

SECOND CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
Conventional Hall -- House of Taga
Saipan, CN * 96950

~~THIRTIETH~~ SECOND DAY

Friday, July 19, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 9:24 a.m., Friday, July 19, 1985, at the Convention Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

Secretary Nabors called the roll, and 19 members were present. Delegates Igisomar, Lizama, Pangelinan, Villagomez and Villanueva were absent.

Secretary Nabors: Mr. President, I have 19 delegates present.

President H. Guerrero: We have a quorum and a majority to conduct the Order of Business. Before we proceed, the Chair would like to appoint Delegate Mendiola as the Acting Floor Leader in view of the Floor Leader not being here.

Delegate Mafnas: Suggestion. Will you kindly appoint him permanent Floor Leader?

Delegate Inos: Second.

ADOPTION OF JOURNALS

President H. Guerrero: Can I call on -- wait a minute. Where's the Summary Journal? Can you go check where's the Summary Journal back there?

Secretary Nabors: Point of privilege, Mr. President.

President H. Guerrero: State your privilege.

Secretary Nabors: I'd like to have the delegates recognize the former member of the Marianas District Legislature and judge, Judge Salas.

(Applause)

Delegate DL. Guerrero: Welcome to the Chamber, Judge Salas.

Delegate Mafnas: Point of information, Mr. President.

President H. Guerrero: Yes, Delegate Mafnas?

Delegate Mafnas: It appears that we have also a Protocol Officer in the Convention and I would like the Chair to recognize the appointment of Secretary Nabors as the Protocol Officer of the Convention.

(Laughter/Applause)

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President E. Guerrero: In view that the Thirty-First Day's Summary Journal is currently being xeroxed, can we move on to the other business and suspend that until it's ready? So we move on to Communications.

Acting Floor Leader Mendiola: No objection.

COMMUNICATIONS

None

COMMITTEE RECOMMENDATIONS/REPORTS

President E. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, your Committee on Finance and Other Matters has nothing to report to this Convention this morning.

President E. Guerrero: Chairman Manglona?

Chairman Manglona: Mr. President, your Committee on Local Government, likewise, has nothing to report.

President E. Guerrero: Chairman King?

Chairman King: Thank you, Mr. President. No report from your Committee on Personal Rights and Natural Resources.

President E. Guerrero: Vice Chairman Mafnas?

Vice Chairman Mafnas: Your Committee on Governmental Institutions will report on Retirement, Proposal 216, tomorrow. Now, it has no report.

President E. Guerrero: Thank you.

INTRODUCTION, FIRST READING AND REFERRALS OF PROPOSALS

None

SECOND AND FINAL READING

President E. Guerrero: Apparently, when this thing is being typed up I forgot to include Committee Recommendation No. 36. Can we put it at the bottom? Delegate Mafnas?

Delegate Mafnas: I would like to suggest to the Chair that it be placed at the bottom so that your Committee will have time, hopefully, before we hit it, to meet and recommend accordingly.

President E. Guerrero: Thank you. We'll put it at the bottom after Committee Recommendation 60. Do you want to continue, or shall we suspend and go back to the Summary Journal for its adoption?

Acting Floor Leader Mendiola: Mr. President, since the journal is being passed out, I'd like, if no objection, to go back to the Adoption of Journals to adopt the Thirty-First Day's Summary Journal. I move.

Secretary Nabers seconded the motion.

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ADOPTION OF JOURNALS

President H. Guerrero: It has been moved and seconded to adopt the Summary Journal for the Thirty-First Day, Thursday, July 18, 1985. Discussions?

There being no discussion, the motion to adopt the Summary Journal for the Thirty-First Day, Thursday, July 18, 1985, was carried by voice vote.

SECOND AND FINAL READING

President H. Guerrero: Now we are down to Second and Final Reading. Can I call on Secretary Nabors to read Committee Recommendation No. 19?

Secretary Nabors: Thank you, Mr. President. The Committee Recommendation No. 19, Section 3 -- Mr. President, there is a substitute for Committee Recommendation 19, but what I'll do is read the original submission first.

President H. Guerrero: Please.

At this point, Secretary Nabors read Committee Recommendation No. 19 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 19

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article XII, Section 3 to allow the sale and long-term lease of building above the first floor.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"Effective upon ratification, Section 3 of Article XII is amended to read:

"Section 3: Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property used in Section 1 includes freehold interests, except for a freehold interest in the air space above the first floor of a structure and leasehold interests, of more than forty years including renewal rights. The appraisal value of freehold interests and leasehold interests in real property in the Commonwealth shall be assessed by a professional and/or government-sanctioned appraiser(s) before any business transaction is effectuated."

Now I'd like to, if I could, Mr. President, for clarity....

Delegate King: Mr. President, point of information.

President H. Guerrero: State your point.

Delegate King: I believe that Delegate Nabors is reading the wrong proposed amendment.

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President H. Guerrero: Before we adopt any substitution or amendment, the original version still has to be what's passed on the First Reading. That's the one being read.

Delegate Calvo: That is correct, Mr. President.

Acting Floor Leader Mendiola: Mr. President, I move that we adopt Committee Recommendation No. 19 for Second and Final Reading.

Secretary Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 19. Before we go on -- excuse me?

Delegate Reyes: Point of information. The adopted version on the First Reading was already substantially changed.

Delegate King: That's right.

Delegate Calvo: Point of information, Mr. President.

President H. Guerrero: State your point.

Delegate Calvo: Yes, the Committee Recommendation No. 19 was deferred on July 16 of '85. There, of course, a proposed floor amendment of Committee Recommendation No. 19 to substitute a new Section 3. This has not been addressed too yet. So I think we are in order and if we should proceed with the motion on the floor now. Thank you.

Delegate King: No, no; this is for Second and Final Reading.

Delegate Reyes: We can offer the adopted on the First Reading if that's what we need to resolve.

President H. Guerrero: Can I get Secretary Nabors?

Secretary Nabors: I don't have my copy.

Delegate Mafnas: I move for a five-minute recess so we can get the documents in order.

Delegate Calvo seconded the motion.

President H. Guerrero: Five minutes recess.

The Convention recessed at 9:35 a.m.

RECESS

The Convention reconvened at 9:38 a.m.

President H. Guerrero: The session is back to order. Secretary Nabors, can you read the corrected version please?

Secretary Nabors: Thank you. Committee Recommendation No. 19, as amended by the Committee of the Whole on July 10, 1985.

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"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article XII, Section 3 to allow the sale of long-term lease of building above the first floor.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

"Effective upon ratification, Section 3 of Article XII is amended to read:

"Section 3: Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property used in Section 1 includes freehold interests and leasehold interests of more than fifty-five years including renewal rights, except an interest acquired above the first floor of a condominium building. The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the land owner before any sale or long-term lease is executed regarding that land. Any land transaction in violation of this section shall be void."

Acting Floor Leader Mendiola: Mr. President, I'd like to move that we adopt Committee Report No. 19 for Second and Final Reading.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 19. Discussions? Secretary Nabors?

Secretary Nabors: Mr. President, your Committee on Local Government has a substitute measure. I would like to move to amend Committee Recommendation No. 19, as amended to be substituted as follows:

"Section 3. Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property used in Section 1 includes freehold interests and leasehold interests of more than sixty years including renewal rights. The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the land owner before any sale or long-term lease is executed regarding that land. Any land transaction in violation of this provision will be void." I so move.

Acting Floor Leader Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 19 to substitute a new Section 3. Discussions? Delegate King?

Delegate King: Thank you, Mr. President. I believe that this floor amendment was prepared by only few number of people from that Committee and it was addressed by the Committee on Local Government as a whole. I believe that there's been something going on here, Mr. President. This Committee Recommendation or floor amendment defeats the entire concept of

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the Committee Recommendation No. 19. And I urge all the delegates here not to vote this or not to pass this floor amendment.

Delegate Torres: Point of information.

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

Delegate Torres: Delegate King is making a false accusation and I suggest very strongly that he checks with the Chairman and the other members first before he ventures into making a wild accusation. Mr. President, this, as was mentioned yesterday, is a companion amendment to handle the problem of corporation. And that was very explicitly explained yesterday. I do not understand how Delegate King can make a wild accusation on that.

Delegate King: Point of information.

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

Delegate King: If that's the understanding, may I ask why was the reason that they deleted the phrase "except as an interest acquired above the first floor of the condominium building"?

President H. Guerrero: Point of order. When you are stating a point of information, you are just providing information; you are not asking questions. Therefore, you need to just restate your points, the information you need to provide to this Convention.

Delegate King: So I'd like to point out to my members, Mr. President, that there's a phrase that the floor amendment deleted from the Committee Recommendation No. 19.

President H. Guerrero: I call next Delegate Reyes.

Delegate Reyes: Thank you, Mr. President. Mr. President, we are aware that the Legislature has passed the condominium law and still that condominium law does not really address the situation that we have right now. On this Committee Recommendation No. 19, it proposes to address that issue and originally we had the intent to have the second floor and above to be able to sell it outright and continue to have the first floor on the general areas given to the owner of the land. And that will not in any way circumvent the owner from going into that hundred percent ownership on the corporation as well as the owner's right to continue to make money on his property. The concern here, Mr. President, is that the land owner when he goes into this process of condominium when we have lack of population is for him to unload on the first year if possible all of his expenses so that he could recover. And with the absence of this ability to sell, he will have to lease this out so no matter how many years you include or you extend the term of lease, the recovery would just extend to that number of years. So the intent of that sale above the second floor is to recover the expenses so that we can see a development on this kind of improvements -- the condominium. So I urge, Mr. President, my colleagues to support the sale of the second floor and above outright and this will just maintain the ownership of the ground area and the common areas to the landowner which I, on the First Reading, explicitly explained that the ownership of land will be retained and will never change, and it will address the hundred percent corporation that we just passed yesterday. Thank you very much, Mr. President.

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President H. Guerrero: I call next Delegate Manglona.

Delegate Manglona: Mr. President, the Committee on Local Government intentionally deleted "except an interest acquired above the first floor", not as Chairman King indicated that it was not related to our amendment on Section 5 of this Article. We feel that this amendment was to amend only the forty years to sixty years to accommodate those investors that would have been discouraged by the hundred percent requirement on Northern Marianas descent corporation. I guess the Committee did not see the need for the first floor; I mean, the airspace.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Thank you, Mr. President. Just a question to the Committee. Looking at this, I think the intention of the first proposal and the second, does this mean that any aliens could own condo here in the Northern Marianas, or just lease for sixty years?

President H. Guerrero: Delegate Nabors, are responding to that?

Delegate Nabors: Thank you. Under the proposal adopted by the Committee of the Whole to Committee Recommendation No. 19, alien would be able to own a free title to spaces above the first floor. We, in the Committee Substitute, deleted that because we felt that it would be very disjunctive to under one hand an outsider would lease a piece of land for sixty years and build a condominium and then be able to sell free title above the first floor. You would therefore, be in a situation where you could sell more than you had lease. Now, if the understanding is that the land owner will develop and lease the space above the first floor, we have no objection. But for a developer to come in and lease for sixty years and then sell free title above the first floor and then until the owner of the land later at the expiration of the lease wanted his land back and the people above the first floor own title, it would create a problem. And the only way the Committee saw that they could accommodate this condominium concept would be for the land owner to own the condominium and be free to sell free title above the first floor.

Delegate Mendiola: Like in the case you just mentioned, if the owner just leased it out for sixty years, what happens to the owners on top?

Delegate Nabors: Precisely. They would then tell the owner of the land at the expiration of the lease, you can't build those such building because I own above the first floor. So, we saw a technical problem and therefore decided to increase the lease period and delete the acquisition of free title above the first floor. If the land owner is going to be the developer, no problem.

Delegate Mendiola: Yes, but in the other, in the reverse side like some company lease it for sixty years and then sell the condominium. After the expiration of sixty years, what happens to the owners on top?

Delegate Nabors: Precisely, we foresaw this problem and therefore decided that a condominium could only be leased for a period up to sixty years. Free title could not be transferred.

Delegate Mendiola: But on line 5, it says, includes freehold interest.

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Delegate Nabors: In our substituted -- line 5 from the top?

Delegate Mendiola: Yes. It says here, used in Section 1 includes freehold interest. So that principle you're saying is wrong once you put a freehold interest on that.

President H. Guerrero: Can somebody of the other members response?

Delegate Torres: May I respond to that?

President H. Guerrero: Delegate Torres?

Delegate Torres: There's nothing wrong with this. If you look the existing Constitution, this is how it is worded and there's no way that we can circumvent this because you cannot acquire. You simply cannot acquire a permanent and long-term interest. Acquisition to long-term and permanent interest is restricted to persons of Northern Marianas descent. So there's just simply no way that acquisition can come into picture here. Outsiders can only lease.

Delegate King: Mr. President, may I respond?

President H. Guerrero: Are you responding to Delegate Mendiola's question?

Delegate King: Yes. The reason why the Committee on Personal Rights and Natural Resources included the airspace is to consistence with the freehold interest. If we don't have the airspace then the freehold interest words there become noun. It's not necessary. So the reason why that we include the airspace language there because they can hold the freehold interest on the top but not on the first floor.

Delegate Torres: Point of information.

Delegate Nabors: Point of information, Mr. President.

President H. Guerrero: Just a minute. Let him finish first. Are you finished, Delegate King?

Delegate King: Not yet. And another thing, Mr. President, is no matter how the second floor above the first floor, whoever own it, the person that own the land on the first floor, always retain the title -- retain the title by our local people. So they have the flexibility to lease the land above the first floor to anybody on a freehold interest rather than the leasehold interest.

President H. Guerrero: State your point first, Delegate Torres, and then Delegate Nabors.

Delegate Torres: Yes, I would like to direct the two gentlemen's attention to page 25, Section 1 and Section 3 and I think they would agree wholeheartedly that acquisition is restricted to persons of Northern Marianas descent. Thank you.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: That was my point. Thank you.

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Delegate Mendiola: Follow up question.

President H. Guerrero: Do you still have a question? Continue please.

Delegate Mendiola: Thank you, Mr. President. I could see the point. My point here is that if a company leases the land for sixty years and you sell somebody on top of that land. Like condo, you sold it for whatever price and you give him a freehold interest. What happens? It say here, includes freehold interest. What happens if the sixty years is up? What happen to the owner on top?

Delegate Nabors: You can't hold it beyond sixty years.

Delegate Mendiola: Okay.

Delegate Reyes: Mr. President.

President H. Guerrero: Delegate Reyes, are you responding?

Delegate Reyes: Yes. On that line, I'd like to say that the freehold interest was drawn in there because of the potential ownership for the outsiders on the second floor and above. And the reason for my introduction of that is because it will allow our own people of Northern Marianas descent to get into this concept of development -- condominium. If we just restrict this up to sixty years or seventy-five years, we will continue to see it only outsiders who have the money to come in and build and lease. But if we provide the sale, our own people, even probably someone or somebody from us, among ourselves who has land can go into this if he calculates how much he's gonna sell up above and recover his expenses and he will continue to have this property forever. Thank you.

President H. Guerrero: Are you responding to a question, or are you adding on?

Delegate Nabors: I'm adding on.

President H. Guerrero: Please, Delegate Nabors.

Delegate Nabors: Mr. President, colleagues, we do not have any reservations about indigenous owner developing a condominium and selling free title above the first floor. Our problem lies in the fact that an outside developer would lease land for sixty years and sell free title for ninety-nine years above the first floor. And it's disjunctive; you cannot do that. Now, Delegate Reyes distributed to us a legal opinion from an attorney and the attorney points out, on page 5, that a forty-year lease for a condominium development is pretty substantial length of time that would entice individual investors to invest in leasehold units. What we did was to give you an additional twenty years. If forty years will entice an outside developer, sixty years would be a greater enticement. So, we have no problem with the concept of an indigenous person developing condos and selling above the first floor. But we find it very awkward and probably illegal to have an outside developer lease land for sixty years and sell above the first floor for ninety-nine years.

Delegate Reyes: Mr. President, just to add into that. I'd like also to point out on the same legal opinion that states that for the developer to

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do that he has to put it out on his prospectus -- on his offering showing that that is their limitation. So if he sells and puts out the limitation of forty years, or in this case sixty years, then the buyers are put on notice and this will not be in conflict with the forty years or sixty years or even ninety-nine years. Thank you.

President H. Guerrero: You're finished, Delegate Mendiola?

Delegate Mendiola: Yes.

President H. Guerrero: Let me call on Delegate Calvo now.

Delegate Calvo: Thank you, Mr. President. The intention of course, is well taken here, Mr. President, but I have few questions that have to be answered before I finalized my decision here. The section on the -- I'm talking now on the proposed floor amendment, that any land owner before any sale has been executed has to be professionally appraised too?

President H. Guerrero: Are you finished?

Delegate Calvo: Yes, I'm waiting a response from Delegate Torres.

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

Delegate Torres: Perhaps this is the right time to re-examine MPLC again. Maybe this is one responsibility of MPLC and we should let MPLC do this -- the appraising. Yes, I see your concern, Delegate Calvo, and I am sensitive to that concern because it doesn't make sense for brothers to enter into an agreement to transact land exchange for one dollar and yet be required to obtain an appraisal. But as I understand, professional appraisal, they go on a percentage basis -- the commission. Let's say that the value of the land, I mean, you're going to sell your land for one dollar. Of course that appraiser wouldn't get that much; you wouldn't pay that much. So, what happens in the situation where you would sell your land for five hundred dollars and or more than five hundred dollars? Okay, perhaps we should re-examine MPLC and maybe we can give this responsibility to MPLC so that those indigenous who are unable to defray this exorbitant cost could get a little break. Perhaps this is in line with the Micronesian Legal Service concept. Those who hire above certain income level will not be able to pay. Thank you.

Delegate Calvo: Thank you, Delegate Torres.

