

THIRD NORTHERN
MARIANA ISLANDS
CONSTITUTIONAL CONVENTION

DAILY JOURNAL

FIFTY-FOURTH DAY

Friday, July 28, 1995

PRESIDENT GUERRERO: The 54th day of the Third Northern Marianas Constitutional Convention is called to order.

Please stand for a moment of silence.

(A moment of silence was had.)

PRESIDENT GUERRERO: Thank you.

Con-Con clerk, roll call.

(Convention Clerk called the roll).

CONVENTION CLERK: Mr. President, we have 17 members present; ten members absent.

PRESIDENT GUERRERO: Con-Con Clerk, do we have any members from Rota and Tinian present?

CONVENTION CLERK: None, Mr. President.

PRESIDENT GUERRERO: My fellow delegates, it is with regret that I inform you on this 54th day of the Convention that the delegates from Rota and Tinian have decided not to participate in any work of this Convention. You all know that our plenary session was

canceled yesterday afternoon because the delegates on the islands of Rota and Tinian refused to attend the plenary session to discuss the articles that were ready for consideration by the full Convention.

Even though there were no differences among us on any of these articles except for those dealing with local government now we are told that Rota delegates will not return to our duty here at the Convention until we agree to what they want with respect to the local government provisions of our Constitution.

Now we are told that the work of all of us, including delegates from Tinian, Rota and Saipan, must come to a halt until you who are here today agree to the provisions that will endanger the very fabric of our Commonwealth.

What a sad day in the history of this young Commonwealth. What a sad day in the self government that we compromised in the Covenant.

What a sad day for the people of the Northern Marianas that expect their delegates to work in good faith to the conclusion of their assignment so the people can then vote on the proposed amendments to the Constitution.

What a sad day for our fellow delegates from Rota and those participating from Tinian who took the same oath of office that we did and now refuse to honor it.

How did this all come about? We have all known from the beginning that the issue of local government was perhaps the most sensitive political issue before this Convention.

But let us be clear. The dispute is not about local government. It is about whether we are a Commonwealth. It is about whether our governor is the governor of all the islands in the Commonwealth. It is about law enforcement, equity and justice throughout the Commonwealth.

Let me explain. We have an Article 6 in our Constitution. It is called Local Government. It establishes the agencies of local government and the mayor and the municipal council which sets forth their powers.. There is no real dispute in this Convention about Article 6. In fact the Committee on Executive Branch and Local Government has proposed very important amendments to Article 6. These amendments will give new powers to the mayors and the municipal councils over local matters. They continued Commonwealth

funding for local government for Rota and Tinian for years in the future even though most of the taxes are paid by citizens of Saipan.

All the members of this Committee have agreed to this major reform. All the members of the Committee look forward to the day when the islands of Rota and Tinian have real local government.

If this Convention cannot complete its work, then real local government under Article 6 will not be established. Is this the interest of the people of Rota and Tinian? What is the issue then? The issue here is power. What keeps our fellow delegates out of this Convention session is the desire for power over Commonwealth public services and Commonwealth money. What keeps them out of the Convention session is their desire to be the next mayor of Rota. What keeps them out of this Convention is the desire to have full control over all public services, full control over all law enforcement and full control over all Commonwealth money that flows through that island.

This is the issue, as you know. That was the subject of Amendment 25 that was written and supported at the 1985 Convention by the very leaders of Rota who have now walked out of this Convention. This is the

issue that was recently litigated between the governor and Mayor of Rota and resulted in the decision in the case called Inos v. Tenorio.

The delegates in the Convention from Saipan have negotiated in good faith to find a solution to this problem. The Committee was unable to reach a consensus with respect to section 17 of Article 3 which is the Executive Branch which deals with the delivery of Commonwealth services to the separate islands. So the matter was brought to the floor last Monday where it was debated openly and fairly. At the conclusion of the debate the Convention delegates voted 13 to 7 to direct the Committee to work out a proposal that would require a delegation of some Commonwealth public services to the mayors of Rota and Tinian but leave the execution of Commonwealth law and regulations to the governor and department heads. The Committee worked to implement this instruction but, in the Committee, representatives from Rota and Tinian insisted that the Committee reject the direction of the Convention as a whole and accept the proposal that had already been rejected by the majority of the Convention.

