

THIRD NORTHERN
MARIANA ISLANDS
CONSTITUTIONAL CONVENTION

DAILY JOURNAL

FORTY-FOURTH DAY

Tuesday, July 18, 1995

PRESIDENT GUERRERO: The 44th day of the Third Northern Marianas Constitutional Convention is hereby called to order.

Please stand for a moment of silence.

(A moment of silence was had.)

PRESIDENT GUERRERO: Thank you.

On item 2 of the agenda, regarding preliminary matters, I would like to say that our goal today is to be finished by 4:00 P.M.

The Delegates who are working on our subcommittee on the permanent preserves are meeting at MPLC at 5:00 P.M. Most of what we're considering today was discussed at length on Saturday, so it should not take us too long. I'm sure that the committees have reviewed and considered concerns that were raised during our session last Saturday.

Con-Con clerk, roll call please.

(The Convention Clerk called the roll.)

CONVENTION CLERK: Mr. President, we have 26 members present, one absent.

PRESIDENT GUERRERO: Thank you.

Delegate Donald Mendiola asked that he be excused.
He has some urgent matters to attend to.

Thank you.

Mr. Floor Leader.

DELEGATE HOCOG: Yes, Mr. President. I would like to move to adopt the Daily Journals for July 12, 13, 14, 15, and 16.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to adopt the Daily Journals for July 12, 13, 14, 15, and 16.

Discussion?

If no discussion, those in favor of the motion say "Aye."

Those opposed, say "Nay."

Mr. Floor Leader.

DELEGATE HOCOG: I move to adopt the Summary Journal of July 15th.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to adopt the Summary Journal for July 17.

Discussion?

DELEGATE HOCOG: Correction. July 15.

PRESIDENT GUERRERO: Excuse me. July 15.

Discussion?

If not, those in favor of the motion say "Aye."

Those opposed, say "Nay."

Motion carried.

We now move to the reports of the committees.

The Committee on Organization and Procedures. As to the schedule, our goal is to get all the articles to the floor on first reading this week.

By the time we finish the plenary session today, we'll have everything except Article 6, Article 10, Article 11, Article 12, Article 15, Article 19, and the schedule on transition calendared.

Therefore, COP urges the committees that are working on these articles to get them reported out.

If you get stuck on one part of an article, you should report out the rest and let a special subcommittee work on the problem area. That way, we won't hold up the whole convention.

The Constitution on first reading is ready for you and was passed out yesterday. It was attached to Sunday's Daily Journal. This is an unofficial version just for the use of the Delegates. It shows everything that has been before the Committee of the Whole, even if only for discussion.

We will do another one after our session on Saturday that will, hopefully, have everything in it.

As to publication, COP has asked the convention secretary to get the rough translations in Chamorro and

Carolinian of the Constitution for first reading ready this week.

All three versions will be put in the newspapers. COP has also asked Delegate Gonzales and Delegate Tenorio to read the Constitution section by section first in Chamorro and then in English on the television stations. The same tape will be played on the radio stations.

We will deliver copies of the Constitution on first reading to the Legislature and to each of the departments in the Executive Branch so no one can say that they were not informed about what we were doing.

We have been keeping the acting chief justice up to date for the Judicial Branch. We will send him a copy, as well.

We will formally transmit the Constitution on first reading to all the mayors and the municipal councils.

COP thinks this will be the best way to be sure everyone has a chance to comment.

COP has also asked the legal counsel to organize a seminar with the college to get their input and to present the Constitution to the bar association to get their comments. Any Delegates who wish to participate in those meetings are welcome.

We have decided not to have any formal public hearings. The public will be asked to contact the President of the Convention or Delegates with their comments. We don't have time to take three days off for more public hearings.

We will rely on the Delegates to inform those from the general public who have submitted proposals to them as to what happened to their ideas. Thank you.

At this time, I would like to call on the Chair of the Committee on Land and Personal Rights.

DELEGATE LIFOIFOI: Mr. President, I'm pleased to report that the Committee on Land and Personal Rights has completed its work on Article 11. We will bring this to the floor on Thursday.

Because this article involves a lot of detail in the legislative history, we are putting together a comprehensive report. This report will be reviewed by the Committee members tomorrow to be sure that everything that we have discussed is included. Then we will distribute it to the Delegates so that they can read it before the plenary session on Thursday.

We have started on Article 12. We have a draft incorporating the Delegates' proposals, and we will start going over it in detail tomorrow.

Other Delegates are welcome to join the discussion. We will be meeting tomorrow at 1:30 in the afternoon. We expect to have Article 12 done and reported out for the plenary session on Saturday.

When we finish Article 12, we will have finished all of the articles that have been assigned to us. We will then start reviewing the articles assigned to us that have passed on

first reading so we can have our reports ready for the second reading.

Thank you, Mr. President.

PRESIDENT GUERRERO: Thank you, Chairman Lifoifoi.

At this time, I would like to call on the chair of Legislative Branch and Public Finance.

DELEGATE TOMAS B. ALDAN: Thank you, Mr. President.

Your Committee on Legislative Branch and Public Finance has just about completed its review of Article 10. We will be meeting with the Public Auditor and a representative of the Planning and Budget Office to go over deficit matters.

If any member is interested in knowing about the deficit and how it's retired, we welcome you tomorrow at 10:30 here in the House Chamber.

That's all, Mr. President.

PRESIDENT GUERRERO: Thank you, Chairman Aldan.

At this time, I would like to call on the chair of the Executive Branch and Local Government.

DELEGATE NOGIS: Thank you, Mr. President.

The Executive Branch and Local Government is continuing discussion of Article 3. We are also deliberating on the local government article.

We have just had a hearing with the two mayors, the Honorable Jesus Guerrero from Saipan and the mayor from the Northern Islands, Mr. Ogumoro. We had an enlightening and

educational session yesterday with the Delegates.

Also, Mr. President, this morning, as a result of our meeting, the Committee more or less adopted the Code of Ethics, Article 19, which I hope would be included in the next plenary session.

Thank you.

PRESIDENT GUERRERO: Thank you, Chairman Nogis, for your report.

I call on the chair of the Committee on Judiciary and Other Elected Offices.

Chairman Hofschneider.

DELEGATE HOFSCHEIDER: Thank you, Mr. President.

Mr. President, your Committee on Judiciary and Other Elected Offices has completed its work on Article 18, which covers the Constitutional Amendment. I ask that this be calendared for discussion at today's Committee of the Whole.

The Committee has also completed its work on Article 15 which covers Education. We thank the Delegates who came to our meeting yesterday and expressed their views. We are completing our report. We will bring the education article to the floor at our plenary session on Thursday.

With your permission, Mr. President, I would like to take a few minutes to report to the Delegates on where we are with respect to the article on education.

I will be distributing to all the Delegates two

charts showing the basic changes we are proposing in the system. In the charts, we compared the 1976 constitution, the 1985 constitutional amendment, and the present 1995 amendments that we are proposing.

When you look at the charts, you will see that although we are changing the system, we are really not doing any more than the 1985 amendments did, although we are doing it in a different way.

First, in each system, in the 1976 system, the 1985 system, and the present proposed 1995 system, the Legislature still has the same function. It passes Commonwealth laws and approves budgets.

Second, in each system there is an Executive Branch officer responsible for the Commonwealth-wide school system. In '76, it was the Superintendent of Education. In '85, it was the Commissioner of Education. In the proposed 1995 article, it is the Secretary of Education.

What we have changed is the way the people participate in the system. In 1976, there was an appointed Board of Education and there was no elected authority at the local level. That means that the people did not have any direct role in the system.

In 1985, there was an elected board of education, but still no elected authority at the local level. That means that the people now had a role in the system, but the elected

officials were at the Commonwealth level -- somewhat distant from the schools.

For the proposed 1995 system, there is going to be an elected school board at the local level and no elected authority at the Commonwealth level. This means that the people will not only have a role in the system, but they will have it at the local level where they can participate more directly and effectively.

This is an evolutionary change. The 1995 proposed system has built upon what has gone before and improved it. We're providing a careful transition to the new system. The proposed 1995 amendments will not take effect until the November, 1997 election has been completed, when the new local school boards will be elected. They will take office in January of 1998.

At the same time, the Governor, who has been elected in November, 1997, will take office and appoint the first Secretary of Education.

When the amendments are ratified by the people in February of 1996 as proposed, the Commissioner of Education will have more than 18 months to plan for the transition before the election of 1997 in November.

After the new local school board is in place, the Secretary of Education and the Legislature will be the judge of when they are ready to take additional responsibilities.

We have provided for flexibility so that functions like procurement, personnel, and fiscal matters will stay at the Commonwealth level until they can be done as efficiently and cost effectively at the local level.

The 1995 amendments are another step in the betterment of our educational system. It brings back the school administration to the local level -- the school level is what I mean.

This is a logical progression from what has gone before, as our people have accumulated more experience with the government. We are confident that we have profited from the lessons of the past, and we have built something considerably better than the current system. We will ask your support when we bring this article to the floor on Thursday.

Mr. President, your Committee on Judiciary and Other Elected Offices has been assigned with 15 proposals in the following two categories: One, 10 proposals to deal with aliens; and, two, five proposals that deal with miscellaneous areas -- proposals, such as awarding of litigation fees, proposals on collective bargaining, proposals on ceilings on government employment, and proposals on use of private buildings by government agencies, and proposals on establishing a commission on professional fees, have been assigned to this Committee and we have taken the liberty of appointing Delegates Justo Quitugua, Delegate Teresita Santos, Delegate

James Mendiola, and Delegate Bennet Seman, who chair the subcommittee to address the issues mentioned above, and will present them to the Committee by, at least, Friday of this week.

Thank you, Mr. President.

PRESIDENT GUERRERO: Thank you, Delegate Hofschneider, for your detailed report.

At this time, we would like to move on to the introduction of delegate amendments.

Any amendments to be offered?

Delegate Mariano Taitano.

DELEGATE TAITANO: Thank you, Mr. President.

I have an amendment to introduce. It's not numbered yet. It's dated July 17, 1995, I believe. A lot of the Delegates have a copy already.

The amendment is to amend subsection 20(b)(3), section 19, the Retirement System per Report No. 2, Article 3, Executive Branch, to include the termination of Education Service Credits, Military Service Credits, Overtime or Compensatory Time --

PRESIDENT GUERRERO: Delegate Taitano, I hate to interrupt you, but since Article 3 has not gone through first reading yet, you are out of order at this time.

If it passes the first reading, then you are entitled to make that amendment at that time.

