going to overlap with other committees' hearings. If I would have to conduct my committee hearing and I don't finish it, then, of course, I can reschedule it again practically on the same day or on a different time. We have to conduct our committee assignment; we have to conduct public hearings, otherwise if we continue to stall the time or days of our Convention, we will never finish with our assignments.

Presiding Officer Calvo: With all due respect, I would like to recognize President Guerrero, I think he got some information with this respect.

Delegate H. Guerrero: Thank you, Mr. President. It seems like.... It was decided by the Committee on Organization and Procedures before it is being brought up on the floor, and I thought that -- I asked all the members that we are going to have a meeting every morning at eight o'clock and nobody is listening, and I am getting tired of it, so it is necessary that the President make that designation whether we are going to have public hearing and that's it.

Delegate Nabors: Thank you, Mr. President. I don't see any conflict; I don't see any overlapping; and as far as one public hearing going over to the next day, each chairman ought to make certain that those testifying stick to the issues, stick to the business of the day and economize your

time. Nobody can hold up our session hall two or three days contingent upon one hearing going over. If you have to go into evenings to finish, go ahead, but we cannot, Mr. President, keep the session hall or place of meeting open contingent upon witnesses going overtime, then stick to the subject, answer the questions, and get finished with the business.

Delegate Mafnas: Just to add that not only those who are testifying but even those who are listening and asking questions, stick to the subject. Mr. President, I asked our chairman to reserved the Chamber for the Committee on Governmental Institution. This committee has a tremendous load. ~~And I don't know.~~ I just don't feel comfortable down in the Senate. So I ask the Committee on Organization and Procedures to review our request to reserve the Chamber for your Committee on Governmental Institution. Thank you.

Presiding Officer Calvo: Your request is noted down. May I recognize Delegate Inos?

Delegate Inos: Thank you, Mr. President. I would just like to have a point of information to my distinguished Chairman on Finance and Other Matters on the announcement that he made for Friday. There was a mistake on the last item there. It should not be 109-85, it should be 110-85. Thank you.

Chairman Manglona: Mr. President, I announced earlier that our committee will be meeting this Thursday at 4:00 p.m. I would also like to announce our plan and I realize that this should be subjected to the Committee on Organization and Procedures. That plan is to call a public hearing on the same proposal numbers, No. 73-85, 109-85, 118-85, 151-85 and 154-85. These proposals will also be discussed in the public hearings planned for Monday and Tuesday of next week. On Monday, a public hearing will be held on Rota; on Tuesday, a public hearing will be held on Tinian. That's all; thank you, Mr. President.

Chairman King: Thank you, Mr. Vice President. I would like to announce to the members of the Committee on Personal Rights and Natural Resources to meet immediately right after the adjournment of the Convention. ~~The reason for that is~~ As I mentioned this morning that I will pass out the disposition of the committee on each proposal that we've reviewed. So I would like the Page Boy to pass this out for the information of each member. Thank you.

Presiding Officer Calvo: Is there any announcement that has to be made by the chairmen or other delegates? The Chair would like to announce that corrected copies of the Rules of Procedure have been passed out to all the members of the Convention.

Floor Leader Lizama: If there's no further announcement, Mr. President, I move that we adjourn until tomorrow morning at nine o'clock.

There was a second to the motion.

Delegate Nabors: May we request for 9:30 a.m. please?

Floor Leader Lizama: 9:30 tomorrow morning.

Presiding Officer Calvo: Has that been seconded?

Delegate Nabors seconded the motion.

Presiding Officer Calvo: Okay. There's a motion on the floor that we recess until tomorrow at 9:30 a.m. for the 10th Day Convention. Is there any discussion on that motion? If there's no objection from the floor, then the motion is so ordered. Do I hear any objection to that motion?

Floor Leader Lizama: No objection.

Presiding Officer Calvo: Excuse me, Delegate Nabors?

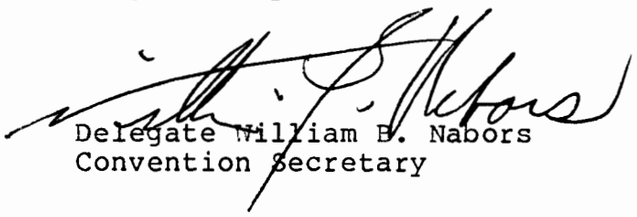
Delegate Nabors: I just served notice here, I want the Office of the Attorney General to ... and here is a status table filing my proposal without me having the opportunity....

Presiding Officer Calvo: Let me, with all honesty, rule my colleague here out of order. We have a motion before us to adjourn until tomorrow morning at 9:30. Are you ready for the question?

The motion to recess until the next day at 9:30 a.m. was carried by voice vote.

The Convention recessed at 11:17 a.m., and to reconvene on Thursday, June 27, 1985, at 9:30 a.m.

Respectfully submitted,



Delegate William B. Nabors
Convention Secretary

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

TENTH DAY

Thursday, June 27, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 10:12 a.m., Thursday, June 27, 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: Before I call on Secretary Nabors to make the roll call, I would appreciate if the delegates speak out real loud in view of the shortage of microphones this morning. Secretary Nabors, make the roll call please.

The Convention Secretary called the roll, and 23 delegates were present. Delegate Tenorio was absent.

Secretary Nabors: We have 23 delegates present and one excused absent, Dr. Joaquin Tenorio; a quorum is present.

President H. Guerrero: Thank you, Secretary Nabors. There's a quorum, we can conduct the business of today. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I would like to ask that Delegate Tenorio be excused.

Secretary Nabors: No objection.

President H. Guerrero: So ordered. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, the Journal for the fourth day has already been passed out. I move that we adopt the Journal.

Secretary Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Fourth Day's Journal of the Convention. Discussions?

There being no discussion, the motion to adopt the Fourth Day's Journal was carried by voice vote.

President H. Guerrero: The Fourth Day's Journal is adopted.

COMMUNICATIONS

Comm. No. 6, from the Acting Superintendent of Education re proposed

amendment to Section 13 of Article III and Article XV of the Constitution of the Northern Marianas relating to Board of Education and the Department of Education.

President H. Guerrero: In front of you is a memo that we received from the Acting Superintendent of Education regarding proposed amendment to Section 13 of Article III and Article XV of the Constitution of the Northern Marianas, relating to Board of Education and the Department of Education. Is there any question on that? If none, then that communication is referred to the Committee on Governmental Institution. I would also like, not being in the agenda of today -- Communication No. 4 from the Chamorro/Carolinian Language Policy Commission, to refer that letter to the Committee on Personal Rights and Natural Resources for action and deliberation. Are there any other communications? If none, we'll go on to Committee Reports.

COMMITTEE REPORTS

Committee Recommendation No. 05, from the Committee on Finance and Other Matters, recommending adoption of Resolution No. 4-85, entitled: "A RESOLUTION REQUESTING THE GOVERNOR AND THE DIRECTOR OF PUBLIC WORKS TO WAIVE ALL UTILITY CHARGES FOR POWER AND WATER AT THE MEETING PLACE OF THE CONSTITUTIONAL CONVENTION, THE HOUSE OF TAGA, FOR THE DURATION OF THE CONVENTION."

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I would like to move to suspend the Order of Business and continue down to the next item and take it up at a later time Item (F).

Secrety Nabors: What's your motion?

Floor Leader Lizama: To suspend the Order of Business and we will take up the Committee Reports after we've completed perhaps the miscellaneous item.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, the Committee on Finance and Other Matters has something to address this Convention. This is in regard to Resolution 4-85, and I would like to ask the Floor Leader for his indulgence that we would like to have this disposed of this morning rather than to skip it.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: I would yield to Delegate Mafnas.

Delegate Mafnas: Perhaps, Mr. President, if the Floor Leader will explain his reason or reasons for skipping the agenda on order of business (F), it would be more clear to the delegates.

President H. Guerrero: Floor Leader Lizama, please explain.

Floor Leader Lizama: Thank you, Mr. President. The Committee on Governmental Institution expects to be submitting some reports. We have not received the reports; they are being typed out now. I hope that prior to adjourning this session that committee reports that the Committee on Governmental Institution will be able to submit the reports that it desires to submit today.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: Mr. President, I would like to offer a recommendation that we stick with Item (F), proceed and discuss Committee Recommendation No. 05, and if the reports from the Committee on Governmental Institution are still not ready, then at that time we should make a determination whether we should suspend the Order of the Day and move down to Miscellaneous Business. That's my recommendation, Mr. President.

President H. Guerrero: Chairman Guerrero?

Chairman Guerrero: Mr. President, after the adoption of the committee report, I would like to ask the indulgence of the Convention Delegates that we have to place this resolution under the General Orders of the Day for discussions and adoption. And I just want to clarify that we must adopt the committee report prior to placing the resolution under the General Orders of the Day to be taken up by this Convention.

Floor Leader Lizama: No objection, Mr. President.

President H. Guerrero: The Chair will recommend that we'll go ahead with the Order of Business and when the report of the Governmental Institution Committee is finalized then we can always go back.

Floor Leader Lizama: Thank you, Mr. President.

President H. Guerrero: Just a typo error in the Order of Business. It indicates that it's the Local Government, it should be the Finance and Other Matters. So make that correction in your Order of Business. And also before we entertain the Committees Reports, Resolution No. 4-85 apparently was typed in the wrong place. It should be under the General Orders of the Day. Chairman Guerrero?

Chairman Guerrero: Mr. President, at this time, your Committee on Finance and Other Matters is happy to report to this Convention that Resolution No. 4-85 has been reported as you can see in the Committee's recommendation for its adoption in today's session. And if there's no objection, at this time, I would like to move that the Convention, as a whole, adopt this Committee Report and Recommendation No. 05. I so move.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 05 as reported by the Committee on Finance and Other Matters. Discussions?

There being no discussion, the motion to adopt Committee Recommendation No. 05 was carried by voice vote.

President H. Guerrero: Committee Recommendation No. 05 is adopted. Are there any other committees reports? Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has nothing to report at this time. Thank you.

President H. Guerrero: Are there any other committee reports? Chairman King?

Chairman King: The Committee on Personal Rights and Natural Resources has no committee report at this time.

President H. Guerrero: Okay, we will go on to the next Order of Business, Introduction of Proposals and Referrals. Are there any proposals to be introduced? Delegate Villanueva?

INTRODUCTION OF PROPOSALS AND REFERRALS

Delegate Villanueva: Mr. President, I have three proposals here. One is "to amend Article II to add a Section 2(d)." The other proposal is "to amend Article II of the Constitution to add a Section 3(d)." And the last proposal is "to allow all persons of the Northern Marianas descent to be eligible to vote in all Northern Marianas election." Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Villanueva. Are there any other proposals? Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I have one proposal to submit this morning, a proposal "to add a new article to the Constitution of the Northern Mariana Islands to establish "A Taga" and "Aghurub" day once yearly for cultural revival activities by Chamorro and Carolinians of Northern Marianas descent."

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

Delegate Torres: Thank you, Mr. President. I have a proposal to introduce this morning, a proposal "to amend Section 3 of Article XII of the Northern Mariana Islands Constitution to protect innocent landowners against the practices of unscrupulous and high-pressure real estate brokers." Thank you.

President H. Guerrero: Thank you, Delegate Torres. Are there any more proposals? Delegate Pangelinan?

Delegate Pangelinan: Thank you, Mr. President. I have three proposals this morning: "To add a new section to Article X to specify the fiscal year of the Commonwealth.", "To add a new section to Article X relative to appropriation of public funds.", and "To add a new section to Article X to request the establishment of employment ceilings in the annual budgetary appropriations."

President H. Guerrero: Any other proposals? Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I have two proposals. One is "to amend Section 7(a) and (b) and to delete (c) of Article II of the

Northern Marianas Constitution." And the other one is "to amend Section 17(a), (b), and (c) of Article III of the Northern Marianas Constitution."

President H. Guerrero: Any more proposals? If none, I have three proposals to make. One of them is "to amend a section -- I'm not sure exactly which section -- of the Constitution regarding bribery of executive, judicial or legislative officers.", "to amend Article II, Section 7(a) to limit the authority of the Governor to veto administrative provisions of appropriations bills.", and "to add a new section to Article X to authorize recission or deferral of budgetary authority by the Legislature." In front of you is the Referral or Committee Assignments on Delegate Proposals starting with 189-85 all the way to 200-85. Also, Proposal 1-85 is jointly referred to Committees on Finance and Other Matters, Local Government, and Personal Rights and Natural Resources. Proposal 162-85 is jointly referred to Committees on Finance and Other Matters, Local Government, and Personal Rights and Natural Resources. Proposal 186-85 is referred to Finance and Other Matters Committee.

(See attached Referral Sheet on Proposal Nos. 189-85 to 200-85.)

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTIONS

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

RESOLUTION NO. 4-85: "A RESOLUTION REQUESTING THE GOVERNOR AND THE DIRECTOR OF PUBLIC WORKS TO WAIVE ALL UTILITY CHARGES FOR POWER AND WATER AT THE MEETING PLACE OF THE CONSTITUTIONAL CONVENTION, THE HOUSE OF TAGA, FOR THE DURATION OF THE CONVENTION."

Chairman DL. Guerrero: Mr. President, at this time since this is the appropriate time to discuss this resolution, as I stated earlier, that Resolution No. 4-85 be placed under today's General Orders of the Day for discussion.

Delegate Mendiola seconded the motion.

President H. Guerrero: Do you want to move for the adoption of this resolution?

Chairman DL. Guerrero: That's what I said, I move.

President H. Guerrero: It has been moved and seconded to adopt Resolution 4-85. Can I get the Secretary to read the resolution first?

At this point, Secretary Nabors read Resolution No. 4-85 in its entirety.

President H. Guerrero: Discussions? Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, for the interest of all the delegates as well, the Committee felt not only passing the resolution, after the Convention pass this resolution, we also felt that the Presiding Officer is the appropriate body of this Convention to follow up or make a follow up and contact the Governor as well as the Director of Public Works to ensure that this resolution is taken into consideration.

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

Delegate Tomokane: I have one question. Is the Con-Con the sole leasee of the House of Taga?

President H. Guerrero: Can you repeat your question please?

Delegate Tomokane: Is the Con-Con the sole leasee of the House of Taga?

Chairman DL. Guerrero: To answer that question, Mr. President, yes, there was a lease agreement signed by the Pre-Convention Committee.

President H. Guerrero: Are there any other discussions?

Secretary Nabors: I move to end the debate.

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

President H. Guerrero: Let's vote on the resolution.

The motion to adopt Resolution No. 4-85 was carried by voice vote.

President H. Guerrero: Resolution No. 4-85 is unanimously adopted by the Convention.

MISCELLANEOUS BUSINESS

President H. Guerrero: Miscellaneous business? Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. I would like to, first of all, extend our gratitude to our colleagues for allowing the Tinian Delegation to travel to Tinian last evening to pay our respect to a public official who passed away. And while there, we met with our constituents who showed very keen interest on our work over here and were very pleased with our delegation's participation in this Constitutional Convention. In addition, Mr. President, they are anxiously awaiting the various committees to come to Tinian for the purpose of holding public hearings. They

are very keen on the business of this Con-Con too. And we were very pleased to have the opportunity to go down there.

Secondly, Mr. President, in the Committee on Organization this morning, I would like to, if I could, offer my apologies to my colleagues for getting a little bit upset yesterday on some of the business of the Convention. Any mistakes that I made are certain mistakes of the mind and not of the heart, so I want to apologize to my colleagues; and also say, Mr. President, that we had an understanding in our Committee on Organization this morning that various matters that are being referred to the Attorney General are being worked out by their office and, I think, in a very expeditious manner and we are getting good results. I would like to, in that connection, correct any misunderstanding that may have resulted from our comments yesterday on the floor concerning the Attorney General's opinion.

The opinion of the Attorney General concerning the alien -- not alien but eligibility of voting of military personnel is, in my opinion, a good legal opinion. The only concern that I have is that it did not address my issue. My issue did not concern military people. My issue concerns third country alien, contract workers in the Northern Mariana Islands who are obtaining voting privileges and privileges that will make them eligible for U.S. citizenship and the future affect of that concern is going to have, especially on Tinian and probably Saipan as well. For instance, if you have 300 new citizens and each of those individuals sponsors five or six relatives, you are going to have an addition of some 1,500 eligible voters immediately into the political process. And I don't know how that number will affect Saipan, but 100 eligible voters on Tinian will put us out of business. So this is my concern. And I met with the Attorney General this morning, we had a meeting of minds, we had a good understanding, and he and I agreed that we are going to work out a language that will help us address this issue without going over the line in terms of conflicting with the Covenant. This is an issue that is a very, very vital concern in Tinian and all the Saipan people whom I met daily, and I do believe that we must address this issue in this Constitutional Convention.

Now, in that connection also, Mr. President, I wonder if my colleagues can get some thoughts to doing something in this Convention that will address what I consider to be a very basic concern of all of us. That concern is simply this. Under the Covenant that was negotiated, there were certain exceptions made for the people of the Northern Mariana Islands relative to restricting alienation of land. Now, I think that's fine, but I think we also need to elicit from the U.S. Government permission to make other exceptions in the Covenant that could be incorporated into the Constitution to protect the future inhabitants of each island. And by that I mean citizenship, voting qualifications and perhaps we, Mr. President, could establish a committee to come up with a resolution to the United States Government that would entertain the second negotiation if you will of our Covenant. But I'm also in the opinion that we can amend our Constitution even though it might conflict with the Covenant. If the conflict in the Covenant concerns local Commonwealth matters, we have that authority. I do not believe that the United States will object to our amendment if it only concerns inter-matters. If they approve the original Covenant, they can approve any amendment. Even if we were to amend the Constitution that are conflicted with the United States interest, the United States Govern-

ment still has the right to accept our amendment. If they accepted the original document, they can accept any amendment thereto. So I would like to suggest that we'll not be so gun-shy in proposing amendments that might tend to conflict with the Covenant.

I talked with several staff of the United States House of Representatives Committee on Interior and Insular Affairs in March as well as the official staff of the United States Senate, and the indications from those gentlemen were that we, with the United States Congress will be receptive to reviewing any proposed amendment in the Constitution that conflicting with the Covenant, get their assent and approval.

I think there are certain areas, Mr. President, in the Constitution that we need to address that tend to get over the line and conflict with the Covenant but I think that we should buy the bullet and ask Washington to concur as Washington had in the past been very conservative, cooperative and I have no reason to believe they will continue to do so. So that's, in essence, all, Mr. President; and I ask and beg my colleagues for their consideration.

Again, I apologies for being wise. If I offended anyone yesterday with my remarks, especially my colleague, Delegate King from Tinian, I have no grudge whatsoever; I was just only trying to do the best job that I can so I can serve our constituents. Thank you.

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

Delegate Mafnas: Thank you, Mr. President. With respect to Delegate Nabors' concern about the influx of aliens, I think we have an answer for that. We will explore the idea of old policy of population explosion here on Saipan or in the Commonwealth.

Now we have been very, very serious about our work, we need to hear some members laugh.

Mr. President, during the last nine days, I listened to delegate proposals attempting to restructure the Legislature and to establish a budgetary limitation. You and I will agree that the general sentiment of the people of Saipan is to provide reforms in the Legislative Branch. Many if not all of the successful and unsuccessful candidates to the Constitutional Convention were asked by our voters to address the excessive expenditures in the Legislative Branch. This Convention is left without any alternative or choice but to diligently submit amendments with respect to legislative reforms.

I have reviewed all of the proposals with respect to legislative reforms. I fully support all of them. I believe that we should look at the following issues: (1) Reduce the composition of the Senate and the House of Representatives from nine to six and from 16 to 10. If this approach is adopted, the people of the Northern Marianas will realize a total savings of nearly $300,000 from the salaries of the members of the Legislature beginning January of next year. (2) Delete the reasonable allowances provision in our Constitution. Again, additional $312,000 savings will be enjoyed by our people. (3) Establish or create a Legislative Bureau to service both houses of the Legislature. If this approach is adopted, I can safely say that over $300,000 will be saved.

(4) Limit the number of session days to forty-five per annum or per year. Additional $270,000 to $300,000 will be saved from per diem. And (5) because the number of sessions is limited, the people of the Northern Marianas can realize an additional half a million or perhaps more through reduction of personnel.

While I am extremely cautious about establishing limitations in our Constitution, I firmly believe that the legislative branch will still be able to function even with such constitutional constraints. We cannot continue to seeing excessive public funds spent without adequate returns to the people of the Northern Marianas.

We must review all the proposals, solicit more ideas so that we can insure that this Convention delivers the most acceptable and reasonable amendments with respect to legislative reform to our dearest people.

I thank you.

President H. Guerrero: Thank you, Delegate Mafnas. Any other miscellaneous business? Delegate Torres?

Delegate Torres: Thank you, Mr. President. I have a question for the Attorney General if one is around.

President H. Guerrero: Let's just check.... Sergeant-at-Arms, can you check the Steno Pool please?

Delegate Villagomez: Mr. President, I have a short statement to make while we are waiting.

President H. Guerrero: Delegate Torres, would you yield to Delegate Villagomez?

Delegate Torres: I yield to Delegate Villagomez.

Delegate Villagomez: Thank you. I would like to get a moment to share my thoughts with respect to committee decisions in relation to public hearings, and I want to make this statement not to generate lenghty discussion. If you disagree, that's fine with me. But I thought it might help the committees to think about this matter.

In some of the reactions that I have observed by the committees to the proposals, the immediate reaction when they see some of the proposals is, let's have a public hearing and let's find out what the public will say about this proposal. That is a natural reaction when the proposal is of great importance and particularly when it's a complicated issue in the Constitution. However, I would like to point out that the reason we have been elected to the Constitutional Convention is so that we can sit down as delegates and study those proposals carefully and make decisions ourselves. And my point is, after we have sat down, we have thoroughly discussed it, we have asked the thoughts of the Attorney General or the other attorneys and we have made decisions on those proposals, then we present our decisions to the public for their comments and considerations. I suspect that the reaction of the public would not be very different from our initial reaction to the proposals. When we have a

public hearing and we found out serious in proposals, what do you think of it. They probably going to say first, oh, what do you think of it; we elected you to study that and make decisions of them. Some of them would be prepared to make comments right away. But my point is, we shouldn't immediately think of giving it back to the public for their decisions before we make our own studies. And so I strongly recommend that you consider the proposals first very carefully and make your own determinations and decisions before we actually go out to the public for their comments. That's all. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez. Before I call Delegate Torres, the Chair would like to appoint Secretary Nabors to preside for five minutes.

(At this point, Secretary Nabors took over the Chair.)

Presiding Officer Nabors: The Chair will recognize Delegate Torres.

Delegate Torres: Thank you, Mr. President. I have one question to the Attorney General and this question is relative to the AG's opinion -- there's no number here. It is dated 6-25-85, relative to Northern Marianas Descent as a Qualification for Office. I read this opinion with extreme interest, however, I have one very disturbing question. The question is, if restricting the holding of public office -- in this case, the Office of the Mayor -- to persons of Northern Marianas descent violates the Fourteenth Amendment which is the Equal Protection Clause, then, is the same, true of mandating that U.S. Presidents be natural born citizens of the United States?

Presiding Officer Nabors: Can I call upon the Attorney General to respond to that inquiry?

Attorney General Kosack: Thank you very much. The opinion, it doesn't have a legal number to it because there're some questions about what legal number it will have. The legal opinion which just came today was not written by me. It was written by Joseph Guthrie who is the Assistant Attorney General in my office. He is the most appropriate person to address you on this matter. I have read his opinion but I am not familiar about this long area. The question before that you've asked me is, if you can require to become a mayor that you will be a Northern Marianas descent, how is it that the United States Government has required that you should be a U.S. citizen to hold the Office of the President.

Delegate Torres: A native born U.S. citizen.

Attorney General Kosack: That's right, a native born U.S. citizen. Let me just take a moment to think about this. My initial answer was going to be that one distinction is based on citizenship and the other distinction is based on residency. See, when we say Northern Marianas descent, all we're really saying is actually not a racial distinction and it's actually not an ethnic distinction but it's a distinction based on residency since the definition is that you have to have been born in the Northern Marianas -- excuse me, have been residing in the Northern Marianas prior to 1950 or have been a descendant of someone who has a residency requirement. And as far as residency requirement to hold an office, they have looked at those and determined that only a short term residency requirement will withhold

or withstand constitutional scrutiny because it only takes a short period of time to become familiar with the issues of that area and anything longer would not be appropriate. In the case of the United States requirement for President, what immediately comes to mind is that that is not a residency requirement. It's a different classification. That is a requirement of citizenship. Anything that throws me of in answering your question.... Well, I don't want to give you a straightfoward answer from the top of my head.... It's the distinction between citizenship acquired through birth and citizenship acquired through naturalization. I don't want to answer that one when I don't have the thought on top of my head, but at least I hope you can see the distinction that one is a residency requirement and the other is a citizenship requirement.

Delegate H. Guerrero: Can we put in the Constitution not to allow U.S. citizens or disqualify U.S. citizens to run for offices?

Attorney General Kosack: Again, I'm giving you legal opinion without the benefit of research, but my answer to that would be most probably no, you cannot do that because it will violate the Equal Protection Clause and also it will violate the Privileges and Immunity Clause. And that basically the way the Covenant is set up is that U.S. citizens from the United States, U.S. citizens from or for interim United States citizens from the Northern Mariana Islands are to be treated the same and they will receive equal protection. It's supposed to flow both ways, and that would violate that.

Delegate H. Guerrero: Isn't that one way -- no, no, not one way. If a CNMI citizen who is not a U.S. citizen, in that case, cannot vote or cannot run for office in the U.S., would that also be a violation of CNMI citizens' rights under that provision of the Constitution?

Attorney General Kosack: I guess my question would be, are you focusing on the right of Northern Marianas citizens "today," or at the termination of the Trusteeship? There are two different situations.

Delegate H. Guerrero: Today.

Attorney General Kosack: Today, you got a situation where Northern Marianas citizens are not U.S. citizens; so as a result, they don't get all the advantages the U.S. citizens get. They don't carry passports, they don't have the ability to run for certain offices, and I think there's even some slight security positions that they cannot hold as examples. But I don't believe that violates the Equal Protection Clause.

Presiding Officer Nabors: May I make a recommendation to AG on the question that Delegate Torres has raised, and I realize how difficult it is for you to be off top of your head, to give a complete and well thought of response? If there's no objection, I wonder if it would be possible to ask that you hollow with your colleagues and get back to us tomorrow with a more thought out response to this inquiry. I see real problems and I'm glad Delegate Torres brought the issue.

Attorney General Kosack: I'd be pleased to do that. I'd ask one thing again. Can I get it in writing and we will send someone up here to pick it up, only for two reasons really? One is for the bookkeeping reason and we're taking all these legal opinions we are having requested and written

so that we all got a record of them, and the other reason is, because this is such attorney issue, the difference between the two questions asked, as you know, have considerable differences, so I want to know exactly what it is that you want to ask us. And if it is more than one question, go ahead and put a couple of questions together so we can make sure we answer your exact question. I believe that the problem which the Acting President and I had yesterday was that I did not or actually Joel Bergsma did not answer a question that you thought had been posed but it turn out that some of the questions that were asked, he didn't ask the question that you had wanted to be asked.

Presiding Officer Nabors: Thank you. I'll ask Mr. Woodruff to get together with Delegate Torres and Delegate Guerrero and formulate those questions and get them to you immediately and we would appreciate your expeditious response. Thank you.

Attorney General Kosack: Thank you.

(At this point, President H. Guerrero took over the Chair, and Secretary Nabors took his seat.)

President H. Guerrero: Thank you, Secretary Nabors, for presiding. Delegate Pangelinan?

Delegate Pangelinan: For the sake of not being confronted again with technicalities of the following procedures and due to our limited staff and budget and for the sake of expediency in getting the significant concerns presented in the hearing, I ask the unanimous consent of the delegates, pursuant to Rule 67, to alter Rule 31(k) to read as follows: "All public hearings shall be recorded and a summary record be prepared. Copies of the summary record, if it's a public hearing, together with any exhibits and other related matters or materials as the committee may direct, shall be made, and a copy thereof shall be made available to each delegate as soon as practicable."

Delegate Mendiola: No objection.

Delegate DL. Guerrero: No objection.

President H. Guerrero: If there is no objection, it is so ordered. Any other miscellaneous business? Delegate King?

Chairman King: Thank you, Mr. President. I just like to point out in line to what Delegate Villagomez has pointed out concerning public hearings. I believe that if each standing committee that schedules to conduct public hearing and the members decide not to go to public hearings, especially to Rota and Tinian, the Rule No. 31 stated that public hearings should be conducted by the, shall be up to the quorum by the presence of the members of that committee. So I suggest that if the President come up with the budget whether or not the standing committee should conduct one or two public hearings on Rota and Tinian because I believe that if this committee come up with different schedules then we will end up with lots of expenditure to conduct public hearing. And I believe that if the standing committees should not conduct public hearing if the members are not quorum. So I just want to suggest that we can come up with coordination to point out all the important proposals and we will

put it into one schedule and we are just going to form it into one public hearing instead of getting different times and we will end up with lots of trips going down to Tinian and Rota for the purpose of public hearings. That's all my request, Mr. President.

President H. Guerrero: Thank you, Chairman King, and I believe the Committee on Organization and Procedures discussed this matter and it was agreed that at least the different committees should jointly or at least try to jointly conduct public hearings in Rota or Tinian. Chairman Manglona has scheduled a meeting for Rota and Tinian on Saturday and Monday and he already made that clear to the Committee on Organization and Procedure. Apparently, there's no other chairman that approaches him. So what I am suggesting is that we already agreed that at least to reduce cost as well as efficiency in terms of public hearings that we should do or at least coordinate all the hearings on the other islands, and like I said, no other chairmen came up to him. I understand that two members from the Committee on Governmental Institution will be going to Rota and Tinian for the public hearing. Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, the Committee on Finance and Other Matters has requested to meet after the session mainly to discuss the plans that were organized by the Committee on Local Government, to discuss that particular issue and address within the Committee and to come up with a decision as to who will represent the Committee on Finance and Other Matters in the pending public hearing that we have to follow up. So I hope that the schedule from the Local Government Committee will be passing out to the appropriate substantive committees so we can discuss that schedule within the discussions of the committees.

President H. Guerrero: Thank you, Chairman Guerrero. I would just like to call your attention as a recommendation that you should disseminate copies of your public hearing notices to all the members also. I have not seen a copy and I would appreciate if copies are made available to all the members.

Chairman DL. Guerrero: Mr. President, may I comment on that? My request yesterday was to disseminate a copy to your office, however, that has not been done but we will make tomorrow. I think it is necessary to give a copy to your office and especially the respective substantive committees so they can coordinate their public hearings.

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

Chairman Manglona: Thank you, Mr. President. The public hearings for Rota and Tinian have just been approved this morning, so the notice of public hearings will be out hopefully to each chairman just after the session this morning. I'll make sure that each chairman get his copy so that they can discuss with their committee the schedule and also the representatives from their committee who will be going. I understand that two delegates from each committee was agreed to be sent from the committees to represent them. It was, with the understanding of the leadership, that certain financial arrangement be made in order that all five members of the Local Government Committee will go. So if the arrangement has been made so that some of these financial burden are taken up by certain members of the committee to facilitate the trips of all the members of the Local Government. Thank you.

President H. Guerrero: Thank you, Chairman Manglona. Delegate Mundo?

Delegate Mundo: Thank you, Mr. President. I just would like to encourage the other committees, the substantive committees to conduct hearings on Rota and Tinian that not only the committee's concern to be heard. Give our people the opportunity to hear other issues of concern. Thank you.

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

Delegate Tomokane: Thank you, Mr. President. In line with what Delegate King has just raised on the public hearings, I think there's a problem with Rule 31(j) on the first sentence and we have to deal with this matter. It says here that for the purpose of public hearings, the members of the committee attending shall constitute a quorum. What determines a quorum in a committee? Normally, we have five or six members. So if you go by simple majority, you need to have at least four to go to Rota or Tinian. We have a financial constraint confronting us, so I think we need to address this for recommendatory action or what the leadership may have in mind.

President H. Guerrero: Delegate Tomokane, I believe, according to Rule 31(j), it says that for the purpose of public hearings, the members of the committee attending shall constitute a quorum. So even if one member goes, that's constituted a quorum in a public hearing.

Delegate Tomokane: My question was, what constitutes a quorum in order to conduct a public hearing. Are two members enough?

President H. Guerrero: One person.

Delegate Tomokane: One person is enough?

President H. Guerrero: I guess if I am reading it correctly, the first sentence says, for the purpose of public hearings, the members of the committee attending shall constitute a quorum. So if the chairman is the only one there, I suppose it's a quorum unless there's a different interpretation.

Delegate Mafnas: Mr. President, will ask the Floor Leader, please?

Delegate Tomokane: Members is plural, Mr. President.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: What section is that, Mr. President?

President H. Guerrero: Rule 31(j) and it's on page 17.

Floor Leader Lizama: Mr. President, it's my understanding that whenever a committee meets, a quorum has to exist. It's my understanding from reading the law. And to constitute a quorum, there has to be at least one senatorial representative in that....

President H. Guerrero: I suggest that you read Rule 31(j), the first sentence, what does that mean. Since it makes reference to members, I assume that this is it, I might be -- I mean, I'm probably wrong to say

just one because it makes reference to members. So probably two will constitute a quorum. Delegate Inos?

Delegate Inos: I think my opinion on this, to satisfy the grammatical mind, I would assume that if two from each committee will go, that would constitute a quorum from each substantive committee. I think that's an adequate number of representatives from each substantive committee. Another point that I would like to clarify from Chairman Manglona, I notice that he had a communication earlier to you in terms of lodging and cutting down cost -- lodging, room and board. Would that qualify the other members not in the Local Government?

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, I understood that the Convention will bear the cost of the two delegates from each committee. So I take it that the delegates from the other committees will have to be compensated by the Convention. As far as my committee, who could actually go, will be under the Convention's financial payment but I am willing to bear all the cost of the five members of my committee who will be going.

President H. Guerrero: Thank you, Chairman Manglona. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, having read Rule 31(j), it appears that you are right. The members of the committee attending the public hearing will constitute a quorum. It has nothing to do with the quorum as defined by the law, it appears.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: I have to say that the way the sentence is worded is incorrect. I cannot, just by reading that first sentence alone, determine whether only one or a simple majority of the members of that committee constitutes a quorum. But as you read further, it would, to me, mean that it's a simple majority of the committee that conducting that particular public hearing. So if it is the Committee on Organization, I would take it to mean that it would need four.

President H. Guerrero: I don't think so.

Secretary Nabors: Mr. President?

Delegate Ogumoro: May I just be allowed to continue? I share the concerns of the delegations from Rota and Tinian. I think that what they are expressing to the Convention is that if the substantive committees, other than the Local Government Committee, are to be accorded the opportunity or arrangements be made that those committees visit the islands of Rota and Tinian. I know that that would be a problem considering the meager fund that we have for this Convention. But I would like to ask that the Chair consider that recommendation. The people of Rota and Tinian should also be accorded the opportunity to be heard on matters other than just local matters. And if there is funding available, I would like to strongly recommend that the other substantive committees, meaning other than the Local Government, go down to Rota and Tinian for public hearings on measures or proposals that they have decided to call public hearings on.

President H. Guerrero: Thank you for your concerns, Delegate Ogumoro. You know, for the purpose of public hearing, it's just conducting a hearing. They are not making decisions. Decisions will be made once the committee actually sat down and made its own deliberation. So they are basically just gathering information from the various people in the community. Delegate Igitol?

Delegate Igitol: Mr. President, I would like to offer something that probably would answer the question. As the Attorney General mentioned earlier that the Rules and Procedures were patterned after the Legislature's Rules. And what it does is that the Legislature, for the purpose of public hearing, they don't have to have three or four members present. One can constitute a quorum. I have been to several public hearings, especially for budget hearings, and only one member was present, and he conducted the public hearing. And that, as I mean, constitute a quorum. Like I said, again, the Attorney General mentioned that these Rules and Procedures were patterned after the Legislature's. Thank you.

President H. Guerrero: Thank you, Delegate Igitol. Any more discussions? Delegate Torres?

Delegate Torres: Thank you, Mr. President. I find it rather sad that we have long ignored our neglected citizens of the northern islands. How are we going to accord this people the privilege to be heard? I understand that we are faced with financial constraint because of, perhaps, the neglect of the Legislature to provide special funding, but I guess that point is mute at this point in time. The question is, are we going to accord those people the same opportunity? Thank you.

President H. Guerrero: Thank you, Delegate Torres. Let's move to the next item.

Delegate Mafnas: Mr. President?

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: For my personal interest, I asked yesterday that my Proposal No. 186 be reassigned to Finance and Other Matters. Was this done during your meeting, please?

President H. Guerrero: Delegate Mafnas, if you heard the referrals this morning, I did mention that I reassigned Proposal 186 to Finance and Other Matters.

Delegate Mafnas: The reason why I am asking is because I have nothing here on my desk.

President H. Guerrero: That's correct, but I did make that reassignment this morning and thank you for bringing that up. I did make that reassignment as well as the joint referrals of two others -- 160 and 162 to the same three committees, Finance and Other Matters, Local Government, and Personal Rights and Natural Resources. Announcements? Excuse me, Delegate Villanueva?

Delegate Villanueva: Did we move to announcements already, Mr. President?

President H. Guerrero: I'm just moving to announcements now. Where are you, announcements or miscellaneous?

Delegate Villanueva: I want to be in the miscellaneous.

President H. Guerrero: You are in the miscellaneous now.

(Laughter)

Delegate Villanueva: Mr. President, you know, we continue to introduce proposals and some of the proposals that will be introduced tomorrow, day after tomorrow, Monday, Tuesday, and so forth, would be similar to the ones that have already been introduced and public hearings are already scheduled for those proposals. For information, are the committees planning to take a trip to the northern islands or Rota or Tinian to conduct other public hearings because of the new proposals being introduced? Thank you, Mr. President.

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

Delegate Reyes: Thank you, Mr. President. I also would like to be in the miscellaneous item. I'd like to ask the blessing of the Chair to allow us to rearrange ourselves so that the people who are not smoking can be together and the smokers could be together. My concern, Mr. President, is that in the future when we have more of these meetings, especially if it goes on to the night, it's going to irritate some of us. Thank you.

(Applause)

President H. Guerrero: That's a good suggestion. Can I just have a raise of hand who are the smokers here? Who are not smokers, please raise your hand? Well, that's the prerogative of the President, under the Rules, to rearrange the seats. So why don't we put them on one side and the smokers on the other side? The airconditioner is over there so nonsmokers on this side. Any objection to that?

Delegate Reyes: No objection.

President H. Guerrero: Delegate Calvo?

Delegate Calvo: The smoke goes that way, so why don't you put them on that side.

Delegate Igitol: No, Mr. President.

President H. Guerrero: Isn't that airconditioner working up there? We'll just make the nonsmokers on my lest side and the smokers on my right side.

Delegate Igitol: Right; thank you.

Delegate Manglona: Mr. President, there are some staff smoking on that side, so it's better for nonsmokers to be on this (Chair's right) side.

President H. Guerrero: Okay, that's it.

Delegate Ogumoro: Let's move down to announcements, please.

Chairman DL. Guerrero: I think we should leave it up at the discretion of the Chair.

President H. Guerrero: No, I don't want to do that because the majority are saying that they don't want to smoke, I mean, the smokers on one side. I would rather move all the smokers on one side. That's, anyway, under Rule 20. If there's no more miscellaneous business, we'll go to announcements. Chairman Guerrero?

ANNOUNCEMENTS

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters, immediately after we adjourn, all the committee members will meet in the Saipan Delegation's Office in the room down there.

President H. Guerrero: Can you speak louder, please?

Chairman DL. Guerrero: I said that your Committee on Finance and Other Matters wishes to announce that immediately after we adjourn, we will meet in the Saipan Delegation's Chamber.

Chairman Manglona: Mr. President, the Committee on Local Government will be meeting immediately after this session right in the Hall. Thank you.

Chairman King: Your Committee on Personal Right and Natural Resources will meet at one o'clock in this Chamber.

Chairman Lizama: Mr. President, I urge that the members of the Committee on Governmental Institution be present in the one o'clock public hearing this afternoon at the Senate Chamber, and I also like to make the announcement that we will have another public hearing tomorrow at 2:30 p.m. here to tackle some proposals relative to the Marianas Public Land Trust Funds and I believe also on proposals dealing with Attorney General matter.

Chairman Manglona: Mr. President, likewise, the Committee on Local Government urges everyone here to please attend the public hearing at four o'clock in this Hall. I feel it is a very important meeting since we will be discussing matters on mayorship and commissionership as some of these proposals have brought up. Also, public services will be discussed. Thank you very much.

Secretary Nabors: Could I please ask a question to the Chairman of the Governmental Institution? It was announced yesterday that the Committee on Finance and Other Matters will hold a public hearing tomorrow at 3:00 p.m. in the Senate Chamber on seven different measures which many of them I have great interest and concern, and now I hear an announcement for another committee's public hearing over here at 2:30 p.m. Can we decide on that and find out if there's an overlapping of hearings, Delegate Lizama?

President H. Guerrero: Delegate Lizama, Delegate Nabors is asking a question.

Secretary Nabors: I thought we have decided to avoid that overlapping of hearings. Delegate Guerrero announced yesterday that his committee is

having a public hearing in the Senate Chamber at three o'clock tomorrow on seven different measures and you just announce that definitely the Governmental Institution Committee will also meet here tomorrow at 2:30 p.m.

Chairman Lizama: It will be here rather than at the Senate Chamber.

Delegate Nabors: Will it take half an hour to finish your hearing tomorrow?

Chairman Lizama: No. Our hearing tomorrow will concentrate on two proposals with respect to Marianas Public Land Trust Funds and also we would concentrate on proposals that have to do with the Attorney General issue. Now, with the Attorney General issue, only three proposals have been submitted, to my understanding.

Chairman Nabors: Could I ask the committee, if possible, to schedule a hearing at one o'clock to give us at least two hours between hearings?

Chairman Lizama: That's fine. If there's no objection from my committee members, certainly I could.... Oh, I'm sorry, Delegate Nabors, it would be very difficult to reschedule it at one o'clock, so please at 2:30 or three o'clock?

President H. Guerrero: I think there's a reality over here that we have to take into account. We have over 200 proposals and also with time constraint, probably some of the public hearings will be overlapping. There is no way, and I suggest that if there's any overlapping to discuss that with the respective chairmen. But that's the reality that we are faced with.

Just for the information of the delegates, again, the Steno Pool reminded me that if you need things to be typed just put it in the typing box and they are always ready to assist. Our problem is the xerox or copier machine that we are constantly overloaded and there are too many different operators also. I would suggest that you ask someone in the Steno Pool to do the xeroxing. There's also constant request of additional proposals, and I'm not too sure why we constantly need copies of additional proposals but I would appreciate that you don't lose your copy so we can cut down on cost also. Any other announcements? Floor Leader Lizama?

Floor Leader Lizama: Mr. President, if there's no further announcement, I would like to move to adjourn this session until tomorrow at 9:30 a.m.

Chairman DL. Guerrero seconded the motion.

President H. Guerrero: It has been moved and seconded to adjourn this session until tomorrow at 9:30 a.m. Discussions?

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

The Convention adjourned at 11:32 a.m., and to reconvene on Friday, June 28, 1985, at 9:30 a.m.

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Respectfully submitted,

Delegate William B. Nabors
Convention Secretary

Type within the full width and height of the blue borders without margins. Page numbers should be centered in box at bottom.

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

ELEVENTH DAY

Friday, June 28, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order 9:54 a.m., Friday, June 28, 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 was observed.

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

Secretary Nabors: Mr. President, all 24 delegates are present, we have a quorum to transact our business.

President H. Guerrero: We have a quorum present, so we can go on with the Order of Business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, are the Fifth and Sixth Days' Journals available?

President H. Guerrero: Just a minute. Delegate Villagomez?

Delegate Villagomez: Very short, Mr. President, I just want to note for the record that all the delegates who are sitting on my left are the ones that do not smoke and they are all looked very healthy this morning. Thank you.

(Laughter)

President H. Guerrero: We should all acknowledge that with the clap of hands.

(Applause)

President H. Guerrero: Delegate Lizama, the Journals for the fifth and sixth days, the sixth day is the last page. That's the one on Sunday. There was no prelary session but there were committee meetings.

Floor Leader Lizama: Mr. President, I myself haven't read the Journals yet, can we take just a few minutes where we will suspend the Order of Business and come back later to adopt the Journals?

President H. Guerrero: If there is no objection -- Chairman Guerrero?

Delegate DL. Guerrero: Privilege, Mr. President, before we take a recess. This is a very short comment. I would like the Convention Delegates to recognize the presence of our congressman from the House of Representatives, Congressman Pete Guerrero.

President H. Guerrero: Welcome to the Convention, Congressman Pete Guerrero.

(Applause)

President H. Guerrero: If there's no objection, we'll recess for five minutes so we can read the Journals.

Floor Leader Lizama: Thank you, Mr. President.

The Convention recessed at 9:57 a.m.

RECESS

The Convention reconvened at 10:03 a.m.

President H. Guerrero: The session is now back to order. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move that we adopt the Fifth and Sixth Days' Journals.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Fifth and Sixth Days' Journals. Discussion? Secretary Nabors?

Secretary Nabors: May I ask for a copy of the Sixth Day's Journal?

President H. Guerrero: The Sixth Day's Journal is on the last page. That's this past Sunday, and there was no plenary session. Any other discussions? Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, on the second page of the Fifth Day's Journal, I would like to ask the indulgence of the delegates to strike out -- this is in regard to my remarks on the communications -- right after the "leadership of the Convention," strike out, and period after the "Convention" and then it will follow by "This is addressing to the delegates of the Convention." That was the communication regarding -- I believe that was the communication that you received on the matter of the mar-mar, if I am not mistaken.

President H. Guerrero: Yeah, the Communication No. 4.

Secretary Nabors: No objection.

President H. Guerrero: If there's no objection, so ordered. Delegate Pangelinan?

Delegate Pangelinan: Mr. President, just a point of information. Maybe we can arrange that with the Journal Clerk later. But sometimes if it's

just a grammatical error where a sentence doesn't make sense, can we do that on the floor?

President H. Guerrero: That might be a better idea that if you have any suggestion to just inform the Journal Clerk to make corrections because sometimes it doesn't make sense. That's true.

Chairman Guerrero: No objection, Mr. President.

President H. Guerrero: There's no objection. Any more discussions?

There being no further discussion, the motion to adopt the Fifth and Sixth Days' Journals was carried by voice vote.

President H. Guerrero: The Journals for the Fifth and Sixth Days are adopted. Any committee reports?

COMMITTEE REPORTS

Committee Recommendation No. 06, from the Committee on Personal Rights and Natural Resources, recommending for adoption of Delegate Proposal No. 56-85, as amended.

President H. Guerrero: Before I call on Chairman King, I just want to make a correction in the Order of Business. Under (H), the Delegate Proposal No. 56-85 (Section 4(c), Article XI), that should go under the General Orders of the Day. Chairman King?

Chairman King: Thank you, Mr. President. I want to report or submit...

President H. Guerrero: Can you speak louder please, or get the mike closer to you?

Chairman King: I would like to submit before the Convention the report from the Committee on Personal Rights and Natural Resources, the Committee Recommendation No. 06, and therefore I would like to move for adoption of Committee Recommendation No. 06.

Delegate Tenorio seconded the motion.

President H. Guerrero: Did you move for this Committee Report? Was it seconded? I'm sorry you're not coming across that's why I'm asking that you pull the mike closer to you in the future. It has been moved and seconded to adopt the Committee Recommendation No. 06 as reported to the Convention by the Committee on Personal Rights and Natural Resources. Discussions? Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. I need, I guess, a point of clarification first. It was my understanding that committee reports would be introduced or reported to the floor and there would be days lapse between the reporting of committee reports and action on them. Am I correct?

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, in line to what Mr. Nabors has just raised, I think we all agreed that committee report, of course, to adopt it is still in proper order. However, to place the committee report on the Order of the Day should be introduction first for its first reading, then I think we all agreed that, of course, the Convention should be allowed a day, in other words, one day later so every delegate could digest the committee's report before discussion in the Committee of the Whole. It kind of confuses me if we have to adopt this and place it under the Order of the Day to discuss it today before its first introduction. The procedure that has to be followed is that after the committee report has been reported out, it's only appropriate that the introduction of that committee's recommendation should first be addressed to the Convention.

Delegate Villagomez: Mr. President?

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: For the benefit of the leadership of this Convention, I'd like to share with you the procedure that was followed in the last Convention, the First Constitutional Convention. In that Convention, a committee report which constitutes a proposal for a provision to be included in the Constitution is read and introduced as first reading on one day. That proposal or recommendation is then placed on the calendar for the following day to be considered by the Committee of the Whole. After it is considered by the Committee of the Whole, if it is adopted, then it is referred back to the Convention for adoption after first reading. That same proposal is then scheduled for public hearing. After the public hearing, the proposal is read to the Convention on second and final reading and final vote. If it passes on second and final reading, it becomes part of the Constitution; if it doesn't pass on second and final reading, it does not become part of the Constitution. I propose that we follow the same procedure since it ascertains that the proposal would be well considered by the Convention, the Committee of the Whole, the public and becomes very well considered. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez, your concerns are noted by the Chair. Delegate Ogumoro?

Delegate Ogumoro: Thank you, Mr. President. Mr. President, we do not need to spend time again to figure out how to go about on proposals and recommendations. In our Rules of Procedure we have under Rule No. 55 the order of which proposals are to be considered. We'll go by the itemize, I mean, outline that specifies what we have to take with regards to submitting recommendations. So we do not need to discuss this further. We should just use the Rules of Procedure and follow that. And if I'm in order, I would like to recommend that we proceed with the suggestion that was given by both Delegate Nabors and Delegate Guerrero. Thank you.

President H. Guerrero: Delegate Pangelinan?

Delegate Pangelinan: So I move that the Convention accepts, agrees, or adopts the committee report as presented by the Personal Rights and Natural Resources Committee.

Delegate Mafnas seconded the motion.

Delegate Ogumoro: Information, Mr. President.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: The motion that was offered by Delegate Pangelinan, I take to mean that we'll end the discussions on the motion? There was a motion already to adopt the committee report on first reading.

Delegate Pangelinan: It's just a progress report until it is placed on the General Orders of the Day.

Chairman DL. Guerrero: Clarification, Mr. President.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: I believe Delegate Pangelinan is moving to end the debate on the committee's report. Since there was a motion earlier to adopt it and it was seconded and that's when we came up for this clarification. Now I think Delegate Pangelinan would like to move to end debate or end discussion on this particular committee report.

President H. Guerrero: Delegate Pangelinan, is that your motion to end debate basically?

Delegate Pangelinan: I'm sorry, I didn't know that there was a move already to adopt the committee report.

President H. Guerrero: Secretary Nabors?

Secretary Nabors: Mr. President, I believe it's one of my responsibilities to keep track of what's going on in this meeting. The motion made by Delegate King was to adopt Proposal No. 56 and I consider that to be improper because we should only be adopting the committee report which is a subject of Delegate Pangelinan's motion that was seconded by Delegate Mafnas.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, have we replaced the Floor Leader? Thank you.

Floor Leader Lizama: I have no objection, Mr. President.

President H. Guerrero: Can we clarify the two motions first? The first motion is to adopt the Committee Report. Is that correct? Chairman King, can you restate your motion?

Chairman King: Mr. President, first, I submitted the report, the recommendation of the Committee on Personal Rights and Natural Resources and at the same time, I moved for the adoption of Committee Report No. 6, and it was seconded by my colleague, Delegate Tenorio.

Secretary Nabors: I move for the previous question.

Chairman DL. Guerrero seconded the motion.

Chairman King: Mr. President, if there's no further discussion, I move to end the debate.

President H. Guerrero: Those in favor to end debate say... You are confusing me.

Delegate Ogumoro: Mr. President, I move for a brief recess.

President H. Guerrero: Wait.

(Laughter)

Delegate Villagomez: Mr. President?

President H. Guerrero: There's a motion to end debate.

Secretary Nabors: Second.

President H. Guerrero: Why do you keep on saying "second"? It's already been seconded. Delegate Villagomez?

Delegate Villagomez: This is a proposal to make an amendment to the Constitution. It's a committee's recommendation to actually change our Constitution. I would strongly recommend that we give the delegates an opportunity to discuss the reason for such recommendation by committees regarding each and every single recommendation by each committee. And I request that we don't close debate as soon as possible after a committee's recommendation to change the Constitution is made. For that reason, I think it's only proper that we open up the floor for discussions. And if it's a type of proposal for amendment that would require lengthy discussions, then we can resolve into a Committee of the Whole and have a thorough discussion on the proposed change for the Constitution. Thank you.

President H. Guerrero: Delegate Villagomez, the motion to end debate is not debatable, so we still need to vote on that one.

Delegate Villagomez: I realize that it is not debatable. I also realize that the President has the authority not to entertain a motion that he feels is not timely or would deprive the assembly of additional, necessary discussions.

President H. Guerrero: I don't think that's true when there is a motion to end debate.

As a result of the voice vote, the Chair requested for a showing of hands vote of 8 for and 10 against the motion to end debate, and therefore the motion was defeated.

Secretary Nabors: Point of information, Mr. President.

President H. Guerrero: The motion to end debate is defeated. Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. It was my understanding and we have just gone over this once that committee reports should be made and

discussions on the merits would be tomorrow, and I'm not prepared to discuss this today. So please clarify.

Delegate Villagomez: That was not very clear. One point is, that has to be made clear by the Chair that discussions on this particular proposal for amendment will be calendared for tomorrow. If that is the case, then we don't need any debate today but that was not made clear.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, may I ask this question? Is the committee ready to debate on this particular amendment, proposed amendment today? Is that the intent of the committee? If so, then I think it's only appropriate, as I said earlier, that such recommendation from the committee amending the Constitution should be introduced first to the Convention as its first reading and then we can place this particular issue for tomorrow's discussion on the Order of the Day for the Committee of the Whole. Otherwise, if the committee is not ready to introduce this and I think I agree with Delegate Villagomez that this particular committee or the committee's report may not necessarily be entertained today.

President H. Guerrero: Thank you, Chairman Guerrero. I think for point of clarification, the report is received by the Chair as well as the Convention and tomorrow it will be placed under the General Orders of the Day as well as debate in the Committee as a Whole. Delegate Villanueva?

Delegate Villanueva: Mr. President, two days ago I asked for the Floor Leader to let us know if the procedure we're adopting is not in conflict with the Rules of the Convention and I also asked the Chair to put this procedure down in writing. If that was done, I don't think we have to waste precious time to keep on going over and over and over until we roll over. Thank you, Mr. President.

President H. Guerrero: Thank you for your generous comment, Delegate Villanueva. Basically, the Chair is agreeing with the recommendation of Delegate Villagomez in terms of probable procedures that we need to follow. At least that clarified a lot of things. And the Chair also makes the agenda with inputs from the Committee on Organization and Procedures. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move that we end debate and we adopt the recommendation that was suggested by Delegate Villagomez which again was repeated or restated by the President.

Delegate Mendiola seconded the motion.

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

The motion to end the debate was carried by voice vote.

President H. Guerrero: We need to vote on the report.

There being no further discussion, the motion to adopt the Committee Recommendation No. 06 was carried by voice vote.

President H. Guerrero: The motion is carried to adopt the Committee's report. Chairman King?

Chairman King: Thank you, Mr. President. I would like to ask the Chair to place this Committee Recommendation for tomorrow's Order of Business under the General Order of the Day for second and final reading.

There was a second to the motion.

Delegate Pangelinan: Mr. President, I think that once we already adopted the report and accepted by the Convention, then that becomes the property of the Convention and the committee discharged its responsibility on that report already.

President H. Guerrero: Chairman King, for your information, it will be put under the General Orders of the Day tomorrow. Once that is adopted, it will be put on the second and final...? Excuse me?

Chairman King: Point of information, Mr. President.

President H. Guerrero: Alright. Any other committee reports? Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, this is just another clarification. This is not a committee report. As I stated earlier, this particular recommendation must be introduced today in order for this Convention to take up tomorrow in the Order of the Day; otherwise, the Committee Report No. 06 could not be taken up without its introduction.

President H. Guerrero: It is already introduced. We already adopted it.

Chairman DL. Guerrero: That was the adoption of the committee's report. It has to be under the agenda for introduction.

President H. Guerrero: The first reading has already been made when that person introduced that proposal. That's the first reading. Isn't it?

Chairman DL. Guerrero: I'm sorry, Mr. President, I disagree with that because if a delegate introduces a delegate proposal that does not constitute first reading. It has to be assigned to the appropriate committee, the committee has to come with its recommendation of its finding on the delegate proposal and that's why we just adopted the committee's report. To make it simple, you know, and make this in proper order, after the adoption of the committee's report, it has to be introduced for its first reading. Then in tomorrow's agenda, it should be placed on the Order of the Day for deliberation during the Committee of the Whole.

President H. Guerrero: I don't agree with that because according to Rule 55(a), it says: "Introduction, first reading by title." That is already considered as first reading.

Chairman DL. Guerrero: So just in case we don't have to have first reading from the committee's recommendation?

President H. Guerrero: No.

Chairman DL. Guerrero: So I'm sorry. If that's the case, then what was practiced in the first Constitutional Convention is not consistent with this. I would prefer you read the verbatim journals of the first Con-Con.

President H. Guerrero: Can you at least refer to page 27 of the Rules of Procedure?

Delegate Mafnas: Mr. President?

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: This is important. I suggest that we take five minutes recess so that you can put the minds together. I move.

Delegate Villanueva seconded the motion.

President H. Guerrero: If there is no objection, we'll take five minutes recess.

The Convention recessed at 10:38 a.m.

RECESS

The Convention reconvened at 10:47 a.m.

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

Secretary Nabors: Thank you, Mr. President. I would like to recommend, if there is no objection, that the Committee Report being received by the Convention be a property of the Convention, that it will be placed on General Orders of the Day, in line with Rule 55, and that we, the Committee on Organization and Procedures, meet and delineate, as was requested by Delegate Villanueva, the procedures that are to be followed concerning handling of all measures.

President H. Guerrero: Discussions? Was that a suggestion, or were you making a motion?

Secretary Nabors: I so move, Mr. President, that we receive the committee report as a property of the Convention, place it on the General Orders of the Day for discussions tomorrow and that the Committee on Organization meet to discuss Rule 55 and delineate the procedures to be followed thereunder for dissemination to all the delegates.

Delegate Villanueva seconded the motion.

President H. Guerrero: It has been moved and seconded. Discussions?

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

President H. Guerrero: Any other committee reports? Chairman Manglona?

Chairman Manglona: Thank you, Mr. President. There's no committee's recommendation this morning but the Committee on Local Government would

like to report that public hearing presided by Vice-Chairman William Torres was held yesterday at 4:00 p.m. with the Directors of Public Works, Public Health, Community and Cultural Affairs, Natural Resources, and the Mayor of Saipan and his assistants. We noted the witnesses concerned of unpreparedness because of short notices for the hearing, nonetheless the Committee felt that the hearing was well worth it and the information gathered were useful in our deliberations on the proposals. Mr. President, a written report will be submitted at a later date by the Committee on Local Government. Thank you.

President H. Guerrero: Thank you, Chairman Manglona. Any other committee reports, Chairman Lizama?

Floor Leader Lizama: Mr. President, the Committee on Governmental Institution had a public hearing yesterday and it was a very successful public hearing. I believe that there also has been an understanding that two from the Committee on Governmental Institution would be going to Rota and the persons that will be going to Rota would be Delegate Calvo and Delegate Kaipat. Two persons also will be going to Tinian. Delegate Cing will be going there, and I recommend that Delegate Igisomar would go also to Tinian.

President H. Guerrero: Any other committee reports? If none, any proposals to be introduced? Delegate Torres?

INTRODUCTION OF PROPOSALS AND REFERRALS

Delegate Torres: Thank you, Mr. President. I have one proposal to introduce this morning, co-sponsored by several others, a proposal "not to revamp but simply to improve or amend Section 13 of Article III of the Northern Marianas Constitution relative to the election of members to the Commonwealth State Board of Education." Thank you.

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

Delegate Cing: Thank you, Mr. President. I have one proposal here to introduce, an amendment proposal, introduced by myself and my colleague from Saipan, Delegate Mafnas, and my colleague from Rota, Delegate Calvo, "to amend Section 17(b) of Article III of the Northern Mariana Islands Constitution." Thank you.

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

Delegate Mafnas: Thank you, Mr. President. I have two proposals here, introduced by the original minority and majority of ten and the new recruits, Delegate Cing and Delegate Limes. One is "to add a new Section 4 to Article VII of the Northern Marianas Constitution relating to voting after a person's failure to vote." The second proposal, Mr. President, is "to add a new Section 1(a) and (b) to the proposed Article on Civil Service Commission relating to Retirement Systems." Thank you.

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

Delegate Kaipat: Thank you, Mr. President, I have two proposals here to submit this morning. First, a proposal "to amend Section 1, Article XIV relevant to natural resources; to establish an exclusive right of the Commonwealth of Northern Mariana Islands to all biological inorganic and organic matters in the waters and all submerged land within a 200 mile radius around the Commonwealth of the Northern Mariana Islands." Proposal two is "to petition United Nations General Assembly to take appropriate actions to obtain a prompt termination by the United Nations Security Council of the Trusteeship Agreement." That's all, Mr. President.

President H. Guerrero: Thank you, Delegate Kaipat. Any other proposals? If none, you have in front of you the referral sheet starting with Delegate Proposal Nos. 201-85 all the way down to 213-85. Chairman King recommended that Delegate Proposal 133-85 be jointly referred to the Committee on Personal Rights and Natural Resources as well as the Committee on Governmental Institutions.

(See attached Referral Sheet on Delegate Proposal Nos. 201-85 to 213-85.)

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTIONS

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

None

MISCELLANEOUS BUSINESS

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Mr. President, just a suggestion, I'd like to ask the indulgence of each Chairman of each committee that any testimony received by witnesses during public hearing should be provided to all delegates for debate purposes.

President H. Guerrero: Delegate Cing?

Delegate Cing: Thank you, Mr. President. This is just a simple clarification regarding a notice of public hearing from the Committee on Personal Rights and Natural Resources. I have in front of me a notice of two public hearings that will be held on Rota and Tinian on the same date. Thank you.

President H. Guerrero: I call on Chairman King.

Chairman King: Thank you, Mr. President. We scheduled the public hearing on the same date, same time because my Committee members will not be going on the same time to Rota or Tinian. We splitted into two groups so that half of the members will be going to Rota and half will be going to Tinian to conduct the same issue or same hearing the same day.

President H. Guerrero: Does that answer your question, Delegate Cing?

Delegate Cing: Yes, Mr. President, thank you.

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

Delegate Torres: Thank you, Mr. President. I have a question and the question is, does a committee report or recommendation, if you will, constitute first reading as understood in the legislative arena?

President H. Guerrero: I don't know the answer but I'm sure that the Committee on Organization and Procedures would take this up. Can we get back to your question later on? Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I have concerns here. I would like to suggest that whenever we get to letter (F) on the Order of Business, if the standing committees do not have written reports then they just say "no report" rather than, you know, take our time listening to progress reports. The second concern that I have, Mr. President, is the extension of time. According to your referral sheet, we have 213 proposals. I wonder whether your Committee on Finance and Other Matters is having a problem in reporting on the resolution requesting the Legislature to amend Public Law 4-30 to extend the 30 days of the Convention. If your Committee is faced with a dilemma, then we would like to hear from the Chairman. The other concern that I have, Mr. President, is Proposal No. 56. I am concerned that your Committee on Personal Rights and Natural Resources is reporting for adoption of Proposal No. 56. I would like the indulgence of your Committee to review all identical proposals with respect to Article XI of our Constitution because your Committee on Governmental Institutions also has a proposal affecting Article XI. And the way it is, as I can see, that we will be adopting proposals on piecemeal basis and this will definitely delay our time. I am afraid that tomorrow perhaps Proposal No. 56, Committee Report No. 06, will have to be recommitted to your Committee on Personal Rights and Natural Resources because of the series of concerns that I have, and I would like to alert the Committee that on subsection (d), I would like tomorrow to be informed as to who will be responsible to hold the election, how is the election going to be funded, what will happen, or rather excuse me. On subsection (e), I am concerned that the Executive Director who will be elected by the people would be removed by affirmative vote of the five directors who will be

appointed by the Governor. I believe that removal of elected directors should be, or authority to remove the elected directors should be given to the representatives of the people and that is the Legislature.

Delegate Villagomez: Mr. President, may I respectfully interject at this time, Delegate Mafnas?

President H. Guerrero: Delegate Mafnas, would you yield to Delegate Villagomez?

Delegate Mafnas: I am almost finished, one more, then I'll yield to him.

President H. Guerrero: Go on.

Delegate Mafnas: I am also concerned on subsection (h) about the employees under the Lands and Survey Division of the Natural Resources. What will happen to them? Will they be transferred to MPLC? And the last concern is, what will happen if there is a vacancy in the board of directors? I reviewed the article and these concerns are not addressed. Thank you.

President H. Guerrero: Thank you, Delegate Mafnas. Your first concern is that committee members, I mean, committee chairmen instead of making progress report under Committee Reports that if they don't have any report to just say "no report" and go on with the Order of Business and probably bring up any progress report under Miscellaneous. I believe that's a good suggestion and I will recommend that the chairmen would follow that suggestion also. Can I call on Chairman Guerrero in reference to the resolutions that Delegate Mafnas made reference to?

Chairman DL. Guerrero: Thank you, Mr. President. The concern of Delegate Mafnas regarding the two resolutions, Mr. President, the Committee on Finance and Other Matters addresssed the particular issues to the Attorney General for legal opinions or comments on the two resolutions but as of this date, the Chairman of the Committee on Finance and Other Matters has not received any legal opinion. So that's the status of that concern. Now if the delegates of this Convention feel it is necessary that we must extend the session of this Convention, then I think we should address this in the next few days from today. But as of today, Mr. President, I have not received any comments or legal opinion from the AG's Office.

President H. Guerrero: Can I call on the representative of the AG regarding when can we expect the legal opinion to the request by the Chairman of Finance and Other Matters Committee in reference to the resolution?

AG Representative: Yes, Mr. President, that particular assignment was given to Tim Bellas to ....

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: I am prepared to vote in favor of the resolution and let the Legislature worry about the legality of the resolution.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I am ready too.

President H. Guerrero: Delegate Pangelinan?

Delegate Pangelinan: I'm ready too and to discuss it.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: I'm ready too.

President H. Guerrero: Chairman Guerrero, can I get down and can I have comments from you?

Chairman DL. Guerrero: Thank you, Mr. President. The Committee has no problem entertaining the resolution, but since we are cautious of the decision of this Convention that's why we have asked the AG's Office to comment. Now if the delegates of this Convention are willing to take up the extension of this Convention in order to extend it for additional 30 days, then the Committee is ready to report it out in tomorrow's session.

President H. Guerrero: Can this matter be brought up at tomorrow's Order of Business? Yes, Delegate Mafnas?

Delegate Mafnas: May I ask the President to order the Chairman to report it out tomorrow for action? Thank you.

President H. Guerrero: Before I call on Chairman Guerrero, Delegate Pangelinan?

Delegate Pangelinan: Mr. President, I think it's very important that we discuss this without waiting for the legal opinion. I, for one, decided to run for this Convention because I want to dedicate my time and my hours from June 18 to July 17, and that's it. It is important that we get the opinion of each delegate whether they are willing to extend that time.

President H. Guerrero: Thank you, Delegate Pangelinan. Delegate Guerrero, can I expect something from you tomorrow instead of demand?

Chairman DL. Guerrero: Yes, Mr. President, rest assured that your Committee on Finance and Other Matters will take that up and report it to the Convention by tomorrow's session.

President H. Guerrero: I'll take your word for it. Any other unfinished business, I mean, miscellaneous business? Delegate Villagomez?

Delegate Villagomez: I will yield to Delegate Igitol until he finishes.

President H. Guerrero: Delegate Igitol, you have the floor.

Delegate Igitol: Mr. President, I'll take this up at the very last of the miscellaneous business.

President H. Guerrero: You mean under Announcements?

Delegate Igitol: No, the last speaker.

President H. Guerrero: We are almost to the last.

Delegate Igitol: No, I'll yield to him.

Delegate Villagomez: He's yielding back to me.

President H. Guerrero: Okay, Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. There is a proposal before the Convention and specifically in the Committee on Personal Rights and Natural Resources to amend the Preamble of the Constitution to specifically state that we have exercised our sovereign rights of self-government and to state that we have a self-governing Commonwealth. I would like to share my thoughts with respect to that conclusion made by the person proposing that amendment that we have a self-governing Commonwealth existing at this time. My thought is that we don't have a self-governing Commonwealth yet, however, we are working on it. This is my point. Under the Amendment 14 of the Constitution, the CNMI is declared as if it is one of the States of the United States and thereby all U.S. citizens from the United States are granted the same rights, privileges and immunities in the CNMI as if these were part of the United States. At the same time, Amendment 14 of the Constitution states that all persons born in the United States or naturalized in the United States are citizens of the United States, or the State where they reside. If the CNMI is to be considered as part of the United States and under Section 501 of the Covenant it is declared to be part of the United States, then citizens of the United States should be declared U.S. citizens as of the effective date of that provision which would be January 9, 1978. That has not been interpreted to be that way by the United States. The United States takes the position that we are still Trust Territory citizens and we do not become full-fledged U.S. citizens until the termination of the Trusteeship. So what is being done here is they are making, for purposes of United States citizens from the United States, we are State. They have every right, privilege, and immunity available to U.S. citizens in the United States while they are here in the CNMI. At the same time, they are not according the citizens of the CNMI the same rights, privileges and immunities in the United States. They treat us as Trust Territory citizens. And I have personal experiences to that effect. At this time in our government development, we don't completely run our government. For example, there are areas in the government where we don't have complete control or complete determination as to how our laws are made or how our laws are interpreted or enforced. Let's take, for example, the Legislature. Although we can say that the Legislature is totally self-governing because we have our own people as elected leaders there, you can see that the people who actually advised the legislators are not citizens. Those are the people who determine how the laws are to be drafted, what language is to be used in the laws, how letters are to be drafted and what languages are to be used therein. In our court system, we have nonlocal people, we also have one local person and we are very glad with that. And in the departments, we still have nonlocal people who are in control of the departments. My position is, until we have our own people completely in control and completely making complete determinations how our laws are made, how our laws are enforced and how our laws are interpreted, we don't have self-government. It is my dream that in the near future as we continue to develop, as we push our children to obtain as much education as possible and experience in all these areas that we

will become a self-government. I hope we will all put in as much as we can in our daily life towards that goal so that someday we can say, we are totally self-governing. Thank you.

(Applause)

President H. Guerrero: Thank you for your remarks, Delegate Villagomez. Any more miscellaneous business? Delegate Manglona?

Delegate Manglona: Mr. President, if I understand correctly Delegate Mafnas, then I have the same concern. This Committee Recommendation No. 06 is a recommendation for an amendment on a certain section of the Constitution. Do I take it that this amendment will stand by itself in the election or in the voting of this election? Or will it come together as a package with some other amendments under the same article?

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Mr. President, if I may respond. Of course, as you know, not all the proposals have been submitted. We are still receiving proposals, and so we cannot at this point say that this will be the only change to that particular article in the Constitution. There may be additional proposals by the same committee for additional amendments to the same article in the Constitution. We can probably be certain what those amendments will be 10 days before the end of the Convention because by that time, all of the proposals will have been in, the committee will have gone through all of the proposals regarding that article and we would know whether there will be additional amendments. This is the first amendment that has been approved by the committee that they would like for the Convention to consider.

President H. Guerrero: Delegate Manglona?

Chairman Manglona: So, can I say that after the adoption of this amendment in the future this Convention will still free to gather an amendment package so that it will pose it to the public as one amendment?

President H. Guerrero: Delegate Calvo?

Delegate Calvo: Mr. President, if Chairman Manglona can restate that question in mind because I don't understand the question.

Chairman Manglona: Okay, we have here before us Committee Recommendation No. 06, a proposal to amend a certain section and a certain article in the Constitution. This coming election we are going to be posing amendments to our people and I would like to know whether this amendment will stand by itself, or whether the floor is free at a later date during this Convention to gather all these individual amendments and form them into a package.

Delegate Calvo: Mr. President, I feel that the Convention would address that at the termination time how we are going to pose this out to the voting public. I feel at this time that it's very premature to consider whether we will go by proposals or by sections or articles of the Constitution or a single package deal. I feel we should first entertain all the proposals and dispose of them, and upon nearing the termination of the

Convention, we should then address how we would perform this and present it to the people for purposes of election. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Calvo. I'll call on Delegate Mafnas first.

Delegate Mafnas: If I understand Delegate Manglona's concern is whether or not we will still be able to entertain amendments relative to the article under Proposal No. 56.

Delegate Manglona: My question is simply, are we free to take this Recommendation No. 06 together with the other recommendations at a later date in this Convention and form one package or leave it as an individual package?

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Mr. President, the answer is found in Section 19(c)(3) of Public Law 4-30. This section states: "The text of each proposed amendment shall be preceded with a question, in the English, Chamorro, or Carolinian language as appropriate, posed substantially as follows: Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1985 Constitutional Convention?" My understanding of that is, for each amendment that we have in the Constitution this question will be posed to the electorate and they have to vote "yes" or "no" to each of the separate amendments to the Constitution. So if this is a separate amendment to the Constitution, then this would have to be preceded by this question as one amendment. And all other amendments in the Constitution will be preceded by the same question.

Delegate Manglona: Well, I understand that. My only question is, at a later date, is the committee that is recommending this free to add another amendment together with Recommendation No. 06 and pose it with that question under the public law?

President H. Guerrero: Delegate Pangelinan?

Delegate Pangelinan: I think I can answer Delegate Manglona's question. There is nothing that prevents us from coming back after the deliberations of the Committee as a Whole to make amendments to that committee's report on the provision for amendment.

Chairman Manglona: Well, I'm just asking whether we are free at a later date because tomorrow we will be adopting, if the delegates desire, this proposal and I just want to be clear whether if we adopt this tomorrow, this automatically becomes an amendment question in the election. That is all I want to clarify. Thank you.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I'm quite hesitant to speak on Proposal No. 56 for the reason that I am the introducer of this proposal. Now the Committee Recommendation No. 06 seems to be quite unclear as to what really is its purpose. I think that caused some confusions, and Delegate Mafnas seems to be in that problem as well because as he had

mentioned or raised some of his concerns to Proposal No. 56 with respect to what has been proposed. Now, the way I read Committee Recommendation No. 06 is that we're really not adopting Proposal No. 56 in its entirey. What the committee has done is that it simply looked into Section 4(c) of Article XI and simply made an addendum to that section and that is to have the recommended language to that Article XI, Section 4(c). Now, I am a little bit disappointed because the intent really of Proposal No. 56 is not in line with this type of addendum. But what can we say when....

President H. Guerrero: Can I interject? This matter will be brought up tomorrow in the General Orders of the Day. So I suggest if you will curtail any discussions on this until tomorrow.

Floor Leader Lizama: I agree, Mr. President, and this should be a matter of the Committee on Organization and Procedures to take up so that there will be no more confusions when committee recommendations come before the delegates.

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. When it comes up for deliberation tomorrow, I think the committee then will have the explanation as to how they arrived to the certain recommendations or committee's proposal, and until such time we are not ready to go line by line or section by section. Thank you.

President H. Guerrero: Delegate Calvo?

Delegate Calvo: Mr. President, I want to share some concerns with the Convention. I sat in two public hearings yesterday and I was sad that the government prime witnesses that accorded the Convention's substantive committees failed to come up with deliberation or written testimonies and they all agreed that it was a form of short notices to their concern and I feel that we must ask the department heads or any prime witnesses to please bear with us the time. And if they get the message from the committee chairmen on any proposals that they should take that up seriously and try to act expeditiously on this so we can share their concern over written testimonies. I felt strongly and I cannot agree that notice is short. I would ask that if they are listening at this point in time that they would to accord priority to this Convention for the short time notices or short timing of its existence. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Calvo. Just for the information of the chairmen. That's why we recommend that at least inform the party or the witnesses two days in advance so they will have a chance to respond. With four committees conducting public hearings, you know, you probably keep on calling the same people over and over in short instances. Give them some time to prepare their own testimonies. Any other miscellaneous business? If none, we are on announcements. Any announcements? Chairman Guerrero?

ANNOUNCEMENTS

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters will be conducting a public hearing today at 3:00 p.m. on eight

delegate proposals and it will be down at the Senate Chamber. Immediately after adjournment, the Committee on Finance and Other Matters would like to meet also to discuss other pending matters before the committee.

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

Floor Leader Lizama: Mr. President, the Committee on Governmental Institutions will have an informal meeting with some individuals that were asked to meet with the committee this afternoon at 2:30.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, the Committee on Local Government would like to announce that a public hearing will be held on Rota this Saturday and another hearing will be held on Tinian this Monday. I would like also to announce to the members of this committee that we will have a committee meeting at two o'clock this afternoon in this Hall. Thank you.

President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President. I would like to announce to the members of the Committee on Personal Rights and Natural Resources to meet today at two o'clock at the Rota Delegation's Office down there.

President H. Guerrero: Thank you, Chairman King. Any other announcements? If none, Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move that we adjourn until tomorrow morning at 9:30.

Secretary Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adjourn until tomorrow morning at 9:30. Discussions?

Chairman Manglona: Can we make that at 9:00 a.m. please because some of us will probably be going to Rota, if possible?

Chairman Guerrero: As long as we have quorum, I believe we can go ahead at 9:30 a.m.

Delegate Mafnas: Let's vote.

The motion to adjourn and to meet the next day at 9:30 a.m. was carried by voice vote.

The Convention adjourned at 11:30 a.m. and to reconvene on Saturday, June 29, 1985, at 9:30 a.m.

Respectfully submitted,

Delegate William H. Nabors
Convention Secretary

SECOND CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
Convention Center - House of Taga
Saipan, Cm 96950

TWELFTH DAY

Saturday, June 29, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 10:10 a.m., Saturday, June 29, 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.

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

Secretary Nabors: Mr. President, on this beautiful day, all the 24 delegates are present.

President H. Guerrero: Thank you, Secretary Nabors. I'm sure it's a beautiful day, I acknowledge that also. We have a quorum, the Order of Business can be conducted. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, we don't have the journal for adoption this morning, I move that we go down on the next item.

Delegate Calvo: No objection.

President H. Guerrero: No objection, we will move on to Communications.

COMMUNICATIONS

President H. Guerrero: There is no official communication received by the Chair. Any other communications? If none, we'll go on to Committee Reports. Before we go on to Committee Reports, I passed out a guideline for the committee reports that we were discussing yesterday. Does anybody has any comments on this one before we receive committee reports from the chairmen of the substantive committees?

Floor Leader Lizama: Mr. President, I move that we take a three-minutes recess.

There was a second to the motion.

President H. Guerrero: If there's no objection, we'll recess for three minutes.

The Convention recessed at 10:14 a.m.

RECESS

The Convention reconvened at 10:27 a.m.

President H. Guerrero: The Convention is back to order. As I indicated before, this guideline is just a clarification to Rule 55. Any committee reports?

COMMITTEE REPORTS

Committee Recommendation No. 7, from the Committee on Personal Rights and Natural Resources, recommending for adoption of Delegate Proposal No. 76-85, Committee Draft 1, as amended by the Committee to read as follows: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE XVIII, SECTION 2(a) TO REQUIRE THAT VOTERS BE ASKED WITHIN TEN YEARS WHETHER THERE SHOULD BE ANOTHER CONSTITUTIONAL CONVENTION."

Committee Recommendation No. 8, from the Committee on Personal Rights and Natural Resources, recommending adoption of Delegate Proposal No. 36-85, Committee Draft 1, entitled: "A PROPOSAL TO ADD A NEW SECTION 11 TO ARTICLE I OF THE NORTHERN MARIANAS CONSTITUTION, RELATIVE TO VICTIM OF CRIME COMPENSATION.", as amended by the Committee.

Committee Recommendation No. 9, from the Committee on Governmental Institutions, recommending adoption of Delegate Proposal No. 52-85, entitled: "A PROPOSAL TO AMEND SECTION 7(a) OF ARTICLE II OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO ACTION ON LEGISLATION BY THE GOVERNOR."

Committee Recommendation No. 10, from the Committee on Governmental Institutions, recommending adoption of Delegate Proposal No. 57-85, Committee Draft 1, entitled: "A PROPOSAL TO AMEND ARTICLE II, SECTION 11 OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO PREVENTING THE APPOINTMENT OR ELECTION OF A MEMBER OF THE LEGISLATURE TO A PUBLIC OFFICE CREATED DURING HIS OR HER ELECTED TERM OF OFFICE.", as amended by the Committee.

Committee Recommendation No. 11, from the Committee on Governmental Institutions, recommending adoption of Delegate Proposal No. 60-85, as amended by the Committee to read as follows: "A PROPOSAL TO AMEND ARTICLE II, SECTION 15 OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO PREVENTING A MEMBER OF THE LEGISLATURE FROM VOTING ON A BILL IN WHICH HE OR SHE HAS FINANCIAL, PERSONAL OR PRIVATE ENTEREST."

Committee Recommendation No. 12, from the Committee on Governmental Institutions, recommending adoption of Delegate Proposal No. 88-85, Committee Draft 1, entitled: "A PROPOSAL TO AMEND SECTION 18 OF ARTICLE III RELATING TO THE SALARY OF THE EXECUTIVE ASSISTANT FOR CAROLINIAN AFFAIRS.", as amended by the Committee.

Committee Recommendation No. 14, from the Committee on Finance and Other Matters, recommending adoption of Resolution No. 3-85, Committee Draft 1, entitled: "A RESOLUTION RELATIVE TO REQUESTING THE COMMONWEALTH LEGISLATURE TO EXTEND THE CONSTITUTIONAL CONVENTION FOR AN ADDITIONAL THIRTY DAY PERIOD.", as amended by the Committee.

President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President. Before I make a committee report, I would like to ask the Chair whether we could make corrections on the Order of Business under the Committee Report Nos. 9, 10, 11 and 12. These committee reports are not committee reports of the Committee on Personal Rights and Natural Resources. These are not our reports.

Floor Leader Lizama: Mr. President, Nos. 9, 10, 11 and 12 are reports from the Committee on Governmental Institutions.

President H. Guerrero: Okay, please make the corrections on your Order of Business.

Chairman King: On another business, Mr. President, Committee Report No. 10 on Proposal No. 56-85, I believe that is a proposal with regards to MPLC, the Marianas Public Land Corporations. It is not for Other Government Employment.

Floor Leader Lizama: That's correct, Mr. President, and correction is necessary.

President H. Guerrero: Secretary Nabors?

Secretary Nabors: Can I recommend that this item agenda of Committee Reports be deferred until tomorrow and have these matters corrected and made properly.

Floor Leader Lizama: So moved.

There was a second to the motion.

Chairman DL. Guerrero: We can correct these right now with our pen.

Chairman King: I think, Mr. President, that these are just minor errors. We can just correct them with our pen and then proceed with the committee reports.

President H. Guerrero: Delegate Nabors, can you restate your motion please?

Secretary Nabors: I'd like to withdraw the motion, Mr. President.

Floor Leader Lizama: Mr. President, there's a motion to defer the reporting out of some of the committee reports until tomorrow.

President H. Guerrero: It has been withdrawn, Floor Leader Lizama.

Floor Leader Lizama: He didn't make a motion; I made a motion, Mr. President.

President H. Guerrero: Delegate Nabors was the one that made the motion, right?

Secretary Nabors: Right.

President H. Guerrero: And it was withdrawn. How could you make a motion when he already made the motion?

Floor Leader Lizama: He simply made a suggestion and I said, so moved.

Secretary Nabors: He's right; I stand corrected.

Delegate Calvo: Mr. President, I think the consensus of the delegates now is to go ahead and make or initial it with pen whatever corrections we have to make. Can we proceed with that please?

Floor Leader Lizama: I withdraw my motion.

President H. Guerrero: All motions are withdrawn, just please make the corrections. Also, I just want to mention that basically the format for this one is not in line with the guideline but in the future the Chair will not accept the submissions of the chairmen of the committees recommendations which do not conform to the guideline. So we weren't consistent in the past. I believe the Committee on Organization and Procedures agreed that when you are making recommendations for changes, you'll have a narrative justification on that particular changes rather than just making recommendations. Secretary Nabors?

Secretary Nabors: Can I ask for an authoritative rundown what the changes are now?

President H. Guerrero: Chairman King?

Chairman King: I didn't catch his statement.

Secretary Nabors: What are the changes to be made here?

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: The corrections will be as follows: Committee Report No. 9, that would be a committee report coming from the Committee on Governmental Institutions. Committee Report No. 10, that is also under Governmental Institutions. No. 11, Governmental Institutions. No. 12, Governmental Institutions. And also to correct the reporting of Committee Report No. 10. The reporting involves not Proposal No. 56-85, rather, it's a proposal to amend Article II, Section 11, rather than having to do with the Marianas Public Land Corporations.

Secretary Nabors: What is the number?

Delegate Mafnas: It's a Proposal No. 57.

Secretary Nabors: Thank you.

Floor Leader Lizama: It's a Proposal No. 57. Thank you, Delegate Mafnas.

President H. Guerrero: The Chair accepts the submissions of the committees recommendations. Any other committee reports? I mean, from the Committee on Personal Rights and Natural Resources. Chairman King?

Chairman King: Mr. President, correct me if I'm wrong. The communication under Item 4, does it mean that we should not adopt the committees reports?

Delegate Villagomez: That's in the President's proposed rules, under Item 4.

President H. Guerrero: Basically you are submitting your recommendation to the Convention. If we adopt it, then it means that the Convention agrees to the committee's recommendation, therefore it's being submitted for people's review and it will be put on the General Orders for discussions the next day. Delegate Villagomez?

Delegate Villagomez: Mr. President, I would like to request that the President states whether the Convention accepts the proposal or recommendation for consideration by the Committee of the Whole and the Convention.

President H. Guerrero: I did. I guess I wasn't very clear. As I stated, the Chair accepts the Committee Recommendation Nos. 7 and 8 from the Committee on Personal Rights and Natural Resources.

Delegate Villagomez: Thank you.

President H. Guerrero: Does that clarify, Chairman King?

Chairman King: Yes.

President H. Guerrero: Are there any other committees reports? Chairman Lizama?

Floor Leader Lizama: Mr. President, the Committee on Governmental Institutions submits to this Convention Committee Report No. 9, Committee Report No. 10, Committee Report No. 11 and Committee Report No. 12.

President H. Guerrero: The Chair accepts Committee Recommendation Nos. 9, 10, 11 and 12. Any other reports? Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters is happy to submit this morning Committee Report No. 14. This is in reference to Resolution 3-85 re extension of Convention days, and the committee is ready to take it up in today's agenda.

President H. Guerrero: The Chair accepts Committee Recommendation No. 14. Yes, Chairman Guerrero?

Chairman DL. Guerrero: In line with that, Mr. President, I would like to ask the unanimous consent of the delegates that the committee's report, as stated and amended, be adopted by the Convention, and I so move.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Report No. 14. Discussions? Delegate Villagomez?

Delegate Villagomez: Mr. President, with due respect to the person who authored the resolution requesting an extension of the time for the Convention to operate and the recommendation of the committee to adopt the same, I would like to express my opposition to the resolution.

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

President H. Guerrero: State your point, Floor Leader Lizama.

Floor Leader Lizama: I would like to have this resolution placed in the General Orders of the Day for discussions and when that time comes, then we'll have to deal with this subject under the General Orders of the Day.

President H. Guerrero: As I indicated before that if we adopt this report, it means the Convention agrees to it. That's why I said that the Chair accepts the submission of Committee Recommendation No. 14, and I indicated in the General Orders of the Day for any discussions and debate that we'll take these up today also.

Floor Leader Lizama: Thank you, Mr. President.

President H. Guerrero: So can you withdraw your motion at least?

Chairman DL. Guerrero: No. My motion is still in order, Mr. President, because we are adopting the committee's report.

President H. Guerrero: Yeah, just the report.

Chairman DL. Guerrero: That's correct. Then after we adopt the motion to adopt the committee's report, I would like to move that we place this under the General Orders of the Day for further discussions.

Delegate Calvo seconded the motion.

President H. Guerrero: Just a point of clarification, Chairman Guerrero. By adopting the report, we're adopting the attached recommendation because that's what your report is saying.

Chairman DL. Guerrero: That exactly my motion is, Mr. President, with the attachment and the recommendation from your committee. There are some amendments that the committee made.

President H. Guerrero: Can we take that up under the General Orders of the Day?

Chairman DL. Guerrero: Well, that could be taken up under the General Orders of the Day. That's what the Floor Leader was suggesting that we will wait until we come down to the General Orders of the Day.

President H. Guerrero: Okay, can I ask you to withdraw your motion at this stage? Because by adopting this, we are already adopting the attachments, so why go to the General Orders of the Day.

Chairman DL. Guerrero: To move to the General Orders of the Day, Mr. President, is to discuss the pertinent resolution and the resolution itself has to be read in its entirety.

President H. Guerrero: Okay, I guess we are still in order.

Secretary Nabors: Motion to end debate.

Chairman DL. Guerrero seconded, and the motion was carried by voice vote.

The motion to adopt Committee Report No. 14 was carried by voice vote.

President H. Guerrero: Committee Report No. 14 is adopted. Any other committee reports? Chairman Manglona?

Chairman Manglona: Mr. President, the Committee on Local Government has nothing to report this morning. Thank you.

President H. Guerrero: Thank you, Chairman Manglona. Any other reports?

INTRODUCTION OF PROPOSALS AND REFERRALS

President H. Guerrero: Chairman Manglona?

Chairman Manglona: I have two proposals this morning, Mr. President. One is a proposal "to prepare a constitutional provision that does the following: Requires that Boards and Commissions shall consider all recommendations made by the Executive Director relating to any case or issue. A recommendation shall be rejected only for good cause." Another is "to amend Section 2(a) of Article VI relating to the qualification of Mayor." Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I have two proposals to submit this morning. First, a proposal "to amend a new Article to the Constitution of the Commonwealth of the Northern Mariana Islands to establish a national identity for the people of the Northern Marianas descent, as a citizen of the Northern Mariana Islands, until such time they declared or acquired U.S. citizenship." Second is a proposal "to amend a new Article to the Constitution of the Northern Mariana Islands to renegotiate the Covenant to place the control of foreign affairs under the Government of the Northern Mariana Islands until such time the people of the Northern Mariana Islands become United States citizens."

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. I have one proposal to introduce this morning, a proposal "regarding mutual federal consultation on matters involving the Commonwealth of the Northern Mariana Islands.

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

Delegate Villanueva: Mr. President, I have a proposal here "to prohibit additional tax on the humble and beautiful people of the Northern Mariana Islands during the guaranteed Covenant funding." Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate Mafanas: I have two proposals here.

President H. Guerrero: Can you read the titles at least?

Delegate Mafnas: "To amend Section 3 of Article VII of the CNMI Constitution," and "to amend Article VIII by adding a new section to the Northern Marianas Constitution."

President H. Guerrero: Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. I have a proposal to introduce that would prohibit the over expenditure, over obligation for any officer, appointed or elected, to exceed the approved budgets and to provide a jail term in case of violation. Another proposal, Mr. President, is to provide for an Ombudsman for the Commonwealth of the Northern Mariana Islands. Third proposal is to require the popular election of board members of the Mariana Islands Ports Authority, Economic Development Authority, Mariana Islands Housing Authority, Board of Regents, Board of Education, MPLC and the Marianas Public Land Trust. And finally, Mr. President, a proposal "to amend Section 1, Article VII regarding eligibility to vote in the Commonwealth of the Northern Mariana Islands." Thank you.

President H. Guerrero: Thank you, Secretary Nabors. Any other proposals? Delegate Pangelinan?

Delegate Pangelinan: I have one proposal regarding Section 2 of Article X relative to the employment of nonresident workers.

President H. Guerrero: So we're in line with Guideline No. 6. Can I ask the chairman of each substantive committee, on introduction, read the committee's recommendation and consider it as first reading? Chairman Lizama?

Floor Leader Lizama: Mr. President, Committee Report No. 9....

President H. Guerrero: Committee recommendation.

Floor Leader Lizama: I mean, the committee's recommendation in reference to No. 9 deals with Delegate Proposal No. 52. Basically, the proposal calls for an amendment to Article II, Section 7(a). There is a technical amendment that is being offered and the amendment being that a word or the words -- I'm sorry, I take that back. The word "part" in the last sentence of that section, and if I may read that last sentence, "The Governor may veto an item, section or part..." And the recommendation is to add the word "part" in an appropriation bill and sign the remainder of the bill. The committee recommendation relates to Article II, Section 11. It is an amendment providing for an addendum, in essence, and I'll read the addendum. After the last sentence, to be added, "No member of the Legislature, during the term for which he is elected, shall be appointed or elected to any public office in the Commonwealth, which shall have been created during the term for which he was elected." Committee Recommendation No. 11 involves Article II, Section 15. I believe there is a typographical error involved in the recommendation but I should just should just mention that the amendment calls for the addition of a word "private" in the Article II, Section 15. So the amendment will be to add

the word "private" in the first sentence and it would read as follows: "A member of the Legislature who has a financial personal or private interest...", and the addendum will be to include the word "private" in a bill before the Legislature shall disclose that interest and shall not vote thereon. "Shall not vote thereon" is an addendum to the first sentence. Committee Recommendation No. 12 deals on the subject of Article III, Section 18, relative to the Executive Assistant for Carolinian Affairs. And basically an addendum also is provided under Article III, Section 18, a new subsection (g) will be provided for, and the subsection (g) recommended to be included under Article III, Section 18, would be as follows: "The annual salary of the Executive Assistant for Carolinian Affairs shall not be less than the salary of any principal director." I will repeat that, Mr. President, "shall not be less than the salary of any principal department director." That is the recommendation of the Committee on Governmental Institutions.

Secretary Nabors: Mr. President, I am confused.

Floor Leader Lizama: I think some of you may be confused because what we actually did here was that we considered Proposal No. 88 but we amended the proposal to read in the language that I just stated. And I think, Mr. President, that the committee report will be further clarified, and the Committee on Governmental Institutions can do that at a later date.

Secretary Nabors: I don't know if I'm in order or not....

President H. Guerrero: Are you asking for a point of clarification?

Secretary Nabors: I think so.

President H. Guerrero: What are you going to ask about if you don't know?

Secretary Nabors: Would I suppose to copy it down what you are reading?

Floor Leader Lizama: No.

President H. Guerrero: Chairman Guerrero?

Chairman Guerrero: Mr. President, I think it's only appropriate since we are dealing with first reading of committee recommendation on any delegate proposal that any changes be accommodated in writing, otherwise we are deliberating ourselves and we are debating on oral deletion and insertion on his recommendation. So I suggest that we should wait for any debate on this particular report or recommendation from the committee, otherwise it will confuse all the delegates.

President H. Guerrero: You have a good point, Chairman Guerrero, it's confusing. Can this report be cleaned up?

Floor Leader Lizama: Mr. President, the recommendation is already in writing and I'm just reading what the recommendation is, and the proper language will be further clarified later, if necessary.

President H. Guerrero: Just for the information of Chairman Lizama, before I put this in the General Orders of the Day, I would like to see it clarified first. Can I call on Chairman King?

Chairman King: Thank you, Mr. President. The Committee Recommendation No. 7 from the Committee on Personal Rights and Natural Resources with respect to Delegate Proposal No. 76-85, relative to XVIII, Section 2(a), the committee made a very small change here by deleting "seven" and replacing it with "ten" years. And after "date of", we add "amendments proposed by the 1985". After the "Constitutional", we add "Convention".

Secretary Nabors: Mr. President, point of order.

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

Secretary Nabors: I'm sorry, I must interrupt my colleague. I don't see anything under Item (L) concerning 7 or 8. And if there are changes, please put them in writing.

Chairman King: Committee Recommendation No. 7, Mr. President.

President H. Guerrero: He is just introducing it. Why don't you just read the title for introduction purposes.

Secretary Nabors: We are under General Orders of the Day.

President H. Guerrero: We are not on General Orders of the Day. We are still under (G), Introduction of Proposals, and I asked the chairmen of the substantive committees to read the committee recommendations, as first reading, before we put them under the General Orders of the Day. Does that clarify the matters? That was the suggestion of Chairman Guerrero that we introduce the proposals....

Delegate Ogumoro: I have a suggestion, Mr. President. Can I be recognized?

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: I share the concern of Delegate Nabors. If we intend to first read this under that particular item, we should have reflected it when the Order of Business was passed out because it's getting very confusing. So for our next session, Mr. President, I would like that the respective chairperson of our substantive committees make it a point or try to work it out with you in such a way that those proposals which are to be first read on that very same day that they are reporting on should be indicated under the appropriate item to avoid confusion.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. To clarify some of the confusions, I hope that the respective chairmen when it comes to introduction, to just say that he would like to introduce the following committee recommendations and just read their titles. This is why we are confused because we are already reading the whole context of the committee's recommendation. So I hope this clarifies this matter that when it comes to introduction, please just state that the following is committee's recommendation to be introduced, because everybody is so confused. I, myself, in the first time, was so confused also because we are already debating on the recommendations of the committee. So I hope that this clarifies that this is just only an introduction, and please just introduce it by its title.

President H. Guerrero: The chairmen of all the substantive committees, please refrain from reading the context and just read the title.

Chairman King: Mr. President, shall I continue if I am in order?

President H. Guerrero: Yes, you are. Go ahead.

Chairman King: Okay. Committee Recommendation No. 8 with respect to Delegate Proposal No. 36-85, relative to a new Section 11 under Article I.

President H. Guerrero: Thank you, Chairman King. In front of you, you have the referral sheet for proposals that were submitted yesterday, starting with Delegate Proposal Nos. 214 to 219. There is no first and final readings of proposals.

(See attached Referral Sheet for Delegate Proposal Nos. 214-85 to 219-85.)

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTION AND REFERRALS

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

Committee Recommendation No. 6, regarding Delegate Proposal No. 56-85.

Committee Recommendation No. 14, regarding Resolution No. 3-85.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move that we resolve into a Committee of the Whole to deal with Committee Recommendation Nos. 6 and 14.

Delegate Mafnas seconded the motion.

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

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

The Convention recessed to resolve into a Committee of the Whole at 11:00 a.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 12:32 p.m.

President H. Guerrero: The session is now back to order. I call on Delegate Torres to report on the deliberation of the Committee of the Whole.

Delegate Torres: Mr. President, the Committee of the Whole deliberated on two committee reports, Committee Report No. 6 and Committee Report No. 14. Committee Report No. 6 relative to Delegate Proposal No. 56-85, the Committee of the Whole adopted a motion to defer action on Proposal 56-85 to the Committee on Governmental Institutions so that the proposal can be jointly considered with Delegate Proposal No. 3-85. On Committee Report No. 14, reporting on Resolution 3-85, as amended, the Committee of the Whole moved not to adopt that particular resolution. Thank you, Mr. President.

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

Delegate Villagomez: I move that the Convention adopts the report of the Committee of the Whole.

Chairman King seconded the motion.

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

Chairman King: I just want to get a point of clarification concerning the Committee Recommendation No. 6. According to my understanding, this Committee Recommendation No. 6 should be referred to the Committee on Personal Rights and Natural Resources instead of Governmental Institutions.

President H. Guerrero: I believe the motion was to defer until such time that the Committee on Governmental Institutions has had deliberation or hear public hearings on Proposal 3-85. So it's just a deferral until such time that that matter would be taken up. Yes, Delegate Villagomez?

Delegate Villagomez: Mr. President, before it is voted on, I'd like to amend my motion that the recommendation to defer Committee Recommendation No. 6 until the Committee on Governmental Institutions hold a public hearing and report its findings to the Committee of the Whole that there will be a time set when they should report and that would be Friday of next week, and that if they don't report by Friday, that the matter be put on the calendar for reconsideration despite the lack of report by the Committee on Governmental Institutions. That's the amendment to my motion.

Chairman King seconded the motion.

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

Delegate Villagomez: No, the motion is to adopt the report of the Committee of the Whole and to amend it so as to add that the report by the Committee on Governmental Institutions with respect to Proposal No. 3-85 be made no later than Friday next week.

President H. Guerrero: Thank you, Delegate Villagomez. Discussions on the motion? Secretary Nabors?

Secretary Nabors: On the amendment, Mr. President; I oppose the amendment for the reason that it's illustrative of what I was just suggesting, i.e., a rush to judgment. I oppose the Committee on Governmental Institutions from holding a public hearing on 3-85 because of a conflict of interest for the chairman who is an employee of the MPLC. And on miscellaneous, I would like to ask the President to reassign that measure to your Committee on Finance and Other Matters being the only committee constituted that does not have an apparent conflict of interest.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, the distinguished members, including myself, of your Committee on Governmental Institutions are insulted by the statement of Delegate Nabors. We have yet to experience conflict of interest when public hearings or on public hearings that had already been conducted. I would like the record to show that Proposal No. 3-85 was introduced by Delegate Nabors and I would consider that a conflict of interest because directly or indirectly he has a conflict with Marianas Public Land Corporations. Thank you.

President H. Guerrero: Chairman Lizama?

Floor Leader Lizama: Mr. President, I don't think it's necessary to refer the Proposal 3-85 to the Committee on Finance simply because I don't think that I am not cognizant of the ethical rules that I have to apply to myself, and I don't think that anybody from this Convention could make a judgment and talk about making a judgment. I don't think there's a conflict unless the person who has a problem of conflict creates a conflict for himself. Thank you, Mr. President.

President H. Guerrero: Just for a point of information also. The chairman can always designate other than himself to chair the public hearing. Delegate Pangelinan?

Delegate Pangelinan: I move for the previous question.

Delegate Villagomez seconded the motion.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, the motion is in reference to the motion made by Delegate Villagomez and the motion is to adopt the report of the Committee of the Whole with the amendment as provided by Delegate Villagomez who suggested that the Committee on Governmental Institutions will come forward by next week Friday, no later than next week Friday, a report on Proposal 3-85. Thank you.

Delegate Villagomez: Let's vote.

The motion for the previous question was carried by voice vote. Secretary Nabors voted no.

President H. Guerrero: We'll go to the previous question. Those is favor....

Delegate Villagomez: That's incorrect. We voted on the previous question, now we should vote on the main motion.

President H. Guerrero: That's what I was trying to do. You were trying to confuse the Chair.

Delegate Villagomez: Go ahead.

The motion to adopt the Committee of the Whole's report, as amended by Delegate Villagomez, was carried by voice vote. Secretary Nabors voted no.

President H. Guerrero: We are now under Miscellaneous Business. Delegate Nabors?

MISCELLANEOUS BUSINESS

Secretary Nabors: Thank you, Mr. President. I believe that it's going to be necessary for us to reach an understanding on these committee recommendations. I would like to -- my confusion rather is centered on the fact that I'm asked to make an expression on an amendment to a subsection which inferentially commits me to later vote for the proposal. I think I'll be pretty stupid to vote to amend, to accept that proposed amendment and then turn around and vote against the proposal. If there is a proposed amendment to a proposal, it seems to me it would be a lot more logical to incorporate your amendment into the proposal and report it as a committee recommendation so we vote it up or down. And I do feel also that the committee recommendations ought to be more explicit. Thank you.

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

Chairman King: Thank you, Mr. President. I just like to say a few words in regard to the Committee Recommendation No. 6 that has been referred to the Governmental Institutions Committee relative to Proposal No. 3-85. Mr. President, the Committee Recommendation No. 6 is just a section to amend, to add the following language that "the director may not hold a full-time pay position in the corporation." This amendment does not limit or delete Proposal No. 3-85. This is just a section proposed amendment or an addendum to Section 4(c). This does not also limit the committee not to act further more on Proposal 56-85. As we mentioned before that Proposal No. 3-85 and Proposal No. 56-85 are still under consideration or review of the committee. I think that the committee has the prerogative to come out with another recommendation on the same proposal....

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

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

Floor Leader Lizama: There has been an adoption to refer the Committee Recommendation No. 6 until such time that the Committee on Governmental Institution will provide its own recommendation with respect to Proposal No. 3. I believe there seems to be a misunderstanding on the essence of adopting, at this time, Committee Report No. 6 for the reason that if we adopt Committee Report No. 6 at this time, in essence, we are totally eliminating Proposal No. 3 or discarding Proposal No. 3 and I don't think that the Convention can do that at this time.

Chairman King: Mr. President, I disagree.

Chairman DL. Guerrero: Point of information.

President H. Guerrero: State your point of information, Chairman Guerrero.

Chairman DL. Guerrero: Mr. President, I think under Miscellaneous Business, and I hope that this would not invite any debate again because of the issue that we have disposed of, and I agree with the Floor Leader that let's try to be in the order of our concern. If we raise that on the Miscellaneous, it will invite another debate and Miscellaneous prohibits actually the debates.

President H. Guerrero: Your point is well taken.

Chairman King: Can I continue, Mr. President?

President H. Guerrero: Continue, Chairman King.

Chairman King: So I hope that my colleague, Bill Nabors, should understand me that this recommendation has been presented prior to its adoption on first reading so I believe that you should have a chance to talk to me in regards to the issue. And therefore, I am very sad that he thought that this might eliminate his Proposal No. 3-85. So just for the curiousity of the committee that we are still under further review or discussion on your proposal. And if you feel that way, then you push us to file, perhaps, your proposal. So I hope that, you know, to have a very good working relationship in terms of colleagues, then we should have a prior discussion instead of having big arguments or disputes on the floor. Thank you, Mr. President.

President H. Guerrero: Just a point of information, Chairman King. According to Public Law 4-30, it states that "the Convention may not adopt more than one proposed amendment embracing or affecting the same section, subsection, or article of the Constitution or the same subject matter." Floor Leader Lizama?

Floor Leader Lizama: Mr. President, if there is no further miscellaneous business, I move that we go down to the announcements.

President H. Guerrero: Secretary Nabors?

Secretary Nabors: I realize that the amendment to the motion of the Committee of the Whole has adopted. I want to point out that in addition to 3-85, we have 156-85, introduced by our distinguished Floor Leader; we have 158, introduced by our distinguished Floor Leader, all concerning

MPLC. So if we are going to put a limitation of next Friday, then I would respectfully suggest and urge any committees to which MPLC matters have been referred to try and report them all by next Friday and let's dispose of them. Thank you, Mr. President.

President H. Guerrero: Thank you, Secretary Nabors, and I'm sure that the chairman of that appropriate committee will handle it as soon as possible. Delegate Igitol?

Delegate Igitol: Before we move to announcements, I would like to request the Chair.... During the previous public hearings, there seems to be a lack of delivery of public notices to the affected witnesses. During the past public hearings I was sitting in, in fact I was sitting in one yesterday and to my surprise, a lot of the witnesses claimed that they just received the public announcement one hour, two hours, or three hours prior to the public hearing although the public notices were sent out two or three days previously. I suggest and strongly suggest to the Chair to rectify this problem because the issue that we issued for public hearings is very vital for information of the committees. And with that information given by the witness or witnesses gives us the proper idea of what to do with the proposals that we placed on the public hearings. Most of the witnesses don't have boxes down at the Administration Office in the Governor's Office. I suggest that other means of delivery should be instituted, like personal delivery to their offices. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Igitol, your point is well taken and it's a very good suggestion that those people, the witnesses need to be given the public hearing notice in person rather than sending it to the Governor' Office in view of some of the notices of the hearing that, you know, there's no ample time for them to response or even comment on. Delegate Villanueva?

Delegate Villanueva: Mr. President, this morning I introduced a proposal to prohibit imposition of additional tax to the beautiful people of the Northern Marianas. Mr. President, I want to emphasize that we are becoming a family of the Americans. Most Americans, except those who are not paying taxes, are complaining about all kinds of taxes that are being imposed to them by the Federal States, local and other government agencies. I hope, Mr. President, that the delegates in this Convention would look at this proposal. And even if they disagree with this proposal, they go back to their islands, to their homes and sleep comfortably. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Villanueva. I would like to set the record straight before we go on to announcements and I have been very quiet but I've heard comments about lack of organization, lack of staff in the secretarial pool. There are lots of comments, criticisms, allegations but I would like to point out that it seems that the members of the Committee on Organizations and Procedures are the biggest abusers of it. It's impossible. You keep saying, we don't have enough staff. I can assure you that during the first Con-Con, they have less staff, they have more members and they accomplished their work. You people expect miracles. I suggest you get down on your knees and start praying. You expect too much when you are the biggest abusers of it. The Secretary or the Steno Pool Supervisor asked me to relay the same thing. She wrote,

"Mr. President and members, as much as we would like to make our work 'error-free', often times we find ourselves in the Steno Pool loaded with last minute requests coupled with requestors just swarming into the Steno Pool Office pulling papers or documents from tables or boxes that we have made available for distribution. Often times, I tried to make the role of the Steno Pool clear; however, such position or requests made from my office, of which I am responsible to supervise, are ignored because as some have advised us, 'we are here to serve at the pleasure of the delegates.' Although we are aware of such statement, we cannot serve each and every delegate to the maximum extent possible unless the work flow is coordinated and adhered to as I have often requested of many of you to follow. Henceforth, beginning today, all requests coming to the Steno Pool should be directed to me personally and I will distribute and delegate the work among my staff. Requests that need to go into the next day's session must be delivered to me before 4:30 p.m., the day before. All requests received after the deadline will be calendared the day after. I also strongly recommend that committee chairmen work closely with their committee assistants and coordinate what they want to be calendared for the session. The committee assistants will then work with the Steno Pool Supervisor to accommodate the committee's requests. If all concern adhere to the Steno Pool's request, I am sure that all will be happy and the Convention will be productive and fruitful, thus meeting the expectations of our people that we all here at the Convention represent -- Delegates as well as the staff." And I urge that every delegate at least respect those people. And before you start making allegations, accusations and so forth, it seems like we discussed under the Committee on Organization and Procedures of a lot of things and yet when we come to the Convention floor we all go our separate way. And what's the point of this committee meeting. It's best if the committee feels or the delegates feel that probably the Chair should just take the initiative and not listen to anyone else. If that's the prerogative of the committee, then I strongly will take the lead. But they are going crazy at times because they submit things to be typed the last minute. And I have specifically mentioned to the Steno Pool that if they don't get there in time, forget it; it will be covered during the next day. It's just as simple as that. Any other miscellaneous business? Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. We have not been meeting on time and I think this relates to your concern because tomorrow's business is not delivered on timely basis to the Secretarial Pool. I heard on the radio that we have been meeting quarter till ten, 9:55 a.m. and so on and so forth. We attempted to extend the time of the Convention while it's not necessary to have a public hearing. I do not know of any public hearing scheduled for today nor tomorrow, except the ones for Rota and Tinian. I asked the members to put aside their prior commitments and concentrate on the business of the Convention so that we will not bring up another request for an extension of time. I am sorry if I implied one way or the other that the Convention is not moving forward under your leadership. If there was such an implication, then I wish the record to show that I never meant it. As I expressed earlier, I am willing to work cooperatively under your leadership and I would like to see that this Convention, under your leadership, delivers the expectation of our people, and I thank you.

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

Delegate Torres: Thank you, Mr. President. In line with Delegate Igitol, relative to notices of public hearings. I would like to recommend to the Chair as well as the chairpersons for the four substantive committees that they make an effort to specifically and clearly describe the nature or intention of each delegate proposal schedule for public hearings and not simply transfer verbatim from the referral shseets to the notice of public hearings the same information because the delegates may know what those proposals are but perhaps we should ask ourselves whether the public knows the intent or the nature of the delegate proposals. Sometimes, even myself, I just cannot understand the intent or the nature of the topic of the delegate proposal. A case in point is Delegate Proposal 142-85. No specific mention to any specific article or section in the Constitution. That is perhaps an isolated case. The point remain, however, that the public, if we want activce participation from the public, each chairperson should make it a point to perhaps at the minimum provide a synopsis of each delegate proposal scheduled for public hearings. Thank you.

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

Delegate Igitol: Mr. President, one last comment relative to Delegate Mafnas' concern about public hearings. Three days ago, there was a public hearing passed to every delegate that the Finance and Other Matters Committee is having public hearings yesterday, today and Monday. And further, Mr. President, to abide with Public Law 4-30 since we have voted out the Resolution 3-85, I suggest that every committee or every delegate should come out and work even nighttime since I am prepared. Since the first day of this Convention, I was prepared to work even nighttime. And I have signed a contract with my family, my wife, so I can come to work in the norning all the way to midnight, if possible. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Igitol. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, if there's no further miscellaneous business, may I ask that we go down to the announcements.

President H. Guerrero: I would like to recognize first Delegate Villanueva.

Delegate Villanueva: Mr. President, I'd like to suggest that the Committee on Organization and Procedures look into the possibility of the Convention celebrating the liberation of the people of the Northern Marianas. Thank you.

President H. Guerrero: If there's no miscellaneous business, we'll move on to announcements. Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. The Committee on Finance and Other Matters will continue its public hearing at three this afternoon and it will be down at the Senate Chamber as we had conducted the public hearing yesterday.

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

Chairman Lizama: Mr. President, the Committee on Governmental Institutions would like to meet with the members at 2:30 p.m. here.

President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President. The Committee on Personal Rights and Natural Resources will be going to Tinian and Rota today to conduct public hearings. I hope that this will satisfy my colleague, Bill Nabors.

President H. Guerrero: Any more announcements? Delegate Torres?

Delegate Torres: With all due respect to my chairman, the Committee on Local Government will have a public hearing on Rota today, this afternoon, and the committee members will be departing at about three o'clock and I don't know whether I'll be out of order if I make a request for the Convention to convene perhaps at a later time tomorrow so we wouldn't miss it.

President H. Guerrero: Any more announcements? Floor Leader Lizama?

Floor Leader Lizama: Not announcement, Mr. President, but I would like to, if there is no further announcement, make a motion that we adjourn until Monday at nine o'clock in the morning.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adjourn until Monday morning at nine o'clock. Discussions? Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. I'm aware that there will be several committee reports to be offered and considered and I think we should move on and start having meetings everyday. Just today, I think I signed six separate committee reports and I think we should go and start working on those reports because there will be a lot more coming up after the public hearings. Therefore, I propose that we instead have a meeting tomorrow and see what we can eliminate.

President H. Guerrero: Can I just get a clarification? Delegate Villagomez, are you saying we are going to have plenary session or committee meetings?

Delegate Villagomez: Yeah, a Convention.

President H. Guerrero: Delegate Inos?

Delegate Inos: I support the remarks made by Delegate Villagomez and I have not forgotten that you've calendared for tomorrow to discuss in the Committee of the Whole certain committee recommendations and proposals.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: At this point, I would like to request Floor Leader Lizama to withdraw his motion and amend it, either withdraw or amend his motion that we meet tomorrow at 9:00 a.m.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: No, Mr. President. I think it's very important.

Floor Leader Lizama: No, Mr. President. I think it's very important. While we realize the importance of having committee reports submitted as quickly as possible, I think we have to recognize the fact, too, that we have to digest each committee report so that when we come over here we'll be more organized in discussing the issues that are presented by the committee reports. We realize that problem and I think that we have to be given time as well also to digest on those committee reports and I think the proper time to mee and discuss the committee reports will be Monday.

President H. Guerrero: Delegate Limes?

Delegate Limes: Mr. President, I notice that the ticket that has been issued to each member -- I'm sorry, Mr. President -- that we will leave for Rota tomorrow at 7:00 p.m., I think, and all the members of the Local Government and Governmental Institutions will be absent if you are going to have a plenary session tomorrow, Mr. President.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I realize that the motion to recess is not debatable and recently we are in full-fledged debate. But I just want to advise my colleagues that we have scheduled a public hearing on Rota tomorrow....

President H. Guerrero: Point of information. The motion to adjourn is debatable; the motion to recess is not debatable.

Secretary Nabors: Now, I want to bring up that Delegate Villagomez made a recommendation that the first Con-Con when they recessed they set aside all their business until they complete the public hearings and whether or not we ought to consider that suggestion, or what are we going to do. I am not going to leave today at three o'clock if we are going to have a session tomorrow.

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

Delegate Villagomez seconded the motion.

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

As a result of the voice vote, President Guerrero requested for a show of hand vote, and the motion to adjourn and reconvene on Monday at 9:00 a.m. was carried by six against and ten for the motion.

The Convention adjourned at 1:11 p.m.

Respectfully submitted,

Delegate William B. Nabors
Convention Secretary

Type within the full width and height of the blue borders without margins. Page numbers should be centered in box at bottom.

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

THIRTEENTH DAY

Sunday, June 30, 1985

There was no Plenary Session this date, however, there were committee meetings and public hearings on Rota and Tinian.

Respectfully submitted,

Delegate William B. Mabors
Convention Secretary

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

FOURTEENTH DAY

Monday, July 1, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:12 a.m., Monday, July 1, 1985, at the Convention Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

President H. Guerrero: Let's have a moment of prayer or meditation and also a moment of silence for the death of President Haruo Remeliik of Palau.

A moment of silent prayer or meditation was observed.

The Convention Secretary called the roll, and 20 delegates were present. Delegates Igitol, Lizama, Villagomez and Villanueva were absent.

Secretary Nabors: Mr. President, we have a quorum present.

President H. Guerrero: We have a quorum and we're ready to conduct the Order of Business for today. Before I go on calling anyone, first, I've designated Secretary Nabors to be the Acting Floor Leader in the absence of our Floor Leader, Juan Lizama. I call on Delegate Calvo.

Delegate Calvo: Mr. President, I move that those delegates who are not present this morning be excused.

Acting Floor Leader Nabors: No objection.

Chairman DL. Guerrero: No objection.

President H. Guerrero: There's no objection, so ordered. Acting Floor Leader Nabors?

ADOPTION OF JOURNALS

Acting Floor Leader Nabors: I move that we skip Item (D) of our Order of Business, the journals are being readied and will be, perhaps, ready for distribution before the session closes.

Delegate Calvo: No objection.

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

COMMUNICATIONS

President H. Guerrero: The Chair has not received any communication. Any communications from the floor? If none, we will go on to Reports of the Committees. Chairman King?

COMMITTEE REPORTS/RECOMMENDATIONS

Chairman King: The Committee on Personal Rights and Natural Resources has nothing to report at this time.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, the Committee on Local Government has nothing to report today. Thank you.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters during the last few days, Mr. President, has been extensively conducting public hearings as well as deliberations within the committee itself and the disposition or status report from the committee itself will be passed out this morning for the benefit of all the delegates of this Convention. Now the proposed language or amendment from the committee will be forthcoming after it is typed hopefully within the next two days, Mr. President.

President H. Guerrero: Thank you, Chairman Guerrero. I call on Vice Chairman Mafnas.

Vice Chairman Mafnas: Thank you, Mr. President. Your Committee on Governmental Institutions has been working very, very hard; however, it has not finalized its reports, therefore there's no report this morning.

President H. Guerrero: Thank you, Vice Chairman Mafnas. If there are no more reports, Introduction of Proposals. Any proposals to be introduced today? Delegate Limes?

INTRODUCTION AND FIRST READING OF PROPOSALS

Delegate Limes: I have two proposals to introduce this morning, authored by six of us, a proposal "to amend the Constitution of the Northern Mariana Islands to require that elected public officials be able to communicate in two of the three major languages spoken in the Northern Mariana Islands.", and a proposal "to amend Section 1 of Article XII of the Constitution of the Northern Mariana Islands to allow veterans of the armed services to avail themselves of veterans benefits."

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

Secretary Nabors: Thank you, Mr. President. I have a proposal that would require the salaries of employees of atonomous and semi-atonomous agencies to be commensurate with similar positions in the Civil Service. I have another proposal that would require that resident auditors be assigned on a full-time basis to Tinian and Rota, and a proposal that would provide that each house of the Legislature shall be the final judge of the election and qualifications of its members and vested with the jurisdiction to determine the contest of the elections of any member to the Legislature. Thank you, Mr. President.

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

Delegate Kaipat: Thank you, Mr. President. I have two proposals to submit this morning. First, a proposal "to amend Section 1 of Article VI of the Constitution of the Northern Mariana Islands relevant to Local Government, to read as follows: Organization and function in each of the senatorial district shall be done according to the unique needs of the respective islands or group of islands and that the agencies shall be established accordingly." Second, a proposal "to amend Section 3(d) of Article VI of the Constitution of the Northern Mariana Islands relevant to annual budget submission and power of mayors to recommend amendments to the Commonwealth Budget."

President H. Guerrero: Thank you, Delegate Kaipat. Any more proposals? Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I have a proposal to offer this morning relative to amending Article II of the Northern Marianas Constitution by adding a new section relating to establishing a Legislative Bureau. This is in connection with the legislative reform. Thank you.

President H. Guerrero: Thank you, Delegate Mafnas. Any more proposals to be introduced? If none, I call on Chairman King to introduce Committee Recommendation Nos. 7 and 8 -- excuse me, Chairman King, I believe we did that last Saturday. My apology. In front of you, you have Delegate Proposal Nos. 220 up to 231 which have been referred to various substantive committees.

(See attached Referral Sheet on Delegate Proposal Nos. 220-85 to 231-85.)

SECOND AND FINAL READING OF PROPOSALS

None

President H. Guerrero: There is no second and final reading of proposals at this time. Just a correction in the Order of Business, we forgot to include the Introduction of Resolutions and Referrals. It should come right after the Second and Final Reading of Proposals. Acting Floor Leader Nabors?

INTRODUCTION OF RESOLUTIONS AND REFERRALS

Acting Floor Leader Nabors: Mr. President, I have one resolution to offer on behalf of the Second Constitutional Convention, all delegates acting as a Committee of the Whole; I ask permission, if there's no objection, to introduce a resolution expressing condolences and deep sorrow to the people of Palau and the family of the Honorable Haruo Remeliik for his untimely death.

Delegate Calvo: No objection.

Delegate Mendiola: No objection.

Chairman DL. Guerrero: No objection.

President H. Guerrero: Thank you, Delegate Nabors. We will go on to Unfinished Business. We don't have any Special Orders of the Day, so we'll move on to the General Orders of the Day. Acting Floor Leader Nabors?

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

Committee Recommendation No. 7, regarding Delegate Proposal No. 76-85, Committee Draft 1, as amended by the Committee on Personal Rights and Natural Resources to read as follows: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE XVIII, SECTION 2(a) TO REQUIRE THAT VOTERS BE ASKED WITHIN TEN YEARS WHETHER THERE SHOULD BE ANOTHER CONSTITUTIONAL CONVENTION."

Committee Recommendation No. 8, regarding Resolution No. 3-85, Committee Draft 1, entitled: "A RESOLUTION RELATIVE TO REQUESTING THE COMMONWEALTH LEGISLATURE TO EXTEND THE CONSTITUTIONAL CONVENTION FOR AN ADDITIONAL THIRTY DAY PERIOD.", as amended by the Committee on Finance and Other Matters.

Acting Floor Leader Nabors: Mr. President, I move for consideration of Committee Recommendation No. 7, amending Section 2(a) of Article XVIII of the Constitution.

President H. Guerrero: I need a motion to resolve into a Committee of the Whole.

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

Chairman King seconded the motion.

President H. Guerrero: It has been moved and seconded to resolve into a Committee of the Whole to consider Committee Recommendations No. 7 and No. 8. Discussions?

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

The Convention resolved into a Committee of the Whole at 9:25 a.m.

COMMITTEE OF THE WHOLE

(During the Committee of the Whole, Delegates Igitol, Villagomez and Villanueva took their seats.)

The Convention reconvened its plenary session at 11:43 a.m.

President H. Guerrero: The session is now reconvened. I call on Chairman Guerrero.

Chairman DL. Guerrero: Mr. President, the Committee of the Whole happily disposed of two assignemnts. The first one is Committee Recommendation No. 7 and the majority of the members of the Committee of the Whole overwhelmingly adopted it. The Committee Recommendation No. 8 was, by majority, recommitted to the Committee on Finance and Other Matters for further action and recommendation to the Committee of the Whole. So this is the report from the Committee of the Whole, Mr. President.

President H. Guerrero: Thank you, Chairman Guerrero. Acting Floor Leader Nabors?

Acting Floor Leader Nabors: Mr. President, I move that we accept the report of the Committee of the Whole.

Delegate Mendiola seconded the motion.

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

Chairman DL. Guerrero: Clarification, Mr. President. I believe the Committee of the Whole adopted it and I also would like to incorporate into the motion made by our Floor Leader as its first reading.

Acting Floor Leader Nabors: No objection.

President H. Guerrero: There's no objection. Those in favor of adopting the report of the Committee of the Whole on Committee Recommendation No. 8 and also to consider Committee Recommendation No. 7 as first reading, please designate it by saying "aye"....

Delegate Villagomez: Point of order.

President H. Guerrero: State your point.

Delegate Villagomez: Are we given the opportunity to discuss the motion?

President H. Guerrero: I did, but nobody raise their hands.

Delegate Villagomez: I did not hear that we were permitted to discuss it.

President H. Guerrero: Go ahead, Delegate Villagomez.

Delegate Villagomez: Thank you. I would like to ask my colleagues to reconsider the second portion of the report which is to refer back to the committee the Recommendation No. 8, and I move to amend the motion to adopt the first portion of the motion which is to adopt the Committee Recommendation No. 7. But with respect to recommitting of the Recommendation No. 8, I move that that portion not be included in the adoption of the Committee of the Whole's report.

Chairman DL. Guerrero: Clarification, Mr. President.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Is Delegate Villagomez saying that if Recommendation No. 8 from the respective committee is not adopted by this Convention to recommit it back to the committee? Is that correct?

Delegate Villagomez: Basically, that is correct, but the correct way to state it is, the motion to adopt the decision of the Committee of the Whole to recommit Recommendation No. 8 be amended so that the motion will state that the recommendation of the Committee of the Whole to recommit Recommendation No. 8 not be adopted and that Recommendation No. 8 not be recommitted to the Standing Committee on Personal Rights and Natural Resources.

Chairman DL. Guerrero: Mr. President, is that the amended motion to be? Is that correct, Delegate Villagomez?

Delegate Villagomez: I am making a motion to amend the motion to adopt the report from the Committee of the Whole.

President H. Guerrero: Is there a second?

Chairman King seconded the motion.

President H. Guerrero: It has been moved and seconded not to adopt Committee Recommendation No. 8 by the Committee of the Whole. Discussions? Delegate Mafnas?

Delegate Mafnas: Mr. President, that's a parliamentarian maneuver.

Delegate Villagomez: That's correct.

Delegate Mafnas: I believe at this point in time I am not in a position to take action on Committee Recommendation No. 8. While I raised valid arguments, I still see the need to perhaps recommit it to your Committee on Personal Rights and Natural Resources. I think the issue is important, and if Committee Recommendation No. 8 is placed for action or adoption by the Convention, I'm afraid it's going to die. Perhaps the Committee on Personal Rights and Natural Resources, if it's within its authority, can either table or file this and not report it to the Convention at all. If the findings of the committee dictate that this proposal is not or should not be in the Constitution, then they don't have to report it. So to give a chance to the dying proposal, I ask the members to vote against the motion. Thank you.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. I believe that this particular committee report be given a consideration or reconsideration to have an opportunity to conduct a public hearing on a similar delegate proposal that is yet still pending before the committee. I believe we should try to consolidate and compile and as much as possible the similar issues and be given the opportunity to report back to the Convention. And for that reason, I am also in opposition to defeat this particular issue that is being addressed by the Committee of the Whole, Mr. President. Thank you.

President H. Guerrero: Thank you, Chairman Guerrero. Any more discussions? Mr. Secretary, can you restate the motion?

Acting Floor Leader Nabors: Thank you, Mr. President. The amendment is accepting the report of the Committee of the Whole which recommends action on both Committee Recommendations 7 and 8. If you vote "yes" on this motion then we will not accept Recommendation No. 8. If you vote "no" on this amendment then we proceed to vote to accept the report of the Committee of the Whole.

President H. Guerrero: Is that clear?

Delegate Villagomez: No. Not only that it's not clear, it's wrong.

President H. Guerrero: Can you restate your motion, Delegate Villagomez?

Delegate Villagomez: The motion is to amend the report of the Committee of the Whole so that only the first part of it would be accepted that is to adopt Recommendation No. 7 but not to accept the second portion which is the recommitting of Committee Recommendation No. 8 back to the Committee.

Acting Floor Leader Nabors: Then the motion is out of order. My motion was to accept the report of the Committee of the Whole, period.

President H. Guerrero: But he is amending your motion.

Delegate Villagomez: That's correct.

Acting Floor Leader Nabors: That's right, to exclude 8.

President H. Guerrero: That's right. So we're voting on his motion before we address the original motion.

As a result of the unclear voice vote, President Guerrero requested for a raising of hand vote. The motion to amend the Committee of the Whole report to exclude Committee Recommendation No. 8 from being referred back to the Committee on Personal Rights and Natural Resources was defeated by eight for and ten against the motion.

President H. Guerrero: We are back to the original question.

The motion of adopting the Committee of the Whole's recommendation and considering Committee Recommendation No. 7 also as first reading was carried by voice vote.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: May I ask that this be on the first reading so it will be included in the journal?

President H. Guerrero: It's already passed.

Delegate Villagomez: I accept the ruling of the Chair; it's carried.

President H. Guerrero: Yes, Secretary Nabors?

Acting Floor Leader Nabors: Mr. President, if there is no objection, I ask the unanimous consent to allow the reading and consideration of Resolution No. 5-85, expressing sympathy and condolences to the people and family of former President Haruo Remeliik.

Delegate Villagomez: No objection.

President H. Guerrero: If there is no objection....

Delegate Mafnas: Objection.

President H. Guerrero: Objection?

Delegate Mafnas: Slight. May we be accorded copies of the resolution, Delegate Nabors? Mr. Secretary?

President H. Guerrero: Can you tell the Page-boy to make copies?

Delegate Mafnas: While we wait for the copies, may I ask, Mr. President, that we take strictly 3-minutes recess?

Delegate Villagomez: Excuse me, Mr. President.

President H. Guerrero: Yes.

Delegate Villagomez: I have a special request to make of my colleagues. I've been advised by the Executive Director of the Chamber of Commerce that I may have to conduct the Chamber's General Membership Meeting today at 12:00. I'm prepared to stay here but if it's not that necessary to stay here until after lunch, I would like to move for a recess until 1:30.

Acting Floor Leader Nabors: Objection.

President H. Guerrero: State your objection.

Acting Floor Leader Nabors: For the reason, Mr. President, that we have a scheduled flight to Tinian for a public hearing at noon had been rescheduled for 1:30 p.m..

President H. Guerrero: If there is no objection to recess for 3 minutes, we'll recess for 3 minutes.

The Convention recessed at 11:35 a.m.

RECESS

The Convention reconvened at 12:08 p.m.

President H. Guerrero: The session is now reconvened. Acting Floor Leader Nabors?

Acting Floor Leader Nabors: Thank you, Mr. President. Mr. President, preliminarily, while Delegate Guerrero and I had contributions on formulating this measure, I would like the unanimous consent to have this proposed by the Committee of the Whole.

Delegate Mendiola: No objection.

Acting Floor Leader Nabors: Thank you.

At this point, Secretary Nabors read in its entirety, Resolution No. 5-85, entitled: "A RESOLUTION RELATIVE TO EXTENDING DEEPEST SYMPATHY AND CONDOLENCES OF THE DELEGATES OF THE SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION TO THE FAMILY AND TO THE PEOPLE OF BELAU ON THE UNTIMELY DEATH OF THE ASSASSINATION OF PRESIDENT HARUO REMELIIK."

President H. Guerrero: Discussions? Delegate Mafnas?

Delegate Mafnas: Before I rise in support of the resolution, Mr. President, I think it is appropriate that we substitute the words assassin, bullets, and the word assassinated -- any reference to the word assassin. My reason for asking that we substitute those words is that we really do not know whether the late President was assassinated.

Mr. President, I had the privilege to work with President Remeliik during my tenure in the Trust Territy, I found the late President to be a very strong and consistent leader of Micronesia. One of his work qualities that we do not find among political leaders is that he carries the commitment of doing things that he thought was good for his people and not necessarily what the minority of his people think are good for them. This quality was with President Remeliik. I urge the fellow delegates to support this resolution. It is very untimely that something like this happened in this part of the Pacific while the delegates of the Northern Marianas are deliberating in improving our Constitution. I hope and pray that the late President met his death not from an assassin's bullet or bullets. I further pray that if that was the case, our beloved people and citizens of the Pacifc will mark this as the last unfortunate incident. This, Mr. President, perhaps will be reflected in the history of the Pacific, this part, and the people will remember forever and will continue to think and believe that President Remeliik has left us physically but not in spirit.

I have a concern on this second page of the resolution and perhaps we need a clarification. On line 18, it calls for copies to be given to the three delegation chairmen. I don't think this belongs in the resolution, if the authors are referring to the three delegation chairmen of the Constitutional Convention. If it's referring to these three delegation chairmen, then the delegation chairmen's functions ceased when the Convention convened on June 18. Thank you.

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

Delegate Kaipat: Thank you, Mr. President. Mr. President, I would like for the Convention to strike out all the word "Palau" from this document and replace it with "Belau."

President H. Guerrero: Can I just interject, Delegate Kaipat? Instead of just changing it to "Belau," it should read "Republic of Belau." That's the appropriate way.

Delegate Kaipat: Republic of Belau, but the word "Palau" was the old word that was changed by Palau Congress to "Belau." Mr. Nabors was pronouncing

it right but the word, the spelling is P-a-l-a-u throughout the doucment. I wonder if we could strike it out and replace the word with "Belau" (B-e-l-a-u) which is the right word used by the Congress of the Belau. Second, Mr. President, the cause of death, there are only four causes of death. It could be homicide, medical, accidental and suicide. Now, in this case, he had three bullets in the head and he is the President, so we usually use the word "murder" for lower people and "assassination" for higher echelon type of people in the government. So I think "assassination" is appropriate, "bullets" is appropriate, because he had three shots in the head. Thank you, Mr. President.

President H. Guerrero: Before I call on the next delegate, the Chair would like to recommend at least wherein lines 2 and 3, strike out the end of the sentence with just "was killed" and delete "by an assassin's bullets". And also every reference to assassination should be changed to "untimely death" rather than "assassination" because assassination has political implications or meanings to it. And I would like also to recommend that we probably strike out lines 12 and 13. Chairman Guerrero?

Chairman DL. Guerrero: Yes, Mr. President, I believe the resolution in itself, of course, is expressing our sympathy and condolences. Everyone has agreed to that; there's no question about it. The resolution in itself may have been on a rush format. I believe since we are introducing this by the Committee of the Whole that prior to its attesting by the members of the Convention Delegates, it's only appropriate that the resolution be referred at once to our Legal Counsel for its final format. This should be done before we sign the document. So without further discussions on this particular resolution, I think that since it is a very sensitive moment when we are discussing this resolution, I think it has to be reproduced or it has to be reviewed for proper language that should be put in. And for this reason, I would like to ask the indulgences of the delegates to move to end the debate on this resolution.

Delegate Torres: Point of information.

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

Delegate Torres: I just would like to know whether this is being offered by Delegate Guerrero and Delegate Nabors only instead of the Convention as a whole.

Chairman DL. Guerrero: Information, Mr. President.

President H. Guerrero: Delegate Guerrero?

Chairman DL. Guerrero: Delegate Nabors did ask for the unanimous consent to introduce the joint resolution, of course, that was prepared between Mr. Nabors and myself to be introduced by the Committee of the Whole in this particular plenary session, Mr. President.

The motion to end the debate was carried by voice vote.

President H. Guerrero: Secretary Nabors, can you restate the main motion, please?

Acting Floor Leader Nabors: Yes; thank you, Mr. President. I move that we adopt Resolution 5-85.

Delegate Mendiola seconded the motion.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, does that motion include the suggestion by the President to delete lines 12 and 13?

President H. Guerrero: That was a suggestion.

Delegate Mafnas: That was a suggestion?

Acting Floor Leader Nabors: No objection, Mr. President.

Delegate Mafnas: What are you objecting to? No objection to what?

Acting Floor Leader Nabors: To deleting lines 12 and 13.

Delegate Mafnas: I object.

Acting Floor Leader Nabors: Oh, do you? The recommendation made by Delegate Mafnas concerning the delegation chairmen, we do not have any objection to that either. There perhaps could be a good deal of modification on the language and we are contend to leave it up to the Legal Counsel to smooth any rough spots that may be determine needed.

Delegate Mafnas: I would suggest that the language on lines 12 and 13 be modified to reflect the idea, but please don't delete it.

Acting Floor Leader Nabors: Acceptable.

Chairman DL. Guerrero: I move for the previous question, Mr. President.

Delegate Mendiola seconded the motion.

Delegate Reyes: Point of information, Mr. President.

President H. Guerrero: Are you stating a point of information, or a point of order?

Delegate Reyes: I just want to point out, Mr. President, that I don't want to diminish the content of this but I don't know whether I'm being naive to state that on line 13, I don't know whether the late President has, I mean, some other people have died for him, under this line 13 where it says, "and have given their lives". I'm recommending that we retain lines 12 and 13 but delete that "have given their lives" because at this point, I don't know whether he did....

President H. Guerrero: We cannot debate this at this time. Or are you recommending that?

Delegate Reyes: No. I'm asking that this thought be put in that recommendation to change lines 12 and 13.

Delegate Villagomez: Very well taken, Mr. President.

President H. Guerrero: Well, there is no objection.

The motion to adopt Resolution No. 5-85, as amended, was carried by voice vote.

MISCELLANEOUS BUSINESS

President H. Guerrero: We are now under Miscellaneous Business. Any miscellaneous business? Chairman Manglona?

Chairman Manglona: Mr. President, in the public hearing held on Rota by the Committee on Local Government last Saturday night, the people of Rota spoke out. I would like to share with this Convention the general feeling and sentiment of the people of Rota on the major issues of concern to them, namely the position and the authority of the mayor. The people of Rota emphatically spoke out against the abolishment of the Office of the Mayor. They complaint that the government was being taken away from the people of Rota and felt that the representation in the executive decision-making process was being threatened. The people believe that the Mayor rather than the Governor's representative will ensure the interest of the people of Rota are fully represented in the Executive Branch. The Mayor, they said, will have to answer directly to his people. The position for the Office of the Mayor alone, however, is not sufficient or adequate, everyone at the meeting felt. Authority and responsibility must come with it. The administration of public services on the island should be under the responsibility of the Mayor. There must be a centralized supervision of the delivery of services in the island rather than for each department head reporting directly to the heads of the Executive Branch Department.

Concerns were also raised regarding the Mayor's role on the island's budget submission by the Governor to the Legislature. A more active and concrete participation by the Mayor in the budget submission was demanded.

My fellow delegates, these are some of the major concerns of the people of Rota. I only wish that the whole Convention could have been there for the hearing to hear the concerns of our people.

I fully understand that each of the islands in this Commonwealth has distinct interests and needs. Our job here as delegates in this Convention is to reconcile those competing demands of the separate islands. We all realize this is not an easy task. While realizing the limited population and resources of this Commonwealth, I am begging this Convention to please seriously consider our desire for a meaningful local government in our island.

In amending the Constitution, please help us reflect our island's unique values and goals so that our people also can be proud when they recite the Constitutions's Preamble. We would like to be able to say like the rest of the people of this Commonwealth that this Constitution is "the embodiment of our traditions and hopes for our Commonwealth."

Today, the Local Government Committee of this Second Constitutional Convention will be having a public hearing in Tinian. I'm sure that our feelings will be echoed by their people too. Thank you.

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

Delegate Kaipat: Thank you, Mr. President. As one of the visiting members to Rota the other day, I found out one vital thing, the importance of public hearing especially to those other remote islands like Rota to really hear the feeling and wish of the population rather than just calling in a director or a department head from certain departments or agencies and start asking them questions about certain proposals. It is very important to sit with the people too and listen to them talk. This morning, I submitted a proposal, a complete reorganization of local governmental level, from mayor down to other agencies and their functions and also responsibility that runs between the central government and periphery, such as in Rota, and how the delegation of responsibility will run. So I found out that the people in Rota are very strong and they were very anti-abolishment of mayorship or the resident department heads which is a part of the organization. So I would like to re-emphasize again the importance of meeting with the people not just directors and deputy directors from the departments but the people themselves, the people on the street, the people from other places because sometimes you pick up a very good information from the simple people rather than the directors themselves who are trying to make their boss happy, yet the people behind them may be suffering. Thank you.

President H. Guerrero: Acting Floor Leader Nabors?

Acting Floor Leader Nabors: Thank you, Mr. President. I, too, participated in the hearing on Rota and will participate in the public hearing today in Tinian. I am sorry that I was not able to participate in the public hearing held on Saipan, Saturday, or the one that will be held this afternoon. But I'm a firm believer in public hearings and I don't quite know what we are or where we are going, but I have a status sheet from the Committee on Personal Rights and Natural Resources and noted some eleven measures have been filed. And I'd like to inquire, if I could, because I don't believe any public hearings were held on those various measures. And, Mr. President, I guess I have to reiterate the fact that a delegate who introduces it takes the time to prepare a proposal that represents a concern. And whether it is a legislative matter or not, I think it is a theme line of demarcation. In going through the 50 States Constitutions that are in the President's Office, one can readily see a variety of matters that are contained in the various Constitutions that to me should be legislative matters but to those States were considered as constitutionsl matters. And I therefore believe that we are privileged to determine for ourselves what matters should or should not be in the Constitution. The concern that I have is that as an introducer of a proposal, not being (1) given the opportunity to appear before the committee to explain it; (2) not being able to appear in a public hearing to judge the sentiment of the public; and (3) not having a committee report to file a measure on which debate can be held. And I would like to emphasize that matters that I introduced at least are not matters that I dreamed up. They are matters that the constituents bring to my attention when we are at the beach, or in the bar, or at the airport, or on the road, or fiesta, or christening, or birthday party, or any other gatherings, and it is, therefore, my responsibility to bring that matter up for serious consideration. Now, I don't know, Mr. President, exactly what we ought to do if a matter introduced has been filed. Do we have the opportunity to address that matter and get our views on the matter on record for future historians to judge whether or not I was right, or a committee was correct or incorrect? I want to be judged by what I do, my performance and my concerns. And if the people twenty years from now can read the

record and say Delegate Nabors was right and those other people should have listened, I want my children to have that benefit. Thank you.

