

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

THIRTY-FOURTH DAY

Sunday, July 21, 1985

The Second Constitutional Convention of the Northern Mariana Islands was called to order at 1:52 p.m., Sunday, July 21, 1985, at the Convention Hall - House of Taga, San Vicente, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Herman T. Guerrero, President, presided.

A moment of silent prayer or meditation was observed.

Secretary Nabors called the roll, and 21 delegates were present. Delegates David Igitol, Juan Lizama and Maria Pangelinan were absent.

President H. Guerrero: We have a majority and a quorum to conduct the Order of Business. The Chair would like to appoint Delegate Mendiola as the Acting Floor Leader.

ADOPTION OF JOURNALS

President H. Guerrero: Yes, Delegate Mendiola?

Acting Floor Leader Mendiola: Mr. President, I'd like to move to adopt the Thirty-Third Day's Summary Journal.

Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the Thirty-Third Day's Summary Journal for Saturday, July 20th, 1985. Discussions? Delegate Mafnas?

Delegate Mafnas: Mr. President, I would like to ask Delegate Nabors to clarify his statement here on the second page.

Delegate Nabors: Excuse me, Mr. President, I don't seem to have a copy of the Order of Business for the day. Mr. President, I think it's self-explanatory. I don't think it needs clarification.

Delegate Mafnas: Perhaps this is the most appropriate time, Mr. President, to explain so that the innocent victims will be able to clarify, to state their reasons. Thank you. I move for the previous question.

Delegate Nabors seconded.

There being no further discussion, the motion to adopt the Thirty-Third Day's Summary Journal of Saturday, July 20, 1985, was carried by voice vote.

President H. Guerrero: The Summary Journal is adopted. Yes, Delegate Mafnas

Delegate Mafnas: Mr. President, will you have the record to reflect that Delegate Igitol has just taken his seat?

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President H. Guerrero: Thank you. Good to have Delegate Igitol with us.

Delegate Igitol: Good morning, everybody.

President H. Guerrero: The next item of our business is Communications. If there's no comment, we'll move on to Committee Recommendations/Reports. Chairman Guerrero?

COMMUNICATIONS

None

COMMITTEE RECOMMENDATIONS/REPORTS

Chairman DL. Guerrero: Mr. President, under the committee's report, of course I only have one point to report out this morning and that after we come down to Introduction of Resolutions, I would like to introduce the resolutions on behalf of the four substantive committees. And that's my report for this morning.

President H. Guerrero: Thank you. Any other reports? Vice Chairman Mafnas?

Vice Chairman Mafnas: No report, Mr. President.

President H. Guerrero: Chairman Manglona?

Chairman Manglona: Likewise, no report, Mr. President.

President H. Guerrero: Chairman King?

Chairman King: No report, Mr. President.

President H. Guerrero: We'll move on to Introduction, First Reading and Referral of Proposals. There is none, so we'll move on to Second and Final Reading.

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

None

SECOND AND FINAL READING

President H. Guerrero: Secretary Nabors, can you read Committee Recommendation No. 19?

Secretary Nabors: Thank you, Mr. President. Can I inquire? We have several drafts and I don't know which one was discussed. Was it 55 years, or 60 years?

Acting Floor Leader Mendiola: The 60 years.

President H. Guerrero: We're already with 60?

Delegate Mafnas: The 55 years, Mr. President, was the last; the hand-written amendment.

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

"A PROPOSED CONSTITUTIONAL AMENDMENT

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

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

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

"Section 3: Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property used in Section 1 includes freehold interests and leasehold interests of more than 55 years including renewal rights, except an interest acquired above the first floor of a condominium building. The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the land owner before any sale or long term lease is executed regarding that land. Any land transaction in violation of this provision shall be void."

President H. Guerrero: Any motion to adopt it?

Acting Floor Leader Mendiola: Mr. President, I move that Recommendation No. 19 be adopted on its Second and Final Reading.

Delegate Reyes seconded the motion.

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

Delegate Mafnas: Recommendation, as amended, Mr. President.

President H. Guerrero: Oh, as amended? We have not amended it for Second and Final Reading. We have not amended it for Second and Final Reading yet. We amended it during the Committee of the Whole but not for Second and Final Reading.

Delegate Reyes: That's right.

Delegate Torres: So the amended version then should reflect the 55 years and should also reflect the elimination of a phrase which is the last portion of that first sentence.

Acting Floor Leader Mendiola: Mr. President, would you have the Secretary read the amended version for Second and Final Reading?

Secretary Nabors: Thank you. This is a proposed floor amendment to Committee Recommendation No. 19 to substitute a new Section 3 as follows, and this, of course, is Committee Draft 2:

"Section 3. Permanent and Long-Term Interests in Real Property. The

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term permanent interest in real property used in Section 1 includes freehold interests. Long term interest means leasehold interests of more than sixty (60) years including renewal rights. The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the land owner before any sale or long term lease is executed regarding that land. Any land transaction in violation of this provision shall be void."

Maybe, if it is necessary, I will reread the first sentence to make sure....

President H. Guerrero: Would you like to recess and make copies of that for the members?

Delegate King: Point of clarification, Mr. President.

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

Delegate King: I think that the first version that was read by Delegate Nabors is the adopted, as amended, by the Committee of the Whole on July 10, 1985.

Delegate Nabors: That's correct.

Delegate King: So the last one that Delegate Nabors read is, I think, his proposed floor amendment.

President H. Guerrero: Is that the amendment you are offering, Delegate Nabors?

Delegate Nabors: Yes, this is Committee Draft 2.

President H. Guerrero: Let's have a five-minute recess.

There being no objection, the Convention recessed at 2:05 p.m.

RECESS

The Convention reconvened at 2:13 p.m.

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

Secretary Nabors: Thank you, Mr. President. Committee Draft 2, proposed floor amendment on Committee Recommendation No. 19:

"Section 3. Permanent and Long-Term Interests In Real Property. The term permanent interest in real property used in Section 1 includes freehold interests. Long term interest means leasehold interests of more than ninety-nine (99) years including renewal rights. The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the land owner before any sale or long term lease is executed regarding that land. Any land transaction in violation of this provision shall be void."

President H. Guerrero: There's a correction on that. It's not "more than ninety-nine years". It is "of not more than ninety-nine years".

Secretary Nabors: If it isn't clear, we could modify it. But the meaning there is that long term interest of more than 99 years is a prohibited acquisition. Thank you.

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Delegate Mafnas seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the floor amendment offered by, I guess, the Committee on Local Government. Discussion Delegate Guerrero?

Delegate DL. Guerrero: Yes, Mr. President, I just want to raise my concern really on this amendment whether this would entice or entice the investors really on the concept of developing condominium as intended in most of the elaborations or during the debates on this committee recommendation. I wonder whether Delegate Nabors, since he proposed this floor amendment of 99 years, could be very well taking that concern to be 69 years rather than 99. Probably, Delegate Nabors can enlighten me, you know, of his intent in order for me to support this floor amendment.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. This proposed amendment reflects the sentiment expressed during the public hearing together with several discussions with my fellow colleagues. I would like to have the record show that the sentiment expressed at the public hearing was that under the present arrangement, many individuals are executing 40-year leases at a depressed value and or promising it at the same time to convey title without any additional payments should the law ever change. So in effect, what we have is a current situation where outsiders are acquiring an automatic 80-year leasehold interest in property at a value of less than half of the land. The purpose of this amendment is to bring it out on top of the table so everyone will know what they are dealing with so that the land owner can get a fair value for his property and does not have to make under the table agreements to transfer title if the law changes. He can approach an outsider who desires to lease his land for 99 years, he can put a price on his land that would be commensurate with the leasehold period, he can obtain enough funds to support his family or secure other land if he so desires, and the investor knows what he has and does not have to depend on the land owner fulfilling his commitment if he is still alive at the end of the initial 40-year period. Also, this is to eliminate the necessity of acquiring freehold title of units above the first floor. There will now no need to address the delegate proposal that requested that freehold interests above the first floor be allowed. This would be a straight 99-year transaction and any individual desiring to lease a condominium could do so for 99 more, no more. And we believe it would eliminate a lot of problems in the future. I'd like to, in closing, caution my colleague that we do not have all the wisdom. We sit, we study, we assess the public's sentiment and try and come up with a best solution as we see it. If, for any reason, we, our judgment is short-sighted, we feel certain that the Third Con Con will certainly address it as we in the Second Con Con are addressing items included in the original Constitution. I don't particularly want to accept the full responsibility for the 99-year amendment. I had input; I believe that it will in accordance with the suggestion made in the public hearing would be in the best interest of the people to bring it out on top of the table and if an individual wants to lease his land for 10 years, he could do so. If he wants to lease his land for 50 years, he could do so; or if he wants any alternative to lease it for 99 years, that is up to the land owner. This simply gives him the latitude to get the value for the land for the term of years that he desires that best meets his financial needs and the needs of his family. Thank you.

President H. Guerrero: Let me call on Delegate Villagomez.

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Delegate Villagomez: Thank you, Mr. President. I have had enough insult to my intelligence and the intelligence of this Convention from Delegate Nabors. To extend the length of a lease to 99 years, you might as well forget the restriction on alienation of land. I realize that Delegate Nabors would like to open up the door to all outsiders and particularly to Americans, open up the door which the First Convention worked very hard to close and to keep it close until our people are ready and prepared to deal on equal basis intellectually and commercially with the experienced and sophisticated outsiders who are coming into the CNMI. I am not finished yet. I realized that Delegate Nabors is not from here. I realized that he can make statements like this is the sentiment of this Convention or the people of the CNMI; that is wrong. It is not my sentiment to allow the people of the CNMI to lose their land ownership. The Trusteeship Agreement specifically provides that the United States shall protect the culture, the people and the lands of the people of the Trust Territory. The Covenant specifically provides that for 25 years we must control and regulate ownership of lands so as to prohibit outsiders from owning land in the CNMI. That is done in recognition of the importance of land ownership, the fact that that is all that we have. If we had opened up this door in the First Constitutional Convention, more than fifty percent of private ownership on these islands would have been gone. Because of the restriction that we put during the First Constitutional Convention, less than fifty percent are now gone. Delegate Nabors says, we don't have the wisdom to look into the future. That is correct, but we have the wisdom to see that if we don't protect the land ownership of the people today, we wouldn't have the chance to do it in the future. I cannot in good conscience go back to my people and say, I have open up the leasehold interest to a term of 99 years and it's up to you to do what you want with your land. And Delegate Nabors is reluctant to take full responsibility for this proposal. That's why when he mentioned that, I said, why. The answer is obvious.

Delegate Mafnas: Point of information, Mr. President, so I can clear the....

President H. Guerrero: State your point.

Delegate Mafnas: Okay. I passed out about several days ago a floor amendment to change the 55 or 60 to 99 years. So it was, Delegate Villagomez, my amendment and that's why he was, or I understand that he said he is not going to take full responsibility.

Delegate Villagomez: Thank you.

Delegate Mafnas: I asked him to incorporate it. Thank you.

Delegate Villagomez: I cannot in good conscience and as a representative of the people who put me in this Convention accept any proposal that would open up the doors to allow the outside investors or non-investors to come in and take 99 years of leasehold interest or permanent interest in land. The other point I want to raise is under the proposed amendment, we used the word "include" so the permanent interest in real property includes freehold interest. If it includes freehold interest, then it must include other type of interests. I'd like to know what other interests. And if there is none, the I'd like to suggest that the word "include" is not acceptable because we want to make sure that freehold interest is restricted to people of Northern Marianas descent only. For that reason, I strongly oppose this proposed amendment.

President H. Guerrero: Delegate Torres?

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Delegate Torres: Thank you, Mr. President. I have somewhat mixed feelings about this. For one thing, the Committee on Local Government seems to be sponsoring this. I am quite disturbed because it is really against the principle of the members. The public hearing that we had at the Federal District Court, this term was never even mentioned. The closest to it was 60 years and that is the prevailing leasehold interest in the State of Hawaii. And even the State of Hawaii, as bit as it is, it is inundated by outside investors. And I fear that similar things will happen in the Commonwealth. Now, extending the term to 99 years brings to mind a mockery of the land alienation. It seems like we can no longer distinguish between what a leasehold interest is and a freehold interest when we do this. Perhaps if we do accept this amendment to increase it up to 99 years, then we shouldn't have any land alienation clause at all. And we shouldn't have freehold interest. We should scratch everything off. Also, another issue that we brought up regarding the artificial depreciation of land value if you restrict the leasehold interest to 60 years. I am of the opinion that that's not the case. The value of land appreciates every year. Increasing leasehold period will, and I underline that, will depreciate the value of land in the amount of annual appreciation of the land. So I really do not believe that restricting the leasehold term to 60 years would necessarily depreciate the value of the land. Extending it will definitely depreciate the value because land appreciates. And once you are given a lump-sum payment for that 99 years, you can no longer have any negotiation to get more in the amount of the appreciation of the land. As I said, I am really quite disturbed about this because our whole intention is to protect the people. Those people, as I have mentioned, those who are less fortunate to not have developed to the point where we all have developed our capabilities and capacities to see things in different ways. I believe that a lot of, the majority of the people here have yet to develop to the point of competing successfully, competing on par with more sophisticated, shrew, outside investors. To me, the principle of land alienation is to achieve the goal of developing ourselves first, developing our capabilities, our talents and then, after that, we can proudly say that we are ready and let's compete on equal basis. Thank you.

President H. Guerrero: Let me call on Delegate Tenorio next.

Delegate Tenorio: Thank you, Mr. President. I'll yield. My concerns have been addressed.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, to me personally, 99 or 40 years does not mean anything. Forty years as it is now, the people are going around that and I think the main problem is in the contract or the lease agreement that are being performed nowadays. Some contracts allow for a change in law clauses as Delegate Nabors brought up. Some of them if a lease were to be increased to 60 years or 99 years in the future, that same 40-year lease will extend an additional amount to the difference in increase. So this 40 years or 99 years does not really mean much to me now unless we put some or a stop on these loopholes. And I think if we put 99 years that would put everything up on the table as Delegate Nabors again mentioned and the land owner can deal straight with his land. At the public hearing, my last question I believe in that hearing was, what do you think about the idea of eliminating land alienation and one guy jumped up right away and said, hey, that's a good idea. And this guy happens to be the guy who is dealing on this \$115 million hotel on Laulau. So if you want development, then the removal of land alienation is the way to do it and this 99 years is one step before that. Thank you.

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President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. I apologize to the members, especially to the Committee on Local Government because it was I who asked Delegate Nabors to change the 60 to 99 years. I handed out a committee recommendation. I listened to the statements made by the previous speakers and I think they have merits. Just a few days ago, we amended Section 5 of Article XII on corporation to change the fifty-one percent local holdings to one hundred percent and our reason for that is that we want to protect our people. I think we made that decision without securing adequate sentiment of our people. Are we really protecting them? Of course, there are arguments, pros and cons as to the advantages and disadvantages. None of us made an in-depth study to say that the one hundred percent will definitely entice investments into those land-riched people, yet we went ahead and adopted it. The 99 year or there was also a statement that the Convention or the committee is planning to supplement the amendment from 51 to 99 by changing the 40 years to 60 year. Who were present really in the hearing? Were there land speculators who have acquired more than sufficient land and they don't care whether, you know, it changed to one hundred percent local ownership? Were there people in the public hearings who had conflict of interests? So we just cannot say that based on the public hearing, this was the sentiment of the people of the Northern Marianas. If I have a piece of land and an investor wants to come in and say let's joint, you take 51 and I'll pick up 49. What right do we have to tell our people that they cannot incorporate at 51-49? So the point, Mr. President is really we don't have the sentiment of our people because we never went out to Rota and Tinian to echo these proposals, even Saipan. There was only one public hearing in Garapan. How many showed up? Only the politicians; most of them were politicians who were interested in not abolishing the Office of the Mayor. So I am kind of confused now. Are we going to protect our people? Is this the intent of Proposal No. 40 and also the proposal that we are now discussing? I question the wisdom for changing the 51 percent local ownership and I also question the wisdom of changing the 40 years to 60 years. It's their land, let them decide what to do with it. If they want to lease it for 60, 75, 99 years, let them decide that and not us over here. Thank you very much.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Thank you, Mr. President. I am very concerned about the statement "let them decide whether they want 75, 99". I wish we could. That's precisely the point. I really, really wish our people are sophisticated enough to say, no, sir, I think that that offer is not good. If somebody come to me and says, I want to deal with you about your land, this is my offer. I can take that, analyze it, think about it and tell him, go sink your head in the sands. Unfortunately, many, many of our people are not able to say that. And many of them say, you are going to pay me that much money? They've never seen half that much money so they take the money and ten years later when their children are out of college and they start talking to him on what he has done. He comes to the lawyer and says, is there anything you can do to change this? I want to take my land back. It's too late. I wish that our people can tell what they are doing, can tell the outsiders how they want their land how they are going to deal. And I wish they know how to deal. Unfortunately they don't. And so to say, let them decide is not really helping them. That is precisely the point that I want to emphasize. By giving it to them, you are practically telling them to go and get rid of your land, take your money and spend it in six months and the end result would be that we are going to move up to the mountain and then up to the sky. Thank you.



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President H. Guerrero: Delegate Calvo?

Delegate Calvo: Thank you, Mr. President. Mr. President, with regards to that one hundred percent corporation ownership and looking at this long-term interest in real property, of course, I got myself confused. I did inquire a legal opinion with regards to the one hundred percent local participation on corporations and I was convinced that the one hundred percent would not limit local participation in business with outside ventures. I think the one hundred percent, or the intention of that one hundred percent local ownership on corporations is merely for the retention of land ownership. That means the only persons in the corporation that can own local lands or the lands in the Commonwealth would be those that are local or descendants of the Marianas. I feel that that is a good solution to our worries. We don't want to see it that our lands has been trade out with dollar signs and I think we have dealt with that. Now in this regard when it deals with permanent or long-term interest in real property, I think the 99 years is of course a good definition to have, but when I start hearing other arguments that it might be too long and we might deny the individual owning the land an additional profits from the land, I start to yield back and listen more. At this point in time, I still, Mr. President, in conscience cannot make my decision. I have to listen to more of the analysis by our people who are more aware about these things. So the corporation just as I did asked and I think it will benefit our people That does not necessarily mean that we cannot incorporate with outside ventures. We can have a corporation of either 20 percent from us and 80 percent from outside, but land ownership....

Delegate Mafnas: Question.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Are you explaining that to me?

Delegate Calvo: No, when you....

Delegate Mafnas: Because if you are explaining that to me, I know it already

Delegate Calvo: No. I'm just stating it out for the rest. Okay, Mr. President, I would yield at this time and listen to other statements based on these things..

President H. Guerrero: Delegate King?