The Committee refuses to do that. The Committee did work out a compromise, one that the Rota

delegates supported, but before it could come to the floor yesterday they claimed that they had not agreed to it or that they did not understand it.

That is okay. The Convention is prepared to continue negotiating in an effort to work out a solution, but it takes two to negotiate and the delegates from Rota and Tinian are not here today to participate in such negotiations.

What shall the Convention do? We have three choices. First, we can quit; we can go home. We have done a lot of work. We have proposed substantial amendments to the first articles of our Constitution. This includes placing our Supreme Court in the Constitution and very significant downsizing of our legislature with an increased support for its professional staff. We can be proud of this work when we explain to it the people and ask them to support it with their votes.

Second, we can surrender. We can tell the Rota and Tinian delegates that they are too strong for us to deal with; that they are too smart and skilled for us to negotiate with. So we can agree to an amendment of section 17 that they want no matter what it does to the Commonwealth. If that is what the

people want we can say then let's go ahead and give it to them.

Third, we can continue our work. We can consider the reports of the Committees on all issues except for Article 6 and section 17 of Article 3 and go ahead and vote on them. We can demonstrate in that way to our fellow delegates who are not here and the people of the Northern Marianas that they will all suffer if this Convention cannot complete its work.

We have very important issues ahead of us, issues under Article 10 where we have a very important proposal to reduce the deficits of the Commonwealth; issues under Article 11 where the Convention delegates have labored long and hard to protect the public lands of our community for generations to come; issues under Article 12 where we are near to reaching a compromise that will protect the interests of our people in their precious lands, reduce the threat of litigation, and permit development to go forward. We have provided for disclosure so that landowners get information before they sell and they can get the best price. We have cut off many devices for getting beyond the 55 year term of leases so our children and grandchildren will be assured of getting the land back, and we have provided

that children may inherit family lands no matter what percentage Northern Marianas descent they may be. This will keep family lands in the family, even if the Constitution is not amended again for many decades.

We have also made many other good changes and many more proposed amendments that affect each of us and our families and the promise to make a better Commonwealth. All of the people of the Commonwealth are better off in the future.

We invite our colleagues from Rota and Tinian to come back to the Convention and consider this issue with us. We promise our fellow delegates from Rota and Tinian that we will continue to negotiate with them regarding section 17 about public services. We ask our delegates to put the interests of our Commonwealth ahead of any personal or political goals and help us live up to the hopes and dreams of our founding fathers.

Thank you, and at this time I would like to temporarily appoint Delegate Lifoifoi to be our Floor Leader.

Delegate Villagomez.

DELEGATE VILLAGOMEZ: Mr. President, fellow delegates, I hope you will not rule me out of order,

but I would like to speak with respect to the absence of the Tinian and the Rota delegates.

Would you allow me that, Mr. President?

PRESIDENT GUERRERO: You have the floor.

DELEGATE VILLAGOMEZ: Mr. President, I agree with you that today is a sad day. We are all elected delegates from the Commonwealth. The Rota and the Tinian delegates are elected by the people to come to represent the interests of Rota and Tinian to meet with us in this forum so that we can refine our Constitution to make it more efficient, responsive to the needs of the people and to ensure that the personal rights of the Commonwealth are protected. We have outlined what we have been discussing, what we have passed on second reading. We have many very important articles that need and must be addressed by this Convention.

Mr. President, you have outlined options. I for one will never surrender. As I stated earlier, Mr. President, I am here to compromise. I am willing to compromise. I am here to support and work together with Rota, Tinian and with everyone so that the pending articles are discussed thoroughly and in a diplomatic manner. Unfortunately, when I speak and tell the truth, it is viewed otherwise. It has never been my

intention to cause the walkout of Delegate Benjamin Manglona.