President H. Guerrero: Do you still have questions, Delegate Calvo?

Delegate Calvo: Yes, it was answered. Mr. President, I was so concerned about this because on the island of Rota and I think this is also true in Saipan and Tinian that people do sell their land to their brothers or sisters and I feel that the language now before us is of course in conflict. Because if we have to force and we'll provide a provision in the Constitution that the land must be professionally appraised before any land transaction has to be made, I feel that the immediate cultural influences will be out of this thing. It has been practiced that brothers sell their land to another family member. And this is the only part that I wish to see if at all possible that we can language it out that it will only encroach the area of commercialization, and I'm stating a point here. Thank you very much, Mr. President.

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President H. Guerrero: Let me call next is Delegate Inos.

Delegate Inos: Thank you, Mr. President. On the amendment, I would be satisfied I think with the first sentence. I know that we are overly protective in including the second sentence, but I do have concern as raised by Delegate Calvo. Since we are not sure of who will do the appraisals or maybe why don't we just strike this out, because that will take care then of our family transactions. I'm very much concerned also of family transactions. Will they have to go through professional appraisal before they transact any of their land?

Delegate Torres: Point of information.

President H. Guerrero: Delegate Torres, are you replying to Delegate Inos' question?

Delegate Torres: As I had mentioned, since we have not passed the MPLC amendment, maybe we can attach a rider to that for MPLC, among others, to be responsible for those indigenous who are unable to afford such a potentially exorbitant fee. The concept would be again in line with the Micronesian Legal Service using income as a baseline. Thank you.

Delegate Nabors: Point of information. I do not believe that we need to address that issue for the reason that Article XII only deals with outsiders. Transactions between two people of Northern Marianas descent would not be applicable.

Delegate Manglona: Can you repeat that, Delegate Nabors?

Delegate Mafnas: Where does it say in the proposal?

Delegate Nabors: Well, the entire Article XII deals with acquisition by persons who are not of Northern Marianas descent. So, implicitly, you don't encounter that problem between two persons of Northern Marianas descent.

Delegate Manglona: Mr. President, can I answer in line to that?

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

Delegate Kaipat: Thank you, Mr. President. I think the confusion in this issue is the definition of freehold interest and leasehold interest. I was wondering if there anywhere in our Constitution or statute indicating that an alien or the outside capitalist could be permitted under the freehold interest. Is there any law indicating that the people from Hongkong or Japan or business venturists could hold freehold interest in the Marianas? Anywhere?

President H. Guerrero: Can somebody or any of the members answer that?
Delegate Torres?

Delegate Torres: If Delegate Kaipat opens his analysis and turn to page 169, I think the answer will be no.

Delegate Kaipat: Okay, no. Okay, the definition of freehold interest.... Can I continue, Mr. President?

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President H. Guerrero: Please, Delegate Kaipat.

Delegate Kaipat: The definition of freehold interest is an estate in land held for life or with the right to pass on through inheritance. In other words, whoever, we allow to take that second floor can turn around and give to his son and his generation. So this could go on and on for a man from Japan. Okay, I understand the point. First, we know that they cannot own anything, as far as the land is concerned, under the freehold interest. The second thing is, is there any law that they can hold airspace? For example, the second floor and up, if we are talking about condominium. Is there any law indicating that they can hold the air? Since they cannot hold the land, can they hold the airspace under the freehold interest?

President H. Guerrero: Members of the committee?

Delegate King: The answer is no.

Delegate Nabors: The answer is yes, for sixty years.

Delegate Kaipat: No, no, we are not talking about sixty years now. Now, I can see that there is no law, there's no way....

Delegate Mafnas: Point of clarification. Which one, is Delegate Nabors' or King's, because I'm following the points raised by Delegate Kaipat and I want to be clear. Is there a law?

President H. Guerrero: Wait, wait, wait. Delegate Kaipat still has the floor. Continue please.

Delegate Kaipat: Okay, there is no on both sides -- alien who came in to take land or buy land. And I already stated the definition, estate in land held for life. In other words, whoever come from Japan or Hongkong cannot take the land in Marianas and wholly own for life and that he can pass on through his generation by inheritance which is very dangerous to introduce. So we have the law against that.

Delegate Torres: Point of information.

Delegate Kaipat: We are safe. Number two, I ask the second question whether they can do the same as in the air or airspace, and the answer is "no". So, now we are making a law to make it possible for such an alien to come in and have freehold interest provided in this law and we cut off at sixty years including renewal rights.

Delegate Torres: Point of information.

Delegate Kaipat: Yes.

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

Delegate Kaipat: For my information or your information?

Delegate Torres: Yes, for your information.

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President H. Guerrero: Wait. Delegate Kaipat, are you finished with your question?

Delegate Kaipat: I'm not even halfway.

(Laughter)

Delegate Kaipat: I still have one. I'll let you get some information....

President H. Guerrero: Please, order please. If a person is asking for point of information that's not a priority. Point of order is priority. But point of information, that you'll be recognized when the speaker is finished. Delegate Kaipat, can you continue please?

Delegate Kaipat: I would like to listen to him. It might help along the way. It might help this interpretation. So I'd like to listen to his point of information.

President H. Guerrero: So you have, in other words, other questions to raise.

Delegate Kaipat: I'd like to get an information from him.

President H. Guerrero: Delegate Torres?

Delegate Torres: I just would like to point out that in the Covenant, this land alienation is only guaranteed for twenty-five years after the termination of the Trusteeship. After that, we can no longer control these things. That's why it's very important to do it now so that we can develop and mature and hopefully make mature judgment.

Delegate Kaipat: My point, Mr. President, can I continue?

President H. Guerrero: Continue, Delegate Kaipat.

Delegate Kaipat: Now we all understand that freehold interest, definition of means alien coming in and hold on our land and space for life plus his right to pass on to his generation on the other side. Second, the least the type that Delegate Nabors mentioned couple of days ago about Sakisat land. If we use the word lease that means there's a potential or may a possibility that it will come back to you. So I was wondering why did we put in the freehold interest. Because we want more money from the outsiders? I understand the sixty years to work along the side of that hundred percent ownership by people. I would like to know the reason why we used words "freehold interest" instead of just "leasehold interest".

President H. Guerrero: Delegate Nabors?

Delegate Nabors: The reason that the committee used the phrase "freehold interest" is because it is presently the same language that's in the present Constitution.

Delegate Kaipat: Then I think it was wrong for them to use that. I think this was one of the baits of that leak -- the loophole in our law because

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they combine both, the freehold interest and leasehold interest. So I think before you use the word, strike out the freehold interest, at least play along with only leasehold interest, we will retain everything.

Delegate Torres: May I add to that?

President H. Guerrero: Delegate Torres?

Delegate Torres: I think the reason that freehold interest was included there is so that it reflects what Section 1 is talking about. Now, Section 1 discusses permanent and long-term interest in real property. And permanent and long-term interest in real property includes both freehold and leasehold interests. We all know that we cannot sell freehold interests. We cannot sell it permanently. We can sell leasehold interest. So I think I can see Dr. Kaipat's point there, but I think the reason that we include freehold interest here is to reflect what permanent and long-term interest means, or what it encompasses as is specified in Section 1 on page 25.

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

Delegate Kaipat: Yes.

President H. Guerrero: Let me call next Delegate Mundo.

Delegate Mundo: Thank you, Mr. President. Back to the issue on appraisal. Delegate Torres mentioned that MPLC should be given this responsibility. I want to point out that MPLC has three-year life span and I think it won't be possible. Another thing, I feel that it is not proper to give MPLC this responsibility, perhaps in public land; but as far as private properties, I feel that MPLC should not be involved. Thank you.

President H. Guerrero: Let me call Delegate Mafnas.

Delegate Mafnas: Yes, thank you, Mr. President. Will this proposal, in the minds of the members of the Committee really encourage investment? Will it really encourage investment as oppose to the original proposal or recommendation? Delegate Nabors? Will the committee substitute or rather the floor amendment encourage investment as oppose to the original recommendation?

Delegate Nabors: Mr. President, I believe that the extension of the additional twenty years will enhance and encourage more investment.

Delegate Mafnas: Did the committee make an extensive review and research study on this?

Delegate Nabors: Within the time limit allowed in our public hearing, this matter was discussed extensively. Judge Laureta, all the attorneys present seem to favor extending the period, the time that outsiders may be permitted to lease property.

Delegate Mafnas: What is the wisdom or factor that was used to arrive to sixty years and not one hundred years?

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Delegate Nabors: Mr. President, we had a division with the committee. I favored ninety-nine years. And in consultation with the committee on Natural Resources and Personal Rights, they favored fifty-five years. So the sixty years was a compromise.

Delegate Mafnas: What factors were used to arrive to sixty years? That was the question.

Delegate Torres: I can answer that.

President H. Guerrero: Delegate Torres?

Delegate Torres: Yes, one is economic factor. We felt that forty years is not sufficient to recover your cost, to amortize, in other words, to amortize your initial capitalization cost and at the same time maximize profits. Forty years is not long enough, especially if you are involved with a huge project -- hotel development project. Now, why not hundred years? Here is the reason. If we increase that to hundred years, then we are in a sense depriving our own people from freely mobilizing their resources from freely transacting with other investors. To extend it to hundred years is unnecessarily long time before you can make another transaction with another investor. So the economic factor was considered at length and the fact that increasing it might deprive the land owner from freely mobilizing and freely transacting with other investors. Those were the two major factors taken into account. Yes, we are divided on this. Actually, I do not want sixty years, but we have to compromise on the corporation. So I would go along with sixty, but to increase it to hundred years is just too long.

Delegate Reyes: Point of information.

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

Delegate Reyes: Can I just try to assist on the question?

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Delegates, the longer the lease term, the better your assessment is gonna be on your value of land. In other words, the value of land will appreciate if the term of the lease is long. If it is restricted, it would decrease your value by as much as forty percent. And depending on the location again, it could be as much as sixty percent depreciation on your value.

Delegate Torres: Point of information.

Delegate Mafnas: Mr. President.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I feel the other way that by restricting it to sixty years, you're not giving the freedom to the land owners to transact freely. You're limiting his transaction to sixty years. So I don't accept the logic or the reasoning that by limiting it to sixty years you are giving more mobility to the land owners. My feeling is just the other way around.

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Delegate Torres: Can I pacify, Delegate Mafnas, on that?

President H. Guerrero: Delegate Mafnas, are you yielding to Delegate Torres?

Delegate Mafnas: I'm not very excited about this yet, but you can pacify me if you want.

President H. Guerrero: Delegate Mafnas, are you yielding to him?

Delegate Mafnas: I'm yielding for the pacification.

(Laughter)

President H. Guerrero: Can you clarify?

Delegate Torres: In a way, I have to remember a simple fact here -- land does not depreciate. Land appreciates every year. And let's say you have a leasehold interest and there's a substantial improvement as a result of that leasehold interest, then by God the value of your land will go up and will never go down, especially if you're in a beach front area. Your land will perhaps not and will never depreciate, it will only appreciate. By what percentage, that's up to question. But the fact remains that land appreciates and not necessarily depreciates. Thank you.

Delegate Mafnas: May I proceed?

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I read on the paper that one of our local people is pursuing a joint venture for hotel amounting to approximately hundred and fifty million dollars. Will the investor be able to recoup his investment in sixty years -- hundred and fifty million in sixty years? How? Did the committee take that into consideration?

Delegate Torres: Can I answer that?

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Perhaps, Mr. President, if I give a little insight on this maybe, if the delegates have the patience to allow me to just read about five minutes of my prepared statement here.

President H. Guerrero: Please.

Delegate Mafnas: I have all the patience, Mr. President. This is very important and we should allow five minutes patience.

President H. Guerrero: Delegate Reyes, continue.

Delegate Reyes: The Article XII Restrictions on Alienation of Land provide both a benefit and a detriment to the people of Northern Marianas descent. There two proposals will maintain that Article's benefits while minimizing its detriments.

The benefit to restricting ownership of land to those of Northern Marianas

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descent is the retention of our most valuable and scarce resource in the hands of our own people. The detriment is that this Article artificially depresses the value of our land by restricting outside investors to short 40-year leases. For instance, Japanese investors who are for the most part conservative and tax-conscious are reluctant to invest (and unable to obtain any substantive tax advantage) in short term leases. This has diminished the value of our land by as much as 40% or more.

We therefore make two proposals: (1) increase the leasehold interest available to outsiders to outsiders to a 75-year or 99-year term as is standard throughout much of the world, and; (2) Allow the conveyance in fee simple of the airspace above the first floor of a structure.

It is interesting to analyze the effect of the airspace proposal. It would in effect allow the sale of condominium units to people of non-Northern Marianas descent without taking away from the owner of the land the right to continue to own and profit from it. It could be expected that such condominium units would be sold primarily to tourists, thus enhancing the Commonwealth's major industry and would not result in wild land speculation since it must involve a structure. It would reward, not speculators in land, but those of Northern Marianas descent (and only those of Northern Marianas descent) who put their land value to its highest and best use. It would benefit those whose use of their land confers a beneficial and snowballing effect on the local economy's No. 1 industry - tourism.

If the owner's use of his land in the above manner has the result of dramatically increasing its value, the owner would always continue by virtue of the fact that he would always own the first floor of the structure.
Thank you.

President E. Guerrero: Delegate Mafnas, you still have the floor.

Delegate Mafnas: Yes. I am also concerned about requiring the land owner and I understand the transaction between two brothers. But maybe I'm referring to a transaction between a local and a non-local. Do we really have to put this in the Constitution and require me when I don't want to have my property appraised?

Delegate Torres: Can I respond to that?

Delegate Mafnas: I mean, can we just leave this up to the decision of the people? I think we are overly protected and I am afraid of this, you know, to be overly...

Delegate Nabors: Can I respond to that, Mr. President? Thank you. I agree that you and I have the opportunity or the ability to determine for ourselves what the value of our property. During the public hearing, two things were brought out. And one of which has not been mentioned and I will now mention this:

Delegate Mafnas: Please, don't hide anything.

Delegate Nabors: Again, we go back to the Legislature. In every juris-

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diction of which I am familiar, real estate brokers are licensed and regulated, except in the Commonwealth. They are entitled to a fair percentage for their work, ranging from 6 to 10 percent. But our situation, the brokers go out and buy land for fifty cents per square meter and sell it for thirty dollars per square meter, because the Legislature has not passed any legislation to regulate real estate brokers. Now we were thinking in terms of Tan Maria who has no sophistication, who, if an outsider were to come to her house and offer a big money or a briefcase full of money that really might be peanuts in relation to the value requiring that there be some governmental facility available for Tan Maria to go and say, hey, there's a guy who wants my land, he's offering me this money. Is this within reason of the value, or am I being cheated? And it was that motivation that we sought to require a professional appraisal to be rendered and a copy be given the land owner and the land owner will go to the court to file it and perhaps talk to her nephew or niece or relatives to see if she is being cheated or not.

Delegate Mafnas: Yes, I understand that. Do we have a governmental body to assist Tan Maria? You mentioned governmental body. There's no governmental body available. Do we have that? I know that MPLC will perhaps again be addressed, but I think MPLC is charged with public land matters and I don't think MPLC will have to be given this responsibility. Do we have locally appraisers other than Manny Sablan perhaps and there's another one Frank Guerrero? I'm not through yet, Mr. President. I am in support of increasing this to sixty years. I believe that land appreciates; land does not depreciate. And I believe that by extending it longer than sixty, it will benefit the land owner. I have to take the different position that was presented to the committee. And we passed last night the corporations provision to make it one hundred percent Marianas descent. I believe that the equation should be higher than sixty. And I would move for that, Mr. President, as soon as I have my floor amendment. Thank you very much.

Acting President Cing: Let me recognize first a member of the committee. Delegate Torres?

Delegate Torres: Thank you, Mr. Chairman. The goal, as was stated in the committee report on corporations, is not to stifle economic development. We don't want that and you know it. We want economic development, we are for it. But you also have to take into account the vast majority. Perhaps we are the fortunate ones. We know we can make mature judgment. But consider the unfortunate ones who have yet to develop, who have yet to mature, who have yet to see the light at the end of the tunnel. Those are the people that we want to protect. Our goal is to enable this people to develop and to mature just as what was envisioned in the Covenant when this land alienation was restricted to 25 years after the termination of the Trusteeship. I believe that was the overriding concern of those people; and of course, likewise, that is our concern also. We do not want to stop economic development but at the same time we don't also want to see our own people be disenfranchised or disinherited in their own homeland. Now, we talk about outside investors as if they are the ham of the Commonwealth. We have the Covenant money -- \$228 million. That's a lot of money to be pumped in to the local economy. Let's not over rely on outside investors. The Covenant funding will enable us to develop our infrastructure needs and at the same time enhance our economic development. Besides, how does the government get, I mean, how much does the

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government get from these transient investors? How much do we get from the employment? More often than not these outside investors would bring in its own labor force. So, who are we kidding? Now, the issue of appraisal again, I always believe that the fortunate ones should not be subsidized by the government. The less fortunate ones should be assisted just as what the Micronesian Legal Services is doing. It is based on the principle of ability to pay. If we are unable to pay for a professional appraiser, then I think it is incumbent upon the government to help those less fortunate ones not to be fooled, not to be screwed by unscrupulous people. And we have that, and we have it among ourselves. If not the MPLC...

Delegate Mafnas: Point of information.

Delegate Torres: Then let the government subsidize this and perhaps we can have other agencies to take care of it if we do not want MPLC to handle the professional appraising. Thank you.

President H. Guerrero: Delegate Mafnas, can you state your point of information?

Delegate Mafnas: Yes, Mr. President, yesterday I condemned the framers of the Northern Marianas Constitution because they failed to address this issue. Here we are trying to envision and say that this will be beneficial to our people if we limit it to sixty years. I think we are all going under the assumptions and probably the delegates to the Third Constitutional Convention will condemn us too because we limit the ability of our people to transact accordingly. Thank you.