President H. Guerrero: Thank you, Delegate Nabors. Just for your information, under Rule 26, if one-third of the elected delegates shall so request an issue under consideration by a substantive committee, it can be taken from its jurisdiction and place before the Convention. I call on Delegate Torres.

Delegate Torres: Thank you, Mr. President. In line with Delegate Nabors' concerns, I also want to register my displeasure over the intellectual arrogance of some delegates relative to the disposition of delegate proposals. I believe that most of the substantive committees have decided that public hearings are appropriate and proper before making final determination on the status of a delegate proposal. I am sure that not all of the delegates have done that, I mean, not all of the substantive committees have done that and I would go even further to say that some committees have decided that several proposals do not have merit at all. I don't know whether that's an exercise of intellectual arrogance or not, but I assume it is. I am really displeased over that kind of arrogance being displayed by some of our intellectuals. I'm sure that we all have different backgrounds and I'm sure that we all have different priorities, but at least accord, as what Delegate Nabors has said, accord those people the benefit of the doubt to explain to you the intent or the motive if you will of certain delegate proposals and not just judge it by the direction of the wind. Maybe if the wind is not blowwing in the right direction, you say, okay, let's trash it; if it is, then we'll pick it up.

I also want to register my displeasure over some of the practices being done by some committee members in putting their signatures, affixing their signatures in proposals, in Committee Reports, which manifest or manifested that they do support that proposal and then come to the floor and say, I oppose it. I believe that's a mockery of their responsibilities and their function here. I believe that constitutes intellectual dishonesty. Thank you, Mr. President.

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

Delegate King: Thank you, Mr. President. I got the feeling that the deliberation before the Convention is being addressed directly, even though the committee's name was not mentioned, but I think that falls under the Committee on Personal Rights and Natural Resources. Mr. President, I believe that this Convention, the delegates, should decide whether or not we are going to place it in the Constitution. It's not the public. The public is just to raise their concern before we put it to vote or before we consider it. The public is the ultimate people to ratify our work. Most of their concerns here that was raised or were raised on the proposals submitted by each delegate have been addressed redundantly, repetitious, duplication and so forth, and most of it, the merits should be rested by the Legislature, whether they like it at the Legislature or not, it's up to the people to change that on this coming general election in November. I think that the Committee on Personal Rights and Natural Resources viewed each delegate proposal in terms of whether or not such proposal or recommendation is good for 10 years which we just adopted. And I believe that if you look at it whether or not it's good within two years then the Legislature has the prerogative to change or to come out with legislation and change it every year or every month. But putting it in the Constitution, it seems to me that it's a concrete for 10 years.

President H. Guerrero: The Chair would like to interject. Under Miscellaneous Business, it's not a place to debate issues or rebuttal. It's just a place to air out any concerns of....

Chairman King: Mr. President, that's the concern of the committee; it's not a debate.

President H. Guerrero: But you are rebutting the remarks of Delegate Torres, and this is not the place to do that.

Chairman King: Mr. President, I think the issue regardless whether it's debatable or not is in the Miscellaneous and I should have the privilege to talk in the Miscellaneous.

President H. Guerrero: Wouldn't it be better if you air out your differences with Delegate Torres outside of the Convention time, because I honestly think that the Chair is going to rule that you are out of order.

Chairman King: Thank you, Mr. President, but it seems to me that something is going on in this Convention. Mr. President, allow me to say this that Recommendation No. 8, as a matter of fact, I stated out that I, for one, against it because I know that could be handled by the Legislature. But sometimes we introduce it before the Convention for the sake of the benefit of the doubt to satisfy the delegates. Thank you.

Delegate Mafnas: Mr. President, may I ask....

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you. At the beginning of the session, Mr. President, I echoed my sincere feelings and belief that this Convention will move forward and will be productive if we look at the elements of compromise. I know that I am the author of the proposal to abolish the local government. I am glad that the proposal manifested or is able to evolve discussions. I am ready to work together with the distinguished delegates from Rota and Tinian to make sure that public services are extended to their beloved citizens on Rota and Tinian on timely basis. Mr. President, I will do my very best to also urge my friends or my fellow delegates to make the dream of the Rotanese and the Tinianese possible during this Second Northern Marianas Constitutional Convention. Thank you.

(Applause)

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

Delegate Manglona: Mr. President, I would like to recommend to all the delegates here that if the committee is coming out with a committee recommendation, especially if it conflicts or goes against the proposal of a certain delegate, I would like to recommend that that delegate be accorded a time to share his concern on the proposal. I'd just like to get this understanding among the different committees so that a lot of these debates on the floor can be avoided simply by getting the person who proposed the amendment in the committee. Thank you.

President H. Guerrero: Thank you, Delegate Manglona. I believe that's a good suggestion and I will urge the chairmen of the substantive committee to probably accommodate the recommendation of Delegate Manglona. Any other miscellaneous business? Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters did pass out a disposition sheet of the committee also and your committee did deliberate and made its decisions based on our findings in the public hearings, and if it's contrary to the delegate proposal, we did also give the introducer or the author to be heard. I hope that under Miscellaneous Business, we'll discontinue the arguments about our proposals, especially when it's being deliberated during the Convention or during the Committee of the Whole. I don't want to take much of my time but please bear with the committee, their decisions because the Committee on Finance and Other Matters did make this recommendation or disposition on the delegate proposal based on their findings from the public hearings. So, thank you, Mr. President, for recognizing me.

President H. Guerrero: Delegate Igitol?

Delegate Igitol: Thank you, Mr. President. First, I'd like to apologize for coming in late to this morning's session because when I left Saturday, I thought it was for 9:30 a.m., so I went to the office and I came in 9:35.

Second, Mr. President and fellow delegates, I have introduced Proposal 109 with regards to local government here in Saipan. That proposal would call for precinct commissioners here on Saipan. I have looked into this proposal's demerit and the merits of it. During the campaign for this Convention, I visited a lot of villages and the concern of majority of these people, they are saying that the normal or the present Mayor's public service delivery is not so adequate. It doesn't reach down to the people. Because of that, they are recommending to have commissioners. I have looked, like I said, the cost and it is costly to have 12 or 13 commissioners because we have about 12 villages here. In turn, I turn around and make it precinct commissioners, and we have four precincts. And I believe the public services by precinct commissioners will be delivered properly. I also believe that the representatives serving each precinct, they made this as the representative of the people. Yes, I do believe that, but their function, as far as I'm concerned, is to legislate laws for the benefit of the people of the Commonwealth.

In looking as for Tinian and Rota, they have Mayors and they also have Department Heads. Department Heads are, in essence, the right hands of the Mayor. The population calls in Rota and Tinian are much less than the population on Saipan alone, but Saipan has only one Mayor and doesn't have right hands. For that reason, I have introduced that Proposal 109 and I'd like to ask the Committee on Local Government -- I know that they called for a public hearing I believe it was Thursday or Friday here and only those people showed up were the Mayors, or rather the Mayor and other Resident Heads or Department Heads here on Saipan. They echoed their concern about that resolution, but I believe I'm not satisfied of their response because their response is purely self-interest.

I call on the Committee to at least have a public hearing down in one of the villages, maybe once, and listen to the deliberation of the people because this people have said and have elected us. And not only us, but they told me that they wanted to have commissioners.

And with that, Mr. President and fellow delegates, I ask that you support that proposal to have precinct commissioners. Again, Mr. President, I looked into the cost factor but the question came to my mind, which is vital issue here, the cost or the adequate public services. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Igitol. If we don't have anymore business, the Chair would like to take up or is ready to entertain the adoption of the journals.

Acting Floor Leader Nabors: Mr. President, I move that we defer adoption of the journals unti tomorrow morning.

Chairman DL. Guerrero seconded the motion.

President H. Guerrero: If no objection, then it's so ordered.

ANNOUNCEMENTS

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Before that, Mr. President, I would like to ask all the delegates here to place bear with our request for a 9:30 session tomorrow morning. We'll be in Tinian and we'll be arriving about nine o'clock. Thank you.

President H. Guerrero: Chairman King?

Chairman King: The Committee on Personal Rights and Natural Resources is going to meet today at 2:30 p.m. And for your information, for those people that have problem with their committee proposal, please see me and we can schedule it if you have problem with your proposal.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters wish to announce that we will have a public hearing today at three o'clock again at the Senate Chamber in regards to six different delegate proposals: Delegate Proposals 83-85, 50-85, 104-85, 160-85, 162-85 and 186-85. Should any of these Convention delegates has any interest regarding to these proposals, please be present at the Senate Chamber at 3:00 p.m.

President H. Guerrero: Vice Chairman Mafnas?

Vice Chairman Mafnas: Mr. President, on behalf of your Chairman, I wish to announce that we have a public hearing this afternoon in the Convention Chamber at 2:30. Proposal Nos. 11, 87, 113 and 144 will be heard. Tomorrow, notice in advance, another public hearing will be conducted in the Convention Chamber at 2:00 p.m. Proposal Nos. 3 and 86 will be heard, and I respectfully request the presence of Delegate Nabors to provide us a written testimony with respect to his proposal. Thank you.

President H. Guerrero: Thank you, Vice Chairman Mafnas. The Chair would like to remind all delegates that at the recommendation of the Chair that the Introduction of Proposals' deadline is tomorrow, Tuesday. Acting Floor Leader Nabors?

Acting Floor Leader Nabors: Thank you, Mr. President. Before I make a motion to adjourn, I'd like to advise the Convention that I just receive a call from Tinian, they are awaiting the Committee on Local Government together with the two delegates who are going to accompany the committee that lunch is ready and please hurry.

(Laughter)

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Along the same line, I would like to announce to all members of the Local Government Committee that there will be a committee meeting at 6:30 p.m. today in Tinian. Thank you.

President H. Guerrero: Acting Floor Leader Nabors?

Acting Floor Leader Nabors: Thank you, Mr. President. I would like to move that the Convention adjourn until tomorrow morning at 9:30.

Chairman DL. Guerrero seconded the motion.

President H. Guerrero: It has been moved and seconded to adjourn until tomorrow morning at 9:30. Discussions?

There being no discussion, the motion to adjourn until the next morning at 9:30 was carried by voice vote.

The Convention adjourned at 12:58 p.m. and to reconvene on Tuesday, July 2, 1985, at 9:30 a.m.

Respectfully submitted,

Delegate William B. Nabors
Convention Secretary

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

FIFTEENTH DAY

Tuesday, July 2, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:35 a.m., Tuesday, July 2, 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.

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

Secretary Nabors: Mr. President, all 24 delegates are present, therefore, we can conduct our business.

President H. Guerrero: We have a quorum, so let's proceed with the Order of Business for today. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the 7th and 8th Days' Journals.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the 7th and 8th Days' Journals. Discussions?

There being no discussion, the motion to adopt the 7th and 8th Days' Journals was carried by voice vote.

COMMUNICATIONS

Legal Opinion No. 15, regarding Delegate Proposal No. 61-85 (Section 2, Article IV).

Legal Opinion No. 18, regarding Delegate Proposal No. 15-85 (Section 1, Article II).

Legal Opinion No. 19, regarding Delegate Proposal No. 20-85 (Fugitives in Justice).

Legal Opinion No. 20, regarding Delegate Proposal No. 49-85 (Section 15, Article III).

President H. Guerrero: In front of you, you have the Legal Opinion Nos. 15, 18, 19 and 20. If you have questions on them, I suggest that we deferred them until we get the AG tomorrow or the people that wrote the legal opinions. Reports of the Committees -- Chairman Lizama?

COMMITTEE REPORTS/RECOMMENDATIONS

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

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has nothing to report today, however, we will be coming up with a report later on this week. Thank you.

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

Chairman King: The Committee on Personal Rights and Natural Resources has nothing to report at this time.

President H. Guerrero: Please, speak louder.

Chairman King: Your Committee on Personal Rights and Natural Resources has nothing to report at this time, Mr. President.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters has no written report to report to the Convention this morning, however, the Committee is still conducting public hearings, and there's another one scheduled for today.

President H. Guerrero: Before we go on to the Introduction of Proposals, I believe there are some delegates who still have proposals, so at least write your own titles. Yes, Floor Leader Lizama?

Floor Leader Lizama: Mr. President, if there's no objection and the delegates wish to have a short recess so that we can have the last minute proposals to be introduced, I move that we take 10-20 minutes recess.

Chairman DL. Guerrero: No objection.

The Convention recessed at 9:40 a.m.

RECESS

The Convention reconvened at 10:00 a.m.

President H. Guerrero: The session is now reconvened. Any proposals to be introduced? Delegate Villanueva?

Delegate Villanueva: Mr. President, I have few proposals to introduce today.

President H. Guerrero: Can you read the titles, please?

Delegate Villanueva: One is to amend Article 1, Section 4(i), of the Northern Marianas Constitution. The second proposal is to amend the Constitution for the Legislature to provide compilation of crimes. My third proposal is to amend the Constitution for the Legislature to prohibit any member of the Second CNMI Constitutional Convention Delegates from run-

ning for any elective office. The next one is to amend the Constitution for an elected public prosecutor. The next one is to prohibit the MPLC or any government agency or instrumentality from exchanging public land. The next one is to amend the Constitution for the Legislature to provide for definition of emergency and available resources. The next one is to prohibit all government sponsored travel outside the CNMI when the Governor declares and the Legislature concurs that there is a state of emergency in the Northern Marianas. The next one is to prohibit gambling in any form or style in the Commonwealth of the Northern Marianas. The next one is to amend Article II, Section 2 and Article II, Section 3, the composition of the Senate and the composition of the House. The next one is to amend the Constitution to provide for legislative sessions. The next one is to amend the Constitution to provide for government sponsored primary election. The next one is to amend the Constitution to abolish the Office of the Mayor of the northern islands and replace it with an elected member of the House of Representatives. The next one is to amend the Constitution to abolish the Mayor of Saipan and replace it with Village Commissioners. That's all, Mr. President, thank you.

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

Delegate Villagomez: I have a proposal to amend Section 8(b) of the Schedule on Transitional Matters.

President H. Guerrero: Delegate King?

Chairman King: Thank you, Mr. President. I have three proposals here to introduce on behalf of the Tinian Delegation. First, a proposal to amend the Constitution of the Commonwealth of the Northern Marianas to provide equal compensation for Tinian and Rota Department Heads at the same level as Division Chiefs on Saipan. Second, a proposal to amend the Constitution of the Northern Marianas relating to non-professional staff positions in the CNMI Legislature. And third, a proposal to amend the Constitution of the Commonwealth of the Northern Mariana Islands relating to CNMI interim citizenship for all persons born in the Commonwealth.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Thank you, Mr. President. I have one proposal to introduce with others, to regulate T.V. programs in the Northern Marianas.

President H. Guerrero: Delegate Limes?

Delegate Limes: I have three proposals I'd like to offer. The first proposal is a request by concerned parents, to add a new article to the Constitution regarding pornography. Another proposal is to amend Section 4 of Article XI of the Northern Marianas Constitution relative to public roads. Another proposal is to authorize the mayors and governor to act by executive order whenever the Legislature fails to perform its constitutional responsibility. Thank you, Mr. President.

President H. Guerrero: Any more proposals? Delegate Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. This morning, I have 21 delegate proposals, and the intent is not to note the Convention, however, there are some meritorious within these proposals. Before I introduce them, Mr. President, I did have the opportunity, of course, to type in all the

delegates' names on these particular proposals and they are more than welcome to review these proposals and if they feel it's appropriate for them to co-author the proposals, they are more than welcome to do so. The first proposal is to add Section 3 to Article XIV, relating to natural resources. The next proposal is to amend Section 8 of the Schedule on Transitional Matters to provide interim United States Citizenship. The next proposal is to amend Article III of the Constitution to provide that a board or commission member whose term has expired shall not sit until his successor is appointed and confirmed. The next is to amend Article XI, Section 6, to permit the principal fund of the Marianas Public Land Trust to be used as a guarantee for the issuance of bonds by the Commonwealth Government. The next one is to amend Article VIII, Section 4, to provide that elected officials will take office immediately after certification by the Board of Elections, in order to prevent lame duck politics and abuses. A two month transition period should be encouraged but not required. The formal ceremony may still be held on the second Monday of January. The next one is to amend Article IX, Section 1, to provide a fifty-five percent vote for passage of initiative measure rather than the present two-thirds. Section 1. Paragraph (d) of Article IX, Section 1, of the Northern Mariana Islands Constitution is hereby amended to read as follows. The next one is to amend Article IX, Section 2, to provide a fifty-five percent vote for passage of referendum measure rather than the present one-half requirement. The next proposal is to amend Article III, Section 17, to provide that resident department heads from Rota and Tinian shall report to their respective mayors who shall have broad authority to oversee the functions of all resident departments. Upon the concurrence of the legislative delegation, a mayor from Rota or Tinian may remove a resident department head under their jurisdiction. The next is to amend Article III, to require the Governor to report annually to the Legislature his specific recommendations and plans of implementation for the delivery of public services that may be more efficiently rendered by the private sector. The next proposal is to amend Article XII, Section 3, to provide for fifty (5) rather than forty (40) year leasehold interests, including renewal rights. The next is to amend Article II of the Constitution to limit for the next five (5) years the total annual appropriations made by the Legislature to an amount not to exceed the total annual appropriations as of October 1, 1986. Before expiration of an appropriations limitation, the Legislature shall enact a new five (5) year annual appropriations limitation. The next is to amend Article II of the Constitution to reduce the budget of the Legislature by 5% per month for each month into a new fiscal year for which the Legislature has failed to enact a budget. The next is a proposal to amend Article III, Section 13, to grant the Board of Education the authority to levy a business gross revenue tax surcharge of up to one percent solely for the purpose of financing public education. The next is to amend Article III of the Constitution to limit for the next seven (7) years the number of government employees to the number employed as of January 1, 1985. After that date the Legislature shall establish by law new seven year employment limits. The next is to amend Article X, Section 4, to add at the end of Section 4 the following prohibition against public debt. The next one is to amend Article II of the Constitution to permit the Legislature to exercise a legislative veto over executive action by joint resolution. The next is to amend Article II of the Constitution to require a 3/4 vote of the entire membership of a house before it may expel one of its members. The next one is to amend Article III, Section 10, to prohibit the Governor from declaring a state of emergency because the operations budget is exhausted. The next one is to amend Article XIV to declare a two hundred mile exclusive economic zone and fisheries and conservation management zone belonging exclusively to the people of the Commonwealth. The next one is to amend the Constitution to

provide that as of January 1, 1986 the number of alien workers and investors, excluding tourists, in any island shall not exceed more than twenty-five percent of the total number of persons counted in the last decennial census as residents of that particular island. The last one is to amend Article I of the Constitution to create a right to access government documents unless there is a compelling governmental interest in its secrecy. Thank you, Mr. President.

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

Secretary Nabors: Mr. President, after that, I am almost ashame to introduce my little proposal. But at any rate, this is a last proposal that I have. I would like my colleagues to amend the Constitution to consider Tinian as the Capitol of the Commonwealth.

(Applause)

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

Delegate Cing: Thank you, Mr. President. I have a couple of proposals here. One is to amend Article XI, Section 6(d), of the Constitution of the Northern Marianas. The other one is to amend Section 16 of Article III of the Constitution of the Northern Mariana Islands to elect the Civil Service Commission permanently. Thank you.

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

Delegate Kaipat: Thank you, Mr. President. I have one and the last proposal this morning. I hope it survives. A proposal to repeal Section 2, Article XIV, of the Constitution of the Commonwealth and reinstate with the following amendments. Sections 1 and 2 are still under typing.

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

Delegate Mundo: Thank you, Mr. President. I just have one proposal to submit this morning and that is to amend Section 5 of Article VI. Thank you, Mr. President.

President H. Guerrero: Any more proposals? Delegate Torres?

Delegate Torres: I have what I will term it a rush proposal while we were having public hearings on Rota and Tinian and I don't have to crank my typewriter. However, I have proposals to introduce this morning. They are hand-wrote or handwritten. A proposal to add a new section and subsections (a), (b), and (c) to Article I of the Northern Marianas Constitution to safeguard against rampart alienation of the Commonwealth of the Northern Mariana Islands. Second, a proposal to amend Section 1 of Article VII of our Constitution relative to eligibility to vote in the Commonwealth. Third, a proposal to add a new section in Article II of the Northern Marianas Constitution to require periodic consultation and reporting of Congressional delegation activities. Fourth, a proposal to amend Section 2 and subsection 2(b) of Article VI of the Constitution relative to Local Government. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Torres. Any more proposals? Delegate Manglona?

Chairman Manglona: Thank you, Mr. President. I have here a proposal to add a new subsection to Section 5 of Article XVIII, stating that the Convention shall provide for the time and manner in which the proposed amendments or revisions shall be submitted to the electorate. Another proposal is to provide a constitutional provision that does the following. This is in regard to Boards and Commissions. Another proposal is to provide that if the Covenant CIP funds guaranteed to Rota and Tinian are not appropriated in a fiscal year, the respective legislative delegation shall have authority to appropriate in the following year. Another proposal is to amend Article VI of the Northern Marianas Constitution relating to Local Government. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Manglona. Any other proposals? Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. Two proposals to amend Section 10 of Article II of the CNMI Constitution and Section 5 of Article III of the CNMI Constitution.

President H. Guerrero: Thank you, Delegate Mafnas. Any other proposals? Delegate Inos?

Delegate Inos: Thank you, Mr. President. I have two proposals here. The first one is a proposal to add Section 9 to Article II of the CNMI Constitution. The second one is to add a new Article to the Constitution of the Northern Marianas relating to the Master Plan and Socioeconomic Development Plan for the Commonwealth of the Northern Mariana Islands.. Thank you.

President H. Guerrero: Thank you, Delegate Inos. Any more proposals? Delegate Ogumoro?

Delegate Ogumoro: Thank you, Mr. President. I have a number of proposals here to submit. The first proposal is relative to establishing the official language of the Northern Marianas and regulate the use of foreign languages. The second proposal is to establish the offices of special assistants to the Governor. The third proposal is to grant the Governor the power to promulgate rules and regulations. The fourth proposal is relative to Civil Service Commission. And the last proposal is to amend the Constitution to make life imprisonment mandatory for rape.

President H. Guerrero: Delegate Tomokane?

Delegate Tomokane: Mr. President, I have a proposal to add a new section to Article XI of the Constitution.

President H. Guerrero: Did you finish, Delegate Tomokane? I'm sorry. I didn't hear you. My apology. Did you have only one? Any more proposals? Delegate Tomokane?

Delegate Tomokane: Do you want me to repeat my proposal? I have a proposal here to add a new section to Article XI of the Constitution. Thank you, Mr. President.

President H. Guerrero: Delegate Igitol?

Delegate Igitol: Mr. President, as I mentioned before that the proposal regarding Fiscal Management Policy, I'll just introduce the title and then

I'll get the writing. A propose amendment to the Northern Marianas Constitution to provide for a Uniform Fiscal Management Policy, and second, an amendment to the original Proposal No. 116-85, relative to Section 2 of Article III.

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

Delegate Villagomez: Mr. President, I have a proposal that is still being drafted but I'd like to announce it anyway or submit it and then complete it after submitting it. This is a proposal to create a new title in the Constitution, entitled: Citizenship. And it is a proposal to amend the Constitution to add a new Title which would declare that the applicability of Amendment 14 of the U.S. Constitution in the CNMI pursuant to Section 501 of the Covenant be recognized by the Government of the Northern Mariana Islands and the definition of U.S. Citizens in Amendment 14 be accepted and declared to be applicable within the CNMI and declare that all people from the CNMI, pursuant to that Amendment 14 be declared as U.S. citizens and are entitled to U.S. passport. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Villagomez. Any other proposals? Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. I have here a proposal to add a new Section to the Constitution to authorize the CNMI Government to invest in private ventures that provide public facilities who export their profits outside CNMI. Thank you, Mr. President.

President H. Guerrero: Thank you. Any other proposals? If none, I have some proposals to introduce. One of them is to amend Section 8 of the Schedule on Transitional Matters. The other one is to amend Article III, Section 16 to define what classes of positions may be excluded for comprehensive government pay schedules enacted by statute. To provide a constitutional provision requiring that public property cannot be leased for less than the fair market value as determined by an independent appraisal. To amend Article III, Section 16, to establish the composition of the Civil Service Commission, specify the terms of members require status terms and specify the ground for which members may be removed. To add a new Section to Article III to guarantee the independent of boards and commissions. To add a new Section to Article III to establish the hospital, dispensary and the dispensaries of the Commonwealth as independent administrative entity. To repeal and reenact Section 16 of Article VI to permit corporation of villages. To amend Article II, Section 14(a) regarding the vote required to expel a member of the Legislature. If there is no more proposal, in front of you, you have the Referral Sheet for Proposal Nos. 232-85 all the way down to 238-85. Correction on the Referral Sheet. Proposal No. 235-85, I mean, 233-85 is referred actually to Local Government.

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTION AND REFERRAL

President H. Guerrero: Is there any introduction of resolution? Yes, Delegate Nabors?

Secretary Nabors: Thank you, Mr. President. I have one resolution to introduce, "A Resolution requesting the Commonwealth Legislature to amend Section 19 of Public Law 4-30 relating to ratification of the proposed amendments by the Constitutional Convention."

President H. Guerrero: Thank you. Any other resolutions? If none, we don't have any unfinished business. No Special Orders of the Day, no General Orders of the Day.

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

None

MISCELLANEOUS BUSINESS

President H. Guerrero: Miscellaneous Business. Delegate Villagomez?

Delegate Villagomez: Mr. President, on the Second and Final Reading, we had a Committee Recommendation No. 7 that was approved by the Committee of the Whole and adopted by the Convention on its First Reading. Can we get some guideline as to what has happened to that? When is it calendared for Second and Final Reading? I don't see that there's any problem in presenting that to the Convention for Second and Final Reading. That would be the first amendment that will be completed by the Convention and then we can move on to other proposed amendments.

President H. Guerrero: The Committee on Organization and Procedures will take that up and we'll report back tomorrow.

Delegate Villagomez: Thank you.

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

Delegate Mafnas: Mr. President, I don't know how to go about in asking the Chair to put the Committee on Personal Rights and Natural Resources on notice to recall Proposal Nos. 201 and 213, relative to qualifications for a candidate for a senatorial district and a candidate for the House of Representatives.

President H. Guerrero: Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. I, too, have some concerns about the actions of the Committee on Personal Rights and Natural Resources and feel that a petition should be circulated to ask one-third of the delegates to recall and take from that Committee some measures that have some merits to be disposed of. Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Do I need then under our Rules to circulate a petition, or what is the method? Is it required that a petition be circulated and be signed by one-third of the members?

Secretary Nabors: I believe that is correct, Mr. President.

Delegate Mafnas: Will you kindly point out the Rule number, please, Mr. Secretary of State?

Secretary Nabors: I believe it's Rule 26, on page 14. It says, "If one-third of the elected delegates shall so request, an issue under consideration by a substantive committee shall be taken from its jurisdiction and placed before the Convention."

President H. Guerrero: The Chair rules that it doesn't have to be by writing. It can be brought up in the Convention.

Delegate Mafnas: So how do we place that on either Special Orders or in the Order of Business?

President H. Guerrero: If a delegate request for it right now, we can bring it up to the floor and we can schedule it under -- I'll probably recommend that we will schedule it under the General Orders of the Day and take it up tomorrow.

Delegate Mafnas: May I proceed? Or would it be out of order, Mr. President, to move that Proposal Nos. 201 and 213 be recalled now? Would it be out of order?

President H. Guerrero: No, you are not. Can I get a show of hands in terms of the number of people that would like to recall Delegate Proposal Nos. 201 and 213?

Delegate Mafnas: I yield to Delegate Manglona.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: If Delegate Mafnas has no objection, I would recommend that you meet with the Committee and discuss your concern first with the Committee and if you feel that that doesn't satisfy you, bring it up here. May I ask you if you had a chance already to meet with the Committee regarding those two proposals?

Delegate Mafnas: No chance because we are both then busy.

Delegate Manglona: Well, I don't know, if you have no objection, then I recommend that you set a time with the Committee and discuss it. And if still you are not satisfied, then why, I have no objection to bringing it up here. Thank you.

President H. Guerrero: Delegate Nabors?

Secretary Nabors: Mr. President, I believe the Chairman of the Personal Rights and Natural Resources assured the delegates that they would be given an opportunity and I was surprised this morning to again find some of my

measures having been filed without having been accorded an opportunity. I think Delegate Manglona's suggestion has merit. I intend to immediately seek an audience and if I am not satisfied then I intend tomorrow to canvass the delegates and see if I have one-third sympathy to support my measures. Thank you.

President H. Guerrero: Would Delegate Mafnas go with Delegate Manglona's recommendation?

Delegate Mafnas: Yes, I'll seek the audience with the Chairman of the Committee and if I'm not satisfied, then I'll ask the Chair to entertain a motion tomorrow.

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

Delegate Ogumoro: I had my hand up, I was just going to point out to the delegates that on the status table from the committee, they reflect the two proposals as being filed. So if the audience with the committee would be for Delegate Mafnas to try to ask them for reconsideration of their decision. Because if you note on the status table from the committee, the two proposals that Delegate Mafnas is referring to are reflected as being filed, unless I am mistaken.

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

Chairman King: Thank you, Mr. President. That's right that the Committee on Personal Rights and Natural Resources submitted a brief report of the Committee, however, I believe this kind of submission will bring to the attention of the delegates concerning their proposal if they are interested on their proposal. It's kind of difficult to go around and check everybody because they have different activities or different assignments but by putting out this kind of measure it will give them the opportunity to glance it right away and if they might have concern on it, they are welcome. If they are going to check us, be present during the committee meeting. We are very glad because I believe the introducer or the offer of the proposal have merits that's why he's introducing it. But somehow during the deliberation, we found out that according to our disposition statement here or comment that the committee found out during the deliberation. So it doesn't mean that we are not going to entertain it anymore. We can reconsider it if the committee feels. If you check us and we cannot reconsider it, then you can ask the floor to recall such proposal. So I believe by our action, it will bring the attention of the delegates to expedite such proposal in terms of their interest. Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. According to the statements I heard from some delegates here, it was so stated that something queer is going on in this Convention. In the Convention itself and also in the committees. I don't know what that ghost is, but there's something going on and natural for the Convention. So I would like to go along and I would like to recommend or request to the File Committee, or I mean, the Bill of Right Committee to answer some of my questions, sitting with them, about my proposals. Then eventually if I am not satisfied, like Delegate Mafnas, I would like to bring it out into the open and we will debate them.

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

Delegate Cing: Thank you, Mr. President. I think it's only fair to say that aside from our major role, responsibilities in the committees, it's good to note that it's our responsibility to get our proposal numbers and trace it from there. Go to the committees and try to find out what happens to your proposals. Thank you.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. At the time that I chaired the Committee of the Whole to consider whether to give each delegate the opportunity or to be accorded the opportunity to appear before the committees, the decision of the committee was that each member shall be accorded the opportunity to appear before the committee before or after the submission of the status sheet. I am very proud with my chairman for having completed all the sheets as we complete consideration of each of the proposals and then submitting them to you so that you will know what the committee has done with your proposals so that then you can request to appear before our committee. Some of the committees have not given us the complete report on their decisions on proposals and so we don't know whether our proposals have been filed, or continued, or adopted, or what they have done. So many of us are not able at this time to make determination what follow-up actions to take with respect to our specific proposals. The chairman of our committee has been wondering why his committee is being battered around in the Convention, and I would like to repeat to him not to feel bad about that. The reason that he is being battered around is that he is the one who has submitted work for the Convention, or submitted proposals for consideration of the Convention and that is the reason that he is being battered at this time. The other committees will be submitting their proposals in the future and we will be taking them up and also giving them the same kind of questioning that his committee is now getting. So we should accept all the statements that are being made with respect to committee work and I hope that we don't feel bad just because our committees are criticized or work are given back to us. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez. The Chair would just like to remind the delegates that there are some duplications of proposals submission so I suggest that you look at the various proposals and prioritize which one. And I suggest that instead of just supporting your own probably have a compromise and push for something because of the limitation of time. We only have 15 more days to go, so we don't have much. We are half way through. So I suggest that you review all proposals and figure out which ones are similar to your proposals and then check with the substantive committees and probably either support one after compromising which one would be a better proposal. Delegate Mafnas?

Delegate Mafnas: Mr. President, I understand and I share the concern of the delegates that we cannot be accorded the opportunity, one hundred percent, to express our views on our proposals or our thinking, but on proposals where it says, or like comments on disposition of the committee say it's good, however, the committee recommends for the Legislature to handle Proposal 217, for example, would allow our citizens, the people of the Northern Marianas, for some reasons beyond their control who are on Guam, students who are studying in the United States, who failed to vote because of time difference and time element of factor are required to re-register in order to vote in the subsequent election. To leave this in the hands of the Legislature is really a problem. This has been a problem for years and years as I understood

or as I can recall. But to place it in the hands of the Legislature, at this point in time, this is the opportunity to make sure that this people, our students, our children who are, for reasons beyond their control, not in the Northern Marianas should be accorded the opportunity to vote in any elections of the Commonwealth regardless whether they registered, Mr. President. For economic reasons, we have many families who are now on Guam, Hawaii, and continental United States. It is the failure of our leaders that the economic development of the Northern Marianas is not up to par, cannot sustain the people of the Northern Marianas. I am quite disturbed by recognizing that the proposal is good yet it's filed because this is something that the Legislature can do. The Legislature has known about this problem since the first election in the Northern Marianas and to date and they have not done anything. Elections after elections, we have to expend public funds to re-register eligible voters who failed to vote. I would prefer to see that such funds be invested in the health care of our people and not to go out and re-register our people who failed to vote because of reasons beyond their control, and I thank you very much.

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

Delegate Manglona: Mr. President, I share the concern of Delegate Mafnas, and also, Delegate Pangelinan had emphasized this over and over again that we should be careful when you say that these proposals should be referred to the Legislature. We have known over seven years since the Constitution was passed what the Legislature has done, or rather has not done and that is why these delegates who have brought up these amendments are bringing them up because they know that nothing has happened to look at these problems. I, for one, have several proposals that really should have been done by the Legislature but nothing has been done and that's why I want these amendments to be considered and looked at carefully. We should not just easily throw it in the trash can. We should look at it carefully. Thank you.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Thank you. I share the concerns that have been expressed but I am still convinced that we cannot put provisions in the Constitution because the Legislature does not do its job. The particular proposal that Delegate Mafnas was referring to, we looked at Section 3 of Article VII, and that section grants very broad power to the Legislature to do exactly what he is hoping would be done by the Legislature. There are several matters that were taken into consideration not just that. For example, what if the person did not vote because he is no longer domiciled in the CNMI and has decided to live some place else permanently, how would you know that? That cannot be addressed in the Constitution. We would have to go down and start being very detailed regarding people who are outside of the CNMI, that's why we will give this to the Legislature. But again, I just want to emphasize that we cannot use the failure of the Legislature to act as justification for putting legislative matters in the Constitution. Thank you.

President H. Guerrero: Delegate Cing?

Delegate Cing: Thank you, Mr. President. I got the feeling that there's a solution that will solve this problem regarding proposals that are going to be compiled and sent down to the Legislature. The only reason that will solve this problem is that I would like to urge my fellow colleagues here to

run again in November election so that we can see these proposals to be enacted. Thank you.

(Applause)

President H. Guerrero: Thank you, Delegate Cing. Any other miscellaneous business? Delegate Manglona?

Chairman Manglona: Mr. President, I would like to run again in the next election for a senatorial seat or a congressman seat or something but I am not a politician, and most of the things that I want here would most likely not be passed in the Legislature. And that's the main thing here, we are nonpartisan and we are here to do the work that most of our people out there wants us to do when this work cannot be done by the Legislature, most of these work. Thank you.

President H. Guerrero: Thank you, Delegate Manglona. Delegate Mundo?

Delegate Mundo: Thank you, Mr. President. I would like to emphasize again that the committee do have reasons for coming up with this status report. If this people who introduce these proposals have any objections again, the committee is open to hear them. We don't want to put anybody down and there is nothing going on in the committee. So I would like to encourage all the introducers that if they have problems to see us because in this way, we can resolve the problems that they might have. Thank you, Mr. President.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, I would just like to share my view with respect to filing of proposals that the committees have determined to be matters concerning a concern or subjects they feel the proper body that should consider them is the Legislature. I tend to disagree that when a subject matter could be considered by the Legislature that it's necessary so that it cannot be made a constitutional subject matter. I disagree with that. I disagree with Delegate Villagomez' position that when a subject matter is legislative that it necessarily has to await legislative action.

Delegate Villagomez: Objection, Mr. President.

President H. Guerrero: Are you making a point of order?

Delegate Villagomez: Point of order. Mr. Lizama is making a statement that is not correct regarding my statement. I didn't say that if a matter is a legislative matter it shall not be in the Constitution. It may be in the Constitution but it does not belong in the Constitution. It should be in the Legislature. It's not prevented from being in the Constitution. Every single proposal that has been submitted up till today may be in the Constitution.

Floor Leader Lizama: Point of order, Mr. President. I think I have the floor and if Delegate Villagomez wants to rebut what I say, I think he should be given the opportunity to do so. May I have the floor, Mr. President?

President H. Guerrero: Matters under Miscellaneous Business are not debatable. Just air out your concerns.

Floor Leader Lizama: May I continue, Mr. President? I apologize to Delegate Villagomez if I have said something that implicated that he was saying something which he did not say in fact. However, I just would like to make it clear that because we are here as a group and also as an individual representing the interest of the general public that I do not think that we are privy to consider proposals that have been submitted summarily, instantly, and having to overlook the importance of giving the general public the opportunity to share also with the delegates their positions with respect to the proposals. And I, for one, am a little bit disappointed too that many of the proposals have been determined or considered to be matters that should not go before this Convention. I believe our goals should be to hold as much public hearings on proposals that required them. I am not saying that all proposals required public hearings or majority of them required public hearings but essentially we should not look at proposals in the most selfish manner and say to ourselves alone that they are legislative matters, for example, without getting some kickbacks or looking from the other side of the points how perhaps the committee or the Convention could best accomplish the goals of the Convention and providing for the opportunity on proposals to be considered in the most in-depth fashion. So I request that the committee should have self restraint in simply tabling or filing proposals before the general public is given the opportunity for their feedbacks. That's all, Mr. President.

President H. Guerrero: Delegate Limes?

Delegate Limes: I'd like to share an experience when the Committee on Local Government had hearings on the two islands. The proposals that were assigned to the committee, various members or the authors were called and given the opportunity to give us their views on the proposals. When we had that hearings on Rota and Tinian, we were also ready on answering the proposals that were presented two days ahead of the public hearings. Yesterday, there was a strong concern of the Resident Department Heads when they read one of the proposals and the Chairman, the Vice Chairman and the rest of us explained fully what was the intention of that proposal. So that gives us the opportunity to call the author and also gives us the opportunity to see the merit and demerit of the proposal whether it can be incorporated with the other proposals. This is why many of us here are concerned. I think what they are asking, including myself, is please give us the benefit of the doubt before you sine die the proposal because I think each one of us here has a good intention. Delegate Torres yesterday came out with a very strong feeling because of the action that some of us have taken without really going over or giving the person the benefit of the doubt on the proposals. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Limes. I would just like to at least urge the indulgence of the delegates that when you are fighting for your proposals, again, look at it in terms of demerit and if there are some questions whether they are legislative matters or not. There are as of today 315 proposals submitted. The first Con-Con only submitted 148 proposals; we almost double that. We don't have the time and I honestly don't think that the committee has the time, or the Convention has the time to consider all of it. Delegate King?

Delegate King: Thank you, Mr. President. Please allow me to talk in Chamorro now. (In Chamorro language.)

President H. Guerrero: Delegate Torres.

Delegate Torres: Thank you, Mr. President. (In Chamorro language.) Mr. President, I don't think that we should be fearful of the volume of the work that we have. When we presented ourselves to the voters, we committed ourselves to 30 days, 30 nights perhaps of hard work, sweat and tears. I don't think that this Convention should worry about the volume. Volume is nothing. We committed ourselves and the voters thought that we are the most qualified delegates to represent their interest and protect their heritage in the Constitutional Convention. So I beg to disagree that we should look at the volume of our work. Let's just work together harmoniously; let's respect one another intellectually because as far as I am concerned, this Convention is being permeated by considerable degree of arrogance and I beg for respect for each other. Some of us have a very high education; some of us don't have education; some of us have very limited education. We beg that we all respect one another. Let's work together for the betterment of this Commonwealth and not to project an image for ourselves to our constituents. Thank you.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. Delegate Lizama implied that some of the decisions made by the Committee on Personal Rights and Natural Resources summarily and instantly decided to file matters without any consideration or adequate deliberation. This is to respond to Delegate Lizama and to assure him that there is not a single proposal before the committee that has been filed without adequate consideration and deliberation. In some of these proposals, we agonized; we asked all kinds of questions; we shared ideas; and it is not until we have exhausted all possible deliberations that we then make a decision. And to accuse the committee of filing proposals instantly and without any consideration does not have any basis or foundation. He is welcome to come and see the workings of the committee, to see whether his conclusion is correct. One example is Proposal No. 131 offered by a member of our committee. We went over this proposal for at least 30 minutes, perhaps more than an hour, and after asking the right questions and getting the author of the proposal, Dr. Tenorio, to realize that although his intent is very good and although what he wants to do would probably do very well for the CNMI, what he is proposing in that proposal is already permitted in the Constitution. There's nothing that prevents and it would be just a waste of language to add that in the Constitution. After realizing that, he voted against his own proposal based on the deliberations and questions, not on summarily and constant decision by the committee. If the committee is to take all of your proposals, my fellow delegates, and then give it to the Convention for the Convention's consideration without the committee taking it into full consideration and deliberation, we would not be doing our job. We would be giving it back to you and you will be making your decision and you will be sitting here until the end of this year.

Floor Leader Lizama: Mr. President?

President H. Guerrero: Are you rebutting the comments by Delegate Villagomez?

Floor Leader Lizama: No; it's just a point of information.

President H. Guerrero: Recognized, Delegate Lizama.

Floor Leader Lizama: I apologize to the members of the Personal Rights and Natural Resources Committee. I did not make a statement to imply that the Committee on Personal Rights and Natural Resources was not deliberating on

the proposals but I was only trying to suggest that we should get rid in our minds the idea that just simply because a subject matter seems to be a legislative matter that this Convention should not dwell along that subject. That was my only point. Thank you, Mr. President.

President H. Guerrero: Mr. President, in the early stage of our Convention, there was a suggestion that some of the proposals that are definitely, and I'll repeat, definitely legislative matters, we will put them together in a form of resolution addressed to the Legislature showing our concern as a body, people that have looked into the Constitution, that these are the concerns of the delegates elected by the people who reviewed the Constitution and have felt that the Legislature is supposed to look into these matters, that suggestion never materialized. I would like to ask each delegate to reconsider that proposal and let us form ourselves as a body and do present to the Legislature our concerns that some of the matters are just matters that the Legislature should be taking up or should have been taken up and let them know that the Constitutional Convention has addressed it and maybe that would be palatable to them than just a private citizen saying that you, as a legislator has not done your work. I fully support that suggestion, and I'd like to see at the end of this Convention that. Because let's face it, many of these proposals are legislative matters and if we don't take it up to the Legislature, they will feel that we just indulge ourselves with constitutional matters and there's nothing legislative and they will never feel that there are things that they have not done so. As a group, I think it is very appropriate that we should bind ourselves, sign all these as a group, this resolution and send it to them and let them tackle it from there. Thank you, Mr. President.

President H. Guerrero: Delegate Manglona?

Chairman Manglona: Mr. President, if I am in order, I would like to make a motion. I move that before a committee recommendation is brought to the floor, the introducer of the proposal be accorded the opportunity to come to the committee to save time. My second part of the motion is that the committee chairman appoints a member to write a minority report and those members who object to the committee recommendation should not sign their names on the committee recommendation. And the third one, to accommodate what Delegate Carl Reyes has just mentioned is that after the two parts of this motion is approved then the legislative matters would be voted on by this floor and then and only then that we have the resolution for the Legislature to act on these recommendations. Thank you.

Delegate Nabors seconded the motion.

President H. Guerrero: Discussions? Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, I thought we were all in agreement, everybody has no objection that should a delegate wish to follow up his proposal, he may do so without any objection. I hate to see that when we enter into the Miscellaneous Business and then we start giving out motions on the floor. I think Miscellaneous Business is only limited to the concerns, of course, that more or less an individual delegate of this Convention would like to express. I, for one, have confident with the Committee that they have judgment of their own also to go over each of the delegate proposals, provided, of course, that it is accorded a public hearing as well to be heard on that particular issue. And I, for one, agreed that should it be a legislative matter or legislative issue, I have no objection that each respective

committee should come up with their own resolution and the resolution should be from this Convention addressed to the Legislature. And I hope that this particular issue is raised practically every session and it continues to give us a debate when we are not suppose to be debating under the Miscellaneous because reason for that debate is disagreement between the individual delegates. So I hope the Convention will proceed and start doing its work, as you said, we only have 15 days left over out of the 30 days that allows under the statute.

Chairman Manglona: Point of information, Mr. President. I would like to be informed when is the appropriate time I can bring this motion up.

President H. Guerrero: What motion?

Chairman Manglona: The three motions that I....

President H. Guerrero: You know, we have been discussing this for days, for 15 days, we are going around in circules. Somebody has to break this circle. I hate to impose....

Delegate Villagomez: Mr. President, I would like to ask my colleagues to consent to the elimination of the last 100 words in the journal, please.

Delegate Mafnas: They are all consented.

Secretary Nabors: What are they?

Delegate Villagomez: Well, there's one word there that I don't like to see it in the Journal of the Constitutional Convention.

Secretary Nabors: Is it one or one hundred?

Delegate Villagomez: We can count how many words back to back and just eliminate it.

Secretary Nabors: No objection.

Delegate Mafnas: Mr. President, there's a motion on the floor, and Delegate Guerrero was debating on the motion.

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

Delegate Pangelinan: Mr. President, I think if we look at the journal of June 21st, we have discussed this matter already, and when we resolved into a Committee of the Whole, we had an understanding exactly what Delegate Manglona is proposing or is taking into a motion now. I really felt that we should just read the records of what we already understood to do and move on to the next business.

President H. Guerrero: I am not recognizing anyone yet. Is that a point of information, or a point of order?

Floor Leader Lizama: May I ask, Mr. President, that Delegate Manglona will withdraw his motion?

Chairman Manglona: Mr. President, before I decide on what to do on my motion, I would like to make clear one of the parts of my motion. That part is the part on the minority report. I feel that a lot of time is wasted in this floor or even in the Committee of the Whole because that is the time when the committee actually gathers information from the other members of this Convention. I feel that, or rather also bring out their concerns. So before a committee recommendation is brought out on the floor, I would like to know why some members of the committee who are bringing this recommendation out to this floor object to the recommendation. I feel that those members who are signing the recommendation are not doing their job. They are lying to me. I trust the members of the committee that they are doing their work. And when I see their signatures there, I look at the person who signs that and that influence my decision also. So I want those people who object to it not to sign the recommendation and form a report. I want to know why they object to it, we only have 30 days, and I don't have the time to look at all the details and I depend on them. So that's part of my motion. Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, let's be realistic. We have hard time formulating, presenting the principle report. If I were to sign a report and I go by the majority rule of my committee, I affix my signature and I stand to defend such report regardless whether I don't agree with it. If we were to go and distinguish the minority from the majority from the committee, Mr. President, I guarantee you that we will be sitting here if the Legislature is so concerned until next year. If four of the committee members or five of the committee members agreeing and I become the minority because they do not agree with my position, I don't want to see any minority report. As a member of the Committee on Governmental Institutions, if my desire or my wishes are not shared by the majority, I sign the committee report and I stand by my committee to honor and protect the majority. That is the most democratic way of handling things. So I ask again the indulgence of the mover to withdraw his motion. I think it is clear from our journal what we must do.

Chairman Manglona: Okay, I will withdraw my motion, but first I would like to mention that those people who do not agree with the recommendation when that recommendation is brought to floor, I don't want to hear then that they are objecting to the recommendation because by that time they have already agreed with the majority. I withdraw my motion.

President H. Guerrero: Just for your information, I believe in any committee, any minority report can be submitted. Nobody can stop you from submitting it. I think it will just create additional burden on any committee to get someone write the minority report but if any member of that committee would like to submit a separate report, I would suggest, you know, that they do so.

Delegate Mafnas: It doesn't have to be a report, Mr. President. I can argue and debate against a proposal if I disagree on the floor. I don't have to submit a report. I think it's incumbent and we have a noble responsibility if not moral. If you sign a report that means that you are agreeing not to disagree. If I don't want to sign the report or if I disagree and don't want to sign it, then don't sign it.

President H. Guerrero: I suggest the Chair will not entertain anything on this issue again. Any other miscellaneous business?

Chairman DL. Guerrero: This is on a different issue, Mr. President.

President H. Guerrero: Okay, Delegate Guerrero.

Chairman DL. Guerrero: Thank you, Mr. President. Before us today, I suppose each of the delegate has received a house resolution. Let the record show that the House of Representatives passed House Resolution No. 128 extending warmest congratulations from the House of Representatives to all the delegates of the Second Constitutional Convention of the CNMI upon their election. I, for one, Mr. President, would like to sincerely express my appreciation to the House of Representatives in recognizing the important task of this delegation as well as we also have been elected by our people, and I thank them for recognizing that and, of course, coming up with a resolution. Thank you.

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

Delegate Reyes: Mr. President, I kindly request the Chair to excuse me, I have to conduct a MIHA meeting at 11:30 a.m.

President H. Guerrero: You are excused. Any other miscellaneous business? Delegate Ogumoro?

Delegate Ogumoro: Thank you, Mr. President. My concern is relative to committee reports. I would like to suggest that committee reports explain the decisons of the committee with regards to the particular proposal that they are reporting on. It is not sufficient that we state what that amendment is relative to and then have another graph saying the committee recommends adoption. I feel that the committee report should reflect what the intent of the proposal is and also the findings of the committee relative to that proposal. And that is a suggestion, Mr. President. I would like to see that future reports contain those points I have enumerated. Thank you.

President H. Guerrero: For the information of Delegate Ogumoro, I passed out this morning a guideline for the committee chairmen to use and I suggest that you look at that. Any more miscellaneous business? If none, we will go on to announcements. Any announcements? Chairman Lizama?

ANNOUNCEMENTS

Chairman Lizama: Mr. President, I would like to meet with the members of the Committee on Governmental Institutions right after the session and also there will be a public hearing this afternoon at two o'clock. Thank you.

President H. Guerrero: Chairman King?

Chairman King: The Committee on Personal Rights and Natural Resources will meet today in this Convention Chamber at 2:00 p.m.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters wishes to announce that there will be a public hearing today at three o'clock here at the Convention Hall as well but the committee decided that our hearing will be conducted down at the other room that the committee has been using for committee meetings on the following Delegate Proposal Nos. 119-85, 125-85, 126-85 and 128-85. Should any of the delegates wish to attend this public hearing, please do so. Also, immediately after we adjourn, I would like to meet with the committee members. Thank you.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government will be meeting at one o'clock this afternoon in this Convention Hall. Thank you.

President H. Guerrero: Delegate Limes?

Delegate Limes: I have an announcement too, Mr. President. For those who have not received the program about today's activities by the Citizens Committee against the nuclear waste dumping, there will be a service over at the American Memorial Park today at 5:00 p.m. Everyone of us are invited.

President H. Guerrero: Thank you. Chairman Lizama?

Floor Leader Lizama: Mr. President, if there is no further announcement, I would like to move that we adjourn until tomorrow morning at 9:30.

Chairman DL. Guerrero seconded the motion.

President H. Guerrero: Just a minute, we are not finished yet. Delegate Villagomez?

Delegate Villagomez: I would like to announce to Chairman Lizama that he has a meeting at 11:45 a.m. today. Thank you.

President H. Guerrero: For the information of the delegates as well as the staff assistants, I suggest that you submit your travel vouchers and if you require assistance, the Administrative Officer or the staff can assist you. Any other announcements? If none, Floor Leader Lizama?

Floor Leader Lizama: I move that we adjourn until tomorrow morning at 9:30.

Chairman DL. Guerrero seconded the motion.

President H. Guerrero: It has been moved and seconded to adjourn until tomorrow morning at 9:30. Discussions?

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

The Convention adjourned at 11:29 a.m. and to reconvened on Wednesday, July 3, 1985, at 9:30 a.m.

Respectfully submitted,

Delegate William B. Nabors
Convention Secretary

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

SIXTEENTH DAY

Wednesday, July 3, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:40 a.m., Wednesday, July 3, 1985, at the Convention Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

The Convention Secretary called the roll, and 23 delegates were present.

Secretary Nabors: Mr. President, a quorum is present.

President H. Guerrero: We have majority and quorum present to conduct our business. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I ask that Delegate Villagomez be excused and we should fine him $10.00 for being absent.

Secretary Nabors: Second.

President H. Guerrero: Why should we fine someone $10.00?

Chairman DL. Guerrero: Objection, Mr. President. May I say my piece in this Convention, Mr. President?

President H. Guerrero: Yes, Delegate Guerrero.

Chairman DL. Guerrero: Mr. President, if we are going to establish a precedence here that if a delegate is absent during the roll call, he is to be fine, I think it's a bad practice because sometimes that delegate is prompted with other important matters that he is not able to meet his roll call. Thank you.

Floor Leader Lizama: Mr. President, I would like to make a modification that Delegate Villagomez be excused for the time being.

Chairman DL. Guerrero seconded.

President H. Guerrero: I would like to know why you are requesting that Delegate Villagomez be excused.

Floor Leader Lizama: I think, Mr. President, that he has some business this morning that cannot be avoided and he has to take care of. He may be able to come this morning before we adjourn.

President H. Guerrero: Did he communicate with you directly, or are you

just making an excuse for him?

Floor Leader Lizama: There was some indication that he gave me yesterday that he will not be here on time, so I ask the indulgence of the delegates' consensus to excuse him.

Secretary Nabors: No objection.

President H. Guerrero: If no objection, so ordered that Delegate Villagomez be excused. In front of you, you have a communication from the Director of the Criminal Justice Planning Agency. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, we don't have the journal this morning so I think if that information should be given to the delegates, that we will adopt it next session.

President H. Guerrero: If there's no objection, so ordered.

COMMUNICATIONS

Comm. No. 7, from the Director of the Criminal Justice Planning Agency re compilation of report regarding jury trials in the Commonwealth.

President H. Guerrero: In front of you, we have the communication from Executive Director Richard Shewman, Criminal Justice Planning Agency. Is there any question on this? If not, we will go on to Reports of Committees.

COMMITTEE REPORTS/RECOMMENDATIONS

President H. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions does not have any report yet to submit at this time.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has nothing to report today, however, I just want to inform everyone that the proposals status has been passed out.

President H. Guerrero: Chairman King?

Chairman King: Mr. President, still no report from the Committee on Personal Rights and Natural Resources.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters has no written committee report since we are still conducting public hearings at this stage.

INTRODUCTION AND FIRST READING AND REFERRAL OF PROPOSALS

President H. Guerrero: Any proposals to be introduced? There is no Second and Final Reading of Proposals today.

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTION AND REFERRAL

President H. Guerrero: I have a copy of the resolution being circulated for everybody's signature. I'll request the indulgence of all the delegates to sign off. There are nine copies of the resolution, please make sure that you sign the document. Can I just get the Secretary to at least read the final version of the resolution?

At this point, Secretary Nabors read in its entirety, Resolution No. 5-85, entitled: "A Resolution to extend the deepest sympathy and condolences of the delegates of the Second Northern Marianas Consitutional Convention to the people of the Republic of Belau and to the family of President HARUO I. REMELIIK on the occasion of his untimely death."

President H. Guerrero: Thank you, Secretary Nabors. Delegate Mafnas?

Delegate Mafnas: Mr. President, I know that we adopted the resolution. There is a statement there where it says, "all his people loved him," apparently he was killed by, perhaps, nobody knows whether he was killed by his people. I wonder whether that is proper.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, I think it is highly important, as I stated earlier that this particular resolution must be refined in a way that it will not, you know, eventually -- we are not sure of what we are adopting or what is being placed in the context of the resolution itself. And I suggest that although the resolution has been circulated for signatures, the final review of this would be between yourself and the counsel. We want to make sure that nothing in this resolution constains something that is contradicting to what we would like to express to the late President.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I agree with the statement made by Delegate Guerrero.

President H. Guerrero: Which counsel are you referring to, Chairman Guerrero? Is it the Convention, you mean, or the leadership?

Chairman Guerrero: No. What I'm saying, Mr. President, is that the context of the resolution has to be thoroughly reviewed as to what has been expressed also by Delegate Mafnas. And I thought we had agreed during the previous session that this particular resolution has to be refined in a way that nothing will be contrary to our wishes.

President H. Guerrero: Okay, I suppose we can take that up under the Miscellaneous Business if you want to.

Chairman DL. Guerrero: What I'm saying, Mr. President, is for you and the

counsel to review it and come up with the right language or wording to be in the context of this resolution.

President H. Guerrero: Chairman Guerrero, this is the language that the Legal Counsel came up with. After we gave him to polish it up, this is the one that he gave us. Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. If I might, I think that the comments of Delegate Mafnas and Delegate Guerrero are well taken and I shall take it upon myself to sit down again with Eric, the Legal Counsel, and the President and make certain that the contents, in all respects, are accurate and truly represent the sentiment of this body. Thank you.

Delegate Mafnas: It is very simple. Just say that he is loved by his people and not all of his people. That's all. Just strike out the word "all". Thank you.

President H. Guerrero: Okay, thank you. We don't have Unfinished Business, no Special Orders of the Day, none for General Orders of the Day. Miscellaneous Business? Delegate Calvo?

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

None

MISCELLANEOUS BUSINESS

Delegate Calvo: Thank you, Mr. President. I just want to have the record straightened out that on Monday, I was present in this Convention. I was informed by my wife and other listeners of the radio KSAI yesterday morning that I was omitted from the Convention's presence of that meeting on Monday. So I would also reflect this information out to the media that please be ascertain that the subject individual your are naming on your listing or your coverage is the right or correct person you are identifying. In fact, I was the mover of that motion to excuse all those delegates who were absent in that meeting or Convention and I was erroneously being named as absent from the meeting. So I want the KSAI and other representatives from the other media to be more certain and be more careful please when disseminating information to the general public. Thank you.

Delegate Mafnas: Question?

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Were you in trouble with your wife, Delegate Calvo?

Delegate Calvo: No, Mr. President. It was just unfortunate that upon arrival from an official trip to Tinian, I was accorded with that question that, "You weren't at the meeting." Unfortunately, the radio called that "Delegate Calvo", and I think there are other names that were listed as being subjected individuals that were absent on that day. So I just want to make sure that the record is straightened out that Delegate Calvo from Rota was present in that meeting. I have never been absent since the inception of this Convention. Thank you.

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

Chairman King: In line to what Delegate Calvo has mentioned out, I believe the reason why his name was mistaken because those people or those delegates that went to Tinian changed their names to other delegates' names, so that's maybe it, and I wonder why all names have been screwed up. Thank you.

(Laughter)

President H. Guerrero: I see that Delegate Villagomez has joined us in the session. We are down on Miscellaneous right now, Delegate Villagomez, for your information.

Delegate Villagomez: Thank you, Mr. President. I apologize for being late, I was at the court attending a court hearing.

President H. Guerrero: Thank you, Delegate Villagomez. Under the Order of Business, apparently, we received the Referral Sheet after we finished Item (G). I just like to bring to the attention of the committee, I mean, the delegates that Proposal Nos. 239-85 all the way down to Proposal 351-85 are referred to the various substantive committees. The attachments or copies of the proposals are being made so it will be delivered to all the members when finished from xeroxing. Apparently we have a lot of copies to be made and also a lot of proposals. Also, a lot of them need to be retyped because they were submitted in rough or handwritten format. Any more miscellaneous business? If none, we will go on to announcements. Chairman Lizama?

ANNOUNCEMENTS

Chairman Lizama: Mr. President, the Committee on Governmental Institutions will have a public hearing this afternoon at 2:30 here in the Convention Hall.

President H. Guerrero: Chairman King?

Chairman King: Your Committee on Personal Rights and Natural Resources will meet today at two o'clock in this Convention Hall and also with the two delegates who are going to participate in our meeting -- Delegate Villanueva and Delegate Nabors and Delegate Mafnas, if he wants.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: First announcement, Mr. President, the Finance and Other Matters Committee has put out a notice for public hearings on July 5 and July 6 on the attached following delegate proposals. Again, I would like to point out that should any of the Convention delegates wish to join the Committee, you are more than welcome to do so. I think

that is that appropriate time for you to ask the witnesses any questions. The second announcement is the Committee wishes to announce that immediately after we adjourn this morning, I would like to meet again with the members of the Committee.

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

Chairman Manglona: Mr. President, I would like to inform the members of the Local Government Committee that there will be a committee meeting right after the Convention today. Also, I would like to announce to all the delegates that there will be a public hearing on Tuesday, July 8, regarding Proposal No. 109-85. This is regarding Resident Commissioners. Also, 189-85 regarding Casino Gambling. I urge everyone to attend this public hearing. Thank you. Excuse me -- there will be a public hearing notice to be passed out today or tomorrow. Thank you, Mr. President.

President H. Guerrero: I suggest also that the chairman of each committee, especially the Finance and Other Matters, to accord also the Chairman of the Fiscal Affairs Committee in the Senate as well as the Chairman of the Appropriations Committee in the House of Representatives. Yes, Secretary Nabors?

Secretary Nabors: Mr. President, I have received the resolution being circulated and signed by all members, and there are two matters that I would like to bring up. No. 1, Chairman Guerrero had let us use his pen to circulate it to make sure that all signatures to be done by the same pen. Now, that pen has not arrived back yet with the resolution. And No. 2 is that we have four different colors of ink and now it is necessary for us to retype the resolution and circulate it. But please check your pocket and your bag and see if you have an extra pen that belongs to Delegate Guerrero. Thank you.

Chairman Lizama: I'm sorry, I have it here.

President H. Guerrero: Shame on you, Floor Leader Lizama. Do you mean all of it has to be retyped?

Secretary Nabors: Yes.

(Laughter)

President H. Guerrero: Are there any other announcements? Delegate Mafnas?

Delegate Mafnas: Mr. President, may I ask why is the Casino Gambling Proposal is assigned to Local Government? I believe that is a Commonwealth-wide matter; it's not a local matter.

Chairman Manglona: Point of information, Mr. President. Yes, Proposal 189-85 was introduced by Delegate Mendiola and others. This is regarding legalizing of casino gambling to be decided by each respective municipalities. I believe this is in regard to local laws, so I understand that maybe that was one of the reasons why this matter was referred to our committee. Thank you.

President H. Guerrero: Delegate Mafnas, there are also other proposals on gambling which were to Finance and Other Matters.

Delegate Mafnas: No, my concern is that it is a Commonwealth-wide matter at this point in time. I think it should be referred to Finance and Other Matters because it is a Commonwealth-wide matter at this point in time. Well, it's your decision. I'm not questioning; I'm just wondering.

Secretary Nabors: Point of information, Mr. President. I believe Finance and Other Matters has pending in its committee a gambling measure as well, the proposal on slot machines and other devices.

Deleate Mafnas: Because of that, I was wondering why separate the committee's assignments. Maybe because the Finance and Other Matters Committee has most of the gambling proposals, it should be assigned with that so we will have one committee reporting on the legalization of gambling.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. The assignment that was assigned to Finance and Other Matters, we had a public hearing on that and the Committee came up with some recommendations which hopefully will be on the floor sometimes by either this week or early part of next week. We have finished the necessary public hearing on that particular measure and we have incorporated some of the concerns that were raised as well as the concern of the introducer of the other delegate proposal. I hope by then that this particular issue or concern may be resolved in this Convention. Thank you.

Delegate Inos: Point of information, Mr. President. We heard one gambling measure which was 72-85 and we will be hearing 189-85 as you can see on your notice for July 6 here in the Convention Hall. Thank you.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Okay, if the other members of this committee have no objection, I will throw this proposal out from our public hearing, and if possible, we will join the other committee during their public hearing. Thank you.

President H. Guerrero: I suggest also that I notice here, the public hearing is basically for religious people. I suggest that you involve also the business community other than just religious people. It seems like it's lop-sided in terms of witnesses that you are requesting. All I am asking is that you have a wide representation in terms of witnesses, not just one interest group within the Commonwealth. It is only a suggestion. Are there any other announcements? The Chair would like to announce that starting Sunday, I would like to recommend that the chairmen will conduct their public hearings in the morning and we'll have our sessions in the afternoon, and after session, the committees should have their committee meetings. So I suggest that starting Sunday, we will have our sessions at least starting at three o'clock in the afternoon -- two o'clock, excuse me. Delegate Torres?

Delegate Torres: I know I may be out of order but I would like to request the Chair to please assign a legal counsel to each respective committee. Thank you.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Mr. President, I strongly recommend that we start at two o'clock starting tomorrow if we are going to have a meeting tomorrow.

President H. Guerrero: There are some public hearings scheduled tomorrow. I mean, not tomorrow but Friday and Saturday, that is why I am recommending that we start on Sunday. Also, somebody came to the office requesting whether any of the delegates is interested in getting one of these. It costs $150 by the way, but it is basically for souvenir purposes. Any member is welcome to purchase one. The Convention is not paying for it, by the way. So if you are interested, let us know. Any other announcements? Floor Leader Lizama?

Floor Leader Lizama: Thank you Mr. President. If there's no further announcement, I would like to move that we adjourn until Friday morning at 9:30.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adjourn until Friday morning at 9:30. Discussions? Delegate Villagomez?

Delegate Villagomez: Why are we not meeting tomorrow?

President H. Guerrero: It is Fourth of July...

Delegate Mafnas: Mr. President, Sunday is more important to me than Fourth of July. Sunday is a religious day for me and here we are going to work on Sunday. I'm sorry, I disagree on the motion to recess until Friday.

Floor Leader Lizama: The Committee on Governmental Institutions and the Committee on Personal Rights and Natural Resources are going to be meeting tomorrow and it is important that we have that meeting tomorrow to resolve some of the issues that concerned both committees. I believe that July 4th is more important that Sunday, if you don't go to church. So I ask Delegate Mafnas, do you go to church every Sunday?

Delegate Mafnas: Well, I go to church everyday.

(Applause)

Secretary Nabors: Ready for vote.

President H. Guerrero: Are you ready to vote?

There being no further discussion, the motion to adjourn and to reconvene on Friday at 9:30 a.m. was carried by voice vote.

The Convention adjourned at 10:17 a.m. and to reconvene on Friday, July 5, 1985, at 9:30 a.m.

Respectfully submitted,

Delegate William B. Nabors
Convention Secretary

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

SEVENTEENTH DAY

Thursday, July 4, 1985

There was no Plenary Session this date, however, there were committee meetings and public hearings conducted.

Respectfully submitted,

Delegate William B. Nabors
Convention Secretary

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

EIGHTEENTH DAY

Friday, July 5, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:35 a.m., Friday, July 5, 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.

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

Secretary Nabors: Mr. President, all 24 delegates are present; a quorum is present to conduct our business.

President H. Guerrero: We have a quorum to conduct the order of business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the 9th Day's Journal.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the 9th Day's Journal. Discussions? Delegate King?

Chairman King: Thank you, Mr. President. I just like to ask, if there's no objection from the delegates, that on page 156 where I made a remark, I would like to ask the Chair to delete the words after the "Convention." "The reason for that is", to delete these words and start with "as I mentioned".

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

Chairman King: Thank you.

President H. Guerrero: Discussions? Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. On Page 147, the very bottom, I ask that "order words" be changed to "other words". On page 156, strike out, on the fifth line, "And I don't know". And on the next line, I ask that the word "s" also be stricken out; and the next line, the words "to reserve the", strike out "to" and add "and". Thank you.

Delegate Mendiola: No objection.

Delegate Mafnas: I move for the previous question.

Delegate Mendiola seconded the motion.

President H. Guerrero: If there is no objection on Delegate Mafnas' recommendation for deletions from the journal, so ordered.

The motion to adopt the 9th Day's Journal was carried by voice vote.

President H. Guerrero: The 9th Day's Journal is adopted.

COMMUNICATIONS

Legal Opinion No. 21, regarding Proposal No. 51-85.

Legal Opinion No. 25, regarding Residency, Domicile and Citizenship.

President H. Guerrero: In front of you also, you have a couple of legal opinions in reference to Proposal No. 51-85 and the Residency, Domicile and Citizenship. Are there any questions to those? If none, we will move on to Reports of the Committees. Chairman Lizama?

COMMITTEE REPORTS/RECOMMENDATIONS

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has nothing to report.

President H. Guerrero: Chairman King?

Chairman King: The Committee of Personal Rights and Natural Resources has nothing to report at this time.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: The Committee on Local Government has nothing to report at this time. Thank you.

President H. Guerrero: Chairman Guerrero?

Chairman Guerrero: Yes, Mr. President, your Committee on Finance and Other Matters also has no written report to the Convention today.

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

President H. Guerrero: I believe we passed out copies of all the proposals that were submitted last Tuesday. If you don't have a copy, just let us know.

SECOND AND FINAL READING OF PROPOSALS

Committee Recommendation No. 7: A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE XVIII, SECTION 2(a) TO REQUIRE THAT VOTERS BE ASKED WITHIN TEN YEARS WHETHER THERE SHOULD BE ANOTHER CONSTITUTIONAL CONVENTION."

President H. Guerrero: I'd like to call Secretary Nabors to read Committee Recommendation No. 7.

At this point, Convention Secretary Nabors read Committee Recommendation No. 7 in its entirety.

President H. Guerrero: Is there any motion to adopt this?

Delegate DL. Guerrero: I so move.

Secretary Nabors seconded the motion.

Delegate King: Mr. President, I don't know whether I am in order or not, but I'd like to offer an amendment.

President H. Guerrero: Before I recognize you, Chairman King, a motion has been made to adopt Committee Recommendation No. 7 on Second and Final Reading. Discussions? Chairman King?

Delegate King: I am making a motion to the amendment.

President H. Guerrero: Is there any second to Chairman King's motion?

There was a second to the motion.

President H. Guerrero: It has been moved and seconded.

Delegate Manglona: Point of information. Can I request that rather than this type of information that the actual committee recommendation be given to each delegate with the strike outs and additions to that recommendation?

President H. Guerrero: What committee recommendation are you talking about?

Delegate Manglona: Well, he's just telling which line to strike out and what words to add in. I would like to have a copy of the way they actually want it amended.

President H. Guerrero: I believe this is a normal format for an amendment--a floor amendment.

Delegate DL. Guerrero: Question.

President H. Guerrero: Chairman Guerrero?

Delegate DL. Guerrero: Mr. President, I wonder -- is this a committee's recommendation at this time, recommending for an amendment, or is this an individual delegate offering an amendment on the floor during the Second and Final Reading?

President H. Guerrero: This is an individual amendment. Just for a point of clarification. The minute any chairman submits a report and the Chair accepts it, it's no longer a property of the committee. It becomes the property of the Convention. Therefore, Chairman King is only making a recommendation as a delegate not as chairman of his committee.

Delegate DL. Guerrero: Yes, Mr. President, but since Chairman King is the chairman of his committee who is submitting this final language on the provision of this amendment in the Constitution, I think it has to be the general consensus of the committee and sanctioned by the committee before Chairman King offer it on the floor.

Delegate King: No, I don't think so.

President H. Guerrero: The Committee Recommendation No. 7 for Second and Final Reading is not the property of the Committee on Personal Rights and Natural Resources. It's the property of the Convention; therefore, Chairman King is only -- or I should probably just refer him as Delegate King because he's making an amendment as a delegate to the Convention not as a chairman of that committee.

Delegate DL. Guerrero: I do understand that, Mr. President, but I think it's only appropriate that if the committee finds out that the final version of this particular amendment may not be the best suited language that the committee itself should come up with that, otherwise I don't have any quarrel if this is just a single delegate's amendment again to be entertained on the floor. We can proceed with it. But I believe that if this particular language has been reviewed by his committee, then I would agree that it's probably the best language that has to be amended at this time.

President H. Guerrero: Probably you are correct, Chairman Guerrero, that Delegate King might not be the best person to offer this recommendation, but he is offering it as a delegate not as chairman of his committee. Chairman King?

Delegate King: I was just going to say like that, Mr. President. Thank you.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, I think I understand the intention of Delegate King. While his intention is good, I think the wording that he proposes does not carry that intention clearly. And I think if this floor wants to amend it to reflect his intention, they should reword it in another way. And I'm looking here at the Constitution of Hawaii and their wording, I think, better expressed his intention. It says, as follows: "If any 9-year period shall elapse should which the question shall not have been submitted, the Lt. Governor shall certify the question to be voted on at the first general election following the expiration of such period." Although the details are not in line, the idea is there and I think this should be, maybe, resubmitted to the committee for better wording in a way that the intention does not identify his intention clearly.

President H. Guerrero: Delegate Manglona, just for a point of information. This document is not a document of the committee anymore, it belongs to the Convention as a whole. It has been adopted already.

Delegate Manglona: Yes, but I'm moving to resubmit it.

President H. Guerrero: To resubmit it? We already adopted it. Delegate Mafnas?

Delegate Mafnas: Mr. President, can we proceed and debate on the question?

President H. Guerrero: Discussions on the friendly amendment by Delegate King?

Delegate Mafnas: Question.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Why is this amendment friendly?

President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. Just like I said before, since Mr. Guerrero or Delegate Guerrero pointed out that I'm the Chairman of the Committee on Personal Rights and Natural Resources so what he's pointing out, you know, very earlier so that's why I put it as "friendly amendment" so those kinds of misunderstanding perhaps would not be intruded to me, so however, friendly here doesn't seem to be accorded to me at this time. So that's why I said "friendly amendment" since I am the Chairman of the Personal Rights and Natural Resources I'm the one who's going to offer it as a delegate amendment to the Convention.

Delegate Mafnas: Next, will you kindly distinguish the difference of the Committee Recommendation No. 7 and the friendly amendment? Distinguish the difference.

Delegate King: The friendly amendment is from myself as a delegate.

Delegate Mafnas: Will you distinguish or explain the difference why are you striking out in the Recommendation No. 7 lines 10 and 11 and why are you inserting it? What's the difference?

Delegate King: The rationale between these two is just as I stated in the written portion of the friendly amendment. It says that -- you know, it's clearly stated there why I offer such an amendment.

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

Delegate Mafnas: No, Mr. President. I'll yield to the next member; the answer is not clear.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I would like to have a clarification if I could, Mr. President. The proposed amendment would strike in its entirety line 10. According to my copy of Proposal 76-85, line 10 does not conform to the rationale in the proposed friendly amendment. Line 10 says: "Amendments proposed by 1985 Constitutional Convention and as provided by law," continuing on to line 11. If we were to strike that, it does not appear to me to accomplish the objective sought. Can I have a clarification, please?

such as this but would have 15 minutes to speak on that motion. We are not following that rule. I am in favor of the amendment and I am prepared to vote. Thank you.

President H. Guerrero: Delegate Pangelinan?

Delegate Pangelinan: Can I just get a clarification? What the amendment explains here would have been the same if the voters had voted "no" for this Constitutional Convention to convene, that means that the provision there is no longer effective just like what Mr. King had stated in his amendment. If we had voted "no" for this Constitutional Convention to convene to make proposed amendments, this provision here under (a) which exactly follows the same language as the original committee report would have left the voters with no other option but (c) and (d). Right?

Delegate King: Right.

Delegate Pangelinan: Okay, I understand. Thank you.

President H. Guerrero: Any further discussions?

Delegate Mafnas: I move for the previous question.

Delegate Villagomez seconded the motion.

President H. Guerrero: It has been moved and seconded for the previous question.

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

President H. Guerrero: Discussions on the main motion?

Delegate DL. Guerrero moved for the previous question, and Delegate Lizama seconded the motion.

President H. Guerrero: It has been moved and seconded. Roll call, Secretary Nabors.

The Convention Secretary called the roll, and the motion for adoption of Committee Recommendation No. 7, as amended, on Second and Final Reading was carried by 24 affirmative votes.

President H. Guerrero: Committee Recommendation No. 7 is unanimously adopted as amended.

INTRODUCTION OF RESOLUTION AND REFERRAL

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

None

MISCELLANEOUS BUSINESS

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. I just want to congratulate the Convention for having adopted the first proposal to be presented to the voters in November. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez. Any other miscellaneous business? Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. Mr. President and colleagues, I want to take this opportunity to express my sincere gratitude to the officials of the Criminal Justice Planning Agency of the Northern Mariana Islands for what I consider to be a comprehensive study of the Jury System since it was established in the Commonwealth in 1978 through May 1985. This was a subject of Miscellaneous Communication 7 that was passed out earlier of the week. Specifically, I'd like to commend Mr. Edward C. Deleon Guerrero and Mr. Richard Shewman who is the director of that agency. The bottom line of this study shows that notwithstanding a close relationship of families and friends, our jury system seems to be functioning quite well, especially, as an attorney, I am gratified that the judicial system in the Marianas is working. I, therefore, Mr. President, would like to extend my gratitude again to Mr. Edward C. Deleon Guerrero and to Mr. Richard Shewman for their fine study.

Secondly, Mr. President, I would like to deal with a matter that is the antithesis and state my extreme displeasure at not being allowed to ask questions in a public hearing held in this Chamber on Wednesday (nigapna). To me, I consider this a put down and an embarrassment. I was elected in the same manner as anyone else in this Chamber and I demand to be treated equally and be given the opportunity to ask any questions that I might have, if I'm to represent my constituents who elected me and I do not wish to have this representation deminish in any form. I can only say, Mr. President, and to my opinion, the courtesy ought to be extended to each delegate and I believe that each delegate is capable of asking his own questions and should not be told to pass your questions to a committee member and that committee member will answer your question. I want that very clear. I brought this matter up to clear the air. I don't have any animosity or any ill-will feelings against anybody. But I want to represent the people of Tinian and I don't want anyone to try and short circuit the representation.

Now, Mr. President, on another matter, I'm grateful to the Committee on Personal Rights and Natural Resources for the courtesies extended to me in discussing various measures before that committee that were not in the

committee's view merited of putting on the floor. These measures were 3-85, concerning the Marianas Public Land Corporations; 62-85, relating to the Chamorro/Carolinian Educational Program; 64-85 that would prohibit the selling of homesteads; 111-85 that would remove restrictions on selling of private property; 139-85 with regard to eligibility to vote; 149-85 that would establish monetary limit to deaths and injuries; 150-85, relating to election procedures; and I believe there was one additional proposal that we also discussed.

Now with regard to Proposal 3-85, I wish to advise my colleagues that this is a proposal concerning the abolishment of MPLC and transferring of its functions to the Department of Land Management. I've had the opportunity to discuss with several of my colleagues of this matter that is of serious concern to many, many people and I am happy to report, Mr. President, that we have reached, I believe, the meeting of the minds wherein it would no longer be necessary to consider 3-85. And in fact, we have, I believe, agreed on a compromise that will satisfy all concerns that I have with respect to the Marianas Public Land Corporations. And I believe in the power of compromise and I feel that each of us are going to have to do this if we are to make any progress.

Relative to Delegate Proposal 149-85, the proposal concerning the eligibility to vote, the Attorney General and I are working on a language that we believe will meet my concerns that put some additional restrictions in the Constitution concerning voting eligibility. I just received a call from the Attorney General this morning that we are to get together later today and hopefully have that language back to the committee sometimes today or tomorrow.

However, Mr. President, I do have some strong feelings concerning two other proposals. One being the selling of homestead lands. I believe that the homestead program was designed to provide land to the landless, a method by which a person could obtain public land on which he could house his family, and I believe that this is a noble expression of society's generosity to those among us who are less fortunate. But a logical extension of this philosophy dictates that some prohibition should be placed on people making profits from public domain, and I believe that we would defeat our purpose of providing land to the landless if we were to continue to permit those people to sell their homesteads as soon as they get a deed.

Relative to Delegate Proposal 62-85 that would require a Chamorro/Carolinian Educational Program to be a part of our educational curriculum in the Constitution is an identical proposal taken from the State of Hawaii's Constitution. I, therefore, believe that if any state considers a matter of this nature a constitutional matter, I don't believe that we, in good conscience, can say that it's merely a legislative one. I believe, Mr. President, as some constitutional experts have said that a Constitution is an embodiment of political values that people cherish and the goals they hope to achieve. We all know that administrative programs can be changed at any time, but once it becomes a part of our Constitution, our Legislature is obligated to fund it and the Executive is obligated to implement it. And it is in my opinion, also notice to the world, that we care enough about our Chamorro/Carolinian heritage, culture and traditions to recognize them in our Constitution and notice to the world that no man should tread upon this sacred institution. Thank you, Mr. President.

Delegate Lizama: Mr. President?

President H. Guerrero: Before I recognize Floor Leader Lizama, the Chair rules that no delegate has the right to demand a chairman of the committee to ask questions in a public hearing unless you are a member of that committee. I suggest and the Chair highly recommends that if you wish to raise questions in the public hearing and you are not a member of that committee to talk to the chairman before the hearing. I would recommend also that the chairman would at least allow the delegate to raise a question. What I am trying to say is let's get our acts together and we don't want to look or appear that we have some conflicts. I also would like to comment that in the public hearings, I suggest that all delegates part their righteousness and their personality problems that conflict with one another outside the door. It's the task of this Convention to address itself on the issues and the matters that were elected for and not to talk about personalities of specific delegates or even personalities of the witnesses within specific departments or agencies of the government. Floor Leader Lizama?

Floor Leader Lizama: Thank you, Mr. President. This is just a few remarks. I have to say that I did not deny Delegate Nabors the right to ask questions. In fact, he asked questions and I denied, in fact, Delegate Torres. And I think you explicitly stated that every chairman has the right to manage the committee, and I saw it fit that if we were to allow all the delegates to ask questions to the witnesses, it's just going to cause a chaotic experience in dealing with the witnesses and that's what I was trying to prevent. And I offered the suggestion that if a delegate wishes to ask questions that it would be best if the delegate would testify himself and let the committee members understand what the delegate wishes to offer. That's all, Mr. President.

President H. Guerrero: In addition, I believe any delegate has the right to present testimony as well as to be heard in the public hearing. So if you have any comments or testimony that you want to present to a specific committee, I suggest that's another avenue of doing it. Delegate King?

Delegate King: Thank you, Mr. President. I just like to extend my sincere appreciation to those members who came yesterday and attended the joint meeting of the Governmental Institutions and the Personal Rights and Natural Resources Committees. It's a very tremendous result because they came out with a good solution in terms of agreement and compromise which we discussed the entire Article XI concerning public lands. Those proposals that have related issues concerning this Article have been incorporated, not entirely but to the best interest of our islands and our people and I hope that the written report concerning our meeting will come out soon. And again, I would like to thank those people that spent their time here in trying to get their work done and missed the Liberation the whole day down there yesterday. Thank you.

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

Chairman DL. Guerrero: Thank you, Mr. President. Mr. President, I, as the Chairman of Finance and Other Matters, always announced on this floor that should there be a public hearing, any delegate is welcome to join the committee. Now we understand, of course, that each of the committee has that prerogative but I hope that each committee member be given also the

opportunity to express himself and be recognized by each of the chairmen his presence, should he have any question to address to the witnesses at the public hearing. And please rest assured that our committee is more than happy to welcome any question to be addressed to the witnesses at the public hearing. And please, rest assured that our committee is more than happy to welcome any member, and as chairman of the committee, I would certainly recognize your presence. And should any member or delegate of this Convention wish to address any question to the witnesses, rest assured that that will be well done. I don't want to be one of those from my committee being accused for not given the opportunity to each of these delegates in this Convention. Thank you.

President H. Guerrero: Delegate Cing?

Delegate Cing: Thank you, Mr. President. This is in line with Delegate Guerrero's concern. I believe the reason why Delegate Nabors indicated that he was so mad last Wednesday is that he came in late during our hearing, Mr. President, and he persuaded the Chairman of the Governmental Institutions and he was provided with one last question, and when he addressed that question, I believe that we have already asked that question. Thank you.

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

Delegate Mafnas: I am not going to judge whether what happened last Friday or rather Wednesday is proper or improper. I believe that every member should be accorded the opportunity to ask questions when all the committee members have finished their questions. I am elected to represent not a committee but the people of Saipan, and don't short cut my representation to the people who elected me. If my questions are not satisfied, Mr. President, because I am deprived the opportunity to ask questions during the public hearing I can guarrantee you that I will vote against any proposal that does not satisfy me. So again, I would urge the committees chairmen to recognize the solemn contract that every member has with the voters. So don't deprive me that opportunity.

With respect to conduct of members in public hearing, I think each member should know why he's behaving the way he is behaving. I get irritated when a witness comes in unprepared, isn't able to answer the questions that will assist me in deciding whether I should vote "yes" or "no" on the proposal. I have sat and listened in numerous legislative hearings identical to the public hearings that we have where witnesses claimed that they don't have time to prepare for their testimonies because they received the notice on Friday afternoon and the hearing was for Monday. These are responsible people that we are calling in to give us directions, their ideas and views. And if they cannot sit down and spend eight hours the following day upon receiving the notice, then I consider them irresponsible and I should conduct myself accordingly. So I do not wish the Chair to tell a member how to conduct himself in a public hearing. Each one of us is responsible for our own action, and I respectfully ask the Chair not to put anything more than what we have in our Rules of Procedure. Thank you.

President H. Guerrero: Delegate Igitol?

Delegate Igitol: Well, Mr. President, I guess everybody said what I have to say but I just want to register a concern also. The committees sometimes accorded each delegate to come and speak to each committee regarding their proposals. Sometimes when a witness comes in, or rather a question being raised by a committee member during the hearing is not raised adequately. But when the witness speaks for the proposal, sometimes he just come up with a last minute question and that's the appropriate time for a member to ask question irregardless whether he's a member of the committee or not. And this is just a concern that I would like to offer also that each committee chairman should also consider this and allow the delegates to ask questions during the committee's public hearings. Thank you, Mr. President.

President H. Guerrero: Any more miscellaneous business? Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. Just for a point of clarification for me. I have two books in my hand, the text from the Constitution of the Northern Marianas and its Analysis. Mr. President, in some of my proposals that I have submitted to Personal Rights and Natural Resources Committee, they mentioned that there's no use to put it in this book because it's already in here. When I read this book, it's simply a wild, variety of detailed language describing the analysis of this book. I was wondering. For instance, to take an example of committee's disposition on certain proposal. In here, one example is that on the protection of a citizen. They said that the Analysis of the Constitution has already included this concerned issue and they will not take action, however, age is not recommendable to add because it will conflict with our culture. I would like to ask the President of the Convention about the age under the Bill of Rights, not the Bill of Rights, but the voting age. Is it against the Chamorro culture for an 18 years old person to vote in the Commonwealth?

President H. Guerrero: Can you restate your questions?

Delegate Kaipat: Is it against the Chamorro culture for an 18 years old person to vote in the Commonwealth?

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Instead of putting this in the journal, I would like for the chairman to invite Delegate Kaipat to discuss this in the committee and we will be able to answer all his concerns at that time rather than doing it now.

Delegate Kaipat: Mr. President, the thing that concerns me, Delegate Nabors has just finished talking about his proposal and I have the right to hear also about the action taken by the committee. In all these filed proposals, there was no mention about consultation for legal opinion. The committee just take up in its entirety and filed quite a good number of my proposals, and I don't see any legal consultation at all. That's why I'm asking that if this is the case, if anything that are mentioned here don't have to be here, or anything that is mentioned in the Covenant, doesn't have to be here, then I will be satisfied with such explanation. The thing is if anything in the Covenant or in this Constitutional Analysis, we don't have to put it in here if it's present in here. And everything under the Bill of Rights are here and the Covenant, so I think we need some legal opinion on this kind of thing, if I'm not mistaken, instead of

just filing it. When you talk about culture, you have to remember that we are dealing with two cultures. Age limitation, in Chamorro, may be different from Carolinian so we have to be very careful. So I would suggest, if the President cannot answer my question, I'd like to have a legal opinion on these two questions.

President H. Guerrero: Delegate Kaipat, under Miscellaneous Business, it is the place to air out any concern. The Chair would recommend that you address your issue to the appropriate substantive committee to answer your questions. Would the Chairman of the Personal Rights and Natural Resources accord Delegate Kaipat the opportunity to express his views and concerns regarding certain proposals?

Delegate King: Thank you, Mr. President. I recall one time that we invited him to come to our committee's meeting, however, he never showed up.

Delegate Kaipat: Mr. President, they invited me once on Habeas Corpus and I have 20 other proposals that I was not invited for.

Delegate King: In addition to that, Mr. President, we are still open to any delegates. I think, like we said yesterday, that we're still going round and around. But please, let me repeat again, you are welcome to our committee. (Chamorro language) I hope that this would touch your mind and your heart that this committee actually is not a filing committee. It's a committee, a working committee to hear what really your concerns are. So I hope that this would end this kind of discussions and please come to our committee. We are very diplomatic type of people in our committee. Thank you.

President H. Guerrero: As Delegate Mafnas indicated, we are all responsible of our own action; therefore, I suggest that any delegate should take the initiative if they have concern about a specific proposal to go to that appropriate committee and air out the differences.

Delegate Kaipat: Mr. President, before I go to that committee, I would like to have a written report from AG about the legality on those two questions I mentioned. First, what is the situation in the case where certain section in the Covenant mentioned certain law which is applicable to the Northern Marianas, the possibility of including that since all those mentioned in the applicable laws, some are mentioned in our Constitution and some are okay but not in Constitution. That's one question. Two from the Covenant and the second question would be the applicability of the Constitutional Analysis just like the Covenant. I don't think the committee can answer me on this one that's why I need a written legal interpretation before I sit down with the committee because I may be satisfied without seeing the committee after I see the AG.

President H. Guerrero: Delegate Kaipat, so the Chair doesn't get confuse or try to put words into your request, can I recommend that you put that into writing and submit it to the Chair so we can appropriately submit it to the AG?

Delegate Mafnas: Point of information, Mr. President.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: If Delegate Kaipat would review the AG's opinion, I recall that one of the opinions from the Attorney General addresses his first concern. I understand that there are about 25 opinions that have been issued. But one of those 25 opinions addresses the first concern by Delegate Kaipat.

Delegate Kaipat: I have all the interpretations too, but I don't have that opinion.

President H. Guerrero: Any more Miscellaneous Business? If not, announcements. Chairman Guerrero?

ANNOUNCEMENTS

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters wishes again to announce that there will be a public hearing today at one o'clock right here in the Convention Hall, hopefully in this Convention Hall. If not, then we'll still utilize the other room downstairs. Again, I wish to remind any delegate that have interest in his delegate proposal to please be present. And the last announcement is, immediately after we adjourn, the Committee on Finance and Other Matters wishes to meet again.

President H. Guerrero: Delegate Lizama?

Chairman Lizama: Mr. President, I have two announcements to make. First, I'd like to meet with the members of the Committee on Governmental Institutions at 1:30 this afternoon. Second, there will also be a public hearing this afternoon to deal with proposals relative to amending Article II. I also would like to welcome the delegates to come to this public hearing. But before they make the request to submit questions to the witnesses, I would like them to be here most of the time rather than coming here at the last minute. I apologize to Delegate Torres, I think he was here all the time and maybe I did not make the best judgment, I did not allow him to ask his questions to the witnesses. However, under the circumstances, I did not see that it was a good idea to have done so. But since some delegates feel that the delegates should be given the opportuni ty to direct the questions to the witnesses, the Committee on Governmental Institutions could accommodate such feelings. But please, if you're going to come here to direct questions to the witnesses, I hope that the delegates would be here most of the time so that they know and questions will not be repeated and therefore more time would be spent on trivial preview matters. That's all, Mr. President.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I have a notice of public hearing invited by Personal Rights and Natural Resources group to meet today, July 5th, 1:30 p.m. I was wondering if this is gonna be overlapped by using the same room with the Governmental Institutions group that is meeting also at 1:30. Is Delegate Lizama planning a meeting with his committee and a public hearing in this same hall? Or has he planned to use the other room? Because according to the Personal Rights and Natural Resources group, they are using this room with quite a good number of witnesses coming; I'm also included. And I thank the committee for inviting me because all these three -- prostitution, nuclear materials,

and abortion are my bills. But there are still many other pending proposals that I'd like to talk to them about.

President H. Guerrero: Delegate Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government will be conducting a public hearing on Tuesday, July 9, 6:30 p.m., at the Garapan Elementary School Auditorium. We all urge delegates here to be present at the public hearing. It will bring up Delegate Proposal No. 109-85 to amend Section 2 of Article VI of the Northern Marianas Constitution relating to election of mayor to abolish the mayor's office on Saipan and to replace it precinct commissioners. I would like also to announce that the Committee on Local Government are having a Committee meeting at 1:00 o'clock this afternoon in this hall. Thank you.

President H. Guerrero: Chairman King?

Chairman King: I believe that the Committee on Personal Rights and Natural Resources will be having a public hearing in this Convention, for information to the Chairman of the Local Government that we had scheduled a public hearing this afternoon at 1:30 in this chamber. In addition to that is a reminder to that Governmental Institutions Chairman that I believe tomorrow we gonna meet again right after the Convention for joint matters. Thank you.

Delegate Mafnas: Mr. President, we have a mandate to deliver today to the Convention on Proposal No. 3-85, don't we? Probably the, I suggest that the Chairman on Personal Rights and Governmental Institutions should orally report as to the tremendous progress that we have achieved.

President H. Guerrero: Chairman Lizama or which chairman are we talking, Chairman King?

Delegate Mafnas: Personal Rights and Governmental Institutions.

President H. Guerrero: Chairman Lizama first.

Chairman Lizama: Is that point of information? Are you referring to 3-85, Delegate Mafnas?

Delegate Mafnas: Yes, I believe, Mr. President, that we have a mandate by the Convention to report today, Friday, according to the minutes.

Chairman Lizama: Thank you, Delegate Mafnas. Yesterday, the two committees--the Committee on Personal Rights and Natural Resources and the Committee on Governmental Institutions, they met and the purpose of the meeting was to discuss Proposal 3-85 and proposal 56-85 and other proposals relative to the subject of the Marianas Public Land Corporation. Yesterday, the committees, they were able to come with what would be the most appropriate amendments to be made with respect to Article II, Section 4 and also with respect to Article II, Section 5. The Committee on Natural Resources will be responsible to put it together--the Committee Recommendation. With respect to Article II amendments, the Committee for Governmental Institutions will be putting out the Committee's Recommendation. With respect to Article II, Section 11 relative to

Marianas Land Trust. So there is already that understanding that the committee recommendation will be submitted jointly by the two committees. Now the details of what was agreed on yesterday, those will be presented in the committees' recommendations.

Delegate Igitol: Mr. President, point of information.

President H. Guerrero: Delegate Igitol?

Delegate Igitol: Are we on Announcements or Miscellaneous Business?

President H. Guerrero: We are under Announcements.

Delegate Igitol: It seems that we're taking up the Miscellaneous Business. May we suspend the order of business and go back to letter M?

President H. Guerrero: We can still do it, unless you are objecting, Delegate Igitol.

Delegate Igitol: No, but we're not following the rules, Mr. President.

President H. Guerrero: Well, if there is no objection, the Chair will recognize Delegate Lizama.

Chairman Lizama: Well, to put it shortly, the work of the two committees yesterday was very productive and I think that all those delegates that submitted proposals for amending Article II, Sections 4, 5 and 6 would be most satisfied when they see the two recommendations that the two appropriate committees are going to be reporting to the Convention. Thank you very much.

President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President, in line to what Mr. Chairman or Floor Leader Lizama said, the report has been put in final form. And I believe that before we put it out to the Convention, these two committees can meet once again and try to look over the final version of the recommendation. In that case, we'll save more time for the deliberation or during the deliberation of the Convention. So I hope that once this report is finalized, we will meet again to expedite the report to the Convention. Thank you.

President H. Guerrero: Any other announcement? The Chair would like to announce that I'd like to meet with the Committee on Organization and Procedure tomorrow morning at eight o'clock, or make it 8:30. Also, I have asked the gentleman to come tomorrow to take photographs for those people who wants to have those plaque souvenir. They need the pictures of everybody, whether you're buying one or not. It looks kind of strange if some slots are empty. So I would recommend that you at least look your best tomorrow morning. They are going to take all the pictures.

Delegate Cing: I'm prompt today, Mr. President.

President H. Guerrero: Any other announcement? Any motion to adjourn?

Floor Leader Lizama: I move, Mr. President, that we adjourn until tomorrow morning at 9:30.

Delegate Mendiola seconded the motion.

President H. Guerrero: Discussions?

Delegate Mafnas: Mr. President.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, I ask that the Civil Service Commission meet as soon as possible to determine or to decide on the certification for overtime for the Con Con employees tomorrow at 9:00 a.m.. May I ask the Chair or the mover to amend that and make it in the afternoon so that we can have something done in the morning to discuss in the afternoon?

President H. Guerrero: Is there any conflict if tomorrow afternoon?

Delegate DL. Guerrero: We have public hearing in the afternoon.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Pardon?

President H. Guerrero: Would you be finished by ten o'clock, 10:30?

Delegate Mafnas: We should be finished by ten o'clock.

President H. Guerrero: Would you object to that one?

Floor Leader Lizama: No objection.

There being no further discussion, the motion to adjourn and to reconvene on Saturday at 10:00 a.m. was carried by voice vote.

The Convention adjourned at 10:50 p.m. and to reconvene Saturday, July 6, 1985, at 10:00 a.m.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Mabors
Convention Secretary

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

NINETEENTH DAY

Saturday, July 6, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 10:13 a.m., Saturday, July 6, 1985, at the Convention Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

The Convention Secretary called the roll, and 23 delegates were present. Delegate Mafnas was absent.

Secretary Nabors: Mr. President, a quorum is present.

President H. Guerrero: We have a majority and a quorum to conduct the Order of Business.

Delegate DL. Guerrero: Mr. President, let the record show that the delegate who is not here be officially excused, please.

President H. Guerrero: Delegate Mafnas earlier called and said he's ill today, so he's excused. Before I call on Floor Leader Lizama, you have in front of you is a summary journal of the before. The Chair has instituted this because we are behind with the verbatim journal so this would at least give us the summary of what had transpired the day before. Some minor amendments or changes on type errors. It should be July 5th instead of July 6th. And on the third line of the first paragraph, the first word "voice" should be "roll call vote", and going up one line, the fourth line from the bottom of the first paragraph, the delegates unanimously adopted the proposed amendment, insert "proposed amendment" and after "amendment," insert "as amended." And on the fourth line of the second paragraph, that "he had not," "not" is missing there, "been allowed to speak." And on line 7, beginning of that sentence "the Chairs states," instead of "states," it sould read "stated." Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt this summary journal.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Summary Journal for Friday, July 5th. Discussions?

The motion to adopt the Summary Journal was carried by voice vote.

COMMUNICATIONS

Legal Opinion No. 24, from Mr. Eric S. Smith, Assistant Attorney General, re Qualifications for Holding Public Office and for Voting.

President H. Guerrero: In front of you, under Communications, is Legal Opinion No. 24, in reference to qualifications for holding public office and for voting. If there's no comment on that one, I would call on Chairman Manglona.

Delegate Villagomez: Mr. President?

President H. Guerrero: Yes, Delegate Villagomez?

Delegate Villagomez: Just for the journal, I'd like to state that I disagree with the opinion of the attorney under Opinion No. 24.

President H. Guerrero: Any other discussions? If none, Committee Reports. Chairman Manglona?

COMMITTEE REPORT/RECOMMENDATIONS

Committee Recommendation No. 15, from the Committee on Personal Rights and Natural Resources, recommending for adoption of the proposed amendment to Section 3(b) of Article II relating to composition of the House of Representatives and to delete Section 11 of the Schedule on Transitional Matters relating to Saipan Election Districts.

Committee Recommendation No. 16, from the Committee on Personal Rights and Natural Resources, recommending for adoption of the proposed amendment to Article XVIII, Section 5(a) to allow proposed amendments to be ratified in a special election.

Chairman Manglona: Mr. President, your Committee on Local Government has nothing to report, however, I would like to inform that the proposals status sheet is passed out.

President H. Guerrero: Delegate Manglona, did you say it has been passed out?

Chairman Manglona: Yes.

President H. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has nothing to report at this time.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, likewise, your Committee on Finance and Other Matters has no written report at this time.

President H. Guerrero: Chairman King?

Chairman King: Mr. President, the Committee on Personal Rights and Natural Resources would like to report to the Convention, Committee Recommendation No. 15 and Committee Recommendation No. 16.

President H. Guerrero: The Chair receives Committee Recommendation Nos. 15 and 16. Any other committee reports? If none, we're under Introduction and First Reading. I would like to call on Chairman King to read the titles of Committee Recommendation Nos. 15 and 16.

INTRODUCTION AND FIRST READING AND REFERRAL OF PROPOSALS

Chairman King: Thank you, Mr. President.

President H. Guerrero: Excuse me.

Chairman DL. Guerrero: Are we not going to adopt the Committee Recommendations that were submitted?

President H. Guerrero: We don't adopt them. They are submitted until we get down to the General Orders for debate.

Chairman DL. Guerrero: When are we going to adopt the Committee Recommendations?

President H. Guerrero: I believe under the Robert's Rules, the Committee is supposed to report or submit it to the Chair and it will be under discussions under the General Orders of the Day. It will be placed under the General Orders of the Day for debate the next day.

Chairman DL. Guerrero: My question is, when are we going to adopt the Committees reports? Since the Committee's reports are readily available at this time, I think the Convention should either adopt the Committee's reports and then they could come in and introduce them for First Reading.

Delegate Villagomez: In the alternative, the President can state that it accepts the Committee Report and then it becomes the property of the Convention.

Chairman DL. Guerrero: Can Delegate Villagomez repeat that again?

President H. Guerrero: Can you repeat your statement?

Delegate Villagomez: In the alternative for the record that the Chair receives and accepts the Committee Recommendations as part of the record of the Convention.

Chairman DL. Guerrero: What you're saying is that the President himself can accept? Is this true?

Delegate Villagomez: That's correct.

President H. Guerrero: Under the Robert's Rules, I believe this is the version, page 422, is equivalent to terms in correct motion as applied to the Assembly's action with respect to boards or committee reports or any of their content the expression adopt, accept and agree to are all equivalent that is the text adopted becomes in effect the act or statement of

the Assembly. It is usually best to use the word "adopt", however, since it is the least likely to be misunderstood, a common error is to move that the report be received after it has been read apparently on the supersession that such a motion is necessary in order for the report to be taken under consideration or to be recorded as having been made. In fact this motion is meaningless since the report has already been received. Even before a report has been read, a motion to receive it is necessary if the time for its reception is established by the Order of Business or if no member objects.

Chairman DL. Guerrero: That's what I'm saying, if there's no member objected.

President H. Guerrero: Are you rejecting? We did that on the other reports and I thought we had an understanding that the Chair will accept the report and then debate it under the General Orders.

Chairman DL. Guerrero: Well, Mr. President, if there's no objection on the floor, then I think we can proceed, but am quite lost on this. There are several committee reports that the Convention has adopted first before they are even taken up.

President H. Guerrero: My problem is that if we adopt this report, in reality it's like a resolution. We adopt it, then it comes under the General Orders for debate and then we throw it out basically because the report is with the attachment also.

Chairman DL. Guerrero: What you're saying is that the report with the Committee's recommendation that we have to take up, or just only the committee report itself that the committee is reporting to the Convention that the Committee's recommendation is hereby attached with this report?

President H. Guerrero: That's right. But if we adopt the text, it becomes, in effect, the act or the statement of the Assembly. If we adopt it right now, we're basically saying that we're adopting Committee Recommendation No. 15.

Chairman DL. Guerrero: Well, I have no quarrel, Mr. President, except to clarify further that at least the Committee is already reporting it out to this Convention and of course the recommendation may not be attached to the Committee's report.

President H. Guerrero: Does anyone has any objection for the Chair just receiving the reports?

Delegate Villanueva: No objection.

President H. Guerrero: These Recommendations will be placed under the General Orders of the Day on tomorrow's Order of Business for debate. Delegate Villanueva?

Delegate Villanueva: I have no objection, but there are only four election districts in Saipan not six.

Delegate Villagomez: Yes, but the Constitution says "six", and if we are going to amend the Constitution we have to change "six" if you want.

Delegate Villanueva: I see. I just want to know that.

President H. Guerrero: Well, this will be taken up under the General Orders of the Day for debate. So all I was asking the Chairman is to introduce the titles.

Chairman King: Thank you, Mr. President. I would like to introduce to the Convention Committee Recommendation No. 15, with respect to Delegate Proposal No. 187-85: "To amend Section 3(a) of Article II relating to composition of the House of Representatives and to delete Section 11 of the Schedule on Transitional Matters relating to Saipan Election Districts." And also I would like to introduce to the Convention....

Delegate Villagomez: Correction. That should be 3(b) instead of 3(a); 3(b) of Article II.

Chairman King; 3(b), I'm sorry.

President H. Guerrero: Can you read the title of Committee Recommendation No. 16?

Chairman King: Committee Recommendation No.16, with respect to Delegate Proposal Nos. 77-85 and 112-85: "To amend Article XVIII, Section 5(a) to allow proposed amendments to be ratified in a special election."

President H. Guerrero: Thank you, Chairman King. This has been considered as First Reading of these two Committee Recommendations.

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTION AND REFERRAL

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

None

MISCELLANEOUS BUSINESS

President H. Guerrero: Delegate Calvo?

Delegate Calvo: Thank you, Mr. President. I just like to ask the delegates to recognize that on your desk, you'll see a calendar. This calendar is from the courtesy of Luta Insurance Underwriter in accordance with the Micronesian Insurance Underwriter. Thank you, Mr. President.

President H. Guerrero: Where is the copy for the President?

Delegate Calvo: Somebody must have picked it.

President H. Guerrero: Any other miscellaneous business? If none, we'll go on to Announcements. Chairman Guerrero?

ANNOUNCEMENTS

Chairman DL. Guerrero: Yes, Mr. President, the Committee on Finance and Other Matters wishes again to announce that there will be another public hearing today at 1:00 p.m. right here in the same room. Again, we did pass out the public hearing notice since yesterday's session and I hope each of these delegates who have interest on his delegate proposal to be present. And immediately after the session, the Committee on Finance and Other Matters would like to meet.

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

Chairman Lizama: Mr. President, the Committee on Governmental Institutions would have its public hearing this afternoon at 1:30 here.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, the Committee on Local Government will be meeting immediately after this session in this hall. Thank you.

President H. Guerrero: Chairman King?

Chairman King: The Committee on Personal Rights and Natural Resources will meet immediately after this session right down at the Luta Office.

President H. Guerrero: Delegate Cing?

Delegate Cing: Thank you, Mr. President. I think, Mr. President, there's a problem here because Delegate Guerrero also mentioned about a meeting here.

President H. Guerrero: It's at the lower, big room. Any other announcements? I would like to remind the delegates that if they have not have their pictures taken today, the photographer is coming in tomorrow at around one o'clock. Delegate Calvo?

Delegate Calvo: Did you manage to get the people to drop down their price on that plaque?

President H. Guerrero: Delegate Cing?

Delegate Cing: I did that for you, Mr. President.

President H. Guerrero: What's the price now?

Delegate Cing: It's $130.

President H. Guerrero: It's $130. Delegate Cing will ensure that he will keep negotiating for a better price. Right, Delegate Cing? Any more announcements? Floor Leader Lizama?

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

Delegate Nabors seconded the motion.

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

Delegate Limes: Mr. President, you mentioned a couple of days ago that it's going to be at three o'clock.

President H. Guerrero: Do you have any objection to two o'clock? You do?

Delegate Limes: Yes, because I already have a scheduled plan with my family.

President H. Guerrero: Is this in reference to the Convention? Excuse me, I didn't hear you, Delegate Limes.

Delegate Limes: I have already made a plan for my family convention itself, and if I may ask the indulgence of the Floor Leader to make it at three o'clock. Thank you.

Floor Leader Lizama: No objection.

President H. Guerrero: Can we compromise at 2:30? Does anybody have any objection to three o'clock?

There being no further discussion, the motion to adjourn and to meet the next day at 3:00 p.m. was carried by voice vote.

The Convention adjourned at 10:39 a.m., and to reconvene on Sunday, July 7, 1985, at 3:00 p.m.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary

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

TWENTIETH DAY

Sunday, July 7, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 3:13 p.m., Sunday, July 7, 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.

The Convention Secretary called the roll, and 23 delegates were present. Delegate Mafnas was absent.

Secretary Mabors: We have 23 delegates present.

President H. Guerrero: We have a majority and a quorum present to conduct the Order of Business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the Summary Journal.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Summary Journal for Saturday, July 6, 1985. Discussions?

There being no discussion, the motion to adopt the Summary Journal for Saturday, July 6, 1985, was carried by voice vote.

COMMUNICATIONS

None

COMMITTEE REPORTS/RECOMMENDATIONS

Committee Recommendation No. 17, from the Committee on Personal Rights and Natural Resources, recommending for adoption of Resolution No. 6-85, Committee Draft 1, entitled: "A RESOLUTION RELATIVE TO REQUESTING THE NORTHERN MARIANA ISLANDS COMMONWEALTH LEGISLATURE TO AMEND SECTION 19 OF PUBLIC LAW 4-30 RELATING TO RATIFICATION OF PROPOSED AMENDMENTS."

President H. Guerrero: Under the Committee Reports, in the Order of Business, Committee Recommendation No. 17 is being rescheduled until tomorrow. There seems to be some problem with the report so that is not going to be taken up or submitted today. Are there any reports of the committees? Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has nothing to report today. Thank you.

President H. Guerrero: Chairman King?

Chairman King: The Committee on Personal Rights and Natural Resources would like to ask the Chair, as you announced it, that Committee Recommendation No. 17 will be scheduled for tomorrow. And with the exception of that report, we have nothing to report at this time.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, likewise, the Committee on Finance and Other Matters has no written report to report in this session.

President H. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has nothing to report at this time.

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

None

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTION AND REFERRAL

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

(At this point, Delegate Mafnas took his seat.)

GENERAL ORDERS OF THE DAY

Committee Recommendation No. 15: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 3(b) OF ARTICLE II RELATING TO COMPOSITION OF THE HOUSE OF REPRESENTATIVES AND TO DELETE SECTION 11 OF THE SCHEDULE ON TRANSITIONAL MATTERS RELATING TO SAIPAN ELECTION DISTRICTS."

Committee Recommendation No. 16: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE XVIII, SECTION 5(a) TO ALLOW PROPOSED AMENDMENTS TO BE RATIFIED IN A SPECIAL ELECTION."

President H. Guerrero: Delegate Pangelinan?

Delegate Pangelinan: I move that we resolve into a Committee of the Whole to discuss Committee Recommendation Nos. 15 and 16.

Delegate Lizama seconded the motion.

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

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

The Convention resolved into a Committee of the Whole at 3:22 p.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 5:48 p.m.

President H. Guerrero: The session is now reconvened. Delegate Pangelinan?

Delegate Pangelinan: Thank you, Mr. President. Your Committee of the Whole deliberated on Committee Recommendation No. 15 and after much deliberations, the Committee of the Whole voted "no" against adopting Recommendation No. 15. Your Committee of the Whole discussed Committee Recommendation No. 16 and they adopted it.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: I move that we adopt the recommendation of the Committee of the Whole.

There was a second to the motion.

President H. Guerrero: It has been moved and seconded to adopt the report of the Committee of the Whole by accepting Committee Recommendation No. 16 for first reading. Discussions?

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

MISCELLANEOUS BUSINESS

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I have two matters that I would like to bring to the attention of my colleagues. One concerns the, I guess, cavalier nature in which the Administration's witnesses are responding to request for information in the nature of public hearings. The Committee on Local Government held a public hearing more than a week ago, the individuals appearing promised written statements to their testimonies and to date, none has been received. The public hearings yesterday that were scheduled, one committee, the Governmental Institutions, no witnesses showed up at all. And I would like to suggest that the President considers addressing a letter asking whether or not an

invitation to appear should be followed, or whether or not subpoenas should be issued for those individuals that the committees desire to have testified. The other matter, Mr. President, I would like to bring to the attention of my colleagues that the constituents over from Tinian for the Fourth of July celebration were very interested in our work and asked that I remind the Convention that they look forward to receiving any of the standing committees for public hearings to be held on Tinian. Thank you.

President H. Guerrero: Thank you, Delegate Nabors. The Chair is aware of your first concern. Before the Chair writes to the Governor, I would like to find out first whether ample time, like two days notice were given to the witnesses in reference to public hearing. Chairman Guerrero?

Chairman DL. Guerrero: Information, Mr. President. In most cases, yes, because we have acknowledge receipts that have been acknowledged by each of the respective agencies or departments, however, excused were made at times before the committee that they just got it in few hours until such time that we proved it to them that this has been acknowledged by your office. So I agree with Mr. Nabors that witnesses from the government, especially the department heads or the directors of all these departments should be directed by the Governor to appear before the committee if we ask them to appear before the committee. It is important and essential that this Convention must accomplish its assignment as mandated by law within 30 days. Everyone is concerned about the eight hours job. Why the Convention have to work over or more than eight hours a day? Because we are mandated by that public law. So I think it is imperative that the witnesses have to bear with the committees at times when they have to work beyond their normal working hours and even holidays, Saturdays and Sundays. And I even told my witnesses that the last result of the committee is to exercise the subpoena and I hate to use that. I asked the cooperation also of the witnesses to please appear and bear with the committee on the task that we are facing.

President H. Guerrero: Thank you, Chairman Guerrero. Just for your information, I informally mentioned this to the Acting Governor, Lt. Governor Pedro A. Tenorio, yesterday and I told him that a letter is forthcoming from the Chair regarding this issue. Any other miscellaneous business? Delegate Villagomez?

Delegate Villagomez: Just to note that this is the 20th day of our Convention and so far we have only had one proposed amendment by the Convention. That one has to do with when are we going to have the next Constitutional Convention. It's almost embarrasing, but that's true. Now we have had one other one on first reading. I just signed five committee recommendations that will be submitted tomorrow. It looks like we are going to be very busy in the next few days. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez. I did encourage the chairmen of the standing committees to start submitting committee recommendations so we can take action. Chairman King?

Chairman King: Thank you, Mr. President. I was a little bit hesitant to get into a big argument on floor, however, I would like to ask the Committee on Local Government since they have been conducting from the beginning a lot of public hearings and they only have a local governmental issue. Since it's 20 days now, I hope that they could come out tomorrow or day

after tomorrow so we can see what's the status of the local government because that is the main concern of Tinian and Rota. Thank you, Mr. President.

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

Delegate Mafnas: Thank you, Mr. President. I wish to share an observation. On my proposal to abolish the distinguished Office of the Mayors, in the public hearing on Saipan, I am very dismayed, or I was very dismayed and I am still dismayed to know that potential candidates were the key witnesses during that public hearing. I hope that on the public hearing for the proposal on the commissionership, it will be open to everyone and not to the prospective candidates for the Office of the Mayor again to be the key witness to determine whether the commissionership should be revived. Lastly, Mr. President, I would like to congratulate your Committee on Personal Rights and Natural Resources for a job well done and for the manner that it receives and digests heated discussions relative to all the reports that have been presented so far. Thank you.

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

Chairman Manglona: Mr. President, I would like to comment on the adoption of the Proposal No. 15. You mentioned in the Committee of the Whole that it is important that....

President H. Guerrero: Point of clarification. It's 16.

Chairman Manglona: I mean on the defeated Recommendation 15, I'm sorry. I agree with your statement that this Convention should consider itself as working for the good of the whole Commonwealth and that the whole Commonwealth should act as one and not as different minority groups or as coming from different islands. However, I would like to point out that that is an ideal situation that we would like to see. And I would like to point out that in order to obtain that ideal situation and before we obtain that, it is a fact of live that all of us have distinct needs, have differences, have different desires and that these differences must first be recognized. The Commonwealth must recognize these differences. And once they are recognized, then we will act as one. That is why we have this Constitutional Convention, that is why you have different delegates from different islands coming here to voice our differences. And by recognizing these differences, then we will act as one Commonwealth. As Delegate Mundo pointed out, he has no problem in a unicameral legislature. I, for one, have no problem also in a unicameral legislature but we can have this only if the differences are recognized. If each of the minorities are recognized, then there will be no problem. So I realize that this Recommendation 15 and everyone of us should admit it that indirectly it affects minorities and therefore we should recognize this. Once we recognize this, we have no problem. We will move on and we will act as one Commonwealth. On another matter on Local Government Committee, it's a big job to come out with a recommendation because of this idea of realizing the differences of the islands. This committee intends to recognize these differences. When we come up with a recommendation, we will come up with a package that hopefully would listen and recognize the different islands and will really take into account their needs and their wishes. So please bear with us because once we have this package out, we

hope to have provided you with the wishes of the people and that with the recognization of this, I think this Commonwealth will be a great Commonwealth. Thank you.

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

Delegate Mendiola: Thank you, Mr. President. Going through the public notices that have been issued out by the committees, I found out that the witnesses have been identified as Mayor of Tinian and Mayor of Rota and I was wondering whether these notices have been sent to Tinian for this purpose.

President H. Guerrero: Can somebody respond? Can you figure out which committee?

Delegate Mendiola: If you look at the notices, I think it's all the committees.

President H. Guerrero: Is that the one that has just been passed out today?

Delegate Mendiola: Not only that, but all the committees.

Chairman DL. Guerrero: For your information, we have been sending it out to Tinian and Rota.

Delegate Mendiola: Maybe our committee but not the others.

Delegate Mafnas: Point of order.

Chairman DL. Guerrero: There is no such thing as point of order under Miscellaneous Business.

Delegate Mendiola: Mr. President, I think during the July 4th celebration here, some of our constituents had mentioned that public hearing notices were not forwarded to Tinian, and I would like to asks the indulgence of the chairman of each committee to please send the public hearing notices to both Tinian and Rota.

President H. Guerrero: That is a very good suggestion, Delegate Mendiola, and I hope the chairmen are listening and will make it routinely as a habit of transmitting a copy of the notice of public hearings to Rota and Tinian. Yes, Delegate Inos?

Delegate Inos: Thank you, Mr. President. To respond to Delegate Mendiola's question, I inquired about the same question at the initial stage when we started to have our hearings and I was informed that the Steno Pool will take care of informing the other islands and that they will be sending the information to the other islands, and I'm satisfied with their response. Thank you.

President H. Guerrero: So I stand corrected, and I will inform the Steno Pool and to ensure that copies are sent to the respective islands. Delegate Torres?

Delegate Torres: Thank you, Mr. President. My comment would be confined to Delegate King's suggestion or hint on the Local Government Committee. I

just would like to remind Delegate King that the Committee on Local Government does not work on a piecemeal and hazard fashion, rather, this committee will present to the Convention a comprehensive package taking into account not only the views of Rota, Tinian but Saipan as well, and we have yet to have our public hearings on Saipan. And for your information, we will be having that on Tuesday. And until such time that we have completed our public hearings, that will be the time when you will be accorded a comprehensive package relative to the deliberations and reports of the Committee on Local Government. Thank you.

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. I would like to point out an observation here. The presentation that we have today which is considered a major presentation of one-man one district precinct, it took us three hours to deliberate and finally decided upon. I would like to ask the Chair that maybe he can go back to the respective committees and ask them how many presentations they are going to make and times that by three hours and arrange ourselves within the remaining ten days to finish it up. Thank you.

President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President. I just would like the record to show that I am very afraid of the unicameral.

President H. Guerrero: Are you answering Delegate Reyes's question, or are you just talking on top of your head?

Chairman King: No. I just want that to show in the record because some of the people are not afraid of the unicameral, but I am really afraid.

President H. Guerrero: Thank you, Delegate King. It might be good also, probably in the committee's recommendation to point out the advantages as well as the disadvantages. That might shorten the time of debate. It's just a recommendation, but I believe that will be worth thinking about.

Delegate Mafnas: Suggestion, Mr. President.

President H. Guerrero: Yes, Delegate Mafnas?

Delegate Mafnas: Your Committees on Personal Rights and Natural Resources and the Governmental Institutions experienced a very productive way in accomplishing many, many of the proposed amendments. We sat here one day for about five hours and we were able to entertain all of the proposals affecting a particular article. Moreover, we agreed not to disagree. I wonder whether the committees having dual assignments can sit down and look at all the proposals and jointly review them. It took us less than five hours or a little over five hours to do away with one article. The way it is now, if we are going to have 20 proposals submitted or recommendations for adoptions, you multiply that by the number of hours will take us to decide, you know, you are going to stop the clock at 11:59 p.m. on the 17 of July. This is just a thought. Maybe your Committee on Organization and Procedure can further discuss this. Thank you.

President H. Guerrero: Thank you, Delegate Mafnas. Your concern is noted by the Chair. Any more miscellaneous business? Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I think everybody is concerned about the time element now with the bulk of workload ahead of us and the short period of time that we are facing. I think we should push the measure that are supposed to go to the Congress. Make sure that we can get that IO extra days more aside from this delegation of the Convention.

President H. Guerrero: Thank you, Delegate Kaipat. Any other miscellaneous business? Yes, Floor Leader Lizama?

Floor Leader Lizama: Mr. President, if there's no further miscellaneous business, shall we go into announcements?

ANNOUNCEMENTS

President H. Guerrero: Okay. We are on Announcements now. Any announcement? Chairman Manglona?

Chairman Manglona: Your Committee on Local Government will be meeting immediately after this Convention's session. Thank you.

President H. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has scheduled a public hearing to deal on an incredible load of proposals dealing with Article III. The public hearing is scheduled for Tuesday at nine o'clock in the morning. I also would like to make an announcement that the Committee on Governmental Institutions would like to meet with the members tomorrow morning at ten o'clock.

President H. Guerrero: Chairman King?

Chairman King: The Committee on Personal Rights and Natural Resources will meet tomorrow at 8:30 a.m. And also, I would like to make an additional announcement that we are going to have a second public hearing here on Saipan regarding the issue of crime victim.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters wishes to announce also that we will have a public hearing tomorrow night here in the Chamber. Since we will have quite numbers of witnesses, we may have to use this Chamber if no other committee will conduct a public hearing here. In line, I would like to ask the committee members to meet here tomorrow morning at eight o'clock.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: I would like to urge everyone here in this Convention to please attend our public hearing to be held on July 9, Tuesday evening, 6:30 p.m., at the Garapan Elementary School Auditorium. The proposals involved here are Delegate Proposals 109-85, 160-85, and 162-85. I'm sorry, 160-85 and 162-85 will be heard in another public hearing earlier that same day at the Federal District Court in Nauru Building, at nine o'clock. So on Tuesday again, we will have two public hearings. One at nine in the morning at the Federal District Court, Nauru Building,

regarding Proposals 160-85 and 162-85. That same day at 6:30 p.m., at the Garapan Elementary School, we will be discussing 109-85. Thank you.

President H. Guerrero: Before I entertain for adjournment, can I have a show of hand on the number of delegates who have not had their pictures taken for that plaque? Three people? I would like to call the gentleman in probably tomorrow again so we can get this thing out of the way. Do you prefer it in the morning or afternoon?

Floor Leader Lizama: Afternoon, before the session.

President H. Guerrero: What time is the session?

Floor Leader Lizama: Four o'clock.

President H. Guerrero: One o'clock.

Floor Leader Lizama: Four.

Chairman DL. Guerrero: Mr. President, I thought we all agreed that the session is going to start at 3:00 p.m.

President H. Guerrero: I would like to actually start the session at two o'clock.

Floor Leader Lizama: I was wondering if we could be meeting at four o'clock so the committees could be working. I think most of the work tomorrow would be....

President H. Guerrero: Can we have the session and then the committee works?

Floor Leader Lizama: I prefer that since I don't think we will be doing much in tomorrow's session.

President H. Guerrero: My concern is that, you know, if we go after the working hours, we are talking about overtime for the staff. I'm trying to minimize so we don't over expend it.

Floor Leader Lizama: Oh, I see. Two o'clock is fine and I so move.

Delegate Mendiola seconded the motion.

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

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

The Convention adjourned at 6:15 p.m., and to reconvene on Monday, July 8, 1985, at 2:00 p.m.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary

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

TWENTY-FIRST DAY

Monday, July 8, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 2:20 p.m., Monday, July 8, 1985, at the Convention Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

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

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

President H. Guerrero: We have a majority and a quorum to conduct the Order of Business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the 10th Day's Journal.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the 10th Day's Journal. I believe there's another one that's being passed out, the Summary Journal for the 20th Day. Would you like to consider that also?

Floor Leader Lizama: I haven't seen it, Mr. President, but if I've seen it I will move for its adoption as well.

President H. Guerrero: Yes.

Floor Leader Lizama: Mr. President, I would move that we adopt also the Summary Journal.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt both the 10th Day's Journal and the 20th Day's Summary Journal. Discussions? Before we vote, under the Summary Journal, any reference to Committee Report 15 should reflect Committee Recommendation.

There being no discussion, the motion to adopt the 10th Day's Journal and the 20th Day's Summary Journal was carried by a voice vote.

COMMUNICATIONS

None

COMMITTEE REPORTS

Committee Recommendation No. 18, from the Committee on Personal Rights and Natural Resources, recommending for adoption of Delegate Proposal Nos. 80-85 and 101-85, amendments to Section 1 of Article VIII of the Constitution regarding regular general election.

President H. Guerrero: Chairman Lizama?

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

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has nothing to report today. Thank you.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Yes, Mr. President, your Committee, of course, likewise has nothing to report to this Convention today.

President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President. The Committee on Personal Rights and Natural Resources would like to report to the Convention, Committee Recommendation No. 18.

President H. Guerrero: Can you restate your statement? I didn't hear that.

Chairman King: The Committee on Personal Rights and Natural Resources would like to report to the Convention, Committee Recommendation No. 18.

President H. Guerrero: Can you read the title of Committee Recommendation No. 18? Excuse me, we'll carry that later in the Order of Business. We'll get to read it during the Introduction and the First Reading.

Chairman King: Okay, thank you.

President H. Guerrero: Any other reports of committees?

INTRODUCTION AND FIRST READING AND REFERRAL OF PROPOSALS

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

President H. Guerrero: Chairman King?

Chairman King: Committee Recommendation No. 18 is to amend Article VIII, Section 1, to change the date of the regular general election to Saturday.

President H. Guerrero: Thank you.

SECOND AND FINAL READING OF PROPOSALS

Committee Recommendation No. 16: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE XVIII, SECTION 5(a) TO ALLOW PROPOSED AMENDMENTS TO BE RATIFIED IN A SPECIAL ELECTION."

President H. Guerrero: Under Second and Final Reading of Proposals, we have Committee Recommendation No. 16. Can I call on the Secretary to read the title or the proposed amendment?

At this point, Secretary Nabors read Committee Recommendation No. 16 in its entirety.

President H. Guerrero: Delegate King?

Delegate King: I move that we adopt Committee Recommendation No. 16 on Second and Final Reading.

Delegate Mundo seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 16, to amend Article XVIII, Section 5(a) to allow proposed amendments to be ratified in a special election. Discussions? Floor Leader Lizama?

Floor Leader Lizama: Mr. President, there is a proposed amendment to Committee Recommendation No. 16 which has already been passed out to every delegate and the intent of this amendment is to provide for a special election for the purposes of ratifying constitutional amendments and to make it separate with the general election and also there will be at least 60 days for the general public to have a view on the proposed amendments but the general public also will not have to wait. They would not have to wait for more than a year before they could be given the opportunity to ratify the amendments. And I guess I'm thinking that the proposed amendment to Committee Recommendation No. 16 will alleviate the possibility of a problem in the future. And the one that I'm foreseeing, the problem that I'm foreseeing is that it might occur in the next 10 years. It is very possible or conceivable that a popular initiative may be called for, for instance, next year after this year's general election. And if that is the case, it means that the people might have a Constitutional Convention and then when it comes to ratifying the Constitutional Convention, the people would have to wait two years time to ratify the amendments. And so I don't know; it could be just a minor concern, but I think it's something to consider. And if I may ask the indulgence of the delegates to consider the proposed amendment based on its intent, I think that we could all agree that separating...

Delegate Mafnas: Mr. President, point of order.

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

Delegate Mafnas: Why are we discussing the proposed amendment? The principal motion has not been amended. The motion is to adopt Committee Recommendation No. 16. Or is that 18?

President H. Guerrero: Committee Recommendation 16 for Second and Final Reading.

Delegate Mafnas: 16.

Delegate Villagomez: I agree.

Floor Leader Lizama: So, at least, Mr. President, I'm offering the proposed amendment to be considered. If no one would second the proposed amendment, then that's it. But if it will be seconded, then be it.

President H. Guerrero: Can you state your motion?

Floor Leader Lizama: The motion is to amend the proposed amendment to Committee Recommendation No. 16.

Delegate Nabors seconded the motion.

President H. Guerrero: Does everybody has a copy of that proposed amendment? Discussions? Delegate Villagomez?

Delegate Villagomez: The proposed amendment is a bad amendment and I strongly oppose such an amendment.

President H. Guerrero: Why? Delegate Lizama?

Floor Leader Lizama: The proposed amendment, as I already tried to explain, would assure the voters to be able to vote on the amendments at least 60 days, no earlier than 60 days after the amendments date then adopted by the Convention and, at the same time, it would allow the voters to be able to vote on the amendments no later than one year. And the proposed amendment is suggesting that a special election be had rather than having to await for the general election to take place before the voters could be able to consider the amendments. That is the main point on this proposed amendment. Because, for instance, we have now the Constitutional Convention and, of course, under the law which created this Convention, the voters would be able to vote on the amendments, the by-products of this Convention by this year's general election. However, if there is a popular initiative next year for a Constitutional Convention and it so happen that a Constitutional Convention is held in March, for instance, there would not be any general election next year in November. The next general election will be sometime in 1987 November. Now, if that is the case, the voters are not going to be able to quickly take action on the amendments. That is the points of this proposed amendment. I don't think it's fair for the people to wait for two years before they could be given a chance to vote on a popular initiative for the Constitutional Convention's by-products.

President H. Guerrero: Delegate Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. Listening to the author or the delegate that is proposing this amendment, I believe that the basic concern is already covered under the Committee's recommendation. It also allows that should there be any requirements, then a special election has to be held. So to me, the language of the recommendation made by the committee is pretty in line with the intent of the voters as well as the Legislature should they decide to hold a special election.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Actually, if we look at the existing provision of the Constitution, there's really nothing wrong with this provision. I'm of the opinion that the Legislature would never enact a law for a Constitutional Convention if the law will not meet the requirements of the existing provision of the Constitution. But with the proposed amendment, with the committee's recommendation under Committee Recommendation No. 16, it leaves doubt in my mind that the people would have a quick time to make review of the constitutional amendments. And that's why I'm proposing or I'm suggesting the proposed amendment to Committee Recommendation No. 16 itself. I don't have any problem with the existing provision because I know, I'm pretty sure that the Legislature is just not going to enact a law establishing a Constitutional Convention if it's not going to meet the 60 days time for the people to be able to educate themselves on the proposed amendments.

President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. If Delegate Lizama has no problem with the existing provision or the language of Committee Recommendation No. 16, then I believe that he is supporting the Recommendation No. 16. In addition to that Recommendation No. 16, it gives the Legislature the flexibility to help the people in the Commonwealth to look over the proposed amendments by the Convention. And in line to that, I hope that we should not try to tell how and what the Legislature to do with the special election. So I believe that Delegate Lizama is in full support with our recommendation and I would like to ask him to withdraw his motion.

President H. Guerrero: Delegate Lizama, are you willing to entertain Delegate King's suggestion?

Floor Leader Lizama: I would still ask that we consider the proposed amendment and I disagree that Committee Recommendation No. 16 is similar to what we have now. If it is similar, then why do we change it? At least in the existing provision the Legislature could pass a law for a Constitutional Convention in January of this year, for instance, and that would assure, of course, that the people would have the say in November whether they would ratify the amendments. But under the Committee Recommendation No. 16, there's no such assurance.

Delegate Mafnas: I move to end debate.

It was seconded from the floor.

The motion to end debate was carried by voice vote.

The motion to amend Committee Recommendation No. 16, as proposed by Delegate Lizama, was defeated by 4 for and 12 against the motion.

President H. Guerrero: Discussions on the main motion? Delegate Nabors?

Secretary Nabors: Thank you, Mr. President. I would like to reiterate a concern raised earlier on this proposal. As I read it, the proposed amendment has written the flexibility under the language of the Constitu-

tion as is presently written. The language from the present Constitution provides that a proposal shall be submitted by the Convention in the next regular general election that is held at least 60 days after the amendment is proposed. Under the amendment, there is no such 60-day statement. If the Legislature does not provide for a special election, then any amendment drawn by the Constitutional Convention or by initiative shall be submitted to the voters in the next general election even if it's a week away. And I believe that it is unwise to remove the 60 days limitation and substitute it for a nebulous and probably an unenacted special election law by the Legislature. I would ask that you give this thought a matter of serious consideration because once it is adopted then we are going to be stucked with the possibility again of a proposal to amend the Constitution having to be voted on by the electorates with conceivably no time at all to have any political education. And we know that there are several ways in which the Constitution can be amended. It does not have to be by Constitutional Convention, and we are just leaving ourselves vulnerable to that possibility and I think it is very unwise. Thank you, Mr. President.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. The concern raised by Delegate Lizama and Delegate Bill Nabors indicates to me that they are suspicious or they don't trust that the Legislature would provide for adequate time for preparation and they used the word nebulous and unenacted special election. The flexibility that is given in the present proposed constitutional amendment of course, is based on the trust that we should give to our Legislature. If the Legislature feels that 30 days is sufficient time for between the proposed amendment and the election, then why should we restrict the Legislature from giving it 30 days and require instead that it be 60 days. What if under the initiative there is only one question in the Constitution to be proposed for amendment and during the course of the initiative, the people become fully aware of the issue and how it's going to be proposed, are you going to give the people six months and wait that long in order for them to be presented at the next election? It might be only 15 days needed to allow the people to be prepared to vote. On the other hand, if the amount of proposed amendments is so great and the amount of time between the Convention and the election is only one month, the Legislature can then establish a special election that would be six months or more after that time. So all the concerns are actually covered except the concern of the Legislature may not act. In that respect, I want to point out that we're talking about possibly 10 years from now before we have the next Constitutional Convention. I think it's very unlikely that a Constitutional Convention would be done or constitutional amendment would be done by the initiative because there has to be something very dramatic that happens in the CNMI that would require a large majority of people to push for an amendment to the Constitution. Within the last seven years we have not seen any opposition to any portion of the Constitution. In fact, we are having a hard time deciding how we are going to amend our Constitution because the Constitution is a good document. It's a working document and we're having a hard time figuring out how we're going to amend it because it really doesn't need that much amendment. And so the possibility of an amendment by initiative is very unlikely. If the next Constitutional Convention is 10 years from now, we cannot say, what kind of a Legislature we're going to have, or we can't predict that it would be better than what we have now because we have the

tendency to grow and mature and be more educated and establish a better pattern of legislation. And so all the concerns that are raised are covered, and I will not draft a Constitution based on mistrust on what the Legislature would do 10 years from now. Thank you.

President H. Guerrero: Can I ask a clarifying question with Delegate Villagomez? Are you saying that if we have a strong Legislature we should have a weak Constitution? Is that what you are implying on what you've just said?

Delegate Villagomez: I don't remember saying anything about strong Legislature.

President H. Guerrero: You're making reference that the Legislature will enact the legislation and so forth, but I was trying to find out whether you're implying in your statement when you're saying that if we have a strong Legislature we should have a weak Constitution.

Delegate Villagomez: No, I'm not saying that and I'm not implying that, and it wouldn't make any sense to make that kind of a statement.

President H. Guerrero: I was only asking a clarifying statement.

Delegate Villagomez: Okay.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: Thank you, Mr. Chairman. Would the proposed amendment that the committee is putting forth to us going to have any bearing on the amendments that we are proposing now?

President H. Guerrero: No.

Delegate Ogumoro: It would have no bearing. My only concern with this proposed Committee Recommendation or the Committee's Recommendation is not putting a timetable for the Legislature to act. Experiences in the past have indicated to us that problems may arise if we do not put a time limit or a deadline for the Legislature to act. Supposed that the Legislature decide not to take any action on the proposed amendments until just a few days before the general election and no special election law was established, how are we going to do with that in terms of public education on whatever amendments are proposed by the Convention?

President H. Guerrero: Delegate Villagomez?

Delegate Ogumoro: Are we going to then again do a rush job and hold a special session just to deal with that concern, or is that taken into consideration by the committee when they were deliberating on the measure?

Delegate Villagomez: Yes, that consideration was taken into by the committee and that was asked during the committee's deliberations. The position of the committee is if the Legislature establishes a Convention and under the law that establishes the Convention the Convention would end, let's say, two weeks before the general election, it is our believe that the Legislature would establish a special election for the adoption of the proposed amendments if it deems that two weeks period is inade-

quate. And so if it's a general, open convention for the delegates to again search in the Constitution for something to change that they would establish a special election perhaps three months after the general election, as an example, and they would put that in the law that creates the Constitutional Convention, the enabling act.

Delegate Ogumoro: What is the difference really between the amendment that the committee is recommending and the provision of our Constitution, Section 5 of Article XV?

Delegate Villagomez: The difference is, we're stucked with the 60 days before the general election. Let's say that the Convention ends 30 days, right, 30 days before the general election. We cannot present it to the voters at the next general election because we would violate the 60 days restriction. And the next time that they will be presented to the voters would be over two years later. And so the proposed amendments will be sitting for over two years before they are presented to the voters, more than two years later. To prevent that, we're giving the Legislature the authority to establish a special election for purposes of ratifying the proposed amendments and we're eliminating the 60 days because there maybe situations where only one proposed amendment to the Constitution is done, let's say, by initiative. Let's say there's an initiative done by the public that says "we shall eliminate the Public Land Corporation". And then through initiative, that's to be presented in the next general election and that's the only question to be presented. That's only one question. You may not need 60 days; you may just need 30 days or 20 days in order to do that. So we're giving the Legislature the flexibility to determine how many days we need prior to the general election or after the general election.

Delegate Ogumoro: Why hasn't the committee just simply take the present language of the Constitution and simply add on the phrase "or at a special election established by law?" I'm just throwing that out.

Delegate Villagomez: Yes, we thought about that because if we did that we are still stucked with the 60 days. So even if there is one simple amendment to be made to the Constitution, we still have to wait 60 days even though we don't need the 60 days. Let's say there's going to be a proposed amendment to the Constitution to prohibit abortion, period, by initiative. We feel that we don't need 60 days to educate the people, that's just an example, on one simple amendment; we may need just 30 days. In that case, we can have the proposed amendment presented at the next general election which is only 30 days away. If we keep the language as it is now in the Constitution, we can't do that. You have to wait for over two years until the next -- or if we add your recommendation, then it would be after the general election and it would be at a special election. So we're taking away the 60 days because we may not need 60 days and we're adding a special election because we may need more time than 60 days.

Delegate Ogumoro: Thank you, Mr. President.

Floor Leader Lizama: Mr. President, it's just no way that I can play God and say that we would never or we may not need to have 60 days before we should ratify an amendment. The Constitution of any sort is so important, so crucial to a government, to the state, to the people. In the area of Constitution, I disagree that that's an area so simple that it could be

resolved in a matter of 30 days or 60 days. It has taken the Legislature over two or three years before they even decided to consider passing a legislation with respect to prostitution and still have not pass any. I really think that we should give the general public, we should always think that the general public needs more time to consider constitutional amendments, and 60 days to some of us maybe too long but I think for the general public I think 60 days is too short at times, or oftentimes, I mean. I don't know I've never encountered in my readings of a constitutional amendment that has a ratification period of less than 60 days. And for that reason, I have to say that we got to have something to assure the voters that they have at least time to prepare themselves on voting on the amendments and at least also time for them to be able to decide one way or the other rather than just leaving it up to the Legislature. Since the beginning of this Constitutional Convention, I've never criticized the Legislature and I've always believed that the Legislature is doing a good job. I've a lot of faith on the Legislature. I'm glad to hear that Delegate Villagomez now is saying that he has faith on the Legislature and this is one instance where he has expressed it. And if I may make you recall the statement yesterday by Delegate Mafnas, Delegate Mafnas strongly stated that the people should not have to ratify the amendments during general election. If he's changing his position now, then I'd like to hear from him what is rationality.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Well, Mr. President, thank you. The proposed amendment calls for either the general or special election. Maybe I was one of those delegates who castigated the Legislature. If I did, then I did it again prematurely. I relied on the wisdom of the Legislature. I do not want to sit here and continue to say that they are inactive, they are unresponsive. The constitutional amendment or amendments are very crucial to our people. I would like to leave this decision to the wisdom of the Legislature. The concern that I have is on the amendments to be ratified during the general election. Let's say, Mr. President, that we have 45 amendments or 20 amendments, for that matter, to be ratified during the general election. This is the general election. We have candidates for the gubernatorial and for the legislative branch. The voters will probably place less attention on the proposed amendments. Maybe I am underestimating the voters, but I'm afraid that if the amendments are presented during the general election, less emphasis will be put by many of the voters. The political leaders, like yourself, Mr. President, and me and many of us will probably be very busy campaigning for their favorite candidates and we will not go out and try to explain the amendments to our people. It's unfortunate that these amendments that we are proposing will be placed in the general election. To avoid this situation that we will be facing in November, I do not see any problem with Committee Recommendation No. 16. I think we will solve the same problem in the future. There's nothing we can do now about the general election, we just have to individually continue on to explain to our people why a particular amendment must be voted "yes." I do not intend to answer my Chairman's concern or question why am I changing my position. I don't think I have changed my position. Thank you.

President H. Guerrero: Before I call on Delegate Manglona, I'll call on Delegate Guerrero; he had his hand up earlier.

Delegate DL. Guerrero: Thank you, Mr. President. Again, any amendment to the Constitution has to be a very genuine one. We cannot simply to pay for any general election or special election just because you want to amend something in the Constitution that is not very important to our people. And for that reason, Mr. President and fellow delegates, I think the proposed recommendation by the committee is so appropriate that should any genuine proposed amendment to be posed before the people, I think they can hold a special election at any time. I think the provision of lifting up the 50 days provision is pretty well taken by the committee and I think the committee's recommendation is appropriate, Mr. President.