Mr. President, I agree that we should move on and you should also, Mr. President. I urge you to exercise your power under Rule 51 to compel attendance. I also urge you and I ask the delegates that we move on. If they want to challenge us, if they don't want to attend, we should continue. Let them challenge us. In the first place, Public Law 9-18 compels mandatory attendance and we cannot move without them. It is not right. Even the House of Legislature doesn't have that rule. This is a democracy and the minority should never control the wishes of the majority. This is freedom. We don't put up a roadblock to prevent them from coming. I welcome them and if they are listening I beg them to come, but I will not surrender, Mr. President.

I suggest that you issue that subpoena. If they don't come let us urge the Attorney General to prosecute them. Their absence in this chamber today is total irresponsibility. They should quit and let the people there who wish to come to this session.

Mr. President, please allow me to say some more. We have compromised; the people of the

Commonwealth have compromised. They have talked about the great compromise. The negotiation is a great compromise. The bicameral legislation is a great compromise. The bicameral legislature is a great compromise and that is the cause of the spoils system and the concept of protectionism, but we are not here to blame the past. We are here to move forward so that history does not repeat itself; so that the Inos case will never come alive. This is the forum to do it and if Rota and Tinian care about future lawsuits then they must come. They must come to this Convention, Mr. President, and please issue that subpoena and prosecute them, urge the Attorney General to prosecute them; put them in jail for irresponsibility. We are using \$300,000 of the people's money. Are we going to waste it? I am being paid \$100 a day. That money, the \$300,000, could have gone to medical referrals, for scholarships. Our kids are out there are suffering.

Mr. President, I also urge and it is also timely that if we are to move on, I urge Delegate Aldan, Tom Aldan to bring up his rule, amendment to the rules for simple majority. He can bring it up now and I urge the delegates to support it.

Mr. President, if we need more votes, I urge

Donald Mendiola to please come. If we need more votes we can meet at CHC so Delegate Taitano can move with us, function with us; we can move the convention to CHC because he cares to be here, but he is sick.

Mr. President, the local government -- and I commend my colleague, Delegate Felix Nogis, he had the greatest headache of the year, and he carried on with the Convention. But we cannot move on. How can we discuss local government when there are no people from Rota and Tinian? Even the concept of local government, we gave in. We even allowed them -- we are going to allow them if the people ratify Article 6 and Article 3, section 17 -- that there is a grace period. If they want real local government and if we want it we are going to allow it. The central government will finance, will help them until such time that they can be truly local, autonomous and be self-reliant. We are not here to kill them.

Delegate Santos stated her famous quotation. Save us or sink us. We are not going to sink them.

Delegate Hocog said if you don't like our proposal go ahead and butcher it. I am not a butcher. I am here to accommodate. The Saipan delegates are not going to butcher. We are here to offer an instrument,

a political instrument that will ensure local autonomy. Mr. President, I believe in one governor. I believe in the mayor and I believe in the chief executive. We are here to negotiate.

With that, Mr. President, I am sorry that I raised -- the anger, you can see the steam coming out of me, but I am begging. When they come back, I am going to be cool like the good Delegate Camacho said. I am a lover and not a fighter. I am willing to work and I will control myself and you can talk to Ben Aldan here who will ensure that I will control myself and I will act diplomatically because I am a gentleman; I am an elected leader. I am a delegate. So, please let's urge them to come. If they don't come, arrest them.

PRESIDENT GUERRERO: Delegate Villagomez.

I recognize Delegate Camacho and Delegate Seman.

DELEGATE CAMACHO: Thank you, Mr. President.

There is one thing that we are overlooking and that is the underlying cause of the current situation, not necessarily just the issue of local government.

The first thing -- and I have no prepared statement -- the first thing that we have from the

beginning is the leadership.