DELEGATE TAITANO: I was advised by the legal counsel I

could proceed.

PRESIDENT GUERRERO: That's true, but we have not passed Article 3 on first reading yet. There is nothing to amend at this time.

MR. WILLENS: Can I clarify?

PRESIDENT GUERRERO: When we finish, when we entertain it for first reading, you can offer amendments for changes on the floor.

You can do it today, because we are entertaining Article 3 on first reading.

Any other Delegates amendments?

Delegate Igitol.

DELEGATE IGITOL: Yes, Mr. President.

Amendment No. 2 that was submitted July 13 to amend Article 4, section 4, on the Judiciary has been passed out. I will just read it for the information of the Delegates.

The amendment is to insert language that the Supreme Court Justice and Superior Court Judge shall be appointed for a term that expires at the age of 70.

PRESIDENT GUERRERO: Thank you, Delegate Igitol.

Any other delegate amendments?

If not, we move on to motions and resolutions.

Delegate Maratita.

DELEGATE MARATITA: Thank you, Mr. President.

I have a resolution to offer today.

If I may, I would like to read the resolution,
Mr. President.

"Resolution No. 8:

"To recognize the occasion of the 50th anniversary of the Hiroshima and Nagasaki nuclear bombings and to mourn the hardship and loss of life suffered by all people affected by the Second World War.

"Whereas, this coming August 6 and August 9, 1995, will mark the 50th anniversary of the devastation by atomic bombs of the cities of Hiroshima and Nagasaki; and

"Whereas, although these bombings signaled the end of World War II in the Pacific region, they also caused the instantaneous death of over 78,000 people in Hiroshima and 40,000 people in Nagasaki, and caused the virtual destruction of both cities; and

"Whereas, due to the suffering experienced between the island of Tinian and as a point of departure for those fateful flights, we are able to feel particular empathy for the people of Hiroshima and Nagasaki and for all of the other victims of war;

"Whereas, although there has not been, in

the intervening 50 years, a repetition of the use of nuclear weapons in war, the theory of nuclear deterrence kept the world poised on the brink of nuclear devastation throughout the Cold War Era; and

"Whereas, when the Cold War ended in the late 1980s, the danger of a catastrophic nuclear exchange between the superpowers decreased, the nuclear arsenals accumulated by the superpowers and their allies continue to pose a threat to world security; and

"Whereas, the nuclear threat continues with the proliferation of nuclear weapons and technology as additional political entities seek to possess these ultimate weapons of destruction;

"Whereas, indigenous people everywhere have been particularly victimized by nuclear testing from the Marshall Islanders who, decades after testing, still cannot return to their native islands, to Australian Aborigines who received little or no warning before British tests irradiated them in the 1950s, to Native American uranium miners who continue to suffer and die from radiation-induced cancers;

and

"Whereas, the recent announcement by the French government of plans for renewed nuclear testing in the South Pacific once again directly threatens the health and welfare of our region; and

"Whereas, our own people of the Northern Marianas endured suffering and death during World War II as a battleground of a war to whose politics and genesis we were completely innocent bystanders; and

"Whereas, the powerful and lasting lesson of that legacy is a deeply felt dedication to world peace; and

"Be it resolved, by the Third Constitutional Convention, that on this 50th anniversary of the tragedy of Hiroshima and Nagasaki, we remember, honor, and mourn the victims of those bombings and support international efforts now underway to halt nuclear testing; to contain proliferation of nuclear weapons; to pursue complete nuclear disarmament; and to promote the elimination of war as an institution; and

"Be it further resolved, that the

President of the Convention shall certify, and the Secretary of the Convention shall attest, to the adoption of this resolution and thereafter transmit copies to the Governor of the Commonwealth of the Northern Mariana Islands; the Governor of the Territory of Guam; the President of the United States; the Prime Minister of Japan; the Mayor of Hiroshima; and, the Mayor of Nagasaki."

Mr. President, I hope the members of the Third Constitutional Convention will agree with me that we are now very near the observance of this very important tragic occasion, the 50th anniversary of the bombings of Hiroshima and Nagasaki. I hope you will agree to pass the resolution expressing our heartfelt regrets for the tragedy on this occasion.

I ask the rest of the Delegates to please pass this resolution and to sign the resolution as the free expression of the Convention.

Thank you, Mr. President.

PRESIDENT GUERRERO: Thank you.

Delegate Hofschneider.

DELEGATE HOFSCHEIDER: May I ask the introducer of the resolution to please provide copies to the mayors of the Northern Marianas?

DELEGATE MARATITA: Yes, Mr. President.

PRESIDENT GUERRERO: May we have a motion first to adopt it before we make any changes?

DELEGATE HOFSCHEIDER: I move for adoption.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to adopt Constitutional Convention Resolution No. 8.

Discussion?

Yes, Mr. Floor Leader.

DELEGATE HOCOG: As a matter of concern, Mr. President, I pose to the author of the resolution, whether it will serve in the best interests of the people of Tinian to put "whereas, the departure of that fateful flight that almost erased the people of Nagasaki and Hiroshima"?

DELEGATE MARATITA: Mr. President?

PRESIDENT GUERRERO: Yes.

DELEGATE MARATITA: Even though we didn't want this to happen, it occurred. It's a part of history, and whether it's in the best interest of Tinian, what can we do about it? It has happened.

What we are trying to do is to recognize the tragedy that occurred. We are not saying that we should be happy about it, but I think we should recognize that this happened and hope it would not happen again.

PRESIDENT GUERRERO: Yes. Continue, Delegate Hocog.

DELEGATE HOCOG: I think that reminding others where the

atomic bombs originated, perhaps, would weaken the strength of those people coming over to Tinian to make investments, by memorializing this fact by this resolution.

For the benefit of the island and its people, I would rather choose another word or phrase, so as not to make this a constant reminder to the people of Japan that it's from this island that the bombings were launched.

It's just an opinion that's, perhaps, worth looking into. If Delegate Maratita so desires, I'd be happy to support it.

DELEGATE MARATITA: Mr. President, I would like to be recognized.

PRESIDENT GUERRERO: Yes.

DELEGATE MARATITA: If it is the wish of the Convention to recognize the fact that we don't want to identify Tinian as the place where the bombs originated from, that they were loaded from that island, so be it.

I don't think we should argue about the fact that even people down on Tinian, some friends, Japanese friends, that come down to Tinian, we ask them how they feel about the fact that they are observing the 50th anniversary on August 6th and August 9th, and particularly the young people said, "Well, it happened."

I mean, we should not hide the fact that the bombing took place, the bombs were loaded in Tinian. If we want

to omit certain references to Tinian or the CNMI as to where the atomic bombs were loaded, let's do that by all means, but then I just wonder if the rest of the Delegates feel that way.

PRESIDENT GUERRERO: Thank you.

DELEGATE MARATITA: I have no objection as to what Delegate Hocog is saying, not referring to Tinian as the place where the bombs were loaded.

DELEGATE HOCOG: If I may offer --

PRESIDENT GUERRERO: Let me recognize first Delegate Hofschneider and then Delegate Juan Tenorio and Delegate Manglona.

DELEGATE HOFSCHEIDER: Thank you, Mr. President.

I think that he has stated what I'm asking the introducer of the resolution. I wonder if it's allowable by Delegate Maratita?

Do you understand what I said?

DELEGATE MARATITA: Yes.

Is that the previous request, that the -- I don't have an objection. We can provide copies to all the people that would like to have it.

Do you want to include the mayors, as well as the other heads of state?

PRESIDENT GUERRERO: Are you making a motion, Delegate Hofschneider, or just commenting? Can you be more specific?

DELEGATE HOFSCHEIDER: If a motion is in order, I will so move, Mr. President.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to include the mayors of the Northern Marianas.

Discussion?

If not, those in favor of the motion say "Aye."

Those opposed, say "Nay."

Motion carried.

Delegate Juan Tenorio.

DELEGATE JUAN S. TENORIO: For the concern of the Floor Leader --

PRESIDENT GUERRERO: Can you turn on your mike on and speak into the mike?

PRESIDENT GUERRERO: Thank you.

DELEGATE JUAN S. TENORIO: For the concern of the Floor Leader, line No. 9, Tinian is mentioned --

PRESIDENT GUERRERO: What is the comment, again?

DELEGATE JUAN S. TENORIO: The concern of the Floor Leader, on line No. 9, Tinian is mentioned, and that covers his concern.

DELEGATE HOCOG: I think everybody misquoted my statement.

PRESIDENT GUERRERO: Let me recognize you, Mr. Floor Leader, since you are jumping ahead of me.

DELEGATE HOCOG: Thank you, but I have the floor.

PRESIDENT GUERRERO: Yes, please.

DELEGATE HOCOG: My sentiment here, I'm asking the introducer of the resolution whether he really wanted to mention the island or not. That's my concern.

Mentioning the island together with these tragic and frightful moments that the people of Hiroshima and Nagasaki experienced is what I'm referring to, whether it would be in their best interest to recall their memories as to the origin of what almost wiped out the whole people in this area.

Would it be in their best interest to strike out after "World War II" the rest of the paragraph there until the word "flights"?

We're able to feel that empathy. What I'm saying here is that in terms of luring people to Tinian from Japan, it will probably be difficult, if not impossible, to do.

But I defer to the Delegate, since he is from there, whether he really wanted to mention Tinian and memorialize this in the resolution. That's my concern.

If that is hard to ask, Mr. President, I'm ready to move and effectuate a motion to go ahead and support the resolution.

PRESIDENT GUERRERO: You are effectuating a motion?

DELEGATE HOCOG: No, I am not.

I would like the President to recognize, first, my

good colleague.

PRESIDENT GUERRERO: I recognized first other people before --

DELEGATE HOCOG: Yes.

PRESIDENT GUERRERO: Thank you.

Let me recognize Delegate Manglona.

DELEGATE MANGLONA: Mr. President, I think we should not undermine the concern raised by several Delegates.

This is a very sensitive matter. I, too, agree that we should not revitalize the memory of the suffering as a result of the droppings of the atomic bomb on Hiroshima and Nagasaki.

I have seen a news article citing the sensitivity of this issue. I believe our government is planning to go on a peace mission. We have to capitalize on this peace mission to avoid a possible connotation that, you know, it's a reminder of the war and the suffering.

I wonder if we could just acknowledge this unfortunate situation and embody the resolution with everything that relates to peace rather than a reminder of what happened.

I strongly urge the Delegate to maybe redraft this so that rather than putting memories that may hurt the feelings of the people of Japan or even hurt the credibility of our great nation, maybe we should start talking about the hope that never again in our lifetime should we experience such a tragedy and we

should talk about peace, and I think that will be the intent of this resolution.