President H. Guerrero: Thank you, Chairman Guerrero. I'll call on Chairman Manglona.

Chairman Manglona: Thank you, Mr. President. I agree with everything in this amendment; I have no problem except for one. I would like to ask the committee if they look at Article XVIII, Section 2(c). If we notice in this Convention, the voters approved by more than two-thirds to hold a Convention but they did not act promptly to convene a Convention. So with this amendment, a Convention can be held indefinitely even one, or two, or three, or four, or five years after two-thirds of the Commonwealth has approved to hold a Convention. So I'd agree with this proposed amendment if they change Article XVIII, Section 2(c), and say that the Legislature shall convene upon two-thirds of the vote, affirmative approval, a Convention within two months or three months, or specify a time. That way, a Convention will be held promptly. If we just leave this word "promptly" here, then this amendment will allow for a convention to be held at any time because the only definite period here or controlling period here is the special election. When is the special election? It can be three years down the line after the approval of two-thirds. Thank you.

President H. Guerrero: Thank you, Delegate Manglona, and I'm sure that there is always the recall procedure in terms of recalling your legislators if they are not doing their job. And they can always do that by initiative.

Delegate Mafnas: I move to end debate.

The motion was seconded and carried by voice vote.

The motion to adopt Committee Recommendation No. 16 (Section 5(a), Article XVIII re Regular General Election) on Second and Final Reading was voted on by a roll call vote, as follows:

YES: Delegates Vincent Calvo, David Cing, Herman Guerrero, Lorenzo Guerrero, Alonzo Igisomar, David Igitol, Rita Inos, Benusto Kaipat, Esteven King, Luis Limes, Juan Lizama, Jesus Mafnas, James Mendiola, Aniceto Mundo, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres, Ramon Villagomez and Ignacio Villanueva. (20 votes)

NO: Delegates Paul Manglona, William Nabors and Felicidad Ogumoro. (3 votes)

ABSTAIN: Delegate Maria Pangelinan. (1 vote)

The motion was carried.

INTRODUCTION OF RESOLUTION AND REFERRAL

RESOLUTION NO. 7-85: "A RESOLUTION SUBMITTING TO THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE CERTAIN DELEGATE PROPOSALS WHICH ARE DEEMED AS APPROPRIATE LEGISLATIVE MATTERS AND REQUESTING THE LEGISLATURE TO TAKE ACTIONS THEREON.", introduced by the Committee on Personal Rights and Natural Resources. (Prefiled on 7/7/85)

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: I hereby introduce Resolution No. 7-85, authored by the members of the Personal Rights and Natural Resources Committee and ask that it be referred to the proper committee for committee consideration.

President H. Guerrero: Can you read the title please?

At this point, Delegate Villagomez read the title of Resolution No. 7-85.

President H. Guerrero: Thank you.

Delegate Villagomez: Mr. President, copies of the resolution have been passed out.

President H. Guerrero: Thank you. Any other resolution? If none, we're under Unfinished Business.

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

None

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENTS

President H. Guerrero: Any announcements? Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions will have a public hearing tomorrow at nine o'clock here.

President H. Guerrero: Chairman King?

Chairman King: Your Committee on Personal Rights and Natural Resources will meet tomorrow here at nine o'clock to join with the Committee on Finance and Other Matters on the hearing scheduled at nine o'clock tomorrow.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters at this time is happy to announnce that a public hearing will be conducted again tomorrow morning at nine o'clock right here in the this Chamber. I hope that it will not be in conflict with the other committee hearings. I think there is a joint hearing at 12:00 of the Committee on Personal Rights and Natural Resources. And immediately after adjournment, I would like to have the committee members meet also regarding some of the committee assigments.

Chairman Lizama: Mr. President, point of information.

President H. Guerrero: Yes, Delegate Lizama.

Chairman Lizama: May I ask Chairman Guerrero where his public hearing is going to be conducted? Because we've been having some problems and I thought we've made that agreement that the Committee on Finance and Other Matters is supposed to be using the Senate Chamber and all of a sudden the Finance Committee is now taking this place up and we've been hampered in the last two or three days from conducting our public hearings because of the misunderstanding right now that we face.

Chairman DL. Guerrero: Mr. President, that's an incorrect statement. There's no misunderstanding on our part. The Committee on Finance and Other Matters changed the schedule and places of conducting public hearing simply because of some inconveniences. Down at the Senate Chamber, as you know, it's hot at all times. There's no airconditioner. And furthermore, we are only announcing our public hearing should there be no other committee that is going to use this particular area in the Convention Chamber. Now, should your committee is going to conduct a public hearing here, we have no problem down in that small space. We've been conducting our public hearing there. This morning it may be in conflict, but we did reschedule ourselves since last week because of the bulk of witnesses that want to appear before the committee. Thank you.

Chairman Lizama: Mr. President?

President H.Guerrero: Yes, Chairman Lizama.

Chairman Lizama: I appreciate that, Chairman Guerrero, because tomorrow's matters are so important that we need to have this place tomorrow morning at nine o'clock.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Thank you, Mr. President. Your Committee on Local Government is, once again, happy to announce that there will be a public hearing tomorrow at Garapan Elementary School regarding Proposal No. 109-85. This is with regards to commissionership. Another public hearing earlier tomorrow morning will be held at the District Court in Nauru

Building regarding Proposal Nos. 160-85 and 162-85. Also on tomorrow's public hearing at Garapan Elementary School, we will be covering Proposal Nos. 250-85 and 251-85. Proposal 250-85 is with regards to the Office of the Mayor of the islands north of Saipan to replace it with an elected House of Representative member. Proposal 251-85 is with regards to abolishment of the Office of the Mayor of Saipan and to replace it with village commissioners. The members of your Local Government Committee will be meeting right after this Convention's session. Thank you.

President H. Guerrero: Any other announcements? If none, the Chair is ready to entertain adjournment. Floor Leader Lizama?

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

Delegate Mendiola seconded the motion.

President H. Guerrero: The Chair would like to convene at 2:00 o'clock. Yes, Chairman Guerrero?

Chairman DL. Guerrero: Point of clarification, Mr. President. You know, there's a sad experience we have been encountering on these public hearings and I have another public hearing tomorrow. As you can see it, your Committee on Finance and Other Matters has a lot of reports that we have to report to the Convention. By allowing us up to three o'clock, an extra hour, that would certainly assure us at least that by tomorrow we will have some reports.

Delegate Mafnas: The motion, Mr. President, is for three o'clock. We are ready to vote on that motion.

The motion to adjourn and to reconvene the next day at 3:00 p.m. was carried by voice vote.

The Convention adjourned at 3:14 p.m. and to reconvene on Tuesday, July 9, 1985, at 3:00 p.m.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary

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

TWENTY-SECOND DAY

Tuesday, July 9, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 3:15 p.m., Tuesday, July 9, 1985, at the Convention Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

The Convention Secretary called the roll, and 23 delegates were present. Delegate DL. Guerrero was absent.

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

President H. Guerrero: We have a majority and a quorum to conduct the Order of Business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the Summary Journal.

Delegate Mendiola seconded the motion.

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

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

COMMUNICATIONS

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

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

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

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

COMMITTEE REPORTS/RECOMMENDATIONS

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

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

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

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

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

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

President H. Guerrero: Chairman Lizama?

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

President H. Guerrero: Chairman Manglona?

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

President H. Guerrero: Vice Chairman Rita Inos?

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

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

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

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

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

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

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

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

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

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

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

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

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

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

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

SECOND AND FINAL READING OF PROPOSALS

None

INTRODUCTION OF RESOLUTION AND REFERRAL

None

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

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

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

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

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

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

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

Delegate Mendiola seconded the motion.

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

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

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

COMMITTEE OF THE WHOLE

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

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

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

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

Delegate Torres seconded the motion.

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

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

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

MISCELLANEOUS BUSINESS

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

President H. Guerrero: Delegate King?

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

President H. Guerrero: Delegate Guerrero?

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

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

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

President H. Guerrero: That's correct.

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

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

President H. Guerrero: Delegate Nabors?

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

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

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

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

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

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

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

President H. Guerrero: Chairman Guerrero?

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

Delegate Lizama: Mr. President, just one comment.

President H. Guerrero: Yes, Delegate Lizama.

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

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

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

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

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

President H. Guerrero: Delegate Igitol?

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

President H. Guerrero: Delegate Mafnas?

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

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

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

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

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

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

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

President H. Guerrero: Delegate Mundo?

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

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

ANNOUNCEMENTS

President H. Guerrero: Chairman Guerrero?

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

President H. Guerrero: Chairman Manglona?

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

President H. Guerrero: Chairman King?

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

President H. Guerrero: Chairman Lizama?

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

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

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

Chairman DL. Guerrero seconded the motion.

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

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

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

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary

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

TWENTY-THIRD DAY

Wednesday, July 10, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 2:27 p.m., Wednesday, July 10, 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.

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

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

President H. Guerrero: We have a quorum to conduct the Order of Business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, we don't have the journals. Do we have the Summary Journal?

President H. Guerrero: You should have it. It's the second one.

Delegate Mafnas: I move for its adoption.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Summary Journal for Tuesday, July 9, 1985. Discussions?

There being no discussion, the motion to adopt the Summary Journal for Tuesday, July 9, 1985, was carried by voice vote.

COMMUNICATIONS

Comm. No. 9, from the Chairman of the Civil Service Commission, re eligibility for overtime compensation of accepted and ungraded employees of the Constitutional Convention.

Legal Opinion No. 27, from Mr. Eric S. Smith, Assistant Attorney General, re vested rights gained by an alien who has been permitted to vote in an election and related issues.

Legal Opinion No. 28, from Mr. Eric S. Smith, Assistant Attorney General, re submission of budget by the mayor of the island to the Legislature.

Legal Opinion No. 29, from Mr. Eric S. Smith, Assistant Attorney General, re Delegate Proposal No. 227-85 regarding voting in prior two elections as a qualification for office.

Legal Opinion No. 30, from Mr. Joel J. Bergsma, Chief Legal Counsel, House of Representatives, re Delegate Proposal Nos. 51-85, 52-85 and 211-85 regarding veto authority.

Legal Opinion No. 31, from Mr. Eric S. Smith, Assistant Attorney General, re assignment of legal opinion request on abortion to Mr. David Price, Governor's Special Legal Advisor.

Comm. No. 10, a copy of Governor Pedro P. Tenorio's letter to the Legislature re Public Law No. 4-45 (Nuclear and Chemical Free Zone).

Comm. No. 11, a copy of Governor Pedro P. Tenorio's letter to the Legislature re Public Law No. 3-42 (Nuclear and Chemical Free Zone).

President H. Guerrero: In front of you are numerous communications. One of them is a copy of the letter we received from the Chairman of the Civil Service Commission relative to eligibility for overtime compensation of accepted and ungraded employees of the Con Con, as well as the government as a whole, that were assigned to the Convention. And you have five legal opinions, and also Communication No. 10 in reference to Public Law 4-45 (Nuclear and Chemical Free Zone) and Communication No. 11 re Public Law No. 3-42 on the same subject (Nuclear and Chemical Free Zone). Any discussions?

Delegate Mafnas: No discussion.

President H. Guerrero: If none, we'll go on to Committee Reports/Recommendations.

COMMITTEE REPORTS/RECOMMENDATIONS

Committee Recommendation No. 25, from the Committee on Governmental Institutions, recommending for adoption of a proposed constitutional amendment "to delete Section 16 from Article III in its entirety and to add a new Article to the Northern Marianas Constitution relating to Civil Service Commission."

Committee Recommendation No. 26, from the Committee on Governmental Institutions, recommending for adoption of a proposed constitutional amendment "to delete Article V in its entirety; and to add a new Section 20 and Section 21 to Article III of the Northern Marianas Constitution relating to Resident Representative to the United States."

Committee Recommendation No. 27, from the Committee on Personal Rights and Natural Resources, recommending for adoption of a proposed constitutional amendment "to amend Section 8 of the Schedule on Transitional Matters of the Northern Marianas Constitution relating to Interim Definition of Citizenship."

Committee Recommendation No. 28, from the Committee on Personal Rights and Natural Resources, recommending for adoption of a proposed constitu-

tional amendment "to amend Section 9 of Article I of the Northern Marianas Constitution relating to Clean and Healthful Environment."

Committee Recommendation No. 29, from the Committee on Personal Rights and Natural Resources, recommending for adoption of a proposed constitutional amendment "to amend Article XIV, Section 2 to include two other uninhabited islands to be protected and preserved."

Committee Recommendation No. 30, from the Committee on Finance and Other Matters, recommending for adoption of a proposed constitutional amendment "to add a new Section 2 of Article XVII of the Northern Marianas Constitution relating to a Code of Ethics."

Committee Recommendation No. 31, from the Committee on Governmental Institutions, recommending for adoption of a proposed constitutional amendment "to amend Section 17(b) of Article III of the Northern Mariana Islands Constitution."

Committee Recommendation No. 32, from the Committee on Governmental Institutions, recommending for adoption of a proposed constitutional amendment "to amend Article VIII of the Northern Mariana Islands Constitution by adding a new Section 5 relating to resignation from public office."

Committee Recommendation No. 33, from the Committee on Finance and Other Matters, recommending for adoption of a proposed constitutional amendment "to amend Section 1 of Article X of the Northern Marianas Constitution."

Committee Recommendation No. 34, from the Committee on Finance and Other Matters, recommending for adoption of a proposed constitutional amendment "to amend Section 12 of Article III of the Northern Marianas Constitution, to provide for appointment of a temporary public auditor by the governor in the event of a vacancy in the office of public auditor, and to guarantee the minimum budget of the Public Auditor."

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has nothing to report today, but I would like to inform the Convention that we'll be submitting a package from the Local Government tomorrow. Thank you.

President H. Guerrero: Thank you, Chairman Manglona. Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has finally been able to submit the committee's recommendations. And the first committee's recommendation is Committee Recommendation No. 25, respecting to adding a new article to the Constitution in regards to the Civil Service Commission. And the second committee's recommendation is the -- I'm sorry, Mr. President, the first committee recommendation is No. 25 and the second committee recommendation is No. 26; this is in regards to the Resident Representative to the United States. And also we have Committee Recommendation No. 31 dealing with public services on Rota and Tinian. And also we have two committee recommendations that had been previously submitted but, upon submission, they were deferred until some

corrections have been made. These committee recommendations are in reference to Committee Recommendation No. 12 and Committee Recommendation No. 10. No. 12 is in regards to the Executive Assistant for Carolinian Affairs and No. 10 concerns Article II, Section 11, with respect to other government employment of members of the Legislature.

President H. Guerrero: The Chair, I believe, accepted the others. Are they 9, 10, 11 and 12?

Chairman Lizama: 10 and 12, Mr. President.

President H. Guerrero: Those have already been accepted on the Order of Business for day 12th.

Chairman Lizama: That's correct, Mr. President.

President H. Guerrero: The Chair accepts Committee Recommendation Nos. 25, 26 and 31. Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters is happy again to report on Committee Recommendation No. 30. We are supposed to have two additional committee recommendations in today's agenda, however, I understand that we have a problem with our xerox machine and that they have to be reproduced at the Legislature. At the latter part of our session, I would like to ask the unanimous consent of the delegates if we can at least come back again for these two additional reports.

Chairman Lizama: No objection.

Delegate Nabors: Objection.

President H. Guerrero: Delegate Nabors, are you objecting to that?

Delegate Nabors: If they are not ready, why don't we wait until tomorrow?

Chairman DL. Guerrero: Clarification on that part, Mr. President. The Committee's report is completely finished except the xerox machine itself. It stopped working while producing the other committee reports. And I think the committee should be given the opportunity at the earliest possible time, without any unnecessary delay, to proceed with the committee recommendations and at least we come in with introduction and First Reading.

Delegate Nabors: No objection.

President H. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions also has the same problem and we are expecting to have additional committee recommendations to submit. If they come in before today's session, I would like them also to be considered.

Delegate Nabors: Objection.

President H. Guerrero: Yes, Delegate Mafnas?

Delegate Mafnas: Mr. President, in the interest of time, I ask the indulgence of the delegates not to object. A delay today will be an additional. At least tomorrow we can deliberate on Second and Final Reading.

Delegate Nabors: No objection.

Delegate Mafnas: Thank you, Delegate Nabors.

President H. Guerrero: Delegate Nabors, for your information, apparently those recommendations are being xeroxed down at the Legislature and I've asked the Sergeant-at-Arms to check the Steno Pool whether they are ready. I believe they have been finished xeroxing, it's just a matter of trying to bring them to the floor.

Delegate Nabors: Thank you.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Yes, as I said, Mr. President, your Committee on Finance and Other Matters is happy to report our Committee Recommendation No. 30. And when we come to Introduction and First Reading of this particular recommendation, I would recommend again to the Convention, of course, for its adoption. Thank you.

President H. Guerrero: Chairman King?

Chairman King: Mr. President, your Committee on Personal Rights and Natural Resources would like to submit to the Convention Recommendation Nos. 27, 28 and 29.

President H. Guerrero: Thank you, Chairman King. The Chair accepts Committee Recommendation Nos. 26, 27, 28, 29 and 30.

Chairman King: They are Committee Recommendation Nos. 27, 28 and 29.

President H. Guerrero: Excuse me, Chairman King. The Chair accepts Committee Recommendation Nos. 27, 28 and 29 from the Committee on Personal Rights and Natural Resources. The Chair also accepts Committee Recommendation No. 30 from the Committee on Finance and Other Matters.

Delegate Mafnas: Mr. President, I move for a short recess.

Delegate Villanueva seconded the motion.

President H. Guerrero: We'll recess for five minutes.

The Convention recessed at 2:39 p.m.

RECESS

The Convention reconvened at 2:44 p.m.

President H. Guerrero: The session is back to order. I call again Chairman Lizama.

Chairman Lizama: Mr. President, thank you. The other committee recommen-

dation from the Committee on Governmental Institutions is Committee Recommendation No. 32, a recommendation to add a new section to Article VIII with respect to public office.

President H. Guerrero: The Chair accepts Committee Recommendation No. 32. I call on Chairman Guerrero.

Chairman DL. Guerrero: Thank you, Mr. President. Again, your Committee on Finance and Other Matters wishes to submit Committee Recommendation No. 33 regarding public purposes, and Committee Recommendation No. 34 regarding public auditor.

President H. Guerrero: The Chair accepts Committee Recommendation Nos. 33 and 34. We'll go on to the Introduction, First Reading and Referrals of Proposals, and I'd like to call on Chairman Lizama to read the title, please, to be considered as First Reading.

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

Committee Recommendation No. 25: "A PROPOSED CONSTITUTIONAL AMENDMENT TO DELETE SECTION 16 FROM ARTICLE III IN ITS ENTIRETY AND TO ADD A NEW ARTICLE TO THE NORTHERN MARIANAS CONSTITUTION RELATING TO CIVIL SERVICE COMMISSION.", for First Reading.

Committee Recommendation No. 26: "A PROPOSED CONSTITUTIONAL AMENDMENT TO DELETE ARTICLE V IN ITS ENTIRETY; AND TO ADD A NEW SECTION 20 AND SECTION 21 TO ARTICLE III OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO RESIDENT REPRESENTATIVE TO THE UNITED STATES.", for First Reading.

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

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

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

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

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

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

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

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

Chairman Lizama: Mr. President, Committee Recommendation No. 10 is a Proposed Constitutional Amendment to amend Article II, Section 11, relative to other government employment of members of the Legislature. Section 11--the proposed constitutional amendment will read as follows: "Other Government Employment. A member of the Legislature may not serve in any other Commonwealth Government position including other elective office or an independent board, agency, authority or commission established by this Constitution or by Commonwealth law. A person, having been a member of the Legislature, may not serve in any elective or appointive Commonwealth Government position created by statute during the term for which he was elected, for a period of one year following the expiration of the term during which the position was created."

President H. Guerrero: Can I ask the indulgence of Chairman Lizama to read just the title please?

Chairman Lizama: Thank you. Committee Recommendation No. 12 is "A Proposed Constitutional Amendment to add a new subsection to Article III, Section 18 to require that the salary of the Executive Assistant for Carolinian Affairs not be less than that of an executive department head." Committee Recommendation No. 25: "A Proposed Constitutional Amendment to delete Section 16 from Article III in its entirety and to add a new Article to the Northern Marianas Constitution relating to Civil Service Commission." Committee Recommendation No. 26: "A Proposed Constitutional Amendment to delete Article V in its entirety; and to add a new Section 20 and Section 21 to Article III of the Northern Marianas Constitution relating to Resident Representative to the United States." Committee Recommendation No. 31: "A Proposed Constitutional Amendment to amend Section 17 (b) of Article III of the Northern Mariana Islands Constitution." And lastly, Committee Recommendation No. 32: "A Proposed Constitutional Amendment to amend Article VIII of the Northern Mariana Islands Constitution by adding a new Section 5 relating to resignation from public office." Thank you.

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

Chairman King: Committee Recommendation 27 is "To amend Section 8 of the Schedule on Transitional Matters of the Northern Marianas Constitution relating to Interim Definition of Citizenship." Committee Recommendation No. 28, "To amend Section 9 of Article I of the Northern Marianas Constitution relating to Clean and Healthful Environment." And Committee Recommendation No. 29, "To amend Article XIV, Section 2 to include two other uninhabited islands to be protected and preserved."

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

Chairman DL. Guerrero: Thank you, Mr. President. The committee's proposed constitutional amendment, Recommendation No. 30, is "To add a new Section 2 to Article XVII of the Northern Marianas Constitution relating to a Code of Ethics." Committee Recommendation No. 33: "A Proposed Constitutional Amendment to amend Section 1 of Article X of the Northern Marianas Constitution." And Committee Recommendation No. 34: "A Proposed Constitutional Amendment to amend Section 12 of Article III of the Northern Marianas Constitution, to provide for appointment of a temporary public auditor by the governor in the event of a vacancy in the office of public auditor, and to guarantee the minimum budget of the Public Auditor." Thank you.

President H. Guerrero: Thank you, Chairman Guerrero. We're now on the Second and Final Reading.

SECOND AND FINAL READING

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

President H. Guerrero: Secretary Nabors, can you read Committee Recommendation No. 17, please?

Secretary Nabors: 17, or 18?

President H. Guerrero: 18, excuse me. Delegate King?

Chairman King: I would like to make a correction on Committee Recommendation No. 27. It's supposed to be "three" instead of "two other uninhabited islands."

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

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

President H. Guerrero: The Chair is ready to entertain a motion to adopt this for Second and Final Reading.

Chairman King: I move for its adoption.

There was a second to the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 18 in reference to Section 1, Article VIII, concerning regular general election for Second and Final Reading. Discussions?

Delegate Mafnas: No discussion.

President H. Guerrero: No discussion? If no discussion, Secretary Nabors, can you take the roll call for vote?

At this point, Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 18 (Section 1, Article VIII, re Regular

General Election) on Second and Final Reading was voted on by a roll call vote, as follows:

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

NO: Delegate Vincent Calvo (1 vote)

And the motion was carried.

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

President H. Guerrero: Committee Recommendation No. 18 is unanimously adopted by the Convention. Delegate Villagomez?

Delegate Villagomez: Mr. President, I heard somebody voted "no" and Delegate Nabors reported that it was 24 affirmative votes. I heard Delegate Calvo voted "no."

Secretary Nabors: I'm sorry, I did not hear that. I thought he voted "yes." Is your vote "no", Delegate Calvo? So I have 23 "yes" and 1 "no", Mr. President.

President H. Guerrero: Committee Recommendation No. 18 is adopted by 23 votes and 1 "no". We'll now move down to the Order of Business.

INTRODUCTION AND REFERRAL OF RESOLUTION

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

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

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

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

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

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

President H. Guerrero: Delegate Pangelinan?

Delegate Pangelinan: I move that we resolve into a Committee of the Whole.

Delegate Lizama seconded the motion.

President H. Guerrero: Why are we resolving?

Delegate Pangelinan: To discuss Committee Recommendation Nos. 19, 20, 22, 23 and 24.

President H. Guerrero: It has been moved and seconded to resolve into a Committee of the Whole to consider Committee Recommendation Nos. 19, 20, 22, 23 and 24. Discussions?

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

The Convention resolved into a Committee of the Whole at 2:57 p.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 5:48 p.m.

President H. Guerrero: The session is now back to order. Before I call on the Chairman of the Committee of the Whole to report back to the Convention, I would like to recognize the Assistant Secretary for Territorial and International Affairs, Mr. Richard Montoya. He is with us today and I would like to ask if he can say a few words to the Convention.

Mr. Richard Montoya: Thank you very much. Mr. President, I'm honored to be here and to be invited to speak to this distinguished group. As a student of history, one of the things that always intrigued me is how the democratic process works, and it works because of people like you.

In the formation of our great country, the United States, it was vigorous nine long years between the Declaration of Independence in 1776 and the Constitutional Convention that was held and finally ratified in 1787.

This was something that it took a long time for us to get our act together but it's consisted of people such as yourselves taking time out of your jobs and away from your families to serve your community and to serve this Commonwealth. And I can't commend you enough for making these sacrifices from your personal life to serve your community.

I have known Herman for a number of years and I commend all of you on having a fine leader and the President of this Convention. Herman has served you well in Washington. He got to be a good friend in Washington when he served up there, and it's good to see him back serving the Commonwealth.

I am here with one sole purpose and that is to thank you. It is not my position nor my desire to influence you one way or another on any topic. That's none of my business. It's your business. You were elected to run through the Constitution and develop a Constitution that would carry this Commonwealth into the future.

Today I am pleased to announce, we signed about fifteen minutes ago a Covenant that will provide $228 million to the Commonwealth over the next seven years.

(Applause)

I am extremely pleased, and the reason I am extremely pleased is, again, I was shown the best and the most talented people that the Commonwealth can put forward in being part of this negotiating team. The Lt. Governor is the head of the negotiating team did an outstanding job.

The figures that were mentioned were, first of all, a start position from the Northern Marianas was something like $750 million. My start position was $127 million. And because of the fine negotiating team in six months apart work, they convinced me and I in turn convinced the Administration, specifically the Office of Management Budget, that this $228 million figure was a reasonable figure and one that I feel very comfortable about. It provides $126 million in capital improvement projects and $1.5 million for government operations with a commitment on everyone's part to move forward on privatization and to cut the size of the government including the legislature.

I have to commend the members of the Legislature in their speedy passage of four separate pieces of legislation that I made a prerequisite to act as foundation for us to start the negotiations on the future seven-year multi-year funding.

These pieces of legislation were passed which created the Public Utility Commission, the Community Development Department and to reduce the size of the Legislature. Public Utility Commission was one of the key ones and a commitment for privatization.

It's indeed appropriate for these two to have happened today on the anniversary date of the first Covenant being signed. We had selected this date, July the 10th, as the deadline that we would pick to sign this recommendation to make to the Congress and then to come here to meet with the other important body of the government in its meeting today, the Constitutional Convention.

Again, I can't thank you enough for the honor you have given me in allowing me to address you. I am very optimistic about some of the things I've heard on the elements that you are discussing and the professional manner in which you are addressing your charge. I don't want to take any more time from the important deliberations that you are involved with, but I just want to thank you in the name of the President and the people of the United States in moving forward in this beautiful example of democracy at work for you, the citizens, are elected by your pierce to set forth the course that this Commonwealth will follow in the prosperity and success in the future.

Thank you very much. God bless you.

(Applause)

President H. Guerrero: May I call on Chairman Lizama?

Chairman Lizama: Mr. President, I am pleased to report on what had transpired during the Committee of the Whole with respect to what was discussed regarding Committee Recommendation Nos. 19 and 20. I am pleased to report, Mr. President, that Committee Recommendation No. 19 was adopted as amended. And also, Committee Recommendation No. 20, as amended, was adopted and I am pleased to report that to the Convention. Thank you.

President H. Guerrero: Is there a motion to be entertained to adopt the Committee of the Whole's recommendation?

Chairman DL. Guerrero: I so move.

Delegate Reyes seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Committee of the Whole's report on Committee Recommendation No. 19, as amended, and Committee Recommendation No. 20, as amended. Discussions?

There being no discussion, the motion to adopt the Committee of the Whole's report recommending for adoption of Committee Recommendation No. 19, as amended, and Committee Recommendation No. 20, as amended, was carried by voice vote.

President H. Guerrero: Can I get some suggestions from the members? Delegate Mafnas?

Delegate Mafnas: Mr. President, I thought that we rise from the Committee of the Whole to receive the Honorable Richard Montoya and we are going back again into a Committee of the Whole. I wish to note that we have over ten proposals perhaps, or recommendations that will be out for discussions tomorrow and we still have three left today. I move to resolve into a Committee of the Whole, Mr. President.

Delegate Manglona seconded the motion.

President H. Guerrero: Discussions? Delegate Villagomez?

Delegate Villagomez: I would like to have a recess for perhaps one hour

or an hour and a half and then come back and continue, so that we can rest and eat and freshen up and so that we can work better. I move.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, nothing more will prevent lengthy debate than hunger. That's my point. Thank you.

President H. Guerrero: Discussions?

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

Delegate Mafnas: Division, please.

At the request of Delegate Mafnas for division vote, the motion to resolve into a Committee of the Whole was defeated again by raising of hands vote of one for and seven against the motion.

President H. Guerrero: The motion is defeated. Delegate Villagomez?

Delegate Villagomez: I move that we recess until 7:30 p.m.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to recess until 7:30 p.m. Discussions?

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

The Convention recessed at 6:01 p.m.

RECESS

The Convention reconvened at 7:46 p.m.

President H. Guerrero: The Convention is now back into session. Delegate Nabors?

Delegate Nabors: Mr. President, I move that we resolve into a Committee of the Whole.

The motion was seconded and carried by voice vote.

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

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 10:28 p.m.

President H. Guerrero: I'll call now Delegate Cing to report on the deliberations of the Committee of the Whole.

Delegate Cing: Thank you, Mr. President. First, I would like to apologize to my fellow delegates for all the problems.

(Laughter)

Delegate Cing: Under Committee Recommendation No. 22 from the Committee on Personal Rights and Natural Resources, it has been recommitted back to that committee for further studies. On Committee Recommendation No. 23, it has been adopted for First Reading. The same as the Committee Recommendation No. 24 from the Committee on Finance and Other Matters, it has been adopted. Thank you, Mr. President.

President H. Guerrero: Thank you, Delegate Cing. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move that we adopt the report of the Committee of the Whole.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Committee of the Whole's report on Committee Recommendaion Nos. 22, 23 and 24. Discussions?

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

MISCELLANEOUS BUSINESS

President H. Guerrero: Delegate Inos?

Delegate Inos: Thank you, Mr. President. I would like to commend Delegate David Cing for a job well done as Chairman of the Comittee of the Whole.

(Applause)

Delegate Cing: Thank you, lady Delegate Inos; I'm flattered.

(Laughter)

President H. Guerrero: It must be a learning experience, Delegate Cing. Any other miscellaneous business? Yes, Delegate Mafnas?

Delegate Mafnas: Mr. President, I would like to request the Committee on Finance and Other Matters to delay the Second and Final Reading of Delegate Proposal or Committee Recommendation No. 24 until we put our mind.... Pardon?

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

Delegate Mafnas: Oh, is that your prerogative?

President H. Guerrero: Yes.

Delegate Mafnas: Well, may I ask then for your indulgence to try and coordinate all the proposals pertaining to legislative reform before we take up Committee Recommendation No. 24?

President H. Guerrero: We'll take it under consideration.

Delegate Mafnas: Are you sure now? Thank you.

President H. Guerrero: Any other miscellaneous business? If none, announcements. Chairman Lizama?

ANNOUNCEMENTS

Chairman Lizama: Mr. President, there will be a public hearing tomorrow to hear proposals with respect to Article IV re courts, right here.

President H. Guerrero: Any other announcements?

Chairman Lizama: Excuse me, Mr. President, at nine o'clock in the morning.

President H. Guerrero: Are you finished, Chairman Lizama?

Chairman Lizama: Yes, I'm finished.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, the Committee on Local Government will have a short, five-minute meeting right after this session. Thank you.

(Laughter)

President H. Guerrero: I hope they don't crucify you. Chairman King?

Chairman King: The Committee on Personal Rights and Natural Resources would like to remind the Chair that we are going to hold a public hearing tomorrow at 7:00 p.m. So if the Convention is going to continue up until that time, I believe that we already scheduled our hearing for seven o'clock. So I ask the Chair to respect that time and give the committee the prerogative for the meeting or the public hearing.

Delegate Mafnas: What does the Rule say, Mr. President?

President H. Guerrero: It basically, I believe, says that it can meet at the same time provided the President approves it first. We'll take that up for consideration tomorrow. Chairman Guerrero?

Chairman King: Thank you.

Chairman DL. Guerrero: Thank you, Mr. President. The Committee on Finance and Other Matters would like to meet also at nine o'clock tomorrow morning.

President H. Guerrero: Any other announcements? If none, Floor Leader Lizama.

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

Delegate Calvo seconded the motion.

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

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There being no discussion, the motion to adjourn and to reconvene the next day at 1:00 p.m. was carried by voice vote.

The Convention adjourned at 10:34 p.m. and to reconvene on Thursday, July 11, 1985, at 1:00 p.m.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary

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

TWENTY-FOURTH DAY

Thursday, July 11, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 1:31 p.m., Thursday, July 11, 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.

The Convention Secretary called the roll, and 23 delegates were present. Delegate Villagomez was absent.

Secretary Mabors: There are 23 delegates present.

President H. Guerrero: Delegate Nafnas?

Delegate Nafnas: Thank you, Mr. President. Delegate Villagomez asked me to extend to the Chair and ask the Chair to excuse him. He has a court hearing this afternoon.

Secretary Mabors: No objection.

President H. Guerrero: No objection, so Delegate Villagomez is excused. We have a quorum to conduct the Order of Business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the Summary Journal.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Summary Journal for Wednesday, July 10, 1985. Discussions?

There being no discussion, the motion to adopt the Summary Journal for Wednesday, July 10, 1985, was carried by voice vote.

COMMUNICATIONS

Comm. No. 12, from Mr. Joaquin Q. Atalig, registering concern re manner of public hearing conducted on Rota regarding Article VI.

Comm. No. 13, copy of a telex from CNMI/Washington Representative, submitting comments on the proposed amendment to the Washington Representative's Office.

Legal Opinion No. 32, from Mr. David L. Price, Governor's Special Legal Advisor, re Anti-Abortion Proposal.

President H. Guerrero: In front of you, we have Communication No. 12, a letter from Mr. Joaquin Q. Atalig, registering concern re manner of public hearing conducted on Rota on Article XI; also, a copy of the telex from the Resident Representative to the United States, submitting comments on proposed amendment to the Washington Representative's Office; and Legal Opinion No. 32, response of Legal Counsel to Anti-Abortion Proposal.

COMMITTEE REPORTS/RECOMMENDATIONS

Committee Recommendation No. 17, from the Committee on Personal Rights and Natural Resources, recommending for adoption of Resolution No. 6-85, Committee Draft 1, entitled: "A Resolution relative to requesting the Northern Mariana Islands Commonwealth Legislature to amend Section 19 of Public Law 4-30 relating to Ratification of Proposed Amendments."

Committee Recommendation No. 35, from the Committee on Personal Rights and Natural Resources, recommending for adoption of Delegate Proposal No. 183-85, entitled: "A Proposed Constitutional Amendment to amend Section 1 of Article VII of the Northern Marianas Constitution relating to Qualification of Voters."

Committee Recommendation No. 36, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal Nos. 181-85 and 269-85, entitled: "A Proposed Constitutional Amendment to add a new Section to Article II to authorize legislative veto of certain types of Executive acts."

Committee Recommendation No. 37, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal No. 99-85, entitled: "A Proposed Constitutional Amendment to amend Section 9(a) of Article III of the Northern Mariana Islands Constitution relating to Executive Functions."

Committee Recommendation No. 38, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal No. 238-85, entitled: "A Proposed Constitutional Amendment to amend Section 14(a) of Article II regarding the vote required to expel a member of the Legislature."

Committee Recommendation No. 39, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal Nos. 58-85, 60-85 and 200-85, entitled: "A Proposed Constitutional Amendment to amend Section 15 of Article II of the Northern Marianas Constitution relative to conduct of members of the Legislature."

Committee Recommendation No. 40, from the Committee on Local Government, recommending for adoption of Delegate Proposal No. 162-85, entitled: "A Proposed Constitutional Amendment to amend Sections 5 and 6 of Article XII of the Northern Marianas Constitution to prevent corporations from fraudulently qualifying as persons of Northern Marianas descent."

President H. Guerrero: I call on Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has a couple of committee recommendations to submit. The first

Committee Recommendation is a proposed constitutional amendment to authorize legislative veto of certain types of executive acts; Committee Recommendation No. 37 is a proposed constitutional amendment to amend Section 9(a) of Article III relating to executive functions; Committee Recommendation No. 38 is a proposed constitutional amendment to amend Section 14(a) of Article II regarding a vote required to expel a member of the Legislature; and Committee Recommendation No. 39 is a proposed constitutional amendment to amend Section 15 of Article II relative to conduct of members of the Legislature.

President H. Guerrero: Thank you, Chairman Lizama. Chairman Manglona?

Chairman Manglona: Mr. President, the Committee on Local Government has two committee recommendations, Committee Recommendation Nos. 40 and 41. Committee Recommendation No. 41 is being copied now and it will be distributed out momentarily. Thank you.

President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President. The Committee on Personal Rights and Natural Resources would like to submit Committee Recommendation Nos. 17 and 35.

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

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters has no written report at this time because of the bulk of work of the Steno Pool and they are so busy at this time and so we cannot come up with our report.

President H. Guerrero: Thank you, Chairman Guerrero. Any other reports? If none, we'll move on to Introduction, First Reading and Referral of Proposals.

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

Committee Recommendation No. 17, from the Committee on Personal Rights and Natural Resources, recommending for adoption of Resolution No. 6-85, Committee Draft 1, entitled: "A RESOLUTION RELATIVE TO REQUESTING THE NORTHERN MARIANA ISLANDS COMMONWEALTH LEGISLATURE TO AMEND SECTION 19 OF PUBLIC LAW 4-30 RELATING TO RATIFICATION OF PROPOSED AMENDMENTS."

Committee Recommendation No. 35: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 1 OF ARTICLE VII OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO QUALIFICATION OF VOTERS.", for First Reading.

Committee Recommendation No. 36: "A PROPOSED CONSTITUTIONAL AMENDMENT TO ADD A NEW SECTION TO ARTICLE II TO AUTHORIZE LEGISLATIVE VETO OF CERTAIN TYPES OF EXECUTIVE ACTS.", for First Reading.

Committee Recommendation No. 37: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 9(a) OF ARTICLE III OF THE NORTHERN MARIANA ISLANDS CONSTITUTION RELATING TO EXECUTIVE FUNCTIONS.", for First Reading.

Committee Recommendation No. 38: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 14(a) OF ARTICLE II REGARDING THE VOTE REQUIRED TO EXPEL A MEMBER OF THE LEGISLATURE.", for First Reading.

Committee Recommendation No. 39: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 15 OF ARTICLE II OF THE NORTHERN MARIANAS CONSTITUTION RELATIVE TO CONDUCT OF MEMBERS OF THE LEGISLATURE.", for First Reading.

Committee Recommendation No. 40: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTIONS 5 AND 6 OF ARTICLE XII OF THE NORTHERN MARIANAS CONSTITUTION TO PREVENT CORPORATIONS FROM FRAUDULENTLY QUALIFYING AS PERSONS OF NORTHERN MARIANAS DESCENT.", for First Reading.

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

President H. Guerrero: I call on Chairman King. Will you read the title please?

Chairman King: Thank you, Mr. President. Committee Recommendation No. 17 is "A Resolution relative to requesting the Northern Mariana Islands Commonwealth Legislature to amend Section 19 of Public Law 4-30 relating to Ratification of Proposed Amendments." The other recommendation is "to amend Section 1 of Article VII of the Northern Marianas Constitution relating to Qualification of Voters."

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

Chairman Lizama: Mr. President, I think I've already read what the committee recommendations are and if you still wish me to do it again, I will gladly do it.

President H. Guerrero: Please do so.

Chairman Lizama: Committee Recommendation No. 36 is a recommendation "to add a new Section to Article II to authorize legislative veto of certain types of executive acts.", and Committee Recommendation No. 37 is "a proposed amendment to amend Section 9(a) of Article III relating to executive functions.", and 38 is "a proposed amendment to amend Section 14(a) of Article II regarding the vote required to expel a member of the Legislature.", and No. 39 is "a proposed amendment to amend Section 15 of Article II relative to conduct of members of the Legislature."

President H. Guerrero: Thank you, Chairman Lizama. Chairman Manglona?

Chairman Manglona: Thank you, Mr. President. Committee Recommendation No. 40 is "to amend Sections 5 and 6 of Article XII of the Northern Marianas Constitution to prevent corporations from fraudulently qualifying as persons of Northern Marianas descent." Committee Recommendation No. 41 which will be passed out momentarily is "to repeal Sections 1, 2, 3, 4, 5 and 6 of Article VI and Section 17(a) and (b) of Article III of the Constitution of the Northern Mariana Islands and to prepare a new Sections 1, 2, 3, 4, 5 and 6 of Article VI and Section 17(a) and (b) of Article III." Thank you.

President H. Guerrero: Thank you, Chairman Manglona. The Chair has not put anything under Second and Final Reading for today.

SECOND AND FINAL READING

None

INTRODUCTION OF RESOLUTION AND REFERRALS

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

Committee Recommendation No. 10: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE II, SECTION 11 RELATIVE TO OTHER GOVERNMENT EMPLOYMENT OF MEMBERS OF THE LEGISLATURE."

Committee Recommendation No. 12: "A PROPOSED CONSTITUTIONAL AMENDMENT TO ADD A NEW SUBSECTION TO ARTICLE III, SECTION 13 TO REQUIRE THAT THE SALARY OF THE EXECUTIVE ASSISTANT FOR CAROLINIAN AFFAIRS NOT BE LESS THAN THAT OF AN EXECUTIVE DEPARTMENT HEAD."

Committee Recommendation No. 25: "A PROPOSED CONSTITUTIONAL AMENDMENT TO DELETE SECTION 16 FROM ARTICLE III IN ITS ENTIRETY AND TO ADD A NEW ARTICLE TO THE NORTHERN MARIANAS CONSTITUTION RELATING TO CIVIL SERVICE COMMISSION."

Committee Recommendation No. 26: "A PROPOSED CONSTITUTIONAL AMENDMENT TO DELETE ARTICLE V IN ITS ENTIRETY; AND TO ADD A NEW SECTION 20 AND SECTION 21 TO ARTICLE III OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO RESIDENT REPRESENTATIVE TO THE UNITED STATES."

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

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

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

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

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

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

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

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

President H. Guerrero: We are now at the General Orders of the Day. The Chair would like to recommend in view that there are 12 Committee Recommendations and would like to recommend as follows: We will entertain Committee Recommendation Nos. 10, 12, and 25 and then we will rise and report back to the Convention and probably take the recess for a few minutes and then go back to the Committee of the Whole. If there is no objection....

Delegate Nabors: Objection.

President H. Guerrero: Yes, Delegate Nabors.

Delegate Nabors: Mr. President, is there a public hearing scheduled for this evening?

President H. Guerrero: I believe one reason that's why the Chair is recommending such because I don't know how long this will take. And also, I believe the Chair can excuse those members of the committee to conduct the hearing.

Delegate Nabors: If that, Mr. President, is the case, may I recommend that we take up the matters calendared by the Committee on Personal Rights and Natural Resources now in the event that they will not be present later?

Delegate Calvo: Objection.

President H. Guerrero: Delegate Calvo?

Delegate Calvo: I think, Mr. President, we should dispose of the matters before us as per your schedule. We cannot excuse these individuals during the initial of the meeting because I know they have some concerns over the things. So I feel they should be in the meeting instead of being excused to attend the hearing. So let's dispose of the General Orders of the Day.

President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President. One of my members, Delegate Villagomez, asked me to request the members and also the Chair to delay discussion on the Committee Recommendations that we submitted. He said that he will be back probably at 2:30. He has some concerns that he would like to join during the discussions. So he asked me to request the Chair's permission whether we can delay discussions concerning all our recommendations.

Delegate Nabors: Objection.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: I would object to postponing any Order of the Day or business of the day except for the public hearing.

Chairman King: I think, Mr. President, that each delegate should be given the opportunity if a delegate has a concern on the issue. However, Delegate Villagomez happens to have another commitment and I believe he cannot cancel such commitment because it is very important. And I am asking the unanimous consent of the members to accept it.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, is Chairman King saying that the Committee on Personal Rights and Natural Resources cannot defend its committee recommendations in the absence of Delegate Villagomez? Is that what he's saying?

Chairman King: I hope that Delegate Villagomez understands English very well. I'm just asking the Chair in terms of Delegate Villagomez' request. He is just requesting.

Delegate Mafnas: Delegate Nabors, can you withdraw your objection?

President H. Guerrero: Delegate Nabors?

Delegate Nabors: No, no; I don't wish to withdral my objection. I have some very important things that I could have been doing also. And we got, how many days left now? Six?

President H. Guerrero: We have six days to go.

Delegate Pangelinan: I agree with Delegate Nabors. Even me, I'm not supposed to be here but I sacrifice myself to be here.

Floor Leader Lizama: Me, too, I'm supposed to be in Japan.

Delegate Mafnas: I was only asking.

President H. Guerrero: Delegate Limes?

Delegate Limes: Mr. President, may I ask the indulgence of each delegate to at least honor what the Chairman of the PR Committee has requested because there are people who are good in deliberating in English unless we

will go to vernacular. I think this is what we should also realize. I would like to ask the President and the delegates that we consider and proceed discussions on the other committee recommendations. I don't see any harm by waiting for this people because the hearing is very important. Therefore, Mr. President, I move that we should give the PR Committee their request.

Delegate Lizama seconded the motion.

President H. Guerrero: The Chair, for one thing, rules that we all ran for delegates to the Convention and as such, we have obligations. To say that he cannot rearrange it, probably that's.... I'm sure that if he knew ahead of time his responsibility, he could have made arrangement. So it's a personal choice that Delegate Villagomez decided. Also under Rule 55(c), consideration by the Committee of the Whole in order of the reference; therefore, it has to be sequence unless we suspend its provision. The Chair will not entertain deferring any proposal just because one member is not present unless by unanimous consent. Delegate Lizama?

Floor Leader Lizama: Mr. President, I would like to move that we resolve into a Committee of the Whole right now so that we can start dealing with the suggested Committee Recommendations 10, 12, and 25.

Delegate Hafnas seconded the motion.

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

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

The Convention resolved into a Committee of the Whole at 1:49 p.m.

COMMITTEE OF THE WHOLE

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

The Convention reconvened its plenary session at 4:27 p.m.

President H. Guerrero: Before I call on Delegate Limes, the Chair would like to thank him for doing an excellent job in presiding the Committee of the Whole. Delegate Limes?

Delegate Limes: Thank you, Mr. President. Your Committee of the Whole has deliberated very intelligently on three committee recommendations, namely Committee Recommendation Nos. 10, 12, and 25, and the Committee so adopted them on First Reading. Thank you, Mr. President.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, I move that we adopt the report of the Committee of the Whole.

Delegate Manglona seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the report of the Committee of the Whole and consider Committee Recommendation Nos. 10, 12, and 25 as First Reading. Discussions?

There being no discussion, the motion to adopt the report of the Committee of the whole and to consider Committee Recommendation Nos. 10, 12, and 25 as First Reading was carried by voice vote.

President H. Guerrero: Yes, Delegate Villagomez?

Delegate Villagomez: Mr. President, for the record, I would like to just note that I am here. I apologize for being late. I was in the court today involved in a trial involving condemnation. Thank you.

President H. Guerrero: Thank you, Delegate Villagomez. Before the Chair entertain for any motion to dispose of the other committee recommendations, Chairman King, are you the only one who is having a public hearing tonight?

Chairman King: I think so.

President H. Guerrero: Any other committees having public hearings? Can I get some suggestions from the floor? Delegate Manglona?

Delegate Manglona: I would like to know how many witnesses appearing in that public hearing to be held.

Chairman King: I think it's more than 25 and I don't know how many are coming.

President H. Guerrero: Where is the public hearing going to be held?

Chairman King: Over here.

Delegate Manglona: Thank you.

President H. Guerrero: Delegate Calvo?

Delegate Calvo: Mr. President, why don't we act on at least three other recommendations before we make any recommendation whether we will recess until tomorrow morning.

President H. Guerrero: Delegate Lizama?

Delegate Lizama: Yes, I tend to agree and maybe we should act on two other committee recommendations, in particular the short ones, Committee Recommendation Nos. 31 and 32.

President H. Guerrero: It has to be in order. Let's take three more. Let's take Committee Recommendation Nos. 26, 27, and 28. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, Committee Recommendation No. 26, I don't think we will be finished in one hour. I don't think we should be in order, Mr. President. Why don't we take up the minors?

President H. Guerrero: Delegate Manglona?

Delegate Manglona: I move that we resolve into a Committee of the Whole and limit debates to one hour on the three recommendations. Thank you.

Delegate Mafnas: One hour each?

Delegate Manglona: No. A total of one hour on the three committee recommendations. Thank you.

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: Suggestion. Why don't we pass everything on First Reading and then debate on Second Reading?

Delegate Nabors: I think we need to get the Attorney General's rep before he leaves to address some issues that were raised on First Reading. I wonder how do we suppose to abide that. Are we required to submit that in writing?

President H. Guerrero: Can you enlighten me as to what is the request?

Delegate Nabors: The one concern raised by Delegate King concerning the applicability of all agencies and instrumentalities, whether created by statute or Constitution, all applicabilities under the amendment that was under discussion--Committee Recommendation No. 25. The second was, specifically if they are, whether that exclusion or coverage will include all the employees at all levels.

President H. Guerrero: Are you listening? Can you come forward and grab the mike please?

Asst. Attorney General E. Smith: We don't need that in writing as long as we can reply....

Delegate Nabors: That's fair enough, thank you.

Asst. Attorney General E. Smith: Do you want me to reply now? I prefer to reply that by tomorrow morning if possible because it's....

President H. Guerrero: Delegate Igitol?

Delegate Igitol: While we are still haven't make up our mind whether to take two or three, why don't we take Committee Recommendation No. 26 and discuss that now and see how long. If it is finished, we can take another one and we go ahead.

President H. Guerrero: Is that acceptable to the members? The Chair will entertain only the Committee Recommendation No. 26 and we will limit debate to just one hour.

Delegate Nabors: No objection.

President H. Guerrero: The Chair is ready to entertain a motion to resolve.

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

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

The Convention resolved into a Committee of the Whole at 4:36 p.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 6:09 p.m.

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

Delegate Villanueva: Mr. President, the Committee of the Whole would like to report that Committee Recommendation No. 26 as well as the substitute amendment were defeated. Thank you.

President H. Guerrero: Is there a motion to adopt the Committee's recommendation?

Floor Leader Lizama: I so move, Mr. President.

Delegate Pangelinan seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Committee's recommendation regarding Committee Recommendation No. 26. Discussions?

There being no discussion, the motion to adopt the Committee of the Whole's recommendation regarding Committee Recommendation No. 26 as well as the substitute amendment was carried by voice vote.

Delegate Pangelinan: Point of information. Is Committee Recommendation No. 26 not adopted but the substitute amendment is adopted?

President H. Guerrero: No. Everything is defeated.

Delegate Pangelinan: Now I am confused.

President H. Guerrero: Delegate King?

Delegate King: I would like to move for a recess until tomorrow at ten o'clock.

Delegate Lizama seconded the motion.

President H. Guerrero: Can we at least move on to the Miscellaneous and Announcements and continue the rest under the Unfinished Business tomorrow?

Floor Leader Lizama: No objection.

President H. Guerrero: Okay. Is there any miscellaneous business? Delegate Manglona?

MISCELLANEOUS BUSINESS

Delegate Manglona: You have on the floor Communcation No. 10; I believe it does not belong in this floor and that it belongs in the rooms at the two corners here. So on your way out, please drop it there and make sure you buzz twice so that it gets to the originator or the writer of this letter. Thank you.

President H. Guerrero: Thank you, Delegate Manglona. Since it is addressed to the Chair, it becomes the property of the Convention but I share your concern. Chairman King?

Chairman King: Thank you, Mr. President. First, I would like to apologize to the delegates for my emotional reaction during the Convention. However, it really prompted me because the issue that has been raised concerning public hearings, my committee has been criticized. I was very surprised when I see that the delegates overrule the decision of the people and that the witness of that, I believe the public hearing records will testify that the people have decided or have pointed out their view concerning the issue of Washington Representative. So I just want to apologize for the action but please before you attack somebody try to remember that still there are some issues behind it that you need the support of each delegate. Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I wish to thank the delegates for the time spent for deliberating on Committee Recommendation 26. I would like the Chair at his indulgence to transit a copy of the report to the Commission on Federal Laws if he doesn't see any problem. Mr. President, I am not concerned about committee members signing the report and then attacking the report. I am not concerned of that. I respect each member's position; however, I condemn a chairman of the committee signing the report, criticizing the report that if it's not the worst then he cannot describe it. I feel that the chairman of the committee is charged with the solemn responsibility to communicate the report to the delegates. I firmly believe that the chairman also has the liberty of not signing the report if he does not agree with it, or if he is going to sign, then indicate "do not concur". But without qualifications statements on the signature, then to come out and attack the report of his committee is an insult to the intelligence of this Convention. And I hope that with the limited time that we have it is not repeated during the deliberation of the committee's recommendation. I indicated in the beginning that I will respect the decision of the majority and my disagreement will be put aside and I would support the decision of the majority. This, Mr. President, I can assure you. And I can assure furthermore my chairman that I will support his report. Thank you very much.

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

Delegate Mundo: Thank you, Mr. President. This is also in regards to the letter that was submitted by Mr. Jack Atalig from Rota. I want to place it on record that the accusation made by Mr. Atalig was grossly untrue. I feel that it was not politically motivated. He was given the opportunity. I feel that the Local Government Committee gave ample time for the people

to come up and present their positions also on the issues involved. Mr. Atalig was there, however, he left the hearing early and he didn't have the time to present his views. So I feel that it is not politically motivated as stated by him in the letter. Thank you.

President H. Guerrero: Thank you, Delegate Mundo. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I just would like to say something about what Delegate Mafnas' concerns were. I think Delegate Mafnas probably has some good thoughts about committee chairman coming out very strongly against a committee recommendation and especially when the committee chairman also signed off on the committee recommendation. However, I thought there were some understandings on our parts that we would sign off on committee recommendation and....

Delegate Mafnas: Point of information, Mr. President.

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

Delegate Mafnas: I am not arguing the fact that he spoke. I want to be alerted. I just want a qualification on his signature, that's all; so I would know, period.

Floor Leader Lizama: Mr. President, I'm glad that Delegate Mafnas is clearing that problem. And I think this kind of problem whenever it occurs in the future because I know for a fact that in the future if there's going to be any committee recommendation and if a member opposes to that committee recommendation then be it. I think it's proper I think that maybe that person should not be signing on the committee recommendation. And I think maybe there was a misunderstanding. I apologize to Delegate Mafnas.

President H. Guerrero: Is there any other miscellaneous business? Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. Mr. President, this is not the first time that happens, a battle between the committee members and the chairman of the committee. It happens in the Personal Rights and Natural Resources Committee and between Delegate King as chairman and Delegate Villagomez, and now it is happening in our own committee, between Chairman Lizama and Delegate Mafnas. So I think this is a very healthy and normal pattern of this Convention. This will stimulate everybody to debate and bring up the best for all of us.

President H. Guerrero: I agree to that, Delegate Kaipat. Is there any other miscellaneous business? Delegate Guerrero?

Chairman DL. Guerrero: Yes, thank you, Mr. President. Today, Mr. President, your Committee on Finance and Other Matters is entrusted with this beautiful official seal for future seal of the Commonwealth as well as the future flag that will be flying up on the air within the Commonwealth. Tomorrow, your Committee will be introducing a committee recommendation for both, not only the official seal but as well as the official language of the Commonwealth. I hope that with all the debates that we have today, this particular seal by tomorrow will rest in peace with us.

(Laughter)

President H. Guerrero: I hope, Mr. Chairman, that that is not a wreath.

(Laughter)

Chairman DL. Guerrero: So what I am saying, Mr. President, is that without much delay, I hope that this Convention will adopt the future official seal of the Commonwealth within at least two day.

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

Delegate Villanueva: Thank you, Mr. President. I want to apologize to the delegates during my throne as the Chairman of the Committee of the Whole if I didn't give them to speak but we are limited to one hour and we exceeded by 30 minutes. Thank you.

President H. Guerrero: You did very well, Delegate Villanueva. I applaud. Is there any other miscellaneous business? If none, announcements.

ANNOUNCEMENTS.

President H. Guerrero: I just want to make a brief announcement. I understand that the special news program yesterday, 15-minute interview with Richard Montoya will be aired on KCNM Radio tomorrow at 11:00 a.m., 3:00 p.m. and 8:00 p.m. immediately following the Con-Con reports. The topics covered and point to the people of the Commonwealth and covers various issues that relate to the overall development of the CNMI as it moves into a new phase of growth. That's the only announcement I have. The Chair is ready to entertain a motion. Chairman Lizama, yes, we are still under announcements.

Chairman Lizama: Mr. President, I would like to meet with the members of the Committee on Governmental Institutions tomorrow morning at 9:30.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Yes, likewise, the Committee on Finance and Other Matters would like to announce that the committee will meet tomorrow at nine o'clock.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government will be meeting tomorrow at 8:30 a.m. in this hall. Thank you.

President H. Guerrero: Chairman King, do you have any announcement?

Chairman King: Yes. I think I've announced my public hearing already during the deliberation of the Convention, so thank you.

President H. Guerrero: Is that your last public hearing?

Chairman King: Yes. I would like to have more but I'm afraid it will happen like Delegate Lizama that has scheduled for July 13. So I don't want to happen like that.

(Laughter)

President H. Guerrero: Is there any other announcement? If none, motion to adjourn.

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

Delegate Mendiola seconded the motion.

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

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

The Convention adjourned at 6:23 p.m. and to reconvene on Friday, July 12, 1985, at 1:00 p.m.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary

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

TWENTY-FIFTH DAY

Friday, July 12, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 1:30 p.m., Friday, July 12, 1985, at the Convention Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

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

Secretary Nabors: Thank you, Mr. President.

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

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

President H. Guerrero: We have a quorum to conduct the Order of Business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the 11th Day's Journal and also I move that we adopt the Summary Journal of the 24th Day.

Delegate Nabors seconded the motion.

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

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

COMMUNICATIONS

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

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

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

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

COMMITTEE REPORTS/RECOMMENDATIONS

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

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

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

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

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

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

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

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

President H. Guerrero: Chairman King?

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

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

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

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

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

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

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

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

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

President H. Guerrero: Thank you.

SECOND AND FINAL READING

None

INTRODUCTION OF RESOLUTIONS AND REFERRALS

None

UNFINISHED BUSINESS

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

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

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

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

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

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

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

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

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

Chairman DL. Guerrero: Mr. President?

President H. Guerrero: Yes, Delegate Guerrero.

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

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

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

Delegate Mendiola seconded the motion.

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

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

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

COMMITTEE OF THE WHOLE

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

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

Delegate Inos: Thank you, Mr. President. I am pleased to report on the recommendation of the Committee as a Whole. Committee Recommendation No. 27, as amended, is adopted; Committee Recommendation No. 28, as amended, is also adopted; and Committee Recommendation No. 29 is adopted. Thank you.

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

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

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

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

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

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

Delegate DL. Guerrero seconded the motion.

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

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

Secretary Mabors: Motion.

President H. Guerrero: Delegate Mabors?

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

Delegate Mendiola seconded the motion.

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

The Convention recessed at 5:51 p.m.

RECESS

The Convention reconvened at 7:47 p.m.

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

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

Secretary Nabors seconded the motion.

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

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

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

COMMITTEE OF THE WHOLE

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

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

Delegate Mendiola seconded the motion.

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

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

Floor Leader Lizama: Mr. President?

President H. Guerrero: Yes, Delegate Lizama.

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

Delegate Mendiola seconded the motion.

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

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

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

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary

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

TWENTY-SIXTH DAY

Saturday, July 13, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 1:27 p.m., Saturday, July 13, 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.

The Convention Secretary called the roll, and 22 delegates were present. Delegates Pangelinan and Villagomez were absent.

President H. Guerrero: We have a quorum and a majority to conduct the Order of Business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the Twenty-Fifth Day's Summary Journal.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Summary Journal for Friday, July 12, 1985. Discussion?

There being no discussion, the motion to adopt the Twenty-Fifth Day's Summary Journal was carried by voice vote.

COMMUNICATIONS

Comm. No. 16, from the Acting Executive Director, Marianas Visitors Bureau, re Civil Service Commission. (Ref: CR No. 25)

Comm. No. 17, from the Executive Director, Commonwealth Ports Authority, re Civil Service Commission. (Ref: CR No. 25)

Legal Opinion No. 34, from Assistant Attorney General Eric S. Smith, re Delegate Proposal No. 198-85, entitled: "To amend Article II of the Northern Marianas Constitution by adding a new Section 15 relating to punishment of nonmembers."

Legal Opinion No. 35(1), from Assistant Attorney General Eric S. Smith, re Delegate Proposal No. 184-85, entitled: "To add a new Section to Article III to prohibit wage discrimination and require divestiture of government-owned residential housing."

Legal Opinion No. 35(2), from Assistant Attorney General Eric S. Smith, re Delegate Proposal No. 298-85, entitled: "To add a new Section and subsections (a), (b), and (c) to Article I of the Northern Marianas Constitution to safeguard against rampant alienation of the Commonwealth of the Northern Mariana Islands."

Legal Opinion No. 36, from Assistant Attorney General Eric S. Smith, re Committee Recommendation 27.

President H. Guerrero: In front of you are Communication No. 16 from the Acting Executive Director of the Marianas Visitors Bureau regarding Civil Service Commission, concerning Committee Recommendation No. 25; and also Communication No. 17 from the Executive Director of the Commonwealth Ports Authority concerning Civil Service Commission on Committee Recommendation No. 25; Legal Opinion Nos. 34, 35, and 36.

COMMITTEE REPORTS/RECOMMENDATIONS

Committee Recommendation No. 45, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal Nos. 7-85 and 23-85, entitled: "To amend Section 2 of Article III of the Northern Marianas Constitution relating to Qualifications of the Governor."

Committee Recommendation No. 46, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal No. 183-85, entitled: "To amend Article III, Section 4 to limit the Governor to two terms in office."

Committee Recommendation No. 47, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal Nos. 145-85 and 146-85, entitled: "To amend Section 7 of Article III of the Northern Marianas Constitution relating to succession to the Governorship and Lieutenant Governorship."

Committee Recommendation No. 48, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal Nos. 172-85, 286-85 and 308-85, entitled: "To add a new Section to Article III to guarantee the independence of boards and commissions."

President H. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has four committee recommendations to submit: Committee Recommendation Nos. 45, 46, 47 and 48.

President H. Guerrero: Thank you. Are there any other committee recommendations? Chairman King?

Chairman King: Thank you, Mr. President. There's no committee recommendation from the Committee on Personal Rights and Natural Resources.

President H. Guerrero: Chairman Manglona?

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

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters, likewise, has no written report to this Convention.

President H. Guerrero: Thank you. I call on Chairman Lizama to read Committee Recommendation Nos. 45, 46, 47 and 48 and we will consider it as First Reading. Please read the titles.

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

Committee Recommendation No. 45: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 2 OF ARTICLE III OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO QUALIFICATIONS OF THE GOVERNOR.", for First Reading.

Committee Recommendation No. 46: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE III, SECTION 4 TO LIMIT THE GOVERNOR TO TWO TERMS IN OFFICE.", for First Reading.

Committee Recommendation No. 47: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 7 OF ARTICLE III OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO SUCCESSION TO THE GOVERNORSHIP AND LIEUTENANT GOVERNORSHIP.", for First Reading.

Committee Recommendation No. 48: "A PROPOSED CONSTITUTIONAL AMENDMENT TO ADD A NEW SECTION TO ARTICLE III TO GUARANTEE THE INDEPENDENCE OF BOARDS AND COMMISSIONS.", for First Reading.

Chairman Lizama: Mr. President, Committee Recommendation No. 45 is a proposed constitutional amendment to amend Section 2 of Article III of the Northern Marianas Constitution relating to qualifications of the Governor. Committee Recommendation No. 46 is a proposed constitutional amendment to amend Article III, Section 4 to limit the Governor to two terms in office. Committee Recommendation No. 47 is a proposed constitutional amendment to amend Section 7 of Article III of the Northern Marianas Constitution relating to succession to the governorship and lieutenant governorship. And Committee Recommendation No. 48 is a proposed constitutional amendment to add a new section to Article III to guarantee the independence of boards and commissions.

(At this point, Delegate Pangelinan took her seat.)

President H. Guerrero: Thank you. We will move on. There is no Second and Final Reading; there is no Introduction of Resolutions and Referrals; no Unfinished Business; no Special Orders of the Day. We are now down on General Orders of the Day.

(At this point, Delegate Villagomez took his seat.)

SECOND AND FINAL READING

None

INTRODUCTION OF RESOLUTIONS AND REFERRALS

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

Committee Recommendation No. 17, from the Committee on Personal Rights and Natural Resources, recommending for adoption of Resolution No. 6-85, Committee Draft 1: "A RESOLUTION RELATIVE TO REQUESTING THE NORTHERN MARIANA ISLANDS COMMONWEALTH LEGISLATURE TO AMEND SECTION 19 OF PUBLIC LAW 4-30 RELATING TO RATIFICATION OF PROPOSED AMENDMENTS."

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

Committee Recommendation No. 35: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 1 OF ARTICLE VII OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO QUALIFICATION OF VOTERS."

Committee Recommendation No. 36: "A PROPOSED CONSTITUTIONAL AMENDMENT TO ADD A NEW SECTION TO ARTICLE II TO AUTHORIZE LEGISLATIVE VETO OF CERTAIN TYPES OF EXECUTIVE ACTS."

Committee Recommendation No. 37: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 9(a) OF ARTICLE III OF THE NORTHERN MARIANA ISLANDS CONSTITUTION RELATING TO EXECUTIVE FUNCTIONS."

Committee Recommendation No. 38: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 14(a) OF ARTICLE II REGARDING THE VOTE REQUIRED TO EXPEL A MEMBER OF THE LEGISLATURE."

Committee Recommendation No. 39: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 15 OF ARTICLE II OF THE NORTHERN MARIANAS CONSTITUTION RELATIVE TO CONDUCT OF MEMBERS OF THE LEGISLATURE."

Committee Recommendation No. 40: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTIONS 5 AND 6 OF ARTICLE XII OF THE NORTHERN MARIANAS CONSTITUTION TO PREVENT CORPORATIONS FROM FRAUDULENTLY QUALIFYING AS PERSONS OF NORTHERN MARIANAS DESCENT."

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

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

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

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

Delegate Nabors: Mr. President, point of privilege.

President H. Guerrero: Secretary Nabors?

Delegate Nabors: Thank you. Mr. President, as the introducer of Resolution No. 6-85 regarding ratification of amendments, upon receipt of the Staff Counsel's legal opinion and because of the lateness of time in which the Legislture might act on the subject, I respectfully request that Resolution No. 6-85 be withdrawn or filed.

Delegate DL. Guerrero seconded.

President H. Guerrero: If there is no objection, so ordered. Committee Recommendation No. 17 is withdrawn from consideration definitely. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move that we resolve into a Committee of the Whole at this time to go into the committee recommendations.

Delegate Mendiola seconded the motion.

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

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

The Convention resolved into a Committee of the Whole at 1:35 p.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 4:10 p.m.

President H. Guerrero: The Convention is now back to session. I call on Delegate Ogumoro.

Delegate Ogumoro: Thank you, Mr. President. Your Committee of the Whole deliberated on Committee Recommendation Nos. 21, 35, 36 and 37 and have taken the following actions: On Committee Recommendation No. 21, your Committee voted to adopt that. Committee Recommendation 35 was also adopted. On Committee Recommendation 36, adoption was also taken. Now, the Committee of the Whole voted to defer action on Committee Recommendation No. 37. Thank you, Mr. President. I move that the report of the Committee of the Whole be adopted.

Floor Leader Lizama seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation Nos. 21, 35 and 36 as adopted by the Committee of the Whole and recommending also that Committee Recommendation No. 37 be referred. At least 21, 35 and 36 will be considered as First Reading. Discussions?

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

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: Mr. President, so that we can see the sunset, I would like to move that we recess until seven o'clock.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to recess until seven o'clock.

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

The Convention recessed at 4:12 p.m.

RECESS

The Convention reconvened at 7:21 p.m.

President H. Guerrero: The session is back to order. Floor Leader Lizama?

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

Delegate Mendiola seconded the motion.

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

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

The Convention resolved into a Committee of the Whole at 7:22 p.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 8:33 p.m.

President H. Guerrero: The session is now in order. Delegate Reyes?

Delegate Reyes: Mr. President, the Committee of the Whole deliberated on Committee Recommendation Nos. 38, 39 and 40. Committee Recommendation No. 38, a proposal relative to a spelling of a legislative member, has been adopted. Committee Recommendation No. 39, relative to the conduct of a legislative member, is defeated. Committee Recommendation No. 40, to amend Sections 5 and 6 of Article XII of the CNMI Constitution regarding corporations, has been adopted. I move, Mr. President, that the report of the Committee of the Whole be adopted.

Delegate Nabors seconded the motion.

President H. Guerrero: Before we entertain the motion, can you restate your statement that Committee Recommendation No. 40 was adopted, the substitute version not the original version?

Delegate Reyes: Mr. President, Committee Recommendation No. 40 on corporations, as amended, as substituted rather, has been adopted.

President H. Guerrero: Thank you. It has been moved and seconded to adopt Committee Recommendation No. 38 which was adopted; Committee Recommendation No. 39 which was defeated; and Committee Recommendation No. 40, the substitute version, was adopted. Discussions? Delegate Villagomez?

Delegate Villagomez: Mr. President, at the time that the Committee of the Whole deliberated on Committee Recommendation No. 40, the question was raised--what would be the effect of this amendment to those existing corporations now which are partially owned by persons of Northern Marianas descent and partially owned by persons who are not of Northern Marianas descent. During the discussions, it was agreed upon by the delegates and it is the intent of the Convention that those corporations which now owned land in the CNMI and which corporations are owned part by non-Northern Marianas descent will maintain their ownership on the land that they own prior to the effective date of this amendment but that they may not own land after the effective date of this amendment unless they conform with this amendment. Thank you.

President H. Guerrero: Is there a unanimous consent on the statement by Delegate Villagomez so it can be incorporated as part of the report?

Delegate Nabors: No objection.

President H. Guerrero: Delegate King, are you objecting?

Delegate King: No. I second it.

President H. Guerrero: It wasn't a motion; I was only asking. If there is no objection, so ordered. Any further discussions?

There being no further discussion, the motion to adopt the Committee of the Whole's report and consider Committee Recommendation Nos. 38 and 40 as First Reading was carried by voice vote.

President H. Guerrero: Can we have a recess of, like five minutes?

Delegate King: Yes.

Delegate Villanueva: Yes.

President H. Guerrero: Recess for five minutes.

The Convention recessed at 8:37 p.m.

RECESS

The Convention reconvened at 8:50 p.m.

President H. Guerrero: The session is now reconvened. Where is our Floor Leader? Secretary Nabors?

Secretary Nabors: Mr. President, I move that we resolve into a Committee of the Whole.

Delegate Manglona seconded the motion.

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

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

The Convention resolved into a Committee of the Whole at 8:50 p.m.

COMMITTEE OF THE WHOLE

The Committee of the Whole recessed at around 11:00 p.m. and will continue its plenary session the next day, Sunday, July 14, 1985, at 4:00 p.m.

The Convention reconvened its plenary session at 4:16 p.m., Sunday, July 14, 1985.

President H. Guerrero: The 26th Day's Plenary Session is back to order. I call on Delegate Tenorio to report on the findings of the Committee of the Whole in reference to Committee Recommendation Nos. 41, 42, 43 and 44.

Delegate Mafnas: That's correct; and 31.

President H. Guerrero: And 31.

Delegate Tenorio: Thank you, Mr. President. Your Committee of the Whole deliberated on Committee Recommendation Nos. 41, 42, 43 and added also Committee Recommendation No. 31. Committee Recommendation No. 41 was adopted as incorporated. There are other languages to be incorporated into the Committee Recommendation. And also, in conjunction with this Committee Recommendation, Committee Recommendation No. 31 was included with the condition to consider Committee Recommendation 41 for Second and Final Reading. And if Committee Recommendation 41 is adopted, Committee Recommendation 31 shall be withdrawn. If Committee Recommendation 41 is defeated, Committee Recommendation 31 will be considered. Committee Recommendation No. 42 was adopted as amended. Committee Recommendation No. 43 was also adopted as amended. And Committee Recommendation No. 44 was adopted. Thank you, Mr. President.

President H. Guerrero: Is there a motion to adopt the recommendation of the Committee of the Whole?

Floor Leader Lizama: I so move.

Delegate Tenorio seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation Nos. 31, 41, 42, 43 and 44. Discussions? Secretary Nabors?

Secretary Nabors: Thank you, Mr. President. I believe our chairman has a motion that was also adopted by the Committee of the Whole concerning the consideration of Committee Recommendation No. 40.

President H. Guerrero: What are you talking about?

Secretary Nabors: There was a motion that was made and adopted by the Committee of the Whole that Committee Recommendation No. 40 would incorporate all suggested amendments.

Delegate Tenorio: It's No. 41.

Secretary Nabors: No. 41, excuse me, and that those amended versions will be distributed by tomorrow afternoon and that Committee Recommendation No. 41 will be calendared for discussions on Tuesday morning.

Delegate Villagomez: That's correct.

Delegate Tenorio: I believe that's correct. I stand corrected.

Secretary Nabors: Thank you.

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: Mr. President, that was not a motion; it was a suggestion.

President H. Guerrero: It was a suggestion.

Delegate Tenorio: It was a motion. May I please, Mr. President?

President H. Guerrero: Yes, Delegate Tenorio.

Delegate Tenorio: Yes, Delegate Nabors moved to incorporate all of the suggestions from the delegates into Committee Recommendation No. 41, to distribute copies to all the delegates on Monday afternoon, and to calendar Committee Recommendation No. 41 on Second and Final Reading as the first order of business on Tuesday morning. That was passed. Thank you.

President H. Guerrero: Also, just a point of clarification. Since 31 was not actually authorized to be considered and there was no unanimous consent to suspend the rules to entertain 31, I think we will just sort of let it go for now. Delegate Mafnas?

Delegate Mafnas: Mr. President, I think Recommendation No. 31 was incorporated in a motion to adopt Recommendation 41.

President H. Guerrero: So 31 was incorporated in 40.

Delegate Mafnas: Yes. The motion to adopt 41 was amended to include No. 31 and this was seconded and adopted and there was no opposition.

President H. Guerrero: Okay. Are there any further discussions? Chairman Manglona?

Chairman Manglona: Mr. President, during the Committee of the Whole's discussions on Committee Recommendation No. 42 regarding gambling, majority of the delegates agreed that gambling is a local matter and there was a lengthy discussion on this so that we eliminate this committee recommendation because the majority of the delegates believe that this committee recommendation is not necessary because the present law allows us to do it. Thank you.

President H. Guerrero: Are there any further discussions?

There being no further discussion, the motion to adopt the Committee of the Whole's recommendations was carried by voice vote.

MISCELLANEOUS BUSINESS

President H. Guerrero: We are now under Miscellaneous Business. Delegate Nabors?

Delegate Nabors: Mr. President, there are a number of priority proposals that are still in the committees and I would like to find out if we can have all those stuff out of the committees by early tomorrow. Thank you.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Is this Miscellaneous Business, Mr. President?

President H. Guerrero: Yes.

Delegate Manglona: Yes, I would like to refer to Committee Recommendation No. 28. This is on Clean and Healthful Environment. Everybody was concerned about this committee recommendation, especially the delegates from Tinian. They are saying that there are a lot of military manuevering in Tinian and they are afraid about the noise of the airplanes. And all of these will indirectly affect also the people of Saipan because when they fly to the airport, they will somehow fly over Saipan. I want to, I guess, emphasize the importance of this recommendation also for the people of Rota. As Delegate Kaipat mentioned, constructions sometimes caused a lot of unnecessary and harmful--I emphasize "harmful" noise. A person about a year ago or two was suing a construction company for about $3 million because this construction company was making a lot of noise, unnecessary, harmful noise near his property. They were dynamiting the underwater. So he is suing IBC Construction Company for this unnecessary noise. So for that reason, I feel it is very important. This person was going insane and he is suing this company $3 million because he is going insane and I feel sorry for this guy because I can see even right now. The other day we received Communication No. 10 from this guy and I wish you disregard that communication. It's coming from this guy and I feel that he needs help right away. Thank you.

Delegate Cing: Can I see that?

President H. Guerrero: You have a copy of that letter.

Delegate Manglona: It's Communication No. 10. I wonder what dishevel that cause this guy to write this letter. Thank you.

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

Delegate King: Just to make correction on Delegate Manglona's statement. The Tinian people are not afraid of the noise but they just don't want to have that kind of noise that is beyond all noises. So we are not afraid.

President H. Guerrero: Are there any other miscellaneous business? If none, I would like to recommend that we entertain Committee Recommendation No. 14. If there is no objection from the floor, I would like to pull Committee Recommendation No. 14 for further consideration in view that we might not be able to finish between now and Wednesday.

Delegate Nabors: Objection.

President H. Guerrero: Objection?

Delegate Nabors: Yes, because we discussed that once and there are people who said that only 30 days.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Mr. President, the Committee on Finance and Other Matters's recommendation on that particular resolution was introduced before this Convention and was defeated; so therefore, should we have to reconsider it, we have to reintroduce that resolution because the Convention itself disapproved that.

Delegate Cing: Privilege.

President H. Guerrero: Yes, Delegate Cing.

Delegate Cing: Privilege, Mr. President.

President H. Guerrero: I already recognized you. Please proceed.

Delegate Cing: Yes, I was with Delegate Guerrero at that time when we were the victims of this. As of now, as I look at all the delegates, I think most of us here have mental fatigue because we are rushing this Convention according to the public law that we have to finish it within a period of 30 days. I think if we have to bring this up again, it is going to create chaos among us. We have to do something to rectify this problem. I think we can do it by some other means. I myself missed my family and my island already but I will not leave this Convention until we finish with our work here. Thank you.

(Laughter)

President H. Guerrero: Delegate Torres?

Delegate Torres: Thank you, Mr. President. I sympathize with Delegate Cing. I think that one of the major reasons for rejecting the resolution at that time was strictly tactical so that we can get things out of the committees. Now, we are becoming more realistic. I think the Chair

should entertain an extension of not more than one week so that we can deliberate constructively on Second and Final Reading and not rush to judgment on critical issues just because we missed our families, we missed our girl-friends, we missed our girls at the bars, and we missed our other kids. Let's be serious about a possible extension. I am not suggesting that we should necessary extend but consider the possibility for it. Thank you.

President H. Guerrero: Yes, Delegate Nabors.

Delegate Nabors: I would like to move that we reconsider Resolution 14.

Delegate King seconded the motion.

President H. Guerrero: I was only asking for unanimous consent. If there is no objection, we can recall and put it in the calendar for discussions on the 27th day session which would convene probably after we come back from dinner. Does anybody have any objection? I can assure you that at the rate we are going that during Second Reading, some of these proposals will never make it to Second Reading, and it's the privilege of the Chair to decide which one comes first. Yes, Delegate Mafnas.

Delegate Mafnas: Mr. President, I respect the privilege of the Chair but the Chair is one. So those that were finished on First Reading, put them on the calendar. Don't exercise your powerful privilege. Thank you. If I may, I was one of the opponents of the extension of time. Delegate Torres was right that it was to get the machine rolling. Moreover, the resolution that was introduced was asking for definite extension of time and it was not asking that just in case we run out of time, we would like the time be extended. I would support. I know there are important amendments that have been adopted on the First Reading. I would support an extension of time as suggested for one week or not to exceed ten days if we ran out of time. So I am with you, Mr. President, on that. Thank you.

President H. Guerrero: Delegate Tenorio?

Delegate Tenorio: Thank you, Mr. President. I'm rather disturbed that the statement made by Delegate Mafnas and Delegate Torres, I did not vote on that resolution because I knew that it was tactful. I voted on that resolution....

Delegate Mafnas: Point of information, Mr. President.

President H. Guerrero: Delegate Tenorio, I need to recognize Delegate Mafnas. State your point, Delegate Mafnas.

Delegate Mafnas: Point of information or clarification. I was talking for myself and I wasn't talking on behalf of Delegate Tenorio. Thank you.

Delegate Tenorio: Thank you, Delegate Mafnas. With all due respect, I did not vote on that resolution because I felt that it was tactful. I voted because that was my believe that we did not need the time at the very moment that we were discussing the resolution. Thank you.

President H. Guerrero: Delegate Guerrero, you had your hand up?

Delegate DL. Guerrero: Mr. President, you know, when a committee report is out to this Convention, at that particular point in time the delegates of the Convention could easily come up with suggestions to amend that resolution to make it at least alive up till today. Now we start feeling the tremendous-amount of work that this Convention is facing. I, for one, have no reservation to reconsider that resolution but the majority delegates of this Convention voted against it, and I must say that maybe only three or maybe five of us voted for that resolution. Now everybody feels the bulk of work that we have that we have to consider or recall that resolution to reconsider it for an extension of time. Now should this Convention feel that we need additional days, let's do it without any waste. My very concern at that time was that the delegates themselves should we stop the clock to finish all the workload of this Convention that we are facing, the delegates can afford themselves. But my very concern and the committee's concern is the staff of this Convention, how we are going to manage and pay them. So now we start realizing that the committee's recommendation may be right at that time should this Convention took it into consideration. Thank you.

President H. Guerrero: Thank you. Delegate Cing?

Delegate Cing: Thank you, Mr. President. For the benefit of the Convention, I will withdraw my intention. But I would like the record to show that we three were right: Delegate Nabors, Delegate Guerrero and Delegate Cing were right when they introduced this as a safeguard resolution. Thank you.

President H. Guerrero: I'll call first Delegate Manglona.

Delegate Manglona: Thank you, Mr. President. It seems the past 27 days we have been complaining about the Legislature's inaction and that is why we are coming up with all these amendments. Now in a few days, we are going to be inaction also because of their work to allow us only 30 days. I say forget the Legislature and let that disease not come to this Convention. I am not afraid of what the public will say that we didn't finish our job in 30 days. There are a lot of amendments here and I don't like telling some individuals not to make amendments. That is healthy. If the people are making amendments, that means they are thinking about the proposals. They have some concerns and that is why I feel we need additional time. I don't like to do rush work. I want to think out every proposal and I want to know every detail in every proposal as much as possible. Right now, we are all in a rush; we are going to be working late at night and we are going to be all confused. Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I think we only have 72 hours before the time is up, three days, and the mental-physical strength would decrease the capacity of the thinking process. So I think we should be very specific by giving us at least ten days more to go over the proposals that we already passed on First Reading and on the few that will arrive for First Reading. So I think we should work in the morning, afternoon and evening but take off at night so that we can be correct of thought process to regain or open up again the next morning. This way, by refreshing in the morning, we can probably do a better job instead of rushing the next seven days. Thank you, Mr. President.

President H. Guerrero: Delegate Tenorio?

Delegate Tenorio: Thank you, Mr. President. My statement, I hope, is not being misconstrued. I have no objection to reconsidering the resolution. I just made that statement because I firmly believe that I voted on the merit of the resolution and not because of other reasons. Thank you.

President H. Guerrero: Delegate Lizama?

Delegate Lizama: Mr. President, if I may ask the drafter of the resolution to consider the possibility that after 30 days we will recess for a couple of days and then come back for a period of five to ten days.

Delegate Igitol: Objection.

President H. Guerrero: I believe that should be entertained too if we take it up under the General Orders of the Day on the 27th day. Yes, Delegate Igitol.

Delegate Igitol: How many more proposals have to be introduced or have not yet been introduced by the standing committees?

President H. Guerrero: I don't know how many more committee recommendations that the committees are planning of submitting. Delegate King?

Delegate King: Three more.

President H. Guerrero: Three more? Finance and Other Matters?

Delegate DL. Guerrero: We have about five more. We already introduced those in today's session.

President H. Guerrero: Chairman Lizama?

Chairman Lizama: If I am not mistaken, I believe, Mr. President, it's about seven to ten.

Chairman Manglona: I have one more.

President H. Guerrero: One more?

Chairman King: Point of clarification. Can I expedite that by filing it?

(Laughter)

President H. Guerrero: Delegate King, I believe you are bringing up a very a very sensitive subject and that is the Marianas Public Land Corporations issue.

Chairman King: But you are really concerned about the time and I can save the time by filing it.

Delegate Igitol: My point, Mr. President, is that to see how many more proposals have not yet been introduced so that we can intelligently perdict inclusive the Second Reading so that one can discuss whether to extend the days or not.

Delegate Lizama: Question, Mr. President.

President H. Guerrero: Delegate Lizama?

Delegate Lizama: What about the journals? Are they going to be able to be finished by the last day of this Convention?

President H. Guerrero: Journal Clerk, where are you?

Journal Clerk: I'm on the 15th Day's Journal.

President H. Guerrero: Do you think we can finish it?

Journal Clerk: No, not by the last day of the Convention.

Delegate Lizama: If they are not finished on time, I wonder whether....

Delegate DL. Guerrero: We can pass a resolution to accommodate that.

Delegate Lizama: Maybe we could pass a resolution; that's right. Thank you for the assistance, Delegate Guerrero. It shows the experience in life.

President H. Guerrero: Let's go to announcements.

ANNOUNCEMENTS

President H. Guerrero: Any announcements? The Chair would like to... Do you have any announcement to make, Delegate King?

Delegate King: No; I just want to listen to you.

President H. Guerrero: Thank you, Delegate King. The Chair would like to even recommend that probably we would adjourn at seven o'clock and come back and entertain the Order of Business for the 27th Day which at the moment we have six committee recommendations for submission. Committee Recommendation Nos. 10, 12, and 38 will be considered for Second and Final Reading. Under the General Orders of the Day, we will entertain 45, 46, 47 and 48.

Delegate Nabors: May I, Mr. President? I would like to recommend that we come back at seven and receive the committee recommendations and discuss Resolution 14 only.

Delegate Lizama: I second to that.

Delegate Manglona: Objection. There are more proposals to be considered on First Reading.

President H. Guerrero: I forgot to include Committee Recommendation No. 14 into this one but it will come first over the others.

Delegate Nabors: I think we ought to resolve that issue and get it down to the Legislature first thing in the morning and see what their reaction is going to be, and let's get some rest because I'm tired.

Delegate Manglona: Objection. If they don't approve that resolution, we are going to lose tonight, so we still have to go on. Thank you.

President H. Guerrero: The Chair also is recommending that probably we will have to stop the clock.

Delegate Igitol: We don't have enough time.

President H. Guerrero: Anyway, that is the announcement.

Floor Leader Lizama: Mr. President, for Second Reading this evening, Committee Recommendation Nos. 10, 12, and 38; would there be any for First Reading?

President H. Guerrero: Yes. There are six. They are 49, 50, 51, 52, 53 and 54. That would be Committee Recommendations, First Reading, and General Orders where we will consider 45, 46, 47 and 48. This 45 is in reference to qualifications of the Governor; 46 is joint election of the Governor and Lt. Governor; 47 is succession to Governor and Lt. Governor; and 48 is independence of boards and commissions. Now, we are finished with announcements and the Chair is ready to entertain adjournment.

Floor Leader Lizama: Mr. President, I move that we recess until....

President H. Guerrero: Oh, excuse me. I was informed and asked to extend an invitation. I understand that the Susupe Fiesta starts at six o'clock at the District 2 Community Hall, so everyone is invited from up here. Please continue.

Floor Leader Lizama: Mr. President, may I then move that we recess until 8:30 p.m.? Eight o'clock, Mr. President, so there would be a compromise.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to recess until eight o'clock tonight.

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

The Convention adjourned at 4:46 p.m. and to reconvene at 8:00 p.m., Sunday, July 14, 1985.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary

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

TWENTY-SEVENTH DAY

Sunday, July 14, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 8:29 p.m., Sunday, July 14, 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, can you take the roll call please?

Secretary Nabors called the roll, and 22 members were present. Delegates Kaipat and Villagomez were absent.

Secretary Nabors: Mr. President, we have 22 delegates present.

President H. Guerrero: Thank you. We have a quorum and a majority to conduct the Order of Business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the 26th Day's Summary Journal.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the 26th Day's Summary Journal of Sunday, July 14, 1985. This should be Saturday and part Sunday. There is a correction here. Discussions? The Summary Journal should read "Saturday, July 13, 1985", I believe, the 26th Day.

Floor Leader Lizama: That's correct, Mr. President.

There being no discussion, the motion to adopt the 26th Day's Summary Journal of Sunday, July 14, 1985, was carried by voice vote.

COMMUNICATIONS

Communication No. 18, from the Executive Director of the Mariana Islands Housing Authority, re Committee Recommendation No. 25.

President H. Guerrero: We only have one communication in front of you and I believe it is self-explanatory.

COMMITTEE REPORTS/RECOMMENDATIONS

Committee Recommendation No. 49, from the Committee on Finance and Other Matters, recommending for adoption of Delegate Proposal No. 268-85,

entitled: "To amend Article X, Section 4 to add the prohibition against public debt."

Committee Recommendation No. 50, from the Committee on Finance and Other Matters, recommending for adoption of Delegate Proposal Nos. 85-85 and 99-85, entitled: "To amend Section 9(a) and (b) of Article III of the Northern Marianas Constitution to mandate a balanced budget for the CNMI Government in every fiscal year."

Committee Recommendation No. 51, from the Committee on Personal Rights and Natural Resources, recommending for adoption of Delegate Proposal Nos. 11-85, 87-85, 133-85, 155-85, and 277-85, entitled: "To amend Article XI, Section 6(a) to provide for an increase in the number of trustees of the Marianas Public Land Trust from three to five."

Committee Recommendation No. 52, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal Nos. 9-85, 46-85, and 248-85, entitled: "To amend Section 13 of Article II of the Northern Marianas Constitution relating to sessions."

Committee Recommendation No. 53, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal No. 201-85, entitled: "To amend Section 2 of Article II of the Northern Marianas Constitution to add a new 'subsection (d)' relating to the Composition of the Senate."

Committee Recommendation No. 54, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal No. 213-85, entitled: "To amend Section 3 of Article II of the Northern Marianas Constitution by adding a new 'subsection (d)' relating to Composition of the House of Representatives."

President H. Guerrero: We are now on Committee Recommendations. Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. Your Committee on Finance and Other Matters would like to report to this Convention on Committee Recommendation No. 49 and Committe Recommendation No. 50 to be adopted by this Convention.

President H. Guerrero: The Chair accepts Committee Recommendation Nos. 49 and 50. Chairman Lizama?

Chairman Lizama: Thank you, Mr. President. Your Committee on Governmental Institutions would like to submit Committee Recommendation No. 52, Committee Recommendation No. 53, and Committee Recommendation No. 54.

President H. Guerrero: Thank you. The Chair accepts Committee Recommendation Nos. 52, 53, and 54. Chairman King?

Chairman King: Thank you, Mr. President. Your Committee on Personal Rights and Natural Resources would like to submit to the Convention Committee Recommendation No. 51.

President H. Guerrero: Thank you. The Chair accepts Committee Recommendation No. 51. Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has not report. Thank you.

President H. Guerrero: Thank you.

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

Committee Recommendation No. 49: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE X, SECTION 4 TO ADD THE PROHIBITION AGAINST PUBLIC DEBT.", for First Reading.

Committee Recommendation No. 50: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 9(a) AND (b) OF ARTICLE III OF THE NORTHERN MARIANAS CONSTITUTION TO MANDATE A BALANCE BUDGET FOR THE CNMI GOVERNMENT IN EVERY FISCAL YEAR.", for First Reading.

Committee Recommendation No. 51: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE XI, SECTION 6(a) TO PROVIDE FOR AN INCREASE IN THE NUMBER OF TRUSTEES OF THE MARIANAS PUBLIC LAND TRUST FROM THREE TO FIVE.", for First Reading.

Committee Recommendation No. 52: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 13 OF ARTICLE II OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO SESSIONS.", for First Reading.

Committee Recommendation No. 53: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 2 OF ARTICLE II OF THE NORTHERN MARIANAS CONSTITUTION TO ADD A NEW 'SUBSECTION (d)' RELATING TO THE COMPOSITION OF THE SENATE.", for First Reading.

Committee Recommendation No. 54: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 3 OF ARTICLE II OF THE NORTHERN MARIANAS CONSTITUTION BY ADDING A NEW 'SUBSECTION (d)' RELATING TO COMPOSITION OF THE HOUSE OF REPRESENTATIVES.", for First Reading.

President H. Guerrero: Introduction and First Reading, Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. At this time, the Committee on Finance and Other Matters would like to introduce Committee Recommendation No. 49: "To amend Article X, Section 4, to add the prohibition against public debt."; and Committee Recommendation No. 50: "To amend Section 9(a) and (b) of Article III of the Northern Marianas Constitution to mandate a balanced budget for the CNMI Government in every fiscal year."

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

Chairman Lizama: Mr. President, Governmental Institutions Committee's Recommendation 51 is a proposed constitutional amendment to amend Article XI, Section 6(a), to provide for an increase in the number of trustees of the Marianas Public Land Trust from three to five. Committee Recommendation No. 52 is a proposed constitutional amendment to amend Section 13 of Article II of the Northern Marianas Constitution relating to sessions. Committee Recommendation No. 53 is a proposed constitutional amendment to

amend Section 2 of Article II of the Northern Marianas Constitution to add a new "subsection (d)" relating to the composition of the Senate. And Committee Recommendation No. 54 is to amend Section 3 of Article II of the Northern Marianas Constitution by adding a new "subsection (d)" relating to composition of the House of Representatives.

Chairman H. Guerrero: Thank you.

SECOND AND FINAL READING

Committee Recommendation No. 10: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE II, SECTION 11 RELATIVE TO OTHER GOVERNMENT EMPLOYMENT OF MEMBERS OF THE LEGISLATURE.", for Second and Final Reading.

Committee Recommendation No. 12: "A PROPOSED CONSTITUTIONAL AMENDMENT TO ADD A NEW SUBSECTION TO ARTICLE III, SECTION 18 TO REQUIRE THAT THE SALARY OF THE EXECUTIVE ASSISTANT FOR CAROLINIAN AFFAIRS NOT BE LESS THAN THAT OF AN EXECUTIVE DEPARTMENT HEAD.", for Second and Final Reading.

Committee Recommendation No. 38: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 14(a) OF ARTICLE II REGARDING THE VOTE REQUIRED TO EXPEL A MEMBER OF THE LEGISLATURE.", for Second and Final Reading.

President H. Guerrero: We are now on Second and Final Reading. Secretary Nabors, can you read Committee Recommendation No. 10?

Delegate King: Mr. President, what about Committee Recommendation No. 51?

President H. Guerrero: I believe Chairman Lizama read it.

Delegate King: Okay; thank you.

At this point, Secretary Nabors read Committee Recommendation No. 10, as follows:

"COMMITTEE RECOMMENDATION NO. 10

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article II, Section 11 relative to other government employment of members of the legislature.

"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:

"1. Effective upon ratification, Section 11 of Article II is amended to read:

"'Section 11. Other Government Employment. A member of the legislature may not serve in any other Commonwealth government position including other elective office or an independent board,

agency, authority or commission established by this Constitution or by Commonwealth law. A person, having been a member of the legislature, may not serve in any elective or appointive Commonwealth government position created by statute during the term for which he was elected, for a period of one year following the expiration of the term during which the position was created.'"

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move that we adopt on Second and Final Reading, Committee Recommendation No. 10.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 10. Discussions?

Delegate Mafnas: I move for the previous question.

President H. Guerrero: If there's no discussion, roll call please.

Delegate Tenorio: Point of information.

President H. Guerrero: State your point.

Delegate Tenorio: Mr. President, on this Committee Recommendation No. 10, line 10, the last word "he", I wonder if this is appropriate to just have "he". What if the person is a she?

President H. Guerrero: Can we have the unanimous consent to put "he or she"?

Floor Leader Lizama: No objection, Mr. President.

Delegate Limes: No objection.

President H. Guerrero: If there is no objection, so be it. Roll call, please.

At this point, Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 10 on Second and Final Reading was voted by a roll call vote, as follows:

YES: Delegates Vincent Calvo, David Cing, Herman Guerrero, Lorenzo DL. Guerrero, Alonzo Igisomar, David Igitol, Rita Inos, Esteven King, Luis Limes, Juan Lizama, Jesus Mafnas, James Mendiola, Paul Manglona, Aniceto Mundo, Felicidad Ogumoro, Maria Pangelinan, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, and William Nabors. (21 votes)

ABSTAIN: Delegate Ignacio Villanueva. (1 vote)

ABSENT: Delegates Benusto Kaipat and Ramon Villagomez.

And the motion was carried.

Secretary Nabors: Mr. President, there are 21 ayes, 1 abstention, and 2 absent.

President H. Guerrero: Therefore, there are 22 votes and it passed unanimously. It requires only 17 votes. It is three-fourths member. Since two are absent, therefore we only need 17 for passage of a bill. Therefore, it is unanimously passed. Secretary Nabors, can you read Committee Recommendation No. 12 please?

Secretary Nabors read Committee Recommendation No. 12, as follows:

"A PROPOSAL

"To amend Section 18 of Article III of the Northern Marianas Constitution.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Section 1. Section 18 of Article III is hereby amended to add a new subsection (g) to read as follows:

"'Section 18: Executive Assistant for Carolinian Affairs.

"'g) The annual salary of the Executive Assistant for Carolinian Affairs shall be equal to the annual salary of each of the principal Department Director.'"

Chairman Lizama: Point of information, Mr. President.

President H. Guerrero: Yes, Floor Leader Lizama.

Floor Leader Lizama: Committee Recommendation No. 12 should have been read as follows: "Section (g): The annual salary of the Executive Assistant for Carolinian Affairs may not be less than the annual salary of a head of an executive department.".

President H. Guerrero: That's correct. That is the adopted version by the Committee of the Whole. Discussions? Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move that the Convention adopts Committee Recommendation No. 12 on Second and Final Reading.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 12 on Second and Final Reading. Discussions? If there's no discussion, Secretary Nabors, can you take the roll call vote?

At this point, Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 12 on Second and Final Reading was voted on by a roll call vote, as follows:

YES: Delegates Vincent Calvo, David Cing, Herman Guerrero, Lorenzo DL. Guerrero, Alonzo Igisomar, David Igitol, Rita Inos, Luis Limes, Juan Lizama, Jesus Mafnas, James Mendiola, Paul Manglona,

Aniceto Mundo, Felicidad Ogumoro, Maria Pangelinan, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres, Ignacio Villanueva, and William Nabors. (21 votes)

ABSTAIN: Delegate Esteven King. (1 vote)

ABSENT: Delegates Benusto Kaipat and Ramon Villagomez.

And the motion was carried.

Secretary Nabors: Mr. President, I have 21 affirmative votes, 1 abstention, and 2 absent.

President H. Guerrero: Committee Recommendation No. 12 is unanimously adopted. Secretary Nabors, can you read Committee Recommendation No. 38 please?

Secretary Nabors read Committee Recommendation No. 38, as follows:

"COMMITTEE RECOMMENDATION NO. 38

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 14(a) of Article II regarding the vote required to expel a member of the legislature.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

"Effective upon ratification, Section 14(a) of Article II is amended to read:

"'Section 14: Organization and Procedures.

"'a) Each house of the legislature shall be the final judge of the election and qualifications of its members and the legislature may vest in the courts the jurisdiction to determine contested election of members. Each house may compel the attendance of absent members, discipline its members and, by the affirmative vote of three-fourths of its members, expell a member for commission of treason, a felony, breach of the peace, or violation of the rules of that house.'"

President H. Guerrero: Yes, Floor Leader Lizama.

Floor Leader Lizama: Mr. President, I move that the Convention adopts Committee Recommendation No. 38 on Second and Final Reading.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 38. Discussions? Floor Leader Lizama?

Floor Leader Lizama: Yes, I apologize, Mr. President. I think we need to do some minor clearing on this committee recommendation, Mr. President. On the last line of the introductory clause, the words "to read" should be deleted. And on line 1, place the Roman numeral "L" in front of "Effective". On line 2, strike out....

Delegate Limes: Is it Roman numeral L or I?

Floor Leader Lizama: It's Roman numeral I, I'm sorry. On line 2, strike out in its entirety. On line 5, place an "s" at the end of the word "election". These are just to put the proposed constitutional amendment in proper form. I so move.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to make technical amendments to Committee Recommendation No. 38. Discussions? Yes, Delegate King.

Delegate King: Thank you, Mr. President. Since the proposed amendment on line 7, I believe, is covered by the Analysis of the Constitution, so I would like to move that we file this Recommendation No. 38 on Second and Final Reading.

President H. Guerrero: You are out of order; we are on the amendment. Confine yourself to the technical amendment that was passed out first.

Delegate King: Oh, I'm sorry. I apologize.

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

Delegate Mendiola seconded the motion.

There being no further discussion, the motion to adopt the amendment offered by Floor Leader Lizama was carried by voice vote.

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

Delegate King: Mr. President, I believe that we are going to put this out for referendum this coming November. And since this is already covered under the Analysis of the Constitution, I would like to urge the delegates that we should vote this down and file it since it is already covered in the Analysis of the Constitution.

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

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

There being no further discussion, Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 38 on Second and Final Reading was voted on by a roll call vote, as follows:

YES: Delegates Vincent Calvo, David Cing, Herman Guerrero, Lorenzo DL. Guerrero, Alonzo Igisomar, David Igitol, Rita Inos,

Luis Limes, Juan Lizama, Jesus Mafnas, James Mendiola, Paul Manglona, William Nabors, Felicidad Ogumoro, Maria Pangelinan, Karl Reyes, Francisco Tomokane, and Ignacio Villanueva. (18 votes)

NO: Delegates Esteven King and Aniceto Mundo. (2 votes)

ABSTAIN: Delegates Joaquin Tenorio and William Torres. (2 votes)

ABSENT: Delegates Benusto Kaipat and Ramon Villagomez.

And the motion was carried.

Secretary Nabors: Mr. President, I have 2 abstentious, 2 negative votes, and 20 affirmative votes.

Delegate Mafnas: That's impossible.

Secretary Nabors: Oh, pardon me. I have 2 absent, 2 abstentious, 2 negative votes, and 18 affirmative votes.

President H. Guerrero: Committee Recommendation No. 38 is adopted by 20 votes. Abstention goes to the prevailing side. There is no Introduction of Resolutions, no Unfinished business, and no Special Orders of the Day. We are now under General Orders of the Day.

INTRODUCTION OF RESOLUTIONS AND REFERRALS

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

Committee Recommendation No. 14, from the Committee on Finance and Other Matters, recommending for adoption of Resolution No. 3-85, Committee Draft 1, entitled: "A RESOLUTION RELATIVE TO REQUESTING THE COMMONWEALTH LEGISLATURE TO EXTEND THE CONSTITUTIONAL CONVENTION FOR AN ADDITIONAL THIRTY DAY PERIOD.", for reconsideration by the Committee of the Whole.

Committee Recommendation No. 45: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 2 OF ARTICLE III OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO QUALIFICATIONS OF THE GOVERNOR."

Committee Recommendation No. 46: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE III, SECTION 4 TO LIMIT THE GOVERNOR TO TWO TERMS IN OFFICE."

Committee Recommendation No. 47: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 7 OF ARTICLE III OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO SUCCESSION TO THE GOVERNORSHIP AND LIEUTENANT GOVERNORSHIP."

Committee Recommendation No. 48: "A PROPOSED CONSTITUTIONAL AMENDMENT TO ADD A NEW SECTION TO ARTICLE III TO GUARANTEE THE INDEPENDENCE OF BOARDS AND COMMISSIONS."

President H. Guerrero: Floor Leader Lizama?

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

Secretary Nabors seconded the motion.

Floor Leader Lizama: If the delegates feel that it would not be necessary to resolve into a Committee of the Whole to deal with Committee Recommendation No. 14, I will withdraw that motion to resolve into that committee.

President H. Guerrero: It can be done. The Chair suggests that we will probably handle it.

Floor Leader Lizama: Okay, I withdraw my motion, Mr. President.

President H. Guerrero: Can we have a motion to adopt Committee Recommendation No. 14? Any motion?

Chairman DL. Guerrero: I so move, Mr. President.

Floor Leader Lizama seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 14. Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. There was distributed a substituted version to update the information contained in the original resolution. The only change was on lines 3 to 5 to indicate the accurate number of introduced proposals. Thank you.

President H. Guerrero: Discussions?

Floor Leader Lizama: Mr. President, when this type of resolution was introduced the first time, I was one of those delegates that voted against it. Now I have given some thought about the need to get some additional extension. I have been thinking about the need for the Convention having an extension for an additional 10 days. Mr. President, I would like to urge all the delegates to quickly resolve this resolution so that we would be able to proceed with other business.

President H. Guerrero: Delegate Inos?

Delegate Inos: Mr. President, I think it's just a minor thing here that I want to point out on line 6. I wonder if there should be a word "is" after "since this" -- "Whereas, since this our Second Constitutional Convention"....

President H. Guerrero: If there's no objection, we will just insert the word "is". Delegate Villanueva?

Delegate Villanueva: I just want to know whether these are calendar days or working days.

Delegate Nabors: Calendar. And may I, Mr. President?

President H. Guerrero: Yes, Delegate Nabors.

Delegate Nabors: It probably should read "not to exceed". If we finish early, we can go home.

President H. Guerrero: Are you making an amendment?

Delegate Nabors: Yes, Mr. President, on line 18 "for a period not to exceed 10 days".

Floor Leader Lizama: No objection.

President H. Guerrero: Yes, Delegate Reyes?

Delegate Reyes: Mr. President, if we are to make this proportional to the funding that was granted to the Convention which is, as I understand it, $25,000, just to be exact is seven days. Oh, pardon me, it's seven and a half days so we have to ask for seven days.

Delegate Nabors: Is that a motion?

Delegate Reyes: The resolution is saying that the funding has to be proportional. If that's the case, then the proportional days to the funding is seven point five days, so I feel we should ask for seven days or one week.

Floor Leader Lizama: Yes; that's correct.

Delegate Reyes: I would like to put that into a motion.

Delegate Nabors seconded the motion.

President H. Guerrero: I just want to mention to Delegate Reyes that the House passed the additional appropriation for $25,000. It's up to the Senate, but I don't know. The Senate amended it unfavorable, so I believe it's going to require for a conference. But that's for $25,000.

Delegate Reyes: But that is the best guide that we have as of today, I think.

President H. Guerrero: Yes. Chairman Guerrero?

Chairman DL. Guerrero: Thank you, Mr. President. I hope that these seven days that we are going to seek from the Legislature's consent will not mean to say that we have to again relax in this Convention. If we can finish it only within the next two or three days in addition to the 30 days, I think we have to proceed with that course. I hope that the Chair, as much as possible, of course, try to put all those proposals as well as

the committee recommendations in the proper agenda so that we can dispose of them accordingly.

President H. Guerrero: Your concern is taken by the Chair.

Delegate Nabors: Motion to end debate.

Delegate DL. Guerrero seconded the motion.

President H. Guerrero: Is that on the motion to amend, all these amendments of yours and Delegate Reyes, to change it to seven days?

Delegate Nabors: For a period not to exceed.

President H. Guerrero: For a period not to exceed seven days?

Delegate Nabors: Yes, sir.

The motion to end debate was carried by voice vote.

There being no further discussion, the motion to adopt the amendment offered by Delegates Nabors and Reyes was carried by voice vote.

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

Delegate Tenorio: Thank you, Mr. President. While I recognize the concern of the Convention to continue the deliberations for another seven days, I must register also my concern that I entered this election with the understanding that I will work for 30 days, that I had submitted my administrative leave request just for that particular number of days. I also have other things that I feel very important that I have to do in my work and there are other things also that I have to take care of. And for this reason, I would like the Convention to note that my time is limited. This does not mean that I am opposing the Convention's intention. But if I have to be absent for some times, I would like the Convention to know ahead of time because of important reasons. Thank you.

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

Delegate Limes: On line 9, Mr. President, if you read that line 9, you might.... Is that amended already?

Delegate DL. Guerrero: Yes.

Delegate Limes: Then I am out of order.

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

Delegate Nabors seconded the motion.

The motion to adopt Committee Recommendation No. 14 including Resolution No. 35-85, as amended, was carried by voice vote.

Delegate DL. Guerrero: Clarification, Mr. President.

President H. Guerrero: Yes, Delegate Guerrero.

Delegate DL. Guerrero: We already disposed of the amendments by voting previously and we are supposed to vote on the committee recommendation as amended. And Dr. Tenorio came in, of course, by expressing his concern. So we are supposed to vote on the resolution or the committee recommendation, as amended.

President H. Guerrero: I think we just voted because I'm making reference to Committee Recommendation No. 14 and Resolution No. 3-85 and we did vote for them.

Delegate DL. Guerrero: Okay, I stand to be corrected.

President H. Guerrero: Therefore, Resolution No. 3-85 is adopted as amended. Delegate Limes?

Delegate Limes: (In Chamorro).

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: If the session is extended, automatically, the delegates are on administrative leave.

President H. Guerrero: By law, I think it's required.

Delegate Limes: Thank you.

President H. Guerrero: Delegate Pangelinan?

Delegate Pangelinan: Mr. President, I am not a government employee. I cannot promise that I will be able to come here after July 17 because I have other plans planned after July 17, but I will see what comes out of that plan.

President H. Guerrero: The Chair hopes that we don't have to use the entire seven days. I suppose that if it's just two days, I'll just note that we will adjourn by then. So I don't want anyone to get the impression that we are going to use up the entire seven days. And also that we are going to relax because we are going to move and try to get everything out. Yes, Delegate Lizama?

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

Delegate Nabors seconded the motion.

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

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

The Convention resolved into a Committee of the Whole at 9:08 p.m.

COMMITTEE OF THE WHOLE

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

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

Delegate Nabors: Thank you, Mr. President. Mr. President, your Committee of the Whole considered and adopted Committee Recommendation No. 45 and making only technical amendments on the last sentence of the title which strike out "to read" and inserted on line 1 the Roman numeral "I" before "Effective". Committee Recommendation No. 46 is, likewise, adopted with only the technical amendment by striking the words "to read" on the last sentence of the title and inserting Roman numeral "I" on line 1 before "Effective". Committee Recommendation No. 47 was, likewise, adopted with only a technical amendment by striking the words "to read" on the title and inserting Roman numeral "I" on line 1 before "Effective". Committee Recommendation No. 48 is, likewise, adopted with the amendments as follows: The words "to read" on the last sentence of the title was stricken and Roman numeral "I" was inserted on line 1 before the word "Effective". And on line 13, the word "shall" is stricken and the word "may" is inserted. Thank you, Mr. President.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move that the Committee of the Whole's report be adopted.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Committee of the Whole's report on Committee Recommendation Nos. 45, 46, 47, and 48. Discussions?

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

President H. Guerrero: Yes, Delegate Lizama?

Floor Leader Lizama: Mr. President, I move that we suspend item M of our Order of Business of today.

President H. Guerrero: Can you explain why?

Floor Leader Lizama: We were in Miscellaneous this afternoon. Do we need one again?

Delegate King: This is another Order of Business.

President H. Guerrero: That was day 26. This is for day 27. You are out of order. We are under Miscellaneous Business. Delegate King?

MISCELLANEOUS BUSINESS

Delegate King: I would like to appeal before the President about the environment of this Convention. I think the smell of this Chamber is against my right under Section 9, on personal rights, of Article I. Every morning when I came to this Chamber, it smells stink. No, this is honest. I think we are renting this place, so I hope it will smell in a very healthy way. So that's my comment in this Miscellaneous Business, Mr. President.

President H. Guerrero: Your concern is noted and I'm sure the Chair will at least spend my own personal money to buy deodorizer. I can assure you also that my office smells every morning and I have one but I have already used up the can. Is there any other miscellaneous business? If none, we are on the announcements. Excuse me, Delegate Guerrero?

Delegate DL. Guerrero: Mr. President and members of this Convention, I would like this Convention to recognize the presence of one of the elected officials, Congressman Pete Nakatsukasa.

President H. Guerrero: That's right. He is the Floor Leader of the House of Representatives.

(Applause)

President H. Guerrero: You are welcome to the Convention. Announcements?

Delegate Nabors: Likewise, Mr. President, if I might, I would like to recognize the presence of Ms. Brenda Tenorio of our Washington Office and most recently of Saipan Office.

President H. Guerrero: I think we never claimed her.

Delegate Nabors: We would like to recognize her presence.

(Applause)

Delegate Mafnas: Mr. President, I would like to recognize everybody.

President H. Guerrero: That's fair, Delegate Mafnas.

(Applause)

ANNOUNCEMENTS

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Mr. President, I would like to announce that my request to provide copies of the legal opinion on Condominium have been passed out two days ago.

President H. Guerrero: Thank you. Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government would be meeting tomorrow for two hours before the start of the session. Thank you.

President H. Guerrero: Thank you. Just for the information of the delegates....

Floor Leader Lizama: Point of information.

President H. Guerrero: State your point.

Floor Leader Lizama: I would like to know when are you meeting tomorrow and I would like also to know when the Chair wants to meet tomorrow in session.

Chairman Manglona: We are meeting two hours before whatever time the session starts.

Chairman King: So we are going to start at 7:30.

Chairman Manglona: So 5:30 it is.

President H. Guerrero: Just a point of information. I understand that the Bishop decided to get back to one of the sermons tonight regarding my comments in reference that I was responding to Delegate Nabors' statement, but I still stand on my own statement. I am not retracting anything.

Delegate Villanueva: What was your statement?

President H. Guerrero: I believe it's regarding abortion. If you read today's paper, I'm sure you will know what I said. I would like to first find out or get the feelings of the committees before we schedule for plenary session or the Chair entertains for session tomorrow. Does the committees need to meet to finalize other things?

Floor Leader Lizama: Yes, Mr. President.

Chairman King: Yes.

President H. Guerrero: Okay.

Floor Leader Lizama: I would like to meet with the members of the Governmental Institutions Committee tomorrow morning. Now, I don't know how long it is going to take us to wrap up all the matters that we are going to deal with tomorrow morning. I don't think that I can come here at 5:30 or 6:30 or 7:30. I prefer that I'll try to come here....

President H. Guerrero: Would you like to meet at 9:30 or ten o'clock for session?

Delegate Nabors: I recommend that we meet at one o'clock.

Floor Leader Lizama: I would prefer that.

Delegate Igitol: Ten o'clock.

Chairman King: I suggest that we are going to meet at 9:30 a.m.

Floor Leader Lizama: Let's meet at ten o'clock.

Delegate Nabors: Colleagues, the committees need to get their work completed, and we are going to be held up at the end unless we give them time now.

Chairman King: That's correct.

President H. Guerrero: The Chair also needs to go down and lobby.

Chairman King: So one o'clock if that's the case.

President H. Guerrero: So what's the recommendation?

Floor Leader Lizama: Yes, I would like to go on with that suggestion. We will meet tomorrow at one o'clock in the afternoon so that the committees can meet tomorrow and wrap up all their works. I would like then to make an announcement at this time. I would like to meet with the members of the Governmental Institutions Committee tomorrow at 9:30 a.m. here.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: At the assumption that we will be meeting in the afternoon, I would like to meet with the members of the Local Government Committee at nine o'clock tomorrow morning.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: I would like also to announce, Mr. President, that the members of your Committee on Finance and Other Matters will meet tomorrow at ten o'clock.

President H. Guerrero: Chairman King, are you meeting with your committee?

Chairman King: Yes, we are going to meet tomorrow in the morning but I don't know what time. I think any time in the morning.

President H. Guerrero: Would you be more specific for the benefit of the members?

Chairman King: I don't know. Maybe -- that depends; I have to talk to them.

President H. Guerrero: Will any member of this committee please decide for him?

Delegate Tenorio: Nine o'clock in the morning is fine with me.

Chairman King: I don't think so, Mr. President. It is our prerogative to meet tomorrow in the morning since there is no session, so I think we are going to talk to each other.

President H. Guerrero: Floor Leader Lizama?

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

Delegate Nabors seconded the motion.

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

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

The Convention adjourned at 10:21 p.m. and to reconvene the next day, Monday, July 15, 1985, at 1:00 p.m.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary

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

TWENTY-EIGHTH DAY

Monday, July 15, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 1:27 p.m., Monday, July 15, 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, can you take the roll call?

Secretary Nabors: Thank you, Mr. President.

The Convention Secretary called the roll, and 23 delegates were present. Delegate Villagomez was absent.

Secretary Nabors: Mr. President, there are 23 delegates present.

President H. Guerrero: We have a majority and a quorum to conduct the Order of Business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. Chairman, I move that we adopt the Twenty-Seventh Day's Summary Journal.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Twenty-Seventh Day's Summary Journal for July 14, 1985. Discussions?

There being no discussion, the motion to adopt the Twenty-Seventh Day Summary Journal was carried by voice vote.

(At this point Delegate Villagomez took his seat.)

COMMUNICATIONS

None

COMMITTEE REPORTS/RECOMMENDATIONS

President H. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has nothing to submit.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Yes, likewise, your Committee on Finance and Other Matters at this time has nothing to report in writing.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Likewise, Mr. President, your Committee on Local Government has nothing to report.

President H. Guerrero: Chairman King?

Chairman King: Your Committee on Personal Rights and Natural Resources has nothing to report, Mr. Chairman.

President H. Guerrero: Thank you. There is no Introduction and First Reading at this time so we'll move on to Second and Final Reading.

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

None

SECOND AND FINAL READING

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

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

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

President H. Guerrero: Secretary Nabors?

Secretary Nabors: Thank you. If there is no objection, I would like to please move that we defer action on Committee Recommendations 19 and 20.

Delegate Torres seconded the motion.

President H. Guerrero: Also, in view of the legal opinion that has just came out and is being duplicated for Committee Recommendation No. 36, we'll defer that until we get the legal opinion, if there is no objection. We just received a legal opinion for that one, so copies are being made to be passed out to all the members. And we'll entertain that once that thing is finished, or put it in tomorrow's calendar. So if there's no objection, we will start with Committee Recommendation No. 23. Secretary Nabors, can you read Committee Recommendation No. 23 please?

At this point, Secretary Nabors read Committee Recommendation No. 23 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 23

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To add a new section to Article X, to prohibit the imposition or certain real property taxes unless approved by three-fourths of the votes cast in a referendum.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

"I. Effective upon ratification, a new section is added to Article X to read:

"'Section ____. Real Property Taxes. No real property tax shall be levied upon the owners of any unimproved, agricultural, or single family residential real property, unless approved by three-fourths of the votes cast in a referendum.'"

President H. Guerrero: Any motion to adopt it?

Delegate DL. Guerrero: I so move to adopt it on Second and Final Reading.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 23. Delegate Pangelinan?

Delegate Pangelinan: Mr. President, I would like to make an amendment to the proposed Committee Recommendation No. 23 to read: "No tax may be levied upon any unimproved agricultural, or owner-occupied single family residential real property, unless approved by three-fourths of the votes cast in a referendum conducted in the jurisdiction to which the tax will apply." It's the same, Mr. President, only I struck out "real property" which is repetitious and "shall" is changed to "may be levied upon the owners of". The "owners of" are struck out, and you add "owner-occupied single family residential". The addition is "conducted in the jurisdiction to which the tax will apply".

President H. Guerrero: Point of order. Are you proposing this as an amendment? I have not received a second yet.

Floor Leader Lizama: I second to that motion.

Secretary Nabors: Mr. President?

President H. Guerrero: I believe Delegate Pangelinan still has the floor.

Secretary Nabors: It's seconded, so it's the property of the floor now.

Delegate King: Point of order, Mr. President.

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

Delegate King: I think you just passed out the memorandum to each delegate which states that no amendment to any committee recommendation shall be considered unless it is put in writing.

President H. Guerrero: Isn't that what you have in front of you, Delegate King?

Delegate King: No.

PDelegate Mendiola: The amendment is being passed out.

Delegate King: So I believe that before any motion can be made, first we must see that the written amendment is on the desk.

Delegate Pangelinan: It was supposed to have been passed out before I made the amendment.

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

Delegate DL. Guerrero: That is exactly what Delegate Pangelinan has just said.

President H. Guerrero: The Chair apologize for the slowness of the Page. Delegate Villagomez?

Delegate Villagomez: I would like to ask the Convention if we could be a little lenient when it comes to changing words just so that we have a more grammatical proposal or to correct misspellings and not consider that as substantive amendments, and perhaps, amendments which are actually going to just correct the language should not be considered a formal amendment but just a request for correction.

Delegate Pangelinan: This is not...

Delegate Villagomez: Yes, I understand; I understand. This is just so that we don't encounter this problem in the future. For example, we are using again the word "referendum" when we mean "initiative". That kind of a change is really not substantive; it's just correction of words to be correct. You use a referendum to change an existing law, you use an initiative to establish a non-existing law, and so that kind of change should be just to correct the language to be correct rather than to change the proposed amendment.

President H. Guerrero: Does any of the delegates have any objection to the recommendation by Delegate Villagomez? Delegate Nabors?

Secretary Nabors: Mr. President, I have an objection because I do not agree. I think the referendum in this instance is proper.

Delegate Villagomez: I was using that just as an example.

Secretary Nabors: But what are we going to do?

Delegate Pangelinan: I did not make a change on the" referendum"; that was on the original proposal.

Secretary Nabors: Not the initiative, it should be referendum.

Delegate Pangelinan: My substantial change here is to add "conducted in the jurisdiction to which the tax would apply" and I would explain that later.

President H. Guerrero: Do you have any objection to that? Is that what are you referring to, Delegate Villagomez?

Delegate Villagomez: I'm sorry, I didn't catch that.

President H. Guerrero: I think they are talking about the term "referendum" on the proposed amendment for No. 23. Were you referring to that one, or just the overall?

Delegate Villagomez? Just the overall. That's probably a bad example but I used that as an example only. A better example would be to use "may" instead of "shall". We shouldn't consider that as a substantive amendment, and we should allow it on the floor without a written proposal to amend. Changing of or correction of grammar or spelling, things like that should be allowed without written motion.

Delegate Pangelinan: I understand that, but if we are going to make an amendment I might as well correct the whole thing.

President H. Guerrero: Delegate Villagomez does have a point and, you know, if we catch it, let's bring it up. I think it's also important that eventually whatever passes Second and Final Reading will be brought up to the floor as a package, so corrections will be made in terms of spelling or typo errors, or whatever.

Secretary Nabors: Motion to end debate.

Floor Leader Lizama seconded, and the motion was carried by voice vote. Delegate Villagomez voted "no".

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

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

President H. Guerrero: Yes, Delegate Lizama.

Floor Leader Lizama: On a second thought, did you approve the recommendation or suggestion that was made by Delegate Villagomez that we should be lenient in changing the words? No objection to that? Okay, I was just wondering if the word "jurisdiction" is more proper than to use the word "senatorial district".

Delegate Villagomez: I would go along with that. Also the words "to which" should probably be better if we say "where" -- "senatorial district where the tax will apply" instead of "to which". This is just to make it sounds more grammatical or more appropriate.

Delegate Pangelinan: No; "to which" is correct.

Delegate Villagomez: Actually, we're talking about where the tax will be levied and not where the tax is applied.

President H. Guerrero: If there is no objection to changing "jurisdiction" to "senatorial district", so ordered. So what do you decide, in which, to which, or where?

Secretary Nabors: I think "in which" is more clear.

Floor Leader Lizama: I'll go along with that, Mr. President.

The motion to adopt the proposed amendment offered by Delegate Pangelinance to Committee Recommendation No. 23 was carried by voice vote. Delegate Villagomez voted "no".

President H. Guerrero: So we're now on Committee Recommendation No. 23. Floor Leader Lizama?

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

Delegate Guerrero seconded the motion.

Secretary Nabors: Is there supposed to be a comma after "unimproved"?

Delegate Pangelinan: No.

Secretary Nabors: Why?

Delegate Pangelinan: That's one word.

Secretary Nabors: Unimproved agricultural?

Floor Leader Lizama: No; no comma there.

Delegate Pangelinan: No, because it doesn't have to be an agricultural to be improved.

Secretary Nabors: Oh, any agricultural...

Delegate Mafnas: Unimproved land is not necessarily to be agricultural.

Delegate Pangelinan: Any land that's unimproved.

President H. Guerrero: As well as agricultural land.

Delegate Pangelinan: There are two different things.

Secretary Nabors: I see.

President H. Guerrero: You might own a piece of land that's not agricultural and unimproved. See?

Delegate Torres: Point of information.

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

Delegate Torres: Yes, I'd like to relay this to Delegate Pangelinan. Why are we including "unimproved"? Could you enlighten me on the rationale for this?

Delegate Pangelinan: That was the original proposed amendment. We include "unimproved" because we felt that most of our people here own two or three parcels of land and they should not be taxed on that land if it's not improved. When you improve the land, if you have a single dwelling family housing, we don't want to tax you on that one also. But if you have additional land that you want to improve, by improving it, I'm sure that you are going into a money-making venture; and therefore, the Legislature has that option to tax you on that developed business that you improve on the land.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Thank you. The first part of the amendment talks about levying of tax and the last part is talking about applying of tax. My suggestion is to be consistent. Instead of saying at the end "in the senatorial district to which the tax will apply" to say "in the senatorial district where the tax will be levied" because we're talking about levying tax in the first part of the sentence and in the latter part we're talking about applying tax. So to be consistent in the language, we say "levying tax" the first part, we'll also say in the last part "in the senatorial district where the tax will be levied." That's just a suggestion. And also, I've asked the Assistant Attorney General to look at this to see if he can help us with the language. I have no problem with the proposed language changes on the proposed amendment.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: May I ask what is the intent of this amendment again? By amending it to put in a senatorial district, is it the intent here actually that we are going to make it as a Commonwealth-wide rather than to be a senatorial district by itself? I'd like to ask whether the delegates here from Rota or the delegates from Tinian are anticipating any future taxes, in other words, to concur with this kind of amendment?

President H. Guerrero: Is there any of the delegations from Rota or Tinian willing to answer?

Secretary Nabors: Thank you. We don't anticipate any tax as long as Uncle Sam keeps the money coming.

Delegate Pangelinan: If I may answer your question. The intent of this amendment is that the senatorial district may legislate on local matters. What we're saying is that if they felt that should they need to tax the people of Rota or Tinian, then they have that option. But it would apply only to Rota or Tinian, or Saipan, for that matter.

President H. Guerrero: Delegate Torres?

Delegate Torres: Yes. Delegate Pangelinan, wouldn't this hamper the ability of the government to generate revenues to benefit the entire Commonwealth and not to penalize one district for the benefit of those not taxed?

Delegate Pangelinan: I believe Delegate Villanueva had the answer to that during the first discussion.

Delegate Villanueva: What was the question?

Delegate Torres: My concern is for the central government. Wouldn't this proposal hamper the central government's ability to generate enough revenues to benefit the entire Commonwealth and not to penalize one district for the benefit of those districts or district not taxed?

Delegate Villanueva: It is not going to penalize anybody. According to the proposed amendment if Rota wants to tax their people on real property, they can. What the concern is this, that Tinian doesn't want Saipan or Rota to be making decision for Tinian. This is not the original intent of the proposal. I just read this amendment. The original intent of the proposal is to restrict the Legislature as well as the Executive Branch from imposing real property tax to the Commonwealth people. And the reason behind this is so that our people who are not ready to develop their property and who are not ready to be taxed because their property is not developed can have their properties, you know, available for their children, grandchildren and great grandchildren and not to be forced to move from the beach to the mountain and then up to the air. This is the original intention of the proposal. I accept the change from jurisdiction to senatorial district for the main reason that most real property tax in the United States are levied by counties. And because we are looking at the senatorial districts as entities and this one of the items that they might consider generating revenue from, then I'm in agreement with the proposed amendment, including senatorial district. Thank you, Mr. President.

President H. Guerrero: I have a question. Delegate Pangelinan, if Saipan decided to levy the tax, does the money or fund collected stays on Saipan, or does it apply to Commonwealth-wide?

Delegate Villanueva: No.

Delegate Pangelinan: If it's a local legislation.

President H. Guerrero: So this is a local law.

Delegate Pangelinan: Right.

President H. Guerrero: I see. Delegate Mafnas?

Delegate Mafnas: We have a problem if that will be the case. No, I guess the funds collected, if it's a local tax, it will be expended by the delegation, locally.

Delegate Villanueva: Yes.

Delegate Mafnas: Then I have no problem.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: I got a question to the author of this. Would this give us the authority, like the Municipality of Tinian to have the authority to tax the U.S. military then?

Delegate Pangelinan: You cannot tax military property.

Delegate Mendiola: If that's the case, I don't agree with the amendment.

President H. Guerrero: Delegate Torres?

Delegate Torres: Mr. President, I think my concern hasn't been thoroughly addressed. May I continue?

President H. Guerrero: Please, go on.

Delegate Torres: The reason that I raised this friendly concern is that I fear that five years down the road the State Government may need to levy taxes across the board to rescue our ailing retirement fund, and we all know that our ailing retirement fund is benefitting not only Saipan but Tinian and Rota as well. So my question remains the fact that we are going to allow each district to decide this issue, wouldn't this in a way, hamper -- in a way, hamper the ability of the central government, the State Government, to raise emergency funding to benefit the entire Commonwealth and not just raise these necessary funds in one senatorial district only that would benefit the entire Commonwealth?

President H. Guerrero: Are you responding to Delegate Torres' question, Delegate Inos?

Delegate Inos: I think so. I don't know how he will take my response but I'll try. In trying to understand what he is trying to get across, I think Delegate Torres is concerned that, let's say, we will tax a certain senatorial district, like Saipan, we will apply the real property tax which will benefit Rota and Tinian. I think that's one of your concerns. Isn't it, Delegate Torres?

Delegate Torres: Let's say that we tax only Saipan and Rota and Tinian rejected the tax.

Delegate Inos: Okay. To my understanding on this amendment, any local matters when it comes to local taxing, I think that particular funds remain within that particular senatorial district. I don't think that it will go to Rota if you so decide here on Saipan that you need to address property tax that you need that additional funds to, let's say, build up your road here, I think that that should remain. And I think that the proposal, and as far as my understanding on local tax levying, that that will remain a local matter. Another concern that you have which is valid in terms of trying to close the doors in trying to levy additional taxes for additional funds, I think that there are other areas in which our government can tap. For example, we are concerned about the retirement, we are concerned about aliens using our facilities, maybe our government should be looking at other areas of taxing. What the committee is saying is that we want to protect the individual owners of property that are unimproved, that have no funds to pay if the government should decide to tax this particular people. I don't know if I'm responding to your question appropriately, Delegate Torres.

Secretary Nabors: Point of information.

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

Secretary Nabors: Did I understand my colleague to say that we are concerned with taxing the aliens for using our island?

Delegate Inos: Point of information. That is an example I'm giving. What we're trying to do in this amendment is to protect the local owners of property. And that's just it. We're not closing doors on any other areas in which we can levy taxes, except for this particular issue.

Secretary Nabors: No, but my question is, is it worded in such a way where the incidence of the tax will fall on resorts and toursits development only?

Delegate Inos: I don't.... Well, the intent is to not tax or levy tax on owners of any unimproved agricultural or single residential.

Delegate Pangelinan: Yes. My answer is "yes" to your question.

Secretary Nabors: Thank you.

Delegate Manglona: Mr. President?

President H. Guerrero: Are you answering the question?

Delegate Manglona: I'm answering Delegate Torres' concern.

President H. Guerrero: Go ahead.

Delegate Manglona: Okay. To answer Delegate Torres' question directly and in a few words, yes, he is correct. The Commonwealth Government cannot use tax on property for the benefit of the whole Commonwealth-wide. You can only tax this will now therefore becomes a local matter. So, yes, the Commonwealth cannot use real estate tax for Commonwealth-wide benefit.

President H. Guerrero: Is your question answered, Delegate Torres?

Delegate Torres: Let me just pose one more question and that, I guess, will be satisfied. Let's say that the Commonwealth Government decided to impose additional taxes on -- since real property is removed here, so I assume this is all sorts of taxes.

Delegate Villanueva: No, no. This is for real property.

Delegate Pangelinan: No, the title says, real property tax, and that is just it.

Delegate Torres: So this still remains a land tax?

President H. Guerrero: Yes.

Delegate Torres: Okay. Let's say that the Legislature again decided to impose extra taxes and the people in Saipan agreed to this extra tax so that we can rescue other ailing programs. And then, you know, unfortunately and I don't want to presume that the people in Rota and Tinian will reject it. But let's say for hypothetical that it was rejected in Rota and Tinian. That's really my concern. Aren't we, in a way, hampering the ability of the state government?

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: You know, right now in any referendum or initiative, two senatorial districts have to approve any in order for the governemnt to make it to be accepted. That's written in our Constitutiton. Even on the proposed amendments to this Constitution, there are 14,000 people, let's say, in Saipan; 1,000 in Rota; and 1,000 in Tinian. If they disapprove it -- if two-thirds of their people or three-fourths, I think, of their people disapprove the proposed amendment to this Constitution, even if the people in Saipan approves it, it's still disapproved because it's written in the law.

Delegate Torres: According to the proposed amendment, that's not correct.

Delegate Villanueva: I'm talking about what is present in the Constitution now.

Delegate Torres: I'm referring to the proposed amendment.

Delegate Villanueva: You're referring to the people in Rota and Tinian not approving and people in Saipan are approving. This is applicable to almost anything that the Government of the Northern Marianas would like to do has to be approved by two-thirds.

Delegate Pangelinan: Let me explain the proposed amendment. I think I understand Delegate Torres' concern. First of all, we just don't raise taxes for the sake of raising taxes and giving more money to the government. If we're going to raise property tax, we would have to justify that. If Saipan felt that maybe we need a water catchment for all of its residents and there is no other way of raising taxes or that money to raise the water catchment, maybe the people would vote to have a property tax to support that water catchment project. And maybe the water catchment project is a bad example because it is a one-time project.

Delegate Torres: I agree with you on that point.

Delegate Pangelinan: Tinian might say, we don't want a water catchment project and therefore, we don't want to be taxed on property because it doesn't apply to us. This is exactly what this proposed amendment is saying is that let each senatorial district decide on its local matter whether they need such taxes to be imposed.

Delegate Torres: But that's not my question. My question is, okay, let me reiterate it again and hopefully this time we'll have a meeting of the mind. Retirement fund, okay, as an example. Let's say that the people in Saipan felt that we need extra taxes to generate extra revenues to rescue our retirement fund. Okay? And only the people in Saipan approved this extra tax. Okay? Wouldn't this proposed amendment then make it difficult for our central government to generate funding to rescue a state-wide program and not to penalize -- maybe I'm using the wrong term -- one district which fortunately perhaps approved that extra tax to rescue a state-wide program?

President H. Guerrero: Delegate Torres, I think the issue at hand is -- this is a local law. If you want this local law to be applicable Commonwealth-wide, the answer to your question is, it cannot be made applicable to a program that covers the entire Commonwealth-wide. I can

only be used for local matters, like road improvement probably, things that of nature that can only be used on Saipan. It cannot apply to Rota and Tinian.

Delegate Torres: I agree, Mr. President, with you but the question still remains unanswered. Wouldn't this hamper the ability of the government?

President H. Guerrero: It does. Did I answer your question?

Delegate Torres: Yes.

President H. Guerrero: Thank you. Delegate Ogumoro, you had your hand up.

Delegate Ogumoro: Yes; thank you, Mr. President. I just would like to know how much revenue is estimated to be realized from the real property taxes. Has any of the witnesses given us any indication?

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

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

Floor Leader Lizama: Mr. President, we're talking about the amendment right now. We're not talking about the essence of the original amendment because in the original amendment it's talking about the referendum as a general law to be considered. In the proposed amendment...

Delegate Ogumoro: I think we have already disposed of that amendment and now we are discussing the Committee Recommendation. Aren't we?

President H. Guerrero: We're talking on the proposed amendment.

Delegate Ogumoro: On the proposed amendment still. Anyway, I think that I still am in order, Mr. President. I would like to find out how much is estimated to be realized by the government from the real property tax.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: Mr. President, right now we don't have an assessed value of individual property in the Northern Marianas. But let's just say that we based ourselves on $10 per square meter and, let's say, the assessed valuation is 10 cents per $1,000. That would be a lot to an owner of 10,000 square meters unimproved property. The actual figure -- I don't have calculator, but it's a lot, and I've seen this. And I want to keep repeating that I put in this proposal so that those people who are living in the beach can still stay at the beach and not move to the mountain and then move to the air. But as far as the total amount, right now we don't know how we are going to assess the tax in case they want to tax the people to bail out the retirement program. And since this proposed amendment is to give the senatorial district the right to decide if they want to be taxed, I think it's going to be even worst trying to figure out how much money we are going to generate from this.

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

Delegate Ogumoro: So if I understand the amendment correctly, all real property taxes not inclusive of the ones mentioned in the amendment would stay with the senatorial district in which that tax is levied.

Delegate Villanueva: Yes.

Delegate Ogumoro: Thank you. I'll yield for now.

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

Delegate Cing: Thank you, Mr. President. I just want to respond to Delegate Torres, but what I was about to say you've already done it. So thank you anyway.

(Laughter)

President H. Guerrero: Any time, Delegate Cing, if I can be of any help. Delegate Nabors?

Secretary Nabors: Thank you, Mr. President. The responses to the last two questions are very interesting. That is to say that to levy this tax in Saipan and Tinian and Rota could not benefit, I dare you.

Delegate Manglona: Point of information. Will this include gambling in Tinian?

Secretary Nabors: Yes. I dare you to attempt to collect taxes from the Hyatt Hotel that sits on public land and not share it with all residents of the Commonwealth. I dare you.

Delegate Mafnas: I agree with you.

Delegate Pangelinan: But that's not included in this proposal.

Secretary Nabors: It certainly is. You just said it was.

Delegate Pangelinan: No; the Legislature will tax the resort.

Delegate Mafnas: Mr. President, that's improved property, so it's not included here.

Delegate Pangelinan: It's not.

President H. Guerrero: Please read the amendment. It says, "unimproved agricultural or owner-occupied single family residential real property."

Secretary Nabors: Which means inferentially everything that's improved is taxable, i.e. the Hyatt Hotel. So you're not going to share that revenue on public property with all residents of the Commonwealth? No way.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, I thought I was in agreement with Delegate Nabors but after giving it a second thought, I think I disagree with Delegate Nabors. The amendment is simply suggesting that unimproved agricultural or owner-occupied single family residential real property

will not be taxed unless sufficient votes are casted in a general election to levy such a tax in a senatorial district. That's what the amendment is. Now with respect to improved properties in the Commonwealth, be it Saipan, Rota or Tinian, those improved properties are not involved in this amendment. Well, the Legilature could come up with a general law providing for taxation or the taxing of those real properties, and that's a different animal, Delegate Nabors.

Delegate Manglona: Point of clarification. So I assume that there will be no more future Hyatt Hotels so-called build on public land. I assume no more public land will be leased for future improved land?

Floor Leader Lizama: Mr. President, if I may answer that. I think, Delegate Manglona, you are out of order.

(Laughter)

Secretary Nabors: Now that my question has been answered, may I please address the recommendation? I see serious problems with this proposal if the Legislature is not involved and I believe that we're going to have to go back to our reliable stock and trade language as provided by law for the following reasons: On what basis would the tax be levied? What tax base will be used? Would appraisals be required? Who will pay for the appraisals and the administration? And if I own 5 hectares of land that's to be taxed and my neighbor owns a half hactare, what would be our relative tax liability? As I see it, by saying that no real property tax may be levied on certain categories of properties, it says inferentially that real property taxes may be levied on other categories of properties. If that's being the case, it seems to me that we need to include our stock and trade language.

Delegate Pangelinan: Delegate Nabors, at the present time the Legislature has that blanket authority to tax us on property. All we're saying here is that should the Legislature impose real property tax, we are at least protecting the single owner residents, the unimproved land and the agricultural land. There is nothing right now that prevents the Legislature from taxing any of us on real property tax. I think we are thinking of the reverse.

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

Delegate Villagome: Thank you. (in Chamorro)

President H. Guerrero: Delegate Nabors?

Secretary Nabors: Point of privilege. Could I ask the Stenographer to read back the statement that colleague Villagomez has just made? The translated version? Or if you want to bring a translator over here and put him down here beside me, because I believe you are ....

Delegate King: Point of information.

Secretary Nabors: I got the right to know what is being said here and I demand my right.

Delegate Mafnas: Under what rules, Mr. President?

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: May I ask Delegate Nabors whether he voted on the proposed constitutional amendment making it official to three languages? Didn't you vote on that yesterday?

Secretary Nabors: No.

Floor Leader Lizama: Oh, okay.

Delegate Villagomez: Mr. President, I have a question for Mr. Nabors.

Secretary Nabors: In Chamorro or English?

Delegate Villagomez: That's my choice. I'd like to find out from Mr. Nabors if it was he who submitted the proposal, the delegate proposal to preserve and to encourage the study of the Chamorro and Carolinian language and culture.

Secretary Nabors: That was filed by your committee.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Yes, I think Delegate Villagomez owes Delegate Nabors an apology. I would like to state what Delegate Villagomez has just stated and I think he wasn't really lying. He was just informing the delegates that -- he was not lying, because what Delegate Villagomez was explaining was exactly the same explanation that he was making earlier. And I raised my hand to reiterate further that I think also you were a little bit maybe incorrect in assuming that there's a need to put in this proposed constitutional amendment a language stating how this is going to be carried out for the reason that as you well know, Delegate Nabors, in a situation where we have to deal with it in a referendum, that in a referendum it would be necessary to put out the full text of that particular law and that particular law would be well defined. Do you understand that, Delegate Nabors?

