

THIRD NORTHERN
MARIANA ISLANDS
CONSTITUTIONAL CONVENTION

DAILY JOURNAL

FIFTIETH DAY

Monday, July 24, 1995

PRESIDENT GUERRERO: The 50th 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: On preliminary matters, we have four items on the agenda today and I would like to go for as long as it takes us to dispose of all four.

Con-Con clerk, roll call.

(Convention Clerk called the roll).

CONVENTION CLERK: 23 members present and four members absent.

PRESIDENT GUERRERO: How many absent?

CONVENTION CLERK: Four, Mr. President. 23 members present, four absent.

PRESIDENT GUERRERO: Delegate Mariano Taitano is excused. He is still recuperating and I am sure he is watching us from his bedside at the Commonwealth Health

Center. So he is excused.

Delegate Hocog also requested that he be excused. He is currently off island on medical checkup.

At this time I would like to appoint the Floor Leader for today and for the remainder perhaps until our Floor Leader gets back, Delegate Lifoifoi.

Mr. Floor Leader.

DELEGATE LIFOIFOI: Mr. President, I move we adopt the Summary Journal for July 22nd.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to adopt the Summary Journal from July 22nd.

Discussion?

If not those in favor of the motion say "Aye." Those opposed say "Nay."

Motion carried.

Mr. Floor Leader.

DELEGATE LIFOIFOI: Mr. President, I move for the adoption of daily journals from July 21st and 22nd.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to adopt daily journals of July 21st and 22nd.

Discussion?

If not those in favor of the motion say "Aye." Those opposed say "Nay."

Motion carried.

At this time we move to Item 5 which is reports of committees.

The report from the Committee on Organization and Procedures.

The schedule for the rest of the Convention is on your desks and has been posted in the usual places. Basically we have a plenary session scheduled every afternoon. The schedule tells you what articles we should be considering. We also have Committee meetings every morning. The schedule also tells you what articles the committees will be considering. So, if you have amendments, you can go to the Committee meeting and let them know your views.

We have to double up on Committee meetings. The schedule has two time slots for Committee meetings each day, one from 9:00 to 10:45 and the other from 11:00 to 12:45. Our plenary sessions are at 1:30. So two committees will be meeting simultaneously. There is no way around this. When the Land Committee and Legislative Committee are meeting, there are three

delegates who will have conflicts; when the Judiciary Committee and Executive Committee are meeting, there is one delegates who will have a conflict. There are no conflicts for any of the Tinian and Rota people.

It is extremely important that delegates be on time. One Committee meeting will be held here in the chamber and one will be held in the library or the Senate.

The first Committee listed for a particular time slot will meet here and the second Committee listed will meet in the library or Senate. If your Committee needs more time, just keep going. The next Committee will meet in the Senate chamber when necessary. It is important that you consider proposed delegate amendments carefully and you get your reports to the floor.

We need to appoint a Style Committee. This Committee will be responsible for deciding about the various small changes that the lawyers recommend to get consistency in the wording throughout the Constitution, to correct titles and deal with capitalization and other things to make the style consistent. These are not substantive changes but even for small changes we need to have delegates approve anything that is done

and report back to the Convention. Under our current schedule, we will be looking at the whole Constitution on August 2, 1995. So this Committee will need to approve the small changes for consistency that the lawyers want to make as we go along this week. I would like to ask Bernadita Seman to chair that Committee and ask the convention secretary John Gonzales to serve on this Committee and Frances Borja to also serve on this Committee. This Committee should also decide the various style matters involved in the formal printing of the Constitution for the signature at the end of the Convention.

We also need to appoint a Post-Convention Committee. COP would like to have the suggestions of all the delegates as to who should be on that Committee. I need to appoint that Committee by the end of this week. The contract that we have with Deanne and Howard extends through the post-convention period, so they will be helping the Post-Con Committee.

As the president of the Convention my authority ends with the Convention. I get the consensus from a lot of members that they don't want to be a member of this prestigious post-Convention wrap-up Committee and public education. I am going to appoint

it and appoint the members before my term expires, and there is no way out for the members to say no. It is service above self. And we all agreed that we want to do the Convention and we all ran for this office and your term has not expired with this Convention. So, be prepared if your name is included in the Post-Convention Committee.

Thank you.

At this time I would like to call on the chair on Land and Personal Rights, Chairman Jose Lifoifoi.

DELEGATE LIFOIFOI: I yield to my Vice-chair Aldan-Pierce.

DELEGATE ALDAN-PIERCE: Thank you.

The Committee on Land and Personal Rights has completed its review of the Preamble and on Article 1 which are on the schedule to be considered on second reading today. Our reports have been distributed to all of the delegates.

Thank you.

PRESIDENT GUERRERO: I call on the chair of Legislative Branch and Public Finance, Delegate Tom Aldan.

DELEGATE T. ALDAN: Thank you, Mr. President.

Your committee on Legislative and Public Finance has also completed its review of Article 2 and hopefully it will be calendared for today.

We have also disposed of delegate amendments and that should be reflected in the reports.

Thank you.

PRESIDENT GUERRERO: Thank you, Delegate Aldan.

I call on the chair of Executive Branch and Local Government Committee, Delegate Felix Nogis.

DELEGATE NOGIS: Thank you, Mr. President.

After several days of discussion the Committee on Executive Branch and Local Government continues its review on Article 3, section 17 in line with Article 6 insofar as the local government is concerned.

Thank you.

PRESIDENT GUERRERO: Thank you.

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

Delegate Hofschneider.

DELEGATE HOFSCHEIDER: Thank you, Mr. President, your Committee on Judiciary and Other Elected Offices met this morning and have reviewed proposed amendments on Constitutional amendment, on Civil Service

Commission, on Article 4 on Judiciary, and on Article 15 on Education and have disposed on those matters and we expect to report to the floor at tomorrow's plenary session on the results of our meetings.

Thank you.

PRESIDENT GUERRERO: Thank you.

Before we go on to the next order of business, I think I would like to include also Delegate Lillian Tenorio on the Style Committee.

So we move on to Item 6, introductions of delegate amendments.

Let me recognize first Delegate Lillian Tenorio.

DELEGATE LILLIAN TENORIO: Thank you, Mr. President.

I am introducing Delegate Amendment No. 30 that would delete the following section from the provisions in the transition schedule that relate to Article 3.

The section reads: "All annuitants shall be taxed at the rate in effect on December 31, 1994 until the legislature enacts tax legislation based on the recommendations of the tax task force currently in existence."

PRESIDENT GUERRERO: Thank you, Delegate Tenorio.

I call now on Delegate Vicente Aldan.

DELEGATE V. ALDAN: Thank you, Mr. President.

I have two proposed amendments. These amendments actually were put in as proposals to the Judiciary Committee but they thought it was more legislative. I thought because of its importance I would like it to be an amendment and maybe considered by the Committee of the Whole if that is possible.

One is amendment No. 11. It deals with mandatory arbitration of claims for less than \$25,000. This provision will require Supreme Court to establish by its rules a system of mandatory arbitration of disputes involving claims of less than \$25,000. This would provide flexibility in setting up the system. The courts would not have to decide these smaller cases unless one of the parties challenged the arbitration proceeding on the basis of the qualifications of the arbitrators to be fair and neutral, fraud, or going beyond the matter submitted for arbitration.

The next amendment is amendment No. 10. This actually is introduced, too, because there is a double standard now. Damages may not be recovered against the

Commonwealth for more than \$100,000 except for actual damages incurred. Currently this is in the system protecting the government but there is no protection actually for the private sector and that is why I introduced the amendment which will state: Damages may not be recovered against a private party for more than \$100,000 except for actual damages incurred.

The legislative history would explain that if a plaintiff's actual lost earnings, medical bills, or other actual damages exceeded \$100,000 those damages could be recovered in full. This limitation is on punitive damages, pain and suffering damages, loss of consortium damages, and other similar damages that are not out-of-pocket costs or losses. Two separate sections have been provided for actions against the government and the private parties in order that the legislative history be clear and in order that if one of the limitations falls in the courts the other may survive. This has been placed in Article 10 with the provision on taxpayer action.

Thank you.

PRESIDENT GUERRERO: Thank you, Delegate Aldan.

Delegate Villagomez.

DELEGATE VILLAGOMEZ: Thank you, Mr. President.

I have Delegate Amendment No. 16, changing the title Marianas Land Bureau to Oficinan Tano.

Amendment No. 17, regarding Article 11, section 5, on the lease of not more than 15 hectares for 25 years and subsequent approval of another 15 years by the legislature.

Article amendment 18 regarding Article 3 on Education.

Article 19, affecting Article 3 again, section 13 on the education basically to do away with the five elected board and have one CNMI elected board.

Amendment No. 29 with regards to the Schedule on Transition with respect to Article 12 to provide for a one-year grace period from the effective date of this amendment.

Thank you.

PRESIDENT GUERRERO: Any other delegate amendments?

I do have some that I believe were included in the journal. I think one has to do with the official seal, changing the words "official seal" and replacing it instead with 1978. The other one has to do with the flag and I do have other delegate

amendments, I think No. 13 and 14. One has to do with enactment of legislation and the other one has to do with Civil Service. So it will be included in the journal.

Any other delegate amendments? If not, we move on to motions and resolutions.

If nothing, we move on to unfinished business. Nothing.

We go to the special order of the day.

I call on Mr. Floor Leader.

DELEGATE LIFOIFOI: I move to calendar for the Committee of the Whole the following articles: Article 6, local government; Preamble for second reading; Article 1 for second reading; Article 2 for second reading.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to calendar for the Committee of the Whole Article 6, local government; Preamble for second reading; Article 2 for second reading.

Discussion? If not, those in favor of the motion say "Aye." Those who oppose say "Nay."

Motion carried.

DELEGATE LIFOIFOI: Mr. President.

PRESIDENT GUERRERO: Yes, Mr. Floor Leader.

DELEGATE LIFOIFOI: I move that we now resolve into the Committee of the Whole

(The motion was seconded).

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

Discussion? If not, those in favor of the motion say "Aye." Those opposed say "Nay."

Motion carried.

At this time I appoint Delegate Bennet Seman to preside and to chair the Committee of the Whole.

Please come up.

(Applause).

DELEGATE LIFOIFOI: Five minutes recess?

PRESIDENT GUERRERO: We just had a recess.

DELEGATE SEMAN: Before we take a recess make sure you have your copies of the articles in front of you.

Five minutes recess.

(Recess taken from 2:00 p.m. to 2:10 p.m.)

DELEGATE SEMAN: Committee of the Whole will now come to session.

As scheduled, you have before you Article 6 for discussion on local government and, the report of the Committee to be considered by this Committee of the

Whole dated July 22nd. You have four approaches there which are alternatives being proposed by the Committee. Alternative No. 1 retains section 17 in its present form.

Alternative No. 2, returns to the language of the First Constitutional Convention in 1976.

Alternative No. 3, amends the language to make clear that the mayors have full responsibility for the enforcement of Commonwealth laws.

Alternative No. 4, amends the language to make clear that mayors do not have full responsibility.

Before we start on the discussion, I would like to set some rules here. Every Delegate will be given an opportunity to speak once but not more than 15 minutes. When a speaker is making a presentation please do not raise your hands so we give the speaker the opportunity of our listening to his or her presentation. I will give every delegate the opportunity to speak.

Now may I call on the chair of the Executive Branch and Local Government.

DELEGATE NOGIS: Thank you, Madam Chair. We have tried to address section 17, Article 3 for several days

and it is quite evident that there are fundamental differences in regard to the positions taken by each delegate within the Committee. It is our desire to bring the matter to the Committee of the Whole which will give a chance for the whole Committee to express themselves and hopefully there will be a sense of direction as a result of our deliberation today. With that, thank you, Madam Chair.

DELEGATE SEMAN: Discussion.