Delegate King: Thank you, Mr. President. I think the rationale of cut off year is very important and I should say that I think we made a mistake already down on Tinian and still we're not realizing our mistake. I just wonder why we have those kinds of cases concerning the lease down on Tinian by the Military. If that what we want, then why we go to court because of the land down on Tinian. This is another situation that we are going to encounter in the future. We are thinking of our children and children's children and what are we protecting now? Are we protecting our children or our own interest, self-interest? If this is going to be an open door, might as well the entire land alienation subject should be void. Let's be realistic by the inflexibility. And let's be realistic on what we are doing here. We are trying to amend our Constitution to the best interest of our people to see the future by gradual change but not by immediate change. Those people that are doing agreement under the table because they want to do that to get away from the law. And the people that are doing that to get away from the law is not us but the

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people from outside that are teaching our people how to get away from the law. And these kinds of teachings and this kind of democracy is very wrong because we are not being administrated by the proper administration that will be acceptable by our people and the next generation. And by the time that the next generation come they are the one that is challenging our inaction or lack of action or intellectual arrogance. And therefore, I urge the colleagues, the delegates that please think twice before you open the door to the outsiders. I have lots of land down there in Tinian, perhaps I have a 100,000 square meters. I want to open the door in order for me to get rich, but I have six kids that I'm thinking of. That's the first place I have to protect the life that I want to give to my kids, to my children. Let's not fool our people by means of investor, by means of money. Let's give them the chance by seeing the gradual changes in our society. And therefore, again, please think twice before you vote this floor amendment. Thank you.

Delegate Mafnas: Point of information, Mr. President.

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

Delegate Mafnas: I think something is mentioned that outsiders are misleading our people. I've seen a lease agreement by a local attorney where it has a clause of change of law whereas all payments made against that, if the law is changed automatically the leasee gets the land. So it's not really the outsiders. We have local attorney who's doing that now. I just want the record to reflect that. Thank you.

President H. Guerrero: Delegate Torres?

Delegate Torres: Thank you, Mr. President. I disagree that 40, 60, and 99 years do not make a difference. They do. We all operate on certain assumptions and, of course, we all operate on certain principles. Now, if 40, 60, and 99 do not make a difference, then why come up with 40 to begin with? Why come up with 60? Why come up with 99? I believe they do make a difference. They indeed do make a difference. And we all operate under different assumptions. And if you scrutinize the principles that we follow, you are going to see our true colors because we all operate under different principles as well. I am quite disappointed that the public hearings are being questioned. I think if we are going to question the public hearing for the corporation issue, then I believe it's only fair and it's only logical to start questioning all public hearings because there are some public hearings where only the advocates of a proposal are present. And perhaps only the advocates of that proposal are invited. I don't want to question that. I think public hearing is public hearing. It is up to us now to take what we received from that public hearing and bounce it out with our principle, with our integrity, with our assumption. I think public hearings do help. Public hearings may not give us what we want, but at least we see the other sides so to speak. On the issue of foreign investors, for the most part foreign investors would like to come in and generate or make as much profits as possible at the least cost and in the shortest time possible. I doubt whether foreign investors would like to stay here permanently because there is not that much here anyway. So I don't think we should fear the inattractiveness of this proposal because if anything the Commonwealth is a very attractive place to invest. It is politically stable unlike the other places, unlike Iran or the other places where it's politically unstable. I think we are fortunate because we have political stability and I think that's one very major factor that foreign investors consider in investing. On the issue of corporation, I think that there is still a little misunderstanding about that. As and I think Delegate Lizama

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got into that trap as well. As I mentioned earlier and as I explained earlier, making the corporation one hundred percent Northern Marianas ownership would not....

President H. Guerrero: Point of order. Can you refrain from talking about corporation and just talk about the amendment at this time?

Delegate Torres: Okay. Well, you did not catch the other speakers when they talked about that, but I'll refrain from talking about it. I believe that 40 years, as was established by the First Con Con, was sufficient, more than sufficient for amortization. That is to recover your initial capitalization cost and at the same time maximize profits. Extending it to 60 years is more than enough. I mean it's long enough already. Making it 99 years is really defeating the principle. And this is where I disagree now -- the principle of land alienation because there will no longer be any distinction between freehold and leasehold interest. 99 years for all practical purposes in economic terms is fee simple transaction. So please re-examine your conscience, re-examine your initial impulse and study this thing carefully before you make a decision. Thank you.

President H. Guerrero: Delegate Guerrero?

Delegate DL. Guerrero: Mr. President, I, for one, am concerned on the extending this from 40 to 99 years. What would happen I foresee it that should the transaction takes place today, the young generation of that particular family may have no say so but for the next after 99 years. I believe and I strongly believe that the land value is gaining from time to time by means of the market value of that land. And by extending it, this leasehold interest more than 40 years, what would happen should the value of this land have grown actually in the future, the very children of that particular parents that engaged or entered into this type of leasehold agreement would not have any chances to renegotiate such interest. I think it's only proper that this Convention address that rather than extending the possible chaos among the future generations. I believe land for us is not only because we have the land but it's one of the principle source of social stability. And I believe also that land is the basis of the family organization in the island likewise Traditionally, like I said earlier, that it passes from generation to generation. And I am not convinced really that we should extend the leasehold period to 99 years simply because I'm one of the strong believers that the value of the land would increase from time to time. It may not be no way, as some of the delegates said but I'll guaranty that it is a way to increase the value of the land. And I'm sorry that I will not vote to extend this to 99 years. Thank you.

Delegate Villanueva: Mr. President, two days ago I voted for the one hundred percent ownership on corporation. I was persuaded that this is good because Committee Recommendation 19 is coming up and would supplement the incentive of outside investors by increasing the number of years from 40 years to more than 40 years. Now, it seems like we might want to go back and cut it down to 25 years. I cannot see anybody in his right mind spending their money here even though this place is very attractive, very politically stable and just for 25 years to spend \$115 million to build a condominium. I cannot imagine seeing anybody in his right mind doing that. Maybe I have been away too long But I've seen in other places people with money to invest and they look at how long can my money earn in that particular place. Of course, political stability is one of the most important considerations. But it's true that there is no difference between 40 years, 60 years, and 99 years because nobody is

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forced to lease their land for 99 years even though we pass this. We can lease it for 5 years at a time. We can lease it for 10 years at a time. And if we worry about our children not being able to adjust the income of that particular property, we can make it 5-year at a time with a clause that is saying, you know, if income is increased on the property, then 10 percent or whatever percent would go on the lease or would be given to the land owner. I've seen investments that have this clause that adjust and not just say \$12,000 per year for 99 years. I'm convinced; I was convinced by Delegate Reyes that the value of land increase if the time that you can lease the land is longer. At least the individual or the investor who wants to put his money can say instead of putting in just \$500,000, I'm willing to put in \$5 million because the term of the lease and the time I can use the land is longer. And I am afraid that I was under the assumption that this includes the condominium also. And condominium buildings usually don't last longer than 40 years. They have to be torn down, otherwise they lose their value. The land under the condominium increase its value but the building itself reduces after, I don't know, I think after 25 years. Instead of increasing its value, it starts decreasing its value because the cement and the paint and other buildings have gone up that are younger than the 25-year old condominium. So I cannot see why we're worried about 99 years and not 40 years and maybe not 25 years. Nobody is being forced to lease their land for 99 years. Delegate Villagomez mentioned that we have to protect our people. Delegate Mafnas said, who is to tell me if I'm going to sell my land or not for how long. I think all of us have a responsibility. Like Delegate Torres said, we were given or are given the talent to be able to identify these kinds of problems. And I'm hopeful that when we pass this amendment and this committee recommendation that we don't just forget that what we did here is what we passed for the good of our people or what we vote down here is good for our people. I think we should go out in the community and say, we tried to do this for you, we thought that it's not going to help you but this is why we didn't pass it. Or if we pass it, we will tell them that 99 years is the time you can lease your land, but let me explain to you something else. Don't lease it for 99 years; lease it this way because this is the way you are going to protect your children, grandchildren and great grandchildren and other children to come. I cannot see the difference between or the problem in saying if we increase it to 60 years from 40 years that we would have to worry or up to 99 years. What I'm convinced of and the reason I'm supporting this amendment is Delegate Reyes said and I've seen this happened that the longer the lease option is the more investment the person who wants to invest his money and it could be even more expensive and much better to the land owner. Thank you, Mr. President.

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. I guess it's only fair for me to say a few words on my concept when I first introduced this delegate proposal and then it went to the committee. Only I proposed to allow the people to buy, of course, the freehold interest on second floor and above of the buildings and to increase leasehold on the property. These are two completely separated concepts. But the first one I saw in the future the possibility of our land-riched people receiving more money through perhaps this concept of bonds and leases so that they could use their funds themselves to be able to put the money together and have on their own land build this high-rises, sell the high-rises up there and immediately recover their cost and they don't need an outsider to help them on this and this becomes their own business. Apparently, this is not seen here on the floor because my original amendment has been stricken off, so that's gone. Now, we have to depend on the outsiders everytime we want to build a high-rise. We have to wait for them to come in

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and give us on a partnership basis now because the corporation is one hundred percent and then we have to split our money now because they put in the capital. That was my original concept on this selling of the building above. The extension of the lease, I was satisfied after the committee convinced me that the sale of the second building will go but retain the lease. But now that the lease is gone, I mean the sale of the building is gone, I will have to support something to give those people to make money on their land. So no I would like to support the original proposal of the committee that takes back the or rather keeps the leasehold interest to 55 years and keep the freehold interest above the first floor. This will have flexibilities for the people that claim that they have been, not cheated but they have been deprived of their ability to get the most of their money because whenever they go to the lawyers they are given the what you call option to renew and hold-over clause I'd like to briefly read this clause that on my last ten years as a bank employee I've seen file on the banks everytime the lease comes in. And this is how it's worded: "Option to renew and hold-over clause. In the event the present law in the Commonwealth of the Northern Mariana Islands shall change, either by legislation or by court decision to allow or provide for leasehold estates for terms in excess of 40 years but less than in fee simple, the less hereby grant unto lessee the right to renew this lease for an additional 40-year period or any lesser portion thereof for the maximum length permitted by law. The consideration for this agreement to renew is the mutual promises and covenants contained in this lease agreement and lessor expressly acknowledges and sufficiency of the advance lease payment as sufficient consideration for the renewal of the lease of the premises at no additional cost." This, my dear colleagues, after our poor Tan Maria, Tan Ana, Tun Jesus signed this lease, their neck is tied already. They have 40 years and the lessor comes around before they sign this lease and said, I can only pay you this much because I only have 40 years and I have to wait for another 40 years to be secured that I have additional 40 years. Now, there's 80 years on all this lease and the poor gentleman who has the land, the land's value is decreased because this cuts it down by as much as 40 percent. Now, what we are saying here is we'd like to give these land owners if not that 55 years maybe 80 years because this is what is happening now. It's happening, it's not something that we are trying to prevent from happening. It's already happening and the 80 years is already there and this poor gentleman receives less money than what he should have received because if it had been for 40-80 years, then he would have gotten his extra 40 percent value on that land.

Delegate Villagomez: Point of information.

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

Delegate Villagomez: Thank you. Delegate Karl Reyes, the language that you read from a sample lease agreement was anticipated in the last Constitutional Convention. Precisely because of that under Article XII, Section 6, we put it in the Constitution; any transaction made in violation of Section 1 shall be void ab initio. The purpose of that language is to invalidate any kind of agreement that may be used to enforce a longer term that is permissible in the Constitution. And those agreements are void at the time that they are made and cannot be enforced. If we didn't put this in the Constitution, they may have become voidable rather than void ab initio. Ab initio means from the very beginning, as soon as you make it, it's already void. So they have absolutely no force and effect. And that is why those languages that you see in there, a lot of times attorneys put those in their because the clients insist but the attorneys knew that they don't have any force and effect; they are worthless. Thank you.

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Delegate Manglona: Point of information. What about a change in the law clause allowing freehold interest?

Delegate Villagomez: The same. They are anticipated and they are made void from the very beginning.

President H. Guerrero: Delegate Reyes, continue.

Delegate Reyes: This is my concern. I know this is the truth, but the fact remains that these people receive 40 percent less of their funds because of this clause. Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. The loophole I was talking about earlier, first, we already found the loophole in the corporation and we have plugged it up. On that day, I also mentioned about the land alienation possibility of a loophole because the rate of the flight of our land away into the corporation or into the foreigners' hands. Freehold interest, this is out of the question. We don't have to discuss this because we are protected in our Constitution. The only people that can own land or buy land are the people of Northern Marianas descent. So we don't have to talk about the corporations and Japanese and Okinawans and outsiders' freehold interest. Now we are under leasehold interest and I think this is where the loop is. Our Constitution stated 40 years and in this Constitutional Convention certain figures came up -- 55 years, 60 years, 99 years and I'm sure some of the gentlemen sitting here are thinking of why not 100 years. In my earlier speech I talked about the life span of population ranging from 65 to 75 and also mentioned about maybe or probably it would be a good idea to have a transaction prior to death, prior to transfer of such land transaction to a younger generation. So I really feel that as we increase the year, the loop seems to get bigger and bigger. So I would like to go the other way, as Delegate Villanueva mentioned he is down to 25. I would like to decrease it down to 20 years. Any corporation after 10 years of activities from the date of the on set, they should be able to solidify themselves. And another 10 years to make it 20, they should be getting a good interest on that land. So that is the time. After 20 years of acquisition of leasehold interest, not freehold interest, we should be able to sit down and come up with another transaction about all profits. Thank you Mr. President.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: I yield for now, Mr. President.

President H. Guerrero: Any more discussions?

Delegate Mafnas: Let's vote.

The motion to adopt the amendment offered by Delegate Nabors for the Committee on Local Government was defeated by voice vote.

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

Delegate Torres: Mr. President, the real Committee on Local Government has an amendment. It is to put it back to where it should be, 60 years; everything remains the same. And I believe it has been passed out already and I move for....

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Delegate Villagomez: Point of information. I don't think what has been passed out is the same as the original because it takes out the interest above the first floor of a condominium.

Delegate Torres: Yes, I believe we disposed of that already when you were no here.

Delegate Villagomez: I'm not aware of that but still we have to decide....

President H. Guerrero: We did not dispose of that. It is still in the original version that was passed to the Committee of the Whole. Therefore, that's the original. Basically, what you are doing is you are amending....

Delegate Torres: Actually, this, I believe, was entertained already.

President H. Guerrero: We have not changed anything on the committee recommendation as adopted by the Committee of the Whole.

Delegate Torres: Okay. This is in connection to Delegate or Dr. Kaipat's concern about combining the long-term and freehold interests together, that day when we discussed that. I believe we did discuss this. And with this amendment, it took into consideration Delegate Kaipat's concern.

Acting Floor Leader Mendiola: Point of information.

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

Acting Floor Leader Mendiola: I think this must be a substitute report or recommendation. It looks like the whole Committee Recommendation 19 is changed.

Delegate Torres: That is true.

Delegate King: Point of clarification, Mr. President.

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

Delegate King: During that time we had a lengthy discussion and however it was suggested that you are going to come out with the floor amendment and this floor amendment was never entertained but it was passed but was never entertained. Thank you.

Delegate Inos: Point of information.

President H. Guerrero: State your point.

Delegate Inos: I think this amendment was entertained because I do have notes here and in fact I was going to ask the same question on the questions that I have on this amendment.

Delegate King: Mr. President, according to my note that Committee Recommendation No. 19 was deferred in order to be discussed together with Committee Recommendation No. 40.

President H. Guerrero: The note of the Chair basically is that Committee Recommendation No. 19 was deferred on 7/16 and subsequently deferred on 7/19, so we are still back to the original version as adopted by the Committee of the Whole.

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Delegate Torres: Delegate Nabors, do you have that?

Delegate Nabors: Yes, that is my recollection of what happened.

Acting Floor Leader Mendiola: Mr. President, so this is a substitute amendment.

President H. Guerrero: Yes, Delegate Mafnas?

Delegate Mafnas: Mr. President, we did discuss the Committee Recommendation C.D. 2. We did discuss and I was the mover of the motion to recess because I had my 99 years; I asked the Page to xerox the 99 years but we decided after that to defer action.

President H. Guerrero: That's true, but it was subsequently deferred. So since we have not voted or amended anything, we are still back to the original version.

Delegate DL. Guerrero: Point of information.

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

Delegate DL. Guerrero: It was suggested to defer action on this one, then, of course, the delegates went ahead and entertained the motion to entertain the floor amendment which the committee at that time recommended and offered an amendment. And that was done on July the 19th, according to my notes here

President H. Guerrero: But it was subsequently withdrawn deferment on that.

Delegate Mafnas: I move for five minutes recess.

There being no objection, the Convention recessed at 3:17 p.m.

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The Convention reconvened at 3:25 p.m.

President H. Guerrero: The session is back to order. Delegate Torres, I believe you still have the floor.

Delegate Torres: Thank you, Mr. President. The Committee on Local Government would like to move to amend Committee Recommendation 19 and I believe that copies of the floor amendment have been distributed. Okay, so I move that we adopt the amendment to Committee Recommendation 19, Committee Draft 2.

Acting Floor Leader Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt the proposed floor amendment, again offered by the Committee on Local Government. Discussions? Delegate Inos?

Delegate Inos: May I add for consideration on the committee, an addition to this amendment? This amendment may not apply to existing leasehold agreement

President H. Guerrero: Where are you tagging it on?

Delegate Inos: Tagging it on, if I can.



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President H. Guerrero: Where?

Delegate Inos: At the end.

President H. Guerrero: At the end of the amendment? Any objection?

Delegate Mafnas: No.

President H. Guerrero: Any objection? Delegate Calvo, do you object?

Delegate Calvo: No.

President H. Guerrero: Delegate Tomokane, are you objecting? Delegate King?

Delegate King: Objection.

President H. Guerrero: There's an objection.

Acting Floor Leader Mendiola: Ask him what's his objection, Mr. President.

President H. Guerrero: Since Delegate Inos is asking for unanimous consent to insert an additional amendment to this one, it requires everybody to agree. And since Delegate King objects, we cannot entertain the motion by Delegate Inos. Discussions?

Delegate Torres: Perhaps it would help if Delegate Inos would explain that amendment.

President H. Guerrero: Delegate Inos, would you like to explain?

Delegate Inos: I think the amendment is self-explanatory. We are trying to change something in the Constitution and I would like to further tag-along this sentence on the last, to be the last sentence which will read: "This amendment may not apply to existing leasehold agreements."

Acting Floor Leader Mendiola: No objection.

President H. Guerrero: Delegate Torres?

Delegate Torres: Mr. President, I believe that it may not be because we all know that laws are not retroactive. They don't apply retroactively. They only apply to new leasehold agreement. So I wonder whether Delegate King would now consent to the amendment.

President H. Guerrero: Yes, Delegate King?

Delegate King: Mr. President, the reason why I objected is I would not support this floor amendment. I'd rather see that to be inserted in the original amendment or Committee Recommendation 19. Thank you.

Acting Floor Leader Mendiola: Point of clarification.

President H. Guerrero: State your point of clarification.

Acting Floor Leader Mendiola: Mr. President, I think he is talking about the amendment and not the amendment to the amendment that Delegate Inos is talking about. So he is not objection; he is objection to the whole proposal.

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President H. Guerrero: Are you objecting to this amendment, Delegate King?

Delegate King: Yes.

President H. Guerrero: Therefore, that amendment offered by Delegate Inos cannot be entertained.

Delegate Manglona: I move to end debate.

Acting Floor Leader Mendiola seconded, and the motion was carried by voice vote.

The motion to adopt the floor amendment offered by the Committee on Local Government was defeated by voice vote.