President H. Guerrero: Delegate Nabors, according to Rule 69 which we adopted by the Convention, English, Chamorro or Carolinian may be used in any proceeding of the Convention or in any committee except that any written submission of proposals shall be in English.

Secretary Nabors: No question, but put me a translator over here and that's all I say.

Delegate Mafnas: We don't have budget.

Delegate King: Point of information, Mr. President.

President H. Guerrero: Delegate King?

Delegate King: I think that Delegate Nabors should cool down because we have three other delegates that aren't Chamorro here. I believe that we don't want our delegates to be intruded or to be insulted, however, such explanation is very good and acceptable by the three delegates. So I believe that anything that brings up to the Convention that would insult

our colleague, I believe that it would not be appropriate. But we accept -- I repeat, we accept the explanation delivered in Chamorro by Delegate Villagomez. And another thing, the Chamorro culture that we filed has been reconsidered by the GI Committee because that's included in the Education. So all of these are still in line and I hope that Delegate Nabors should apologize to Delegate Villagomez because he has done nothing wrong.

Delegate Villagomez: Mr. President, I would like to request that Mr. Nabors identify exactly where I made the lie to the Convention. He called me a liar and said that I lied to the Convention when I spoke to it in Chamorro.

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

President H. Guerrero: State your point.

Floor Leader Lizama: Mr. President, I don't think we should be dwelling on issues that are not relevant to this particular proposed amendment. If we're going to be discussing further, we should just simply concentrate on the amendment and not go into personal matters. I move that we end debate, Mr. President.

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

President H. Guerrero: We need to vote on Committee Recommendation No. 23, as amended.

At this point, Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 23, as amended, on Second and Final Reading was voted on by a roll call vote, as follows:

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

ABSTAIN: Delegate William Torres. (1 vote)

And the motion was carried.

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

President H. Guerrero: Committee Recommendation No. 23 passed by 24 votes.

Committee Recommendation No. 28: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 9 OF ARTICLE I OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO CLEAN AND HEALTHFUL ENVIRONMENT.", for adoption on Second and Final Reading.

President H. Guerrero: Secretary Nabors, can you read Committee Reccomendation No. 28, please?

At this point, Secretary Nabors read Committee Recommendation No. 28 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 28

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 9 of Article I of the Northern Marianas Constitution relating to Clean and Healthful Environment.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

"I. Effective upon ratification, Section 9 of Article I is amended to read:

"'Section 9. Clean and Healthful Environment. Each person has the right to clean and healthy public environment in all areas, including, but not limited to land, air, and water. Harmful and unnecessary noise pollution and the storage of nuclear or radioactive material and the dumping or storage of any type of nuclear waste are prohibited within the surface or submerged lands and waters of the Northern Mariana Islands, except as provided by law.'"

President H. Guerrero: Delegate King?

Delegate King: Thank you. I move for the adoption of Committee Recommendation No. 28.

Floor Leader Lizama seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 28. Discussions?

Delegate King: No discussion.

President H. Guerrero: If there's no discussion, going one, going twice, roll call.

At this point Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 28 on Second and Final Reading was voted on by a roll call vote, as follows:

YES: Delegates Vincent Calvo, David Cing, Herman Guerrero, Lorenzo DL. Guerrero, Alonzo Igisomar, David Igitol, Rita Inos, Benusto Kaipat, Esteven King, Luis Limes, Juan Lizama, Jesus Mafnas, James Mendiola, Paul Manglona, Aniceto Mundo, William Nabors, Felicidad Ogumoro, Maria Pangelinan, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres, Ramon Villagomez, and Ignacio Villanueva. (24 votes)

And the motion was carried.

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

President H. Guerrero: Committee Recommendation No. 28 is passed unanimously.

Committee Recommendation No. 29: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE XIV, SECTION 2 TO INCLUDE TWO OTHER UNINHABITED ISLANDS TO BE PROTECTED AND PRESERVED.", for adoption on Second and Final Reading.

President H. Guerrero: Secretary Nabors, can you read Committee Recommendation No. 29?

At this point Secretary Nabors read Committee Recommendation No. 29 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 29.

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article XIV, Section 2 to include two other uninhabited islands to be protected and preserved.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

"I. Effective upon ratification, Section 2 of Article XIV is amended to read:

"'Section 2. Uninhabited Islands. The island of Managaha shall be maintained as an uninhabited place and used only for cultural and recreational purposes. The islands of Maug, Uracas, Asuncion, Guguan and other islands specified by law shall be maintained as uninhabited places and used only for the preservation and protection of natural resources, including but not limited to bird, wildlife and plant species.'"

Delegate Villagomez: Correction.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: The correct pronounciation is not "Gu-an" but "Gu-gu-an."

President H. Guerrero: I believe "Guan" is the proposed name for Guam.

Secretary Nabors: Let's be progressive.

President H. Guerrero: The Chair is ready to entertain its adoption. Delegate Villagomez?

Delegate Villagomez: Mr. President, (in Chamorro)

Delegate King seconded the motion.

Delegate Manglona: I'd like to translate that in English for the benefit of one of the delegates in this Convention. Delegate Villagomez has just moved to adopt Committee Recommendation No. 29 and has been seconded.

(At this point, Secretary Nabors started calling the roll.)

President H. Guerrero: What are you doing?

Delegate Mafnas: Point of order, Mr. President.

President H. Guerrero: It's just been moved, it hasn't been seconded yet.

Secretary Nabors: Oh, I thought I heard "segundo" down there.

(Laughter)

Delegate Villagomez: But there's no discussion yet.

Delegate King: I made the second (segundo).

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 29. Discussions? Delegate Torres?

Delegate Torres: Mr. President, I fully support this proposed amendment if it will truly contribute to scientific knowledge and especially to the welfare of our people. Thank you.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Likewise, I will fully support this amendment if we feel that gambling would be a better source of funding for the Marianas rather than using one of these islands for development. Thank you.

Delegate Mafnas: I move to end debate.

Floor Leader Lizama seconded the motion.

President H. Guerrero: Any more discussions? Delegate Villanueva?

Delegate Villanueva: I support this committee recommendation with little reservation on the island of Maug.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Yes. For the record, Mr. President, I'm also in support with the intent of this particular committee recommendation provided that the future generation of our people, of course, will be benefited out of the scientific studies as well as the aid that we expect forthcoming. I, for one, as I said it earlier during the First Reading, that I have a reservation mainly because the island could be more usable in a way that will develop the economy of our Commonwealth as a whole. But because of the preservations and to preserve those birds that are up

there because they are pretty unique and the only birds in this world in the Pacific that probably are up there on our islands. And I hope and still pray that those birds and those studies would develop or at least encourage our generation in the future. Thank you.

President H. Guerrero: Thank you, Delegate Guerrero.

Floor Leader Lizama: I move to end debate.

Delegate King seconded the motion.

President H. Guerrero: Any other discussions? If none, I'll entertain the move to end debate, and it was seconded.

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

President H. Guerrero: Please take the roll call vote, Secretary Nabors.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 29 on Second and Final Reading was voted on by a roll call vote, as follows:

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

NO: Delegate James Mendiola. (1 vote)

And the motion was carried.

Secretary Nabors: Mr. President, I have 23 affirmative votes and one "no" vote.

President H. Guerrero: Committee Recommendation No. 29 is adopted by 23 votes and one "no" vote.

Floor Leader Lizama: Point of information, Mr. President. Last night when we were adopting on Second Reading some of the committee recommendations, we had to make some amendments, and I wonder whether it's appropriate at this time to mention that there is probably a need to make those amendments also. Are they finished? What we have now is not the one you have, so I'm just.... If you have done that already, then I yield.

President H. Guerrero: Delegate Lizama, for your information, a package has been passed out. Please look at that package; that's what have been discussed.

Floor Leader Lizama: I'm sorry, I didn't look at my package.

President H. Guerrero: Secretary Nabors, can you read Committee Recommendation No. 30?

Secretary Nabors: Thank you, Mr. President.

At this point, Secretary Nabors read Committee Recommendation No. 30 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 30

A PROPOSED CONSTITUTIONAL AMENDMENT

"To add a new Section 2 to Article XVII of the Northern Marianas Constitution relating to a Code of Ethics.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

"I. Effective upon ratification, a new Section 2 of Article XVII is amended to read:

"'Section 2: Code of Ethics. The legislature shall adopt a Code of Ethics which shall apply to appointed and elected officers and employees of the Commonwealth and its political subdivisions, including members of boards, commissions, an other instrumentalities.'"

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I would like to move that Committee Recommendation No. 31 be amended. I have the written amendment passed out already to each delegates.

Delegate Inos: Point of information.

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

Delegate Inos: It's Committee Recommendation No. 30 not 31.

Floor Leader Lizama: I'm sorry; yes, it's No. 30. Actually this amendment is intended to accommodate the suggestion that was brought up.

President H. Guerrero: Point of clarification, or point of order. You made a motion; did anyone second it?

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to substitute Committee Recommendation No. 30 with the proposed amendment. Discussions? Delegate Lizama?

The proposed amendment to COMMITTEE RECOMMENDATION NO. 30, offered by Delegate Lizama, reads as follows:

"I. Effective upon ratification, A a new Section 2 to Article XVII is added to read:

"'ARTICLE -----. CODE OF ETHICS

"Section 2 1. Code of Ethics. The legislature shall adopt enact a comprehensive Code of Ethics which shall apply to appointed and elected officers and employees of the Commonwealth and its political subdivisions, including members of boards, commissions, and other instrumentalities, with the exception of the judiciary. The Code of Ethics shall include a definition of proper conduct for members of the legislature with conflicts of interest and a definition of the proper scope of debate in the legislature, shall require disclosure of financial or personal interests sufficient to prevent conflicts of interest in the performance of official duties, shall define the offense or corrupt solicitation of public officials, and shall provide for punishment of offenses by fine and imprisonment.

"II. Effective upon ratification, Section 15 of Article II is amended to read:

"Section 15. Conduct of Members. A member of the legislature who has a financial or personal interest in a bill before the legislature shall disclose that interest and may not debate on or vote on the bill.

"III. Effective upon ratification, Section 6 of Article III is amended to read:

"Section 6. Other Government Employment. The governor or lieutenant governor may not serve in another Commonwealth position or receive compensation for performance of official duties or from any governmental body except as provided by Section 5."

Floor Leader Lizama: Mr. President, this is a friendly amendment and this is to accommodate the concern which was a very appropriate concern brought up during the discussions of this committee recommendation, the concern that was brought up by Delegate Tenorio. And this will attempt to integrate the ethics provisions of Article II, Section 15, and Article III, Section 6, and they will be placed upon ratification of this proposed committee recommendation under one Article. I think it's in line with what was being discussed during the discussions of this committee recommendation on First Reading.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Thank you, Mr. President. Would this cover on the Analysis of the Constitution once we adopt the original Code of Ethics--Recommendation No. 30?

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: I didn't quite understand the question. Would this be covered under the Analysis?

Delegate Mendiola: Would this be in the Analysis? You underlined so many things here. Would it be more proper to put it under the Analysis?

Floor Leader Lizama: No. This will spell out the true intent of this committee recommendation, if you read it carefully.

Delegate Mendiola: Yes, but by just mentioning Code of Ethics, this will cover the whole -- that's the definition of Code of Ethics.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I will yield for now. Okay.

Delegate Cing: I think this is a Code of Ethics that includes the dictionary as well.

(Laughter)

Delegate DL. Guerrero: Point of information.

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

Delegate DL. Guerrero: Yes, Mr. President, I think basically the proposed amendment to the committee recommendation is to include the concerns that were raised during the discussions of its First Reading regarding Article II and Article III of which Article II deals with the Legislature and Article III the Executive Branch to be consistent with the intent.

Floor Leader Lizama: That's correct.

President H. Guerrero: Delegate Torres?

Delegate Torres: Mr. President, I am pretty concerned and I'm quite disturbed that this proposed amendment to the principal amendment excludes one branch of government which is the Judicial Branch. I don't understand this. Could I be enlightened on this?

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

Floor Leader Lizama: Mr. President, if maybe Delegate Nabors or Delegate Villagomez would help me out on this subject. I think there is a Code of Ethics for judges as well as, of course, attorneys and I'm bound to the Code of Ethics for lawyers. So we have our own ethical considerations.

(At his point, President Guerrero was excused and Delegate Pangelinan took over the Chair.)

Delegate Villagomez: Madame Chairperson?

Presiding Officer Pangelinan: Yes, Delegate Villagomez?

Delegate Villagomez: (in Chamorro)

Presiding Officer Pangelinan: Does that answer your question, Delegate Torres?

Delegate Torres: Not quite, because I feel that if we're going to make an exception and granted that the judges and the lawyers have their own code, Professionals' Code of Ethics....

Presiding Officer Pangelinan: The Legislature approved that Code of Ethics.

Delegate Torres: Okay, I'm not finished. Then wouldn't it be proper also for the Civil Service Commission to have its own Code of Ethics and submit it to the Legislature for its approval?

Presiding Officer Pangelinan: Delegate Mafnas?

Delegate Mafnas: Yes, we do have our Code of Ethics and it is effective. It was approved through the Commonwealth Registrar Procedure as required by Public Law 1-9, as amended.

Presiding Officer Pangelinan: Delegate King?

Delegate King: Thank you, Madame Chairperson. (in Chamorro)

Presiding Officer Pangelinan: Delegate Lizama?

Floor Leader Lizama: Madame Acting President, I think that Delegate King is expressing his personal anger and I think I will not withdraw my motion.

Presiding Officer Pangelinan: Delegate Inos?

Delegate Inos: Thank you.

Floor Leader Lizama: Just a moment, Madame Acting President. I have to say this that we've been seeing a lot of commotions in this Convention. I don't think that we should be acting as children; we should act as adults in here.

Presiding Officer Pangelinan: Please just respond to Delegate King's official question. Delegate Inos?

Delegate Inos: Thank you, Madame Acting President. I have several concerns on this friendly amendment as was stated earlier. I don't have any problem with the first sentence including the exception of the judiciary branch; however, I notice that the amendment also included Section 15 of Article II and part of the language on the first section was the language that you can find already under Section 15 of Article II. So I just don't see the rationale for having the Legislature enact a comprehensive Code of Ethics that will include also the boards and commissions and then going further to fully define the Legislative Code of Ethics. I think that if the intent is to really define the Legislative Code of Ethics or Code of Conduct, then I would push not to repeal Section 15 and go ahead and take the amended Section 1 and put it back down to Section 2 of this proposed amendment. Because at this time what I'm seeing, I'm seeing that the Legislature shall enact a comprehensive Code of Ethics for everybody, at the same time, it's furthering this provision by going in detail as to what the Legislature should do in what I see here as House Rules or Legislative Rules of Conduct. That is my only concern. I have no problems with the first sentence, however, I do have some reservations with the other sentences furthering on.

Presiding Officer Pangelinan: Any more discussions on the amendment? Delegate Lizama?

Floor Leader Lizama: Thank you, Madame President. I would like to ask the support of the delegates to support this amendment and I think we will all agree that we want to see our legislators be honest and to abide to the highest standard of integrity -- honesty, I should say. Now I realize that there have been several concerns regarding judiciary. Now with respect to judiciary, from my own limited experience as Chairman of the Ethics Committee in the past two years, I should say that the Ethics Committee that was established by the Commonwealth Trial Court has been doing a lot of implementation in the court of responsibility that the court puts out. Now, in the past seven years, we've never seen any investigation of an ethical concern in the Legislature or in any government departments. I think it's about -- I'm going to use the words that are frequently used by Delegate Guerrero -- it's about high time that we should make it known that it is very important in our government system to abide to the fullest extent to ethics concerns and we've been very reluctant or unwilling to rock the boat. And I think by providing this provision in our Constitution, maybe this is the beginning of that rocking of the boat. Let's rock the boat so that our government would have an honest government.

Delegate Torres: Point of information.

Presiding Officer Pangelinan: State your point, Delegate Torres.

Delegate Torres: Delegate Lizama, okay, so we're excluding lawyers, what about doctors?

Floor Leader Lizama: Well, if I may answer that. The doctors also have their own Code of Ethics. It's not put out by the court but I know that they have a professional responsibility as well. Now, with respect to doctors who work for the government, they're going to be bound also by whatever the Legislature will be putting out. So this will not exclude the doctors. This will not also exclude lawyers, especially, like myself who works for the Marianas Public Land Corporation. Now, suppose that an investor comes to the Marianas Public Land Corporation and he wants to submit a land lease application. Now, as counsel for the Marianas Public Land Corporation, I would be bound to whatever ethical considerations that the Legislature will be putting out in addition to the ethical considerations that the court has already put out. Now, I am bound to that Code of Conduct that the Judiciary has put out because, otherwise, I will lose my license. And in fact, for your information, one lawyer has been investigated and there will be an appeal, there will be a case by three panel judges that has already been formed by the Judge. This is just one example that the court has been doing a pretty good job in the past seven years.

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

President H. Guerrero: Delegate Nabors?

Secretary Nabors: Mr. President, I support the amendment but I believe, Delegate Lizama, it is unwise to include an exclusion in the interest of having anyone picked up the Constitution anywhere in the world and raise question in their minds, why or what kind of a court system do we have out here with the judges or the judiciary being excluded? In the interest of duplication or redundancy, I would suggest that we'll not exclude anyone and have the Legislature reenact whatever it is already enacted in the Legislature.

Floor Leader Lizama: Mr. President, I do not have any objection to that. Maybe this will be just a minor amendment to the amendment, exclude the words "with the exception of the judiciary".

Delegate Nabors seconded the motion.

Floor Leader Lizama: I move to end debate.

Delegate Mendiola: Just one question.

President H. Guerrero: I want to recognize first Delegate Mendiola.

Delegate Mendiola: Yes, Mr. President, I would like to ask the three lawyers that are in this room, by adopting Recommendation No. 30, will this stop the judicial branch from coming out with their own Code of Ethics?

Secretary Nabors: No.

Delegate Villagomez: No. (in Chamorro)

President H. Guerrero: It's probably much more stringent than the others.

Floor Leader Lizama: I move to end debate.

President H. Guerrero: I would like to recognize first Delegate Ogumoro.

Delegate Ogumoro: Thank you, Mr. President. I am in favor of the proposed amendment offered by your Committee on Governmental Institutions. I am, however, not too much in favor....

President H. Guerrero: Excuse me, point of order.

Delegate Ogumoro: I'm talking on the amendment.

President H. Guerrero: Don't make reference to the Committee on Governmental Institutions.

Delegate Ogumoro: Thank you. On the exclusion of the judicial branch, I feel that the comprehensive Code of Ethics should include all the three branches of government. The section on the conduct of members, I wonder if we are not being redundant by having that portion in. It looks like we have already covered that in the first section, unless and I stand to be corrected. Also, on other government employment, Section 6, I'm just also wondering if that is not comprehensive enough. Are we just concerned about the Governor and the Lt. Governor's behaviors? What about the other positions that are appointed and covered under the proposed amendment? Thank you.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, they will be covered. The concerns raised by Delegate Ogumoro are already covered in this proposed amendment.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. Code of Ethics could be applied to one person, a group of people or religious group, and others, etc. We, doctors, also have our own Code of Ethics. I also know that the judges and lawyers have their own Code of Ethics. There's nothing wrong with this proposal. This proposal is just covering from the Governor to janitor, and all those people in between could come up with their own Code of Ethics if they want. But this is blanketing everything. Thank you, Mr. President.

Floor Leader Lizama: I move to end debate.

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

President H. Guerrero: We'll vote on the proposed amendment.

The motion to adopt the proposed amendment to Committee Recommendation No. 30 was carried by voice vote.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: Clarification, Mr. President. Is the exception to the judiciary deleted?

President H. Guerrero: Yes. Delegate Lizama?

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

Delegate Nabors seconded the motion.

President H. Guerrero: Let's vote on Committee Recommendation No. 30, as amended. Roll call, Mr. Secretary?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 30, as amended, on Second and Final Reading, was voted on by a roll call vote, as follows:

YES: Delegates Vincent Calvo, David Cing, Herman Guerrero, Lorenzo DL. Guerrero, Alonzo Igisomar, Rita Inos, Benusto Kaipat, Esteven King, Luis Limes, Juan Lizama, Jesus Mafnas, Paul Manglona, James Mendiola, Aniceto Mundo, William Nabors, Maria Pangelinan, Karl Reyes, Joaquin Tenorio, William Torres, and Ignacio Villanueva. (20 votes)

NO: Delegates David Igitol and Ramon Villagomez. (2 votes)

ABSTAIN: Delegates Felicidad Ogumoro and Francisco Tomokane. (2 votes)

And the motion was carried.

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

President H. Guerrero: Committee Recommendation No. 30, as amended, passed by 22 votes. Secretary Nabors, can you read Committee Recommendation No. 32, please?

Secretary Nabors read Committee Recommendation No. 32 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 32

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article VIII of the Northern Mariana Islands Constitution by adding a new Section 5 relating to resignation from public office.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

"I. Effective upon ratification, Section 1 of Article VIII of the Northern Mariana Islands is hereby amended by adding a new Section 5 to read:

"'Section 5. Resignation from Public Office. An elected public officer shall resign from office upon certification to be a candidate for another public office, if the term of the office sought begins before the end of the term of the office held.'"

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move for the adoption of this Committee Recommendation on Second Reading.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 32. Discussions? Delegate Pangelinan?

Delegate Pangelinan: Thank you, Mr. President. I still have a very strong reservation with respect to this proposed amendment. I still do not see why only the legislators, or the Governor, or the Lt. Governor should be discriminated when they plan to run. Why should they resign from office upon certification when department directors and other people are not? I see the department directors more susceptible to influence or to use their jobs to solicit gifts or influence the voters in many ways. If this is the reason, which is conflicting, for the legislators, I don't see any problem because one legislator alone cannot influence the two houses. So I would like to be better convinced on the motive of this proposed amendment.

President H. Guerrero: Delegate Limes?

Delegate Limes: Mr. President, the word on line 4, after the word "public", is that officer or official?

President H. Guerrero: It's officer.

Delegate Villagomez: Mr. President, (in Chamorro)

President H. Guerrero: Is there any objection?

Delegate Mafnas: No problem.

President H. Guerrero: No problem.

Delegate Villagomez: I'm not finished. Also on line 2, (in Chamorro)

President H. Guerrero: Please note the correction. Delegate Nabors?

Secretary Nabors: Thank you, Mr. President. I have had distributed to each of you a proposed floor amendment to Committee Recommendation 32, to substitute the body of the language in its entirety. The second line, we were on the phone to the Board of Elections to get an indication of their timing from certification to printing of the ballots and we have not yet gotten any information back from them, but we have discussed this and would like to insert, in the blank space on the second line, "after ten days of" and strike "upon" and it should read "after ten days of being certified". And I'd like to move for its adoption.

Delegate Pangelinan seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 32 with the proposed floor amendment by Delegate Nabors. Discussions on the amendment? Delegate Igitol?

Delegate Igitol: Mr. President, I'm not too clear on this "certified". Do you mean to say that if they are certified, they are qualified to run, or certified upon election or winning the election?

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

Secretary Nabors: Thank you. The language in the amendment now would be if he resigns from office within or after ten days after he is certified as candidate by the Board of Elections.

President H. Guerrero: Delegate Mundo?

Delegate Mundo: Thank you, Mr. President. I just want to ask Delegate Nabors, does this also include the resident department heads in Rota and Tinian?

Secretary Nabors: No, it does not.

Delegate Mundo: Why is that?

Secretary Nabors: This position will be restricted to elected officials and only the executive department heads on Saipan. We do not extend any consideration to resident department heads in the islands of Rota and Tinian for no reason practically.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: The resident department heads are as dangerous as the executive department heads if we are talking about influencing their employees.

Secretary Nabors: I certainly have no objection to this. It never occurred to me.

President H. Guerrero: Delegate Inos?

Delegate Inos: Just to elaborate further on that, I just don't like to single out executive department heads. If we are going to include this, then we'll include everybody, because, as Delegate Mafnas said, the resident department heads can be more dangerous.

President H. Guerrero: Delegate Torres?

Delegate Torres: Thank you. To avoid lengthy litigation as to what constitute ten days, I would ask my colleague Nabors to accept an amendment to tag along with that and say "ten working days."

Secretary Nabors: No objection.

President H. Guerrero: Is there unanimous consent to include "ten working days" instead of just "ten days"?

Floor Leader Lizama: Yes.

Delegate Villanueva: No problem.

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

Delegate Villanueva: Mr. President, I want to ask the Committee on GI or whoever submitted this amendment, are you also including the executive directors of the autonomous agencies?

President H. Guerrero: Delegate Nabors?

Secretary Nabors: As the introducer of the amendment, thank you, Mr. President; no.

Delegate Villanueva: Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: This amendment is good for me because I don't have to resign, Mr. President, should I select to run. I'm not an executive department head, as well as the executive directors or agencies and instrumentalities of the Commonwealth. Why single out the executive department heads? There is a problem here. What about the deputy department heads and the Social Superintendent for Eduction, for example?

President H. Guerrero: Delegate Nabors, do you want to respond?

Secretary Nabors: Only to the extent, Mr. President, that I consider the Committee Recommendation No. 32 not to be as inclusive as it should be, and I'm amenable to including as many levels of persons as maybe necessary to ensure that they do not use their office for political purposes.

President H. Guerrero: Delegate Nabors, I mean, Mafnas?

Delegate Mafnas: Mr. President, the intent of this proposal is to discourage or maintain public confidence on those officials who have been elected for a particular office. And should they decide to seek another public office, as special part in the proposal, they should resign so that the vacancy of their seats be filled during the general election. So I think Delegate Nabors' concern has merit, however, it conflicts with the intent of the proposal because the intent of the proposal is to maintain the vote of confidence in those individuals who are elected for particular office.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Thank you, Mr. President. I disagree with everyone on the intent of this proposal. The intent of this proposal is not to eliminate conflict of interest. It's not to maintain vote of confidence on the elected officials, and let me tell you why. If a person has two years remaining in his term of office, less than two years -- let's take a congressman or a senator, for that matter. If this person were to run for the office of the governor, he does not have to resign because if the term of the office sought begins before the end of the term of the office held, he is exempted; so therefore, he does not have to resign. Let's take an executive department head. If this director has two years remaining in his term and he decides to run for an office, he does not have to resign because the term of the office sought begins or does not begin before the end of the term of the office held.

Delegate Mafnas: Point of information.

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

Delegate Mafnas: An executive department head has no term. He can be removed tomorrow or day after tomorrow. It isn't the same as an elected official.

Delegate Manglona: Well, certain department heads have limited terms. The Public Auditor, for example, is limited to six years. And if it so happens to correspond, then this will not fall under his position. The point is that an elected official here will not be forced to resign if he has less than two years remaining. I think the main intent of this proposal is to prevent a special election from being held. And I think that the only intent of this proposal is so that if you have a senator running before the middle of his term, he would have to resign. And I think that is the only intent. If everybody were to read this carefully, that is the only intent of this proposal and that is why I move to file this proposal. Thank you.

President H. Guerrer: Delegate Villagomez?

Delegate Villagomez: (in Chamorro) I move to end debate.

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

President H. Guerrero: We're back to the proposed floor amendment to Committee Recommendation No. 32.

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

President H. Guerrero: The proposed amendment is defeated. We are back to the main motion. Delegate Lizama?

Floor Leader Lizama: Mr. President, I would like to state to the delegates that this is a good amendment, the proposed amendment. I think the intent here perhaps is a little bit misunderstood. The intent here is to allow some of our people to be able to seek their office that is being sought, I mean that is being vacated or that will be vacated. This is the intent. And the intent also is to allow the person who is running for another office to spend 100 percent of his time running for the other office and not to mix his campaign activities with his legislative activities, for example, or if we use the Lt. Governor as an example. If he wishes, for example, to run for the Office of the Washington Representative that he should not be allowed to mix up, you know, his activities as Lt. Governor with the expected activities that he will be carrying out during his campaign.

Delegate Manglona: Point of information. Would the senator be forced to resign if he decides to run for Governor if he has a year and a half remaining in his term?

Floor Leader Lizama: That is correct. That is the intent of this.

Delegate Manglona: Well, it says here "if the term of the office sought begins before the end of the term of the office held"; so that means he will not be forced to resign.

Floor Leader Lizama: No. Let's use for an example Senator Borja. I hope he doesn't mind me using his name. But let's say that he wants to run for -- or maybe Senator Borja is not a good example because I think his term is going to expire in November. I think maybe Senator Rasa -- oh, no. Senator Calvo -- yes, Senator Calvo. Let's use Senator Calvo. If Senator Calvo announces, say, today that he's going to run for a Governor.

Delegate Manglona: Well, let's say that's a bad example. Let's take Senator Borja or Senator Manglona.

Floor Leader Lizama: He will not be....

Delegate Manglona: No; but you are defeating your purpose then because he still has four months remaining. He has four months to influence, I mean to work in a conflict of interest information.

Floor Leader Lizama: Well, certification is not made actually until like a month before the general election. And if there's a problem in there, maybe the Board of Elections could come out with a proposed change in their laws or whatever.

Secretary Nabors: Point of information. If you say that the certification isn't until a month of election, so what's the point.

Floor Leader Lizama: The point is, let's use Senator Calvo. If he's going to run for a Governor knowing that he has two more years to go, I think he should be required to resign.

Delegate Manglona: So the purpose is only to prevent a special election from being held.

Floor Leader Lizama: Well, because you see, what if he wins?

Delegate Manglona: Then a special election will be held.

Floor Leader Lizama: What if he wins in a gubernatorial election?

Delegate Manglona: Then a special election will be held. So that is the only purpose of this proposal but not to eliminate conflict of interest.

Floor Leader Lizama: Maybe, so that we'll prevent a special election. Maybe that's the third reason -- yes.

President H. Guerrero: Delegate Villagomez?

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

President H. Guerrero: I did mention it. There was no objection and to insert also the word "Constitution".

Delegate Villagomez: I move to end debate.

Floor Leader Lizama seconded, and the motion was carried by voice vote.

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

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 32, as amended, on Second and Final Reading was voted on by a roll call vote, as follows:

YES: Delegates Vincent Calvo, David Cing, Alonzo Igisomar, David Igitol, Rita Inos, Benusto Kaipat, Esteven King, Luis Limes, Juan Lizama, Jesus Mafnas, Felicidad Ogumoro, Karl Reyes, Francisco Tomokane, William Torres, Ramon Villagomez, and Ignacio Villanueva. (16 votes)

NO: Delegates Paul Manglona, Aniceto Mundo, William Nabors, Maria Pangelinan, and Joaquin Tenorio. (5 votes)

ABSTAIN: Delegates Herman Guerrero, Lorenzo DL. Guerrero, and James Mendiola. (3 votes)

And the motion was carried.

Secretary Nabors: Mr. President, I have three abstentious, five negative votes, and 16 affirmative votes.

President H. Guerrero: Committee Recommendation No. 32 passed by 19 votes. Secretary Nabors, can you read Committee Recommendation No. 33?

Secretary Nabors read Committee Recommendation No. 33 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 33

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 1 of Article X of the Northern Marianas Constitution.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

"I. Effective upon ratification, Section 1 of Article X is amended to read:

"'Section 1. Public Purpose.

"'a) A tax may not be levied and an appropriation of public money may not be made, directly or indirectly, except for a public purpose. The legislature shall provide the definition of public purpose.'"

Floor Leader Lizama: Mr. President, point of information. The word "provide" should have been stricken and the replacement would be the word "establish".

Delegate Villagomez: Mr. President, (in Chamorro) the original language of this amendment, the word "establish" was used and was then amended to "provide", and I think the word "provide" here is correct.

Delegate King: (in Chamorro) I move to adopt Committee Recommendation No. 33 on Second and Final Reading.

Delegate Lizama seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 33. Discussions?

Delegate King: No discussion.

President H. Guerrero: We are going to vote now. Going one, going twice, Secretary Nabors, take the roll call.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 33 on Second and Final Reading was carried by a roll call vote of 24 affirmative votes.

Secretary Nabors: Mr. President, there are 24 affirmative votes.

President H. Guerrero: Committee Recommendation No. 33 is unanimously adopted. Secretary Nabors, can you read Committee Recommendation No. 34?

Secretary Nabors read Committee Recommendation No. 34 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 34

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 12 of Article III of the Northern Mariana Islands Constitution, to provide for appointment of a temporary public auditor by the governor in the event of a vacancy in the office of public auditor, and to guarantee the minimum budget of the Public Auditor.

"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 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Section 12 of Article III is amended to read:

"'Section 12. Public Auditor. The governor shall appoint a public auditor with the advice and consent of each house of the legislature. The public auditor shall audit the receipt, possession and disbursement of public funds by the executive, legislative and judicial branches of the government, an instrumentality of the Commonwealth or an agency of local government and shall perform other duties as provided by law. The Public Auditor shall be guaranteed an annual budget of at least $500,000. The budgetary appropriation may not be reprogrammed for other purposes, and any unencumbered fund balance in a fiscal year shall be available for general reappropriation. The public auditor shall report to the legislature and the governor at least once every year and this report shall be made public promptly. The public auditor may be removed only for cause and by the affirmative vote of two-thirds of the members of each house of the legislature. In the event that there is a vacancy in the office of the public auditor, the governor shall appoint a temporary public auditor to serve until the vacancy is filled.'"

President H. Guerrero: Delegate Torres?

Delegate Torres: Yes, I just have one friendly concern on line 10. As I understood from the explanation presented by Delegate Pangelinan, she mentioned, and I stand to be corrected if I'm wrong, that even though we are guaranteeing the Public Auditor half a million in the annual budget, the word "guaranteed" is a misnomer because it is really the Legislature that ultimately decides through appropriation. And it really doesn't make sense to say "guaranteed an annual budget" when you know fully well that the budget allocated could be less than $500,000. So could Delegate Pangelinan....

President H. Guerrero: Point of order, there's no motion to adopt it yet and you're already into discussion.

Delegate King: I move.

Floor Leader Lizama seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 34. Would you like to continue, Delegate Torres?

Delegate Torres: The same, Delegate Pangelinan, if you still remember it.

President H. Guerrero: Delegate Pangelinan?

Delegate Pangelinan: Yes, there is no misnomer in the word "guaranteed". The word "guaranteed" means that the Public Auditor will be assured of at least $500,000 every year. He still has to go through the budget appropriations every year.

Delegate Torres: Let me then ask you this question. Wouldn't it be correct to assume that even though you have this provision, there is no guarantee, in your term, that the Public Auditor will be given $500,000 and not $400,000?

Delegate Pangelinan: He is guaranteed not less than $500,000, so he has to either get $500,000 or more.

Delegate Torres: Okay, let's say that the Legislature appropriates $400,000.

Delegate Pangelinan: The Public Auditor is still entitled to $500,000.

Delegate Torres: Are you saying that budget is the same as appropriation?

Delegate Pangelinan: I'm sorry, will you repeat your question. I just missed it.

Delegate Torres: Are you saying that budget equals appropriation?

Delegate Pangelinan: No.

Delegate Mafnas: Mr. President?

President H. Guerrero: Delegate Mafnas, would you like to clarify?

Delegate Pangelinan: Okay, I yield to Delegate Mafnas.

Delegate Mafnas: If the Legislature, under this proposal, appropriates $400,000, then the Public Auditor can take the Legislature to court because he is guaranteed in our Constitution $500,000, at least $500,000. That's essentially the problem that we are trying to resolve by setting a limitation or a minimum requirement.

Delegate Pangelinan: The budget doesn't equal appropriation. You appropriate to get your money. The Legislature appropriates to give you that $500,000.

Delegate Torres: Good. To avoid unnecessary litigation, okay, should we change the term to avoid this unnecessary litigation?

Delegate Pangelinan: I don't see how we could have unnecessary litigation under this provision.

Delegate Torres: Well, Delegate Mafnas has just stated that you are guaranteeing half a million and the Legislature...

Delegate Pangelinan: And I have full faith that the Legislature will give $500,000 to the Public Auditor as guaranteed in the Constitution.

Delegate Torres: Delegate Pangelinan, wouldn't you be more or less restless in your sleep when you say the Public Auditor shall be guaranteed an annual budgetary appropriation?

Delegate Pangelinan: No, because I don't see how you mixed budget and appropriation. We submit the budget and the Legislature appropriates.

Delegate Torres: That's exactly the point.

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

Secretary Nabors: Thank you, Mr. President. I believe, Delegate Pangelinan, in our discussions during the Committee of the Whole, I raised a question as to whether or not the Public Auditor had to justify his budget and I believe the response to my inquiry was in the affirmative. And then I went on to give you a scenario where the Public Auditor could only justify for $400,000 and I thought you said at that time that if you only justified for $400,000, he will only receive $400,000. Is that correct?

Delegate Pangelinan: No. I was wrong if I said that. First of all, it's unrealistic for the Public Auditor to justify for $400,000 when his request, I mean, when we are guaranteeing him this dollar figure here because this is what he said he needs as a minimum to operate the Public Auditor's Office as of Fiscal Year 1987.

Secretary Nabors: Well, that's just the point. The Public Auditor's current budget is less than $500,000 according to Delegate Igitol.

Delegate Igitol: Correction -- that's wrong.

Delegate Pangelinan: No.

Secretary Nabors: That's not true?

Delegate Manglona: Point of information. They used $450,000 out of the $650,000 that they collected from the one percent.

Delegate Pangelinan: Did they use that because that was all that was given or available, or did they use it because that was all they need? Because that was not what the Public Auditor testified during our hearing.

President H. Guerrero: Delegate Igitol?

Delegate Igitol: The budget for the Public Auditor for last year was $606,000 based on one percent and the total actual expenditure was four hundred plus thousand dollars. But there are still obligations incurred that haven't been expended.

Delegate Pangelinan: Right. Obligation is encumbered. You have to obligate to disburse, so the total financial picture there would have to include obligation. So that figure is not correct.

Secretary Nabors: Thank you for that clarification.

President H. Guerrero: Delegate Nabors?

Secretary Nabors: I think Delegate Pangelinan put her finger on my concern, that is to say that if he's guaranteed $500,000, we can be sure that he will attempt to justify at least for $500,000. Whether he needs it in fact or not, he will attempt to justify; we're sure of that.

Delegate Pangelinan: No. What I said was that he's guaranteed at least $500,000 based on his testimony to us that he will need this money as a minimum to operate at least on the Fiscal Year 1987 Budget.

Secretary Nabors: Thank you, Mr. President, I receive the answers to my inquiry. But for the record, I oppose putting a dollar limitation or maximum in the Constitution. Thank you.

President H. Guerrero: Delegate Torres?

Delegate Torres: Mr. President, so if the Public Auditor justifies in the thinking of the Legislature now only $400,000 despite the fact that they are guaranteed half a million. Now, the Public Auditor may think that he has justified for half a million, but in the eyes of the Legislature, the Legislature felt that the justification is good only for $400,000. Of course, the Public Auditor has every right to go to the court and claim the other hundred thousand dollars. But my question is, should we avoid that unnecessary litigation and just state it here as what you are intending to do?

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

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

Floor Leader Lizama: I think Delegate Villagomez has the answer.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Mr. President, (in Chamorro). The Public Auditor shall be assured an annual budget of at least $500,000. I move that we change the word "guaranteed" and replace it with "assured".

Delegate King seconded the motion.

Delegate Manglona: Point of information.

President H. Guerrero: State your point.

Delegate Manglona: (in Chamorro) Can Delegate Villagomez explain the difference between assured and guaranteed?

Delegate Villagomez: (in Chamorro)

Delegate Manglona: (in Chamorro) So I'll second that motion.

Delegate Villagomez: Thank you.

President H. Guerrero: Before I call on Delegate Kaipat, is there unanimous consent to change the word "guaranteed" to "assured"?

Delegate Inos: Objection.

Secretary Nabors: Why are we going to change that?

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

Delegate Kaipat: Thank you, Mr. President. The word "guaranteed" is no different from assurance or pledge. Pledge, assurance, or guarantee are the same thing here in the Webster's Dictionary.

President H. Guerrero: Thank you, Delegate Kaipat. I'm going to call on Delegate Ogumoro first.

Delegate Manglona: Well, I was just going to explain this to Delegate Nabors because I think he is confused. He doesn't know what is going on. Delegate Nabors, Delegate Villagomez wants to change the word "guaranteed" to "assured".

Delegate Inos: Objection. I think that if we should need an interpreter that Delegate Nabors should have one next to him. I object to using the Convention Floor to interrupt the discussions to just interpret.

Delegate Mafnas: I second that.

Delegate Torres: Mr. President, I believe you recognized Delegate Ogumoro.

President H. Guerrero: I would like to urge for the indulgence of the delegates, so we don't waste time in terms of translating, to please use English as much as possible.

Delegate Ogumoro: Am I now recognized?

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

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

Delegate DL. Guerrero: Mr. President, during the public hearing we asked some questions to the Auditor himself and he preferred to go by this word "guaranteed" simply because he wants to make sure that the Legislature will appropriate it. And in fact I would like to even amend it because I can see the concern of Delegate Torres. The concern he has is the annual budget which actually is just only a guideline or guidelines for budget submission. And I'd like to even, after the discussions.... We have to amend that "an annual appropriation" so that it will give him a guarantee that the Legislature would appropriate the fund as necessary.

President H. Guerrero: First of all, I want to find out whether there's any objection to changing the word from "guaranteed" to "assured".

Delegate Inos: Yes.

President H. Guerrero: There was an objection, therefore, we cannot entertain the word "assured". Delegate Lizama?

Floor Leader Lizama: Mr. President, if that will not work, I would propose that the words "be guaranteed" be stricken and the word "receive" be included.

President H. Guerrero: Any objection? Is there an unanimous consent to changing the words "be guaranteed" to "receive"?

Delegate Inos: Yes.

Secretary Nabors: Shall receive.

Delegate Ogumoro: Objection; what's the difference?

President H. Guerrero: The words or the phrase "be guaranteed" be stricken and the words "shall receive" be included. Is there unanimous consent?

Delegate King: Objection.

President H. Guerrero: There's an objection. We're back to the main motion. I call on Delegate Igitol. Excuse me, let me first recognize Delegate Ogumoro.

Delegate Ogumoro: I think I'm in agreement with the remarks or with the concerns posted by Delegate Torres and Delegate Guerrero. I think that we need to provide a language here that talks about appropriation. A budget is different from an appropriation. The budget, as pointed out by Delegate Guerrero, is a guideline and the Legislature can any time come in with a different appropriation figure. So if our intention is to assure or to make sure that this Public Auditor's Office does not receive less than $500,000, we need to amend the present language of the proposed Committee Recommendation to reflect that they receive an appropriation of not less than $500,000. Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: If we do that, this will be the only place in the entire 50 States and territories where we have a constitutional appropriation. It is a very bad precedence.

Delegate Ogumoro: Mr. President, if I may continue. I also share the concern of Delegate Mafnas, but if the concern of the Committee on Finance and Other Matters is to give the Public Auditor no less than $500,000, then the language would have to be changed. Now I am also in doubt, or I am also not too sure whether we should include a language of appropriation in the Constitution. That probably needs to be checked with the Legal Counsel. But I think that at this time we need to make that necessary change if that's what the Committee intends and if that's permissible under our laws.

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

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

Floor Leader Lizama: I wonder whether we could get an unanimous decision to simply change the word "budget" and include the word "appropriation". This is not an appropriation by adding the word appropriation, it will be just a recommendation that an appropriation would have to be made or something no less than $500,000. I think this will solve the problem. Shall we get the unanimous consent on this one?

President H. Guerrero: Delegate Nabors?

Secretary Nabors: Thank you, Mr. President. I realize that it might be difficult to have the Legal Counsel on the top of his head address this issue, but I do believe we need some guidance.

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

Delegate Reyes: Thank you, Mr. President. I know there's a concern about the language but if I were to be given this language and see to it, I won't have any problem because of this. Based on the requirement for the CNMI, the $500,000 amount will always be exceeded. In fact, we have a proposal submitted to require the auditors in Rota and Tinian. In other words, at this time the services of the Public Auditor have not yet been fully utilized and the amount has already exceeded. If you count the encumbered funds, it's over $500,000. So if the Auditor's Office is really going to come up and have a complete control of all the CNMI financial activities and audit and review everything, the amounts like $700,000 would probably be a correct figure. So to me, to guarantee $500,000 when I know that the expenses would exceed $600,000 or $700,000, I won't have any problem. Thank you.

Secretary Nabors: Did the committee receive any information that the Auditor would not get his budget when he was the creature of the Legislature and is the watchdog for the Legislature?

President H. Guerrero: Delegate Mafnas, do you have any response?

Delegate Mafnas: It happened during the first Administration. Mr. President, if I may speak on the proposal. The way the Public Auditor is budgeted right now, his budget can grow to a million within the next few years or several years and the funds will not revert to the General Fund for reappropriation. Under the proposal, any excess or unobligated or unencumbered balances of funds, the balance will revert to the General Fund. I have no problem with the word "guaranteed" as proposed here if the Public Auditor justifies his budget. And based on his current budget plans and expenditures, it's up to near half a million dollars. I cannot forsee or I don't foresee any reduction in his staff. In fact, his duties and responsibilities have been expanded. According to the new agreement that the Commonwealth signed with the United States, there is a new requirement, the financial management system requirement, so his duties and responsibilities will expand. If the Public Auditor under the present law where he draws his budget, if this proposal is not adopted, I guarantee you that within the next five years his budget will grow to over a million. And what that will do, the Legislature has to come back and ask the Public Auditor to reprogram or amend the law again. Motion to end debate.

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

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

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 34 on Second and Final Reading was voted on by a roll call vote, as follows:

YES: Delegates Vincent Calvo, David Cing, Herman Guerrero, Lorenzo DL. Guerrero, Alonzo Igisomar, David Igitol, Rita Inos, Benusto Kaipat, Luis Limes, Juan Lizama, Jesus Mafnas, Paul Manglona, James Mendiola, William Nabors, Felicidad Ogumoro, Maria Pangelinan, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, Ramon Villagomez, and Ignacio Villanueva. (21 votes)

NO: Delegate William Torres. (1 vote)

ABSTAIN: Delegates Esteven King and Aniceto Mundo. (2 votes)

And the motion was carried.

Secretary Nabors: Mr. President, I have two abstentions, one negative vote, and 21 affirmative votes.

President H. Guerrero: Committee Recommendation No. 34 is adopted by 23 votes and one "no". Yes, Delegate Cing?

Delegate Cing: Can we have a five-minute recess to read this preliminary report that we just received?

(Laughing)

President H. Guerrero: We'll have a five-minute recess and I'm sure I know what that laugh is all about.

The Convention recessed at 3:50 p.m.

RECESS

The Convention reconvened at 4:10 p.m.

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

Secretary Nabors: Point of privilege.

President H. Guerrero: State your point.

Secretary Nabors: Mr. President, during the recess I had an opportunity to get a full translation and explanation of Delegate Villagomez'dissertation in Chamorro and I was advised that he did not cast any character dispersions against me and I therefore would like to apologize if I misinterpreted what he was saying and ask that any reference in the record to my calling him a liar be stricken.

Floor Leader Lizama: No objection.

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

(Laughter)

Delegate Mafnas: May I ask him a question? Who was your interpreter?

Secretary Nabors: Delegate Guerrero, Lorenzo.

Delegate DL. Guerrero: Mr. Nabors, I suggest that you apologize for your statement. I demand your apology!

(Laughter)

Secretary Nabors: I apologize again.

President H. Guerrero: Okay. Delegate Villagomez?

Delegate Villagomez: No problem.

Secretary Nabors: Is my apology accepted?

Delegate Villagomez: Yes.

Delegate DL. Guerrero: Not me.

(Laughter)

President H. Guerrero: I don't know whether the members have read the legal opinion for Committee Recommendation No. 36. Or shall we skip this and go on to 40?

Secretary Nabors: Mr. President, I move that if there's no objection, we will defer consideration of Committee Recommendation Nos. 36 and 40. We have some language on 40 that we got to work with and it's not ready.

President H. Guerrero: Yes, Delegate Lizama?

Floor Leader Lizama: Mr. President, the legal opinion is in part correct and in part wrong, so I don't think we need to defer this because I have an amendment to accommodate the concern of the legal opinion that was brought up.

Secretary Nabors: Point of information. I haven't read it and I would appreciate an opportunity to read and decide for myself whether it is partially right or wrong.

Floor Leader Lizama: Okay, yes, I would yield.

Secretary Nabors: Thank you.

President H. Guerrero: If there is no objection, we'll skip 36 and 40 and go down to 44. Secretary Nabors, can you read Committee Recommendation No. 44?

Secretary Nabors read Committee Recommendation No. 44 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 44

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article III, Section 10 relating to the Governor's emergency powers.

"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 ratificaton, Section 10 of Article III is amended to read:

"'Section 10. Emergency Powers. The governor may declare a state of emergency in the case of invasion, civil disturbance, natural disaster or, as provided by law, other calamity and may mobilize available resources to respond to that emergency.'"

President H. Guerrero: Delegate King?

Delegate King: I move to adopt Committee Recommendation No. 44 on Second and Final Reading.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 44. Discussions? Delegate Villagomez?

Delegate Villagomez: I think the proposed amendment would read better if the phrase "as provided by law" is placed after "other calamity" so it will be the last part of the things that can give the Governor basis for declaring the state of emergency.

Delegate Mendiola: No objection.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, the intention for putting the phrase "as provided by law" before the word "other" is to indicate that it is the other calamity that is the concern of the amendment. The other calamity presents a vague meaning and if we would provide in this proposed constitutional amendment the phrase "as provided by law" before "other calamity", that would indicate or would suggest that the Legislature will be prevy to come up with a definition of other calamity that is supposed to be the concern of this proposed constitutional amendment. Does that answer Delegate Villagomez' concern?

Delegate Villagomez: No.

President H. Guerrero: Can you just explain this "as provided by law"?

Floor Leader Lizama: Yes, that is only in reference to the....

President H. Guerrero: Which one? The first one?

Floor Leader Lizama: No. There's no need to define invasion. There's no need to define civil disturbance because that already has been defined by, I suppose, some provisions in our Criminal Code or Civil Code, or what-

ever. Natural disaster, there's no need to define that, but I think it's necessary to define what those other calamities are supposed to mean and that's why we inserted the "as provided by law" so that it would only be applicable to the requirement of other calamity situation.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Mr. President, I think "as provided by law" would better describe the calamity if we put it after "calamity" rather than before it.

Secretary Nabors: I agree.

Delegate Calvo: No objection.

Delegate King: No objection.

Floor Leader Lizama: Yes, I understand that. I think what it would or the way this could be read then is that "as provided by law" would apply to all the other state of emergencies situation.

Secretary Nabors: Well, that's true, and if there isn't a definition of the other situations, no problem.

Floor Leader Lizama: Oh, yes. Okay, I understand you. I will not object if such requirement would be necessary. It's fine with me. I have no objection.

Delegate Mendiola: No objection.

President H. Guerrero: Is there unanimous consent to move "as provided by law" and place it after "other"?

Floor Leader Lizama: Yes.

Delegate King: Yes, after "other calamity".

President H. Guerrero: May I call the Legal Counsel? Will this change the intent?

Legal Counsel Smith: If you take out that comma, it will read "other calamity as provided by law". But to separate the word "calamity" by "as provided by law comma", it would make calamity as provided by law. That essentially determines what calamity.

Delegate Villagomez: I think that's the intent of Mr. Lizama.

Floor Leader Lizama: That is the intent of the proposed amendment.

President H. Guerrero: So where do we put the "as provided by law"?

Secretary Nabors: After the word "calamity".

Delegate Villagomez: But remove the comma.

Secretary Nabors: Yes, but remove the comma.

Delegate Villagomez: Yes. I can read it as it should be finalized.

President H. Guerrero: Can you read it?

Delegate Villagomez: Okay. "The governor may declare a state of emergency in the case of invasion, civil disturbance, natural disaster or, other calamity as provided by law, and may mobilize available resources to respond to that emergency."

Delegate Mafnas: Is that a motion?

Delegate Manglona: I don't think there should be a comma after "or".

Secretary Nabors: I don't think we need that comma either.

Delegate Villagomez: That's true. No objection.

President H. Guerrero: So is there unanimous consent? No objection?

Delegate King: No objection.

President H. Guerrero: Discussions?

Delegate King: Ready to vote.

Floor Leader Lizama: I move for the previous question.

Delegate Mendiola seconded the motion.

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

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 44, as amended, on Second and Final Reading was carried by a roll call vote of 24 affirmative votes.

Secretary Nabors: Mr. President, there are 24 delegates voted in favor of this Committee Recommendation.

President H. Guerrero: Committee Recommendation No. 44 is adopted by unanimous vote. Can you read Committee Recommendation No. 45?

Secretary Nabors read Committee Recommendation No. 45 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 45

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 2 of Article III of the Northern Marianas Constitution relating to Qualifications of the Governor.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

"I. Effective upon ratification, Section 2 of Article III is amended to read:

"'Section 2: Qualifications of the Governor. The governor shall be qualified to vote in the Commonwealth, at least thirty-five years of age, and a resident and domiciliary of the Commonwealth for at least ten years immediately preceding the date on which the governor takes office. A different period of residence and domicile may be provided by law. No person convicted of a felony in the Commonwealth or in any area under the jurisdiction of the United States may be eligible for this office unless a full pardon has been granted.'"

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, I move for the adoption of this Committee Recommendation on Second Reading.

Delegate Pangelinan seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 45. Discussions? Delegate Manglona?

Delegate Manglona: I move that "thirty-five years old" be amended to "thirty-two years old".

Delegate Nabors seconded the motion.

President H. Guerrero: Is there unanimous consent? Any objection?

Delegate Mendiola: Yes.

Floor Leader Lizama: Yes.

Delegate Villagomez: I'd like to know how old Delegate Manglona is.

Delegate Manglona: Thirty-one and a half.

(Laughter)

President H. Guerrero: Delegate Torres?

Delegate Torres: Mr. President, I thought that we agreed with Delegate Manglona, but I'd like to recommend that we -- okay. Yesterday, I mean, last I tried to put this down to thirty and nobody agreed. So I want to recommend that we put "thirty-five" and put an age limit to "seventy".

(Laughter)

President H. Guerrero: Is there any objection?

Delegate Mafnas: Yes.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Mr. President, just a question. Does this mean that Filipino, Korean or any national who has been here for ten years can run for Governor?

Floor Leader Lizama: Yes.

Secretary Nabors: If he is otherwise qualified.

President H. Guerrero: He has to be a citizen also to qualify to vote.

Delegate Mendiola: Another question.

Delegate Manglona: Point of order. Mr. Mendiola is out of order. There was a motion that was seconded.

Delegate Mendiola: I thought we are in discussions.

President H. Guerrero: Was seconded on what?

Delegate Mafnas: There was an objection on the floor.

President H. Guerrero: Since you are making a floor amendment, it has to be by unanimous consent, provided nobody objects. Unless it's in writing, since you did not submit anything in writing.

Delegate King: Point of order.

President H. Guerrero: State your point.

Delegate King: Delegate Manglona is out of order.

(Laughter)

President H. Guerrero: Delegate Mendiola, continue please.

Delegate Mendiola: Another question, Mr. President. If I am convicted of felony in Nauru and I served twenty years of prison term there. Am I still eligible to be a Governor?

President H. Guerrero: Can somebody answer that?

Delegate Cing: You will not even make it to first base, Mr. President, if you are convicted of a felony.

Delegate Mendiola: My question is, am I eligible to vote, I mean, to run for Governor?

President H. Guerrero: Delegate Lizama, could you answer that?

Floor Leader Lizama: What was the question?

Delegate Mendiola: If I'm convicted of a felony in Nauru, am I be eligible to run for Governor?

Floor Leader Lizama: I would yield to Delegate Nabors.

Secretary Nabors: We could not determine your eligibility unless we went to Nauru and ascertain whether their criminal laws are in consonance with those of U.S. or in U.S. jurisdiction.

Delegate Mendiola: How about if it is?

Delegate Mafnas: The answer is yes.

Secretary Nabors: If it is, yes. If they are in consonance with the U.S. or Commonwealth, then you would not be eligible even though you served your time because no full pardon.

Delegate Mafnas: Where does it say that in the proposal, Mr. President?

Secretary Nabors: On line 11.

Floor Leader Lizama: Mr. President, let me answer that. I think Delegate Nabors is a little bit incorrect. I think if you have been convicted in Japan 20 years ago of felony that this provision here would not necessarily exclude you from being eligible to run for Governor for the reason stated by two or three attorneys during the public hearing that the definition of what is being felonous in Japan may not necessarily be felonous in the Commonwealth and in the United States jurisdiction. But suppose that the felonous definition is the same in Japan as it is in the Commonwealth, suppose that that is the case, it would be so imaginary to experience one of these days and in the future for somebody like that who has been convicted of a felony in Japan to come here and run for Governor. It's not a realistic thing so that's why I have a recommendation that we just forget about including felony conviction in a jurisdiction outside the United States and the Commonwealth.

President H. Guerrero: Did he answer your question, Delegate Nabors?

Secretary Nabors: It was not my question.

Delegate Manglona: Point of information. Our Committee asked that question and I would like to ask the representative of the Attorney General what is his opinion on that.

Delegate Mafnas: Point of information.

President H. Guerrero: State your point.

Delegate Mafnas: If there is a provision here that a felony convicted elsewhere, then the question is appropriate. But we are talking about a person convicted of a felony in the Commonwealth or in any area under the jurisdiction of the United States, so the question is different. It's not addressing to the proposal. Thank you.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: Mr. President, I'd like to ask the unanimous consent of this Convention to replace "qualified to vote in" with "a registered voter of". I'd like to request the unanimous consent to replace, on line 4, "qualified to vote in" with "a registered voter of", and I'd like to explain that.

Delegate Mafnas: Please explain.

Delegate Villanueva: Mr. President, you don't have to be a registered voter to run for a Governor, and I feel that it should be at least a qualification that you register.

Floor Leader Lizama: Objection, Mr. President. There is a requirement for voting registration and a person may qualify to vote but he may not necessarily willing to exercise that right to vote in one particular election. However, if we're going to require that person, it is not going to serve any purpose at all by replacing the words "qualified to vote" as suppose to "registered to vote" because anybody could register if he is qualified, and the procedure to register is available.

President H. Guerrero: I call on Delegate Kaipat.

Delegate Kaipat: Thank you, Mr. President. I would like to suggest to insert the words "sound mind". I would like to amend to insert the words "sound mind". In other words, not crazy; you have to be normal mentally. And perhaps it could come in under line 5, "thirty-five years of age" and then insert a comma, "sound mind and a resident of the Commonwealth."

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

President H. Guerrero: State your point.

Floor Leader Lizama: In a normal situation, a person is not qualified to vote if he is not a person with sound mind. So that's what the committee felt. This is Delegate Kaipat's proposal by the way, except that we excluded the words "sound mind".

Delegate Kaipat: Yes, I think it should be in.

President H. Guerrero: Is there unanimous consent?

Delegate Villanueva: No objection.

Delegate Limes: No objection.

President H. Guerrero: Is there any objection?

Floor Leader Lizama: Yes; it's unnecessary.

President H. Guerrero: Your recommendation is defeated. Is there any further discussion? Delegate Torres?

Floor Leader Lizama: I move for the previous question.

There was a second to the motion.

President H. Guerrero: Delegate Torres?

Delegate Torres: I kind of forgot what I was about to say. But in line with Delegate Kaipat's thinking, perhaps it would be more appropriate if we say competent. But again, you know, we don't really need to have that here because we are talking about the "highest office" in the Commonwealth. I attempted unsuccessfully last night to reduce the age so I think that the way this thing is written is sufficient to guaranty competency in the Office of the Governor. Thank you.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, I would like to urge the delegates to support this Committee Recommendation No. 45 for the reason that what we're really doing here is that we would be increasing the residency and domiciliary requirements from seven to ten years. This is very important for the Commonwealth. And since there is no written amendment and we need unanimous consent to amend this Committee Recommendation No. 45 at this time, I move for the previous question, Mr. President.

Delegate Pangelinan seconded the motion.

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

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 45 on Second and Final Reading was voted on by a roll call vote, as follows:

YES: Delegates Vincent Calvo, David Cing, Herman Guerrero, Alonzo Igisomar, David Igitol, Rita Inos, Benusto Kaipat, Luis Limes, Juan Lizama, Jesus Mafnas, Aniceto Mundo, William Nabors, Felicidad Ogumoro, Maria Pangelinan, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres, and Ramon Villagomez. (19 votes)

NO: Delegates Esteven King, James Mendiola, and Paul Manglona. (3 votes)

ABSTAIN: Delegate Lorenzo DL. Guerrero and Ignacio Villanueva. (2 votes)

And the motion was carried.

Secretary Nabors: Mr. President, we have two abstentions, three negatives and 19 affirmatives.

President H. Guerrero: The Committee Recommendation is adopted by 21 votes. Secretary Nabors, can you read Committee Recommendation No. 46?

Secretary Nabors read Committee Recommendation No. 46 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 46

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 4 of Article III to limit the Governor to two terms in office.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

"I. Effective upon ratification, Section 4 of Article III is amended to read:

"'Section 4. Joint Election of the Governor and Lieutenant Governor. The governor and lieutenant governor shall be elected at large at large within the Commonwealth for a term of office of four years. The governor and lieutenant governor shall be elected jointly with each voter casting a single vote applicable to both offices. No person shall be elected governor more than twice.'"

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, I move that we adopt Committee Recommendation No. 46, without debate.

Delegate King seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 46. Delegate Villagomez?

Delegate Villagomez: With unanimous consent, I propose that we change the word "shall" to "may", on line 8, to be consistent with the Constitution.

Delegate Pangelinan: He just contradicts his policy.

Delegate Manglona: Point of information. There is no line 8.

Secretary Nabors: Yes, there is. There is a line 8.

Delegate Manglona: No.

Secretary Nabors: There is on the matters that were passed out at the opening of the session. The package that was put on your desk, that's the one that we are using.

Delegate Pangelinan: I thought that we agreed that those are minor changes.

Secretary Nabors: Yes, I thought that we agreed that those were minor changes, anyway.

Delegate King: No problem.

President H. Guerrero: Delegate Tomokane?

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

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

Floor Leader Lizama: There's no line 8. What line are we talking about?

President H. Guerrero: Delegate Lizama, can you make reference to the things that were passed out?

Floor Leader Lizama: I apologize, Mr. President.

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

Delegate Mafnas: I move to end debate.

Floor Leader Lizama seconded the motion.

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

Delegate Villagomez: Wait. Did we change it?

Floor Leader Lizama: Yes, it was accepted.

Delegate Calvo: There was no objection to that.

The motion to end debate was carried by voice vote.

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

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 46 on Second and Final Reading was carried by a roll call vote of 24 affirmative votes.

Secretary Nabors: Mr. President, 24 delegates voted on the affirmative.

President H. Guerrero: The Committee Recommendation is adopted unanimously. Secretary Nabors, can you read Committee Recommendation No. 47?

Secretary Nabors read Committee Recommendation No. 47 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 47

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 7 of Article III of the Northern Marianas Constitution relating to succession to the Governorship and Lieutenant Governorship.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

"I. Effective upon ratification, Section 7 of Article III is amended to read:

"'Section 7. Succession to the Governorship and Lieutenant Governorship. In case of the removal, death or resignation of the Governor, the Lieutenant Governor shall become Governor and the President of the Senate shall become Lieutenant Governor. If the offices of the Governor and Lieutenant Governor are both vacant, the President of the Senate shall become acting governor and the Speaker of the House shall become acting lieutenant governor. An acting governor or lieutenant governor who

assumes office when more than one year remains in the term may serve only until a governor or lieutenant governor is chosen in a special election provided by law.'"

Floor Leader Lizama: Mr. President, I move for the adoption of Committee Recommendation No. 47 on Second Reading.

Delegate Villagomez seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 47. Discussions?

Delegate King: No discussion; we are ready to vote.

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

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 47 on Second and Final Reading was voted on by a roll call vote, as follows:

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

NO: Delegates David Cing and Ramon Villagomez. (2 votes).

And the motion was carried.

Secretary Nabors: Mr. President, we have 23 affirmtive votes and one negative vote.

Delegate Villagomez: Correction. I voted e-he.

President H. Guerrero: Can you please confine to...? It's as if everybody is getting out of order. We're making a mockery of this Convention and I'm getting tired of it. If you don't want to be specific on your vote -- you keep changing it or talking in Japanese or other languages that the Secretary cannot understand....

Secretary Nabors: I'm sorry. Did I miss counting one's vote? Who voted -- I have only Delegate Cing voting "no".

Delegate Villagomez: And Delegate Villagomez.

Secretary Nabors: Oh, I'm sorry. I have 22 affirmative votes and 2 negative votes, Mr. President.

President H. Guerrero: Excuse me, can you repeat that again?

Secretary Nabors: I have 22 affirmative votes and 2 negative votes.

President H. Guerrero: Committee Recommendation No. 47 is adopted by 22 votes. Secretary Nabors?

Secretary Nabors read Committee Recommendation No. 48 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 48

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To add a new Section _____ to Article III to guarantee the independence of boards and commissions.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

"I. Effective upon ratification, a new Section _____ to Article III is added to read:

"'Section _____. Boards and Commissions. In every case where the governor appoints a board or commission to perform a regulatory or administrative function or direct the activities of an agency, authority, or public or quasi-public corporation in the performance of a regulatory or administrative function, the members of such board or commission shall be independent and may be removed only on grounds of gross neglect or dereliction of duty, breach of fiduciary duty, conviction of a felony, or mental or physical incapacity. Upon expiration of the term of a member of a board or commission, such person shall cease to be a member unless reappointed in the manner prescribed by law. The governor shall make appointments within thirty days to fill vacant seats on the board or commission. This section shall not apply to boards and commissions that serve a purely advisory function or, except to the extent specifically required by federal law, to boards and commissions created to comply with federal law.'"

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Yes, just a minor amendment on line 8.

Delegate King: Point of order.

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

Delegate King: Motion -- we need to move.

Delegate Manglona: I move that the Committee of the Whole adopt Committee Recommendation No. 48.

Floor Leader Lizama seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 48.

Delegate Manglona: Yes, on line 8, there should be a comma after felony.

Delegate Mafnas: There is a comma, Mr. President.

Delegate Manglona: Okay, on line 13, again, to be consistent that should be "may".

President H. Guerrero: I think the word "does" might be more appropriate -- does not. It's not a prohibition; it's an exclusion.

Secretary Nabors: Right. I think that would be more appropriate.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Last night when we adopted this on First Reading, I indicated a provision here, on line 12, where we are requiring the chief executive to appoint within 30 days whereas Public Law 1-8, as amended, provides that the Legislature must act within 90 days. I ask, Mr. President, the indulgence of the members to make it consistent that we replace "30" to "90".

President H. Guerrero: Any objection?

Floor Leader Lizama: No objection.

Delegate Manglona: Objection. Can we instead change the other law to make it 30 days and not this one?

President H. Guerrero: This is what we are entertaining right now, Delegate Manglona.

Delegate Manglona: Okay, can I state my...?

President H. Guerrero: We cannot change the Public Law. This is a constitutional amendment.

Delegate Manglona: Okay, I have objection to that then.

Delegate Mafnas: Mr. President, if there is an objection, I move for a five-minute recess so I can have the word "thirty" and "ninety" days typed and distributed.

Floor Leader Lizama seconded the motion.

President H. Guerrero: Recess for five minutes.

The Convention recessed at 4:41 p.m.

RECESS

The Convention reconvened at 5:00 p.m.

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

Delegate Mafnas: Thank you, Mr. President. On page 1, line 12, I move to delete the word "thirty" and insert the word "ninety".

Delegate Villanueva seconded the motion.

President H. Guerrero: It has been moved and seconded to delete the word "thirty" and insert the word "ninety" on the amendment. Discussions? Delegate Manglona?

Delegate Manglona: Mr. President, I'll go along with Delegate Mafnas; but before that, I would like to ask him if this will be sufficient for him and also for the unanimous support of the delegates. On line 13, would this be sufficient to include a sentence there that says "the Legislature shall act on the confirmation of appointments within thirty days"?

President H. Guerrero: Where are you, Delegate Manglona?

Delegate Manglona: On line 13, after the word "commission", would it be sufficient for the delegates to put there a sentence "The Legislature shall act on the confirmation of appointments within thirty days"?

Floor Leader Lizama: No objection.

President H. Guerrero: Is that an alternative to Delegate Mafnas'?

Delegate Manglona: Well, I'm saying that if he doesn't like this, then I'll go along. I mean, I have no problem with this proposed amendment. If he agree with this, then....

Delegate Mafnas: May I ask him a question? Why didn't you disagree with my amendment to begin with?

Delegate Manglona: Because I thought that your concern was, it was unfair that one branch had a longer time than the other. So rather than going the other route, I was going the other route of reducing the other branch. And if this is sufficient, then I would ask for your support. If not, then I'll go along with this proposed amendment.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: My point on the amendment is to provide consistency. If thirty days is going to be it and the Legislature would be required to act on the appointments within the same period of time, I have no objection.

Delegate Manglona: Then I ask the unanimous approval of all the delegates here to insert on line 13 the sentence "The Legislature shall act on the confirmation of approintments within thirty days."

Floor Leader Lizama: No objection.

Delegate Villagomez: Objection.

Delegate Tomokane: Point of information.

President H. Guerrero: Delegate Tomokane?

Delegate Tomokane: I believe the reason why the Legislature has ninety days is because they need to scrutinize the backgrounds of all these appointees so that, you know, they can really make their decisions upon confirmation.

Delegate Manglona: I'll withdraw my motion.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: If that is the case, I would support the amendment as provided by Delegate Mafnas. I move to end debate, Mr. President.

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

President H. Guerrero: We're back to the main motion, I mean, excuse me, on the proposed floor amendment.

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

President H. Guerrero: We're with the main motion now. Delegate Nabors?

Secretary Nabors: Mr. President, thank you. There is a public law that was enacted mid early '84, I believe, that authorized the Governor to remove any board member for any reason or no reason. This law was passed by the Legislature to respond with situation faced by the Governor primarily with respect to the Marianas Public Land Corporation. The negotiations that were undertaken to settle the Tinian land problems were bugged down and the Governor was unable to get any, to have any leverage with the board. I believe that the proposed amendment would invalidate that public law and I believe that the Governor should have a free hand to remove any board or any appointee on any board or any commission for any reason or no reason. His thereby choice. If the governor is in any way dissatisfied with the service, I believe the Governor should have the right to remove them. And for that reason, I oppose Committee Recommendation No. 48. Thank you, Mr. President.

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

Delegate Mafnas: Mr. President, there are appointments to boards and commissions where the Legislature or the Senate's consent is not required. I do not know whether this proposal will provide that appointments where consent of the Senate or the Legislature is not required may be removed with or without cause. For the information of the members, the boards, prior to the passage of the law that Delegate Nabors mentioned, the Governor, under the Constitution and based on the Section-by-Section Analysis of the Constitution, has the power to remove with or without cause unless it was provided. Prior to the passage of that law, it was never provided that they could not be removed. So again, the situation was not that the Governor was having difficulty with the members of the board and he wanted to remove them because he could have removed the members of the board under his authority. Thank you.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Yes. Mr. President, in regards to the same concern that Mr. Nabors had raised, I believe that there is a recent amendment, and we have to check that because of the inconsistencies in some of the federal requirements regarding some of these agencies. And I believe there were, I remember, some requests made that that particular public law

should be amended in order that the board could only be removed -- in another words, any board that is appointed and consented by the Senate or confirmed by the Senate could only be removed by the majority members of the board or commissions. The information that I pointed out, I believe because it involves some of the bonding that some of the agencies are now pursuing on case by case. So I think we have to check the Legislature whether that request for amendment has been passed or not.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Yes, I think perhaps we have had some inconsistencies in the application of that law. But if I may say this, Mr. President and fellow delegates, the general trend now in the United States is to require a removal of board members and commission members only for cause. That trend is increasing and that trend, I should say, should also be followed here in the Commonwealth. I do not believe that the Governor at this time has the authority to remove a board member of the Marianas Public Land Corporation. I do not believe that. But I think in the best interest of politics or in the best interest of the management and operation of the Marianas Public Land Corporation, it has been the experience that some board members of the Marianas Public Land Corporation has taken or had taken by his or her own initiative to resign from the Marianas Public Land Corporation, and upon acceptance of that resignation, then the Governor, our Governor has then the privilege to make another appointment. I have never heard of a Governor removing or requesting or asking a board member of the Marianas Public Land Corporation to resign from the board. I've never heard of that.

President H. Guerrero: Delegate Villanueva?

Floor Leader Lizama: I'm not finished, Mr. President. And I, therefore, would like to ask my fellow delegates to support this Committee Recommendation for the reasons that we are providing in the Constitution: (1) the need for removal to be made only for cause, and (2) we are providing here a time period in which the Governor will be required to make an appointment when the seat of a board or commission is vacated. This is a very important amendment. Thank you.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: I think there is a case in the case of a board member in the EDLF and in fact it went all the way to the court and the court decided that that individual has the right to go back to be a member of the board. And this is, I remember, what prompted this authority given to the Governor.

President H. Guerrero: Delegate Tenorio?

Delegate Tenorio: Thank you, Mr. President. I support this amendment and I do not sympathize with Delegate Nabors' statement that the Governor can remove a board member with or without cause. I feel that when appointments are made, they are made with the intention of the appointee of serving the Governor. And if the Governor sees fit that the appointee is not anymore doing his duty, I think that the Governor has the opportunity to remove that member, and this is covered by this proposal. I do not wish for anybody who is doing his duty, who is taking on the responsibilities that has

been given to him to be removed without cause. I think that's unfair. If that person is protecting the interest of the people, I think that he should remain in that office and he should be given the opportunity to continue to protect the people in his capacity. So any form of removal without cause, I think is unreasonable. Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I don't think this is tying the hands of the Governor because right now he can remove with or without cause. What we are doing over here, we're just deleting his authority which is without cause. It is important though, and I think when the Governor makes or prior to nominating anybody for the Governor to explain the policies of his Administration or the executive branch the public policies and it's incumbent for that specific nominee to carry out the public policies to the best of his ability. I do not want to see a board member removed without cause because he exercised or he decided on a particular issue to the best of his ability which is contrary to the expectation of the chief executive. So, Mr. President, I think we still can have a good working relationship between members of the boards and commissions and the chief executive. I support this statement, but the question is, if the Governor removes a board member, is he authorized under any statute to appeal his removal? That is my question. Is there a statute that authorizes him to appeal such removal? For example, if I am charged with the dereliction of duties and I would like to protect my name, is there a statute that will allow me to appeal such removal?

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. President, the intent here is to require a removal only for a cause. Now if a member of the board of directors or a member of a commission feels that his removal is without cause, now that person may go before the court and ask the court for determination of the factor situation whether the reasons for his removal were necessarily under the scope of the so-called for cause. So I think there is a leeway for that person to seek his remedy. And I think maybe the question is not really that problematic because there is that opportunity for that person to go before the court to question his removal.

Delegate Mafnas: Mr. President, I still have the floor. The reason why I asked that question is because in many of the statutes that we have or in some of the statutes, there is such a provision that a member is removed because of either neglect or dereliction of duty. Such member is permitted under the statute to appeal such removal. So are we saying then that even if it's not authorized under this proposal that member is authorized to appeal?

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: If there is a statute providing for such an appeal process, I don't see any problem. Again then the Governor and the commission or the board involved could decide or make a determination whether the removal was for the reason that is necessary. The appeal process, that's a different matter. But, of course, any person that is removed from the board or commission has the due process of law to use for purposes of making sure that he is not being removed for a reason not without cause.

President H. Guerrero: Delegate Mafnas, continue.

Delegate Mafnas: Mr. President, I am not questioning the integrity of my chairman; no, I am not debating him. I am concerned because I have heard of legal opinions where it says "unless it's provided". If it's provided then you can do it; if not, then you cannot do it. Here, my question is, it is not provided. Maybe we can refer to the Representative from the Attorney General.

Floor Leader Lizama: No objection, Mr. President; so we'll direct the question of Delegate Mafnas to the Assistant Attorney General.

President H. Guerrero: Yes, can I ask that you come up to the mike please?

Legal Counsel Smith: I would concur with Delegate Mafnas' statement that if it's not provided by law, you do not do it; if it's provided by law, you will be able to do it.

President H. Guerrero: Delegate Mafnas, did he answer your question?

Delegate Mafnas: Thank you. Therefore, the victim under this proposal will not have a way in clearing his name. I would like to make that point. Thank you.

Pressident H. Guerrero: Delegate Mendiola?

Delegate Mendiola: I just want to go back to the Attorney General's answer. Does the board member have a right under Section 5 on Personal Rights the due process of law?

Legal Counsel Smith: He would have due process rights as were to somebody who is appointed at the pleasure of a legislative body or an executive body but does not have the same due process rights as a U.S. citizen. He is acting in an appointed position.

Floor Leader Lizama: Question.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Mr. Smith, suppose that this constitutional amendment is ratified and then there is this requirement that the removal can only be made if there is a cause involved. Now, if we have this provision, don't you think that this provision would then allow for the requirement that that person be given due process? Now if you do not have this requirement and the person serves at the pleasure of the Governor, of course, I understand his due process may be less than or lesser than the due process that is normally applied to a citizen. Do you agree in that statement?

Legal Counsel Smith: Yes, I would agree with that statement. He would have certain due process rights established the cause under which he is to be removed and presumably the Legislature under their power would provide some vehicle which he could be heard, to show that he should not be removed or that he should be removed. There has to be some vehicle in the removal other than the Constitution.

Floor Leader Lizama: Question. Could you be referring then to, say, for example, an administrative procedure where such procedure provides for an appeal process?

Legal Counsel Smith: Not necessarily in an appeal process but some procedure where facts are presented under which he is to be removed.

President H. Guerrero: But don't you just file it in court?

Floor Leader Lizama: Normally, when you exhaust your administrative remedies, so that is the rule. And if there is such a procedure, then you go after that procedure first before you go to court. Now, if there is no such procedure, then a person has every right to go before the court.

President H. Guerrero: Are those people covered under the Civil Service?

Delegate Mafnas: Yes, Mr. President, the Civil Service members may be removed for cause but such removal is appealable. It's provided in the law. If it's not provided, then they could be removed and they could not appeal.

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

Delegate Kaipat: Thank you, Mr. President. I am for this proposal, as amended. I just want one minor clarification here. On lines 7 and 8, it says "may be removed only on grounds of gross neglect or dereliction of duty". The word "dereliction" is the same as neglect. I was wondering if this is a double talk, or just a law terminology "neglect of duty". Dereliction means neglect. There is no other definition.

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

President H. Guerrero: Just a minute. Mr. Smith, can you just.... Were you asking the difference between "conviction" and "dereliction"?

Delegate Kaipat: No. According to my definition, dereliction means neglect, and it says "only on a ground of gross neglect", that's one neglect, "or dereliction" which means neglect. I was wondering if this is a double talk--gross neglect or neglect. I was wondering if somebody can define this; I'm not very sure about it. But the definition of dereliction means neglect, negligence. So we have a double talk--neglect or neglect of duty. Or maybe they have other definition. I don't know. I just want some clarification.

President H. Guerrero: Let me ask Steve on that to probably explain.

Steve Woodruff: I don't really know for sure, but this is generally a common language in a legislation. But it would seem to me that dereliction could include something like malfeasance which wouldn't necessarily be neglect.

Delegate Mafnas: Right, malfeasance in public office.

Floor Leader Lizama: Or misfeasance.

Delegate Kaipat: I didn't get the last part. What was the word?

Steve Woodruff: Malfeasance which would be improper conduct.

Delegate Kaipat: According to this--Mr. Webster, it says the same thing, dereliction means neglect, neglect means dereliction. I was wondering if this is a double talk. Some of my patients always say, "neglect, neglect," so I was wondering if this is a double talk.

President H. Guerrero: Delegate Nabors?

Secretary Nabors: Thank you, Mr. President. The Legislature, as I referred earlier on Public Law 1-8, it says that "any person appointed to any board, agency, commission by the Governor shall serve at the pleasure of the Governor and may be removed by the Governor with or without cause." This subsection applies to all boards, agencies, commissions or positions, including Directors of the Marianas Public Land Corporation. That's 1 CMC p. 263. Now, this proposed amendment would change our Code and I question whether or not it is wise to do so. But in order to answer my question, I need first to ask a question. If this proposal is adopted, will it have retroaction effect, i.e., any board member currently serving, or say, a remainder of one year term. What does he do in November or January? Would he be required to submit a courtesy resignation to the new Governor whether he is the incumbent or not?

President H. Guerrero: Delegat Mafnas?

Delegate Mafnas: If a new Governor comes in, will he submit his resignation?

Secretary Nabors: There will be a new Governor in January. Now the question is whether or not these members must submit their resignations if this is adopted in November.

Delegate Mafnas: I don't see any provision here where a board member is required to submit his resignation, so the answer to your question is no.

Secretary Nabors: Therefore, Mr. President, we will have a new Governor and if the new Governor is the incumbent Governor, perhaps there is no concern. But if the new Governor is not the incumbent Governor, then the new Governor would be saddled with commission members, board members who may have three or even four years to go on their without any opportunity of selecting boards and commission members to carry out his administrative policies which may or may not be the same as the current Governor's administrative policies. And I therefore feel that it's unfair to tie the hands of the chief executive to have the authority to select those individuals who will agree to carry out the policies of his Administration. Thank you.

President H. Guerrero: Delegate Lizama?

Delegate Lizama: I think I understand the concern of Delegate Nabors. However, I think that if we really think about it, if Delegate Nabors is a board member of the Mariana Islands Housing Authority that if Delegate Nabors during this year's election campaign if he is a member of MIHA and he is supporting the other candidates and assuming that the present Governor gets re-elected, then I think it's pure simple common sense and pure simple logic that maybe Delegate Nabors should submit his resignation

rather than trying to be so greedy and so protective of his board membership. And I think it's a common sense that if you're not supporting the Governor's appointee, I think you should resign rather than fake it. There's a thing in our campaign slogans; what is that, Delegate Mafnas? You know better, I think.

Delegate Mafnas: People with progress...

Delegate Lizama: There is such a thing, you know. It doesn't make you look good if you have previously supported a different candidate and you still want to be there. It makes you as if you have no place to go and so you are so dependent on that particular place. It makes you look down, little, or whatever.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. Under this proposal, all the new Governor has to do is hand you a letter, Delegate Nabors, and say "You have neglected your duty, I am removing you." And you have no way to appeal this. That's why I asked about whether a removal is appealable under this, according to the Attorney General's Representative, unless it is provided for. So your concern will be taken care of if there is a new Governor and the board members do not share his goals and objectives or his policies, he can remove them. And you don't have any way to prove that you are not innocent of malfeasance in public office.

President H. Guerrero: Any more discussions? Delegate Guerrero?

Delegate DL. Guerrero: Mr. President, I'll asked the Assistant Attorney General to clarify it because, as I stated earlier, that I believe some of the agencies or the autonomous agencies of this government which is the CPA, for that matter that I stated earlier that some of the agencies have been exempted simply because of some technical requirements. Because of the bonding that is involved, the project of the Airport Authority or the project of the Port Authority that involves the bonding part of this project. And the information, of course, that I have gathered is it's being exempted. So if we have to put this very provision in the Constitution and should the people ratify this, again we lock those people in, or we lock that very particular public corporation into this language.

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

Delegate King: Thank you, Mr. President. I just like to ask a question before I make my decision to support this. On line 11, where it says "unless reappointed in the manner prescribed by law," is the person that is going to be reappointed necessary to be confirmed again by the Senate? I'm asking this to any members of the Governmental Institutions.

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

Delegate Mafnas: Yes, Mr. President. The individual has to go through a confirmation process when he is reappointed.

President H. Guerrero: Delegate King?

Delegate King: Thank you.

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

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

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

President H. Guerrero: We're going to vote on the Committee Recommendation No. 48, as amended. Roll call please?

Delegate Mafnas: Mr. President, privilege.

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: I want the record to show that any member of boards and commissions who is removed under this provision, if this is ratified by the people, will not have an appeal right. Thank you.

At this point, Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 48, as amended, on Second and Final Reading was voted on by a roll call vote, as follows:

YES: Delegates David Cing, Herman Guerrero, David Igitol, Benusto Kaipat, Esteven King, Juan Lizama, Jesus Mafnas, Paul Manglona, Felicidad Ogumoro, Maria Pangelinan, Karl Reyes, Joaquin Tenorio, Francisco Tomakane, William Torres, Ramon Villagomez, and Ignacio Villanueva. (16 votes)

NO: Delegates Lorenzo DL. Guerrero, James Mendiola, Aniceto Mundo, and William Nabors. (4 votes)

ABSTAIN: Delegates Vicente Calvo, Alonzo Igisomar, Luis Limes, and Rita Inos. (4 votes)

And the motion was carried.

Secretary Nabors: Mr. President, I have 16 affirmative votes, I have four negative votes, and I have four abstentions.

President H. Guerrero: Committee Recommendation No. 48 is passed by 20 votes. Can I get some direction from the floor whether you would like to adjourn for dinner, I mean, just for dinner? Yes, Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move that we recess until eight o'clock.

Secretary Nabors: No, 7:30 p.m.

Delegate Villanueva: Seven o'clock.

Floor Leader Lizama: 7:30 p.m. or 7:45 p.m.? 7:30 p.m., Mr. President.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to recess until 7:30 tonight.

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

The Convention recessed at 5:41 p.m.

RECESS

The Convention reconvened at 7:58 p.m.

President H. Guerrero: The session is back to order. We're under Item I of the Order of Business. There is no Introduction of Resolutions and Referrals, no Unfinished Business, and no Special Orders of the Day.

INTRODUCTION OF RESOLUTIONS AND REFERRALS

None

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

None

GENERAL ORDERS OF THE DAY

Committee Recommendation No. 49: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE X, SECTION 4 TO ADD THE PROHIBITION AGAINST PUBLIC DEBT."

Committee Recommendation No. 50: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 9(a) AND (b) OF ARTICLE III OF THE NORTHERN MARIANAS CONSTITUTION TO MANDATE A BALANCED BUDGET FOR THE CNMI GOVERNMENT IN EVERY FISCAL YEAR."

Committee Recommendation No. 51: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND ARTICLE XI, SECTION 6(a) TO PROVIDE FOR AN INCREASE IN THE NUMBER OF TRUSTEES OF THE MARIANAS PUBLIC LAND TRUST FROM THREE TO FIVE."

Committee Recommendation No. 52: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 13 OF ARTICLE II OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO SESSIONS."

Committee Recommendation No. 53: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 2 OF ARTICLE II OF THE NORTHERN MARIANAS CONSTITUTION TO ADD A NEW 'SUBSECTION (d)' RELATING TO THE COMPOSITION OF THE SENATE."

Committee Recommendation No. 54: "A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND SECTION 3 OF ARTICLE II OF THE NORTHERN MARIANAS CONSTITUTION BY ADDING A NEW 'SUBSECTION (d)' RELATING TO COMPOSITION OF THE HOUSE OF REPRESENTATIVES."

President H. Guerrero: We are now under General Orders of the Day. Floor Leader Lizama?

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

Delegate Manglona seconded the motion.

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

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

The Convention resolved into a Committee of the Whole at 7:59 p.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 10:46 p.m.

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

Delegate Manglona: Mr. President, the Committee of the Whole adopted Committee Recommendations No. 49 and No. 50. Committee Recommendation No. 51 was adopted, as amended, to read as follows: "The Trust shall have five trustees appointed by the Governor with the advice and consent of the Senate: three shall be from Saipan, one from Rota, one from Tinian, one shall be a woman and one shall be a person of Carolinian descent." Committee Recommendation No. 52 was adopted, as amended. On line 8, it should read "ninety days each year, sixty days before April 1, and thirty days after July 30 of each calendar year." Committee Recommendations No. 53 and No. 54 were adopted. I move that the report of the Committee as a Whole be adopted on First Reading.

Delegate King seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Committee of the Whole's recommendation, as amended, for Committee Recommendation Nos. 49, 50, 51, 52, 53 and 54. Discussions?

There being no discussion, the motion to adopt the Committee of the Whole's report for adoption of Committee Recommendation Nos. 49, 50, 51, 52, 53 and 54 on First Reading was carried by voice vote.

MISCELLANEOUS BUSINESS

President H. Guerrero: Is there anything on Miscellaneous Business? Delegate Villagomez?

Delegate Villagomez: I wish to make a short observation. During the beginning of our Convention, Chairman Guerrero was asked to translate the speech that he made because the words therein were too difficult. I took the courage of speaking in Chamorro during the deliberations today and I observed that I was very well understood by our delegates. And then other delegates took up the practice of using our language and I find that they did that with a great deal of relaxed manner, being able to speak very

clearly and organize and express themselves a lot better than in trying to speak a foreign language. I wish that we have done this earlier and I think it would encourage, I mean not encourage, but it would expedite the ability of the delegates to understand clearly without having to go over the same points over and over again. I do apologize that it is difficult for our delegate from Tinian, Bill Nabors. I realized that he understands Chamorro to a certain extent but I don't think that we should sacrifice being able to adequately express ourselves in the interest of having the only member who could not speak Chamorro like ourselves do the same. I hope that we don't again accuse a delegate of lying to the Convention or being a liar simply because he uses his language, especially when he didn't lie and he was not a liar at the time that he spoke his language. Thank you.

President H. Guerrero: Thank you Delegate Villagomez. Delegate Lizama?

Delegate Lizama: While I appreciate hearing Delegate Villagomez about why he spoke in Chamorro, in vernacular, all afternoon today, while I appreciate that, I think we should not forget the fact that I, for one, also -- well, first of all, I, for one, don't speak very good English but we should not forget the fact that it is important in our societal rules that we have to be considerate. Delegate Nabors has just as much interest in listening to what is being deliberated in this Convention, so as much as possible we should make every efforts to use the most simplistic form of vernaculars and at the same time also we should not forget the fact that we have also press people here in the Convention. And it's very important for the press to understand what's going on during the proceedings of our deliberations. I am not going to go against anybody speaking in our language or languages but I think that in all due respect we learned from our parents that we should be courteous, we should be respectful and I don't think we should forget that now just because we have become more intelligent, more educated and more matured. Thank you very much.

Delegate Mafnas: Mr. President?

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: Tomorrow I'll start speaking in Chamorro all day. Thank you.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: I want to request the Chair to provide an interpreter for Delegate Nabors. It's only fair that we do that.

Delegate Nabors: And everything stops until I get the interpretation then we proceed.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. Beginning tomorrow, I'll start deliberating in Carolinian.

(Laughter)

Delegate Manglona: I demand an interpreter.

President H. Guerrero: Yes, Delegate Pangelinan.

Delegate Pangelinan: Thank you, Mr. President. I wish Delegate Villagomez will just speak for himself and not speak for the others. So what if my English is mixed and at times stucked because I cannot find the right words? It doesn't also mean that I can express myself better in Chamorro.

Delegate King: Point of information, Mr. President.

President H. Guerrero: You like those words too much, Delegate King. Go ahead.

Delegate King: (in Chamorro)

President H. Guerrero: I'm not opposing to, I mean, I am not in favor of the official languages, so that's why I'm going to vote "no" for that.

Delegate Inos: (in Chamorro)

(Laughter)

Delegate Mafnas: Mr. President, privilege.

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: I think the tension is very high because we've exhausted ourselves and whatever was said on the floor was said out of intention. Thank you.

Delegate King: (in Chamorro)

President H. Guerrero: Any announcement? Delegate Ogumoro?

Delegate Ogumoro: Mr. President, before we go down to Announcements, I understand that we still have some very significant committee recommendations that are still yet to be reported. I wonder if you have made plans for those that have not even been introduced for First Reading. What plans do we have right now to entertain those should the Legislature not pass the legislation, the amendment to Public Law No. 4-30 to allow us to meet for another seven days?

President H. Guerrero: Delegate Ogumoro, I'm not sure other than stopping the clock or suspending our Rules of Procedure to accommodate those things. Delegate Guerrero?

ANNOUNCEMENTS

Chairman DL. Guerrero: Yes, Mr. President, the Committee on Finance and Other Matters would like to announce to each of the committee members that we'd like to meet at nine o'clock tomorrow morning, or 9:30 tomorrow morning.

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

Delegate Manglona: Mr. President, if, again, we are meeting in the afternoon, our Committee would be meeting at 9:30 tomorrow morning. Thank you.

President H. Guerrero: Any other committee announcements? Chairman Lizama?

Chairman Lizama: Mr. President, I would like to meet with the members of the Committee on Governmental Institutions tomorrow at 9:30 a.m. for the last time.

President H. Guerrero: Any other announcements? If none, Floor Leader Lizama?

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

Delegate Mendiola seconded the motion.

Delegate Villagomez: Mr. President?

President H. Guerrero: Yes, Delegate Villagomez?

Delegate Villagomez: I move to amend that motion to make it 10:00 a.m.

Delegate Inos seconded the motion.

President H. Guerrero: If there is no objection, we'll meet at 10:00 a.m. tomorrow.

Floor Leader Lizama: No objection.

Delegate King: No objection.

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

The Convention adjourned at 10:58 p.m. and to reconvene at 10:00 a.m., Tuesday, July 16, 1985.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Mabors
Convention Secretary

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

TWENTY-NINETH DAY

Tuesday, July 16, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 10:53 a.m., Tuesday, July 16, 1985, in the Convention Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

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

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

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

ADOPTION OF JOURNALS

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

Delegate Mendiola seconded the motion.

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

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

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

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

COMMUNICATIONS

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

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

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

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

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

COMMITTEE RECOMMENDATIONS/REPORTS

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

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

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

President H. Guerrero: Chairman Guerrero?

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

President H. Guerrero: Chairman Lizama?

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

President H. Guerrero: Chairman Manglona?

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

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

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

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

President H. Guerrero: Chairman Guerrero?

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

SECOND AND FINAL READING

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

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

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

Secretary Nabors: Thank you, Mr. President.

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

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

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

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

President H. Guerrero: Continue with your discussion.

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

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

Delegate Villanueva: Objection.

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

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

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

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

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

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

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

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

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

"Section 3. Responsibilities and Duties of the Mayor.

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

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

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

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

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

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

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

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

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

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

"Section 6. Municipal Councils/Precinct Commissioners.

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

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

"Section 7. Powers, Meeting, Compensation.

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

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

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

"3) To confirm all resident department heads.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

President H. Guerrero: Delegate Villanueva?

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

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

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

Delegate Mendiola seconded the motion.

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

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

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

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

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

Delegate Villagomez: You mean from No. 1?

President H. Guerrero: Yes.

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

1. On page 1, line 5, strike out the word "Saipan" before the first comma.

2. On page 2, lines 15 through 18, strike out the whole first sentence.

3. On page 2, line 19, put a comma after the "Rota" and strike out the word "and".

4. On page 2, line 20, after the comma, insert the words "and the mayor of the islands north of Saipan".

5. On page 2, line 25, strike out the word "Saipan".

6. On page 3, line 17, put a comma after the number "2"; strike out the word "and"; then on line 18, put a comma after the number "18" and after the comma, add "and the precinct commissioners".

7. On page 4, line 25, change the word "resdient" to "resident".

8. On page 5, line 9, change the words "Mayor of Saipan" to "Governor"; on line 14, strike out the word "mayor" and insert "governor"; on line 16, replace the word "mayor" with "governor"; on line 19, replace the word "mayor" with "governor".

9. On page 5, line 21, strike out the entire subsection 4 all the way down to line 25.

10. On page 3, line 23, underline the subtitle "Municipal Councils/ Precinct Commissioners.

11. On page 3, line 25, strike out the terms "not less than" and "or more".

12. On page 4, line 1, strike out the terms "than five (5)".

13. On page 5, line 5, insert the term "by the council" after the word "selected".

14. On page 7, line 3, add the term "of this amendment" after the word "ratification".

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

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

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

President H. Guerrero: Delegate Kaipat?

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

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

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

Delegate Kaipat: Mr. President, (in Carolinian)

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

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

Delegate Kaipat: Yes, Delegate Lizama.

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

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

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

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

President H. Guerrero: Please do.

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

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

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

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

Delegate Mafnas: Objection.

President H. Guerrero: State your objection.

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

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

Delegate Limes: Privilege.

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

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

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

President H. Guerrero: Delegate Villagomez?

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

Delegate Mafnas seconded the motion.

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

The Convention recessed at 11:35 a.m.

RECESS

The Convention reconvened at 7:37 p.m.

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

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

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

Delegate Mafnas seconded the motion.

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

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

President H. Guerrero: Delegate Nabors?

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

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I yield to Delegate Kaipat.

President H. Guerrero: Delegate Kaipat?

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

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

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

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

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

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

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

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

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

President H. Guerrero: Delegate Lizama?

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

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

Delegate Kaipat: May I continue?

President H. Guerrero: Please.

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

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

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

President H. Guerrero: Delegate Mafnas?

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

Delegate Kaipat: What? Date?

Delegate Mafnas: Yes, July 6.

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

President H. Guerrero: Delegate Mafnas?

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

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

(Laughter)

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

Delegate Kaipat: Go ahead.

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

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

President H. Guerrero: Delegate Kaipat?

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

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

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

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

President H. Guerrero: Delegate Pangelinan?

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

President H. Guerrero: Delegate Mafnas?

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

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

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

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

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

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

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

Secretary Nabors: Hold it.

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

Secretary Nabors: Thank you.

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

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

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

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

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

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

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

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

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

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

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

(Applause)

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

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

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

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

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

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

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

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

Delegate Limes: Thank you, Delegate Villagomez.

President H. Guerrero: Yes, Delegate Villagomez.

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

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

Delegate Villagomez: Oh, you did?

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

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

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

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

Delegate Mafnas: No objection.

Delegate Nabors: I move to end debate.

Delegate Mafnas seconded the motion.

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

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

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

Delegate Villagomez: That's already in.

Delegate Mafnas: It's already included.

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

Delegate Mafnas: No objection.

Delegate Nabors: Motion to end debate.

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

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

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

President H. Guerrero: That was the amendment.

Delegate Villagomez: Previous question.

It was seconded by Delegate Nabors.

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

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

Delegate Mafnas: I move for the previous question.

Delegate Nabors seconded the motion.

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

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

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

ABSTAIN: Delegate Juan Lizama. (1 vote)

And the motion was carried.

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

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

(Applause)

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

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

"COMMITTEE RECOMMENDATION NO. 52

"A PROPOSED CONSTITUTIONAL AMENDMENT

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

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

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

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

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

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

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

"Section 3. Composition of the House of Representatives.

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

President H. Guerrero: Floor Leader Lizama?

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

Delegate Mafnas seconded the motion.

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

Delegate Lizam: No discussion.

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

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

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

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

Delegate Mafnas: Privilege.

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

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

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

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

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

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

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

Delegate Mafnas seconded the motion.

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

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

Secretary Nabors: No.

President H. Guerrero: It should be ninety days.

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

Delegate Inos: Thank you.

President H. Guerrero: Discussions?

Delegate Mafnas: Point of information.

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

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

(Laughter)

President H. Guerrero: Delegate Igitol?

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

President H. Guerrero: Presiding officer.

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

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

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

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

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

"COMMITTEE RECOMMENDATION NO. 53

"A PROPOSED CONSTITUTIONAL AMENDMENT

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

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

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

"Section 2: Composition of the Senate.

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

President H. Guerrero: Delegate Lizama?

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

Delegate Mafnas seconded the motion.

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

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

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

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

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

"COMMITTEE RECOMMENDATION NO. 54

"A PROPOSED CONSTITUTIONAL AMENDMENT

"COMMITTEE RECOMMENDATION NO. 51

"A PROPOSED CONSTITUTIONAL AMENDMENT

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

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

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

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

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

President H. Guerrero: Excuse me.

Secretary Nabors: Excuse me, there was an amendment.

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

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

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

Delegate Villagomez: No, no, no.

Secretary Nabors: So which one?

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

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

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

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

Floor Leader Lizama: Privilege.

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

Delegate Villagomez seconded the motion.

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

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

Delegate Villagomez: Mr. President.

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

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

Delegate Lizama: Point of information, Mr. President.

President H. Guerrero: State your point.

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

President H. Guerrero: Five minutes recess.

The Convention recessed at 8:30 p.m.

RECESS

The Convention reconvened at 8:56 p.m.

President H. Guerrero: Secretary Nabors?

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

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

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

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

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

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

Delegate King: I move.

Delegate Nabors seconded the motion.

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

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

Delegate King seconded the motion.

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

President H. Guerrero: Your amendment.

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

President H. Guerrero: Discussions?

Delegate Nabors: Motion to end debate.

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

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

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

President H. Guerrero: Floor Leader Lizama?

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

President H. Guerrero: What amendment?

Delegate Mendiola: We're under discussions.

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

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

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

Secretary Nabors: I move for the previous question.

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

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

Delegate Lizama: Point of information, Mr. President.

President H. Guerrero: Yes, Delegate Lizama.

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

Delegate Kaipat: Villagomez' amendment?

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

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

Floor Leader Lizama: Yes, we did.

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

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

Delegate King: That's right.

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

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

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

(Laughter)

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

President H. Guerrero: Delegate Ogumoro?

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

President H. Guerrero: That's my understanding.

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

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

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

(Laughter)

President H. Guerrero: Mr. Secretary?

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

President H. Guerrero: Is that it?

Secretary Nabors: Yes, Mr. President.

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

Floor Leader Lizama: That's correct.

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

Delegate Lizama: Mr. President, point of information.

President H. Guerrero: State your point.

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

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

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

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

Floor Leader Lizama: Mr. President?

President H. Guerrero: Yes, Floor Leader Lizama.

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

Delegate Kaipat seconded the motion.

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

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

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

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

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

Delegate Nabors seconded the motion.

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

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

Delegate King seconded the motion.

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

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

President H. Guerrero: Delegate Igitol?

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

President H. Guerrero: Discussions?

Floor Leader Lizama: I move to end debate.

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

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

Delegate Igitol: Mr. President?

President H. Guerrero: Yes, Delegate Igitol.

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

Floor Leader Lizama: Mr. President?

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

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

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

Floor Leader Lizama: Mr. President, I move for the previous question.

Delegate Nabors seconded the motion.

President H. Guerrero: We're voting on joint Committee Recommendation No. 51. Secretary Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Joint Committee Recommendation No. 51, as amended, on Second and Final Reading was voted on by a roll call vote as follows:

YES: Delegates Vincent Calvo, David Cing, Herman Guerrero, Alonzo Igisomar, Benusto Kaipat, Luis Limes, Juan Lizama, Jesus Mafnas, James Mendiola, William Nabors, Felicidad Ogumoro, Karl Reyes, Francisco Tomokane, Ramon Villagomez and Ignacio Villanueva. (15 votes)

NO: Delegates Lorenzo DL. Guerrero, David Igitol, Maria Pangelinan and Joaquin Tenorio. (4 votes)

ABSTAIN: Delegates Rita Inos, Esteven King, Paul Manglona, Aniceto Mundo, and William Torres. (5 votes)

And the motion was carried.

Secretary Nabors: Mr. President, 15 affirmative votes, 4 negative votes, and 5 abstentions.

President H. Guerrero: Joint Committee Recommendation No. 51 passed by 20 votes. Delegate Nabors, can you read Committee Recommendation No. 20?

Secretary Nabors: Mr. President, if there is no objection, I'd like to ask that we defer consideration of Committee Recommendation No. 20 until tomorrow?

Delegate King: Objection. May we know what's the reason for defering this Committee Recommendation No. 20 twice?

Secretary Nabors: Thank you, Mr. President. I apologize, colleagues, but we have been tied down, bugged down with Committee Recommendation No. 41 and we have two committees involved and we need simply to have a meeting of the mind on some languages.

Delegate King: In that case, I agree.

Secretary Nabors: Thank you.

President H. Guerrero: If there is no objection, this will be taken up tomorrow. Secretary Nabors, can you read Committee Recommendation No. 36?

Secretary Nabors read Committee Recommendation No. 36 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 36

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To add a new Section _____ to Article II to authorize legislative veto to certain types of executive acts.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Article II is amended to add a new section to read:

"'Section _____. Legislative Veto. The legislature may provide for a legislative review and veto a specific executive actions involving rule-making authority or establishment of policy by joint resolution. Legislative veto shall not extend to the application of rules or regulations to individual cases.'"

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move for the adoption of Committee Recommendation No. 36 on Second Reading.

Delegate King seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 36. Discussions? Delegate Lizama?

Delegate Lizama: Mr. President, I'd like to offer an amendment. This

morning, the proposed amendment to this Committee Recommendation was passed out and I believe everyone has a copy.

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: Mr. President, does the Chairman still has the floor on the amendment?

President H. Guerrero: He does. Would you like to read your amendment, Delegate Lizama?

Delegate Lizama: The offered amendment reads as follows: "The legislature may provide by law for legislative veto by single or joint legislative resolution or executive regulations promulgated under that law. The legislature may also provide by law for a legislative veto of actions to reprogram public funds. A legislative veto may only be exercised within ninety days of the date the action is reported to the legislature."

Delegate Nabors: Question.

President H. Guerrero: Yes, Delegate Nabors.

Delegate Nabors: Can I inquire as to what is the current policy and what problem does it attempt to address?

Delegate King: Point of order. I think that the motion need to be seconded before we discuss it.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been seconded. Discussions? Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I'd like to inquire, if I could, as to what is the current practices with respect to this reprogramming and what problem does this proposed amendment address?

Delegate Lizama: I believe, Delegate Nabors, that reprogramming is provided by Public Law 3-16. And we just want to make the language more clear because what we have before us already is not really very clear, and we also would like to require that the exercise of the legislative veto may only be made within ninety days. In the absence of that, we may be giving the Legislature the authority to exercise this power indefinitely, and I think there should be some definite time in which the exercise should be made.

Secretary Nabors: Thank you. I may be wrong but I thought that prior to reprogramming, it requires the consent of the Chairman of the Appropriations Committee of the House of Representatives and the Chairman of the Fiscal Affairs Committee of the Senate.

Delegate Mafnas: That is true.

Secretary Nabors: I thought so. And most recently, Mr. President, I recall from the media that the Governor has requested for concurrence of the leadership of the Legislature to address an emergency. And as I

recall that if the suggested method is not acceptable that they should direct or assist in finding a suitable way to deal with the emergency.

President H. Guerrero: Delegate Lizama, are you going to answer that?

Delegate Lizama: I don't know how to respond to that. The intention I'm getting from the question is that there's existing now a governor's power to reprogram. Is that what you're saying?

Delegate Nabors: Yes. I understand there is a consent now required. And as I recall during the emergency, he sought an input from the Legislative Office--the Senate and House. And if he currently does that, why then do we need to address this matter in the Constitution?

Delegate Lizama: Yes. I guess when this proposal was introduced, the intent was to provide for a better clarification on what the Governor can do and what also the Legislature can do. Maybe that has been the practice, but I'm not really so cognizant of how the Governor reprograms and how he deals with the Legislature. To have this thing in the Constitution would in effect allow for the legislature or would give the Legislature the power to veto but at the same time it will not hinder the Governor under the existing law from reprogramming. That's how I look at it.

Delegate Nabors: Mr. President, I'll pass for now, but I'd like to get some better presentation.

Delegate Lizama: Mr. President, we have the Legal Counsel here from the Senate. Maybe we could inquire from the Legal Counsel how they deal on this.

President H. Guerrero: Delegate Mafnas, can I ask you to probably.... So won't you go ahead, Delegate Mafnas?

Delegate Mafnas: Mr. President, I supported this before we received the opinion from the Attorney General's Office and I thought that the reason for deferring this was for us to get together and further discuss the significance of the opinion. And we were very busy trying to catch up with our work and the Chairman wasn't able to call us together to discuss the opinion. So I would ask the indulgence of the members to allow your Committee on Governmental Institutions to meet on this and seek the assistance of the available counsel because this is a significant amendment to our Constitution, giving the Governor to reprogram funds then at the same time reserve the right to veto such action. It may be unconstitutional. I support the legislative veto, however, I would like to ask the indulgence of the members that we defer action on this unitl the committee meets and obtains the assistance of the counsel. Thank you.

Delegate King: Second.

Delegate Nabors: No objection.

President H. Guerrero: Delegate Lizama?

Delegate Lizama: I believe, yes, Delegate Mafnas is correct in saying that the Committee on Governmental Institutions was to have looked first on the opinion that came from the Attorney General's Office. However, I did not have the opportunity to meet with the members but I have read the

opinion and I felt that the opinion did not give any suggestion that the legislative veto would be unconstitutional. However, the opinion was concerned on how the language of this proposed amendment should be written so that it would not conflict with the so-called separation of power concept. And I think the proposed amendment pretty much takes care of the concerns that the Attorney General indicated. I think the Attorney General is here and also the Counsel from the Legislature is here. Maybe we could ask both of them and find out how they feel about the proposed amendment. If they feel that it would be unconstitutional or if they feel that it needs further work, then maybe we should defer this. But should we first ask the Counsel?

President H. Guerrero: Let me call first on Delegate Mafnas.

Delegate Mafnas: Mr. President, in the AG's opinion, I saw a citation, Valeo v. Buckley, and that citation was the one that declared Public Law No. 1-9 unconstitutional under the principles of the separation of power or doctrine on the separation of powers. And whenever I see that citation, you know, I'm afraid that this particular piece of proposal will be declared unconstitutional. I am not a lawyer and I am not questioning the integrity of my Chairman, but I just want to be given the opportunity to seek further information. Thank you.

Delegate Mendiola: Mr. Chairman, I think we have a motion on the floor.

Delegate Lizama: Mr. President, I would not object to the deferment of this. I move to defer this Committee Recommendation.

Delegate Nabors seconded the motion.

President H. Guerrero: If there is no objection, this will be taken at a later time. We're now on Committee Recommendation No. 50. Secretary Nabors, can you read Committee Recommendation No. 50?

Secretary Nabors read Committee Recommendation No. 50 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 50

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 9(a) and (b) of Article III of the Northern Marianas Constitution to mandate a balanced budget for the Commonwealth of the Northern Mariana Islands Government in every fiscal year.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

"I. Effective upon ratification, Section 9(a) and (b) of Article III is amended to read:

"'Section 9. Executive Functions.

"(a) The governor shall submit to the legislature a proposed annual balanced budget for the following fiscal year. The proposed balanced budget shall describe anticipated revenues of the Commonwealth and recommend expenditures of Commonwealth funds. The ancitipated revenues shall not be increased by the legislature without the consent of the governor. In preparing the proposed balanced budget, the governor shall consider submissions made by the mayors of Rota, Saipan, Tinian and Aguiguan, and the islands north of Saipan as to the budgetary needs of those islands and by the executive assistant appointed under section 18 of this article. The governor's submission to the legislature with respect to the bduget shall state the governor's disposition of the budgetary requests contained in these submissions and may include recommended legislation with respect to taxation. If a balanced budget is approved by the legislature, the governor may not reallocate appropriated funds except as provided by law. If a balanced budget is not approved before the first day of the fiscal year, appropriations for government operations and obligations shall be at the level of the previous fiscal year.

"(b) The governor shall report at least annually to the legislature regarding the affairs of the Commonwealth and new measures that are necessary or desirable. The report shall include a comprehensive annual financial report prepared in accordance with generally accepted governmental accounting principles.'"

President H. Guerrero: Any motion to adopt it?

Delegate Guerrero: I so move.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 50. Discussions? If no discussion, going once, going twice, Secretary Nabors, roll call.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 50 on Second and Final Reading was carried by a roll call vote of 24 affirmative votes.

Secretary Nabors: Mr. President, I have 24 affirmative votes.

President H. Guerrero: Committee Recommendation No. 50 is adopted by unanimous vote. We're now on Committee Recommendation No. 49.

Delegate DL. Guerrero: Mr. President, on behalf of the Committee on Finance and Other Matters, I would like to ask for unanimous consent to defer this until tomorrow's agenda, please.

Secretary Nabors: No objection.

President H. Guerrero: If there is no objection, we'll move on to Committee Recommendation No. 40.

Secretary Nabors: Mr. President, if there is no objection, I ask for unanimous consent to defer Committee Recommendation No. 40 also for tomorrow's calendar to give us some times because there's a measure that we simply have to agree with the language.

President H. Guerrero: If there's no objection, so ordered. We'll move on to Committee Recommendation No. 19.

At this point, Secretary Nabors read Committee Recommendation No. 19 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 19

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article XII, Section 3 to allow the sale and long-term lease of building above the first floor.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"Effective upon ratification, Section 3 of Article XII is amended to read:

"'Section 3: Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property used in Section 1 includes freehold interests except for a freehold interest in the air space above the first floor of a structure and leasehold interests of more than forty years including renewal rights. The appraisal value of freehold interests and leasehold interests in real property in the Commonwealth shall be assessed by a professional and/or government-sanctioned appraiser(s) before anny business transaction is effectuated.'"

President H. Guerrero: Delegate Nabors, you are reading the wrong thing. Can I give you a copy to read the right one?

Secretary Nabors: Okay, now, "Section 3: Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property used in Section 1 includes freehold interests and leasehold interests of more than 55 years including renewal rights, except an interest acquired above the first floor of a condominium building. The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the land owner before any sale or long term lease is executed regarding that land. Any land transaction in violation of this provision shall be void."

President H. Guerrero: Is there a motion to adopt it?

Delegate King: I move to adopt it.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 19. Discussions? Delegate Villagomez?

Delegate Villagomez: Mr. President, my recollection is that this Committee Recommendation and Committee Recommendation No. 40 were the ones that

were to be considered together, not Recommendation 20 because we have to consider the 55 years together with the 100% ownership by persons of Northern Marianas descent. And possibly, Delegate Nabors mixed up the No. 19 and No. 20. I think we are ready to proceed on No. 20 but we are not ready to proceed on No. 19 and No. 40 because of the 55 years and the 100% Northern Marianas descent ownership. So, to correct matters, I propose that we defer 19 and 40 but we proceed on 20.

Secretary Nabors: Mr. President, my colleague is correct. I stand corrected; however, we are not prepared to proceed on 20 either because there are some matters that were discussed with Delegate Reyes on the MIHA mortgage problem that the Committee needs to finalize. So Delegate Villagomez is correct that 19 and 40 were companion measures, but 20 also needs just a minor explanation to the Committee members. So if I could, without objection, Mr. President, ask your indulgence to please allow us to defer action on 19 until tomorrow and I promise my colleagues that we will be better organized.

President H. Guerrero: Can I ask the mover to withdraw that motion.

Delegate King: I withdraw my motion.

President H. Guerrero: If there's no objection, so be it. We're now with Committee Recommendation No. 43.

At this point, Secretary Nabors read Committee Recommendation No. 43 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 43

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend the Northern Marianas Constitution to add a new Article _____ to include a new official seal and flag of the Northern Marianas.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, a new Article _____ is added to read:

"'ARTICLE _____. OFFICIAL SEAL, FLAG AND LANGUAGES.

"'Section 1: Official Seal. The official seal of the Commonwealth sahll consist of a circular field of blue having in its center a while star superimposed on a gray latte stone, surrounded by the traditional Carolinian Mwaar consisting of the following flowers: Langilang, Flores Mayo (Seyur), Angagha, and Teibwo, on the outer border, and the words encircling the mwaar. 'Commonwealth of the Northern Mariana Islands' and 'Official Seal.'

"'Section 2: Official Flag. The official flag of the Commonwealth shall consist, on both sides of a rectangular field of blue, a white star in the center, superimposed on a gray latte stone, surrounded by the traditional Carolinian Mwaar. The dimensions of the flag, the mwaar, the star and latte stone shall be provided by law.'

"'Section 3: Official Languages. The official languages of the Commonwealth shall be Chamorro, Carolinian and English.'"

Delegate DL. Guerrero: I move to adopt Committee Recommendation No. 43 on Second and Final Reading.

Delegate Inos seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 43. Discussions? Delegate Lizama?

Delegate Lizama: Mr. President and fellow delegates, I'm very proud to be a Chamorro and I'm very proud to be able to speak in Chamorro as well as in English. In the First Reading of this proposed constitutional amendment, I stated very explicitly that I'm not very articulate in speaking English. I have a little bit problem of articulating sometimes and I also stated that I have some problems, too, of articulating in Chamorro and that's because sometimes when you used to speak in two or more different languages, sometimes you just tend to forget or you just tend to get used to using one language as oppose to the other but that does not mean that you have forgotten your language. I will never forget my Chamorro language. I like the intent. I appreciate the work of the Committee and I agree with the intent of the proposed constitutional amendment. However, as I stated in our discussions during the First Reading of this proposed amendment, I believe that if this proposed constitutional amendment is adopted or ratified, that perhaps we may be looking ahead to a chaotic experience. I mentioned that it's going to create a chaos because many of our people are going to try and take advantage of this and there will be people in the Commonwealth that will not be able to learn the Chamorro language and also the Carolinian language. Now, as I read this proposed constitutional amendment, Section 3 in particular states "the official languages of the Commonwealth shall be Chamorro, Carolinian and English." The word "languages" is used in plural term. I interpret this to mean that this may well require the languages of Chamorro, Carolinian and English for instance to be used in legal documents, etc., etc. And I also I'm a little bit concerned what this will mean if this is ratified. For instance, which one of the three languages will prevail or would to be paramount in the event that there would be conflict of interpretation or conflict of meanings in what they prefer to convey. Now, would Chamorro be paramount, would Carolinian be paramount or English be paramount? That is the problem that I have with this constitutional amendment. Thank you, Mr. President.

President H. Guerrero: Delegate Inos?

Delegate Inos: Thank you, Mr. President. So that my colleague, Delegate John, will not experience chaos and I hope that he would take seriously the committee report that we submitted to the floor of our real intention

of this particular section, I would like to move to propose a floor amendment to Committee Recommendation No. 43.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 43. Discussions?

Delegate Inos: I think that all the members have the written amendment.

President H. Guerrero: Delegate Torres?

Delegate Torres: Thank you, Mr. President. I like the proposed amendment. I think it takes into account my concern or the concern that I raised regarding this particular section. I take special note, however, on several things in this proposed amendment. For example, it gives the Legislature the -- to my mind, this is quite historical. It gives the Legislature the enforcement authority. Also, this particular section is not subject to judicial review. My question is, does this mean that we can't take issues to the court?

President H. Guerrero: Delegate Inos, can you answer that?

Delegate Inos: On this particular amendment, so that I address the concern of my colleagues who were raising that this may be chaotic and that we might be demanding to go to court because Section 3 is stated as such, to further clarify that, I hope that I gave the Legislature the enforcement that I proposed in this amendment and that any provision made under this particular section will be deemed as appropriate also by the judicial branch.

President H. Guerrero: Delegate Torres?

Delegate Torres: If the Chair permits and I ask for the indulgence of the delegates, could I read the opinion that I have sought relative to this issue?

Delegate Limes: No objection.

Delegate Villagomez: No objection.

Delegate Torres: Okay. To the Attorney General: Please make "official comments" on the ramifications of Section 3 in Committee Recommendation No. 43. While we are concerned, and rightfully so, about the dignity and maintenance of our indigenous languages and cultures--that is Chamorro and Carolinian, we are also mindful of the potential chaos that would result from this section. Specifically, does Section 3 require a person or a government official to know English, Chamorro and Carolinian? Does it entail that any person or government official has the unalienable right to decide whether to use English, Chamorro or Carolinian, alternately and/or individually at will without regard for meaningful communication? Does the section require that all "official documents" be printed in three languages, example, CNMI Constitution, Covenant, CNMI Code, etc.?

I believe that the amendment that Delegate Inos is proposing partly answered some of my concerns and I am satisfied with the proposed amend-

ment which is being offered by Delegate Inos. I believe that it incorporates the concerns that I had raised earlier regarding the true intent of Section 3, and I believe that there won't be much of a chaos with this amendment. Thank you.

President H. Guerrero: I would like to express my view on this one as a delegate. I believe that the official seal and official flag should have gone to the Legislature. And the official flag since it is being changed should have been opened to public participation and competition should have been announced as an island-wide matter. The design itself is good. It's just the approach that I'm not in favor of. But I would leave it up to the people to decide whether they want to or not on this issue. I just don't like the way it was done and I just want to put that on record. Delegate Manglona?

Delegate Manglona: I have the same concern as the President. I would like to ask the Committee if the proposed flag should be as shown in this picture, or is the Legislature free to ship around the mwaar-mwaar or the latte stone and the star? I like the basic idea of the three major items representing the different groups, but can the Legislature be free to work around or ship around these three items?

Delegate DL. Guerrero: No. I'll let the Committee member, Delegate Villanueva, answer that question.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: No, only the size of the star or the latte stone or the mwaar-mwaar. Only the size that you are free to fool around with and not the design.

Delegate Manglona: I thought the Committee's intent was to reflect the three different groups in the Commonwealth. And if that is the intent, I would recommend that maybe there should be a contest as to the final design because I've been hearing from certain individuals that maybe the mwaar-mwaar would look better if it crosses the latte stone at the bottom and goes behind the latte at top. I mean, things like this, we can maybe leave it up for contest. But the idea that it is surrounding the latte stone is not bad. But I feel that maybe through contest we can incorporate the concern of the Committee and yet come out with a better design.

President H. Guerrero: Let me call on Delegate Villanueva.

Delegate Villanueva: I yield to Delegate Igitol.

President H. Guerrero: Delegate Igitol?

Delegate Igitol: Mr. President, when we first call on the people of the Commonwealth to have a contest for the Commonwealth flag, the design was made by Gonzalo and he won it. The only thing that we are asking is, if you see the star here, there's a rope surrounding the blue and the latte stone and the star. We just wanted to change that to a flower instead of a rope.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Well, the flower is not surrounding the latte stone here.

President H. Guerrero: Delegate Inos?

Delegate Inos: To further clarify this, I think that if Delegate Manglona would read Committee Recommendation No. 43 and would further read on the proposed amendment, it actually describes what it will look like.

Delegate Manglona: It doesn't have to look almost exactly as the picture here. Right?

Delegate DL. Guerrero: Point of information, Mr. President.

President H. Guerrero: State your point, Delegate Guerrero?

Delegate DL. Guerrero: Yes. Mr. President and members of this Convention, as I mentioned during the deliberations of the Committee of the Whole that the so-called flag and seal that we are proposing will eventually be improved as may deem necessary to be improve and not necessarily as to what you have seen in the picture that we have shown to the delegates. Furthermore, I must point out that this particular recommendation, to recognize the official language of our traditional people came from the commission or the members of the Language Commission which is also established by law, which is the Public Law 3-26. And with the good intent of this commission plus being supported with a public hearing, the Committee highly recommend that this be adopted in this Convention and let the people decide in the general referendum should they decide to take this as the official language as well as the design or re-design of the flag.

President H. Guerrero: Delegate Guerrero, can I ask you whether the commission submitted the same proposal to the Legislature for entertainment, or has it ever submitted any recommendation to the Legislature?

Delegate DL. Guerrero: I cannot answer that, Mr. President, whether the commission did, and I don't think that the commission is trying to circumvent the Legislature and come up to this Convention. I doubted that that is the intent of the commission.

President H. Guerrero: Delegate Inos?

Delegate Inos: Thank you, Mr. President. To further assure my colleagues here, all the delegates, we did go or the questions that you were asking were asked also in our deliberation when we had lengthy meetings on this particular issue. I think what we're asking is as our Chairman already stated. We're not trying to change the original design as was won through contest. We're merely asking that and what the commission is asking is a recognition of one of the indigenous population here in the Northern Marianas by merely putting the mwaar, the flowers around the original design. So that is the reason why we thought that if we could, if we submit this again for another contest, it's going to be another -- the original intent or the original seal and flag designs would totally be changed. That is the reason that we came up to this decision and we figured that we would let the people decide if they are willing to accept this new design. Thank you.

President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. According to the proposed amendment No. 43, it does not state that the United States and the year 1978 should be included. And it looks like the sample that they just passed out, they put UNITED STATES 1978 above the Official Seal. So I believe this should be out because this is not been stated in the proposed amendment. And I'd like to raise my concern; my concern is, I'd like to get rid of this star. I'd rather see mwaar-mwaar and latte stone only.

President H. Guerrero: I believe the star stands for the one people of the Commonwealth. Unfortunately, it wasn't clarified in the recommendation.

Delegate King: Shall we delete the words "United States" and "1978" out from this emblem or symbol?

President H. Guerrero: Delegate Villagomez? Oh, do you want someone to answer your question?

Delegate King: Yes, because it is inconsistent.

Delegate Mafnas: Point of information.

President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: This is not part of the Committee's report. This is just a sample, but it's not part of the report.

Delegate King: No, but I think it's part of the clarification.

Delegate Mafnas: No, nobody has mentioned this.

Delegate King: So why are they passing it out?

Delegate Mafnas: For us to envision the future.

(Laughter)

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Mr. President, I don't have the answer to Delegate King but I have my own view on the proposal. In looking at the present flag or seal, I see that the Chamorro people are clearly and adequately represented by the latte stone. That is a Chamorro, as far as we know, Taga stone. Similar to the latte stone is a Chamorro structure or heritage, or whatever it is. I also see that, from my own view, when I look at the flag here, it makes me feel like we are part of the United States. That star may represent the CNMI as part of -- one of the stars of the United States. But there is something missing, something very significant and that is the Carolinian descent. They are not represented in the flag as it is now. And I think that by putting in the mwaar-mwaar, then it will become complete. It will represent the Chamorro, the fact that we are part of the United States, and the Carolinians. And so I fully support the proposed committee recommendation.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you. I support the committee recommendation without any reservations. If there is going to be a place for our languages and for the identity or limited identity that we have as indigenous, I would not like to see it in a law where it can be wiped out with a stroke of pen.- The Constitution is our making. The language or the local languages that we have included are our mother's tongue. I respect the sentiment of the members who believe that perhaps this belongs or should have been referred to the Legislature, however, since the Constitution is our Constitution, the two languages, indigenous or the vernaculars are our languages, the most appropriate place to place this is in the Constitution. So without any further delay because there is no objection, I move for the previous question.

Delegate Guerrero seconded the motion.

President H. Guerrero: We're voting on Committee Recommendation No. 43 -- as amended, excuse me.

Floor Leader Lizama: We will vote on the amendment first.

President H. Guerrero: I forgot about the amendment. Excuse me. We move back to the amendment. We're voting on the amendment.

The motion to adopt the amendment offered by Delegate Inos to Committee Recommendation No. 43 was carried by voice vote. Delegate Lizama voted "nay".

President H. Guerrero: Discussions on the main motion?

Delegate DL. Guerrero: I move for the previous question.

Delegate Mendiola seconded the motion.

President H. Guerrero: Secretary Nabors, let's have a roll call.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 43, as amended, on Second and Final Reading was voted on by a roll call vote, as follows:

YES: Delegates Vicente Calvo, David Cing, Herman Guerrero, Lorenzo DL. Guerrero, Alonzo Igisomar, David Igitol, Rita Inos, Benusto Kaipat, Luis Limes, Jesus Mafnas, Paul Manglona, James Mendiola, Aniceto Mundo, William Nabors, Felicidad Ogumoro, Maria Pangelinan, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres, Ramon Villagomez and Ignacio Villanueva. (22 votes)

No: Delegate Juan Lizama (1 vote)

ABSTAIN: Delegate Esteven King (1 vote)

And the motion was carried.

Secretary Nabors: Mr. President, I have 22 affirmative votes, one "no" and one abstention.

President H. Guerrero: Committee Recommendation No. 43 is passed by 23 votes. Secretary Nabors, can you read the next one?

Secretary Nabors: Mr. President, may I have a privilege first?

President H. Guerrero: Please.

Secretary Nabors: Mr. President, I hate to sound like a broken record, but I'd like to ask my colleagues for unanimous consent to defer action on Committee Recommendation No. 35 for the following reasons: As you know, we've had quite a lot of discusssions over the last few days and weeks on this proposal and Delegate Villagomez and I are still discussing it and are attempting to work out an accommodation regarding it. Today I had an interview and I'm advised by Delegate Villagomez that I was in error in two respects concerning this matter and I would like to apologize for those errors. I believe that we can have a meeting of the minds regarding this matter and I would like to have an additional day for us to discuss this matter and see if we can dispose of it without a lot of discussions. So my colleagues, if we could, I'd like to ask for unanimous consent that we defer this particular committee report until tomorrow.

Delegate Pangelinan: Mr. President?

President H. Guerrero: Yes.

Delegate Pangelinan: I don't' have any objection for this to be deferred. However, I want the Chair to make sure that those who have not come to Second and Final Reading go first before this deferred request. I saw here deferred July 15 and we're still not ready. So please consider that.

Delegate Mafnas: Mr. President?

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: I have no objection, too, to accommodate the Secretary; however, I want the Secretary to unbusy himself tomorrow so we can get this on the calendar and not to come back again and say that I'm very busy. Thank you.

President H. Guerrero: The Chair will reschedule all of these tomorrow. Whether they want to or not, it will be on the calendar and that is final. We'll move on to Committee Recommendation No. 27.

At this point, Secretary Nabors read Committee Recommendation No. 27, as follows:

"COMMITTEE RECOMMENDATION NO. 27

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 8 of the Schedule on Transitional Matters of the Northern Marianas Constitution relating to Interim Definition of Citizenship.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

"I. Effective upon ratification, Section 8 of the Schedule on Transitional Matters is hereby amended to read:

"Section 8. Interim Definition of Citizenship. For the period from the approval of the Constitution by the people of the Northern Mariana Islands to the termination of the Trusteeship Agreement, the term United States citizen or United States national as used in the Constitution and laws of the Northern Mariana Islands means those persons and their subsequent children who, on the date of the approval of the Constitution by the people of the Northern Mariana Islands, do not owe allegiance to any foreign state and who qualify under one of the following criteria:

"a) persons who were born in the Northern Mariana Islands, who are citizens of the Trust Territory of the Pacific Islands on the date of the approval of the Constitution by the people of the Northern Mariana Islands and who on that date are domiciled in the Northern Mariana Islands or...."

Delegate Villagomez: Mr. President, excuse me for interrupting, but I think Mr. Nabors is again reading a wrong document. We took out "and their subsequent children" on (a), (b) and (c) and the word "means", on line 8, should be there instead of "include".

Delegate Inos: There's an additional text also on the second page.

President H. Guerrero: Can we have a five-minute recess? This has been retyped and unfortunately, it's not there.

There being no objection, the Convention recessed at 10:17 p.m.

RECESS

The Convention reconvened at 10:22 p.m.

President H. Guerrero: The session is back to order.

Delegate Nabors: Mr. President, I would like to ask again for unanimous consent since this measure is a companion measure with Committee Recommendation No. 35 that we defer action on it until tomorrow, and I can assure my colleagues that we will be much better organized tomorrow.

Delegate King: No objection.

Delegate Lizama: No objection.

President H. Guerrero: Since there's no objection, so ordered. I understand that Committee Recommendation is really incorporated into Committee Recommendation No. 50 which we already adopted.

Delegate DL. Guerrero: Can we ask the Chairman of the GI Committee to clarify that? Chairman John, will you please clarify that for the record?

Delegate Lizama: Yes, for the record, Committee Recommendation No. 37 has been incorporated into Committee Recommendation No. 50. I move -- well, no need to withdraw. Just take it off from Item H.

President H. Guerrero: Before we go on with the Order of Business, there are some committee recommendations that are finished so I'd like to pass them out and at least do the First Reading also today so we can take them up for general debate tomorrow, I mean, under the Orders of the Day. If there is no objection, I would like to get the unanimous consent and go back to the Committee Recommendations so at least the Chair can accept Committee Recommendations Nos. 56 to 64 and they will be entertained tomorrow for debate by the Committee of the Whole. Can I call then on Delegate Mafnas?

Delegate Mafnas: Mr. President, I would object to Committee Recommendation 56. Committee Recommendation No. 56 was not discussed by your Committee on Governmental Institutions. In fact, this was filed. I'm sorry; a proposal relative to Committee Recommendation No. 56 was filed by your Committee on Governmental Institutions, so I would object to have this for First Reading tomorrow.

Chairman Lizama: May I explain that, Mr. President?

President H. Guerrero: Chairman Lizama?

Chairman Lizama: This Committee Recommendation No. 56 came as a result of the Committee's meeting that was held when Vice Chairman Mafnas did not participate. So this was fully discxussed, Delegate Mafnas. I realize that his signature is not in the report, however, this was fully discussed. If you will look at the Committee Recommendation, all the members signed off on the Committee Recommendation except for Delegate Mafnas.

Delegate Mafnas: Mr. President, I don't want to debate with my Chairman, but I asked the other three members about this and they are in agreement with me. So I ask that we do not place this for First Reading tomorrow.

Chairman Lizama: I would object to that, Mr. President. This has already been discussed fully well with those three members that Delegate Mafnas is referring to. Now, if those three delegates will want to withdraw their signatures on this Committee Recommendation, I would like to know who they are so that maybe I could be let to suggesting that this should be withdrawn. Now having them signed on the Committee Recommendation, I don't want to dwell on the subject anymore. I think it should be read and let them figure it out in their discussions whether they are going to continue approving it or not approving it.

President H. Guerrero: Delegate Calvo?

Delegate Calvo: Mr. President, I would like to clarify this to Vice Chairman Mafnas. This was indeed discussed. The other measure that I think, which I signed it with a big reservation, is the one that we are anticipating to defeat. But this one, we did discuss it and we based ourselves on the testimonies that were submitted before us. The other one, I think, that we discussed earlier today is the one that we are supposed to take away and not this one.

Chairman Lizama: Mr. President, may I say furthermore?

President H. Guerrero: Let me call on Delegate Kaipat first.

Delegate Kaipat: Thank you, Mr. President. The Committee Recommendation No. 56 was discussed. We had a public hearing on this one and unfortunately on the day we adopted this, Delegate Mafnas was not around. As you can see, he didn't sign it. But this was adopted by the Committee; it was not filed. As a matter of fact, I remember the Chairman distributed to each one of us to write up a proposal and this was assigned to Delegate Calvo on that day. So this was not filed; it was adopted by the Committee on that day.

Delegate Mafnas: Mr. President, the question to the Attorney General was about the residency requirement and not the removal provision. We agreed and in fact, we filed this. And it was revived to check the residency requirement. That's why I am concerned about this because I have no objection on the residency requirement if it is increased or decreased.

Chairman Lizama: I see. Point of information, Mr. President.

President H. Guerrero: State your point, Chairman Lizama.

Chairman Lizama: Yes, during the discussions with the members of the Committee on Governmental Institutions, the only amendment or recommendation to have been included in this proposed constitutional amendment was the requirement of residency. The Committee did not discuss the last sentence as stated in the proposed constitutional amendment. I understand now the problem that Delegate Mafnas is facing. Now, there's no need to have this thing withdrawn. It could be read now and sometimes tomorrow morning, I will move that the last sentence be stricken.

Delegate Mafnas: I have no objection to that, Mr. President.

President H. Guerrero: Can I call then on Chairman Lizama? We are back to Committee Recommendations now.

COMMITTEE RECOMMENDATIONS/REPORTS

Committee Recommendation No. 56, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal Nos. 28-85, 34-85, 105-85, 116-85, and 133-85: "To amend Section 11 of Article III of the Northern Marianas Constitution relative to the Attorney General."

Committee Recommendation No. 57, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal No. 121-85: "To amend Article III of the Northern Marianas Constitution regarding Women's Affairs."

Committee Recommendation No. 58, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal Nos. 38-85, 61-85, 98-85, 152-85, 157-85, 172-85 and 178-85: "To amend Sections 2, 3, and 4 of Article V of the Northern Marianas Constitution relating to the Judicial Branch."

Committee Recommendation No. 59, from the Committee on Finance and Other Matters, recommending for adoption of a proposed constitutional amendment: "To propose an amendment to Article X of the Northern Marianas Constitution to provide for a Uniform Fiscal Management Policy."

Committee Recommendation No. 60, from the Committee on Personal Rights and Natural Resources and Committee on Governmental Institutions, a joint recommendation for adoption of Delegate Proposal Nos. 3-85, 56-85, 64-85, 129-85, 156-85, 169-85, 258-85, and 306-85: "To amend Article XI, Sections 4 and 5 relative to the Marianas Public Land Corporation."

Committee Recommendation No. 61, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal No. 232-85: "To amend Article II of the Northern Marianas Constitution by adding a new Section 16 relating to establshing Legislative Bureau."

Committee Recommendation No. 62, from the Committee on Personal Rights and Natural Resources, recommending for adoption of Delegate Proposal No. 298-85: "To add a new Section _____ (a), (b), and (c) to Article I of the Northern Marianas Constitution to safeguard against rampart alienation of the Commonwealth of the Northern Mariana Islands."

Committee Recommendation No. 63, from the Committee on Finance and Other Matters, recommending for adoption of Delegate Proposal Nos. 211-85 and 170-85: "To amend subsections (a) and (c) of Section 7 of Article II and to add a new subsection (d) to Section 7 of Article II, relative to action on legislation by the Governor, and to prohibit certain types of bills during the period of a lame-duck legislature."

Committee Recommendation No. 64, from the Committee on Governmental Institutions, recommending for adoption of Delegate Proposal Nos. 32-85, 33-85, 106-85, 117-85, 182-85, 193-85, 214-85 and 266-85: "To repeal Section 13 of Article III, and to amend Article XV relative to education."

Chairman Lizama: Thank you, Mr. President. The Committee on Governmental Institutions would like to submit Committee Recommendation No. 56 and also Committee Recommendation No. 57 and Committee Recommendation No. 61. Committee Recommendation No. 60 is a committee recommendation that would be jointly submitted. I would prefer that the Chairman of the Personal Rights and Natural Resources will report this in.

President H. Guerrero: What about Committee Recommendation No. 58?

Chairman Lizama: That is correct, Mr. President. And also Committee Recommendation Nos. 58 and 64.

President H. Guerrero: The Chair accepts Committee Recommendation Nos. 56, 57, 58, 61, and 64. I call on Chairman King.

Chairman King: Thank you, Mr. President. Your Committee on Personal Rights and Natural Resources would like to submit to the Convention, Committee Recommendation Nos. 60 and 62.

President H. Guerrero: The Chair accepts Committee Recommendation Nos. 60 and 62. Chairman Guerrero?

Chairman DL. Guerrero: Yes, your Committee on Finance and Other Matters would like to present also to this Convention, Committee Recommendation No. 59.

President H. Guerrero: What about 63? Is that yours?

Chairman DL. Guerrero: Yes, that's correct -- including Committee Recommendation 63. There are two of them.

President H. Guerrero: The Chair accepts Committee Recommendation Nos. 59 and 63. We are now on Introduction and First Reading, I call on Chairman Lizama to read the titles.

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

Chairman Lizama: Mr. President, Committee Recommendation No. 56 is "a proposed constitutional amendment to amend Section 11 of Article III of the Northern Marianas Constitution relative to the Attorney General."; Committee Recommendation No. 57 is "a proposed constitutional amendment to amend Article III of the Northern Marianas Constitution regarding Women's Affairs."; Committee Recommendation No. 58 is "a proposed constitutional amendment to amend Sections 2, 3, and 4 of Article IV of the Northern Marianas Constitution relating to the Judicial Branch.". Mr. President, something is missing here on Committee Recommendation No. 58. Section 4 is not included in here.

President H. Guerrero: Section 4?

Chairman Lizama: Yes. There's supposed to be a Section 4 in this Committee Recommendation.

Delegate Mafnas: Mr. Chairman, if I may, I think Section 4 in the original proposal calls for an election of judges and we agreed not to include that.

Chairman Lizama: That is correct, but I think we're just going to add the concern raised by Delegate Torres yesterday. We took cognizance of that concern to increase the age of the judges from 30 to 35. It's a minor amendment.

Delegate Mafnas: We'll amend it tomorrow on the floor.

Chairman Lizama: I just want to note on that, Mr. President.

President H. Guerrero: Go on, please.

Chairman Lizama: Committee Recommendation No. 61 is "a proposed constitutional amendment to amend Article II of the Northern Marianas Constitution by adding a new Section 16 relating to establishing Legislative Bureau." and Committee Recommendation No. 64 is "a proposed constitutional amendment to repeal Section 13 of Article III, and to amend Article XV relative to education.".

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Yes, Mr. President, your Committee on Finance and Other Matters would like to introduce committee recommendations for First Reading, I mean, introduction, Committee Recommendation No. 59: "A proposed constitutional amendment to propose an amendment to Article X of the Northern Marianas Constitution to provide for a Uniform Fiscal Management Policy." and Committee Recommendation No. 63: "A proposed constitutional amendment to amend subsections (a) and (c) of Section 7 of Article II and to add a new subsection (d) to Section 7 of Article II, relative to action

on legislation by the Governor, and to prohibit certain types of bills during the period of a lame-duck legislature.".

President H. Guerrero: Thank you, Chairman Guerrero. Chairman King?

Chairman King: Thank you, Mr. President. Committee Recommendation No. 60 is a joint recommendation by your Committee on Governmental Institutions and Committee on Personal Rights and Natural Resources, "a proposed constitutional amendment to amend Article XI, Sections 4 and 5 relatives to the Marianas Public Land Corporation." and Committee Recommendation No. 62: "A proposed constitutional amendment to add a new Section ____ (a), (b), and (c) to Article I of the Northern Marianas Constitution to safeguard against rampart alienation of the Commonwealth of the Northern Mariana Islands.".

President H. Guerrero: Thank you. We'll move back to the Order of Business. We have no Introduction of Resolutions and Referrals, no Unfinished Business, and no Special Orders of the Day. Delegate Igitol?

Delegate Igitol: Mr. President, introduction of resolutions....

President H. Guerrero: Resolution? Where are you?

Delegate Mafnas: Introduction of proposals.

Delegate Igitol: Are we on letter (I), Mr. President?

President H. Guerrero: Excuse me? Yes, I'm sorry.

Delegate Mafnas: No objection.

Secretary Mabors: No objection.

INTRODUCTION OF RESOLUTIONS AND REFERRALS

Delegate Igitol: If I can get the unanimous consensus of the Convention, I have a proposal to submit.

President H. Guerrero: Go on.

Delegate Igitol: It's a proposal "to add a new Section 16 to Article III of the Northern Marianas Constitution to provide for Department of Revenue and Taxation." Another one is "to add a new Section to Article III of the Northern Marianas Constitution to provide for Department of Budget and Finance."

President H. Guerrero: Thank you. Will you give those to the Secretary?

Floor Leader Lizama: Mr. President, point of information. Do we have something in our Rules that....

President H. Guerrero: Yes, it's one day prior to....

Floor Leader Lizama: One day prior? So he is still in order?