Delegate Manglona.

DELEGATE MANGLONA: Thank you, very much Madam Chair and fellow delegates.

I rise to speak on this issue. We are deliberating at this moment because it is so important and so dear to the hearts of the people I represent. While I do not represent the people of Tinian I note, too, this issue is also very dear to them. The message I am delivering to you today comes from my heart. I know some of you are tired of hearing and listening to me. I know some of you are tired of being reminded of our political history that united us together as one family, as one Marianas.

I know some of you cursed and condemned me because of my strong stand and belief in local

government. I know some of you are complaining about your tax money that subsidizes our people.

I know some of you are bothered and emotional over the Court's decision of Inos v. Tenorio.

I know some of you are displeased by the actions of our leaders in guarding and defending decentralized local government for our people. My fellow colleagues, I fully accept all your criticisms. I have no need for personal revenge or to hold a grudge. I am just representing the wishes and desires of my people. I am just representing the people that I have represented for many, many years. Forgive me if I hurt your feelings one way or the other.

I also want to thank all those who have continued to support our views and all those who truly value the need for unity during our deliberations. I am no threat to this Convention. I try to cooperate and work with you from the beginning. I pledge to continue to work with you until the end. Now please permit me to speak on the real issue, local government.

Mr. President, and fellow delegates on behalf of my poor people I now ask for your indulgence to speak in support of our people's strong desire to have

our mayor continue to administer decentralized programs and public services on our small island.

All of you here today know my views. I planted this dream 33 years ago when politics was really dividing our people and our islands. Yes, I went through those very difficult and trying times, but in the end I earned my reward. I was finally understood and accepted. Today I pay tribute to those great and distinguished men, our founding fathers. I really miss them. I valued their support and understanding. I know that if they were alive today they would come to to my rescue.

All of you also know about what is referred to in our Marianas history book as the "great compromise" that was made between our leaders and our founding fathers during our Covenant negotiations and the drafting of our first Constitution.

That compromise in itself was the glue, the cement that united us together and established our Commonwealth. We should not try to forget our past history and the great significance of those important decisions.

These things are too important. They are part of our political origin. They should be

remembered just like we remember our mothers who gave birth to us.

To me all those matters are no less important. All of you know about our Covenant section 203(b). It says and I quote: "The executive power of the Northern Marianas Islands will be vested in a popularly elected governor and such other officials." I repeat "and such other officials as the Constitution or laws of the Northern Mariana Islands may provide."

Section 102 of the Covenant also says and I quote: "The relations between the Northern Mariana Islands and the United States will be governed by the Covenant which together with those provisions of the Constitution, treaties, and laws of the United States applicable to the Northern Mariana Islands will be the supreme law of the Northern Mariana Islands." End of quote.

Fellow delegates, Amendment 25 is not a perfect document but it is working for us. Amendment 25 when it is properly restructured, reconstructed and strengthened can work effectively and better for our local communities in Tinian and Rota.

This recommendation is included under the Committee's report as option No. 3. We beg all of you

our fellow delegates not to lessen or weaken our mayor's power under Amendment 25.

With this in mind, do we in this Convention want to reverse the progress that our people and our leaders both in the central government and on Tinian and Rota have waited too many long years to achieve? I think not. None of our people on Tinian or Rota want to go back to the days when all authority over our respective local government was vested in the central government. We want our mayor to have direct supervision over our government employees. We want our mayor to oversee the faithful execution of our Commonwealth laws, rules and regulations. No, we do not want to go back to the days when in the absence of direct day-to-day supervision, government workers would be seen on the road, in coffee shops, playing poker, socializing or whatever instead of working hard to serve our people and to earn their salaries which come from our tax dollars. No, we do not want to return to those days. I pray and hope that never happens again.

Fellow delegates, despite the disagreements we have had during this Convention I want to say that I am proud of the progress our Commonwealth has made as a whole during the past 18 years. While people around

the world are dying for their freedom and liberty we enjoy peace, freedom, liberty, justice, democracy and a republican form of government. However, Mr. President, in order to preserve, in order to strengthen our relationship as a people as a Commonwealth, I beg each of you from the bottom of my heart to join hands to work together to create a better, a stronger and a more responsive government for all our islands. This can only be achieved if and when we are truly committed to one another. And Amendment 25 is part of that commitment, part of that respect for one another.

Fellow delegates, deep in my heart I have always believed that we can work together as one family, as one Marianas for a better future, an improved future for all of us as brothers and sisters, together with mutual respect as one people.

To our good friends of Saipan, I seek your support and understanding. We are your poor neighbors. Our central government neglected us for many years. We are still very undeveloped. We have very little tax base to sustain us. We still need your financial support to help us grow. We hope the day will come when we, too, can be self-sustaining to take care of ourselves and when the day comes we will say to

you: Thank you. You have helped us grow.

To my dear people in Rota, I share your thirst and desire for more local self government. You helped me plant this dream for you. It grows and it keeps on growing; however, some unfortunate things at times got in its way and retarded its growth.

Should this Convention deny us the fulfillment of our dreams? Please keep it alive for I know I will be long gone before the next Convention.

Today, in this Convention, I pass my will to you and to our future generation to keep the light shining bright until our dreams are fulfilled.

Mr. President, and fellow delegates, the time for decision is now. When the Convention is over a short time from now our work will be only half completed. The final half is to present this document to our people and convince them of the value and importance of all of the amendments approved. We will need to work together to guarantee that our amendments receive support from the people we represent. This is the only way that in the end we can stand together and be proud of our work as delegates.

Thank you, Madam Chair and fellow delegates.

DELEGATE SEMAN: Delegate Aldan.

DELEGATE T. ALDAN: Thank you, Madam Chair.

Fellow delegates the issue before us today is a sensitive issue and as such should be treated with sensitivity.

With all due respect to my colleagues from Tinian and Rota, I ask you to be understanding and mindful of the fact that what we are trying to accomplish is difficult at best, yet we must succeed. We must keep an open mind as we swing through this delicate issue, as we listen to the cries from both sides on the issue. It is important that one cannot stand alone to make change. We need support and we need understanding and most of all we need one another to arrive at a most important decision, a decision that is right and just and workable under our system of government.

Uppermost in our mind is that we are working for a better Constitution for a better Commonwealth.

With that let me lay to rest the following policies. Water separates Tinian, Rota and Saipan. This is not a reason to support the establishment of three separate and distinct executive branches. In this day and age we all know that it takes only about five to ten minutes to get to Tinian from Saipan. It

takes longer to travel from the Civic Center to Capitol Hill by car. It takes only 20 minutes by jet to get to Rota from Saipan.

We must accept that modern communication and transportation can bring us closer together. It is no longer the age of canoe and telephone alaihai. Take a good look at the State of Hawaii, Puerto Rico, Virgin Islands and Alaska. They all have communities like ours; yet they have one strong central government and they also have a unified locally funded local government. If they can do it with ten or more times the population of the Commonwealth, why can't we do it? Of course we can do it. All it takes is unity. We must stop the attitude of what is it in for Tinian and what is in it for Rota and what is it in for Saipan. We must ask it what is in it for the Commonwealth. As such the fact that Saipan, Tinian and Rota are separated by water is not a justifiable reason for disunity.

Telephone, facsimile, air transportation and other modern technologies have made this argument obsolete and without foundation.

"Founding Fathers," I keep hearing this phrase to support the establishment of three separate

executive branches or to extend veto powers of the minority. To me the Founding Fathers were the members of the Marianas Political Status Commission who negotiated the Covenant and the first delegates to the Constitutional Convention who signed the Constitution.

This is what they wanted, a strong and unified central government, period. They did not want to create feudal baronies on Tinian, Saipan and Rota to allow disparate treatment among the island residents. Each resident should have the same level of freedom enjoyed by everyone whether you live on Saipan, Tinian or Rota. To accomplish these ideals they were willing to allow for decentralized public services so long as these services are delivered equitably and efficiently to all residents.

Maybe we should go back to the wishes and desires of our founding fathers during the first Constitutional Convention. As long as Commonwealth revenues are used to fund the costs of local government, the governor should have the final say on whether to delegate or not, and revoke the delegation of authority given to the mayor for just cause. Moreover, I will not accept the delegation of authority for the mayor to enforce the laws of the Commonwealth.

It is unthinkable for anyone other than the governor to be accountable for such enforcement. It is undemocratic. The Court in the Inos case held that the governor is not required to delegate this duty to the mayor.

This Convention should not even consider going beyond what the Court has opined.

New lawsuits have been filed to determine whether the mayor has expenditure authority over Commonwealth funds. Let us stop these lawsuits where only the lawyers make money, while we, the people whom the government should serve, are on the losing end of the stick.

Let us make clear what are local government functions and what are central government functions so that our government concentrates on using our meager resources to enhance our lives. The money being used for lawsuits should be going to improve our water, sewer, health services, public schools and a host of other important services that we lack.

Therefore, if we allow any delegation we must make it uniquely clear that it can be revoked if the mayor fails to do his duty. Better yet, we should have an impeachment provision for the mayor just like for

the governor and other elected officials.

Think about it. This may be the tool to ensure that delivery of public services is equitably provided to all.

Further, it keeps the mayor under tow as a check and balance is put in place. Given these premises the most appropriate compromise is Option 4. It makes clear that the governor may delegate to mayors Commonwealth operations for public services and the delegation can be revoked for just cause. It does not include the expenditure of Commonwealth funds except for the office of each mayor and it does not include enforcement of Commonwealth laws. In the future, as each municipality grows and sufficient revenues are generated, the realization that each municipality will run its own affairs will be achieved.

Delegates, I ask you to adopt Article 6 because it represents the establishment of a true local government. I ask you as well to adopt the proposed amendment for section 17 of Article 3 as stated under option 4 as it provides a clear picture of the relationship between the governor and the mayor.

This is the best compromise and the only light at the end of the tunnel for a true local

government and effective and efficient public services can be guaranteed.

Thank you.

CHAIR SEMAN: Thank you Delegate, Aldan.

Before we go on, we are discussing Article 3, section 17.

Delegate Villagomez.

DELEGATE VILLAGOMEZ: Thank you, Madam Chair.

Mr. President, fellow delegates, I come to the Third Northern Marianas Constitutional Convention with open heart and open mind. I consider my role here in representing the people of the Commonwealth and especially the people of the municipality of Saipan as that of a native fisherman aboard a large flying proa, or canoe, on a sacred mission across the vast open Pacific Ocean. Aboard the canoe are 26 other fellow Chamorro, Refaluwasch, Carolinians, Chamolinians. Also accompanying the delegates are expert navigators, Mr. Howard Williams, Ms. Deanne Siemer, Bernard Zimmerman, Justice Dela Cruz and Maya Kara. The captain of the fishing expedition is you, Mr. President, a competent and experienced delegate being the president of the second Con-Con.

Since the commencement of our Convention on

June 5, 1995, we have traveled across rough seas as we endure the hot sun and small and congested space inside the canoe.

We have almost reached our destination and we can see a small peak across the horizon. We have passed many articles on first reading to amend our Constitution.

Midway to our destination, Captain Guerrero sees a dark cloud signifying an impending typhoon or hurricane. The question of local government is brought before this plenary session.

The sea birds have disappeared; the turtles, the flying fish and the dolphins we see are gone. The peaceful Pacific Ocean becomes rough. The sea is getting rough and rougher. 15 foot waves crash our canoe. Our mighty canoe tumbles as it surfs across the waves. We are fighting amongst ourselves where to go. Captain Guerrero is confused but he knows the destination and can still recite the ancient chant to be able to read the stars. Delegate Terry Santos asked for help by saying the Lord's prayer to please love thy neighbor. Captain Guerrero responded: Does my neighbor love me? Delegate Hocog answered yes, before he got sea sick and almost fell out of the canoe.