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

Delegate Nabors: Motion to end debate.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: I request that the motion that is now before us be read in its entirety.

Secretary Nabors read Committee Recommendation No. 19, as follows:

"Section 3: Permanent and Long-Term Interests In Real Property. The term permanent and long-term interests in real property used in Section 1 includes freehold interests and leasehold interests of more than 55 years including renewal rights, except an interest acquired above the first floor of a condominium building. The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the land owner before any sale or long term lease is executed regarding that land. Any land transaction in violation of this provision shall be void."

President H. Guerrero: Delegate Inos?

Delegate Inos: I would like to make a motion to add on to the last sentence: "This amendment may not apply to existing leasehold agreements."

President H. Guerrero: Any objection?

Delegate Villagomez: I have a question.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: What does that accomplish?

Delegate Manglona: Can I answer that?

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Okay. That will, for one thing, exclude the existing leasehold where the term for that leasehold is only 40 years. As Delegate Karl Reyes read to us a clause that there are certain provisions in the contracts where if the law allows for more than 40 years, the contract

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automatically increases with the additional years allowed. And I spoke to the Attorney General during the recess and he said that there is a possibility, a good possibility that that is a valid provision in the contract in that it is not circumventing the 40 years but just saying that should there be a change in law it's just a condition. So just so that we don't, we will avoid future lawsuit on this, maybe we should make it clear now that thing change in the number of years will be valid only for future leasehold and should not apply to the existing leasehold agreement. Maybe the concern here is that what about on existing leasehold agreement where the lessee wants to build a condominium. That is not; maybe that should be considered but that is not our concern.

President H. Guerrero: Does that answer your question, Delegate Villagomez?

Delegate Villagomez: Yes. My understanding of the amendment is that any lease which currently exists will not be extended more than 40 years after the ratification of this amendment. And any agreement to extend the lease for more than 40 years upon the change of law is void and that it might not be enforced, and that only leases that are executed after the ratification of this amendment may extend to more than 40 years.

Delegate Manglona: Point of information. Can we make that clear though in the language here because I spoke to the Attorney General and he surely believed that the clauses as they are written now in the present leasehold agreement can actually allow for the additional increase. And with this amendment we are solving that by saying that this additional increase in leasehold to 60 years shall not apply to the existing leasehold. We would solve a whole lot of problems in the future. Thank you.

President H. Guerrero: Can I first ask a question whether there's anybody objecting to the amendment by Delegate Inos?

Delegate Villagomez: I think we have to understand it clearly first before we can decide whether to object or not object. The other point I would like to make is if with respect to the existing leases for 40 years, if after the ratification of this amendment they wish to extend it, they have to sign an entirely new lease agreement. And that any agreement as to consideration already paid or not paid is also void and is not to be permissible or allowed under this ratification. So that even if the lease says consideration is already paid for an extension of another 20 years that is considered by this Convention to be void and the land owner has the right to receive or demand any additional consideration for an extension of the existing lease.

Delegate Nabors: That's correct.

Acting Floor Leader Mendiola: No objection.

Delegate Villagomez: Thank you.

President H. Guerrero: So you don't have any objection?

Delegate Villagomez: No.

President H. Guerrero: Okay. Can you just repeat, Mr. Secretary, what's the amendment to that one?

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Delegate Inos: Did you note that, Mr. Secretary? This amendment may not apply to existing leasehold agreements, period.

President H. Guerrero: Delegate Torres?

Delegate Torres: Question. My question is, Delegate Inos, would the fact that we put it in here, would it encourage lessors and lessees to collude and extend the leasehold term before this thing becomes effective?

Delegate Inos: It might.

Delegate Nabors: If they will extend it before this is ratified, it's void.

Delegate Torres: Okay. Question to Delegate Reyes, on the amendment. On line 5, it says, except an interest. Now, does this mean that an interest in freehold as well as leasehold?

Delegate Reyes: This is an interest on freehold.

Delegate Torres: Freehold only?

Delegate Reyes: Yes. It is intended for freehold because once you sell the rights above the first floor it's to be held freely by the purchasers.

Delegate Torres: Okay, in that case, I'd like to offer an amendment. I think we are defeating the purpose of land alienation.

Delegate Villagomez: Mr. President, point of information.

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

Delegate Villagomez: I don't know what Delegate Reyes' intent is but I don't agree with him that the word interest acquired above the first floor is limited to freehold. The language here allows interest acquired above the first floor. So if the arrangement between the condominium owner and the purchaser is leasehold for more than 55 years, that's also permissible.

Delegate Reyes: That's correct, but once you sell your thing above the second floor, it's on freehold; it's not on leasehold. But it could be on leasehold.

Delegate Torres: So, are you saying then that the leasehold interest is actually a fee simple title?

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Well, my intention is to be able to sell the second floor above freely. But if somebody says the condominium is going to be only for 40 years, good for 40 years or 60 years depends on the structure, so it's only good to that extent. And then all these, if it's a leasehold, then the owner of the property has to tender a what you call prospectus or the offerin stating that this is only good for 60 years even if he's selling it outright.

Delegate Torres: Why are you limiting it to first floor, above the first floor?

Delegate Reyes: So that the land owner can continue to own the land on the first floor and all the common areas.

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Delegate Torres: Could the land be leased and have the first all the way up to the twentieth floor sold?

Delegate Reyes: With the passage of that one hundred percent corporation, the land owner would own the land.

Delegate Torres: Yes, and I'm beginning to feel differently now about the one hundred percent corporation. That's all for now, Mr. President. I'm beginning to feel very awkward.

President H. Guerrero: Delegate Inos?

Delegate Inos: I have a couple of questions which I would like the committee to address. In terms of condominium since we are leaving this up in the open either to lease it or to own it to outsiders if the owner wants to. What about in the event that we build a building and the first floor is a garage? Would that be the only place?

Delegate Reyes: Normally, in a condominium, they have what is called the common area which could be the parking area, the hall ways, the swimming pool, even the flower beds that is owned collectively by the homeowners.

Delegate Inos: So in other words, we might be able to build a condominium in which the owner would just in name own the land but everything else will be bought except for the common areas.

Delegate Reyes: They will normally lease the common areas, right.

Delegate Inos: I'm still a little bit concerned about the second sentence here in which the market of land in the CNMI should be professionally appraised. I raised this question up previously in terms of family transactions. Does this mean that even family transactions will have to go through the appraisal before they do any land transaction?

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I do not believe that this section would at all concern itself with transaction between two persons of Northern Marianas descent.

President H. Guerrero: Delegate King?

Delegate King: The intention of this or the committee's intention on this is only for commercial purpose.

Delegate Nabors: Transactions between persons of Northern Marianas descent and an outsider, whether commercial or residential or whatever.

President H. Guerrero: Delegate Ogumoro?

Delegate Ogumoro: Yes; if that's the intention, so why not specify it so that it be in the proposed amendment.

Delegate Nabors: I have no objections to that but by virtue of it being under Article XII is fairly explicit. That only relates to the acquisition of prohibited long-term or permanent interest in real property.

Delegate King: Mr. President, point of information.

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President H. Guerrero: Delegate King?

Delegate King: I believe that we are getting into the future that no one wants to lose a penny. So I believe that this would help our people in order for them to come out with a very good average of amount of money to sell or to make the transaction of the land. So I believe even though you are going to make a deal with between brothers and if you don't want to lose money then you have to call the appraiser. So that will become reality in the future that everybody wants to appraise their land in order to get a fair market value of the land. Thank you.

President H. Guerrero: Delegate Inos?

Delegate Inos: Yes, in response. We are making it a reality here by placing this type of provision. And I'm just concerned with the penultimate. Any transaction in permanent or long-term interest in real property in the Commonwealth in violation of this provision shall be void. So I'm reading if "any." I don't care if it's my sister or my brother or my mother. So I agree that this is advantageous in terms of not being taken by a shrew businessman but I also want to be able to make a family transaction which I will not have to go to an appraiser.

President H. Guerrero: Any other discussions? Delegate Calvo?

Delegate Calvo: Mr. President, perhaps we can ask the committee what is really the intention of this because Bill is stating that there is a provision in the Constitution that will limit transaction of this to the outsiders not on Northern Marianas descent. But the mere fact to this sentence here, it does have the effect. Any land transaction either it's from the outside or inside it means that it shall be voided if it didn't go through an appraisal or professionally appraised. So let us hear from Delegate Villagomez maybe with this regard.

President H. Guerrero: Delegate Villagomez, are you going to respond to that?

Delegate Villagomez: This proposal was submitted to the Convention by Delegate Torres. And the committee gathered that the intent was to prevent the people from selling their lands for \$10 when it's worth \$500,000. And obviously we cannot identify each and every transaction and only exclude those, especially when we are dealing with a Constitution which deals with generalities rather than specificities. I see from the very beginning when the committee considered these problems in that when you exclude transactions between a local person and a non-local person or between a non-businessman and a businessman, local or non-local, when you make a requirement for them on a general basis it also includes the non-business transactions between two individuals including brothers and family members. And so although it is desired that transactions between family members and neighbors and people who are not going into business, it is intended that they not or it was desired that they not be included. Under this current language they are included because the language does not exclude them. In the last thirty minutes I've been trying to figure out some ways to come up with the language that would exclude those kinds of transactions and it's very difficult. So the answer is, this language now includes all land sales or transactions on long-term leasehold transactions, but it was not desired by the proponent of the original proposal nor the committee to include them. We have not come out with the language that would exclude transactions that are not for business purpose or that are between family members or friends, neighbors, and the like.

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President H. Guerrero: Delegate Manglona?

Delegate Manglona: I would just like to ask any member of the committee. If a land is leased, is the intention of this recommendation to allow this lease land to have a condominium built on it and sell for permanent terms?

President H. Guerrero: Somebody? Delegate Mendiola?

Delegate Mendiola: I think it is very clear that it says 55 years, so you could only sell it for 55.

Delegate Manglona: Is that correct?

President H. Guerrero: Delegate King, would you like to respond to that question also?

Delegate King: If I understand the question correctly, maybe my response will answer. If I don't understand it, then my response will be very intrusion. I believe that the intention of the committee is not to sell the land permanently. I think there's a flexibility there -- freehold interest and leasehold and the 55 years is the cut off date. Now, if they are going to go up the second floor, then that's up to the two parties whether they are going to sell it for permanent freehold interest.

Delegate Manglona: In other words, there is no land alienation for space above the second floor?

Delegate King: Land alienation is still there, Mr. President, because you cannot separate the building and the land.

Delegate Manglona: No, but I'm saying the basic intent. Is that it to remove the land alienation from the second floor up?

Delegate King: No, Mr. President. The intention there is since we condemned our people on the first floor or the land then we are giving the flexibility on the second floor since there is no provision in the Constitution concerning that particular situation.

Delegate Manglona: Can I get the response of Delegate Villagomez? I just want to understand this.

Delegate Villagomez: Again the proposal regarding freehold interest above the first floor of a condominium was proposed by Delegate Karl Reyes and he was a member of the committee. The purpose is to allow purchase of freehold interest on the second, or third, or fourth floor or above either freehold or long-term lease. It is to exclude this from the land alienation restriction.

Delegate Manglona: If I, let's say, lease your land, do I have the right to build a building there and anything on the second floor I can outrightly sell it to anyone I want without your permission as long as I do not sell the first floor? Is that the intent?

Delegate Villagomez: If it is a condominium arrangement, then you can sell above the first floor but you do that at a risk because you understand that the first floor belongs to a local person. So you have to make an arrangement to be protected when you sell the second floor.

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Delegate Manglona: Well, that word arrangement is not in this amendment. I'm just concerned because if I lease you my land, I don't want you to build a condominium and sell everything above the second floor and just leave me the first floor. But that is basically what will happen. Is that correct?

Delegate Villagomez: No. You can prohibit it. You cannot be forced to lease your land to somebody who would build a condominium and sell the second floor. He can only do that if you agree.

Delegate Reyes: Point of information, Mr. President.

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

Delegate Reyes: I think the condominium law is specific in telling you that you have to issue your offerings or prospectus. And on this prospectus, this is the vehicle to tell the potential buyers what the restrictions are, if any. Thank you.

President H. Guerrero: Before we go on, I'd like to dispose of Delegate Inos amendment.

The motion to include the amendment to the end of the sentence as offered by Delegate Inos was carried by voice vote.

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

Delegate Torres: I'm very concerned about this. I thought that things are going well with tightening up the corporation, and now with this, I'm having second thoughts. My question is this. Let's say that we want to attract a prospective foreign investor to build a condominium on a private land. And let's say that we give that investor the maximum which is 55 years to lease this land. And let's say also that there is no restriction as to what this investor can build on the land. Five years down the road, this investor builds a 4-story building. Six years down the road, he decided that perhaps it is more profitable to sell above the first floor to outsiders; I mean to other outside groups. I wonder whether this would ultimately lead us to costly and painful litigation, and the only person who suffer at the end will not be the investor who has collected all the payments and moved on to other pastures but the original owner of the land. I'm very concerned about this now, especially in light of the fact that we are tightening up the corporation to one hundred percent ownership. I'm very concerned about this. Could I be enlightened?

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: If I were an outsider and I want to come in and build a condominium here knowing that I can only lease the land for 55 years, I would not ask for a leasehold interest. Instead, I would ask. Let's say that Karl Reyes is the land owner. I would ask Karl if he would join a partnership with me. And he would donate the land and he would own the first floor. I would donate the building and he will own the first floor and I will be free to sell the second, third and fourth floor.

President H. Guerrero: Yes, Delegate Torres.

Delegate Torres: Mr. President, but that is just exactly the point. Mr. Karl Reyes, as soon as the partnership dissolved, would be left with those people who bought rooms above the first floor already. And the partner left and collected all the money.



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Delegate Villagomez: No; Mr. Reyes would get his money up front when I sell those houses. So, if I abscond, he's already paid. And if I abscond, anyway he is going to end up with the building.

Delegate Torres: Yes, but what about the rooms above the first floor? You will have the land and the first floor, alright. Yes, I agree with you. He will still have the land; he will still have the first floor; he will not have the rooms above the first floor.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Yes. The principle of condominium and the statute is complicated and it is going to take a long time to explain it. But if you follow all the requirements in the condominium and the payments are made up front and are splitted between the land owner and the outside investor then -- what you are thinking is that the person is going to take all the money and leave and then the local land owner is going to be left with nothing. I don't perceive that would happen because of the way that the condominium system is arranged and the way that the money would be splitted. And if he leaves, then he would have the building, the entire building. But another thing is the agreement in the partnership would be structured in such a way that both parties will be protected.

Delegate Torres: Could I ask for the indulgence of the delegates to allow Delegate Villagomez to please expound on the laws of the condominium?

President H. Guerrero: Delegate Villagomez, are you going to respond?

Delegate Villagomez: I would very much like to respond. I would not like to respond right now. I would like to review the condominium law. It would take me about two hours to read it.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Delegate Villagomez, okay, the best way, of course, will be to join a partnership with a local one, build a condominium and they are both happy. But my main concern is the leasehold. I think by leasing the land, I can build a condominium on that land with the permission of the owner. My concern is, these people would take advantage of this, outsiders would take advantage of this. Rather than go in partnership where they have to share the profits, they can simply just lease the land which is actually buying it because you're buying the airspace above the first floor. I think outsiders would rather much go that route because they are leasing the land, however, technically they are buying the airspace above that.

Delegate Villagomez: That is correct.

Delegate Manglona: So is there any way that we can protect the locals from that route because I know that 99 percent of the outsiders, if I'm an outsider I'm going to that route because I'm leasing the land but I'm technically buying the airspace.

Delegate Reyes: Mr. President?

President H. Guerrero: Delegate Reyes.

Delegate Reyes: The whole intention of this proposal is not to lease your land

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If I have a land, five hectares land and I know that I can build a condominium and be able to sell it, why would I lease my land to somebody to build it when I can sell the condominium and profit from it myself as the land owner? And if I take a five-story building, for example, and I sell 60 percent of it, I can go to the bank and say, here's on letter 60 percent of the people that want to buy and this 60 percent of the sale price will enable me to build the condominium myself as the land owner. Why would I go and lease it to a Japanese or an outsider when this land is mine, this condominium is mine and the profit is all going to be mine? So this is the intent of this proposal. I don't want our people to be able to sell this condominium and still ask the outsider to give them money because if you have the possibility of selling it in writing and especially if you are required the deposits to be made and you show in good faith the bank all these possibilities, the bank will lend you that money to build it yourself. Thank you.

Delegate Manglona: Mr. President, that's just it. It brings us back to the point that our people are not ready to make decisions on their land. So we can put, maybe consider the fact that only freehold land can have condominium and not leasehold because we have to protect our people. I know that when they see those greens they will just change their mind and go on the leasehold route.

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Mr. President, I think we shouldn't worry about that. Leasehold is happening right now. What is going to stop the people, from two agreeing people to not to lease if they agree to lease within the law? That is happening right now. So what we are trying to do here is to stop our own local people from leasing it and building it up themselves.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. Here we are dealing with two things, the land and the air. Now, I really don't know why we have to give of this land on freehold interest basis instead of leasehold interest basis. This is on the second floor up. Is this to attract the buyer, or somebody that will put up a condominium? Because even if we use leasehold interest, 55 years times two, in all, is 110 years. If it is 110 years, it sounds like freehold interest already. So I really want to know the actual reason behind using of freehold rather than leasehold in this condominium business. Can Delegate Reyes answer me on this one? Why do we have to stick to freehold? Why not use leasehold of 55 years times 2, 110 years?

Delegate Reyes: If you build a building that would sustain for the next 75 years and somebody is willing to buy that building for that period of 75 years this provision would allow that even beyond the 55 so you can get your money up front. When you build a building you get the money up front. If you lease it, you don't get the money up front.

Delegate Kaipat: Mr. President, can I continue, because I feel that this will answer the question of other delegates questioning about the second transaction of airspace? If we transact the land under leasehold interest then the land is still yours no matter how long. And if this guy that took up the leasehold interest on your airspace and plan to resell it, to lease to someone else, the airspace is still yours. So he cannot do any transaction without you knowing it. And this is the big difference between free and lease. Freehold interest is a lifetime ownership of the land or the air. And I know what they are

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trying to do here, either because we cannot use the freehold interest because only CNMI descent can own land and now we are playing with the airspace. And I really don't see the real motive behind using freehold rather than a long lease which is already up to 55 years times 2, 110 years. It's simply a freehold interest already; it's a lifetime.

Delegate Reyes: Can I answer that?

President H. Guerrero: Delegate Reyes?

Delegate Reyes: I guess this concept of selling it is new to many of us. But, yes, this is happening around the world now where you buy your condominium and then you go and enter into an agreement with somebody else to share the condominium, to use it when you are not using it. This concept is very popular now and it's acceptable. For example, the Japanese coming here during winter time and during summer time in Japan they go back and somebody else comes here and uses that condominium. He gets his money back but that's not of my business. He already bought the condominium from me and if he bought it for \$30,000 for two bedroom complete then I get my money. And then there is in the condominium addressing the notices. You know, the condominium law provides that whatever happens there, the owner or the group of owners would know the transactions. But that's immaterial. The cash is paid off front and these owners of condominium can share that condominium, and this is called the sharing concept. I guess this is too far progressive on our area but it is happening and I hate to wait for another 10 years when we lose the opportunity to be involved in these kinds of businesses. Thank you.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: Mr. President, I'd like to suggest that we leave all those detailed information to the Legislature. The Legislature is coming up with a condominium law. So all those detailed explanations should be included in the statute, because we are going into detailed explanations now as to what is going to happen and what will happen.