President H. Guerrero: He is still in order.

Delegate Mafnas: Point of information.

President H. Guerrero: State your point, Delegate Nafnas.

Delegate Nafnas: We have to extend our indulgence to him or else he is going to be removed from his job. That was a request from his director.

(Laughter)

Delegate Manglona: No objection.

President H. Guerrero: Moving right along, I said that already disposed off the Second and Final Reading. We don't have any under Introduction of Resolutions, we don't have any under Unfinished Business, we don't have any under the Special Orders of the Day.

INTRODUCTION OF RESOLUTIONS

None

UNFINISHED BUSINESS

None

SPECIAL ORDER OF THE DAY

None

GENERAL ORDERS OF THE DAY

President H. Guerrero: Under this General Orders of the Day, since it seems like everyone looks kind of liturgic, we might want to suspend this until tomorrow, if there's no objection.

Floor Leader Lizama: It's getting too late, Mr. President. No objection.

President H. Guerrrero: We'll move down to Miscellaneous Business. Delegate Villagomez?

MISCELLANEOUS BUSINESS

Delegate Villagomez: I'll promise to be short. I just want to mention that I watched the six o'clock news today and Phillip Swett, the Cable TV person, stated that in yesterday's Convention I submitted a proposal to the Convention that all future Constitutional Conventions will be conducted in Chamorro. I'm disappointed that he is not here. No. 1, I did not submit any proposal to that effect. No. 2, I didn't make that kind of recommendation even. All I did was make an observation, that in observing the people who used Chamorro, I observed that they were able to effectively convey their thoughts and message, and that was the extent of it. I do not know whether -- and I didn't even see him here -- I don't know where he got his information. But I am very disturbed that the Convention is receiving a very bad coverage by Cable TV in that respect and that they gave the public wrong information. I do not know whether Phillip Swett was sent up here from Guam to make his mistakes up here in the course of

learning and getting new experience, but I hope that he presents the facts to the public accurately. Secondly, just so you're more informed as to the reason for deferring the matter on citizenship, the point that Mr. Nabors apologized about is, when he was speaking on the TV at six o'clock today, he mentioned that after the termination of the Trusteeship, if we pass this resolution, then all U.S. citizens would be disfranchised and wouldn't be able to vote. And of course, that's not correct. Even if we pass this amendment, upon the termination of the Trusteeship, the amendment itself is dead and everybody here can vote from the United States and from here. And the second point that Bill made a mistake on is, he stated that if we pass this bill, he wouldn't be able to vote here. That also is not correct because he has been here since prior to January 1, 1974, therefore he will be able to vote. And, so again the public is given the wrong information through that. That's all, Mr. President, thank you.

President H. Guerrero: Thank you. Delegate King, you have your hand up.

Chairman King: Yes, Mr. President. If there's no objection from the floor and if it's appropriate for me to make a motion at this time because of Committee Recommendation No. 6 which was recommitted to my Committee on June 29 and Committee Recommendation No. 22 that was also recommitted to my Committee on July 10, 1985, I would like to move that we file these two committee recommendations. First, after discussion with the author, Delegate Nabors, he agreed for the Committee to file Committee Recommendation 22 and also Committee Recommendation 6 which we incorporated with Committee Recommendation No. 60. And therefore, I'd like to move before the Convention to file these two committee recommendations.

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: Mr. President, point of clarification. Or may I ask a question? Perhaps the Floor Leader can answer it. When a committee recommendation is recommitted to the committee, it is the property of the committee and the committee is free to do whatever it wishes. And if your Committee on Personal Rights and Natural Resources so wishes to file them, then let it be it. Am I correct?

President H. Guerrero: That's correct. Chairman King?

Chairman King: Okay, so instead of making a motion, I'd like to go now for a point of information.

President H. Guerrero: What I'm saying is once it's recommitted back, it's the property of the committee; therefore, it's not the property of the Convention.

Chairman King: Therefore, I'd like to report before the Convention the status of these two recommendations.

Delegate Mafnas: No objection.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Thank you, Mr. President. I know that everyone is tired so I'm going to make it short. But I would like to acknowledge an important event that happened today and that is the adoption of Committee Recommendation No. 41. It is important because I feel that this is an

initial step toward granting the peoples of Rota and Tinian their long-awaited desire for a local government. I would like to thank all the members of this Convention for realizing the importance of this and granting us this wish. Now, like I mentioned before, I think we can be able to say that this Constitution now is the embodiment of our hope and wishes. We can be able to say this like the rest of the people of this Commonwealth and we ask for the support of everyone here to educate our people and make them realize that only through this type of relationship can we live and say that we are one Commonwealth. I have a reservation in the municipal council, however, that is a problem or for the benefit of the island only and we will work that out. At least the problem is with us only, and I will support Committee Recommendation No. 41 because I think that this is what the people wants and I'm willing to go along. Thank you.

President T. Guerrero: Delegate Lizama?

Delegate Lizama: Mr. President, I know everybody is tired but I have something here that after listening to this, everyone can go home and have a good sleep. I'd like to read an article that was in the paper today. I'm going to read it very fast: "Once upon a time, there was a small island. In the north lived a tribe of white people, and in the south lived a tribe of brown people. One day the kings of each tribe happened to meet while walking in the jungle. Being that both tribes were of a peaceful nature, they received each other as friends. They sat down together to share the knowledge of their ancestors.

"The brown king described his village like a paradise, where his people have found peace working close to nature. For centuries, they have heard the voices of their ancestors through the pounding waves on their shores, and whistling wind through their valleys. They have fished the seas and reefs and worked the soil for so long the land became a child who had grown strong enough to take of them all. The brown king's people wanted for nothing and spent their days in joyous celebration of life. However, a disease had befallen his people and he was sent into the jungle to find a cure.

"The white king was amazed at the genuine warmth and kind nature of the brown king. He marveled at the simple sincerity he had never seen in man. He told the brown king of his village, where his people had learned to blend the metals of the land to form powerful machines to assist them in their labors. They studied natures creations and laws, and created a village that stood tall above the trees. Through their schools of higher learning they taught themselves to blend the earth's elements to combat disease, starvation and the harsh tropical environment. His people enjoyed discovering the power of their own creativity. But lately his people were suffering from an emotional depression. He was sent into the jungle to find a cure.

"The brown king could see that the white people had grown wise in the ways of the mind. The white king could see the great unity with the heart that the brown king possessed. Each understood that the other held the cure he sought. For the brown king knew it was not a disease that afflicted his people, but their inner stirrings, calling for growth and change, and desire to discover the power of their creaturehood. The white king could see his people were beginning to lose sight of their own hearts, their own purpose behind their great creations. He knew the brown villagers could

bring that unity of self and nature back into the hearts of his people. Together the two kings joined their villages to form a people strong in heart, and bursting with intellectual creative joy. The future generations grew rich in the knowledge of the heart and mind. Word spread throughout the world. Soon many villagers from many lands came to the tiny island to experience the blending worlds. To this day it is said that the people of this island continue to grow strong and free, exploring creations of the mind, while sharing the loving spirit of the heart." Thank you. "Signed: Paul C. Bassler."

President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. I would like to inform the President that I think we made a mistake on Committee Recommendation No. 29 which was adopted yesterday on Second and Final Reading. So for record purpose, instead of "two other uninhabited islands", it's supposed to be "three". It was typed down "two" and was read "two", so it's supposed to be "three uninhabited islands".

Delegate Mafnas: Mr. President, was "Maug" excluded?

(Laughter)

Delegate King: It's supposed to be "three" instead of "two".

President H. Guerrero: I think it can be considered as a technical correction since you're just referring only to the title. Isn't it?

Delegate King: Yes.

Delegate Mafnas: No problem.

President H. Guerrero: Any other miscellaneous business? Floor Leader Lizama?

Floor Leader Lizama: I move that we adjourn until tomorrow.

President H. Guerrero: Oh, wait. What about announcements? Excuse me -- I'm sorry.

ANNOUNCEMENTS

President H. Guerrero: I would like to meet with the Committee on Organizations and Procedures to finalize on the proposed format for tomorrow. So I'd like to meet around nine o'clock and session will start at 10:00 a.m. Yes, Chairman Guerrero.

Chairman DL. Guerrero: Yes, the Committee on Finance and Other Matters would like to meet at 9:30 then tomorrow morning.

President H. Guerrero: Any other announcements? Chairman Manglona?

Chairman Manglona: Mr. President, the Committee on Local Government will meet at 8:30 a.m. tomorrow. Thank you.

President H. Guerrero: Any other announcements? Chairman King?

Chairman King: Yes. I'd like to ask the Chair whether you can make an announcement to the delegates whether we are going to have a get-together party maybe, or whatsoever after the Convention.

President H. Guerrero: Oh, just a point of announcement, the House did pass the five-day extension and it has been transmitted to the Senate. So we're hopeful and keep our fingers crossed that the Senate will meet tomorrow to give us the extension. Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. Could I ask the Committee on Natural Resources and Personal Rights, possibly, to spare about fifteen minutes tomorrow morning to finalize our language on the measures that are pending between us?

President H. Guerrero: If there's no more announcement, the Chair.... Delegate Mafnas?

Delegate Mafnas: Mr. Chairman? Oh, Mr. President, I'm sorry. May I ask the hardworking Chairman of your Committee on Governmental Institutions to call a meeting tomorrow at 9:45 a.m. before the session?

Chairman Lizama: Any special reason?

Delegate Mafnas: Yes, the members are requesting.

Chairman Lizama: I so call that meeting for tomorrow at 9:45 a.m.

President H. Guerrero: But I would appreciate if all the members of the Committee on Organizations and Procedures show up on time. You, people, have been bad these past 30 days.

(Laughter)

President H. Guerrrero: Motion?

Floor Leader Lizama: I move, Mr. President, that we adjourn until tomorrow morning at ten o'clock.

Delegate Manglona seconded the motion.

President H. Guerrero: It has been moved and seconded to adjourn until tomorrow morning at ten o'clock.

There being no further discussion, the motion to adjourn and to meet the next day at ten o'clock in the morning was carried by voice vote.

The Convention adjourned at 10:59 p.m. and to reconvene at 10:00 a.m., Wednesday, July 17, 1985.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary

SECOND CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
Convention Hall - House of Taga
Saipan, CM 96950

THIRTIETH DAY

Wednesday, July 17, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 11:10 a.m., Wednesady, July 17, 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.

The Convention Secretary called the roll, and all 24 delegates were present.

Secretary Nabors: Mr. President, I have 24 delegates present.

President H. Guerrero: Thank you. We have a quorum to conduct the Order of Business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the Summary Journal for July 16, 1985, the Twenty-Nineth Day.

Delegate Mendiola seconded the motion.

President H. Guerrero: Thank you. It has been moved and seconded to adopt the Summary Journal for the Twenty-Nineth Day, Tuesday, July 16, 1985. Discussions?

There being no discussion, the motion to adopt the Twenty-Nineth Day's Summary Journal, Tuesday, July 16, 1985, was carried by voice vote.

COMMUNICATIONS

Communication No. 20, from Ms. Bobbie J. Lynch, submitting comments on abortion.

Communication No. 21, from Senator Benjamin Manglona, calling the attention of the delegates regarding a serious defect in Committee Recommendation No. 41 concerning local government agencies.

President H. Guerrero: There are two communications that were received by the Chair; one from Ms. Bobbie Lynch and the other one from Senator Manglona. Any Committee Recommendations? Chairman Guerrero?

COMMITTEE RECOMMENDATIONS/REPORTS

Chairman DL. Guerrero: Just a minute, Mr. President.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Your Committee on Local Government has no report today. Thank you.

President H. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institutions has nothing to report.

President H. Guerrero: Chairman King?

Chairman King: No report from the Committee.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Yes, Mr. President, your Committee on Finance and Other Matters has no written report to be reported this morning.

President H. Guerrero: Okay, the Chair would like to ask, if there is no objection, to suspend the Order of Business and go down to the General Orders of the Day and entertain those things and then we can calendar all of these under Second and Final Reading for consideration.

Secretary Nabors: No objection.

President H. Guerrero: If no objection, so ordered.

GENERAL ORDERS OF THE DAY

President H. Guerrero: We're now down to General Orders of the Day. I'd like to get a consensus from the members regarding breaking or recessing for lunch. Can I have an idea in terms of what time you, people, would like to break for lunch and how many would you like to consider? One o'clock?

Floor Leader Lizama: Mr. President?

President H. Guerrero: Yes, Floor Leader Lizama.

Floor Leader Lizama: If we are going to consider only one, why don't we have lunch now and come back at four o'clock.

President H. Guerrero: I didn't say that. I said, "returning at one o'clock from lunch."

Floor Leader Lizama: Adjourning at one o'clock?

President H. Guerrero: Delegate Hafnas?

Delegate Hafnas: Are you asking us whether we should recess now and return at one, Mr. President?

President H. Guerrero: I'm asking some recommendations from the floor. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, we will recess now and come back at 12:30 or one o'clock. How's that?

President H. Guerrero: If there's no objection, we'll recess until one.

Delegate King: Second.

President H. Guerrero: Then we'll recess until one.

The Convention recessed at 11:18 a.m.

RECESS

The Convention reconvened at 1:27 p.m.

President H. Guerrero: The session is called back to order.

Delegate Nabors: Point of privilege, Mr. President.

President H. Guerrero: State your privilege, Delegate Nabors.

Delegate Nabors: I would like to recognize the presence of the Honorable Senator from Rota, Senator Benjamin Manglona, who has joined us today. Welcome, Senator.

(Applause)

And a former member of the Marianas District Legislature, Marcelino Manglona.

(Applause)

Thank you, Mr. President.

President H. Guerrero: We are still under General Orders of the Day. Floor Leader Lizama?

Floor Leader Lizama: I also would like to recognize the presence of my uncle, Jesus Guerrero, who is here.

(Applause)

President H. Guerrero: Is there a motion to resolve into a Committee of the Whole?

Floor Leader Lizama: Mr. President, I move that we resolve into a Committee of the Whole.

Delegate Villanueva seconded the motion.

There being no discussion, the motion to resolve into a Committee of the Whole was carried by voice vote.

The Convention resolved into a Committee of the Whole at 1:29 p.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 4:32 p.m.

President H. Guerrero: The session is called back to order. I would like to call on Delegate Igitol to report back on the deliberations of the Committee of the Whole.

Delegate Igitol: Mr. President, the Committee as a Whole deliberated on Committee Recommendation Nos. 8, 55, 56 and 58. Committee Recommendation No. 8 was adopted, as amended, and the amendment is after the first sentence on line 4. The amendment reads as follows, Mr. President: "Restitution to the crime victim shall be a condition of probation and parole except upon a showing of compelling interest." And the last sentence, on line 6: "The Legislature shall adopt provisions to implement this section during the calendar year following adoption of this section." Committee Recommendation No. 55 was deferred and Committee Recommendation Nos. 56 and 58 were adopted. Mr. President, I move that the Committee of the Whole's report be adopted.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 8, as amended; Committee Recommendation Nos. 55, 58, and 54 were deferred and to be considered on First Reading. Discussions?

Floor Leader Lizama: Point of information.

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Committee Recommendation No. 58 was adopted, Mr. President.

President H. Guerrero: I didn't say that. Committee Recommendation Nos. 56 and 58 are adopted. Discussions?

There being no further discussion, the motion to adopt the Committee of the Whole's report was carried by voice vote.

President H. Guerrero: In front of you, just for the record, I have passed out copies of Public Law 4-50, to extend the existence of the Second Constitutional Convention by five days, to amend Section 11(a) of Public Law 4-30 and for other purposes. The Governor signed this at about 4:10 this afternoon. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move to recess until 7:30 p.m. Or at 7:00 p.m.?

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to recess until 7:00 p.m. Let me recognize first Delegate Villagomez.

Delegate Villagomez: Privilege. Before we recess, Mr. President, this is supposedly the last day of the Convention and for 30 days, everyday, as the President does something, I get a little frustrated and it gets bigger and bigger and I just have to let it out now. You're supposed to hit the table first, then you say, "The meeting will come to order." As you hit the table, you get our attention, and then you say, "The meeting has come to order." It's an insignificant matter but I thought I'll bring it up before the Convention ends.

President H. Guerrero: I didn't say, "Call to order?"

Delegate Villagomez: Normally, you said, "The meeting will come to order." and then (bang-bang).

President H. Guerrero: I did.

Delegate Calvo: You should go (bang-bang) first before you say it.

Delegate Villagomez: Yes, but you are supposed to say, (bang-bang) "The meeting will now come to order!"

(Laughter)

President H. Guerrero: Delegate Villagomez, you are not listening. I did say that. Journal Clerk, did I say, "Call to order?"

Journal Clerk: Yes.

Delegate Hafnas: Yes, the President is.

Delegate Villagomez: Yes, but you are supposed to go (bang-bang) first.

Delegate Calvo: The hammer goes first.

President H. Guerrero: You mean you want to go like (bang-bang), the meeting is called to order?

Delegate Villagomez: Yes.

(Laughter)

Delegate Pangelinan: Mr. President?

President H. Guerrero: Yes, Delegate Pangelinan.

Delegate Pangelinan: If today had been the last day and we didn't get that five days extension, we would be working here by the minute. I would like to continue on that momentum.

President H. Guerrero: Therefore, the Chair would like to recommend for seven o'clock instead of 7:30 p.m.

Floor Leader Lizama: No objection.

The motion to recess and to reconvene at 7:00 p.m. was carried by voice vote.

The Convention recessed at 4:39 p.m.

RECESS

The Convention reconvened at 7:36 p.m.

President H. Guerrero: The session is called back to order. We are still under the General Orders of the Day. Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move that we resolve into a Committee of the Whole.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded that we resolve into a Committee of the Whole. Discussions?

There being no discussion, the motion to resolve into a Committee of the Whole was carried by voice vote.

The Convention resolved into a Committee of the Whole at 7:36 p.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 11:04 p.m.

President H. Guerrero: The session is back to order. I call on Delegate Tomokane to report on the deliberations of the Committee of the Whole.

Delegate Tomokane: Thank you, Mr. President. As your Chairman of the Committee of the Whole, the Committee of the Whole deliberated on Committee Recommendation Nos. 59, 60, 61, and 62, and I will now present the report of the Committee of the Whole. Committee Recommendation No. 59 was adopted, as amended. On line 5, we inserted a period after the word "funds" and deleted everything following that word on that first section. Committee Recommendation No. 60 was adopted. Committee Recommendation No. 61 was adopted and Committee Recommendation No. 62 was also adopted. I move, Mr. President, that the Committee of the Whole's report be adopted.

Delegate Nafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Committee of the Whole's report, as amended, for Committee Recommendation No. 59 and for the four, Committee Recommendation Nos. 59, 60, 61, and 62 will be considered as First Reading. Discussions?

Delegate Nafnas: No need.

The motion to adopt the Committee of the Whole's report was carried by voice vote.

President H. Guerrero: I would like to recommend that in view of the liturgicness of this group that we might want to suspend taking 63, 64, and 57 until tomorrow. We will put them under the Unfinished Business. So we will move down to Miscellaneous. If there's no miscellaneous, announcements? If there's no announcement, Floor Leader Lizama, you have your hand up for adjournment.

Floor Leader Lizama: What time tomorrow?

President H. Guerrero: Ten o'clock?

Floor Leader Lizama: That's fine. I move.

Delegate Mendiola seconded the motion.

Delegate Mafnas: Mr. President, we have close to 10 or maybe 15 tomorrow for Second and Final Reading. If we recess until ten o'clock, we will probably begin at 10:30; and one hour later, we are hungry, we have to go home and eat lunch. So I suggest that nine o'clock in the morning.

Delegate Villanueva: No objection. I second.

President H. Guerrero: Nine o'clock.

The motion to adjourn and to reconvene the next day at 9:00 a.m. was carried by voice vote.

The Convention adjourned at 11:08 p.m. and to reconvened at 9:00 a.m., Thursday, July 18, 1985.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Mabors
Convention Secretary

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SECOND CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
Convention Hall - House of Taga
Saipan, CM 96950

THIRTY-FIRST DAY

Thursday, July 18, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 10:05 a.m., Thursday, July 18, 1985 at the Conventio Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

President H. Guerrero: Delegate Guerrero, can you take the roll call, please?

Acting Secretary DL. Guerrero: Yes. Thank you, Mr. President.

At this point, Acting Secretary DL. Guerrero called the roll, and 21 members were present. Delegates Juan Lizama, Maria Pangelinan and Francisco Tomokane were absent.

Acting Secretary DL. Guerrero: Mr. President, there are 21 members present at this time, and three members may be excused.

President H. Guerrero: We have a majority and a quorum to conduct the Order of Business. Floor Leader Villagomez?

Acting Floor Leader Villagomez: I move that Delegates Pangelinan, Lizama and Tomokane be excused.

Delegate DL. Guerrero seconded the motion.

President H. Guerrero: If there's no objection, so ordered.

Acting Floor Leader Villagomez: Mr. President.

President H. Guerrero: Yes.

ADOPTION OF JOURNALS

Acting Floor Leader Villagomez: I move for the adoption of the Summary Journal for Wednesday, July 17th.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Summar Journal for the Thirtieth Day, Wednesday, July 17, 1985. Discussions?

There being no discussion, the motion to adopt the Summary Journal o the Thirtieth Day, Wednesday, July 17, 1985 was carried by voice vote.

COMMUNICATIONS

None

COMMITTEE RECOMMENDATIONS/REPORTS

esident H. Guerrero: Vice Chairman Mafnas?

.ce Chairman Mafnas: Mr. President, your Committee on Governmental :stitutions has no report.

resident H. Guerrero: Chairman Guerrero?

hairman DL. Guerrero: Yes, Mr. President, your Committee on Finance and ther Matters has no written report to report to this Convention.

?resident H. Guerrero: Thank you. Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has no report.

(At this point, Delegate Tomokane took his seat.)

President H. Guerrero: Thank you, Chairman King?

Chairman King: No report from the Committee on Personal Rights and Natural Resources.

President H. Guerrero: Thank you.

Delegate Villagomez: Mr. President?

President H. Guerrero: Yes, Delegate Villagomez.

Delegate Villagomez: I'd like for the record, to indicate that Delegate Tomokane has joined us during today's session and also Delegate Nabors.

President H. Guerrero: Thank you.

Delegate Villagomez: Mr. President?

President H. Guerrero: Yes, Delegate Villagomez.

Delegate Villagomez: I move that the Convention resolve itself into a Committee of the Whole in order to take into consideration and deliberate on the Committee Recommendations set forth in Item (H) of today's Order of Business for Second and Final Reading.

President H. Guerrero: I don't think we need it. Since these are for Second and Final Reading, we don't need to resolve into a Committee of the Whole.

Delegate Villagomez: I withdraw that motion.

SECOND AND FINAL READING

President H. Guerrero: Therefore, we are on Second and Final Reading. Secretary Nabors, can you read Committee Recommendation No. 20, please?

Secretary Nabors: Thank you, Mr. President. There were passed out yester Substitute Committee Recommendation No. 20. Do all delegates has a copy?

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Acting Floor Leader Villagomez: I move that Delegates Pangelinan, Lizama and Tomokane be excused.

Delegate DL. Guerrero seconded the motion.

President H. Guerrero: If there's no objection, so ordered.

Acting Floor Leader Villagomez: Mr. President.

President H. Guerrero: Yes.

ADOPTION OF JOURNALS

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?resident H. Guerrero: Thank you. Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has no report.

(At this point, Delegate Tomokane took his seat.)

President H. Guerrero: Thank you, Chairman King?

Chairman King: No report from the Committee on Personal Rights and Natural Resources.

President H. Guerrero: Thank you.

Delegate Villagomez: Mr. President?

President H. Guerrero: Yes, Delegate Villagomez.

Delegate Villagomez: I'd like for the record, to indicate that Delegate Tomokane has joined us during today's session and also Delegate Nabors.

President H. Guerrero: Thank you.

Delegate Villagomez: Mr. President?

President H. Guerrero: Yes, Delegate Villagomez.

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President H. Guerrero: I don't think we need it. Since these are for Second and Final Reading, we don't need to resolve into a Committee of the Whole.

Delegate Villagomez: I withdraw that motion.

SECOND AND FINAL READING

President H. Guerrero: Therefore, we are on Second and Final Reading. Secretary Nabors, can you read Committee Recommendation No. 20, please?

Secretary Nabors: Thank you, Mr. President. There were passed out yesterday Substitute Committee Recommendation No. 20. Do all delegates has a copy?

Delegate King: Yes.

Delegate Villagomez: No.

Secretary Nabors read Substitute Committee Recommendation No. 20 in its entirety as follows:

SUBSTITUTE COMMITTEE RECOMMENDATION NO. 20

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitutio relating to Acquisition.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealt of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

Effective upon ratification, Section 2, Article XII is amended to read

"Section 2: Acquistion. The term acqusition used in Section 1 includes acquisition by sale, lease, gift, inheritance or other means. A transfer to spouse by inheritance is not an acquisition under this Section if the owner dies without issue or with issue not eligible to own land in the Northern Mariana Islands. A transfer to a mortgagee by means of a foreclosure on mortgage is not an acquisition under this section if the mortgagee, is a full service bank, Federal Agency or Governmental entity of the Commonwealth and does not hold the permanen or long-term interest in real property for more than ten years beyond the term of the mortgage."

President H. Guerrero: Delegate King?

Delegate King: Mr. Chairman, I move that we adopt the Substitute Committee Recommendation No. 20, for Second and Final Reading.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Substitute Committee Recommendation No. 20, for Second and Final Reading. Discussions Floor Leader Villagomez?

Acting Floor Leader Villagomez: Mr. President, I think that it will be mor grammatically correct if we eliminate the "comma" on line 7. I move that the Substitute Committee Recommendation No. 20 be amended to strike out the "comma" on line 7.

Delegate King seconded the motion.

President H. Guerrero: I don't have a comma on my copy.

Delegate Villagomez: My copy does. And Mr. Nabors mentioned a comma after the word "mortgagee".

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President H. Guerrero: I don't have a comma in my copy.

Delegate Villagomez: Mr. Nabors, does your copy have a comma?

Delegate Nabors: On line six?

Delegate Villagomez: Seven.

Delegaet Nabors: Yes, it does.

President H. Guerrero: Apparently the substituted copy that was passed to me at the beginning of the Convention does not have a comma.

Delegate Mendiola: That's correct, Mr. President, I don't have a comma on my copy either.

Delegae Villagomez: I move that for those delegate who have a comma that they strike it out.

Delegate Nabors: Point of information.

President H. Guerrero: State your point.

Delegate Nabors: Does Delegate Villagomez' amendment include "a" on the end of line 6, "foreclosure on a mortgage"?

President H. Guerrero: My version has an "a".

Delegate Nabors: Those who do not have an "a", I would suggest that we amend it to include one.

Delegate Villagomez: I would agree with that. On line 6, after the word "on", you should add the word "a".

President H. Guerrero: Can I read the version that I have? It says, "The term acquisition used in Section 1 includes acquisition by sale, lease, gift, inheritance or other means. A transfer to a spouse by inheritance is not an acquisition under this Section if the owner dies without issue of with issue not eligible to own land in the Northern Mariana Islands. A transfer to a mortgage by means of a foreclosure on a mortgage is not an acquisition under this section if the mortgagee does not hold permanent of long-term interest in real property for more than ten years beyond the term of the mortgage." So all those corrections that we're making apparently have already been made in the copy that I have.

Delegate Reyes: Mr. President, I think you don't have the substitute version of this Committee Recommendation.

Delegate Mendiola: Mr. President, can we have a five-minute recess and get this straightened up?

President H. Guerrero: Let's have a five-minute recess to clear this up.

The Convention recessed at 10:18 a.m.

RECESS

The Convention was back to order at 10:26 a.m.

President H. Guerrero: The session is back to order. Would you like to repeat that again, Delegate Villagomez?

Acting Floor Leader Villagomez: Yes, a corrected copy of Substitute Recommendation No. 20 has been passed out showing the striking out of the "comma" on line 7, the inclusion of the word "a" at the end of line 6, and you should also include the word "a" at the end of line 3. Go to line 3, there's a new sentence there that says, "A transfer to spouse," there should be the word "A transfer to a spouse", on line 3.

President H. Guerrero: Thank you. Any futher discussions? Delegate Mendiola?

Delegate Mendiola: Thank you, Mr. President. On the last sentence of this proposal, if I'm not mistaken, I believe Delegate Pangelinan made an amendment to delete "beyond the term of the mortgage." And this phrase is still included in the this substitute amendment.

President H. Guerrero: I don't think so.

Delegate King: Point of information.

President H. Guerrero: State your point, Delegate King.

Delegate King: That amendment was never entertained. She prepared it but it was never entertained.

Delegate Nabors: Also, my point of information, Mr. President, we discussed this matter with Delegate Pangelinan and, to accommodate her concern, we inserted the underlined matter on line 7 and 8, i.e. "is a full service bank, Federal Agency or Governmental entity of the Commonwealth". Her concern is related to commercial mortgaging situations. So we modified that language that took care of her concern for the words "beyond the term of the mortgage".

President H. Guerrero: Delegate Mendiola, the one you mentioned about Delegate Pangelinan, it was never incorporated. I mean, it never passed; it was only a suggestion.

Delegate DL. Guerrero: Motion to end debate.

Delegate Villagomez seconded the motion.

The motion to end debate was carried by voice vote.

President H. Guerrero: The motion that we'll be voting on now is the substitute for Committee Recommendation No. 20, as amended. Delegate Nabors can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Substitute Committee Recommendation No.20, as amended, on Second and Final Reading was voted on as follows:

YES: Delegates David Cing, Herman T. Guerrero, Lorenzo DL. Guerrero, Alonzo Igisomar, David Igitol, Benusto Kaipat, Esteven King, Luis Limes, Jesus Mafnas, James Mendiola, Aniceto Mundo, William Nabors, Felicidad Ogumoro, Karl Reyes, Joaquin Tenorio, Francisco

Tomokane, William Torres, Ramon Villagomez and Ignacio Villanueva. (19 votes)

ABSTAIN: Delegate Rita Inos (1 vote)

ABSENT: Delegates Juan Lizama, Maria Pangelinan, Paul Manglona and Vincent Calvo.

And the motion was carried.

Secretary Nabors: Mr. President, I have 19 affirmative votes, 1 abstention and 4 absences.

President H. Guerrero: Committee Recommendation No. 20, as amended is adopted by 20 votes and four absences. Secretary Nabors, can you read Committee Recommendation No. 56, please?

Secretary Nabors read Committee Recommendation No. 56 in its entirety as follows:

COMMITTEE RECOMMENDATION NO. 56

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 11 of Article III of the Northern Marianas Constituti relative to the Attorney General.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealt of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Section 11 of Article III is amended to read:

"Section 11. Attorney General. The Governor shall appoint an Attorney General with the advice and consent of the Senate. The Attorney General shall be a resident and a domiciliary of the Commonwealth of the Northern Mariana Islands for a least three (3) years immediately preceding the date on which the Attorney is confirmed. The Attorney General shall be responsible for providing legal advice to the Governor and executive departments, representing the Commonwealth in all legal matters, and prosecuting violations of Commonwealt law."

Delegate Mafnas: Mr. President?

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: I move for the adoption of Committee Recommendation No. 5 for Second and Final Reading.

Delegate King seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee

Recommendation No. 56 on Second and Final Reading. Discussions? Delegate Torres?

Delegate Torres: I'd like to ask for unanimous consent to increase from "three years" to "five".

President H. Guerrero: Any objection?

Delegate Nabors: No objection.

President H. Guerrero: Is that an amendment that you're offering?

Delegate Torres: Yes.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: I have a concern. I'm not sure that by increasing it to five years might be an unreasonable requirement under the equal protection of the laws. We don't have the Attorney General here.

Delegate Mafnas: Mr. President?

President H. Guerrero: Are you finished Delegate Villagomez? Delegate Mafnas?

Delegate Mafnas: We discussed that concern. We tried to increase it to higher than five years, and we were informed that probably that requirement will be excessive and cannot be supported should it be challenged. This is a significant improvement over the present requirement where the appointees are required to be residents of the Northern Marianas for one year.

Delegate Torres: Mr. President?

President H. Guerrero: Yes, Delegate Torres.

Delegate Torres: I don't see any reason to be concerned about the equal protection here. The concern that I have in recommending that we increase this is that we have a lot of lawyers here, no doubt about that; so we have surplus. To get a person who is well-versed not only of the laws of the Commonwealth and other applicable laws of the Federal Government, but to be well-versed also with the customs and cultures of the CNMI. I believe that three years is short. We have a lot of lawyers, we have a lot of qualified lawyers who may or may not be from the States, but the fact remains that there's a lot of lawyers and this can be easily accommodated. I do not see how the equal protection comes into play here.

Delegate Mafnas: Point of clarification, Mr. President.

President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: Are we debating now on the five years, or are you asking whether there's an objection on the floor?

President H. Guerrero: He did make a motion on the floor but nobody seconds that, so it's still under suggestion, unless somebody --

Delegate Torres: I asked for a unanimous consent.

President H. Guerrero: That's true. But only to suspend the rules to make an amendment. You still need a motion. I was asking whether you made a motion, so therefore, if there is no second, --

Delegate DL. Guerrero: I second.

President H. Guerrero: Therefore, it has been moved and seconded. Discussions on that?

Delegate Mafnas: Discussions on the motion?

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I do not have any first-hand knowledge or experience with respect to the propriety of making such an amendment. But my sense of the matter is that this does not in anywise get into any problem with respect to the 14th Amendment. I think this internally, since this is an internal matter, the Attorney General's legal experience as well as his knowledge of local Commonwealth customs and traditions is deemed essential, I have no problem with the amendment and I will support it.

Delegate Mafnas: Mr. President?

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: I think it's unfair to the chief executive who is going to appoint his chief legal adviser. I recognize the rationale or reasons behind increasing the residency requirement from "three" to "five". I think the reasons are noble; however, what will happen if the chief executive would like to appoint someone, either a local who has been here three years whose qualifications surpassed those with five years residency. I think it's tying the chief executive's hands. Being here five years does not necessarily mean that you know all the laws of the Commonwealth, you know all the customs of the people of the Northern Marianas. I sincerely question whether by being here five years will insure that you know what you are supposed to know. Mr. President, even to amend the present residency requirement under Public Law 1-8, as amended, it was difficult for your committee. However, we recognized that someone who's going to be the chief legal counsel of the chief executive and the people of the Northern Marianas must be required to be in the Northern Marianas for longer than one year, and we believe that three years is more than adequate. Anybody who does not feel that three years is inadequate -- I mean, I'm talking about lawyers, perhaps, you start packing and leave the islands. Thank you.

President H. Guerrero: I'll recognize first Delegate Torres and then Delegate Kaipat.

Delegate Torres: Thank you, Mr. President. I think that the Governor is not constrained from hiring his own personnel, Legal Counsel if he so wishes under this proposed amendment unlike the amendment that was offered last night. My concern, and I agree that you perhaps may not need five years to know all the laws, all the traditions, all the functions, but it is only fair and it's only reasonable to increase it to five following the logic of increasing the qualifications of the Governor from seven to ten. I don't see the logic there myself. Why should we increase it from seven to ten years? I think that by increasing this to five years will not necessarily

hinder our local lawyers from being appointed AG. If anything, it would only help them because when they go away for schooling, that would be counted towards this requirement. I am only concerned about lawyers who are non-local. I think that they should be here for at least five years. I am sure that the Office of the AG has a lot of lawyers who are non-locals and I'm sure that during their term at the AG they will have fulfilled this requirement very easily. I just cannot understand the reasoning behind adamantly maintaining to three years. I think that we will be protecting ourselves if we increase this to five, so that not only would we enable our local lawyers to have a higher chance of getting this pot, but also insure that in the event that there is no local lawyers available that a person from, let's say California, knows the traditions, knows the customs and the ins and outs of the Commonwealth. I assure you that five years or three years may not be sufficient but at least require that person to be a residen of this place for at least five years. If we follow the logic of increasing from seven to ten years for the Governor, then I think it is only logical to increase this to five years. Thank you.

President H. Guerrero: Let me call first on Delegate Kaipat.

Delegate Kaipat: Thank you, Mr. President. I'm in agreement with Delegate Torres. I think all of us knew that in all, other than the AG, we have had discussions on other officials in our government, congress, our mayor and our Governor, too. As we discuss the longevity or the length of their domiciliary in our area, we always think of two things. Are we talking about a person of Northern Marianas descent, or are we talking about an American citizen who just freshed out from the U.S. mainland? That American lawyer in San Francisco who just completed or have been practicing law in San Francisco and then was transferred to New York a couple of months after his practice would be entirely different from the same lawyer going in the opposite direction into the Pacific basin on a remote island of Saipan to practice his law. Now, the word here is culture. He has to be acculturated in a gradual, progressive manner. So this is only a simple common sense that a lawyer that spent one year in Saipan will learn more about our cultur And knowing the culture is important to interpret the law after knowing the environment of the culture. The lawyer that stays here for about seven year will be more versed in the interpretation of intermingling law and culture. backgrounds, than the one that just came out one year ago. So this is the logic beyond this. It's so simple, and I think we're not only dealing because of attorney but in all top official people in our government, especially when it involves a European or American people coming out fresh from the mainland United States into the Pacific basin. So the word here is culture. The process of acculturation is a gradual thing. And I'm sure tha before they come out here they will read, take out books from the Library an read about Saipan, Micronesia, Pacific basin and their culture. Reading fro the books is entirely a different thing when you're coming into an environment and actually practicing the people's culture. So I fully agree with the gentleman who's suggesting that it would be better if we could increase it to five years. And if somebody mentioned seven years, I will go along with it. The longer the better. Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you. I think what we have said are really highly debatable. I'm assuming that three years is adequate, the other side is assuming the five years is required because that's how long it takes for somebody to familiarize himself with the local cultures and laws and what

have you. I think we are both assuming. The fact of the matter is we asked the witnesses that under the present provision, as proposed by your Committee on Governmental Institutions, someone local, who is returning from a law school must be a resident for three years in order for that individual to be an Attorney General. You mean it takes someone local, a Marianas descent, three years, or it will require a Marianas descent another or rather five years to know the cultures? I'm not trying to say that perhaps what we should do is forget the local lawyers over here. No. That is not the implication. But I think it's unfair to the chief executive to be force or to appoint someone that is not qualified, in his opinion, just because th Constitution requires the five years residency. If the chief executive wishes to appoint someone, then leave that to him and let the Senate judge the qualifications of the appointee. Here we are trying to judge the qualifications of future appointees for the next ten years. Mr. President, the proposed amendment will further make it harder for our children who are goi to school, who will be returning next year to assume higher responsibility in our government such as the Office of the Attorney General. If the inten of making or increasing the proposal to five years is to bar those or to require full knowledge of the local laws, cultures or non-Northern Marianas descent, then I think the amendment will have an adverse effect and it will be disastrous to those who are now planning to return here. I ask my colleagues to vote down the amendment.

Delegate Torres: Point of information.

President H. Guerrero: State your point, Delegate Torres.

Delegate Torres: Again, let me reiterate. In this proposal, the Governor is not constrained, is not tied from hiring personnel or what have you -- personal legal counsel. It's not, unlike the amendments that we defeated last night. Locals, if anything will be given higher chance with this amendment, why? We, the residency requirement will be counted while this local individual is at school. In addition, locals need experience anyway. How can a local who just graduated from a law school come here and say, "Okay, I want the position of AG." Even though he does not or she does not have any experience at all. I think we have to be mindful of these things. The Governor is not constrained from hiring. The residency requirement will be easily, and I underline that, easily fulfilled because this requirement will be easily fulfilled by a local person while at school. And a local needs experience anyway.

Delegate DL. Guerrero: Privilege, Mr. President.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Yes, I'd like to have the Convention delegates recognize the presence of the Chairman of the Appropriations Committee from the House of Representatives, Congressman John Guerrero.

(Applause)

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. There was a U.S. Supreme Court decision in 1985 that require a lawyer to be a resident of a state before h could be allowed to take the exam which violated the 14th Amendment, and we

were informed of this during the hearing. Also in the United States or Guam, the United States does not require people from the CNMI to wait for five years to get accredited? Again, I indicated that the Senate has the authority to confirm and I believe that any appointment that the Senate upon its review of the nominees' qualifications will be acted accordingly. And one of the questions that always come up during a confirmation hearing especially for a non-Marianas descent is the nominees' perception and knowledge of the culture. And if the Senate does not believe that this individual after remaining here for three years does not possess that or has a very narrow perception of our culture, the Senate will reject that individual. So again, the amendment would not necessarily or would not be beneficial to the people of the Northern Marianas. It will have an adverse effect to those who are already planning to come to the Northern Marianas to serve us. I'm not saying that a new law graduate should come right in and says, "I want to be the Public Defender, I want to be the Attorney General", because under Public Law 1-8, the qualifications of the Attorney General are provided for. But I am concerned about those Marianas descents who are probably better qualified than those who have acquired or who have stayed in the Northern Marianas for more than five years, or five years. Are we saying that we should continue to deprive the, let them wait because they have not met the five years residency requirement? Just having them to return is a big problem. And now that they are here you are going to tell them to wait for five more years before they can move up to serve our people? I don't think it's fair. So I, again, ask that we vote down the amendment, and I move for the previous question.

Delegate Villaomez: Wait. I raised my hand long time ago.

President H. Guerrero: Delegate Mafnas, I need to recognize first Delegate Villagomez.

Delegate Villagomez: Thank you, Mr. President. I am always in favor of protecting our own people and making sure that the people who work for our government are knowledgeable in the atmosphere and the environment that we have, the culture. And the intent of the motion, of course, is to accomplish that, and I'm always in favor of that. My concern here is that requiring five years, I think, may be termed as unreasonable discrimination under the equal protection of laws. The requirement of residency in order to be able to take the BAR exam in all states is done for the same reason that attorneys be familiar with the local laws of the State before they take the BAR. That requirement has been stricken down by the U.S. Supreme Court as an unreasonable discrimination. There is a lengthy discussion in the briefing papers regarding residency requirement for all officers or officials of the government, including governor and legislators. And the bottom line conclusion of those briefing papers is you can require residency up to a certain point to assure that the people elected or appointed are familiar with the circumstances in the CNMI and would be able to accomplish the goal of their offices properly. At the same time, there will be a point where the length of time becomes too great or excessive and goes beyond the reasonableness of the period and becomes then what we call an unreasonable discrimination based on residency. When that happens you, the term then becomes unconstitutional. The reason I asked the Committee to address that question is if they have received some opinions or if they have received the written paper that five years exemption and three years is not, then I will go for three years instead of five so we can adopt the basic restriction contained under Public Law, as specified. For that reason, I am not in favor of the motion. Thank you.

President H. Guerrero: Let me recognize Delegate Nabors.

Delegate Nabors: Thank you, Mr. President. In order to correspond and have both attorneys and ex-attorneys simultaneously, I will now ask my colleague, Delegate Torres, if he's willing to amend his motion to 4 years.

Delegate Torres: That's fine.

Delegate Nabors: Thank you.

Delegate Torres: But, Mr. President, can I be allowed for just a few minute

President H. Guerrero: It's just going on and on and the Chair would like t exercise Rules 18 and 19.

Delegate Torres: Point of information. If we're truly Northern Marianas descent, strike out the three years. If we're able to franchise -- let's do likewise and let the politicians in the Legislature, the Senate, decide on this requirement. Thank you.

Delegate Mafnas: Point of information. Even if we strike it out and make i zero, Public Law No. 1-8 had provided for the qualification of the Attorney General.

President H. Guerrero: We're going to vote on the amendment.

Delegate Mafnas: What is the amendment?

Delegate Torres: Four years?

President H. Guerrero: Delegate Torres' amendment, changing the requirement on line 6, to read "four years" instead of "three years".

The motion to adopt Delegate Torres' amendment was defeated by raising of hands vote of 6 for and 7 against. The rest abstained.

President H. Guerrero: The motion is defeated. We're back to the main motion. Delegate Mafnas?

Delegate Mafnas: I move for the previous question.

Delegate Nabors seconded the motion.

President H. Guerrero: We're going to vote now on Committee Recommendation No. 56. Secretary Nabors, can you take the roll call, please?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 56 was voted on by the following votes:

YES: Delegates Vincent Calvo, David Cing, Herman T. Guerrero, Alonzo Igisomar, David Igitol, Rita Inos, Benusto Kaipat, Jesus Mafnas, James Mendiola, Aniceto Mundo, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, Ramon Villagomez and Ignacio Villanueva. (15 votes)

NO: Delegate William Nabors (1 vote)

ABSTAIN: Delegates Lorenzo DL. Guerrero, Esteven King, Luis Limes, Felicidad Ogumoro and William Torres. (5 votes)

Delegates Juan Lizama, Paul Manglona and Maria Pangelinan were absent.

Secretary Nabors: Mr. President, I have 15 affirmative votes, 1 no vote, 5 abstentions and 3 absences.

President H. Guerrero: Committee Recommendation No. 56 is adopted by 20 votes. Secretary Nabors, can you read Committee Recommendation No. 36?

Secretary Nabors read Committee Recommendation No. 36 in its entirety as follows:

COMMITTEE RECOMMENDATION NO. 36

A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new section to Article II to authorize legislative veto of certain types of executive acts.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

Upon ratification pursuant to Section 5, Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of teh Northern Mariana Islands is amended as follows:

I. Effective upon ratification, Article II is amended to add a new section to read:

"Section 1. Legislative Veto. The legislature may provide for legislative review and veto of specific executive actions involving rule making authority or establishment of policy by joint resolution. Legislative veto shall not extend to the application of rules or regulations to individual cases."

President H. Guerrero: Is there any motion to adopt? Delegate Mafnas?

Delegate Mafnas: Mr. President, I apologize because when we asked for deferment of this for the second time, we were not able to meet and to further discuss. I am not in the position to tell you what happensed. I really don't know.

Delegate Nabors: I move to defer consideration of Committee Recommendation No. 36 until either late afternoon or early evening.

Delegate Mendiola seconded the motion.

There being no discussion, Committee Recommendation No. 36 was deferred until a later time by voice vote.

President H. Guerrero: The Committee Recommendation is deferred until at a later time. Can you read Committee Recommendation No. 42, Delegate Nabors?

Secretary Nabors read Committee Recommendation No. 42 in its entirety as follows:

COMMITTEE RECOMMENDATION NO. 36

A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new section to the Constitution relating to gambling in the Commonwealth of the Northern Mariana Islands.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

Upon ratification pursuant to Section 5, Article XVIII of the Commonwealth the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

Effective upon ratification, a new article is added to read:

"Article. Gambling.

"Section 1. Prohibition. Gambling shall be prohibited unless gambling activity involve bingo, batu, cockfighting, raffles, or other activities owned and operated by religious, governmental, or non-profi corporations.

"Section 2. Legalized Gambling. Other forms of gambling may be permitted if two-thirds of the registered voters in a referendum held in a senatorial district approve of the gambling acitivity within that district. Upon approval of gambling pursuant to this section, the legislature shall regulate the gambling activity by law."

President H. Guerrero: Let me recognize first Delegate Guerrero.

Delegate DL. Guerrero: Mr. President, I move that Committee Recommendation No. 42 be adopted for its Second and Final Reading.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 42. Discussions? Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. On behald of myself and 14 others, I wish to offer a substitute measure for Committee Recommendation No. 42. That substitution has been passed out on the desks of each of the delegates and if you'll like, I'll read it.

Delegate DL. Guerrero: May I ask the mover to read it and I'll second it?

Delegate Nabors: Thank you.

President H. Guerrero: Delegate Ogumoro, you had your hand up?

Delegate Ogumoro: I move for a brief recess.

Delegate Cing seconded the motion.

President H. Guerrero: We'll have a recess for five minutes.

The Convention recessed at 11:11 a.m.

RECESS

The session was back to order at 11:22 a.m.

Delegate Nabors: Mr. President, may I continue?

President H. Guerrero: Delegate Nabors.

Delegate Nabors: Thank you. This is a proposed amendment and a substituted amendment for Committee Recommendation No. 42.

"Section 1. Prohibition. Gambling is prohibited except for bingo, batu, cockfighting, raffles, poker machines and cultural or traditional games as provided by law. The government or non-profit organizations may engage in gambling activity as provided by the legislature. All revenues generated from poker machines shall be earmarked for the retirement fund and medical referrals.

"Section 2. Legalized Gambling. Other forms of gambling may be permitted if two-thirds of the registered voters in a referendum in a senatorial district approve of the gambling activity within the district. Upon approval of gambling pursuant to this section, the legislature shall regulate the gambling activity by law. Provided, however, that at least thirty (30%) percent of the revenue generated shall remain within that senatorial district for local community projects." I so move, Mr. President

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been seconded as per the written proposed amendment to Committee Recommendation No. 42.

Delegate King: Point of order, Mr. President.

President H. Guerrero: State your point, Delegate King.

Delegate King: Mr. President, I'm sorry. May I ask why we're discussiong Committee Recommendation No. 42? It's not listed in the Item (H) of the Order of Business?

President H. Guerrero: Delegate King, when it was suggested to be included and I asked whether there's any objection, you didn't state your objection.

Delegate King: Maybe I can hardly hear you because you talked soft.

President H. Guerrero: Delegate King, I wish you pay attention to the Chair at times.

(Laughter)

Delegate Mafnas: Point of observation.

President H. Guerrero: Yes.

Delegate Mafnas: That was the first joke for the morning.

(Laughter)

Delegate Nabors: Mr. President?

President H. Guerrero: Let me recognize first Delegate Tenorio.

Delegate Tenorio: Thank you, Mr. President. When Delegate Nabors first submitted this proposed amendment, he prefaced this motion by saying that 14 people also supported this amendment. Delegate Nabors is assuming or is trying to make other people construe that this amendment is supported by at least fifty (50%) percent of the delegates. I feel, Mr. President, very strongly that the first, the original proposal covers what most of the people in the Commonwealth would like to see when they addressed gambling. I was satisfied with the original proposal. When I read this proposed amendment, I felt rather scared. I would support the prohibition of gambling if we revert to the original proposal or if we remove the words "poker machines" in the first section. I feel that we are trying to amend our Constitution to reflect the traditions and cultures of our people. And I think that the first introduced proposal reflects the existing traditions and culture of our people. I would not support this proposed amendment but I will continue to support the original proposal. Thank you.

President H. Guerrero: Let me call Delegate Nabors.

Delegate Nabors: Thank you, Mr. President. I'll pass for now.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I support the proposed amendment without any reservations. We just signed our Financial Agreement with the U.S. Government where the assistance to the CNMI will be increased from its current funding level to $2 million. Mr. President, we have a proposal here to liquidate deficits in the Northern Marianas. We are mandated, I believe, by the agreement to do that within the next seven years. The information that we received with respect to the revenues generated by the poker machines. We have been asked by the U.S. Government to reduce the work force in our government. This business generates hundred and fifty jobs of which eighty (80%) percent are local or hundred and thirty some. It allows our people to earn approximately $900,000 in salaries. It allows our people every fifteen days to say that I earned this and I am able to feed my children because I work hard for this paycheck and not from the food stamps. It gives them pride. In addition to these salaries realized from this business, the Commonwealth Government collects approximately $900,000. Putting these two together, we are able to realize approximately $1.8 million, almost equivalent to the increase by the U.S. Government to the present funding level under our Covenant. Moreover, most of the owners and establishments who have these machines are reinvesting their income locally. We have local stores who borrowed money from EDLF and by having a machine or two, they are able to supplement their monthly income and continue to keep their good names with the Economic Development Fund Board. I play poker machines once in a while. I don't want to be told how to spend my money. I do not know how many people we are talking about who would like to see the original committee recommendation. We are making statements that many of our people would like to see the originial recommendation. I challenge that. We are going under assumptions. Are we talking about people in this Chamber, or are we talking about fifty one (51%) percent of our people in the Commonwealth? I challenge that statement We tried to inquire whether the crimes that have been committed or that were committed could be associated with the poker machines. We received one

statement or one letter from one of the merchants, but that, Mr. President does not convince me that those crimes were associated or can be associate with the poker machines. Naturally, if you ask the bankers whether they want this, they'll tell you, "no" because they are afraid that your loans willnot be repaid on timely basis. I think that's an understatement of ou people's honesty. Let us not continue to make statements in this Chamber that our people or majority of our people would like to see the banning of poker machines because that statement is not true. I do not see the game rooms crowded with people. I think each of us know when to go and play an when not to go and play. I have confidence in the people of the Northern Marianas that they can make their own personal judgment. Our action here will perhaps indicate to foreign investors that the Northern Marianas is very unstable. Today, we allow poker machines; sixty days from now, we ba it. One of the things that investors look at a particular country is its instability. I do not understand or I do not know where are we going to get the money to find jobs for the hundred and thirty local people who are now earning the bread and butter from this business. The government, as I stated earlier, has been requested by the U.S. Government to reduce its work force. I June of next year, we will have approximately three hundre new high school graduates, over two hundred graduated last June, where are we going to put these youngster? We have been asked to reduce the manpowe in our government. If we are going to imply or demonstrate that if the Northern Marianas is very unstable and discourage foreign investors from coming in, we will have a long line over at the Food Stamps Office because we cannot find jobs or generate jobs for our youngsters who are willing an able to work. So I ask my colleagues to support the amendment without further delay. Thank you.

President H. Guerrero: I would like to call next, Delegate Guerrero.

Delegate DL. Guerrero: Yes, thank you, Mr. Chairman. First of all, as Chairman of the committee that reported this thing out to the floor, Committee Recommendation No. 42, it was supported with documents during public hearings. During these last few days, we received some statistics that I do not know how accurate these statistics are, but the committee's recommendation, before its reported to this Convention, will be al that particular point in time when we're conducting the public hearings will be most appropriate that these particular informations that are being distributed to us today will be very helpful to the Committe to make that determination to include or should be included as presented in the public hearings. And I must say that the Committee on Finance and Other Matters did conduct an extensive hearing regarding this particular issue. I must say, on behalf of my committee, that we did our job based on our findings. Now this information, again, should be presented during the public hearing There were invited, for the record, and to my surprise that they waited until this very last momentum when this Convention has to make its decisio I, for one, am not totally against gambling because I play poker myself. But the statistic before us is only mentioning the total number of people employed -- hundred and fifty or maybe more. Out of this assuming of eighty (80%) percent, I'd like to know how many local people, how many Filipinos, how many Americans, should be any American? I think it would be very helpful, really, if we are talking about its contribution to the community. It just give us a lump-sum number, a lump-sum figure. Certain the revenues are generating would defray cost of the government operations But we're talking about nine hundred some thousand dollars. How many of this nine hundred thousand dollars, really, or even the employees really the Marianas descent -- local indigenous. The statistic doesn't convince

me, really, how many of this money that we are generating is coming from outsiders, such as tourists. It only gives us the total amount. Our very concern on this particular issue is really the stability of our people in their economic, or the economy situation of their own families. Whether these people who are playing poker machines really can support their families. But I hope that under no interpretation that I, for one, is against gambling, legalizing gambling. I believe if it's well conducted or well legalized or established by law to regulate how much or what percent will be paid out to the players, I'll go for it. But still that percentage that your return is still in question in our minds, whether really it's a fair share to these poker players have received when they are playing the machines. I think we still have to ask that question in our mind. We understand that gambling is a gambling -- it's a game of chances. But, Mr. President and members, I could only support the amendment simply because the religious group that were present during that public hearing, they didn't make any official position regarding the poker machine, because I address that question myself to Mgsr. Martinez whether the religious or Catholic religious has made any position regarding the poker machine and he said, "there's no such position has been made by the religious." But they know for a fact that even poker machine is a gambling device. I hope also that the other members of my committee would be present at least be given an opportunity such as Delegate Pangelinan that she is very much opposing of legalizing this gambling. Unfortunately, she is not present at this point in time so she can deliberate her opposition or debate also during this Final Reading. But again, I must say that the Committee did a very extensive, and to my surprise that some of these poker owners/ operators came up to the very last days when this Convention has to make this decision. The statistics that were being passed would be very much helpful should they present them during the public hearings that we conducte twice. For some reason they were not present and now we're receiving this information before us. I appreciate providing the committee these necessary information so we can finalize our decision in casting our vote whether we go "yes" or "no". Thank you.

President H. Guerrero: For the information of, point of information for Delegate Guerrero. That Chair did request that Delegate Pangelinan as well as Lizama to try and get in touch, I was informed that they cannot track down at this time where Delegate Pangelinan is and Delegate Lizama indicated that he might come, he might not. So the Chair has taken the initiative to ensure that we track down the original sponsors of this proposal. Next on my list is Delegate Mendiola.

Delegate Mendiola: Thank you, Mr. Chairman. Just a couple of questions to the mover of the amendment, By eliminating the word "government", does this mean that the plan of the Commonwealth Ports Authority will not be able to have poker machines at the departure section?

President H. Guerrero: Delegate Nabors.

Delegate Nabors: Thank you, Mr. President. I inserted on the third line after the period "provided by law" and before "non-profit" the words "the government" and "non-profit organizations" so as to facilitate plans to place machines in the departure area of the airport. So it now should read, "culture or traditional games as provided by law. The government and non-profit organizations may engage in", etc.

Delegate Mendiola: Is that a new amendment?

Delegate Nabors: That's an amendment to the amendment.

Delegate Mendiola: Another question. Did the mover of this proposal find out as to the odds of winning on this poker machine?

Delegate Nabors: Thank you, Mr. President. No, I did not ascertain that information. The owners of the machines and the businesses in which they are located have their own agreement for splitting the profits, but I do not know what the odd pay out is.

President H. Guerrero: Are you finished, Delegate Mendiola?

Delegate Mendiola: Yes.

President H. Guerrero: I would like to call next, Delegate Villagomez. Delegate Villagomez, you're next in line.

Delegate Villagomez: Thank you, Mr. President. The way that we are discussing Committee Recommendation No. 2 is the way that subject matters are discussed in the Legislature. We are discussing very specific matters. We have before us details on who owns the poker machines, where they are, how many people are employed, how much is generated, etc., etc., etc. That is the kind of deliberation and discussion that is normally done before a legislature. In looking at the proposal, there is now in the Northern Marianas bingo, there is batu, there is cockfight, there is raffle, there is poker machine. We're not changing anything. The second sentence says, "the government or non-profit organization may engage in gambling activity as provided by law." That is the situation today. We're going into how revenues are going to be allocated. That's a legislative matter. We don't in the Constitution start appropriating money to certain parts of the government. Because of my position that this can be handled by the Legislature and because there is a strong feeling by certain members of our Convention that gambling is and of itself should be prohibited, except as the Legislature finds to be proper for the CNMI, I will vote against this recommendation and I have distributed a proposed amendment which would read as follows: "Gambling is prohibited in the Northern Mariana Islands except as provided by Commonwealth or local law or as established through initiative or referendum in the Commonwealth or in any senatorial district." For that reason, I think that we should leave this to the Legislature but prohibit just like we have done with abortion. There's a general feeling that abortion is not proper for the CNMI, so what we have done is prohibited unless the Legislature makes specific findings and allows certain condition under which abortion could be permitted. I'm suggesting that this would be the proper way to handle the gambling also. And so we don't have to go into details about appropriating money or listing individual types of gambling to be permitted or prohibited or giving the Legislature specific powers, etc., etc., for that reason I'm against the motion.

Delegate Mendiola: Point of information.

President H. Guerrero: State your point, Delegate Mendiola.

Delegate Mendiola: Okay, if Delegate Villagomez look under Public Land, Section 5 (g), "the corporation shall receive all monies from public lands." So the Constitution could do it and this is the present Constitution right now. We could allocate this money to the Retirement Fund.

Delegate Villagomez: That is correct. I didn't say you cannot allocate it. I'm saying it is not the place of the Constitution to start allocating and appropriating any money to different agencies of the government.

President H. Guerrero: Are you making motion? Are you amending the amendment?

Delegate Villagomez: No, I am, at this time, opposing the motion. I will subsequently make the proper motion to amend as has been indicated in my previous statement.

President H. Guerrero: Let me call next, Delegate Inos.

Delegate Inos: Thank you, Mr. President. As I agree with my Chairman, Delegate Guerrero, I'm a little bit concerned with the proposed amendment that we are addressing at this time. As I understood that the original amendment was -- no let's rephrase it and ask the mover of this amendment. Will this amendment, including the poker machines, would it not be limited to the ones that we already have on the island or islands?

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. There is no limitation in the amendment. There was a limitation placed by Delegate Limes on First Reading that was rejected, and I voted against that limitation for the reason that between the close of this Convention and the referendum in November, all the ships coming into the Western Pacific would be loaded down with poker machines. So I felt that there should not be any restriction in restricting to the present number of machines on the island. We leave it open.

Delegate Inos: The second question the, in our original committee recommendation, we indicated exactly in the first section that the committee feel that other activities owned and operated by religious, governmental or non-profit activities are not prohibited under the committee recommendation. I notice the second sentence, the government and non-profit organization may engage in gambling activity as provided by the legislature. That, wouldn't this open it to not the government not owning the machines or devices that will be used? Because in the committee recommendation we specifically stated that it has to be owned. Your amendment does not indicate that.

Delegate Nabors: Thank you, Mr. President. I have no strong feelings one way or the other. It would be perfectly fine with me if the Airport Authority is to own the machines.

President H. Guerrero: Are you finished, Delegate Inos?

Delegate Inos: Yes, I'm finished. Thank you.

President H. Guerrero: I'd like to call next, Delegate Torres.

Delegate Torres: Thank you, Mr. President. Fellow delegates, it seems like it's only yesterday that we committed our cardinal sin and it seems like we still haven't learned our lessons. When the Legislature enacted a law legalizing casino gambling, the majority stood up and say, "legislators, you're wrong; we don't want this." We are playing this old scenari

all over again here in the Convention. Perhaps we haven't learned from our mistakes. I do not understand this. I agree that each individual has that unalienable right to make his or her own personal decision. I don't disagree with that at all. But it seems like the majority of the people in the Commonwealth can't make mature personal judgment. And I don't say that to underestimate or to denounce our local people. If they can make mature personal judgment, why then are we requiring them or requiring the land owners, for example, to have appraisals on real property? Why do we have to have land alienation provision? Why are we tightening up our corporation law? I think the conclusion is that the majority of us unfortunately, through years of political subjugation cannot make that mature personal judgment. I admire those who do and who can. I think they are the fortunate ones. But let's protect the majority who are less fortunate. Let's give them time to develop, time to mature. Let's not rush to judgment just because we want to rescue the Retirement Fund. The people have made a decision in a referendum to vote against casino gambling and we are playing this whole thing again. It seems like it's only yesterday that we made a mistake and up to now we still haven't learned from our mistakes. Thank you.

Delegate Mendiola: Point of information, Mr. Chairman.

President H. Guerrero: State your point, Delegate Mendiola.

Delegate Mendiola: I think all the proposals that the delegates in this Convention are going to be placed in front of the people in November. So let's give the chance to the people to say whether this gambling is necessary or not, but it should be in front of the public in November.

President H. Guerrero: I'd like to call next, Delegate King.

Delegate King: Thank you, Mr. Chairman. I just like to point out a simple information to the delegates. This will rephrase back to the comment that was made by Delegate Mafnas, that the people here in the Northern Marianas did not really line up to get food stamps benefit because they are unemployed but because they are playing poker machines and ending up to have no money to support their family. That's the effect of this poker machine.

Delegate Mafnas: Point of information.

President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: The only time you qualify for food stamps is when you are unemployed.

Delegate King: No, that's not true. That's based on the income.

Delegate Mafnas: I am very, very surprised that the former Assistant Administrator of the Food Stamps would make that statement.

Delegate King: I made this statement with confidence and truth. Mr. President, another thing that I'd like to get a clarification in order for me to see whether or not to support this recommendation. It says on the analysis that $280,800 goes to the Revenue or Taxation. I'd like to ask, Delegate Igitol, to verify this amount whether it is true or not.

Delegate Igitol: I refer that question to Karl 'cause he originated the

statistics.

Delegate DL. Guerrero: Point of information.

President H. Guerrero: State your point, Delegate Guerrero.

Delegate DL. Guerrero: Is Chairman King referring to the Committee Recommendation?

Delegate King: No, I'm referring to the analysis that we just passed out.

Delegate DL. Guerrero: Well, I'm sorry, I don't have that and I don't see that analysis.

Delegate Reyes: Mr. President, I think a few days ago there was this rough sketch as to the income derived to the government based on the number of machines and that estimate was then 270 machines and now we have in front of us 220 machines and that is based on the five (5%) percent busines gross revenue tax. Assuming that each poker machine takes in an average of $400 per week and that $280,000 is based on that. I hope that clarifies the question.

President H. Guerrero: Just a point of information, Delegate King. That's not, as I understand, part of the committee's recommendation.

Delegate DL. Guerrero: That's just a friendly information.

Delegate King: Mr. President?

President H. Guerrero: Continue, please.

Delegate King: It this is the anticipated revenue, I would like to ask the employee of the Finance, Delegate Igitol, to provide us with the close figure how much the government or how much this machine is putting in for the government. At least close figures.

President H. Guerrero: Delegate Igitol, would you like to answer that? You don't have to, if you don't.

Delegate DL. Guerrero: Point of information.

President H. Guerrero: State your point.

Delegate DL. Guerrero: Yes, Mr. President. During the public hearing conducted by your committee, the response from the Director of Finance is a little over $500,000 at that particular time.

Delegate Nabors: Point of information.

President H. Guerrero: State your point, Delegate Nabors.

Delegate Nabors: During the public hearing, there was a communication from the Visitors Bureau that monitors the activity of the visitors in the Marianas. In that communication, it is clearly stated that the revenue generated in taxes is approximately $500,000 with an additional $300,000 in licenses. So we're talking about an approximate of $1 million dollars.

President H. Guerrero: Delegate King, are you finished?

Delegate King: Mr. President, I believe that if we're going to come up with this type of law in the Constitution towards this, to be very specific in exempting the type of machines in the Commonwealth to be legal, I rather see that the machine or the gambling devices that are going to be used in the Commonwealth should be placed under the decision of the people by referendum, instead of putting in the Constitution. I would prefer and I would rather see and support the proposed amendment offered by Delegate Villagomez rather than putting in the Constitution exceptional type of gambling to be authorized or to be allowed in the CNMI. Thank you, Mr. President.

President H. Guerrero: I'd like to call Delegate Villanueva.

Delegate Villanueva: Thank you, Mr. President. When the committee was deliberating on the three proposals regarding gambling; one was to prohibit all forms of gambling unless three-fourths of the voters voted for gambling. There was another proposal that we prohibit slot machine and poker machine and keep the others that are considered traditional games to continue. Another proposal was to allow the senatorial districts to decide for themselves. The Committee decided on a compromise. My proposal was not taken into consideration however, but I don't feel bad. I got a little scared though. When I came to Saipan, I come to Saipan at least once a year. Everytime I come to Saipan, they say, this family is broke because of poker machine. That family is broke because of poker machine. When I talked to these people themselves, they say, "tell them to mind their own business. I'm not broke." Why, I brought this out because yesterday and day before yesterday, the owners and operators of poker machines have provided us some statistics. The opponents of poker machines have provided me personally with scary information. I don't know -- maybe a members of my family is going broke because of poker machine and they don't tell me. I wish the opponent of poker machines would provide some statistics that I can really consider before I make my final decision on the original committee recommendation, -- the substitute recommendation or the proposal. One of the problems I'm having is I don't know how to decide on this. I like the idea of generating revenue. But if it's going to affect the social and the economic standard of our young community, I would vote against including all forms of gambling. I know some people who are going broke, who have sold their house and properties because of cockfighting. The church probably have not taken a position on that. Cockfighting, as a cultural game, is accepted except that when it's a cultural game and you think back, 1900, I was told by some of these older people, my uncle was born 1899 anyway, that they have cockfighting but they don't have those piosonous blade on a rooster. Somebody introduced that. And I cannot accept the fact that we are in favor of killing chicken or putting these blades on chicken to kill each other because the only time I feel the chicken is supposed to be killed is to eat. But we are using it as a game of chance and we or majority of our community consider it traditional. Nobody is forced to go cockfighting. Nobody is forced to go to bingo. In Rota, I heard that cockfighting is a social game, bingo is a social game. In other communities, all these so-called traditional games are social games. Of course, when you look at poker machine, you cannot say it's a social game because you're playing by yourself. But a lot of time you don't go there and play by yourself. You don't go to a place that you don't know anybody else. So to limit my discussion, right now I am in favor of voting for poker machine to be included because there's no

statistic to prove to me that there are people who are forced to go and get in line on the food stamps because they are going broke on poker machine. I haven't seen any statistic even from the hospital or even from the so-called Department of Youth Services or the Catholic Social Services that these families or these children are not, are getting sick or don't have any clothes, or slippers because their parents are spending all their money in poker machines. At this time, if this issue is put to vote, I would vote for or in favor of including poker machine because I want the Retireme Program to have a guaranteed funding.

Delegate Torres: Point of information.

President H. Guerrero: State your point, Delegate Torres.

Delegate Torres: The statistics that Delegate Villanueva is referring to obviously is difficult to get. Why? Because it may be in violation of the privacy provision. It is much easier to get statistics from the businesses and they would gladly give you statistics on the benefit of gambling. That' obvious. It is extremely difficult to get statistics from families who were broke as a result of this. Of course, everyone will say that's none of your business. True enough, none of your business. To even force your way in may be in violation of the privacy provision. Thank you.

President H. Guerrero: Delegate Villanueva, are you finished?

Delegate Villanueva: Thirty seconds was taken by Delegate Torres.

President H. Guerrero: Please continue.

Delegate Villanueva: To continue, Mr. Chairman, I'd like to repeat that I am in favor of including the poker machine because it also earmarks the revenue and medical referral. And if I can remember back, one of the reaso they have this so-called Northern Marianas Government Retirement Program is because there are games or gamblings that were thought of to be possible. Those games or gamblings were not possible but yet the Retirement Program was implemented. And according to the retirement people, the government, I think owes or is supposed to have paid almost $68 million to the Retirement Program on the 19.5 employer's contribution to the program. Thank you, Mr. Chairman.

Delegate Nabors: Motion to end debate.

President H. Guerrero: Let me first recognize Delegate Mafnas and then Delegate Guerrero.

Delegate Mafnas: Thank you. Sure enough the people voted on whether to legalize gambling or not. That was quite a while ago. When the people voted to repeal the legalized Casino Gambling Act, Mr. President, there was no Retirement Program. The cost of living now compared to the cost of living at that time is higher at this point in time. The medical referral costs have increased significantly because many of our people need to be attended in the hospitals in Guam, Honolulu and San Francisco. The scholar ship requirements for our children, when the people voted down the Casino Gambling Act was not significant compared to the requirements now. There were not too many jobs required at that time. Just last June of this year, over two hundred graduated, and before that, over two hundred graduated. Next year, there will be approximately three hundred more high school

students. Not all of these have gone to school during the past few years. Not all of the graduates next year will go to seek higher education, probabl ten (10%) to fifteen (15%) percent. What are the remainder going to do? Obviously, there will be more job requirements. The general requirements for essential public services have increased beyond our expectation before we even signed the Covenant and before the Gambling Act was disapproved by our people. Just few weeks ago there was an emergency to secure more funding for the power plant or else the power generation in the Northern Mariana here on Saipan will be shut down. We have a new hospital that will probably triple the costs to operate it compared to the current cost. Where are we going to get the money for this? I agree with many of the members in the House of Representatives when they echoed their concern about the cost to operate the hospital. You have to acquire modern equipment, you have to hav trained and qualified people to operate the hospital. Here are we trying to do away again with something that generates revenues to the Northern Marianas to help the general fund. Mr. President, there will be more than two hundred government employees who are eligible to retire at this point in time, right now. Where are we going to get the funds to continue to pay the benefits of these people who have worked over twenty-five years to serve us so that we can go to school and come back and carry on the functions of our government? The church did not take any position on this, and I am very glad that it remained neutral. Because I don't know what's immoral about playing poker machine compared to socialized gambling whenever we called our Friday night club together. I don't know what's immoral about that. We're here making judgment that many of our people cannot exercise or cannot make their own decision. I support the amendment. I would oppose the amend ment if I am given sources of revenues where at no additional tax burden wil be placed on the people. So, Mr. President, I ask the members to vote in favor of the amendment. Thank you.

Delegate Torres: Point of information.

President H. Guerrero: State your point, Delegate Torres.

Delegate Torres: I'd like to ask Delegate Villanueva since he is pretty well-versed on this. How much is needed to make the referral program, medical referral program solvent or secured without, and I underline that, being subsidized by the government?

Delegate Villanueva: There is no estimate figure. Dr. Kaipat here knows the program of the medical referrals and the increasing need of our people to be referred outside our hospital.

Delegate Torres: Could you give us a rough estimate?

Delegate Villanueva: Right now, at least the average, we are involved in Honolulu is almost $1.3 million and that includes transportation, out-patien allowance, hospitalization. For your information Trippler Hospital charges daily in-patient four hundred forty-nine dollars a day and that's cheap. Trupps Hospital charges about eight hundred dollars a day for intensive care and regular care is about two hundred twenty-five dollars a day.

Delegate Torres: Is that hundred percent government subsidized?

Delegate Villanueva: For those that are referred by Dr. Torres Hospital.

Delegate Torres: That's the referral program.

Delegate Villanueva: Yes.

Delegate Torres: Okay.

Delegate Mafnas: Point of information.

President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: Fiscal Year 1986, the budget requirement for medical referral is $2.5 and this will be reduced down to $1.1 million if this proposal is not approved. So you are talking about $1.5 million reduction.

Delegate Torres: May I continue on the second question?

President H. Guerrero: Are you asking a question or stating a point?

Delegate Torres: I'm asking a question to Delegate Villanueva.

President H. Guerrero: Your original request was to state a point of information.

Delegate Villanueva: He needs the information.

President H. Guerrero: Go on then.

Delegate Torres: Okay. So I gathered that it's $1.5 and $2.5. Okay. What about, Delegate Mafnas, the retirement program? How much is necessary to get the program back to solvency without, and again I emphasize without, governme subsidy?

Delegate Mafnas: Mr. President, I don't know what's government subsidy. The employers' contribution is 19.5 percent.

Delegate Torres: What about the government's contribution?

Delegate Mafnas: 19.5 percent, I guess.

Delegate Torres: So that roughly comes up to five million, three million?

Delegate Mafnas: Three million or more.

Delegate Torres: Okay, three million or more. Do you know much would be generated from the poker machines? Do you have a rough figure, any informati as to how much might be generated from these poker machines?

Delegate Mafnas: In terms of salary, approximately $900,000. You take away the appropriate rate of tax rate and just the revenues and fees, it's more or less $900,000 plus or $1 million.

Delegate Torres: One million? Okay, so if we add the referral and we take t extreme figure, we add the referral to the retirement fund which could be $4 million, so we're asking actually approximately $7 million. Right? Is that correct?

Delegate Mafnas: Yes.

Delegate Torres: Approximately if we combine the two programs. Now, Delegat

Reyes, I believe to summarize how these things will work and what benefits wi go to the government and it is very surprising that the government would be actually incurring $3 million. So the problem of the referral and the retire ment will still be there. And I might also add that we just recently signed Covenant Agreement totalling to $228 million and every year there's going to be about $30 million available. I wonder whether the two delegates took that into account.

Delegate Mafnas: Mr. President?

President H. Guerrero: Can I get a clarification? Apparently, you're asking for a point of information. Point of information is just to ask, to present information on the floor, not to keep asking questions back and forth because I have other people in my list.

Delegate Torres: Okay, so let me just, for the benefit of the delegates, point out that we recently signed a Covenant Agreement totalling up to $228 million and perhaps that takes into account the referral and the retirement programs. Thank you.

President H. Guerrero: Let me first recognize Delegate Guerrero.

Delegate DL. Guerrero: Yes, and I hope this is the last call from my side. Mr. President, hearing all the arguments as well as the intent of the amendmer or the subsequent amendment, to include such as retirement and referral, I believe those particular concerns can easily be addressed to the present statute that the Legislature did pass. Should this particular recommendation from the committee confuse again the voters, since every referendum has been called for in the previous years and the people have very well spoken on the issue of gambling and they have voted down, the provision that the committee is trying to entertain here to legalize it such as the traditional gamblings-- batu, bingo, raffles, name it, or whatever, is already established by law. Nov the concern here that we are trying to accommodate and the foremost concern that we are trying to accommodate is that each senatorial district will have t decide that. Now, that particular issue is in the Local Government provision of our Constitution that they can go by initiative of two-thirds. But it convinced me with all these arguments now that were presented before us that practically it may not be necessary that this Convention should take this thi up at this moment in time. The statute is there already, the so-called provi sion in the Local Government....

Delegate Mafnas: Point of clarification.

President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: If that is the case, then why did you recommend it to the Convention.

Delegate DL. Guerrero: Can I proceed, please?

President H. Guerrero: Please, Delegate Guerrero.

Delegate DL. Guerrero: The point of information is not well addressed to me my concern. A delegate proposal has to be entertained by each of the respec- tive substantive committee, and for that very concern of that delegate propos that's why this particular issue is now before the Convention. So, should we have to earmark for retirement, referral and operations of the government, th

statute is there already. The mechanism is working. The amendment is simply will confuse again the referendum. So if we have to vote it down, please make a second thought. Thank you.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Motion to end debate.

Delegate DL. Guerrero seconded, and the motion was carried by voice vote.

President H. Guerrero: We're voting on the amendment offered by Delegate Nabors. Can I have a show of hands of those who are in favor of the amendment offered by Delegate Nabors? Can I have your hands up again, one more time?

The motion to adopt the amendment offered by Delegate Nabors was carried by a raising of hands vote of 12 for and 7 against the motion. The rest abstained.

President H. Guerrero: We're back to the original motion. Yes, Delegate Villagomez?

Delegate Villagomez: Mr. President, I move to amend Committee Recommendation No. 42, to strike the entire proposal and to have to read it as follows: "Gambling is prohibited in the Northern Mariana Islands except as provided by Commonwealth or local law or as established through initiative or referendum in the Commonwealth or in any senatorial district."

Delegate Nabors: I second the motion and end debate.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to end debate.

The motion to end debate was carried by voice vote.

President H. Guerrero: We're voting now on the amendment offered by Delegate Villagomez. Those in favor, please raise your hands?

The motion to adopt the amendment offered by Delegate Villagomez was carried by a raising of hands vote of 9 for and 7 against the motion. The res abstained.

President H. Guerrero: We're back to the original motion. Discussions? Delegate Villagomez?

Delegate Villagomez: Yes. The Committee Recommendation that is before us now is that which I have just read. I think that this would best serve the CNMI for the following reasons: Every delegate proposal that was described by Delegate Villanueva is covered in this recommendation. No. 1, the recommendation to prohibit gambling in the CNMI is covered because the first sentence here is that gambling is prohibited. Second, the traditional gambling in the CNMI would be permitted if the Legislature finds that those types of gambling are permissible and they have so found all the things, all the gamblings that are permitted under the initial language are now in the CNMI under local or Commonwealth law, and so they are permissible. Under this amendment those people who are in favor of poker machines can have the poker machines. The third concern which is that if a senatorial district wants to have casino

bling, they can under this proposed amendment because the last portion says: mmonwealth or local law as established through initiative or referendum in Commonwealth or in the senatorial district." So the Commonwealth, as a le, can have casino gambling or any kind of gambling if they want. But it ers all the concerns that were submitted by the three separate proposals. l for that reason, I think that this is the most accommodating language of e Constitution.

legate Nabors: Question?

esident H. Guerrero: Let me recognize first Delegate Mafnas.

legate Mafnas: I yield to Delegate Nabors.

esident H. Guerrero: Delegate Nabors?

elegate Nabors: Thank you, Mr. President. I'd like to ask Delegate illagomez in his explanation why then do we need your amendment if everything urrently in existence remains?

elegate Villagomez: Because if we don't have a -- the first sentence here is robably the most important that gambling in general is prohibited except as he Legislature finds that any type of gambling is good for the CNMI. So what e're doing is making first the fundamental principle that gambling is pro- ibited. And so unless the Legislature acts to provide for or allow certain type of gambling, it is prohibited. Currently, there is no prohibition. And that's one reason why we're having all these problems because we're not sure what is permitted and what is not permitted.

Delegate Nabors: We don't have any problem in Tinian. We don't have any law prohibiting it, we have gambling; the people are not opposed to it and we prefer to have it stayed a status quo.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: A question to Delegate Villagomez. If the people vote in favor of this, are you saying then that poker machines and those authorized by law presently will not be affected?

Delegate Villagomez: That is correct.

Delegate Mafnas: If the people disapproves it, where do we stand?

Delegate Villagomez: Then we still have whatever we have.

Delegate Mafnas: I yield to Delegate Nabors.

Delegate Nabors: Mr. President, I have one question. On line 3, you say, Commonwealth or local law. Does that mean that the senatorial delegation would have the authority to establish casino gambling -- three individuals?

Delegate Villagomez: Not the senatorial. I think it would be the district delegates which would include the representative to the House and three senators from Rota or Tinian.

Delegate Nabors: So four individuals can make the decision that we here refuse to make?

Delegate Villagomez: No; I think you're misunderstanding. The delegates to the Legislature from Rota or Tinian can enact a local law setting forth what kind of gambling may be permitted on their islands under the local law provision of our Constitution. They can also do it through initiative or referendu in their respective districts.

President H. Guerrero: Are you finished, Delegate Nabors?

Delegate Nabors: Yes.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Yes, Mr. President. If either way the people vote, whatever we have will continue to exist. I would like the Convention to receive a statement saying that Committee Recommendation 42 means exactly what Delegate Villagomez explained to this Convention that either way, whatever we have will remain. I would like a statement to ensure that that is the intent of Committee Recommendation 42, as amended by Delegate Villagomez.

Delegate DL. Guerrero: Point of information.

President H. Guerrero: State your point, Delegate Guerrero.

Delegate DL. Guerrero: As the Chairman of the Committee, I don't think that was the Committee's recommendation. That was a floor amendment here offered by....

Delegate Mafnas: Mr. President, point of clarification. I'm not asking your Committee on Finance and Other Matters. I'm asking the Convention that that statement be placed on the record as part of the floor amendment offered by Delegate Villagomez.

President H. Guerrero: Delegate Villagomez, are you responding to Delegate Mafnas?

Delegate Villagomez: Thank you. Yes. For the record and so that the court will know what I mean when I submitted this motion which has been passed; No. 1, this amendment prohibits any type of gambling in the CNMI. No. 2, this amendment grants to the Legislature the authority to permit any kind of gambling that they see fit. No. 3, this amendment permits each of the three senatorial districts to enact for their own district to permit any kind of gambling that they see fit for their particular district. No. 4, this amendment does not repeal or prohibit or make null and void any existing gambling that is permissible by existing law, so that if batu, cockfight, raffle, poker machines are currently existing because they are permitted by law, they shall continue unless that law is changed by the Legislature. Thank you.

President H. Guerrero: I'd like to call first Delegate Ogumoro.

Delegate Ogumoro: Mr. President, privilege. I would like to move for a brief recess.

Delegate Villagomez: Not brief; we should go for lunch and come back.

Delegate Ogumoro: No objection.

Delegate Mafnas: Objection. Let's settle this. We spent more than three hours, Mr. President, debating.

Delegate Ogumoro: I asked, Mr. President, if we could move for a brief recess Is that granted? I did not ask for us to go for lunch.

President H. Guerrero: Five minutes recess.

The Convention recessed at 12:35 p.m.

RECESS

The Convention reconvened at 12:47 p.m.

President H. Guerrero: The session is called back to order. Delegate Villagomez?

Delegate Villagomez: Mr. President, so that we won't spend more time debating on this, I move that we recess for lunch and start again at 2:30 p.m.

Delegate Ogumoro seconded the motion.

Delegate Nabors: Objection.

President H. Guerrero: Those in favor to recess until two-thirty, please rais your right hand?

The motion to recess until 2:30 p.m. was carried by a raising of hands vote of 15 for and 1 against the motion. The rest abstained.

The Convention recessed at 12:49 p.m.

RECESS

The Convention reconvened at 2:43 p.m.

(At this point, Delegate Lizama took his seat.)

President H. Guerrero: The session is called back to order. Delegate Manglona?

Delegate Nabors: Point of information.

President H. Guerrero: State your point, Delegate Nabors.

Delegate Nabors: Could I ask Delegate Villagomez a question, please? I'd lik to find out if Delegate Villagomez is willing to....

Delegate Manglona: Privilege.

President H. Guerrero: State your privilege.

Delegate Manglona: Mr. President, before we start with our business for this afternoon, I have a motion to make and that is pursuant to Rule 51 of our Rule of Procedure, I would like to move to reconsider the last page of Committee Recommendation No. 41 today and be placed for discussions on first Order of Business, Saturday, July 20, 1985.

Delegate Nabors seconded the motion.

Delegate Manglona: I'm sorry, that would be page 6 of Committee Recommendatic No. 41.

Delegate Nabors: No objection.

President H. Guerrero: Wait, somebody took my copy. Can you repeat your privilege?

Delegate Manglona: Yes. Pursuant to Rule 51 of our Rules of Procedure, I mov to reconsider page 6 of Committee Recommendation No. 41 today and be placed fo discussions as first Order of Business on Saturday, July 20.

Delegate Villagomez: Point of order.

President H. Guerrero: State your point, Delegate Villagomez.

Delegate Villagomez: We're under consideration of the committee recommendations for Second and Final Reading. There is a provision in our Order of Business that would allow for that motion, under Miscellaneous Business or Introduction or Unfinished Business or even General Orders of the Day.

Floor Leader Lizama: That's correct.

Delegate Villagomez: I would have no objection to putting it in the proper Order of Business.

Delegate Manglona: Mr. President, I will withdraw my motion on the condition that before the session ends today we will reach Miscellaneous Business.

President H. Guerrero: I think that would be the most appropriate place to bring this up.

Delegate Manglona: I would then withdraw my motion.

President H. Guerrero: Okay. Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I'd like to find out if my colleague, Delegate Villagomez, will accept an amendment to his amendment. Th amendment would be in the third line to strike "or local" and in the fifth lin strike "or referendum".

Delegate Villagomez: I would incorporate that in my motion.

Delegate Nabors: Motion to end debate.

Delegate Mendiola seconded, and the motion was carried by voice vote.

Delegate Nabors: Point of clarification.

President H. Guerrero: State your point.

Delegate Nabors: Can I get a reiteration and in its entirety as to what we are now voting on?

President H. Guerrero: Can you read the amendment, please, that we're voting on, Secretary Nabors?

Delegate Nabors: According to my records, this is what we are now voting on. Let me, first of all, ask a clarification from Delegate Villagomez. Did you intend your amendment to be Section 3?

Delegate Villagomez: Section 3?

Delegate Nabors: Yes, sir.

Delegate Villagomez: I don't understand what you mean by Section 3.

President H. Guerrero: Delegate Villagomez is amending your entire amendment.

Delegate Nabors: I mean your amendment is a substitution.

President H. Guerrero: For your amendment.

Delegate Villagomez: We can call it a substitution.

President H. Guerrero: That's what we're entertaining. Can you read your motion again, incorporating the changes?

Delegate Villagomez: My amendment is to amend Committee Recommendation No. 42 and to substitute it with the following: "Gambling is prohibited in the Northern Mariana Islands except as provided by Commonwealth law or as established through initiative in the Commonwealth or in any senatorial district."

Delegate Nabors: That would be the total of Committee Recommendation No. 42?

Delegate Villagomez: Yes.

Floor Leader Lizama: Point of information, Mr. President.

President H. Guerrero: State your point, Delegate Lizama.

Floor Leader Lizama: Delegate Villagomez, would your amendment then -- how would the amendment conflict, or would it not conflict with the proposed Section 2 of the original Committee Recommendation? Do you see any problem there

Delegate Villagomez: There is no Section 2 because the entire original proposal has been defeated or substituted by the first motion to amend by Mr. Nabors So, that no longer exist.

Floor Leader Lizama: Okay, thank you.

President H. Guerrero: Alright. Is everyone clear now?

Delegate Nabors: Almost. One more point of clarification. We had a statemer for the record earlier, is that statement on the record still accurate?

Delegate Villagomez: Yes, it's still accurate.

Delegate Nabors: Now, I'm clear.

President H. Guerrero: We're voting on the amendment proposed by Delegate Villagomez amending the amendment made by Delegate Nabors. Those in favor, please raise your right hand?

Delegate Villagomez: Mr. President, I think this is Second and Final Readin and perhaps we should go by roll call.

President H. Guerrero: Is this for Second and Final Reading?

Delegate Mendiola: Yes.

Floor Leader Lizama: Mr. President, point of information.

President H. Guerrero: State your point, Delegate Lizama.

Floor Leader Lizama: I apologize I wasn't here this morning but I have a co of Delegate Nabors' amendment and this was passed. Was this defeated this morning?

Delegate Mafnas: It passed.

Delegate Nabors: It was passed but the other amendment was also passed.

Floor Leader Lizama: Delegate Villagomez' amendment was passed also?

President H. Guerrero: So this is the main motion now on the floor.

Floor Leader Lizama: Okay, I understand that.

Delegate Ogumoro: Privilege.

President H. Guerrero: State your privilege, Delegate Ogumoro.

Delegate Ogumoro: Thank you, Mr. President. Just so that we'll be very cle on what we're voting for, would the Secretary just read the whole thing or somebody read, or the mover of the motion read the entire amendment that we are trying to adopt before we vote?

Delegate Nabors: Thank you, Mr. President. This is going to be the Committe Recommendation No. 42: "Gambling is prohibited in the Northern Mariana Isla except as provided by Commonwealth law or as established through initiative in the Commonwealth or in any senatorial district.".

Delegate Ogumoro: Are we still discussing on that motion?

President H. Guerrero: No, we're going to vote right now.

Delegate Ogumoro: Would I be in line or would I be in order if I put in another amendment at this point?

President H. Guerrero: You will be out of order because we're voting now on roll call.

Delegate Ogumoro: Thank you.

At this point, Secretary Nabors called the roll, and the motion to adop Substitute Committee Recommendation No. 42 on Second and Final Reading was voted on as follows:

YES: Delegates Vincent Calvo, David Cing, Herman T. Guerrero, Alonzo Igisomar, David Igitol, Rita Inos, Esteven King, Luis Limes, Juan Lizama, Jesus Mafnas, James Mendiola, Paul Manglona, Aniceto Mundo

William Nabors, Karl Reyes, Francisco Tomokane and Ramon Villagomez (17 votes)

NO: Delegates Benusto Kaipat and Felicidad Ogumoro. (2 votes)

ABSTAIN: Delegates Lorenzo DL. Guerrero, Joaquin Tenorio and William Torres. (3 votes)

ABSENT: Delegates Maria Pangelinan and Ignacio Villanueva.

And the motion was carried.

Delegate Nabors: Mr. President, I have 17 affirmative votes, two negative votes, three abstentions, and two absences.

President H. Guerrero: Committee Recommendation No. 42, as amended, passes by 19 votes. Can I call Secretary Nabors?

Delegate Villagomez: Mr. President?

President H. Guerrero: Yes, Delegate Villagomez?

Delegate Villagomez: Before we move on, I'd like to bring to the attention of the Chair that some unsigned papers have been infiltrating the Convention not knowing where they come from, why they come into the Convention and who is bringing them in. I would like for the Chair to do something to prevent that from happening. And if anything is to be distributed, it should either be signed or be requested by a member of the Convention or the Chair.

President H. Guerrero: I have already given an instruction that if anything is to be passed to the floor, it has to be cleared by the President first.

Delegate Villagomez: Thank you.

President H. Guerrero: Secretary Nabors, can you read Committee Recommendation No. 61, please?

Secretary Nabors: Thank you, Mr. President. Mr. President, I was to receive an amended version of Committee Recommendation 61 which was amended extensively last evening and so far I don't see one. I realize that Chairman Lizama was absent this morning and it may be for that reason that he was unable to get that typed. So what is your pleasure? Should we momentarily skip that one until we can get the language?

Floor Leader Lizama: Point of information. Those concerns that I brought up last night were the minor amendments that I suggested should be made first.

Secretary Nabors: If no objection, should we pass that momentarily?

President H. Guerrero: We'll move on to the next one. If there is no objection in view that Delegate Lizama wasn't in the Convention this morning and he was supposed to provide us the written amendment to Committee Recommendation No. 61, we'll move on to Committee Recommendation No. 8.

Secretary Nabors read Committee Recommendation No. 8 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 8

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To add a new Section to Article I of the Northern Marianas Constitution, relating to Victims of Crime.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, a new Section to Article I is added to read:

"'Section ____: Victims of Crime. The right of the people to be secured in their persons, houses, and belongings against crime shall be recognized at sentencing. Restitution to the crime victim shall be a condition of probation upon showing of compelling interest. The legislature shall adopt provisions to implement this subsection during the calendar year following adoption of this subsection.'"

Delegate Villagomez: Correction. I thought the word "parole" is in there somewhere but I didn't hear it read.

Secretary Nabors: It didn't show any word. Where then should it be, colleague?

Delegate Villagomez: Probation or parole.

President H. Guerrero: Is it probation and parole?

Delegate Villagomez: And parole.

President H. Guerrero: And parole or, or parole?

Delegate Villagomez: And.

President H. Guerrero: Any motion to adopt it?

Delegate Torres: Mr. President, I think one other word is missing, the word "except" after "parole".

Delegate Villagomez: That's correct.

President H. Guerrero: Any motion to adopt it?

Delegate King: Mr. President, I move that we adopt Committee Recommendation No. 8 for Second and Final Reading.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 8 for Second and Final Reading. Delegate Villagomez?

Delegate Villagomez: Mr. President, I move that Committee Recommendation No. be amended to delete the entire last sentence starting on line No. 5.

Delegate King seconded the motion.

President H. Guerrero: Is there a unanimous consent to delete that provision?

Secretary Nabors: No objection.

President H. Guerrero: If there is no objection, the motion is in order. Delegate Inos?

Delegate Inos: I would just like to ask Delegate Villagomez the reason for making this amendment to delete the last sentence.

Delegate Villagomez: The reason is we put in the word "compelling interest" in order that the judge on an individual case basis determines whether there i any compelling interest to justify not requiring the condition of restitution when the judge decides to grant a probation or the Parole Board decides to grant a probation. By adding there the Legislature, what you're doing is ther taking away from the judge that discretion. So you're putting in a term for the judge to decide and then at the same time taking it away from the judge ar giving it to the Legislature. So we either give it to the Legislature and the specify exactly when the condition may be waived, or we give it to the judge and not both of them.

President H. Guerrero: If there's no objection, there's a motion and it has been seconded to delete the last sentence. Discussions? Delegate Torres?

Delegate Torres: Yes. Thank you, Mr. President. I wonder whether we are really creating conflict when we allow the Legislature to come into the pictur so much as perhaps setting a general guideline so that the judge wouldn't base his decision on his own idiosyncrasies. Thank you.

Delegate King: I move to end debate.

Delegate Villanueva seconded, and the motion was carried by voice vote.

President H. Guerrero: We're voting now on Committee Recommendation No. 8, as amended. Roll call, Secretary Nabors?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 8, as amended, on Second and Final Reading was carried by a roll call vote of 23 affirmative votes. Delegate Maria Pangelinan was absent.

Secretary Nabors: Mr. President, I have 23 affirmative votes and one absent.

President H. Guerrero: Committee Recommendation No. 8 passed by 23 votes. Secretary Nabors, can you read Committee Recommendation No. 25?

Secretary Nabors read Committee Recommendation No. 25 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 25

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To delete Section 16 from Article III in its entirety and to add a new Articl to the Northern Mariana Islands Constitution relating to the Civil Service Commission.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

"Effective upon ratification, Section 16 of Article III is deleted in its entirety and a new Article is added to read:

"'Article _____. CIVIL SERVICE COMMISSION.

"'Section 1: Civil Service. The legislature shall provide for a non-partisan and independent Civil Service Commission with the duty to establish and administer personnel policies for the Commonwealth Government, its agencies, instrumentalities, and public corporations created by statutes. The commissioner's authority shall extend to positions other than those filled by election or by appointment of the governor in the departments and agencies of the executive branch and in the administrative staffs of the legislative and judicial branches. The commission shall be the only authority to exempt positions from the civil service classifications. Appointment and promotion within the civil service shall be based on merit and fitness demonstrated by examination or by other evidence of competence.'"

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move for the adoption of Committee Recommendation No. 25.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 25. Discussions? Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. To address the concerns of the heads of agencies and instrumentalities with respect to extending the commission's authority to cover the employees of such agencies and instrumentalities and also public corporations created by statutes, Mr. President, we were flooded with oppositions to this provision during the last few days. I was privileged with the opportunity to secure an input from the Public Auditor who has ideas regarding this particular issue, and I am very pleased to know that the Public Auditor is also supporting the inclusion. However, I know that whe this was first put on the floor, immediately there were oppositions. I am saddened by the letters that we are getting because these are really coming from executive directors and not necessarily the employees in the bottom. I must admit that I am not in the position to say that they are wrong. I think they know more and they know better than I do. To ensure that the commission is independent and to ensure that the commission is delegated with the authority to determine classifications that should not be within the Civil Service classifications, I am offering a floor amendment. On lines 7 and 8, I ask the members to delete "its agencies, instrumentalities and public corporations created by statutes."

Floor Leader Lizama seconded the motion.

Secretary Nabors: Motion to end debate.

Floor Leader Lizama seconded the motion.

President H. Guerrero: Wait. Delegate Guerrero?

Delegate DL. Guerrero: Yes, thank you. Mr. President, I, also, myself received adverse opinion or request from various government agencies and instrumentalities but I'm glad that on the Final Reading of this particular Committee Recommendation we reached an agreement with the committee that it's only appropriate at this time that such amendment should be entertained. And I, for one, fully supported the amendment and I urge also that all of my colleagues in this Convention will support this particular amendment.

President H. Guerrero: Delegate Torres?

Delegate Torres: Yes, I think that's a very good amendment and I admire Colleague Mafnas for making that amendment. I have a question on line 12. Could Delegate Mafnas give us a rationale behind this particular provision or sentence?

Delegate Mafnas: Yes. The intent of line 12, or rather I think Delegate Torres, Mr. President, is talking about the sentence beginning on line 10. Which one are you talking about? Line 12? The intent of that is not to take away the power of the Legislature to determine that department heads are not within the Civil Service classifications. The Governor appoints the executive department heads with the advice and consent of the Senate. So that authority does not extend to positions. If you read Section 16 of Article III, it says, or the proposal says: "The commission's authority shall extend to positions other than those filled by election or by appoint of the governor in the departments and agencies". So it does not intend to take that appointment authority away nor does it intend to limit the Legislature from stating in the statute that, for example, the head of the Department of Revenue and Taxation shall be appointed by the Governor with the advice and consent of the Senate. It does not take that authority away from the Legislature. What it does is that positions, perhaps, lower than that will be reviewed by the Civil Service Commission and it will be decided accordingly. But the exemptions authority by the Legislature in creating a department and in so indicating that the head shall be appointed by the Governor with the advice and consent of the Senate will not be taken away.

Delegate Torres: What about the authority of the Governor?

Delegate Mafnas: The authority of the Governor will be provided by statute.

Delegate Torres: I mean the authority of the Governor to exempt positions from Civil Service.

Delegate Mafnas: If you read the sentence again, it says: "The commission's authority shall extend to positions other than those filled by election or by appointment of the governor in the departments". So the Governor will still retain his authority. But the way it is done now is a request is submitted to the Personnel Office. And under Public Law 1-9, as amended, the authority is vested with the Personnel Officer but the present authority of the Governor will not be taken away by this amendment.

[illegible] [illegible]res: So I take it then that it is really the Personnel Officer [illegible] [illegible]ant the exemption?

[illegible] [illegible]nas: Under Public Law 1-8, as amended, the Personnel Officer has [illegible]ty.

[illegible] [illegible]res: With this proposal, it will be the commission.

[illegible] [illegible]nas: With this proposal, I am releasing the Personnel Officer [illegible]ty because it does not belong to him.

[illegible] [illegible]res: It is the commission's.

[illegible] [illegible]nas: It should be with the commission.

[illegible] [illegible]res: Thank you.

[illegible] Nabors: Motion to end debate.

[illegible]ate Mafnas seconded the motion.

[illegible] Mafnas: May I ask for a few minutes recess? Just two minutes.

President H. Guerrero: We can vote on your amendment.

Delegate Mafnas: Okay.

The motion to end debate was carried by voice vote.

President H. Guerrero: We're back to the amendment motion.

The motion to adopt the amendment offered by Delegate Mafnas was carried [illegible] vote.

President H. Guerrero: We're back to the main motion. The Chair would like [illegible] for a five-minute recess.

The Convention recessed at 3:18 p.m.

RECESS

The Convention reconvened at 3:45 p.m.

President H. Guerrero: The plenary session is called back to session. Delega[illegible]

Delegate Mafnas: May I ask the President whether we had already voted on my [illegible]

President H. Guerrero: Yes, we have. So we're back to the main motion.

Delegate Mafnas: Okay. I would like to make further amendments, if I'm [illegible], Mr. President.

President H. Guerrero: Please do.

Delegate Mafnas: On behalf of Delegate Pangelinan, I am making the following

floor amendments on Committee Recommendation No. 25. On line 3, strike out the word "commission". That section should be Civil Service section. And on line 8, after the word "Government", insert "the commission shall be composed of seven members appointed by the governor with the advice and consent of the Senate. Six members shall serve a term of six years, staggered in such manner that the term of one member expires each year and one member shall serve a term of four years expiring concurrently with the term of the governor. Members of the Civil Service Commission may be removed only for cause.". The third amendment, on line 12, strike out the word "The" and insert in lieu thereof the words "Exemption from the Civil Service shall be as provided by law and the". Strike out the word "only" and insert in lieu thereof the word "sole"; and insert the words "authorized by law" after the word "authority" and before the word "to". That sentence should read now "Exemption from the Civil Service Commission shall be as provided by law and the commission shall be the sole authority authorized by law to exempt positions from the civil service classifications." And the last amendment will be to add, following on line 16, the transition provision: "II. Transition Provision. Upon ratification, the governor is authorized to adjust the terms of members currently sitting on the Civil Service Commission in such manner that one member's term will expire the same day as the governor's term and the term of one member shall expire in January of each of the following year's: 1986, 1987, 1988, 1989, 1990, and 1991.".

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the floor amendment to Committee Recommendation No. 25 as offered by Delegate Maria Pangelinan. Discussions? Delegate Lizama?

Floor Leader Lizama: Mr. President, I have to admire Delegate Mafnas for accepting this floor committee recommendation. This was not what was envisioned by the Committee and also by Delegate Mafnas and I have to say that he has a very big guts to accept this committee recommendation. I would congratulate him for doing so.

Delegate Mafnas: I move for the previous question.

Secretary Nabors seconded, and the motion was carried by voice vote.

The motion to adopt the written floor amendment to Committee Recommendation No. 25, as offered by Delegate Maria Pangelinan and Delegate Mafnas, was carried by voice vote.

Floor Leader Lizama: I move for the previous question, Mr. President.

Delegate Mafnas seconded the motion.

President H. Guerrero: We're voting now on Committee Recommendation No. 25, as amended. Secretary Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 25, as amended, on Second and Final Reading was voted on as follows:

YES: Delegates David Cing, Herman T. Guerrero, Lorenzo DL. Guerrero, Alonzo Igisomar, David Igitol, Rita Inos, Benusto Kaipat, Luis Lime, Juan Lizama, Jesus Mafnas, Paul Manglona, James Mendiola, Aniceto

Mundo, William Nabors, Felicidad Ogumoro, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres, Ramon Villagomez, and Ignacio Villanueva. (21 votes)

ABSTAIN: Delegates Vincent Calvo and Esteven King. (2 votes)

ABSENT: Delegate Maria Pangelinan.

And the motion was carried.

Secretary Nabors: Mr. President, I have 21 affirmative votes, two abstentions and one absent.

President H. Guerrero: Committee Recommendation No. 25 is passed by 23 votes. Delegate Calvo, do you have something to say?

Delegate Calvo: Nothing.

Floor Leader Lizama: Can we take up the Legislative Bureau, Mr. President, now that we have the clean copies?

President H. Guerrero: In front of you, you have the corrected version of the Legislative Bureau. Secretary Nabors, can you read it?

Secretary Nabors read Committee Recommendation No. 61 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 61

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article II of the Northern Marianas Constitution by adding a new Section 16 relating to establishing a Legislative Bureau.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Section 16 of Article II is amended to read:

"'Section 16. Legislative Bureau. There is hereby established a legislative bureau in the Northern Marianas Commonwealth Legislature.

"'a) The bureau shall be headed by a director of legislative bureau to be appointed by the joint leadership of the legislature consisting of the presiding officers, vice speaker, vice president, floor leaders and the chairmen of the standing committees.

"'b) The director shall employ all necessary staff other than personal staff of the members of the legislature pursuant to budgetary allocations. The staff members shall include legal counsel and other administrative staff.

"'c) The bureau shall provide all required services to the legislature in connection to duties and responsibilities during sessions and

committee meetings. It shall maintain all records, files, library, and other documents of the legislature.

"'d) The director may be removed by a majority of votes of each house of the legislature with or without cause.

"'e) The bureau shall be free from any political harrassment and/or pressure.'"

President H. Guerrero: Floor Leader Lizama?

Floor Leader Lizama: Mr. President, I move for the adoption of Committee Recommendation No. 61 on Second Reading.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 61. Discussions? Delegate Manglona?

Delegate Manglona: Mr. President, I only have one problem here on 16(a). Who is going to break a tie because I can foresee a tie if the House is one party and the Senate is another party? Usually they will line up and sometimes they wouldn't decide ahead. So, how do they foresee breaking up a tie?

President H. Guerrero: I don't know. Can somebody answer that?

Delegate Mafnas: Well, Mr. President, am I recognized?

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: The intent is to get this political influence pressure and things like that away from this. This is the reason why we are creating it. One of the reasons or the intent of the proposal, and I don't know, maybe I am overestimating the members of the Legislature, but I feel that the best candidates for the position will be selected. I also agree with you that, you know there can be a tie. But I would like to leave that up to the wisdom of the members or the leadership.

President H. Guerrero: Any other discussions? If none, going once, going twice; Secretary Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 61 on Second and Final Reading was carried by 23 affirmative votes. Delegate Maria Pangelinan was absent.

Secretary Nabors: Mr. President, I have 23 affirmative votes and one absent.

President H. Guerrero: Committee Recommendation No. 61 passed by unanimous votes of those members present. Committee Recommendation 49?

Secretary Nabors read Committee Recommendation No. 49 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 49

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article X, Section 4 to add the prohibition against public debt.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Section 4, Article X is hereby amended to read:

"'Section 4: Public Debt Limitation. Public indebtedness other than bonds or other obligations of the government payable solely from the revenues derived from a public improvement or undertaking may not be authorized in excess of ten percent of the aggregate assessed valuation of the real property within the Commonwealth. Public indebtedness may not be authorized for operating expenses of the Commonwealth government or its political subdivisions. Before January 1, 1987, the legislature shall adopt a seven-year plan in which the government operations deficit through fiscal year 1985 shall be retired. If the legislature fails to adopt or adhere to the plan, any person may bring an action to require the government to reallocate its expenditures in accordance with a court ordered plan. If an operating deficit is incurred in future fiscal years, the government shall retire the deficit during the succeeding fiscal year.'"

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: I move for the adoption of Committee Recommendation No. 49 on Second and Final Reading.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 49. Discussions? Delegate Guerrero?

Delegate DL. Guerrero: Yes, at the same time, Mr. President, there is a committee's floor amendment which has been passed out this morning on this particular Committee Recommendation No. 49, and I would like at this time to move that the floor amendment from the Committee on Finance and Other Matters be entertained.

Delegate Mendiola seconded the motion.

Delegate Mafnas: Mr. President, may I ask which floor amendment because we have two here?

Delegate DL. Guerrero: The one that says at the bottom, Committee on Finance and Other Matters.

Floor Leader Lizama: Mr. President, I move for two minutes recess.

Delegate DL. Guerrero: On the Committee's recommendation or floor amendment, Mr. President, this particular amendment was extensively discussed with the Public Auditor and also with the Counsel as well and we agreed that this is the best amendment to be offered for Final Reading. So the Committee adopted

this particular recommendation to amend Committee Recommendation 49 on its Second and Final Reading.

Delegate Mafnas: Mr. President, I have two questions.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, I'm concerned about the provision here "If the legislature fails to adopt or adhere to the plan, any person may bring an action to require the government to reallocate its expenditures". What about if the Legislature fails to act, why can't the Governor issue an executive order implementing the liquidation plan rather than to require any person to proceed to the Commonwealth Trial Court and get a court order?

Delegate DL. Guerrero: Mr. President, I believe that should the Legislature fail as well as the executive branch of the government fails to initiate, then any person or corporation or citizen, for that matter, can pursue this case.

Delegate Mafnas: It says here: "If the legislature fails to adopt or adhere to the plan". Okay, my question is, if the Legislature fails to adopt the plans, why can't the Governor be given the authority to issue an executive order implementing such plan. I can see a citizen taking the government to court if the plan is implemented and the executing authority does not follow the plan. I can see that rationale. But if the Legislature fails to adopt, why can't the Governor issue an executive order implementing the plans?

Delegate DL. Guerrero: Mr. President, I think -- I don't think there's any restriction to the Governor issuing an executive order provided that both Houses concur with that executive order.

Delegate Mafnas: No, I don't think you're answering my question.

Delegate DL. Guerrero: Proceed.

Delegate Mafnas: My question is, why can't the Governor be given the authority to issue an executive order if the Legislature fails to adopt the deficit reduction plan or plans?

Delegate DL. Guerrero: I believe the Governor today has that authority, shoul he feel that he wants to issue that executive order.

Delegate Mafnas: Yes, but you are requiring the Legislature here to act, to adopt. You are requiring the Legislature to act or to adopt the plans. I understand that under Section 15 of Article III, the Governor has the authority to issue executive orders and can be approved by each House or modified or disapproved by each House. I know that. My concern is, why can't the Governo be given the authority to issue an executive order if the Legislature fails t implement the plan in lieu of any citizen taking the government to court?

Delegate DL. Guerrero: I see, Delegate Mafnas, you are very concerned on this particular provision that the Governor should be given that authority?

Delegate Mafnas: No, that's not my point. Okay. There is a plan. You want something to be done. You want me to do it; I failed. Why can't you have the authority to implement it?

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Mr. President, I think the question is really not why can't we give it to the Governor. The question should be, why don't we. We can say here that if the Legislature doesn't act, we give it to the Governor. The Governor doesn't act, any individual can sue.

Delegate Mafnas: Right.

Delegate Villagomez: So the question is, why don't we. And maybe the Committee never thought of it.

Delegate Mafnas: Okay, so why don't we?

Delegate Villagomez: You can make a motion and we will discuss it.

Delegate DL. Guerrero: Well, Delegate Mafnas, as I said earlier, that this particular language was reviewed with the concurrence, of course, of the Public Auditor and with the concurrence, of course, of the Committee and the Counsel who is assisting the Committee. Now, if the Convention feels that we should give that authority to the Governor, it's up to the Convention delegate to adopt that in this forum. But the Committee is satisfied with the language that was recommended and that's the very reason why we offer this floor amendment.

Delegate Mafnas: Well, my concern, Mr. President, if I may proceed, is that there is a remedy before the judicial review. There is a remedy before the judicial review under Section 15 of Article III. Why don't we exercise that remedy rather than to go immediately to court? If that remedy is exhausted, then by all means, let our citizens exercise the judicial review.

President H. Guerrero: Chairman Guerrero?

Delegate DL. Guerrero: Yes. Maybe to satisfy the concern of Delegate Mafnas and let also be in the journal that if there's no objection from the delegates let the record show that it's the intent of the Convention that the Governor can issue an executive order if the Legislature fails to act. In that way, should the Legislature fail to act, then the Governor has that authority to initiate immediately.

Delegate Mafnas: Not that the Governor can act, the Governor must act. Is that the intent?

Delegate DL. Guerrero: That's the intent, if there's no objection.

Delegate Mafnas: No objection.

President H. Guerrero: Delegate Ogumoro?

Delegate Mafnas: I'm not through yet.

President H. Guerrero: Okay.

Delegate Mafnas: Question on government employment. The Legislature will establish its ceiling. Assuming that the position is $20,000 per annum and th agency needs two clerk-typists or one clerk-typist and one accountant totallin the annual salary of those two positions is less than $20,000, maybe $12,000. Is it the intent of this proposal that such position with an annual salary of $20,000 cannot be restructured to create an additional position? Is that the intent of this?

Delegate DL. Guerrero: That's correct.

Delegate Mafnas: May I ask why? If I'm going to say I need two people and by restructuring one position, I'll be saving the government $8,000, why can't I be authorized. What is the rationale behind the Committee's recommendation?

Delegate DL. Guerrero: May I have Delegate Villanueva answer that question please?

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: I think the concern of the Committee is if we allow something like that, then the following year we can allow something else other than what Delegate Mafnas is talking about. The intention of the Committee is to limit. And if you have $20,000 and you need a clerk-typist, you will be still saving the government $8,000 if you just hire the clerk-typist instead of hiring two clerk-typists or three clerk-typists. And in the subsequent years, you are going to need not only clerk-typists but administrative assistant. So by limiting it to one position regardless of how much money is available for that position, the Committee felt that what the intention of this section is if you say you need one position, $12,000 or $20,000, that's all the position that you need. And this would be submitted to the Legislature for appropriation purposes.

Delegate Mafnas: But I need two positions, not one position.

Delegate Villanueva: Well, you need two positions, you submit your needs for two or more positions to the Legislature during appropriation, request for appropriation. We're not concerned with money here. Of course, when you submit three positions to the Legislature and the Legislature say, okay, we can only give you $20,000 and you want to pay each position $10,000 so you're going to need $30,000 instead of $20,000. We can only give you $20,000 for the two positions. The other position you are requesting, you have to wait until an additional money is available through supplemental appropriation or through following year's appropriation.

Delegate Mafnas: No; I understand the Committee is definitely concerned about money and positions because you're talking about deficit, Mr. President. I think that was a joke from my Yapese, Delegate Villanueva. I support the intent; I think it's a good proposal. I'm just concerned about requiring the joint resolution approval in case Rota or Tinian needs a nurse to get the Legislature together because they need one position, a nursing position. I think, especially now that we passed the limiting the number of session days, I can see that this will be tying the hands of the Administering Authority. So I hope that the Committee will take that into consideration. Thank you. I support the proposal.

Acting Presiding Officer Calvo: Delegate Villagomez?

Delegate Villagomez: I move to end debate.

Acting Presiding Officer Calvo: Before we entertain that motion, I have on the list here Chairman Guerrero. Do you want to make some comments?

Delegate DL. Guerrero: No, Mr. President, I was just going to answer some of the questions but since Delegate Mafnas is satisfied now, then it's fine.

Delegate Mafnas: I'm satisfied.

Acting Presiding Officer Calvo: Okay. And fellow delegates, we have one more speaker after this motion. Delegate Ogumoro?

Delegate Ogumoro: Thank you, Mr. President. I have a couple of concerns here We said that the Legislature shall adopt the seven-year plan. Who prepares the plan? Is it the Legislature or is it the executive branch? Does the executive transmit it over for adoption by the Legislature?

Acting Presiding Officer Calvo: Delegate Inos, can you answer that question, please?

Delegate Inos: This will be done by the Legislature. And in this provision, they are given the authorization to adopt a seven-year plan in which they will retire the deficit in equal shares.

Delegate Ogumoro: Yes, my question is who prepares that plan? Do we just leave it to the Legislature to get the whole thing rolling and then they themselves will adopt, or do we get the executive branch involved?

Delegate Inos: This is strictly legislative involvement.

Delegate Ogumoro: Thank you. My second question is, we're talking about approval of an increase in the number of bodies by a joint resolution of the Legislature. What does that entail here? What is the Committee foreseeing?

Delegate DL. Guerrero: Delegate Ogumoro, can you please repeat the question?

Delegate Ogumoro: Yes. On the second paragraph, entitled: "Section _____. Government Employment.", the last sentence reads "except upon specific approva by a joint resolution of the legislature, no public funds may be expended for personnel in excess of the ceilings so established." Is it a symbol? Are we envisioning the Legislature, both Houses, to meet in a joint session whenever there is a request for an increase in bodies in the executive branch?

Delegate DL. Guerrero: May I respond to her question, please?

Acting Presiding Officer Calvo: Go ahead, Delegate Guerrero.

Delegate DL. Guerrero: I think the first concern is self-answered in the very last sentence, which is in excess of the ceilings so established. That's why it's requiring the Legislature to enact by a joint resolution. In other words, joint resolution doesn't mean that both Houses have to sit in session jointly. A joint resolution can be passed from one House to another House.

Delegate Ogumoro: I am a little bit concerned because just to act on the increase or any reprogramming done by the executive branch we were encounterin or at least through my experience in the Legislature, I know that we encountered problems trying to meet those reprogramming requests. Now in situations where the executive department directors have an urgent need or needs to increase their ceiling, are we, by putting in the Constitution, saying that whenever that need arise, we have to get the Legislature to meet to pass a joint resolution?

Delegate DL. Guerrero: Yes, Delegate Ogumoro, I believe that whoever needs that position, he must submit that on a prior year so at least it could be so inserted or be planned for that position for the following fiscal year. And if you have any further questions, Delegate Villanueva is certainly happy to answer you.

Acting Presiding Officer Calvo: Delegate Villanueva?

Delegate Villanueva: No; I just wanted to extend on my Chairman's explanation. This last provision would require proper planning in case there is an emergency need for additional staff. Just like additional days for the Convention, the Legislature would muster all the necessary vote if they see that it's necessary to add additional staff to a department, agency and also appropriate additional money.

Acting Presiding Officer Calvo: Go ahead, Delegate Ogumoro.

Delegate Ogumoro: Isn't it sufficient to set a ceiling, that we set a ceiling on their budget, or not, I mean, to explicitly spell out that they do not exceed what is appropriated to them, whatever agency it is that is involved? My personal position is, if I am given an amount to work with as a department director -- if I'm given $500,000, I should operate within that amount and I should be given that flexibility to operate. And I don't care how many bodies I have. I mean, it will be my neck when I come up for the next budget hearing I have to be able to testify and I have to be able to justify the need for the increase and why was that increase made. I mean, I think it is putting too much limitation on our program managers. And I wonder if that would not hamper the effectiveness of our programs. That's my concer, Mr. President. And I have one last question too.

Acting Presiding Officer Calvo: Do we have any more discussions on that motion? Yes, Delegate Inos? If there's no further discussion on the subject matter, do I hear any motion?

Delegate Ogumoro: I have another concern.

Acting Presiding Officer Calvo: You may state your concern, Delegate Ogumoro

Delegate Ogumoro: I think I'm not very satisfied with the second concern that I raised. My third concern is and was raised when the measure was up for First Reading. My concern was and still is, aren't we allowing, you know, for more deficits by including the last sentence of the first section? Isn't that opening up for more deficits in government? Why are we trying to accomplish here?

Delegate Inos: What we're saying here is that while we are providing for a provision to retire the already, the ones that we have now, the deficit that we have, if in case we should incur deficit during, let's say, the eighth year the following year the Legislature should have a plan to retire that deficit and not to compound it to the point that we have at the present time $15 million. While we are giving them direction on how we would like for them to retire the deficit, we're also looking ahead and not to just be still when we retire the $15 million deficit but we're also giving them a guideline in term of how they should retire each year's deficit as incurred. I'm sure that the Finance and Other Matters Committee is really putting out a lot of reforms in terms of financial reforms and this is because we are aware, very much aware of the deficit that we have and a lot of it points a finger at the management Part of your question, Delegate Ogumoro, deals with, why don't we give you an appropriation and on a set amount and you work within that appropriation. Yes the Committee did deliberate on that but we feel the Committee's recommendati is the most appropriate that it will force us to plan ahead. Look at your program and plan for that program. And I don't think that if you plan, if yo are a good planner, and that if you're a good manager that you will be coming

every time to the Legislature to say, "Oh, tomorrow I'm going to need another clerk, the next day I'm going to need another custodian." I think that when you make your year's budget submission to the Legislature or to the Governor, you will consider, you will foresee ahead and make sure that you include those in your budget. This is a very unique reform that we are trying to get ourselves into so that we will not be incurring future deficits and that it will force us to really be good planners.

Delegate Ogumoro: Yes, I would not debate that we need to be very good planners, especially when we are talking of deficit problem in the CNMI. My concern is get the bottom line out. And if you exceed that, then you'd be prosecuted. And so that we do not have to incur more deficits. The Appropriations Committee during the time I was sitting in the Legislature was faced with deficits every year -- not the Appropriations Committee but the CNMI -- and you know, I really feel that if we need to, if we're very sincere about putting and coming up with reforms that we should be strict. That anybody that exceeds what's appropriated to them, you know, that they be prosecuted, whoever is responsible.

Delegate Inos: I think that provision has already been addressed. This is the Committee's recommendation. And either way, Delegate Ogumoro, I urge you to support this because either way, I think it's going to be workable.

President H. Guerrero: Chairman Guerrero?

Delegate DL. Guerrero: Yes, let me try to help, maybe this will satisfy the question raised by Delegate Ogumoro. If you restruct it from a position, or say, two positions to three positions, then the next year, you know, there are three positions so you must be budgeted for. So that's all we are trying to say here that if you require it, make sure that you identify that on the following year.

Delegate Mafnas: May I? But the need is now not next year. The need is now, that's her point. She's still within her monetary/budgetary limitations.

Delegate DL. Guerrero: But if you need to restructure your department, I'm sure that you have to justify the number of people that you have to put in your budget as long as you don't exceed your ceiling that is established.

President H. Guerrero: I understand that there was a motion to end debate; let's entertain that.

There being no objection, the motion to end debate was carried by voice vote.

President H. Guerrero: We're back to the previous amendment. We're voting on the floor amendment to Committee Recommendation No. 49. Secretary Nabors, can you take the roll call vote?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 49, as amended, on Second and Final Reading was voted on, as follows:

YES: Delegates David Cing, Herman T. Guerrero, Lorenzo DL. Guerrero, Alonzo Igisomar, David Igitol, Rita Inos, Benusto Kaipat, Esteven King, Luis Limes, Jesus Mafnas, James Mendiola, Aniceto Mundo, William Nabors, Felicidad Ogumoro, Joaquin Tenorio, William Torres, Ramon Villagomez and Ignacio Villanueva. (18 votes)

NO: Delegates Juan Lizama and Karl Reyes. (2 votes)

ABSTAIN: Delegates Vincent Calvo, Francisco Tomokane and Paul Manglona. (3 votes)

ABSENT: Delegate Maria Pangelinan.

And the motion was carried.

Secretary Nabors: Mr. President, I have 18 affirmative votes, two negative votes, three abstentions, and one absent.

President H. Guerrero: So the measure is passed by 21 votes. I was away fr the Chair and I understand that we should have voted for the amendment first If there's no objection, we'll have this as it is. So ordered. Committee Recommendation No. 40, now.

Secretary Nabors read Committee Recommendation No. 40 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 40

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Sections 5 and 7 of Article XII of the Northern Marianas Constitut to prevent corporations from fraudulently qualifying as persons of Northern Marianas descent.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealt of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended follows:

"I. Effective upon ratification, Sections 5 and 6 of Article XII are amende to read:

"'Section 5: Corporations.

A corporation shall be considered to be a person of Northern Mari descent so long as it is incorporated in the Commonwealth, has its principa place of business in the Commonwealth, has directors one-hundred percent of whom are persons of Northern Marianas descent and has voting shares (i.e. preferred and common) one-hundred percent of which are actually owned by pe sons of Northern Marianas descent as defined in Section 4. Minors, as defi by applicable laws of the Commonwealth, shall not be eligible to become directors of a corporation. No voting by proxy shall be permitted.'"

"'Section 6: Enforcement.

Any transaction made in violation of Section 1 shall be void ab initio. Whenever a corporation ceases to be qualified under Section 5, a permanent or long-term interest in land in the Commonwealth acquired by the corporation after the effective date of this Constitution shall be forfeite to the government of the Commonwealth of the Northern Mariana Islands. The Registrar of Corporations shall issue regulations to ensure compliance.'"

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, I move that the Committee of the Whole adopt on Second and Final Reading the Committee Substitute as passed around for Committee Recommendation No. 40.

Delegate DL. Guerrero: Just for clarification, there's no Committee of the Whole. This is a Convention plenary session.

President H. Guerrero: That's right. This is the Convention, we're not a Committee of the Whole.

Chairman Manglona: I stand corrected.

Delegate Tomokane: Point of information.

President H. Guerrero: State your point, Delegate Tomokane.

Delegate Tomokane: Did Delegate Nabors just read the original committee recommendation or the committee substitute?

Secretary Nabors: The original.

President H. Guerrero: Therefore, Delegate Manglona, we need to entertain first the adoption of that one and if you want to make a substitute, that's in order.

Chairman Manglona: Okay, I move that the delegates in this Convention adopt Committee Recommendation No. 40.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 40. Discussions? Delegate Manglona?

Delegate Manglona: Mr. President, I move to amend Committee Recommendation No. 40 as stated in the committee substitute that was passed to all delegates earlier.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to substitute Committe Recommendation No. 40 with the written amendment that was passed out earlier. Discussions? Delegate Villagomez?

Delegate Villagomez: Mr. President, are we now discussing the substitute?

President H. Guerrero: That's right.

Delegate Villagomez: On line 6, the word "precent" should be "percent". On line 8, the term "preferred and common" is more commonly said or is more commonly used by saying, "common and preferred". One line 19, the word "cure". I think the legal terminology that is more commonly used is "the right of redemption" rather than the "right of cure" -- "right of redemption".

Delegate Nabors: Mr. President.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: The sense of that phraseology on line 19 was to avoid anyone who violates this law to ask the Attorney General for an opportunity -- 90 days to cure the defect. I think that we intended that word, though there may be a better word to accomplish that thought.

Delegate Villagomez: I see. And on line 18, I don't know whether the committee intended to make this entire proposal effective as of the date of the Constitution or as of the date of this amendment?

Delegate Nabors: This amendment.

Delegate Villagomez: So the word Constitution on line 18, should be "this amendment".

Delegate Reyes: Also on line 8, there's another "precent", it should be "percent".

President H. Guerrero: No objection from the members? These are technical corrections.

Delegate Villagomez: No objection.

Delegate Mafnas: Mr. President.

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: Are we amending the Constitution to address or ensure that two, three individuals do not abuse the provision as presently provided in the Constitution? I mean, you know, what really prompted this?

Delegate Villagomez: May I answer, Mr. President?

President H. Guerrero: Delegate Villagomez.

Delegate Villagomez: We're not so much as concerned about the two or three individuals that participate in actions that result in a lot of people losing their lands as we are in the large number of indigenous people, landowners who are losing their lands through the loophole that is contained in this current section of the Constitution. The intent is to protect the people, not to go against those who are using the loophole.

Delegate Mafnas: Another concern, what would this do to investment or inviting foreign investors to come in? Did the Committee on Local Government make an extensive study of the possible impact if any? Or was it just done, you know in spare of the moment?

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, the Committee on Local Government made this amendment assuming that the long-term and permanent interest is increased to mean more than sixty years. So with the increasing of the limit for permanent and long-term insterest, we feel that the investment or the development will not be hampered. So that was the understanding of the Local Government Committee and Personal Rights and Natural Resources to increase the forty years limitation so that we can accommodate the investors who will be discouraged by this amendment on Section 5 of Article XII.

Delegate Mafnas: May I proceed?

President H. Guerrero: Please.

Delegate Mafnas: What makes you believe that the investors by giving them fifty-five years they will be receptive, or sixty years they will be receptiv What makes you believe? What kind of in-depth study did the sommittee do to ensure that, you know, this is really something that we must do and not becaus we look around and saw a few people abusing the loopholes in the Constitution

Delegate Manglona: In the public hearing that we held, there were some inves tors there and they mentioned that the amendment to this section will really not discourage them if there is a corresponding increase in the definition of permanent and long-term interest. That will give them ample time to amortize their investment. So they feel that this really will not discourage the in- vestors if there is that corresponding amendment.

Delegate Mafnas: What kind of investors were present during the public hear- ing? The investors of the poker machines? Or what kind of investors were present in the public hearing?

Delegate Manglona: Real estate.

President H. Guerrero: Can I get somebody else to answer? Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. We invited Mr. Layne, Mr. Gridle Mr. Batcheller, -- most of the attorneys on the island. Those who appeared a the hearing who I guess would qualify as investors would be Mr. Jack Little, Atty. Borja, Atty. Govendo, Mr. Manuel A. Sablan, Mr. Antonio S. Guerrero, Mr. Pedro Dela Cruz, Judge Laureta and Dan Rankapica, an attorney, and I thin that those gentlemen are attorneys and also represent the investors. That's the complete list that I can recall. And the other point that I'd like to make in response to an earlier question was that the information that we got from the public hearing indicated that there are not a large number of inves- tors who are -- what you call it -- utilizing this corporations provision for investment. The vast majority of investors are getting their land from a group of individuals who are utilizing this provision to garner property and then set up another corporation to which they are leasing this property. And that's why we felt that if we open the lease period up to sixty years, then investors could deal on top of the table rather than going through a substitu

Delegate Mafnas: Mr. President, did we pass the proposal extending the lease to sixty years?

Secretary Nabors: That is next on the agenda.

Delegate Mafnas: Why don't we pass that first?

Delegate Villagomez: Okay; shoot.

Secretary Nabors: No objection.

Delegate Mafnas: I believe, Mr. President, that, you know, this is a signifi cant change in our Constitution and I don't believe that the information gathered by the committee is sufficient to dictate the livelihood of the peop for the next ten years. I hope and pray to God that this will not have an advers affect on the economic development of our islands. We kept talking about

deficit, over deficit, over deficit. We just passed a liquidation plans to address that. And honest, I hope and pray that this will not have an adverse affect on the economic development in the Commonwealth. I sincerely believe that the committee did not do an in-depth study and I don't think the report is adequate to make a major amendment in our Constitution. Thank you.

Delegate Nabors: Point of information. Mr. President, within the limit of thirty-day allocation by the Legislature, I agree that all of us have had to rush a lot faster that we should or wanted. However, we went over this matter very carefully with the Attorney General, with Legal Counsel Bergsma of the House and we tried to cover all the possible situations, and it was their best advice that this would be workable, viable amendment. And I, too, colleague, pray to God that it will not impede but indeed promote development -- outside investment on top of the table. Thank you.

Delegate Mafnas: Point of information.

President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: The two gentlemen, the Attorney General and Mr. Bergsma are not economists. They are legal experts. So I hope that the discussion, Mr. President, was not limited to the legal ramification of the proposal. They are not economists.

President H. Guerrero: Let me call on Delegate Reyes first.

Delegate Reyes: Mr. President, I have a concern on lines 11 and 12 here on sentence "No trusts or voting by proxy shall be permitted." My concern here is that voting by proxy is one of the normal activities of a corporation. And as I understand it from here, even the hundred percent Northern Marianas descent cannot vote by proxy. If I'm reading it correctly, I'd like to have the committee reconsider this because the absence of our own incorporators from the island when the corporation is called to meet on a given time which they have to meet on that particular date as specified on the corporation, and if they are not able to give their vote by proxy, this is going to hamper the operation of the corporation.

President H. Guerrero: Thank you. Delegate Torres?

Delegate Torres: Yes, I understand the alarm of Delegate Mafnas. We, too, took great pains to consider all the possible ramifications of our action. We explored together with economists. Economists from the Department of Commerce and Labors and economist, Mr. Manuel A. Sablan, and industrialist --

Delegate Mafnas: Point of information.

President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: I'm disappointed that Manny A. Sablan is considered an economist.

Delegate Torres: He is an economist by degree, unfortunately. He has a Master Degree in Economics. Mr. Jess Sablan has a Masters Degree in Economics as well and Mr. Jesse Borja has a degree in Business, Jack Little has a background in industries. We assure the delegates that we did, we took great pains to make sure that what we're doing will end up in what we intend this to do which is to protect the indigenous people and at the same time attract foreign investors

to come in and invest in our economy. The committee has no desire, of course, to stiffle economic development. No one is proposing to do just that. Your committee at the same time has no intent to disenfranchise or disinherit the indigenous people of their rightful ownership to their land. We believe that with the companion amendment which is Committee Recommendation No. 19, we address this competing and often conflicting interest of between economic development and political and economic subjugation. Mr. President, your Committee on Local Government took great pains to consider, re-consider, explore all the possible ramifications of this. And I will assure Delegate Mafnas that we did consult with economist, business-minded people, lawyers, a judge and other private citizens. Thank you.

President H. Guerrero: Let me call Delegate Tomokane.

Delegate Tomokane: Thank you, Mr. President. I would like to share with the other delegates who are not members of the Committee on Local Government. During the course of our, you can say study, we found certain facts to be obvious. One of our findings is that when the first framers of the Constitution inserted this particular article on restriction on alienation of land, the issue of economic development was entertained also. As a result of that, Section 5 was incorporated into this Article. The spirit of this article is very good. If hundred percent of that spirit is carried out, then benefits would truly be received by people of the Northern Marianas who I like to call land rich but cash poor. However, in the last seven years, that did not materialize. Instead this Section 5 has been utilized as a subterfuge for certain group of investors. Let me elaborate on that particular viewpoint. Lands have been acquired through this section whereby people who are ignorant of corporate functions, people who are not conversant with corporate activities are used and these people are not the ones that have land. They are used as figureheads in the corporation just to maintain that 51% qualification. By the time three or four levels of transaction is carried out, what happens is that only a few real estate brokers get the benefits and these real estate brokers are not persons of Northern Marianas descent. Based on that finding, we found that Section 5 should be stricken out. It's not working. It's not carrying out the intent and the spirit as conceived by the framers of the First Con Con However, we have discussed before that if we repeal this in its entirety, then we will be penalizing some of our own people. And in order to prevent that from happening, this Committee Recommendation No. 40 with respect to Section 5 would alleviate that. Thank you.

President H. Guerrero: I call on Delegate Villagomez.

Delegate Villagomez: Just to be consistent. On line 10, the word "shall" should be "may"; on line 12, the words "shall", on two separate places, should be "may" and I move to end debate.

Delegate Nabors: In response to a question raised by Delegate Reyes, I'd like to ask unanimous consent that on line 11, the words at the end of that sentence "or voting by proxy" to be stricken.

Delegate Reyes: I think we have a better amendment, Delegate Nabors. It's going to read "No trusts or voting by proxy by non-Northern Marianas descent may be permitted." We add the words "by non-Northern Marianas descent" after the word "proxy" may be permitted.

Delegate Mafnas: Question. Why are you going to have non-Marianas descent when it's hundred percent wholly owned by Marianas descent?

Delegate Reyes: As it is presently worded, proxy and trusts are completely out. But by putting the words "by non-Northern Marianas descent" mean that you can allow proxy by giving your proxy to a Northern Marianas descent.

Delegate Mafnas: Am I in order? If it is one hundred percent wholly-owned Marianas descent, why do you have to have a non-Northern Marianas descent?

Delegate Nabors: I think I can answer that, if I might, Mr. President. The reason why we put "trusts" at the suggestion of Mr. Bergsma was to avoid a situation where an outsider would form a hundred percent Northern Marianas descent corporation and then actually manipulate that corporation. If you guys own it and I'm going to form another corporation and give you thirty per cent over here but you do everthing that I say you do, and he in that instanc as a parent corporation may attempt to get a proxy. And it will be necessary to put it down to avoid a situation as I described.

President H. Guerrero: There was a motion to end debate.

Delegate King: Yes, Mr. President, but I'd like to make a correction if you don't mind, please. On line 10, is Section 4 supposed to be under Section 5? I think this Section 4 should be out.

Delegate Mafnas: I move to recommit this to the Committee.

Floor Leader Lizama seconded the motion.

President H. Guerrero: There has been a motion to end debate.

The motion to end debate was carried by voice vote.

Floor Leader Lizama: I have not spoken yet, Mr. President.

President H. Guerrero: We're back to the main motion. Delegate Lizama?

Floor Leader Lizama: Mr. President and fellow delegates, I tend to agree tha many of our local people have been taken advantaged by unscrupulous business-minded people, in particular, outsiders or non-Northern Marianas descent from Korea, from the mainland United States, and perhaps the Yakuzas from Japan. But we also have to recognize the fact that many of our people are participan in these unscrupulous business transactions. Some of those people that came to testify in the public hearing mentioned were Jack Layne, Jack Little and Gridley. We cannot forget the fact that they also have been very much involved in the unscrupulous business transactions in the Commonwealth dependin on how you look at their transactions. But in a corporation like the Gridley and Jack Layne Corporation, we cannot ignore the fact, too, that that is a very well organized corporation. They have a specialist in real estate, the also have an attorney or two attorneys working for that organization. And so whatever we do in this particular constitutional section, these people know better how to circumvent or how to make good for themselves regardless of whether we're going to approve this proposed constitutional amendment. And perhaps also, they have already established themselves so they do not necessarily have to worry about the future. Now, many of the legitimate companies, corporations in the Commonwealth are going to be affected by this particular proposed amendment. We have to recognize or respect those legitimate corporations. I doubt very much that many of our people really are affected very much so as we have tend or attempt to recognize. I do not recognize the same way that this Convention is recognizing or seems to recognize. I know that

this seems to be favored by this Convention but I would like to express my lack of support for this amendment. And not because I have a fear that this is going to reduce my ability to do what I would want to do in the future with respect to outside investors. I can always work with outside investors and I think that we are all capable of doing that. This would not do any good to the people of the Commonwealth. For instance, a legitimate corporation with local participation. Now if this recommendation is approved, it would in effect jeopardize those legitimate corporations from taking advantage and at the same time benefitting from outside's investment support. The problem perhaps is whether we are specifically concerned with those illegitimate corporations as oppose to those legitimate corporations. I stand to see that there is a problem with the illegitimacy in the corporations that have been existing in the Commonwealth. Now, who do we blame for that? The Office of the Attorney General does not have the capability at the present time to monitor those corporations that are doing business illegitimately in the Commonwealth. Now, if there is any person involved in the Commonwealth and if we tend to see that that person is getting sot, getting screwed by that particular corporation, I tend to see that maybe that person has a remedy that he or she could seek. Now, that person can never be screwed up if there is a legitimate registered corporation and go out there and say, I'm getting screwed when he is in fact or she in fact belongs to that corporation. He or she has a recourse and that recourse is to go after that corporation and challenge that corporation for taking advantage of herself or himself. That may be the problem. Now, with respect to corporations that are legitimate, fifty-one percent owned locally. And who knows how they set up the fifty-one percent -- how that fifty-one percent is set up. It is very conceivable that this fifty-one percent was never contributed in the first place. But at the same time, it is very conceivable that this fifty-one percent has a future. So we are talking about expected of future interest perhaps in this corporation. And why do we want to prevent people from transacting so that the future interest could be made a reality for these people? So I tend to -- I don't know where we are going to.

Delegate Torres: Point of information.

President H. Guerrero: Before we go on, the Chair just realize that we voted on the motion to end debate but we never voted on the substitute committee recommendation. So to rectify the records and to put everything in order, I would like to now vote on the committee substitute for Committee Recommendation No. 40 before we continue the discussions.

The motion to adopt the Committee Substitute for Committee Recommendation No. 40 was carried by voice vote.

President H. Guerrero: Discussions?

Floor Leader Lizama: I still have the floor, Mr. President, but there was a point of information.

President H. Guerrero: Delegate Torres?

Delegate Torres: Yes. I would just like to assure Colleague Lizama that we are only talking here about directors and voting. Take note of that -- voting shares. You can still involve your other investors if you would so desire. We are only restricting this to directors and to voting shares. Now, you can create other nebulous classes of shares and sell that out and you can involve other legitimate investors. This, I don't think this is strictly addressing

illegitimate businesses. I think it is addressing both, legitimate. It recognizes the need for legitimate businesses and it also attempts to rectify unscrupulous.

Floor Leader Lizama: So what is your point?

Delegate Torres: My point is you shouldn't have any fear because we can still involve outside investors here. Because we only want the corporation to be controlled by -- we only want the directors and the persons of Northern Marianas descent to control the voting shares and to be the directors.

Floor Leader Lizama: Delegate Torres, I didn't misunderstand. I'm not misconstruing the proposed committee recommendation. I think you are misconstruing the proposed committee recommendation.

Delegate Torres: You are implying that this is addressing illegitimate business only which is not the case.

Floor Leader Lizama: No, no, no; that's not what I was implying. What I was implying was that this would require one hundred percent shareholding by the Northern Marianas descent as well as one hundred percent directorship.

Delegate Torres: Incorrect. Voting shares -- take note of that carefully.

Floor Leader Lizama: If you see in the parenthesis, i.e. preferred and common.

Delegate Torres: And as I informed you that you can create a nebulous class of shares, special class.

Floor Leader Lizama: You may be right. I don't know what kind of a class, I mean shares that would be acceptable other than preferred and common. So I don't want to dwell on that issue because that's an issue that I am not prepared to argue. But if you look at what are included in this proposed committee recommendation, you are talking about two most acceptable types of shares. Now, I'm not going to talk about other shares that I'm not so familiar with but we are talking about the most acceptable ones and the fact that you are going to eliminate these two most acceptable ones, there is a ramification to that.

Delegate Torres: But we are not saying that we are going to close the doors and you seem to be implying that which is not the case. We are not closing the doors.

Floor Leader Lizama: I've never heard of a corporation, Mr. President and fellow delegates, ever been registered in the Commonwealth that has shares other than common and preferred. So I don't know.

Delegate Torres: Well, perhaps you should take more business classes.

Floor Leader Lizama: May I continue, Mr. President?

President H. Guerrero: Please.

Floor Leader Lizama: The other flows that this committee recommendation and maybe many of us don't realize it although we have said it before in the discussions during the Committee of the Whole. Somebody mentioned that this wil

grandfather those corporations that are already existing. Now, if you look at the language of this carefully on the committee recommendation, this has nothing to do with -- this has no grandfather provision. So maybe this is again a solicitous way of convincing the delegates that this is good for us because then what it would do is that it is going to just make or going to create a lot of problems with the existing corporations.

Delegate Nabors: Point of information.

President H. Guerrero: State your point, Delegate Nabors.