President H. Guerrero: I'd like to call next Delegate King.

Delegate King: Thank you, Mr. President. I believe that our people here have a good security by owning the hundred percent according to the Recommendation No. 40, to own the interest of the corporation and also we have security by condemning their real property from the outsiders. And I'd like to ask the delegates not to condemn them again on their building. Give these people the privilege to decide on their building. We already, like I said, we already condemned them not to lease their land to the outsiders, foreign investors, for more than sixty years. So, I'll leave it up to them to decide whether or not to lease the second floor to the outsider. We did enough to our people to condemn them, so let's not condemn them entirely of their interests. So I'd like that the delegates not to pass the substitute proposed amendment.

President H. Guerrero: I need to call on Delegate Villanueva.

Delegate Villanueva: I have two questions for the committee, Mr. President.

President H. Guerrero: Please.

Delegate Villanueva: As I read this substitute amendment, I think we are talking about two things here, one is leasing the ground floor and also buying freehold on the second floor and above.

Delegate King: Yes.

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Delegate Villanueva: Okay, the first floor -- I don't like the sixty years because, and this is a follow up with the question. In the Constitution it says twenty-five years. Do we have anything in this Convention that extends that twenty-five years to more than twenty-five years?

Delegate Nabors: No, we cannot because it is in the Covenant.

Delegate Villanueva: We are limited to twenty-five years.

Delegate Inos: We can do it within our Constitution.

Delegate Villanueva: Then we're

Delegate Inos: Point of information.

President E. Guerrero: Are you finished, Delegate Villanueva?

Delegate Villanueva: No, no, I like the point of information. I'd like to listen to the point of information because I'm asking a question.

President E. Guerrero: Are you providing the point of information, Delegate Inos?

Delegate Inos: Yes, sir.

President E. Guerrero: Please continue.

Delegate Inos: Okay, the point of information, I understood Delegate Villanueva to be saying that we cannot go beyond the twenty-five years. Right?

Delegate Villanueva: I didn't say we cannot go beyond. I said, is it correct that we are only authorized to restrict the ownership of land to twenty-five years. And according to the Covenant and the Constitution...

Delegate Inos: Under the Covenant, Section 805, the Government of the Northern Mariana Islands must, until twenty-five years after the termination of the Trusteeship, regulate the alienation of permanent and long-term interest in the property. So as to restrict the acquisition of such interests to person of Northern Mariana Islands descent, it also goes further that the local government will define the operative terms of this section including such terms as what we are dealing with. Thus it will be entirely up to the Government of the Northern Marianas and the people of the Northern Marianas to determine the precautions which they will take to prevent their land from being alienated.

Delegate Villanueva: So in other words, we can extend the twenty-five years.

Delegate Inos: Yes.

Delegate Villanueva: Then I'm not worried about the sixty years on the ground floor. Okay, my concern now is on the second floor and above. I

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cannot see or imagine anybody who cannot own or who cannot have the right to use the second floor or above spending hundred dollars or hundred million dollars when I can only use it for sixty years. If I spend hundred thousand dollars to buy four floors above the first floor and I'm going to use it only for vacation and my children's vacation and my children's children's vacation and maybe my fourth generation on, I don't think it's wise for me to spend that much money. I would rather go to Cuba or even to the mainland U.S. and buy something above the second floor. So, two things, Mr. President, I'd like to say that I'm in favor of increasing it to ninety-nine years and also I'd like the committee to consider addressing the twenty-five years in the Covenant and also addressing the concern of Tan Maria because even if we put something like this, if the Legislature, if Delegate Nabors get elected and forgot about this because he has a personal interest in real estate and he does not want the real estate broker to be regulated, then we can address ten years and the real estate broker can continue to, what do you call that, not ripped off but screwed Tan Maria. I think the common usage of the language here is proper. I mean, it means something else. But I want to....

Delegate Nabors: Mr. President, I'll yield to Dr. Kaipat. But I want to suggest....

President E. Guerrero: Wait, wait. Delegate Villanueva is not finished yet.

Delegate Villanueva: Mr. President and members of the committee, I hope when you look at this proposal that we're dealing with two things: the ground floor where people are supposed to own it for the rest of their lives if we address the twenty-five years in the Covenant and also look at the interest and the concern that I expressed about investing hundred million dollars on the second floor and above on a condominium or a hotel or a skyscraper. Thank you, Mr. President.

President E. Guerrero: I need to recognize -- Delegate Nabors, are you clarifying things?

Delegate Nabors: Yes, Mr. President, I'd like to yield to Dr. Kaipat and I would then like to suggest that we defer further consideration perhaps later this evening or tomorrow morning so that we can deal with some of the concerns that have been raised. I met with the Attorney General briefly and he is willing to sit down and we'll work over this language concerning appraisal. So I just want that thought out.

President E. Guerrero: Before I recognize Delegate Kaipat, I need to recognize other people that have not spoken yet. First I need to call on Delegate Limes.

Delegate Limes: Just a point of information, Mr. President. I think all of us know the inception of the Royal Taga, the first hotel on the island of Saipan. It was probably in the early part of sixties when Royal Taga was opened. Taking into consideration the time when Royal Taga was opened up to the time, it has not yet reached twenty-five years. And taking into consideration the proposal on the sixties, I think that will suffice a lot of those merits for any transitional matters with regard to condominium. Thank you, Mr. President.

Delegate Reyes: Can I answer that, Mr. President?

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President H. Guerrero: Delegate Reyes?

Delegate Reyes: The concept here is how long the business is going to stay alive. The concept, I think, is if you have the existing forty years now and you're dealing with an investor on that forty years, he will only offer you, say, \$50,000. But if he is able to take advantage of the lease up to ninety-nine years, he will offer you three times that much. So what we are saying here is that we are depriving our people with their land value because of the restriction on the leasehold. Should that leasehold be longer; then you can maximize the land value because the investors are not restricted. And when it comes to investment, years in the multiples of tens is not really that long. So we're talking about the standard term leasehold and throughout the world is ninety-nine. And this is what is being used to maximize the value of their land. Thank you.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: Thank you, Mr. President. My only concern is, is there really a need for this amendment to our Constitution, the proposed amendment? Are we having problem now under Section 3 or Article XII? If so, perhaps when the committee or if the delegates are going to move for recommitment or deferment of this measure, perhaps we can work for an amendment that would include what the Committee on Local Government is proposing with the deletion of the second sentence. Thank you.

Delegate Reyes: Mr. President, there is a problem now.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. First, I would like to bring out three points. First point will be the duration, the years. In our Constitution it says forty years. Then during discussions in this Convention, we talked about fifty-five years, sixty years and now there is a ninety-nine years coming. You know, I feel that the transaction of such land should be taken place while the old and new generation are still sitting together. Our life span on Saipan or the Commonwealth usually runs between 65 and 75 years. What I mean is how long do we live before we die? That's a life span for the population, 65 to 75 years. And 60 years in between I think is probably the best timing for the father and the son to sit down and talk about Hongkong deal or Japanese deal to transact through their son so the son can take over. If we put in ninety-nine years, we'll be talking to the bones, only the bones. So I think sixty years is a very reasonable time limit. As Delegate Torres mentioned also that it would be nice to extend as far as hundred or ninety-nine years but we should be thinking of certain figures that will allow us to actually transact in a normal fashion way with outside investors.

Delegate Villanueva: Point of information, Mr. President.

Delegate Kaipat: Yes.

President H. Guerrero: Are you yielding, Delegate Kaipat?

Delegate Kaipat: Do you want me to continue?

President H. Guerrero: Normally, the point of information does not, it

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will be recognized after the speaker is finished.

Delegate Kaipat: Number two is, this question I would like to yield to Delegate Reyes. In his statement, he mentioned that an absolute ownership of airspace with unrestricted rights of disposition. I would like more clarification on this with the statement made by Delegate Reyes. Can he explain more? I feel halfway empty not knowing what he really mean when he say, an absolute ownership of airspace with unrestricted rights of disposition of airspace.

President H. Guerrero: Delegate Reyes, are you going to response?

Delegate Reyes: Yes, Mr. President. It simply means that when you open up the sale of airspace above the first floor, it simply means tht you are selling that freehold interest. The buyer will hold that unrestricted throughout without any tie down to leases.

Delegate Torres: Point of order.

President H. Guerrero: State your point.

Delegate Torres: We are discussing, I believe, the committee substitute which doesn't include the airspace concept so I recommend that we stick to the substitute at this point.

President H. Guerrero: That's correct. Please limit your discussions.

Delegate Kaipat: My third question over here is airspace again. I think this should be combined when we talk about it.

President H. Guerrero: Unfortunately, we are talking about the amendment right now. So until such time that the airspace issue comes up.

Delegate Kaipat: My third question has something to do with airspace. But I would like to cancel this now because we are not talking about airspace. Thank you, Mr. President.

President H. Guerrero: In view that we were going around for almost an hour and a half on this issue, in view also of the suggestion by Delegate Nabors of probably deferring it and come out with a better language, the Chair would like to recommend, if there is no objection, that we suspend this and take it up when a better language comes up.

Delegate Mafnas: I move to defer, Mr. President.

Delegate Ogumoro seconded the motion.

The motion to defer Substitute Committee Recommendation No. 19 was carried by voice vote.

President H. Guerrero: This matter is deferred. The Substitute Committee Recommendation 19 is suspended. We're going with the next one, 62. Can you read that?

Secretary Nabors read Committee Recommendation No. 62 in its entirety, as follows:

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*COMMITTEE RECOMMENDATION NO. 62

*A PROPOSED CONSTITUTIONAL AMENDMENT

"To add a new Section 5(b) to Article II of the Northern Marianas Constitution to safeguard against rampant alienation of Commonwealth of the Northern Mariana Islands.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 or Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, Article II is amended to add a new Section 5 (b) to read:

"°Section 5: Permanent Residency in the Commonwealth of the Northern Mariana Islands.

"b) The Legislature shall enact no law which increases the class of non aliens except as to those persons defined in Covenant Section 506 (c)."

President H. Guerrero: Yes, Delegate Mendiola.

Delegate Mendiola: I move that Committee Recommendation No. 62 be adopted on Second and Final Reading.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 62. Discussions?

Delegate Nabors: Motion to end debate.

Delegate Mafnas seconded the motion.

President H. Guerrero: If there is no objection....

Delegate Mendiola: Mr. President?

President H. Guerrero: Delegate Mendiola.

Delegate Mendiola: I think we have discussed this last night and the explanation of the Attorney General is sufficient. I move to end debate.

Delegate Mafnas seconded the motion.

Delegate Calvo: Point of information. We didn't have a meeting last night.

President H. Guerrero: If there is no discussion...

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Delegate Manglona: Just a minor information here. Should that be "may" because with that "no law"?

Delegate Nabors: I think the word "shall" is appropriate here.

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

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 62 on Second and Final Reading was voted on by a roll call vote, as follows:

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

ABSENT: Delegate Alonzo Igisomar, Luis Limes, Juan Lizama, Maria Pangelinan, Ramon Villagomez. (5 votes)

And the motion was carried.

Secretary Nabors: Mr. President, I have 20 affirmative votes, no negative vote; however, I have 3 absent.

President H. Guerrero: Excuse me. Delegate Limes is not here to vote, therefore, he is absent. Either you vote or not voting.

Delegate DL. Guerrero: Well, I heard everybody said "yes".

President H. Guerrero: There is no such thing. You are here to answer your roll call. There is no proxy.

Secretary Nabors: 19 affirmative votes, no negative vote, no abstention, and 5 absent.

Delegate DL. Guerrero: Are you sure?

President H. Guerrero: Committee Recommendation No. 62 passed by unanimous vote of all members present. Can we take the next one, Committee Recommendation No. 27?

Secretary Nabors: Thank you. I would like to suggest that we defer 27 and 35 until Delegate Villagomez arrives for the reason that he and I have been discussing the possibility of withdrawal and I have not had an opportunity to find out his final decision.

Delegate Torres: Point of information.

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

Delegate Torres: If we're going to wait for Delegate Villagomez, he may never make it because I believe that his brother in law will be arriving this morning or sometime today who is a deceased.

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Delegate Nabors: We'll defer it until tomorrow.

Delegate King: Point of information, Mr. President. Delegate Villagomez told me that he will not defer action on this and he will vote in favor of it even though he is absent or he is here.

Secretary Nabors: Okay, Committee Recommendation No. 27.

Delegate Mafnas: Mr. President?

President R. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: I ask the indulgence of the members to defer Recommendations 27 and 35 so we can be given the opportunity to hear the arguments that will be presented by Delegate Villagomez. Delegate Villagomez will be here before we adjourn. So we can balance our decision, I ask the indulgence of the members to defer 27 and 35.

Delegate Inos: No objection.

President R. Guerrero: If there is no objection, we'll skip Committee Recommendation Nos. 27 and 35. Can we go on with 24?

Secretary Nabors read Committee Recommendation No. 24 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 24.

"A PROPOSED CONSTITUTIONAL AMENDMENT.

"To add a new section to Article II, to establish a ceiling of \$2,800,000 on the budget of the legislature.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, a new section is added to Article II to read:

"Section _____. Budget Ceiling. There shall be a ceiling on the budget of the legislature.

"a) Appropriations, or obligations and expenditures, for the operations and activities of the legislature may not exceed two million eight hundred thousand dollars in any fiscal year; Provided, that this amount may be adjusted for each fiscal year by a percentage which will be the same as the percentage change in the United States Department of Commerce composite price index using the beginning of fiscal year 1986 as the base. This ceiling on the legislative budget shall be divided equally between the Senate and the House of Representatives.

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"b) Obligations and expenditures for the operations and activities of the legislature for the period October 1 through the second Monday in January of a fiscal year in which there is a regular general election may not exceed seven hundred thousand dollars or the spending authority otherwise available by law, whichever is less. This ceiling shall apply to the various offices and activities in the same activities in the same proportions as the annual spending authority provided by law."

"II. Transition Provision. Upon ratification, the ceilings imposed by this amendment shall apply to the legislature on a pro rata basis computed with respect to the number of days remaining in the periods specified."

Delegate Mendiola: Mr. President, I move for the adoption of Committee Recommendation No. 24 on Second and Final Reading.

Delegate Calvo seconded the motion.

President E. Guerrero: It has been moved and seconded to adapt Committee Recommendation No. 24. Delegate Villanueva?

Delegate Villanueva: Mr. President, I have a floor amendment to Committee Recommendation No. 24 that was passed out. On line 8, insert a period after the word "year" and delete line 8 up to line 12. This proposed amendment is to delete the inflationary adjustment, for the information of the delegates.

Delegate Mafnas seconded the motion.

Delegate Nabors: On the motion. May I inquire Delegate Villanueva why it is necessary to delete that sentence?

Delegate Villanueva: Mr. President, we have passed two other measures regarding the Legislature. One is to give them 90 days to meet and that has passed Second Reading. The other, we have passed the Legislative Bureau, and there is another one coming up that would reduce the members of the Legislature, both houses.

President E. Guerrero: Delegate Nabors, just probably a point of information. The Covenant that was just recently signed, there's an understanding that the figure that they used as a basis for the Legislature's spending and it might be in line with that thinking between our Government and the Government of the United States. Therefore, it's best to delete that provision.

Delegate Nabors: Thank you, Mr. President.

President E. Guerrero: Delegate Mafnas?

Delegate Mafnas: Does the agreement, Mr. President, that was signed have the inflationary, the composite index provision?

President E. Guerrero: I understand from the Lt. Governor that that provision has been deleted.

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Delegate Mafnas: Then it's most appropriate to delete it too from this recommendation. Mr. President, are we ready for discussion?

President E. Guerrero: Yes, we are on the amendment.

Delegate Mafnas: Thank you. I would like to further reduce the \$2.8 million.

President E. Guerrero: Delegate Mafnas, if there is not further discussion on the amendment, can we vote on that first?

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

President E. Guerrero: Now we're back to the main motion with the amended version. Delegate Mafnas, continue please.

Delegate Mafnas: Thank you, Mr. President and fellow delegates, I feel that \$2.8 million dollars is still very high. Since the beginning of the Convention we were flooded with the statements of deficits in the Commonwealth. Even the President attempted to secure additional funding for this Convention and he was partially successful. If the \$2 million, rather the \$2 million is excessive in my opinion. One, we have passed other reforms with respect to the Legislature: One, we have reduced the number of session days; two, we passed the Legislative Bureau proposal recommendation. I believe that the Legislature will be able to function and will be able to deliver the required mandate in the Constitution if we reduce this to \$2.5 million. I have copies of the listing of employees in the Legislature with me, and I believe that by reducing it to \$2.5 it will force the Legislature to hire only the necessary staff. Yesterday, I consented or I agreed that the Civil Service should not cover agencies and instrumentalities. Under Section 16 of Article III of our Constitution and under Committee Recommendation 25, many of the positions of the Legislature will be classified and will be comparable to those positions in the Executive Branch. For example, a Planner Researcher position, \$18,000; a Legal Secretary in the Legislature is paid at \$18,000; Committee Researcher, \$17,000 per annum; Committee Assistant, \$16,000 per annum; System VI Supervisor, this is some sort of a typewriter -- System VI Supervisor, \$16,000. I don't know how many System VI do they have and how many employees are operating the System VI. If they have only one employee operating the System VI, then they should not be a supervisor. Committee Secretary, \$13,000; plain Secretary, another \$13,000; Researcher, \$12,000 per annum; Community Worker, \$11,000; Xerox operator, \$10,000 per annum; Account Technician, \$10,000 per annum; Janitor, \$9,000 per annum; Page Clerk, \$6,000 per annum -- Page Clerk is the one similar to what we have here whose responsibility is just to pass out bills, resolutions and other documents that are received by the Legislature. Fellow delegates, Assistant Maintenance, \$8,000 per annum; another janitorial position, \$8,000 per annum.