Delegate Manglona, the most experienced fisherman and who has journeyed the same route, is begging for unity and to have the delegates listen to him on how to get to our destination. Delegate Camacho, an experienced navigator also asked for unity. Delegate Seman scolded her nieces, Delegate Sirok and Delegate Lillian Tenorio, to listen to Delegate Manglona because she holds him in high esteem, before she went to sleep in the front part of the canoe. Delegate Villagomez did not listen to his Uncle Delegate Camacho. Delegates Hofschneider and Maratita complained that no one is listening to them. Delegate Hofschneider and Delegate San Nicolas do not care about their uncle Delegate Villagomez.

CHAIR SEMAN: May I interrupt to change the tape? Put down the anchor.

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

CHAIR SEMAN: You may pull up the anchor, Delegate Villagomez.

DELEGATE VILLAGOMEZ: Thank you, Madam Chair.

Delegate San Nicolas who is undergoing his first initiation by fire, first journey, begs for peace and not to blame one another for the mistakes of the past. Delegate Gonzales, a junior navigator,

said "hungan," yes. Delegate Taitano is making local medicine with Delegate Mendiola so no one gets sea sick.

Delegate Juan Tenorio together with Delegate Sirok and Delegate Lifoifoi demanded that we travel the path as charted by President Guerrero. Delegate Nogis, who is the assistant navigator, is confused whether to follow Delegate Hocog or Captain Guerrero. Chief navigator Howard Willens, the leader of the legal team, or "legal eagle," told the delegates that the path to our destination is a political decision that must be decided by the delegates or fishing crew. Justice Dela Cruz and Attorney Manglona were discussing fishing and discussing golf techniques to avoid bogey.

Madam Chair, I made this analogy to explain diverse views that I have heard since we deliberated on local government. We are reviewing section 17 of Article 3 and Article 6, local government. Today is July 24, 1995 and we plan to sine die or adjourn by August 5th. We have 12 days to work out a compromise. Delegate Manglona reminded us of the great compromise of our founding fathers that produced the Covenant, the first Constitution, and the second Constitution. I would like to use the word "accommodation" in our

endeavor to formalize a workable political institution of local government. The 20 years since the inception of our Commonwealth government our limited financial resources, both local and federal, have allocated priorities not based on long range plans. The real needs of our people were not considered. Sewer and solid waste problems were not addressed. The Puerto Rico dump is a blatant insult to the integrity of our fragile island ecosystem. Who are we to blame? First we blame ourselves for apathy and, foremost, our political leaders.

Many good questions were raised by the delegates as we deliberate on these issues. How much power should the mayor have? How strong should the central government be? Who will control enforcement authority -- the governor or the mayor? What type of power and authority to levy the taxes should we give to the mayor of Saipan? What is the role of the municipal council? Should we take away the authority of the legislative senatorial delegation over local matters? What types of administrative authority should we give to the mayor of Rota to implement quality public services in a timely manner?

These questions must be addressed during this

Convention. There are several options that were brought out. I believe that there should be only one chief executive officer, one governor. The chief executive may delegate the responsibility for the administration of public services in the islands when he feels like doing it. If the mayor did not implement these responsibilities, the governor would have the ultimate authority to deal with the situation as the court held in the Inos v. Tenorio case. I also support that the governor has the exclusive power for executing Commonwealth laws and must have the enforcement authority and that the respective enforcement agencies, and these are the Department of Public Safety the Division of Fish and Wildlife, Alcoholic Beverage Control, CRM, are primarily charged with enforcing the laws of the Commonwealth. The mayor should not have any authority over them at all.

I am willing to compromise to incorporate provisions in our Constitution to require the governor to delegate specific administrative duties to the mayor. I stand ready to work cooperatively with you. Let us work together and strike a balance to ensure that our government is truly the government of the people, by the people and for the people. We have to

work to ensure that a two-thirds vote, CNMI-wide, must be obtained to ratify amendments to our Constitution.

Thank you, Madam Chair.

CHAIR SEMAN: Thank you, Delegate Villagomez.

Other delegates who wish to speak on section 17, Article 3.

Delegate Quitugua.

DELEGATE QUITUGUA: Thank you, Madam Chair. Good afternoon, my good delegates.

The issue of local government has been discussed in the committee meetings rather extensively; therefore, I will limit my comments. It will be very short.

The Inos vs. Tenorio case is an unfortunate situation and perhaps it should never have happened. However, that should not shortchange our efforts in seeking solutions to make our central government and local government a true partner and providing our people a better place to live in the CNMI.

As we deliberate the issue on local government I sincerely hope that we are not deliberating as Saipan delegates versus Rota or Tinian delegates but to find solutions on how to serve our people better.

I recommend that we explore the possibility of providing an opportunity for the local government to assist the central government to carry out its duties and responsibilities to the local communities.

If this is a direction we decide to follow, I suggest that the central government have the flexibility to revoke any responsibility so delegated to the local government at any time deemed necessary due to failure to carry out its delegated responsibilities. Whatever we decide in this convention will hopefully serve in strengthening our commonalities and lessen our differences for the common good of our generations to come.

Thank you.

CHAIR SEMAN: Thank you, Delegate Quitugua.

Anybody else.

Delegate Hofschneider.

DELEGATE HOFSCHEIDER: Thank you, Madam Chair. I would just like to speak my views concerning my plea for recommendation No. 3. I hope that it is not misconstrued to mean that this Convention is threatened.

Madam Chair, Tinian history tells it all. For the past 20 years, and even beyond 20 years, the

central government who claimed to be our grandfather has not addressed or supported economic development on the island of Tinian. The central government has not addressed a self-sustaining and a workable, peaceable local government or provided much needed daily services to our community, as we all expected.

Our central government has not addressed why is it that commodities on our islands cost 35 to 40 percent more than to purchase it on Saipan while we all earn the same salaries.

We have historically been the major contributor of the Commonwealth development. Let's not forget Tinian about this.

Shall I say that Tinian was the salvation island for World War II, and everyone, our brothers and sisters, I speak for the Commonwealth, are enjoying the peace and the prosperity that now Saipan enjoys.

Tinian is the island that had and has retained more than one-third of the military retention area after World War II. The funding for that lease was put under the so-called Saipan Land Trust Fund. What did Tinian get? Nothing. Who got these funds? Several businesses on Saipan for housing, for merchandise stores, for shipping, for stevedoring.

Where is Tinian's share? Nothing.

Through Tinian people's support for the new Commonwealth, and I hate to repeat this again, by voting to support the plebiscite of '76, we are graciously happy not to sacrifice but to help our brothers and sisters on Saipan to become a successful economic island when we gave away two-thirds to the United States.

This clearly opened up a Commonwealth centralized economic expansion on the island of Saipan for the past 20 years.

Again, I repeat, what did our central government do? Although we have our own elected leaders, there are political systems that deprive us of this benefit, a strong hold became concentrated in one island. Look at our harbor: It has been like that since 1941. Look at our roads: 99.9 percent were constructed during World War II, pre-war, only maybe less than .0005 percent was constructed by the Commonwealth government.

Because of all this, whenever there is political power in question, Tinian and Rota are not forgotten. When there is economic development, Tinian, and I speak for Tinian, is forgotten. Tinian tried a

casino initiative and was very successful in getting enough votes. Look who is crying to get the casinos now. The former administration has taken the commission to court. Now everybody on Saipan wants to go against the Tinian casino. How do you expect us to develop the casino on this island? We have to diversify our economies.

When the canoe was drowning, as Delegate Villagomez said, Delegate Hofschneider did not forget his uncle and we all survived afterwards. After we were placed there, they all left. Delegate Villagomez forgot his nephews and nieces.

While I do agree with the concept of local government, I strongly ask for the support of all the delegates, especially from Saipan, to allow the local government to establish itself, to gain self-sufficiency or self-support through its own innovative ideas and works, but don't neglect them immediately. For 20 years the central government didn't do anything, and you want to eliminate them in five years? Please, you have to take part of this blame also. We question the millions of dollars being paid for the political office of the mayor and the council. What else can Tinian do to give salaries to

these people to put food in their mouths and their kids? Can any of the Saipan delegates come up and say that \$3.8 million you can get it from there or the \$2.7 million for Rota is there? I doubt it and I repeat. For politics and power Tinian and Rota is not forgotten. For economics Tinian is forgotten. I ask for a workable solution. I ask for the process of local government implementation and a reasonable transition. I ask for continued support from Commonwealth government, and I ask the delegates to please help us in our islands.

Thank you.

CHAIR SEMAN: Thank you, Delegate Hofschneider.

Mr. President.

PRESIDENT GUERRERO: Thank you, Madam Chair. The local government issue we all know is a very sensitive issue because it involves our brothers and sisters on Rota and Tinian. It is also a sensitive issue for us here in Saipan. Perhaps they have not realized that. I think when the original Constitution was first approved, or at least first put together, there seems to be a misunderstanding of what is the concept of local government. If we look at it we can ask the question does the local government really have local

government per se as we know it in government textbooks and around the world. Perhaps we can say it does not because it is not handling purely local matters. I think we can say that Tinian is moving in the right direction. Because of the gambling initiative, they certainly have what we consider purely local in nature. If it is not, if they don't have local government per se as we normally understand what local government is, then we ask the question what is it. If you start analyzing what they do, what is its role in the Commonwealth government, we realize that presently it's nothing more than implementing Commonwealth law, which for me is nothing more than a glorified governor's representative in those individual islands, just because they are elected by the people of those islands. It is true that the purpose of the local government is to assist the central government in the delivery of public services to those two islands. It is important that we ensure and I think most of us from here know we want to have accountability in government. We tend to get into what we call the blame syndrome. We are always constantly finding somebody else to blame for what happened or what had happened in the last 20 years. We blame on one hand the central

government; on the other hand we can say we blame the weak and perhaps self-interested legislators that we tend to put in office. If they were really, especially the legislators supposed to be representing their people, why is it that they have not done their jobs? The Covenant ensures funding, especially in capital improvement projects for the two islands. One sort of questions what has happened in the last 20 years in terms of that funding. I don't think, Madam Chair, we are very much concerned in terms of stripping every power from Rota and Tinian.

We know that the government is really for the people and the government is by the people. But sometimes we do have a new idea or a new concept that the government is for my supporters and by my supporters, and that at times in the past the government has failed to treat all its citizens in all the three islands equally and provide the necessary services, that instead of enhancing economic development they try to kill it.

So the problem or the blame should not stay with the central government, both the executive, legislative branches, because also the local government is very much a part of this blame.

What we need to ensure, Madam Chair, is that the central government is there to ensure that Commonwealth law applies to everyone and not just a selected few. We got bad publicity because of incidents and labor problems in one of our islands and even here in Saipan. I strongly feel that there is a need for strong central government. We cannot ignore that. The Covenant requires that we negotiate on issues or consult with the United States on issues that affect us under Section 902 of our Covenant. If the governor cannot have his say so, and if the governor cannot rectify problems in the Commonwealth, then how can we ensure that the governor, under his authority pursuant to our Covenant, can clearly and plainly tell the United States that it will be done, if all the power stays with the mayor. It is for this reason, Madam Chair, that no matter how you look at it, there is a need for oversight on the part of the governor, as long as the mayor is executing Commonwealth law. And I repeat, as long as the mayor is executing Commonwealth law, the governor shall exercise oversight powers and authority over those laws. If it is purely local in nature, the governor has no business interfering into the internal affairs of the islands. But we need to

have a centralized system and we need to move forward on this issue. I don't think that all public services should stay within the central government because there are certain public services that need to be decentralized because perhaps the mayors can handle them better and administer them better. But we should not use our distance as an excuse. There are bigger states in the United States that can put the Commonwealth several or 100 times in terms of distance and yet they are still functioning. But we need to be explicit that on policy matters and even monitoring of programs needs to be or the governor should still have that power to step in because if they are not doing things and it's giving the Commonwealth a black eye then we will all be losers. And we need to move forward in a win-win situation and not a lose-lose. So let's move forward and I urge my colleagues to join every one, and instead of pointing fingers let's work together and come up with a good language because Amendment 25 right now only invites further litigation. It is perhaps and I admit it that perhaps as a member of the second Con-Con we did a very poor job on it.