Delegate Reyes: Point of information. The condominium law has been passed. There is a condominium law already and this proposal is tailored after that condominium law.

Delegate Mendiola: I move to end debate.

Delegate King seconded the motion.

President H. Guerrero: It has been moved and seconded to end debate. We are voting now on Committee Recommendation No. 19, as amended. Secretary Nabors, can you take the roll call?

Delegate Villagomez: Mr. President, privilege. I move for a five-minute recess.

Delegate Mendiola: So I withdraw my motion, Mr. President.

There being no objection, President Guerrero declared the Convention recessed at 4:09 p.m.

RECESS

The Convention reconvened at 4:25 p.m.

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President H. Guerrero: The session is called back to order. The Chair is going to limit the debate to 30 minutes. We have extensively discussed this not just today but for the past two, three days and I would like to limit debate to 30 minutes. Delegate Manglona?

Delegate Manglona: Mr. President, just before the end of the recess, I realized something. Can the members of the committee answer my question? If I am not concerned with the land, I am a foreigner and I go to a local person and say, let me lease your airspace for 200 years. Can somebody stop me from leasing the airspace for 200 years?

Delegate King: Yes, somebody can stop you. The owner can stop you if the owner doesn't want it.

Delegate Manglona: If the owner allows me to lease it for 200 years, can the law stop me from leasing an airspace, putting a garage on the first floor and leasing the airspace for more than 60 years?

President H. Guerrero: I think this can be handled administratively.

Delegate King: Mr. President, I think if we are going into very deep details we cannot understand it. There are some areas that get into details that can be handled by the statute. But if we are going to put in our Constitution a very detailed proposal we will never finish our Constitution.

Delegate Mafnas: Mr. President, point of information.

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

Delegate Mafnas: I think the question is valid. It has merit because we will decide whether 65 or 55 is appropriate.

Delegate Reyes: Can I?

President H. Guerrero: Delegate Reyes?

Delegate Reyes: I'll try to answer that as I see it. Delegate Manglona's question is, can he just go and lease 200 years airspace. And I suppose he is leasing this land from, he is trying to get that 200 years from somebody who is leasing the land. Is that correct?

Delegate Manglona: I'm not even going to lease the land or anything. I'm just going to say, hey, you got a piece of land there, I want the second floor up for hundred years. I don't care about the land, I'm just going to make an agreement. In fact, I'm going to buy it. I'm going to buy his airspace.

Delegate Reyes: Okay. We specifically put down here condominium. Under the condominium, you are required to come up with a prospectus, an offering. And in that offering you have to spell out where are your restrictions, if there are any. So, if I have a restriction of 55 years, then definitely, you know, I cannot sell it for 200 years when I only have 55 years restriction.

Delegate Manglona: I'm not going to lease the land. I'm just going to come to you and say, I'm going to buy your airspace for condominium purposes from the second floor up. I'm going to buy it; I'm not talking about lease.

Delegate Reyes: Okay. If the land is my own and I'm not leasing it from anybody, then for 200 years....

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Delegate Manglona: So in essence, we are removing the land alienation for airspace above the second floor. With this amendment, we are opening it up. We are removing the land alienation for second, third, fourth, and up. That is all, thank you.

President H. Guerrero: Why would you want to buy a bigger space if there's a bottom of it?

Delegate Manglona: Because I can always put the columns and start on the second floor up for condominium.

President H. Guerrero: Not really because you are still touching the land. Delegate Villagomez?

Delegate Villagomez: Thank you. The reason that I asked for a recess is because of the sentence, the market value shall be professional appraised before any sale or long-term lease is executed. I would like to ask the unanimous consent of the delegates to amend Committee Recommendation No. 19 to strike that sentence out and delete it from the proposed recommendation. The sentence starting on line 6: "The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the land owner before any sale or long-term lease is executed regarding that land." The reason that I'm asking the unanimous consent of the delegates to strike that is as follows: This requirement is only when you are going to sell your land or enter into a long-term lease. You can only sell your land to a Saipanese, or Rotanese, or Tinianese and you can only give long-term lease to person of Northern Marianas descent. So if you are going to lease your land for 40 years, let's take a shorter one, for 30 years to an outsider, you don't have to have your land appraised. So, the original intent of this is to prevent outside investors from coming in and buying land for \$10 that are worth \$200. But that's not what this does. What this does is it requires us when we sell and lease among ourselves locally to have the land appraised. So we're doing just the opposite by putting in sale or long-term lease. What we should have here to accomplish our goal is to say that appraisal shall be required when there's going to be a short term lease because you can only give a short-term lease to an outsider and you cannot sell to an outsider. So it really, it does just the opposite of what we are hoping to do. And for that reason I ask the unanimous consent of the floor to delete that from the proposed amendment.

Delegate King seconded.

Delegate Manglona: Just a point of information. The reason why I guess we all overlooked that is that we all feel that a short-term lease is a long-term lease by the way the contracts are written. Thank you.

Delegate Mendiola: No objection.

President H. Guerrero: Those in favor of deleting the sentence on line 6, please say aye?

Delegate Ogumoro: I object to that. My concern is not just that. I think we should address the concern that was raised by Delegate Manglona. And if the line or the phrase beginning with "except" on line 5 would be deleted too, then I think I would go with that amendment. But as it is now, the problem is on line 5 starting with the words "except an interest acquired above the first floor of the condominium building." I think that's where the problem is. Of course, that line there that Delegate Villagomez mentioned is also important,

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but I think our problem and the more I listened to the deliberations this morning or this afternoon, the more concern I get. So if the mover of that motion would also include that phrase "except an interest acquired above the first floor of the condominium building", then I will agree to that motion.

Delegaté Mafnas: May I move for a five-minute recess so we can xerox this, and rather than to obtain unanimous consent, we can decide whether to delete it?

Delegaté Villagomez seconded the motion.

There being no objection, the Convention recessed at 4:33 p.m.

RECESS

The Convention reconvened at 4:39 p.m.

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

Delegate Villagomez: Thank you, Mr. President. I move to amend Committee Recommendation No. 19 to delete the sentence starting on line 6 and ending on line 8.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to delete the sentence starting on line 6 and ending on line 8 offered by Delegate Villagomez. Discussions?

Delegate Nabors: I move to end debate.

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

President H. Guerrero: Now we are voting on Committee Recommendation No. 19, as amended.

Delegate Mafnas: Just the amendment.

President H. Guerrero: Didn't we just vote on that one? Oh, excuse me.

The motion to adopt the amendment offered by Delegate Villagomez to Committee Recommendation No. 19 was carried by voice vote. Delegate Nabors voted nay.

Delegate Nabors: Motion for previous question.

Delegate Mafnas seconded the motion.

President H. Guerrero: Delegate Tenorio?

Delegate Tenorio: Thank you, Mr. President. Before we vote on the main motion, I would like to express my concern about this exemption above the first floor with respect to public land. I'm aware that there are some companies that are leasing public land for a long period of time now. Are those people exempted also from this 55 years? If they build a condominium on public land

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will the person buying, I mean, leasing the public land is exempted from selling the rooms above the first floor also?

President H. Guerrero: Members? Chairman King, or Delegate Villagomez?

Delegate King: I'd like to yield to Delegate Tenorio because he is a member of my committee.

Delegate Tenorio: Thank you, Mr. Chairman.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Is the lease between the government and the private person for a condominium?

Delegate Tenorio: As a matter of fact, yes, there is one lease, I think, the Kan Pacific that leased a very huge land and I think they have plans for a condominium also in their plan.

President H. Guerrero: Yes, Delegate Guerrero?

Delegate DL. Guerrero: Mr. President, I think we have to clear ourselves here because I don't think, by hearing all the arguments on this proposed extension we are focusing the interest on private land individual. We are not talking about public land. If a public land is to be extended, then I, for one, will vote it down. I'll go against it.

Delegate Tenorio: I just want to be assured that this does not include public land. And since the proposal mentioned real property, I think the government also has real property.

Delegate Villagomez: With respect to public land, my understanding is that the provision in the Constitution related to public lands would apply. And the restriction to transfer of freehold interest in public lands that is already in the Constitution will not be repealed by this proposed amendment, so that whatever applies now with respect to public land and it's up to the Marianas Public Land Corporations at this time to agree to allow freehold transfer of interest.

Delegate Mafnas: Mr. President, perhaps if the Convention will clarify or so state the intent of this committee recommendation that it only covers private lands.

President H. Guerrero: Is that the intention of the committee?

Delegate Villagomez: Yes.

Delegate King: Yes.

President H. Guerrero: Would you like to restate that instead of just saying yes? Delegate Villagomez, can you restate the intention of the committee?

Delegate Villagomez: Yes. This amendment that is proposed in Committee Recommendation No. 19 will apply only to private lands and not to public land. And all restrictions with respect to transfer of interest in public lands that are currently provided in the Constitution will continue.

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President H. Guerrero: Can I get the committee members to respond? Delegate Tenorio, do you agree with that intention?

Delegate Tenorio: Yes, Mr. President, I agree with that intention.

President H. Guerrero: Delegate Villagomez, do you agree with that?

Delegate Villagomez: Yes.

President H. Guerrero: Delegate King, do you agree with that intention?

Delegate King: Yes, Mr. President.

President H. Guerrero: Delegate Reyes?

Delegate Reyes: Yes.

President H. Guerrero: Delegate Mundo?

Delegate Mundo: Yes.

President H. Guerrero: So all the members agreed to that intention. Does that clarify the things already?

Delegate Mafnas: The question is clarified.

President H. Guerrero: And all its five members agreed to that intention. Any more discussions?

Delegate Villagomez: Yes. To be definite, I would recommend that we put that in the language itself of the amendment that this only applies to private land and does not apply to public land.

President H. Guerrero: What's your amendment, Delegate Villagomez? Three-minute recess.

There being no objection, the Convention recessed at 4:47 p.m.

RECESS

The Convention reconvened at 4:51 p.m.

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

Delegate Villagomez: Thank you. I ask the unanimous consent of the Convention and move that on line 6 after the sentence which ends with "of a condominium building", we add a new sentence and the sentence will read: "A permanent of long term interest acquired above the first floor of a condominium building is restricted to private lands."

President H. Guerrero: Can you read it much slower, I mean, slower?

Delegate Villagomez: A permanent or long-term interest acquired above the first floor of a condominium building is restricted to private lands.

Delegate King seconded the motion.



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Delegate Manglona: Question. I agree with the intent of this but the language doesn't sound correct because the previous sentence just tells you that there's no permanent or long-term interest above the first floor in a condominium building. And by saying this sentence, you are implying that there is. So, I'm just confused on the language, Mr. President, by saying in the first sentence that "except in the first floor of a condominium building", you are already saying that that is not permanent and long-term interest. And if you add what Delegate Villagomez just mentioned, you are implying that there is.

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: Just a second.

President H. Guerrero: Recess for three minutes.

There being no objection, the Convention recessed at 4:55 p.m.

RECESS

The Convention reconvened at 4:56 p.m.

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

Delegate Villagomez: Thank you. The language now will read as follows: "Any interest acquired above the first floor of a condominium building is restricted to private lands."

President H. Guerrero: Repeat that again, slower.

Delegate Villagomez: Any interest acquired above the first floor of a condominium building is restricted to private lands.

Delegate Reyes seconded.

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

Delegate Kaipat: Yes. Do the words "any interest" mean both the freehold and leasehold interests?

President H. Guerrero: Does it include any? Delegate Villagomez, Delegate Kaipat is asking a question whether the interest includes both freehold and leasehold.

Delegate Villagomez: Yes.

President H. Guerrero: Any more discussions?

There being no further discussion, the motion to adopt the amendment offered by Delegate Villagomez to Committee Recommendation No. 19 was carried by voice vote.

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

Delegate Villagomez: For the record, this means that any condominium or any building that is built on land that is owned by the government, whether under

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a lease arrangement with the government or any kind of arrangement is not permitted to give permanent or long-term interest in that condominium unless it is allowed by the present language of the Constitution.

Delegate Nabors: No objection.

President H. Guerrero: Discussions? If no discussion -- Delegate Torres?

Delegate Torres: Mr. President, am I still in order if I make a motion?

President H. Guerrero: Yes, you are.

Delegate Torres: I would like to move to file Committee Recommendation No. 1

Delegate Tenorio seconded the motion.

President H. Guerrero: It has been moved and seconded to file Committee Recommendation No. 19. Delegate Mendiola?

Delegate Mendiola: Can we dispose of the amendment made by Delegate Villagom first?

President H. Guerrero: We already did. We are back to the main motion. Is there any discussion on the motion to file Committee Recommendation No. 19? Delegate Torres?

Delegate Torres: Thank you, Mr. President. I have and I'm sure other delegates have fought hard to protect the people of the Commonwealth against being disinherited and disenfranchised in their own land. I fought very hard to tighten up the corporation law or provision using the principle of land alienation as my guide. I see this amendment as a destruction of the entire Article XII, Section 1. I think it is really sad. Although we may see this point, we would like to look the other way and ignore it. I am very disappointed about this move and I am sure that a lot of us perhaps see this but would just like to look the other way. It makes Section 1, Article XII, meaningless and it makes it a mockery and I think history will judge our action for this. I'm sure that a lot of us perhaps would just go ahead and vote for this, but I'd like the record to show that land alienation is dead as soon as this is adopted. Thank you.

President H. Guerrero: Any more discussions?

There being no further discussion, the motion to file Committee Recommendation No. 19 was defeated by voice vote.

President H. Guerrero: Discussions on the main motion? Delegate Mafnas?

Delegate Mafnas: I move for the previous question.

Delegate Mendiola seconded the motion.

President H. Guerrero: We are voting on Committee Recommendation No. 19, as amended. Roll call, please.

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 19, as amended, on Second and Final Reading was voted on, as follows:

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YES: Delegates Vincent Calvo, David Cing, Alonzo Igisomar, Davig Igitol, Esteven King, Jesus Mafnas, Aniceto Mundo, Karl Reyes, Joaquin Tenorio, Ramon Villagomez, Ignacio Villanueva, Herman T. Guerrero, and Rita Inos. (13 votes)

NO: Delegates Lorenzo DL. Guerrero, Benusto Kaipat, Felicidad Ogumoro, Francisco Tomokane and William Torres. (5 votes)

ABSTAIN: Delegates Luis Limes, Paul Manglona, James Mendiola and William Nabors. (4 votes)

ABSENT: Delegates Juan Lizama and Maria Pangelinan.

And the motion was carried.

Secretary Nabors: Mr. President, I have 13 affirmative votes, five negative votes, four abstentions, and two absences.

President H. Guerrero: Committee Recommendation No. 19 passed. It's adopted by 17 votes. Delegate Nabors, can you read the next one, 58? I believe before we go on that committee recommendation when passed by the Committee of the Whole, apparently, Section 4 was missing from it and I rather have the Vice Chairman explain what happened.

Delegate Mafnas: Yes. Just read the original recommendation. The one that was handed out should be treated as the floor amendment because Section 4 was not included in the original committee recommendation.

Secretary Nabors: So which one should be read?

Delegate Mafnas: The one in the file, not the one that was handed out.

Secretary Nabors read Committee Recommendation No. 58 in its entirety, as follows:

"COMMITTEE RECOMMENDATION NO. 58

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend Sections 2, 3, and 4 of Article IV of the Northern Marianas Constitution relating to the Judicial Branch.

"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

"I. Effective upon ratification, Sections 2, 3, and 4 of Article IV is amended to read:

"Section 2. Commonwealth Trial Court. The Commonwealth trial court shall have original jurisdiction in all cases in equity and in all cases at law which involve land in the Commonwealth, and in all other civil actions. The court shall also have original jurisdiction in all criminal actions. At least one full-time judge shall be assigned to civil and criminal actions

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filed in Rota and Tinian. The legislature shall determine the number of judges.

"Section 3. Commonwealth Appeals Court. The legislature may establish a Commonwealth appeals court to hear those appeals from judgments and orders of the Commonwealth trial court."

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Thank you, Mr. President. Section 4 should have been included on the reading of the committee's recommendation, Committee Recommendation No. 58. Mr. President, the handout on Committee Recommendation No. 58 now includes Section 4 and I would like to treat this as a floor amendment with the exception of the sentence starting from line 16 through 18: "The term of the office shall be as provided by law, except that no judge shall serve his office for more than six years." I would like to have that sentence be stricken out so that I can make the motion. I so move to adopt Committee Recommendation No. 58.

Delegate Nabors seconded the motion.

Delegate Mafnas: Will you kindly then strike out the sentence beginning from line 16 on?

President H. Guerrero: Delegate Mafnas, if you strike that out, it is the same thing as the original version. So there's no point in putting it in. It is the same language as the current Constitution, so there is no point of putting it in.

Delegate Mafnas: No, it isn't. This is a new language. The term of office shall be provided by law, except that no judge shall serve his office for more than six years.

President H. Guerrero: Are you putting that in?

Delegate Mafnas: No, I'm striking that out.

President H. Guerrero: Which one are you striking? Is it the entire sentence? My question is, if you strike out the entire sentence, we are back to the same version.

Delegate Mafnas: Yes. There is an amendment on this section, Mr. President, the 30 is changed to 35 years.

President H. Guerrero: Oh, excuse me.

Delegate Mafnas: So if the members have already stricken out the sentence beginning on line 16, I move to adopt the committee substitute or floor amendment.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 58 by Delegate Mafnas. Discussions? Delegate Mafnas?

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Delegate Mafnas: Yes, Mr. President. This was discussed in length during the First Reading. Sections 2 and 3 are amended just to update the present situation, clean up the language in the Constitution. Section 4, the significant amendment here is changing the age of judge from 30 to 35. This was considered by the committee in line with the expression by the President of the First Northern Marianas Constitutional Convention, Delegate Guerrero.

President H. Guerrero: Thank you. Any other discussions? If none, going once, going twice; Secretary Nabors, can you take the roll call?

Delegate Mendiola: Mr. President?

President H. Guerrero: Yes.

Delegate Mendiola: I think we are only discussing Delegate Mafnas' amendment.

President H. Guerrero: Excuse me, that's true.

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

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

Delegate Mendiola: Thank you, Mr. President. I got an amendment that has been passed out. On lines 7 and 8, delete "judge" and "civil and criminal actions filed in" and insert "public defender".

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

Delegate Mafnas: Is that a motion?

Delegate Mendiola: Yes. I move to amend Committee Recommendation No. 58. On lines 7 and 8, delete "judge" and "civil and criminal actions filed in" and insert "public defender".

Delegate Nabors seconded the motion.

Delegate Mafnas: Mr. President, I think the proposed amendment does not belong in the judicial branch. This is Article XVIII, the third branch of our government and the Public Defender's Office does not belong to the third branch of our government. So I would like to respectfully ask the mover to withdraw his motion rather than to vote it down.