Fellow delegates, I am very confident that the \$2.5 million is more than adequate for our Legislature to operate, and I feel that we can divert the \$300,000 for other essential public programs or services such as the medical referral, such as additional teachers for the Department of Education, such as to fund the Community College that we have. So I ask everyone, and if there is no objection, Mr. President, I would like, on

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line 7, to delete the word "eight" and insert the word "five". I so move.

Delegate Nabors seconded the motion.

President E. Guerrero: Is there any objection from the floor?

Delegate Inos: I have a question.

Delegate DL. Guerrero: objection.

President E. Guerrero: Delegate Mafnas, we cannot entertain that. There is an objection. You need a unanimous consent, without any written...

Delegate Mafnas: I move for three minutes recess.

Delegate Nendiola seconded the motion.

President E. Guerrero: Three minutes recess.

The Convention recessed at 11:14 a.m.

RECESS

The Convention reconvened at 11:25 a.m.

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

Delegate Mafnas: Mr. President, I would like to retract everything I said on the \$2.8. Since you allowed me to have the floor, so I wish the record to be corrected accordingly.

President E. Guerrero: Please, go on.

Delegate Mafnas: Mr. President, during the recess, I was convinced by the Chairman and his influential committee members that the \$2.8 is very, very reasonable and I believe that the Legislature would not necessary expend, according to the Chairman, the \$2.8 if it does not see the need to spend. And because I have confidence in our Legislature, I support the \$2.8, and I move for the previous question.

Delegate Nabors seconded the motion.

Delegate Torres: Mr. President, I've been waiting for you to recognize me so that I can ask some questions to Delegate Mafnas.

President E. Guerrero: Delegate Mafnas, would you yield?

Delegate Mafnas: I withdraw my motion.

President E. Guerrero: Delegate Torres?

Delegate Torres: Thank you, Delegate Mafnas. Thank you, Mr. President. I like this idea of limiting the budget, however, I have to ask Delegate Mafnas whether he made "extensive studies" on the budget ceiling. It seems like we're coming out with arbitrary figures here, 2.5, 2.1, 2.0, 2.8. Now, is there any logic behind these numbers?

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President E. Guerrero: Delegate Mafnas?

Delegate Mafnas: The question is addressed to me. Yes, I made an extensive research on the 2.5. My problem is that I fail or I refuse to recognize the seven years provision. So it's a problem that when I made the research I said, they won't need it. They would only need 2.5 for the next seven years. And I refuse to give that allowance to myself. So, that's why I'm supporting 2.8 because I'm giving myself now the seven years allowance.

Delegate Torres: Okay, can I ask two more questions? Delegate Mafnas, you also proposed the Legislative Bureau. Now, do you think that \$2.8 is sufficient to cover all of those professional staff of the Bureau?

Delegate Mafnas: Mr. President, more than adequate.

Delegate Torres: Do you think that \$2.8 is high in view of the fact that we're going to be reducing the composition of the Legislature?

Delegate Mafnas: Under the assumption that the people will perhaps decide that one way or the other and under the assumption that we don't know the position or how the Convention is going to react to committee Recommendation 65. I believe and it's very unfortunate that we are now approving Committee Recommendation 24, that's why I'm supporting \$2.8 because I don't know how the Convention is going to react on Committee Recommendation 65, reducing the composition in both houses of the Legislature.

Delegate Torres: Is \$3.0 acceptable?

Delegate Mafnas: That would be too excessive.

President E. Guerrero: Delegate Torres, for your information, I was explaining that, under the Covenant negotiation, that's the figure that our special representative used in negotiating with the United States Government that they will not increase their budget more than \$2.8 million.

Delegate Torres: I do recognize that, Mr. President but you know, I have to question also the rationale behind \$2.8. We may have a different rationale from Covenant negotiators. So if I could be enlightened on the rationale of the Covenant negotiators, all the better.

Delegate Nabors: Motion to end debate.

Delegate Mendiola seconded the motion.

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

The motion to end debate was carried by voice vote.

President E. Guerrero: We're voting on Committee Recommendation No. 24, as amended. Roll call, Delegate Nabors.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 24, as amended, on Second and Final Reading was

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carried by 19 affirmative votes.

Delegates Alonzo Igisomar, Luis Limes, Juan Lizama, Maria Pangelinan and Ramon Villagomez were absent.

President H. Guerrero: Committee Recommendation No. 24 pass by unanimous vote by all members present.

Delegate Nabors: Point of privilege.

President H. Guerrero: State your privilege.

Delegate Nabors: Mr. President, I'd like to recognize one of our distinguished residents of the island of Tinian, Mr. Kiko De la Cruz.

(Applause)

President H. Guerrero: Can we go on with the next one?

Secretary Nabors read Committee Recommendation No. 59 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 59

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To propose an amendment to Article X of the Northern Marianas Constitution to provide for a Uniform Fiscal Management Policy.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

"I. Effective upon ratification, new Sections ____ and ____ are added to Article X - Taxation and Public Finance to read:

"Section ____: Control of Public Finance. The Department of Finance or its successor department shall control and regulate the expenditure of public funds. The Department shall promulgate rules including accounting procedures that require public officials to provide full and reasonable documentation that public funds are expended for public purposes.

"Section ____: Taxpayer's Right of Action. A taxpayer may bring an action against the government or one of its instrumentalities in order to enjoin the expenditure of public funds for other than public purposes or a breach of fiduciary duty. The court shall award costs and attorney fees to any person who prevails in such an action in a reasonable amount relative to the public benefit of the suit."

Acting Floor Leader Mendiola: Mr. President?

President H. Guerrero: Yes, Acting Floor Leader Mendiola.

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Acting Floor Leader Mendiola: I move that the Committee Recommendation No. 59 be adopted on Second and Final Reading.

Delegate DL. Guerrero seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 59. Discussions? Delegate Mafnas?

Delegate Mafnas: Mr. President, I support Committee Recommendation No. 59, however, I have reservations on lines 5 through 8 in putting this in our Constitution. Under Public Law 1-8, as amended, the Director of Finance has the authority to promulgate rules and regulations pertaining to expenditure of funds. My question is I wonder whether the committee is implying that the Director of Finance has yet to promulgate appropriate rules and regulations.

President H. Guerrero: Chairman Guerrero?

Chairman DL. Guerrero: Mr. President, I'll yield to a member of the Committee, Delegate Igitol.

Delegate Igitol: Yes, Mr. President. The Director of Finance has promulgated rules in regards to the public finance and regulations. However, the intention here is that the Constitution will direct the Director of Finance to regulate regulations so that all the so-called three branches will adhere to that policy. At this time, the Legislature does not wish to accept the regulation made by the Administration because they said it is not only applicable to the executive branch.

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

Delegate Mafnas: Mr. President, the Director of Finance is the custodian of public funds. He is the disbursing officer, he is the chief procurement officer, he is the chief accountant who obligates funds in accordance with the appropriations. He is the chief tax assessor and collector. Under Public Law 1-8, as amended, the Director of Finance can promulgate or is authorized to promulgate rules and regulations governing his department. And under the same law, Public Law 1-8, as amended, the Director of Finance, upon promulgation of such rules and regulations, can publish them in the Commonwealth Registrar and they will have the effect and force of law. And I don't understand this provision. The Legislature, even the court will be governed by such rules and regulations because the director has the authority to promulgate. There is a provision in our law when rules and regulations are promulgated and they become effective they have the effect and force of law. If the Legislature violates such rules and regulations, then there is a recourse. So I don't understand the provision.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Yes, the concern raised by Delegate Mafnas is very well taken during the public hearing and the testimony, of course, from the Director of Finance himself. Now, by allowing the Department of Finance coming out and promulgating necessary rules and regulations, this would well define what are the public purposes will be, whether public purposes means to allow you to entertaining bar waitresses in any of these

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called night clubs, or public purposes means to say that they're retaining each of these so-called public officials. I think this is part of allowing and giving the public finance, I'm sorry not the public finance but the Director of Finance this authority so he can promulgate all these necessary rules and regulations to regulate how the public funds should be expended as appropriated by the Legislature.

Delegate Torres: Point of information.

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

Delegate Torres: Delegate Guerrero mentioned public purposes. I think public purposes will be defined when we voted on that committee recommendation on public purpose will be defined by the Legislature not the Finance Department. So I think Delegate Mafnas is still in order.

Delegate DL. Guerrero: May I continue?

President H. Guerrero: Please.

Delegate DL. Guerrero: I appreciate the point of information and we do understand, of course, that eventually we'll be voting also on that public purposes. But that will further strengthen the responsibility of the disbursing officer, that means the Director of Finance. This very provision is nothing more but to establish procedural regulations as to how the public funds will be expended. Now another information during the hearing that there are times that the Director of Finance or any of his own administrative, responsible person refuses maybe to disburse such request for disbursement. But in the absence of that regulation under his own jurisdiction, he just cannot refuse to disburse; unless he refuse it, somebody will take him to court. There's some adverse or differences of opinion at the time when he made the request whether public purposes means such as that request. And there was a ruling came out and it says, you have to give him a reimbursement or disburse of that fund because it's appropriated to the so-called mayors, if it's mayors, or the so-called public officials if it's public officials. So these are the concerns that eventually would be defined under this department's rules and regulations.

Delegate Mafnas: Mr. President, has the Director of Finance or had he promulgated rules and regulations pertaining to allowable expenditures, what are allowable expenditures? Are there regulations right now in the Commonwealth Registrar defining allowable expenditures? That's the question.

Delegate Igitol: At this time, Mr. President, there is no written regulation regarding allowable expenses or expenditure. We take into account that we use our common sense when we have the documentations. But when we exercise that common sense somehow they said they are given the reasonable allowance so it's up to them to use it by law.

Delegate Mafnas: So the problem, Mr. President, is that we have no rules and regulations governing not only public officials but what are allowable expenditures or expenses. If this is intended to cover reasonable allowances, then the problem is we don't have any. And I'm very sure that if the Director of Finance under his authority in Section 257 of 1 CMC, if he exercises that authority, the Legislature or the mayors or any elected

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Officials will comply with such rules and regulations governing such expenditures.

Delegate Igitol: Mr. President, although we don't have the written regulations regarding that expenditure, the Director of Finance once wrote a letter or memo to the AG's probably back in early 1981 citing those type of expenditures. And we gave him a reason that we felt that we're not supposed to disburse funds in accordance to the receipts. However, at that point, the previous AG wrote back that the Legislature were only acting as disbursing agency to other government branch.

Delegate Mafnas: Mr. President, Section 225-53 of 1 CMC states that the Director of Finance' responsibility is to maintain accounting and disburse funds pursuant to authority of law. Under Section 225-57 of 1 CMC, the Director of Finance has the authority to promulgate rules and regulations. And if I may, I would like to read it: "The Director of Finance may adopt rules and regulations not in consistent with law regarding those matters within the jurisdiction and to provide penalties both civil and criminal for violation thereof." Naturally, the Attorney General will write back to the Director of Finance and says, you have no authority to deny a request for reimbursement because there are no rules and regulations, the Director of Finance cannot just use his common sense and says that I am required a receipt when there is a taxi fare reimbursement in excess of \$15 per transaction. So in the absence of those rules and regulations, the Director of Finance has no basis to deny my request other than common sense. So what I'm saying here is that under 25-27 of the Northern Marianas Code, the Director of Finance has the authority to promulgate the necessary rules and regulations. And I don't see the need for the provision giving again the Director of Finance that authority because he already has it.

Delegate DL Guerrero: Point of information.

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

Delegate DL Guerrero: Yes, Mr. President, if we include the provision, the very concern under the Constitution, that will mandate the Director of Finance. The law is law. Yes, we understand that, but it could be easily amended by the Legislature. If it's in the Constitution, the Director of Finance is mandated that he must do it. Thank you.

President H. Guerrero: Delegate Igitol?

Delegate Mafnas: I'm not satisfied.

Delegate Igitol: Yes, further to Delegate Mafnas' inquiry. We do have, not official regulation, but we do have in draft forms which are going to be incorporated to the Manual for Administration, and hasn't been acted on because the Governor has appointed a Special Task Force to combine those regulations into the Manuals of Administration and those procedures we have written way back about almost eight months ago and they haven't acted upon to be officialized or accepted. Furthermore, like Delegate Guerrero is saying, if we don't have this regulation here in the Constitution, the Legislature will, like if we give them the legislative veto power, the Legislature can easily veto any regulations that they don't want is really applicable or applied to them. But if it is in the Constitution, they

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cannot kill that regulation. This is mostly because of public funds that we thought are misused.

President H. Guerrero: I think Delegate Villanueva wants to augment a statement.

Delegate Villanueva: The committee during its deliberation discussed ideas on how this regulation should be promulgated and how it should be enforced. We found that different branches of government as well as the instrumentalities would not abide by what regulation the Department of Finance come out with and what enforcement they provide. With the deletion of appropriated for three branches of government and including every branches of government including the instrumentalities and putting this in the Constitution as the law of the land. The so-called different branches of government at the present time have their own interpretation of reasonable allowance. For example, in the Washington Representative, they call it official representation. In the Senate and the House, they call it representation allowance. In the Executive Branch, they call it contingency funds, or in the Mayor's Office, they call it entertainment. And I don't know what they call it in the Judiciary Branch. But by putting this in the Constitution and the committee really... The committee felt that by putting this in the Constitution we can call it one name -- public purpose. And public purpose, at least, can be defined by the Director of Finance and put it into regulation or promulgate rules and regulations and this cannot be vetoed by the Legislature. As far as the Attorney General's opinion here is concerned on that legislative veto, of course, that's subject to interpretation. But the committee felt that what we don't have right now even though it's in the Public Law 1-8, as amended, is a uniform set of rules and regulation that can be enforceable.

President H. Guerrero: Are you adding on, Delegate Igitol?

Delegate Igitol: Yes, Mr. President. Another reason for putting this regulation in to control public finance is that we have a procedure that like the forms, the purchase order forms. The Finance has come out with regulation, instructions and formats, yet the Legislature came out with their own version of purchase orders. They refused to accept the purchase order that was promulgated by the Department of Finance and they also refused to go into the system that we have. In other words, they want all their forms or requests be processed manually rather than through the system that we have. This is why I felt that we should put in a uniform policy that everyone should use within the government because the government is really spending a lot of money for that system.

Delegate Nabors: Point of information.

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

Delegate Nabors: I think it would simplify matter if we were to get distributed for delegate eyes only examples of what we're talking about.

Delegate Mafnas: Mr. President, I still have the floor.

Delegate DL. Guerrero: Point of information.

President H. Guerrero: Would you yield, Delegate Mafnas?

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Delegate DL Guerrero: It's not within your concern.

President H. Guerrero: Therefore, Delegate Mafnas still has the floor.

Delegate Mafnas: Thank you.

Delegate DL Guerrero: This is a point of information.

President H. Guerrero: Point of information is only providing information to what's being discussed, unless point of order, it has priority over point of information.

Delegate Torres: Point of information relating to Delegate Mafnas.

Delegate Mafnas: Please enlighten me.

Delegate Torres: Yes. The Committee on Finance and Other Matters would like to think that it is giving a de facto power to the Department of Finance in determining what is public purpose through rules and regulations. When in fact this perceived de facto power is neutralized by the fact that we are giving the Legislature the power to define public purpose in the first place. In addition to that, we are giving the Legislature the power to veto regulations. So the de facto power is lost, is neutralized.

Delegate Mafnas: Mr. President.

President H. Guerrero: Continue, Delegate Mafnas.

Delegate Mafnas: Now it's clear that the Director of Finance has the authority to promulgate rules and regulations and he has yet to promulgate rules and regulations. And the Director of Finance when he rejects a request for reimbursement, public officials countered or objected to his objection. And there is a fear that the Legislature will probably strip off the Director of Finance' authority to promulgate rules and regulations should he promulgate in accordance or promulgate governing what are reasonable expenditures or allowable expenditures. While I disagree with that fear because the purpose is clear by having this provision, I would probably agree to duplicating the provision in the code. And I so move for the previous question.

Delegate Nabors seconded the motion.

President H. Guerrero: We're going to vote on Committee Recommendation No. 59. Secretary Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 59 on Second and Final Reading was voted on by a roll call vote as follows:

YES: Delegate David Cing, Herman T. Guerrero, Lorenzo DL. Guerrero, David Igitol, Rita Inos, Benusto Kaipat, Esteven King, Jesus Mafnas, Paul Manglona, James Mendiola, William Nabors, Felicidad Ogumoro, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres and Ignacio Villanueva. (17 votes)

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ABSTAIN: Delegates Vincent Calvo and Aniceto Mundo. (2 votes)

ABSENT: Delegates Alonzo Igisomar, Luis Limes, Juan Lizama, Maria Pangelinan and Ramon Villagomez. (5 votes)

And the motion was carried.

Secretary Nabors: I have 17 affirmative votes, I have zero negative vote, I have 2 abstentions and I have 5 absent.

President H. Guerrero: Committee Recommendation No. 59 passed by 19 votes.

Delegate Nabors: Motion.

President H. Guerrero: Yes, Delegate Nabors.

Delegate Nabors: Mr. President, I move that we recess until 1:30.

Delegate King seconded the motion.

Delegate Nabors: I withdraw my motion.

Delegate King: I withdraw my second.

President H. Guerrero: Why are you withdrawing you motion?

Delegate Nabors: For the reason that we're going to have the opening of the Carolinian at 3:00 o'clock.

Delegate Oquero: If I may suggest that we continue our discussion and finish up with Committee Recommendation No. 36 so that we could have ample time to discuss the measures that are calendared under the General Orders of the Day before we go off for the 3:30 ceremony this afternoon.