Delegate Nabors: We were advised by the Attorney General and by Attorney Bergsma that we could not even if we want it. And, of course, I think my colleague is well aware to the fact that we cannot make ex facto laws. What you currently own, you cannot be divested without due process of law.

Floor Leader Lizama: I agree and in fact I explained it very well to the Convention Consultant that even if it is not included that there would be a vesting already of that interest that already had been acquired. However, this poses a problem in the future because someone else would feel very insecured in the status of their interest and therefore someone is going to challenge this one; and well, we'll see what happens if it is challenged. I am not capable of concealing what would happen if this is challenged.

Delegate Torres: Point of information.

President H. Guerrero: State your point.

Delegate Torres: This provision, this amendment is pro-active. It is not retroactive. It will not apply to existing corporations. It will apply to new corporations. And I'm sure Delegate Lizama who is a Legal Counsel knows that laws are not necessarily retroactive.

Floor Leader Lizama: That's understood, Delegate Torres; you don't have to mention that. It was explained already by Delegate Nabors.

Delegate Torres: Well, if you do understand that, then perhaps you wouldn't question.

Floor Leader Lizama: That's not my problem. I don't have any problem with that. As I stated already, I discussed this with a consultant that this wouldn't have any retroactive effect even if the provision of grandfathering in is not there. However, it poses a problem. Perhaps, that's what I am suggesting. Now, the point that lastly that I want to emphasize in this committee recommendation is that suppose that this is ratified in the next general election, would anyone of us here believe that outside investors are going to come into the Commonwealth and incorporate themselves? Or what would be the effect?

Delegate Nabors: May I respond to that?

President H. Guerrero: Delegate Nabors?

Delegate Nabors: We dealt with this issue in-depth and the Attorney General suggested and I agree with him wholeheartedly and Attorney Bergsma that the Northern Marianas descent corporation owns the land. You form another corporation with the Japanese or outside investing partner. This corporation

leases the land to the outside, the mixed corporations. The land ownership is intact. And you get a legitimate corporation to the business.

Floor Leader Lizama: Yes. I understand that, Delegate Nabors. Perhaps it i conceivable that the outside investors will form a hundred percent corporatio here in the Commonwealth and then they would probably form another corporatio to manage the one hundred percent corporation. I understand that. But I hav a little bit of a problem here because as it is right now, foreign corporatio can be registered in the Commonwealth and they can be legitimate corporations Now, what this means is that many of those foreign corporations are going to come into the Commonwealth and they are not going to incorporate themselves locally. What they are going to do, they are going to register their corpora tions that were created somewhere else. And so, do you think that this would encourate that to happen? I doubt it. That's the only thing I would want to say.

Delegate King: Privilege.

President H. Guerrero: State your privilege, Delegate King.

Delegate King: Delegate Villanueva is laughing. I'm just wondering why he i laughing.

(Laughter)

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Yes, thank you, Mr. President. I, for one, support the committee substitute amendment. As I stated earlier also when I raised m concern regarding this particular issue during the Committee of the Whole's discussions that I don't think the intent is that our people or the past history of our people in incorporating with foreign corporations or foreign interests is that we are selling our rights, and I stated that I don't think that that was the intent. The committee substitute recommendation is simply to protect our indigenous interest which is the CNMI descent from carrying it away with outside investors. And I believe the committee did a well done job on this one by protecting the interests of our people and I believe that's th direction of this Convention that must be adhered to. So I support it for th benefit of our citizens.

Floor Leader Lizama: Mr. President?

President H. Guerrero: Delegate Lizama?

Delegate Villagomez: Point of order. Mr. Lizama has been recognized too mar times and for a long time. I've raised my hand thirty minutes ago and my nam should be in the list.

President H. Guerrero: I'm sorry. I apologize; I did write your name down.

Floor Leader Lizama: I will yield to Delegate Villagomez.

Delegate Villagomez: In addition to the existing corporations not being affected by this amendment also if they continue to exist under the current provision, which is fifty-one percent, then they would not be affected by the one hundred percent. If they go below the fifty-one percent, even after the effectiveness of this amendment, that's when they would lose their ability to

own land. So the effectiveness of fifty-one percent to those corporations that now exist will continue in to the future even after the approval of this amendment. I want that to be very clear in the record for court purposes. Thank you.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: I just want to say this now that if the existing constitutional provision is not doing any good for the island, in particular, of Rota, I wonder how this would do more better for the island of Rota.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: Thank you, Mr. President. When we voted on the Covenant o we were campaigning for the Covenant, many of our people were very concerned about what is going to become of our land and many of them opposed that Covenant based on that thinking that they would lose their land. Now, the people that went out to campaign for that document assured that with the provision in our Covenant and a further provision in our Constitution, our lands will be protected and that persons of non-Northern Marianas descent would not buy lands, except pursuant to the provision that is included in the Constitution. Now, after hearing the discussion on the measure, I have gotte the impression that individuals of non-Northern Marianas descent are now holding lands here in the Commonwealth. From the public hearing that was conducted by the Committee on Local Government, did the Committee get that information or get the information as to how many non-Northern Marianas descents are now holding land in the Commonwealth under the guise of Section on Corporations?

Delegate Nabors: May I respond to that?

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I apologize to my colleague, Delegate Ogumoro, if we conveyed the impression that there were persons of no Northern Marianas descent or corporations holding land. What is happening is that individuals are forming dummy corporations using people of Northern Marianas descents as fronts. They go to the lawyer with the foreign investor the lawyer prepares the corporation documents, they all sign and go outside the lawyer's office and the local person gets paid of. Here is your fifty-on percent share, see you next year and in the interim I will vote your share.

Delegate Ogumoro: I'm still not satisfied. Did the Committee make that finding, or did the Committee learn anything in their investigation with regards to this question that I'm now posing?

President H. Guerrero: Can a member of the Committee answer that? Delegate Torres?

Delegate Torres: Yes. I think Delegate Ogumoro hit on the key word -- guise It is extremely difficult to detect these kinds of people because they are using guises. As a matter of fact, we requested the Registrar of Corporation to be present in this public hearing and unfortunately we got the letter which says that the Registrar doesn't know anything.

Delegate Ogumoro: Now, thank you very much, Delegate Torres. I am not going to support any further amendments on anything that has to do with land aliena

tion until we start correcting what is really happening, until we find out what is really wrong with the present system. I think something is going on. We got to be honest to our people. I would like to get that information. I'm sure that a lot of our people that do not know what is going on are not aware of what actually is happening in the Commonwealth. I would like to have that information so that I could go out to the people of the Northern Marianas and tell them exactly what is happening in the Commonwealth. The termination of the Trusteeship Agreement has not been terminated yet and these kind of abuse or shall we call them abuses, are now ongoing. Now, what is happening to us?

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. In my previous discussion on thi same matter, I mentioned that time that I was quite concerned about the gradu but progressive loss of land and I had been looking around for the loophole. There must be a loophole somewhere in our laws -- Constitution. And most of us have probably seen the tremendous increase in number of ownership of lands government lands and private lands in the Marianas by outside investors. And I also mentioned at that time that there were guises who are hiding behind the fifty-one percent vote rights and also behind the very word being labeled as a Northern Marianas descent -- the corporation of the Northern Marianas descent. Now, we have found the loophole. What we are doing now is just plugging up the loophole; so simple as that. We have found the loophole and these people have been using us, using our names, hiding behind the false title of Northern Marianas descent, using our people and playing with the fifty-one percent voting rights and power. So I think the Committee have fou the loophole. This is not the only loophole, I'm sure. There are many other areas. We have to really dig it down deeper into land alienation business corporation. I have a feeling that these are the two other major leaks in ou land, you know, land going into outsiders or alien corporation. So, it's so simple as that. We have found the defect or the loophole in our law and we are now in the process of plugging it. And after the effect or the conse-quences, after we plug with hundred percent as the Committee used, then the leak will slow down, then we have time to sit back and analyze how can we go about these. Probably we can make it more stronger by bringing out more powe on the part of the people of the Northern Marianas in this area. And this maybe would double plug the same loophole. Thank you, Mr. President.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: Mr. President, I have two questions to the Committee. First, is it correct that the present corporations that are incorporated unde the fifty-one percent would be grandfathered by this committee recommendation Is that only for one year during the livelihood of this, or every year we hav to, or is it indefinite?

Delegate Nabors: It's indefinite as long as the corporation, the ownership does not go below fifty-one percent, as Delegate Villagomez has pointed out earlier. But only, or presently, only for land that you have already acquire you may not acquire any more.

Delegate Villanueva: The other question is, can you persuade me to believe that those people who appeared in the public hearing are not in favor of this hundred percent so they will be protected?

President H. Guerrero: Can any of the members has response to Delegate Villanueva's question?

Delegate Torres: Please repeat your question and try to be more specific?

Delegate Villanueva: In line with the question that Delegate Nabors answered that those people who are incorporated now under the fifty-one percent will b grandfathered after the effective date of this one hundred percent requiremen Those people who appeared in the public hearing who testified and are representing real estate brokers or corporations, I want the Committee to persuade me that these people or these representatives are not really in favor of this so that they will be protected from other competitions that might come in.

Delegate Torres: May I answer that?

President H. Guerrero: Delegate Torres?

Delegate Torres: I think Delegate Villanueva is kind of twisting things around by saying that those who were present are not in favor of this.proposa I find that kind of eccentric. Anyway, let me answer it.

Delegate Villanueva: I'm saying that they are in favor.

Delegate Torres: Are you saying they are or are not in favor?

Delegate Villanueva: I'm saying that can you persuade me that they are in favor of this because they are protected.

Delegate Torres: Okay. I asked a specific question about this specific provision. We all recognized at that public hearing that it is not working so I posed the question. The fact that it is not working, should the fact that it is not working convince us to repeal the entire section. The answer was negative. Okay. So I asked again. So how then can we improve this section if you do not want to repeal it since it is not working. Judge Laureta came out with a pretty novel idea when he said that you should tighten that thing up but you should also recognize that you still need investors to come in. Th way to do that is to extend the life of the leasehold interest.

Delegate Nabors: May I also provide an information to my colleague?

President H. Guerrero: Delegate Nabors?

Delegate Nabors: It may boil down, Delegate Villanueva, those individuals ar in existence today, they are controlling land. And actually, I guess the bottom line is that it is a lesser of two evils. So you close the loophole t avoid further proliferation, or do you leave it as it is which is sure to increase.

Delegate Villanueva: Well, the question I'm asking is this. Why don't we ju close the loophole and not give those people the opportunity to acquire more lands through the guise of fifty-one percent local ownership?

Delegate Torres: I think this proposal will close that loophole. But as Delegate Villagomez and as Counsel Lizama and I'm sure Colleague Nabors had explained that we cannot make laws applied retroactively, cannot. It's just like the case of aliens getting permanent residency, they have vested rights already. We cannot correct the wrongs already. What we are trying to do is to prevent future wrong doings. These people have vested rights already. We cannot take it away from them. So I think this proposal will prevent, will close future loopholes. Thank you.

Delegate Villanueva: Would this stop those guises who have twenty-one percen ownership from continue owning other land?

Delegate Villagomez: They cannot buy new lands.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: What we are saying then, Mr. President, that the framers of our Constitution failed us?

Delegate Villagomez: Yes.

Delegate Nabors: Point of information.

President H. Guerrero: State your point, Delegate Nabors.

Delegate Nabors: The framers of the Constitution attempted to stimulate the economy. As one of the witnesses in the hearing, Mr. Manuel A. Sablan, said, he, too, was a framer or in the Covenant had attempted to provide a vehicle t stimulate investments and it didn't work. They didn't fail.

Delegate Mafnas: It did not work?

Delegate Nabors: It is not working.

Delegate Mafnas: So as a result of the failure of the framers, many of our people were robbed. Is that what you are saying here and we should stop them from being robbed tomorrow and day after tomorrow?

Delegate Nabors: Certainly to that effect.

Delegate Mafnas: Mr. President, if that is the case, then I condemn the framers of the first Constitution of the Northern Marianas.

Delegate Villagomez: Thank you.

Delegate DL. Guerrero: Point of information, Mr. President.

President H. Guerrero: State your point, Delegate Guerrero.

Delegate DL. Guerrero: Yes, you know, the concern raised by Delegate Mafnas about the framers of the First Constitutional Convention, it is now the peopl are being ripped or being robbed. I think that's an incorrect statement.

Delegate Torres: Point of information.

President H. Guerrero: State your point, Delegate Torres.

Delegate Torres: I think that the framers, although I have my own observatio had intended to protect the people within that fifty-one percent; but you kno I mean we are operating on assumptions and I'm sure they also did operate on that assumption. We have experienced the fifty-one percent for seven years. It's not working. We also have experienced the remodeled system of Local Government; it's not working. So I guess the purpose of this Convention is t look at these things and make them work. Thank you.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Yes, Mr. President, I agree that the fifty-one percent is not working. And I can tell you why. Because I, for one, if a client comes to me and says, incorporate fifty-one percent at a title holding compan I would say, no, because this does not give any much assurance to outside investors. Now what we have here is really providing for this kind of a system where legitimate corporations can come here and take advantage of this as oppose to illegitimate corporations. Now, that's why I'm saying that there's nothing wrong retaining this one because this is not working. Now, a client comes to me and says he wants to form a title holding company. I'll say, wel before you do that -- there are two possibilities actually. First, I could have that land leased to that person after the company buys it. So it's not working. That's very true; it's not working. But imagine, increasing it fro fifty-one percent to one hundred percent, you are going to be eliminating the alternatives and that is to provide for opportunities for legitimate corporations to be established in the Commonwealth and the people of the Commonwealt can take advantage of that by becoming participants in that corporations. An like I said earlier already, the possibilities of those individuals perhaps can acquire some kind of a future interest in the company.

Delegate Torres: Point of information.

President H. Guerrero: State your point, Delegate Torres

Delegate Torres: Yes, we do recognize legitimate and illegitimate business. I think this amendment, in addition to the accompanying amendment which is 19 would take care of that problem. What we are saying here is, okay, we recognize a problem; lands are being taken away from us. What can we do? Let's try to prevent that from happening again. Well, what do you do with economic development? Well, let's not stiffle it. Let's attract more foreign investors. How do we do that? Extend leasehold interest. In this scheme not onl will the local people benefit from an extension of leasehold interest but the outside investors as well because the investors will have enough time to recover, to amortize their capitalization cost and at the same time maximize profits. And then by all means depart for a greener pasture elsewhere. Than you.

Delegate Nabors: Motion to end debate.

President H. Guerrero: No. Delegate Reyes?

Delegate Reyes: Just a short notice here, Mr. President. Maybe to release a little of the fear of our colleagues on abrupting this corporation, I'd lik to just mention that the outside capital can still be attracted here by the use of other forms of businesses such as partnerships, subsidiaries, agencies sole proprietorships and foreign corporations. These are still available for outside capital to come in. And perhaps if the corporation is one hundred percent CNMI, then they can go on a truly, evenly divided partnership and businesses. Thank you, Mr. President.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Mr. President, we've gone over the same grounds over and over again. I move to end debate.

Delegate Nabors seconded, and the motion was carried by voice vote.

Delegate Mafnas: Privilege.

President H. Guerrero: State your privilege.

Delegate Mafnas: I would like the record to show that the Second Northern Marianas Constitutional has come to rescue the wrongdoing or the failure of the framers of the First Northern Marianas Constitutional Convention. Thank you.

At this point, Secretary Nabors started calling the roll.

President H. Guerrero: Just before you do that, let me state that we are voting on the Committee Substitute for Committee Recommendation No. 40, as technical amendments were made. Secretary Nabors, can you take the roll call

Secretary Nabors called the roll, and the motion to adopt the Substitute Committee Recommendation for Committee Recommendation No. 40 on Second and Final Reading was voted on as follows:

YES: Delegates Vincent Calvo, David Cing, Herman T. Guerrero, Lorenzo DL Guerrero, Alonzo Igisomar, David Igitol, Benusto Kaipat, Estevem King, Luis Limes, Jesus Mafnas, James Mendiola, Paul Manglona, Aniceto Mundo, William Nabors, Karl Reyes, Joaquin Tenorio, Francis Tomokane, William Torres, Ramon Villagomez and Ignacio Villanueva. (20 votes)

NO: Delegates Juan Lizama and Felicidad Ogumoro. (2 votes)

ABSENT: Delegate Maria Pangelinan.

And the motion was carried.

Secretary Nabors: Mr. President, I have 20 affirmative votes, I have two negative votes, I have one abstention and one absent.

Floor Leader Lizama: Point of information, Mr. President.

President H. Guerrero: What's your point.

Floor Leader Lizama: Delegate Nabors, two negative votes?

Secretary Nabors: Yes, Delegate Lizama and Delgate Ogumoro.

President H. Guerrero: Committee Recommendation No. 40 passed by 21 votes. The Chair would like to recommend in view that we have been working nights fo the past week that it might be in the best interest that we might have a good night rest. And if no one objects, the Chair would like to suspend the Order of Business and probably go back under (f), Committee Recommendations, to include Committee Recommendation No. 66 and also to consider it as First Reading so we can entertain it tomorrow on the General Orders.

Delegate Torres: Mr. President, is that 66 or 65?

President H. Guerrero: Excuse me, 65.

Delegate Mafnas: No objection.

COMMITTEE RECOMMENDATIONS/REPORTS

President H. Guerrero: Can I call then on Chairman Lizama to submit your report on Committee Recommendation 65?

Chairman Lizama: Thank you, Mr. President. Mr. President, the Committee on Governmental Institutions submits Recommendation No. 65.

President H. Guerrero: The Chair accepts Committee Recommendation No. 65. Ca you read the title at least for introduction and consider it as First Reading

INTRODUCTION, FIRST READING AND REFERRALS OF PROPOSALS

Chairman Lizama: This is a proposed constitutional amendment to amend Sectio 2(a), Section 3(a) and Section 3(b) of Article II of the Northern Marianas Constitution relating to the composition of the Senate and the House of Representatives.

President H. Guerrero: Thank you, Chairman Lizama. Now we'll go all the way down to Miscellaneous, Item (M). Chairman Lizama?

MISCELLANEOUS BUSINESS

Chairman Lizama: Mr. President, on behalf of the President, I move to reconsider Committee Recommendation No. 26 on the Washington Representative. Pursuant to Rule 51(c), the vote on this motion to reconsider will come under Second and Final Reading on Saturday.

Delegate Mendiola seconded the motion.

Delegate Mafnas: No problem.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, I move to reconsider page 6 of Committee Recommendation No. 41 on Local Governemnt. Pursuant to Rule 51(c), the vote on this motion to reconsider will come under Second and Final Reading on Saturday.

Delegate Nabors seconded the motion.

President H. Guerrero: Under our Rules, this will be considered on Saturday.

Delegate Mendiola: Mr. President, I move to reconsider Committee Recommendation 20 on Land Acquisition, under Rule 51(c), on Saturday.

Floor Leader Lizama seconded the motion.

Delegate Mafnas: Mr. President, what was Delegate Manglona's motion?

President H. Guerrero: Can you restate your motion, Delegate Manglona?

Delegate Manglona: Yes. The motion I made was to reconsider page 6 of Committee Recommendation No. 41 on Local Government. Pursuant to Rule 51(c), the vote on this motion to reconsider will come under Second and Final Reading on Saturday.

Delegate Mafnas: Mr. President, I have no objection to that and I will ask the Chair not to place it on the first Order of Business. No, not on the first.

President H. Guerrero: That's the prerogative of the Chair.

Delegate Mafnas: I will ask the Chair to....

President H. Guerrero: Delegate Nabors?

Delegate Nabors: I would like to make a motion to reconsider Committee Recommendation 16 on ratification of the proposed amendments and be placed on Saturday's calendar or subsequent.

Delegate DL. Guerrero seconded the motion.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: Thank you, Mr. President. I would like to move that we reconsider Committee Recommendation No. 40, with all due respect to the Committee on Local Government, relative to corporations.

Delegate Mafnas seconded the motion.

Delegate Ogumoro: And I also would like to move that we reconsider Committee Recommendation No. 42 relative to gambling. Thank you.

Delegate DL. Guerrero seconded the motion.

President H. Guerrero: Was there a second to both motions? If there's no second, so at least it would require a majority votes according to Rule 51 at such time whether it can be taken up. All these reconsiderations will be tak up on Saturday at the earliest, pursuant to our Rules. Yes, Delegate Mafnas?

Delegate Mafnas: Mr. President, are we voting on the reconsideration? When are we voting on the reconsideration?

President H. Guerrero: According to our Rules, subsection (c) of Rule 51, it states: "A motion to reconsider in a Convention may not be called upon to th second day after it is moved and shall require an affirmative vote of majorit of the delegates to the Convention." So the vote is on Saturday. They are just basically giving notice.

Delegate Mafnas: Okay.

President H. Guerrero: Any other miscellaneous? If none -- yes, Delegate Limes?

Delegate Limes: Thank you, Mr. President. Tomorrow at three o'clock there i a ceremonial....

President H. Guerrero: Can we wait until Announcements?

Delegate Limes: Well, wouldn't that be a miscellaneous? There was already a announcement that was passed out yesterday. I'm just reminding, Mr. Presiden about the time tomorrow which is three o'clock for my fellow delegates whoeve would like to go down to be with us tomorrow at 3:00 p.m. Thank you, Mr. President.

President H. Guerrero: My apology, Delegate Limes. I'm somewhat tired. So

probably if we have a good-night sleep tonight and come in early and then probably recess before or adjourn tomorrow at least an hour prior to the convening in view that you are the Master of Ceremony. Delegate Mafnas?

Delegate Mafnas: May we have a list of those committee recommendations that we passed by tomorrow, Mr. President, for our inventory? Those that had already passed the Convention or had been adopted by the Convention, can we have a clean sheet listing them?

President H. Guerrero: We do, but we have not taken up as of today.

Delegate Mafnas: By tomorrow.

President H. Guerrero: By tomorrow? Okay. The status sheet, in other words

Delegate King: Mr. President?

President H. Guerrero: Yes.

Delegate King: I was thinking that it is better for us to rest tomorrow rather than tonight because the Carolinian Affairs are inviting us to come down tomorrow at three o'clock and the wake also. So I think if it's possible to work tonight at least up until ten o'clock.

Delegate Nabors: I nominate Delegate King to work tonight.

(Laughter)

President H. Guerrero: Delegate King, if we have a good-night sleep so we can.... It seems like the debate is going around in circle and we kept asking probably the same....

Delegate King: No, I'm not debating. I'm just making a suggestion.

President H. Guerrero: Well, the Second and Final Reading is debate and it's best if we get a good-night sleep and be well rested and come in early in the morning, like eight o'clock and start from there.

Floor Leader Lizama: Eight o'clock or nine o'clock, Mr. President?

President H. Guerrero: Eight-thirty.

Delegate King: Seven-thirty.

Delegate Mendiola: Mr. President, make it 7:30 so everybody could be here at 9:30 as usual.

Delegate King: I believe we never conducted our meeting on time so why don't we come here 7:30?

President H. Guerrero: Because when we say 7:30, everybody shows up later. But can we make it at 8:30? If there's no objection, we'll adjourn until tomorrow at 8:30 promptly.

There being no objection, the Convention adjourned at 5:53 p.m. and to reconvene at 8:30 a.m., Friday, July 19, 1985.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary

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The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:24 a.m., Friday, July 19, 1985, at the Convention Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

Secretary Nabors called the roll, and 19 members were present. Delegates Igisomar, Lizama, Pangelinan, Villagomez and Villanueva were absent.

Secretary Nabors: Mr. President, I have 19 delegates present.

President H. Guerrero: We have a quorum and a majority to conduct the Order of Business. Before we proceed, the Chair would like to appoint Delegate Mendiola as the Acting Floor Leader in view of the Floor Leader not being here.

Delegate Mafnas: Suggestion. Will you kindly appoint him permanent Floor Leader?

Delegate Inos: Second.

ADOPTION OF JOURNALS

President H. Guerrero: Can I call on -- wait a minute. Where's the Summary Journal? Can you go check where's the Summary Journal back there?

Secretary Nabors: Point of privilege, Mr. President.

President H. Guerrero: State your privilege.

Secretary Nabors: I'd like to have the delegates recognize the former member of the Marianas District Legislature and judge, Judge Salas.

(Applause)

Delegate DL. Guerrero: Welcome to the Chamber, Judge Salas.

Delegate Mafnas: Point of information, Mr. President.

President H. Guerrero: Yes, Delegate Mafnas?

Delegate Mafnas: It appears that we have also a Protocol Officer in the Convention and I would like the Chair to recognize the appointment of Secretary Nabors as the Protocol Officer of the Convention.

(Laughter/Applause)

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margins. [illegible] 30 numbers should be centered in [illegible] at bottom.

President H. Guerrero: In view that the Thirty-First Day's Summary Journal is currently being xeroxed, can we move on to the other business and suspend that until it's ready? So we move on to Communications.

Acting Floor Leader Mendiola: No objection.

COMMUNICATIONS

None

COMMITTEE RECOMMENDATIONS/REPORTS

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters has nothing to report to this Convention this morning.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government, likewise, has nothing to report.

President H. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President. No report from your Committee on Personal Rights and Natural Resources.

President H. Guerrero: Vice Chairman Mafnas?

Vice Chairman Mafnas: Your Committee on Governmental Institutions will report on Retirement, Proposal 216, tomorrow. Now, it has no report.

President H. Guerrero: Thank you.

INTRODUCTION, FIRST READING AND REFERRALS OF PROPOSALS

None

SECOND AND FINAL READING

President H. Guerrero: Apparently, when this thing is being typed up I forgot to include Committee Recommendation No. 36. Can we put it at the bottom? Delegate Mafnas?

Delegate Mafnas: I would like to suggest to the Chair that it be placed at the bottom so that your Committee will have time, hopefully, before we hit it, to meet and recommend accordingly.

President H. Guerrero: Thank you. We'll put it at the bottom after Committee Recommendation 60. Do you want to continue, or shall we suspend and go back to the Summary Journal for its adoption?

Acting Floor Leader Mendiola: Mr. President, since the journal is being passed out, I'd like, if no objection, to go back to the Adoption of Journals to adopt the Thirty-First Day's Summary Journal. I move.

Secretary Nabors seconded the motion.

ADOPTION OF JOURNALS

President H. Guerrero: It has been moved and seconded to adopt the Summary Journal for the Thirty-First Day, Thursday, July 18, 1985. Discussions?

There being no discussion, the motion to adopt the Summary Journal for the Thirty-First Day, Thursday, July 18, 1985, was carried by voice vote.

SECOND AND FINAL READING

President H. Guerrero: Now we are down to Second and Final Reading. Can I call on Secretary Nabors to read Committee Recommendation No. 19?

Secretary Nabors: Thank you, Mr. President. The Committee Recommendation No. 19, Section 3 -- Mr. President, there is a substitute for Committee Recommendation 19, but what I'll do is read the original submission first.

President H. Guerrero: Please.

At this point, Secretary Nabors read Committee Recommendation No. 19 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 19

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article XII, Section 3 to allow the sale and long-term lease of building above the first floor.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"Effective upon ratification, Section 3 of Article XII is amended to read:

"'Section 3: Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property used in Section 1 includes freehold interests, except for a freehold interest in the air space above the first floor of a structure and leasehold interests, of more than forty years including renewal rights. The appraisal value of freehold interests and leasehold interests in real property in the Commonwealth shall be assessed by a professional and/or government-sanctioned appraiser(s) before any business transaction is effectuated.'"

Now I'd like to, if I could, Mr. President, for clarity....

Delegate King: Mr. President, point of information.

President H. Guerrero: State your point.

Delegate King: I believe that Delegate Nabors is reading the wrong proposed amendment.

President H. Guerrero: Before we adopt any substitution or amendment, the original version still has to be what's passed on the First Reading. That's the one being read.

Delegate Calvo: That is correct, Mr. President.

Acting Floor Leader Mendiola: Mr. President, I move that we adopt Committee Recommendation No. 19 for Second and Final Reading.

Secretary Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 19. Before we go on -- excuse me?

Delegate Reyes: Point of information. The adopted version on the First Reading was already substantially changed.

Delegate King: That's right.

Delegate Calvo: Point of information, Mr. President.

President H. Guerrero: State your point.

Delegate Calvo: Yes, the Committee Recommendation No. 19 was deferred on July 16 of '85. There, of course, a proposed floor amendment of Committee Recommendation No. 19 to substitute a new Section 3. This has not been addressed too yet. So I think we are in order and if we should proceed with the motion on the floor now. Thank you.

Delegate King: No, no; this is for Second and Final Reading.

Delegate Reyes: We can offer the adopted on the First Reading if that's what we need to resolve.

President H. Guerrero: Can I get Secretary Nabors?

Secretary Nabors: I don't have my copy.

Delegate Mafnas: I move for a five-minute recess so we can get the documents in order.

Delegate Calvo seconded the motion.

President H. Guerrero: Five minutes recess.

The Convention recessed at 9:35 a.m.

RECESS

The Convention reconvened at 9:38 a.m.

President H. Guerrero: The session is back to order. Secretary Nabors, can you read the corrected version please?

Secretary Nabors: Thank you. Committee Recommendation No. 19, as amended by the Committee of the Whole on July 10, 1985.

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article XII, Section 3 to allow the sale of long-term lease of building above the first floor.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

"Effective upon ratification, Section 3 of Article XII is amended to read:

"'Section 3: Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property used in Section 1 includes freehold interests and leasehold interests of more than fifty-five years including renewal rights, except an interest acquired above the first floor of a condominium building. The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the land owner before any sale or long-term lease is executed regarding that land. Any land transaction in violation of this section shall be void.'"

Acting Floor Leader Mendiola: Mr. President, I'd like to move that we adopt Committee Report No. 19 for Second and Final Reading.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 19. Discussions? Secretary Nabors?

Secretary Nabors: Mr. President, your Committee on Local Government has a substitute measure. I would like to move to amend Committee Recommendation No. 19, as amended to be substituted as follows:

"Section 3. Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property used in Section 1 includes freehold interests and leasehold interests of more than sixty years including renewal rights. The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the land owner before any sale or long-term lease is executed regarding that land. Any land transaction in violation of this provision will be void." I so move.

Acting Floor Leader Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 19 to substitute a new Section 3. Discussions? Delegate King?

Delegate King: Thank you, Mr. President. I believe that this floor amendment was prepared by only few number of people from that Committee and it was addressed by the Committee on Local Government as a whole. I believe that there's been something going on here, Mr. President. This Committee Recommendation or floor amendment defeats the entire concept of

the Committee Recommendation No. 19. And I urge all the delegates here not to vote this or not to pass this floor amendment.

Delegate Torres: Point of information.

President H. Guerrero: State your point, Delegate Torres.

Delegate Torres: Delegate King is making a false accusation and I suggest very strongly that he checks with the Chairman and the other members first before he ventures into making a wild accusation. Mr. President, this, as was mentioned yesterday, is a companion amendment to handle the problem of corporation. And that was very explicitly explained yesterday. I do not understand how Delegate King can make a wild accusation on that.

Delegate King: Point of information.

President H. Guerrero: State your point, Delegate King.

Delegate King: If that's the understanding, may I ask why was the reason that they deleted the phrase "except as an interest acquired above the first floor of the condominium building"?

President H. Guerrero: Point of order. When you are stating a point of information, you are just providing information; you are not asking questions. Therefore, you need to just restate your points, the information you need to provide to this Convention.

Delegate King: So I'd like to point out to my members, Mr. President, that there's a phrase that the floor amendment deleted from the Committee Recommendation No. 19.

President H. Guerrero: I call next Delegate Reyes.

Delegate Reyes: Thank you, Mr. President. Mr. President, we are aware that the Legislature has passed the condominium law and still that condominium law does not really address the situation that we have right now. On this Committee Recommendation No. 19, it proposes to address that issue and originally we had the intent to have the second floor and above to be able to sell it outright and continue to have the first floor on the general areas given to the owner of the land. And that will not in any way circumvent the owner from going into that hundred percent ownership on the corporation as well as the owner's right to continue to make money on his property. The concern here, Mr. President, is that the land owner when he goes into this process of condominium when we have lack of population is for him to unload on the first year if possible all of his expenses so that he could recover. And with the absence of this ability to sell, he will have to lease this out so no matter how many years you include or you extend the term of lease, the recovery would just extend to that number of years. So the intent of that sale above the second floor is to recover the expenses so tat we can see a development on this kind of improvements -- the condominium. So I urge, Mr. President, my colleagues to support the sale of the second floor and above outright and this will just maintain the ownership of the ground area and the common areas to the landowner which I, on the First Reading, explicitly explained that the ownership of land will be retained and will never change, and it will address the hundred percent corporation that we just passed yesterday. Thank you very much, Mr. President.

President H. Guerrero: I call next Delegate Manglona.

Delegate Manglona: Mr. President, the Committee on Local Government intentionally deleted "except an interest acquired above the first floor", not as Chairman King indicated that it was not related to our amendment on Section 5 of this Article. We feel that this amendment was to amend only the forty years to sixty years to accommodate those investors that would have been discouraged by the hundred percent requirement on Northern Marianas descent corporation. I guess the Committee did not see the need for the first floor; I mean, the airspace.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Thank you, Mr. President. Just a question to the Committee. Looking at this, I think the intention of the first proposal and the second, does this mean that any aliens could own condo here in the Northern Marianas, or just lease for sixty years?

President H. Guerrero: Delegate Nabors, are responding to that?

Delegate Nabors: Thank you. Under the proposal adopted by the Committee of the Whole to Committee Recommendation No. 19, alien would be able to own a free title to spaces above the first floor. We, in the Committee Substitute, deleted that because we felt that it would be very disjunctive to under one hand an outsider would lease a piece of land for sixty years and build a condominium and then be able to sell free title above the first floor. You would therefore, be in a situation where you could sell more than you had lease. Now, if the understanding is that the land owner will develop and lease the space above the first floor, we have no objection. But for a developer to come in and lease for sixty years and then sell free title above the first floor and then until the owner of the land later at the expiration of the lease wanted his land back and the people above the first floor own title, it would create a problem. And the only way the Committee saw that they could accommodate this condominium concept would be for the land owner to own the condominium and be free to sell free title above the first floor.

Delegate Mendiola: Like in the case you just mentioned, if the owner just leased it out for sixty years, what happens to the owners on top?

Delegate Nabors: Precisely. They would then tell the owner of the land at the expiration of the lease, you can't build those such building because I own above the first floor. So, we saw a technical problem and therefore decided to increase the lease period and delete the acquisition or of free title above the first floor. If the land owner is going to be the developer, no problem.

Delegate Mendiola: Yes, but in the other, in the reverse side like some company lease it for sixty years and then sell the condominium. After the expiration of sixty years, what happens to the owners on top?

Delegate Nabors: Precisely, we foresaw this problem and therefore decided that a condominium could only be leased for a period up to sixty years. Free title could not be transferred.

Delegate Mendiola: But on line 5, it says, includes freehold interest.

Delegate Nabors: In our substituted -- line 5 from the top?

Delegate Mendiola: Yes. It says here, used in Section 1 includes freehold interest. So that principle you're saying is wrong once you put a freehold interest on that.

President H. Guerrero: Can somebody of the other members response?

Delegate Torres: May I respond to that?

President H. Guerrero: Delegate Torres?

Delegate Torres: There's nothing wrong with this. If you look the existing Constitution, this is how it is worded and there's no way that we can circumvent this because you cannot acquire. You simply cannot acquire a permanent and long-term interest. Acquisition to long-term and permanent interest is restricted to persons of Northern Marianas descent. So there's just simply no way that acquisition can come into picture here. Outsiders can only lease.

Delegate King: Mr. President, may I respond?

President H. Guerrero: Are you responding to Delegate Mendiola's question?

Delegate King: Yes. The reason why the Committee on Personal Rights and Natural Resources included the airspace is to consistence with the freehold interest. If we don't have the airspace then the freehold interest words there become noun. It's not necessary. So the reason why that we include the airspace language there because they can hold the freehold interest on the top but not on the first floor.

Delegate Torres: Point of information.

Delegate Nabors: Point of information, Mr. President.

President H. Guerrero: Just a minute. Let him finish first. Are you finished, Delegate King?

Delegate King: Not yet. And another thing, Mr. President, is no matter how the second floor above the first floor, whoever own it, the person that own the land on the first floor, always retain the title -- retain the title by our local people. So they have the flexibility to lease the land above the first floor to anybody on a freehold interest rather than the leasehold interest.

President H. Guerrero: State your point first, Delegate Torres, and then Delegate Nabors.

Delegate Torres: Yes, I would like to direct the two gentlemen's attention to page 25, Section 1 and Section 3 and I think they would agree wholeheartedly that acquisition is restricted to persons of Northern Marianas descent. Thank you.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: That was my point. Thank you.

Delegate Mendiola: Follow up question.

President H. Guerrero: Do you still have a question? Continue please.

Delegate Mendiola: Thank you, Mr. President. I could see the point. My point here is that if a company leases the land for sixty years and you sell somebody on top of that land. Like condo, you sold it for whatever price and you give him a freehold interest. What happens? It say here, includes freehold interest. What happens if the sixty years is up? What happen to the owner on top?

Delegate Nabors: You can't hold it beyond sixty years.

Delegate Mendiola: Okay.

Delegate Reyes: Mr. President.

President H. Guerrero: Delegate Reyes, are you responding?

Delegate Reyes: Yes. On that line, I'd like to say that the freehold interest was drawn in there because of the potential ownership for the outsiders on the second floor and above. And the reason for my introduce. of that is because it will allow our own people of Northern Marianas descent to get into this concept of development -- condominium. If we just restrict this up to sixty years or seventy-five years, we will continue to see it only outsiders who have the money to come in and build and lease. But if we provide the sale, our own people, even probably someone or somebody from us, among ourselves who has land can go into this if he calculates how much he's gonna sell up above and recover his expenses and he will continue to have this property forever. Thank you.

President H. Guerrero: Are you responding to a question, or are you adding on?

Delegate Nabors: I'm adding on.

President H. Guerrero: Please, Delegate Nabors.

Delegate Nabors: Mr. President, colleagues, we do not have any reservations about indigenous owner developing a condominium and selling free title above the first floor. Our problem lies in the fact that an outside developer would lease land for sixty years and sell free title for ninety-nine years above the first floor. And it's disjunctive; you cannot do that. Now, Delegate Reyes distributed to us a legal opinion from an attorney and the attorney points out, on page 5, that a forty-year lease for a condominium development is pretty substantial length of time that would entice individual investors to invest in leasehold units. What we did was to give you an additional twenty years. If forty years will entice an outside developer, sixty years would be a greater enticement. So, we have no problem with the concept of an indigenous person developing condos and selling above the first floor. But we find it very awkward and probably illegal to have an outside developer lease land for sixty years and sell above the first floor for ninety-nine years.

Delegate Reyes: Mr. President, just to add into that. I'd like also to point out on the same legal opinion that states that for the developer to

do that he has to put it out on his prospectus -- on his offering showing that that is their limitation. So if he sells and puts out the limitation of forty years, or in this case sixty years, then the buyers are put on notice and this will not be in conflict with the forty years or sixty years or even ninety-nine years. Thank you.

President H. Guerrero: You're finished, Delegate Mendiola?

Delegate Mendiola: Yes.

President H. Guerrero: Let me call on Delegate Calvo now.

Delegate Calvo: Thank you, Mr. President. The intention of course, is well taken here, Mr. President, but I have few questions that have to be answered before I finalized my decision here. The section on the -- I'm talking now on the proposed floor amendment, that any land owner before any sale has been executed has to be professionally appraised too?

President H. Guerrero: Are you finished?

Delegate Calvo: Yes, I'm waiting a response from Delegate Torres.

President H. Guerrero: Are you responding, Delegate Torres?

Delegate Torres: Perhaps this is the right time to re-examine MPLC again. Maybe this is one responsibility of MPLC and we should let MPLC do this -- the appraising. Yes, I see your concern, Delegate Calvo, and I am sensitive to that concern because it doesn't make sense for brothers to enter into an agreement to transact land exchange for one dollar and yet be required to obtain an appraisal. But as I understand, professional appraisal, they go on a percentage basis -- the commission. Let's say that the value of the land, I mean, you're going to sell your land for one dollar. Of course that appraiser wouldn't get that much; you wouldn't pay that much. So, what happens in the situation where you would sell your land for five hundred dollars and or more than five hundred dollars? Okay, perhaps we should re-examine MPLC and maybe we can give this responsibility to MPLC so that those indigenous who are unable to defray this exhorbitant cost could get a little break. Perhaps this is in line with the Micronesian Legal Service concept. Those who hire above certain income level will not be able to pay. Thank you.

Delegate Calvo: Thank you, Delegate Torres.

President H. Guerrero: Do you still have questions, Delegate Calvo?

Delegate Calvo: Yes, it was answered. Mr. President, I was so concerned about this because on the island of Rota and I think this is also true in Saipan and Tinian that people do sell their land to their brothers or sisters and I feel that the language now before us is of course in conflict. Because if we have to force and we'll provide a provision in the Constitution that the land must be professionally appraised before any land transaction has to be made, I feel that the immediate cultural influences will be out of this thing. It has been practiced that brothers sell their land to another family member. And this is the only part that I wish to see if at all possible that we can language it out that it will only encroach the area of commercialization, and I'm stating a point here. Thank you very much, Mr. President.

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President H. Guerrero: Let me call next is Delegate Inos.

Delegate Inos: Thank you, Mr. President. On the amendment, I would be satisfied I think with the first sentence. I know that we are overly protective in including the second sentence, but I do have concern as raised by Delegate Calvo. Since we are not sure of who will do the appraisals or maybe why don't we just strike this out, because that will take care then of our family transactions. I'm very much concerned also of family transactions. Will they have to go through professional appraisal before they transact any of their land?

Delegate Torres: Point of information.

President H. Guerrero: Delegate Torres, are you replying to Delegate Inos' question?

Delegate Torres: As I had mentioned, since we have not passed the MPLC amendment, maybe we can attach a rider to that for MPLC, among others, to be responsible for those indigenous who are unable to afford such a potentially exhorbitant fee. The concept would be again in line with the Micronesian Legal Service using income as a baseline. Thank you.

Delegate Nabors: Point of information. I do not believe that we need to address that issue for the reason that Article XII only deals with outsiders. Transactions between two people of Northern Marianas descent would not be applicable.

Delegate Manglona: Can you repeat that, Delegate Nabors?

Delegate Mafnas: Where does it say in the proposal?

Delegate Nabors: Well, the entire Article XII deals with acquisition by persons who are not of Northern Marianas descent. So, implicitly, you don't encounter that problem between two persons of Northern Marianas descent.

Delegate Manglona: Mr. President, can I answer in line to that?

President H. Guerrero: I need to recognize Delegate Kaipat first.

Delegate Kaipat: Thank you, Mr. President. I think the confusion in this issue is the definition of freehold interest and leasehold interest. I was wondering if there anywhere in our Constitution or statute indicating that an alien or the outside capitalist could be permitted under the free-hold interest. Is there any law indicating that the people from Hongkong or Japan or business venturists could hold freehold interest in the Marianas? Anywhere?

President H. Guerrero: Can somebody or any of the members answer that? Delegate Torres?

Delegate Torres: If Delegate Kaipat opens his analysis and turn to page 169, I think the answer will be no.

Delegate Kaipat: Okay, no. Okay, the definition of freehold interest.... Can I continue, Mr. President?

President H. Guerrero: Please, Delegate Kaipat.

Delegate Kaipat: The definition of freehold interest is an estate in land held for life or with the rightful to pass on through inheritance. In other words, whoever, we allow to take that second floor can turn around and give to his son and his generation. So this could go on and on for a man from Japan. Okay, I understand the point. First, we know that they cannot own anything, as far as the land is concerned, under the freehold interest. The second thing is, is there any law that they can hold airspace? For example, the second floor and up, if we are talking about condominium. Is there any law indicating that they can hold the air? Since they cannot hold the land, can they hold the airspace under the freehold interest?

President H. Guerrero: Members of the committee?

Delegate King: The answer is no.

Delegate Nabors: The answer is yes, for sixty years.

Delegate Kaipat: No, no, we are not talking about sixty years now. Now, I can see that there is no law, there's no way....

Delegate Mafnas: Point of clarification. Which one, is Delegate Nabors' or King's, because I'm following the points raised by Delegate Kaipat and I want to be clear. Is there a law?

President H. Guerrero: Wait, wait, wait. Delegate Kaipat still has the floor. Continue please.

Delegate Kaipat: Okay, there is no on both sides -- alien who came in to take land or buy land. And I already stated the definition, estate in land held for life. In other words, whoever come from Japan or Hongkong cannot take the land in Marianas and wholly own for life and that he can pass on through his generation by inheritance which is very dangerous to introduce. So we have the law against that.

Delegate Torres: Point of information.

Delegate Kaipat: We are safe. Number two, I ask the second question whether they can do the same as in the air or airspace, and the answer is "no". So, now we are making a law to make it possible for such an alien to come in and have freehold interest provided in this law and we cut off at sixty years including renewal rights.

Delegate Torres: Point of information.

Delegate Kaipat: Yes.

President H. Guerrero: Are you finished, Delegate Kaipat?

Delegate Kaipat: For my information or your information?

Delegate Torrres: Yes, for your information.

President H. Guerrero: Wait. Delegate Kaipat, are you finished with your question?

Delegate Kaipat: I'm not even halfway.

(Laughter)

Delegate Kaipat: I still have one. I'll let you get some information....

President H. Guerrero: Please, order please. If a person is asking for point of information that's not a priority. Point of order is priority. But point of information, that you'll be recognized when the speaker is finished. Delegate Kaipat, can you continue please?

Delegate Kaipat: I would like to listen to him. It might help along the way. It might help this interpretation. So I'd like to listen to his point of information.

President H. Guerrero: So you have, in other words, other questions to raise.

Delegate Kaipat: I'd like to get an information from him.

President H. Guerrero: Delegate Torres?

Delegate Torres: I just would like to point out that in the Covenant, this land alienation is only guaranteed for twenty-five years after the termination of the Trusteeship. After that, we can no longer control these things. That's why it's very important to do it now so that we can develop and mature and hopefully make mature judgment.

Delegate Kaipat: My point, Mr. President, can I continue?

President H. Guerrero: Continue, Delegate Kaipat.

Delegate Kaipat: Now we all understand that freehold interest, definition of means alien coming in and hold on our land and space for life plus his right to pass on to his generation on the other side. Second, the least the type that Delegate Nabors mentioned couple of days ago about Sakisat land. If we use the word lease that means there's a potential or may a possibility that it will come back to you. So I was wondering why did we put in the freehold interest. Because we want more money from the outsiders? I understand the sixty years to work along the side of that hundred percent ownership by people. I would like to know the reason why we used words "freehold interest" instead of just "leasehold interest".

President H. Guerrero: Delegate Nabors?

Delegate Nabors: The reason that the committee used the phrase "freehold interest" is because it is presently the same language that's in the present Constitution.

Delegate Kaipat: Then I think it was wrong for them to use that. I think this was one of the baits of that leak -- the loophole in our law because

they combine both, the freehold interest and leasehold interest. So I think before you use the word, strike out the freehold interest, at least play along with only leasehold interest, we will retain everything.

Delegate Torres: May I add to that?

President H. Guerrero: Delegate Torres?

Delegate Torres: I think the reason that freehold interest was included there is so that it reflects what Section 1 is talking about. Now, Section 1 discusses permanent and long-term interest in real property. And permanent and long-term interest in real property includes both freehold and leasehold interests. We all know that we cannot sell freehold interests. We cannot sell it permanently. We can sell leasehold interest. So I think I can see Dr. Kaipat's point there, but I think the reason that we include freehold interest here is to reflect what permanent and long-term interest means, or what it encompasses as is specified in Section 1 on page 25.

President H. Guerrero: Are you finished, Delegate Kaipat?

Delegate Kaipat: Yes.

President H. Guerrero: Let me call next Delegate Mundo.

Delegate Mundo: Thank you, Mr. President. Back to the issue on appraisal. Delegate Torres mentioned that MPLC should be given this responsibility. I want to point out that MPLC has three-year life span and I think it won't be possible. Another thing, I feel that it is not proper to give MPLC this responsibility, perhaps in public land; but as far as private properties, I feel that MPLC should not be involved. Thank you.

President H. Guerrero: Let me call Delegate Mafnas.

Delegate Mafnas: Yes, thank you, Mr. President. Will this proposal, in the minds of the members of the Committee really encourage investment? Will it really encourage investment as oppose to the original proposal or recommendation? Delegate Nabors? Will the committee substitute or rather the floor amendment encourage investment as oppose to the original recommendation?

Delegate Nabors: Mr. President, I believe that the extension of the additional twenty years will enhance and encourage more investment.

Delegate Mafnas: Did the committee make an extensive review and research study on this?

Delegate Nabors: Within the time limit allowed in our public hearing, this matter was discussed extensively. Judge Laureta, all the attorneys present seem to favor extending the period, the time that outsiders may be permitted to lease property.

Delegate Mafnas: What is the wisdom or factor that was used to arrive to sixty years and not one hundred years?

Delegate Nabors: Mr. President, we had a division with the committee. I favored ninety-nine years. And in consultation with the committee on Natural Resources and Personal Rights, they favored fifty-five years. So the sixty years was a compromise.

Delegate Mafnas: What factors were used to arrive to sixty years? That was the question.

Delegate Torres: I can answer that.

President H. Guerrero: Delegate Torres?

Delegate Torres: Yes, one is economic factor. We felt that forty years is not sufficient to recover your cost, to amortize, in other words, to amortize your initial capitalization cost and at the same time maximize profits. Forty years is not long enough, especially if you are involved with a huge project -- hotel development project. Now, why not hundred years? Here is the reason. If we increase that to hundred years, then we are in a sense depriving our own people from freely mobilizing their resources from freely transacting with other investors. To extend it to hundred years is unnecessarily long time before you can make another transaction with another investor. So the economic factor was considered at length and the fact that increasing it might deprive the land owner from freely mobilizing and freely transacting with other investors. Those were the two major factors taken into account. Yes, we are divided on this. Actually, I do not want sixty years, but we have to compromise on the corporation. So I would go along with sixty, but to increase it to hundred years is just too long.

Delegate Reyes: Point of information.

President H. Guerrero: Delegate Mafnas, are you finished?

Delegate Reyes: Can I just try to assist on the question?

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Delegates, the longer the lease term, the better your assessment is gonna be on your value of land. In other words, the value of land will appreciate if the term of the lease is long. If it is restricted, it would decrease your value by as much as forty percent. And depending on the location again, it could be as much as sixty percent depreciation on your value.

Delegate Torres: Point of information.

Delegate Mafnas: Mr. President.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I feel the other way that by restricting it to sixty years, you're not giving the freedom to the land owners to transact freely. You're limiting his transaction to sixty years. So I don't accept the logic or the reasoning that by limiting it to sixty years you are giving more mobility to the land owners. My feeling is just the other way around.

Delegate Torres: Can I pacify, Delegate Mafnas, on that?

President H. Guerrero: Delegate Mafnas, are you yielding to Delegate Torres?

Delegate Mafnas: I'm not very excited about this yet, but you can pacify me if you want.

President H. Guerrero: Delegate Mafnas, are you yielding to him?

Delegate Mafnas: I'm yielding for the pacification.

(Laughter)

President H. Guerrero: Can you clarify?

Delegate Torres: In a way, I have to remember a simple fact here -- land does not depreciate. Land appreciates every year. And let's say you have a leasehold interest and there's a substantial improvement as a result of that leasehold interest, then by God the value of your land will go up and will never go down, especially if you're in a beach front area. Your land will perhaps not and will never depreciate, it will only appreciate. By what percentage, that's up to question. But the fact remains that land appreciates and not necessarily depreciates. Thank you.

Delegate Mafnas: May I proceed?

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I read on the paper that one of our local people is pursuing a joint venture for hotel amounting to approximately hundred and fifty million dollars. Will the investor be able to recoup his investment in sixty years -- hundred and fifty million in sixty years? How? Did the committee take that into consideration?

Delegate Torres: Can I answer that?

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Perhaps, Mr. President, if I give a little insight on this maybe, if the delegates have the patience to allow me to just read about five minutes of my prepared statement here.

President H. Guerrero: Please.

Delegate Mafnas: I have all the patience, Mr. President. This is very important and we should allow five minutes patience.

President H. Guerrero: Delegate Reyes, continue.

Delegate Reyes: The Article XII Restrictions on Alienation of Land provide both a benefit and a detriment to the people of Northern Marianas descent. There two proposals will maintain that Article's benefits while minimizing its detriments.

The benefit to restricting ownership of land to those of Northern Marianas

descent is the retention of our most valuable and scarce resource in the hands of our own people. The detriment is that this Article artificially depresses the value of our land by restricting outside investors to short 40-year leases. For instance, Japanese investors who are for the most part conservative and tax-conscious are reluctant to invest (and unable to obtain any substantive tax advantage) in short term leases. This has diminished the value of our land by as much as 40% or more.

We therefore make two proposals: (1) increase the leasehold interest available to outsiders to outsiders to a 75-year or 99-year term as is standard throughout much of the world, and; (2) Allow the conveyance in fee simple of the airspace above the first floor of a structure.

It is interesting to analyze the effect of the airspace proposal. It would in effect allow the sale of condominium units to people of non-Northern Marianas descent without taking away from the owner of the land the right to continue to own and profit from it. It could be expected that such condominium units would be sold primarily to tourists, thus enhancing the Commonwealth's major industry and would not result in wild land speculation since it must involve a structure. It would reward, not speculators in land, but those of Northern Marianas descent (and only those of Northern Marianas descent) who put their land value to its highest and best use. It would benefit those whose use of their land confers a beneficial and snowballing effect on the local economy's No. 1 industry - tourism.

If the owner's use of his land in the above manner has the result of dramatically increasing its value, the owner would always continue by virtue of the fact that he would always own the first floor of the structure. Thank you.

President H. Guerrero: Delegate Mafnas, you still have the floor.

Delegate Mafnas: Yes. I am also concerned about requiring the land owner and I understand the transaction between two brothers. But maybe I'm referring to a transaction between a local and a non-local. Do we really have to put this in the Constitution and require me when I don't want to have my property appraised?

Delegate Torres: Can I respond to that?

Delegate Mafnas: I mean, can we just leave this up to the decision of the people? I think we are overly protected and I am afraid of this, you know, to be overly...

Delegate Nabors: Can I respond to that, Mr. President? Thank you. I agree that you and I have the opportunity or the ability to determine for ourselves what the value of our property. During the public hearing, two things were brought out. And one of which has not been mentioned and I will now mention this.

Delegate Mafnas: Please, don't hide anything.

Delegate Nabors: Again, we go back to the Legislature. In every juris-

diction of which I am familiar, real estate brokers are licensed and regulated, except in the Commonwealth. They are entitled to a fair percentage for their work, ranging from 6 to 10 percent. But our situation, the brokers go out and buy land for fifty cents per square meter and sell it for thirty dollars per square meter, because the Legislature has not passed any legislation to regulate real estate brokers. Now we were thinking in terms of Tan Maria who has no sophistication, who, if an outsider were to come to her house and offer a big money or a briefcase full of money that really might be peanuts in relation to the value requiring that there be some governmental facility available for Tan Maria to go and say, hey, there's a guy who wants my land, he's offering me this money. Is this within reason of the value, or am I being cheated? And it was that motivation that we sought to require a professional appraisal to be rendered and a copy be given the land owner and the land owner will go to the court to file it and perhaps talk to her nephew or niece or relatives to see if she is being cheated or not.

Delegate Mafnas: Yes, I understand that. Do we have a governmental body to assist Tan Maria? You mentioned governmental body. There's no governmental body available. Do we have that? I know that MPLC will perhaps again be addressed, but I think MPLC is charged with public land matters and I don't think MPLC will have to be given this responsibility. Do we have locally appraisers other than Manny Sablan perhaps and there's another one Frank Guerrero? I'm not through yet, Mr. President. I am in support of increasing this to sixty years. I believe that land appreciates; land does not depreciate. And I believe that by extending it longer than sixty, it will benefit the land owner. I have to take the different position that was presented to the committee. And we passed last night the corporations provision to make it one hundred percent Marianas descent. I believe that the equation should be higher than sixty. And I would move for that, Mr. President, as soon as I have my floor amendment. Thank you very much.

Acting President Cing: Let me recognize first a member of the committee. Delegate Torres?

Delegate Torres: Thank you, Mr. Chairman. The goal, as was stated in the committee report on corporations, is not to suffocate our stiffle economic development. We don't want that and you know it. We want economic development, we are for it. But you also have to take into account the vast majority. Perhaps we are the fortunate ones. We know we can make mature judgment. But consider the unfortunate ones who have yet to develop, who have yet to mature, who have yet to see the light at the end of the tunnel. Those are the people that we want to protect. Our goal is to enable this people to develop and to mature just as what was envisioned in the Covenant when this land alienation was restricted to 25 years after the termination of the Trusteeship. I believe that was the overriding concern of those people; and of course, likewise, that is our concern also. We do not want to stop economic development but at the same time we don't also want to see our own people be disenfranchised or disinherited in their own homeland. Now, we talk about outside investors as if they are the ham of the Commonwealth. We have the Covenant money -- $228 million. That's a lot of money to be pumped in to the local economy. Let's not over rely on outside investors. The Covenant funding will enable us to develop our infrastructure needs and at the same time enhance our economic development. Besides, how does the government get, I mean, how much does the

government get from these transient investors? How much do we get from the employment? More often than not these outside investors would bring in its own labor force. So, who are we kidding? Now, the issue of appraisal again, I always believe that the fortunate ones should not be subsidized by the government. The less fortunate ones should be assisted just as what the Micronesian Legal Services is doing. It is based on the principle of ability to pay. If we are unable to pay for a professional appraiser, then I think it is incumbent upon the government to help those less fortunate ones not to be fooled, not to be screwed by unscrupulous people. And we have that, and we have it among ourselves. If not the MPLC...

Delegate Mafnas: Point of information.

Delegate Torres: Then let the government subsidize this and perhaps we can have other agencies to take care of it if we do not want MPLC to handle the professional appraising. Thank you.

President H. Guerrero: Delegate Mafnas, can you state your point of information?

Delegate Mafnas: Yes, Mr. President, yesterday I condemned the framers of the Northern Marianas Constitution because they failed to address this issue. Here we are trying to envision and say that this will be beneficial to our people if we limit it to sixty years. I think we are all going under the assumptions and probably the delegates to the Third Constitutional Convention will condemn us too because we limit the ability of our people to transact accordingly. Thank you.

President H. Guerrero: I'd like to call next Delegate King.

Delegate King: Thank you, Mr. President. I believe that our people here have a good security by owning the hundred percent according to the Recommendation No. 40, to own the interest of the corporation and also we have security by condeming their real property from the outsiders. And I'd like to ask the delegates not to condemn them again on their building. Give these people the privilege to decide on their building. We already, like I said, we already condemned them not to lease their land to the outsiders, foreign investors, for more than sixty years. So, I'll leave it up to them to decide whether or not to lease the second floor to the outsider. We did enough to our prople to condemn them, so let's not condemn them entirely of their interests. So I'd like that the delegates not to pass the substitute proposed amendment.

President H. Guerrero: I need to call on Delegate Villanueva.

Delegate Villanueva: I have two questions for the committee, Mr. President.

President H. Guerrero: Please.

Delegate Villanueva: As I read this substitute amendment, I think we are talking about two things here, one is leasing the ground floor and also buying freehold on the second floor and above.

Delegate King: Yes.

Delegate Villanueva: Okay, the first floor -- I don't like the sixty years because, and this is a follow up with the question. In the Constitution is says twenty-five years. Do we have anything in this Convention that extends that twenty-five years to more than twenty-five years?

Delegate Mabors: No, we cannot because it is in the Covenant.

Delegate Villanueva: We are limited to twenty-five years.

Delegate Inos: We can do it within our Constitution.

Delegate Villanueva: Then we're ....

Delegate Inos: Point of information.

President H. Guerrero: Are you finished, Delegate Villanueva?

Delegate Villanueva: No, no, I like the point of information. I'd like to listen to the point of information because I'm asking a question.

President H. Guerrero: Are you providing the point of information, Delegate Inos?

Delegate Inos: Yes, sir.

President H. Guerrero: Please continue.

Delegate Inos: Okay, the point of information, I understood Delegate Villanueva to be saying that we cannot go beyond the twenty-five years. Right?

Delegate Villanueva: I didn't say we cannot go beyond. I said, is it correct that we are only authorized to restrict the ownership of land to twenty-five years. And according to the Covenant and the Constitution...

Delegate Inos: Under the Covenant, Section 805, the Government of the Northern Mariana Islands must, until twenty-five years after the termination of the Trusteeship, regulate the alienation of permanent and long-term interest in the property. So as to restrict the acquisition of such interests to person of Northern Mariana Islands descent, it also goes further that the local government will define the operative terms of this section including such terms as what we are dealing with. Thus it will be entirely up to the Government of the Northern Marianas and the people of the Northern Marianas to determine the precautions which they will take to prevent their land from being alienated.

Delegate Villanueva: So in other words, we can extend the twenty-five years.

Delegate Inos: Yes.

Delegate Villanueva: Then I'm not worried about the sixty years on the ground floor. Okay, my concern now is on the second floor and above. I

cannot see or imagine anybody who cannot own or who cannot have the right to use the second floor or above spending hundred dollars or hundred million dollars when I can only use it for sixty years. If I spend hundred thousand dollars to buy four floors above the first floor and I'm going to use it only for vacation and my children's vacation and my children's children's vacation and maybe my fourth generation on, I don't think it's wise for me to spend that much money. I would rather go to Cuba or even to the mainland U.S. and buy something above the second floor. So, two things, Mr. President, I'd like to say that I'm in favor of increasing it to ninety-nine years and also I'd like the committee to consider addressing the twenty-five years in the Covenant and also addressing the concern of Tan Maria because even if we put something like this, if the Legislature, if Delegate Nabors get elected and forgot about this because he has a personal interest in real estate and he does not want the real estate broker to be regulated, then we can address ten years and the real estate broker can continue to, what do you call that, not ripped off but screwed Tan Maria. I think the common usage of the language here is proper. I mean, it means something else. But I want to....

Delegate Nabors: Mr. President, I'll yield to Dr. Kaipat. But I want to suggest...

President H. Guerrero: Wait, wait. Delegate Villanueva is not finished yet.

Delegate Villanueva: Mr. President and members of the committee, I hope when you look at this proposal that we're dealing with two things: the ground floor where people are supposed to own it for the rest of their lives if we address the twenty-five years in the Covenant and also look at the interest and the concern that I expressed about investing hundred million dollars on the second floor and above on a condominium or a hotel or a skyscraper. Thank you, Mr. President.

President H. Guerrero: I need to recognize -- Delegate Nabors, are you clarifying things?

Delegate Nabors: Yes, Mr. President, I'd like to yield to Dr. Kaipat and I would then like to suggest that we defer further consideration perhaps later this evening or tomorrow morning so that we can deal with some of the concerns that have been raised. I met with the Attorney General briefly and he is willing to sit down and we'll work over this language concerning appraisal. So I just want that thought out.

President H. Guerrero: Before I recognize Delegate Kaipat, I need to recognize other people that have not spoken yet. First I need to call on Delegate Limes.

Delegate Limes: Just a point of information, Mr. President. I think all of us know the inception of the Royal Taga, the first hotel on the island of Saipan. It was probably in the early part of sixties when Royal Taga was opened. Taking into consideration the time when Royal Taga was opened up to the time, it has not yet reached twenty-five years. And taking into consideration the proposal on the sixties, I think that will suffice a lot of those merits for any transitional matters with regard to condominium. Thank you, Mr. President.

Delegate Reyes: Can I answer that, Mr. President?

President H. Guerrero: Delegate Reyes?

Delegate Reyes: The concept here is how long the business is going to stay alive. The concept, I think, is if you have the existing forty years now and you're dealing with an investor on that forty years, he will only offer you, say, $50,000. But if he is able to take advantage of the lease up to ninety-nine years, he will offer you three times that much. So what we are saying here is that we are depriving our people with their land value because of the restriction on the leasehold. Should that leasehold be longer; then you can maximize the land value because the investors are not restricted. And when it comes to investment, years in the multiples of tens is not really that long. So we're talking about the standard term leasehold and throughout the world is ninety-nine. And this is what is being used to maximize the value of their land. Thank you.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: Thank you, Mr. President. My only concern is, is there really a need for this amendment to our Constitution, the proposed amendment? Are are having problem now under Section 3 or Article XII? If so, perhaps when the committee or if the delegates are going to move for recommitment or deferment of this measure, perhaps we can work for an amendment that would include what the Committee on Local Government is proposing with the deletion of the second sentence. Thank you.

Delegate Reyes: Mr. President, there is a problem now.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. First, I would like to bring out three points. First point will be the duration, the years. In our Constitution it says forty years. Then during discussions in this Convention, we talked about fifty-five years, sixty years and now there is a ninety-nine years coming. You know, I feel that the transaction of such land should be taken place while the old and new generation are still sitting together. Our life span on Saipan or the Commonwealth usually runs between 65 and 75 years. What I mean is how long do we live before we die? That's a life span for the population, 65 to 75 years. And 60 years in between I think is probably the best timing for the father and the son to sit down and talk about Hongkong deal or Japanese deal to transact through their son so the son can take over. If we put in ninety-nine years, we'll be talking to the bones, only the bones. So I think sixty years is a very reasonable time limit. As Delegate Torres mentioned also that it would be nice to extend as far as hundred or ninety-nine years but we should be thinking of certain figures that will allow us to actually transact in a normal fashion way with outside investors.

Delegate Villanueva: Point of information, Mr. President.

Delegate Kaipat: Yes.

President H. Guerrero: Are you yielding, Delegate Kaipat?

Delegate Kaipat: Do you want me to continue?

President H. Guerrero: Normally, the point of information does not, it

will be recognized after the speaker is finished.

Delegate Kaipat: Number two is, this question I would like to yield to Delegate Reyes. In his statement, he mentioned that an absolute ownership of airspace with unrestricted rights of disposition. I would like more clarification on this with the statement made by Delegate Reyes. Can he explain more? I feel halfway empty not knowing what he really mean when he say, an absolute ownership of airspace with unrestricted rights of disposition of airspace.

President H. Guerrero: Delegate Reyes, are you going to response?

Delegate Reyes: Yes, Mr. President. It simply means that when you open up the sale of airspace above the first floor, it simply means tht you are selling that freehold interest. The buyer will hold that unrestricted throughout without any tie down to leases.

Delegate Torres: Point of order.

President H. Guerrero: State your point.

Delegate Torres: We are discussing, I believe, the committee substitute which doesn't include the airspace concept so I recommend that we stick to the substitute at this point.

President H. Guerrero: That's correct. Please limit your discussions.

Delegate Kaipat: My third question over here is airspace again. I think this should be combined when we talk about it.

President H. Guerrero: Unfortunately, we are talking about the amendment right now. So until such time that the airspace issue comes up.

Delegate Kaipat: My third question has something to do with airspace. But I would like to cancel this now because we are not talking about airspace. Thank you, Mr. President.

President H. Guerrero: In view that we were going around for almost an hour and a half on this issue, in view also of the suggestion by Delegate Nabors of probably deferring it and come out with a better language, the Chair would like to recommend, if there is no objection, that we suspend this and take it up when a better language comes up.

Delegate Mafnas: I move to defer, Mr. President.

Delegate Ogumoro seconded the motion.

The motion to defer Substitute Committee Recommendation No. 19 was carried by voice vote.

President H. Guerrero: This matter is deferred. The Substitute Committee Recommendation 19 is suspended. We're going with the next one, 62. Can you read that?

Secretary Nabors read Committee Recommendation No. 62 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 62

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To add a new Section 5(b) to Article II of the Northern Marianas Constitution to safeguard against rampant alienation of Commonwealth of the Northern Mariana Islands.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 or Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Article II is amended to add a new Section 5 (b) to read:

"'Section 5: Permanent Residency in the Commonwealth of the Northern Mariana Islands.

"b) The Legislature shall enact no law which increases the class of non aliens except as to those persons defined in Covenant Section 506 (c).'"

President H. Guerrero: Yes, Delegate Mendiola.

Delegate Mendiola: I move that Committee Recommendation No. 62 be adopted on Second and Final Reading.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 62. Discussions?

Delegate Nabors: Motion to end debate.

Delegate Mafnas seconded the motion.

President H. Guerrero: If there is no objection....

Delegate Mendiola: Mr. President?

President H. Guerrero: Delegate Mendiola.

Delegate Mendiola: I think we have discussed this last night and the explanation of the Attorney General is sufficient. I move to end debate.

Delegate Mafnas seconded the motion.

Delegate Calvo: Point of information. We didn't have a meeting last night.

President H. Guerrero: If there is no discussion...

Delegate Manglona: Just a minor information here. Should that be "may" because with that "no law"?

Delegate Nabors: I think the word "shall" is appropriate here.

President H. Guerrero: If there is no discussion, going once, going twice, Secretary Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 62 on Second and Final Reading was voted on by a roll call vote, as follows:

YES: Delegates Vincent Calvo, David Cing, Herman T. Guerrero, Lorenzo DL. Guerrero, David Igitol, Rita Inos, Benusto Kaipat, Esteven King, Jesus Mafnas, James Mendiola, Paul Manglona, Aniceto Mundo, William Nabors, Felicidad Ogumoro, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres and Ignacio Villanueva. (19 votes)

ABSENT: Delegate Alonzo Igisomar, Luis Limes, Juan Lizama, Maria Pangelinan, Ramon Villagomez. (5 votes)

And the motion was carried.

Secretary Nabors: Mr. President, I have 20 affirmative votes, no negative vote; however, I have 3 absent.

President H. Guerrero: Excuse me. Delegate Limes is not here to vote, therefore, he is absent. Either you vote or not voting.

Delegate DL. Guerrero: Well, I heard everybody said "yes".

President H. Guerrero: There is no such thing. You are here to answer your roll call. There is no proxy.

Secretary Nabors: 19 affirmative votes, no negative vote, no abstention, and 5 absent.

Delegate DL. Guerrero: Are you sure?

President H. Guerrero: Committee Recommendation No. 62 passed by unanimous vote of all members present. Can we take the next one, Committee Recommendation No. 27?

Secretary Nabors: Thank you. I would like to suggest that we defer 27 and 35 until Delegate Villagomez arrives for the reason that he and I have been discussing the possibility of withdrawal and I have not had an opportunity to find out his final decision.

Delegate Torres: Point of information.

President H. Guerrero: State your point, Delegate Torres.

Delegate Torres: If we're going to wait for Delegate Villagomez, he may never make it because I believe that his brother in law will be arriving this morning or sometime today who is a deceased.

Delegate Nabors: We'll defer it until tomorrow.

Delegate King: Point of information, Mr. President. Delegate Villagomez told me that he will not defer action on this and he will vote in favor of it even though he is absent or he is here.

Secretary Nabors: Okay, Committee Recommendation No. 27.

Delegate Mafnas: Mr. President?

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: I ask the indulgence of the members to defer Recommendations 27 and 35 so we can be given the opportunity to hear the arguments that will be presented by Delegate Villagomez. Delegate Villagomez will be here before we adjourn. So we can balance our decision, I ask the indulgence of the members to defer 27 and 35.

Delegate Inos: No objection.

President H. Guerrero: If there is no objection, we'll skip Committee Recommendation Nos. 27 and 35. Can we go on with 24?

Secretary Nabors read Committee Recommendation No. 24 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 24.

"A PROPOSED CONSTITUTIONAL AMENDMENT.

"To add a new section to Article II, to establish a ceiling of $2,800,000 on the budget of the legislature.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, a new section is added to Article II to read:

"'Section ____. Budget Ceiling. There shall be a ceiling on the budget of the legislature.

"a) Appropriations, or obligations and expenditures, for the operations and activities of the legislature may not exceed two million eight hundred thousand dollars in any fiscal year; Provided, that this amount may be adjusted for each fiscal year by a percentage which will be the same as the percentage change in the United States Department of Commerce composite price index using the beginning of fiscal year 1986 as the base. This ceiling on the legislative budget shall be divided equally between the Senate and the House of Representatives.

"b) Obligations and expenditures for the operations and activities of the legislature for the period October 1 through the second Monday in January of a fiscal year in which there is a regular general election may not exceed seven hundred thousand dollars or the spending authority otherwise available by law, whichever is less. This ceiling shall apply to the various offices and activities in the same activities in the same proportions as the annual spending authority provided by law."

"II. Transition Provision. Upon ratification, the ceilings imposed by this amendment shall apply to the legislature on a pro rata basis computed with respect to the number of days remaining in the periods specified.'"

Delegate Mendiola: Mr. President, I move for the adoption of Committee Recommendation No. 24 on Second and Final Reading.

Delegate Calvo seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 24. Delegate Villanueva?

Delegate Villanueva: Mr. President, I have a floor amendment to Committee Recommendation No. 24 that was passed out. On line 8, insert a period after the word "year" and delete line 8 up to line 12. This proposed amendment is to delete the inflationary adjustment, for the information of the delegates.

Delegate Mafnas seconded the motion.

Delegate Nabors: On the motion. May I inquire Delegate Villanueva why it is necessary to delete that sentence?

Delegate Villanueva: Mr. President, we have passed two other measures regarding the Legislature. One is to give them 90 days to meet and that has passed Second Reading. The other, we have passed the Legislative Bureau, and there is another one coming up that would reduce the members of the Legislature, both houses.

President H. Guerrero: Delegate Nabors, just probably a point of information. The Covenant that was just recently signed, there's an understanding that the figure that they used as a basis for the Legislature's spending and it might be in line with that thinking between our Government and the Government of the United States. Therefore, it's best to delete that provision.

Delegate Nabors: Thank you, Mr. President.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Does the agreement, Mr. President, that was signed have the inflationary, the composite index provision?

President H. Guerrero: I understand from the Lt. Governor that that provision has been deleted.

Delegate Mafnas: Then it's most appropriate to delete it too from this recommendation. Mr. President, are we ready for discussion?

President H. Guerrero: Yes, we are on the amendment.

Delegate Mafnas: Thank you. I would like to further reduce the $2.8 million.

President H. Guerrero: Delegate Mafnas, if there is not further discussion on the amendment , can we vote on that first?

There being no discussion, the motion to adopt the amendment offered by Delegate Villanueva was carried by voice vote.

President H. Guerrero: Now we're back to the main motion with the amended version. Delegate Mafnas, continue please.

Delegate Mafnas: Thank you, Mr. President and fellow delegates, I feel that $2.8 million dollars is still very high. Since the beginning of the Convention we were flooded with the statements of deficits in the Commonwealth. Even the President attempted to secure additional funding for this Convention and he was partially successful. If the $2 million, rather the $2 million is excessive in my opinion. One, we have passed other reforms with respect to the Legislature: One, we have reduced the number of session days; two, we passed the Legislative Bureau proposal recommendation. I believe that the Legislature will be able to function and will be able to deliver the required mandate in the Constitution if we reduce this to $2.5 million. I have copies of the listing of employees in the Legislature with me, and I believe that by reducing it to $2.5 it will force the Legislature to hire only the necessary staff. Yesterday, I consented or I agreed that the Civil Service should not cover agencies and instrumentalities. Under Section 16 of Article III of our Constitution and under Committee Recommendation 25, many of the positions of the Legislature will be classified and will be comparable to those positions in the Executive Branch. For example, a Planner Researcher position, $18,000; a Legal Secretary in the Legislature is paid at $18,000; Committee Researcher, $17,000 per annum; Committee Assistant, $16,000 per annum; System VI Supervisor, this is some sort of a typewriter -- System VI Supervisor, $16,000. I don't know how many System VI do they have and how many employees are operating the System VI. If they have only one employee operating the System VI, then they should not be a supervisor. Committee Secretary, $13,000; plain Secretary, another $13,000; Researcher, $12,000 per annum; Community Worker, $11,000; Xerox operator, $10,000 per annum; Account Technician, $10,000 per annum; Janitor, $9,000 per annum; Page Clerk, $6,000 per annum -- Page Clerk is the one similar to what we have here whose responsibility is just to pass out bills, resolutions and other documents that are received by the Legislature. Fellow delegates, Assistant Maintenance, $8,000 per annum; another janitorial position, $8,000 per annum.

Fellow delegates, I am very confident that the $2.5 million is more than adequate for our Legislature to operate, and I feel that we can divert the $300,000 for other essential public programs or services such as the medical referral, such as additional teachers for the Department of Education, such as to fund the Community College that we have. So I ask everyone, and if there is no objection, Mr. President, I would like, on

line 7, to delete the word "eight" and insert the word "five". I so move.

Delegate Nabors seconded the motion.

President H. Guerrero: Is there any objection from the floor?

Delegate Inos: I have a question.

Delegate DL. Guerrero: objection.

President H. Guerrero: Delegate Mafnas, we cannot entertain that. There is an objection. You need a unanimous consent, without any written...

Delegate Mafnas: I move for three minutes recess.

Delegate Mendiola seconded the motion.

President H. Guerrero: Three minutes recess.

The Convention recessed at 11:14 a.m.

RECESS

The Convention reconvened at 11:25 a.m.

President H. Guerrero: The session is back to order. Delegate Mafnas?

Delegate Mafnas: Mr. Presiddent, I would like to retract everything I said on the $2.8. Since you allowed me to have the floor, so I wish the record to be corrected accordingly.

President H. Guerrero: Please, go on.

Delegate Mafnas: Mr. President, during the recess, I was convinced by the Chairman and his influential committee members that the $2.8 is very, very reasonable and I believe that the Legislature would not necessary expend, according to the Chairman, the $2.8 if it does not see the need to spend. And because I have confidence in our Legislature, I support the $2.8, and I move for the previous question.

Delegate Nabors seconded the motion.

Delegate Torres: Mr. President, I've been waiting for you to recognize me so that I can ask some questions to Delegate Mafnas.

President H. Guerrero: Delegate Mafnas, would you yield?

Delegate Mafnas: I withdraw my motion.

President H. Guerrero: Delegate Torres?

Delegate Torres: Thank you, Delegate Mafnas. Thank you, Mr. President. I like this idea of limiting the budget, however, I have to ask Delegate Mafnas whether he made "extensive studies" on the budget ceiling. It seems like we're coming out with arbitrary figures here, 2.5, 2.1, 2.0, 2.8. Now, is there any logic behind these numbers?

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: The question is addressed to me. Yes, I made an extensive research on the 2.5. My problem is that I fail or I refuse to recognize the seven years provision. So it's a problem that when I made the research I said, they won't need it. They would only need 2.5 for the next seven years. And I refuse to give that allowance to myself. So, that's why I'm supporting 2.8 because i'm giving myself now the seven years allowance.

Delegate Torres: Okay, can I ask two more questions? Delegate Mafnas, you also proposed the Legislative Bureau. Now, do you think that $2.8 is sufficient to cover all of those professional staff of the Bureau?

Delegate Mafnas: Mr. President, more than adequate.

Delegate Torres: Do you think that $2.8 is high in view of the fact that we're going to be reducing the composition of the Legislature?

Delegate Mafnas: Under the assumption that the people will perhaps decide that one way or the other and under the assumption that we don't know the position or how the Convention is going to react to committee Recommendation 65. I believe and it's very unfortuhate that we are now approving Committee Recommendation 24, that's why I'm supporting $2.8 because I don't know how the Convention is going to react on Committee Recommendation 65, reducing the composition in both houses of the Legislature.

Delegate Torres: Is $3.0 acceptable?

Delegate Mafnas: That would be too excessive.

President H. Guerrero: Delegate Torres, for your information, I was explaining that, under the Covenant negotiation, that's the figure that our special representative used in negotiating with the United States Government that they will not increase their budget more than $2.8 million.

Delegate Torres: I do recognize that, Mr. President but you know, I have to question also the rationale behind $2.8. We may have a different rationale from Covenant negotiators. So if I could be enlightened on the rationale of the Covenant negotiators, all the better.

Delegate Nabors: Motion to end debate.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to end debate.

The motion to end debate was carried by voice vote.

President H. Guerrero: We're voting on Committee Recommendation No. 24, as amended. Roll call, Delegate Nabors.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 24, as amended, on Second and Final Reading was

carried by 19 affirmative votes.

Delegates Alonzo Igisomar, Luis Limes, Juan Lizama, Maria Pangelinan and Ramon Villagomez were absent.

President H. Guerrero: Committee Recommendation No. 24 pass by unanimous vote by all members present.

Delegate Nabors: Point of privilege.

President H. Guerrero: State your privilege.

Delegate Nabors: Mr. President, I'd like to recognize one of our distinguished residents of the island of Tinian, Mr. Kiko De la Cruz.

(Applause)

President H. Guerrero: Can we go on with the next one?

Secretary Nabors read Committee Recommendation No. 59 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 59

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To propose an amendment to Article X of the Northern Marianas Constitution to provide for a Uniform Fiscal Management Policy.

"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, new Sections ____ and ____ are added to Article X - Taxation and Public Finance to read:

"'Section ____: Control of Public Finance. The Department of Finance or its successor department shall control and regulate the expenditure of public funds. The Department shall promulgate rules including accounting procedures that require public officials to provide full and reasonable documentation that public funds are expended for public purposes.

"'Section ____: Taxpayer's Right of Action. A taxpayer may bring an action against the government or one of its instrumentalities in order to enjoin the expenditure of public funds for other than public purposes or a breach of fiduciary duty. The court shall award costs and attorney fees to any person who prevails in such an action in a reasonable amount relative to the public benefit of the suit."

Acting Floor Leader Mendiola: Mr. President?

President H. Guerrero: Yes, Acting Floor Leader Mendiola.

Acting Floor Leader Mendiola: I move that the Committee Recommendation No. 59 be adopted on Second and Final Reading.

Delegate DL. Guerrero seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 59. Discussions? Delegate Mafnas?

Delegate Mafnas: Mr. President, I support Committee Recommendation No. 59, however, I have reservations on lines 5 through 8 in putting this in our Constitution. Under Public Law 1-8, as amended, the Director of Finance has the authority to promulgate rules and regulations pertaining to expenditure of funds. My question is I wonder whether the committee i implying that the Director of Finance has yet to promulgate appropriate rules and regulations.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, I'll yield to a member of the Committee, Delegate Igitol.

Delegate Igitol: Yes, Mr. President. The Director of Finance has promulgated rules in regards to the public finance and regulations. However, the intention here is that the Constitution will direct the Director of Finance to regulate regulations so that all the so-called three branches will adhere to that policy. At this time, the Legislature does not wish to accept the regulation made by the Administration because they said it is not only applicable to the executive branch.

President H. Guerrero: Yes, Delegate Mafnas, continue.

Delegate Mafnas: Mr. President, the Director of Finance is the custodian of public funds. He is the disbursing officer, he is the chief procurement officer, he is the chief accountant who obligates funds in accordanc with the appropriations. He is the chief tax assessor and collector. Under Public Law 1-8, as amended, the Director of Finance can promulgate or is authorized to promulgate rules and regulations governing his department. And under the same law, Public Law 1-8, as amended, the Director o Finance, upon promulgation of such rules and regulations, can publish the in the Commonwealth Registrar and they will have the effect and force of law. And I don't understand this provision. The Legislature, even the court will be governed by such rules and regulations because the director has the authority to promulgate. There is a provision in our law when rules and regulations are promulgated and they become effective they have the effect and force of law. If the Legislature violates such rules and regulations, then there is a recourse. So I don't understand the provision.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Yes, the concern raised by Delegate Mafnas is very well taken during the public hearing and the testimony, of course, from the Director of Finance himself. Now, by allowing the Department of Finance coming out and promulgating necessary rules and regulations, this would well define what are the public purposes will be, whether public purposes means to allow you to entertaining bar waitresses in any of these

called night clubs, or public purposes means to say that they're ertaining each of these so-called public officials. I think this is part of allowing and giving the public finance, I'm sorry not the blic finance but the Director of Finance this authority so he can mulgate all these necessary rules and regulations to regulate how the blic funds should be expended as appropriated by the Legislature.

legate Torres: Point of information.

esident H. Guerrero: State your point, Delegate Torres.

legate Torres: Delegate Guerrero mentioned public purposes. I think ublic purposes will be defined when we voted on that committee recom-endation on public purpose will be defined by the Legislature not the inance Department. So I think Delegate Mafnas is still in order.

elegate DL. Guerrero: May I continue?

President H. Guerrero: Please.

Delegate DL. Guerrero: I appreciate the point of information and we do understand, of course, that eventually we'll be voting also on that public purposes. But that will further strengthen the responsibility of the disbursing officer, that means the Director of Finance. This very provision is nothing more but to establish procedural regulations as to how the public funds will be expended. Now another information during the hearing that there are times that the Director of Finance or any of his own administrative, responsible person refuses maybe to disburse such request for disbursement. But in the absence of that regulation under his own jurisdiction, he just cannot refuse to disburse; unless he refuse it, somebody will take him to court. There's some adverse or differences of opinion at the time when he made the request whether public purposes means such as that request. And there was a ruling came out and it says, you have to give him a reimbursement or disburse of that fund because it's appropriated to the so-called mayors, if it's mayors, or the so-called public officials if it's public officials. So these are the concerns that eventually would be defined under this department's rules and regulations.

Delegate Mafnas: Mr. President, has the Director of Finance or had he promulgated rules and regulations pertaining to allowable expenditures, what are allowable expenditures? Are there regulations right now in the Commonwealth Registrar defining allowable expenditures? That's the question.

Delegate Igitol: At this time, Mr. President, there is no written regulation regarding allowable expenses or expenditure. We take into account that we use our common sense when we have the documentations. But when we exercise that common sense somehow they said they are given the reasonable allowance so it's up to them to use it by law.

Delegate Mafnas: So the problem, Mr. President, is that we have no rules and regulations governing not only public officials but what are allowable expenditures or expenses. If this is intended to cover reasonable allowances, then the problem is we don't have any. And I'm very sure that if the Director of Finance under his authority in Section 257 of 1 CMC, if he exercises that authority, the Legislature or the mayors or any elected

fficials will comply with such rules and regulations governing such xpenditures.

elegate Igitol: Mr. President, although we don't have the written egulations regrading that expenditure, the Director of Finance once wrote . letter or memo to the AG's probably back in early 1981 citing those type f expenditures. And we gave him a reason that we felt that we're not supposed to disburse funds in accordance to the receipts. However, at that point, the previous AG wrote back that the Legislature were only acting as disbursing agency to other government branch.

Delegate Mafnas: Mr. President, Section 225-53 of 1 CMC states that the Director of Finance' responsibility is to maintain accounting and disburse funds pursuant to authority of law. Under Section 225-57 of 1 CMC, the Director of Finance has the authority to promulgate rules and regulations. And if I may, I would like to read it: "The Director of Finance may adopt rules and regulations not in consistent with law regarding those matters within the jurisdiction and to provide penalties both civil and criminal for violation thereof." Naturally, the Attorney General will write back to the Director of Finance and says, you have no authority to deny a request for reimbursement because there are no rules and regulations, the Director of Finance cannot just use his common sense and says that I am required a receipt when there is a taxi fare reimbursement in excess of $15 per transaction. So in the absence of those rules and regulations, the Director of Finance has no basis to deny my request other than common sense. So what I'm saying here is that under 25-27 of the Northern Marianas Code, the Director of Finance has the authority to promulgate the necessary rules and regulations. And I don't see the need for the provision giving again the Director of Finance that authority because he already has it.

Delegate DL. Guerrero: Point of information.

President H. Guerrero: State your point, Delegate Guerrero.

Delegate DL. Guerrero: Yes, Mr. President, if we include the provision, the very concern under the Constitution, that will mandate the Director of Finance. The law is law. Yes, we understand that, but it could be easily amended by the Legislature. If it's in the Constitution, the Director of Finance is mandated that he must do it. Thank you.

President H. Guerrero: Delegate Igitol?

Delegate Mafnas: I'm not satisfied.

Delegate Igitol: Yes, further to Delegate Mafnas' inquiry. We do have, not official regulation, but we do have in draft forms which are going to be incorporated to the Manual for Administration, and hasn't been acted on because the Governor has appointed a Special Task Force to combine those regulations into the Manuals of Administration and those procedures we have written way back about almost eight months ago and they haven't acted upon to be officialized or accepted. Furthermore, like Delegate Guerrero is saying, if we don't have this regulation here in the Constitution, the Legislature will, like if we give them the legislative veto power, the Legislature can easily veto any regulations that they don't want is really applicable or applied to them. But if it is in the Constitution, they

cannot kill that regulation. This is mostly because of public funds that we thought are misused.

President H. Guerrero: I think Delegate Villanueva wants to augment a statement.

Delegate Villanueva: The committee during its deliberation discussed ideas on how this regulation should be promulgated and how it should be enforced. We found that different branches of government as well as the instrumentalities would not abide by what regulation the Department of Finance come out with and what enforcement they provide. With the deletion of appropriated for three branches of government and including every branches of government including the instrumentalities and putting this in the Constitution as the law of the land. The so-called different branches of government at the present time have their own interpretation of reasonable allowance. For example, in the Washington Representative, they call it official representation. In the Senate and the House, they call it representation allowance. In the Executive Branch, they call it contingency funds, or in the Mayor's Office, they call it entertainment. And I don't know what they call it in the Judiciary Branch. But by putting this in the Constitution and the committee really... The committee felt that by putting this in the Constitution we can call it one name -- public purpose. And public purpose, at least, can be defined by the Director of Finance and put it into regulation or promulgate rules and regulations and this cannot be vetoed by the Legislature. As far as the Attorney General's opinion here is concerned on that legislative veto, of course, that's subject to interpretation. But the committee felt that what we don't have right now even though it's in the Public Law 1-8, as amended, is a uniform set of rules and regulation that can be enforceable.

President H. Guerrero: Are you adding on, Delegate Igitol?

Delegate Igitol: Yes, Mr. President. Another reason for putting this regulation in to control public finance is that we have a procedure that like the forms, the purchase order forms. The Finance has came out with regulation, instructions and formats, yet the Legislature came out with their own version of purchase orders. They refused to accept the purchase order that was promulgated by the Department of Finance and they also refused to go into the sustem that we have. In other words, they want all their forms or requests be processed manually rather than through the system that we have. This is why I felt that we should put in a uniform policy that everyone should use within the government because the government is really spending a lot of money for that system.

Delegate Nabors: Point of information.

President H. Guerrero: State your point, Delegate Nabors.

Delegate Nabors: I think it would simplify matter if we were to get distributed for delegate eyes only examples of what we're talking about.

Delegate Mafnas: Mr. President, I still have the floor.

Delegate DL. Guerrero: Point of information.

President H. Guerrero: Would you yield, Delegate Mafnas?

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Delegate DL. Guerrero: It's not within your concern.

President H. Guerrero: Therefore, Delegate Mafnas still has the floor.

Delegate Mafnas: Thank you.

Delegate DL. Guerrero: This is a point of information.

President H. Guerrero: Point of information is only providing informatio to what's being discussed, unless point of order, it has priority over point of information.

Delegate Torres: Point of information relating to Delegate Mafnas.

Delegate Mafnas: Please enlighten me.

Delegate Torres: Yes. The Committee on Finance and Other Matters would like to think that it is giving a de facto power to the Department of Finance in dtermining what is public purpose through rules and regulations. When in fact this perceived de facto power is neutralized by the fact that we are giving the Legislature the power to define public purpos in the first place. In addition to that, we are giving the Legislature the power to veto regulations. So the de facto power is lost, is neutralized.

Delegate Mafnas: Mr. President.

President H. Guerrero: Continue, Delegate Mafnas.

Delegate Mafnas: Now it's clear that the Director of Finance has the authority to promulgate rules and regulations and he has yet to promulgat rules and regulations. And the Director of Finance when he rejects a request for reimbursement, public officials countered or objected to his objection. And there is a fear that the Legislature will probably strip off the Director of Finance' authority to promulgate rules and regulations should he promulgate in accordance or promulgate governing what are reasonable expenditures or allowable expenditures. While I disagree with that fear because the purpose is clear by having this provision, I would probably agree to duplicating the provision in the code. And I so move for the previous question.

Delegate Nabors seconded the motion.

President H. Guerrero: We're going to vote on Committee Recommendation No. 59. Secretary Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 59 on Second and Final Reading was voted on by a roll call vote as follows:

YES: Delegate David Cing, Herman T. Guerrero, Lorenzo DL. Guerrero, David Igitol, Rita Inos, Benusto Kaipat, Esteven King, Jesus Mafnas, Paul Manglona, James Mendiola, William Nabors, Felicidad Ogumoro, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres and Ignacio Villanueva. (17 votes)

ABSTAIN: Delegates Vincent Calvo and Aniceto Mundo. (2 votes)

ABSENT: Delegates Alonzo Igisomar, Luis Limes, Juan Lizama, Maria Pangelinan and Ramon Villagomez. (5 votes)

And the motion was carried.

Secretary Nabors: I have 17 affirmative votes, I have zero negative vote, I have 2 abstentions and I have 5 absent.

President H. Guerrero: Committee Recommendation No. 59 passed by 19 votes.

Delegate Nabors: Motion.

President H. Guerrero: Yes, Delegate Nabors.

Delegate Nabors: Mr. President, I move that we recess until 1:30.

Delegate King seconded the motion.

Delegate Nabors: I withdraw my motion.

Delegate King: I withdraw my second.

President H. Guerrero: Why are you withdrawing you motion?

Delegate Nabors: For the reason that we're going to have the opening of the Carolinian at 3:00 o'clock.

Delegate Cgumoro: If I may suggest that we continue our discussion and finish up with Committee Recommendation No. 36 so that we could have ample time to discuss the measures that are calendared under the General Orders of the Day before we go off for the 3:30 ceremony this afternoon.

Delegate Nabors seconded.

President H. Guerrero: Can we have some recess for at least ten minutes for people that might want to make amendments to Committee Recommendation No. 60?

Delegate Mafnas: Yes, no objection, Mr. President. You have the power to do it.

President H. Guerrero: Thank you, Delegate Mafnas. Recess for ten minutes.

The Convention recessed 12:00 noon.

RECESS

The session was back to order at 12:21 p.m.

President H. Guerrero: Secretary Nabors, can you read Committee Recommendation No. 60?

Secretary Nabors read Committee Recommendation No. 60 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 60

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article XI, Sections 4 and 5 relatives to the Marianas Public Land Corporation.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Section 4 of Article XI is amended to read:

"'Section 4. Marianas Public Land Corporation. There is hereby established the Marianas Public Land Corporation.

"a) The corporation shall have five directors, appointed by the governor with the advice and consent of the Senate, who shall direct the affairs of the corporation for the benefit of the people of the Commonwealth who are of Northern Marianas descent.

"b) One director shall be a resident of the first senatorial district, one shall be a resident of the second senatorial district, and three shall be residents of the third senatorial district; Provided, that of the five directors, at least one shall be a woman and at least one shall be a person of Carolinian descent. Each director shall be a citizen or national of the United States, a resident of the Commonwealth for at least five years immediately preceding the date on which the director takes office, a person with at least two (2) years management experience, a person who has not been convicted of a crime carrying a maximum sentence of imprisonment of more than six months, a person who is able to speak Chamorro or Carolinian and a person of Northern Marianas descent.

"c) The directors shall serve a term of four years except that two of the first five directors appointed shall serve a term of two years and three shall serve a term of four years. A director may not hold a full-time paid position in the corporation. The directors shall be held to strict standards of fiduciary care.

"d) The corporation shall have the powers available to a corporation under Commonwealth law and shall act only by the affirmative vote of the majority of the five directors.

"e) The directors shall make an annual written report to the people of the Commonwealth describing the management of the public lands and the nature and effect of transfers of interests in public land made during the preceding year and disclosing the interests of the directors in the Commonwealth land.

"f) After this Constitution has been in effect for at least ten years, the corporation may be dissolved and its functions may be transferred to the executive branch of government by the affirmative vote of majority of the members of each house of the legislature."

"II. Effective upon ratification, Section 5 of Article XI is amended to read:

"Section 5. Fundamental Policies. The Marianas Public Land Corporation shall follow certain fundamental policies in the performance of its responsibilities.

"a) The corporation shall make available some portion of the public lands for a homestead program. A person is not eligible for more than one agricultural and one village homestead. A person may not receive a freehold interest in a homestead for three years after the grant of a homestead and may not transfer a freehold interest in a homestead for ten years after receipt except that these requirements are waived for persons who have established a continuous use of public lands for at least fifteen years as of the effective date of this Constitution. At any time after receiving the freehold interest, the grantee may mortgage the land provided that all funds received from the mortgagee be devoted to the homestead program shall be provided by law.

"b) The corporation may not transfer a freehold interest in public lands for twenty years after the effective date of this Constitution, except for homesteads as provided under section 5(a), or to another agency of government for use for a public purpose as authorized by law.

"c) The corporation may not transfer leasehold interest in public lands that exceeds twenty-five years including renewal rights. An extension of not more than fifteen years may be given upon approval by three-fourths of the members of the legislature.

d) The corporation may not transfer an interest in more than five hectares of public land for use for commercial purposes without the unanimous approval of the five directors.

e) The coporation may not transfer an interest, an may prohibit the erection of permanent structure, in public lands located within one hundred fifty feet of the high water mark of a sandy beach, except that the corporation may authorize construction of facilities for public purposes.

f) The corporation shall adopt a comprehensive land use plan with respect to public lands including priority of uses and may amend the plan as appropriate.

g) The corporation shall receive all moneys from the public lands except those from lands in which freehold interest has been transferred to another agency of governemnt pursuant to subsection 5(b), and shall transfer these moneys after the end of fiscal year to the Marianas Public Land Trust execpt that the coproration shall retain the amount necessary to meet reasonable expenses of administration and

management, land surveying, homestead development, and any other expenses reasonably necessary for the accomplishment of its functions. The annual bedget of the corporation shall be submitted to the legislature for review and concurrence. Failure of the legislature to act on the submitted budget within seixty days after receipt shall constitute concurrence. The corporation may submit a multi-year budget for the purpose of reserving receipts of one year for expenditure in a later year, but the corporation may not obligate or expend funds except pursuant to the annual budget concurred by the legislature. An act concur the budget of the corporation may originate in either house of the legislature and may not be vetoed by the governor. The legislature may not modify the budget of the corporation during the fiscal year it is in effect."

President H. Guerrero: Acting Floor Leader Mendiola?

Acting Floor Leader Mendiola: I move for the adoption of Committee Recommendation No. 60 for Second and Final Reading.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt committee Recommendation No. 60. Discussions? Let me first recognize Delegate Tenorio.

Delegate Tenorio: Thank you, Mr. President. I have here a proposed floor amendment to Committee Recommendation No. 60 which reads -- I think this has been passed around to every delegate. I move to amend Committee Recommendation No. 60 as follows:

1. On page 5, line 4, delete the words "review and concurrence" and insert the words "information purpose only".

2. Page 5, lines 4 through 15, delete the rest of the text of the proposal beginning with the words "Failure of the legislature ... is in effect."

3. Page 2, line 19, delete "ten" and insert "twelve".

4. Page 2, line 21, put a period after the word "government" and strike out the remainder of the sentence.

5. Page 2, line 5, delete "fulltime".

Thank you.

Delegate Inos seconded the motion.

President H. Guerrero: It has been moved the seconded to adopt the proposed floor amendment to Committee Recommendation No. 60, as offered by Delegate Tenorio. Discussion on the amendment?

Delegate Mafnas: No need.

Delegate Nabors: Motion to end debate.

Delegate King seconded the motion.

President H. Guerrero: Let me recognize first Delegate Inos.

Delegate Inos: This is on the text pertaining to part B. Am I in order?

Acting Floor Leader Mendiola: You are out of order.

President H. Guerrero: Are you discussing?

Delegate Inos: While we are making an amendment, I'm just going to ask a question that attracts my attention.

President H. Guerrero: On the amendment?

Delegate Inos: I will yield for now but I have a question.

President H. Guerrero: Delegate Ogumoro, are you discussing on the amendment?

Delegate Ogumoro: Yes, Mr. President. On page 5, two of the amendments are -- one is to delete, on line 4, the phrase "for review and concurrence" and then the other amendment is on that same line beginning with the word "failure", to delete that portion all the way up to the word "effect" on line 15. Just to get some comments from the introducer of the amendment as to why we are proposing that amendment to the committee recommendation. Thank you.

President H. Guerrero: Delegate Tenorio?

Delegate Tenorio: Thank you, Mr. President. By putting that words "information purpose only", I don't feel that we need the rest of the phrases or the rest of the ideas after that. The Public Land Corporation is now being watched, first of all, by the Public Auditor and also the Public Land Corporation has been audited periodically by an independent auditor. And also the Public Land Corporation is under watched also by the Public Land Trust. I think that enough watchdogs have been applied to Public Land Corporation. Thank you.

President H. Guerrero: Delegate Ogumoro, are you finished?

Delegate Ogumoro: I'm through, Mr. President.

President H. Guerrero: I'm sorry, I'm not hearing you.

Delegate Ogumoro: I'll yield for now, Mr. President.

President H. Guerrero: Thank you. Delegate Igitol?

Delegate Igitol: Mr. President, on page 5, line 4, as indicated by Delegate Tenorio. The second sentence there says, information purpose only. I'd like to ask if it's alright to put "s" on the purpose.

Delegate Tenorio: That's fine. No objection, Mr. President, if that is proper.

Delegate Mafnas: I second to that.

Delegate Nabors: I move to end debate.

Delegate Mafnas seconded the motion.

President H. Guerrero: We're discussing on the amendment. Delegate Mendiola, do you have discussion on the amendment?

Delegate Mendiola: Never mind.

Delegate Nabors: Motion.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Motion to end debate.

Delegate Mafnas seconded the motion, and the motion to end debate was carried by voice vote.

President H. Guerrero: Let's vote on the amendment.

The motion to adopt the floor amendment offered by Delegate Tenorio was carried by voice vote.

President H. Guerrero: We're back to the original motion on the the Committee Recommendation, as amended. Delegate Mendiola?

Delegate Mendiola: Mr. President, I move to amend page 4, lines 7-8, to delete "unanimous approval of the five directors" and insert "approval by the Legislature".

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to delete on page 4, lines 7 and 8 "unanimous approval of the five directors" and insert "approval of the Legislature". Discussions? Delegate Mafnas?

Delegate Mafnas: I would like, if there is no objection on the floor, to further amend that and insert after "approval of the Legislature", "in a joint session".

Delegate Mendiola seconded the motion.

Delegate Villanueva: No objection.

President H. Guerrero: No objection? Delegate Guerrero?

Delegate DL. Guerrero: Okay. Just a clarification on your amendment. Is it by majority members of the Legislature, or what?

Delegate Mendiola: Yes, just majority, both houses.

Delegate Mafnas: In a joint session.

Delegate Nabors: No objection.

Delegate Reyes: Objection.

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Mr. President, my objection to that amendment is that it would stiffle the operation of the corporation further by having to wait for all these legislative concurrence.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Mr. President, I support the amendment proposed by Delegate Mendiola to reinstate back the majority concurrence of the majority members of the Legislature. I am more confident that the total total members of twenty-five of the Legislature would be a lot better decision to protect the interest of our land.

Delegate Mafnas: Point of information. Twenty-four members.

Delegate DL. Guerrero: Twenty-four members, I stand corrected -- rather than the five directors in the Public Land Corporation. I believe that we should reinstate that provision for the interest of our people. Thank you.

President H. Guerrero: Delegate Calvo, did you have your hand up?

Delegate Calvo: I'll yield.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, if a corporation or if an investor wants more than 5 hectares we are going to make it difficult for them to get it. This investor will have a lot of money, so let him take to Japan twenty-four people at his expense rather than just five people. Thank you.

Delegate Nabors: No objection.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I move to end debate.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to end debate.

The motion to end debate was carried by voice vote.

President H. Guerrero: We're voting now on the proposed amendment offered by Delegate Mendiola and with a subsequent amendment by Delegate Mafnas.

Delegate Tenorio: Point of information, Mr. President. Can you read the amendment?

President H. Guerrero: The amendment will read, on page 4, lines 7 and 8, it should read delete "on unanimous approval of the five directors" and it should read "approval of the Legislature in a joint session".

Delegate Tenorio: Is that by majority, simple majority?

Delegate Nabors: Yes.

President H. Guerrero: Okay.

As a result of the unclear voice vote, President Guerrero requested for a show of hands vote, and the motion was carried by 11 for and 6 against the motion.

President H. Guerrero: We're back to the main amendment as further amended. Delegate Inos?

Delegate Inos: Just a concern on Section (b) of this particular provision. Under Section 4 (b) we're stating out "requirements for directorship". I'm just wondering since under Article III we made a provision there for an Executive Assistant for Carolinian Affairs and then I noticed that we will be going on First Reading for the Executive Assistant for Women's Affairs. Wouldn't this be intruding in their functions by already stating in here? I would be assuming that we're taking some of the responsibilities away from the respected offices. I'm assuming that we're passing the Women's Affairs...

Delegate Mafnas: Mr. President?

Delegate Torres: Point of order.

President H. Guerrero: I guess we can only assume at this stage, Delegate Inos. Delegate Ogumoro?

Delegate Ogumoro: I share the concern of Delegate Inos, however, our action, or the existence of the Office of the Carolinian Affairs and that, or should the proposed amendment pass on the Special Assistant to the Governor for Women's Affairs have no bearing on the section that Delegate Inos is making reference to, I feel that that provision is in order unless maybe she is seeing something that we are not seeing.

President H. Guerrero: Delegate Inos?

Delegate Inos: I'm just noticing under Article III, Section 18, Executive Assistant for Carolinian Affairs and that the Executive Assistant shall be a member of the Governor's Council and shall advise the Governor on matters affecting person of Carolinian descent within the Commonwealth. So when we're making a confirmation for boards, commissions and trustees that this person will also be included in that decision and will be the person advising the Governor on such matters.

Delegate Ogumoro: I understand that and I realized that concern. But I know that we are only talking, I mean there's only one person, let's say, for the Executive Assistant for the Carolinian Affairs who would be speaking on behalf of the Carolinians. He would not have the time to go and really sit in the deliberations of each of the boards and commissions that will be set up or that are in existence in the Commonwealth at this stage. So for that reason, I do not see that there is any problem with the proposed section. Thank you.

Delegate Tenorio: Is that by majority, simple majority?

Delegate Nabors: Yes.

President H. Guerrero: Okay.

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Delegate Mafnas: Mr. President?

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President H. Guerrero: Delegate Tomokane?

Delegate Tomokane: Just for clarification, Mr. President. Can the Secretary recite again provision (f) on page 2?

Secretary Nabors: (f) After this Constitution has been in effect for these twelve years, the corporation may be dissolved and its functions may be transferred to the Executive Branch of government.

Delegate Mafnas: Is that "may be" or "shall be"?

Delegate Tomokane: I thought we voted on "shall" and all the "mays" replaced by "shall" in the First Reading.

Delegate Mafnas: I second to that.

Secretary Nabors: Mr. President, I don't think we made a correction on First Reading. I think the motion was voted down. And I think now, if there is no objection, since the amendment has passed, we now need to strike "may" and insert "shall" on lines 19 and 20.

Delegate Mafnas: No objection.

Delegate Tenorio: No objection, Mr. President, if that's the proper word to use. It's just a matter of using the proper word.

Secretary Nabors: And I thank my colleagues for the observation.

Delegate King: Objection. I'd like Delegate Nabors to put that in writing.

Delegate Nabors: Motion to end debate.

Delegate Ogumoro seconded the motion.

President H. Guerrero: Are you objecting, Delegate King?

Delegate Mafnas: He withdrew it, Mr. President. He withdrew his objection.

President H. Guerrero: Can you state for the record, Delegate King?

Delegate King: I want it in writing. I'm going to withdraw it because he is honest. Thank you.

President H. Guerrero: Thank you. There is a motion to end debate.

The motion to end debate was carried by voice vote.

President H. Guerrero: We're voting now on Committee Recommendation No. 60, as amended, by roll call.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 60, as amended, on Second and Final Reading was carried by 19 affirmative votes.

Delegates Alonzo Igisomar, Luis Limes, Juan Lizama, Maria Pangelinan and Ramon Villagomez were absent.

And the motion was carried.

Delegate Nabors: Mr. President, I have 19 affirmative votes, I have zero negative vote, and I have 5 absences.

President H. Guerrero: Committee Recommendation No. 60 is adopted by unanimous vote of all members present. Can we take 36?

Secretary Nabors read Committee Recommendation No. 36 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 36

"A PROPOSED AMENDMENT

"To add a new Section ____ to Article II to authorize legislative veto of certain types of Executive acts.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Article II is amended to add a new section to read:

"'Section ____. Legislative Veto. The legislature may provide for legislative review and veto of specific executive actions involving rule-making authority or establishment of policy by joint resolution. Legislative veto shall not extend to the application of rules or regulations to individual cases.'"

President H. Guerrero: Yes, Acting Floor Leader Mendiola?

Acting Floor Leader Mendiola: Mr. President, I move that Committee Recommendation No. 36 be adopted for its Second and Final Reading.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation 36 for Second and Final Reading. Discussions? Delegate Nabors?

Delegate Nabors: Mr. President, I'd like to move that we file Committee Recommendation No. 36.

Delegate Mafnas seconded the motion.

Delegate Mafnas: Mr. President?

President H. Guerrero: Yes, Delegate Mafnas.

egate Mafnas: The Legislature now has that authority. If they wish to rve this authority, they can do it. If there are rules and regula- s that are not consistent with the intent of law, they can pass a bill ifying or addressing the intent. I think that this provision will ably be challenged and there will probably be Constitutional questions ld it be adopted by our people. So rather than to have a provision is unconstitutional in our Constitution, I support the filing of ittee Recommendation No. 36.

egate Torres: Mr. President and fellow delegates, I just don't erstand the Committee on Governmental Institutions. What's happening?

egate Mafnas: I will accept your castigating the committee.

egate Torres: I asked, I questioned the wisdom on this and Delegate ama and unfortunately he's not here, mentioned that the committee bers agreed that the Legislature needs this. Now, why are we reversing action?

sident H. Guerrero: Delegate Mafnas?

egate Mafnas: The Committee on Governmental Institutions is not afraid admitting its mistakes. So we apologize to the Convention if we dis- bed any delegates. We believe that this can be done without inserting in the Constitution. Moreover, if this is challenged, then there is a estion whether it's really constitutional. We have talked to several torneys, four attorneys, they have conflicting opinions regarding the nstitutionality or unconstitutionality of this proposal. So in order to oid the court from striking or declaring a provision in our Constitution constitutional, that's why we are recommending that we file this perma- ntly and bury it with grace.

esident H. Guerrero: Delegate Torres?

legate Torres: Mr. President, please allow me to express certain ings. This is a clear manifestation of a lack of extensive research. m really disturbed at the committee's work because obviously they just on this thing out without railroading it, if you will, without an extensive research". I'm confused. I want to get an AG's opinion on is if we can. Furthermore, if we feel that this may be unconstitutional en I also which I did raise earlier, raised questions on setting a eiling for the Legislature without doing the same thing for the Executive ranch, to my mind that may violate the check and balance separation of ower principle.

resident H. Guerrero: Delegate Torres, I believe there is a legal pinion on that.

elegate Mafnas: Legal opinion No. 33.

resident H. Guerrero: You might want to read that. I did ask. We've een deferring this because of the legal opinion and we keep deferring it. nd I asked the members to read the legal opinion so we can take it up.

elegate Torres: Okay. So I'd like the record to show that this has ever been in existence.

President H. Guerrero: What do you mean it never in existence? Of course, it was. The Chair accepts it, so therefore, it was.

Delegate Torres: Well, I'd like the record to show that the Chair also is wrong and as well as the committee.

President H. Guerrero: No. That's the prerogative of the Chair, Delegate Torres. And any delegate can change their vote on Second and Final Reading.

Delegate King: Mr. President, can you accept that you're wrong like the Governmental Institutions?

President H. Guerrero: I only accept. I don't make judgment on the deliberations of the committee.

Delegate King: Thank you, I'm just asking.

Delegate Nabors: Motion to end debate.

Delegate King seconded the motion.

President H. Guerrero: Thank you.

The motion to end debate was carried by voice vote.

The motion to file Committee Recommendation No. 36 was carried by voice vote.

President H. Guerrero: Committee Recommendation No. 36 is filed indefinitely. Yes, Delegate Mendiola.

Delegate Mendiola: Mr. President, I move to recess until about four o'clock.

Delegate Mafnas: Objection.

Delegate Mendiola: Can we get a unanimous consent then? Six? I so move until six o'clock.

Delegate Igitol: Suggestion, Mr. President.

President H. Guerrero: Yes, Delegate Igitol.

Delegate Igitol: Why don't we take up 63 in the Committee of the Whole and then 2:30 we'll recess until seven tonight? Since we're planning to take a recess at 2:30 for the event.

President H. Guerrero: Can we at least, if that's the case, then we'll recess until seven?

Delegate Mendiola: No objection.

President H. Guerrero: If that's the case, then the Chair will recess until seven o'clock.

The Convention recessed at 12:57 p.m.

RECESS

The Convention reconvened at 7:41 p.m.

President H. Guerrero: The session is called back to order. Secretary Nabors, I believe we're ready to take up Committee Recommendation No. 27?

Delegate Mafnas: Point of information.

President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: Or question. Where are the senior citizens, Mr. President?

(Laughter)

President H. Guerrero: Would Delegate Nabors response to that? Delegate Nabors? We're in the session right now.

Secretary Nabors read Committee Recommendation No. 27 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 27

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 8 of the Schedule on Transitional Matters of the Northern Marianas Constitution relating to Interim Definition of Citizenship.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

"I. Effective upon ratification, Section 8 of the Schedule on Transitional Matters is hereby amended to read:

"°Section 8. Interim Definition of Citizenship. For the period from the approval of the Constitution by the people of the Northern Mariana Islands to the termination of the Trusteeship Agreement, the term United States citizen or United States national as used in the Constitution and laws of the Northern Mariana Islands means those persons and their subsequent children who, on the date of the approval of the Constitution by the people of the Northern Mariana Islands, do not owe allegiance to any foreign state and who qualify under one of the following criteria:

"a) persons who were born in the Northern Mariana Islands, who are citizens of the Trust Territory of the Pacific Islands on the date of the approval of the Constitution by the people of the Northern Mariana Islands and who on that date are domiciled in the Northern Mariana

Islands or in the United States or any territory or possession thereof;

"b) persons who are citizens of the Trust Territory of the Pacific Islands on the date of the approval of the Constitution by the people of the Northern Mariana Islands and who have been domiciled continuously in the Northern Mariana Islands for at least five years immediately prior to that date, and who, unless under age, registered to vote in elections for the Mariana Islands District Legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1975; or

"c) persons domiciled in the Northern Mariana Islands on the date of the approval of the Constitution by the people of the Northern Mariana Islands who, although not citizens of the Trust Territory of the Pacific Islands, on that date have been domiciled continuously in the Northern Mariana Islands beginning prior to January 1, 1974.'"

President H. Guerrero: Acting Floor Leader Mendiola?

Acting Floor Leader Mendiola: Mr. President, I move to adopt Committee Recommendation No. 27 for its Second and Final Reading.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 27 for Second and Final Reading. Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. During the First Reading, we extensively discussed this and I don't see any reason to further discuss it. Mr. President, so I move for the previous question.

Delegate King seconded the motion.

Delegate Nabors: Mr. President, I have distributed in accordance with our rules, a written amendment to strike, on line 8, the word "means" and insert in lieu thereof the word "includes". This originally have been agreed to and I'm sorry that Delegate Lizama is not present, who subsequently withdrew that particular amendment. And I so move.

Delegate Mafnas: I second for discussion purposes.

President H. Guerrero: It has been moved and seconded to change the word "means" on line 8 to "includes". Discussions? Delegate Villanueva?

Delegate King: Point of clarification. May I ask the Chair who seconded the motion?

President H. Guerrero: Delegate Mafnas.

Delegate King: Thank you.

Delegate Villanueva: I think this amendment would change the purpose of this proposal. We discussed this in length and even Delegate Lizama who's one of the very prominent lawyers here in the Northern Marianas decide that if it's because the will of the general public to remove the word

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margins. Page numbers should be centered in the footer.

i to put the word "means", I don't see why we should change
: the word "include" and take away the word "means". I know
:his amendment is also one of our very prominent lawyers here
:n Marianas. But I feel that since both of them are promi-
espect both their concerns, I think that the two of them
ther and the delegates here should go ahead and continue with
ns", unless the mover of this proposal can convince me that
ns" is not as good as the word "includes". Thank you.

Guerrero: Delegate Nabors?

rs: Thank you, Mr. President. I have a lot of confidence
the founding fathers. Our founding fathers used includes.
it they are doing, I respect their judgement, and I see no
eason to change what they did. I support Committee Recom-
. 27. We need that to cover persons who were inadvertently
out since the present Constitution uses the word "includes" I
to change it.

Guerrero: Delegate Tenorio?

orio: Thank you, Mr. President. I think it's only about a
ys ago or maybe a day ago when the same amendment was intro-
floor and it was overwhelmingly defeated. I don't see why we
again the same amendment that was previously defeated to the
scussion. I respect Delegate Nabors' argument and I think
uld follow the rule of the majority and we already have the
rity. If we vote for this again when we don't have all the
at were present at that time when we had the discussion, I
it would be unfair for those people who are not present at this
efore, he placed their confidence in the votes of the other
hat were here at that time that we voted the same, exactly the
ent. I, therefore, feel that we should not address this issue
se we already address it. We'll be repeating the same thing
nk you, Mr. President.

bors: Point of information.

. Guerrero: State your point, Delegate Nabors.

abors: As I recall, the mover withdrew. Delegate Lizama, as I
reed to strike his motion to change "means" to "include" and
to "means" again. I did not recall that it was voted upon.

H. Guerrero: Delegate Mundo?

undo: Thank you, Mr. President. I would like to suggest that
rom discussing this amendment at this time. I don't think we
h delegates even to pass this or not to pass this amendment.

H. Guerrero: We have a majority present, therefore, we need
:ths of the members present for a proposal to pass.

Mafnas: Mr. President.

H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: I believe three-fourths of twenty, because we recessed this afternoon and there were twenty this morning, not three-fourths of fifteen. Delegate Mundo is still correct.

Delegate Mendiola: Mr. President, could we go through the Rules and check it out?

Delegate Nabors: Rule 15: No proposed amendments to the Constitution or provision shall be adopted by the Convention except by affirmative vote of not less than three-fourths of the delegates present in the Convention with delegates voting only in person. A majority of delegates present, a quorum being present, shall be sufficient for the taking of any other action except when the affirmative vote of a greater number shall be required by these rules.

Delegate Mafnas: So what's your interpretation?

Delegate Nabors: So we have a quorum, three-fourths of the members present.

Delegate Mafnas: Tonight, not this morning.

Delegate Nabors: Now.

Delegate Mafnas: Thank you.

President H. Guerrero: What we have right now, we need 12 votes to pass.

Delegate Mendiola: No, three-fourths of 15.

President H. Guerrero: We need 12 votes. Discussions?

Delegate Mendiola: I move to end debate.

Delegate King seconded the motion.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, I'd just like to ask, would there be some problem here because should this be passed, we're going to be denying some person who in the past we have allowed to some rights, for example, to vote. And by passing this .... Delegate Nabors?

Delegate Nabors: Point of information, Mr. President, 27 will not disenfranchise any one. It's 35 that I have a problem with in terms of voting. 27 simply includes people who were inadvertently left out, Northern Marianas people, children of.

Delegate Manglona: But it would exclude U.S. citizens now on that.

Delegate Mafnas: Right. If my amendment is not adopted, then we're going to have problems.

Delegate Manglona: That's what I'm saying, if you don't put include.

Delegate Nabors: Right.

Delegate Manglona: Would there be a problem because the Covenant includes those people and this one will not. Is there any problem? I mean, would there be any problem there?

Delegate Nabors: Yes. I foresee a problem.

President H. Guerrero: If somebody challenge it in court probably the court will strike it out, so we're back to square one.

Delegate Manglona: Why do we want to encounter such a problem?

Delegate Nabors: I'm hoping that we can avoid it by adopting my amendment.

Delegate Tenorio: Point of information, Mr. President.

President H. Guerrero: State your point, Delegate Tenorio.

Delegate Tenorio: I think that this issue was discussed when we were discussing Committee Recommendation No. 27. It was fully discussed and I'm pretty sure that the Convention at that time was fully aware of the significance of this amendment. And at that time also they passed the amendment on First Reading based on the issues that were discussed, based on explanations that were brought up by the members of the Convention. I, therefore, feel that any further discussion on this thing is not warranted if it refers to the definition. Thank you.

Delegate Ogumoro: Privilege. Delegate Nabors, is your amendment trying to accommodate the category of individuals that Maria Pangelinan was pointing out to us that would have difficulty if we pass Committee Recommendation No. 27 with the word "means" used instead of the word "include"?

Delegate Nabors: Absolutely.

Delegate Mendiola: Point of information, Mr. President.

President H. Guerrero: State your point, Delegate Mendiola.

Delegate Mendiola: I don't think if the U.S. citizens were being here since 1974, I mean before 1974, so that's wrong, Delegate Nabors. If a U.S. citizen has been here like yourself, you could vote.

Delegate Nabors: 35 will affect...

Delegate Mafnas: Point of order. The Secretary was not recognized by the President.

Delegate Mendiola: If you look at Section 8 (c), you will be included. So you're statement by saying "yes" to Maria Pangelinan's statement is wrong.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. Maria Pangelinan was not here and she is a person of Northern Marianas descent. So she would not be included here unless you change "means" to "includes".

ent H. Guerrero: Delegate Mendiola?

te Mendiola: Maria Pangelinan that some of her cousins and uncles ff to the U.S. after 1974 and they became U.S. citizens. And coming gain, does that means the Proposal No. 27 will stop them from ? That's what Maria pointed out.

ent H. Guerrero: She is also making reference to herself.

te Mendiola: Right, including herself. She was here before 1974, he left after '74. So, she still ...

ent H. Guerrero: No, she doesn't.

te Nabors: She doesn't qualify. Continuously. There was a break residency.

te Reyes: Wouldn't that depend on what her reason for leaving? She o school or...?

te Mendiola: Yes, she was gone for school. So that's the problem.

lent H. Guerrero: Any other discussions? Delegate Nabors?

ate Nabors: Could I ask the indulgence of my colleagues and see if uld get an opinion from the Attorney General as to whether or not ng "means" would exclude people of Northern Marianas descent from g privileges guaranteed them by the Covenant?

ate Villanueva: Objection. This is supposed to have been done 10 ago. I don't know why. You know, we're suppose to delay this se Delegate Rey is not here. It was discussed by so many people, so attorneys, even our committee assistant was involved in discussing and we are going to keep on discussing this. And if we are going to for that, why are we discussing it now? We should just defer it and until, you know, all these opinions come.

ate Nabors: Point of information, Mr. President.

dent H. Guerrero: State your point, Delegate Nabors.

ate Nabors: I took the pain of going to Delegate Villagomez' home ng our afternoon recess and ascertained his wishes in this matter. I , what do you want us to do. Do you want us to defer this until you present? We took it up this morning. Or do you want to withdraw it? he advised me that we should go on and make our decision on the er, that he will not be here tonight, he will not be here tomorrow.

ident H. Guerrero: Delegate Mendiola?

gate Mendiola: Just a couple to questions to Delegate Nabors. If in case by tomorrow the military comes in here. Will this authorize military to vote?

gate Nabors: No.

Delegate Mendiola: Why?

Delegate Nabors: Because they did not obtain the U.S. citizenship under a, b, or c and neither was here before 1974.

Delegate Mendiola: Okay, if we pass this. But if we don't pass, could they?

Delegate Nabors: No. The Covenant outlines the same provision that the transitional matters and any one who doesn't qualify under a, b, or c cannot vote. Excuse me, at the present time, okay, a, b, or c delineates individuals who will obtain U.S. citizenship upon termination. Okay? Now, Committee Recommendation 35 will have the restrictive effect that any American citizen here before 1974...

Delegate King: Point of order.

President H. Guerrero: State your point.

Delegate King: I think, we're discussing Recommendation 27.

Delegate Nabors: That's correct, Mr. President, 27 and 35 are companion measures.

Delegate Mafnas: Point of observation.

President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: Will you kindly declare tonight the delegates from Tinian's night?

(Laughter)

Delegate Nabors: Mr. President.

President H. Guerrero: Continue, Delegate Nabors.

Delegate Nabors: Do we have Legal Opinion No. 36? Do the delegates have Legal Opinion No. 36? May I direct your attention to the penultimate paragraph in that legal opinion? I mean, the first sentence of the last paragraph. "Thus, by this proposed amendment, people who are presently citizens within the Constitution who are citizens by means other than clauses a, b, and c, will no longer be deemed to be citizens under the Constitution. This revoking of citizenship without due process of law would be unconstitutional." So it's very clear.

President H. Guerrero: Delegate Mendiola.

Delegate Mendiola: It's going to be unconstitutional if what we're defining here is interim definition. Presently, when we're having a public hearing in regards to this proposal, the Attorney General said that the Northern Marianas, right now, under the Covenant, we could stop any U.S. citizen from coming into the Northern Marianas because we have the immigration rights. They have to apply for it. This is just for your information.

Delegate Nabors: I don't happen to agree with that.

Delegate King: I move to end debate.

Delegate Mafnas seconded the motion.

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Mr. President, I think the concern of Mr. Nabors earlier during the session was the possibility of the outsiders coming in and voting and one of those concerns is the number of the military personnel but we don't know whether they are going to vote but irrespective to that the number might come in and off set the number of Tinianese voting. This thing is clear in my mind. Number 27 simply states that the term of the United States citizens include, so U.S. citizens now are U.S. citizens and it will include the other enumerated here, a, b, and c. And on No. 35, it goes to the qualification of voters. So what it does, if Mr. Nabors' concern about the military is really true, so he won't amend this to include. But if he is not worried now about the military voting on Tinian, so "include" on this number 27 would mean that they can vote later on, and I understand it. Isn't that correct, Mr. Nabors?

Delegate Nabors: No, I have never been concerned about the military voting on Tinian.

Delegate Mendiola: I am, Mr. President.

President H. Guerrero: Any more discussions?

The motion to adopt the proposed amendment offered by Delegate Nabors was defeated by voice vote.

President H. Guerrero: Motion defeated. We're back to the main motion. Discussions? If no discussion, then, Secretary Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 27, on Second and Final Reading was voted on by a roll call vote, as follows:

YES: Delegates Vincent Calvo, David Cing, David Igitol, Esteven King, Jesus Mafnas, James Mendiola, Aniceto Mundo, Felicidad Ogumoro, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres, and Ignacio Villanueva. (13 votes)

NO: Delegates Rita Inos, Paul Manglona and William Nabors. (3 votes)

ABSTAIN: Delegate Herman T. Guerrero. (1 vote)

ABSENT: Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, Luis Limes, Juan Lizama, Maria Pangelinan and Ramon Villagomez. (7 votes)

And the motion was carried.

Secretary Nabors: I have 13 affirmative votes, 3 negative votes, 1 abstention and 7 absences.

Delegate Mendiola: Why?

Delegate Nabors: Because they did not obtain the U.S. citizenship under a, b, or c and neither was here before 1974.

Delegate Mendiola: Okay, if we pass this. But if we don't pass, could they?

Delegate Nabors: No. The Covenant outlines the same provision that the transitional matters and any one who doesn't qualify under a, b, or c cannot vote. Excuse me, at the present time, okay, a, b, or c delineates individuals who will obtain U.S. citizenship upon termination. Okay? Now, Committee Recommendation 35 will have the restrictive effect that any American citizen here before 1974...

Delegate King: Point of order.

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(Laughter)

Delegate Nabors: Mr. President.

President H. Guerrero: Continue, Delegate Nabors.

Delegate Nabors: Do we have Legal Opinion No. 36? Do the delegates have Legal Opinion No. 36? May I direct your attention to the penultimate paragraph in that legal opinion? I mean, the first sentence of the last paragraph. "Thus, by this proposed amendment, people who are presently citizens within the Constitution who are citizens by means other than clauses a, b, and c, will no longer be deemed to be citizens under the Constitution. This revoking of citizenship without due process of law would be unconstitutional." So it's very clear.

President H. Guerrero: Delegate Mendiola.

Delegate Mendiola: It's going to be unconstitutional if what we're defining here is interim definition. Presently, when we're having a public hearing in regards to this proposal, the Attorney General said that the Northern Marianas, right now, under the Covenant, we could stop any U.S. citizen from coming into the Northern Marianas because we have the immigration rights. They have to apply for it. This is just for your information.

Delegate Nabors: I don't happen to agree with that.

President H. Guerrero: Committee Recommendation No. 27 passed by 14 votes. We have Committee Recommendation No. 35.

Acting Floor Leader Mendiola: Mr. President?

President H. Guerrero: Yes.

Delegate Mendiola: Could I ask for a three minutes recess. I've got an amendment to pass out.

President H. Guerrero: Okay, recess for three minutes.

The Convention recessed at 8:12 p.m.

RECESS

The Convention reconvened at 8:25 p.m.

President H. Guerrero: Secretary Nabors, can you read Committee Recommendation No. 35, please?

Secretary Nabors read Committee Recommendation No. 35 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 35

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 1 of Article VII of the Northern Marianas Constitution relating to Qualification of Voters.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

"Effective upon ratification, Section 1 of Article VII is amended to read:

"'Section 1: Qualification of Voters. A person is eligible to vote who, on the date of the election, is eighteen years of age or older, is domiciled in the Commonwealth and has resided in the Commonwealth for a period of time provided by law, is not serving a sentence for a felony, has not been found by a court to be of unsound mind, and is either a citizen or national of the United States as specifically defined in Section 8(a), (b) and (c) of the Schedule on Transitional Matters of this Constitution.'"

President H. Guerrero: Acting Floor Leader Mendiola?

Acting Floor Leader Mendiola: Mr. President, I move to adopt Committee Recommendation No. 35 for its Second and Final Reading.

Delegate Tomokane seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 35. Discussions? Delegate Mendiola?

Delegate Mendiola: I passed out a rough copy fo the amendment to include one sentence after "Constitution" to read: "After the effective date of this citizenship provision of Article III of the Covenant a citizen and national of the United States need not come within the definition of Section 8(a), (b) and (c) of the Schedule on Transitional Matters of the Constitution".

Delegate King seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 35, on line 10, after "Constitution" to read: "After the effective date of the citizenship provision of Article III of the Covenant, a citizen or national of the United States need not come within the definition of Section 8(a), (b) and (c) of the Schedule on Transitional Matters of this Constitution". Discussions? Delegate Manglona?

Delegate Manglona: I understand the intent of Delegate Mendiola but there is no flow in here. I feel there's a missing link, I think he's trying to redefine, on line 8, national citizen or national of the United States after effective date of the citizenship but there's something missing. There's a link here missing.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: I don't catch him.

President H. Guerrero: Would you please restate your statement, Delegate Manglona?

Delegate Manglona: Maybe he should say something like refer to. What I am saying is that if you add the last sentence, so what. What I am saying is if you add it, then what does it do?

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Mr. President, this will assure that after the termination of the Trusteeship, all U.S. citizen and U.S. national are eligible to vote. On Section 8(a), (b) and (c) U.S. citizen who are not here before 1974 are not eligible. So what I'm trying to say here is that after termination of the Trusteeship, all U.S. citizen and national could vote in the Northern Marianas.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I wonder, Mr. President, whether we need to say that. I mean, after the termination of the Trusteeship Agreement, all U.S. citizens and nationals will be eligible to vote. Do we need to say that?

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Mr. President, on Proposal No. 35, if we don't say this, I don't know. I have contacted about 3 or 4 lawyers and they came out with different answers whether Section 8(a), (b) and (c) still in

effect after the termination of the Trusteeship Agreement and I could not believe which one is which, which one is right. Some lawyer say that after the termination Section 8(a), (b) and (c) will be still in effect because it is mentioned under Section 1 of the Constitution or Article III of the Constitution. So just to be sure that this section is not in effect after termination, I put this down.

President H. Guerrero: Delegate Tenorio?

Delegate Tonorio: Thank you, Mr. President. I think the interim definition of citizenship is taken care of by the Covenant or the Constitution that it will at the termination of the Trusteeship Agreement that definition will terminate automatically. I don't see any reason why we should put this in our Constitution at this time. Thank you.

President H. Guerrero: Delegate Torres?

Delegate Torres: Yes. I want to direct my question to Delegate Mendiola. Delegate Mendiola, are you trying to nullify the effect of the interim definition of citizenship in Section 8(a), (b) and (c) in Committee Recommendation No. 35? Is that what you're trying to do?

Delegate Mendiola: No, Mr. President. I'm trying to make sure that once the U.S. Government gives us the full fledge U.S. citizenship then all U.S. citizens and nationals should have the right to vote here.

Delegate Torres: But wouldn't that be taken care of, as pointed out Delegate Tenorio, given the fact that the interim definition of citizenship will have loose force at the termination of the Trusteeship?

Delegate Mendiola: That was my first thought. But after consulting about 3 or 4 lawyers they have different opinions. Some of them said, if you put it in this section they might come in and say because of this provision on Proposal 35, that portion of the transitional matters are still in effect. I don't know. Just to make sure, we could come up with better words.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: To clarify a couple of concerns here before we take the final vote on this committee recommendation, on the amendment that is proposed. What would this mean to U.S. citizens that have been here since, after January 1st, 1974, between that date and the termination of the Trusteeship Agreement? Would that allow them to vote here in the CNMI? Could they register to vote in our general elections should we pass this amendment? There are a number of U.S. citizens now that are voting. What would this amendment do to them?

President H. Guerrero: I think, Delegate Ogumoro, you just exclude them on Committee Recommendation No. 27. Is that correct, Delegate Nabors?

Delegate Ogumoro: So what is this committee recommendation doing further? It further excludes them, to make sure that they are really excluded?

Delegate Nabors: My opinion, this 35, if passed, will continue to be in full force and effect until the Third Constitutional Convention.

Delegate Mendiola: Mr. President, I think we're delineating from the subject. My amendment is, after termination and comes back again to between '84 and termination. My amendment is for the purpose of after termination.

Delegate Ogumoro: I share your concern, Delegate Mendiola. However, right now we have certain U.S. citizens that are presently in the Commonwealth now that have been voting and have been exercising that right to vote and I wonder, you know, if this would affect.

Delegate Mafnas: Mr. President, point of order, please.

President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: We're not discussing the amendment. Let's dispose the amendment and go to the committee recommendation.

Delegate Ogumoro: I think that has bearing on the proposed amendment. Are you saying that my discussion right now has no relevance here with the proposed amendment offered by Mendiola?

Delegate Mafnas: The proposed amendment, Mr. President is trying to nullify this section.

Delegate Nabors: That's right. It will nullify. And colleague, the best thing to do is to kill 35 and let the damage that you've already done stay minimal. If you pass 35 you're going to compound your error.

Delegate Mendiola: Damage to who?

Delegate Nabors: Damage to individuals who have vested rights and who will go to court and get you declared unconstitutional.

Delegate Mendiola: Then let them go to court.

Delegate Nabors: So you're right back where you are. How does that help you?

Delegate Mendiola: How do you know?

Delegate Nabors: Okay.

President H. Guerrero: Delegate Inos?

Delegate Inos: I am in agreement that we do need an amendment here. Because what we're saying here is that we're defining who will vote. And even if the Trusteeship terminates, under qualification of voters we still define those people under 8(a), (b) and (c). That will still hold true in voting. And even if we say that the Trusteeship is terminating, that we will automatically become U.S. citizens and we're only saying that those that are defined in Section 8(a), (b) and (c) will be the only people that can vote even after the termination of the Trusteeship.

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. I do share the concern here

because of the fact that the qualification of voters simply uses the transitional matter as a definition as to who qualifies to vote. So there's a worry here that after the lifting of the Trusteeship Agreement this will still be in effect and then it will continue to have US citizens who do not acquire U.S. citizenship under 8(a), (b) and (c) will not qualify to vote. Presently our concern is just the transitional period. I feel the Convention is not concerned about the period after the transition, so I urge my colleagues to agree with the amendment to nullify the transitional matters for voter qualification after the transition. Thank you.

President H. Guerrero: Delegate Tomokane?

Delegate Tomokane: Thank you, Mr. President. It seems like some of us are still not too sure or they haven't really grasp what's going on between the effects of Section 301 of the Covenant versus this interim definition of citizenship in the Constitution. Some people are coming up with their own interpretations and they are misleading other people and these mislead people are becoming you know, they like to argue too about this matter. When we first started this Con Con, we came out with all kinds of proposals even to include that if you're going to vote or run for office you must be of Northern Marianas descent and we can't do that. So the motive there is to try and control the situation. How can we control our situation if we cannot even define definitely or specifically what do we want? So I hope that when you start making an interpretation that you really follow the line from the Covenant and make sure that you're operating from there. I just want to make clear that Section 301 becomes operative on the termination of the Trustreeship Agreement. In between now and then, let's put something in the Constitution that will protect the interest of the Marianas and not to protect somebody's interest. Thank you.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, I agree that Section 8 will no longer be in effect after the termination of the Trusteeship; however, Committee Recommendation No. 35 will still remain in effect, especially if we do not change it between now and the Third Con Con and the Trusteeship has ended before then. This Section 1 of Article VII reads exactly that the United States citizens as specifically defined in Section 8(a), (b) and (c) of the Schedule on Transitional Matters will not change even if the Trust Territory ceased. So this will remain forever and ever until we change as a qualification of voters. So I think I found the missing link to this one. I would ask Delegate Mendiola if he prefers it to read this way: "After the effective date of the citizenship provision of Article III of the Covenant, the qualification that a citizen or national of the United States need to come within the definition of Section 8(a), (b) and (c) of the Schedule on Transitional Matters of this Constitution may not apply." So that after the TT ceased to exist then this qualification on lines 8 and 9 will no longer apply. Therefore, we don't have to come back and amend this section even after the termination of the TT.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: I don't know, Mr President, but a lawyer gave me this phrase to put it in just to make sure that these people are eligible to vote after the termination of Trusteeship here and this is what they gave

and this is what I put down. I'm not a lawyer. Somebody might come in h a better language. But my intention here is just to make sure that . national and U.S. citizens are given the right to vote here in the :thern Marianas as long as they give us the full fledge U.S. citizenship

esident H. Guerrero: Delegate Villanueva?

legate Villanueva: Mr. President, I thought that after the termination even now the Covenant is the higher law of the land than the Constitu- on. And after the termination of the Trusteeship Agreement, I thought at would apply also. Now we're concerned about what we put in the Con- itution that would not be nullified by the Covenant. I'm not in favor this proposal not because it would deny people the right to vote; it's st that I was in favor of the other proposal. And the committee felt hat even though it's controversial, we want to find out if the Convention elt that that proposal would attract attention and at least if there's nything to be done to correct the situation something will be done. And I till maintain that the Covenant is a higher law of the Northern Marianas han the Constitution. And whatever is in the Northern Marianas Constitu- ion is nullified if it's not in agreement with the Covenant.

President H. Guerrero: Thank you. Are you finished, Delegate Tomokane?

Delegate Tomokane: Mr. President, I just want to go on record that I'm not afraid to go to court to defend my Constitution. Thank you.

President H. Guerrero: Delegate Inos?

Delegate Inos: Thank you, Mr. President. (in Chamorro)

President H. Guerrero: Delegate Torres?

Delegate Torres: Thank you, Mr. President. (in Chamorro)
My only point here is that until we are granted full fledge U.S. citizenship then I think it is only right and proper to protect our interest, to defend ourselves and to express our feelings regarding these things. We will be creating, yes, we will be creating two classes of citizens here. Those citizens defined in the Schedule on Transitional Matter Section 8 (a), (b) and (c); and those citizens who will become citizens after the Trusteeship Agreement. Both citizens will be eligible to vote so there shouldn't be any fear about these two classes of citizenship or citizens. The Schedule on Transitional Matters will cease upon termination of the Trusteeship and those citizens who will become U.S. citizens under this schedule will still be eligible to vote and those citizens who will have become U.S. citizens after the termination of the Trusteeship will still, will also be eligible to vote in the Commonwealth. If there is any fear that we may be taken to court, then so be it. Perhaps that fear is just a fear in the air. But let's stand up and be counted and be recognized on our rights. Thank you.

President H. Guerrero: Delegate Inos?

Delegate Inos: Okay. First, I'll ask a question. Does the committee intend under qualification of voters to just include 8(a), (b) and (c) as people who can vote only?

President H. Guerrero: Point of order. We're talking about the amendment

Delegate Inos: Yes, I'm talking about the amendment. Because in order for me to vote for the amendment, I need to know this.

Delegate Mafnas: Are you looking at me?

Delegate Inos: Yes, I'm looking at you.

President H. Guerrero: Delegate King, this is your committee; speak up.

Delegate Mundo: Which amendment are you talking about, Delegate Inos? Is it the amendment that was made by Delegate Mendiola?

Delegate Inos: Yes.

Delegate Mundo: We haven't decided yet on that.

Delegate Inos: I know, that's why before I decide I want to know.

Delegate Mundo: Ask Delegate Mendiola.

President H. Guerrero: Delegate Mendiola?

Delegate Inos: (in Chamorro)

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. The intent of the committee, if I recall and I will stand corrected, is only on the transitional period. There has never been an intention to exclude U.S. citizens after the transition. And these are the facts that came up. Because of the fact that we cannot vote in the states now because we are still interim U.S., we also want to extend this kind of interim aliens for the U.S. citizens who came from the States. So this is just for the transitional period.

Delegate Inos: Mr. President?

President H. Guerrero: You may.

Delegate Inos: But I think we're missing a point here because we're saying that it's only for the transitional period but we are not stating that here. We're saying that only those people qualified to vote are those as specifically defined in Section 8(a), (b) and (c) of the Schedule on Transitional Matters of this Constitution, period. So that's the only people that we want to vote even after the termination of the Trusteeship?

Delegate King: Point of clarification.

President H. Guerrero: State your point, Delegate King.

Delegate King: It is true that under line 10, it mentioned transitional matters of this Constitution. Now, if the termination of the Trusteeship Agreement is in effect then the transitional matter of this Constitution become dead. So there is no transitional matters. So we go back to the Covenant, as defined in the Covenant.

Delegate Inos: No, I don't believe that is true because I think that you already defined who will vote. And even if the transitional matter is already gone and went bye-bye, that definition remains because that's what we want in there.

Delegate King: But where are you going to find the definition?