Delegate Villagomez: Mr. President, I am in favor of having a Public Defender in Tinian and Rota. I understand that many times the Public Defender would go there the day of the trial and does not have time to prepare and present the case. And I wish that we can do something in this article, but I have to agree with Delegate Mafnas that this is not the place to do it. If I were the Chief Public Defender right now, I'd send somebody to Tinian, or do something, ask for budget or something. I think the proper place to address that is in the Legislature, but not here.

Delegate Mendiola: Mr. President, I just finished talking to the AG and he mentioned like what Delegate Mafnas has said that it is not. It does not belong here. So I withdraw the motion.

President H. Guerrero: Thank you.

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Delegate Mafnas: I move for the previous question.

Delegate Nabors seconded the motion.

President H. Guerrero: We are voting now on Committee Recommendation No. 58, as amended. Secretary Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 58, as amended, on Second and Final Reading was carried by a roll call vote of 21 affirmative votes. Delegate Paul Manglona abstained. Delegates Juan Lizama and Maria Pangelinan were absent.

Secretary Nabors: Mr. President, I have 21 affirmative votes, one abstention no negative vote, and two absences.

President H. Guerrero: Committee Recommendation No. 58 passed by 22 votes. The Committee Recommendation No. 40 for reconsideration, will the mover of this, please, explain your rationale for this?

Delegate Ogumoro: At this time, Mr. President, I would like to move that we withdraw from the calendar Committee Recommendation No. 40.

President H. Guerrero: Committee Recommendation No. 40 is withdrawn for consideration. We'll move on to the next one, Acquisition. Yes?

Delegate Ogumoro: I have already discussed my concern with both the Chairperson and Vice Chairperson of the Committee on Local Government and I am satisfied. They have assured me that our people will be protected in light of the provision and that this proposal is consistent with our land alienation provision and that our people are going to be protected. So therefore, I move that that be withdrawn.

Delegate Torres: If Delegate Ogumoro consents, I'd like for that to be considered in light of the adoption of Committee Recommendation No. 19. Could that be reconsidered?

Delegate Ogumoro: What was the Committee Recommendation No. 19? I'm sorry.

Delegate Torres: The Committee Recommendation No. 19 for practical purposes killed the land alienation provision. So, if we reconsider this, I would like to move that we strike out Section 5 of the Constitution because we don't need it. We needed it originally with the proposed amendment by the Committee on Local Government. But since we killed the land alienation already, for all practical purposes, we don't need it because only persons of Northern Marianas descent will be eligible to own land to begin with. So, either we make it one hundred or make it zero, the fact remains that land will remain with persons of Northern Marianas descent.

Delegate Ogumoro: I'm sorry, I probably have misunderstood the request made by Delegate Torres. If that's the concern, I would like to bring it out for discussion. And if we feel that we have to kill that, let's kill it. If we feel that we have to maintain it, let's maintain. But for discussion purposes I will then reconsider my motion to withdraw it from the calendar. Thank you.

Delegate Villagomez: Information. I have a question regarding procedure. Has Committee Recommendation 40 been passed on Second Reading previously?

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President H. Guerrero: It has.

Delegate Villagomez: And this is only a request for reconsideration by  
Delegate Ogumoro?

President H. Guerrero: She made a motion two days ago, I believe, according  
to our Rules.

Delegate Villagomez: I see. I have no objection to it being withdrawn and  
taken off the calendar then. I thought that it hadn't been passed on Second  
Reading. And so I have no objection to it being taken off the calendar.

Delegate Ogumoro: Thank you for not objection for it to be withdrawn but to  
take into consideration the concerns of Delegate Torres. I would like that  
it be maintained so that we can discuss it and the delegates dispose of this  
measure in light of the action that we took on Committee Recommendation No. 1

President H. Guerrero: We need to vote on it before we go on with the dis-  
cussion.

The motion to recall Committee Recommendation No. 40 for consideration  
by the Convention was defeated by a raising of hands vote of 10 against and  
7 for the motion.

President H. Guerrero: The motion is defeated; it cannot be reconsidered.  
Would the mover of Committee Recommendation No. 20 for reconsideration please  
give your rationale for calling this up before we vote? Nobody moved for thi

Delegate Ogumoro: I think the mover is absent.

President H. Guerrero: Who was the mover?

Delegate Ogumoro: Either Delegate Lizama, or is it Delegate...?

Delegate Mafnas: It was Delegate Lizama. So on behalf of my chairman, I mov  
to withdraw it.

(Laughter)

President H. Guerrero: I think he is not moving as the chairman of your  
committee. In view of his absence, I would just call for a vote.

The motion to recall Committee Recommendation No. 20 for reconsideration  
was defeated by a raising of hands vote of 14 against and none for the motion

President H. Guerrero: We are now with Committee Recommendation No. 21. Mr.  
Secretary, can you please read what's on 21?

Secretary Nabors read Committee Recommendation No. 21 in its entirety, a  
follows:

"COMMITTEE RECOMMENDATION NO. 21

"A PROPOSED CONSTITUTIONAL AMENDMENT

"To amend the Constitution to add a new section in Article I to make abortion  
illegal in the Northern Mariana Islands.

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"BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

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

"Effective upon ratification, Section 11 will be added under Article I to read:

"Section 11: Abortion. The abortion of the unborn child during the mother's pregnancy is prohibited in the Commonwealth of the Northern Mariana Islands, except as provided by law."

President H. Guerrero: Is there a motion to adopt this first?

Delegate Mafnas: Mr. President, I move to adopt Committee Recommendation 51.

Delegate Nabors seconded the motion.

President H. Guerrero: It has been moved and seconded to adopt Committee Recommendation No. 21. Discussions? Delegate Mafnas?

Delegate Mafnas: Yes, I move to file it.

Delegate Igitol seconded the motion.

Delegate Nabors: Mr. President, there should be some opportunity for discussions on this important issue. And I am having distributed an amendment in the nature of substitution to the recommendation.

Delegate Mafnas: I withdraw my motion then.

Delegate Nabors: Thank you. I somove for adoption of the amendment that is currently being passed.

Delegate Mendiola seconded the motion.

President H. Guerrero: It has been moved and seconded to amend Committee Recommendation No. 21. Discussions? Delegate Mendiola?

Delegate Mendiola: Thank you, Mr. President. Just a question to the mover of this motion. What happen if the woman rapes a man?

Delegate Nabors: She gets what she deserves.

(Laughter)

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, I oppose the floor amendment and I share the concern of Delegate Pangelinan prohibiting abortion in any public medical facility when she echoed her concern. I'm saying that I still share that concern. This is a very complex issue and I am not going to vote for any on abortion issue in this Convention, either be it allowed or not allowed in any public medical facility. I would like to see that this particular subject be



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given an extensive review by the Legislature. So I oppose this amendment and any other amendment or proposal relative to abortion. Thank you.

President H. Guerrero: Delegate Tenorio?

Delegate Tenorio: Thank you, Mr. President. As I recall, I think we discussed this floor amendment already and I thought it was defeated. But if I'm wrong, I withdraw my support of this amendment.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: I move to end debate.

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

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

Delegate Mafnas: Mr. President, I move to file Committee Recommendation 21.

Delegate Nabors: No; we have to vote on the motion to adopt the amendment.

Delegate Igitol: I thought we voted on it already.

Delegate Nabors: No, we are just ending debate.

Delegate Mafnas: I'm sorry.

The motion to adopt the amendment offered by Delegate Nabors to Committee Recommendation No. 21 was defeated by voice vote.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, I move to file Committee Recommendation No. 21.

Delegate Igitol seconded the motion.

President H. Guerrero: It has been moved and seconded to file Committee Recommendation No. 21. Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. I think filing this by the Constitutional Convention would be the greatest mistake we made in this Convention. This is the most urgent and important, vital issue that should be discussed in this Convention. We are now planning to take this back to the Legislature. It has been past seven years now. The things that happened for the past seven years -- I said seven years because seven years ago, our Constitution came into existence and that prior to that we were covered by the Trust Territory Codes. We have some provisions in the TT Code about the abortion. Since then, for the past seven years, many things have developed concerning this. Being a doctor, I'm quite concerned and I think most of you have seen signatures from a group of doctors and also from the Catholic and Protestant services on the island. And I think if we file this, this will be the greatest mistake we made in this Convention. Thank you.

President H. Guerrero: Let me call on Delegate King first.

Delegate King: Thank you, Mr. President. I am very surprised when we are

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going to file this because the professional doctors as well as the religious leaders here on Saipan addressed their concern that they want us to do something to control abortion here in the Northern Marianas. They are asking us to help them because it is becoming to be uncontrollable here in the Northern Marianas. We have people from Guam coming in and they are earning money because of this kind of immoral practice. I believe that if this Convention does not do anything to prevent abortion in the Northern Marianas that we are urging our women to kill their babies before giving birth because they will not be charged as criminals. It seems that we are telling them that if you kill your baby, you will not be charged criminal. So I would like the delegates to be serious under this because this is a very important issue. And we should try to give those unborn babies the gift of life. God is the only person that can take life out of the world, not a single person. But we are giving the Legislature the flexibility to come up and determine the good type of abortion that we can control and give the doctors, professional doctors the real reasons why they are going to perform abortion. Without such control, we are going to end up with lots of abortions in our place knowing without any reasons why they perform such abortion. I repeat again, I am going to underline that that we should not try to encourage our women to perform or to kill their babies before birth because they will not be charged criminal because if you do it after birth you are going to be charged criminal. So don't try to leave the loopholes to those women that want to get rid of their babies. Thank you.

Delegate Nabors: Point of clarification.

President H. Guerrero: What's your point?

Delegate Nabors: Mr. President, I have been asked whether a secret ballot is permissible.

Delegate King: No.

President H. Guerrero: That will be determined by the Convention. All it requires is, since we are not voting by roll call on this motion to file it, it's, I believe, permissible.

Delegate Nabors: I would like to ask what is the wishes of the Convention.

Delegate King: Open.

Delegate DL. Guerrero: I stand to challenge that because we are required to vote by roll call on Second and Final Reading.

President H. Guerrero: Not on the motion for filing. We have not used roll call for filing. It's just a simple majority.

Delegate King: Mr. President, let's just vote on it.

President H. Guerrero: I need to recognize certain people first. Delegate Mafnas?

Delegate Mafnas: Yes. The reason why I want it filed is because the committee's recommendation is prohibiting abortion except as provided by law. I am not ready to prohibit abortion or to allow it or not to prohibit it. I am not ready to vote on Committee Recommendation No. 21. The issue is very complex. Even the court, many of the courts have not decided on many questions relative

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to abortion. Mr. President, I share the concerns that many visitors from Guam are coming and perhaps women from here going to Guam, but however, I just cannot say or cast my vote to prohibit it or not to prohibit it. We simply don't have the time to review all the questions involved. I listened during the public hearing to the statements made by Bishop Camacho and some of the witnesses. I was confused after that hearing and I am afraid to say "yes" or "no" because I don't have all the information that I need. So I urge my colleagues to vote in favor of the motion to file Committee Recommendation 21

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

Delegate DL. Guerrero: Thank you, Mr. President. I, for one, as I stated earlier in the First Reading, am in support of the committee's recommendation. I am fully in agreement with the statement made by Dr. Kaipat that it is about time for us to have this recommendation from this Convention. I believe that 99 percent of our population on the island today are all religious people. I also believe that our doctors that made the recommendation to this Convention they themselves have reached the conclusion that this is a very important issue that it should be addressed by this Convention. I am not worried about those girls or women that need to be aborted. They can go some place else, not necessarily Saipan. I am not worried also for the usage of public facilities should it require to save the life of the unborn child or to save the mother for that matter. If it's required, I'm sure that the doctors themselves would have to use their own best judgment based on their professionalism whether it is really required or not required. So I am not hesitant to present this before the voters and let the people come up with their own judgment and let the people come up with their own intelligent decision whether they will support this committee recommendation to prohibit the abortion in the entire CNMI. Thank you.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: Mr. President, I'm in favor of filing this because when I read this proposed recommendation, we are saying that abortion of an unborn child during the mother's pregnancy is prohibited as provided by law. Who is going to provide the law? The Legislature. So if we give this to the Legislature, they can provide what Delegate Kaipat is concerned with to deny abortion on demand. And I have a concern with this unborn child. I thought that something in the stomach of the mother is not a child until it's born. And I want to ask at least Dr. Kaipat if he can explain this to the Convention because I am a little bit confused. Thank you.

President H. Guerrero: Dr. Kaipat, do you want, I mean, Delegate Kaipat, do you want to explain?

Delegate Kaipat: Thank you very much, Mr. President. Being a doctor at this stage where I see the critical action of this Convention over the abortion, I would like to talk now. I would like to use a very simple English in explaining this. First, Delegate Villanueva mentioned that a baby in a stomach -- baby has never been in the stomach; they are in the uterus. Stomach is only for the food and uterus is where the baby is. So the baby never go into the stomach. Only when you swallow fish or rice they go into the stomach but uterus is where the baby is. I think there are quite ignorance among us about the medical thing. I would like to explain in a very simple language. Abortion, usually in the medical terminology, is used for the first at least three months of pregnancy because first the trimester, first three months. Second trimester or the three, four, five, we call it a miscarriage and when it comes

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to seven to nine months, the last trimester, we call it a premature labor or delivery. Okay, abortion will cover from first three months to nine months of pregnancy. And those people that are planning to vote for filing or to remove this proposal from the floor agree with murdering or killing babies. Abortion means killing, killing human being, whether it's one month or nine months, the same thing. The procedure of abortion that we do, or doctor or the corpman do, or a nondoctor or a witch-doctor do among the islands or anywhere....

Delegate Mafnas: Question.

Delegate Kaipat: Can I continue please?

Delegate Mafnas: No, I want to question you! Mr. President, I want to pose a question to Delegate Kaipat.

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

Delegate Kaipat: I'd like to continue on. I would like to have the questions later.

Delegate Mafnas: Okay.

Delegate Kaipat: Because I think many of these delegates need some simple explanation about abortion. Okay. I would like to repeat again. Abortion means a process of killing human being. It's just as simple as that. Abortion is a process of killing babies. Okay, if you file it, you like to file it, or you like to go against this proposal, vote against it to prevent abortion, then you are very happy about killing people. See? Because abortion means killing babies. It's just like murdering an adult or assassinating the Governor. So, if you vote against this thing or you like to file it, that means you declare in front of the public who are listening at this moment that you, Mr. Mafnas, for example, would like to kill babies. (Laughter) So I would like to continue now. This is very serious. Being a doctor....

Delegate Mafnas: Mr. President, privilege.

President H. Guerrero: State your privilege.

Delegate Mafnas: I don't intend that by filing this is to kill. May I ask you a question? Have you ever abort, perform abortion?

Delegate Kaipat: Only female abort.

Delegate Mafnas: Have you ver performed abortion?

Delegate Kaipat: On medical basis, yes.

Delegate Mafnas: Then you have killed.

Delegate Kaipat: No, no, that's a medical indication. If your wife is bleeding to death....

Delegate Mafnas: I don't care how you look at it.

Delegate Kaipat: That's a medical indication.

Delegate Mafnas: The Ten Commandments, one of the Ten Commandments says, thou shall not kill.

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Acting Floor Leader Mendiola: Order!

Delegate Kaipat: If your wife comes in and she is bleeding to death and the only thing to do is to abort; in other words, remove part of the placenta that is still attached. This is the thing that you don't understand.

Delegate Mafnas: The Ten Commandments does not say that.

Delegate Kaipat: The Ten Commandments says, save the life of human beings. When your wife comes in with the baby out and a piece of the placenta is still attached, she would bleed and bleed and die. The only way to save her is to go in and do delutation and curatage to remove that part or the fraction of placenta that is still attached to save her and then give her some blood to save her. That is a medical abortion.

Delegate Villanueva: Point of information.

Delegate Kaipat: That's the difference between the abortion on demand and medical abortion. Medical abortion is a treatment to save the life of the mother. Abortion on demand means somebody just walked into your office and said, take off the baby. See? That's the difference. I'm concerned because you people probably don't understand the difference between these two. Abortion on demand is about 90 percent of abortion today. Medical abortion is about 10 percent as a life-saving for the mother. As I mentioned earlier that if your wife walks into the Out Patient Department and is bleeding vaginally and her blood pressure is zero over zero and she says, I am blacking out, I cannot feel anything. The only emergency treatment is to go in and remove the piece of placenta that is causing the bleeding, give her blood and she will survive. Now, if you said, the Ten Commandments say so that you don't remove that placenta, she will go only one way. She will not live; she will be dead. So that's why I said the wording in this proposal would be to prevent, to take off, to do abortion for medical purpose only. In other words, when your wife comes in bleeding to death, blood pressure is zero over zero, she's in shock and she needs blood, she has hypocalcemia and doctors only know that her survival would be removal of the fragment of placenta that is still attached and to give her some blood to survive. This is a medical abortion. I had been doing that for years. That's a normal type of abortion.

Delegate Villanueva: Point of information, Mr. President.

Delegate Kaipat: When we talk about the abortion on demand, it means one young girl just walks into your office, three months pregnant and says, doc, remove the baby. It takes only about ten minutes to remove that. I've never done that kind of abortion in my life. And I will never do it. So this is the difference, gentlemen.

Delegate Villanueva: Point of information, Delegate Kaipat.

President H. Guerrero: State your point.

Delegate Villanueva: I asked Delegate Kaipat to explain some of these things because I don't understand them. And what he did is accused us of favoring the killing of babies.

Delegate Kaipat: That's the definition of it. If you favor abortion, see....

Delegate Villanueva: We are not favoring abortion; we are filing this because we are not in favor of....

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Delegate Kaipat: It's the same thing. Filing means you take it off from the thing that we are supposed to do.

Delegate Villanueva: What I'm asking is for your guidance because you are a doctor.

Delegate Kaipat: And that's exactly what I am doing here. You don't listen.

Delegate Villanueva: But you are accusing us of killing babies.

Delegate Kaipat: No, I'm not accusing anybody. I'm just saying the definition. Whoever refuses to have the law against abortion means he is very happy to see a dead baby, killing babies. That's the meaning behind this thing. If you want to have a law against killing babies, then you are with everybody. But if you don't want to have this law written down so they would not perform this kind of abortion, then you are anti-killing the baby.

Delegate King: Point of information, Mr. President.

President H. Guerrero: Delegate King?

Delegate King: As a real Catholic, I'm going to stand before the Convention to defend the interest of Bishop Camacho.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: I wanted Dr. Kaipat to explain these things so you know....

Delegate Kaipat: I'm explaining.

Delegate Villanueva: But I would like to request, please, you know, to not to accuse because you are naming delegates who are opposing this amendment.

President H. Guerrero: Delegate Kaipat, can you at least refrain from making other judgment?

Delegate Villanueva: We want explanation.

Delegate Kaipat: Now you know the definition of abortion?

Delegate Mafnas: I know, Mr. President, the definition. But you specifically said for example Delegate Mafnas. Don't you know what's filing?

Delegate Kaipat: Well, you are the one that is trying to file this.

Delegate Mafnas: So what, that's my privilege.

Delegate Kaipat: If you keep this paper which is a very important piece of paper. So what? What do you mean so what -- what?