PRESIDENT GUERRERO: Thank you, Delegate Villagomez.

I recognize at this time Delegate Igitol.

DELEGATE IGITOL: Generally, the resolution is good in nature.

My only problem, I think, is line 9 with the words "historic connection." I believe it's very historic for this area, as far as we're concerned, about having the bomb initiated on a flight out of Tinian. It might not be viewed as historic in Japan for that matter.

I guess the bottom line is maybe we should rephrase this sentence here or the paragraph maybe to be a more mournful type of statement.

Thank you.

PRESIDENT GUERRERO: Thank you, Delegate Igitol.

DELEGATE HOCO: Mr. President, can I move for a short recess to give the author the opportunity to reword this, perhaps, with his legal counsel?

PRESIDENT GUERRERO: Before we do that, can I ask Delegate Maratita, are you willing to rework this resolution?

DELEGATE MARATITA: As much as I would like to, Mr. President, I hope the Delegates would understand that we cannot just -- even Japan acknowledged that it was historic on their part, that the bombings took place in Hiroshima and

Nagasaki. They cannot hide the fact that those cities were bombed on August 6th and August 9th and the flights happened to have originated from Tinian.

If I were to be reminded about not -- for this thing to happen, how would I consider that that particular -- those particular days, August 6th and August 9th, didn't happen?

If the Delegates wish to change that, it is their prerogative. But I strongly feel that we still have to retain the connection that we have, because of that tragic event, that's why we are recognizing that such tragedy will not happen again.

If the Delegates want to change something, it is their prerogative now. It is on the floor.

Thank you, Delegate Maratita.

Delegate Villagomez.

DELEGATE VILLAGOMEZ: Thank you, Mr. President.

I just want to mention that you recognized me, mentioned my name, and I wasn't even talking. Since you allowed me now to speak, I would like to request that you defer action until the next plenary session on Thursday in the interest of time.

PRESIDENT GUERRERO: Are you making a motion or stating that?

DELEGATE VILLAGOMEZ: So moved.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to refer this back to the Delegate, and it will be taken up next Thursday.

DELEGATE HOCOG: Mr. President, excuse me. I think there was a motion to pass the resolution.

PRESIDENT GUERRERO: There was. There was a subsidiary motion that is still in order to refer it back so that takes precedence.

DELEGATE HOCOG: Can I move to a one-minute recess?

(The motion was seconded.)

PRESIDENT GUERRERO: Short recess.

(A recess was taken 2:24 P.M. to 2:30 P.M.)

PRESIDENT GUERRERO: The session is called back to order.

We have a motion to refer this back to the introducer.

DELEGATE HOCOG: Point of information, Mr. President.

PRESIDENT GUERRERO: State your point.

DELEGATE HOCOG: I think the Delegate that offered the motion is willing to withdraw his motion and to proceed with the passage of the resolution.

DELEGATE VILLAGOMEZ: No.

DELEGATE MARATITA: I didn't make the motion.

DELEGATE VILLAGOMEZ: I made the motion.

PRESIDENT GUERRERO: Delegate Villagomez.

DELEGATE VILLAGOMEZ: I made the motion. I will not

withdraw it.

DELEGATE HOCOG: Let's vote on it, then.

PRESIDENT GUERRERO: Let's vote on it.

Those in favor of referring this back to the introducer, please say "Aye."

Those opposed, say "Nay."

Let's try one more time.

DELEGATE HOCOG: Hand vote.

PRESIDENT GUERRERO: Those in favor of referring Resolution No. 8 back to the introducer, please raise your hand.

Those opposed. One hand only.

What is the count?

CONVENTION CLERK: Mr. President, we have a showing of the hands. 13 to refer back to the introducer and 10 against referring it back.

PRESIDENT GUERRERO: The motion to refer it back to the introducer passed.

DELEGATE MARATITA: Mr. President.

PRESIDENT GUERRERO: Yes, Delegate Maratita.

DELEGATE MARATITA: I respectfully request to take action on this resolution.

PRESIDENT GUERRERO: You what? Excuse me?

DELEGATE MARATITA: The motion what to refer it back, thank you for the reference, but it is not going to be reintroduced again.

PRESIDENT GUERRERO: All right.

Any other motions?

If not, let's move on.

Under unfinished business, anything?

If not, we will move on to the special orders of the day.

Mr. Floor Leader.

DELEGATE HOCOG: Yes, Mr. President.

I would like to calendar for the Committee of the Whole Article 18, Constitutional Amendment.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to calendar Article 18, Constitutional Amendment, for the Committee of the Whole today.

Discussion?

Those in favor of the motion, say "Aye."

Those opposed, say "Nay."

Motion carried.

DELEGATE HOCOG: I would like to make a motion to resolve into the Committee of the Whole.

(The motion was seconded.)

PRESIDENT GUERRERO: Can I ask the Chair to -- okay. Thank you.

You made the motion?

DELEGATE HOCOG: Yes, sir.

PRESIDENT GUERRERO: It has been moved and seconded to resolve into the Committee of the Whole to entertain and discuss Article 18.

Those in favor of the motion say "Aye."

Those opposed, say "Nay."

Motion carried.

At this time, I would like to appoint Delegate Marian Aldan-Pierce to preside and chair the Committee of the Whole.

DELEGATE ALDAN-PIERCE: I would like to move for a short recess, five minutes.

PRESIDENT GUERRERO: Let's take a short recess before the Committee of the Whole commences.

(A recess was taken from 2:34 P.M. to 2:45 P.M.)

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DELEGATE ALDAN-PIERCE: The Committee of the Whole is now in session. The Committee of the Whole will turn to Article 18: Constitutional Amendment and I would like to call on Chair Henry Hofschneider to present the Committee's recommendation.

DELEGATE HOFSCHNEIDER: Thank you, Madam Chair. Madam Chair, I move to adopt in the Committee of the Whole the report of the Committee on Judiciary and Other Elected Offices with respect to Article 18: Constitutional Amendment. That is a motion.

(The motion was seconded).

CHAIR ALDAN-PIERCE: It has been moved and seconded that Article 18 be adopted.

Discussion?

DELEGATE HOFSCHNEIDER: May I have the floor, please.

CHAIR ALDAN-PIERCE: Yes.

DELEGATE HOFSCHNEIDER: This Article is not very long and not very complicated, so maybe I can briefly explain it now without taking too much time.

Under this Article there are two ways to amend our Constitution. First, you can amend one provision by a popular initiative. Second, you can amend the whole Constitution by a popular initiative

that calls for a constitutional convention. If you proceed by popular initiative, for one provision, you need to get the signatures of 30 percent of the qualified voters Commonwealthwide and at least 25 percent of the qualified voters voting in each senatorial district. If you proceed by popular initiative, for the whole Constitution, you need to wait for the year 2021, and that is 25 years from now, and then get the signatures of 25 percent of the qualified voters Commonwealthwide or at least 75 percent of the qualified voters in one senatorial district.

Once you get the necessary signatures, the petition is put on the ballot and the petition is successful if it gets two-thirds of the votes Commonwealthwide and at least a majority in two of the three senatorial districts.

The Committee decided to take out legislative initiatives that allow the legislature to amend one provision in the Constitution or to call for a Constitutional convention. The Committee believes that the popular initiative is a better bet to amend the Constitution. If we leave the legislative initiative in the Constitution then maybe next week or next month

or next year the legislature could put on the ballot an initiative to take out anything they don't like.

The Committee noted that there is currently a legislative initiative on the ballot for this November to increase the legislative budget to 8 million dollars. This was done in the legislature without any public hearings or notice and the legislature intends that it go on the ballot without public education. If the voters approve it on the ballot then the legislature's budget ceiling will be 8 million.

This is far too high. That is much higher than what our Committee on Legislative Branch and Public Finance has recommended. But the legislature just went ahead and put their own budget ceiling on the ballot. Once they get theirs established by the voters, then they can campaign against ours and maybe they will win. This is not a good system, so the Committee recommends that the legislative initiative be taken out for the future.

This Article also covers mutual consent under the Covenant which has not been in the Constitution before.

I would like to call on our counsel, Mr. Howard Willens, to explain how this works and why

is it necessary to put in the Constitution now.

Thank you, Madam Chair.

CHAIR ALDAN-PIERCE: Thank you, Delegate Hofschneider.

Counsel Willens.

MR. WILLENS: Yes. Thank you, Madam Chair, and Mr. Chairman.

The Covenant, as you know, has what is called a mutual consent provision that specifies that certain fundamental provisions of the Covenant cannot be changed without the agreement of both the United States and the Commonwealth.

The Covenant does not specify, however, the manner in which the consent of the Commonwealth is to be expressed. That was left for the people to decide on and it is the recommendation of the Committee that the Constitution provide a procedure by which the people of the Northern Marianas could agree to a change in the fundamental provisions. The essential objective of the proposal before the Committee of the Whole today is that the Covenant should not be changed without the participation of the people; that the Covenant was approved after two years of negotiations by a popular vote of 78 percent of the Northern Marianas people. So

the Committee is recommending that a process be followed that would require that the legislature consider any proposed amendment to a fundamental provision of the Covenant after joint hearings; that it approve it by three-fourths vote of the members of each house; that the governor approve; such a proposed change has to be put before the people. If there are questions about certain aspects of the proposal that come up during the discussion I will be glad to answer any questions that you may have.

The essential purpose is to have a constitutional procedure that makes clear that no individual governor, no individual legislature, can propose a change in the fundamental structure of the Commonwealth relationship with the United States without the knowledgeable participation by the people.

CHAIR ALDAN-PIERCE: Thank you.

Any further discussion?

DELEGATE HOFSCHEIDER: Howard, can you please enlighten the members on the last sentence of Section 3?

MR. WILLENS: Yes. The last sentence of Section 3 reads as follows: No proposed amendment shall be placed before the people for approval unless executive

branch officials of the United States authorized to do so, have formally expressed in writing to the governor their support for the proposed amendment in the United States Congress. Basically, any change in the Covenant on the part of the United States would require action by the United States Congress. What this sentence is designed to do is to keep the people of the Commonwealth and its political leadership from wasting their time on proposed changes to the Covenant that have no possibility of getting any support whatsoever in the United States. That kind of deliberation which may come up from time to time in Section 902 discussions often can lead to expectations here in the Northern Marianas, yet stand no chance of being fulfilled. For example, if the Marianas wanted a change in the United States Constitution in order to achieve certain objectives here in the Northern Marianas, it wouldn't make much sense to go to the people in a popular initiative when the United States executive branch has no intention whatsoever to support that change.