Delegate Nabors seconded.

President H. Guerrero: Can we have some recess for at least ten minutes for people that might want to make amendments to Committee Recommendation No. 60?

Delegate Mafnas: Yes, no objection, Mr. President. You have the power to do it.

President H. Guerrero: Thank you, Delegate Mafnas. Recess for ten minutes.

The Convention recessed 12:00 noon.

RECESS

The session was back to order at 12:21 p.m.

President H. Guerrero: Secretary Nabors, can you read Committee Recommendation No. 60?

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Secretary Nabors read Committee Recommendation No. 60 in its entirety,
as follows:

"COMMITTEE RECOMMENDATION NO. 60

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Article XI, Sections 4 and 5 relatives to the Marianas Public
Land Corporation.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the
Commonwealth of the Northern Mariana Islands Constitution and Public Law
No. 4-30, the Constitution of the Commonwealth of the Northern Mariana
Islands is amended as follows:

"I. Effective upon ratification, Section 4 of Article XI is amended to
read:

"Section 4. Marianas Public Land Corporation. There is hereby
established the Marianas Public Land Corporation.

"a) The corporation shall have five directors, appointed by the
governor with the advice and consent of the Senate, who shall direct
the affairs of the corporation for the benefit of the people of the
Commonwealth who are of Northern Marianas descent.

"b) One director shall be a resident of the first senatorial
district, one shall be a resident of the second senatorial district, and
three shall be residents of the third senatorial district; Provided, that
of the five directors, at least one shall be a woman and at least one
shall be a person of Carolinian descent. Each director shall be a citizen
or national of the United States, a resident of the Commonwealth for at
least five years immediately preceding the date on which the director
takes office, a person with at least two (2) years management experience,
a person who has not been convicted of a crime carrying a maximum sentence
of imprisonment of more than six months, a person who is able to speak
Chamorro or Carolinian and a person of Northern Marianas descent.

"c) The directors shall serve a term of four years except that
two of the first five directors appointed shall serve a term of two years
and three shall serve a term of four years. A director may not hold a
full-time paid position in the corporation. The directors shall be held
to strict standards of fiduciary care.

"d) The corporation shall have the powers available to a corpo-
ration under Commonwealth law and shall act only by the affirmative vote
of the majority of the five directors.

"e) The directors shall make an annual written report to the
people of the Commonwealth describing the management of the public lands
and the nature and effect of transfers of interests in public land made
during the preceding year and disclosing the interests of the directors in
the Commonwealth land.

The corporation shall be authorized to incur such expenses as may be
reasonably necessary to meet reasonable expenses of administration.

"f) After this Constitution has been in effect for at least ten years, the corporation may be dissolved and its functions may be transferred to the executive branch of government by the affirmative vote of majority of the members of each house of the legislature."

"II. Effective upon ratification, Section 5 of Article XI is amended to read:

"Section 5. Fundamental Policies. The Marianas Public Land Corporation shall follow certain fundamental policies in the performance of its responsibilities.

"a) The corporation shall make available some portion of the public lands for a homestead program. A person is not eligible for more than one agricultural and one village homestead. A person may not receive a freehold interest in a homestead for three years after the grant of a homestead and may not transfer a freehold interest in a homestead for ten years after receipt except that these requirements are waived for persons who have established a continuous use of public lands for at least fifteen years as of the effective date of this Constitution. At any time after receiving the freehold interest, the grantee may mortgage the land provided that all funds received from the mortgagee be devoted to the homestead program shall be provided by law.

"b) The corporation may not transfer a freehold interest in public lands for twenty years after the effective date of this Constitution, except for homesteads as provided under section 5(a), or to another agency of government for use for a public purpose as authorized by law.

"c) The corporation may not transfer leasehold interest in public lands that exceeds twenty-five years including renewal rights. An extension of not more than fifteen years may be given upon approval by three-fourths of the members of the legislature.

d) The corporation may not transfer an interest in more than five hectares of public land for use for commercial purposes without the unanimous approval of the five directors.

e) The corporation may not transfer an interest, and may prohibit the erection of permanent structure, in public lands located within one hundred fifty feet of the high water mark of a sandy beach, except that the corporation may authorize construction of facilities for public purposes.

f) The corporation shall adopt a comprehensive land use plan with respect to public lands including priority of uses and may amend the plan as appropriate.

g) The corporation shall receive all moneys from the public lands except those from lands in which freehold interest has been transferred to another agency of government pursuant to subsection 5(b) and shall transfer these moneys after the end of fiscal year to the Marianas Public Land Trust except that the corporation shall retain the amount necessary to meet reasonable expenses of administration and

management, land surveying, homestead development, and any other expenses reasonably necessary for the accomplishment of its functions. The annual budget of the corporation shall be submitted to the legislature for review and concurrence. Failure of the legislature to act on the submitted budget within sixty days after receipt shall constitute concurrence. The corporation may submit a multi-year budget for the purpose of reserving receipts of one year for expenditure in a later year, but the corporation may not obligate or expend funds except pursuant to the annual budget concurred by the legislature. An act concur the budget of the corporation may originate in either house of the legislature and may not be vetoed by the governor. The legislature may not modify the budget of the corporation during the fiscal year it is in effect."

President H. Guerrero: Acting Floor Leader Mendiola?

Acting Floor Leader Mendiola: I move for the adoption of Committee Recommendation No. 60 for Second and Final Reading.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt committee Recommendation No. 60. Discussions? Let me first recognize Delegate Tenorio.

Delegate Tenorio: Thank you, Mr. President. I have here a proposed floor amendment to Committee Recommendation No. 60 which reads -- I think this has been passed around to every delegate. I move to amend Committee Recommendation No. 60 as follows:

1. On page 5, line 4, delete the words "review and concurrence" and insert the words "information purpose only".
2. Page 5, lines 4 through 15, delete the rest of the text of the proposal beginning with the words "Failure of the legislature ... is in effect."
3. Page 2, line 19, delete "ten" and insert "twelve".
4. Page 2, line 21, put a period after the word "government" and strike out the remainder of the sentence.
5. Page 2, line 5, delete "fulltime".

Thank you.

Delegate Inos seconded the motion.

President H. Guerrero: It has been moved the seconded to adopt the proposed floor amendment to Committee Recommendation No. 60, as offered by Delegate Tenorio. Discussion on the amendment?

Delegate Mafnas: No need.

Delegate Nabors: Motion to end debate.

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Delegate King seconded the motion.

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

Delegate Inos: This is on the text pertaining to part B. Am I in order?

Acting Floor Leader Mandiola: You are out of order.

President H. Guerrero: Are you discussing?

Delegate Inos: While we are making an amendment, I'm just going to ask a question that attracts my attention.

President H. Guerrero: On the amendment?

Delegate Inos: I will yield for now but I have a question.

President H. Guerrero: Delegate Ogumoro, are you discussing on the amendment?

Delegate Ogumoro: Yes, Mr. President. On page 5, two of the amendments are -- one is to delete, on line 4, the phrase "for review and concurrence" and then the other amendment is on that same line beginning with the word "failure", to delete that portion all the way up to the word "effect" on line 15. Just to get some comments from the introducer of the amendment as to why we are proposing that amendment to the committee recommendation. Thank you.

President H. Guerrero: Delegate Tenorio?

Delegate Tenorio: Thank you, Mr. President. By putting that words "information purpose only", I don't feel that we need the rest of the phrases or the rest of the ideas after that. The Public Land Corporation is now being watched, first of all, by the Public Auditor and also the Public Land Corporation has been audited periodically by an independent auditor. And also the Public Land Corporation is under watched also by the Public Land Trust. I think that enough watchdogs have been applied to Public Land Corporation. Thank you.

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

Delegate Ogumoro: I'm through, Mr. President.

President H. Guerrero: I'm sorry, I'm not hearing you.

Delegate Ogumoro: I'll yield for now, Mr. President.

President H. Guerrero: Thank you. Delegate Igitol?

Delegate Igitol: Mr. President, on page 5, line 4, as indicated by Delegate Tenorio. The second sentence there says, information purpose only. I'd like to ask if it's alright to put "s" on the purpose.

Delegate Tenorio: That's fine. No objection, Mr. President, if that is proper.

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Delegate Mafnas: I second to that.

Delegate Nabors: I move to end debate.

Delegate Mafnas seconded the motion.

President H. Guerrero: We're discussing on the amendment. Delegate Mendiola, do you have discussion on the amendment?

Delegate Mendiola: Never mind.

Delegate Nabors: Motion.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Motion to end debate.

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

President H. Guerrero: Let's vote on the amendment.

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

President H. Guerrero: We're back to the original motion on the the Committee Recommendation, as amended. Delegate Mendiola?

Delegate Mendiola: Mr. President, I move to amend page 4, lines 7-8, to delete "unanimous approval of the five directors" and insert "approval by the Legislature".

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to delete on page 4, lines 7 and 8 "unanimous approval of the five directors" and insert "approval of the Legislature". Discussions? Delegate Mafnas?

Delegate Mafnas: I would like, if there is no objection on the floor, to further amend that and insert after "approval of the Legislature", "in a joint session".

Delegate Mendiola seconded the motion.

Delegate Villanueva: No objection.

President H. Guerrero: No objection? Delegate Guerrero?

Delegate DL. Guerrero: Okay. Just a clarification on your amendment. Is it by majority members of the Legislature, or what?

Delegate Mendiola: Yes, just majority, both houses.

Delegate Mafnas: In a joint session.

Delegate Nabors: No objection.

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Delegate Reyes: Objection.

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Mr. President, my objection to that amendment is that it would stifle the operation of the corporation further by having to wait for all these legislative concurrence.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Mr. President, I support the amendment proposed by Delegate Mendiola to reinstate back the majority concurrence of the majority members of the Legislature. I am more confident that the total total members of twenty-five of the Legislature would be a lot better decision to protect the interest of our land.

Delegate Mafnas: Point of information. Twenty-four members.

Delegate DL. Guerrero: Twenty-four members, I stand corrected -- rather than the five directors in the Public Land Corporation. I believe that we should reinstate that provision for the interest of our people. Thank you.

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

Delegate Calvo: I'll yield.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, if a corporation or if an investor wants more than 5 hectares we are going to make it difficult for them to get it. This investor will have a lot of money, so let him take to Japan twenty-four people at his expense rather than just five people. Thank you.

Delegate Nabors: No objection.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I move to end debate.

Delegate Mendiola seconded the motion.

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

The motion to end debate was carried by voice vote.

President H. Guerrero: We're voting now on the proposed amendment offered by Delegate Mendiola and with a subsequent amendment by Delegate Mafnas.

Delegate Tenorio: Point of information, Mr. President. Can you read the amendment?

President H. Guerrero: The amendment will read, on page 4, lines 7 and 8, it should read delete "on unanimous approval of the five directors" and it should read "approval of the Legislature in a joint session".

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Delegate Tenorio: Is that by majority, simple majority?

Delegate Nabors: Yes.

President H. Guerrero: Okay.

As a result of the unclear voice vote, President Guerrero requested for a show of hands vote, and the motion was carried by 11 for and 6 against the motion.

President H. Guerrero: We're back to the main amendment as further amended. Delegate Inos?

Delegate Inos: Just a concern on Section (b) of this particular provision. Under Section 4 (b) we're stating out "requirements for directorship". I'm just wondering since under Article III we made a provision there for an Executive Assistant for Carolinian Affairs and then I noticed that we will be going on First Reading for the Executive Assistant for Women's Affairs. Wouldn't this be intruding in their functions by already stating in here? I would be assuming that we're taking some of the responsibilities away from the respected offices. I'm assuming that we're passing the Women's Affairs...

Delegate Mafnas: Mr. President?

Delegate Torres: Point of order.

President H. Guerrero: I guess we can only assume at this stage, Delegate Inos. Delegate Ogumoro?

Delegate Ogumoro: I share the concern of Delegate Inos, however, our action, or the existence of the Office of the Carolinian Affairs and that, or should the proposed amendment pass on the Special Assistant to the Governor for Women's Affairs have no bearing on the section that Delegate Inos is making reference to, I feel that that provision is in order unless maybe she is seeing something that we are not seeing.

President H. Guerrero: Delegate Inos?

Delegate Inos: I'm just noticing under Article III, Section 18, Executive Assistant for Carolinian Affairs and that the Executive Assistant shall be a member of the Governor's Council and shall advise the Governor on matters affecting person of Carolinian descent within the Commonwealth. So when we're making a confirmation for boards, commissions and trustees that this person will also be included in that decision and will be the person advising the Governor on such matters.

Delegate Ogumoro: I understand that and I realized that concern. But I know that we are only talking, I mean there's only one person, let's say, for the Executive Assistant for the Carolinian Affairs who would be speaking on behalf of the Carolinians. He would not have the time to go and really sit in the deliberations of each of the boards and commissions that will be set up or that are in existence in the Commonwealth at this stage. So for that reason, I do not see that there is any problem with the proposed section. Thank you.

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Delegates Alonzo Iginor, Luis Limes, Juan Lizama, Maria Pangelinan
and Ramon Villagomez were absent.

And the motion was carried.

Delegate Nabors: Mr. President, I have 19 affirmative votes, I have zero
negative vote, and I have 5 absences.

President H. Guerrero: Committee Recommendation No. 60 is adopted by
unanimous vote of all members present. Can we take 36?

Secretary Nabors read Committee Recommendation No. 36 in its entirety,
as follows:

"COMMITTEE RECOMMENDATION NO. 36

"A PROPOSED AMENDMENT

"To add a new Section ____ to Article II to authorize legislative veto of
certain types of Executive acts.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the
Commonwealth of the Northern Mariana Islands Constitution and Public Law
No. 4-30, the Constitution of the Commonwealth of the Northern Mariana
Islands is amended as follows:

"I. Effective upon ratification, Article II is amended to add a new
section to read:

"Section ____ Legislative Veto. The legislature may provide
for legislative review and veto of specific executive actions involving
rule-making authority or establishment of policy by joint resolution.
Legislative veto shall not extend to the application of rules or
regulations to individual cases."

President H. Guerrero: Yes, Acting Floor Leader Mendiola?

Acting Floor Leader Mendiola: Mr. President, I move that Committee
Recommendation No. 36 be adopted for its Second and Final Reading.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee
Recommendation 36 for Second and Final Reading. Discussions? Delegate
Nabors?

Delegate Nabors: Mr. President, I'd like to move that we file Committee
Recommendation No. 36.

Delegate Mafnas seconded the motion.

Delegate Mafnas: Mr. President?

President H. Guerrero: Yes, Delegate Mafnas.

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Delegate Mafnas: The Legislature now has that authority. If they wish to
revoke this authority, they can do it. If there are rules and regula-
tions that are not consistent with the intent of law, they can pass a bill
amending or addressing the intent. I think that this provision will
probably be challenged and there will probably be Constitutional questions
asked if it be adopted by our people. So rather than to have a provision
that is unconstitutional in our Constitution, I support the filing of
Committee Recommendation No. 36.

Delegate Torres: Mr. President and fellow delegates, I just don't
understand the Committee on Governmental Institutions. What's happening?

Delegate Mafnas: I will accept your castigating the committee.

Delegate Torres: I asked, I questioned the wisdom on this and Delegate
Mafnas and unfortunately he's not here, mentioned that the committee
members agreed that the Legislature needs this. Now, why are we reversing
action?

President E. Guerrero: Delegate Mafnas?

Delegate Mafnas: The Committee on Governmental Institutions is not afraid
of admitting its mistakes. So we apologize to the Convention if we dis-
respected any delegates. We believe that this can be done without inserting
it in the Constitution. Moreover, if this is challenged, then there is a
question whether it's really constitutional. We have talked to several
lawyers, four attorneys, they have conflicting opinions regarding the
constitutionality or unconstitutionality of this proposal. So in order to
avoid the court from striking or declaring a provision in our Constitution
unconstitutional, that's why we are recommending that we file this perma-
nently and bury it with grace.

President E. Guerrero: Delegate Torres?

Delegate Torres: Mr. President, please allow me to express certain
concerns. This is a clear manifestation of a lack of extensive research.
I'm really disturbed at the committee's work because obviously they just
brought this thing out without railroading it, if you will, without an
"extensive research". I'm confused. I want to get an AG's opinion on
this if we can. Furthermore, if we feel that this may be unconstitutional
when I also which I did raise earlier, raised questions on setting a
precedent for the Legislature without doing the same thing for the Executive
branch, to my mind that may violate the check and balance separation of
power principle.

President E. Guerrero: Delegate Torres, I believe there is a legal
opinion on that.

Delegate Mafnas: Legal opinion No. 33.

President E. Guerrero: You might want to read that. I did ask. We've
been deferring this because of the legal opinion and we keep deferring it.
And I asked the members to read the legal opinion so we can take it up.

Delegate Torres: Okay. So I'd like the record to show that this has
never been in existence.

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President H. Guerrero: What do you mean it never in existence? Of course, it was. The Chair accepts it, so therefore, it was.

Delegate Torres: Well, I'd like the record to show that the Chair also is wrong and as well as the committee.

President H. Guerrero: No. That's the prerogative of the Chair, Delegate Torres. And any delegate can change their vote on Second and Final Reading.

Delegate King: Mr. President, can you accept that you're wrong like the Governmental Institutions?

President H. Guerrero: I only accept. I don't make judgment on the deliberations of the committee.

Delegate King: Thank you, I'm just asking.

Delegate Nabors: Motion to end debate.

Delegate King seconded the motion.

President H. Guerrero: Thank you.

The motion to end debate was carried by voice vote.

The motion to file Committee Recommendation No. 36 was carried by voice vote.

President H. Guerrero: Committee Recommendation No. 36 is filed indefinitely. Yes, Delegate Mendiola.