The second thing is that from the beginning there is the majority and there is the minority, and the majority has all the information or most of it and the minority are kept in the dark until a few minutes before plenary session or before Committee meetings. This kind of behavior leads to trouble, and I alerted some of you, including the legal counsel, that if nothing is done, it will lead to this.

Local government is a controversial issue but it is not the only issue. Article 12 is; Article 11 is; education is. These are relevant and important issues that most of the delegates do not really know or do not get the submittal by many people about relevant points for us to make intelligent decisions.

Mr. President, now it is your turn. Show your leadership as the president because that is what we need right now.

Also, try and be fair to everybody so that everybody has an opportunity to say all of what they want to say, without allowing technicalities to take over. I mentioned this before, that where it is needed, allow everybody to speak as much as they can so that when the time comes they will exhaust all their

concerns and satisfy their minds so that they will be able to make decisions.

This is not being done. In other words, there is no equal treatment of the delegates. Some are allowed to speak; some are not allowed to speak; some are recognized; some are just constantly being bypassed, and this is not good. We have equal rights here. I don't care whether I am the former elected governor. I am a delegate, and I have an equal right to participate in the way I feel is necessary.

Also, and I have asked this before, that every document that enters the Convention should be made available to every delegate. We want a wide coverage of all the issues so that we can have an opportunity to review them and make decisions, not what the legal counsel said to us. We appreciate and we are thankful for the decisions that have been made, but please don't make decisions for us because, you see, we are the ones that will sign the document; we are the ones that will justify it in the future; and we will be the ones who will suffer the consequences as has been happening for the last 20 years. Therefore, we need those documents that we were told are coming in and we are not getting it for us to make intelligent

decisions.

The question of compromise has been brought up. The Convention is not dead yet. There is still opportunity to discuss the issues. The big question is, do we have the leadership ability here in the Con-Con to talk to Tinian and Rota's delegation? Please, I caution you about bringing people in through public safety. I am not sure that you will accomplish much and I want to alert you wherever possible shy away from that kind of action. It is important, as I mentioned before, that we have to work together; we have to understand the various situations and the various aspects of the Con-Con and what it is put here for.

Therefore, if we have the leadership, I am sure that we can bring back Tinian and Rota, and it can be done, I know, but it requires, you might say, it requires a study of our behavior of the last 50 days to see where we have gone wrong, what we have done that is wrong, not necessarily just the local government issue. There is an underlying fire in this thing and a lot of people feel that they are not on equal footing with everybody else.

Therefore, Mr. President, I urge you as the

president; you are the president; you are our president. First of all, it starts with you, and then talk to the leadership because the leadership apparently is the privileged group. If you need us, the minority, to help, we will be willing to help to ensure that the Con-Con will complete its work; otherwise, like you say, we better quit and go home. I got other things to do rather than sitting here and waiting for meetings to be started.

Thank you, Mr. President.

PRESIDENT GUERRERO: Thank you, Delegate Camacho.

Do we have any other members? Delegate Vicente Aldan.

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

I would like to recommend to put together what has been recommended by Delegate Camacho and Delegate Villagomez. I recommend you should appoint a Committee and the Committee should consist of Delegate Tom Aldan, Delegate Camacho, Delegate Igitol and Delegate Tarò-Atalig and yourself to form a Committee so that maybe from that Committee they can talk to the delegates of Rota and Tinian and try to get what are the main problems that they really, really want and maybe we can bring them back to the Convention.

That is all, Mr. President. I think that is the most diplomatic way to facilitate them to come back.

Delegate Nogis.

DELEGATE NOGIS: Mr. President, I move for a recess until this afternoon.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to recess until this afternoon. Those in favor of the motion say "Aye."

Those who oppose say "Nay."

Motion carried for recess until 1:30 this afternoon.

(Recess taken from 10:08 a.m. to 2:05 p.m.)

PRESIDENT GUERRERO: This is the 54th day of the Third Northern Marianas Constitutional Convention. We are back in session from this morning.

Can I first ask the Con-Con clerk to do a roll call again.

(Convention Clerk called the roll).