This is a sentence that sets forth the procedure that enables the Marianas to go through legislative hearings and governor approval but requires

that, at that stage in the process, there be a formal communication of support from the United States officials that the change in the Covenant is something that the United States will support before the United States Congress.

They can do no more, of course. They cannot speak for the United States Congress and promise that it would be approved any more than they could the Covenant. As you recall, the Covenant was approved here first by the people here in the Northern Marianas and then it went to Congress for its approval, but the people in the Commonwealth knew that there was support in the Congress for the Covenant once it was adopted and they knew also the executive branch was going to support it vigorously in the Congress as they did.

That is the purpose of this particular sentence.

CHAIR ALDAN-PIERCE: Delegate Tomas Aldan.

DELEGATE T. ALDAN: Thank you, Madam Chair.

I would like to disagree with legal counsel and the recommendation of the Committee.

In my opinion the people of the CNMI should be able to freely decide what to vote and what not to vote upon and see whether the U.S. Congress or the

United States itself would support such a proposed amendment in the Covenant.

I think if we put to a vote the issue of a unicameral legislature, I think it would garner a majority of the people to support that. That is my opinion; it may be wrong. I think it is good to express the desire of the people of the Commonwealth to the United States, whether or not they accept it, that that is the desire of the people of the Commonwealth and to put such language -- of course, if you are going to change the Constitution, I don't know who we are to change the Constitution of the United States, we don't even vote for it -- but the mutual consent provision of the Covenant, I strongly believe that it should be left to the people to decide because it is an expression that we wish to have a Covenant provision affecting the CNMI changed and for that matter it should be left for the people to decide. I don't want to see whether or not the U.S. Congress or the Executive Branch will support it. I couldn't care less whether they support it or not, as long as we show our position. I am sure that if 100 percent of the people of the CNMI wish to have a change, the U.S. Congress or the Executive Branch would look at it seriously. If we can approve

the Covenant with a 78 percent majority to have a Covenant, I am pretty sure they will look at it if it is approved by 80 percent of the registered voters of the CNMI. Why should we incorporate such a provision to further strike down the desires of the majority of the people? I think it is hog wash. It is another mechanism to deny the right of the people to reflect their position in any issue.

Thank you.

CHAIR ALDAN-PIERCE: We are going to go: Delegate Manglona, Villagomez and Igitol.

DELEGATE MANGLONA: Let me say this. During the negotiation of the Covenant we agreed with the United States that certain fundamental principles relating to our relations should be governed by the so-called mutual consent, and I believe one of these is the relationship between the federal government and the Northern Marianas government, that our political relationship should not be terminated unless we have the consent of the United States and the consent of the people of the Northern Mariana Islands. That is one area that is covered by this mutual consent.

In other words, it is just like a marriage. If one party does not agree then the dissolution of the

marriage will not be possible. This is an agreement that was reached between our government and the federal government that unless both parties agree for the separation it will not be possible and this is the concept of a mutual consent embodied in our Covenant. Whether we like it or not, it's an agreement. It was voted by our people; it was voted by the federal government, the U.S. government, and I think that binds our relationship.

To answer the concern that the people should make this decision, I think this proposal calls for the people to make this decision. I am sure that if the people express their decision, that it could be conveyed to the federal government that the people made this decision so we can get consent of the federal government.

In addition to what was already said pertaining to the two house legislature. I think this mutual consent also covers the land alienation provision.

In other words, we protected ourselves there by applying the mutual consent and that provision cannot be stricken by just the United States unless the Northern Marianas people also give their consent. So I

believe that what we are trying to accomplish here to is to have a procedure where the people will participate in the end by getting their votes in all senatorial districts. So, I think this is a good thing to put in our Covenant so we will know how to proceed should some day we want to ask the question to our people "shall we affirm this relationship with the United States"? I am sure this is the mechanism to go about asking people whether or not they want to affirm or not affirm and once we get the support of our people then we can ask the United States for their consent.

The same thing also could be true in another area covered by the mutual consent. I think there is no danger about it in the end. Votes will be taken but I think it is good to provide this mechanism in the event we need to go through that procedure some day and to have our people give their consent so that the next day we will ask the United States for theirs.

CHAIR ALDAN-PIERCE: Delegate Villagomez.

DELEGATE VILLAGOMEZ: Thank you, Madam Chair. I have a statement and I want to pose a question.

First, I am in agreement with Delegate Aldan. I think we should allow our people the opportunity to express through -- to give the people a

chance to speak out as to the type of issues that are governed under the mutual consent. We are doing this now with the Washington Rep. This coming election for ratification, we are posing a question to the people whether to approve nonvoting delegates. I don't know whether we received a letter from Washington as to what is our desire. I mean we have not had that opportunity to decide. Of course we had the Washington office saying yes, we want the legislature, but we haven't asked the people. So I think we should strike out that provision preventing that issue to be brought out by the people through a popular initiative.

Also, I have questions regarding the ratification and the popular initiative. As I understand this new section, it is a little different from the present popular initiative system.

Is that a correct statement? Can anyone answer?

DELEGATE HOFSCHEIDER: Only the percentage has been changed; the percentage has been lowered.

DELEGATE VILLAGOMEZ: The present ratification calls for ratification, by the majority of the voters and two of the municipalities must pass it by two-thirds. As I understand this new initiative,

popular initiative ratification is a simple majority.

Is that true?

CHAIR ALDAN-PIERCE: Chairman Hofschneider, there is a question being posed to your Committee.

DELEGATE CAMACHO: Madam Chair, point of order. He is talking about ratification and we are still on mutual consent, No. 3. Can we wait until we get to that?

DELEGATE VILLAGOMEZ: I will wait if that is the decision. My apology if I jumped the gun.

CHAIR ALDAN-PIERCE: Thank you. We are going to go to Delegate Igitol, Gonzales, Camacho, and then Tomas Aldan.

DELEGATE IGITOL: Thank you, Madame Chair. I'm sorry, Delegate Villagomez.

I don't know if I agree with some delegates but this is my own opinion. Maybe the purpose of this statement here or the language that has been inserted here is to prevent or preclude cost for the CNMI to conduct elections or referendum to come up with whatever we want to pass and then eventually the U.S. Congress will deny it or disapprove it.

Maybe that is one rationale in this; however, I believe that the people of the CNMI should be given

the privilege to say what they want to say and what changes they want to do in the formation of our own government and to allow our people to make this requirement or decision to show that the people of the the CNMI agreed to do something, to change, to show the U.S. Congress that the majority of the people in CNMI agreed and want change. So, in that factor, the U.S. Congress can see that it is the majority and maybe they have to look into it, to do something to effectuate the wishes of the people. If we have to wait for them to tell us, just give us a signal, that yes, they agree to it, maybe it will take a century before they agree to it and we cannot come up with the ratification or whatever. But I believe that the people should be given the privilege of raising what they want to do and we give that to the U.S. Congress to show that is what we wanted.

Thank you.

CHAIR ALDAN-PIERCE: Delegate Camacho.

DELEGATE CAMACHO: Thank you, Madam Chair. I have no problem with the first part of this thing. My problem is with the second part. And I would like to start my statement by asking does the legal counsel have any idea as to how long this kind of thing will

take? First we have to get the approval of the legislature. Then we have to get the approval of the governor and then we have to get the approval of the people, and then after that we have to get the federal executive people to approve it before we even go to Washington to bring it up.

Does anybody have any idea? Are we talking about six months, one year, five years, ten years before anything like this goes through?

MR. WILLENS: Madam Chair, may I speak to that?

CHAIR ALDAN-PIERCE: Sure.

MR. WILLENS: First of all, obviously, if it is something relatively simple it could be done in six months but changes to the fundamental provisions of the Covenant are not likely to be simple.

Let me be clear on two points. One, there is no present procedure in place now. So there is no requirement that the people consent. Someone could be consenting on your behalf as we sit here today.

The second point is that there is nothing in here that stops the people from the Northern Marianas from having their views obtained about whether they want changes in the Covenant. You can do that through referendum, petitions, through public hearings, any way

you want to have. There is nothing in this provision that restricts you from doing that. All this says is when you get down to the specific language, it is going to bring about a change it is a fundamental document there ought to be a precise and careful procedure that you go through before you give up your rights or maybe gain more rights, but my concern is from pending discussions that are designed to give up your rights. I want to have a procedure for your consideration that permits a full and open discussion of what is being considered here.

So Dr. Camacho, you are right. The procedure could take 12 months, 24 months or longer, and if the people of the Northern Marianas want a change and they keep pressing for it and the United States Congress and the Executive Branch keep turning them down but if the people want to keep pressing they can do that and the political leaders will want to do that, and maybe some change that is of importance to you will be effectuated.

DELEGATE CAMACHO: Thank you.

The second part is that aren't we putting ourselves at a disadvantage in this thing by having to wait for our adopted father to tell us what we should

do or not do when we already approved?

I am not questioning the fact that there is no provision right now for mutual consent. I want that understood from the beginning. I agree that there should be.

You know, in my experience, which is not too long, the federal priority is not necessarily what the people of the Northern Marianas want. We have gone through that time and time again. The federal officials, the U.S. Congress, have made changes without even our approval or without even consulting us. Yet here we are, when we want something we have to go over and say, do you approve it before we pursue it or shall we change it to conform with what you approve before we go further on the issue. Which really defeats the purpose because after all we have our own people, admittedly U.S. citizens, but, you know we are 5,000 or more miles away from Washington and here we are asking the federal people for their approval before we pursue any further.

Again, I want to say I do not question the fact that there is no mechanism right now and we should come up with a mechanism to work on this but to get the approval or disapproval of the Executive Branch when we

have gone through years of one-sided, you might say, decisions by federal officials is a little bit beyond me, and I feel that we should go ahead. Once our people approve what we want to pursue, we should pursue it. And if they do not approve it, we should try and sit down and try to convince of them of the rationale for what we want and what we are trying to pursue. And, if necessary, if the executive employees don't want to approve it or do not want to change their view then we should go to the U.S. Congress and talk to the legislators directly and see if we can convince them or do a better job of it.

Thank you, Madam Chair.

CHAIR ALDAN-PIERCE: Thank you. Delegate Gonzales.

DELEGATE GONZALES: Just for clarification purposes, there are two parts here at least from how I read it. The first one is to ask the people whether or not we want to change a fundamental question within the Covenant. Would that be correct, legal counsel? Would that be the first part is to ask whether or not we want to change something within the Covenant?