Delegate Mafnas: It's my privilege to move to file it. You cannot stop me.

Delegate Kaipat: So I think you are wrong. You are very wrong, gentleman. I'm just telling you that this is a very wrong move.

Delegate King: Order!

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President H. Guerrero: Please, when we are addressing the Convention, at least, Delegate Kaipat, can you refrain from making any accusation to any member? We are making debates on this one so it should be addressed to all members of the Convention, please.

Delegate Kaipat: Mr. President, from the beginning of this Convention, people have been naming people. And I don't know why you are naming me as the only one accusing. And I'm not accusing anybody. I mentioned Mafnas' name because he is the one that is suggesting or making a motion on filing this very important proposal. I'm not supporting abortion because of any religious group or so. I'm a doctor and I know what's the meaning behind this. If we don't have law on abortion to control abortion, you will see many consequences will arise out of these things. Aside from medical consequences, there were many other consequences. One of the most serious consequences medically, if we don't stop this abortion without medical reason, we will be dead. Somebody will die eventually. So I'm just explaining. First, I said the baby don't stay in the stomach, they are staying in uterus. And I've described the killing of the babies which means abortion. Abortion means killing of the small babies. A medically this killing of the baby varies from one month to nine months. As I said, the early three months is abortion, the second, the first six months is miscarriage and the last three months is premature induction of labor or premature delivery. So the problem in front of us is that we don't have the law about to prevent people from doing abortion. All of these doctors in the hospital have been doing medical type of abortion, the one I described earlier. When somebody comes in in shock and the only way to do is to remove the rest of the product of pregnancy, the fragment that is still retained that is causing the bleeding and the patient is in shock, you do the medical abortion. You remove that piece that is causing the bleeding and then give some medicine to stop it and give some blood to keep the mother alive. The baby is already dead anyway. That's the medical abortion. Okay, the reason I'm quite against filing it and giving it to the Legislature's hand again is because since last abortion law we had in the Trust Territory Code, seven years ago and after seven years of being in the Legislature's hand, there is still no abortion law today. There is no abortion law. So after seven years of sitting in the Congress and we are going to remove, take this back to the Congress again to make it the eight year. Do you people know that there was a law during the Trust Territory time? But after we went into the Commonwealth, the law stopped? And even today we still don't have any abortion law. And this is why I think it is very serious that we must come up. I don't want to take this back again into those people that never enacted law for the past seven years. I want this thing to -- people to initiate things, at least put down the language in our Constitution. And then from there on they can tell the Congress to start moving tomorrow. Thank you, Mr. President.

President H. Guerrero: Let me call the next one, Delegate Igitol.

Delegate Igitol: Mr. President, I'm just wondering because there is one legal opinion regarding this proposal and the legal opinion stated that if we have to put this in the Constitution, it's in violation of Article I. I just wonder if the committee looked into that legal opinion and what is the recommendation.

President H. Guerrero: Delegate King, would you like to answer that?

Delegate King: Yes, Mr. President. The committee looked into the legal opinion and also the written testimonies that were submitted by the witnesses both from the professional doctors and the religious leaders and also the concerned citizens. And after looking at it -- I believe that everybody read

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also the newspaper concerning President Reagan trying to ask the Supreme Court to review again their decision because I believe that even President Reagan is not satisfied with the Supreme Court's decision. Mr. President, I don't think that we should stand firmly because the U.S. Constitution says so. We have been in the world and in this place and we never have this U.S. Constitution because we stand to believe on our own, as Catholic; we believe on the Ten Commandments. And because we have this amendment from the United States, we started to get away from our believe on the Ten Commandments and started to believe on democracy which sometimes the democracy is not really the true feeling of the people because it's just the feeling of the majority. And if the majority of the Northern Marianas is Catholic then the Supreme Court must respect us because that is our religion. Let's put in our Constitution that we believe by not having abortion or uncontrolled abortion in the CNMI. As I stated earlier that if we allow uncontrolled abortion in the Northern Mariana it seems that we are encouraging our women to perform the killing process before giving birth because the Supreme Court tells you to do so. And if you do it after birth, then you are going to be charged criminal. So I would like everybody to think as a Catholic. Give the unborn babies the gift of life. They want to see the world as we do. Let the doctors determine whether which side is the perfect decision for them to make, whether to save the life of the mother or the child or the baby. But if you are going to allow it uncontrolled, believe me or not, you are going to have the baby died and perhaps even the mother, both the mother and the baby are going to die. So by controlling it, we are putting it into a very significant process of determining whether or not the mother or the baby is going to live. So this is it. We are not entirely prohibiting abortion, but we should control it. Let's not have our children stand in front of us and tell us that you should not tell me what to do because this is what the Supreme Court says that I could do it. As a Catholic, we should control our children but not standing before us, before the parents and try to dictate us because that's the Fourteenth Amendment or that's the amendment of the United States. We should try to educate them also as a Catholic because we have been in this world long time without any Constitution and we don't have these kinds of problems because we make them believe that killing is murder and killing is against the Ten Commandments. And I repeat again, I will stand before the delegates in this Convention to defend Bishop Camacho. Thank you.

President H. Guerrero: Let me call, the next one in my list is Delegate Torres and then Delegate Villagomez.

Delegate Torres: Thank you, Mr. President. I want to deal with this academically. I believe that abortion is not new. Abortion has been performed since the early biblical times. I don't think we can truly make an experiment on the negative and positive effects of abortion. Perhaps we can look at the psychological effect of it. And I'm not convinced that we need to study this thing because it's a moral issue. Moral issues make people emotional and we will never get anywhere. I look at this issue as I look at women's affairs. I don't think we need too much study on that. I think I'm convinced that it may be okay, it wouldn't do any harm except to put a burden on the budget. That's all. Now, in the event as I'm sure all of us are conscious that there is a move in the United States initiated by President Reagan to ask the Supreme Court to reverse its decision which is highly unusual. In the event that the abortion law is declared unconstitutional, there is no reason that the Legislature can also reverse itself; they can. And it's provided for in Article XVIII, Section 3. The Legislature can by legislative initiative just remove this from the Constitution. I, for one, have determined or have made my decision and this is again moral, a moral decision that I don't think



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tion is right and I'm using the term "right" consciously because it's  
ymental. The Legislature should provide for abortion for medical reasons  
the even that the mother's health is jeopardized or endangered, in the  
nt that it has been medically determined that the unborn fetus could be  
arded if brought to earth. As I said this is a moral issue and I stand to  
port this. I think the Legislature can undo what it will have done with  
s if in the event that the United States Supreme Court reverse its decision  
ch again is kind of unusual. Thank you.

egate Villagomez: Thank you, Mr. President. The motion is to file and the  
son given is that this should be given to the Legislature for extensive  
dy and consideration.

egate Mafnas: Point of information, if I may, is that I am not ready to  
ide whether to prohibit it in the Constitution as reported by the commit-  
e. I am not ready to decide. That was my reason for filing it.

egate Villagomez: The problem we have there is that we have until tomorrow  
decide.

egate Mafnas: Precisely.

egate Villagomez: So, if you don't decide, you don't vote.

egate Mafnas: Right. I cannot vote because of the complexity of the issue

egate Villagomez: May I proceed?

esident H. Guerrero: Please.

egate Villagomez: We are not here determining whether abortion is right or  
ong, or what kind of abortion should be permitted or what shouldn't be  
rmitted and the reason is that we are giving that to the Legislature and the  
egislature is going to decide what is going to be permitted and what is going  
to be not permitted. When we had the public hearing on this issue, the Speake  
of the House of Representatives was present and he advised us that there is a  
ll, an extensive bill in the subject matter of abortion that is being pro-  
essed now and he is confident that it will be passed shortly. This proposed  
endment will not get to the public until November 1. And one of the things  
at the committee considered is that aspect of the public hearing that by  
ne time this gets to the public, there will be a law setting forth what is  
ermissible and what is not permissible under abortion. And that would, I  
nderstand that this is a general term to just prohibit. But by giving it to  
he Legislature and by the Legislature coming up with the specifics, it may  
omply with the restriction or requirements based by the U.S. Constitution.  
nd precisely what we are doing here is giving, actually forcing the Legisla-  
ure to come up with a law that would set forth the conditions under which  
bortion may be permissible. If we don't do this, the Legislature may sit  
ack and not do anything. I specifically asked the Speaker, why haven't you  
cted? He said, we've been very busy in the last two, three weeks with the  
mergency and things like that. I said, we've been here for seven years, why  
haven't you acted in the last seven years? And he didn't have any clear  
nswer, but he wanted to emphasize that they are working on it now. And so by  
giving it to the Legislature and not deciding in the Constitution what abortio  
is prohibited or allowed, we are doing precisely what Delegate Mafnas would  
like to do. And that is to give it to the Legislature, let them do the  
extensive research and let them decide what abortion is to be permitted. And

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will not favor filing for that reason and I will favor the general state-  
prohibiting abortion unless provided by the Legislature. Thank you.

President H. Guerrero: Delegate Inos?

Delegate Inos: Thank you, Mr. President. It seems very ironic that we should  
discussing this issue and that only men are speaking on this particular  
issue. Only men are speaking on this particular issue which does not have  
direct affect on them. It might have an indirect affect. I have a concern on  
the report itself and for this reason that I am following along with Delegate  
Inos' intent. First, in the report we said it is immoral. I cannot see  
myself legislating or putting in the Constitution morality because this is up  
to an individual person to decide for himself or herself. No. 2, it can become  
a matter of convenience to protect undisciplined lifestyle. I am not the one,  
I am not a person to judge anybody's lifestyle. Three, it can be construed as  
murder. You're saying it can be construed as murder, you are not saying that  
it is murder. No. 4, it violates the sanctity of life. For all these four  
reasons, I'm refusing to accept this committee recommendation to make a judg-  
ment on this particular issue. In the text itself, on the committee recommen-  
dation itself, the committee stated the abortion of the unborn child. Are we  
saying that that is a child in the definition because I am curious about this  
particular issue. I have a definition here which states that abortion is the  
expulsion of a fetus from the uterus before it is capable of carrying on its  
own life. Fetus, therefore, is described in the stages of pregnancy from four  
months on to the ninth month. And the first to the third month is embryo and  
therefore, in my reading it did not tell me or it did not dictate to me that  
this is a child that we are talking about. On the definition itself, capable  
of carrying on its own life, I asked myself two questions, or I stated for my-  
self for clarity purposes maybe, one, maybe it doesn't have life yet because  
it is saying here that it is before it is capable of carrying on its own life.  
The second thing that came to my mind is, it has to be detached from the  
mother's womb before it has life. And so we are making a general statement in  
the committee recommendation that it is already a child in there. As a faith-  
ful Catholic, I sat down this morning in the church....

Delegate King: Question, May I pose a question to Delegate Inos?

President H. Guerrero: Delegate Inos, are you willing to respond?

Delegate Inos: Can I complete my statements before I forget?

Delegate King: I cannot hold my question. I like to express it out.

President H. Guerrero: She has that right, right now, Delegate King.

Delegate King: So may I ask the question later on?

President H. Guerrero: Yes, when she's finished.

Delegate Inos: Yes, you may.

Delegate King: Thank you.

Delegate Inos: As a faithful Catholic, I sat down this morning at the seven  
o'clock mass at Tanapag. And during the thirty-minute sermon, I sat and  
listened to the anti-abortion letter from the Bishop. And I know I am a  
Catholic, I know the teachings of my faith. And if we are truly Catholic, if

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as a Catholic I truly abide with the faith, I know what I must do and I know within my religion what I mustn't do as a Catholic. It is for many other reasons that I feel that it is very improper for me to sit in this Convention and try and dictate lives of others. And it is for this reason that if we bring this out to the floor that I will not be making any judgment, whether to say "yes" or "no" to this particular issue. Thank you.

President H. Guerrero: Delegate King?

Delegate King: Yes, I'd like to pose the question out to Delegate Inos. Do you have children now?

Delegate Inos: Do I have to answer his questions?

President H. Guerrero: You don't have to, if you don't want to.

Delegate King: Okay, another question, Mr. President. I just want to, I hope that she wants to answer this. If you have three months pregnancy and you went to the doctor and the doctor said that you are going to have a baby. How do you feel?

President H. Guerrero: Do you want to answer that, Delegate Inos?

Delegate Inos: I'm not going to answer.

Delegate King: So, I would like to express my sincere feeling that Delegate Inos perhaps is not a real mother.

President H. Guerrero: I have to rule also that personal questions are out of order, Delegate King.

Delegate Torres: Point of information.

Delegate King: Mr. President, I think that we should come up with, you know, personal or whatever, we are dealing here with something that is very controversial issue.

President H. Guerrero: That's true.

Delegate Inos: Mr. President.

President H. Guerrero: Delegate Inos?

Delegate Inos: I don't think that Mr. King should be making judgment on this particular issue based on my answer as a person.

Delegate Torres: Point of information, Mr. President.

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

Delegate Torres: Yes, I just want to agree with Delegate Inos that this may be a moral issue but it is a public concern since it is the taxpayers money that will be used to perform the abortion. In addition, it is like saying that it is okay to license prostitution and pornography because it is a moral issue to decide whether or not to abuse and misuse your body. But we have to consider the harm to the public on these issues. Thank you.

President H. Guerrero: Delegate Nabors?

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Delegate Nabors: Thank you, Mr. President. Very short. I don't intend to try and sway anyone's opinion. I simply want the record to show that I support a provision in the Constitution that would prohibit the use of public funds, public facilities for abortion, unless that abortion is necessary to protect the life of the mother or it results from an unconsensual pregnancy through rape or incest. I am very happy that my mother decided not to have abortion when I was in the uterus. Thank you, Mr. President.

Delegate Mendiola: I move to end debate, Mr. President.

President H. Guerrero: Let me recognize Delegate Ogumoro.

Delegate Ogumoro: I have a question on the committee recommendation. I have some problems with line 5 of the committee recommendation saying that abortion is prohibited except as provided by law. Now, from today until the day that this is ratified, are we saying that if abortion is performed to protect the mother's life that that is -- where does that stand? Perhaps today until then that type of abortion can still be performed. But what happen from the time the constitutional amendment, the proposed amendment is ratified until the time that the law is enacted? According to the language of the amendment, would abortion to protect the mother's life be considered a criminal or unconstitutional?

President H. Guerrero: Delegate Villagomez?

Delegate Villagomez: The committee considered that. If the Legislature does not do anything to enact a law setting forth the conditions under which abortion may be performed, after the constitutional amendment comes into effect, then any abortion for any reason would be contrary to the Constitution. The reason that we asked the Speaker to come to the public hearing is because we are greatly concerned about that. And the Speaker indicated that by November there will be a law on abortion setting forth the conditions under which abortion will be prohibited. That was taken into consideration. The other consideration is, if we have this in the Constitution, the Legislature will act because the Legislature knows that if it doesn't act, we may have problems in the Commonwealth. And this is one way of forcing the Legislature to do something which they should have done years ago.

Delegate Ogumoro: I have a problem and I think between now and the time that we are going to take action on this measure that we should make an amendment to incorporate those conditions that we will be making as exceptions under the law. Otherwise, we are going to be charging either the doctor or the....

Delegate Mafnas: Point of order.

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

Delegate Mafnas: The motion is to file and she going beyond the committee's report by suggesting that additions be included in the committee's report or in the proposed amendment.

Delegate Ogumoro: I think I'm still in order. The question that I'm posing is relevant. That could give me further reasons, or that could guide me as to whether we should file it or not.

Delegate Mafnas: Mr. President, the motion is to file; she is suggesting beyond what's in the committee's recommendation. So, the Acting Floor Leader agrees with me.

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Delegate Ogumoro: I'll yield. I will save my questions until we discuss the main motion.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Mr. President, is there any difference between a proposal referring to the Legislature and the word "file"? Any difference? Because I have seen many proposals filed but it never goes to the Legislature. Which is which, because I don't like the word "file". If they specify that this measure or this proposal will be referred to the Congress for further evaluation and fast treatment, then I'll go along with it. But if they say file, that means it is dead. No more oxygen and that means it stops breathing. So there is a difference.

President H. Guerrero: Delegate Mafnas, would you like to redefine what is your definition?

Delegate Mafnas: Yes, Mr. President. I listened during the public hearing and; yes, the Speaker was present and he stated that the Legislature, the House of Representatives is presently working on the legislation relative to abortion.

Delegate Nabors: Question. What about the Senate?

Delegate Mafnas: I don't know about the Senate. I'm talking about the House. That's also one of the reasons why I'm recommending that we file it.

Delegate Ogumoro: I move to end debate.

Delegate Nabors seconded the motion.

President H. Guerrero: Can I just get a clarification? If this is filed, is this part of the proposals that will be sent to the Legislature?

Delegate Mafnas: This will be incorporated perhaps on the resolutions going to the Legislature.

The motion to file Committee Recommendation No. 21 was defeated by a raising of hands vote of        against and        for the motion.

Delegate Nabors: Motion to end debate.

President H. Guerrero: Delegate Mafnas?

Delegate Mafnas: Mr. President, I move to recommit this to the committee.

Delegate Villanueva seconded the motion.

President H. Guerrero: It has been moved and seconded to recommit Committee Recommendation No. 21.

Delegate Mafnas: May I state my reason before we vote? So that we can incorporate this with the resolution going down to the Legislature.

President H. Guerrero: Delegate Kaipat?

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Delegate Kaipat: Mr. President, according to committee recommendation, it's already stated here that this will go down to the Legislature so they can....

Delegate Mafnas: The difference here, Mr. President, is that it will not be in the Constitution. That's the significant difference.

Delegate King: May I express the concern of the committee?

President H. Guerrero: Please.

Delegate King: The committee one hundred percent wants this to be placed in the Constitution.

Delegate Nabors seconded.

President H. Guerrero: Discussions?

There being no further discussion, the motion to recommit Committee Recommendation No. 21 to the committee was defeated by a raising of hands vote of against and for the motion.

Delegate Nabors: Motion.

President H. Guerrero: Delegate Nabors?

Delegate Nabors: Thank you, Mr. President. I move to end debate.

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

President H. Guerrero: We are now voting on Committee Recommendation No. 21. Delegate Nabors, can you take the roll call?

Secretary Nabors called the roll, and the motion to adopt Committee Recommendation No. 21 on Second and Final Reading was voted on as follows:

YES: Delegates David Cing, Lorenzo DL. Guerrero, Alonzo Igisomar, Benusto Kaipat, Esteven King, Luis Limes, James Mendiola, Paul Manglona, Aniceto Mundo, William Nabors, Felicidad Ogumoro, Karl Reyes, Joaquin Tenorio, Francisco Tomokane, William Torres, Ramon Villagome and Vincent Calvo. (17 votes)

NO: Delegates Herman T. Guerrero, Jesus Mafnas, David Igitol and Rita Inos. (4 votes)

ABSTAIN: Delegate Ignacio Villanueva. (1 vote)

ABSENT: Delegates Juan Lizama and Maria Pangelinan.

And the motion was carried.

Secretary Nabors: Mr. President, I have 17 affirmative votes, I have four negative votes, I have one abstention and two absences.

President H. Guerrero: Committee Recommendation 21 passed by 18 votes. Yes, Delegate Villanueva?