Delegate Mendiola: Mr. President, I move to recess until about four o'clock.

Delegate Mafnas: Objection.

Delegate Mendiola: Can we get a unanimous consent then? Six? I so move until six o'clock.

Delegate Igitol: Suggestion, Mr. President.

President H. Guerrero: Yes, Delegate Igitol.

Delegate Igitol: Why don't we take up 63 in the Committee of the Whole and then 2:30 we'll recess until seven tonight? Since we're planning to take a recess at 2:30 for the event.

President H. Guerrero: Can we at least, if that's the case, then we'll recess until seven?

Delegate Mendiola: No objection.

President H. Guerrero: If that's the case, then the Chair will recess until seven o'clock.

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The Convention recessed at 12:57 p.m.

RECESS

The Convention reconvened at 7:41 p.m.

President H. Guerrero: The session is called back to order. Secretary Nabors, I believe we're ready to take up Committee Recommendation No. 27?

Delegate Mafnas: Point of information.

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

Delegate Mafnas: Or question. Where are the senior citizens, Mr. President?

(Laughter)

President H. Guerrero: Would Delegate Nabors response to that? Delegate Nabors? We're in the session right now.

Secretary Nabors read Committee Recommendation No. 27 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 27

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 8 of the Schedule on Transitional Matters of the Northern Mariana Constitution relating to Interim Definition of Citizenship.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

"I. Effective upon ratification, Section 8 of the Schedule on Transitional Matters is hereby amended to read:

"*Section 8. Interim Definition of Citizenship. For the period from the approval of the Constitution by the people of the Northern Mariana Islands to the termination of the Trusteeship Agreement, the term United States citizen or United States national as used in the Constitution and laws of the Northern Mariana Islands means those persons and their subsequent children who, on the date of the approval of the Constitution by the people of the Northern Mariana Islands, do not owe allegiance to any foreign state and who qualify under one of the following criteria:

"a) persons who were born in the Northern Mariana Islands, who are citizens of the Trust Territory of the Pacific Islands on the date of the approval of the Constitution by the people of the Northern Mariana Islands and who on that date are domiciled in the Northern Mariana

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Islands or in the United States or any territory or possession thereof;

"b) persons who are citizens of the Trust Territory of the Pacific Islands on the date of the approval of the Constitution by the people of the Northern Mariana Islands and who have been domiciled continuously in the Northern Mariana Islands for at least five years immediately prior to that date, and who, unless under age, registered to vote in elections for the Mariana Islands District Legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1975; or

"c) persons domiciled in the Northern Mariana Islands on the date of the approval of the Constitution by the people of the Northern Mariana Islands who, although not citizens of the Trust Territory of the Pacific Islands, on that date have been domiciled continuously in the Northern Mariana Islands beginning prior to January 1, 1974."

President H. Guerrero: Acting Floor Leader Mendiola?

Acting Floor Leader Mendiola: Mr. President, I move to adopt Committee Recommendation No. 27 for its Second and Final Reading.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 27 for Second and Final Reading. Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. During the First Reading, we extensively discussed this and I don't see any reason to further discuss it. Mr. President, so I move for the previous question.

Delegate King seconded the motion.

Delegate Nabors: Mr. President, I have distributed in accordance with our rules, a written amendment to strike, on line 8, the word "means" and insert in lieu thereof the word "includes". This originally have been agreed to and I'm sorry that Delegate Lizama is not present, who subsequently withdrew that particular amendment. And I so move.

Delegate Mafnas: I second for discussion purposes.

President H. Guerrero: It has been moved and seconded to change the word "means" on line 8 to "includes". Discussions? Delegate Villanueva?

Delegate King: Point of clarification. May I ask the Chair who seconded the motion?

President H. Guerrero: Delegate Mafnas.

Delegate King: Thank you.

Delegate Villanueva: I think this amendment would change the purpose of this proposal. We discussed this in length and even Delegate Lizama who's one of the very prominent lawyers here in the Northern Marianas decide that if it's because the will of the general public to remove the word

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to put the word "means", I don't see why we should change
the word "include" and take away the word "means". I know
this amendment is also one of our very prominent lawyers here
in Marianas. But I feel that since both of them are promi-
nent, I respect both their concerns, I think that the two of them
together and the delegates here should go ahead and continue with
this, unless the mover of this proposal can convince me that
"means" is not as good as the word "includes". Thank you.

Guerrero: Delegate Nabors?

Nabors: Thank you, Mr. President. I have a lot of confidence
in the founding fathers. Our founding fathers used includes.
But what they are doing, I respect their judgement, and I see no
reason to change what they did. I support Committee Recom-
mendation 27. We need that to cover persons who were inadvertently
left out since the present Constitution uses the word "includes" I
don't want to change it.

Guerrero: Delegate Tenorio?

Tenorio: Thank you, Mr. President. I think it's only about a
year ago or maybe a day ago when the same amendment was intro-
duced on the floor and it was overwhelmingly defeated. I don't see why we
are bringing the same amendment that was previously defeated to the
floor for discussion. I respect Delegate Nabors' argument and I think
we should follow the rule of the majority and we already have the
majority. If we vote for this again when we don't have all the
delegates that were present at that time when we had the discussion, I
think it would be unfair for those people who are not present at this
time. Before, they placed their confidence in the votes of the other
delegates that were here at that time that we voted the same, exactly the
same. I, therefore, feel that we should not address this issue
again since we already address it. We'll be repeating the same thing
again, thank you, Mr. President.

Nabors: Point of information.

Guerrero: State your point, Delegate Nabors.

Nabors: As I recall, the mover withdrew. Delegate Lizama, as I
remember, he tried to strike his motion to change "means" to "include" and
to "means" again. I did not recall that it was voted upon.

Guerrero: Delegate Mundo?

Mundo: Thank you, Mr. President. I would like to suggest that
we stop discussing this amendment at this time. I don't think we
should allow the delegates even to pass this or not to pass this amendment.

Guerrero: We have a majority present, therefore, we need
the votes of the members present for a proposal to pass.

Mafnas: Mr. President.

Guerrero: Yes, Delegate Mafnas.

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Delegate Mafnas: I believe three-fourths of twenty, because we recessed this afternoon and there were twenty this morning, not three-fourths of fifteen. Delegate Mundo is still correct.

Delegate Mendiola: Mr. President, could we go through the Rules and check it out?

Delegate Nabors: Rule 15: No proposed amendments to the Constitution or provision shall be adopted by the Convention except by affirmative vote of not less than three-fourths of the delegates present in the Convention with delegates voting only in person. A majority of delegates present, a quorum being present, shall be sufficient for the taking of any other action except when the affirmative vote of a greater number shall be required by these rules.

Delegate Mafnas: So what's your interpretation?

Delegate Nabors: So we have a quorum, three-fourths of the members present.

Delegate Mafnas: Tonight, not this morning.

Delegate Nabors: Now.

Delegate Mafnas: Thank you.

President E. Guerrero: What we have right now, we need 12 votes to pass.

Delegate Mendiola: No, three-fourths of 15.

President E. Guerrero: We need 12 votes. Discussions?

Delegate Mendiola: I move to end debate.

Delegate King seconded the motion.

President E. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, I'd just like to ask, would there be some problem here because should this be passed, we're going to be denying some person who in the past we have allowed to some rights, for example, to vote. And by passing this Delegate Nabors?

Delegate Nabors: Point of information, Mr. President, 27 will not disenfranchise any one. It's 35 that I have a problem with in terms of voting. 27 simply includes people who were inadvertently left out, Northern Marianas people, children of.

Delegate Manglona: But it would exclude U.S. citizens now on that.

Delegate Mafnas: Right. If my amendment is not adopted, then we're going to have problems.

Delegate Manglona: That's what I'm saying, if you don't put include.

Delegate Nabors: Right.

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Delegate Manglona: Would there be a problem because the Covenant includes those people and this one will not. Is there any problem? I mean, would there be any problem there?

Delegate Nabors: Yes. I foresee a problem.

President H. Guerrero: If somebody challenge it in court probably the court will strike it out, so we're back to square one.

Delegate Manglona: Why do we want to encounter such a problem?

Delegate Nabors: I'm hoping that we can avoid it by adopting my amendment.

Delegate Tenorio: Point of information, Mr. President.

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

Delegate Tenorio: I think that this issue was discussed when we were discussing Committee Recommendation No. 27. It was fully discussed and I'm pretty sure that the Convention at that time was fully aware of the significance of this amendment. And at that time also they passed the amendment on First Reading based on the issues that were discussed, based on explanations that were brought up by the members of the Convention. I, therefore, feel that any further discussion on this thing is not warranted if it refers to the definition. Thank you.

Delegate Oquero: Privilege. Delegate Nabors, is your amendment trying to accommodate the category of individuals that Maria Pangelinan was pointing out to us that would have difficulty if we pass Committee Recommendation No. 27 with the word "means" used instead of the word "include"?

Delegate Nabors: Absolutely.

Delegate Mendiola: Point of information, Mr. President.

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

Delegate Mendiola: I don't think if the U.S. citizens were being here since 1974, I mean before 1974, so that's wrong, Delegate Nabors. If a U.S. citizen has been here like yourself, you could vote.

Delegate Nabors: 35 will affect...

Delegate Mafnas: Point of order. The Secretary was not recognized by the President.

Delegate Mendiola: If you look at Section 8 (c), you will be included. So your statement by saying "yes" to Maria Pangelinan's statement is wrong.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. Maria Pangelinan was not here and she is a person of Northern Marianas descent. So she would not be included here unless you change "means" to "includes".

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gent E. Guerrero: Delegate Mendiola?

ate Mendiola: Maria Pangelinan that some of her cousins and uncles
left to the U.S. after 1974 and they became U.S. citizens. And coming
again, does that mean the Proposal No. 27 will stop them from
? That's what Maria pointed out.

gent E. Guerrero: She is also making reference to herself.

ate Mendiola: Right, including herself. She was here before 1974,
she left after '74. So, she still ...

gent E. Guerrero: No, she doesn't.

ate Nabors: She doesn't qualify. Continuously. There was a break
in residency.

ate Reyes: Wouldn't that depend on what her reason for leaving? She
went to school or...?

ate Mendiola: Yes, she was gone for school. So that's the problem.

gent E. Guerrero: Any other discussions? Delegate Nabors?

ate Nabors: Could I ask the indulgence of my colleagues and see if
I could get an opinion from the Attorney General as to whether or not
the word "means" would exclude people of Northern Marianas descent from
the privileges guaranteed them by the Covenant?

ate Villanueva: Objection. This is supposed to have been done 10
years ago. I don't know why. You know, we're supposed to delay this
because Delegate Rey is not here. It was discussed by so many people, so
many attorneys, even our committee assistant was involved in discussing
it and we are going to keep on discussing this. And if we are going to
decide for that, why are we discussing it now? We should just defer it and
until, you know, all these opinions come.

ate Nabors: Point of information, Mr. President.

gent E. Guerrero: State your point, Delegate Nabors.

ate Nabors: I took the pain of going to Delegate Villagomez' home
during our afternoon recess and ascertained his wishes in this matter. I
asked, what do you want us to do. Do you want us to defer this until you
are present? We took it up this morning. Or do you want to withdraw it?
He advised me that we should go on and make our decision on the
spot, that he will not be here tonight, he will not be here tomorrow.

gent E. Guerrero: Delegate Mendiola?

ate Mendiola: Just a couple of questions to Delegate Nabors. If
the military comes in here, will this authorize
the military to vote?

ate Nabors: No.

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Delegate Mendiola: Why?

Delegate Nabors: Because they did not obtain the U.S. citizenship under a, b, or c and neither was here before 1974.

Delegate Mendiola: Okay, if we pass this. But if we don't pass, could they?

Delegate Nabors: No. The Covenant outlines the same provision that the transitional matters and any one who doesn't qualify under a, b, or c cannot vote. Excuse me, at the present time, okay, a, b, or c delineates individuals who will obtain U.S. citizenship upon termination. Okay? Now, Committee Recommendation 35 will have the restrictive effect that any American citizen here before 1974...

Delegate King: Point of order.

President H. Guerrero: State your point.

Delegate King: I think, we're discussing Recommendation 27.

Delegate Nabors: That's correct, Mr. President, 27 and 35 are companion measures.

Delegate Mafnas: Point of observation.

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

Delegate Mafnas: Will you kindly declare tonight the delegates from Tinian's night?

(Laughter)

Delegate Nabors: Mr. President.

President H. Guerrero: Continue, Delegate Nabors.

Delegate Nabors: Do we have Legal Opinion No. 36? Do the delegates have Legal Opinion No. 36? May I direct your attention to the penultimate paragraph in that legal opinion? I mean, the first sentence of the last paragraph. "Thus, by this proposed amendment, people who are presently citizens within the Constitution who are citizens by means other than clauses a, b, and c, will no longer be deemed to be citizens under the Constitution. This revoking of citizenship without due process of law would be unconstitutional." So it's very clear.

President H. Guerrero: Delegate Mendiola.

Delegate Mendiola: It's going to be unconstitutional if what we're defining here is interim definition. Presently, when we're having a public hearing in regards to this proposal, the Attorney General said that the Northern Marianas, right now, under the Covenant, we could stop any U.S. citizen from coming into the Northern Marianas because we have the immigration rights. They have to apply for it. This is just for your information.

Delegate Nabors: I don't happen to agree with that.

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Delegate King: I move to end debate.

Delegate Mafnas seconded the motion.

President E. Guerrero: Delegate Reyes?

Delegate Reyes: Mr. President, I think the concern of Mr. Nabors earlier during the session was the possibility of the outsiders coming in and voting and one of those concerns is the number of the military personnel but we don't know whether they are going to vote but irrespective to that the number might come in and off set the number of Tinianese voting. This thing is clear in my mind. Number 27 simply states that the term of the United States citizens include, so U.S. citizens now are U.S. citizens and it will include the other enumerated here, a, b, and c. And on No. 35, it goes to the qualification of voters. So what it does, if Mr. Nabors' concern about the military is really true, so he won't amend this to include. But if he is not worried now about the military voting on Tinian, so "include" on this number 27 would mean that they can vote later on, and I understand it. Isn't that correct, Mr. Nabors?

Delegate Nabors: No, I have never been concerned about the military voting on Tinian.

Delegate Mendiola: I am, Mr. President.

President E. Guerrero: Any more discussions?

The motion to adopt the proposed amendment offered by Delegate Nabors was defeated by voice vote.

President E. Guerrero: Motion defeated. We're back to the main motion. Discussions? If no discussion, then, Secretary Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 27, on Second and Final Reading was voted on by a roll call vote, as follows:

YES: Delegates Vincent Calvo, David Cing, David Igitol, Esteven King, Jesus Mafnas, James Mendiola, Aniceto Mundo, Felicidad Ogomoro, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres, and Ignacio Villanueva. (13 votes)

NO: Delegates Rita Inos, Paul Manglona and William Nabors. (3 votes)

ABSTAIN: Delegate Herman T. Guerrero. (1 vote)

ABSENT: Delegates Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, Luis Limes, Juan Lizama, Maria Pangelinan and Ramon Villagomez. (7 votes)

And the motion was carried.

Secretary Nabors: I have 13 affirmative votes, 3 negative votes, 1 abstention and 7 absences.

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President E. Guerrero: Committee Recommendation No. 27 passed by 14 votes. We have Committee Recommendation No. 35.

Acting Floor Leader Mendiola: Mr. President?

President E. Guerrero: Yes.

Delegate Mendiola: Could I ask for a three minutes recess. I've got an amendment to pass out.

President E. Guerrero: Okay, recess for three minutes.

The Convention recessed at 8:12 p.m.

RECESS

The Convention reconvened at 8:25 p.m.

President E. Guerrero: Secretary Nabors, can you read Committee Recommendation No. 35, please?

Secretary Nabors read Committee Recommendation No. 35 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 35

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Section 1 of Article VII of the Northern Mariana Constitution relating to Qualification of Voters.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

"Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows:

"Effective upon ratification, Section 1 of Article VII is amended to read:

"Section 1: Qualification of Voters. A person is eligible to vote who, on the date of the election, is eighteen years of age or older, is domiciled in the Commonwealth and has resided in the Commonwealth for a period of time provided by law, is not serving a sentence for a felony, has not been found by a court to be of unsound mind, and is either a citizen or national of the United States as specifically defined in Section 8(a), (b) and (c) of the Schedule on Transitional Matters of this Constitution."

President E. Guerrero: Acting Floor Leader Mendiola:

Acting Floor Leader Mendiola: Mr. President, I move to adopt Committee Recommendation No. 35 for its Second and Final Reading.

Delegate Tomokane seconded the motion.

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President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 35. Discussions? Delegate Mendiola?

Delegate Mendiola: I passed out a rough copy fo the amendment to include one sentence after "Constitution" to read: "After the effective date of this citizenship provision of Article III of the Covenant a citizen and national of the United States need not come within the definition of Section 8(a), (b) and (c) of the Schedule on Transitional Matters of the Constitution".

Delegate King seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 35, on line 10, after "Constitution" to read: "After the effective date of the citizenship provision of Article III of the Covenant, a citizen or national of the United States need not come within the definition of Section 8(a), (b) and (c) of the Schedule on Transitional Matters of this Constitution". Discussions? Delegate Manglona?

Delegate Manglona: I understand the intent of Delegate Mendiola but there is no flow in here. I feel there's a missing link, I think he's trying to redefine, on line 8, national citizen or national of the United States after effective date of the citizenship but there's something missing. There's a link here missing.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: I don't catch him.

President H. Guerrero: Would you please restate your statement, Delegate Manglona?

Delegate Manglona: Maybe he should say something like refer to. What I am saying is that if you add the last sentence, so what. What I am saying is if you add it, then what does it do?