And then the second one would be the language before it is actually placed before the people that voted? Is that fair?

MR. WILLENS: I think that is close but this language was really not intended to restrict the right of the leaders here to ascertain the views of the people about changes in the Covenant.

That can be done in a variety of ways. All this speaks about is how you formally agree to a particular change, and then this requires public hearings by the legislature, a vote by the legislature and approval by the governor and throughout that process, obviously, the people's views would be solicited. Given the debate here and the views of some of the delegates it sounds as though you basically want to strike the second sentence of the proposed amendment. If you want to do that that is your will and I understand that.

CHAIR ALDAN-PIERCE: We are going to go Delegate Aldan, Seman, and Delegate Manglona. Delegate Tomas Aldan.

DELEGATE T. ALDAN: Thank you, Madam Chair.

I would like to congratulate the governor, former Governor Camacho, for a well-stated remark.

I do not support at all the language of mutual consent as it is presented by the Committee. That is one. And I share the sentiment raised by

Governor Camacho. It is indeed a question of the people's integrity to require that three-fourths of the member of each house of the legislature pass the desire of the people or, for all we know, maybe not the desire of the people but I would like to see it done in a simpler manner just like Section 1 with a little bit of modification.

I would like to go back to Section 1 and 2, Madam Chair, later on, because I was just irritated by the last sentence of this mutual consent, and I suggest that the Committee look at a more responsive approach than what is being stated out here today because it is to me just questions the integrity of the people to require an such extreme mechanism to reflect the people's wishes, to show their wishes, like Governor Camacho said, adopted father or grandfather or uncle.

I seriously ask the Committee to take it back, look at it closely and make it a lot simpler for us to express our desire to request the United States government to consider a change in the Covenant.

Thank you.

CHAIR ALDAN-PIERCE: Delegate Seman.

DELEGATE SEMAN: That is okay. I yield.

CHAIR ALDAN-PIERCE: Delegate Manglona.

DELEGATE MANGLONA: Let me take that last sentence and put it as in the case of the United States.

I heard from the new congressional plan and the so-called Contract with America, that the U.S. Congress is now looking into the possibility of getting rid of all this uniqueness in the Commonwealth territories or what, and they are planning to ask the question whether or not it is about time to decide whether you want to be American and if you do, there will be an equal treatment of all of the U.S. citizens in all of the territories, or possessions, or Commonwealths. Assuming that the United States take it on themselves as it pertain to our relationship that we want to merge you with Guam, Virgin Islands, American Samoa and they do that without asking our people whether or not they will object to that or they will give consent.

I am sure they too can unilaterally take it on themselves and say that, okay, this is what we want and they will do that out taking the views of the Northern Marianas people.

So we have to look at it from the other aspect of this sentence because I think our worry is on our side. What about if the U.S. side wants to

terminate political status and line us up with other territories. Would you like that unilateral action by the United States without having to ask our people first whether we will accept that? I think I would prefer them to ask our people first.

CHAIR ALDAN-PIERCE: Delegate Villagomez.

DELEGATE VILLAGOMEZ: Madam Chair, I think it is correct to say that the political relationship is a mutual consent under the Covenant; therefore, the U.S. Congress, the President of the United States cannot unilaterally affect the political integrity of the CNMI. I don't think Delegate Manglona is right in his rationale.

DELEGATE MANGLONA: Yes, but if I may continue.

Would you like the United States to give their consent there and then later on ask for the Northern Marianas consent?

CHAIR ALDAN-PIERCE: We are going to go: Delegate Lifoifoi, Delegate Tomas Aldan, Delegate Maratita and then Mr. President.

DELEGATE LIFOIFOI: Thank you, Madam Chair. I don't think anybody is questioning the mutual consent. I think the question here is the process of how to get to Congress. If we can simplify that process, I think

that is the whole question here.

Nobody, and I say nobody, would challenge that mutual consent. That was for our people that we negotiated the Covenant and that is it. If we need to change, which is only dealing the basic rights of self government, then it has to be mutual consent. How to get there, just like Delegate Camacho said, if we have to go to Washington and then lobby, then of course do it because it requires mutual consent and period.

Thank you.

CHAIR ALDAN-PIERCE: Delegate Aldan.

DELEGATE T. ALDAN: For the last time on this issue, Madam Chair, I think my good Delegate from Rota does not comprehend or understand the language there. "No proposed amendment shall be placed before the people for approval unless the Executive Branch officials for the U.S. is authorized" to do it for us to look at it.

That means that before we entertain any change in the Covenant, the U.S. has to look at it first. In other words -- let me turn it around and use your analogy.

It means that before the U.S. Congress can enact a legislation to sever our ties, they must seek

the approval of the CNMI first before they entertain it. That is not mutual consent to me because they can enact and if we approve it will be mutually agreed upon.

What I am suggesting here is we decide and if they approve it is mutual consent.

So, like Delegate Lifoifoi is suggesting there is no question on the mutual consent aspect. It should continue as proposed in this amendment.

DELEGATE LIFOIFOI: Madam Chair.

CHAIR ALDAN-PIERCE: Yes.

DELEGATE LIFOIFOI: If I may, I move to strike the second sentence.

CHAIR ALDAN-PIERCE: There is a motion to strike the second sentence of Section 3.

All those in favor say "Aye." Those opposed say "Nay."

CHAIR ALDAN-PIERCE: Motion carried.

DELEGATE T. ALDAN: Madam Chair.

CHAIR ALDAN-PIERCE: Yes, Delegate Tomas Aldan.

DELEGATE T. ALDAN: I would like the Committee to look at three-fourths of the members of the legislature and public hearings and the governor before it is submitted for ratification to the people.

I would like to see whether we can do that in a much simpler approach.

Thank you.

CHAIR ALDAN-PIERCE: Is that a motion, Delegate Aldan, or are you making a recommendation?

DELEGATE T. ALDAN: So moved.

(The motion was seconded).

CHAIR ALDAN-PIERCE: Consensus? Discussion?

Yes, Delegate Quitugua.

DELEGATE QUITUGUA: Clarification, when they ask simpler language do they mean to lower the required number of votes in the legislature? Is that what they asked?

DELEGATE T. ALDAN: The legislature and the governor, just make it as simple as the popular initiative, that kind of approach.

CHAIR ALDAN-PIERCE: Yes, Mr. President.

PRESIDENT GUERRERO: Madam Chair, you know the whole concept I think in this provision is, you are making it extremely easy to amend the fundamental provisions of the Covenant.

There has to be a process of how we do this and if it means going through the legislature to conduct public hearings and to solicit public views

then so be it because that might be the process of doing it.

Somebody has to draft the language of what we are trying to amend or repeal regarding the provision of the Covenant that requires mutual consent. This is the process. Why make it very easy? Sooner or later as we kept arguing, the people from Tinian are going to be outnumbered by somebody from the outside. If we keep making things very easy, then you make it very easy to remove the provision of land alienation. I am worried about those things. That provision is fundamental to the Covenant and there is also a fundamental provision in terms of citizenship and the local government provision, self government, those are fundamental provisions of the Covenant. I think this provision right now provides for a process and let it go to our elected leaders and let them toss it out, conduct public hearings before it is presented to the people. I don't know what we are trying to do, make it so simple that we can just repeal, if that is the case why don't we just eliminate this provision and leave it to the governor and leave to it the legislature to decide for us.

I still think that by simplifying, I think we

are defeating the whole purpose of the Covenant, and we are not protecting the sanctity of the Covenant, and I think it is important, and I disagree with everybody else, and I refuse to dilute it further and I still maintain it should stay as it.

Thank you, Madam Chair.

CHAIR ALDAN-PIERCE: Delegate Maratita.

DELEGATE MARATITA: Thank you, Madam Chair. I also believe the procedure in mutual consent is very important and if we want to see all sectors, for instance, the approval of the legislature after the public hearings, requiring three-fourths approval of the legislature, and then for the governor to approve, and then the third step is to be ratified by the people.

So we are giving three fundamental steps on how to change the fundamental provision of the Covenant.

In our case, we are putting all this three different steps so that we can be assured that what we would like to have changed in the fundamental provisions of the Covenant are well understood. So we have three steps here. So I think this procedure should remain as is as it is proposed right now.

Thank you.

CHAIR ALDAN-PIERCE: Delegate Gonzales.

DELEGATE GONZALES: This section through mutual consent provision which we are proposing of course deals with the bilateral agreements between both parties. I also believe that these are fundamental basic foundations, policies on which our Commonwealth was founded and to the extent that that is the case, I don't want do make it so difficult that it will be impossible for us to change our desires and our needs to that meet our expectations throughout our time. On the other hand, I don't want to make it so simple that by the time we open our eyes the next day our freedoms and liberties have been taken away.

So I would perhaps give it or suggest something to ensure, perhaps hope it will be striking a balance. And that is to bear in mind that we are reducing the legislature and we got to make sure that one individual legislator does not hold things up. Perhaps the simple majority vote of the members of each house after extensive public hearings. That is the only thing I want to have, simple majority and allow a three-tier approach by which everybody is involved and is partaking in the entire process by which we are

substantively changing the fundamental basic policies of our Commonwealth, the political relationship that exists.

Thank you.

CHAIR ALDAN-PIERCE: Delegate Manglona.

DELEGATE MANGLONA: First, let me say this, that with all due respect to my good colleague Delegate Aldan, I think I understand fully the real meaning of advice and consent. Also, I would like to put it on the record that there is a lot of concern by the delegates pertaining to this provision because of their prejudices about the Rota and Tinian issue which is so dear to the hearts of their people, like the bicameral legislature, and let us not kid ourselves that many of us are hiding this, but deep in their hearts I think this is what is troubling them. And many of us don't know the great compromise that made our Commonwealth possible today which all of us are proud of. Without the unity of all of our islands there would be no Commonwealth today and there would be no Constitutional Convention today and I want to remind you that while many of you may have been still in school, in high school, in college, your founding fathers deliberated seriously on this issue. Now we are trying to break

this unity by not providing protection for what put us together.

CHAIR ALDAN-PIERCE: Excuse me. We need to change the tape.

(Brief pause).

CHAIR ALDAN-PIERCE: Go ahead, Delegate Manglona.

DELEGATE MANGLONA: You know very well that if this bicameral legislature is ever voted out, believe me, there will be a serious problem on the Island of Rota, and I am sure, too, this is true on the Island of Tinian. This was the last issue when we negotiated the Covenant that made our Commonwealth possible. All of the other provisions have been completed but this very issue was the last one and it is because we put the bicameral legislature into the Covenant and we are protected by the mutual consent, that is why the islands got together, and I want to caution members of the delegation to have this understanding so that we can unite together as one Commonwealth. I don't think it is right for us now to try to break this relationship that put us together. I agree with the president and I must congratulate the president for having this understanding that rather than make it simple, let's put teeth into this so that we go to the

states before we let the people vote on it.