Thank you, Madam Chair.

CHAIR SEMAN: Thank you, Mr. President.

Again, I would like to remind the next speakers if you confine your comments to Article 3 of section 17 so we can give a clear direction to the Committee so it can proceed with its work because they have yet to produce a report and propose provisions for first reading.

I call upon Delegate Maratita.

DELEGATE MARATITA: Thank you, Madam Chair.

What I am trying now to say is to ask every member of this Convention to let's try to come to some workable solution that is now being expressed as unsatisfactory as far as local government, so to say, affecting Rota and Tinian. I am going to say that there has been very, very many remarks made against practices in the past that tend to still harbor some misgivings. I would like to ask every member of the delegation of this Convention to please -- this is the purpose for us in having this Convention, to see and to determine as to what needs to be corrected or improved to ensure that we have a workable Constitution that will help us move along as we continue our government. I ask, please, to share with us, the people in Tinian and the people in Rota, to try to come to some workable

solution to resolve this thing that tends to be impairing the cooperation. We need to ask your help, my fellow delegates from Saipan, my fellow delegates from Rota, and my co-delegates on Tinian to come to some workable amendment that would ensure that we have the executive function extended down to Tinian and Rota. Perhaps the alternative that is being proposed, alternative No. 3, to me may be the most appropriate alternative. But if we cannot find a solution that we would give Rota and Tinian this power perhaps we can modify and work together with alternative No. 4. So that we can come to some solution in extending the execution of Commonwealth laws by the mayor, but at the same time if the mayor does not perform what is being required of him or her then the executive authority, the governor, shall have that authority to revoke the delegation.

Similarly, delivery of public services on these two islands would also ensure that if the mayor does not perform in accordance with the law or regulations, then the governor shall have the authority to revoke the delegation. I think this is where we are trying to concentrate and to identify what local government, local power that the municipalities have,

as well as defining what does the governor have in terms of delegation of authority.

Let us not dwell back on the history, our fellow delegates. Every one of us knows that already. What we are trying to accomplish, as I say, is try to come to a solution in this Convention, to come up with the real definition, define the area so that we can extend this provision in amending the Constitution, so that our people in Rota and Tinian may be able to enjoy what is yet to come in the future.

Thank you.

CHAIR SEMAN: Thank you, Delegate Maratita.

Delegate Juan Tenorio.

DELEGATE TENORIO: Madam Chair, I move to adopt the Committee's report, option 4, dealing with section 17 of Article 3.

(The motion was seconded).

CHAIR SEMAN: It has been moved and seconded to adopt alternative No. 4 for Article 3, section 17.

Discussion?

Delegate San Nicolas.

DELEGATE SAN NICOLAS: Thank you, Mr. President, and fellow delegates. Please permit me to say a few words about one of the most important issues facing our

Convention. It is an issue that involves our internal unity as a people as one Commonwealth. When our Commonwealth Covenant was signed at the Mount Carmel auditorium in 1975, I was only two years old. I am sure that Delegates Hofschneider, Mendiola and Manglona can remember back then but I cannot. My people of Tinian can remember because my people of Tinian back then dreamed of a bright future. They realized that part of the Covenant negotiations included a huge compromise, huge sacrifice that the people of Tinian made to help make our Commonwealth a reality for all of our people on Tinian, on Rota, Saipan and the Northern Islands.

That compromise was two-thirds of our island, two-thirds of Tinian for our national security. In return, our people through our elected leaders wanted to guarantee through our Covenant and Constitution that we would create a new government that would be truly responsive to the needs of our islands and our people. Everyone knew that since the naval and Trust Territory administrations, Tinian and Rota were largely ignored. Rota, for example, had even been shuffled around from district to district and was once a district by itself. But my people from Tinian still dreamed of a

bright future. If you can recall at our first Con-Con, remember the first proposal introduced into the first CNMI Constitutional Convention was from Delegate Jose R. Cruz of Tinian. The aim of his proposal was to guarantee that our smaller islands would receive fair treatment from the central government of Saipan. For that to happen some important compromises had to be made. So, as you can see, this issue has been with us from day one of our first Constitutional Convention and as the recent court decision of Inos v. Tenorio demonstrates, the relationship between our central government and municipal governments is still being worked out and defined. As to the future of Amendment 25, one thing is clear. The people who elected us to this Convention, and I am speaking on behalf of the Tinian and Rota delegates, want local government strengthened; they want a local government that is responsive to their needs. They want good healthcare, good schools, good roads, good utilities and good government services. They understand that to get these things direct, local authority and supervision is not only required, but is mandatory.

Government policy, of course, is determined by our central government through our governor, his

Secretaries and our legislature on Saipan.

There is no question about that, but the responsibility and day-to-day management and day-to-day supervision of the delivery of public services on our smaller islands must be the responsibility, of the local government which is directly accountable to the people it serves. To me that is responsive; that is responsible government directly to the people. That's the only way. No government, no serious business or organization can run properly when the boss is miles away, despite the faxes, despite CNN, despite technology, when the boss is in a different community, with different needs, under different circumstances, separated by miles of water.

In this Convention's recent public hearings on Tinian and Rota a great deal of testimony was heard regarding the critical need of why our people should have the right to run our local municipal government. Please respect our desire to run and manage our day-to-day affairs. That's what Amendment 25 to me was all about, Madam Chair, respect, respect for one another. Respect for our different islands where we can all enjoy freedom, self government, equality and mutual trust under our Constitution and our Covenant.

Like I said earlier, my people of Tinian still dream of a bright future for all of our islands, an improved future. I believe that this future could only happen when we fully commit ourselves to the idea, to the true belief, that we are one people, one Commonwealth.

Thank you, very much.

CHAIR SEMAN: Thank you, Delegate San Nicolas.

Delegate Santos.

DELEGATE SANTOS: Thank you, Madam Chair. It appears when we talk about local government I get constipated. I don't know why.

Madam Chair, last week as we examined and took into consideration the issues affecting local government my position was clear to support a constitutional amendment to be flexible, that can accommodate both our central and local government. After careful review and exploration of the four options provided in Article 3, section 17, Public Services, I sincerely believe that option 3 is most feasible to appease both the central and local government. My dear delegates I humbly ask of you to keep the flame of democracy continuously burning to improve the quality of our government both

international and local level.

My dear delegates, our local government today is bleeding and screaming for help. Our local government today is sinking. I plead of you in this Convention for one thing and one thing only. Please save us not sink us. Thank you.

CHAIR SEMAN: Thank you, Delegate Santos.

There is a motion.

DELEGATE MARATITA: Option 4 to vote.

CHAIR SEMAN: May I ask Delegate Mendiola because I promised each one will speak.

DELEGATE J. MENDIOLA: Thank you Chair Seman. Just one question on option 4, does this mean the delegation by the governor in public services or executing of Commonwealth law will not be delegated to the mayor?

CHAIR SEMAN: May I ask the counsel to respond?

MR. WILLENS: Delegate Mendiola, the fourth alternative is spelled out in a little bit more length in the memorandum of July 21 from legal counsel to the Committee on Executive Branch and Local Government. The basic idea behind the fourth alternative would be to provide that the mandatory delegation pertains only to the administration or delivery of public services on

the island. It would make permissive any delegation that the governor would want to make with respect to the execution of public laws. In other words, it would implement the interpretation of section 17 by the court; namely, that the governor does not have the requirement of delegating responsibility for the execution of laws, regulations and standards. It leaves open for further discussion what kind of mandatory delegation there would be with respect to public services. So what the Committee of the Whole is being asked to do here today, after discussion, is to give the Committee and counsel some direction as to whether you want a draft prepared that implements alternative 4 or whether the Committee of the Whole wants the Committee and counsel to pursue some other alternative.

DELEGATE J. MENDIOLA: But Howard, looking at the language here, the governor has no authority to delegate the execution of Commonwealth law to the mayor.

Is it the option of the governor?

MR. WILLENS: There is a draft there. That is certainly right. That was an early option and, of course, by not addressing it, does not mean that one

can't do it. But if the Committee wants to have a specific direction that the governor may delegate authority for the execution of public laws, that's easily done. And my view would be that if the Committee wants to implement the fourth alternative, and make mandatory the delegation for delivery of public services, the proposed section 17 for your consideration would also include a provision that the governor may delegate responsibility for execution of laws and standards and so forth. That would be something that could be addressed once the Committee of the Whole decides which of these overall alternatives they want to pursue.

CHAIR SEMAN: Does that answer your question Delegate Mendiola?

DELEGATE MENDIOLA: Yes.

CHAIR SEMAN: Delegate Gonzales.

DELEGATE LIFOIFOI: Madam Chair, there is a request that we have a five-minute recess.

(Recess taken from 3:35 a.m. to 3:41 p.m.)

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CHAIR SEMAN: Delegates, there is a motion to adopt alternative 4.

We're now into discussion. Like I said, we'll allow those Delegates who wish to speak one time, and then we're back on the motion.

Delegate Gonzales.

DELEGATE GONZALES: (Statements in Chamorro.)

CHAIR SEMAN: Will you please translate that, briefly, in English?

DELEGATE GONZALES: Okay, Madam Chair, I will briefly translate.

Basically, what I touched on is the controversial issue that is in front of us, which is local government.

On the one hand, we have the argument that because the necessities and the needs of a municipality are better known by the municipal government, that they should have control of how to administer and execute the laws.

On the other hand, there is the argument because there is one general chief executive of Commonwealth laws, that while the general fund that also supports the municipalities of Tinian and Rota is being funded by Saipan, which is where the central government is, that of course, naturally, the central government has the say to come in because of that general support in terms of funding.

To the extent that these are the two dichotomies,

the two contrasting points and arguments, we have got to work together to address a solution.

I will keep my mind open, as I tried to be in the past and up until now, to come up with a solution that strikes a balance that insures, No. 1, the general provision of the municipality to provide the services based on what it needs and desires and where it knows; also, making sure at the same time that the central government will have that prerogative to come in and say, "If you are not doing your job, we'll get it."

We need some equilibrium or balance where we establish and satisfy both parties in the municipality and central government.

Thank you, Madam Chair.

CHAIR SEMAN: Thank you, Delegate Gonzales.

Again, there is a motion to adopt alternative No. 4. You have that alternative before you, just the general principle outline here. This is to give direction to the Committee to clean up the language and make it a better alternative.

Delegate Quitugua on this motion?

DELEGATE QUITUGUA: Madam Chair, if I'm in order, I would like to make a subsidiary motion to alternative No. 4.

CHAIR SEMAN: Yes.

DELEGATE QUITUGUA: The subsidiary motion is to provide after the words "section 17" "delegating the responsibility for

executing Commonwealth laws and for the administration of public services."

CHAIR SEMAN: I don't think we have a proposed language on the provision. These are just alternatives.

DELEGATE QUITUGUA: Can I restate my subsidiary motion?

CHAIR SEMAN: Yes.

DELEGATE QUITUGUA: It's to make clear that the Mayors have full responsibility for the enforcement of Commonwealth laws and the administration of public services.

(The motion was seconded.)

CHAIR SEMAN: Is that substantive for alternative 3?

DELEGATE QUITUGUA: Yes. I have combined 3 and 4.

CHAIR SEMAN: There is a subsidiary motion.

Any second on that?

(The motion was seconded.)

CHAIR SEMAN: Let's take a vote on the subsidiary motion to amend alternative No. 4 by incorporating alternative No. 3.

Yes, Delegate Aldan.