CONVENTION CLERK: Mr. President, we have 19 members present and 8 members absent.

PRESIDENT GUERRERO: Thank you.

First of all, let the record reflect that

Delegate Mariano Taitano is still sick and Delegate Hofschneider requested that he is going to be absent today primarily because of family business he has to attend to on Guam. And Delegate Nogis just walked in.

Mr. Floor Leader.

DELEGATE HOCOG: Yes, Mr. President, I move to adopt the Daily Journal of July 24th and 25th.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to adopt the Daily Journals of July 24th and 25th.

Discussion?

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

Motion carried.

DELEGATE HOCOG: I move to adopt the Summary Journal for July 25th.

(The motion was seconded).

PRESIDENT GUERRERO: It has been moved and seconded to adopt. Discussion?

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

Motion carried.

Reports of the Committees. The Committee on

Organization and Procedures, we don't have any report today.

I call on the Committee on Land and Personal Rights.

Chairman Lifoifoi? I think ViceChair Marian Aldan-Pierce will report.

DELEGATE ALDAN-PIERCE: Thank you, Mr. President.

The Committee on Land and Personal Rights has completed its review of Article 11 for second reading. We have made some minor adjustments in the language but we do not recommend any major changes. Our report has been completed and will be in the Daily Journal today. We are ready to report this article to the floor when you reach it on the schedule.

I am also pleased to report the Committee is reviewing a comprehensive draft of its report on Article 12. We will be ready to bring this article to the floor soon.

Thank you.

PRESIDENT GUERRERO: Thank you. I now call on the chair of Legislative Branch and Public Finance, Delegate Tomas Aldan.

DELEGATE T. ALDAN: Mr. President, your Committee on Legislative Branch and Public Finance has nothing to

report other than the fact what we are going to report articles calendared for today.

PRESIDENT GUERRERO: Thank you.

I call on Delegate Felix Nogis, the chairman of the Committee on Legislative Branch and Local Government.

DELEGATE NOGIS: Thank you, Mr. President. Your Committee on Executive Branch and Local Government is continuing its deliberations specifically on section 17. Tentatively there is new compromise on the horizon and I hope that will go through. Other than that, we are still continuing the deliberations on section 17. At the same time there is a final version on local government -- I mean draft that is. Thank you.

PRESIDENT GUERRERO: Thank you, Delegate Nogis.

We are finished with the reports of the Committee. We have introductions of proposed amendments.

DELEGATE D. MENDIOLA: Point of order.

PRESIDENT GUERRERO: Excuse me. We are not finished. I apologize.

Let me call on the Vicechair Donald Mendiola on Judiciary and Other Elected Offices.

DELEGATE D. MENDIOLA: Thank you, Mr. President.

Your Committee on Judiciary Other Elected Offices met and is proud to report we have worked on Article 9 and we will have a report ready for tomorrow's session, Saturday.

Thank you.

PRESIDENT GUERRERO: Thank you, Delegate Mendiola.

We are finished with reports of committees. We move on to introduction of proposed amendments.

Yes, Delegate Gonzales.

DELEGATE GONZALES: Thank you, Mr. President. I would like to take this opportunity to introduce Delegate amendment 38 with regard to Article 11, section 5, Fundamental Policies of the Legislature approving the amount of public lands that has already been negotiated by the Marianas Land Bureau.

Thank you.

PRESIDENT GUERRERO: Thank you. Any other delegate proposed amendments?

Let me recognize Delegate Vicente Aldan.

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

I am reintroducing amendment No. 10. The main reason is I was misled at the time of the meeting

when they discussed this amendment and if I can reintroduce it again and hopefully we can provide time and counsel can discuss it more for me. When they discussed it that night I wasn't there to defend it and they thought it was more legislative in nature but I thought because of its importance I should reintroduce it.

PRESIDENT GUERRERO: Thank you.

Delegate Tomas Aldan.