CHAIR ALDAN-PIERCE: Delegate Villagomez.

DELEGATE VILLAGOMEZ: Thank you, Madam Chair. I am not prejudiced. I was a teacher then when the Covenant was negotiated. I am for unity. Send this back to the Committee to confer on it. I would like to toughen up the ratification process, perhaps three-fourths or 99 percent. Make it harder to change Article 12.

CHAIR ALDAN-PIERCE: Delegate Quitugua.

DELEGATE QUITUGUA: Madam Chair, I would like to make a motion to vote on Section 3 after deleting the last sentence whether to vote as is or return to the Committee with the changes.

CHAIR ALDAN-PIERCE: There is already a motion to refer Section 3 back to the Committee. That is what the discussion was all about.

So all those in favor of that motion please say "Aye." Those opposed say "Nay." The motion was defeated.

We are back to the main motion, to approve Section 3 with the deletion of the second sentence, the last sentence.

Discussion? Yes, Delegate Villagomez.

DELEGATE VILLAGOMEZ: Madam Chair, and I would

like the legal counsel to take a look at the ratification on page 3.

CHAIR ALDAN-PIERCE: We are still in Section 3, mutual consent.

DELEGATE VILLAGOMEZ: I am sorry.

CHAIR ALDAN-PIERCE: Yes, Delegate Aldan.

DELEGATE T. ALDAN: Now, it is nice to note that we are toughening this up for the benefit of unity because if we toughen it up there will be this unity, I presume. I would like to think that if we have one house we are still united. I would like to think that even if we have two houses we are still united.

We have one flag, one Commonwealth, and I hate to continue to hear unity when it is not unity that is being practiced. It is protectionism.

I don't have any heartache about three-fourths, 99 percent. I would like to have the opportunity to see that the people's desire to change the Covenant by the majority of the CNMI residents is communicated to the United States of America.

I would like to call that again, CNMI residents, not Saipan residents, not Tinian residents, not Rota residents; CNMI residents. If they so want to address the issue to amend the Covenant, my goodness;

we are in a democratic society. If we, the majority of the people, want it, why not have it?

Thank you.

CHAIR ALDAN-PIERCE: Those in favor of the motion to approve Section 3 as amended say "Aye." Those opposed say "Nay."

Motion passed.

I would like to take a five-minute recess.

(Recess taken from 2:35 p.m. to 2:40 p.m.)

CHAIR ALDAN-PIERCE: I would like to go back to Section 1, amendment by popular initiative.

Delegate Aldan.

DELEGATE T. ALDAN: First I would like to address a question to the legal counsel.

You are asking for 30 percent of the persons qualified to vote in the Commonwealth which basically includes registered voters in all three senatorial, districts right?

And then you go back again and say 25 percent of the persons qualified to vote each senatorial district.

I wish this were illegal or unconstitutional at best because if I get, let's say, 60 percent of the voters qualified in the Commonwealth to sign it, I

can't put it up to vote until I get 25 percent in each of the senatorial districts.

Howard, do I make sense or not?

MR. WILLENS: Shall I answer that question, Delegates?

No, Delegate Aldan, you do make sense, as always, and the idea behind such a provision is just to ensure that there is some kind of widespread support.

That is a policy issue. The legal issue that you refer to is the one that is covered under the ratification provision which requires a certain percentage of votes in individual districts. So I think the first question is a matter of policy that you raised, but under the ratification provision there are indeed serious legal issues that have to be considered.

DELEGATE T. ALDAN: Okay. So no concern.

CHAIR ALDAN-PIERCE: Delegate Villagomez.

DELEGATE VILLAGOMEZ: Madam Chair, the present language of the popular initiative requires a petition to be signed by at least 25 percent of the persons qualified to vote in each senatorial district. I think the present system is adequate.

CHAIR ALDAN-PIERCE: Yes, Delegate Seman.

DELEGATE SEMAN: Delegate Hofschneider has asked me to respond to any question about the 30 percent.

Just remember that we have also taken out, deleted the provision allowing for legislative initiative. That is why we want to make sure that the people can exercise the democratic right to initiate proposed amendments without being subjected to a small minority. Make it simpler not just easier, but give them that avenue because we have taken out the legislative initiative process.

Does that answer your question?

CHAIR ALDAN-PIERCE: Anything else on Section 1?

Yes, Delegate V. Aldan.

DELEGATE V. ALDAN: Thank you, Madam Chair. I think, to support what Delegate Villagomez is saying, I think we should make it harder because, let's take for example, there are about 4,000 people working for the government now. If 30 percent out of the 8,000 voters, which are mostly in the government, we only need 2,400 voters. That means one-fourth will be enough if the people working in the government want to change something. That is all they need, just those people in the government, not the private sector.

And when you take the 25 percent from, let's

say there are 1,000 people in Rota and 1,000 in Tinian, one fourth of that is only 250 people. The office of the mayor in Rota has about 300 employees now and it will be a lot easier to change an amendment by this popular initiative than the original one. I think we should just stick with the 50 percent.

CHAIR ALDAN-PIERCE: Delegate Seman.

DELEGATE SEMAN: Just remember we are only changing the petition. We still have to put forth for ratification and we have not changed that -- yes, we have changed a little bit on the ratification.

Rather than a majority of the votes cast and two-thirds from two senatorial districts, we are proposing an amendment to make it two-thirds of the votes cast and a simple majority in at least two senatorial districts. So the 30 percent has to do only with the petition to be certified before being put on the ballot for ratification.

CHAIR ALDAN-PIERCE: Delegate Hocog.

DELEGATE HOCOG: I was about to raise the same concern made by Delegate Seman; that this is only for the petition. Ratification is a different creature.

CHAIR ALDAN-PIERCE: Thank you.

Any other comments on Section 1?

Yes, Mr. President.

PRESIDENT GUERRERO: I move to end debate.

(The motion was seconded).

CHAIR ALDAN-PIERCE: Any discussion?

Those in favor of Section 1 say "Aye." Those opposed say "Nay."

Motion passed.

We will move on to Section 2, Amendment by Constitutional Convention.

Delegate Aldan, T.

DELEGATE T. ALDAN: Thank you, Madam Chair. I have grave concern with the sentence or part of the sentence which reads, "by at least 75 percent of the persons qualified to vote in a single senatorial district."

In other words, this basically does not reflect the consent or consensus or wishes of the people, of the majority.

In a sense that if there is only -- I think there is only 300 or 600 registered voters in Tinian. 75 percent of them if they wish to put it on the ballot it will be put on the ballot. You don't need any percentage from Saipan or Rota. I kind of like to follow the first proposal or the first section where

you require 30 percent and at least 25 percent of the each of the senatorial district than to just have 75 percent of those qualified to vote in a single senatorial district.

I move to adopt the same language as Section 1 in terms of the Constitutional Amendment.

(The motion was seconded).

CHAIR ALDAN-PIERCE: It has been moved and seconded.

Discussion? Delegate Seman.

DELEGATE SEMAN: Section 2 is only a petition to vote for a Constitutional Convention, to propose amendments, but the proposed amendments will go to same process of ratification, Section 4.

DELEGATE T. ALDAN: I understand that but I am concerned about the way it is being done. I would like to follow the Section 1 procedure.

CHAIR ALDAN-PIERCE: Delegate Hocog?

DELEGATE HOCOG: I will yield.

CHAIR ALDAN-PIERCE: Any more discussion?

Yes, Delegate Aldan.

DELEGATE V. ALDAN: Can I pose a question to our legal counsel?

Just for the record, if there is no

Convention until the year 2021 that means that land alienation will continue to that date, right?

MR. WILLENS: It would mean that you could not have a Constitutional Convention issue put before the people before 2021 but it would not mean that you can't have an amendment by popular initiative under Section 1. Theoretically you could have a popular initiative in the year 2011 when Section 805 of the Covenant no longer prohibits the Commonwealth from having rules presently in effect. But you would have to proceed by a popular initiative to amend the Constitution before the year 2021 as this draft is now prepared.

DELEGATE V. ALDAN: And that is precisely the case why I want a stronger Section 1 because if you ratify Section 2 the way it is, forget it guys. We will lose that land even if we are the majority.

CHAIR ALDAN-PIERCE: Delegate Hocog.

DELEGATE HOCOG: Again, Madam Chair, on the ratification process, I would like to reiterate again my prior comment that it is only the petition. The ratification process requires more than what it calls for in the petition to place something in the referendum. Probably 75 percent to ratify that, but I think the ratification will provide that under Section

4 with what the Committee proposes.

CHAIR ALDAN-PIERCE: Delegate Maratita?

DELEGATE MARATITA: As I understand it, Section 2 refers to an amendment to the Constitution to be done by Constitutional Convention.

Is that right?

So, in other words, the petition to have a Constitutional Convention requires 75 percent of the electorate -- I mean 25 percent of the persons.

So the question being posed now is, shall there be a Constitutional Convention. That is the one that is going to be circulated and to be signed by 25 percent of the persons qualified in the Commonwealth.

CHAIR ALDAN-PIERCE: One at a time, please, Delegate Maratita has the floor.

DELEGATE MARATITA: That is in the Commonwealth 25 percent. If we have 1500 voters in the Commonwealth that requires 25 percent; or 75 percent in a single senatorial district? But how can we draw that line?

CHAIR ALDAN-PIERCE: Counsel Willens.

MR. WILLENS: Delegate Maratita, again this pertains only to putting the question of a Constitutional Convention on the ballot. And as drafted it provides two ways. The petition can be

signed by 25 percent of the persons qualified to vote in the Commonwealth or by 75 percent in any single senatorial district. And as I understand Delegate Aldan's proposal he would substitute for that mechanism the mechanism that is under Section 1 so that a petition to call for a Constitutional Convention would have to be signed by at least 30 percent of the people within the Commonwealth and at least 25 percent of the persons qualified to vote in each senatorial district. He is arguing for uniformity between the two sections. The Committee has made a different recommendation and that is what is before you, subject to discussion, is his motion.

DELEGATE MARATITA: Why the difference?

MR. WILLENS: That is a question that should be put before the Committee and I cannot speak for the Committee.

DELEGATE HOCOG: Legal counsel, Howard, you mean that any single senatorial district that signs a petition of 75 percent can very well pass a Constitutional Amendment before the people of the Commonwealth; is that correct?