DELEGATE TOMAS B. ALDAN: Madam Chair, I would like to request that we be allowed to discuss that a little bit, just a little bit, because my reading of the motion is basically to adopt No. 3.

CHAIR SEMAN: The subsidiary?

DELEGATE TOMAS B. ALDAN: Yes.

I would rather that we vote on the first motion and

then see what is going to happen, because we can go back and look at option 4 and see where we can work within that frame.

CHAIR SEMAN: Okay.

Delegate Quitugua, will you withdraw your subsidiary motion?

DELEGATE TOMAS B. ALDAN: Let's vote on it.

CHAIR SEMAN: Those in favor of the motion offered by Delegate Quitugua, say "Aye."

Opposed?

The "nays" have it.

Let's vote on the main motion now.

DELEGATE MANGLONA: Madam Chair, may I speak to the many motion before you vote?

CHAIR SEMAN: Delegate Manglona.

DELEGATE MANGLONA: Madam Chair, there was a statement made by my fellow Delegate from Rota that by your action today you can save us or sink us. Please don't sink us now.

We would rather be able to get this option 4 and maybe take a look at option 3 so we can blend the two together.

I still believe, Madam Chair and fellow Delegates, that we can best deal with these in the Committee.

I would like to ask the mover if he could give this a little flexibility so that we can get 4 and try to blend it with option 3 and come up a decision that could be called a compromise position, please.

CHAIR SEMAN: One moment, please.

My understanding is that what we're voting on is the principle, of this approach, so the Committee can go back and then come up with a draft provision and official report to put before the Committee of the Whole again.

I'll go back and move on to the vote on the main motion for alternative No. 4.

Those in favor of the motion to take the approach offered under alternative 4 say "Aye."

Opposed?

Raise your hands, please.

For alternative No. 4, please raise one hand.

Opposed? Raise your hand, one hand.

Any abstentions?

We have a majority for the "ayes" to approve alternative No. 4. 13 to 7, and 1 abstention.

We have more issues to discuss before this Committee to give direction to the Executive Committee.

I'll ask you to refer to the memorandum dated the 22nd, page 2.

You have six questions there.

DELEGATE JAMES M. MENDIOLA: Madam Chair, just for clarification, this section 4 will be referred back to the Committee for discussion?

CHAIR SEMAN: Yes.

May I ask the Chair of the Committee to go over these six questions posed to the Delegates? Maybe we can get the census.

DELEGATE NOGIS: Yes, Madam Chair.

This is in regard to Article 6 that's being discussed at length with the Committee.

There are basic questions that needed to be asked. One of them is in regard to the Mayor of the Northern Islands. We want to get a sense of direction from the Committee of the Whole as to what direction the Committee will take.

The second one, the Committee recommends that the local government be given jurisdiction over local matters.

CHAIR SEMAN: Delegate Nogis, one at a time to get the consensus.

No. 1, with regard to the Office of the Mayor for the Northern Islands.

Mr. President.

PRESIDENT GUERRERO: I move to accept.

(The motion was seconded.)

CHAIR SEMAN: To abolish or retain?

PRESIDENT GUERRERO: Well, this is the recommendation.

CHAIR SEMAN: To accept?

It has been moved and seconded to accept the recommendation to abolish.

Any discussion?

None.

Those in favor --

DELEGATE VILLAGOMEZ: Questions.

CHAIR SEMAN: Yes, Delegate Villagomez.

DELEGATE VILLAGOMEZ: Mr. Willens, is there a provision of transition for the staff upon ratification or is it "good-bye"?

MR. WILLENS: The Committee hasn't considered that, but I think they would be sympathetic to the provision. That has been the practice in other areas.

DELEGATE VILLAGOMEZ: I would urge a transition.

CHAIR SEMAN: Delegate Aldan.

DELEGATE TOMAS B. ALDAN: We're talking about transition for the staff personnel or for the office?

DELEGATE VILLAGOMEZ: The staff.

DELEGATE TOMAS B. ALDAN: Personnel of the Office of the Mayors are the not Civil Service employees as of this point in time.

As such, if and when that office should cease to exist, once we start this educational process, they would know, the employees of the Office of the Mayor, would be nonexistent.

As such, they should be looking for other jobs then. Just like any other mayors, if you run, and your party loses, you have to look for a job.

CHAIR SEMAN: I guess we should leave that for the

Committee to discuss further.

DELEGATE TOMAS B. ALDAN: Yes.

CHAIR SEMAN: Delegate Lillian Tenorio.

DELEGATE TENORIO: I know that the decision seems practical. It seems to make sense because as some of us have stated we're only dealing with a handful of people.

I know that the Northern Islanders have a deep abiding love for the simple life they lead in the Northern Islands. That's precisely my concern, not what is going to happen to the staff, but what is the transition provision for how the interest of this small group of people, how are they to be dealt with?

CHAIR SEMAN: Chairman Nogis.

DELEGATE NOGIS: Yes, Madam Chair.

I want to acknowledge my strong support in maintaining the Office of Mayor for the Northern Islands.

Thank you.

CHAIR SEMAN: Ready?

Those in favor of the recommendation by the Committee say "Aye."

Opposed, say "Nay."

Again, those who opposed say "Nay."

Again, it seems to be the same volume.

I'll ask that you raise your hand.

Those in favor of the motion to accept the

recommendation of the Committee that the office be abolished, please raise your hand.

Again, raise your hand if you want to be counted.

CONVENTION CLERK: Keep it up, please.

CHAIR SEMAN: Opposed? One hand.

The vote in favor of the recommendation is 10.
Opposing, nine.

DELEGATE MARATITA: Abstain.

CHAIR SEMAN: It goes with the "Ayes."

No. 2, Mr. Chairman, proceed.

DELEGATE NOGIS: Madam Chair, the Committee recommends that local government be given jurisdiction over local matters so long as they're not inconsistent with CNMI laws.

CHAIR SEMAN: That would only take one senatorial district.

DELEGATE NOGIS: Right.

CHAIR SEMAN: Is the motion seconded?

(The motion was seconded.)

CHAIR SEMAN: Ready to vote?

Those in favor of the recommendation say "Aye."

Opposed?

Motion carried.

No. 3.

DELEGATE NOGIS: The Committee recommends that the mayor and council together can produce ordinances with the equivalent

of law; that the authority of the Commonwealth legislative delegation to promulgate local laws be eliminated.

(The motion was seconded.)

CHAIR SEMAN: Those in favor of the recommendation say "Aye."

Opposed?

Motion carried.

No. 4.

DELEGATE NOGIS: The Committee recommends that the municipal council on Saipan be elected from five precincts; whereas, the council in the other two districts will be elected at-large. That's pertaining to the first and second senatorial district.

(The motion was seconded.)

CHAIR SEMAN: Discussion on this?

Delegate Aldan-Pierce.

DELEGATE ALDAN-PIERCE: Since there are five precincts from Saipan, is the representative from the Northern Islands included here?

DELEGATE NOGIS: Four from Saipan, and the fifth is from the Northern Islands.

DELEGATE ALDAN-PIERCE: Thank you.

DELEGATE HOFSCHEIDER: Clarification.

Where is the representative running? In Saipan for the Northern Islands?

DELEGATE NOGIS: The present precinct is on Saipan. There are only four of them. The fifth one will be the Northern Islands.

CHAIR SEMAN: Just a moment.

MR. WILLENS: We do think we have a legal issue.

The fifth precinct is designed only to represent the 30, 40, 50, 60 people. That is an issue that the Committee did discuss.

There was some division of view within the Committee as to whether the election should be from five precincts or at-large within Saipan in order to avoid the legal issue.

There are other reasons why some of the members were discussing the election at-large, as well.

CHAIR SEMAN: Delegate Villagomez.

DELEGATE VILLAGOMEZ: I was going to raise the same, because earlier I submitted a proposal as part of Precinct 3, the sixth one be from the Northern Islands, and the ruling from the legal counsel was that it's a violation of the one man, one vote.

CHAIR SEMAN: Thank you.

Mr. President.

PRESIDENT GUERRERO: I'm going to raise that issue, one man, one vote, Madam Chair.

We talked about the Legislature. The council is

not any different. It's the same. It will never withstand a court challenge.

I prefer that if you are going to have somebody represent the Northern Islands, it should be just the executive assistant for the Northern Islands within the office of the governor as a compromise, but not an exclusive precinct that only has that population because it's not going to withstand, again, the court challenge.

CHAIR SEMAN: Let me ask the Chairman of the Committee to respond.

DELEGATE NOGIS: Madam Chair, I do agree with the statement made by Delegate Ada Tenorio.

I think given the fact that we abolished the mayor of the Northern Islands, I would hope that we have a sense to maintain the voting of the people for the Northern Islands as part of the council to the mayor.

With that, I would hope that my fellow Delegates will support me and maintain the fifth council member to be from the Northern Islands.

CHAIR SEMAN: Delegate Maratita.

DELEGATE MARATITA: Right now, the representation, if we were to include the Northern Islands, is within precinct 4, I think -- in the elections district -- or precinct 3.

So it has to be mentioned somewhere, if you are going to establish the five precincts in Saipan, where the

Northern Islands lie.

DELEGATE NOGIS: Can I respond, Madam Chair?

CHAIR SEMAN: Yes, Mr. Chair.

DELEGATE NOGIS: Under the election office, they have established a listing of qualified Northern Islands voters. I don't foresee that as a problem as to who would vote for the Northern Islands.

Thank you.

CHAIR SEMAN: Delegate Hofschneider.

DELEGATE HOFSCHEIDER: Is that legal, Howard? Without any geographical location, you can vote a different precinct on the island?

DELEGATE FLEMING: Absentee.

MR. WILLENS: It does raise a problem, it seems to me. If the Delegates want the Committee to find a way to get some official representation of the northern island citizens, I think we can figure a way to do that.

It may be that you have to elect the five members of the municipal council at-large and the people from the Northern Islands can elect somebody else as their representative to the council. You can have somebody participate in that capacity, sort of ex-officio on the council, representing the Northern Islands, or you could have an executive assistant in the Office of Mayor representing the Northern Islands.

There are ways to accomplish that objective, if

that's what the Delegates generally want to do.

All we're now confronting is the basic method of election, whether the method of election on Saipan should be the same as on Tinian and Rota, namely at-large.

If you decide it all to be at-large because of legal reasons or maybe some other reasons, the Committee can get direction to find a way to represent the special interest of the Northern Island residents, who do have a discrete, important concerns that deserve some opportunity to be heard.

CHAIR SEMAN: Delegate Lifoifoi.

DELEGATE HOFSCHEIDER: May I continue?

CHAIR SEMAN: Another question to the counsel?

DELEGATE HOFSCHEIDER: Yes.

In the interest of the people of the Northern Islands, this is the extent of the existence for the Northern Islands community: Being on the council. It should be under the mayor's office, not as the president said. It should not be under the Governor's office.

MR. WILLENS: It could be any place you want to put it.

The point is that you want their interest represented in the municipal council because they will be voting for members of the municipal council. They will be represented by the municipal council. We can't guarantee them that someone from the Northern Islands will be one of the five people elected. That's probably a long shot.

DELEGATE HOFSCHEIDER: I tend to agree with the executive assistant. But I would like to put the language there that the Committee itself recommend who their executive assistant is to the mayor of Saipan.

That's all.

CHAIR SEMAN: I have already recognized Delegate Lifoifoi.

DELEGATE LIFOIFOI: I move that the question on the floor be referred back to the Committee.

(The motion was seconded.)

DELEGATE MARATITA: Point of information.

CHAIR SEMAN: State it.

DELEGATE MARATITA: We have a disparity on Tinian. You have to include that disparity with Saipan and the Northern Islands. Maybe that will solve the problem.

CHAIR SEMAN: I believe we have it on the legislative history that it be recognized as one senatorial district.

DELEGATE MARATITA: That's right. It should address the concern.