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Mr. President, this will assure that after the termination of the Trusteeship, all U.S. citizen and U.S. national are eligible to vote. On Section 8(a), (b) and (c) U.S. citizen who are not here before 1974 are not eligible. So what I'm trying to say here is that after termination of the Trusteeship, all U.S. citizen and national could vote in the Northern Marianas.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: I wonder, Mr. President, whether we need to say that. I mean, after the termination of the Trusteeship Agreement, all U.S. citizens and nationals will be eligible to vote. Do we need to say that?

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Mr. President, on Proposal No. 35, if we don't say this, I don't know. I have contacted about 3 or 4 lawyers and they came out with different answers whether Section 8(a), (b) and (c) still in

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effect after the termination of the Trusteeship Agreement and I could not believe which one is which, which one is right. Some lawyer say that after the termination Section 8(a), (b) and (c) will be still in effect because it is mentioned under Section 1 of the Constitution or Article III of the Constitution. So just to be sure that this section is not in effect after termination, I put this down.

President H. Guerrero: Delegate Tenorio?

Delegate Tenorio: Thank you, Mr. President. I think the interim definition of citizenship is taken care of by the Covenant or the Constitution that it will at the termination of the Trusteeship Agreement that definition will terminate automatically. I don't see any reason why we should put this in our Constitution at this time. Thank you.

President H. Guerrero: Delegate Torres?

Delegate Torres: Yes. I want to direct my question to Delegate Mendiola. Delegate Mendiola, are you trying to nullify the effect of the interim definition of citizenship in Section 8(a), (b) and (c) in Committee Recommendation No. 35? Is that what you're trying to do?

Delegate Mendiola: No, Mr. President. I'm trying to make sure that once the U.S. Government gives us the full fledged U.S. citizenship then all U.S. citizens and nationals should have the right to vote here.

Delegate Torres: But wouldn't that be taken care of, as pointed out Delegate Tenorio, given the fact that the interim definition of citizenship will have loose force at the termination of the Trusteeship?

Delegate Mendiola: That was my first thought. But after consulting about 3 or 4 lawyers they have different opinions. Some of them said, if you put it in this section they might come in and say because of this provision on Proposal 35, that portion of the transitional matters are still in effect. I don't know. Just to make sure, we could come up with better words.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: To clarify a couple of concerns here before we take the final vote on this committee recommendation, on the amendment that is proposed. What would this mean to U.S. citizens that have been here since, after January 1st, 1974, between that date and the termination of the Trusteeship Agreement? Would that allow them to vote here in the CNMI? Could they register to vote in our general elections should we pass this amendment? There are a number of U.S. citizens now that are voting. What would this amendment do to them?

President H. Guerrero: I think, Delegate Ogumoro, you just exclude them on Committee Recommendation No. 27. Is that correct, Delegate Nabors?

Delegate Ogumoro: So what is this committee recommendation doing further? It further excludes them, to make sure that they are really excluded?

Delegate Nabors: My opinion, this 35, if passed, will continue to be in full force and effect until the Third Constitutional Convention.

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Delegate Mendiola: Mr. President, I think we're delineating from the subject. My amendment is, after termination and comes back again to between '84 and termination. My amendment is for the purpose of after termination.

Delegate Ocumoro: I share your concern, Delegate Mendiola. However, right now we have certain U.S. citizens that are presently in the Commonwealth now that have been voting and have been exercising that right to vote and I wonder, you know, if this would affect.

Delegate Mafnas: Mr. President, point of order, please.

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

Delegate Mafnas: We're not discussing the amendment. Let's dispose the amendment and go to the committee recommendation.

Delegate Ocumoro: I think that has bearing on the proposed amendment. Are you saying that my discussion right now has no relevance here with the proposed amendment offered by Mendiola?

Delegate Mafnas: The proposed amendment, Mr. President is trying to nullify this section.

Delegate Nabors: That's right. It will nullify. And colleague, the best thing to do is to kill 35 and let the damage that you've already done stay minimal. If you pass 35 you're going to compound your error.

Delegate Mendiola: Damage to who?

Delegate Nabors: Damage to individuals who have vested rights and who will go to court and get you declared unconstitutional.

Delegate Mendiola: Then let them go to court.

Delegate Nabors: So you're right back where you are. How does that help you?

Delegate Mendiola: How do you know?

Delegate Nabors: Okay.

President H. Guerrero: Delegate Inos?

Delegate Inos: I am in agreement that we do need an amendment here. Because what we're saying here is that we're defining who will vote. And even if the Trusteeship terminates, under qualification of voters we still define those people under 8(a), (b) and (c). That will still hold true in voting. And even if we say that the Trusteeship is terminating, that we will automatically become U.S. citizens and we're only saying that those that are defined in Section 8(a), (b) and (c) will be the only people that can vote even after the termination of the Trusteeship.

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. I do share the concern here

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because of the fact that the qualification of voters simply uses the transitional matter as a definition as to who qualifies to vote. So there's a worry here that after the lifting of the Trusteeship Agreement this will still be in effect and then it will continue to have US citizens who do not acquire U.S. citizenship under 8(a), (b) and (c) will not qualify to vote. Presently our concern is just the transitional period. I feel the Convention is not concerned about the period after the transition, so I urge my colleagues to agree with the amendment to nullify the transitional matters for voter qualification after the transition. Thank you.

President H. Guerrero: Delegate Tomokane?

Delegate Tomokane: Thank you, Mr. President. It seems like some of us are still not too sure or they haven't really grasp what's going on between the effects of Section 301 of the Covenant versus this interim definition of citizenship in the Constitution. Some people are coming up with their own interpretations and they are misleading other people and these misled people are becoming you know, they like to argue too about this matter. When we first started this Con Con, we came out with all kinds of proposals even to include that if you're going to vote or run for office you must be of Northern Marianas descent and we can't do that. So the motive there is to try and control the situation. How can we control our situation if we cannot even define definitely or specifically what do we want? So I hope that when you start making an interpretation that you really follow the line from the Covenant and make sure that you're operating from there. I just want to make clear that Section 301 becomes operative on the termination of the Trusteeship Agreement. In between now and then, let's put something in the Constitution that will protect the interest of the Marianas and not to protect somebody's interest. Thank you.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, I agree that Section 8 will no longer be in effect after the termination of the Trusteeship; however, Committee Recommendation No. 35 will still remain in effect, especially if we do not change it between now and the Third Con Con and the Trusteeship has ended before then. This Section 1 of Article VII reads exactly that the United States citizens as specifically defined in Section 8(a), (b) and (c) of the Schedule on Transitional Matters will not change even if the Trust Territory ceased. So this will remain forever and ever until we change as a qualification of voters. So I think I found the missing link to this one. I would ask Delegate Mendiola if he prefers it to read this way: "After the effective date of the citizenship provision of Article III of the Covenant, the qualification that a citizen or national of the United States need to come within the definition of Section 8(a), (b) and (c) of the Schedule on Transitional Matters of this Constitution may not apply." So that after the TT ceased to exist then this qualification on lines 8 and 9 will no longer apply. Therefore, we don't have to come back and amend this section even after the termination of the TT.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: I don't know, Mr. President, but a lawyer gave me this phrase to put it in just to make sure that these people are eligible to vote after the termination of Trusteeship here and this is what they gave

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and this is what I put down. I'm not a lawyer. Somebody might come in with a better language. But my intention here is just to make sure that the Northern Mariana and U.S. citizens are given the right to vote here in the Northern Marianas as long as they give us the full fledged U.S. citizenship.

President E. Guerrero: Delegate Villanueva?

Delegate Villanueva: Mr. President, I thought that after the termination of the Covenant, even now the Covenant is the higher law of the land than the Constitution. And after the termination of the Trusteeship Agreement, I thought that would apply also. Now we're concerned about what we put in the Constitution that would not be nullified by the Covenant. I'm not in favor of this proposal not because it would deny people the right to vote; it's just that I was in favor of the other proposal. And the committee felt that even though it's controversial, we want to find out if the Convention felt that that proposal would attract attention and at least if there's anything to be done to correct the situation something will be done. And I will maintain that the Covenant is a higher law of the Northern Marianas than the Constitution. And whatever is in the Northern Marianas Constitution is nullified if it's not in agreement with the Covenant.

President E. Guerrero: Thank you. Are you finished, Delegate Tomokane?

Delegate Tomokane: Mr. President, I just want to go on record that I'm not afraid to go to court to defend my Constitution. Thank you.

President E. Guerrero: Delegate Inos?

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

President E. Guerrero: Delegate Torres?

Delegate Torres: Thank you, Mr. President. (in Chamorro)
My only point here is that until we are granted full fledged U.S. citizenship then I think it is only right and proper to protect our interest, to defend ourselves and to express our feelings regarding these things. We will be creating, yes, we will be creating two classes of citizens here. Those citizens defined in the Schedule on Transitional Matter Section 8 (a), (b) and (c); and those citizens who will become citizens after the Trusteeship Agreement. Both citizens will be eligible to vote so there shouldn't be any fear about these two classes of citizenship or citizens. The Schedule on Transitional Matters will cease upon termination of the Trusteeship and those citizens who will become U.S. citizens under this schedule will still be eligible to vote and those citizens who will have become U.S. citizens after the termination of the Trusteeship will still, will also be eligible to vote in the Commonwealth. If there is any fear that we may be taken to court, then so be it. Perhaps that fear is just a fear in the air. But let's stand up and be counted and be recognized on our rights. Thank you.

President E. Guerrero: Delegate Inos?

Delegate Inos: Okay. First, I'll ask a question. Does the committee intend under qualification of voters to just include 8(a), (b) and (c) as people who can vote only?

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President H. Guerrero: Point of order. We're talking about the amendment

Delegate Inos: Yes, I'm talking about the amendment. Because in order for me to vote for the amendment, I need to know this.

Delegate Mafnas: Are you looking at me?

Delegate Inos: Yes, I'm looking at you.

President H. Guerrero: Delegate King, this is your committee; speak up.

Delegate Mundo: Which amendment are you talking about, Delegate Inos? Is it the amendment that was made by Delegate Mendiola?

Delegate Inos: Yes.

Delegate Mundo: We haven't decided yet on that.

Delegate Inos: I know, that's why before I decide I want to know.

Delegate Mundo: Ask Delegate Mendiola.

President H. Guerrero: Delegate Mendiola?

Delegate Inos: (in Chamorro)

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. The intent of the committee, if I recall and I will stand corrected, is only on the transitional period. There has never been an intention to exclude U.S. citizens after the transition. And these are the facts that came up. Because of the fact that we cannot vote in the states now because we are still interim U.S., we also want to extend this kind of interim aliens for the U.S. citizens who came from the States. So this is just for the transitional period.

Delegate Inos: Mr. President?

President H. Guerrero: You may.

Delegate Inos: But I think we're missing a point here because we're saying that it's only for the transitional period but we are not stating that here. We're saying that only those people qualified to vote are those as specifically defined in Section 8(a), (b) and (c) of the Schedule on Transitional Matters of this Constitution, period. So that's the only people that we want to vote even after the termination of the Trusteeship?

Delegate King: Point of clarification.

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

Delegate King: It is true that under line 10, it mentioned transitional matters of this Constitution. Now, if the termination of the Trusteeship Agreement is in effect then the transitional matter of this Constitution become dead. So there is no transitional matters. So we go back to the Covenant, as defined in the Covenant.

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Delegate Inos: No, I don't believe that is true because I think that you already defined who will vote. And even if the transitional matter is already gone and went bye-bye, that definition remains because that's what we want in there.

Delegate King: But where are you going to find the definition?

Delegate Inos: In the Constitution.

Delegate King: But that becomes void.

Delegate Inos: Void in transitional matters only but not in your definition for who is qualified to vote.

Delegate King: When this become void, then it's invalid. You cannot use that to argue when it's invalid.

President H. Guerrero: Somebody has to challenge that in court. Isn't it? To become null and void first? Delegate Ogomoro?

Delegate Ogomoro: Thank you, Mr. President. I'm sorry that our representative from the Attorney General's Office is gone. But when we were discussing this matter with him, he said that you may put anything you want in our Constitution right now. But what is going to be in effect is what is in the Covenant. So that takes over as soon as the Trusteeship Agreement terminates. So you know, to clarify, whatever we put in right now I have to mention this because I raised a concern before Delegate Juan Lizama offered his amendment to further qualify and put the voting requirement in when we were discussing the section on citizenship. I was concerned because if we had left out those people that would be regarded or that would be included under our definition of citizens, that did not vote prior to January 1, 1974, that those people might get, their status might be very shaky at the termination of the Trusteeship Agreement. But according to the Attorney General's Office that should not be a problem. As soon as the Trusteeship Agreement terminates, whatever is in the Constitution under Article III would take over. I'm sorry, of the Covenant will take over, go into effect.

My other concern, Mr. President, is beginning with the word "after". Do we need that at all? The whole thing that whatever is being proposed by Delegate Mendiola, do we need to further include in the proposed Committee Recommendation 35?

President H. Guerrero: Probably, Delegate Mendiola, can best answer that.

Delegate Mendiola: I myself, don't know, but like I said before I have consulted 3 or 4 lawyers and they came up with different opinions. So just to make sure that those national and United States citizens are eligible to vote here in the Commonwealth after the termination of the Trusteeship should be eligible to vote.

Delegate Ogomoro: If I understand the Attorney General's Office correctly, I would not, I don't see the difference. I don't see what this amendment that my fellow delegate Mendiola is offering.

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Delegate Mendiola: That happens by consulting only one lawyer.

Delegate Ogomoro: There were a couple of other lawyers that we were talking to.

President H. Guerrero: Delegate Mafnas.

Delegate Mafnas: Thank you, Mr. President. I agree with Delegate Ogomoro. The Attorney General indicated that after the termination, we go back to the Covenant. She was the one who asked that question. Mr. President, if the intent of Committee Recommendation 35 is because we are not voting in the United States, which I don't really care, because I want to vote over here, that this amendment is put forth to the Convention. I am right now against it. We have people who have decided to make the Northern Marianas their homes, U.S. citizens from Guam and United States, they have made that choice because they love our loving and peaceful islands. They want to partake in the political progress of our infant Commonwealth. Mr. President, this is part of the bargain that we made when we entered or decided to be part of the families of the United States of America. And to further compound our problem or the problem that we envision by passing Committee Recommendation 27 is something that I cannot support at this point in time. I sympathize with the sentiments of the members, our people in the States are getting benefits too, that many of our American friends who are here are not enjoying. The intent of the interim citizenship is to allow our people to move back and forth from here to the States and all the U.S. territories and also to enjoy many benefits and it's not, it was never intended to qualify us to vote in the United States. Even, Mr. President, when the Trusteeship Agreement is terminated we will not vote for the President of the United States. So what are we trying to do here? I cannot support this recommendation because I never plan to vote in the United States. And if that is the intent of this proposal, then I don't want to be part of it. We want to make sure that the Northern Marianas open its arms to our dedicated and sincere American friends or brothers who have decided to be part of us for the rest of their lives. So I move to file this forever. Thank you.

Delegate Nabors seconded the motion.

Delegate Torres: Point of information.

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

Delegate Torres: I think some of us do not fully grasp the meaning of interim. Interim is just for a time being, that's what it means. Let's have no fear on that. As is it now there are two classes of U.S. citizens. As is very explicitly explained in the committee report. U.S. citizens under Amendment 14 of the Constitution and U.S. citizens in the Schedule on Transitional Matter. They are two totally different classes of U.S. citizens and there are two totally different classes of citizens who have two totally different benefits. I just cannot comprehend how we cannot see through this perhaps unintended discrimination. Interim means for time being, that means that for the time being we are not truly U.S. citizens. I think the Committee on Natural Resources is trying to rectify a problem, a problem which a few of us recognize. And perhaps a problem

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which few of us would even like to think about. Let's face it. We are not full fledged U.S. citizen as defined in Amendment 14 of the U.S. Constitution. We are interim, for the time being; we are for the time being kind of citizen. Okay? And with this distinction, there are obviously differences in the rights and in the benefits from these two classes. The fact that we are not fully U.S. citizen doesn't guarantee us all the benefits or the rights of a U.S. citizen under Amendment 14. We are, by we, I mean, the people in the Commonwealth are U.S. citizen under the interim definition of Schedule 8(a), (b) and (c) which means that we are not full fledged, which can be extended to mean that we are not truly U.S. citizen and you can even add further that we do not have all the rights that U.S. citizens that Amendment 14 have. Let's recognize this discrepancy; let's deal with it appropriately. I think we are fooling ourselves in not recognizing the reality of these two classes of U.S. citizens. Let's recognize it; let's deal with; let's work within it and let's just not say, well perhaps we're not matured enough to be truly U.S. citizen. I cannot understand the rationale in allowing this discrepancy or disparity to continue. When the Trusteeship terminates then that's the time when we can proudly say, yes, I am a true U.S. citizen. For now, we are not, and let's not fool ourselves with that. We are not U.S. citizen as defined in Amendment 14 of the U.S. Constitution. We are just for the time being "U.S. citizen". Thank you.

Delegate Mafnas: Mr. President.

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: I don't claim that I am a U.S. citizen, and I don't care to be a U.S. citizen. The purpose for the interim definition, Mr. President, is not for us to call ourselves truly a U.S. citizen. The purpose of the transition or interim definition in our Covenant is to allow mobility of our people, our children to go to school in the United States without the I-20 visa requirement and not for them or for us to vote in the States. There are benefits now enjoyed by our children prior to our signing or entering into agreement with the United States of America under the Covenant such as food stamps, free tuitions or resident tuitions and these were not available prior to the signing of the Covenant. So the purpose of the interim citizenship as defined is to allow our people to move back and forth without being harassed at the first U.S. port of entry. And it was never intended for us to call ourselves a first class or second class U.S. citizen nor it was intended for us to vote in California, in Honolulu or Guam. So I understand the definition of interim citizenship and I know the purpose for having that in the Covenant. Thank you.