MR. WILLENS: No. What 75 percent can do under Section 2 is get the question, "Shall there be a

Constitutional Convention to propose amendments in the Constitution" on the ballot. They can't do that before 2021. But it would mean that 75 percent of the people on Tinian, could by themselves, get this Constitutional Convention issue on the ballot in 2021 or thereafter. So the question for the Convention is whether you think that is too small a segment of the Commonwealth population to give the power to put this question on the ballot or do you want a broader representation within the Commonwealth as under Section 1. I am sure the Committee discussed this thoughtfully and at length and came to a reasoned recommendation and I am looking for a Committee member to speak to it.

DELEGATE T. ALDAN: Move to adopt.

CHAIR ALDAN-PIERCE: Delegate Hocog.

DELEGATE HOCOG: I would like to second Delegate Aldan's motion.

CHAIR ALDAN-PIERCE: It has been seconded.

DELEGATE HOCOG: I would like to approve.

CHAIR ALDAN-PIERCE: Delegate Hofschneider.

DELEGATE HOFSCHEIDER: Under this section there is no change since '76; it is the same except for the last sentence, but I would like to take the members' comments so that I can take it back to the Committee if

that is what the Committee of the Whole suggests.

CHAIR ALDAN-PIERCE: Delegate Tenorio.

DELEGATE LILLIAN TENORIO: Move to debate.

CHAIR ALDAN-PIERCE: All those favor in favor of ending debate say "Aye." Those opposed?

(Motion carried).

We go back to the motion. The motion is to adopt the same language as Section 1. Those in favor say "Aye." Those opposed say "Nay."

Motion passed.

I would like to move on to Section 4, ratification, Section 4 (a).

Delegate Gonzales.

DELEGATE GONZALES: On Subsection (b) this only talks about the Covenant...

CHAIR ALDAN-PIERCE: We are on Section 4 (a).

Delegate Aldan?

DELEGATE T. ALDAN: Thank you. Now I would like to bring back my question of illegal or unconstitutional. Of course, may be unconstitutional, may be illegal.

Oh, section (a) only? Sorry.

CHAIR ALDAN-PIERCE: Yes. We are looking at Section 4 (a). Are there any concerns on Section 4

(a)?

Okay. Committee consensus.

Go on to 4-B now. Delegate Gonzales.

DELEGATE GONZALES: I have gone through the entire article, all of the subsections, and I haven't seen anything that would constitute voting effectuation for constitutional amendments. It only talks about Covenant. Is there anything that covers ratification for constitutional amendments?

DELEGATE MARATITA: No. (c) is for constitutional amendments.

CHAIR ALDAN-PIERCE: Yes. Go ahead, Delegate Gonzales.

DELEGATE GONZALES: Do I take it that initiative petition talks about constitutional amendments?

DELEGATE HOFSCHEIDER: Yes.

DELEGATE GONZALES: Because here it doesn't say anything about explicit constitutional amendments.

DELEGATE HOCO: Take a break?

CHAIR ALDAN-PIERCE: Delegate Villagomez.

DELEGATE VILLAGOMEZ: Thank you, Madam Chair. I want to bring back my earlier question and I want to direct this to the lawyers, Mr. Willens or others.

The last sentence starting from the third

line from the bottom, "if approved by at least two-thirds of the votes cast and at least a majority of the vote cast in each of the two of the senatorial districts."

My question is Mr. Willens, the one man one vote concept, is this a violation of that?

MR. WILLENS: Let me ask my colleague Mr. Zimmerman to supplement my comments. This is a change from the current provision. The current provision provides for a majority vote of the votes throughout the Commonwealth and at least two-thirds of the votes cast in each of two districts. And this has been deliberately reversed in part on advice of counsel. The attorney general here in the Northern Marianas did opine in his communications with us that the present constitutional provision may violate the one-person-one vote rule by giving excessive voting power to the minority population in the individual senatorial districts. Theoretically then, the votes in Rota and Tinian could result in the defeat of an initiative or amendment even though the majority throughout the Commonwealth supported it.

Your counsel basically shares that view, although we could defend it. This is an effort to

improve the legal position to some extent but beyond that we cannot say much more.

Bernie, do you want to add any more to that?

MR. ZIMMERMAN: No. I think it is a fair statement. I think our view was that the current language, may be challengeable, and whether the language that is in the proposed amendment is unconstitutional will probably have to await challenge. I think we have tried to do as good a job as we can to insulate you from challenge. There are very few cases in this area. There are not many states that have this kind of situation where you have individual districts within the state that have the ability to override the vote of the entire state, so there just isn't that much authority.

CHAIR ALDAN-PIERCE: Delegate Aldan?

DELEGATE T. ALDAN: Just follow-up questions on that one. In other words, I would like to understand the provision. If, for example, two-thirds of the total votes cast supports a change, if one island or two islands decide that it does not garner the majority of the votes, then it would die, that is correct, right.

MR. WILLENS: That is correct. To put it in

practical terms, if people in Saipan overwhelmingly vote for an amendment and they alone generate nearly two-thirds, they could fail to get the initiative or amendment approved if there is not a majority on either Tinian or Rota.

DELEGATE T. ALDAN: So the change basically is just to reduce the effect of the current language, right? So the lawyers can all argue the constitutionality of such a provision? Is that correct?

MR. WILLENS: The argument is that by giving an overwhelming two-thirds and you have to some extent improved your position because you haven't required a two-thirds vote in two of the three districts you have required only a majority vote and the lawyers defending this will try to emphasize the desire for, excuse the expression, some unity in the Commonwealth and some need to have at least a majority expression in two of the three senatorial districts.

CHAIR ALDAN-PIERCE: Delegate Villagomez.

DELEGATE VILLAGOMEZ: Mr. Willens and Mr. Zimmerman, by following your response if we are to consent to a simple, let's say, 75 percent approval by the three senatorial districts, will that have a better

chance of standing up in court?

MR. ZIMMERMAN: You mean Commonwealthwide?

DELEGATE VILLAGOMEZ: Yes.

MR. ZIMMERMAN: Or at least 75 percent in all three districts.

DELEGATE VILLAGOMEZ: Yes, 75 percent. The number doesn't matter but each of the three municipalities must have the same number in order for the amendment to be ratified.

DELEGATE J. MENDIOLA: Is that a motion?

DELEGATE VILLAGOMEZ: So moved.

DELEGATE J. MENDIOLA: Seconded.

CHAIR ALDAN-PIERCE: Mr. Villagomez, can you please restate your motion?

DELEGATE VILLAGOMEZ: Can I hear first from the lawyer?

CHAIR ALDAN-PIERCE: I would like to take a five-minute break.

We need to change reporters.

(Recess taken from 4:10 p.m. to 4:29 p.m.)

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DELEGATE ALDAN-PIERCE: We left off with Delegate Villagomez proposing to restate his motion.

DELEGATE VILLAGOMEZ: Thank you, Madam Chair.

I want to withdraw my first motion and offer this. Section 4(b), second line, after the word "cast," put a period there and strike out "and at least a majority of the vote."

DELEGATE HOCOG: Point of information, Madam Chair.

DELEGATE ALDAN-PIERCE: State your point.

DELEGATE HOCOG: My good Delegate made a motion, and it has been seconded.

DELEGATE ALDAN-PIERCE: Yes, he did.

DELEGATE HOCOG: It was seconded by Delegate James Mendiola.

Can we dispose of that first? We need to dispose of that.

DELEGATE VILLAGOMEZ: What is the rule, Mr. Willens?

MR. WILLENS: I think the maker of the motion is entitled to withdraw his motion.

DELEGATE VILLAGOMEZ: Thank you.

So my motion is to put a period after "cast" and to delete the following sentence:

"The approval process will be two-thirds of the votes cast."

That is CNMI-wide.

Anybody want to second that?

(The motion was seconded.)

DELEGATE ALDAN-PIERCE: It has been moved and seconded that we add a period after the word "cast" and strike out the rest of the last sentence.

Discussion?

DELEGATE HOFSCHEIDER: Madam Chair.

DELEGATE ALDAN-PIERCE: Yes, Delegate Hofschneider.

DELEGATE HOFSCHEIDER: What is the intent of Delegate Villagomez? He wants to make that CNMI-wide?

DELEGATE VILLAGOMEZ: Yes.

DELEGATE HOFSCHEIDER: That is the opposite of what Delegate Tom Aldan addressed. What if one of the senatorial districts doesn't vote? Is that constitutional?

DELEGATE HOCO: It's uncovenant.

DELEGATE HOFSCHEIDER: Thank you, Delegate Hocog.

DELEGATE HOCO: That's a ruling from the floor.

DELEGATE ALDAN-PIERCE: We're getting a legal ruling here.

DELEGATE HOFSCHEIDER: I would like to say something else.

DELEGATE ALDAN-PIERCE: Go ahead, Delegate Hofschneider.

DELEGATE HOFSCHEIDER: If the intent of the proposal or the motion made by Delegate Villagomez is passed, then it's the same procedure made when the plebiscite took place in '76 to

take away two-thirds of Tinian.

Thank you.

DELEGATE MARATITA: In relation to that --

DELEGATE ALDAN-PIERCE: Yes, Delegate Maratita.

DELEGATE MARATITA: -- two-thirds of the votes cast in the Commonwealth -- if you don't have to recognize the existence of the senatorial district votes, then everything may be outvoted.

Saipan will always have the votes because that's where the majority of the votes are.

You don't count the vote in Rota. You don't count the vote in Tinian. Even if you don't count these two senatorial districts, two-thirds vote will always be from Saipan.

We've got to recognize whether we've got to have certain percentage of the votes in the senatorial districts.

DELEGATE ALDAN-PIERCE: We're going to go with Delegate Villagomez, Delegate Manglona, Delegate Tom Aldan, and then Delegate Hocog.

DELEGATE VILLAGOMEZ: Madam Chair, I yield --

DELEGATE ALDAN-PIERCE: Delegate Manglona.

DELEGATE MANGLONA: I'm glad that the Delegate from Tinian has now started talking. This is a serious matter.

I don't want to continue talking because I know nobody is listening to me. But I hope my fellow Delegates from

Rota and Tinian, who are with the majority, please start talking. Otherwise, this Convention will tear our Constitution.

You know there are a lot of fundamental principles that go into the Constitution that unite the islands.

I'm sorry that everytime I talk about unity, they come around and say, "Why are you talking about unity?".

I talk about unity because I'm a founding father of our Covenant. I'm a founding father of our Constitution. I know why these provisions are here.