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Delegate Villanueva: Mr. President, I didn't vote on the committee recommendation for one reason. If this is passed by the Convention and it is ratified by the people and there is no law, provided by law for abortion, there cannot be an abortion and this is why I didn't vote for this.

President H. Guerrero: Does this mean not even for medical reason?

Delegate Mafnas: Including medical reasons.

Delegate Villanueva: If it's going to say prohibited as provided by law.

Delegate Nabors: The Attorney General will have to prosecute the doctors.

Delegate Villanueva: This is the only reason why I am not voting on this.

President H. Guerrero: Is that correct, Mr. Attorney General, in the absence of a law?

Attorney General Kosack: If this passes by vote of ratification and there is a lapse of time for the Legislature to provide exceptions to it, during that lapse of time there will be no abortions, not even with medical indication.

Delegate Villagomez: I have a question for the Attorney General. If during that time, let's say a period of two weeks or whatever period of time, somebody performs an abortion for medical reason in the hospital, what can the Office of the Attorney General do to prosecute if there is no law setting forth the criminality of the act or the punishment.

Attorney General Kosack: I'm sure you know the answer because you are suggesting to state which is that. While we in our constitutional act to perform an abortion, it would not be a criminal act in the absence of a positive law or legislation which says that it is a criminal act to committing abortion. In the copy of the Criminal Act, the Legislature can do that. So while no abortions can be performed constitutionally, the doctor at the hospital, if they have ever performed one, they would not be subjected to criminal penalty. However they could be subjected to criminal penalties depending if any taxpayer sues for an injunction against Dr. Torres Hospital to enforce the Constitution to prohibit the performing of abortion. If they do file such a suit and an abortion is performed, then they will be for contempt of court....

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: I'd like to question the Attorney General one question, a medical question on abortion. Being a doctor and, say, I stand on duty, then about two o'clock in the morning a woman come in with severe vaginal bleeding. She is about two months pregnancy and that she give me history of passing large amount of clots at home and possibly maybe a piece of some placenta tissue. And examining her, she is in blood pressure zero over zero, looks pale, cold-climate skin, and she is indicating that she is beginning to see the dark which means early shock. Now, knowing that this lady will die if I don't remove the small piece that is still attached in the uterus, can I stand side and say, well, even the medical reason, until the Congress makes law in November about abortion, then I'll touch this lady knowing that within 45 minutes she is going to be dead without blood transfusion and emergency D&C in the next thirty minutes. Will I be put in jail for not touching her because of this reason, because no medical D&C?

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Attorney General Kosack: There are three separate questions you have posed to me. One is a medical question, the other is a moral question and the other is a legal question. As a medical matter, it seems to me that as a doctor you might have to undertake certain procedures to save the life of a woman. As a moral question, that's one you are going to have to answer yourself versus the life of the mother versus that of the fetus. As a legal question which is the only area I can give you any professional answer at. As a legal matter, with what you just passed in the absence of legislation providing exceptions, you would be violating the Constitution in performing that abortion even if it is for the purpose of saving her life. You would not go to jail because there's no criminal law prohibiting abortions yet, however, if a taxpayer filed suit, probably any resident filed suit against the hospital to prevent abortion or against all the doctors and you had notice of that injunction accorded, entered an injunction, if you were under those circumstances which is a very possible scenario if there is a very strong anti-abortion group on island that wants to do that, then you would be facing jail. You would be facing contempt of court for performing abortion. It will be up to the judge however, thus one last factor in, to decide how he wants to punish you for contempt of court under those circumstances. He doesn't have to send you to jail and he may in his own discretion determine that he does not want to because he may agree with your moral and ethical decision.

Delegate Kaipat: Thank you.

President H. Guerrero: Delegate Torres?

Delegate Torres: One question. Since some delegates, and I agree with them that this is a moral issue, well, don't you think that this is a public, a legitimate public concern in view of the fact that it is the taxpayer's money that will be used to perform the abortion? And also as it relates to other forms of victimless crimes such as prostitution.

Attorney General Kosack: Okay, what you are asking me is strictly a legal question. Is abortion, even though a moral issue also a public issue, and the answer is I think yes, it is, and it is an issue which the Legislature can legitimately address and can even address within the confines of the Constitution. The second question you asked me, is it a taxpayer's issue? I want you to recognize that what you've done is going beyond the taxpayer issue. It is a taxpayer issue to the extent that abortions are performed using governmental facilities, as Delegate Nabors' proposal was seemed to be aimed at that. However, you prohibited all abortions and it's entirely possible that a doctor could set up his own clinic on island or that FHP from Guam could come over and set up a clinic and it would not be using taxpayer's money. So the prohibition you've enacted is much broader than one which deals with the expenditure of public money.

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

Delegate Cing: Yes. I'd like to pose this question to the AG. What happens if a woman come in, like Dr. Kaipat stated, and Dr. Kaipat refuse to treat the woman? What will happen? Is there any charge against him for refusing to save the life of this woman?

Attorney General Kosack: Well, you might be asking the \$64 question because it depends, first of all, on whether or not women have constitutional right to abortions. The action you've undertaken is one which is in contradiction to legal opinion which is rendered by the Governor's Legal Counsel. That legal



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s that in the case of *Roe v. Wade*, the court has held, the court held that there is constitutional right for a woman to make during the first trimester. And during the second trimester she along with her physician to make a choice when medically necessary true that she does have a constitutional right and under the Constitution and the local Constitution prohibits abortion and refuses to perform an abortion, I believe the doctor would be subject to suit under Section 1983 of Title 42 of the United States Code for lawsuits for deprivation of civil rights and awards of damages and cost of suit as well to the party which sues. I think we discussed this earlier in the Constitutional Convention. And so the doctor or government would become liable and possibly for wrongful death and wrongful life depending on whether or not the child is born or not the mother dies.

Sen. Guerrero: Can I have a question? If this is challenged in court, would it be unconstitutional? If a woman decides that she has a right guaranteed under the Constitution and probably under Section 10 of Article I of our Constitution, would this stand?

General Kosack: I think that, I want to preface that for saying one thing which is I don't express any opinion at this point in time of how I feel or how I officially see the abortion issue. I'm not expressing my opinion. I'm giving you a legal opinion. And I believe as a legal matter the opinion that was rendered to you by Dave Price is absolutely correct and without doubt. United States Supreme Court has been extremely clear in case law on this. That being the case your prohibition of abortion in the event of any legislation establishing the exceptions which are recognized by the United States Supreme Court would be unconstitutional under the United States Constitution.

Sen. Guerrero: Delegate Mendiola?

Delegate Mendiola: Just to Attorney General. How about taking into consideration the custom and culture and religions of the Northern Marianas?

Attorney General Kosack: It would be no, there would be no, I don't see any possible exception under the abortion issue. The court has pretty much indicated that the will of the majority cannot be imposed upon the minority and that even though you may have a strong custom and culture there may be people within this population who do not share that custom and culture, who may not be in that religion, whose decisions and personal choice you are restricting.

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

Delegate Reyes: No.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: If the Legislature makes an exception which is within the U.S. Constitution, then there is no problem with this amendment.

Attorney General Kosack: I won't say there's no problem but I think I could, in a very good conscience go before the court and try to defend it.

Delegate Manglona: I mean, that will not go against the Constitution of the United States if the Legislature makes exceptions which will meet the....

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Attorney General Kosack: If the Legislature makes the exceptions which means to testify in the United States, I think we would have a good case. I don't want to say that there is no problem, I think that we would have a good case.

President H. Guerrero: Delegate Calvo?

Delegate Calvo: Thank you, Mr. President. Rex, if we are concerned about the time lapse if this ever get or if it's ratified in November and what happens after the ratification and in the absence of a legislation law? With this regards, can we not see that the intention of the Convention is clearly indicated here that we are prohibiting but to the extent that a legislation shall be made to address when and what type of abortion shall be conducted? Can we have that on record and shall safeguard the continuity of medical reasons for such affair?

Attorney General Kosack: If you are saying to me, is it sufficient that you give a clear expression of the intent today after what exceptions you would like in the absence of putting those actually into your recommendation, no. I don't think it's sufficient enough. I do think, however, along the line of what you are indicating that I suspect this is a controversial enough issue that the Legislature, one way or another, is going to become aware of this problem that we are discussing right now and might be prompted to act. But in absence of them acting, those exceptions will not exist.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you.

President H. Guerrero: Delegate King?

Delegate King: I just like to pose one question to the AG. Is the language now that we just adopted to be placed in the Constitution, on your own legal opinion, is it acceptable, or is it good?

Attorney General Kosack: Well, I think I've indicated already that I feel it is unconstitutional. In the absence of further legislation providing for, you know, you need further legislation that allows a woman to make her own choice during the first trimester and then to make a choice in conjunction with her physician during the second and third trimesters under certain circumstances. With legislation like that, you probably are okay. But without that legislation, what you have right now is unconstitutional.

Delegate King: Point of information to the delegates. The Speaker of the House assured, he made the assurance that the bill is going to be passed into law before November. So they serious talk it under consideration to make the into law.

President H. Guerrero: Thank you, Mr. Kosack. We are now into the Introduction of Resolutions and Referrals. Oh, 16? What is 16?

Delegate Nabors: That was brought up yesterday and was not voted on. Mr. President, I would like to inquire whether or not my delegates are willing to grant unanimous consent to reconsider a proposed constitutional amendment in Committee Recommendation No. 16 which addresses the ratification process currently under Article XVIII, Section 5(a): "The Legislature shall call for ratification at the next regular general election." And this proposed committee recommendation would give them the flexibility of passing a legislation to

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provide for special election. For instance, in the event that Con Con III is held in an off election year, they will have the option of making a special election for the consideration of any amendments as soon as the Constitutional Convention is finished rather than waiting another year for the regular general election.

Delegate Mafnas: I have no objection if we are not going to spend four hours debating it.

President H. Guerrero: Is there unanimous consent to suspend the Rules to consider this? It was defeated yesterday but he's asking for unanimous consent for its reconsideration. Committee Recommendation No. 16, for the information of the members.

Delegate Villagomez: Committee Recommendation No. 16?

President H. Guerrero: Yes. Somebody gave a notice two days ago, three days ago to reconsider it and it was defeated last night. Again, he asking for a consent for reconsideration.

Delegate Torres: Mr. President?

President H. Guerrero: Yes.

Delegate Torres: Could Colleague Nabors briefly explain the reason behind it?

Delegate Nabors: Thank you, Mr. President. As presently worded, the provision is unclear. The Constitution is unclear as to whether the Legislature could postpone ratification for more than two years. That is past more than one general election. Another potential problem is raised when an amendment by popular initiative is certified only shortly before the general election and the Legislature is unable or failed to enact legislation or postponed the ratification to a later date. The proposal that I would like to bring forth is a proposed amendment to the Constitution shall be submitted to the voters for ratification at the next general election that is held at least 60 days after the amendment is proposed or at a special election established by law. Currently, it is permissive.

President H. Guerrero: Delegate King?

Delegate King: Mr. President, I believe it is not necessary to be placed in the Constitution because if the Legislature is going to come up with the law before the ten years for next constitutional amendment, I believe that they will put it in the law, in the statute when they are going to have or when the people is going to ratify the amendment. So I believe it is very understood that it is not necessary because we will go over with the law, the bill before they are going to pass it into law.

President H. Guerrero: So is your statement an objection?

Delegate King: Yes.

President H. Guerrero: Delegate Nabors, your request for consideration cannot be entertained.

Delegate Nabors: Thank you, Mr. President.

President H. Guerrero: Delegate Guerrero?

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Delegate DL. Guerrero: Just before we go down to the next order of business, I would also like to ask the unanimous consent of the Convention to allow the committee to recommend or to introduce one of the committee's recommendations which we feel is important at least for First Reading in this Convention. And the reason behind the delay of this particular issue is because of the extensive research that we made on this recommendation.

Delegate King: Mr. President, can I get a clarification from you? Did you state out that this recommendation was defeated?

President H. Guerrero: The request for unanimous consent to suspend the Rules to recall Committee Recommendation No. 16, since you objected, it cannot be entertained. And since it requires two days notice, it just can't be entertained. We're finished by tomorrow.

Delegate Manglona: Question. Isn't Delegate Nabors' concern addressed already in the Committee Recommendation No. 16? Delegate Nabors?

Delegate King: Yes, but I believe he forgot.

Delegate Tenorio: I thought, Mr. President, that you stated that Committee Recommendation No. 16 was defeated.

President H. Guerrero: It was yesterday, but he is asking today again for unanimous consent to suspend the Rules to reconsider it.

Delegate Nabors: Mr. President, let's move on to another item.

President H. Guerrero: It's already a dead issue. Let me clarify. It is not defeated. It is the reconsideration of Committee Recommendation 16 that is defeated or was defeated yesterday.

Delegate Nabors: Thank you.

President H. Guerrero: I'm sorry for the confusion. Delegate Guerrero has the floor. Is there unanimous consent to suspend the Rules so we can go back to Committee Recommendations?

Delegate Mafnas: Question.

Delegate DL. Guerrero: I just want to go back to Item (G), Mr. President, as per your instruction.

Delegate Mafnas: Before I consent, was that report prepared while you were not here?

Delegate DL. Guerrero: It is the report of the committee.

Delegate Mafnas: I have no objection, Mr. President.

President H. Guerrero: Can I ask first, Chairman Guerrero, to go up to (F) first before we touch (g) and submit that for the Chair to accept first before the First Reading is done?

Delegate DL. Guerrero: Well, I'll report it, Mr. President. If it is accepted -- and that's the reason why I'll introduce it for First Reading.

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President H. Guerrero: But can we go up to (F) first before we touch (G) so, for the record, we accept it?

Delegate DL. Guerrero: No objection.

COMMITTEE RECOMMENDATIONS/REPORTS

President H. Guerrero: So, Chairman Guerrero, do you have any committee report?

Chairman DL. Guerrero: Yes, Mr. President. I do have a committee report at this time. I would like to ask the unanimous consent again to accept the report of the Committee on Finance and Other Matters.

Delegate Mafnas: Point of information, Mr. President.

President H. Guerrero: State your point.

Delegate Mafnas: I think the record reflects that Chairman Guerrero stated this morning that your committee does not have any report.

President H. Guerrero: He is retracting it.

Chairman DL. Guerrero: No, I said that I don't have any written report other than the resolutions from the four substantive committees. This afternoon I have the committee's report which is an important report for this Convention.

Delegate Mafnas: Now, it is very clear.

Chairman DL. Guerrero: Now, Mr. President, may I now go down to Item (G)?

President H. Guerrero: First, let me say that the Chair accepts. What is the number of that committee recommendation?

Chairman DL. Guerrero: It was not numbered by the Typing Pool.

President H. Guerrero: Excuse me. Let me just give you a number. Committee Recommendation No. 67. The Chair accepts Committee Recommendation No. 67.

Delegate Mafnas: Question. That report must be very confidential; we don't have copies of it.

President H. Guerrero: Can you read the introduction or the title?

INTRODUCTION, FIRST READING AND REFERRAL OF PROPOSALS

Chairman DL. Guerrero: Thank you very much. "A proposed constitutional amendment to add a new section to Article X to require the Legislature to impose fees on employers for the employment of non-resident workers." Thank you.

President H. Guerrero: Thank you. That is considered First Reading. Are you asking also that it be put under the General Orders?

Chairman DL. Guerrero: I would appreciate, Mr. President, if you can put it under the General Orders of the Day.

Delegate Mafnas: No objection, Mr. President. That's easy to handle.

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President H. Guerrero: Thank you. I understand also that Delegate Torres yesterday asked for unanimous consent to put his Delegate Proposal No. 318 that he introduced yesterday under the General Orders of the Day for today. So let's go down now to Introduction of Resolutions.

Delegate Manglona: Mr. President, before we go there, I just have a point of information.

President H. Guerrero: State your point.

Delegate Manglona: Okay, for the record, on Committee Recommendation No. 16, we give the flexibility there of the ratification of amendments to special election. However, on Article XVIII there are certain provisions there in other subsections which should also as a result of Committee Recommendation No. 16 be amended to be consistent with Committee Recommendation No. 16. I believe this is just a technical matter. But so that we don't have conflicting subsections in the future, I think the Convention should look into this matter. For example, on Section No. 4, subsection (b), there's a sentence there that reads: "The proposed amendments shall be submitted for ratification to the voters at the next regular general election with or without legislative approval." This will be in conflict with Committee Recommendation No. 16 which was passed by this Convention. So, again this is a technical matter which we should just go and change to conform with this committee recommendation.

Delegate Nabors: Point of information, Mr. President.

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

Delegate Nabors: The framers of the First Constitution do not want us to deal with inconsistencies, then let the record show.

Delegate Manglona: In other words, we should deal with it, Delegate Nabors?

President H. Guerrero: Where are you?

Delegate Nabors: There was an objection to dealing with it and I'm content to let the record stand.

President H. Guerrero: Delegate Mendiola?

Delegate Mendiola: I think the Convention itself doesn't want to deal with it. The recommendation was that the reconsideration has been defeated. So, what Delegate Manglona is saying is out of order.

Delegate Manglona: I don't think we need the reconsideration. I'm just saying that since the intent of this Convention is to allow for a ratification of amendment at an election other than regular election, then we should just go through this article and correct those areas where it does not allow for a special election. So, it's not calling back Committee Recommendation No. 16. It's just a matter of going back to the other sections and be consistent with the intent of this Convention. And I'm just asking everyone here for the approval, for the Chair maybe to be allowed that flexibility and go through those sections to be consistent with the intent of Committee Recommendation No. 16.

President H. Guerrero: I'm sure the Chair doesn't want to without any direc-

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tion. Do you mean you're asking me to make the correction with the new Constitution?

Delegate Manglona: Because we made an amendment to Section 5, I think that other amendments should also be made to the other sections to conform with our amendment to Section 5. That's all, so that we can be consistent in this article. I'm saying this is just a technical matter that we should change in the other sections.

Delegate Mendiola: Mr. President, I think you got a resolution that have to be introduced that will take care of the problem that Delegate Manglona is saying.

President H. Guerrero: Which one are you referring to? No. That is only the Rules of Procedure but not....

Delegate Mendiola: On this resolution that we are addressing his concerned too.

Delegate Villanueva: I oppose that resolution.

President H. Guerrero: Well, let's go on with the Order of Business and when that time comes, we will pick it up. Yes, Delegate Guerrero?

#### INTRODUCTION OF RESOLUTIONS AND REFERRALS

Delegate DL. Guerrero: At this time, I have two resolutions that I'd like to offer, Mr. President. The first resolution, on behalf of the four substantive committees, and this is a resolution submitting to the Northern Marianas Commonwealth Legislature certain delegate proposals which are deemed as appropriate legislative matter and requesting the Legislature for their action thereon. The second resolution is authorizing and directing the President and the Secretary of the Convention to review and approve the summary and verbatim journals. Of course, those are introduced by Delegate Nabors, Delegate Mafnas, and as a whole.

Delegate Mafnas: Thank you, Mr. Secretary.

President H. Guerrero: Can I request someone to read the other resolution?

Delegate Nabors: A resolution to waive all defects as to form and procedure in the adoption of recommendations of the Second Northern Mariana Islands Constitutional Convention.