CHAIR SEMAN: There is a motion to refer this back to the Committee.

Let's vote on that.

Those in favor of the motion say "Aye."

Opposed?

Motion carried.

Next one. Chairman Nogis, proceed, please.

DELEGATE NOGIS: No. 5, the Committee is considering a transitional period during which the local government will have to develop a source of revenue to support local government.

Presently, the Committee recognizes the five-year term and the fact that there will be a 20 percent reduction per year over the next five years.

Thank you, Madam Chair.

CHAIR SEMAN: We just want the Committee to hear from the other Delegates outside the Committee.

Delegate Quitugua.

DELEGATE QUITUGUA: Madam Chair, just for discussion, perhaps in the Committee, I make a recommendation to provide for flexibility for the Legislature to either terminate the five-year, if the goal has been accomplished, or provide an extension if the goal has not been accomplished.

(The motion was seconded.)

CHAIR SEMAN: This is just discussion or --
Delegate Hofschneider.

DELEGATE HOFSCHNEIDER: Yes, Madam Chair, I would like to address for the Committee's consideration the revenues now being collected in both islands.

I think the Legislature or whatever type of commissions should be addressed to see if portions of those taxes generated locally should be diverted back to the local

government.

I agree with Delegate Quitugua's recommendation that the five-year period may be not enough. Nobody knows. The Legislature has to be given the power for flexibility to cease to exist.

If we allow this particular recommendation, as is, then, when the Recommendation No. 3 takes effect, right now, like I said earlier, that we're paying 35 to 40 percent more than Saipan, by the time ordinance taxes are enacted, we'll be paying 75 percent more than Saipan. Everybody will be crying for food stamps and things like that because we cannot afford to live over there.

Thank you.

CHAIR SEMAN: Delegate Villagomez.

DELEGATE VILLAGOMEZ: I support Delegate Hofschneider, that the revenue portion of that stay within the municipality.

I sympathize with Rota and Delegate Manglona. He's asking for our help because of the slow economic condition. In the event five years comes and nothing -- no money, there will be -- everybody will be out of jobs. We hope that, you know, the economy develops. That remains to be seen. No one has the foresight for five years, 10 years, 15 years. It's up to us to decide.

CHAIR SEMAN: Mr. President.

PRESIDENT GUERRERO: Madam Chair, we need to clarify.

The Committee needs to clarify, when they are talking about executing the administration of the Commonwealth programs and funds, laws that it continue.

Those are still the obligations of the Commonwealth, that when it comes to local matters, perhaps those need to be addressed.

I assume that this is what it's talking about in this section, anything that's purely local in nature, like the Office of the Mayor, perhaps that falls under that definition, the intent of this section.

When we are talking about Commonwealth programs and execution of Commonwealth laws, we should not impair and we should insure that delivery of services and programs are carried out, that that is something that the Committee needs to clarify.

I hope they take it seriously.

CHAIR SEMAN: Delegate Maratita.

DELEGATE MARATITA: I think these are only employees under the mayor's office and the council that are presently covered.

All other Commonwealth services, like in the other departments, are Commonwealth employees and come under Civil Service.

We are only concerned about the employees in the mayor's office and the council.

CHAIR SEMAN: Chairman Nogis.

DELEGATE NOGIS: Are we discussing the five-year transition period?

DELEGATE MARATITA: We're talking about the Commonwealth employees now in the mayor's office and the council. This is what worries us.

If we maintain a five-year transition, then there has to be a mechanism in there as to how we are going to assign these employees from Commonwealth to local government.

DELEGATE NOGIS: Given that concern, Delegate Maratita, what is the acceptable transition period?

DELEGATE MARATITA: That's what we recommended, five years.

DELEGATE NOGIS: Okay.

CHAIR SEMAN: Delegate Aldan.

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

I think even five years, to me, personally, is too long. If it's at all possible, we should cut it down to three.

No. 1, if we speak of pure local government, it must be supported by local ordinances and revenues generated locally; otherwise, we don't have local government.

We have what we call -- the President said a glorified Office of the Mayor representing the Governor in the guise of representing the people of each respective municipality. If we cannot afford to have local government, let's not have local government.

Delegate Maratita clearly stated, and he's right, government operations, Commonwealth-wide government operations, they will continue to be funded.

My concern is the \$2 million each mayor is given to provide public services that is presently being provided by resident directors of the various departments.

And, yet, we give \$2 million to each Office of the Mayors on Tinian, Rota, and Saipan to carry out government laws, rules, and regulations. That is not local government. That is central government.

We have to make it clear. Again, if we are going to provide for the Legislature to come up with a yes or no to continue, we're going to be in this forever.

Let's not kid ourselves. If we want local government, let's start paying for it. If we want a strong central government, let's start acting like one, a unified Commonwealth that provides unified services.

I really hate to hear words that keep popping up. I suffer from lack of roads. I suffer every day as I travel through Lower Base all the way to San Roque. They are the worst roads, primary roads here, for that matter, in the Commonwealth.

I invite my good Delegates to travel from Lower Base all the way to Tanapag and on to San Roque. You will see that that is the worst primary road in the Commonwealth.

To find the worse secondary road, go up to where I

am staying. Go 50 feet, and you will see the worst road. Who is suffering? Not only me, not only my good Delegates from Tinian, not only my good, good Delegates from Rota. We are all suffering in terms of services.

I would like to think that nobody is being discriminated in terms of the delivery of public services, because if I personally think that I have been discriminated in terms of services, I think I have avenues to see if I'm correct, and that's through the court.

Again, I ask you, my Delegates, do we want local government or central government representatives that can be better handled by even an appointee of the Governor?

We don't need to elect if we have no local government. We don't need municipal council if we don't have local government. Let's look at the bottom line, what is local government and what is central government, and find out where we are. Where are we going? Are we going to have local government five years from now? Who knows?

I'm willing to sacrifice five years. But six, 20 years from now, again, if cannot afford to have a local government, let's not have one.

Thank you.

CHAIR SEMAN: Delegate Gonzales.

DELEGATE GONZALES: I just wanted some mechanism or language -- we cannot predict the future and whether or not we

are going to be guaranteed that we reach our destination as we want it to be.

To insure that there is some flexibility I would like language or mechanism that is consistent with Delegate Quitugua's recommendation.

That's it. Thank you.

CHAIR SEMAN: Delegate Sirok.

DELEGATE SIROK: Madam Chair, time and time again we keep hearing our sister islands demanding and voicing for a more true local government.

This Third Constitutional Convention is being amenable by empowering local governments that have the ability to provide and deliver essential public services.

I, for one, do not want to have the flexibility for them to come back again and ask for additional years. I want that five years pegged so they will stick to that schedule and aim for a true local government in five years. Otherwise, they will come back and ask again for additional years.

Thank you.

CHAIR SEMAN: Delegate Igitol, you had your hand up earlier.

DELEGATE IGITOL: Thank you, Madam Chair.

First, I would like to support the five years if the mayor and the councils are paid by the central government and others will be paid by local funds.

Maybe that is in terms of the limiting funding for excessive employment in each municipality if they use the local funding.

No. 2, let me take you back to the Covenant negotiation system. The CNMI government negotiated with the U.S. Congress for seven years for the funding agreement. The CNMI had seven years to become self-sufficient, after which it would not get any major funding from the U.S.

Here we are. We've passed seven years. We went back again and negotiated for an additional seven years because we still cannot support ourselves.

So we looked at the islands of Rota and Tinian. They're asking for assistance for five years. Five years, if everything is underfunded by local government, is not enough. If we can give them additional years, maybe seven years, to be the same as the Covenant negotiating aspect. If not, five years. But the mayors and the councils should be funded by the central government.

Thank you.

CHAIR SEMAN: We've had enough discussion on that.

Delegate Hofschneider.

DELEGATE HOFSCHEIDER: Just a point of information. It came back that a lot of money was given to the mayors and the municipal councils.

I think that leadership in the House, too, has a

large role in contributing to this big amount going out because this funding has to come through both houses of the legislature in order to be given out to our local government.

With the cap placed on the legislatures and the delegation, maybe that is a way of circumventing their number of assigned employees, so-called assigned employees, from the mayor's offices to their offices.

I think the question here is authority over who provides the funding, because if it continues --

CHAIR SEMAN: Hold, please. We need to change the tape.

(Tape change.)

DELEGATE HOFSCHEIDER: We can continue, an abundance of millions of dollars, going down to the two offices, cannot blame the people of Tinian and leadership. Let's go back to step one, and if you want --

CHAIR SEMAN: Hold on. We still have a problem here.

DELEGATE HOFSCHEIDER: Good.

(A recess was taken from 4:24 P.M. to 4:34 P.M.)

CHAIR SEMAN: Delegate Hofschneider, you may continue with your presentation.

DELEGATE HOFSCHEIDER: As I said, we have to look at the spoil system and how you became spoiled. We tend to focus only on blaming the mayors and the councils on Tinian and Rota. They can't do anything without any funding provided by both houses of the Legislature.

Yes, I can talk for the Senate, but it has to come first from the House and the majority of the members are from Saipan.

Delegate Tomas Aldan did express his concern about the roads, and I would like to recommend that he move back to Sausalito.

Thank you.

CHAIR SEMAN: Delegate Ada Tenorio.

DELEGATE TENORIO: I think that a totally self-sufficient pure local government is probably not a realistic goal. I think the committee should be mindful of that. The Committee should recognize that there will be a need for subsidy from the Commonwealth government to the local governments.

I want them to take a look at, perhaps, and not put it within the restriction of the five-year time frame that there be grants -- that the legislature may make available grants or programs that municipalities can apply for various things.

CHAIR SEMAN: Good approach.

Chairman Nogis.

DELEGATE NOGIS: Madam Chair, I want to make it clear that in regard to the five-year limit or transition period, we're talking about the mayor's staff and the council's staff.

Whatever program is afforded from the central government, I would think that the central government would maintain paying for additional staff that is required.

With that, I hope comments being made will be in line with the statement.

CHAIR SEMAN: Can we move on?

There has been a recommendation for a transitional period. I believe Chairman Nogis said this is in regard to the administration or operation within the mayor's office and the municipal councils. Keep that in mind. There are two recommendations here: Five-year and three-year periods.

We'll take a vote on the five years.

Those in favor of the five years' transition funding say "Aye."

Opposed?

Motion carried.

No. 6, Chairman Nogis.

DELEGATE NOGIS: Yes, Madam Chair.

The Committee wants to consider further the cap, so far as the size of local government to be imposed.

There are two basic formulas that are being presented. One is based on the number of employees of local government as of June 5th, 1995. The other is based on some percentage of registered voters in the senatorial district.

With that, I would hope that the Delegates would consider whatever is acceptable and give the Committee a sense of direction.

Thank you.

CHAIR SEMAN: Delegate Aldan-Pierce.

DELEGATE ALDAN-PIERCE: How many employees are there in Rota as of June 5th, and how many employees in Tinian as of June 5th?

CHAIR SEMAN: Are you asking for the municipal council?

DELEGATE ALDAN-PIERCE: Yes.

CHAIR SEMAN: Anybody can answer that.

Delegate Villagomez, are you going to answer that question.

DELEGATE VILLAGOMEZ: Yes.

This is a record, I guess, taken from the Governor's office.

The Rota municipal council is 22; Tinian municipal council, 33. Tinian mayor, 91. Rota mayor, 85. Mayor of Saipan, 67. Saipan council, 7.

You want the dollar figure?

CHAIR SEMAN: No. I don't think Delegate Aldan-Pierce asked for that.

Delegate Quitugua.

DELEGATE QUITUGUA: Madam Chair, just for clarification, when we say, "mayor's staff," are we talking about his immediate office staff or do we include the department heads? Are they purely local?

Under what the Committee decided, does public works go under the local government? Are we considering that as part

of the mayor's staff or part of the central government?