Now, we are trying to take away all of those provisions that brought us together. I'm going to, again, caution the members of the delegation that every time I talk about Rota trying to find its place, you can laugh and say, "Maybe you want to go away."

Well, if you want us to stick together, let's protect those things that put us together. Believe me, after this Convention, if this Convention continues to tear away the protection that the people of Rota and Tinian feel they needed, then I'm sure there will be no unity.

What is the use of being together if there is no unity? There will be more problems in the future.

Again, I congratulate the Delegate from Tinian. I hope also our own delegation will stand up and justify this provision. This is a needed provision for our people.

DELEGATE HOFSCHEIDER: Point of clarification.

DELEGATE ALDAN-PIERCE: State your point of clarification.

DELEGATE HOFSCHEIDER: The recommendation was not made by a member of the COP, if that is the concern of the Delegate Manglona from Rota.

The Delegate that made the motion to delete the sentence after "cast" is not a member of the COP.

Thank you.

DELEGATE ALDAN-PIERCE: Delegate Tom Aldan.

DELEGATE TOMAS B. ALDAN: Thank you, Madam Chair.

I would like to state that two-thirds majority is not only Saipan. Two-thirds majority of the votes cast represents all the votes cast on Tinian, Saipan, and Rota.

The fact that the majority of the people are on Saipan is not an issue here; rather, it's the two-thirds of the total votes cast that includes all three islands.

Thank you.

DELEGATE ALDAN-PIERCE: We're going to go with Delegate Hocog, Delegate Seman, and then Delegate Villagomez.

DELEGATE HOCOG: Thank you, Madam Chair.

Again, I asked my good Delegate Villagomez to withdraw his motion regarding the resolution. He did not withdraw his motion. He now effects a motion for 75 percent. He was asked to withdraw, and he did withdraw his motion.

Madam Chair, I think we should go back. We must

protect the sanctity of our Covenant that unites the Commonwealth, the senatorial islands.

Again, what some of the numbers have been trying to do is, using again my terminology, political penetration that will circumcise the unified position of the districts.

I would like to see, and I have not put a "period" as recommended by the Chair after the word "cast."

I would like to further state that two-thirds, also, of Rota and Tinian be required, as well as Saipan, to ratify a constitutional amendments. If that is not enough, I would ask for three-fourths to ratify a Constitutional amendment.

Thank you.

PRESIDENT GUERRERO: Delegate Seman.

DELEGATE SEMAN: Thank you, Madam Chair.

I want to state my position as a Delegate from Saipan. I am in support that we maintain this language.

I'm not supporting that motion to delete that part giving the opportunity to at least one of the senatorial districts to also voice their concern, or their vote, on any constitutional amendment.

As a Delegate from Saipan, I want to state that I hold Delegate Manglona with high esteem, and I do listen to him.

Thank you.

DELEGATE ALDAN-PIERCE: Delegate San Nicolas.

DELEGATE SAN NICOLAS: I want to state that as a delegate to the Commonwealth for the Third Northern Marianas Convention that I think it's fine the way it is.

Would it hurt to maintain what we have? Would it hurt to allow two of the senatorial districts a chance to be heard? Would it hurt? I don't think so. I think that is something that we have to consider here.

Delegate Tom Aldan said majority is not the issue. The issue we have to consider before trying to either pass or not pass this motion by Delegate Villagomez is this: As a Commonwealth united through certain sacrifices that all islands or senatorial districts have made, are we prepared to fall back on some of those promises that we made to become united as a Commonwealth?

I don't think so. I think once again, I'll state this, we are fine with the certain language we have here. I think it is necessary. We had it for the past 20-some years, past 21 years. Altering it today will not help the unity we all aspire to have.

DELEGATE ALDAN-PIERCE: Thank you.

Delegate Tenorio.

DELEGATE LILLIAN TENORIO: Move to end debate.

(The motion was seconded.)

DELEGATE ALDAN-PIERCE: It's been moved and seconded that we end debate.

All those in favor say "Aye."

Those opposed, say "Nay."

(The motion carried.)

The motion -- we have to act on the motion to put a period after the word "cast" and strike out the rest of that sentence.

Yes, Delegate Villagomez.

DELEGATE VILLAGOMEZ: I recommend you take a roll call.

DELEGATE ALDAN-PIERCE: Those in favor of the motion -- I'm sorry. We'll go to roll call.

The motion is to put a period after the word "cast" and strike out the rest of section 4(b), and to take out the words "and at least the majority of the votes cast in each of two of the senatorial districts."

DELEGATE HOFSCHEIDER: Clarification.

DELEGATE ALDAN-PIERCE: Yes.

DELEGATE HOFSCHEIDER: Is the voting the consensus of the majority of the Committee of the Whole or is it because it's coming from Delegate Villagomez?

DELEGATE ALDAN-PIERCE: There is a motion on the floor.

DELEGATE HOFSCHEIDER: It's not a motion. He's taking it out.

DELEGATE VILLAGOMEZ: I'm just recommending --

DELEGATE HOFSCHEIDER: You see, he's just recommending. It's not a decision by the Floor --

DELEGATE ALDAN-PIERCE: It's my decision to have a roll call.

DELEGATE HOFSCHEIDER: Is it your decision, too?

DELEGATE ALDAN-PIERCE: Yes.

DELEGATE HOFSCHEIDER: Okay.

(The roll was called and the Delegates voted as follows:)

YES: Delegate Joaquin Villagomez and
Delegate Tomas Aldan. (2 votes)

NO: Delegates Marian Aldan-Pierce,
Frances LG. Borja, Carlos Camacho, Esther
Fleming, Herman Guerrero, John Oliver Gonzales,
Victor Hocog, Henry Hofschneider, David Igitol,
Jose Lifoifoi, Benjamin Manglona, David Q.
Maratita, James Mendiola, Felix Nogis, Justo
Quitugua, Joey San Nicolas, Teresita Santos,
Bernadita Seman, Marylou Ada-Sirok, Mariano
Taitano, Helen Taro-Atalig, Juan S. Tenorio,
Lillian Tenorio. (23 votes)

ABSTAIN: Vicente Aldan. (1 vote)

ABSENT: Donald B. Mendiola. (1 vote)

DELEGATE ALDAN-PIERCE: The motion is defeated.

What is the count?

CONVENTION CLERK: Madam Chair, the count is: Two voting
"yes," 23 voting "no," one abstention, and one member absent.

DELEGATE ALDAN-PIERCE: The motion is defeated.

Delegate Lifoifoi.

DELEGATE LIFOIFOI: Madam Chair, I move that Article 18: Constitutional Amendment be approved.

(The motion was seconded.)

DELEGATE LIFOIFOI: As amended.

DELEGATE ALDAN-PIERCE: Those in favor of the motion say "Aye."

Those opposed, say "Nay."

Motion carried.

Yes, Mr. President.

PRESIDENT GUERRERO: I move to rise to the plenary session.

(The motion was seconded.)

DELEGATE ALDAN-PIERCE: Those in favor of the motion say "aye."

Those opposed, say "Nay."

(The motion carried.)

(A recess was taken from 4:46 P.M. to 4:47 P.M.)

PRESIDENT GUERRERO: The plenary session is called back to order.

Delegate Marian Aldan-Pierce, can you report on the deliberation of the Committee of the Whole, please?

DELEGATE ALDAN-PIERCE: Yes.

Mr. President, I'm pleased to report that the Committee of the Whole voted affirmatively on Article 18:

Constitutional Amendment, as reported out by the Committee on Judiciary and Other Elected Offices as amended.

PRESIDENT GUERRERO: Is that it?

DELEGATE ALDAN-PIERCE: That's it.

PRESIDENT GUERRERO: Thank you.

We are running behind schedule.

DELEGATE NOGIS: Definitely.

PRESIDENT GUERRERO: I didn't think that Article 18 would be as controversial as originally proposed.

We still have Article 3 for first reading today. Can I get a consensus or some direction from the floor in terms of what we need to do? We still need to entertain this.

DELEGATE HOCOG: Yes, Mr. President.

PRESIDENT GUERRERO: Mr. Floor Leader.

DELEGATE HOCOG: By order of the Chairman of the Committee on Executive and Local Government, we have requested the floor not to entertain Article 3, Executive Branch, until the next plenary session.

That's a motion.

(The motion was seconded.)

PRESIDENT GUERRERO: Discussion?

DELEGATE NOGIS: Mr. President, would you please include that for first reading of the next plenary session, given the time?

PRESIDENT GUERRERO: Let me just caution the members that

we are running behind schedule. If it needs to be, I'm going to call a session on Friday to catch up.

DELEGATE NOGIS: Sure.

PRESIDENT GUERRERO: We need to move ahead.

We have, perhaps, about 2-1/2 weeks to go. Everybody has things to do. If it means that the Committee needs to meet even after 4:00 or 5:00, then so be it, but things need to move ahead.

Yes, Delegate Villagomez.

DELEGATE VILLAGOMEZ: Mr. President, I want to remind you of the 5:00 meeting. If you want to continue, we will have to tell the others we can't make it.

PRESIDENT GUERRERO: There was a motion on the floor to defer first reading on Article 3 until Thursday.

Those in favor of that motion say "Aye."

Those opposed, say "Nay."

Motion carried.

This will be taken up at the next plenary session.

DELEGATE HOCOG: Mr. Floor -- Mr. President --

PRESIDENT GUERRERO: I think it's a reflection that everybody is getting tired.

Yes, Mr. Floor Leader.

DELEGATE HOCOG: No, Mr. President, I'm not getting tired. You just confused me.

I would like to move to suspend item 11 and move to

item 12.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to suspend item 11 and move to item 12.

Discussion?

If not, those in favor of the motion say "Aye."

Those opposed, say "Nay."

Motion carried.

DELEGATE HOCOG: I move, Mr. President, adjournment subject to the call of the chair.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to adjourn subject to the call of the Chair.

Those in favor of the motion say "Aye."

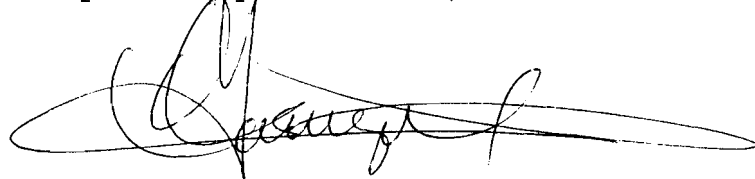
Those opposed, say "Nay."

Motion carried.

This session is adjourned.

(The Convention recessed at 4:52 P.M.)

Respectfully submitted,



Convention Secretary