President H. Guerrero: Delegate Torres?

Delegate Torres: I think I am very concerned about this as well as the other members. Could this be explained or elaborated because I'm not really too sure what this is trying to do?

President H. Guerrero: Basically, it does not -- is it the last resolution you are referring to?

Delegate Torres: Yes.

President H. Guerrero: The resolution itself does not touch the contents of the proposals that have been passed by this Convention. All it does is that

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to protect ourselves in the future that sometimes the Chair or probably other members made a mistake on procedural matter, like sometimes we vote, somebody calls for a previous question or a debate and we're voting already on the substance without anybody realizing what happens. So instead of going back to the journals since we don't have all the journals at this time it's suggested that probably in the best interest so nobody can come back and challenge the adoption of any of the delegate proposals, excuse me, the committee recommendations at a future date on point of technicality, but we are not touching any of the contents as adopted by the members. Is that clear?

Delegate Torres: So I take it to mean that as far as the content is concerned no change.

President H. Guerrero: No change. No change in the content.

Delegate Torres: Right. You will not even make a grammatical correction? Is that -- do I take it to mean that way?

President H. Guerrero: No. Just a minute. Delegate Villagomez?

Delegate Villagomez: If a committee proposal is very extensively discussed and there are motions for amendments and other motions and everything else is done except the adoption of the committee recommendation, under this resolution, does the Chair have the authority to determine that it was adopted based on the other motions and discussions and then make the change to make that committee recommendation be deemed as adopted by the Convention?

President H. Guerrero: Basically, yes.

Delegate Villagomez: I oppose this resolution.

Delegate Mendiola: Mr. President, I think we are under Introduction of Resolutions. Can we reserve the discussion until we get to the proper order?

President H. Guerrero: Okay. We don't have any unfinished business.

#### UNFINISHED BUSINESS

None

#### SPECIAL ORDERS OF THE DAY

President H. Guerrero: Under Special Orders of the Day, Delegate Torres gave a notice and asked for unanimous consent of that one as well as Committee Recommendation 65 for consideration.

Delegate Villanueva: I move for two-minute recess.

Delegate Nabors seconded the motion.

President H. Guerrero: Three minutes recess.

The Convention recessed at 7:04 p.m.

RECESS

The Convention reconvened at 7:10 p.m.



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

Delegate DL. Guerrero: Mr. President, are we still under Introduction of Resolutions? I have two resolutions here that I would like to introduce this evening. The first resolution is expressing appreciation to the Attorney General, Assistant Attorney Generals for the assistance provided to the Convention. The next resolution is a resolution expressing appreciation to the Governor, the Executive Branch Department Heads, the Speaker of the House of Representatives, the President of the Senate for the support provided to the Convention, and they may be introduced by the Committee of the Whole.

President H. Guerrero: Thank you. We are on (K). Yesterday, I forgot to include Committee Recommendation No. 64 in this listing. I was confused. I wrote it down but it was not entertained. There was a move yesterday to ask for unanimous consent to suspend the Rules of Procedure to entertain these four measures today. Can I have a show of hand that does not have any objection, I mean, on Committee Recommendation Nos. 57, 64, 65 and 27?

Delegate Mendiola: I have no objection if we go one by one to ask for unanimous consent. But if all at one time I will object.

President H. Guerrero: Under our procedures, it is not by unanimous consent but by majority votes. Can I get a show of hand so we can entertain 55, 64, 65 and 27? Yes, Delegate Mafnas?

Delegate Mafnas: Mr. President, I was the one who gave notice last night on Committee Recommendation 65 for reconsideration. I appreciate if you will delete that from your list.

President H. President: So are you withdrawing it?

Delegate Mafnas: Yes.

President H. Guerrero: So now they are 55, 64 and 27. Can I have a show of hand for consideration?

Delegate Mendiola: Mr. President, I think nobody asked for reconsideration of No. 27.

President H. Guerrero: Delegate Ogumoro gave that notice yesterday.

Delegate Mendiola: She asked for unanimous consent and I objected yesterday.

President H. Guerrero: She did ask.

Delegate Ogumoro: Yes, and I also gave notice on the suspension of the Rules to consider that.

Delegate Mafnas: She gave notice, I recall.

President H. Guerrero: She did gave notice.

Delegate Ogumoro: May I please explain why I would like that to be reconsidered?

President H. Guerrero: Delegate Ogumoro?

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Delegate Ogumoro: If we maintain the present language of Committee Recommendation No. 27, we are going to, as Delegate Lee always say, disenfranchise not just U.S. citizens, non-Northern Marianas descent but we are also going to take away the voting right of some of our Northern Marianas descent U.S. citizens. So for that reason, I am begging the delegates to please reconsider our decision or to have us reconsider this measure.

Delegate Villagomez: I object and I have a prepared speech to present on the last day of this Convention before we adjourn, setting forth the reasons why it is very important that we maintain the amendment as has been passed on Second Reading.

President H. Guerrero: She gave notice yesterday, so 27, we need a majority vote if it's to be considered. So she's still in order. I mean, in terms of the suspension of Rules to consider this one. So we need to vote on the suspension of Rules whether to entertain this one.

Delegate Mendiola: Under what rule is that, Mr. President?

President H. Guerrero: She gave notice that under Rule 66, she gave a one-day notice to suspend Rule 51(c) yesterday.

Delegate Mendiola: And by suspending that rule, how many votes does it need to suspend the rule? I think it's two-thirds or three-fourths.

President H. Guerrero: I believe it just needs a majority, simple majority vote. Delegate Mafnas?

Delegate Mafnas: Shall we decide whether we should reconsider 57?

President H. Guerrero: Okay.

Delegate Ogumoro: 27.

President H. Guerrero: 57?

Delegate Mafnas: Yes. It is listed on the Special Orders.

Delegate Torres: Mr. President.

President H. Guerrero: Delegate Torres?

Delegate Torres: I believe I was the one who gave notice for reconsideration and at this point I'd like to reiterate that I like women and therefore, I will withdraw that request.

President H. Guerrero: Therefore, we are going to entertain 64. The Chair forgot to include 64 that was moved by Delegate Torres. Would you give your rationale why we should vote to reconsider 64?

Delegate Torres: The only reason that I would like for this to be reconsidered is that I think when we voted on the amendment to the principal proposal, we failed to include representatives of the executive branch and we also failed to include representative of the non-public schools, a student as well as a representative of the Teachers Association at least as non-voting ex officio members of the board. I realized that the board will be elected at large. So that is really my only rationale and at the same time to entertain the idea of

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making the Department of Education or the Elementary/Secondary Education as well as the Institution of Higher Education more independent.

President H. Guerrero: Are you ready to vote?

The motion to recall Committee Recommendation No. 64 for consideration was carried by a raising of hands vote of 10 for and two against the motion.

President H. Guerrero: The motion is carried. Committee Recommendation No. 64 is now ready to be entertained. This is for Second and Final Reading. Delegate Torres?

Delegate Torres: Yes, on the principal proposal, there was an amendment regarding the Board of Education. The only thing that I would like to insert the language that I would like to insert is that "three members shall be appointed by the Governor as ex officio members of the Board of Education. One member from a representative of the non-public schools, one member shall be a student, and one member a representative of the public school teachers."

President H. Guerrero: Are these non-voting members?

Delegate Torres: They are all non-voting ex officio members.

President H. Guerrero: Do you have that down in writing?

Delegate Torres: No, but I could....

Delegate Mafnas: No objection.

President H. Guerrero: Where are you inserting that? Can you repeat your statement again?

Delegate Torres: The amendment that we passed last night regarding the Board of Education, the amendment which Delegate Nabors and I co-sponsored. Could we have a two-minute recess so that we can put it in writing?

Delegate Villanueva: No objection.

President H. Guerrero: Two minutes recess.

The Convention recessed at 7:30 p.m.

RECESS

The Convention reconvened at 7:42 p.m.

President H. Guerrero: The session is called back to order. In view of the lateness of the Convention, we've been going on not even a dinner break and some of the members are tired, it has been suggested to suspend all the orders of the day and go down to either announcements or adjournment until tomorrow, so we can convene tomorrow at nine o'clock.

Acting Floor Leader Mendiola: I so move.

Delegate Mafnas: Mr. President, on miscellaneous before announcements.

Delegate DL. Guerrero: Mr. President, I appreciate the concern, of course,

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about the tiresome of the members of this Convention but I will agree provided that at least please entertain Committee Recommendation No. 67 as First Reading so if we have to kill it tomorrow we can kill it or we can slaughter it the way that Mr. Nabors is just more or less showing this evening.

President H. Guerrero: It will be entertained under the General Orders of the Day tomorrow.

Delegate DL. Guerrero: Yes, but it requires two reading and if we don't take it up today then automatically it will defeat the purpose.

Delegate Mafnas: We will have two readings tomorrow. On miscellaneous, what are we having tomorrow, Mr. President? Tomorrow is the last day. May we celebrate ourselves?

President H. Guerrero: Basically, where we are tomorrow is to finish 64 and 27 if it's decided to vote them and then entertain the delegate proposal that was mentioned by Delegate Torres and Delegate Guerrero under the General Order of the Day. And then after that, we would like to take up the final packaging of the Convention. That's why I would like to meet with the Committee on Organizations and Procedures tomorrow morning to go over the proposals. It has been typed in the final version but in terms of how we are going to package it, we'd like to discuss that tomorrow. And that's about it other than probably somebody recommend that we should have a signing ceremony to sign off on this one and invite the Governor and the Presiding Officers of the Legislature so we can officially at least transmit the English version around seven o'clock. Does anybody have suggestions? Delegate Guerrero?

Delegate DL. Guerrero: Mr. President, since we are completing our Convention assignment tomorrow, and as you just mentioned that there will be a ceremonial more or less for the signing of the Convention or sign off of the Convention, I would like to suggest that perhaps maybe in the evening we should have our own more or less function to have a reception probably and each of the delegates would contribute at least \$20 for this event for tomorrow evening and we can cater it out to some people that could do or cook some food for us as well as some drinks, of course, we can buy.

President H. Guerrero: Yes, that's a good suggestion. And the Chair in terms of going over the Order of Business would like to limit the debate with just one hour for each and not more so we can go with the, if we complete all of it I hope that we complete it before at least late afternoon. Delegate Nabors?

Delegate Nabors: Miscellaneous?

President H. Guerrero: We are still on Miscellaneous.

Delegate Nabors: Thank you. Mr. President, I want to go on record of expressing my displeasure at the fact that the Chief Executive has not provided any reception for this distinguished body either at the opening or at the middle and now we are at the end. And I want the record to show that I consider it in bad taste. Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Mr. President, I was about to say the same thing.

President H. Guerrero: I believe there are some people who have mentioned

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whether they like to conduct something like that but they felt that it might be in bad taste to do it that they might try to convince the delegates, the idea that they might be trying to sway their votes or in terms of other things. So, I don't know about the Governor but I've heard some businessmen talking about it and they decided not to because they don't want to appear that they might be buying votes or something like that.

Delegate Nabors: Call a meeting in Tinian and we will show you hospitality.

President H. Guerrero: Delegate Manglona?

Delegate Manglona: Mr. President, I believe I received a letter from the Governor when I invited him to testify on an issue and that's exactly the point; he does not want to appear like influencing the decisions of the delegates. Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: I would like to ask the President of the First Constitutional Convention what happened at the end of the Convention. Did the people donate \$20 to have a party?

Delegate DL. Guerrero: Yes, in response to that, there was a reception that was held by the Convention and of course other contributions, in kind contributions likewise were received. So at this particular, or the Second Con Con, we know that the fund is very limited and I believe it's a good gesture on our part as members of this Convention that we should at least for ourselves agree of the amount that we should contribute for this function. But that was only a suggestion that \$20 apiece or \$20 per delegate would certainly help the event that we are going to have tomorrow evening.

President H. Guerrero: That's true, we don't have the money. We are not privileged this time around with other money to play with. But if we are on schedule and I ask that members be conscious when they are asking questions tomorrow and write their questions tonight or think about it tonight so we'll be finished with the Order of Business at least. I'd like to finish it at around four o'clock so it gives ample time and either starts at five or six o'clock if we are going to have this function.

Delegate Villanueva: Question, Mr. President.

President H. Guerrero: Delegate Villanueva?

Delegate Villanueva: Would the Governor sponsoring a reception, or any kind of get-together be considered a public purpose since we are discussing public purpose here?

President H. Guerrero: His question is whether if the Governor is providing a reception or something like this, a party, something like that, is that considered a public purpose?

Delegate Igitol: Yes.

President H. Guerrero: Is it?

Delegate Mafnas: Mr. President.

President H. Guerrero: Yes, Delegate Mafnas.

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Delegate Mafnas: The former three delegation chairmen echoed or tried to ask the Governor to provide or have a reception prior to the convening of the Convention and he was kind of reluctant because he didn't want any implication that, you know, he will influence or try to influence the delegates. And I respect him for that. I agreed with him that they will probably imply that that was the intention of the reception. Now, we are coming to the end of the Convention, probably he will be receptive because we will be concluding our decisions on proposals. With respect to the \$20, maybe we should make it \$25 multiply that by 24 members, it will come up to \$700 and chip in and if you can cater it.

Delegate Mendiola: No objection.

President H. Guerrero: If the wishes of the Convention, I can check with the Governor to see whether he wants to host it. Delegate Cing?

Delegate Cing: I would like to mention that I agree with Delegate Mafnas. We can contribute \$25 if we can and this is to share my generosity of this honorarium per diem to my fellow colleagues.

Delegate Mafnas: Are you contributing \$50 then?

President H. Guerrero: Is that agreeable to the members? Yes, Delegate Limes?

Delegate Limes: Mr. President, I hope we are not charging also the staff....

President H. Guerrero: Not only the staff and at least for the media and the assistant counsels.

Delegate Mafnas: We also have nightly observants back here.

Delegate Cing: Let them be our special guests.

(Applause)

President H. Guerrero: So we have something and we have a signing ceremony around seven o'clock. Delegate Villagomez, are you shaking your head?

Delegate Villagomez: No.

President H. Guerrero: So, we'll give the secretaries the time to type everything up by tomorrow and we will just adopt it and have everybody sign off tomorrow night. If no objection, then that's the way we are going to be and we will invite the Presiding Officers of the Legislature and the Governor and the Lt. Governor.

Delegate Mafnas: One last question, if I may?

President H. Guerrero: Yes, Delegate Mafnas.

Delegate Mafnas: Just to satisfy my curiosity and Delegate Villagomez may answer this question. He has been wearing his shades since this morning or rather this afternoon, did he have black eye? What happened? He refused to have eye contact.

President H. Guerrero: It sort of bothers me whole day if I look back.

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Delegate Villagomez: Mr. President, I have three prescription glasses--one dark, one clear, and one in between. (Laughter) One stays in my house, one stays in my car and one stays in my pick-up truck. Over the weekend my truck has been used to take food to the house of the dead relative and somehow my glasses disappeared so I have to use the one from my house.

President H. Guerrero: Delegate Villagomez, I'm not wearing my contact today so I can't see very well back there. But for some reasons, you're wearing dark glasses, sort of I feel rather uncomfortable because I can't see your eyes. (Laughter) And if I didn't see your hand very well when you raised it or anyone back there, I apologize but I'm not wearing my contact. I forgot my contacts this morning. Yes, Delegate Reyes?

Delegate Reyes: Thank you, Mr. President. Although I am very happy that Committee Recommendation No. 19 has been passed, I'd like to apologize to all the delegates for taking altogether an excess of seven hours of debate, but in a way, I'm glad that this is how much time it takes for us to be satisfied with our future economy. Thank you.

Delegate Mafnas: I give notice to recall that.

(Laughter)

Delegate Manglona: Mr. President?

President H. Guerrero: Delegate Manglona.

Delegate Manglona: Yes, along the same line with Delegate Reyes, I have this to say. Certain members of this Convention agreed that if a foreign investor confronts a citizen of the Northern Marianas descent regarding obtaining an interest on his land, especially if land alienation is terminated the person does not have the sophistication to deal with the investor. They worry that the land owner might jump at a deal which his college graduated son might regret later. However, at the same time this certain individuals agreed that at the instant the investor informs the land owner that a condominium is still to be built, the land owner immediately becomes enlightened and becomes sophisticated to be unscrupulous himself. If a condominium is to be built, the land owner becomes an expert in land dealings immediately. We don't have to protect the land owner if it has something to do with condominium. Thank you.

President H. Guerrero: Delegate Torres?

Delegate Torres: Along similar lines, I also want to express my disappointment that while we would like or we would think that we would like to protect our people, we, on the other hand, would like to also not to protect them so that we can gain more profits ourselves. I think this is really bad. I think it's really a mockery of what we've been struggling for to protect ourselves against unscrupulous investors. And I am very disappointed that this thing happen and I hope that history will judge those who are voicing opposition to making the land alienation provision a mockery. Thank you.

President H. Guerrero: Delegate Kaipat?

Delegate Kaipat: Thank you, Mr. President. Probably this will be my last speech. But I would like to state this that from my own observation, I think this body, this Convention had accomplished a lot for the people of the Commonwealth for the past thirty days or so and this will go down in the

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Delegate Igitol: Mr. President, are we making the last speech tonight or tomorrow?

President H. Guerrero: Tomorrow, I assume. I'm trying to get the attention of Delegate Mendiola to move for adjournment.

Acting Floor Leader Mendiola: Mr. President, I'd like to move that we adjourn until tomorrow morning at nine o'clock.

Delegate Mafnas seconded the motion.

President H. Guerrero: Can we go on sharp and not Chamorro time or local time?

Acting Floor Leader Mendiola: Point of information. Tomorrow at eight o'clock because the Committee on Organizations and Procedures is meeting.

President H. Guerrero: The Committee on Organizations and Procedures is meeting at eight o'clock and I ask that if the chairmen are not present, the vice chairmen to please attend.

Delegate Inos: Mr. President, can the Committee on Organizations and Procedures start at seven so we can start at eight?

Delegate Villanueva: No objection.

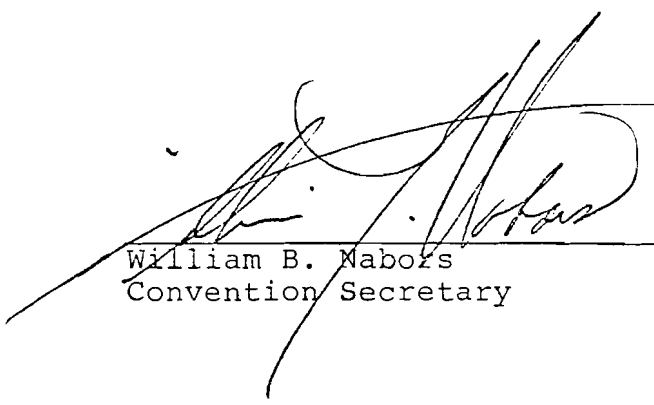
President H. Guerrero: Nine o'clock.

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

The Convention adjourned at 8:02 p.m. and to reconvene at 9:00 a.m., Monday, July 22, 1985.

APPROVED:

Herman T. Guerrero, President  
Northern Marianas Constitutional  
Convention

  
William B. Nabors  
Convention Secretary