CHAIR SEMAN: Mr. Willens.

MR. WILLENS: If the delegation of services includes public services, it would include personnel. They would not be counted as local personnel. Even if they're under the supervision of the mayor, they would still remain as personnel employed by the Commonwealth administering Commonwealth services.

I think what the cap is addressed to is the number of people who work directly for the Office of the Mayor or the municipal councils, and I think those were the figures that were provided.

CHAIR SEMAN: Mr. President.

PRESIDENT GUERRERO: Yes, Madam Chair.

Let's say they have a complete local government and they have raised millions and millions of dollars, and they want to establish their own separate departments exclusive of the central government, utilizing their local funds. I think we should not prevent the local government from doing that, because if we set a cap, they can't do anything. We're trying to encourage them to go local; yet, we're preventing them from establishing their own rightfully local government in nature, so I do have a little problem with this concept at this time.

MR. WILLENS: I would like to respond.

The alternative in the draft imposes a cap except

to the extent that newly hired employees above this number are compensated exclusively by locally raised revenue.

That was the effort, to put the issue before the Committee and to respond to the President's legitimate concern.

CHAIR SEMAN: Delegate Maratita.

DELEGATE MARATITA: And, also, since he has approved the five-year limit, that cap should respond to the five-year limitation.

This is my understanding, that we're not talking after the five-year period because that is strictly local government.

CHAIR SEMAN: Delegate Aldan.

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

No. 1, if I'm not out of order, I would like to state that the Governor be prohibited from establishing a Governor's representative to duplicate the mayor's office.

In line with that, I would suggest that we adopt the same five years in reducing the number of staff or personnel paid by Commonwealth funds for the Office of the Mayor and municipal council, and at the end of the five-year period, I would like to see that set at 20 for the Office of the Mayor, and 10 for the office of municipal council.

Thank you.

CHAIR SEMAN: You mean 10 member personnel staff?

DELEGATE TOMAS B. ALDAN: 10 personnel staff for the

office of municipal council, and 20 for the Office of the Mayor at the end of the five-year period. Use the current fiscal year as a starting base.

CHAIR SEMAN: Chairman Nogis, are you going to consider that in your Committee?

DELEGATE NOGIS: That issue can be brought up for discussion, Madam Chair.

But the concern was raised about capability of the local government to hire their own staff and increase their own number of staff.

I wonder if that would be in conflict in specifying the number of staff per mayor or the council.

DELEGATE TOMAS B. ALDAN: No, it would not be in conflict. What we are talking about is Commonwealth funds versus locally generated funds. With that, we can lead up to the discussion of the municipal council and mayor.

CHAIR SEMAN: Delegate Juan Tenorio.

DELEGATE JUAN S. TENORIO: Maybe we should refer this back to the Committee for further discussion, if there is no objection.

CHAIR SEMAN: Do the Delegates want the Committee to pursue this principle of setting the limit on the local government with regard to central funding?

DELEGATE TOMAS B. ALDAN: Yes.

CHAIR SEMAN: That takes -- you have additional comments?

DELEGATE NOGIS: Yes, Madam Chair.

I have no objection to referring it back to the Committee; however, I wonder if the Delegates will consider the two options and at least give us a sense of direction as to what option is more in line with their sentiment.

CHAIR SEMAN: You have your other techniques. You have the other techniques. That's why we are giving it to the Committee to pursue this matter and review the techniques.

DELEGATE MARATITA: Madam Chair, I think the Committee has exhausted its -- we leave it now to the Committee of the Whole.

DELEGATE NOGIS: We have exhausted all the techniques, Madam Chair.

CHAIR SEMAN: There is one being proposed by Delegate Aldan.

DELEGATE NOGIS: There are three options now. Can we --

DELEGATE MARATITA: Dispose of it now.

CHAIR SEMAN: There are three options under this item.

One is based on the number as of June 5, 1995. The other is based on the percentage of registered voters. And, thirdly, there is 20/10. 20 for the Office of the Mayor, and 10 for the office of municipal council.

Is that correct?

DELEGATE TOMAS B. ALDAN: At the end of the fifth year.

CHAIR SEMAN: At the end of the fifth year.

Yes, Delegate Borja.

DELEGATE BORJA: I'm confused with Delegate Aldan's proposal.

If you are saying that you impose a cap up to five years, we're not funding local government after five years. Why have that in the cap?

CHAIR SEMAN: Good question.

Delegate Aldan, any clarification for that?

DELEGATE TOMAS B. ALDAN: No.

DELEGATE BORJA: His proposal is out then?

DELEGATE TOMAS B. ALDAN: It should be out at the end of five years.

CHAIR SEMAN: There are two alternatives.

Let's take a vote on the two so they can be sent back to the Committee for further discussion.

The first one, I would like to ask for a vote on this, to limit the number of employees at June 5, 1995.

Those in favor of that recommendation say "Aye."

Opposed?

Show of hands.

The first alternative, June 5th.

CONVENTION CLERK: 14.

CHAIR SEMAN: The "ayes" have it for June 5th as the direction of the Committee.

DELEGATE NOGIS: Thank you, Madam Chair.

CHAIR SEMAN: Any more issues on local government?

Any other discussion?

I guess we have covered everything that the Committee has worked on. If you want, please attend the Committee meetings to voice your concern.

We are done with Article 3, section 17, and Article 6 for the moment.

Earlier, there was a motion to adopt report No. 4. We don't have to. It's only for discussion. Thank you.

The next item is the Preamble. This is for second reading.

DELEGATE FLEMING: That's right.

CHAIR SEMAN: Yes, Delegate Villagomez.

DELEGATE VILLAGOMEZ: So move to adopt the Preamble on second reading.

(The motion was seconded.)

DELEGATE MARATITA: Point of information.

CHAIR SEMAN: State your point.

DELEGATE MARATITA: Can we take up second reading in the Committee of the Whole? It has to be in the plenary session.

CHAIR SEMAN: Let me consult the counsel on this.

DELEGATE TOMAS B. ALDAN: Withdraw the motion.

DELEGATE VILLAGOMEZ: It is being withdrawn.

(The motion was seconded.)

CHAIR SEMAN: Any more discussion on this before we

calendar it for the second reading in the plenary session.

Next one, Article 1. Again, this is just for discussion.

Any further discussion on this one?

May I ask the Chairman on the Committee on Land and Personal Rights to brief us.

DELEGATE LIFOIFOI: I yield to my vice chairman, Marian Aldan-Pierce.

DELEGATE ALDAN-PIERCE: We have the following recommendations with respect to Article 1 on second reading: On first reading, we proposed amendments to section 9. We continue to recommend these amendments with no changes.

We have considered Delegate Amendment 9, and we do not recommend it. Delegate Amendment 9 would make three changes: First, it would change the term "public environment" into just environment. That would involve all private property. We believe it would be the basis for many potential disputes.

Second, Delegate Amendment 9 would add the phrase "as provided by law." This would mean that there is no right to a clean and healthful environment unless the Legislature acts. This would be a major change.

The right to a clean and healthful environment has been in the Constitution since 1976. We see no reason to take it out.

Third, Delegate Amendment 9 would provide a

specific right of action against public and private individuals. As I said, we don't think this should be extended to private property.

Disputes between private property owners can be handled under existing property law. The purpose of the right guaranteed by Article 1, section 9, is to make sure that the government does not harm the public environment.

On first reading, we proposed to delete former section 11. We continue to recommend that change.

On first reading, we proposed to delete former section 12. We continue to recommend that this language be deleted.

The Attorney General has opined that this provision is unconstitutional. In place of former section 12, we propose a new provision that will become the new section 11. We have consulted with interested parties about this provision. It is satisfactory to all concerned. It is a protective provision rather than a prohibition.

Our counsel believes this is constitutional. We recommend this additional provision be added.

Thank you.

DELEGATE LIFOIFOI: Madam Chair, I move for the adoption of Article 1 as amended.

(The motion was seconded.)

CHAIR SEMAN: Discussion.

Those in favor of the motion say "Aye."

Opposed?

Motion carried.

The last one on the agenda before this Committee is the report of the Committee on Legislative Branch and Public Finance, Article 2, Legislative Branch, second reading.

May I ask the Chair -- do you have a copy?

DELEGATE TOMAS B. ALDAN: Can I have a two-minute break to get a copy?

CHAIR SEMAN: Okay.

(A recess was taken 4:53 P.M. to 5:01 P.M.)

CHAIR SEMAN: Delegates, please.

Delegate Fleming.

Mr. President.

PRESIDENT GUERRERO: Thank you, Madam Chair.

Madam Chair, in view of the fact that local government has taken a lot of time, and it's rightly so, to discuss Article 6, and in view of the fact that Article 2 has just been passed out to be reviewed by the members, I recommend that this matter not be entertained, and be tabled and be considered as first on the agenda in tomorrow's session.

CHAIR SEMAN: Is that a motion?

PRESIDENT GUERRERO: I so move.

(The motion was seconded.)

CHAIR SEMAN: It has been moved and seconded to postpone

action on the Legislative Branch, Article 2.

Those in favor of the motion say "Aye."

Opposed?

Motion carried.

CHAIR SEMAN: Mr. President.

PRESIDENT GUERRERO: Madam Chair, I move to rise to the plenary session.

CHAIR SEMAN: I so rise.

(The motion was seconded.)

CHAIR SEMAN: Those in favor of the motion, say "Aye."

Motion carried.

Please rise.

MR. WILLENS: No recess.

PRESIDENT GUERRERO: The plenary session called back to order.

I call on Delegate Bennet Seman to report on the deliberations of the Committee of the Whole.

DELEGATE SEMAN: Thank you, Mr. President.

I'm pleased to report that the Committee of the Whole discussed extensively section 17 of Article 3 and have given positive directions to the Committee for further deliberations.

The Committee has opted for alternative 4.

They have discussed and recommended to the Committee the six items, according to the report, of the

Executive Branch Committee.

This will be further discussed by the Committee on Executive Branch and Local Government.

The Committee of the Whole has also affirmatively approved the recommendation and the report of the Committee on Land and Personal Rights and recommended for second reading Article 1, Article 2, and the Preamble.

DELEGATE ALDAN-PIERCE: Article 1.

PRESIDENT GUERRERO: Article 1.

DELEGATE SEMAN: The other article? Article 2 was deferred until tomorrow.

PRESIDENT GUERRERO: Are you finished?

DELEGATE SEMAN: Article 2 was postponed for the next plenary session.

That's the report of the Committee of the Whole.

PRESIDENT GUERRERO: Thank you, Madam Chair.

At this time, I call on the Floor Leader.

DELEGATE LIFOIFOI: Mr. President, I move to calendar the Preamble for second and final reading.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to calendar the Preamble for second and final reading.

Discussion?

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

Those opposed, say "Nay."

Motion carried.

Mr. Floor Leader.

DELEGATE LIFOIFOI: Mr. President, I move to calendar Article 1 with respect to Personal Rights for second and final reading.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to calendar Article 2 for second and final reading.

Discussion?

DELEGATE VILLAGOMEZ: Point of information.

PRESIDENT GUERRERO: Excuse me. Article 1 for second reading.

Discussion?

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

Those opposed, say "Nay."

Motion carried.

Mr. Floor Leader.

DELEGATE LIFOIFOI: Mr. President, I move for the passage of the Preamble on second and final reading.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to pass the Preamble on second and final reading.

Discussion?

If not, Con-Con clerk, roll call.