Delegate Inos: In the Constitution.

Delegate King: But that becomes void.

Delegate Inos: Void in transitional matters only but not in your definition for who is qualified to vote.

Delegate King: When this become void, then it's invalid. You cannot use that to argue when it's invalid.

President H. Guerrero: Somebody has to challenge that in court. Isn't it? To become null and void first? Delegate Ogumoro?

Delegate Ogumoro: Thank you, Mr. President. I'm sorry that our representative from the Attorney General's Office is gone. But when we were discussing this matter with him, he said that you may put anything you want in our Constitution right now. But what is going to be in effect is what is in the Covenant. So that takes over as soon as the Trusteeship Agreement terminates. So you know, to clarify, whatever we put in right now I have to mention this because I raised a concern before Delegate Juan Lizama offered his amendment to further qualify and put the voting requirement in when we were discussing the section on citizenship. I was concerned because if we had left out those people that would be regarded or that would be included under our definition of citizens, that did not vote prior to January 1, 1974, that those people might get, their status might be very shaky at the termination of the Trusteeship Agreement. But according to the Attorney General's Office that should not be a problem. As soon as the Trusteeship Agreement terminates, whatever is in the Constitution under Article III would take over. I'm sorry, of the Covenant will take over, go into effect.

My other concern, Mr. President, is beginning with the word "after". Do we need that at all? The whole thing that whatever is being proposed by Delegate Mendiola, do we need to further include in the proposed Committee Recommendation 35?

President H. Guerrero: Probably, Delegate Mendiola, can best answer that.

Delegate Mendiola: I myself, don't know, but like I said before I have consulted 3 or 4 lawyers and they came up with different opinions. So just to make sure that those national and United States citizens are eligible to vote here in the Commonwealth after the termination of the Trusteeship should be eligible to vote.

Delegate Ogumoro: If I understand the Attorney General's Office correctly, I would not, I don't see the difference. I don't see what this amendment that my fellow delegate Mendiola is offering.

Delegate Mendiola: That happens by consulting only one lawyer.

Delegate Ogumoro: There were a couple of other lawyers that we were talking to.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I agree with Delegate Ogumoro. The Attorney General indicated that after the termination, we go back to the Covenant. She was the one who asked that question. Mr. President, if the intent of Committee Recommendation 35 is because we are not voting in the United States, which I don't really care, because I want to vote over here, that this amendment is put forth to the Convention. I am right now against it. We have people who have decided to make the Northern Marianas their homes, U.S. citizens from Guam and United States, they have made that choice because they low our loving and peaceful islands. They want to partake in the political progress of our infant Commonwealth. Mr. President, this is part of the bargain that we made when we entered or decided to be part of the families of the United States of America. And to further compound our problem or the problem that we envision by passing Committee Recommendation 27 is something that I cannot support at this point in time. I sympathize with the sentiments of the members, our people in the States are getting benefits too, that many of our American friends who are here are not enjoying. The intent of the interim citizenship is to allow our people to move back and forth from here to the States and all the U.S. territories and also to enjoy many benefits and it's not, it was never intended to qualify us to vote in the United States. Even, Mr. President, when the Trusteeship Agreement is terminated we will not vote for the President of the United States. So what are we trying to do here? I cannot support this recommendation because I never plan to vote in the United States. And if that is the intent of this proposal, then I don't want to be part of it. We want to make sure that the Northern Marianas open its arms to our dedicated and sincere American friends or brothers who have decided to be part of us for the rest of their lives. So I move to file this forever. Thank you.

Delegate Nabors seconded the motion.

Delegate Torres: Point of information.

President H. Guerrero: State your point, Delegate Torres.

Delegate Torres: I think some of us do not fully grasp the meaning of interim. Interim is just for a time being, that's what it means. Let's have no fear on that. As is it now there are two classes of U.S. citizens. As is very explicitly explained in the committee report. U.S. citizens under Amendment 14 of the Constitution and U.S. citizens in the Schedule on Transitional Matter. They are two totally different classes of U.S. citizens and there are two totally different classes of citizens who have two totally different benefits. I just cannot comprehend how we cannot see through this perhaps unintended discrimination. Interim means for time being, that means that for the time being we are not truly U.S. citizens. I think the Committee on Natural Resources is trying to rectify a problem, a problem which a few of us recognize. And perhaps a problem

which few of us would even like to think about. Let's face it. We are not full fledge U.S. citizen as defined in Amendment 14 of the U.S. Constitution. We are interim, for the time being; we are for the time being kind of citizen. Okay? And with this distinction, there are obviously differences in the rights and in the benefits from these two classes. The fact that we are not fully U.S. citizen doesn't guarantee us all the benefits or the rights of a U.S. citizen under Amendment 14. We are, by we, I mean, the people in the Commonwelath are U.S. citizen under the interim definition of Schedule 8(a), (b) and (c) which means that we are not full fledge, which can be extended to mean that we are not truly U.S. citizen and you can even add further that we do not have all the rights that U.S. citizens that Amendment 14 have. Let's recognize this discrepancy; let's deal with it appropriately. I think we are fooling ourselves in not recognizing the reality of these two classes of U.S. citizens. Let's recognize it; let's deal with; let's work within it and let's just not say, well perhaps we're not matured enough to be truly U.S. citizen. I cannot understand the rationale in allowing this discrepancy or disparity to continue. When the Trusteeship terminates then that's the time when we can proudly say, yes, I am a true U.S. citizen. For now, we are not, and let's not fool ourselves with that. We are not U.S. citizen as defined in Amendment 14 of the U.S. Constitution. We are just for the time being "U.S. citizen". Thank you.

Delegate Mafnas: Mr. President.

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: I don't claim that I am a U.S. citizen, and I don't care to be a U.S. citizen. The purpose for the interim definition, Mr. President, is not for us to call ourselves truly a U.S. citizen. The purpose of the transition or interim definition in our Covenant is to allow mobility of our people, our children to go to school in the United States without the I-20 visa requirement and not for them or for us to vote in the States. There are benefits now enjoyed by our children prior to our signing or entering into agreement with the United States of America under the Covenant such as food stamps, free truitions or resident tuitions and these were not available prior to the signing of the Covenant. So the purpose of the interim citizenship as defined is to allow our people to move back and forth without being harassed at the first U.S. port of entry. And it was never intended for us to call ourselves a first class or second class U.S. citizen nor it was intended for us to vote in California, in Honolulu or Guam. So I understand the definition of interim citizenship and I know the purpose for having that in the Covenant. Thank you.

Delegate King: Point of information, Mr. President. I believe that all the benefits we're getting from the United States are an exchange to our islands to establish a military here for defense purposes. We've been used by Americans for the first people to be eaten up in case there's a war. So that's the main reason that we are exchanging our life to them for those kinds of benefits. And we've been in the CNMI for a long time and there's no such program but we're still alive.

Delegate Mafnas: Point of information, Mr. President.

President H. Guerrero: State your point.

Delegate Mafnas: The United States of America did not ask us to join them; we asked them to join us. Let's not try and fool ourselves. We asked them to join us. Originally we were negotiating for Free Associated States of Micronesia.

Delegate King: Clarification, Mr. President. The United States need all the island of Tinian for defense purposes.

Delegate Mafnas: I am not going to argue with you on that point.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Let me try to remember what I was thinking. I think we all here know the intent of this amendment to Committee Recommendation No. 35. We all agree with the concerns of Delegate Torres; we all agree that we are not full fledged U.S. citizens. We all agree that we do not want these full fledge U.S. citizens to vote in our election in the interim period; we all agree that we want them to vote after the interim period. So our problem here is language -- that is our problem. And that is what Delegate Mendiola and Delegate Inos are trying to point out. I think the problem is the way that this Section 1 of Article VII is written, the way it is worded is the problem. And that is what I am trying to point out and I think that is what Delegate Mendiola and Delegate Inos is trying to point out. If the intent of the committee is to allow these U.S. citizens to vote after the interim, then there must be some language to be placed in here. I agree that the interim definition will mean nothing after the termination of the TT. However, this wording, the way you read it in black and white on Section 1, Article VII will remain even after the TT is terminated. So there should be a language here that should say something like this: "Citizens or national of the United States will be allowed to vote, however for the interim period, only those U.S. citizens which qualify under Section 8(a), (b) and (c) will be qualified." I think that is the kind of language that we're looking for in here and that is what Delegate Mendiola is trying to point out. So it is not a fight here, or the concern here is not whether we are being treated second class or whether we don't want the U.S. citizens to vote. That is not the concern that we are facing right now. It is the language and we want a language here that we will all understand and that we will not make it too complicated. So we have a chance now to make it simple and easy to understand, so let's do that.

Delegate Mafnas: Mr. President, I have no problem in allowing the U.S. citizens to vote now and again after the Trusteeship Agreement. They are taxpayers of the Commonwealth; they should be represented; their voice should be heard too. So I have no argument, no reservations in allowing them that privilege because they are paying taxes.

Delegate King: Point of information, Mr. Chairman.

President H. Guerrero: You've been asking a lot of point of information, Delegate King.

Delegate King: Thank you.

President H. Guerrero: Would you like to talk about something, Delegate King? There is something in the Rules that if a person keeps asking for

points of information, that the Chair does have to recognize that person. But if you like to talk to the members, go ahead. Delegate Mendiola?

Delegate Mendiola: Thank you, Mr. President. In Public Law 4-30, it says: Duty of the Convention, and the Convention should look and amend the Constitution for if we believe that it is for the interest of our people. When I first got elected and went to Tinian, the people of Tinian are very concerned in regards to the military coming into Tinian. And I believe that one of the concerns is the military coming into Tinian and taking over the island. As you know, we only have about 400 voters. And the latest information we received is we're going to be invaded by about five to ten thousand military coming into Tinian. I believe that this is the basic interest of the people I represent. Just for the record, I fully agree with this amendment. This will protect the people I represent and I like to note that I'm doing the wishes of the people of Tinian. There are two main concerns and they are the Local Government and the invasion of the military into Tinian. Thank you, Mr. President.

Delegate Villanueva: I move to end debate.

Delegate Mafnas seconded, and the motion was carried by voice vote.

President H. Guerrero: We're voting on the amendment. First of all, we need to vote to accept the amendment.

The motion to adopt the amendment to Committee Recommendation No. 35 offered by Delegate Mendiola was carried by voice vote.

President H. Guerrero: We're back to the main motion now. Discussions? Delegate Nabors?

Delegate Nabors: I move that we file Committee Recommendation No. 35.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to file Committee Recommendation No. 35. Discussions? Delegate Tomokane?

Delegate Tomokane: I would like the mover of that motion to give a brief explanation why?

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. The reason wny I made the motion is we don't need it. And the reason why you do not need it is that by all accounts the Trusteeship Agreement will be terminated before the end of the year, long before the election on the ratification of the Constitutional amendments. It will be a novelty. And I believe it will create chaos in the event that it is passed and the termination of Trusteeship Agreement does not take place. I agree with Delegate Mafnas that you can only vote in one place. If you want to vote in California, you can't vote in Saipan. If you're going to vote in Nevada, you can't vote in Saipan. If you want to vote in Nevada all you have to do is go over there and register and vote. Pedro Atalig, I met in Washington three months ago, voted for the President of the United States. He is a military man from Tinian and was sent a ballot and he voted for Mr. Reagan. So our people or the people of Marianas descent are voting when they

establish residency in the States and I don't believe that it would be of any benefit to have so-called reciprocal rights because you cannot vote in two places. You may only vote in one place. And I do not believe that this Committee Recommendation adds anything. I think it's just going to cause confusion.

Delegate Torres: Point of information.

President H. Guerrero: What's your point, Delegate Torres?

Delegate Torres: I just want to remind my colleagues that reciprocal right is what we are lacking. A lot of students in the mainland from the CNMI are denied to vote. Why? Because they are only interim U.S. citizens. Thank you.

President H. Guerrero: Delegate Tomokane?

Delegate Tomokane: I agree that one person cannot vote in two places at the same time. That's common sense.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, under Section 304 of our Covenant, it says, citizens of the Northern Marianas will be entitled to all privileges and immunities of citizens in the several states of the United States. So it says all privileges and immunities. Is voting a privilege?

Delegate Mendiola: It's a right. We don't have rights in the United States.

Delegate Manglona: Point of information. I voted for President about few years ago.

Delegate Mafnas: You did?

Delegate Manglona: I registered and was allowed to vote because my name was listed.

Delegate Mafnas: So what's the question? If you want to vote there, you can vote.

Delegate Mendiola: If you voted in United States and you are not a U.S. citizen, I think you are lying or your registration application.

Delegate Manglona: I put down CNMI.

Delegate Mendiola: So the computer must be wrong.

Delegate Manglona: They knew that I was voting for Reagan.

(Laughter)

Delegate Mafnas: You got the right to vote under Section 304.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: There a lot of students who just don't register to

vote in the United States and in the Northern Marianas. We have students who registered to vote in Hawaii. They are allowed to vote. In fact there are more students who registered to vote in Hawaii and they don't vote than those registered to vote in the Northern Marianas. And this is because they know the candidates in the Northern Marianas. They rather vote for the candidates in the Northern Marianas than for candidates in the States, except maybe for President Reagan. And I am a witness to this, you know, right to vote business. I never voted in Hawaii because I like the candidates in the Northern Marianas, except for President Reagan. Thank you.

(Laughter)

Delegate Mafnas: Point of information. If you ever register in Honolulu, we are going to strip him off with this outside Commonwealth differential. And that's a lot, Mr. President.

Delegate Ogumoro: I move to end debate.

Delegate Nabors seconded the motion.

President H. Guerrero: The motion to file. Those in favor of filing it, please say aye?

Delegate Mendiola: Point of order, Mr. President.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: I think we have to go with the amendment motion first before we get to the filing.

Delegate Mafnas: We're finished.

Delegate Mendiola: Sorry, then.

Delegate Nabors: Point of privilege, Mr. President.

President H. Guerrero: State your privilege.

Delegate Nabors: No more for our recesses...

(Laughter)

President H. Guerrero: Those in favor of filing Committee Recommendation No. 35 please say aye? Those oppose say nay? Delegate Mafnas, are you voting for both?

Delegate Mafnas: No. I'm in favor to file, I voted to file.

(Laughter)

President H. Guerrero: Can I have a show of hand those who are in favor or filing it?

The motion to file Committee Recommendation No. 35 was carried by a show of hand vote of 9 for and 8 against the motion. The rest abstained.

Delegate Mendiola: I'm sorry, Mr. President, but that's what the people of Tinian wanted.

President H. Guerrero: Can we have a 5-minute recess?

The Convention recessed at 9:27 p.m.

RECESS

The Convention reconvened at 9:54 p.m.

President H. Guerrero: We are on Item (I), Introduction of Resolutions and Referrals. There is none, so we will go on to Unfinished Business.

INTRODUCTION OF RESOLUTIONS AND REFERRALS

None

UNFINISHED BUSINESS

President H. Guerrero: These were scheduled for General Orders of the Day yesterday so we need to entertain these. Secretary Nabors?

Secretary Nabors: I move that we resolve into a Committee of the Whole.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to resolve into a Committee of the Whole. Discussions?

The motion to resolve into a Committee of the Whole was carried by voice vote.

The Convention resolved into a Committee of the Whole at 9:56 p.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 11:40 p.m.

President H. Guerrero: Delegate Mundo?

Delegate Mundo: The Committee of the Whole adopted Committee Recommendation No. 63 and also adopted Committee Recommendation No. 64, as amended. Thank you.

Delegate King: I move for its adoption.

Delegate Manglona seconded the motion.

Delegate Mafnas: The amendments are, Mr. President, with the Secretary.

President H. Guerrero: I would ask the Secretary to probably give the Steno Pool the amendments so they can be retyped for tomorrow's consideration. It has been moved and seconded to adopt Committee Recommendation No. 63 and 64, as amended, and to be considered as First Reading. Discussions? Delegate Villanueva?

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Delegate Villanueva: Mr. President, I like the records to show that I voted "no" for the proposal because it's not completely elected Board of Education and not because of its 15 percent.

There being no further discussion, the motion to adopt the report of the Committee of the Whole on Committee Recommendation No. 63 and 64 was carried by voice vote.

President H. Guerrero: In view of the lateness, I would like to suspend and go down to Miscellaneous. Delegate Nabors?

MISCELLANEOUS BUSINESS

Delegate Nabors: Thank you, Mr. President. Our days are getting short and I asked a couple of days ago that the committees that still are holding measures please indicate your action. And I have, I think several measures in GI Committee and I'd like to find out when they are going to act.

Delegate Mafnas: Mr. President, the GI Committee has only one measure pending, the report is being prepared and this is on Delegate Proposal No. 216-85 on Retirement.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, your Committee on Local Government has only one Delegate Proposal pending and that is with regard to changing the name of Rota to Luta. I will bring that out on committee recommendation if the Committee on Local Government can be assured that that question will be posed to the public by a show of independence of other amendments. Thank you.

President H. Guerrero: I think that's the prerogative of the Convention itself to decide.

Delegate Manglona: Mr. President, I think this amendment is sensitive that it has to be asked to the public by itslef in order that you can really determine the desires of the people. So it has to be questioned out by itself.

President H. Guerrero: The Chair notes your concern but the final decision will be made by the Convention as a whole in terms of how it's going to be packaged and at such time if you want to report it out, go ahead. But the Convention as a whole will have to vote on that. Delegate Mafnas?

Delegate Mafnas: I am curious. I would like to ask Delegate Nabors if there are proposals assigned to GI that he would like to be reported?

Delegate Nabors: Thank you, Mr. President. I'm checking my record, there was one measure particularly concerning the salaries of independent agencies be comensurate with those in the Civil Service. I don't know who has that proposal but I want it out.

Delegate Mafnas: Mr. President, we tried to address that on Committee Recommendation No. 25 by having the authority of the Civil Service to extend its agencies and instrumentalities to ensure that the salaries of

independent boards are comensurate to that of the Civil Service. And I made that amendment because I thought that, I feared that Recommendation 25 would have been defeated. So in essence because of that, I considered the proposal filed.

Delegate Nabors: Can we treat it separately?

Delegate Mafnas: Then we go back to the growing board to extend the commission's authority to agencies and instrumentalities. But I will assure Delegate Nabors, Mr. President, that I will look into the proposal. Do you have the number?

President H. Guerrero: Delegate Igitol?

Delegate Igitol: Mr. President, with due respect, I would like to ask the indulgence of the delegates of the Convention. I have talked with the Director of Finance and he has agreed that I'll withdraw the Delegate Proposals 316 and 317 out from the Convention. But I further suggest that we will send that together with the resolutions to the Legislature for further action.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: He doesn't have to withdraw. It's filed already.

President H. Guerrero: Can I recognize Delegate Tomokane?

Delegate Tomokane: Mr. President, if I'm in order, because of the closeness of the votes in considering the filing of Committee Recommendation 35, I would like to give notice that we will consider it on Monday. Thank you.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Likewise, Mr. President, I give notice that we will reconsider Delegate Proposal 27 on Monday.

President H. Guerrero: Delegate Torres?

Delegate Torres: Likewise, I want to give notice that I'd like to consider Delegate Proposal 51 dealing with MPLT. Thank you.

President H. Guerrero: Which ones are being considered now?

Delegate Torres: 51.

President H. Guerrero: 51, 27, and 35. Delegate Manglona?

Delegate Manglona: Mr. President, it's only appropriate since I started this thing on reconsideration, that I mention something about it. I believe our last day is Monday, so maybe we should inform everyone that tomorrow is the last day to make move for reconsideration.

President H. Guerrero: If you need two days, today is the last day.

Delegate Mendiola: So today is the last day?

President H. Guerrero: If anyone wants to reconsider anything, today is the last day, unless you suspend the rules for consideration. Delegate Inos?

Delegate Inos: On the question, on the status of the delegate proposals submitted to the committees, I would like to inform, Mr. President, that your Committee on Finance and Other Matters has an update of delegate proposals and their status. And any delegate wishing to find out their particular proposals and the whereabouts of such proposals to please see any of the Finance and Other Matters Committee members most especially the Chairman.

President H. Guerrero: Can I ask the indulgence of the members that if we can suspend the Rules that 51, 27 and 35 will be considered with the others tomorrow?

Delegate Villanueva: No objection.

Delegate Mafnas: 51?

President H. Guerrero: 51, 27 and 35 will be considered with the others tomorrow. So I'm trying to complete all by tomorrow if as much as possible. Since there is no objection, so ordered. Delegate Nabors?

Delegate Mafnas: I would object to that, Mr. President, if we are not to entertain first those that are still pending.

President H. Guerrero: It will come later.

Delegate Mafnas: I hope and pray that they will come later.

Delegate Tomokane: Second.

President H. Guerrero: The thing that I would like to entertain tomorrow is the Unfinished Business first and then consider Committee Recommendation No. 19 followed by the others that notices were given the day before and those that are considered for recall today. Delegate Mafnas?

Delegate Mafnas: Mr. President, if your Delegate Proposal 26 is introduced tomorrow and the Chair accepts, can we have it on First Reading tomorrow so we can make sure that it's up for Second and Final on Monday?

President H. Guerrero: If we suspend the Rules, we can introduce and entertain it under General Orders and then consider it with the other business, the Unfinished Business. So what I'm recommending, if there is no objection from the Convention that we'll move the Unfinished Business up to before the Second and Final Reading so we entertain those that needs to be done first for the Committee of the Whole and then we'll consider all issues on Second and Final Reading. If there's no objection, the Chair would like to take that stand.

Delegate Mafnas: No objection, Mr. President, provided that allowance is given to Unfinished Business as much as possible.

President H. Guerrero: That's what I'm saying, that we would entertain Unfinished Business prior to the Second and Final Reading. Delegate Ogumoro?

Delegate Ogumoro: Mr. President, I just would like to find out if it would be in order if we entertain those that are calendared under Unfinished Business for Second and Final Reading tomorrow if we have time?

President H. Guerrero: That's my intention that if we will come out with a supplemental Order of Business to include them also in the Second and Final Reading, if there is no objection.

Delegate Ogumoro: No objection.

President H. Guerrero: So we'll finish the Unfinished Business and anything that falls under General Orders and then plug everything in under the Second and Final Reading. So they will be finished and at least when we're finished, probably by Monday, we'll vote on the packaging of the final version of the proposal which I passed the form earlier for the format that will be put when we transmit it to the Governor and the Legislature and subsequently will be presented to the people. Any other Miscellaneous Business? If none, we are in Announcements. If we don't have any announcement...

ANNOUNCEMENTS

None.

ADJOURNMENT

Delegate Mafnas: I move that we recess until nine tomorrow, Mr. President.

Delegate Ogumoro seconded the motion.

President H. Guerrero: It has been moved and seconded to adjourn until nine o'clock tomorrow.

Delegate Manglona: Most exactly 9:30.

Delegate Mafnas: Mr. President, I don't know what's wrong with the members but I would like to ask the Chair to insure that the Sgt.-at-Arms is around so that you can page the members who are not present.

Delegate Ogumoro seconded the motion.

The motion to adjourn until 9:00 a.m., Saturday, July 20, 1985 was carried by voice vote.

The Convention adjourned at 11:59 p.m. and to reconvene at 9:00 a.m., Saturday, July 20, 1985.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary

SECOND CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
Convention Hall - House of Taga
Saipan, CM 96950

THIRTY-THIRD DAY

Saturday, July 20, 2985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:53 a.m., Saturday, July 20, 2985, at the Convention Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

Secretary Nabors called the roll, and 18 delegates were present. Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Maria Pangelinan, Francisco Tomokane, Ramon Villagomez and Ignacio Villanueva were absent.

President H. Guerrero: Yes, Delegate Mafnas?

Delegate Mafnas: I move to excuse all the delegates who are absent because they are still going to church. Thank you.

President H. Guerrero: Today is Saturday.

Delegate Mendiola seconded the motion.

Delegate Mafnas: Still.

President H. Guerrero: But there's no church service at this time of the da

Delegate Mafnas: There's a special service now at the Camalin or Ut, so they are there.

President H. Guerrero: Okay, if you say so. We have a quorum and a majorit to conduct the Order of Business. Floor Leader Lizama?

ADOPTION OF JOURNALS

Floor Leader Lizama: Mr. President, I move that we adopt the Thirty-Second Day's Summary Journal; the Fifteenth, Sixteenth and Seventeenth Days' Verbatim Journals.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Thirty-Second Day's Summary Journal; Fifteenth, Sixteenth and Seventeenth Days' Verbatim Journals. Discussions?

There being no discussion, the motion to adopt the Thirty-Second Day's Summary Journal of July 19, 1985; Fifteenth Day's Verbatim Journal of July 2, 2985; Sixteenth Day's Verbatim Journal of July 3, 1985 and Seventeenth Day's Verbatim Journal was carried by voice vote.

President H. Guerrero: Before we go on with the Order of Business, for th benefit of those members who weren't here last night, there was no objection and we have shifted or the Chair have shifted things around. The Ord of Business is slightly different from the normal Order of Business, so yo don't get cut off hand in terms of the format that we have this morning. We are now under Item E, Committee Recommendations and Reports.

COMMITTEE RECOMMENDATIONS/REPORTS

President H. Guerrero: Chairman Lizama?

Chairman Lizama: Mr. President, the Committee on Governmental Institution has no report to submit. Just a moment, Mr. President. Mr. President, I was just been informed that Proposal 216 will be reported in at a later ti

President H. Guerrero: Okay. I believe that would be the next one, so that should be Committee Recommendation No. 66. Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government has no report.

President H. Guerrero: Chairman King?

Chairman King: Mr. President, we have no report from your Committee on Personal Rights and Natural Resources.

President H. Guerrero: Vice Chairman Inos?

Vice Chairman Inos: Mr. President, likewise, your Committee on Finance an Other Matters has nothing to report at this time.

President H. Guerrero: Thank you. We'll move on to the Introduction and First Reading. Can I call on Delegate Mafnas?

INTRODUCTION, FIRST READING AND REFERRALS OF PROPOSALS

Delegate Mafnas: Yes, Mr. President, your Committee on Governmental Insti tutions is reporting on Delegate Proposal 216, entitled: "To add a new Section 1(a) and (b) to the proposed Article on Civil Service relating to Retirement System." The copies are being xeroxed now for distribution.

President H. Guerrero: Thank you. We're now back to the Unfinished Busi- ness. Delegate Lizama, would you like to move?

UNFINISHED BUSINESS

Floor Leader Lizama: Yes, Mr. President, I move for the adoption of....

President H. Guerrero: Wait, wait. We need to resolve into a Committee o the Whole to entertain this.

Floor Leader Lizama: Wasn't this resolved yesterday?

President H. Guerrero: No. This is unfinished business.

Floor Leader Lizama: I would move then to resolve into a Committee of the Whole.

Delegate Nabors seconded the motion.

There being no discussion, the motion to resolve into a Committee of the Whole was carried by voice vote.

The Convention resolved into a Committee of the Whole at 10:00 a.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 3:54 p.m.

President H. Guerrero: The session is called back to order. Delegate Lizama?

Delegate Lizama: Yes, Mr. President, the Committee of the Whole would like to report on the following: On Committee Recommendation No. 57, the Committee passed that recommendation with amendments and the amendments to the committee recommendation are as follows: On page 11, the word "establish" was replaced by the word "formulate". And the word "enforce" was replaced by the word "implement". On line 14, the word "rights appearing at the very end was stricken. On line 15, the word "and" appearing on the very beginning was stricken. On line 19, the word "rights" at the very end was also stricken. And the word "and" at the very beginning was also stricken. And then on the word "law", an "s" is added to that word. This is on line 20. And furthermore, on line 20, after the word "the", the words "Governor and" were added before the word "Legislature". On page 2, the words "is empowered to" were all stricken and the word "may" is added to that first sentence on the second page. On line 2, after the words "and to", that "to" was stricken and the word "shall" was included. On line 3, the word "her" was stricken and the word "the" replaced that word "her". On line 6, the last sentence, they are all stricken.

President H. Guerrero: Delegate Lizama, can you just read Subsection (c) on page 2?

Delegate Lizama: Subsection (c) will read then: "The Special Assistant may hire staff and shall promulgate rules and regulations in carrying out the responsibilities and duties."

President H. Guerrero: Okay.

Delegate Lizama: Committee Recommendation No. 55, at the request of one of the members of the Committee on Finance and Other Matters, that committee recommendation was withdrawn and it was suggested that the Convention will pass a resolution to give the Legislature attention to some of the problems that were raised in that committee recommendation. Committee Recommendation No. 65 was passed without any further amendment. Committee Recommendation No. 66 was also passed without any further amendment. I move that the report of the Committee of the Whole will be adopted.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the report of the Committee of the Whole. Discussions?

There being no discussion, the motion to adopt the report of the Committee of the Whole was carried by voice vote.

President H. Guerrero: Let's have a five-minute recess.

Delegate Mafnas: I so move.

There being no objection, the Convention recessed at 3:59 p.m.

RECESS

The Convention reconvened at 4:13 p.m.

President H. Guerrero: The session is back to order. Since we have already entertained all business under Unfinished Business for consideration by the Committee of the Whole, we'll move down from (H) to (I). Yes, Delegate Ogumoro? Nobody wants to talk? We're now on Second and Final Reading.

SECOND AND FINAL READING

Delegate Ogumoro: I give up.

President H. Guerrero: Yes, Delegate Mendiola?

Delegate Mendiola: I move that Committee Recommendation No. 63 be adopted on Second and Final Reading.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 63 on Second and Final Reading. Discussions?

Delegate Mafnas: No need, Mr. President.

President H. Guerrero: If no discussion, going once, going twice; Secreta Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 63 on Second and Final Reading was carried by 17 affirm tive votes. Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, Luis Limes, Maria Pangelinan, Karl Reyes and Ramon Villagomez were absent.

Secretary Nabors: Mr. President, I have 17 affirmative votes, no negative vote, and seven absent.

President H. Guerrero: Committee Recommendation No. 63 passed by the unanimous vote of the members present.

Secretary Nabors: Mr. President?

President H. Guerrero: Yes.

Secretary Nabors: I would like to ask, if there is no objection, that we defer consideration of CR 24 for a little later on the agenda. The amendments that are being made are not yet prepared.

President H. Guerrero: What is CR 24?

Secretary Nabors: That's the one regarding education.

President H. Guerrero: Is it being retyped for Second and Final Reading?

Secretary Nabors: Yes, together with the floor amendments.

President H. Guerrero: If no objection, we'll move on to the next one. Yes, Delegate Nabors?

Secretary Nabors: Can I ask the unanimous of my delegates to deal with Committee Recommendation No. 42? I understand that we received notice of consideration under our Rules for the second day. We are now on the second day and I understand that there may not be a reconsideration of this particular committee recommendation.

Delegate Villanueva: Objection; the Committee on Finance and Other Matters is still awaiting for more information.

President H. Guerrero: There is an objection. Yes, Delegate Torres?

Delegate Torres: Mr. President, I'd like to ask for patience of the delegates if we could defer 57 as well. We're working on the language for an amendment.

President H. Guerrero: Is it being retyped?

Delegate Torres: Yes; it could be done in....

President H. Guerrero: Secretary Nabors, is Committee Recommendation No. 57 being retyped in view that there were some amendments to it?

Secretary Nabors: Mr. President, I gave all of the amended versions on First Reading to the Steno Pool for retyping and they are not yet finished.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Due to the fact that Committee Recommendations 57, 55 and 65 are still being typed, so we'll go on to 51 and the rest before those proposals are being typed.

Secretary Nabors: No objection.

Delegate Manglona: Mr. President, can all these being deferred be placed at the bottom of the list again so we don't have to be jumping up and down if they are deferred? Can we put them at the bottom of the list?

Delegate Mendiola seconded.

Delegate Ogumoro: I would like to ask that they be placed on the calendar as soon as they are typed.

President H. Guerrero: Let's move on to 65. Secretary Nabors, can you read 65, please?

Secretary Nabors: My copy is in the Steno Pool, Mr. President. Those matters were amended this morning and I gave them to the Steno Pool for clean typing for Second and Final Reading.

Delegate Mafnas: Committee Recommendation 65?

Delegate Torres: There's no amendment on that.

Secretary Nabors: I thought there were to be amendments.

Delegate Mafnas: There were to be amendments like who of the two senators will be out of office or be up for re-election.

President H. Guerrero: Yes, something was passed out.

Secretary Nabors: Oh, yes. Okay, we have it.

President H. Guerrero: We're now on 65. Secretary Nabors, can you read it, please?

Secretary Nabors read Committee Recommendation No. 65 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 65

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 2(a), Section 3(a) and Section 3(b) of Article II of the Northern Marianas Constitution, relating to the composition of the Senate and the House of Representatives.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Section 2(a) of Article II of the Northern Marianas Constitution is hereby amended to read as follows:

"'Section 2: Composition of the Senate.

"a) The senate shall consist of six members with two members elected at large from each of three senatorial districts. The first senatorial district shall consist of Rota, the second senatorial district shall consist of Tinian and Aguiguan, and the third senatorial district shall consist of Saipan and the islands north of it. The senate shall be increased to eight members and two members shall be elected at large from a fourth senatorial district consisting of the islands north of Saipan at the first regular general election after the population of these islands exceeds one thousand persons.'"

"II. Section 3(a) of Article II of the Northern Marianas Constitution is hereby amended to read as follows:

"'Section 3: Composition of the House of Representatives.

"a) The House of Representatives shall consist of ten members with eight members elected from Saipan and the islands north of it, one member elected from Rota and one member elected from Tinian and Aguiguan. The numbe

of representatives may be increased by law to not more than twelve. The ter of office for representatives shall be two years.

"b) For purposes of electing representatives Rota shall constitut one district, Tinian and Aguiguan shall constitute one district, and Saipan and the islands north of it shall constitute four districts. The legislatur may change the number and boundaries of these districts only pursuant to its duties under section 4 of this article. When the population of the islands north of Saipan equals or exceeds the number of persons represented by any member of the House of Representatives these islands shall constitute a separate district electing one representative.'"

President H. Guerrero: Any motion to adopt Committee Recommendation No. 65?

Delegate Mafnas: I so move, Mr. President.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 65. Discussions? Delegate Tomokane?

Delegate Tomokane: Thank you, Mr. President. I have passed out a proposed floor amendment to Committee Recommendation No. 65. I would like to make a motion for this amendment.

President H. Guerrero: Please do.

Delegate Tomokane: On page 1, between lines 12 and 13, to insert a new sub-section to read as follows: "Subsection (b). The term of office for senato shall be four years except that the candidate receiving the third highest number of votes in the first election in each senatorial district shall serv a term of two years." This is presently the wording of the Constitution. T addition will be "No person shall be elected senator more than two consecu-tive terms." On page 1, line 21, after the word "years.", insert a new sentence to read as follows: "No person shall be elected member of the Hous of Representatives more than four consecutive terms."

Delegate Torres seconded.

President H. Guerrero: It has been moved and seconded as per proposed floo amendment offered by Delegate Tomokane. Discussions on the amendment? Let me call first on Delegate Calvo.

Delegate Calvo: Thank you, Mr. President. Mr. President, if the intention of this amendment is to restrict a senator or a House of Representatives to a consecutive terms of office, there is a loophole that, of course, if and so the senator seek for the next seat in Congress and if he fails, he might have the chance of coming back the next time. So the "consecutive terms" here looks awkward for me. If the intention is to limit it to two terms, I think the "consecutive" should be removed.

Delegate Torres: Point of information.

President H. Guerrero: State your point, Delegate Torres.

legate Torres: I think "consecutive" here is not awkward, if we really ad this carefully. The intention here is to prevent any public officer or fficial, any legislator from accepting to be a senator or to be a congress- an more than two terms in a row. Now, the loophole, which I don't consider loophole that you can perhaps intentionally lose on the second year and hen run again so that you have a total of three years. We're not limiting hat. I guess the intention here of Delegate Tomokane is to ensure that you on't become entrenched and you don't become dictatorial when you run or when ou become a senator or congressman for more than two consecutive terms. Now, n the Senate side, you will be coming out with about eight years. This is ight years. Now, the House of Representatives is again eight years, a total consecutive term of years or term of eight years. So I think the intention here is to prevent an individual from being entrenched so that the person will become insulated and become out of touch with his constituents and with present condition. Thank you.

Delegate Calvo: Yes, Mr. President. Exactly what I'm trying to point out is maybe our understanding to this sentence is different. I feel and I interpreted this way that the consecutive terms in this sentence says that it has to be a continuous. If the person is elected this term and he got elected the next term, then the third term he cannot seek for that office. But the way, the loophole I was looking at is if the person fail or didn't get elected the next term after serving a term, he can then come back on the third term and seek for that seat. So if we are to stop in eight years term, we must eliminate the word here "consecutive" and have it just limited to two terms.

President H. Guerrero: Can I ask Delegate Tomokane to explain his intention?

Delegate Tomokane: Thank you, Mr. President. Basically, if you look at the bottom line here, no person shall be in office for more than eight years. The present term for a senator is four years. So if you exceed eight years then, you know, the consecutive term, two terms, that would limit you. In the House of Representatives, the present term is two years and I'm proposing here that you should not run or be elected more than four terms, so it's eight years also the limitation. My intent here actually is as follows: One, by inserting this in the Constitution, we would guarantee of a self-renewing body. By that I mean that every eight years, we will see new faces in the House and new faces in the Senate. People with different convictions and different political philosophies. Perhaps that would serve to be more responsive of the changing time and needs and situations. Secondly, nobody will attempt to make a long term career out of an office in either house. Third, this would encourage aspirants to seek for such political office. As we observe the present trend, we see people that pretty soon they are just going to get their retirement from running in the political office. We watch how productive they are and we look at the kind of session laws that are coming out. Sometimes we criticize the Legislature to be behind in their responsiveness, not only to domestic needs but international-wide in our relations to the U.S. Government. No. 4, no one political philosophy would persist that is obsolete or outdated with respect to contemporary issues, situations or needs. Thank you.

President H. Guerrero: Delegate Cing?

Delegate Cing: I was going to ask Delegate Tomokane to elaborate as well because the way I look at it, Mr. President, this will do me more harm than good. This will defeat the liberty that we are giving the people in regards to election. Another thing is that I got the feeling that when you are new

Legislature, you need time to familiarize yourself with the parlia- y procedures. And before you know what's going on, you are going to already. Thank you.

dent H. Guerrero: Next is Delegate Torres.

ate Torres: I'll yield to my colleague here because I think he raised and longer.

dent H. Guerrero: Delegate Manglona?

gate Manglona: Thank you, Delegate Torres and Mr. President. I'm not worried about anyone staying in office forever, especially in the Legis- re. I think this person in the Legislature is just one out of nine in Senate and one out of fifteen in the House. So I would agree with the nt of Delegate Tomokane if he were to be in the Office of the Mayor or Governor where this one individual is in control of the office. In the se or in the Senate, he's just one of so many people. So I'm not too ried about this person being a dictator or, you know, taking over. As far changing time, I think that's where the people comes in. They have the ction to take care of that. And as Delegate Nabors said, he's going to e care of the Tinian Delegation this coming election. So if that mood is anged, let the people take care of that. So there's no problem as far as at. My problem and I see it in this Convention and I'm just going to be ank is that the behavior of the delegates in this Convention seems to be eating jobs for the delegates. No. 1, they don't want to reduce the number senators from three to two. No. 2, they don't want the Department Heads o hold boards and commissions because they want just few over benefit. No , they created the Municipal Council. Now, they want to limit the term for wo terms so that they can spread the benefit. I say, let's act here. Don't ook at the people now in the office and just think with an open mind. Thank ou.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: I'll pass.

President H. Guerrero: Delegate Lizama?

Delegate Lizama: Thank you, Mr. President. I really don't know what's going on in this Convention. I have been seeing a lot of ghosts coming out of this Convention and this seems to be another ghost. I don't know the logic behind restricting a person from serving two terms, three terms, four terms, or five terms. I think that we have to be very careful because who knows a person may be the best lawmaker and that person may be the person that you want to keep for so long as that person can accomplish what the people want. And I don't know of any jurisdiction that imposes any restriction on a lawmaker running for one term, two term or third term. We've been so unique here in the Commonwealth and that's why I feel like boycotting this Convention already. But we're really have been very unique and maybe for some good reasons we have attempted to do just that. But I think in other instances or many instances, I don't know whether we are in the right track. This is one instance where I cannot in my good conscience realize any benefit restricting a person from running for two terms or three terms or four terms. Now, if it is a matter of trying to assure that different faces are going to come in to the Legislature, I think there is a process to do that and that is going through the general election and vote for the right person that would

better serve the Commonwealth people. I am not saying that there's nothing good about limiting of the term but all in all, I think that the advantages of limiting the term is far less than the advantages of leaving the term open so that people can have a choice during the general election and this is the very basis or the very nature of the democratic process -- people vote based on what the candidates offer to the people. It's not so much. And I don't agree that there is that great possibility that if a person is elected more than two terms that that person will become a dictator. I disagree with that I don't know where we're coming from. But I honest to goodness hope that I don't see another ghost because if I do, I'm just going to have to say that I'm leaving. Thank you.

Delegate Torres: Point of information.

President H. Guerrero: State your point, Delegate Torres.

Delegate Torres: I believe that the average age of a congressman is roughly 35. Keeping everything constant, you have a total of 16 years. Now, if you add that to 35, you come up to 51 years old. So I just want to assure my colleague, Delegate Lizama, that you have a total of 16 years to serve. Let's say that you are the best lawmaker, you would have 16 years keeping everything constant. And let's say that the average age is 35 years old. If you add that to 16, by the time you feel like retiring, you'll be 51. So I think by the time you are 51, maybe it's about right to retire as suggested by the previous proposal that we passed.

Delegate Lizama: Point of information, Mr. President.

President H. Guerrero: Let me recognize first Delegate Cing.

Delegate Cing: I just want to say that I argued already a long time ago about the age because when you reach the age of, for example, 60, you are already going down the hill. You are already at the age of senility. When this individual asked me if I've been to Washington, D.C., I said no. He said, for your information, those people who are making decisions in Washington, D.C., are already 75 and 80 some years old. Thank you.

(Laughter)

President H. Guerrero: Delegate Lizama, state your point.

Delegate Lizama: Yes, I would just like to say that I don't think that we should be swayed by any off the cuff's statistics. I think this is a situation where, as already mentioned, a situation that was really never given, never went before the general public. And to play around with statistics, like Delegate Cing has already stated, in Washington, D.C., on Capitol Hill, many of those senators and congressmen are over the age of 60. And also I have seen this in Japan. Japan is a good example where the elderly statesmen are better statesmen than the young statesmen. We cannot undermine the old people because, in fact, I am very pleased with the performance of Delegate Kaipat in this Convention. I think he has something that gives us a lot of pride and I think we should not put down people just because a person is over 60. I have a lot of admiration. I'm a proponent of old people. In fact, I administered the first Aging Program for the Trust Territory Government and I'm proud for that. I've been working with elderly people such as in Palau, Marshalls, Ponape and here in the Commonwealth. I don't think that there's any justification to make a distinction, especially when it comes to law-

making. I can see when it comes to maybe executing of laws that the Legislature enacts. Maybe the Governor -- maybe he should be restricted to age 60 but not the lawmakers. Because you're talking about a person with an enormous amount of ideas and experiences and we do not have any business generalizing how those old people can contribute to the Commonwealth just as we do not have any business generalizing how young a person can become a Governor. And like I mentioned in the Governor's limitation, I do not believe that you should limit the Governor to the age of 35. I think it should be left open; if we can have a Governor at the age of 21, why not. Let's not play around with age. Thank you, Mr. President.

Delegate Torres: Mr. President, very quickly. I think the statistics that I presented was not off the cuff, it's a point of information and I believe that the feat that is being spread around is a fear without foundation. The statistics that are brought out are based on logic and it's not off the cuff. Besides, as you grow older you perhaps become more wishful and perhaps you gain more wisdom, but the fact remains that perhaps the diminishing return law would become applicable here. So we have to consider that fact. Now, Japan -- well, Japan is a highly conservative country. Perhaps that's why they have a lot of old ministers or old, what do you call them, legislators. So I just want to defend the statistics that I brought out. It's not based on wishful thinking; it's based on logic. Thank you.

President H. Guerrero: Delegate Torres, just jokingly, don't come to Washington; they might barbecue you at the foot of the Capitol.

Delegate Mafnas: Mr. President?

President H. Guerrero: Delegate Mafnas, can I recognize first Delegate Inos

Delegate Mafnas: Oh, yes, ladies first. No, I'm just joking. Thank you.

Delegate Inos: Mr. President, thank you. Everyday I pray to God to give me an open mind and I hope that when I make a decision, it's a decision that I'll live with, not a decision that it butt or what have we. I do like this provision, provided that this provision will go on the present provision in the Constitution. Thank you.

President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. First, I would like to say to Delegate Lizama that obviously he's a little bit confused because he has bee absent for two days. The next one is I support the floor amendment because by the time that a senator or congressman would expire, it's almost up to th next Constitutional Convention. Another thing is I'm just wondering why Delegate Manglona is arguing about this. I was thinking maybe because he is afraid of his uncle to lose his position for not to run for the third term. These kinds of analyses I have on me, sometimes I feel like something is ver personal. But I think the floor amendment is very good because it can chang in the next Constitutional Convention. I hope I would not die before that. Thank you.

Delegate Manglona: Point of information. This will not come into effect until after the ratifications. So I'm not too worried about my uncle becaus he still has eight years, if he is concerned that I'm worried.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you. Mr. President, I think the proposed floor amendment has merits. Also, without the floor amendment and opens the opportunity for any person to run for so many terms also has merit. If we are concerned about the members of the Legislature who have become very, ver powerful, perhaps that is the decision of the people. We just passed on First Reading the five-year service credit. I guarantee that they will retire under that plan. I see the merit of bringing in young, new ideas, young blood, maybe considering up in the mid 40's and perhaps there are advantages. But I cannot be convinced that this is the best way or the best route. If the people would like to elect a policy-maker four or five times then let it be. If that person is not performing in the Legislature, then the people will decide that in the subsequent election. It takes a lot to b a member of the Legislature. I had a very little opportunity to be a member of the Fifth Northern Marianas Legislature. I was there for one year. And it took more than just to sit in the Chamber and answer "yes" or "no". There were instances where I had to make enemies or to turn my closest friends int my worst enemies because of the decisions that I had to make. And it took me good part of my life to be able to do that. We need seasoned, matured individuals to make policies for our government, policies that would affect not the next generation but many generations to come. Maturity does not necessarily means age, that you have to be old. You can be young and also b matured. But my God, if you are doing your job as a representative of the people, I would like to vote for you again, not only for two consecutive terms but as many terms as you want because I have faith that you will be able to do exactly what is good for our people. I know the sentiment that, yes, many or some of our members in the Legislature have been there perhaps for more than 12 years or 14 years. Some of them have made it to the retire ment under the same situation as members of the Legislature District, Congress of Micronesia, and now the Commonwealth Legislature. It was not their doing that they are still there; it was the decision of our people. S while the floor amendment has merit and I share the concerns of the mover, the Northern Marianas will be the only place where we find limitations as to the members of the Legislature. I just got through reviewing the Model Stat Constitution to see whether there are states or territories that place this limitation, and there isn't one. Perhaps there are good reasons why policy-makers are not the same as administrators of policies. You tried to envisio the future -- tomorrow, day after tomorrow; you try to formulate your ideas so that such policy will meet the goals and objectives of the future. And i takes an experienced member of the Legislature to be able to do it. And the same goes with the House. I believe Speaker O'Neal is the oldest member in the House of Representatives or is one of the oldest members in the House of Representatives. He is highly respected by the American people because of his commitments in serving his people. I would like this Convention to just give the opportunity to our people to decide who would not seat in the next election and who will seat for the next 16 years. Thank you.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: Mr. President, I move to end debate.

Delegate Calvo seconded, and the motion was carried by voice vote.

The motion to adopt the floor amendment offered by Delegate Tomokane to Committee Recommendation No. 35 was defeated by a raising of hands vote of four for and nine against the motion. The rest abstained.

President H. Guerrero: We are back to the main motion.

Delegate Torres: Mr. President?

President H. Guerrero: Yes, Delegate Torres.

Delegate Torres: I'd like to make an amendment. On line 20 of the first page, after the words "not more than", I want to change that to be consisten with the acceptable apportionment of the Lower House from 12 to 15. Fifteen is the acceptable total number, using the apportionment table in the briefin papers of the First Con Con. It's an Appendix B, entitled: An apportionmen of the Lower House. Fifteen is the acceptable number for the Lower House.

President H. Guerrero: Is there any objection?

Delegate Calvo: Yes.

President H. Guerrero: Who is raising an objection?

Delegate Calvo: I did. Aren't we suppose to have that in writing?

President H. Guerrero: You can ask for an amendment by unanimous consent. If there is no objection, you can do that.

Delegate Calvo: I did object because of that rule.

President H. Guerrero: Delegate Torres, then we can't entertain your motion

Delegate Torres: Okay, so that means that Delegate Tenorio wants number 15 to be in writing.

President H. Guerrero: It's not Delegate Tenorio; it's Delegate Calvo.

Delegate Calvo: Yes.

Delegate Torres: I'm sorry, Delegate Tenorio. Delegate Calvo, would you like to see this table?

Delegate Calvo: No, Mr. President. I would like to have a recess so you ca put that in writing for record.

Delegate Torres: Okay. Recess, please, for three minutes.

President H. Guerrero: Three minutes recess.

There being no objection, the Convention recessed at 4:56 p.m.

RECESS

The Convention reconvened at 5:11 p.m.

Delegate Mafnas: Mr. President?

President H. Guerrero: I need first to recognize....

Delegate Lizama: Mr. President, I'd like to still have another two minutes recess, please.

Delegate Villanueva: No objection.

President H. Guerrero: Two more minutes of recess.

The Convention recessed at 5:12 p.m.

RECESS

The Convention reconvened at 5:14 p.m.

President H. Guerrero: The session is called back to order. Delegate Lizama?

Delegate Lizama: Mr. President, I was just discussing this Committee Recommendation No. 65 with Delegate Torres and in fact this committee recommendation came out as a result of the very, very convincing argument that was presented by Delegate Torres to the Committee on Governmental Institutions. And that's why this committee recommendation also came out too late in time. I understand that Delegate Torres is willing to have this committee recommendation be filed, and I would like to move so at this time.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to file Committee Recommendation No. 65. Discussions?

Delegate Lizama: No discussion, Mr. President.

Delegate Torres: Which one are we filing?

Delegate Lizama: Committee Recommendation No. 65.

Delegate Torres: I think we have a motion on the floor to vote on changing it from 12 to 15. So let's dispose of that first.

President H. Guerrero: There was no motion because it wasn't in writing. There was an objection, therefore, your motion cannot be entertained.

Delegate Torres: So, can I make a motion then?

President H. Guerrero: There is a motion on the floor to file Committee Recommendation No. 65. Discussions on that.

Delegate Torres: Mr. President, actually, I discussed something different with Delegate Lizama. It's not to file but to work on a different equation. So, please, Delegate Lizama, withdraw your motion for now until we discuss this.

Delegate Lizama: Okay, we'll then proceed with your amendment first. And if your amendment fails, then you would be amenable to making this committee recommendation be withdrawn. Is that correct?

Delegate Torres: Yes, because if Saipan is going to suffer from this, then I don't want Saipan to suffer.

Delegate Lizama: Let's vote on the motion, Mr. President.

President H. Guerrero: Your motion is withdrawn. Delegate Torres?

Delegate Torres: I move that we change the word "twelve" to "fifteen" on line 20 of the first page.

Delegate Calvo seconded the motion.

President H. Guerrero: Where is the written amendment?

Delegate Torres: It's passed out.

President H. Guerrero: How come I don't have a copy? Oh, is this one?

Delegate Tenorio: Point of information, Mr. President.

President H. Guerrero: State your point, Delegate Tenorio.

Delegate Tenorio: Are you going back to the original number of representatives from the beginning? Are you changing everything back to the same one?

Delegate Torres: No, no, no; we're amending line 20 of the first page.

Delegate Tenorio: Yes, I know that, but what does that entail? Is that only from "twelve" to "fifteen"?

Delegate Torres: Oh, yes. That's all.

Delegate Tenorio: You're not changing ten members with eight elected from Saipan?

Delegate Torres: EVerything remains the same except changing from "twelve" to "fifteen" at this point.

Delegate Tenorio: Thank you.

President H. Guerrero: Was there a second to your motion?

Delegate Torres: Yes.

President H. Guerrero: Discussions?

There being no discussion, the motion to adopt the floor amendment offered by Delegate Torres to Committee Recommendation No. 65 was carried by voice vote.

President H. Guerrero: We're back to the main motion. Delegate Mafnas?

Delegate Mafnas: Mr. President, I have a floor amendment. This was really offered by Delegate Tomokane. On page 1, between lines 12 and 13, insert a new subsection to read as follows: This is to address the problem of who of the two senators that will be elected in November will go out first shoul this proposal be adopted by the people. I so move.

Delegate Torres seconded the motion.

President H. Guerrero: It has been moved and seconded on the floor amendment by Delegate Mafnas in reference to his amendment. Discussions on his amendment? Delegate King?

Delegate King: Yes, Mr. President, I would like to ask Delegate Mafnas abou the words here "first election". Is this appropriate here?

Delegate Mafnas: Which one?

Delegate King: The first election in each senatorial district. Is the word "first" appropriate in this provision? I don't think this is the first election.

Delegate Mafnas: You can strike it off. I so move that we strike it off.

Delegate King seconded the motion.

Delegate Lizama: No discussion.

President H. Guerrero: So how does it read? Just the first?

Delegate Mafnas: "In the election in each senatorial district shall serve a term of two years, the second highest."

President H. Guerrero: Discussions?

There being no discussion, the motion to adopt the floor amendment offered by Delegate Mafnas to Committee Recommendation No. 65 was carried by voice vote.

President H. Guerrero: We're back to the main motion.

Delegate Lizama: I have a motion, Mr. President, and amendment to offer. I'd like to pass out this amendment.

Delegate Nabors: I think it's too bad we have five days extension.

Delegate King: I think it's better if we file this.

Delegate Lizama: Mr. President, Delegate Torres' offered amendment having been passed, my offered amendment is to increase the number of senators. Rather than six, retain it and make it still nine members -- three from each senatorial district. However, in the House of Representatives, instead of ten members, eleven member; nine from Saipan, one from Rota and one from Tinian.

Delegate King seconded the motion.

Acting Presiding Officer Calvo: Discussions on the motion?

Delegate Lizama: To retain the number of senators, nine members -- three from each senatorial district. However, for the composition of the House, instead of ten, make it eleven so we don't have to face the problem of a tie situation even in the Senate as well. Nine from Saipan, one from Rota and one from Tinian.

Delegate King: I second again.

President H. Guerrero: Discussions? Delegate Torres?

Delegate Torres: Yes. Although I initially agree with this equation, I

still feel that the people in Saipan are unnecessarily being unfairly treated with this. While the two senatorial districts will have six members the third senatorial district will actually decrease their number of representatives in the House, and obviously with that decrease goes with it your bargaining power.

Delegate Lizama: Point of information, Mr. President.

President H. Guerrero: State your point, Delegate Lizama.

Delegate Lizama: The reality here is that we're allowing the Legislature to increase the number of the House members from ten to fifteen, back to the normal situation, fifteen House members. Isn't that correct? So by allowing the Legislature to do that, most likely than not, they are going to increase. So we are going to try to psychologically affect the members of the Legislature to prevent them from increasing it suddenly. So eleven would be the most appropriate number.

Delegate Torres: I think the fact remains, Delegate Lizama, that while we are holding constant the composition of the Senate, we are in fact penalizing the third senatorial district by reducing its number in the House of Representatives, while keeping constant the other two senatorial districts.

Delegate Lizama: Having realize, do you want me to withdraw the committee recommendation?

Delegate Torres: I guess, let's vote.

Delegate Lizama: Let's vote on that.

President H. Guerrero: Those who are in favor of the proposed amendment by Delegate Lizama, please raise your right hand?

(There were nine for the motion.)

President H. Guerrero: Those oppose?

Delegate Mafnas: Mr. President?

President H. Guerrero: Yes.

Delegate Mafnas: I wasn't given the opportunity to speak against the amendment. At least I should be given the opportunity to echo my concern.

Delegate Lizama: I agree with that, Mr. President. Delegate Mafnas should be given the opportunity.

Delegate Mafnas: I don't look at it, Mr. President, as to who's going to benefit and who's going to be discriminated. That thing never crossed my mind. But I don't know what is the purpose of the amendment. We spent nearly one hour discussing Committee Recommendation 65 and here we are agai We voted, we tried to increase it. Are we afraid to tell our people or ask our people as to the number of compositions in the House and in the Senate? Are we afraid to just do what we had just passed because you are thinking in running for the Senate or the House of Representatives? I don't think by reducing the numbers or the composition will disqualify you. What it will do is that it will give the people more choice. By having more slots,

there will be more people running. And I think by limiting it, the selections would be better. I'm proposing that this be reduced without any reservations. I don't plan to run for the Legislature and I don't think I'll ever will. But I think the people of Saipan, my dear friends from Rota and Tinian, echoed their concern about this specific issue. When we were out in the villages trying to get their vote of confidence, we met with thousands and thousands of them. And the only reason why we are here now, the delegates from Saipan, is because we were united; we convinced them that this will be the foremost in our minds. What is wrong again? What is wrong by presenting this plan to the people, to the taxpayers whether they want to be ripped off with additional three hundred thousands to half a million dollars by the unresponsive, unproductive lawmakers? Our people on Saipan had spoken. All I ask is for the members from Tinian and Rota to give them the opportunity to say "yes" or "no". If you are convinced that your representatives or your people in Rota and Tinian will say "no" to this proposal, then convince them, join them if that is your position. But I can assure you that on Saipan, this proposal will receive an overwhelming support. So, Mr. President, I don't know what we're doing. We approved to reduce the composition of the Senate from nine to six. Here we are again increasing it back to nine. We have wasted precious time and energy trying to get Committee Recommendation 65 adopted on First Reading. We're just like children not knowing what we want. If we want to vote this down, let us do it. I'm tired. But please don't play games. Let us decide whether our people should be given the opportunity and I ask you to reject Committee Recommendation 65, as amended by Delegate Lizama, so we can vote on Second and Final Reading on this proposal. We can bury this if we have to do it, but let's not spend another one hour fooling ourselves or playing around.

President H. Guerrero: Let's vote now.

The motion to adopt the proposed floor amendment offered by Delegate Lizama to Committee Recommendation No. 65 was defeated by a raising of hands vote of six for and seven against the motion. The rest abstained.

Delegate Mafnas: Mr. President, I move for the previous question.

Delegate Nabors seconded the motion.

President H. Guerrero: We're voting on Committee Recommendation No. 65, as amended. Secretary Nabors?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 65, as amended, on Second and Final Reading, was voted, as follows:

YES: Delegates Herman T. Guerrero, Jesus Mafnas, Felicidad Ogumoro, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres, and Ignacio Villanueva. (8 votes)

NO: Delegates Vicente Calvo, David Cing, Rita Inos, Esteven King, Juan Lizama, and William Nabors. (6 votes)

ABSTAIN: Delegates Paul Manglona, James Mendiola, and Aniceto Mundo. (3 votes)

ABSENT: Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, David Igitol, Luis Limes, Maria Pangelinan and Ramon Villagomez.

And the motion was carried.

Secretary Nabors: Mr. President, I have 8 affirmative votes, I have 6 negative votes, I have 3 abstentions and 7 absences.

President H. Guerrero: Committee Recommendation No. 65 passed by 11 votes.

Delegate Calvo: Mr. President, can I hear again the tally of the votes, please?

Secretary Nabors: I have 8 affirmative votes, I have 6 negative votes, I have 3 abstentions and 7 absentees.

Delegate Mafnas: Mr. President, Delegate Igitol is at the kitchen. Can we ask the indulgence of the members to...?

President H. Guerrero: Can you call him? Sergeant-at-Arms, can you call him? Delegate Igitol, we're voting on Committee Recommendation No. 65, as amended by Delegate Torres. Can you tell us your vote?

Delegate Igitol: Can the Secretary read the amendment?

At this point, Secretary Nabors called on Delegate Igitol and he answered "abstain".

Secretary Nabors: So I have 8 affirmatives, 6 negatives, 4 abstentions and 6 absentees.

President H. Guerrero: Therefore, Committee Recommendation No. 65 is passed by 12 votes. Can we take the other one?

Delegate King: Privilege, Mr. President.

President H. Guerrero: State your privilege.

Delegate King: I would like to say my observation concerning this issue. It seems that everytime when delegates from Tinian and Rota raised their hands to state out their concern, it's being ignored. I want the President to stop this kind of attitude, not to ignore the delegates from Tinian and Saipan when there is good to rebuttal concerning such matter or issue. I'm sick and tired of this.

Secretary Nabors: Committee Recommendation No. 51.

President H. Guerrero: Committee Recommendation No. 51 was moved by Delegate Torres. We need to vote on this one.

Delegate Torres: Mr. President, should I give my reason as to why?

President H. Guerrero: No, because you moved the last time, so we need to vote on this.

Delegate Ogumoro: Mr. President, perhaps it would help the delegates if Delegate Torres would let us know what his reasons are for having that proposal be reconsidered so that those of us who do not know what he has in mind would be able to be guided by his statement.

Delegate Torres: Yes, if I may, Mr. President.

Delegate Villanueva: No objection.

President H. Guerrero: Go on, Delegate Torres.

Delegate Torres: It's a very simple reason. Actually, this is a joint reconsideration with Delegate Igitol. Delegate Igitol and I are concerned that there is no term of office set for the trustees and it's kind of ironic that we are setting a term of the office for the MPLC and not the MPLT, since MPLT is responsible for a huge vast sum of money. Of course, in the first ten years perhaps we shouldn't be alarmed or shouldn't be concerned because everything will be safe. But after the initial ten years, it's going to be an open season, so to speak, that is if they could invest in non-U.S. bonds. So that motivated us to ask for reconsideration. On top of that, we would like these five trustees to submit annual financial report of their affairs so that there is no conflict of interest. And we consulted with the AG on the language for the financial affairs that this shall be submitted annually to the Presiding Officers of the Legislature and the Governor on their financial affairs. So that if should there be any conflict of interest it will be easily detected. And we also provided for a staggered term of office -- a maximum term of six years; unstaggered for two trustees to serve for six years and three to serve for four years. We believe that this will insure continuity and this would also at the same time insure that those who are appointed trustees don't have the impression or the idea that they are there forever, that they are being checked and will be checked by the Legislature and the Governor periodically such as on an annual basis. That's really the only motivation, to insure that our money, the public money is invested carefully by the trustees. We're maintaining the five trustees, as amended by Delegate Villagomez. We're just adding a term of office and disclosure of information. That's all.

President H. Guerrero: Let's vote.

The motion to reconsider Committee Recommendation No. 51 was carried by a raising of hands vote of 11 for the motion. The rest abstained.

President H. Guerrero: It looks like a majority, so Committee Recommendation No. 51 is now open for discussions. Yes, Delegate Torres?

Delegate Torres: I move that Committee Recommendation 51 be adopted, as amended, and we passed out the amended version.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 51.

Delegate Manglona: I move to end debate.

Delegate Nabors seconded the motion.

The motion to adopt the amendment offered by Delegate Torres was carried by voice vote.

President H. Guerrero: Is this substituting the entire recommendation?

Secretary Nabors: No.

President H. Guerrero: We just voted on the amendment.

Secretary Nabors: Right.

President H. Guerrero: We're back to the main motion.

Delegate Mafnas: We're still in order.

President H. Guerrero: Still in order? We'll go back to the main motion?

Delegate Mafnas: Yes.

President H. Guerrero: We just voted to accept the amendment. Now we're voting on the amendment.

Secretary Nabors: We're voting on 51, as amended.

President H. Guerrero: Secretary Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 51, as amended, was voted on as follows:

YES: Delegates David Cing, Herman T. Guerrero, David Igitol, Rita Inos Jesus Mafnas, Juan Lizama, Paul Manglona, James Mendiola, Aniceto Mundo, William Nabors, Felicidad Ogumoro, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres and Ignacio Villanuev (16 votes)

ABSTAIN: Delegates Vincent Calvo and Esteven King. (2 votes)

ABSENT: Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, Luis Limes, Maria Pangelinan and Ramon Villagomez.

And the motion was carried.

Secretary Nabors: Mr. President, I have 16 affirmative votes, I have zero negative vote, I have 2 abstentions and 5 absences.

President H. Guerrero: Committee Recommendation No. 51 is adopted by 18 votes. Would the mover for Committee Recommendation No. 16 please explain, give your rationale for calling it up? Didn't somebody move to recall this?

Floor Leader Lizama: I move that this will be deferred, Mr. President.

Delegate Mafnas seconded the motion.

President H. Guerrero: Who moved this?

Floor Leader Lizama: I don't know.

President H. Guerrero: Can we vote?

Floor Leader Lizama: Yes.

The motion to defer Committee Recommendation No. 16 was carried by voic vote.

President H. Guerrero: We'll move on to Committee Recommendation No. 40. Would the mover of this explain your rationale?

Delegate Ogumoro: I would like that we defer the consideration of this proposal. I would like to ask that we defer until further. Am I still in order or would that necessitate another two days for reconsideration?

President H. Guerrero: Will the Parliamentarian give guidance to the President? She moved two days ago to recall Committee Recommendation No. 40. She is asking for deferment. The question is, what should be the ruling of the Chair?

Delegate Reyes: I think that cannot be done, Mr. President.

Delegate Ogumoro: Under what rule?

Delegate Reyes: When you call for reconsideration, it has to be for two days for its preparation so that it comes out on that given date.

Delegate Ogumoro: I'm not asking for deferment to the next day. It's for this same day but because they are typing the amendment. It's not ready.

Delegate Reyes: That's completely different then.

Delegate Ogumoro: If I am in order, Mr. President, may I ask that we move on to the other proposal and as soon as the amendment is ready to be distributed that we come back and reconsider that?

President H. Guerrero: If there is no objection, we'll move on to 20. Would the mover of Committee Recommendation No. 20 please give your rationale?

Delegate Nabors: Thank you, Mr. President. When this measure was passed originally, we inadvertently neglected to strike out a crucial provision. The provision that a spouse may not inherit land if the owner has children able to own land in the CNMI poses a number of problems. First, it restricts the right of the land owner to determine how his assets shall be distributed among his heirs by the making of a will. Secondly, it descriminates against a non-Northern Mariana Islands descent spouse who has been married 10, 20, 30, or even forty years, raised a family, helped with the spouse's career and worked to build up the family assets in favor of a possibly an opportunist spouse who never had any children and may have been married only a few years prior to death. Thirdly, it discourages mixed-marriages couples from having children. Concern is being raised about the convenient marriages and opportunist spouses. It seems that we must defer to the judgment of the land owner. Only the person who marries a person of non-Northern Marianas descent can truly judge whether the marriage is a convenient marriage or whether the wife or the husband is an opportunist. The land owner can always make a will and thereby prevent the spouse from inheriting any land. Further, if there is a problem with convenient marriages, the opportunistic spouse where the land owner fails to make a will, the Legislature could deal with it by its probate law. Land goes to the children of the Northern Marianas descent before it goes to a spouse who is not of Northern Marianas descent. Such a statute would be in conformance with the non-alienation provisions of the Covenant and the Constitution. The argument that this provision would help reduce conflicts between spouse and children of the deceased has little merit Conflicts between heirs often occurs regardless of descent, especially in the absence of a will. Furthermore, this provision could actually work to

separate children from the mother or father at this time when they are deprived of one parent by death. The spouse could be deprived of a means of support and forced to return to their country of origin. Complicated probate cases could result when there is a will leaving land in the spouse disqualified by this provision. Such a constitutional provision would deprive the spouse of inheritance intended for him or her resulting in the need to adjust the distribution of the assets. This would be even more complicated in the case of spouses who've already inherited land under existing constitutional provision. That is the reason why I believe that we ought to reconsider this matter to deal with this question of spouse who is not a person of Northern Marianas descent. Thank you.

The motion to recall Committee Recommendation No. 20 was carried by a raising of hands vote of 6 for and 5 against the motion. The rest abstained.

President H. Guerrero: Motion is carried to reconsider it. Yes, Delegate Igitol?

Delegate Igitol: Since we are calling for reconsideration, have you asked those that did not vote to identify their votes?

President H. Guerrero: Excuse me. Basically since those are the only people that raised their hands, the prevailing gets the abstention.

Delegate Tomokane: Point of information, Mr. President.

President H. Guerrero: Yes.

Delegate Tomokane: In reconsidering recommendations, did we suspend the applicable provisions of the rules because I believe you require two-thirds.

President H. Guerrero: We do not require two-thirds; we just require a majority. According to subsection (c) of Rule 51, it requires a majority of the members for reconsideration.

Delegate Tomokane: Simple majority?

President H. Guerrero: It says: "A motion to reconsider in Convention may not be called up until the second session day after it is moved and shall require an affirmative vote of a majority of the delegates to the Convention. Do you have any objections? Delegate Tomokane, did I answer your question?

Delegate Tomokane: Yes.

President H. Guerrero: So Committee Recommendation No. 20 is up for reconsideration now. Delegate Lizama?

Floor Leader Lizama: Having heard Delegate Nabors stated the reasons for the recall of this committee recommendation, I would like now to make an amendment. And the amendment that I'm going to offer, I have passed out copies of the amendment. Basically, the amendment is calling for the going back to the existing provision of the Constitution. That is to say that transfer to a spouse by inheritance is not an acquisition under this section, period. And this would eliminate the other language of this sentence. It would eliminate under the adopted committee recommendation, if the owner dies without issue or with issue not eligible to own land in the Northern Mariana Islands. This offered amendment would strike that portion.

Delegate Nabors: Mr. President, could I ask for just two minutes recess?

There being no objection, President Guerrero declared the Convention recessed at 5:54 p.m.

RECESS

The Convention reconvened at 6:19 p.m.

(At this point, Delegate Calvo took over the Chair.)

Acting Presiding Officer Calvo: The session is now called to order. Yes, Delegate Bill Nabors?

Delegate Nabors: Mr. President, I'd like to move that we suspend the consideration of Committee Recommendation No. 20 until later in the calendar.

Delegate Torres seconded the motion.

Acting Presiding Officer Calvo: There's a motion on the floor to defer....

Floor Leader Lizama: I object, Mr. President.

Acting Presiding Officer Calvo: State your objection.

Floor Leader Lizama: What is the reason for suspending it?

Delegate Nabors: There are few delegates who need additional clarification and I don't think it's fair to rush them in seeking that clarification in order to get an honest vote.

Floor Leader Lizama: Okay, then, in that case the motion for reconsideration will be deferred. My motion to make the amendment will be withdrawn.

Acting Presiding Officer Calvo: Okay, so be it.

Delegate Igitol: Mr. President?

Acting Presiding Officer Calvo: Before I recognize Delegate Igitol, there's a motion on the floor with regards to reconsideration or defer reconsideration of Committee Recommendation No. 20. Are we still in order? Is there any discussion on that motion? If there is none, is there any objection for that motion? Okay. Yes, Delegate Igitol?

Delegate Igitol: In regards to Delegate Bill Nabors saying that on behalf of the two delegates that they need additional clarification, it is only fair if whoever is going to explain this will explain it right here in front of us.

Acting Presiding Officer Calvo: Are you through, Delegate Igitol?

Delegate Igitol: Yes, sir.

Acting Presiding Officer Calvo: Okay, Delegate Lizama?

Floor Leader Lizama: Since there has been a request to allow us more time so that everyone would understand the ramification of the....

Delegate Nabors: Point of information. I don't know, I guess we need a point of order. There was no objection to the motion for reconsideration and I can assure my colleagues that when the explanatory matter is made, everyone will have the benefit of it. But could we now move on to the other matter on the agenda?

Acting Presiding Officer Calvo: Yes, without any delay; but let me recognize first Delegate Ogumoro.

Delegate Ogumoro: If there is no objection from the floor, I would like that we now place for consideration Committee Recommendation No. 57, since it is now ready.

Delegate Nabors: Objection.

Delegate Torres: Mr. President, I can assure Delegate Ogumoro that this will be passed, but could she give us a little more chance to work on this? This, I think, will go through but just give us a chance to....

Delegate Nabors: No problem; the request is granted.

Delegate Cing: Why don't you give Delegate Torres more chance to castigate us on this?

Delegate Torres: No, I'm not going to castigate it; I assure you that. I think we have scrutinized it enough.

(At this point, President Guerrero took over the Chair.)

Delegate Ogumoro: No, we are not afraid of being castigated but we want to have it considered right now.

Delegate Torres: So if the chance is granted, would you....

Delegate Mendiola: Point of order.

President H. Guerrero: State your point, Delegate Mendiola.

Delegate Mendiola: Will you have some orders on the floor?

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. The next item on the agenda is Committee Recommendation No. 35. On behalf of myself and my other colleagues as a mover of the motion -- Oh, excuse me. My colleague and I move to reconsider both 27 and 35. After further consideration and consultation, it is our wishe that both requests be withdrawn.

Delegate Mafnas seconded the motion.

Delegate Ogumoro: If I may, may I just know why we are scratching that from the agenda, Committee Recommendation No. 27?

Delegate Nabors: The power of compromise.

President H. Guerrero: So Committee Recommendation Nos. 35 and 27 are withdrawn. State for the record that they have been withdrawn. So we're now with Committee Recommendation No. 26.

gate Mendiola: Mr. President, could you make that clear that the committee recommendations for reconsiderations are withdrawn?

sident H. Guerrero: Committee Recommendation Nos. 35 and 27 for reconsiitions have been withdrawn.

(At this point, Delegate Calvo took over the Chair.)

Secretary Nabors read Committee Recommendation No. 26 in its entirety, follows:

"COMMITTEE RECOMMENDATION NO. 26

"A PROPOSED CONSTITUTIONAL AMENDMENT

To delete Article V in its entirety and to add a new Section 20 and Section of Article III of the Northern Marianas Constitution relating to Resident epresentative to the United States of America.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

"Effective upon ratification, Article V of the Northern Marianas Constitution is hereby deleted in its entirety and a new Sections 20 and 21 are hereby added to Article III to read:

"'Section 20. Resident Representative to the United States. A resident representative to the United States shall be appointed by the Governor for a period of four (4) years to represent the Commonwealth in the United States and to perform those related duties provided by law with the advice and consent of the Legislature. The Governor shall provide a certification of the appointment upon confirmation by the Legislature to the United States Department of State.

"'(a). Annual Report. The resident representative shall submit a written report by the second Monday of January of each year to the governor and legislature on the resident representative's official activities during the preceding year and matters requiring the attention of the government or people of the Commonwealth.

"'(b). Compensation. The resident representative shall receive an annual salary and reasonable allowance for expenses provided by law. The salary may not be changed during a term of office.

"'(c). Vacancy. In the event of a vacancy in the office of the resident representative to the United States, the governor shall appoint a successor with the advice and consent of the legislature.

"'(d). Removal. The resident representative may be removed only for cause and by the affirmative vote of simple majority of the members of each house of the legislature.'"

"'Section 21. Election of Resident Representative to the United States.

If the Northern Marianas is given a non-voting delegate status in the Congress of the United States, the resident representative shall be elected for a term of two years.'"

Acting Presiding Officer Calvo: Do I hear any adoption for the reconsideration of this committee recommendation? Delegate Mendiola?

Delegate Mendiola: Did the Secretary read the substitute amendment?

Delegate Nabors: I don't know what I'm reading.

Delegate Mafnas: He was reading Committee Recommendation 26.

Acting Presiding Officer Calvo: Yes, that is correct. I think he should no read the substitute until somebody appropriately put that out on the floor. Delegate Mendiola?

Delegate Mendiola: Acting President, I would like to move for the adoption of the Substitute Committee Recommendation No. 26.

Delegate Nabors: Point of order.

Delegate Mafnas: That's true.

Acting Presiding Officer Calvo: Yes, state your order.

Delegate Nabors: We have to have a motion to adopt Committee Recommendation 26 first.

Delegate Mafnas: I so move.

Delegate Nabors seconded the motion.

The motion to reconsider Committee Recommendation No. 26 was carried by voice vote.

Acting Presiding Officer Calvo: We have now Committee Recommendation No. 26 before us to be reconsidered. Yes, Delegate Mendiola?

Delegate Mendiola: I'd like to move to amend Committee Recommendation No. 2 with the substitute amendment.

Delegate Mafnas: Privilege.

Acting Presiding Officer Calvo: State your privilege, Delegate Mafnas.

Delegate Mafnas: To avoid any accusation to the distinguished delegate of a possible conflict of interest, I wish to take this opportunity to introduce the amendment.

Acting Presiding Officer Calvo: So ordered.

Delegate Mendiola: Thank you, Delegate Mafnas.

Acting Presiding Officer Calvo: Go ahead.

Delegate Mafnas: Mr. President, I move for the adoption of the Committee Substitute on Committee Recommendation 26. Copies were passed out in advanc

Delegate Nabors seconded the motion.

Acting Presiding Officer Calvo: We have a motion on the floor to consider the substitute of Committee Recommendation No. 26. Do we have any discussio on that amendment? Yes, Delegate Mafnas?

Delegate Mafnas: I reviewed the Committee Substitute for about three hours and I found it to be in order. And in the interest of time, I move for the previous question.

Delegate Nabors seconded the motion.

Acting Presiding Officer Calvo: Well, it doesn't look like anybody wishes to talk, so it's in order. We have a motion to end debate now on the subject o reconsideration of the Substitute Committee Recommendation No. 26.

Secretary Nabors called the roll, and the motion to adopt the Substitute Committee Recommendation No. 26 on Second and Final Reading was voted on by 18 affirmative votes. Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, Luis Limes, Maria Pangelinan and Ramon Villagomez were absent And the motion was carried.

Delegate Nabors: Mr. President, I have 18 affirmative votes, I have no negative vote, I have no abstention, but I have 6 absentees.

Acting Presiding Officer Calvo: Excuse me. Am I correct that you don't have any abstentions?

Delegate Nabors: That's correct, no abstention.

Acting Presiding Officer Calvo: Okay, Committee Recommendation No. 26, as substituted, is passed on Second and Final Reading. Secretary Nabors, can we have Committee Recommendation No. 42?

Delegate Nabors: Committee Recommendation No. 42 -- that was noticed by Delegate Ogumoro.

Acting Presiding Officer Calvo: Yes, Delegate Ogumoro?

Delegate Ogumoro: At this point, I would like that I ask for the consensus of the membership or the delegates that we defer action or suspend action on this.

Acting Presiding Officer Calvo: Is there any objection on the request of Delegate Ogumoro?

Delegate Nabors: Objection.

Acting Presiding Officer Calvo: Go ahead. Yes, Mr. President?

Delegate H. Guerrero: We can vote in terms of whether we can consider this or not. It just need a majority vote.

Delegate Villanueva: Do we have to vote?

Acting Presiding Officer Calvo: The requestor has indicated her position that she would like to have that deferred.

Delegate Mafnas: I object, Mr. President, to deferring it. Let's vote if we want to reconsider it. We spent six hours or four hours debating, now we are going to suspend it?

Acting Presiding Officer Calvo: Okay, let me recognize now the consensus of the leadership. Let me see by a show of hands. Do we have enough delegates wish to see that this be reconsidered--Committee Recommendation No. 42?

Delegate Ogumoro: May I note for the record? When this was discussed for reconsideration, it was discussed with members of the Committee on Finance and Other Matters. Unfortunately some of those members are not here that wanted to have this reconsidered so that we can go back to the language that the Committee on Finance and Other Matters recommended. So either we take action and just vote that we do not reconsider this, or we ask for deferment.

Acting Presiding Officer Calvo: So that's exactly what I was trying to get across. Do we want to have this reconsidered? If you do want to have this reconsidered, please state by putting your right hand up.

The motion to reconsider Committee Recommendation No. 42 was defeated by a raising of hands vote of one for and four against the motion. The rest abstained.

(At this point, President Guerrero took over the Chair.)

President H. Guerrero: Therefore, Committee Recommendation No. 42 cannot be considered. Would any of the members object if we take 57?

Delegate Inos: Objection. Can we take up 41?

President H. Guerrero: Okay. Would the mover of Committee Recommendation 41 please give your rationale for it?

Delegate Inos: I ask the unanimous consent of this body to please reconsider Committee Recommendation No. 41 as you probably have the floor amendment to be considered.

President H. Guerrero: Does everybody has a copy? Is everybody ready to vote?

The motion to recall Committee Recommendation No. 41 was carried by a raising of hands vote of 11 for the motion. The rest abstained.

President H. Guerrero: Motion carried to consider it and it's now on the floor. Delegate Manglona?

Delegate Manglona: Mr. President, I believe everyone has a copy of page 6 of Committee Recommendation No. 41 as we propose to amend the page 6 of that recommendation. The only addition that we would have is the one sentence that starts on line 13 to read as follows: "In furtherance of this section, the Mayor shall have the responsibility for insuring that the Resident Department Heads faithfully execute their duties under the law and in accordance with the policies of the Commonwealth Government for the administration of public services in the islands in which the Mayor has been elected." This

will only clarify Section 9(a), especially on line 8 where the line which as deemed appropriate. We feel this will help us clarify that phrase. The only minor other change here is on line 20, to be consistent with the Constitution wherein a Department Head was supposedly to head, where the Department Director is to head the department, likewise the Resident Department Head will head the Resident Department. This is just a minor change to be consistent. Thank you.

Delegate King seconded the motion.

President H. Guerrero: Discussions?

Delegate Mafnas: Mr. President, I have no strong objection to this. Obviously, the Resident Department Head should be the head or else it won't exist. So that's not significant. I want the record to show that the Representative of the Personnel Officer is not a Resident Department Head. He is a representative of the Personnel Officer. I would vote in favor of the Committee Draft 1 on Committee Recommendation 41.

President H. Guerrero: Delegate Lizama?

Delegate Lizama: Mr. President, I would also not oppose to this amendment. I don't think it does any -- it doesn't enhance the Section 9(a) and it also does not diminish the value of Section 9(a).

President H. Guerrero: Delegate Torres?

Delegate Torres: While I do not have strong objection to this, I just want the record to show that with the addition of this subsection, the role of the Municipal Council will be considerably diminished. Also, while I have now strong objection to it, I want the record to show for historical purpose to convey my concern that the addition of this subsection would necessarily be reflected in the overall budget for the Local Government. I anticipate a significant increase in the budget for the Local Government. And I am hopeful that the respective municipality will take this into account and will act appropriately and seek ways to become accountable for this. Thank you.

Delegate Mendiola: I move to end debate.

Delegate Lizama seconded the motion.

Delegate Mafnas: One question please. On line 22, the words "budget called" what's that? What is a budget called?

Delegate Manglona: May I ask that question to you, Delegate Mafnas?

Delegate Mafnas: Budget called, I don't know. Does it mean the budget instructions or budget call? What's the original language in the recommendation because this was never part of the language? Not called. It should be budget call, c-a-l-l, or budget instructions.

Delegate Manglona: I think that is a typographical error.

Delegate Mafnas: May I then amend, Mr. President, to delete the word "called and insert the word "instructions"?

Delegate Tenorio: No objection.

Tenorio: I'm reading page 6, line 20, Section 10 of the original e recommendation and they don't seem to be the same.

it H. Guerrero: Excuse me. There is under the amendment by Delegate nez on page 3 of this proposed amendment, No. 31, which says, on page 21, after the word "services", insert the following sentence to read: dent Department Head shall submit a budget to the Mayor, pursuant to get code."

ce Mafnas: It should have been call, c-a-l-l. I amended it to uctions".

te Manglona: Can you explain what budget instructions is?

ate Mafnas: It tells you how to prepare budget and it provides for t codes and the allocations and things like that. It's a procedure. I for the previous question, Mr. President.

Delegate Nabors seconded the motion.

ident H. Guerrero: We're now voting on Committee Recommendation No. 41, mended.

Secretary Nabors called the roll, and the motion to adopt Committee ommendation No. 41, as amended, on Second and Final Reading was voted on 18 affirmative votes. Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, usto Kaipat, Luis Limes, Maria Pangelinan and Ramon Villagomez were absent. l the motion was carried.

cretary Nabors: Mr. President, I have 18 affirmative votes, I have no gative vote, I have no abstention, but I have 6 delegates who are absent.

esident H. Guerrero: Excuse me, can you give me those votes again?

ecretary Nabors: Yes. I have 18 affirmative votes, zero "no" vote, zero bstention and 6 absentees.

resident H. Guerrero: Committee Recommendation No. 41, as amended, passes y 18 votes. Can I just explain something? The Chair inadvertently left out 9 and 58 for considerations. I apologize. I was the one that typed out the rder of Business and I thought I include them and somebody brought to my ttention that both of them are not in. Yes, Delegate Mafnas?

elegate Mafnas: May I ask the indulgence of the members to take up now ommittee Recommendation 66 since it's not very controversial?

elegate Nabors: No objection.

resident H. Guerrero: If there's no objection, with the condition that after 6 we will take up 57.

elegate Villanueva: No objection.

resident H. Guerrero: Secretary Nabors, can you read Committee Recommendation No. 66?

Secretary Nabors read Committee Recommendation No. 66 in its entirety, as ollows:

"COMMITTEE RECOMMENDATION NO. 66

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To add new Section 1(a) and (b) to proposed Article on Civil Service relating to the Retirement System.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, a new Section 1(a) and (b) is hereby added to the proposed Article on Civil Service to read as follows:

"'Section 1. Retirement System.

"a) Membership in employee retirement system of the Commonwealth shall constitute a contractual relationship. Accrued benefits of this system shall neigher be diminished nor impaired.

"b) An employee who has acquired not less than twenty years of creditable service under the Commonwealth retirement system shall be credited an additional five years and shall be eligible to retire.'"

Delegate Mafnas: Mr. President.

President H. Guerrero: Yes.

Delegate Mafnas: The next line is the amendment. So, may I move for the adoption of Committee Recommendation No. 66?

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 66 for Second and Final Reading. Discussions? Delegate Mafnas?

Delegate Mafnas: Mr. President, I would like to move to amend the Committee Recommendation 66 and the amendment had been handed out. On line 11, strike out, please, the close quotation and it should read as follows: "An employee who elects to retire under this provision may not be re-employed by CNMI Government or any of its instrumentalities or agencies for more than 60 days in any fiscal year without losing his retirement benefits for the remainder of that fiscal year.".

Delegate Villanueva seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 66 offered by Delegate Mafnas. Discussions? Delegate Reyes?

Delegate Reyes: Just a question here. Is this 60 days to mean calendar days?

Delegate Mafnas: Sixty calendar days because the employee may have to work on Sundays. So, yes; to clarify it, insert "calendar", please. I so move.

Delegate Villanueva seconded the motion.

President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. I just like to ask a question to Delegate Mafnas. I was thinking about the existing retirees. What will happen to those people that are getting now 20 years retirement benefits? Are they going to fall under this section?

Delegate Mafnas: No. They will not be covered. This will affect only those who are currently onboard. Those who have retired will not be affected.

Delegate King: Okay. If we are going to adopt this and is ratified by the people, do you think that most of the employees instead of getting 20-year services retirement, everybody will fall under the full retirement of 25 years?

Delegate Mafnas: Yes, if it is ratified.

Delegate King: May I ask how much the government will incur for this cost?

Delegate Mafnas: The government will save approxiamtely $5.2 million.

President H. Guerrero: Are you finished, Delegate King?

Delegate King: Yes.

President H. Guerrero: Let me recognize Delegate Lizama.

Floor Leader Lizama: Mr. President, just for purpose of clarification. As I read the Section (b), there may be some oversight. I don't know whether this is an oversight or what but I'm just wondering whether this is crediting five years of services. Would this be -- I wasn't so sure when this was deliberated and I just want to make sure that we are not doing something on an oversight situation. Delegate Mafnas, is this going to be perpetual, or did we discuss anything on time period that this thing will be allowed?

Delegate Mafnas: No, we are not restricting it.

Floor Leader Lizama: So it will be perpetual.

Delegate Mafnas: Yes.

Floor Leader Lizama: If I'm not mistaken, the report that came from the Consultant or the Economist of the EDLF, is there something in there that reflects the impact of this recommendation? If it is perpetual, it's supposed to be just for five-year period because, if I am not mistaken, the report is only for a five-year period.

Delegate Mafnas: No, the statement is that everything remains the same. The savings will be $5.2 million. If more employees will retire, more savings will be realized. So that essentially was the report.

Floor Leader Lizama: I move to end debate, Mr. President.

Delegate King seconded the motion.

President H. Guerrero: Let me recognize first Delegate Tenorio.

Delegate Tenorio: Thank you, Mr. President. This is just for clarification also. May I ask what's the retirement limit and what's the number of years that is the maximum for the full retirement?

Delegate Mafnas: The full retirement is 25.

Delegate Tenorio: Now, if a person retires at 25, is he going to be affected by this provision, the amendment?

Delegate Mafnas: If the employee has 25 years of creditable service or qualified service, yes.

Delegate Tenorio: Will he be affected also?

Delegate Mafnas: Yes.

Delegate Tenorio: Thank you.

The motion to end debate was carried by voice vote.

President H. Guerrero: We are voting now on the amendment.

The motion to adopt the amendment offered by Delegate Mafnas to Committee Recommendation No. 66 was carried by voice vote.

President H. Guerrero: We are back to Committee Recommendation No. 66, as amended. Discussions?

Delegate Nabors: I move for the previous question.

Delegate Mafnas seconded the motion.

President H. Guerrero: We will be voting now on Committee Recommendation No. 66, as amended.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 66, as amended, on Second and Final Reading was carried by 18 affirmative votes. Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, Luis Limes, Maria Pangelinan and Ramon Villagomez were absent.

Secretary Nabors: Mr. President, I have 18 affirmative votes, I have no negative vote, no abstention and six absences.

President H. Guerrero: Committee Recommendation No. 66 is passed by unanimous vote of all members present. We are now with Committee Recommendation No. 57. Delegate Torres?

Delegate Torres: Yes, I just asked the Sarge to check what's delaying the xerox.

President H. Guerrero: It's being passed out. While it's being passed, can you at least read, Secretary Nabors, Committee Recommendation No. 57?

Delegate Mafnas: I second to your statement.

Secretary Nabors read Committee Recommendation No. 57 in its entirety, a follows:

"COMMITTEE RECOMMENDATION NO. 57

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article III of the Northern Maianas Constitution regarding Women's Affairs.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Article III is amended to add a new section to read:

"'Section ____. Special Assistant for Women's Affairs.

"a) There is hereby established an Office of Special Assistant to the Governor for Women's Affairs. The Governor shall appoint a person, who i qualified by virtue of education and experience, to be the Special Assistant. The Special Assistant may be removed only for cause.

"b) It is the responsibility and duty of the Special Assistant to establish and implement a policy of affirmative action in the government and private sector to help women to achieve social, political and economic parity The Special Assistant shall promote the interests of women, assist agencies of government and private organizations to plan and implement programs and services for women, monitor compliance of laws and regulations by government agencies and private organizations, organize community education strategies regarding the roles of women, and recommend to the governor and the legislatu for consideration legislation of benefit to women.

"c) The Special Assistant maybe authorized to hire staff and shall promulgate rules and regulations in carrying out the responsibilities and duties.

"d) The Governor shall include in the budget of the executive branch the fnding necessary to fully implement the provisions of this Section.'"

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I move for the adoption of Committee Recommendation No. 57 for Second and Final Reading.

Delegate Nabors seconded the motion.

President H. Guerrero: Let me recognize Delegate Inos.

Delegate Inos: On the committee recommendation, I would like to move to amen on line 11, delete the word "help" and substitute it with "assist" and furthe delete the word "to" after "women" on the same line.

Delegate Mafnas seconded the motion.

President H. Guerrero: Can I get a clarification? Is that on line 11?

Delegate Inos: On line 11, it will read: "action in the government and private sector to assist women."

President H. Guerrero: Excuse me, I'm reading the Education. Is there a second to the motion?

Delegate Inos: Yes.

President H. Guerrero: Discussions?

There being no discussion, the motion to adopt the amendment offered by Delegate Inos was carried by voice vote.

President H. Guerrero: Delegate Torres?

Delegate Torres: Mr. President, I have an amendment here. I believe this is a fairly good amendment. On line 4, after the word "office", delete "of Special" and on line 5, "Assistant to the Governor", delete all those words. On line 6, after "person", delete the comma and insert "acceptable to a chartered women organization and is qualified by virtue of education and experience, period". And delete "to be the Special Assistant", on line 7, in its entirety. Following that, delete the word "Special" and insert the word "incumbent". On line 8, delete the word "Assistant". And going further down I would like to substitute the word "cause" for "malfeasance". On line 9, again after the words "duty of the", remove or delete "Special" and insert "incumbent". On line 10, remove the word "Assistant". And then on line 11, after the word "sector", put a period and delete everything else. On line 12 after the word "the", delete the word "Special" and insert "incumbent". On line 13, remove the word "Assistant". Going down to line 20, Subsection (c), again remove the words "Special Assistant" and put the word "incumbent" in. And there's a minor error here, you separate "may" from "be". On second page, to add a Subsection (e) to read: "The Office for Women's Affairs shall be under the supervision of the Director of the Community and Cultural Affairs.".

Delegate King seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 57, as offered by Delegate Torres. Discussions? Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. First question, what would be the position title for the Women's Affairs?

Delegate Torres: Still as stated. Actually the reason that I removed those things is unnecessary because the title is Special Assistant for Women's Affairs. It's indicated there already so it's redundant. Just put "incumbent". The title would still remain "Special Assistant".

Delegate Mafnas: Also, the amendment of "the Governor shall appoint a person acceptable to a chartered women organization," I don't know whether there is any such thing as chartered women organization.

Delegate Torres: The Ladies Association -- I think there is.

Delegate Mafnas: Democrats or Republicans?

Delegate Torres: Both.

Delegate Mafnas: Another concern that I have is the removal clause -- malfeasance. Mr. President, I was a victim of this particular cause for removal and it took the court one week and it took me one week of pain, mental fatigu for me to proof that I was not guilty of this charge, malfeasance in public office. I would prefer that the same provision "removal only for cause". I prefer the provision "removal for cause". Going back, it says, the Governor shall appoint a person, then this is going to be placed under the supervision of the Director of Community and Cultural Affairs. It does not make sense. I am also concerned whether the position will be a Civil Service position. Is this the intent for placing it under the Director of Community and Cultural Affairs? I frankly like the original committee recommendation. It places importance to the office by placing it within the Governor's Office to be supervised by our Governor, the Chief Executive of our Government. It provid pride, attention, and importance to the office. And this is something that maybe we can say, well, you are wrong and I'm right and I don't want to argue But by placing it under the Governor's Office or within the Governor's Office it places importance to the office, recognition to the office, and I really like Committee Recommendation 57 as is originally provided by the committee t the Convention. Perhaps I can be convinced if the mover of the floor amendme will try and explain the intent behind this and probably I can be satisfied.

Delegate Torres: Okay, Mr. President?

President H. Guerrero: Are you responding, Delegate Torres?

Delegate Torres: Yes, I will be responding.

President H. Guerrero: Please.

Delegate Torres: Okay. To my mind, making the women an adjunct of the Governor makes it even less important. I think if we are serious enough abou this, it should be institutionalized in a department. This would give it mor status than being an adjunct of the Office of the Governor. Of course, it would make it more salient, make it more visible by saying that it is a Special Assistant in the Governor's Office, but we have to consider the signi ficance of this office. Putting it as an adjunct would really lessen the status of this Assistant or the Special Assistant for Women's Affairs. The major reason that I place it under the supervision of the Director of Communi ty and Cultural Affairs is that this incumbent will be less susceptible to politicization because it is institutionalized already within a department. It will not be subject to the whims of political win. It will be guaranteed stability because it is institutionalized in a department. Now, the concern regarding changing from cause to malfeasance, I cannot really say much about this too since I am not really that familiar with legal terminologies of this But all that I can say is that it makes things more specific. If you say cause, it could be for any cause. It could be for political cause and it could be for whatever cause that the person who appointed this incumbent deem appropriate. I think by making it a little bit more specific would give the incumbent a better view as to how he will behave in the office. I believe that institutionalizing this Special Assistant for Women's Affairs is what we need and this would give its status. It would give it stability, it would guaranty its funding and it would lessen politicization for this office to be used for political purposes. I think it is very important to insulate this

office from politics. I'm sure it will be used for it. But if we can at least minimize the influence of politics to insulate it, get it away from the mainstream of politics, all the better I think for the women. On top of that by being under the supervision of the Community and Cultural Affairs, the women's affairs will have more leverage in terms of getting more funding and in terms of doing whatever it wishes to do with local funding as well as federal funding. It would give it more independence. That is really my logi for placing it under a department because it would guaranty stability, insulate it from politics, insure stability and give status to it, and I thir that's what it needs -- status. Thank you.

President H. Guerrero: Let me call Delegate Lizama first.

Floor Leader Lizama: Thank you, Mr. President. Since we only have two more days to end this Convention, I'm inclined to again use the word "ghost" and I hope that we don't come out producing something that would be coming from the ghost. If you look at Article III, Section 15, there's a provision providing for fifteen executive departments but none of the executive departments were mentioned in that provision. Now, if we are going to adopt the committee recommendation and lodge the Special Assistant for Carolinian Affairs into th Department of Community and Cultural Affairs, in essence what we would be doi would be to constitutionalize the Department of Community and Cultural Affairs and I don't think that there is logic to doing that. To do so would be inconsistent to the already mentioned in Article III, Section 15. So if the intent is to constitutionalize the Department of Community and Cultural Affairs, then there is logic. But if not, then there is no logic.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I was just going to say that but that thing scapes my mind. Mr. President, I cannot agree that by divisionalizing the Office of the Special Assistant for Carolinian Affairs, it will give more status. A depart ment than a division by divisionalizing it, it lowers its status.

Delegate Torres: It's not divisionalizing, it's institutionalizing.

Delegate Mafnas: Well, it doesn't matter how you call it but it cannot be equal to the Department of Community and Cultural Affairs. It has to be lowe than the Department of Community and Cultural Affairs. And the next line is the division, so it will be a division. If it's placed within the Governor's Office, I don't know who will say that it doesn't have a status. It is part; it will be part of the Governor's Office. If you draw a line, it's right there; it's next to the Governor's box. So that, to me, will provide more status. It would indicate the importance of this office since we are putting it in the Constitution and the funding will definitely be no problem because the Governor reprograms and the Special Assistant does not have to go through the Director of Community and Cultural Affairs before he or she wants to have additional funding. She or he just walks into the Governor's Office and says Mr. Governor, I need $50,000, will you kindly see and try and reprogram x-thousand for this project. So it really makes the job of the Special Assistant a lot easier and more by having it within the Governor's Office. As far as divorcing it from political influence or pressure, if he's appointed by th Governor, then the fact of the matter is that the political pressure is there or any kind of pressure. The only way to minimize a political pressure will be to classify the position of Special Assistant. Again that will be inconsi tent with the other positions of Special Assistants in the Governor's Office. If this office is going to be placed under the Department of Community and

ultural Affairs, then we should call it Chief for Women's Affairs and not pecial Assistant. Again by having the position titled "Chief", it is not or t will not be classified, it will be under accepted service contract. So I on't want to see ths position lower than the chief. I want to see it higher han the chief. So, it's very, very difficult to really say, well, we want to emove politics from it because it is almost next to impossible to do that. So I move to end debate.

Delegate Torres: Point of information, Mr. President.

President H. Guerrero: State your point.

Delegate Torres: The logic really behind this is that the Governor's Office small as it is and we know also from seven years of experience that the Office of Carolinian Affairs has never been in that office. So you know, let's face the facts. This, and I'm sure of this, may never be in the Governor's Office. It may be placed perhaps as far away from the Governor's Office as possible.

Delegate Mafnas: Point of information. I wasn't referring to the location or its physical location; I was referring to the organizational set up.

Delegate Torres: But if we are talking about accessibility, I believe that that what gives its status and what that gives it more advantages that it will be very accessible to the Governor. I agree that perhaps they have direct line. But as again from the experiences of the Carolinian Affairs Office, it is not really working as intended to be. So I don't know. I thought that I was elevating the status of the women by doing this, by insulating it from the political instability and from making sure that they get what they need by institutionalizing it and not just making it an adjunct of the executive branch. My assumption was that it would make this office more secured. Thank you.

President H. Guerrero: Let me call on Delegate Ogumoro.

Delegate Ogumoro: I would yield to Delegate Inos. I thought I saw her hand up.

President H. Guerrero: Delegate Inos?

Delegate Inos: Yes, Mr. President, I thought you took my name down, but you forgot.

President H. Guerrero: I'm sorry, I apologize, I didn't see your hand.

Delegate Inos: On the amendment, I have a trouble of grasping the concept. If he is going to be appointed by the Governor, yet he should be under the Community and Cultural Affairs Office, I am just trying to envision this person who will be appointed by the Governor and then to have a director who will be the Community and Cultural Affairs Director. I automatically think that it is going to be creating a conflict here. I see this office as a very dynamic office and a person in this office will be looking after all kinds of things not just rights and interests but many different interests and I see this person or this office not being tied down with differences other than the Governor. To add another person aside from the Governor is going to be conflicting with the intent of this particular provision. If, on Section (d), we say that the Governor shall include in the budget of the executive branch the funding necessary to fully implement the provisions of this section; we ar

going to be placing it under the Community and Cultural Affairs then normally I would assume that it will be in the Community and Cultural Affairs' budget submitted to the Governor and not necessarily the Women's Affairs Office working on her or his own budget to submit to the Governor. So putting this under a particular division or a particular department is really not helping the matter any. It is suppressing the very existence of the particular intent because you cannot be as dynamic as....

Delegate Torres: Point of information.

Delegate Inos: Go ahead with your information.

Delegate Torres: If you take a broader perspective, it seems like we are looking at these things very narrowly. Actually the Women's Affairs Office would be all the better because not only would the Governor be helping this office but the Community and Cultural Affairs Office as well. So I don't see any conflict here. It is more advantageous for the office because they will be getting assistance from two directions on top of the federal assistance.. So, don't look at this in a much broader perspective. As far as I am concerned, there's no conflict. It will only help this office grow and prosper.

Delegate Inos: That's where I disagree with you, Delegate Torres. I would feel suppressed under this condition. I would feel that I would always have to be -- first of all, I would be listening to two bosses. One will be the Community Affairs Director and the other one will be the Governor.

Delegate Mafnas: If you ever get to the Governor.

Delegate Inos: If I ever get to the Governor, yes. I'm very negative on this And implementing the goals of the office might be a little bit hard under a particular department.

Delegate Mafnas: I move for the previous question.

Delegate King seconded the motion.

President H. Guerrero: Let me first recognize Delegate Igitol and then Delegate Lizama.

Delegate Igitol: Mr. President, just for curiousity here and maybe Delegate Ogumoro can answer this question. It's just a simple question. How would the Carolinian ladies go about this? They have the Carolinian Affairs Office, and if they have any problem, they have to go to that office. And how would they do it again in going to the Women's Affairs Office? Just a curiousity.

Delegate Mafnas: Mr. President, I will assist the delegate.

President H. Guerrero: Delegate Ogumoro, would you like to respond to that, or would you allow Delegate Mafnas?

Delegate Ogumoro: I will allow my colleague to respond.

Delegate Mafnas: Well, if it's women's affairs, they will go to the Women's Affairs Office if her problem is regarding women. If her problem is relative to water problem, power problem and road problem, she will definitely go to the Executive Assistant for Carolinian Affairs.

Delegate Igitol: What happens to the Precinct Commissioners?

Delegate Mafnas: Or to the Precinct Commissioners. Thank you for reminding me.

President H. Guerrero: Delegate Lizama?

Floor Leader Lizama: Yes, thank you, Mr. President. I think maybe I did not give the delegates my point in suggesting that if we are going to lodge this office into the Department of Community and Cultural Affairs that that will make the department a constitutionally created department. Now, the present Constitution does not or did not create any department. So maybe what Delega Torres is trying to suggest is that this office could be lodged in a department. But to mention the name of the department in the Constitution would, i and of itself, make that department a constitutionally created department. An I think that is the issue here that is very important.

Delegate Torres: I agree with you, Delegate Lizama.

Floor Leader Lizama: So I hope that that is well understood because we don't want to be creating a constitutional department just find out in the end or at a later time that we don't want that department or we want that department to be called a different name. So I move for the previous question.

Delegate Mafnas seconded the motion.

The motion to adopt the amendment offered by Delegate Torres to Committe Recommendation No. 57 was defeated by a raising of hands vote of two for and five against the motion. The rest abstained.

President H. Guerrero: We are back to the main motion.

Delegate Mafnas: I move for the previous question.

Delegate Mundo seconded the motion.

President H. Guerrero: We are voting now on Committee Recommendation No. 57, as amended. Secretary Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 57, as amended, on Second and Final Reading was voted on a follows:

YES: Delegates David Cing, Herman T. Guerrero, David Igitol, Rita Inos, Juan Lizama, Jesus Mafnas, James Mendiola, Aniceto Mundo, Felicidad Ogumoro, William Nabors and Karl Reyes. (11 votes)

NO: Delegates Vincent Calvo and Esteven King. (2 votes)

ABSTAIN: Delegates William Torres, Joaquin Tenorio, Francisco Tomokane, and Ignacio Villanueva. (4 votes)

ABSENT: Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, Luis Limes, Paul Manglona, Maria Pangelinan and Ramon Villagomez.

And the motion was carried.

Secretary Nabors: Mr. President, I have 11 affirmative votes, two negative votes, four abstentions and seven absences.

President H. Guerrero: Committee Recommendation No. 57 passed by 15 votes.

Delegate Torres: Mr. President?

President H. Guerrero: Yes?

Delegate Torres: If I am in order, I want to serve notice to recall 57.

Delegate Tomokane seconded the motion.

President H. Guerrero: Okay.

Delegate Igitol: Point of information, Mr. President. Yesterday, you announced that the last day is yesterday to recall.

President H. Guerrero: No, I thought yesterday was Saturday.

Delegate Igitol: Okay; it's alright.

President H. Guerrero: Tomorrow. Actually we will finish on Monday.

Floor Leader Lizama: I move for recess.

Delegate Nabors: Five minutes recess.

Floor Leader Lizama: No, adjourn until tomorrow.

President H. Guerrero: What would be the consensus of the members? Do you want to continue?

Delegate Igitol: Mr. President, if we recess andcome back later, most of us will not be back.

Delegate Mafnas: I object to that, Mr. President. Either we recess now and come back tomorrow, or we stay and finish it.

President H. Guerrero: Can we suspend the Order of the Business and go down and entertain the others then? Delegate Ogumoro?

Delegate Ogumoro: Isn't the Committee Recommendation on Education ready?

President H. Guerrero: It is. Can we take that before we suspend the rules to entertain other things? Secretary Nabors, can you read Committee Recommendation No. 64?

Delegate Mendiola: Is the proposed amendment for First Reading?

President H. Guerrero: It's for Second and Final Reading.

Delegate Mafnas: The Secretary, Mr. President, is very tired.

President H. Guerrero: One more and then we go home.

Secretary Nabors read Committee Recommendation No. 64 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 64

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To repeal Section 13 of Article III, and to amend Article XV relative to education.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective on the second Monday of January 1988, Section 13 of Article II is repealed.

"II. Effective on the second Monday of January 1988, Article XV is amended to read:

"'ARTICLE XV: EDUCATION

"Section 1. Elementary and Secondary Education.

"a) Every person in the Northern Mariana Islands shall have the right to free, compulsory and public elementary and secondary education within age and educational levels provided by law. The educational system shall recognize the distinct and unique cultural heritage and indigenous way of life of the people and shall be committed to provide for the language needs of the people and the preservation of their cultural integrity within a global community.

"b) Administration of the public elementary and secondary system of the Commonwealth shall be the responsibility of a superintendent of education appointed by a representative board of education. The board of education shall formulate policy and exercise control over the public school system through the superintendent. Other matters pertaining to its operations and duties shall be provided by law.

"c) The board of education shall be composed of seven members, one of whom shall be elected on a nonpartisan basis from the first senatorial district, one of whom shall be elected on a nonpartisan basis from the second senatorial district, two of whom shall be elected on a nonpartisan basis appointed by the governor with the advice and consent of the senate. At least one member appointed by the governor shall be a woman and at least one member shall be a person of Carolinian descent. Elected members of the board of education shall serve a term of four years commencing on the second Monday of January in the year following the regular general election at which they were elected. Appointed members of the board of education shall serve a term concurrent with the term of the governor and shall sit until their successor is appointed and qualified.

"d) A member of the board of education shall be qualified to vote in the Commonwealth, at least twenty-five years of age, and a resident and domiciliary of the Commonwealth for at least five years immediately preceding the date on which the member takes office. A longer residency and domicile requirement may be provided by law.

"e) The public elementary and secondary education system shall be

guaranteed an annual budget of not less than fifteen percent of the general revenues of the Commonwealth. The budgetary appropriation may not be reprogrammed for other purposes, and any unencumbered fund balance in a fiscal year shall be available for reappropriation.

"Section 2. Higher and Adult Continuing Education.

"a) The legislature shall establish by law a Northern Marianas College that shall be headed by a president. The president of the college shall be appointed by a representative board of regents. The board of regent shall be appointed to staggered terms by the governor and shall formulate policy and exercise control over the college through the president. The composition of the board of regents and other matters pertaining to its operations and duties shall be provided by law.

"b) The mission of the college shall be to provide the best qualit and meaningful postsecondary and adult educational opportunities for the purpose of improving the quality of life for the individual and for the Commonwealth as a whole. The college shall be responsible for providing education in the areas of adult and continuing education, postsecondary and adult vocational education and professional development for the people of the Commonwealth.

"c) The college shall be guaranteed an annual budget of not less than one percent of the general revenues of the Commonwealth. The budgetary appropriation may not be reprogrammed for other purposes, and any unencumbere fund balance in a fiscal year shall be available for reappropriation.'"

President H. Guerrero: Any motion to adopt Committee Recommendation No. 64?

Floor Leader Lizama: Mr. President, I move.

Delegate King seconded.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 64. Discussions? Delegate Villanueva?

Delegate Villanueva: Question. Can the committee explain why we are electin some of the Board of Education members, why are we appointing some of them an why are we appointing all the members of the Board of Regents? And what is the difference between the two boards and the consideration thereof?

President H. Guerrero: Can the committee answer that? Delegate Lizama?

Delegate Lizama: Yes. The committee felt that to assure that there will be a woman representative in the Board of Education and also that there would be a Carolinian descent representative, that this can be better served by the appointment process rather than by the election process. The committee also felt that by providing for those two appointments, which I've already mentioned, that the Governor can assure also the quality of the Board of Education. Obviously, the hindsight of this is that the Governor would always appoint someone that would be most qualified in these two distinguished sectors of our community -- the Carolinian sector and the women population sector.

Delegate Villanueva: Follow up.

President H. Guerrero: Just a minute. Delegate Ogumoro, would you like to augment?

Delegate Ogumoro: No, not at this time. I think he has answered what Delegate Villanueva's concerns were.

President H. Guerrero: Delegate Villanueva, do you still have questions?

Delegate Villanueva: Yes, one more.

President H. Guerrero: Please.

Delegate Villanueva: I notice that in the Board of Education we are considering a woman of Northern Marianas descent. Are we not concerned about this to in the Board of Regents? And can the committee explain why we are only concerned of the elementary and secondary and not the postsecondary education?

Delegate Lizama: Yes, Mr. President, if I may answer that.

President H. Guerrero: Delegate Lizama?

Delegate Lizama: The committee felt that there is a great difference between the Board of Education and the Board of Regents. On the normal situation, the Board of Regents is never an elected board. Most institutions of higher learnings have appointed board members rather than elected board members as opposed to Board of Education members. And it was the committee's determination also that if the Board of Regents will require election that this may discourage many donors of funds to the higher education entity. Now, we have the Northern Marianas Community College. And also the higher institution oftentimes requires expertise that the Board of Education does not necessarily require. By this, I mean that the most significant concern of the Board of Education is to provide for equitable representation in the policy-making of our elementary and secondary education system, and oftentimes the expertise required are not as great as the expertise that will be required in a higher educational level. So those are the concerns that were thought out by the committee.

Delegate Ogumoro: To add to what the Chairman has provided to the delegates, we do not need to specify that there will be a representative of the women on the board or a representative of the Carolinians on the board. Public Law 1-8 would take care of that.

Delegate Villanueva: Before I leave the mike, Mr. President....

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: I am in opposition with this proposal or this recommendation because it discriminates. Because we elect and we appoint into the Board of Education and we recognize the women and the Carolinian and we don't elect and appoint into the Board of Regents. I felt that the committee looked at the Board of Regents as not as important as the Board of Education. I suggested too that kindergarten be included. I don't think they even care about the very young children. I refuse to entertain or to support a recommendation that discriminates. I like discrimination if you go all the way. But this is half discrimination; it hurts. Thank you, Mr. President.

President H. Guerrero: Let me recognize Delegate Ogumoro.

Delegate Ogumoro: Yes, the only reason why we have to provide for the Board of Education that there be three appointments is just to insure that the wome and the Carolinians are represented on the board. We are not sure whether those two categories or those two groups will be represented if we provide that all of the members would have to be elected. Since the Board of Regents will be appointed, the committee feels that there is no need to specifically mention that there has to be a woman, at least one woman or at least a person of Carolinian descent on the board. That should be taken care of by Public Law 1-8, and if the proposed amendment that we just passed is adopted or ratified, that would further protect that interest.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. We passed a proposed amendment earlier calling for the election of all members of the board. I now move tha we adopt that amendment, Mr. President.

Delegate Torres seconded the motion.

Delegate Ogumoro: What amendment are you referring to?

President H. Guerrero: Delegate Nabors, can you be more clear, please?

Delegate Nabors: Yes, there was an amendment passed out earlier to all the delegates calling for Board of Education shall have five members elected at large on a nonpartisan basis as follows: One from the first senatorial district, one from the second senatorial district and three from the third senatorial district.

Delegate Mafnas: May I be privilege for a copy of the amendment, please? Mr President, I move for three minutes recess.

Delegate Mendiola seconded the motion.

There being no objection from the floor, President Guerrero declared the Convention recessed at 7:52 p.m.

RECESS

The Convention reconvened at 7:56 p.m.

President H. Guerrero: The session is back to order. The Chair would like t announce that it made a mistake in reference to Committee Recommendation No. 65. That Committee Recommendation No. 65 actually failed. We need 14 votes and we only had 12, so it failed.

Delegate Mafnas: Mr. President, I knew that.

President H. Guerrero: Why didn't you tell me that 65 failed?

Delegate Mafnas: That's on the Legislature's composition.

Delegate Torres: I want to formally request for a recount.

Secretary Nabors: On 65, your vote please?

Delegate Torres: Delegate Lizama is not here.

Delegate Nabors: So we have to verify this tomorrow then.

Delegate Torres: Could be revote tomorrow on that thing?

Delegate Calvo: No, we will verify it only. Okay, let's go onto the other matters.

President H. Guerrero: Let's continue with the discussions.

Delegate Mafnas: No, you just take it as a fraction thereof; 18 members, three-fourths of that would be 13.

Secretary Nabors: 13.5, there are only 12 votes made.

Delegate Mafnas: Yes, so it's one vote lower.

President H. Guerrero: It is still off by one vote, so therefore, it is defeated.

Delegate Mafnas: Right.

Delegate Torres: How many does it need to pass?

President H. Guerrero: It needs about 14 votes; you need to round it off.

Delegate Torres: Did you verify the number of people who were here?

President H. Guerrero: There were 18 members present. There were six nays, four abstentions and eight ayes.

Delegate Torres: I will ask for recall.

Delegate Mafnas: Mr. President, I give notice to recall or reconsider Committee Recommendation No. 65.

President H. Guerrero: Your notice has been noted by the Chair. Where are we Who was offering an amendment or something?

Delegate Nabors: I'm offering an amendment to the ducation requiring an election of the board members and I would like to have the opportunity to deliberate.

Delegate Mafnas: And I also, Mr. President, give notice to recall -- no, never mind.

Delegate Nabors: On behalf of my colleague, Delegate Lee, and I, we offer this amendment for your consideration. Colleagues, I have no doubt that a woman will be elected to represent the island of Tinian on the Board of Education. I think, too, that a woman will be elected from the island of Luta I hope that a Carolinian will be elected among the three allocated for the island of Saipan. But I do not support continuing to make special exceptions and the law for particular groups. I don't think it is healthy and I believe that we have to either have an appointment or an election, but not both.

President H. Guerrero: Was your motion seconded, Delegate Nabors?

Delegate Torres seconded the motion.

President H. Guerrero: Any other discussions? Delegate Inos?

Delegate Inos: Question on the proposed amendment. On the motion, that the two highest vote getter will serve for a term of four years and the three second highest vote getter will serve for a term of two years. I foresee a problem here because instantly the two highest vote getter will always be fror Saipan because the population here is larger, nine times.

Delegate Nabors: And they have the largest school population as well.

Delegate Inos: Right.

Delegate Torres: So why not? Well, one way to rectify this problem is to just go ahead and allow the first and second senatorial districts to serve for four years. I don't mind that.

Delegate Mafnas: Or make the election, Mr. President, Commonwealth-wide.

Delegate Mendiola: Suggestion?

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: How about if we put instead of highest vote getter, draw slot.

Delegate King seconded.

President H. Guerrero: If there is no objection, Delegate Mendiola is recommending that probably they will draw slot. Can you read your amendment, Delegate Mendiola?

Delegate Mafnas: Mr. President, point of clarification. How can you have two highest? There is only one highest. The highest and the second highest.

Delegate Nabors: That's if by drawing of slot.

Delegate Mafnas: Between the first and the second highest?

Delegate Nabors: All five.

Delegate Mafnas: All five? Oh, I see. Okay. I have no objection to that.

President H. Guerrero: Can somebody read the language to that effect?

Delegate Mendiola: Delegate Nabors, could you make up this?

President H. Guerrero: Let's recess for about three minutes so you can draft the language.

There being no objection from the floor, President Guerrero declared the Convention recessed at 8:03 p.m.

RECESS

The Convention reconvened at 8:05 p.m.

President H. Guerrero: The session is called back to order. Secretary Nabors

Secretary Nabors: My language is as follows: The sentence "in the third senatorial district, period" and to strike the following sentence and insert in lieu thereof the following "The terms of the first members elected shall be determined by the drawing of slots with three members serving a term of four years and two members serving a term of two years." I'll repeat: "The terms of the first members elected shall be determined by the drawing of slot with three members serving a term of four years and two members serving a ter of two years."

Delegate Mafnas seconded the motion.

Delegate Mafnas: I move to end debate.

Secretary Nabors seconded the motion.

The motion to adopt the amendment offered by Delegates Nabors and Torres was carried by voice vote.

President H. Guerrero: We are back to the original committee recommendation, as amended. Delegate Mafnas?

Delegate Mafnas: Mr. President, I move for the previous question.

Delegate Mendiola seconded the motion.

President H. Guerrero: We will be voting on this one now. Secretary Nabors?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 64, as amended, on Second and Final Reading was voted on a follows:

YES: Delegates Vincent Calvo, David Cing, Herman T. Guerrero, Rita Inos, Esteven King, Jesus Mafnas, James Mendiola, Aniceto Mundo, William Nabors, Felicidad Ogumoro, Karl Reyes, Joaquin Tenorio, Francisco Tomokane and William Torres. (14 votes)

ABSTAIN: Delegate Ignacio Villanueva. (1 vote)

ABSENT: Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, David Igitol, Benusto Kaipat, Luis Limes, Juan Lizama, Paul Manglona, Maria Pangelinan and Ramon Villagomez.

And the motion was carried.

Secretary Nabors: Mr. President, I have 14 affirmative votes, I have no negative vote, I have one abstention and I have nine absences.

President H. Guerrero: Do we have nine absences already?

Secretary Nabors: Nine already.

President H. Guerrero: So Committee Recommendation No. 64 passed by 15 votes

Delegate Mafnas: Mr. President, point of observation.

President H. Guerrero: Yes.

Delegate Ogumoro: There is none.

Delegate Igitol: Because if it's three, four, five times to reconsider it, I don't know. We are going yo-yos, I think.

Delegate Cing: I think we have to ask the Legislature for an extension again for all of these reconsiderations.

President H. Guerrero: Delegate Igitol, it was withdrawn, so it was never actually entertained by the Convention. It doesn't require two-thirds vote the next time around.

Delegate Igitol: I believe there was a reason for withdrawal that's why they don't consider it.

President H. Guerrero: I think the reason also is that. I think the issue at hand is how is this thing affects the negotiating funding which will be sending up to the U.S. Congress. We might not get it.

Delegate Villanueva: Mr. President, I don't know why....

Delegate Ogumoro: Are we on Miscellaneous?

Delegate Villanueva: No, but everybody is talking freely.

President H. Guerrero: Yes, we are down to Miscellaneous. Delegate Villanueva?

MISCELLANEOUS BUSINESS

Delegate Villanueva: You know, I observed in these last few days that I've been harassed, threatened and even molested mentally.

(Laughter)

Delegate Ogumoro: By whom?

Delegate Villanueva: I did not run for this Constitutional Convention to represent a particular interest group or to be harassed and molested mentally This idea of bringing in this 27 over and over again, I think it's the Commit tee on Finance and Other Matters who considered this and gave it up to the Committee on GI. You know, even though our chairman is not here and I think that's why he is not here because he is being molested mentally. If the consultants and the attorneys over here who are non-Northern Marianas descent want to insist and threaten us through legal opinions, you know, I refuse to accept these kind of consultants and opinions. In one of the consultant's letters, it says undesirable consequences. I don't know what it means. I asked for a legal opinion on that and they don't know what it means. I think in the beginning, we thought that or at least I thought that everyone here is elected on their own merit, except the people from the islands of Rota and Tinian who have goals. But, you know, the observation I've been making, I almost refuse to come here after these last two or three days ago. I don't know if we are ignorant on who's coming here. We have the gambling people wh are here which is healthy. But, you know, I refuse to accept these kinds of harassments and threats and molestations on your mind. I want to make it clear that, and for the record, that in this Convention I felt that there are some things like ghost that happen. Thank you, Mr. President.

Delegate Ogumoro: There is none.

Delegate Igitol: Because if it's three, four, five times to reconsider it, I don't know. We are going yo-yos, I think.

Delegate Cing: I think we have to ask the Legislature for an extension again for all of these reconsiderations.

President H. Guerrero: Delegate Igitol, it was withdrawn, so it was never actually entertained by the Convention. It doesn't require two-thirds vote the next time around.

Delegate Igitol: I believe there was a reason for withdrawal that's why they don't consider it.

President H. Guerrero: I think the reason also is that. I think the issue at hand is how is this thing affects the negotiating funding which will be sending up to the U.S. Congress. We might not get it.

Delegate Villanueva: Mr. President, I don't know why....

Delegate Ogumoro: Are we on Miscellaneous?

Delegate Villanueva: No, but everybody is talking freely.

President H. Guerrero: Yes, we are down to Miscellaneous. Delegate Villanueva?

MISCELLANEOUS BUSINESS

Delegate Villanueva: You know, I observed in these last few days that I've been harassed, threatened and even molested mentally.

(Laughter)

Delegate Ogumoro: By whom?

Delegate Villanueva: I did not run for this Constitutional Convention to represent a particular interest group or to be harassed and molested mentally. This idea of bringing in this 27 over and over again, I think it's the Committee on Finance and Other Matters who considered this and gave it up to the Committee on GI. You know, even though our chairman is not here and I think that's why he is not here because he is being molested mentally. If the consultants and the attorneys over here who are non-Northern Marianas descent want to insist and threaten us through legal opinions, you know, I refuse to accept these kind of consultants and opinions. In one of the consultant's letters, it says undesirable consequences. I don't know what it means. I asked for a legal opinion on that and they don't know what it means. I think in the beginning, we thought that or at least I thought that everyone here is elected on their own merit, except the people from the islands of Rota and Tinian who have goals. But, you know, the observation I've been making, I almost refuse to come here after these last two or three days ago. I don't know if we are ignorant on who's coming here. We have the gambling people who are here which is healthy. But, you know, I refuse to accept these kinds of harassments and threats and molestations on your mind. I want to make it clear that, and for the record, that in this Convention I felt that there are some things like ghost that happen. Thank you, Mr. President.

resident H. Guerrero: Delegate Igitol?

elegate Igitol: I have a request, Mr. President. When we are going to take p the abortion, I'd like to request for secret ballots. And if the subject s approved tomorrow, I'll ask the media to release it on Tuesday.

resident H. Guerrero: I don't know what's the procedure for secret ballot.

elegate Igitol: I think, Mr. President, it's allowable.

resident H. Guerrero: I need to check in the Rules of Procedure as well as the Robert's Rules what it calls for because I honestly don't know the answer at this time.

Delegate Igitol: It's going to be excommunicated.

Delegate Mafnas: Exactly. Are we on Miscellaneous?

President H. Guerrero: Yes.

Delegate Mafnas: I have a concern.

President H. Guerrero: Can I recognize Delegate Torres?

Delegate Mafnas: Yes, I will yield to my junior delegate.

Delegate Torres: Thank you, senior. I don't want to be obnoxious but I really feel that we need to improve 64 further. So I'm going to give notice to recall it. And on top of that, I would like for a new, glaze proposal to be placed on the General Orders for tomorrow: "To add a new section to establish the Office of the Indigenous Affairs in the executive branch." Thank you.

President H. Guerrero: Are you suspending the rules to go back to Introduction of Proposals?

Delegate Torres: If I'm allowed to do that.

Delegate Mundo: No objection.

President H. Guerrero: Okay. Are you finished, Delegate Torres?

Delegate Torres: Do I have to formally announce it under Introduction of Proposals?

President H. Guerrero: Do you want to read the title?

Delegate Torres: Okay. The title is "To add a new section in the Commonwealth Constitution to create the Office of the Indigenous Affairs in the executive branch." Thank you.

President H. Guerrero: Delegate Mafnas? We are back to Miscellaneous.

Delegate Mafnas: Thank you, Mr. President. I cannot help it but to echo my concern relative to Delegate Manglona. He left the Convention, Mr. President, as soon as we reconsidered and approved the amendment to Committee Recommendation 41. I hope that he did not wait all day just for that purpose. I think

it is unfair for the members to be here suffering and if my observation is correct, then I am very, very disappointed that I voted for the committee draft 1 on Committee Recommendation 41. If we are going to suffer, let us suffer together. That I hope that it was not a selfish interest. Thank you.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I would like to echo that concern as it relates to all of our absences. And I consider it deplorable that we sought the confidence of the public to come over here and do our best in the interest of the welfare of the Commonwealth. I can understand the situation with respect to Delegate Villagomez having a death as an immediate family but the other delegates, I can find no sympathy and no excuse and I'm very, very disappointed. So I would like the record to show that I echoed the sentiments expressed by colleague, Delegate Mafnas, and I wish to have it applied to all the delegates who are absent. And I hope that we can have a better attendance tomorrow and Monday so that we can complete our work. Those of us who are from other islands are extremely handicapped. We have children, I have cattle and I don't know whether or not they still exist. The sakki (stealer) may have finished everything. My children, we talked last evening after the phone service of Tinian was out for three days and they wanted to know whether or not, or why have we abandoned them, not even to call. And it is a great sacrifice to us. I know it is also a great sacrifice for those of you who live on the island. But let's be considerate of others and let's try to cooperate and finish our work and we can all go home, back to our families. Thank you.

President H. Guerrero: Delegate Tomokame?

Delegate Tomokane: Perhaps, Mr. President, those delegates who are absent today are writing up more proposals for tomorrow.

President H. Guerrero: I'd would like also to express my disappointment and despite the fact that the members sometimes they asked that this member be excused. Since the Presiding Officer is the person responsible to the funds, if they are not here and doing their business, I'm sorry but I don't want to be auditied later on and say that so and so did not show up. How do I justify the expenses for that person? So I would suggest that in the future probably, unless the members actually gave valid reasons for being absent, they either here or not. I understand and know Delegate Villagomez why he is not here but some other members, they never let us know. I'm very disappointed. Delegate Cing?

Delegate Cing: Yes. I just want to add to that, Mr. President. I want the record to show that I want the Northern Marianas citizens to know that we who continuously dragged ourselves to the end of this Convention are the heroes of the Northern Marianas. Thank you.

(Applause)

President H. Guerrero: Any other miscellaneous business? Delegate King?

Delegate King: Thank you, Mr. President. I think I don't have anything to say for those people who are absent but I believe they have something to say to the President. I observed, I think, three times that everytime when an issue comes to a very heated issue, I raised my hand and you just ignored it. I hope that you should not take into consideration that because of your brothe

running for Saipan as a Senator and I cannot vote for Saipan. However, you should exercise by recognizing the delegates from Tinian and Rota when such issue is really concerned our islands. Thank you.

President H. Guerrero: Thank you for your concern, Delegate King, but I honestly didn't see your hand. And if because of that one incident your are making a generalization and I did recognize your hand, I mean I noticed your hand at that time but I didn't see that other times and I apologize if I didn't see it. But I had no intention of not calling you just because my brother is running for the Senate.

Delegate Mafnas: I believe that, Mr. President.

Delegate Igitol: Me, too.

President H. Guerrero: Any other miscellaneous business? If not, we are int Announcements. Delegate Reyes?

ANNOUNCEMENTS

Delegate Reyes: On the lighter side, Mr. President, we've been talking about our voting rights over here, so I'd like to invite our delegates to go and vote tomorrow. Thank you.

Delegate Inos: Can we vote, too?

President H. Guerrero: I believe there's a primary tomorrow. I was informed So it might be good to exercise your rights at that time whatever. If we don't have any more announcements, Delegate Mafnas?

Delegate Mafnas: Mr. President, Delegate Nabors gave your Committee on Gover mental Institutions a proposal. We will try our best to look at that proposa and see whether we can make an accommodation. If we can do it, then that wil be the last report by your Committee on Governmental Institutions. Other tha that, we have disposed of all proposals and they are now in the file or ready to be closed.

President H. Guerrero: Can I ask Delegate Mafnas that you inform your chair- man to provide -- do you have a disposition of all the proposals?

Delegate Mafnas: Yes. Within the committee, we have a disposition and we ca provide the Convention with the complete disposition of all the proposals.

President H. Guerrero: I would appreciate. The Chair is ready to entertain adjournment. Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I'd like to, with the concurrenc of my colleagues, move that we adjourn until 9:30 tomorrow morning.

Delegate Cing seconded the motion.

President H. Guerrero: Can I recommend that at least start a little bit late or something because at least those considerations that we kept deferring wil give time to the members to go over them so we don't keep deferring those matters?

Delegate Nabors: Okay, Mr. President, I'd like to move that we adjourn until one tomorrow afternoon.

Delegate Villanueva seconded the motion.

There being no further discussion, the motion to adjourn was carried by voice vote.

The Convention adjourned at 8:29 p.m. and to reconvene at 1:00 p.m., Sunday, July 21, 1985.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary

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SECOND CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
Convention Hall - House of Taga
Saipan, CM 96950

THIRTY-FOURTH DAY

Sunday, July 21, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 1:52 p.m., Sunday, July 21, 1985, at the Convention Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

Secretary Nabors called the roll, and 21 delegates were present. Delegates David Igitol, Juan Lizama and Maria Pangelinan were absent.

President H. Guerrero: We have a majority and a quorum to conduct the Order of Business. The Chair would like to appoint Delegate Mendiola as the Acting Floor Leader.

ADOPTION OF JOURNALS

President H. Guerrero: Yes, Delegate Mendiola?

Acting Floor Leader Mendiola: Mr. President, I'd like to move to adopt the Thirty-Third Day's Summary Journal.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Thirty-Third Day's Summary Journal for Saturday, July 20th, 1985. Discussions? Delegate Mafnas?

Delegate Mafnas: Mr. President, I would like to ask Delegate Nabors to clarify his statement here on the second page.

Delegate Nabors: Excuse me, Mr. President, I don't seem to have a copy of the Order of Business for the day. Mr. President, I think it's self-explanatory. I don't think it needs clarification.

Delegate Mafnas: Perhaps this is the most appropriate time, Mr. President, to explain so that the innocent victims will be able to clarify, to state their reasons. Thank you. I move for the previous question.

Delegate Nabors seconded.

There being no further discussion, the motion to adopt the Thirty-Third Day's Summary Journal of Saturday, July 20, 1985, was carried by voice vote.

President H. Guerrero: The Summary Journal is adopted. Yes, Delegate Mafnas?

Delegate Mafnas: Mr. President, will you have the record to reflect that Delegate Igitol has just taken his seat?

President H. Guerrero: Thank you. Good to have Delegate Igitol with us.

Delegate Igitol: Good morning, everybody.

President H. Guerrero: The next item of our business is Communications. If there's no comment, we'll move on to Committee Recommendations/Reports. Chairman Guerrero?

COMMUNICATIONS

None

COMMITTEE RECOMMENDATIONS/REPORTS

Chairman DL. Guerrero: Mr. President, under the committee's report, of course I only have one point to report out this morning and that after we come down to Introduction of Resolutions, I would like to introduce the resolutions on behalf of the four substantive committees. And that's my report for this morning.

President H. Guerrero: Thank you. Any other reports? Vice Chairman Mafnas?

Vice Chairman Mafnas: No report, Mr. President.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Likewise, no report, Mr. President.

President H. Guerrero: Chairman King?

Chairman King: No report, Mr. President.

President H. Guerrero: We'll move on to Introduction, First Reading and Referral of Proposals. There is none, so we'll move on to Second and Final Reading.

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

None

SECOND AND FINAL READING

President H. Guerrero: Secretary Nabors, can you read Committee Recommendation No. 19?

Secretary Nabors: Thank you, Mr. President. Can I inquire? We have several drafts and I don't know which one was discussed. Was it 55 years, or 60 years

Acting Floor Leader Mendiola: The 60 years.

President H. Guerrero: We're already with 60?

Delegate Mafnas: The 55 years, Mr. President, was the last; the hand-written amendment.

Secretary Nabors: Thank you, Mr. President. Committee Recommendation No. 19 adopted, as amended, by the Committee of the Whole on July 10, 1985.

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article XII, Section 3 to allow the sale and long-term lease of building above the first floor.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

"Effective upon ratification, Section 3 of Article XII is amended to read:

"'Section 3: Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property used in Section 1 includes freehold interests and leasehold interests of more than 55 years including renewal rights, except an interest acquired above the first floor of a condominium building. The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the land owner before any sale or long term lease is executed regarding that land. Any land transaction in violation of this provision shall be void.'"

President H. Guerrero: Any motion to adopt it?

Acting Floor Leader Mendiola: Mr. President, I move that Recommendation No. 19 be adopted on its Second and Final Reading.

Delegate Reyes seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 19. Discussions?

Delegate Mafnas: Recommendation, as amended, Mr. President.

President H. Guerrero: Oh, as amended? We have not amended it for Second and Final Reading. We have not amended it for Second and Final Reading yet. We amended it during the Committee of the Whole but not for Second and Final Reading.

Delegate Reyes: That's right.

Delegate Torres: So the amended version then should reflect the 55 years and should also reflect the elimination of a phrase which is the last portion of that first sentence.

Acting Floor Leader Mendiola: Mr. President, would you have the Secretary read the amended version for Second and Final Reading?

Secretary Nabors: Thank you. This is a proposed floor amendment to Committee Recommendation No. 19 to substitute a new Section 3 as follows, and this, of course, is Committee Draft 2:

"'Section 3. Permanent and Long-Term Interests in Real Property. The

term permanent interest in real property used in Section 1 includes freehold interests. Long term interest means leasehold interests of more than sixty (60) years including renewal rights. The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the land owne before any sale or long term lease is executed regarding that land. Any land transaction in violation of this provision shall be void.'"

Maybe, if it is necessary, I will reread the first sentence to make sure....

President H. Guerrero: Would you like to recess and make copies of that for the members?

Delegate King: Point of clarification, Mr. President.

President H. Guerrero: State your point, Delegate King.

Delegate King: I think that the first version that was read by Delegate Nabors is the adopted, as amended, by the Committee of the Whole on July 10, 1985.

Delegate Nabors: That's correct.

Delegate King: So the last one that Delegate Nabors read is, I think, his proposed floor amendment.

President H. Guerrero: Is that the amendment you are offering, Delegate Nabors?

Delegate Nabors: Yes, this is Committee Draft 2.

President H. Guerrero: Let's have a five-minute recess.

There being no objection, the Convention recessed at 2:05 p.m.

RECESS

The Convention reconvened at 2:13 p.m.

President H. Guerrero: The session is called back to order. Delegate Nabors

Secretary Nabors: Thank you, Mr. President. Committee Draft 2, proposed floor amendment on Committee Recommendation No. 19:

"'Section 3. Permanent and Long-Term Interests In Real Property. The term permanent interest in real property used in Section 1 includes freehold interests. Long term interest means leasehold interests of more than ninety-nine (99) years including renewal rights. The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the lan owner before any sale or long term lease is executived regarding that land. Any land transaction in violation of this provision shall be void.'"

President H. Guerrero: There's a correction on that. It's not "more than ninety-nine years". It is "of not more than ninety-nine years".

Secretary Nabors: If it isn't clear, we could modify it. But the meaning there is that long term interest of more than 99 years is a prohibited acquisition. Thank you.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the floor amendment offered by, I guess, the Committee on Local Government. Discussion Delegate Guerrero?

Delegate DL. Guerrero: Yes, Mr. President, I just want to raise my concern really on this amendment whether this would enduce or entice the investors really on the concept of developing condominium as intended in most of the elaborations or during the debates on this committee recommendation. I wonde whether Delegate Nabors, since he proposed this floor amendment of 99 years, could be very well taking that concern to be 69 years rather than 99. Probab ly, Delegate Nabors can enlighten me, you know, of his intent in order for me to support this floor amendment.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. This proposed amendment reflects the sentiment expressed during the public hearing together with several discussions with my fellow colleagues. I would like to have the record show tha the sentiment expressed at the public hearing was that under the present arrangement, many individuals are executing 40-year leases at a depressed value and or promising it at the same time to convey title without any additional payments should the law ever change. So in effect, what we have is a current situation where outsiders are acquiring an automatic 80-year leasehol interest in property at a value of less than half of the land. The purpose o this amendment is to bring it out on top of the table so everyone will know what they are dealing with so that the land owner can get a fair value for hi property and does not have to make under the table agreements to transfer title if the law changes. He can approach an outsider who desires to lease his land for 99 years, he can put a price on his land that would be commensurate with the leasehold period, he can obtain enough funds to support his family or secure other land if he so desires, and the investor knows what he has and does not have to depend on the land owner fulfilling his commitment i he is still alive at the end of the initial 40-year period. Also, this is to eliminate the necessity of acquiring freehold title of units above the first floor. There will now no need to address the delegate proposal that requeste that freehold interests above the first floor be allowed. This would be a straight 99-year transaction and any individual desiring to lease a condominium could do so for 99 more, no more. And we believe it would eliminate a lot of problems in the future. I'd like to, in closing, caution my colleague that we do not have all the wisdom. We sit, we study, we assess the public's sentiment and try and come up with a best solution as we see it. If, for any reason, we, our judgment is short-sighted, we feel certain that the Third Con Con will certainly address it as we in the Second Con Con are addressing items included in the original Constitution. I don't particularly want to accept the full responsibility for the 99-year amendment. I had input; I believe that it will in accordance with the suggestion made in the public hearing would be in the best interest of the people to bring it out on top of the table and if an individual wants to lease his land for 10 years, he could do so. If he wants to lease his land for 50 years, he could do so; or if he wants any alternative to lease it for 99 years, that is up to the land owner. This simply gives him the latitude to get the value for the land for the term of years that he desires that best meets his financial needs and the needs of his family. Thank you.

President H. Guerrero: Let me call on Delegate Villagomez.

Delegate Villagomez: Thank you, Mr. President. I have had enough insult to my intelligence and the intelligence of this Convention from Delegate Nabors. To extend the length of a lease to 99 years, you might as well forget the restriction on alienation of land. I realize that Delegate Nabors would like to open up the door to all outsiders and particularly to Americans, open up the door which the First Convention worked very hard to close and to keep it close until our people are ready and prepared to deal on equal basis intellectually and commercially with the experienced and sophisticated outsiders who are coming into the CNMI. I am not finished yet. I realized that Delegat Nabors is not from here. I realized that he can make statements like this is the sentiment of this Convention or the people of the CNMI; that is wrong. It is not my sentiment to allow the people of the CNMI to lose their land ownership. The Trusteeship Agreement specifically provides that the United States shall protect the culture, the people and the lands of the people of the Trust Territory. The Covenant specifically provides that for 25 years we must control and regulate ownership of lands so as to prohibit outsiders from owning land in the CNMI. That is done in recognition of the importance of land ownership, the fact that that is all that we have. If we had opened up this door in the First Constitutional Convention, more than fifty percent of private ownership on these islands would have been gone. Because of the restriction that we put during the First Constitutional Convention, less than fifty percent are now gone. Delegate Nabors says, we don't have the wisdom to look into the future. That is correct, but we have the wisdom to see that if we don't protect the land ownership of the people today, we wouldn't have the chance to do it in the future. I cannot in good conscience go back to my people and say, I have open up the leasehold interest to a term of 99 years and it's up to you to do what you want with your land. And Delegate Nabors is reluctant to take full responsibility for this proposal. That's why when he mentioned that, I said, why. The answer is obvious.

Delegate Mafnas: Point of information, Mr. President, so I can clear the....

President H. Guerrero: State your point.

Delegate Mafnas: Okay. I passed out about several days ago a floor amendmen to change the 55 or 60 to 99 years. So it was, Delegate Villagomez, my amend ment and that's why he was, or I understand that he said he is not going to take full responsibility.

Delegate Villagomez: Thank you.

Delegate Mafnas: I asked him to incorporate it. Thank you.

Delegate Villagomez: I cannot in good conscience and as a representative of the people who put me in this Convention accept any proposal that would open up the doors to allow the outside investors or non-investors to come in and take 99 years of leasehold interest or permanent interest in land. The other point I want to raise is under the proposed amendment, we used the word "include" so the permanent interest in real property includes freehold interest. If it includes freehold interest, then it must include other type of interests. I'd like to know what other interests. And if there is none, the I'd like to suggest that the word "include" is not acceptable because we want to make sure that freehold interest is restricted to people of Northern Marianas descent only. For that reason, I strongly oppose this proposed amendment.