Delegate King: Point of information, Mr. President. I believe that all the benefits we're getting from the United States are an exchange to our islands to establish a military here for defense purposes. We've been used by Americans for the first people to be eaten up in case there's a war. So that's the main reason that we are exchanging our life to them for those kinds of benefits. And we've been in the CNMI for a long time and there's no such program but we're still alive.

Delegate Mafnas: Point of information, Mr. President.

President H. Guerrero: State your point.

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Delegate Mafnas: The United States of America did not ask us to join them; we asked them to join us. Let's not try and fool ourselves. We asked them to join us. Originally we were negotiating for Free Associated States of Micronesia.

Delegate King: Clarification, Mr. President. The United States need all the island of Tinian for defense purposes.

Delegate Mafnas: I am not going to argue with you on that point.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Let me try to remember what I was thinking. I think we all here know the intent of this amendment to Committee Recommendation No. 35. We all agree with the concerns of Delegate Torres; we all agree that we are not full fledged U.S. citizens. We all agree that we do not want these full fledge U.S. citizens to vote in our election in the interim period; we all agree that we want them to vote after the interim period. So our problem here is language -- that is our problem. And that is what Delegate Mendiola and Delegate Inos are trying to point out. I think the problem is the way that this Section 1 of Article VII is written, the way it is worded is the problem. And that is what I am trying to point out and I think that is what Delegate Mendiola and Delegate Inos is trying to point out. If the intent of the committee is to allow these U.S. citizens to vote after the interim, then there must be some language to be placed in here. I agree that the interim definition will mean nothing after the termination of the TT. However, this wording, the way you read it in black and white on Section 1, Article VII will remain even after the TT is terminated. So there should be a language here that should say something like this: "Citizens or national of the United States will be allowed to vote, however for the interim period, only those U.S. citizens which qualify under Section 8(a), (b) and (c) will be qualified." I think that is the kind of language that we're looking for in here and that is what Delegate Mendiola is trying to point out. So it is not a fight here, or the concern here is not whether we are being treated second class or whether we don't want the U.S. citizens to vote. That is not the concern that we are facing right now. It is the language and we want a language here that we will all understand and that we will not make it too complicated. So we have a chance now to make it simple and easy to understand, so let's do that.

Delegate Mafnas: Mr. President, I have no problem in allowing the U.S. citizens to vote now and again after the Trusteeship Agreement. They are taxpayers of the Commonwealth; they should be represented; their voice should be heard too. So I have no argument, no reservations in allowing them that privilege because they are paying taxes.

Delegate King: Point of information, Mr. Chairman.

President H. Guerrero: You've been asking a lot of point of information, Delegate King.

Delegate King: Thank you.

President H. Guerrero: Would you like to talk about something, Delegate King? There is something in the Rules that if a person keeps asking for

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points of information, that the Chair does have to recognize that person. But if you like to talk to the members, go ahead. Delegate Mendiola?

Delegate Mendiola: Thank you, Mr. President. In Public Law 4-30, it says: Duty of the Convention, and the Convention should look and amend the Constitution for if we believe that it is for the interest of our people. When I first got elected and went to Tinian, the people of Tinian are very concerned in regards to the military coming into Tinian. And I believe that one of the concerns is the military coming into Tinian and taking over the island. As you know, we only have about 400 voters. And the latest information we received is we're going to be invaded by about five to ten thousand military coming into Tinian. I believe that this is the basic interest of the people I represent. Just for the record, I fully agree with this amendment. This will protect the people I represent and I like to note that I'm doing the wishes of the people of Tinian. There are two main concerns and they are the Local Government and the invasion of the military into Tinian. Thank you, Mr. President.

Delegate Villanueva: I move to end debate.

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

President E. Guerrero: We're voting on the amendment. First of all, we need to vote to accept the amendment.

The motion to adopt the amendment to Committee Recommendation No. 35 offered by Delegate Mendiola was carried by voice vote.

President E. Guerrero: We're back to the main motion now. Discussions? Delegate Nabors?

Delegate Nabors: I move that we file Committee Recommendation No. 35.

Delegate Mafnas seconded the motion.

President E. Guerrero: It has been moved and seconded to file Committee Recommendation No. 35. Discussions? Delegate Tomokane?

Delegate Tomokane: I would like the mover of that motion to give a brief explanation why?

President E. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. The reason why I made the motion is we don't need it. And the reason why you do not need it is that by all accounts the Trusteeship Agreement will be terminated before the end of the year, long before the election on the ratification of the Constitutional amendments. It will be a novelty. And I believe it will create chaos in the event that it is passed and the termination of Trusteeship Agreement does not take place. I agree with Delegate Mafnas that you can only vote in one place. If you want to vote in California, you can't vote in Saipan. If you're going to vote in Nevada, you can't vote in Saipan. If you want to vote in Nevada all you have to do is go over there and register and vote. Pedro Atalg, I met in Washington three months ago, voted for the President of the United States. He is a military man from Tinian and was sent a ballot and he voted for Mr. Reagan. So our people or the people of Marianas descent are voting when they

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establish residency in the States and I don't believe that it would be of any benefit to have so-called reciprocal rights because you cannot vote in two places. You may only vote in one place. And I do not believe that this Committee Recommendation adds anything. I think it's just going to cause confusion.

Delegate Torres: Point of information.

President H. Guerrero: What's your point, Delegate Torres?

Delegate Torres: I just want to remind my colleagues that reciprocal right is what we are lacking. A lot of students in the mainland from the CNMI are denied to vote. Why? Because they are only interim U.S. citizens. Thank you.

President H. Guerrero: Delegate Tomokane?

Delegate Tomokane: I agree that one person cannot vote in two places at the same time. That's common sense.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, under Section 304 of our Covenant, it says, citizens of the Northern Marianas will be entitled to all privileges and immunities of citizens in the several states of the United States. So it says all privileges and immunities. Is voting a privilege?

Delegate Mendiola: It's a right. We don't have rights in the United States.

Delegate Manglona: Point of information. I voted for President about few years ago.

Delegate Mafnas: You did?

Delegate Manglona: I registered and was allowed to vote because my name was listed.

Delegate Mafnas: So what's the question? If you want to vote there, you can vote.

Delegate Mendiola: If you voted in United States and you are not a U.S. citizen, I think you are lying or your registration application.

Delegate Manglona: I put down CNMI.

Delegate Mendiola: So the computer must be wrong.

Delegate Manglona: They knew that I was voting for Reagan.

(Laughter)

Delegate Mafnas: You got the right to vote under Section 304.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: There a lot of students who just don't register to

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vote in the United States and in the Northern Marianas. We have students who registered to vote in Hawaii. They are allowed to vote. In fact there are more students who registered to vote in Hawaii and they don't vote than those registered to vote in the Northern Marianas. And this is because they know the candidates in the Northern Marianas. They rather vote for the candidates in the Northern Marianas than for candidates in the States, except maybe for President Reagan. And I am a witness to this, you know, right to vote business. I never voted in Hawaii because I like the candidates in the Northern Marianas, except for President Reagan. Thank you.

(Laughter)

Delegate Mafnas: Point of information. If you ever register in Honolulu, we are going to strip him off with this outside Commonwealth differential. And that's a lot, Mr. President.

Delegate OGUORO: I move to end debate.

Delegate Nabors seconded the motion.

President E. Guerrero: The motion to file. Those in favor of filing it, please say aye?

Delegate Mendiola: Point of order, Mr. President.

President E. Guerrero: Delegate Mendiola?

Delegate Mendiola: I think we have to go with the amendment motion first before we get to the filing.

Delegate Mafnas: We're finished.

Delegate Mendiola: Sorry, then.

Delegate Nabors: Point of privilege, Mr. President.

President E. Guerrero: State your privilege.

Delegate Nabors: No more for our recesses...

(Laughter)

President E. Guerrero: Those in favor of filing Committee Recommendation No. 35 please say aye? Those oppose say nay? Delegate Mafnas, are you voting for both?

Delegate Mafnas: No. I'm in favor to file, I voted to file.

(Laughter)

President E. Guerrero: Can I have a show of hand those who are in favor or filing it?

The motion to file Committee Recommendation No. 35 was carried by a show of hand vote of 9 for and 8 against the motion. The rest abstained.

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Delegate Mendiola: I'm sorry, Mr. President, but that's what the people of Tinian wanted.

President H. Guerrero: Can we have a 5-minute recess?

The Convention recessed at 9:27 p.m.

RECESS

The Convention reconvened at 9:54 p.m.

President H. Guerrero: We are on Item (I), Introduction of Resolutions and Referrals. There is none, so we will go on to Unfinished Business.

INTRODUCTION OF RESOLUTIONS AND REFERRALS

None

UNFINISHED BUSINESS

President H. Guerrero: These were scheduled for General Orders of the Day yesterday so we need to entertain these. Secretary Nabors?

Secretary Nabors: I move that we resolve into a Committee of the Whole.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to resolve into a Committee of the Whole. Discussions?

The motion to resolve into a Committee of the Whole was carried by voice vote.

The Convention resolved into a Committee of the Whole at 9:56 p.m.

COMMITTEE OF THE WHOLE

The Convention reconvened its plenary session at 11:40 p.m.

President H. Guerrero: Delegate Mundo?

Delegate Mundo: The Committee of the Whole adopted Committee Recommendation No. 63 and also adopted Committee Recommendation No. 64, as amended. Thank you.

Delegate King: I move for its adoption.

Delegate Manglona seconded the motion.

Delegate Mafnas: The amendments are, Mr. President, with the Secretary.

President H. Guerrero: I would ask the Secretary to probably give the Steno Pool the amendments so they can be retyped for tomorrow's consideration. It has been moved and seconded to adopt Committee Recommendation No. 63 and 64, as amended, and to be considered as First Reading. Discussions? Delegate Villanueva?

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Delegate Villanueva: Mr. President, I like the records to show that I voted "no" for the proposal because it's not completely elected Board of Education and not because of its 15 percent.

There being no further discussion, the motion to adopt the report of the Committee of the Whole on Committee Recommendation No. 63 and 64 was carried by voice vote.

President E. Guerrero: In view of the lateness, I would like to suspend and go down to Miscellaneous. Delegate Nabors?

MISCELLANEOUS BUSINESS

Delegate Nabors: Thank you, Mr. President. Our days are getting short and I asked a couple of days ago that the committees that still are holding measures please indicate your action. And I have, I think several measures in GI Committee and I'd like to find out when they are going to act.

Delegate Mafnas: Mr. President, the GI Committee has only one measure pending, the report is being prepared and this is on Delegate Proposal No. 216-85 on Retirement.

President E. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, your Committee on Local Government has only one Delegate Proposal pending and that is with regard to changing the name of Rota to Luta. I will bring that out on committee recommendation if the Committee on Local Government can be assured that that question will be posed to the public by a show of independence of other amendments. Thank you.

President E. Guerrero: I think that's the prerogative of the Convention itself to decide.

Delegate Manglona: Mr. President, I think this amendment is sensitive that it has to be asked to the public by itself in order that you can really determine the desires of the people. So it has to be questioned out by itself.

President E. Guerrero: The Chair notes your concern but the final decision will be made by the Convention as a whole in terms of how it's going to be packaged and at such time if you want to report it out, go ahead. But the Convention as a whole will have to vote on that. Delegate Mafnas?

Delegate Mafnas: I am curious. I would like to ask Delegate Nabors if there are proposals assigned to GI that he would like to be reported?

Delegate Nabors: Thank you, Mr. President. I'm checking my record, there was one measure particularly concerning the salaries of independent agencies be comensurate with those in the Civil Service. I don't know who has that proposal but I want it out.

Delegate Mafnas: Mr. President, we tried to address that on Committee Recommendation No. 25 by having the authority of the Civil Service to extend its agencies and instrumentalities to ensure that the salaries of

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independent boards are comensurate to that of the Civil Service. And I made that amendment because I thought that, I feared that Recommendation 25 would have been defeated. So in essence because of that, I considered the proposal filed.

Delegate Nabors: Can we treat it separately?

Delegate Mafnas: Then we go back to the growing board to extend the commission's authority to agencies and instrumentalities. But I will assure Delegate Nabors, Mr. President, that I will look into the proposal. Do you have the number?

President H. Guerrero: Delegate Igitol?

Delegate Igitol: Mr. President, with due respect, I would like to ask the indulgence of the delegates of the Convention. I have talked with the Director of Finance and he has agreed that I'll withdraw the Delegate Proposals 316 and 317 out from the Convention. But I further suggest that we will send that together with the resolutions to the Legislature for further action.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: He doesn't have to withdraw. It's filed already.

President H. Guerrero: Can I recognize Delegate Tomokane?

Delegate Tomokane: Mr. President, if I'm in order, because of the closeness of the votes in considering the filing of Committee Recommendation 35, I would like to give notice that we will consider it on Monday. Thank you.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Likewise, Mr. President, I give notice that we will reconsider Delegate Proposal 27 on Monday.

President H. Guerrero: Delegate Torres?

Delegate Torres: Likewise, I want to give notice that I'd like to consider Delegate Proposal 51 dealing with MPLT. Thank you.

President H. Guerrero: Which ones are being considered now?

Delegate Torres: 51.

President H. Guerrero: 51, 27, and 35. Delegate Manglona?

Delegate Manglona: Mr. President, it's only appropriate since I started this thing on reconsideration, that I mention something about it. I believe our last day is Monday, so maybe we should inform everyone that tomorrow is the last day to make move for reconsideration.

President H. Guerrero: If you need two days, today is the last day.

Delegate Mendiola: So today is the last day?

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President H. Guerrero: If anyone wants to reconsider anything, today is the last day, unless you suspend the rules for consideration. Delegate Inos?

Delegate Inos: On the question, on the status of the delegate proposals submitted to the committees, I would like to inform, Mr. President, that your Committee on Finance and Other Matters has an update of delegate proposals and their status. And any delegate wishing to find out their particular proposals and the whereabouts of such proposals to please see any of the Finance and Other Matters Committee members most especially the Chairman.

President H. Guerrero: Can I ask the indulgence of the members that if we can suspend the Rules that 51, 27 and 35 will be considered with the others tomorrow?

Delegate Villanueva: No objection.

Delegate Mafnas: 51?

President H. Guerrero: 51, 27 and 35 will be considered with the others tomorrow. So I'm trying to complete all by tomorrow if as much as possible. Since there is no objection, so ordered. Delegate Nabors?

Delegate Mafnas: I would object to that, Mr. President, if we are not to entertain first those that are still pending.

President H. Guerrero: It will come later.

Delegate Mafnas: I hope and pray that they will come later.

Delegate Tomokane: Second.

President H. Guerrero: The thing that I would like to entertain tomorrow is the Unfinished Business first and then consider Committee Recommendation No. 19 followed by the others that notices were given the day before and those that are considered for recall today. Delegate Mafnas?

Delegate Mafnas: Mr. President, if your Delegate Proposal 26 is introduced tomorrow and the Chair accepts, can we have it on First Reading tomorrow so we can make sure that it's up for Second and Final on Monday?

President H. Guerrero: If we suspend the Rules, we can introduce and entertain it under General Orders and then consider it with the other business, the Unfinished Business. So what I'm recommending, if there is no objection from the Convention that we'll move the Unfinished Business up to before the Second and Final Reading so we entertain those that needs to be done first for the Committee of the Whole and then we'll consider all issues on Second and Final Reading. If there's no objection, the Chair would like to take that stand.

Delegate Mafnas: No objection, Mr. President, provided that allowance is given to Unfinished Business as much as possible.

President H. Guerrero: That's what I'm saying, that we would entertain Unfinished Business prior to the Second and Final Reading. Delegate Ogumoro?

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Delegate Ogumoro: Mr. President, I just would like to find out if it would be in order if we entertain those that are calendared under Unfinished Business for Second and Final Reading tomorrow if we have time?

President H. Guerrero: That's my intention that if we will come out with a supplemental Order of Business to include them also in the Second and Final Reading, if there is no objection.

Delegate Ogumoro: No objection..

President H. Guerrero: So we'll finish the Unfinished Business and anything that falls under General Orders and then plug everything in under the Second and Final Reading. So they will be finished and at least when we're finished, probably by Monday, we'll vote on the packaging of the final version of the proposal which I passed the form earlier for the format that will be put when we transmit it to the Governor and the Legislature and subsequently will be presented to the people. Any other Miscellaneous Business? If none, we are in Announcements. If we don't have any announcement...

ANNOUNCEMENTS

None.

ADJOURNMENT

Delegate Mafnas: I move that we recess until nine tomorrow, Mr. President.

Delegate Ogumoro seconded the motion.

President H. Guerrero: It has been moved and seconded to adjourn until nine o'clock tomorrow.

Delegate Manglona: Most exactly 9:30.

Delegate Mafnas: Mr. President, I don't know what's wrong with the members but I would like to ask the Chair to insure that the Sgt.-at-Arms is around so that you can page the members who are not present.

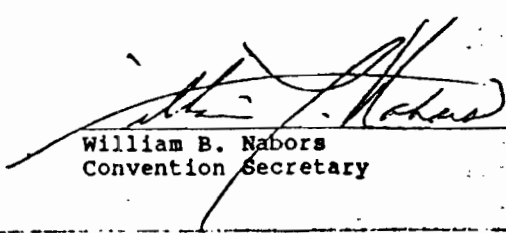
Delegate Ogumoro seconded the motion.

The motion to adjourn until 9:00 a.m., Saturday, July 20, 1985 was carried by voice vote.

The Convention adjourned at 11:59 p.m. and to reconvene at 9:00 a.m., Saturday, July 20, 1985.

APPROVED:

Herman T. Guerrero, President
Northern Marianas Constitutional
Convention



William B. Nabors
Convention Secretary