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

YES: Delegates Tomas B. Aldan, Marian Aldan-Pierce, Esther S. Fleming, John Oliver Gonzales, Jose R. Lifoifoi, Benjamin T. Manglona, James M. Mendiola, Felix R. Nogis, Justo Quitugua, Teresita A. Santos, Juan S. Tenorio, Lillian A. Tenorio, Joaquin` P. Villagomez. (13 votes)

NO: Delegates Vicente S. Aldan, Frances LG Borja, Henry U. Hofschneider, Herman T. Guerrero, David L. Igitol, David Q. Maratita, Joey P. San Nicolas, Bernadita T. Seman, Marylou Ada Sirok, Helen Taro-Atalig. (10 votes)

CONVENTION CLERK: Mr. President, we have 13 members voting yes, 10 members voting no, and four members absent.

PRESIDENT GUERRERO: The Preamble did not pass muster the two-thirds vote to pass a final reading. We need 16 votes. Four are absent.

Mr. Floor leader.

DELEGATE LIFOIFOI: Mr. President, it is with great privilege to move that Article 1 be passed on second and final reading.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to pass Article 1 on second and final reading.

Discussion?

If not, Con-Con clerk, roll call.

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

YES: Delegates Tomas B. Aldan,
Vicente S. Aldan, Marian Aldan-Pierce, Frances
LG Borja, Esther S. Fleming, John Oliver
Gonzales, Herman T. Guerrero, Henry U.
Hofschneider, David L. Igitol, Jose R.
Lifoifoi, Benjamin T. Manglona, David Q.
Maratita, James M. Mendiola, Felix R. Nogis,
Justo Quitugua, Joey P. San Nicolas,
Teresita A. Santos, Bernadita T. Seman, Marylou
Ada Sirok, Helen Taro-Atalig, Juan S. Tenorio,
Lillian A. Tenorio, Joaquin P. Villagomez.

(23 votes)

NO: (None.)

CONVENTION CLERK: Mr. President, we have 23 members
voting yes and four members absent.

(Applause.)

PRESIDENT GUERRERO: Article 1 passes second reading by
23 votes.

Congratulations, Delegates. This is the first one
that we passed. Our work is certainly moving along quickly.

Mr. Floor Leader.

DELEGATE LIFOIFOI: I move for adjournment.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to adjourn --

DELEGATE LIFOIFOI: Until tomorrow at 1:30 in the afternoon.

PRESIDENT GUERRERO: -- until tomorrow at 1:30 in the afternoon.

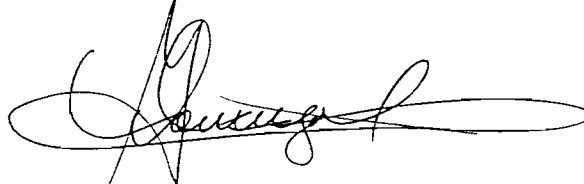
Those in favor of the motion say "Aye."

Those opposed, say "Nay."

We're adjourned until tomorrow at 1:30.

(The Convention recessed at 5:12 P.M.)

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Antonio', written over a horizontal line.

Convention Secretary

7/24/95

SCHEDULE FOR JULY 24, 1995 - AUGUST 3, 1995

MONDAY, JULY 24, 1995

Committee on Judiciary and Other Elected Offices meeting: 9:00 to 10:45 a.m.

. Art. 15, 20 (now included in Art. 3), 4

Committee on Executive Branch and Local Government meeting: 9:00 a.m. to 10:45 a.m.

. Art. 3

Committee on Land and Personal Rights meeting: 11:00 a.m. to 12:45 p.m.

. Preamble, Art. 1

Committee on Legislative Branch and Public Finance meeting: 11:00 a.m. to 12:45 a.m.

. Art. 2

Plenary session: 1:30 p.m. until completion

. Art. 6 (and Art. 3, Sec. 17) first reading; Preamble, Art. 1, 2

TUESDAY, JULY 25, 1995

Committee on Judiciary and Other Elected Offices 9:00 a.m. to 10:45 a.m.

. Art. 5

Committee on Executive Branch and Local Government meeting 9:00 a.m. to 10:45 a.m.

. Art. 6

Committee on Land and Personal Rights meeting 11:00 a.m. to 12:45 p.m.

. Art. 11

Committee on Legislative Branch and Public Finance meeting: 11:00 a.m. to 12:45 p.m.

. Art. 7, 8

Plenary session 1:30 p.m. until completion.

. Art. 3 (including former Art. 15, 20), 4

WEDNESDAY, JULY 26, 1995

Committee on Executive Branch and Local Government 9:00 a.m. to 10:45 a.m.
. Art. 6 (and Art. 3, Sec. 17)

Committee on Judiciary and Other Elected Offices meeting: 9:00 a.m. to 10:45 a.m.
. Art. 9

Committee on Legislative Branch and Public Finance meeting: 11:00 a.m. to 12:45 p.m.
. Art. 10

Committee on Land and Personal Rights meeting: 11:00 a.m. to 12:45 p.m.
. Art. 12, 13

Plenary session 1:30 p.m. until completion
. Art. 5, Art. 6 (and Art. 3, Sec. 17)

THURSDAY, JULY 27, 1995

Committee on Land and Personal Rights meeting: 9:00 a.m. to 10:45 p.m..
. Art. 14, 16

Committee on Legislative Branch and Public Finance 9:00 a.m. to 10:45 a.m.
. Art. 21

Committee on Executive Branch and Local Government meeting: 11:00 a.m. to 12:45 p.m.
. Art. 19

Committee on Judiciary and Other Elected Offices 11:00 a.m. to 12:45 p.m.
. Art. 18

Plenary session: 1:30 p.m. until completion
. Art. 7, 8, 9, 10

FRIDAY, JULY 28, 1995

Committee on Executive Branch and Local Government meeting: 9:00 a.m. to 10:45 a.m.
. Art. 17, 22

Committee on Judiciary and Other Elected Offices meeting: 9:00 a.m. to 10:45 a.m.
. If needed.

Committee on Legislative Branch and Public Finance meeting: 11:00 a.m. to 12:45 p.m.
. Schedule on Transitional Matters

Committee on Land and Personal Rights meeting: 11:00 to 12:45 p.m.
. If needed

Plenary session: 1:30 p.m. until completion
. Art. 11, 12

SATURDAY, JULY 29, 1995

Plenary session 10:00 a.m. until completion
. Art. 13, 14, 16, 18

SUNDAY, JULY 30, 1995

No meetings unless necessary to catch up

MONDAY, JULY 31, 1995

Committee on Judiciary and Other Elected Offices meeting 9:00 a.m. to 10:45 a.m.
. Schedule and Analysis for Articles 3(15, 20), 4, 5, 9, 18

Committee on Executive Branch and Local Government meeting: 9:00 a.m. to 10:45 p.m.
. Schedule and Analysis for Articles 3, 6, 19, 22 (17)

Committee on Land and Personal Rights meeting: 11:00 a.m. to 12:45 p.m.
. Schedule and Analysis for Preamble, Articles 1, 11, 12, 13, 14, 16

Committee on Legislative Branch and Public Finance meeting: 11:00 a.m. to 12:45 p.m.
. Schedule and Analysis for Articles 2, 7, 8, 10, 21, Schedule

Plenary session: 1:30 p.m. until completion
. Art. 18, 19, 21, 22 (17)

TUESDAY, AUGUST 1, 1995

Committee on Judiciary and Other Elected Offices meeting 9:00 a.m. to 10:45 a.m.
. Analysis for Articles 3(15, 20), 4, 5, 9, 18

Committee on Executive Branch and Local Government meeting: 9:00 a.m. to 10:45 a.m.
. Analysis for Articles 3, 6, 19, 22 (17)

Committee on Land and Personal Rights meeting: 11:00 a.m. to 12:45 a.m.
. Analysis for Preamble, Articles 1, 11, 12, 13, 14, 16

Committee on Legislative Branch and Public Finance meeting: 11:00 a.m. to 12:45 p.m.
. Analysis for Articles 2, 7, 8, 10, 21, Schedule

Plenary session: 1:30 p.m. until completion
. Schedule on Transitional Matters

WEDNESDAY, AUGUST 2

Plenary session: 9:00 a.m. to completion
. Final Constitution, Analysis

THURSDAY, AUGUST 3

Plenary session: 9:00 a.m. to completion
. Closing speeches, signing ceremony

July 22, 1995

REPORT OF THE COMMITTEE ON LAND AND PERSONAL RIGHTS

PREAMBLE, SECOND READING

The Committee presents the following report to the delegates with respect to the Preamble, on second reading.

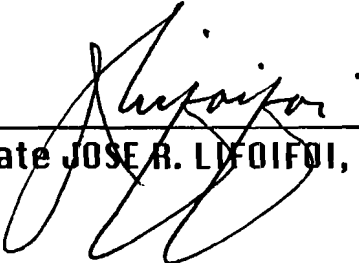
Delegate Proposals: The Committee's Report No. 2 was prepared on July 5, 1995. There were no Delegate Proposals affecting the Preamble submitted after that time.

Floor Discussion: The Committee of the Whole discussed Report No. 2 on July 6, 1995. There was a motion to delete the Report's proposed added language to the Preamble in favor of the original version as adopted in 1976; that motion was defeated. The Committee of the Whole approved Report No. 2 without amendments. On July 6, 1995 the Convention passed the constitutional amendments proposed by Report No. 2 on First reading.

Delegate Amendments: There have been no Delegate Amendments pertaining to the Preamble.

Committee Changes: The Committee recommends no additional changes to the Preamble and recommends passage on second and final reading.

Respectfully submitted,



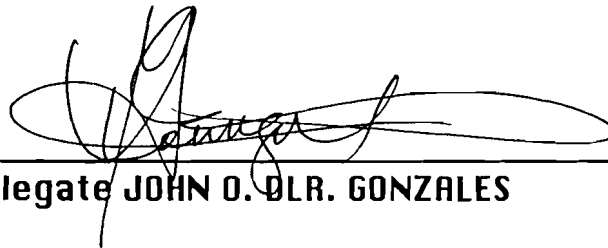
Delegate JOSE R. LIFOIFOI, Chair



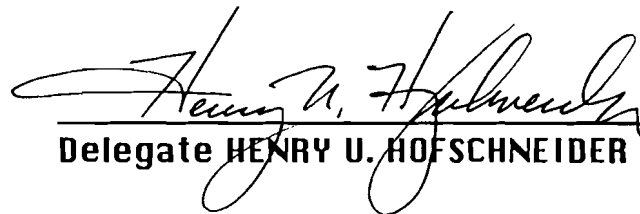
Delegate MARIAN ALDAN-PIERCE, Vice Chair

Delegate CARLOS S. CAMACHO

Delegate DONALD B. MENDIOLA

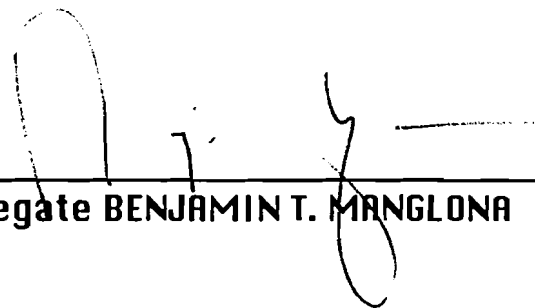


Delegate JOHN D. DLR. GONZALES

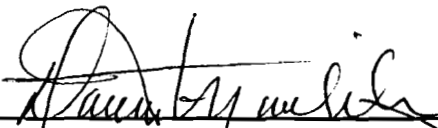


Delegate HENRY U. HOFSCHEIDER

Delegate DAVID L. IGTOL



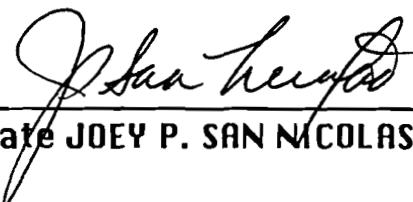
Delegate BENJAMIN T. MANGLONA



Delegate DAVID Q. MARATITA



Delegate JUSTO S. QUITUGUA



Delegate JOEY P. SAN NICOLAS



Delegate LILLIAN A. TENORIO