President H. Guerrero: Delegate Torres?

Delegate Torres: Thank you, Mr. President. I have somewhat mixed feelings about this. For one thing, the Committee on Local Government seems to be sponsoring this. I am quite disturbed because it is really against the principle of the members. The public hearing that we had at the Federal District Court, this term was never even mentioned. The closest to it was 60 years an that is the prevailing leasehold interest in the State of Hawaii. And even the State of Hawaii, as bit as it is, it is inundated by outside investors. And I fear that similar things will happen in the Commonwealth. Now, extending the term to 99 years brings to mind a mockery of the land alienation. It seems like we can no longer distinguish between what a leasehold interest is and a freehold interest when we do this. Perhaps if we do accept this amendment to increase it up to 99 years, then we shouldn't have any land alienatio clause at all. And we shouldn't have freehold interest. We should scratch everything off. Also, another issue that we brought up regarding the artificial depreciation of land value if you restrict the leasehold interest to 60 years. I of the opinion that that's not the case. The value of land appreciates every year. Increasing leasehold period will, and I underline that, will depreciate the value of land in the amount of annual appreciation of tha land. So I really do not believe that restricting the leasehold term to 60 years would necessarily depreciate the value of the land. Extending it will definite depreciate the value because land appreciates. And once you are given a lump-sum payment for that 99 years, you can no longer have any negoti ation to get more in the amount of the appreciation of the land. As I said, I am really quite disturbed about this because our whole intention is to protect the people. Those people, as I have mentioned, those who are less fortunate to not have developed to the point where we all have developed our capabilities and capacities to see things in different ways. I believe that lot of, the majority of the people here have yet to develop to the point of competing successfully, competing on par with more sophisticated, shrew, outside investors. To me, the principle of land alienation is to achieve the goal of developing ourselves first, developing our capabilities, our talents and then, after that, we can proudly say that we are ready and let's compete on equal basis. Thank you.

President H. Guerrero: Let me call on Delegate Tenorio next.

Delegate Tenorio: Thank you, Mr. President. I'll yield. My concerns have been addressed.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, to me personally, 99 or 40 years does not mean anything. Forty years as it is now, the people are going around that and I think the main problem is in the contract or the lease agreement that are being performed nowadays. Some contracts allow for a change in law clauses as Delegate Nabors brought up. Some of them if a lease were to be increased to 60 years or 99 years in the future, that same 40-year lease will extend an additional amount to the difference in increase. So this 40 years or 99 years does not really mean much to me now unless we put some or a stop on these loopholes. And I think if we put 99 years that would put everything up on the table as Delegate Nabors again mentioned and the land owner can deal straight with his land. At the public hearing, my last question I believe in that hearing was, what do you think about the idea of eliminating land alienation and one guy jumped up right away and said, hey, that's a good idea. And this guy happens to be the guy who is dealing on this $115 million hotel on Laulau. So if you want development, then the removal of land alienation is the way to do it and this 99 years is one step before that. Thank you.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I apologize to the members, especially to the Committee on Local Government because it was I who asked Delegate Nabors to change the 60 to 99 years. I handed out a committee recommendation. I listened to the statements made by the previous speakers and I think they have merits. Just a few days ago, we amended Section 5 of Article XII on corporation to change the fifty-one percent local holdings to one hundred percent and our reason for that is that we want to protect our people I think we made that decision without securing adequate sentiment of our people. Are we really protecting them? Of course, there are arguments, pros and cons as to the advantages and disadvantages. None of us made an in-depth study to say that the one hundred percent will definitely entice investments into those land-riched people, yet we went ahead and adopted it. The 99 year or there was also a statement that the Convention or the committee is plannin to supplement the amendment from 51 to 99 by changing the 40 years to 60 year Who were present really in the hearing? Were there land speculators who have acquired more than sufficient land and they don't care whether, you know, it' changed to one hundred percent local ownership? Were there people in the public hearings who had conflict of interests? So we just cannot say that based on the public hearing, this was the sentiment of the people of the Northern Marianas. If I have a piece of land and an investor wants to come in and say let's joint, you take 51 and I'll pick up 49. What right do we have to tell our people that they cannot incorporate at 51-49? So the point, Mr. Presiden is really we don't have the sentiment of our people because we never went out to Rota and Tinian to echo these proposals, even Saipan. There was only one public hearing in Garapan. How many showed up? Only the politicians; most o them were politicians who were interested in not abolishing the Office of the Mayor. So I am kind of confused now. Are we going to protect our people? Is this the intent of Proposal No. 40 and also the proposal that we are now discussing? I question the wisdom for changing the 51 percent local ownershi and I also question the wisdom of changing the 40 years to 60 years. It's their land, let them decide what to do with it. If they want to lease it for 60, 75, 99 years, let them decide that and not us over here. Thank you very much.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. I am very concerned about th statement "let them decide whether they want 75, 99". I wish we could. That' precisely the point. I really, really wish our people are sophisticated enough to say, no, sir, I think that that offer is not good. If somebody com to me and says, I want to deal with you about your land, this is my offer. I can take that, analyze it, think about it and tell him, go sink your head in the sands. Unfortunately, many, many of our people are not able to say that. And many of them say, you are going to pay me that much money? They've never seen half that much money so they take the money and ten years later when their children are out of college and they start talking to him on what he ha done. He comes to the lawyer and says, is there anything you can do to chang this? I want to take my land back. It's too late. I wish that our people can tell what they are doing, can tell the outsiders how they want their land how they are going to deal. And I wish they know how to deal. Unfortunately they don't. And so to say, let them decide is not really helping them. That is precisely the point that I want to emphasize. By giving it to them, you are practically telling them to go and get rid of your land, take your money and spend it in six months and the end result would be that we are going to move up to the mountain and then up to the sky. Thank you.

President H. Guerrero: Delegate Calvo?

Delegate Calvo: Thank you, Mr. President. Mr. President, with regards to that one hundred percent corporation ownership and looking at this long-term interest in real property, of course, I got myself confused. I did inquire a legal opinion with regards to the one hundred percent local participation on corporations and I was convinced that the one hundred percent would not limit local participation in business with outside ventures. I think the one hundred percent, or the intention of that one hundred percent local ownership on corporations is merely for the retention of land ownership. That means th only persons in the corporation that can own local lands or the lands in the Commonwealth would be those that are local or descendants of the Marianas. I feel that that is a good solution to our worries. We don't want to see it that our lands has been trade out with dollar signs and I think we have dealt with that. Now in this regard when it deals with permanent or long-term interest in real property, I think the 99 years is of course a good definitio to have, but when I start hearing other arguments that it might be too long and we might deny the individual owning the land an additional profits from the land, I start to yield back and listen more. At this point in time, I still, Mr. President, in conscience cannot make my decision. I have to liste to more of the analysis by our people who are more aware about these things. So the corporation just as I did asked and I think it will benefit our people That does not necessarily mean that we cannot incorporate with outside ventures. We can have a corporation of either 20 percent from us and 80 percent from outside, but land ownership....

Delegate Mafnas: Question.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Are you explaining that to me?

Delegate Calvo: No, when you....

Delegate Mafnas: Because if you are explaining that to me, I know it already

Delegate Calvo: No. I'm just stating it out for the rest. Okay, Mr. President, I would yield at this time and listen to other statements based on these things.

President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. I think the rationale of cut off year is very important and I should say that I think we made a mistake alread down on Tinian and still we're not realizing our mistake. I just wonder why we have those kinds of cases concerning the lease down on Tinian by the Military. If that what we want, then why we go to court because of the land down on Tinian. This is another situation that we are going to encounter in the future. We are thinking of our children and children's children and what are we protecting now? Are we protecting our children or our own interest, self-interest? If this is going to be an open door, might as well the entire land alienation subject should be void. Let's be realistic by the inflexibility. And let's be realistic on what we are doing here. We are trying to amend our Constitution to the best interest of our people to see the future b gradual change but not by immediate change. Those people that are doing agre ment under the table because they want to do that to get away from the law. And the people that are doing that to get away from the law is not us but the

people from outside that are teaching our people how to get away from the law. And these kinds of teachings and this kind of democracy is very wrong because we are not being administrated by the proper administration that will be acceptable by our people and the next generation. And by the time that the next generation come they are the one that is challenging our inaction or lac of action or intellectual arrogance. And therefore, I urge the colleagues, the delegates that please think twice before you open the door to the outsiders. I have lots of land down there in Tinian, perhaps I have a 100,000 square meters. I want to open the door in order for me to get rich, but I have six kids that I'm thinking of. That's the first place I have to protect the life that I want to give to my kids, to my children. Let's not fool our people by means of investor, by means of money. Let's give them the chance by seeing the gradual changes in our society. And therefore, again, please think twice before you vote this floor amendment. Thank you.

Delegate Mafnas: Point of information, Mr. President.

President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: I think something is mentioned that outsiders are misleadin our people. I've seen a lease agreement by a local attorney where it has a clause of change of law whereas all payments made against that, if the law is changed automatically the leasee gets the land. So it's not really the outsiders. We have local attorney who's doing that now. I just want the record to reflect that. Thank you.

President H. Guerrero: Delegate Torres?

Delegate Torres: Thank you, Mr. President. I disagree that 40, 60, and 99 years do not make a difference. They do. We all operate on certain assumptions and, of course, we all operate on certain principles. Now, if 40, 60, and 99 do not make a difference, then why come up with 40 to begin with? Why come up with 60? Why come up with 99? I believe they do make a difference. They indeed do make a difference. And we all operate under different assumptions. And if you scrutinize the principles that we follow, you are going to see our true colors because we all operate under different principles as well I am quite disappointed that the public hearings are being questioned. I think if we are going to question the public hearing for the corporation issue, then I believe it's only fair and it's only logical to start questioning all public hearings because there are some public hearings where only the advocates of a proposal are present. And perhaps only the advocates of that proposal are invited. I don't want to question that. I think public hearing is public hearing. It is up to us now to take what we received from that public hearing and bounce it out with our principle, with our integrity, with our assumption. I think public hearings do help. Public hearings may not give us what we want, but at least we see the other sides so to speak. On th issue of foreign investors, for the most part foreign investors would like to come in and generate or make as much profits as possible at the least cost an in the shortest time possible. I doubt whether foreign investors would like to stay here permanently because there is not that much here anyway. So I don't think we should fear the inattractiveness of this proposal because if anything the Commonwealth is a very attractive place to invest. It is politically stabled unlike the other places, unlike Iran or the other places wher it's politically unstable. I think we are fortunate because we have politica stability and I think that's one very major factor that foreign investors consider in investing. On the issue of corporation, I think that there is still a little misunderstanding about that. As and I think Delegate Lizama

got into that trap as well. As I mentioned earlier and as I explained earlier, making the corporation one hundred percent Northern Marianas ownership would not....

President H. Guerrero: Point of order. Can you refrain from talking about corporation and just talk about the amendment at this time?

Delegate Torres: Okay. Well, you did not catch the other speakers when they talked about that, but I'll refrain from talking about it. I believe that 40 years, as was established by the First Con Con, was sufficient, more than sufficient for amortization. That is to recover your initial capitalization cost and at the same time maximize profits. Extending it to 60 years is more than enough. I mean it's long enough already. Making it 99 years is really defeating the principle. And this is where I disagree now -- the principle o land alienation because there will no longer be any distinction between freehold and leasehold interest. 99 years for all practical purposes in economic terms is fee simple transaction. So please re-examine your conscience, re-examine your initial impulse and study this thing carefully before you make a decision. Thank you.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Mr. President, I, for one, am concerned on the extending this from 40 to 99 years: What would happen I foresee it that should the transaction takes place today, the young generation of that particular family may have no say so but for the next after 99 years. I believe and I strongly believe that the land value is gaining from time to time by means of the market value of that land. And by extending it, this leasehold interest more than 40 years, what would happen should the value of this land have grown actually in the future, the very children of that particular parents that engaged or entered into this type of leasehold agreement would not have any chances to renegotiate such interest. I think it's only proper that this Convention address that rather than extending the possible chaos among the future generations. I believe land for us is not only because we have the land but it's one of the principle source of social stability. And I believe also that land is the basis of the family organization in the island likewise Traditionally, like I said earlier, that it passes from generation to generation. And I am not convinced really that we should extend the leasehold period to 99 years simply because I'm one of the strong believers that the value of the land would increase from time to time. It may not be no way, as some of the delegates said but I'll guaranty that it is a way to increase the value of the land. And I'm sorry that I will not vote to extend this to 99 years. Thank you.

Delegate Villanueva: Mr. President, two days ago I voted for the one hundred percent ownership on corporation. I was persuaded that this is good because Committee Recommendation 19 is coming up and would supplement the incentive of outside investors by increasing the number of years from 40 years to more than 40 years. Now, it seems like we might want to go back and cut it down t 25 years. I cannot see anybody in his right mind spending their money here even though this place is very attractive, very politically stable and just for 25 years to spend $115 million to build a condominium. I cannot imagine seeing anybody in his right mind doing that. Maybe I have been away too long But I've seen in other places people with money to invest and they look at ho long can my money earn in that particular place. Of course, political stability is one of the most important considerations. But it's true that there i no difference between 40 years, 60 years, and 99 years because nobody is

forced to lease their land for 99 years even though we pass this. We can lease it for 5 years at a time. We can lease it for 10 years at a time. And if we worry about our children not being able to adjust the income of that particular property, we can make it 5-year at a time with a clause that is saying, you know, if income is increased on the property, then 10 percent or whatever percent would go on the lease or would be given to the land owner. I've seen investments that have this clause that adjust and not just say $12,000 per year for 99 years. I'm convinced; I was convinced by Delegate Reyes that the value of land increase if the time that you can lease the land is longer. At least the individual or the investor who wants to put his mone can say instead of putting in just $500,000, I'm willing to put in $5 million because the term of the lease and the time I can use the land is longer. And I am afraid that I was under the assumption that this includes the condominiu also. And condominium buildings usually don't last longer than 40 years. The have to be torn down, otherwise they loose their value. The land under the condominium increase its value but the building itself reduces after, I don't know, I think after 25 years. Instead of increasing its value, it starts decreasing its value because the cement and the paint and other buildings hav gone up that are younger than the 25-year old condominium. So I cannot see why we're worried about 99 years and not 40 years and maybe not 25 years. Nobody is being forced to lease their land for 99 years. Delegate Villagomez mentioned that we have to protect our people. Delegate Mafnas said, who is to tell me if I'm going to sell my land or not for how long. I think all of us have a responsibility. Like Delegate Torres said, we were given or are given the talent to be able to identify these kinds of problems. And I'm hopeful that when we pass this amendment and this committee recommendation th we don't just forget that what we did here is what we passed for the good of our people or what we vote down here is good for our people. I think we shou go out in the community and say, we tried to do this for you, we thought that it's not going to help you but this is why we didn't pass it. Or if we pass it, we will tell them that 99 years is the time you can lease your land, but let me explain to you something else. Don't lease it for 99 years; lease it this way because this is the way you are going to protect your children, gran children and great grandchildren and other children to come. I cannot see th difference between or the problem in saying if we increase it to 60 years fro 40 years that we would have to worry or up to 99 years. What I'm convinced o and the reason I'm supporting this amendment is Delegate Reyes said and I've seen this happened that the longer the lease option is the more investment the person who wants to invest his money and it could be even more expensive and much better to the land owner. Thank you, Mr. President.

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. I guess it's only fair for me to say a few words on my concept when I first introduced this delegate proposal and then it went to the committee. Only I proposed to allow the people to buy, of course, the freehold interest on second floor and above of the buildings and to increase leasehold on the property. These are two completely separated concepts. But the first one I saw in the future the possibility of our land-riched people receiving more money through perhaps this concept of bonds and leases so that they could use their funds themselves to be able to put the money together and have on their own land build this high-rises, sell the high-rises up there and immediately recover their cost and they don' need an outsider to help them on this and this becomes their own business. Apparently, this is not seen here on the floor because my original amendment has been stricken off, so that's gone. Now, we have to depend on the outside everytime we want to build a high-rise. We have to wait for them to come in

and give us on a partnership basis now because the corporation is one hundred percent and then we have to s;lit our money now because they put in the capital. That was my original concept on this selling of the building above. The extension of the lease, I was satisfied after the committee convinced me that the sale of the second building will go but retain the lease. But now that the lease is gone, I mean the sale of the building is gone, I will have to support something to give those people to make money on their land. So nc I would like to support the original proposal of the committee that takes bac the or rather keeps the leasehold interest to 55 years and keep the freehold interest above the first floor. This will have flexibilities for the people that claim that they have been, not cheated but they have been deprived of their ability to get the most of their money because whenever they go to the lawyers they are given the what you call option to renew and hold-over clause I'd like to briefly read this clause that on my last ten years as a bank employee I've seen file on the banks everytime the lease comes in. And this is how it's worded: "Option to renew and hold-over clause. In the event the present law in the Commonwealth of the Northern Mariana Islands shall change either by legislation or by court decision to allow or provide for leasehold estates for terms in excess of 40 years but less than in fee simple, the less hereby grant unto lessee the right to renew this lease for an additional 40-year period or any lesser portion thereof for the maximum length permitted by law. The consideration for this agreement to renew is the mutual promises an covenants contained in this lease agreement and lessor expressly acknowledges and sufficiency of the advance lease payment as sufficient consideration for the renewal of the lease of the premises at no additional cost." This, my dear colleagues, after our poor Tan Maria, Tan Ana, Tun Jesus signed this lease, their neck is tied already. They have 40 years and the lessor comes around before they sign this lease and said, I can only pay you this much because I only have 40 years and I have to wait for another 40 years to be secured that I have additional 40 years. Now, there's 80 years on all this lease and the poor gentleman who has the land, the land's value is decreased because this cuts it down by as much as 40 percent. Now, what we are saying here is we'd like to give these land owners if not that 55 years maybe 80 yea because this is what is happening now. It's happening, it's not something that we are trying to prevent from happening. It's already happening and tha 80 years is already there and this poor gentleman receives less money than wh he should have recieved because if it had been for 40-80 years, then he would have gotten his extra 40 percent value on that land.

Delegate Villagomez: Point of information.

President H. Guerrero: State your point, Delegate Villagomez.

Delegate Villagomez: Thank you. Delegate Karl Reyes, the language that you' read from a sample lease agreement was anticipated in the last Constitutional Convention. Precisely because of that under Article XII, Section 6, we put i the Constitution, any transaction made in violation of Section 1 shall be voi ab initio. The purpose of that language is to invalidate any kind of agreement that may be used to enforce a longer term that is permissible in the Constitution. And those agreements are void at the time that they are made and cannot be enforced. If we didn't put this in the Constitution, they may have become voidable rather than void ab initio. Ab initio means from the very beginning, as soon as you make it, it's already void. So they have absolutely no force and effect. And that is why those languages that you see in there, a lot of times attorneys put those in their because the clients insist but the attorneys knew that they don't have any force and effect; they are worthless. Thank you.

Delegate Manglona: Point of information. What about a change in the law clause allowing freehold interest?

Delegate Villagomez: The same. They are anticipated and they are made void from the very beginning.

President H. Guerrero: Delegate Reyes, continue.

Delegate Reyes: This is my concern. I know this is the truth, but the fact remains that these people receive 40 percent less of their funds because of this clause. Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. The loophole I was talking about earlier, first, we already found the loophole in the corporation and we have plugged it up. On that day, I also mentioned about the land alienation possibility of a loophole because the rate of the flight of our land away into the corporation or into the foreigners' hands. Freehold interest, this is out of the question. We don't have to discuss this because we are protected in our Constitution. The only people that can own land or buy land are the people of Northern Marianas descent. So we don't have to talk about the corporation and Japanese and Okinawans and outsiders' freehold interest. Now we are under leasehold interest and I think this is where the loop is. Our Constitution stated 40 years and in this Constitutional Convention certain figures came up -- 55 years, 60 years, 99 years and I'm sure some of the gentlemen sitting here are thinking of why not 100 years. In my earlier speech I talked about the life span of population ranging from 65 to 75 and also mentioned about maybe or probably it would be a good idea to have a transaction prior to death, prior to transfer of such land transaction to a younger generation. So I really feel that as we increase the year, the loop seems to get bigger and bigger. So I would like to go the other way, as Delegate Villanueva mentioned he is down to 25. I would like to decrease it down to 20 years. Any corporation after 10 years of activities from the date of the on set, they should be able to solidify themselves. And another 10 years to make it 20, they should be getting a good interest on that land. So that is the time. After 20 years of acquisition of leasehold interest, not freehold interest, we should be able to sit down and come up with another transaction about all profits. Thank you Mr. President.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: I yield for now, Mr. President.

President H. Guerrero: Any more discussions?

Delegate Mafnas: Let's vote.

The motion to adopt the amendment offered by Delegate Nabors for the Committee on Local Government was defeated by voice vote.

President H. Guerrero: We are back to the main motion. Delegate Torres?

Delegate Torres: Mr. President, the real Committee on Local Government has an amendment. It is to put it back to where it should be, 60 years; everything remains the same. And I believe it has been passed out already and I move for....

Delegate Villagomez: Point of information. I don't think what has been passed out is the same as the original because it takes out the interest above the first floor of a condominium.

Delegate Torres: Yes, I believe we disposed of that already when you were no here.

Delegate Villagomez: I'm not aware of that but still we have to decide....

President H. Guerrero: We did not dispose of that. It is still in the original version that was passed to the Committee of the Whole. Therefore, that's the original. Basically, what you are doing is you are amending....

Delegate Torres: Actually, this, I believe, was entertained already.

President H. Guerrero: We have not changed anything on the committee recommendation as adopted by the Committee of the Whole.

Delegate Torres: Okay. This is in connection to Delegate or Dr. Kaipat's concern about combining the long-term and freehold interests together, that day when we discussed that. I believe we did discuss this. And with this amendment, it took into consideration Delegate Kaipat's concern.

Acting Floor Leader Mendiola: Point of information.

President H. Guerrero: State your point, Delegate Mendiola.

Acting Floor Leader Mendiola: I think this must be a substitute report or recommendation. It looks like the whole Committee Recommendation 19 is changed.

Delegate Torres: That is true.

Delegate King: Point of clarification, Mr. President.

President H. Guerrero: State your point, Delegate King.

Delegate King: During that time we had a lengthy discussion and however it was suggested that you are going to come out with the floor amendment and thi floor amendment was never entertained but it was passed but was never entertained. Thank you.

Delegate Inos: Point of information.

President H. Guerrero: State your point.

Delegate Inos: I think this amendment was entertained because I do have note here and in fact I was going to ask the same question on the questions that I have on this amendment.

Delegate King: Mr. President, according to my note that Committee Recommendation No. 19 was deferred in order to be discussed together with Committee Recommendation No. 40.

President H. Guerrero: The note of the Chair basically is that Committee Recommendation No. 19 was deferred on 7/16 and subsequently deferred on 7/19, so we are still back to the original version as adopted by the Committee of the Whole.

Delegate Torres: Delegate Nabors, do you have that?

Delegate Nabors: Yes, that is my recollection of what happened.

Acting Floor Leader Mendiola: Mr. President, so this is a substitute amendment.

President H. Guerrero: Yes, Delegate Mafnas?

Delegate Mafnas: Mr. President, we did discuss the Committee Recommendation C.D. 2. We did discuss and I was the mover of the motion to recess because I had my 99 years; I asked the Page to xerox the 99 years but we decided after that to defer action.

President H. Guerrero: That's true, but it was subsequently deferred. So since we have not voted or amended anything, we are still back to the origina version.

Delegate DL. Guerrero: Point of information.

President H. Guerrero: State your point, Delegate Guerrero.

Delegate DL. Guerrero: It was suggested to defer action on this one, then, of course, the delegates went ahead and entertained the motion to entertain the floor amendment which the committee at that time recommended and offered an amendment. And that was done on July the 19th, according to my notes here

President H. Guerrero: But it was subsequently withdrawn deferment on that.

Delegate Mafnas: I move for five minutes recess.

There being no objection, the Convention recessed at 3:17 p.m.

RECESS

The Convention reconvened at 3:25 p.m.

President H. Guerrero: The session is back to order. Delegate Torres, I believe you still have the floor.

Delegate Torres: Thank you, Mr. President. The Committee on Local Governmen would like to move to amend Committee Recommendation 19 and I believe that copies of the floor amendment have been distributed. Okay, so I move that we adopt the amendment to Committee Recommendation 19, Committee Draft 2.

Acting Floor Leader Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the proposed floor amendment, again offered by the Committee on Local Government. Discussions? Delegate Inos?

Delegate Inos: May I add for consideration on the committee, an addition to this amendment? This amendment may not apply to existing leasehold agreement

President H. Guerrero: Where are you tagging it on?

Delegate Inos: Tagging it on, if I can.

President H. Guerrero: Where?

Delegate Inos: At the end.

President H. Guerrero: At the end of the amendment? Any objection?

Delegate Mafnas: No.

President H. Guerrero: Any objection? Delegate Calvo, do you object?

Delegate Calvo: No.

President H. Guerrero: Delegate Tomokane, are you objecting? Delegate King?

Delegate King: Objection.

President H. Guerrero: There's an objection.

Acting Floor Leader Mendiola: Ask him what's his objection, Mr. President.

President H. Guerrero: Since Delegate Inos is asking for unanimous consent to insert an additional amendment to this one, it requires everybody to agree. And since Delegate King objects, we cannot entertain the motion by Delegate Inos. Discussions?

Delegate Torres: Perhaps it would help if Delegate Inos would explain that amendment.

President H. Guerrero: Delegate Inos, would you like to explain?

Delegate Inos: I think the amendment is self-explanatory. We are trying to change something in the Constitution and I would like to further tag-along this sentence on the last, to be the last sentence which will read: "This amendment may not apply to existing leasehold agreements."

Acting Floor Leader Mendiola: No objection.

President H. Guerrero: Delegate Torres?

Delegate Torres: Mr. President, I believe that it may not be because we all know that laws are not retroactive. They don't apply retroactively. They only apply to new leasehold agreement. So I wonder whether Delegate King would now consent to the amendment.

President H. Guerrero: Yes, Delegate King?

Delegate King: Mr. President, the reason why I objected is I would not suppo this floor amendment. I'd rather see that to be inserted in the original amendment or Committee Recommendation 19. Thank you.

Acting Floor Leader Mendiola: Point of clarification.

President H. Guerrero: State your point of clarification.

Acting Floor Leader Mendiola: Mr. President, I think he is talking about the amendment and not the amendment to the amendment that Delegate Inos is talkin about. So he is not objection; he is objection to the whole proposal.

President H. Guerrero: Are you objecting to this amendment, Delegate King?

Delegate King: Yes.

President H. Guerrero: Therefore, that amendment offered by Delegate Inos cannot be entertained.

Delegate Manglona: I move to end debate.

Acting Floor Leader Mendiola seconded, and the motion was carried by voice vote.

The motion to adopt the floor amendment offered by the Committee on Loca Government was defeated by voice vote.

President H. Guerrero: We are back to the main motion.

Delegate Nabors: Motion to end debate.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: I request that the motion that is now before us be read in its entirety.

Secretary Nabors read Committee Recommendation No. 19, as follows:

"'Section 3: Permanent and Long-Term Interests In Real Property. The term permanent and long-term interests in real property used in Section 1 includes freehold interests and leasehold interests of more than 55 years including renewal rights, except an interest acquired above the first floor of a condominium building. The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the land owner before any sale or long term lease is executed regarding that land. Any land transaction in violation of this provision shall be void.'"

President H. Guerrero: Delegate Inos?

Delegate Inos: I would like to make a motion to add on to the last sentence: "This amendment may not apply to existing leasehold agreements."

President H. Guerrero: Any objection?

Delegate Villagomez: I have a question.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: What does that accomplish?

Delegate Manglona: Can I answer that?

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Okay. That will, for one thing, exclude the existing leasehold where the term for that leasehold is only 40 years. As Delegate Karl Reyes read to us a clause that there are certain provisions in the contracts where if the law allows for more than 40 years, the contract

automatically increases with the additional years allowed. And I spoke to the Attorney General during the recess and he said that there is a possibility, a good possibility that that is a valid provision in the contract in that it is not circumvening the 40 years but just saying that should there be a change in law it's just a condition. So just so that we don't, we will avoid future lawsuit on this, maybe we should make it clear now that thing change in the number of years will be valid only for future leasehold and should not apply to the existing leasehold agreement. Maybe the concern here is that what about on existing leasehold agreement where the lessee wants to build a condominium. That is not; maybe that should be considered but that is not our concern.

President H. Guerrero: Does that answer your question, Delegate Villagomez?

Delegate Villagomez: Yes. My understanding of the amendment is that any lease which currently exists will not be extended more than 40 years after the ratification of this amendment. And any agreement to extend the lease for more than 40 years upon the change of law is void and that it might not be enforced, and that only leases that are executed after the ratification of this amendment may extend to more than 40 years.

Delegate Manglona: Point of information. Can we make that clear though in the language here because I spoke to the Attorney General and he surely believed that the clauses as they are written now in the present leasehold agreement can actually allow for the additional increase. And with this amendment we are solving that by saying that this additional increase in leasehold to 60 years shall not apply to the existing leasehold. We would solve a whole lot of problems in the future. Thank you.

President H. Guerrero: Can I first ask a question whether there's anybody objecting to the amendment by Delegate Inos?

Delegate Villagomez: I think we have to understand it clearly first before we can decide whether to object or not object. The other point I would like to make is if with respect to the existing leases for 40 years, if after the ratification of this amendment they wish to extend it, they have to sign an entirely new lease agreement. And that any agreement as to consideration already paid or not paid is also void and is not to be permissible or allowed under this ratification. So that even if the lease says consideration is already paid for an extension of another 20 years that is considered by this Convention to be void and the land owner has the right to receive or demand any additional consideration for an extension of the existing lease.

Delegate Nabors: That's correct.

Acting Floor Leader Mendiola: No objection.

Delegate Villagomez: Thank you.

President H. Guerrero: So you don't have any objection?

Delegate Villagomez: No.

President H. Guerrero: Okay. Can you just repeat, Mr. Secretary, what's the amendment to that one?

Delegate Inos: Did you note that, Mr. Secretary? This amendment may not apply to existing leasehold agreements, period.

President H. Guerrero: Delegate Torres?

Delegate Torres: Question. My question is, Delegate Inos, would the fact that we put it in here, would it encourage lessors and lessees to collude and extend the leasehold term before this thing becomes effective?

Delegate Inos: It might.

Delegate Nabors: If they will extend it before this is ratified, it's void.

Delegate Torres: Okay. Question to Delegate Reyes, on the amendment. On line 5, it says, except an interest. Now, does this mean that an interest in freehold as well as leasehold?

Delegate Reyes: This is an interest on freehold.

Delegate Torres: Freehold only?

Delegate Reyes: Yes. It is intended for freehold because once you sell the rights above the first floor, it's to be held freely by the purchasers.

Delegate Torres: Okay, in that case, I'd like to offer an amendment. I thin we are defeating the purpose of land alienation.

Delegate Villagomez: Mr. President, point of information.

President H. Guerrero: State your point, Delegate Villagomez.

Delegate Villagomez: I don't know what Delegate Reyes' intent is but I don't agree with him that the word interest acquired above the first floor is limited to freehold. The language here allows interest acquired above the first floor. So if the arrangement between the condominium owner and the purchaser is leasehold for more than 55 years, that's also permissible.

Delegate Reyes: That's correct, but once you sell your thing above the secon floor, it's on freehold; it's not on leasehold. But it could be on leasehold

Delegate Torres: So, are you saying then that the leasehold interest is actually a fee simple title?

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Well, my intention is to be able to sell the second floor above freely. But if somebody says the condominium is going to be only for 40 years, good for 40 years or 60 years depends on the structure, so it's only good to that extent. And then all these, if it's a leasehold, then the owner of the property has to tender a what you call prospectus or the offerir stating that this is only good for 60 years even if he's selling it outright.

Delegate Torres: Why are you limiting it to first floor, above the first floor?

Delegate Reyes: So that the land owner can continue to own the land on the first floor and all the common areas.

Delegate Torres: Could the land be leased and have the first all the way up to the twentieth floor sold?

Delegate Reyes: With the passage of that one hundred percent corporation, the land owner would own the land.

Delegate Torres: Yes, and I'm beginning to feel differently now about the one hundred percent corporation. That's all for now, Mr. President. I'm beginning to feel very awkward.

President H. Guerrero: Delegate Inos?

Delegate Inos: I have a couple of questions which I would like the committee to address. In terms of condominium since we are leaving this up in the open either to lease it or to own it to outsiders if the owner wants to. What about in the event that we build a building and the first floor is a garage? Would that be the only place?

Delegate Reyes: Normally, in a condominium, they have what is called the common area which could be the parking area, the hall ways, the swimming pool, even the flower beds that is owned collectively by the homeowners.

Delegate Inos: So in other words, we might be able to build a condominium in which the owner would just in name own the land but everything else will be bought except for the common areas.

Delegate Reyes: They will normally lease the common areas, right.

Delegate Inos: I'm still a little bit concerned about the second sentence here in which the market of land in the CNMI should be professionally appraised. I raised this question up previously in terms of family transactions. Does this mean that even family transactions will have to go through the appraisal before they do any land transaction?

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I do not believe that this section would at all concern itself with transaction between two persons of Northern Marianas descent.

President H. Guerrero: Delegate King?

Delegate King: The intention of this or the committee's intention on this is only for commercial purpose.

Delegate Nabors: Transactions between persons of Northern Marianas descent and an outsider, whether commercial or residential or whatever.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: Yes; if that's the intention, so why not specify it so that it be in the proposed amendment.

Delegate Nabors: I have no objections to that but by virtue of it being under Article XII is fairly emplicit. That only relates to the acquisition of prohibited long-term or permanent interest in real property.

Delegate King: Mr. President, point of information.

President H. Guerrero: Delegate King?

Delegate King: I believe that we are getting into the future that no one wants to loose a penny. So I believe that this would help our people in orde for them to come out with a very good average of amount of money to sell or t make the transaction of the land. So I believe een though you are going to make a deal with between brothers and if you don't want to lose money then yo have to call the appraiser. So that will become reality in the future that everybody wants to appraise their land in order to get a fair market value of the land. Thank you.

President H. Guerrero: Delegate Inos?

Delegate Inos: Yes, in response. We are making it a reality here by placing this type of provision. And I'm just concerned with the penultimate. Any transaction in permanent or long-term interest in real property in the Common wealth in violation of this provision shall be void. So I'm reading if "any." I don't care if it's my sister or my brother or my mother. So I agree that this is advantageous in terms of not being taken by a shrew businessman but I also want to be able to make a family transaction which I will not have to go to an appraiser.

President H. Guerrero: Any other discussions? Delegate Calvo?

Delegate Calvo: Mr. President, perhaps we can ask the committee what is really the intention of this because Bill is stating that there is a provisio in the Constitution that will limit transaction of this to the outsiders not on Northern Marianas descent. But the mere fact to this sentence here, it does have the effect. Any land transaction either it's from the outside or inside it means that it shll be voided if it didn't go through an appraisal o professionally appraised. So let us hear from Delegate Villagomez maybe with this regard.

President H. Guerrero: Delegate Villagomez, are you going to respond to that?

Delegate Villagomez: This proposal was submitted to the Convention by Delegat Torres. And the committee gathered that the intent was to prevent the people from selling their lands for $10 when it's worth $500,000. And obviously we cannot identify each and every transaction and only exclude those, especially when we are dealing with a Constitution which deals with generalities rather than specificities. I see from the very beginning when the committee considered these problems in that when you exclude transactions between a local person and a non-local person or between a non-businessman and a businessman, local or non-local, when you make a requirement for them on a general basis it also includes the non-business transactions between two individuals including brothers and family members. And so although it is desired that transactions between family members and neighbors and people who are not going into business, it is intended that they not or it was desired that they not be included. Under this current language they are included because the language does not exclude them. In the last thirty minutes I've been trying to figure out some ways to come up with the language that would exclude those kinds of transactions and it's very difficult. So the answer is, this language now includes all land sales or transactions on long-term leasehold transactions, but it was not desired by the proponent of the original proposal nor the committee to include them. We have not come out with the language that would exclude transactions that are not for business purpose or that are between family members or friends, neighbors, and the like.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: I would just like to ask any member of the committee. If a land is leased, is the intention of this recommendation to allow this lease land to have a condominium built on it and sell for permanent terms?

President H. Guerrero: Somebody? Delegate Mendiola?

Delegate Mendiola: I think it is very clear that it says 55 years, so you could only sell it for 55.

Delegate Manglona: Is that correct?

President H. Guerrero: Delegate King, would you like to respond to that question also?

Delegate King: If I understand the question correctly, maybe my response will answer. If I don't understand it, then my response will be very intrusion. I believe that the intention of the committee is not to sell the land permanently. I think there's a flexibility there -- freehold interest and leasehold and the 55 years is the cut off date. Now, if they are going to go up the second floor, then that's up to the two parties whether they are going to sell it for permanent freehold interest.

Delegate Manglona: In other words, there is no land alienation for space above the second floor?

Delegate King: Land alienation is still there, Mr. President, because you cannot separate the building and the land.

Delegate Manglona: No, but I'm saying the basic intent. Is that it to remove the land alienation from the second floor up?

Delegate King: No, Mr. President. The intention there is since we condemned our people on the first floor or the land then we are giving the flexibility on the second floor since there is no provision in the Constitution concerning that particular situation.

Delegate Manglona: Can I get the response of Delegate Villagomez? I just want to understand this.

Delegate Villagomez: Again the proposal regarding freehold interest above the first floor of a condominium was proposed by Delegate Karl Reyes and he was a member of the committee. The purpose is to allow purchase of freehold interest on the second, or third, or fourth floor or above either freehold or long-term lease. It is to exclude this from the land alienation restriction.

Delegate Manglona: If I, let's say, lease your land, do I have the right to build a building there and anything on the second floor I can outrightly sell it to anyone I want without your permission as long as I do not sell the first floor? Is that the intent?

Delegate Villagomez: If it is a condominium arrangement, then you can sell above the first floor but you do that at a risk because you understand that the first floor belongs to a local person. So you have to make an arrangement to be protected when you sell the second floor.

Delegate Manglona: Well, that word arrangement is not in this amendment. I'm just concerned because if I lease you my land, I don't want you to build a condominium and sell everything above the second floor and just leave me the first floor. But that is basically what will happen. Is that correct?

Delegate Villagomez: No. You can prohibit it. You cannot be forced to lease your land to somebody who would build a condominium and sell the second floor He can only do that if you agree.

Delegate Reyes: Point of information, Mr. President.

President H. Guerrero: State your point, Delegate Reyes.

Delegate Reyes: I think the condominium law is specific in telling you that you have to issue your offerings or prospectus. And on this prospectus, this is the vehicle to tell the potential buyers what the restrictions are, if any Thank you.

President H. Guerrero: Before we go on, I'd like to dispose of Delegate Inos amendment.

The motion to include the amendment to the end of the sentence as offered by Delegate Inos was carried by voice vote.

President H. Guerrero: We are back to the main motion. Delegate Torres?

Delegate Torres: I'm very concerned about this. I thought that things are going well with tightening up the corporation, and now with this, I'm having second thoughts. My question is this. Let's say that we want to attract a prospective foreign investor to build a condominimum on a private land. And let's say that we give that investor the maximum which is 55 years to lease this land. And let's say also that there is no restriction as to what this investor can build on the land. Five years down the road, this investor build a 4-story building. Six years down the road, he decided that perhaps it is more profitable to sell above the first floor to outsiders; I mean to other outside groups. I wonder whether this would ultimately lead us to costly and painful litigation, and the only person who suffer at the end will not be the investor who has collected all the payments and moved on to other pastures but the original owner of the land. I'm very concerned about this now, especially in light of the fact that we are tightening up the corporation to one hundred percent ownership. I'm very concerned about this. Could I be enlightened?

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: If I were an outsider and I want to come in and build a condominium here knowing that I can only lease the land for 55 years, I would not ask for a leasehold interest. Instead, I would ask. Let's say that Karl Reyes is the land owner. I would ask Karl if he would join a partnership with me. And he would donate the land and he would own the first floor. I would donate the building and he will own the first floor and I will be free to sell the second, third and fourth floor.

President H. Guerrero: Yes, Delegate Torres.

Delegate Torres: Mr. President, but that is just exactly the point. Mr. Karl Reyes, as soon as the partnership dissolved, would be left with those people who bought rooms above the first floor already. And the partner left and collected all the money.

Delegate Villagomez: No; Mr. Reyes would get his money up front when I sell those houses. So, if I abscond, he's already paid. And if I abscond, anyway he is going to end up with the building.

Delegate Torres: Yes, but what about the rooms above the first floor? You will have the land and the first floor, alright. Yes, I agree with you. He will still have the land; he will still have the first floor; he will not have the rooms above the first floor.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Yes. The principle of condominium and the statute is complicated and it is going to take a long time to explain it. But if you follow all the requirements in the condominium and the payments are made up front and are splitted between the land owner and the outside investor then -- what you are thinking is that the person is going to take all the money and leave and then the local land owner is going to be left with nothing. I don't perceive that would happen because of the way that the condominium system is arranged and the way that the money would be splitted. And if he leaves, then he would have the building, the entire building. But another thing is the agreement in the partnership would be structured in such a way that both parties will be protected.

Delegate Torres: Could I ask for the indulgence of the delegates to allow Delegate Villagomez to please expound on the laws of the condominium?

President H. Guerrero: Delegate Villagomez, are you going to respond?

Delegate Villagomez: I would very much like to respond. I would not like to respond right now. I would like to review the condominium law. It would take me about two hours to read it.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Delegate Villagomez, okay, the best way, of course, will be to join a partnership with a local one, build a condominium and they are both happy. But my main concern is the leasehold. I think by leasing the land, I can build a condominium on that land with the permission of the owner. My concern is, these people would take advantage of this, outsiders would take advantage of this. Rather than go in partnership where they have to share the profits, they can simply just lease the land which is actually buying it because you're buying the airspace above the first floor. I think outsiders would rather much go that route because they are leasing the land, however, technically they are buying the airspace above that.

Delegate Villagomez: That is correct.

Delegate Manglona: So is there any way that we can protect the locals from that route because I know that 99 percent of the outsiders, if I'm an outsider I'm going to that route because I'm leasing the land but I'm technically buying the airspace.

Delegate Reyes: Mr. President?

President H. Guerrero: Delegate Reyes.

Delegate Reyes: The whole intention of this proposal is not to lease your lan

If I have a land, five hectares land and I know that I can build a condominiu: and be able to sell it, why would I lease my land to somebody to build it whe: I can sell the condominium and profit from it myself as the land owner? And if I take a five-story building, for example, and I sell 60 percent of it, I can go to the bank and say, here's on letter 60 percent of the people that want to buy and this 60 percent of the sale price will enable me to build the condominium myself as the land owner. Why would I go and lese it to a Japanes or an outsider when this land is mine, this condominium is mine and the profi: is all going to be mine? So this is the intent of this proposal. I don't want our people to be able to sell this condominium and still ask the outside: to give them money because if you have the possibility of selling it in writi: and especially if you are required the deposits to be made and you show in good faith the bank all these possibilities, the bank will lend you that mone: to build it yourself. Thank you.

Delegate Manglona: Mr. President, that's just it. It brings us back to the point that our people are not ready to make decisions on their land. So we can put, maybe consider the fact that only freehold land can have condominium and not leasehold because we have to protect our people. I know that when the see those greens they will just change their mind and go on the leasehold route.

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Mr. President, I think we shouldn't worry about that. Lease-hold is happening right now. What is going to stop the people, from two agreeing people to not to lease if they agree to lease within the law? That is happening right now. So what we are trying to do here is to stop our own local people from leasing it and building it up themselves.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. Here we are dealing with two things, the land and the air. Now, I really don't know why we have to give o: this land on freehold interest basis instead of leasehold interest basis. This is on the second floor up. Is this to attract the buyer, or somebody that wi: put up a condominium? Because even if we use leasehold interest, 55 years times two, in all, is 110 years. If it is 110 years, it sounds like freehold interest already. So I really want to know the actual reason behind using of freehold rather than leasehold in this condominium business. Can Delegate Reyes answer me on this one? Why do we have to stick to freehold? Why not use leasehold of 55 years times 2, 110 years?

Delegate Reyes: If you build a building that would sustain for the next 75 years and somebody is willing to buy that building for that period of 75 years this provision would allow that even beyond the 55 so you can get your money up front. When you build a building you get the money up front. If you lease it, you don't get the money up front.

Delegate Kaipat: Mr. President, can I continue, because I feel that this wil: answer the question of other delegates questioning about the second transactio of airspace? If we transact the land under leasehold interest then the land is still yours no matter how long. And if this guy that took up the leasehold interest on your airspace and plan to resell it, to lease to someone else, the airspace is still yours. So he cannot do any transaction without you knowing it. And this is the big difference between free and lease. Freehold interest is a lifetime ownership of the land or the air. And I know what they are

trying to do here, either because we cannot use the freehold interest because only CNMI descent can own land and now we are playing with the airspace. And I really don't see the real motive behind using freehold rather than a long lease which is already up to 55 years times 2, 110 years. It's simply a freehold interest alerady; it's a lifetime.

Delegate Reyes: Can I answer that?

President H. Guerrero: Delegate Reyes?

Delegate Reyes: I guess this concept of selling it is new to many of us. But, yes, this is happening around the world now where you buy your condominium and then you go and enter into an agreement with somebody else to share the condominium, to use it when you are not using it. This concept is very popular now and it's acceptable. For example, the Japanese coming here during winter time and during summer time in Japan they go back and somebody else comes here and uses that condominium. He gets his money back but that's not of my business. He already bought the condominium from me and if he bought it for $30,000 for two bedroom complete then I get my money. And then there is in the condominiu addressing the notices. You know, the condominium law provides that whatever happens there, the owner or the group of owners would know the transactions. But that's immaterial. The cash is paid off front and these owners of condominium can share that condominium, and this is called the sharing concept. I guess this is too far progressive on our area but it is happening and I hate to wait for another 10 years when we lose the opportunity to be involved in these kinds of businesses. Thank you.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Mr. President, I'd like to suggest that we leave all those detailed information to the Legislature. The Legislature is coming up with a condominium law. So all those detailed explanations should be included in the statute, because we are going into detailed explanations now as to what is going to happen and what will happen.

Delegate Reyes: Point of information. The condominium law has been passed. There is a condominium law already and this proposal is tailored after that condominium law.

Delegate Mendiola: I move to end debate.

Delegate King seconded the motion.

President H. Guerrero: It has been moved and seconded to end debate. We are voting now on Committee Recommendation No. 19, as amended. Secretary Nabors, can you take the roll call?

Delegate Villagomez: Mr. President, privilege. I move for a five-minute recess.

Delegate Mendiola: So I withdraw my motion, Mr. President.

There being no objection, President Guerrero declared the Convention recessed at 4:09 p.m.

RECESS

The Convention reconvened at 4:25 p.m.

President H. Guerrero: The session is called back to order. The Chair is going to limit the debate to 30 minutes. We have extensively discussed this not just today but for the past two, three days and I would like to limit debate to 30 minutes. Delegate Manglona?

Delegate Manglona: Mr. President, just before the end of the recess, I realized something. Can the members of the committee answer my question? If I am not concerned with the land, I am a foreigner and I go to a local person and say, let me lease your airspace for 200 years. Can somebody stop me from leasing the airspace for 200 years?

Delegate King: Yes, somebody can stop you. The owner can stop you if the owner doesn't want it.

Delegate Manglona: If the owner allows me to lease it for 200 years, can the law stop me from leasing an airspace, putting a garage on the first floor and leasing the airspace for more than 60 years?

President H. Guerrero: I think this can be handled administratively.

Delegate King: Mr. President, I think if we are going into very deep details we cannot understand it. There are some areas that get into details that can be handled by the statute. But if we are going to put in our Constitution a very detailed proposal we will never finish our Constitution.

Delegate Mafnas: Mr. President, point of information.

President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: I think the question is valid. It has merit because we wil decide whether 65 or 55 is appropriate.

Delegate Reyes: Can I?

President H. Guerrero: Delegate Reyes?

Delegate Reyes: I'll try to answer that as I see it. Delegate Manglona's question is, can he just go and lease 200 years airspace. And I suppose he is leasing this land from, he is trying to get that 200 years from somebody who is leasing the land. Is that correct?

Delegate Manglona: I'm not even going to lease the land or anything. I'm ju going to say, hey, you got a piece of land there, I want the second floor up for hundred years. I don't care about the land, I'm just going to make an agreement. In fact, I'm going to buy it. I'm going to buy his airspace.

Delegate Reyes: Okay. We specifically put down here condominium. Under the condominium, you are required to come up with a prospectus, an offering. And in that offering you have to spell out whare are your restrictions, if there are any. So, if I have a restriction of 55 years, then definitely, you know, I cannot sell it for 200 years when I only have 55 years restriction.

Delegate Manglona: I'm not going to lease the land. I'm just going to come to you and say, I'm going to buy your airspace for condominium purposes from the second floor up. I'm going to buy it; I'm not talking about lease.

Delegate Reyes: Okay. If the land is my own and I'm not leasing it from any body, then for 200 years....

Delegate Manglona: So in essence, we are removing the land alienation for airspace above the second floor. With this amendment, we are opening it up. We are removing the land alienation for second, third, fourth, and up. That is all, thank you.

President H. Guerrero: Why would you want to buy a bigger space if there's a bottom of it?

Delegate Manglona: Because I can always put the columns and start on the second floor up for condominium.

President H. Guerrero: Not really because you are still touching the land. Delegate Villagomez?

Delegate Villagomez: Thank you. The reason that I asked for a recess is because of the sentence, the market value shall be professional appraised before any sale or long-term lease is executed. I would like to ask the unanimous consent of the delegates to amend Committee Recommendation No. 19 to strike that sentence out and delete it from the proposed recommendation. The sentence starting on line 6: "The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the land owner before any sale or long-term lease is executed regarding that land." The reason that I'm asking the unanimous consent of the delegates to strike that is as follows: This requirement is only when you are going to sell your land or enter into a long-term lease. You can only sell your land to a Saipanese, or Rotanese, or Tinianese and you can only give long-term lease to person of Northern Marianas descent. So if you are going to lease your land for 40 years, let's take a shorter one, for 30 years to an outsider, you don't have to have your land appraised. So, the original intent of this is to prevent outside investors from coming in and buying land for $10 that are worth $200. But that's not what this does. What this does is it requires us when we sell and lease among ourselves locally to have the land appraised. So we're doing just the opposite by putting in sale or long-term lease. What we should have here to accomplish our goal is to say that appraisal shall be required when there's going to be a short term lease because you can only give a short-term lease to an outsider and you cannot sell to an outsider. So it really, it does just the opposite of what we are hoping to do. And for that reason I ask the unanimous consent of the floor to delete that from the proposed amendment.

Delegate King seconded.

Delegate Manglona: Just a point of information. The reason why I guess we all overlooked that is that we all feel that a short-term lease is a long-term lease by the way the contracts are written. Thank you.

Delegate Mendiola: No objection.

President H. Guerrero: Those in favor of deleting the sentence on line 6, plesae say aye?

Delegate Ogumoro: I object to that. My concern is not just that. I think we should address the concern that was raised by Delegate Manglona. And if the line or the phrase beginning with "except" on line 5 would be deleted too then I think I would go with that amendment. But as it is now, the problem is on line 5 starting with the words "except an interest acquired above the first floor of the condominium building." I think that's where the problem is. Of course, that line there that Delegate Villagomez mentioned is also important,

but I think our problem and the more I listened to the deliberations this morning or this afternoon, the more concern I get. So if the mover of that motion would also include that phrase there "except an interest acquired above the first floor of the condominium building", then I will agree to that motion.

Delegate Mafnas: May I move for a five-minute recess so we can xerox this, and rather than to obtain unanimous consent, we can decide whether to delete it?

Delegate Villagomez seconded the motion.

There being no objection, the Convention recessed at 4:33 p.m.

RECESS

The Convention reconvened at 4:39 p.m.

President H. Guerrero: The session is called back to order. Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. I move to amend Committee Recommendation No. 19 to delete the sentence starting on line 6 and ending on line 8.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to delete the sentence starting on line 6 and ending on line 8 offered by Delegate Villagomez. Discussions?

Delegate Nabors: I move to end debate.

Delegate Mendiola seconded, and the motion was carried by voice vote.

President H. Guerrero: Now we are voting on Committee Recommendation No. 19, as amended.

Delegate Mafnas: Just the amendment.

President H. Guerrero: Didn't we just vote on that one? Oh, excuse me.

The motion to adopt the amendment offered by Delegate Villagomez to Committee Recommendation No. 19 was carried by voice vote. Delegate Nabors voted nay.

Delegate Nabors: Motion for previous question.

Delegate Mafnas seconded the motion.

President H. Guerrero: Delegate Tenorio?

Delegate Tenorio: Thank you, Mr. President. Before we vote on the main motion, I would like to express my concern about this exemption above the first floor with respect to public land. I'm aware that there are some companies that are leasing public land for a long period of time now. Are those people exempted also from this 55 years? If they build a condominium on public land

will the person buying, I mean, leasing the public land is exempted from selling the rooms above the first floor also?

President H. Guerrero: Members? Chairman King, or Delegate Villagomez?

Delegate King: I'd like to yield to Delegate Tenorio because he is a member of my committee.

Delegate Tenorio: Thank you, Mr. Chairman.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Is the lease between the government and the private person for a condominium?

Delegate Tenorio: As a matter of fact, yes, there is one lease, I think, the Kan Pacific that leased a very huge land and I think they have plans for a condominium also in their plan.

President H. Guerrero: Yes, Delegate Guerrero?

Delegate DL. Guerrero: Mr. President, I think we have to clear ourselves her because I don't think, by hearing all the arguments on this proposed extensic we are focusing the interest on private land individual. We are not talking about public land. If a public land is to be extended, then I, for one, will vote it down. I'll go against it.

Delegate Tenorio: I just want to be assured that this does not include publi land. And since the proposal mentioned real property, I think the government also has real property.

Delegate Villagomez: With respect to public land, my understanding is that the provision in the Constitution related to public lands would apply. And the restriction to transfer of freehold interest in public lands that is already in the Constitution will not be repealed by this proposed amendment, so that whatever applies now with respect to public land and it's up to the Marianas Public Land Corporations at this time to agree to allow freehold transfer of interest.

Delegate Mafnas: Mr. President, perhaps if the Convention will clarify or sc state the intent of this committee recommendation that it only covers private lands.

President H. Guerrero: Is that the intention of the committee?

Delegate Villagomez: Yes.

Delegate King: Yes.

President H. Guerrero: Would you like to restate that instead of just saying yes? Delegate Villagomez, can you restate the intention of the committee?

Delegate Villagomez: Yes. This amendment that is proposed in Committee Recommendation No. 19 will apply only to private lands and not to public land And all restrictions with respect to transfer of interest in public lands tha are currently provided in the Constitution will continue.

President H. Guerrero: Can I get the committee members to respond? Delegate Tenorio, do you agree with that intention?

Delegate Tenorio: Yes, Mr. President, I agree with that intention.

President H. Guerrero: Delegate Villagomez, do you agree with that?

Delegate Villagomez: Yes.

President H. Guerrero: Delegate King, do you agree with that intention?

Delegate King: Yes, Mr. President.

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Yes.

President H. Guerrero: Delegate Mundo?

Delegate Mundo: Yes.

President H. Guerrero: So all the members agreed to that intention. Does that clarify the things already?

Delegate Mafnas: The question is clarified.

President H. Guerrero: And all its five members agreed to that intention. Any more discussions?

Delegate Villagomez: Yes. To be definite, I would recommend that we put tha in the language itself of the amendment that this only applies to private lan and does not apply to public land.

President H. Guerrero: What's your amendment, Delegate Villagomez? Three-minute recess.

There being no objection, the Convention recessed at 4:47 p.m.

RECESS

The Convention reconvened at 4:51 p.m.

President H. Guerrero: The session is called back to order. Delegate Villagomez?

Delegate Villagomez: Thank you. I ask the unanimous consent of the Convention and move that on line 6 after the sentence which ends with "of a condominium building", we add a new sentence and the sentence will read: "A permanent of long term interest acquired above the first floor of a condominium building is restricted to private lands."

President H. Guerrero: Can you read it much slower, I mean, slower?

Delegate Villagomez: A permanent or long-term interest acquired above the first floor of a condominium building is restricted to private lands.

Delegate King seconded the motion.

Delegate Manglona: Question. I agree with the intent of this but the language doesn't sound correct because the previous sentence just tells you that there's no permanent or long-term interest above the first floor in a condominium building. And by saying this sentence, you are implying that there is. So, I'm just confused on the language, Mr. President, by saying in the first sentence that "except in the first floor of a condominium building" you are already saying that that is not permanent and long-term interest. An if you add what Delegate Villagomez just mentioned, you are implying that the is.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Just a second.

President H. Guerrero: Recess for three minutes.

There being no objection, the Convention recessed at 4:55 p.m.

RECESS

The Convention reconvened at 4:56 p.m.

President H. Guerrero: The session is called back to order. Delegate Villagomez?

Delegate Villagomez: Thank you. The language now will read as follows: "An interest acquired above the first floor of a condominium building is restrict to private lands."

President H. Guerrero: Repeat that again, slower.

Delegate Villagomez: Any interest acquired above the first floor of a condominium building is restricted to private lands.

Delegate Reyes seconded.

President H. Guerrero: It has been moved and seconded. Delegate Kaipat?

Delegate Kaipat: Yes. Do the words "any interest" mean both the freehold an leasehold interests?

President H. Guerrero: Does it include any? Delegate Villagomez, Delegate Kaipat is asking a question whether the interest includes both freehold and leasehold.

Delegate Villagomez: Yes.

President H. Guerrero: Any more discussions?

There being no further discussion, the motion to adopt the amendment offered by Delegate Villagomez to Committee Recommendation No. 19 was carried by voice vote.

President H. Guerrero: We are back to the main motion. Delegate Villagomez?

Delegate Villagomez: For the record, this means that any condominium or any building that is built on land that is owned by the government, whether under

a lease arrangement with the government or any kind of arrangement is not permitted to give permanent or long-term interest in that condominium unless it is allowed by the present language of the Constitution.

Delegate Nabors: No objection.

President H. Guerrero: Discussions? If no discussion -- Delegate Torres?

Delegate Torres: Mr. President, am I still in order if I make a motion?

President H. Guerrero: Yes, you are.

Delegate Torres: I would like to move to file Committee Recommendation No. 1

Delegate Tenorio seconded the motion.

President H. Guerrero: It has been moved and seconded to file Committee Recommendation No. 19. Delegate Mendiola?

Delegate Mendiola: Can we dispose of the amendment made by Delegate Villagom first?

President H. Guerrero: We already did. We are back to the main motion. Is there any discussion on the motion to file Committee Recommendation No. 19? Delegate Torres?

Delegate Torres: Thank you, Mr. President. I have and I'm sure other delegates have fought hard to protect the people of the Commonwealth against bein disinherited and disenfranchised in their own land. I fought very hard to tighten up the corporation law or provision using the principle of land alien tion as my guide. I see this amendment as a destruction of the entire Articl XII, Section 1. I think it is really sad. Although we may see this point, we would like to look the other way and ignore it. I am very disappointed about this move and I am sure that a lot of us perhaps see this but would jus like to look the other way. It makes Section 1, Article XII, meaningless and it makes it a mockery and I think history will judge our action for this. I'm sure that a lot of us perhaps would just go ahead and vote for this, but I'd like the record to show that land alienation is dead as soon as this is adopted. Thank you.

President H. Guerrero: Any more discussions?

There being no further discussion, the motion to file Committee Recommendation No. 19 was defeated by voice vote.

President H. Guerrero: Discussions on the main motion? Delegate Mafnas?

Delegate Mafnas: I move for the previous question.

Delegate Mendiola seconded the motion.

President H. Guerrero: We are voting on Committee Recommendation No. 19, as amended. Roll call, please.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 19, as amended, on Second and Final Reading was voted on, as follows:

YES: Delegates Vincent Calvo, David Cing, Alonzo Igisomar, Davig Igitol, Esteven King, Jesus Mafnas, Aniceto Mundo, Karl Reyes, Joaquin Tenorio, Ramon Villagomez, Ignacio Villanueva, Herman T. Guerrero, and Rita Inos. (13 votes)

NO: Delegates Lorenzo DL. Guerrero, Benusto Kaipat, Felicidad Ogumoro, Francisco Tomokane and William Torres. (5 votes)

ABSTAIN: Delegates Luis Limes, Paul Manglona, James Mendiola and William Nabors. (4 votes)

ABSENT: Delegates Juan Lizama and Maria Pangelinan.

And the motion was carried.

Secretary Nabors: Mr. President, I have 13 affirmative votes, five negative votes, four abstentions, and two absences.

President H. Guerrero: Committee Recommendation No. 19 passed. It's adopted by 17 votes. Delegate Nabors, can you read the next one, 58? I believe before we go on that committee recommendation when passed by the Committee of the Whole, apparently, Section 4 was missing from it and I rather have the Vice Chairman explain what happened.

Delegate Mafnas: Yes. Just read the original recommendation. The one that was handed out should be treated as the floor amendment because Section 4 was not included in the original committee recommendation.

Secretary Nabors: So which one should be read?

Delegate Mafnas: The one in the file, not the one that was handed out.

Secretary Nabors read Committee Recommendation No. 58 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 58

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Sections 2, 3, and 4 of Article IV of the Northern Marianas Constitution relating to the Judicial Branch.

"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, Sections 2, 3, and 4 of Article IV is amended to read:

"'Section 2. Commonwealth Trial Court. The Commonwealth trial court shall have original jurisdiction in all cases in equity and in all cases at law which involve land in the Commonwealth, and in all other civil actions. The court shall also have original jurisdiction in all criminal actions. At least one full-time judge shall be assigned to civil and criminal actions

filed in Rota and Tinian. The legislature shall determine the number of judges.

"'Section 3. Commonwealth Appeals Court. The legislature may establish a Commonwealth appeals court to hear those appeals from judgments and orders of the Commonwealth trial court."

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. Section 4 should have been included on the reading of the committee's recommendation, Committee Recommendation No. 58. Mr. President, the handout on Committee Recommendation No. 58 now includes Section 4 and I would like to treat this as a floor amendment with the exception of the sentence starting from line 16 through 18: "The term of the office shall be as provided by law, except that no judge shall serve his office for more than six years." I would like to have that sentence be stricken out so that I can make the motion. I so move to adopt Committee Recommendation No. 58.

Delegate Nabors seconded the motion.

Delegate Mafnas: Will you kindly then strike out the sentence beginning from line 16 on?

President H. Guerrero: Delegate Mafnas, if you strike that out, it is the same thing as the original version. So there's no point in putting it in. It is the same language as the current Constitution, so there is no point of putting it in.

Delegate Mafnas: No, it isn't. This is a new language. The term of office shall be provided by law, except that no judge shall serve his office for more than six years.

President H. Guerrero: Are you putting that in?

Delegate Mafnas: No, I'm striking that out.

President H. Guerrero: Which one are you striking? Is it the entire sentence? My question is, if you strike out the entire sentence, we are back to the same version.

Delegate Mafnas: Yes. There is an amendment on this section, Mr. President, the 30 is changed to 35 years.

President H. Guerrero: Oh, excuse me.

Delegate Mafnas: So if the members have already stricken out the sentence beginning on line 16, I move to adopt the committee substitute or floor amendment.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 58 by Delegate Mafnas. Discussions? Delegate Mafnas?

Delegate Mafnas: Yes, Mr. President. This was discussed in length during th First Reading. Sections 2 and 3 are amended just to update the present situa tion, clean up the language in the Constitution. Section 4, the significant amendment here is changing the age of judge from 30 to 35. This was consider by the committee in line with the expression by the President of the First Northern Marianas Constitutional Convention, Delegate Guerrero.

President H. Guerrero: Thank you. Any other discussions? If none, going once, going twice; Secretary Nabors, can you take the roll call?

Delegate Mendiola: Mr. President?

President H. Guerrero: Yes.

Delegate Mendiola: I think we are only discussing Delegate Mafnas' amendment

President H. Guerrero: Excuse me, that's true.

There being no further discussion, the motion to adopt the amendment offered by Delegate Mafnas was carried by voice vote.

President H. Guerrero: We are back to the main motion. Delegate Mendiola?

Delegate Mendiola: Thank you, Mr. President. I got an amendment that has been passed out. On lines 7 and 8, delete "judge" and "civil and criminal actions filed in" and insert "public defender".

President H. Guerrero: Delegate Mendiola, can you restate your motion?

Delegate Mafnas: Is that a motion?

Delegate Mendiola: Yes. I move to amend Committee Recommendation No. 58. On lines 7 and 8, delete "judge" and "civil and criminal actions filed in" and insert "public defender".

Delegate Nabors seconded the motion.

Delegate Mafnas: Mr. President, I think the proposed amendment does not be- long in the judicial branch. This is Article XVIII, the third branch of our government and the Public Defender's Office does not belong to the third branch of our government. So I would like to respectfully ask the mover to withdraw his motion rather than to vote it down.

Delegate Villagomez: Mr. President, I am in favor of having a Public Defende in Tinian and Rota. I understand that many times the Public Defender would g there the day of the trial and does not have time to prepare and present the case. And I wish that we can do something in this article, but I have to agr with Delegate Mafnas that this is not the place to do it. If I were the Chie Public Defender right now, I'd send somebody to Tinian, or do something, ask for budget or something. I think the proper place to address that is in the Legislature, but not here.

Delegate Mendiola: Mr. President, I just finished talking to the AG and he mentioned like what Delegate Mafnas has said that it is not. It does not belong here. So I withdraw the motion.

President H. Guerrero: Thank you.

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Delegate Mafnas: I move for the previous question.

Delegate Nabors seconded the motion.

President H. Guerrero: We are voting now on Committee Recommendation No. 58, as amended. Secretary Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 58, as amended, on Second and Final Reading was carried by a roll call vote of 21 affirmative votes. Delegate Paul Manglona abstained. Delegates Juan Lizama and Maria Pangelinan were absent.

Secretary Nabors: Mr. President, I have 21 affirmative votes, one abstention no negative note, and two absences.

President H. Guerrero: Committee Recommendation No. 58 passed by 22 votes. The Committee Recommendation No. 40 for reconsideration, will the mover of this, please, explain your rationale for this?

Delegate Ogumoro: At this time, Mr. President, I would like to move that we withdraw from the calendar Committee Recommendation No. 40.

President H. Guerrero: Committee Recommendation No. 40 is withdrawn for consideration. We'll move on to the next one, Acquisition. Yes?

Delegate Ogumoro: I have already discussed my concern with both the Chairperson and Vice Chairperson of the Committee on Local Government and I am satisfied. They have assured me that our people will be protected in light o the provision and that this proposal is consistent with our land alienation provision and that our people are going to be protected. So therefore, I mov that that be withdrawn.

Delegate Torres: If Delegate Ogumoro consents, I'd like for that to be considered in light of the adoption of Committee Recommendation No. 19. Coul that be reconsidered?

Delegate Ogumoro: What was the Committee Recommendation No. 19? I'm sorry.

Delegate Torres: The Committee Recommendation No. 19 for practical purposes killed the land alienation provision. So, if we reconsider this, I would lik to move that we strike out Section 5 of the Constitution because we don't nee it. We needed it originally with the proposed amendment by the Committee on Local Government. But since we killed the land alienation already, for all practical purposes, we don't need it because only persons of Northern Mariana descent will be eligible to own land to begin with. So, either we make it on hundred or make it zero, the fact remains that land will remain with persons of Northern Marianas descent.

Delegate Ogumoro: I'm sorry, I probably have misunderstood the request made by Delegate Torres. If that's the concern, I would like to bring it out for discussion. And if we feel that we have to kill that, let's kill it. If we feel that we have to maintain it, let's maintain. But for discussion purpose I will then reconsider my motion to withdraw it from the calendar. Thank you

Delegate Villagomez: Information. I have a question regarding procedure. Ha Committee Recommendation 40 been passed on Second Reading previously?

President H. Guerrero: It has.

Delegate Villagomez: And this is only a request for reconsideration by Delegate Ogumoro?

President H. Guerrero: She made a motion two days ago, I believe, according to our Rules.

Delegate Villagomez: I see. I have no objection to it being withdrawn and taken off the calendar then. I thought that it hadn't been passed on Second Reading. And so I have no objection to it being taken off the calendar.

Delegate Ogumoro: Thank you for not objection for it to be withdrawn but to take into consideration the concerns of Delegate Torres. I would like that it be maintained so that we can discuss it and the delegates dispose of this measure in light of the action that we took on Committee Recommendation No. 1

President H. Guerrero: We need to vote on it before we go on with the discussion.

The motion to recall Committee Recommendation No. 40 for consideration by the Convention was defeated by a raising of hands vote of 10 against and 7 for the motion.

President H. Guerrero: The motion is defeated; it cannot be reconsidered. Would the mover of Committee Recommendation No. 20 for reconsideration please give your rationale for calling this up before we vote? Nobody moved for thi

Delegate Ogumoro: I think the mover is absent.

President H. Guerrero: Who was the mover?

Delegate Ogumoro: Either Delegate Lizama, or is it Delegate...?

Delegate Mafnas: It was Delegate Lizama. So on behalf of my chairman, I mov to withdraw it.

(Laughter)

President H. Guerrero: I think he is not moving as the chairman of your committee. In view of his absence, I would just call for a vote.

The motion to recall Committee Recommendation No. 20 for reconsideration was defeated by a raising of hands vote of 14 against and none for the motion

President H. Guerrero: We are now with Committee Recommendation No. 21. Mr. Secretary, can you please read what's on 21?

Secretary Nabors read Committee Recommendation No. 21 in its entirety, a follows:

"COMMITTEE RECOMMENDATION NO. 21

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend the Constitution to add a new section in Article I to make abortion illegal in the Northern Mariana Islands.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"Effective upon ratification, Section 11 will be added under Article I to read:

"'Section 11: Abortion. The abortion of the unborn child during the mother's pregnancy is prohibited in the Commonwealth of the Northern Mariana Islands, except as provided by law.'"

President H. Guerrero: Is there a motion to adopt this first?

Delegate Mafnas: Mr. President, I move to adopt Committee Recommendation 51.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 21. Discusions? Delegate Mafnas?

Delegate Mafnas: Yes, I move to file it.

Delegate Igitol seconded the motion.

Delegate Nabors: Mr. President, there should be some opportunity for discussions on this important issue. And I am having distributed an amendment in the nature of substitution to the recommendation.

Delegate Mafnas: I withdraw my motion then.

Delegate Nabors: Thank you. I somove for adoption of the amendment that is currently being passed.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 21. Discussions? Delegate Mendiola?

Delegate Mendiola: Thank you, Mr. President. Just a question to the mover of this motion. What happen if the woman rapes a man?

Delegate Nabors: She gets what she deserves.

(Laughter)

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, I oppose the floor amendment and I share the concern of Delegate Pangelinan prohibiting abortion in any public medical facility when she echoed her concern. I'm saying that I still share that concern. This is a very complex issue and I am not going to vote for any on abortion issue in this Convention, either be it allowed or not allowed in any public medical facility. I would like to see that this particular subject be

given an extensive review by the Legislature. So I oppose this amendment and any other amendment or proposal relative to abortion. Thank you.

President H. Guerrero: Delegate Tenorio?

Delegate Tenorio: Thank you, Mr. President. As I recall, I think we discussed this floor amendment already and I thought it was defeated. But if I'm wrong, I withdraw my support of this amendment.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: I move to end debate.

Delegate Mafnas seconded, and the motion was carried by voice vote.

President H. Guerrero: We are back to the main motion. Delegate Mafnas?

Delegate Mafnas: Mr. President, I move to file Committee Recommendation 21.

Delegate Nabors: No; we have to vote on the motion to adopt the amendment.

Delegate Igitol: I thought we voted on it already.

Delegate Nabors: No, we are just ending debate.

Delegate Mafnas: I'm sorry.

The motion to adopt the amendment offered by Delegate Nabors to Committee Recommendation No. 21 was defeated by voice vote.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, I move to file Committee Recommendation No. 21.

Delegate Igitol seconded the motion.

President H. Guerrero: It has been moved and seconded to file Committee Recommendation No. 21. Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I think filing this by the Constitutional Convention would be the greatest mistake we made in this Convention. This is the most urgent and important, vital issue that should be discussed in this Convention. We are now planning to take this back to the Legislature. It has been past seven years now. The things that happened for the past seven years -- I said seven years because seven years ago, our Constitutional came into existence and that prior to that we were covered by the Trust Territory Codes. We have some provisions in the TT Code about the abortion. Since then, for the past seven years, many things have developed concerning this. Being a doctor, I'm quite concerned and I think most of you have seen signatures from a group of doctors and also from the Catholic and Protestant services on the island. And I think if we file this, this will be the greates mistake we made in this Convention. Thank you.

President H. Guerrero: Let me call on Delegate King first.

Delegate King: Thank you, Mr. President. I am very surprised when we are

going to file this because the professional doctors as well as the religious leaders here on Saipan addressed their concern that they want us to do something to control abortion here in the Northern Marianas. They are asking us to help them because it is becoming to be uncontrollable here in the Northern Marianas. We have people from Guam coming in and they are earning money because of this kind of immoral practices. I believe that if this Convention does not do anything to prevent abortion in the Northern Marianas that we are urging our women to kill their babies before giving birth because they will not be charged as criminals. It seems that we are telling them that if you kill your baby, you will not be charged criminal. So I would like the delegates to be serious under this because this is a very important issue. And we should try to give those unborn babies the gift of life. God is the only person that can take life out of the world, not a single person. But we are giving the Legislature the flexibility to come up and determine the good type of abortion that we can control and give the doctors, professional doctors th real reasons why they are going to perform abortion. Without such control, we ae going to end up with lots of abortions in our place knowing without any reasons why they perform such abortion. I repeat again, I am going to underline that that we should not try to encourage our women to perform or to kill their babies before bith because they will not be charged criminal because if you do it after birth you are going to be charged criminal. So don't try to leave the loopholes to those women that want to get rid of their babies. Than you.

Delegate Nabors: Point of clarification.

President H. Guerrero: What's your point?

Delegate Nabors: Mr. President, I have been asked whether a secret ballot is permissible.

Delegate King: No.

President H. Guerrero: That will be determined by the Convention. All it requires is, since we are not voting by roll call on this motion to file it, it's, I believe, permissible.

Delegate Nabors: I would like to ask what is the wishes of the Convention.

Delegate King: Open.

Delegate DL. Guerrero: I stand to challenge that because we are required to vote by roll call on Second and Final Reading.

President H. Guerrero: Not on the motion for filing. We have not used roll call for filing. It's just a simple majority.

Delegate King: Mr. President, let's just vote on it.

President H. Guerrero: I need to recognize certain people first. Delegate Mafnas?

Delegate Mafnas: Yes. The reason why I want it filed is because the committee's recommendation is prohibiting abortion except as provided by law. I am not ready to prohibit abortion or to allow it or not to prohibit it. I am no ready to vote on Committee Recommendation No. 21. The issue is very complex. Even the court, many of the courts have not decided on many questions relative

to abortion. Mr. President, I share the concerns that many visitors from Guam are coming and perhaps women from here going to Guam, but however, I jus cannot say or cast my vote to prohibit it or not to prohibit it. We simply don't have the time to review all the questions involved. I listened during the public hearing to the statements made by Bishop Camacho and some of the witnesses. I was confused after that hearing and I am afraid to say "yes" or "no" because I don't have all the information that I need. So I urge my colleagues to vote in favor of the motion to file Committee Recommendation 21

President H. Guerrero: Let me call on Delegate Guerrero first.

Delegate DL. Guerrero: Thank you, Mr. President. I, for one, as I stated earlier in the First Reading, am in support of the committee's recommendation I am fully in agreement with the statement made by Dr. Kaipat that it is abou time for us to have this recommendation from this Convention. I believe that 99 percent of our population on the island today are all religious people. I also believe that our doctors that made the recommendation to this Convention they themselves have reached the conclusion that this is a very important issue that it should be addressed by this Convention. I am not worried about those girls or women that need to be aborted. They can go some place else, not necessarily Saipan. I am not worried also for the usage of public facili should it require to save the life of the unborn child or to save the mother for that matter. If it's required, I'm sure that the doctors themselves woul have to use their own best judgment based on their professionalism whether it is really required or not required. So I am not hesitant to present this before the voters and let the people come up with their own judgment and let th people come up with their own intelligent decision whether they will support this committee recommendation to prohibit the abortion in the entire CNMI. Thank you.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: Mr. President, I'm in favor of filing this because when I read this proposed recommendation, we are saying that abortion of an unborn child during the mother's pregnancy is prohibited as provided by law. Who is going to provide the law? The Legislature. So if we give this to the Legislature, they can provide what Delegate Kaipat is concerned with to deny abortion on demand. And I have a concern with this unborn child. I thought that something in the stomach of the mother is not a child until it's born. And I want to ask at least Dr. Kaipat if he can explain this to the Conventio because I am a little bit confused. Thank you.

President H. Guerrero: Dr. Kaipat, do you want, I mean, Delegate Kaipat, do you want to explain?

Delegate Kaipat: Thank you very much, Mr. President. Being a doctor at this stage where I see the critical action of this Convention over the abortion, I would like to talk now. I would like to use a very simple English in explain ing this. First, Delegate Villanueva mentioned that a baby in a stomach -- baby has never been in the stomch; they are in the uterus. Stomach is only for the food and uterus is where the baby is. So the baby never go into the stomach. Only when you swallow fish or rice they go into the stomach but uterus is where the baby is. I think there are quite ignorance among us abou the medical thing. I would like to explain in a very simple language. Abortion, usually in the medical terminology, is used for the first at least thre months of pregnancy because first the trimester, first three months. Second trimester or the three, four, five, we call it a miscarriage and when it come

to seven to nine months, the last trimester, we call it a premature labor or delivery. Okay, abortion will cover from first three months to nine months o pregnancy. And those people that are planning to vote for filing or to remov this proposal from the floor agree with murdering or killing babies. Abortio means killing, killing human being, whether it's one month or nine months, th same thing. The procedure of abortion that we do, or doctor or the corpman do, or a nondoctor or a witch-doctor do among the islands or anywhere....

Delegate Mafnas: Question.

Delegate Kaipat: Can I continue please?

Delegate Mafnas: No, I want to question you! Mr. President, I want to pose a question to Delegate Kaipat.

President H. Guerrero: Would you yield, Delegate Kaipat?

Delegate Kaipat: I'd like to continue on. I would like to have the question later.

Delegate Mafnas: Okay.

Delegate Kaipat: Because I think many of these delegates need some simple explanation about abortion. Okay. I would like to repeat again. Abortion means a process of killing human being. It's just as simple as that. Aborti is a process of killing babies. Okay, if you file it, you like to file it, o you like to go against this proposal, vote against it to prevent abortion, then you are very happy about killing people. See? Because abortion means killing babies. It's just like murdering an adult or assassinating the Governor. So, if you vote against this thing or you like to file it, that means you declare in front of the public who are listening at this moment tha you, Mr. Mafnas, for example, would like to kill babies. (Laughter) So I wou like to continue now. This is very serious. Being a doctor....

Delegate Mafnas: Mr. President, privilege.

President H. Guerrero: State your privilege.

Delegate Mafnas: I don't intend that by filing this is to kill. May I ask you a question? Have you ever abort, perform abortion?

Delegate Kaipat: Only female abort.

Delegate Mafnas: Have you ver performed abortion?

Delegate Kaipat: On medical basis, yes.

Delegate Mafnas: Then you have killed.

Delegate Kaipat: No, no, that's a medical indication. If your wife is bleeding to death....

Delegate Mafnas: I don't care how you look at it.

Delegate Kaipat: That's a medical indication.

Delegate Mafnas: The Ten Commandments, one of the Ten Commandments says, tho shall not kill.

Acting Floor Leader Mendiola: Order!

Delegate Kaipat: If your wife comes in and she is bleeding to death and the only thing to do is to abort; in other words, remove part of the placenta that is still attached. This is the thing that you don't understand.

Delegate Mafnas: The Ten Commandments does not say that.

Delegate Kaipat: The Ten Commandments says, save the life of human beings. When you wife comes in with the baby out and a piece of the placenta is still attached, she would bleed and bleed and die. The only way to save her is to go in and do delutation and curatage to remove that part or the fraction of placenta that is still attached to save her and then give her some blood to save her. That is a medical abortion.

Delegate Villanueva: Point of information.

Delegate Kaipat: That's the difference between the abortion on demand and medical abortion. Medical abortion is a treatment to save the life of the mother. Abortion on demand means somebody just walked into your office and said, take off the baby. See? That's the difference. I'm concerned because you people probably don't understand the difference between these two. Abortion on demand is about 90 percent of abortion today. Medical abortion is about 10 percent as a life-saving for the mother. As I mentioned earlier that if your wife walks into the Out Patient Department and is bleeding vaginally and her blood pressure is zero over zero and she says, I am blacking out, I cannot feel anything. The only emergency treatment is to go in and remove the piece of placenta that is causing the bleeding, give her blood and she will survive. Now, if you said, the Ten Commandments say so that you don't remove that placenta, she will go only one way. She will not live; she will be dead. So that's why I said the wording in this proposal would be to prevent, to take off, to do abortion for medical purpose only. In other words, when your wife comes in bleeding to death, blood pressure is zero over zero, she's in shock and she needs blood, she has hypocalcemia and doctors only know that her survival would be removal of the fragment of placenta that is still attached and to give her some blood to survive. This is a medical abortion. I had been doing that for years. That's a normal type of abortion.

Delegate Villanueva: Point of information, Mr. President.

Delegate Kaipat: When we talk about the abortion on demand, it means one young girl just walks into your office, three months pregnant and says, doc, remove the baby. It takes only about ten minutes to remove that. I've never done that kind of abortion in my life. And I will never do it. So this is the difference, gentlemen.

Delegate Villanueva: Point of information, Delegate Kaipat.

President H. Guerrero: State your point.

Delegate Villanueva: I asked Delegate Kaipat to explain some of these things because I don't understand them. And what he did is accused us of favoring the killing of babies.

Delegate Kaipat: That's the definition of it. If you favor abortion, see....

Delegate Villanueva: We are not favoring abortion; we are filing this because we are not in favor of....

Delegate Kaipat: It's the same thing. Filing means you take it off from the thing that we are supposed to do.

Delegate Villanueva: What I'm asking is for your guidance because you are a doctor.

Delegate Kaipat: And that's exactly what I am doing here. You don't listen.

Delegate Villanueva: But you are accusing us of killing babies.

Delegate Kaipat: No, I'm not accusing anybody. I'm just saying the definition. Whoever refuses to have the law against abortion means he is very happy to see a dead baby, killing babies. That's the meaning behind this thing. If you want to have a law against killing babies, then you are with everybody. But if you don't want to have this law written down so they would not perform this kind of abortion, then you are anti-killing the baby.

Delegate King: Point of information, Mr. President.

President H. Guerrero: Delegate King?

Delegate King: As a real Catholic, I'm going to stand before the Convention to defend the interest of Bishop Camacho.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: I wanted Dr. Kaipat to explain these things so you know....

Delegate Kaipat: I'm explaining.

Delegate Villanueva: But I would like to request, please, you know, to not to accuse because you are naming delegates who ae opposing this amendment.

President H. Guerrero: Delegate Kaipat, can you at least refrain from making other judgment?

Delegate Villanueva: We want explanation.

Delegate Kaipat: Now you know the definition of abortion?

Delegate Mafnas: I know, Mr. President, the definition. But you specifically said for example Delegate Mafnas. Don't you know what's filing?

Delegate Kaipat: Well, you are the one that is trying to file this.

Delegate Mafnas: So what, that's my privilege.

Delegate Kaipat: If you keep this paper which is a very important piece of paper. So what? What do you mean so what -- what?

Delegate Mafnas: It's my privilege to move to file it. You cannot stop me.

Delegate Kaipat: So I think you are wrong. You are very wrong, gentleman. I'm just telling you that this is a very wrong move.

Delegate King: Order!

President H. Guerrero: Please, when we are addressing the Convention, at least, Delegate Kaipat, can you refrain from making any accusation to any member? We are making debates on this one so it should be addressed to all members of the Convention, please.

Delegate Kaipat: Mr. President, from the beginning of this Convention, peopl have been naming people. And I don't know why you are naming me as the only one accusing. And I'm not accusing anybody. I mentioned Mafnas' name becaus he is the one that is suggesting or making a motion on filing this very impor tant proposal. I'm not supporting abortion because of any religious group sa so. I'm a doctor and I know what's the meaning behind this. If we don't hav law on abortion to control abortion, you will see many consequences will aris out of these things. Aside from medical consequences, there were many other consequences. One of the most serious consequences medically, if we don't stop this abortion without medical reason, we will be dead. Somebody will di eventually. So I'm just explaining. First, I said the baby don't stay in th stomach, they are staying in uterus. And I've described the killing of the babies which means abortion. Abortion means killing of the small babies. An medically this killing of the baby varies from one month to nine months. As said, the early three months is abortion, the second, the first six months is miscarriage and the last three months is premature induction of labor or premature delivery. So the problem in front of us is that we don't have the law about to prevent people from doing abortion. All of these doctors in the hospital have been doing medical type of abortion, the one I described earlie When somebody comes in in shock and the only way to do is to remove the rest of the product of pregnancy, the fragment that is still retained that is causing the bleeding and the patient is in shock, you do the medical abortion You remove that piece that is causing the bleeding and then give some medicine to stop it and give some blood to keep the mother alive. The baby is already dead anyway. That's the medical abortion. Okay, the reason I'm quite against filing it and giving it to the Legislature's hand again is because since last abortion law we had in the Trust Territory Code, seven years ago and after seven years of being in the Legislature's hand, there is still no abortion law today. There is no abortion law. So after seven years of sitting in the Congress and we are going to remove, take this back to the Congress again to make it the eight year. Do you people know that there was a law during the Trust Territory time? But after we went into the Commonwealth, the law stopped? And even today we still don't have any abortion law. And this is why I think it is very serious that we must come up. I don't want to take this back again into those people that never enacted law for the past seven years. I want this thing to -- people to initiate things, at least put down the language in our Constitution. And then from there on they can tell the Congress to start moving tomorrow. Thank you, Mr. President.

President H. Guerrero: Let me call the next one, Delegate Igitol.

Delegate Igitol: Mr. President, I'm just wondering because there is one lega opinion regarding this proposal and the legal opinion stated that if we have to put this in the Constitution, it's in violation of Article I. I just wonde if the committee looked into that legal opinion and what is the recommendatio

President H. Guerrero: Delegate King, would you like to answer that?

Delegate King: Yes, Mr. President. The committee looked into the legal opinion and also the written testimonies that were submitted by the witnesses both from the professional doctors and the religious leaders and also the concerned citizens. And after looking at it -- I believe that everybody read

also the newspaper concerning President Reagan trying to ask the Supreme Cour to review again their decision because I believe that even President Reagan i not satisfied with the Supreme Court's decision. Mr. President, I don't thin that we should stand firmly because the U.S. Constitution says so. We have been in the world and in this place and we never have this U.S. Constitution because we stand to believe on our own, as Catholic; we believe on the Ten Commandments. And because we have this amendment from the United States, we started to get away from our believe on the Ten Commandments and started to believe on democracy which sometimes the democracy is not really the true feeling of the people because it's just the feeling of the majority. And if the majority of the Northern Marianas is Catholic then the Supreme Court must respect us because that is our religion. Let's put in our Constitution that we believe by not having abortion or uncontrolled abortion in the CNMI. As I stated earlier that if we allow uncontrolled abortion in the Northern Mariana it seems that we are encouraging our women to perform the killing process before giving birth because the Supreme Court tells you to do so. And if you do it after birth, then you are going to be charged criminal. So I would lik everybody to think as a Catholic. Give the unborn babies the gift of life. They want to see the world as we do. Let the doctors determine whether which side is the perfect decision for them to make, whether to save the life of th mother or the child or the baby. But if you are going to allow it uncontrolled, believe me or not, you are going to have the baby died and perhaps even the moth, both the mother and the baby are going to die. So by controlling it, we are putting it into a very significant process of determining whether or not the mother or the baby is going to live. So this is it. We are not entirely prohibiting abortion, but we should control it. Let's not have our children stand in front of us and tell us that you should not tell m what to do because this is what the Supreme Court says that I could do it. A a Catholic, we should control our children but not standing before us, before the parents and try to dictate us because that's the Fourteenth Amendment or that's the amendment of the United States. We should try to educate them als as a Catholic because we have been in this world long time without any Consti tution and we don't have these kinds of problems because we make them believe that killing is murder and killing is against the Ten Commandments. And I repeat again, I will stand before the delegates in this Convention to defend Bishop Camacho. Thank you.

President H. Guerrero: Let me call, the next one in my list is Delegate Torres and then Delegate Villagomez.

Delegate Torres: Thank you, Mr. President. I want to deal with this academically. I believe that abortion is not new. Abortion has been performed since the early biblical times. I don't think we can truly make an experimen on the negative and positive effects of abortion. Perhaps we can look at the psychological effect of it. And I'm not convinced that we need to study this thing because it's a moral issue. Moral issues make people emotional and we will never get anywhere. I look at this issue as I look at women's affairs. I don't think we need too much study on that. I think I'm convinced that it may be okay, it wouldn't do any harm except to put a burden on the budget. That's all. Now, in the event as I'm sure all of us are conscious that there is a move in the United States initiated by President Reagan to ask the Supreme Court to reverse its decision which is highly unusual. In the event that the abortion law is declared unconstitutional, there is no reason that the Legislature can also reverse itself; they can. And it's provided for in Article XVIII, Section 3. The Legislature can by legislative initiative just remove this from the Constitution. I, for one, have determined or have made my decision and this is again moral, a moral decision that I don't think

:tion is right and I'm using the term "right" consciously because it's
jmental. The Legislature should provide for abortion for medical reasons
:he even that the mother's health is jeopardized or endangered, in the
it that it has been medically determined that the unborn fetus could be
arded if brought to earth. As I said this is a moral issue and I stand to
port this. I think the Legislature can undo what it will have done with
s if in the event that the United States Supreme Court reverse its decision
ch again is kind of unusual. Thank you.

egate Villagomez: Thank you, Mr. President. The motion is to file and the
son given is that this should be given to the Legislature for extensive
dy and consideration.

egate Mafnas: Point of information, if I may, is that I am not ready to
ide whether to prohibit it in the Constitution as reported by the commit-
. I am not ready to decide. That was my reason for filing it.

egate Villagomez: The problem we have there is that we have until tomorrow
decide.

legate Mafnas: Precisely.

legate Villagomez: So, if you don't decide, you don't vote.

legate Mafnas: Right. I cannot vote because of the complexity of the issue

legate Villagomez: May I proceed?

esident H. Guerrero: Please.

legate Villagomez: We are not here determining whether abortion is right or
ong, or what kind of abortion should be permitted or what shouldn't be
rmitted and the reason is that we are giving that to the Legislature and the
gislature is going to decide what is going to be permitted and what is going
be not permitted. When we had the public hearing on this issue, the Speake
the House of Representatives was present and he advised us that there is a
ill, an extensive bill in the subject matter of abortion that is being pro-
ssed now and he is confident that it will be passed shortly. This proposed
endment will not get to the public until November 1. And one of the things
hat the committee considered is that aspect of the public hearing that by
he time this gests to the public, there will be a law setting forth what is
ermissible and what is not permissible under abortion. And that would, I
nderstand that this is a general term to just prohibit. But by giving it to
he Legislature and by the Legislature coming up with the specifics, it may
omply with the restriction or requirements based by the U.S. Constitution.
nd precisely what we are doing here is giving, actually forcing the Legisla-
ure to come up with a law that would set forth the conditions under which
bortion may be permissible. If we don't do this, the Legislature may sit
ack and not do anything. I specifically asked the Speaker, why haven't you
cted? He said, we've been very busy in the last two, three weeks with the
mergency and things like that. I said, we've been here for seven years, why
.aven't you acted in the last seven years? And he didn't have any clear
.nswer, but he wanted to emphasize that they are working on it now. And so by
giving it to the Legislature and not deciding in the Constitution what abortio
.s prohibited or allowed, we are doing precisely what Delegate Mafnas would
.ike to do. And that is to give it to the Legislature, let them do the
extensive research and let them decide what abortion is to be permitted. And

will not favor filing for that reason and I will favor the general state- prohibiting abortion unless provided by the Legislature. Thank you.

sident H. Guerrero: Delegate Inos?

egate Inos: Thank you, Mr. President. It seems very ironic that we should discussing this issue and that only men are speaking on this particular ue. Only men are speaking on this particular issue which does not have ect affect on them. It might have an indirect affect. I have a concern on report itself and for this reason that I am following along with Delegate nas' intent. First, in the report we said it is immoral. I cannot see self legislating or putting in the Constitution morality because this is up an individual person to decide for himself or herself. No. 2, it can become matter of convenience to protect undisciplined lifestyle. I am not the one, am not a person to judge anybody's lifestyle. Three, it can be construed as rder. You're saying it can be construed as murder, you are not saying that is murder. No. 4, it violates the sanctity of life. For all these four asons, I'm refusing to accept this committee recommendation to make a judg- ent on this particular issue. In the text itself, on the committee recommen- ation itself, the committee stated the abortion of the unborn child. Are we aying that that is a child in the definition because I am curious about this articular issue. I have a definition here which states that abortion is the xpulsion of a fetus from the uterus before it is capable of carrying on its wn life. Fetus, therefore, is described in the stages of pregnancy from four nonths on to the nineth month. And the first to the third month is embryo and therefore, in my reading it did not tell me or it did not dictate to me that this is a child that we are talking about. On the definition itself, capable of carrying on its own life, I asked myself two questions, or I stated for my- self for clarity purposes maybe, one, maybe it doesn't have life yet because it is saying here that it is before it is capable of carrying on its own life. The second thing that came to my mind is, it has to be detached from the mother's womb before it has life. And so we are making a general statement in the committee recommendation that it is already a child in there. As a faith- ful Catholic, I sat down this morning in the church....

Delegate King: Question, May I pose a question to Delegate Inos?

President H. Guerrero: Delegate Inos, are you willing to respond?

Delegate Inos: Can I complete my statements before I forget?

Delegate King: I cannot hold my question. I like to express it out.

President H. Guerrero: She has that right, right now, Delegate King.

Delegate King: So may I ask the question later on?

President H. Guerrero: Yes, when she's finished.

Delegate Inos: Yes, you may.

Delegate King: Thank you.

Delegate Inos: As a faithful Catholic, I sat down this morning at the seven o'clock mass at Tanapag. And during the thirty-minute sermon, I sat and listened to the anti-abortion letter from the Bishop. And I kniw I am a Catholic, I know the teachings of my faith. And if we are truly Catholic, if

as a Catholic I truly abide with the faith, I know what I must do and I know within my religion what I mustn't do as a Catholic. It is for many other reaxons that I feel that it is very improper for me to sit in this Convention and try and dictate lives of others. And it is for this reason that if we bring this out to the floor that I will not be making any judgment, whether t say "yes" or "no" to this particular issue. Thank you.

President H. Guerrero: Delegate King?

Delegate King: Yes, I'd like to pose the question out to Delgate Inos. Do you have children now?

Delegate Inos: Do I have to answer his questions?

President H. Guerrero: You don't have to, if you don't want to.

Delegate King: Okay, another question, Mr. President. I just want to, I hop that she wants to answer this. If you have three months pregnancy and you we to the doctor and the doctor said that you are going to have a baby. How do you feel?

President H. Guerrero: Do you want to answer that, Delegate Inos?

Delegate Inos: I'm not going to answer.

Delegate King: So, I would like to express my sincere feeling that Delegate Inos perhaps is not a real mother.

President H. Guerrero: I have to rule also that personal questions are out o order, Delegate King.

Delegate Torres: Point of information.

Delegate King: Mr. President, I think that we should come up with, you know, personal or whatever, we are dealing here with something that is very contro-versial issue.

President H. Guerrero: That's true.

Delegate Inos: Mr. President.

President H. Guerrero: Delegate Inos?

Delegate Inos: I don't think that Mr. King should be making judgment on this particular issue based on my answer as a person.

Delegate Torres: Point of information, Mr. President.

President H. Guerrero: State your point, Delegate Torres.

Delegate Torres: Yes, I just want to agree with Delegate Inos that this may be a moral issue but it is a public concern since it is the taxpayers money that will be used to perform the abortion. In addition, it is like saying that it is okay to license prostitution and pornography because it is a moral issue to decide whether or not to abuse and misuse your body. But we have to consider the harm to the public on these issues. Thank you.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. Very short. I don't intend to try and sway anyone's opinion. I simply want the record to show that I suppo a provision in the Constitution that would prohibit the use of public funds, public facilities for abortion, unless that abortion is necessary to protect the life of the mother or it results from an unconsentual pregnancy through rape or incest. I am very happy that my mother decided not to have abortion when I was in the uterus. Thank you, Mr. President.

Delegate Mendiola: I move to end debate, Mr. President.

President H. Guerrero: Let me recognize Delegate Ogumoro.

Delegate Ogumoro: I have a question on the committee recommendation. I have some problems with line 5 of the committee recommendation saying that abortio is prohibited except as provided by law. Now, from today until the day that this is ratified, are we saying that if abortion is performed to protect the mother's life that that is -- where does that stand? Perhaps today until the that type of abortion can still be performed. But what happen from the time the constitutional amendment, the proposed amendment is ratified until the ti that the law is enacted? According to the language of the amendment, would abortion to protect the mother's life be considered a criminal or unconstitutional?

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: The committee considered that. If the Legislature does not do anything to enact a law setting forth the conditions under which abortion may be performed, after the constitutional amendment comes into effect, then any abortion for any reason would be contrary to the Constitution. The reason that we asked the Speaker to come to the public hearing is because we are greatly concerned about that. And the Speaker indicated that by November there will be a law on abortion setting forth the conditions under which abor tion will be prohibited. That was taken into consideration. The other consideration is, if we have this in the Constitution, the Legislature will act because the Legislature knows that if it doesn't act, we may have problem in the Commonwealth. And this is one way of forcing the Legislature to do something which they should have done years ago.

Delegate Ogumoro: I have a problem and I think between now and the time that we are going to take action on this measure that we should make an amendment to incorporate those conditions that we will be making as exceptions under th law. Otherwise, we are going to be charging either the doctor or the....

Delegate Mafnas: Point of order.

President H. Guerrero: State your point, Delegate Mafnas.

Delegate Mafnas: The motion is to file and she going beyond the committee's report by suggesting that additions be included in the committee's report or in the proposed amendment.

Delegate Ogumoro: I think I'm still in order. The question that I'm posing relevant. That could give me further reasons, or that could guide me as to whether we should file it or not.

Delegate Mafnas: Mr. President, the motion is to file; she is suggesting beyond what's in the committee's recommendation. So, the Acting Floor Leader agrees with me.

Delegate Ogumoro: I'll yield. I will save my questions until we discuss the main motion.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Mr. President, is there any difference between a proposal b referring to the Legislature and the word "file"? Any difference? Because I have seen many proposals filed but it never goes to the Legislature. Which i which, because I don't like the word "file". If they specify that this measu or this proposal will be referred to the Congress for further evaluation and fast treatment, then I'll go along with it. But if they say file, that means it is dead. No more oxygen and that means it stops breathing. So there is a difference.

President H. Guerrero: Delegate Mafnas, would you like to redefine what is your definition?

Delegate Mafnas: Yes, Mr. President. I listened during the public hearing and; yes, the Speaker was present and he stated that the Legislature, the House of Representatives is presently working on the legislation relative to abortion.

Delegate Nabors: Question. What about the Senate?

Delegate Mafnas: I don't know about the Senate. I'm talking about the House That's also one of the reasons why I'm recommending that we file it.

Delegate Ogumoro: I move to end debate.

Delegate Nabors seconded the motion.

President H. Guerrero: Can I just get a clarification? If this is filed, is this part of the prposals that will be sent to the Legislature?

Delegate Mafnas: This will be incorporated perhaps on the resolutions going to the Legislature.

The motion to file Committee Recommendation No. 21 was defeated by a raising of hands vote of against and for the motion.

Delegate Nabors: Motion to end debate.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, I move to recommit this to the committee.

Delegate Villanueva seconded the motion.

President H. Guerrero: It has been moved and seconded to recommit Committee Recommendation No. 21.

Delegate Mafnas: May I state my reason before we vote? So that we can incor porate this with the resolution going down to the Legislature.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Mr. President, according to committee recommendation, it's already stated here that this will go down to the Legislature so they can....

Delegate Mafnas: The difference here, Mr. President, is that it will not be in the Constitution. That's the significant difference.

Delegate King: May I express the concern of the committee?

President H. Guerrero: Please.

Delegate King: The committee one hundred percent wants this to be placed in the Constitution.

Delegate Nabors seconded.

President H. Guerrero: Discussions?

There being no further discussion, the motion to recommit Committee Recommendation No. 21 to the committee was defeated by a raising of hands vote of against and for the motion.

Delegate Nabors: Motion.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I move to end debate.

Delegate Ogumoro seconded, and the motion was carried by voice vote.

President H. Guerrero: We are now voting on Committee Recommendation No. 21. Delegate Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 21 on Second and Final Reading was voted on as follows:

YES: Delegates David Cing, Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, Esteven King, Luis Limes, James Mendiola, Paul Manglona, Aniceto Mundo, William Nabors, Felicidad Ogumoro, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres, Ramon Villagom and Vincent Calvo. (17 votes)

NO: Delegates Herman T. Guerrero, Jesus Mafnas, David Igitol and Rita Inos. (4 votes)

ABSTAIN: Delegate Ignacio Villanueva. (1 vote)

ABSENT: Delegates Juan Lizama and Maria Pangelinan.

And the motion was carried.

Secretary Nabors: Mr. President, I have 17 affirmative votes, I have four negative votes, I have one abstention and two absences.

President H. Guerrero: Committee Recommendation 21 passed by 18 votes. Yes, Delegate Villanueva?

Villanueva: Mr. President, I didn't vote on the committee recommenda- one reason. If this is passed by the Convention and it is ratified people and there is no law, provided by law for abortion, there cannot abortion and this is why I didn't vote for this.

nt H. Guerrero: Does this mean not even for medical reason?

e Mafnas: Including medical reasons.

te Villanueva: If it's going to say prohibited as provided by law.

te Nabors: The Attorney General will have to prosecute the doctors.

ate Villanueva: This is the only reason why I am not voting on this.

dent H. Guerrero: Is that correct, Mr. Attorney General, in the absence w?

rney General Kosack: If this passes by vote of ratification and there is lapse of time for the Legislature to provide exceptions to it, during that e of time there will be no abortions, not even with medical indication.

egate Villagomez: I have a question for the Attorney General. If during t time, let's say a period of two weeks or whatever period of time, somebody forms an abortion for medical reason in the hospital, what can the Office of Attorney General do to prosecute if there is no law setting forth the minality of the act or the punishment.

torney General Kosack: I'm sure you know the answer because you are sugges- ng to state which is that. While we in our constitutional act to perform e abortion, it would not be a criminal act in the absence of a positive law gislation which says that it is a criminal act to committing abortion. In e copy of the Criminal Act, the Legislature can do that. So while no abor- ions can be performed constitutionally, the doctor at the hospital, if they ver have performed one, they would not be subjected to criminal penalty. How- ver they could be subjected to criminal penalties depending if any taxpayer suits for an injunction against Dr. Torres Hospital to enforce the Constitution to prohibit the performing of abortion. If they do file such a suit and abor- tion is performed, then they will be for contempt of court....

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: I'd like to question the Attorney General one question, a medical question on abortion. Being a doctor and, say, I stand on duty, then about two o'clock in the morning a woman come in with severe vaginal bleeding. She is about two months pregnancy and that she give me history of passing large amount of clots at home and possibly maybe a piece of some placenta tissue. And examining her, she is in blood pressure zero over zero, looks pale, cold-climate skin, and she is indicating that she is beginning to see the dark which means early shock. Now, knowing that this lady will die if I don't re- move the small piece that is still attached in the uterus, can I stand side and say, well, even the medical reason, until the Congress makes law in November about abortion, then I'll touch this lady knowing that within 45 minutes she is going to be dead without blood transfusion and emergency D&C in the next thirty minutes. Will I be put in jail for not touching her because of this reason, because no medical D&C?

Attorney General Kosack: There are three separate questions you have posed to me. One is a medical question, the other is a moral question and the othe is a legal question. As a medical matter, it seems to me that as a doctor yo might have to undertake certain procedures to save the life of a woman. As a moral question, that's one you are going to have to answer yourself versus th life of the mother versus that of the fetus. As a legal question which is th only area I can give you any professional answer at. As a legal matter, with what you just passed in the absence of legislation providing exceptions, you would be violating the Constitution in performing that abortion even if it is for the purpose of saving her life. You would not go to jail because there's no criminal law prohibiting abortions yet, however, if a taxpayer filed suit, probably any resident filed suit against the hospital to prevent abortion or against all the doctors and you had notice of that injunction accorded, entered an injunction, if you were under those circumstances which is a very possible scenario if there is a very strong anti-abortion group on island tha wants to do that, then you would be facing jail. You would be facing contemp of court for performing abortion. It will be up to the judge however, thus one last factor in, to decide how he wants to punish you for contempt of cour under those circumstances. He doesn't have to send you to jail and he may in his own discretion determine that he does not want to because he may agree wi your moral and ethical decision.

Delegate Kaipat: Thank you.

President H. Guerrero: Delegate Torres?

Delegate Torres: One question. Since some delegates, and I agree with them that this is a moral issue, well, don't you think that this is a public, a legitimate public concern in view of the fact that it is the taxpayer's money that will be used to perform the abortion? And also as it relates to other forms of victimless crimes such as prostitution.

Attorney General Kosack: Okay, what you are asking me is strictly a legal question. Is abortion, even though a moral issue also a public issue, and th answer is I think yes, it is, and it is an issue which the Legislature can legitimately address and can even address within the confines of the Constitu tion. The second question you asked me, is it a taxpayer's issue? I want yo to recognize that what you've done is going beyond the taxpayer issue. It is a taxpayer issue to the extent that abortions are performed using governmenta facilities, as Delegate Nabors' proposal was seemed to be aimed at that. How ever, you prohibited all abortions and it's entirely possible that a doctor could set up his own clinic on island or that FHP from Guam could come over a set up a clinic and it would not be using taxpayer's money. So the prohibiti you've enacted is much broader than one which deals with the expenditure of public money.

President H. Guerrero: Delegate Cing, do you have a question?

Delegate Cing: Yes. I'd like to pose this question to the AG. What happens if a woman come in, like Dr. Kaipat stated, and Dr. Kaipat refuse to treat th woman? What will happen? Is there any charge against him for refusing to sa the life of this woman?

Attorney General Kosack: Well, you might be asking the $64 question because depends, first of all, on whether or not women have constitutional right to abortions. The action you've undertaken is one which is in contradiction to legal opinion which is rendered by the Governor's Legal Counsel. That legal

s that in the case of Role v. Waye, the court has held, the s held that there is constitutional right for a woman to make g the first trimester. And during the second trimester she long with her physician to make a choice when medically neces- s true that she does have a constitutional right and under onstitution and the local Constitution prohibits abortion and uses to perform an abortion, I believe the doctor would be sub- uit under Section 1983 of Title 42 of the United States Code for lawsuits for deprivation of civil rights and awards es and cost of suit as well to the party which sues. I think we d this earlier in the Constitutional Convention. And so the doc- government would become liable and possibly for wrongful death and wrongful life depending on whether or not the child is born or ot the mother dies.

. Guerrero: Can I have a question? If this is challenged in court, and? If a woman decides that she has a right guaranteed under the tution and probably under Section 10 of Article I of our Constitu- d this stand?

General Kosack: I think that, I want to preface that for saying one which is I don't express any opinion at this point in time of how I y or how I officially see the abortion issue. I'm not expressing my on. I'm giving you a legal opinion. And I believe as a legal matter opinion that was rendered to you by Dave Price is absolutely correct doubt. United States Supreme Court has been extremely clear in case se on this. That being the case your prohibition of abortion in the of any legislation establishing the exceptions which are recognized by ted States Supreme Court would be unconstitutional under the United Constitution.

ent H. Guerrero: Delegate Mendiola?

ate Mendiola: Just to Attorney General. How about taking into consider- the custom and culture and religions of the Northern Marianas?

rney General Kosack: It would be no, there would be no, I don't see any ible exception under the abortion issue. The court has pretty much indi- d that the will of the majority cannot be imposed upon the minority and t even though you may have a strong custom and culture there may be people hin this population who do not share that custom and culture, who may not re in that religion, whose decisions and personal choice you are restric- ng.

esident H. Guerrero: Delegate Reyes, you had your hand up?

elegate Reyes: No.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: If the Legislature makes an exception which is within the U.S. Constitution, then there is no problem with this amendment.

Attorney General Kosack: I won't say there's no problem but I think I could, in a very good conscience go before the court and try to defend it.

Delegate Manglona: I mean, that will not go against the Constitution of the United States if the Legislature makes exceptions which will meet the....

Attorney General Kosack: If the Legislature makes the exceptions which means to testify in the United States, I think we would have a good case. I don't want to say that there is no problem, I think that we would have a good case.

President H. Guerrero: Delegate Calvo?

Delegate Calvo: Thank you, Mr. President. Rex, if we are concerned about th time lapse if this ever get or if it's ratified in November and what happens after the ratification and in the absence of a legislation law? With this regards, can we not see that the intention of the Convention is clearly indicated here that we are prohibiting but to the extent that a legislation shall be made to address when and what type of abortion shall be conducted? Can we have that on record and shall safeguard the continuity of medical reasons for such affair?

Attorney General Kosack: If you are saying to me, is it sufficient that you give a clear expression of the intent today after what exceptions you would like in the absence of putting those actually into your recommendation, no. I don't think it's sufficient enough. I do think, however, along the line of what you are indicating that I suspect this is a controversial enough issue that the Legislature, one way or another, is going to become aware of this problem that we are discussing right now and might be prompted to act. But i absence of them acting, those exceptions will not exist.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you.

President H. Guerrero: Delegate King?

Delegate King: I just like to pose one question to the AG. Is the language now that we just adopted to be placed in the Constitution, on your own legal opinion, is it acceptable, or is it good?

Attorney General Kosack: Well, I think I've indicated already that I feel it is unconstitutional. In the absence of further legislation providing for, yo know, you need further legislation that allows a woman to make her own choice during the first trimester and then to make a choice in conjunction with her physician during the second adn third trimesters under certain circumstances. With legislation like that, you probably are okay. But without that legislation, what you have right now is unconstitutional.

Delegate King: Point of information to the delegates. The Speaker of the House assured, he made the assurance that the bill is going to be passed into law before November. So they serious talke it under consideration to make th into law.

President H. Guerrero: Thank you, Mr. Kosack. We are now into the Introduction of Resolutions and Referrals. Oh, 16? What is 16?

Delegate Nabors: That was brought up yesterday and was not voted on. Mr. President, I would like to inquire whether or not my delegates are willing to grant unanimous consent to reconsider a proposed constitutional amendment in Committee Recommendation No. 16 which addresses the ratification process currently under Article XVIII, Section 5(a): "The Legislature shall call for ratification at the next regular general election." And this proposed committee recommendation would give them the flexibility of passing a legislation t

provide for special election. For instance, in the event that Con Con III is held in an off election year, they will have the option of making a special election for the consideration of any amendments as soon as the Constitutiona Convention is finished rather than waiting another year for the regular gener election.

Delegate Mafnas: I have no objection if we are not going to spend four hours debating it.

President H. Guerrero: Is there unanimous consent to suspend the Rules to consider this? It was defeated yesterday but he's asking for unanimous conse for its reconsideration. Committee Recommendation No. 16, for the informatio of the members.

Delegate Villagomez: Committee Recommendation No. 16?

President H. Guerrero: Yes. Somebody gave a notice two days ago, three days ago to reconsider it and it was defeated last night. Again, he asking for a consent for reconsideration.

Delegate Torres: Mr. President?

President H. Guerrero: Yes.

Delegate Torres: Could Colleague Nabors briefly explain the reason behind it

Delegate Nabors: Thank you, Mr. President. As presently worded, the provisi is unclear. The Constitution is unclear as to whether the Legislature could postpone ratification for more than two years. That is past more than one general election. Another potential problem is raised when an amendment by popular initiative is certified only shortly before the general election and the Legislature is unable or failed to enact legislation or postponed the rat fication to a later date. The proposal that I would like to bring forth is a proposed amendment to the Constitution shall be submitted to the voters for ratification at the next general election that is held at least 60 days after the amendment is proposed or at a special election established by law. Cur- tently, it is permissive.

President H. Guerrero: Delegate King?

Delegate King: Mr. President, I believe it is not necessary to be placed in the Constitution because if the Legislature is going to come up with the law before the ten years for next constitutional amendment, I believe that they will put it in the law, in the statute when they are going to have or when th people is going to ratify the amendment. So I believe it is very understood that it is not necessary because we will go over with the law, the bill befor they are going to pass it into law.

President H. Guerrero: So is your statement an objection?

Delegate King: Yes.

President H. Guerrero: Delegate Nabors, your request for consideration canno be entertained.

Delegate Nabors: Thank you, Mr. President.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Just before we go down to the next order of business, I would also like to ask the unanimous consent of the Convention to allow the committee to recommend or to introduce one of the committee's recommendations which we feel is important at least for First Reading in this Convention. An the reason behind the delay of this particular issue is because of the extensive research that we made on this recommendation.

Delegate King: Mr. President, can I get a clarification from you? Did you state out that this recommendation was defeated?

President H. Guerrero: The request for unanimous consent to suspend the Rule to recall Committee Recommendation No. 16, since you objected, it cannot be entertained. And since it requires two days notice, it just can't be entertained. We're finished by tomorrow.

Delegate Manglona: Question. Isn't Delegate Nabors' concern addressed alrea in the Committee Recommendation No. 16? Delegate Nabors?

Delegate King: Yes, but I believe he forgot.

Delegate Tenorio: I thought, Mr. President, that you stated that Committee Recommendation No. 16 was defeated.

President H. Guerrero: It was yesterday, but he is asking today again for unanimous consent to suspend the Rules to reconsider it.

Delegate Nabors: Mr. President, let's move on to another item.

President H. Guerrero: It's already a dead issue. Let me clarify. It is no defeated. It is the reconsideration of Committee Recommendation 16 that is defeated or was defeated yesterday.

Delegate Nabors: Thank you.

President H. Guerrero: I'm sorry for the confusion. Delegate Guerrero has t floor. Is there unanimous consent to suspend the Rules so we can go back to Committee Recommendations?

Delegate Mafnas: Question.

Delegate DL. Guerrero: I just want to go back to Item (G), Mr. President, as per your instruction.

Delegate Mafnas: Before I consent, was that report prepared while you were not here?

Delegate DL. Guerrero: It is the report of the committee.

Delegate Mafnas: I have no objection, Mr. President.

President H. Guerrero: Can I ask first, Chairman Guerrero, to go up to (F) first before we touch (g) and submit that for the Chair to accept first befor the First Reading is done?

Delegate DL. Guerrero: Well, I'll report it, Mr. President. If it is accepted -- and that's the reason why I'll introduce it for First Reading.

President H. Guerrero: But can we go up to (F) first before we touch (G) so, for the record, we accept it?

Delegate DL. Guerrero: No objection.

COMMITTEE RECOMMENDATIONS/REPORTS

President H. Guerrero: So, Chairman Guerrero, do you have any committee report?

Chairman DL. Guerrero: Yes, Mr. President. I do have a committee report at this time. I would like to ask the unanimous consent again to accept the report of the Committee on Finance and Other Matters.

Delegate Mafnas: Point of information, Mr. President.

President H. Guerrero: State your point.

Delegate Mafnas: I think the record reflects that Chairman Guerrero stated this morning that your committee does not have any report.

President H. Guerrero: He is retracting it.

Chairman DL. Guerrero: No, I said that I don't have any written report other than the resolutions from the four substantive committees. This afternoon I have the committee's report which is an important report for this Convention.

Delegate Mafnas: Now, it is very clear.

Chairman DL. Guerrero: Now, Mr. President, may I now go down to Item (G)?

President H. Guerrero: First, let me say that the Chair accepts. What is th number of that committee recommendation?

Chairman DL. Guerrero: It was not numbered by the Typing Pool.

President H. Guerrero: Excuse me. Let me just give you a number. Committee Recommendation No. 67. The Chair accepts Committee Recommendation No. 67.

Delegate Mafnas: Question. That report must be very confidential; we don't have copies of it.

President H. Guerrero: Can you read the introduction or the title?

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

Chairman DL. Guerrero: Thank you very much. "A proposed constitutional amen ment to add a new section to Article X to require the Legislature to impose fees on employers for the employment of non-resident workers." Thank you.

President H. Guerrero: Thank you. That is considered First Reading. Are yo asking also that it be put under the General Orders?

Chairman DL. Guerrero: I would appreciate, Mr. President, if you can put it under the General Orders of the Day.

Delegate Mafnas: No objection, Mr. President. That's easy to handle.

President H. Guerrero: Thank you. I understand also that Delegate Torres yesterday asked for unanimous consent to put his Delegate Proposal No. 318 that he introduced yesterday under the General Orders of the Day for today. So let's go down now to Introduction of Resolutions.

Delegate Manglona: Mr. President, before we go there, I just have a point of information.

President H. Guerrero: State your point.

Delegate Manglona: Okay, for the record, on Committee Recommendation No. 16, we give the flexibility there of the ratification of amendments to special election. However, on Article XVIII there are certain provisions there in other subsections which should also as a result of Committee Recommendation No 16 be amended to be consistent with Committee Recommendation No. 16. I belie this is just a technical matter. But so that we don't have conflicting sub-sections in the future, I think the Convention should look into this matter. For example, on Section No. 4, subsection (b), there's a sentence there that reads: "The proposed amendments shall be submitted for ratification to the voters at the next regular general election with or without legislative approval." This will be in conflict with Committee Recommendation No. 16 which was passed by this Convention. So, again this is a technical matter which we should just go and change to conform with this committee recommendation.

Delegate Nabors: Point of information, Mr. President.

President H. Guerrero: State your point, Delegate Nabors.

Delegate Nabors: The framers of the First Constitution do not want us to dea with inconsistencies, then let the record show.

Delegate Manglona: In other words, we should deal with it, Delegate Nabors?

President H. Guerrero: Where are you?

Delegate Nabors: There was an objection to dealing with it and I'm content to let the record stand.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: I think the Convention itself doesn't want to deal with i The recommendation was that the reconsideration has been defeated. So, what Delegate Manglona is saying is out of order.

Delegate Manglona: I don't think we need the reconsideration. I'm just sayi that since the intent of this Convention is to allow for a ratification of amendment at an election other than regular election, then we should just go through this article and correct those areas where it does not allow for a special election. So, it's not calling back Committee Recommendation No. 16. It's just a matter of going back to the other sections and be consistent with the intent of this Convention. And I'm just asking everyone here for the approval, for the Chair maybe to be allowed that flexibility and go through those sections to be consistent with the intent of Committee Recommendation No. 16.

President H. Guerrero: I'm sure the Chair doesn't want to without any direc-

tion. Do you mean you're asking me to make the correction with the new Constitution?

Delegate Manglona: Because we made an amendment to Section 5, I think that other amendments should also be made to the other sections to conform with our amendment to Section 5. That's all, so that we can be consistent in this article. I'm saying this is just a technical matter that we should change in the other sections.

Delegate Mendiola: Mr. President, I think you got a resolution that have to be introduced that will take care of the problem that Delegate Manglona is saying.

President H. Guerrero: Which one are you referring to? No. That is only the Rules of Procedure but not....

Delegate Mendiola: On this resolution that we are addressing his concerned too.

Delegate Villanueva: I oppose that resolution.

President H. Guerrero: Well, let's go on with the Order of Business and when that time comes, we will pick it up. Yes, Delegate Guerrero?

INTRODUCTION OF RESOLUTIONS AND REFERRALS

Delegate DL. Guerrero: At this time, I have two resolutions that I'd like to offer, Mr. President. The first resolution, on behalf of the four substantive committees, and this is a resolution submitting to the Northern Marianas Commonwealth Legislature certain delegate proposals which are deemed as appropriate legislative matter and requesting the Legislature for their action thereon. The second resolution is authorizing and directing the President and the Secretary of the Convention to review and approve the summary and verbatim journals. Of course, those are introcued by Delegate Nabors, Delegate Mafnas, and as a whole.

Delegate Mafnas: Thank you, Mr. Secretary.

President H. Guerrero: Can I request someone to read the other resolution?

Delegate Nabors: A resolution to waive all defects as to form and procedure in the adoption of recommendations of the Second Northern Mariana Islands Constitutional Convention.

President H. Guerrero: Delegate Torres?

Delegate Torres: I think I am very concerned about this as well as the other members. Could this be explained or elaborated because I'm not really too sur what this is trying to do?

President H. Guerrero: Basically, it does not -- is it the last resolution you are referring to?

Delegate Torres: Yes.

President H. Guerrero: The resolution itself does not touch the contents of the proposals that have been passed by this Convention. All it does is that

to protect ourselves in the future that sometimes the Chair or probably other members made a mistake on procedural matter, like sometimes we vote, somebody calls for a previous question or a debate and we're voting already on the substance without anybody realizing what happens. So instead of going back t the journals since we don't have all the journals at this time it's suggested that probably in the best interest so nobody can come back and challenge the adoption of any of the delegate proposals, excuse me, the committee recommend tions at a future date on point of technicality, but we are not touching any of the contents as adopted by the members. Is that clear?

Delegate Torres: So I take it to mean that as far as the content is concerne no change.

President H. Guerrero: No change. No change in the content.

Delegate Torres: Right. You will not even make a grammatical correction? Is that -- do I take it to mean that way?

President H. Guerrero: No. Just a minute. Delegate Villagomez?

Delegate Villagomez: If a committee proposal is very extensively discussed and there are motions for amendments and other motions and everything else is done except the adoption of the committee recommendation, under this resolution, does the Chair have the authority to determine that it was adopted base on the other motions and discussions and then make the change to make that committee recommendation be deemed as adopted by the Convention?

President H. Guerrero: Basically, yes.

Delegate Villagomez: I oppose this resolution.

Delegate Mendiola: Mr. President, I think we are under Introduction of Resolutions. Can we reserve the discussion until we get to the proper order?

President H. Guerrero: Okay. We don't have any unfinished business.

UNFINISHED BUSINESS

None

SPECIAL ORDERS OF THE DAY

President H. Guerrero: Under Special Orders of the Day, Delegate Torres gave a notice and asked for unanimous consent of that one as well as Committee Recommendation 65 for consideration.

Delegate Villanueva: I move for two-minute recess.

Delegate Nabors seconded the motion.

President H. Guerrero: Three minutes recess.

The Convention recessed at 7:04 p.m.

RECESS

The Convention reconvened at 7:10 p.m.

President H. Guerrero: The session is called back to order. Delegate Guerrero?

Delegate DL. Guerrero: Mr. President, are we still under Introduction of Resolutions? I have two resolutions here that I would like to introduce this evening. The first resolution is expressing appreciation to the Attorney General, Assistant Attorney Generals for the assistance provided to the Convention. The next resolution is a resolution expressing appreciation to the Governor, the Executive Branch Department Heads, the Speaker of the House of Representatives, the President of the Senate for the support provided to the Convention, and they may be introduced by the Committee of the Whole.

President H. Guerrero: Thank you. We are on (K). Yesterday, I forgot to include Committee Recommendation No. 64 in this listing. I was confused. I wrote it down but it was not entertained. There was a move yesterday to ask for unanimous consent to suspend the Rules of Procedure to entertain these four measures today. Can I have a show of hand that does not have any objection, I mean, on Committee Recommendation Nos. 57, 64, 65 and 27?

Delegate Mendiola: I have no objection if we go one by one to ask for unanimous consent. But if all at one time I will object.

President H. Guerrero: Under our procedures, it is not by unanimous consent but by majority votes. Can I get a show of hand so we can entertain 55, 64, 65 and 27? Yes, Delegate Mafnas?

Delegate Mafnas: Mr. President, I was the one who gave notice last night on Committee Recommendation 65 for reconsideration. I appreciate if you will delete that from your list.

President H. President: So are you withdrawing it?

Delegate Mafnas: Yes.

President H. Guerrero: So now they are 55, 64 and 27. Can I have a show of hand for consideration?

Delegate Mendiola: Mr. President, I think nobody asked for reconsideration of No. 27.

President H. Guerrero: Delegate Ogumoro gave that notice yesterday.

Delegate Mendiola: She asked for unanimous consent and I objected yesterday.

President H. Guerrero: She did ask.

Delegate Ogumoro: Yes, and I also gave notice on the suspension of the Rules to consider that.

Delegate Mafnas: She gave notice, I recall.

President H. Guerrero: She did gave notice.

Delegate Ogumoro: May I please explain why I would like that to be reconsidered?

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: If we maintain the present language of Committee Recommendation No. 27, we are going to , as Delegate Lee always say, disenfranchise not just U.S. citizens, non-Northern Marianas descent but we are also going to take away the voting right of some of our Northern Marianas descent U.S. citizens. So for that reason, I am begging the delegates to please reconsider our decision or to have us reconsider this measure.

Delegate Villagomez: I object and I have a prepared speech to present on the last day of this Convention before we adjourn, setting forth the reasons why it is very important that we maintain the amendment as has been passed on Second Reading.

President H. Guerrero: She gave notice yesterday, so 27, we need a majority vote if it's to be considered. So she's still in order. I mean, in terms of the suspension of Rules to consider this one. So we need to vote on the suspension of Rules whether to entertain this one.

Delegate Mendiola: Under what rule is that, Mr. President?

President H. Guerrero: She gave notice that under Rule 66, she gave a one-day notice to suspend Rule 51(c) yesterday.

Delegate Mendiola: And by suspending that rule, how many votes does it need to suspend the rule? I think it's two-thirds or three-fourths.

President H. Guerrero: I believe it just needs a majority, simple majority vote. Delegate Mafnas?

Delegate Mafnas: Shall we decide whether we should reconsider 57?

President H. Guerrero: Okay.

Delegate Ogumoro: 27.

President H. Guerrero: 57?

Delegate Mafnas: Yes. It is listed on the Special Orders.

Delegate Torres: Mr. President.

President H. Guerrero: Delegate Torres?

Delegate Torres: I believe I was the one who gave notice for reconsideration and at this point I'd like to reiterate that I like women and therefore, I will withdraw that request.

President H. Guerrero: Therefore, we are going to entertain 64. The Chair forgot to include 64 that was moved by Delegate Torres. Would you give your rationale why we should vote to reconsider 64?

Delegate Torres: The only reason that I would like for this to be reconsidered is that I think when we voted on the amendment to the principal proposal, we failed to include representatives of the executive branch and we also failed to include representative of the non-public schools, a student as well as a representative of the Teachers Association at least as non-voting ex officio members of the board. I realized that the board will be elected at large. So that is really my only rationale and at the same time to entertain the idea of

making the Department of Education or the Elementary/Secondary Education as well as the Institution of Higher Education more independent.

President H. Guerrero: Are you ready to vote?

The motion to recall Committee Recommendation No. 64 for consideration was carried by a raising of hands vote of 10 for and two against the motion.

President H. Guerrero: The motion is carried. Committee Recommendation No. 64 is now ready to be entertained. This is for Second and Final Reading. Delegate Torres?

Delegate Torres: Yes, on the principal proposal, there was an amendment regarding the Board of Education. The only thing that I would like to insert the language that I would like to insert is that "three members shall be appointed by the Governor as ex officio members of the Board of Education. One member from a representative of the non-public schools, one member shall be a student, and one member a representative of the public school teachers."

President H. Guerrero: Are these non-voting members?

Delegate Torres: They are all non-voting ex officio members.

President H. Guerrero: Do you have that down in writing?

Delegate Torres: No, but I could....

Delegate Mafnas: No objection.

President H. Guerrero: Where are you inserting that? Can you repeat your statement again?

Delegate Torres: The amendment that we passed last night regarding the Board of Education, the amendment which Delegate Nabors and I co-sponsored. Could we have a two-minute recess so that we can put it in writing?

Delegate Villanueva: No objection.

President H. Guerrero: Two minutes recess.

The Convention recessed at 7:30 p.m.

RECESS

The Convention reconvened at 7:42 p.m.

President H. Guerrero: The session is called back to order. In view of the lateness of the Convention, we've been going on not even a dinner break and some of the members are tired, it has been suggested to suspend all the orders of the day and go down to either announcements or adjournment until tomorrow, so we can convene tomorrow at nine o'clock.

Acting Floor Leader Mendiola: I so move.

Delegate Mafnas: Mr. President, on miscellaneous before announcements.

Delegate DL. Guerrero: Mr. President, I appreciate the concern, of course,

about the tiresome of the members of this Convention but I will agree provided that at least please entertain Committee Recommendation No. 67 as First Reading so if we have to kill it tomorrow we can kill it or we can slaughter it the way that Mr. Nabors is just more or less showing this evening.

President H. Guerrero: It will be entertained under the General Orders of the Day tomorrow.

Delegate DL. Guerrero: Yes, but it requires two reading and if we don't take it up today then automatically it will defeat the purpose.

Delegate Mafnas: We will have two readings tomorrow. On miscellaneous, what are we having tomorrow, Mr. President? Tomorrow is the last day. May we celebrate ourselves?

President H. Guerrero: Basically, where we are tomorrow is to finish 64 and 27 if it's decided to vote them and then entertain the delegate proposal that was mentioned by Delegate Torres and Delegate Guerrero under the General Order of the Day. And then after that, we would like to take up the final packaging of the Convention. That's why I would like to meet with the Committee on Organizations and Procedures tomorrow morning to go over the proposals. It has been typed in the final version but in terms of how we are going to package it, we'd like to discuss that tomorrow. And that's about it other than probably somebody recommend that we should have a signing ceremony to sign off on this one and invite the Governor and the Presiding Officers of the Legislature so we can officially at least transmit the English version around seven o'clock. Does anybody have suggestions? Delegate Guerrero?

Delegate DL. Guerrero: Mr. President, since we are completing our Convention's assignment tomorrow, and as you just mentioned that there will be a ceremonial more or less for the signing of the Convention or sign off of the Convention, I would like to suggest that perhaps maybe in the evening we should have our own more or less function to have a reception probably and each of the delegate would contribute at least $20 for this event for tomorrow evening and we can cater it out to some people that could do or cook some food for us as well as some drinks, of course, we can buy.

President H. Guerrero: Yes, that's a good suggestion. And the Chair in terms of going over the Order of Business would like to limit the debate with just one hour for each and not more so we can go with the, if we complete all of it I hope that we complete it before at least late afternoon. Delegate Nabors?

Delegate Nabors: Miscellaneous?

President H. Guerrero: We are still on Miscellaneous.

Delegate Nabors: Thank you. Mr. President, I want to go on record of expressing my displeasure at the fact that the Chief Executive has not provided any reception for this distinguished body either at the opening or at the middle and now we are at the end. And I want the record to show that I consider it in bad taste. Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Mr. President, I was about to say the same thing.

President H. Guerrero: I believe there are some people who have mentioned

whether they like to conduct something like that but they felt that it might be in bad taste to do it that they might try to convince the delegates, the idea that they might be trying to sway their votes or in terms of other thing So, I don't know about the Governor but I've heard some businessmen talking about it and they decided not to because they don't want to appear that they might be buying votes or something like that.

Delegate Nabors: Call a meeting in Tinian and we will show you hospitality.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, I believe I received a letter from the Governor when I invited him to testify on an issue and that's exactly the point; he does not want to appear like influencing the decisions of the delegates. Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: I would like to ask the President of the First Constitutional Convention what happened at the end of the Convention. Did the people donate $20 to have a party?

Delegate DL. Guerrero: Yes, in respond to that, there was a reception that was held by the Convention and of course other contribution, in kind contribution likewise was received. So at this particular, or the Second Con Con, we know that the fund is very limited and I believe it's a good gesture on our part as members of this Convention that we should at least for ourselves agree of the amount that we should contribute for this function. But that was only a suggestion that $20 apiece or $20 per delegate would certainly help the event that we are going to have tomorrow evening.

President H. Guerrero: That's true, we don't have the money. We are not privileged this time around with other money to play with. But if we are on schedule and I ask that members be conscious when they are asking questions tomorrow and write their questions tonight or think about it tonight so we'll be finished with the Order of Business at least. I'd like to finish it at around four o'clock so it gives ample time and either starts at five or six o'clock if we are going to have this function.

Delegate Villanueva: Question, Mr. President.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: Would the Governor sponsoring a reception, or any kind of get-together be considered a public purpose since we are discussing public purpose here?

President H. Guerrero: His question is whether if the Governor is providing a reception or something like this, a party, something like that, is that considered a public purpose?

Delegate Igitol: Yes.

President H. Guerrero: Is it?

Delegate Mafnas: Mr. President.

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: The former three delegation chairmen echoed or tried to ask the Governor to provide or have a reception prior to the convening of the Convention and he was kind of reluctant because he didn't want any implicatic that, you know, he will influence or try to influence the delegates. And I respect him for that. I agreed with him that they will probably imply that that was the intention of the reception. Now, we are coming to the end of th Convention, probably he will be receptive because we will be concluding our decisions on proposals. With respect to the $20, maybe we should make it $25 multiply that by 24 members, it will come up to $700 and chip in and if you can cater it.

Delegate Mendiola: No objection.

President H. Guerrero: If the wishes of the Convention, I can check with the Governor to see whether he wants to host it. Delegate Cing?

Delegate Cing: I would like to mention that I agree with Delegate Mafnas. W can contribute $25 if we can and this is to share my generosity of this honorarium per diem to my fellow colleagues.

Delegate Mafnas: Are you contributing $50 then?

President H. Guerrero: Is that agreeable to the members? Yes, Delegate Lime

Delegate Limes: Mr. President, I hope we are not charging also the staff.....

President H. Guerrero: Not only the staff and at least for the media and the assistant counsels.

Delegate Mafnas: We also have nightly observants back here.

Delegate Cing: Let them be our special guests.

(Applause)

President H. Guerrero: So we have something and we have a signing ceremony around seven o'clock. Delegate Villagomez, are you shaking your head?

Delegate Villagomez: No.

President H. Guerrero: So, we'll give the secretaries the time to type every thing up by tomorrow and we will just adopt it and have everybody sign off tomorrow night. If no objection, then that's the way we are going to be and we will invite the Presiding Officers of the Legislature and the Governor and the Lt. Governor.

Delegate Mafnas: One last question, if I may?

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: Just to satisfy my curiosity and Delegate Villagomez may answer this question. He has been wearing his shades since this morning or rather this afternoon, did he have black eye? What happened? He refused to have eye contact.

President H. Guerrero: It sort of bothers me whole day if I look back.

Delegate Villagomez: Mr. President, I have three prescription glasses--one dark, one clear, and one in between. (Laughter) One stays in my house, one stays in my car and one stays in my pick-up truck. Over the weekend my truck has been used to take food to the house of the dead relative and somehow my glasses disappeared so I have to use the one from my house.

President H. Guerrero: Delegate Villagomez, I'm not wearing my contact today so I can't see very well back there. But for some reasons, you're wearing dark glasses, sort of I feel rather uncomfortable because I can't see your eyes. (Laughter) And if I didn't see your hand very well when you raised it or anyone back there, I apologize but I'm not wearing my contact. I forgot my contacts this morning. Yes, Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. Although I am very happy that Committee Recommendation No. 19 has been passed, I'd like to apologize to all the delegates for taking altogether an excess of seven hours of debate, but i a way, I'm glad that this is how much time it takes for us to be satisfied with our future economy. Thank you.

Delegate Mafnas: I give notice to recall that.

(Laughter)

Delegate Manglona: Mr. President?

President H. Guerrero: Delegate Manglona.

Delegate Manglona: Yes, along the same line with Delegate Reyes, I have this to say. Certain members of this Convention agreed that if a foreign investor confronts a citizen of the Northern Marianas descent regarding obtaining an interest on his land, especially if land alienation is terminated the person does not have the sophistication to deal with the investor. They worry that the land owner might jump at a deal which his college graduated son might regret later. However, at the same time this certain individuals agreed that at the instant the investor informs the land owner that a condominium is stil to be built, the land owner immediately becomes enlightened and becomes sophi ticated to be unscrupulous himself. If a condominium is to be built, the lan owner becomes an expert in land dealings immediately. We don't have to protect the land owner if it has something to do with condominium. Thank you.

President H. Guerrero: Delegate Torres?

Delegate Torres: Along similar lines, I also want to express my disappointment that while we would like or we would think that we would like to protect our people, we, on the other hand, would like to also not to protect them so that we can gain more profits ourselves. I think this is really bad. I thin it's really a mockery of what we've been struggling for to protect ourselves against unscrupulous investors. And I am very disappointed that this thing happen and I hope that history will judge those who are voicing opposition to making the land alienation provision a mockery. Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. Probably this will be my last speech. But I would like to state this that from my own observation, I think this body, this Convention had accomplished a lot for the people of the Commonwealth for the past thirty days or so and this will go down in the

Delegate Igitol: Mr. President, are we making the last speech tonight or tomorror?

President H. Guerrero: Tomorrow, I assume. I'm trying to get the attention of Delegate Mendiola to move for adjournment.

Acting Floor Leader Mendiola: Mr. President, I'd like to move that we adjourn until tomorrow morning at nine o'clock.

Delegate Mafnas seconded the motion.

President H. Guerrero: Can we go on sharp and not Chamorro time or local time?

Acting Floor Leader Mendiola: Point of information. Tomorrow at eight o'clock because the Committee on Organizations and Procedures is meeting.

President H. Guerrero: The Committee on Organizations and Procedures is meeting at eight o'clock and I ask that if the chairmen are not present, the vice chairmen to please attend.

Delegate Inos: Mr. President, can the Committee on Organizations and Procedures start at seven so we can start at eight?

Delegate Villanueva: No objection.

President H. Guerrero: Nine o'clock.

There being no further discussion, the motion to adjourn was carried by voice vote.

The Convention adjourned at 8:02 p.m. and to reconvene at 9:00 a.m., Monday, July 22, 1985.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention

William B. Nabors
Convention Secretary

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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?

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.

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?

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?

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.

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 appropiations 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?

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.

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 wises 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 giving only few minutes to deliberate or

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.

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?

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.

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.

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?

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

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.

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?

Secrretary 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?

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?

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

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.

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.

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 deviced 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.

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.

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?

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.

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.

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?

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.

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?

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.

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

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 entreprennorial 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.

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.

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 Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, a new section is added to Article X to read:

"'Section _____. Nonresident Worker Fees.

"'Employment of nonresident workers is a privilege granted by the Commonwealth 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 otherwise 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 Committee 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

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 addressed 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.

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?

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 proof 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, eventuall 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%

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 commitee 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 Territiry, 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

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. Everyboby is suppporting to see that our own people are employed. Everybody expects

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.

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

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 nonresident 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.

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.

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?

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 abstentious.

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

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 abstentious, 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

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

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

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, my 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

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

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.

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-

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.

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 manuever.

(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

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.

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)

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.

Since the inception of this Convention on June 18 through today, I have watched with great interest how each delegate manuevered 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 upheld 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.

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,

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 greatful 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.

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

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

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

applicable to this Convention. No. 1, out of controversy comes progress, and No. 2, we are strenghtened 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:

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

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.

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

(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

(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.

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APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
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William B. Nabors
Convention Secretary

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SECOND CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
Convention Hall - House of Taga
Saipan, CM 96950

SUMMARY JOURNAL

Monday, July 22, 1985

Thirty-fifth Day

The session for the 35th Day of the Northern Marianas Constitutional Convention was called to order at 9:53 a.m., by President Herman T. Guerrero. Twenty-two (22) members were present. Delegates Juan Lizama and Maria Pangelinan were absent. The 34th Day Summary Journal was adopted by the Convention on a voice vote. There were no Communications. Delegate Lorenzo Guerrero was appointed Acting Floor Leader and moved to Suspension of the Rules in order to take up the Special Orders of the Day.

Committee Recommendation (CR) No. 64, (Education) was taken up, discussed and passed as amended on a 22-1 vote with one absent. CR No. 27 (Citizenship) failed to win sufficient votes for reconsideration.

At 11:13 a.m., the Convention resolved into a Committee of the Whole to consider Delegates Proposal No. 318, (Office of Indigenous Affairs) and CR No. 67, (Non-Resident Worker Fees). Delegate Ramon Villagomez was appointed to chair the Committee of the Whole.

At 12:47 p.m., it was moved and seconded that the Committee rise and report the results of its deliberations. Chairman Villagomez reported both Proposal 318 and CR No. 67 had passed. The Convention adopted both matters for First Reading on a voice vote.

At 12:55 p.m., the Convention recessed until 2:00 p.m.

At 2:10 p.m., the Convention was called to order. Passed on voice vote were: Resolution No. 8, (Review, Approval of Journals); No. 9, (Sending Proposals to Legislature); No. 10, (Waiving Defects); No. 12, (Appreciation to Governor, other Officials); No. 13, (Post Convention Public Education); No. 14, (Praising Convention Staff); and No. 15, (Appreciation to the DOE). The third draft of Resolution No. 11, (Praising those providing legal assistance) was approved, as amended.

Two (2) proposals were considered on Second and Final Reading. Delegate Proposal No. 318, (Office of Indigenous Affairs) was passed on a 21-1 vote with two (2) absent. CR No. 67, (Non-Resident Worker Fees) was defeated on a 13-10 vote, with two (2) absent.

Following two (2) recesses, in which attempts were made to straighten out wording of the finalized Committee Recommendations/Proposals, the Convention moved to Miscellaneous Business on the motion of Delegate Lorenzo Guerrero. Numerous Delegates made final speeches to the Convention.

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2ND CON-CON SUMMARY JOURNAL -- 35TH DAY
JULY 22, 1985

The Convention recessed at 7:00 p.m. and reconvened at 8:00 p.m., and Final Reading on the 44 Proposed Constitutional Amendments were voted and passed unanimously by all members present. The Second Northern Mariana Islands Constitutional Convention sine die at 8:20 p.m.

APPROVED:

Herman T. Guerrero
President

William B. Nabors
Convention Secretary