DELEGATE T. ALDAN: Thank you, Mr. President. I am introducing delegate amendment No. 36 on Article 9, Section 3, a recall petition requiring 30 percent of the persons qualified to vote for the office occupied by the public official.

Thank you.

PRESIDENT GUERRERO: Thank you. Any other delegate proposed amendments?

Delegate Villagomez.

DELEGATE VILLAGOMEZ: Thank you, Mr. President.

I have a delegate amendment. I forgot the number. I am looking for my file. I think it has been given to the Committee dealing with Article 12.

PRESIDENT GUERRERO: Thank you. Anybody else?

I do have two delegate amendments, No. 35 and

36 and this is in reference to Article 12, Section 2, both of them are.

If there are no other proposed amendments, we move on to motions and resolutions.

Yes, Delegate Juan Tenorio.

DELEGATE JUAN S. TENORIO: Regarding my motion to reconsider section 13 and 16 of Article 3, I have discussed this matter with legal counsel and I am satisfied with the explanation.

I asked this Convention by consent to have this document that was circulated yesterday or the other day to be included in today's journal on section 13 of Article 3.

PRESIDENT GUERRERO: Thank you, Mr. Tenorio. The statement you are making reference to I believe that has been passed out to members. If the majority of the members have no objection, it is so ordered to be included.

Yes, Delegate Tenorio.

DELEGATE JUAN S. TENORIO: I am withdrawing my motion to reconsider sections 13 and 16 of Article 3.

PRESIDENT GUERRERO: Thank you. So noted.

Any other motions and resolutions?

If not, we move on to unfinished business.

We don't have any unfinished business today.

We move on to special orders of the day.

Mr. Floor Leader.

DELEGATE HOCO: Yes, Mr. President. I would like now to move to the Committee of the Whole to entertain discussion on Article 7, Article 8, and Articles 9, 10, 11, 13, and 14.

(The motion was seconded).

PRESIDENT GUERRERO: Is this for the second and final reading?

DELEGATE HOCO: This is for the Committee of the Whole.

PRESIDENT GUERRERO: All right.

It has been moved and seconded to resolve into the Committee of the Whole to entertain Articles 7, 8, 9, 10, 11, 13 and 14.

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

Motion carried.

At this time I would like to call on Delegate Joaquin Villagomez to preside and chair the Committee of the Whole.

(Applause).

DELEGATE VILLAGOMEZ: Mr. President, can we have like five minutes to get ready?

PRESIDENT GUERRERO: Five minutes recess.

(Recess taken from 2:15 p.m. to 2:35 p.m.)

CHAIR VILLAGOMEZ: The Committee of the Whole will now come to order. Before we move on to the articles that are on the agenda, first I want to recognize the presence of the distinguished Delegate James Mendiola.

Also based on the recommendations by the legal counsel and recommendations of Chairman Hofschneider Article 9, Initiative, Referendum, and Recall will not be discussed in the Committee of the Whole.

We will start with Article 7, eligibility to vote and hold office.

I now call Delegate Tom Aldan.

DELEGATE T. ALDAN: Thank you, Mr. Chairman. Basically the article, Article 7 on Eligibility to Vote and Hold Office, we didn't make any change.

Just for the record, the Committee presents the following report to the delegates with respect to Article 7, eligibility to vote and hold office on second reading.

The Committee issued two reports with respect

to this article. Report No. 2 is dated June 14, 1995 and report No. 4 is dated July 6, 1995. No further proposals have been introduced with respect to this article.

In the floor discussion, the Committee of the Whole discussed Report No. 2 on June 19, 1995 and report No. 4 on July 6, 1995. No changes to either report were suggested.

Delegate amendments, the Committee received no delegate amendments with respect to this article.

Committee changes, the Committee considered whether to add the transitional provision stating that section 3 did not apply to incumbents if any had felony convictions that had become final prior to the effective date of this amendment. The Committee concluded it should only disqualify them from future office and that no transitional provision is required. The Committee recommends no further changes to this article; therefore, I move to adopt this report in the Committee as a whole.

CHAIR VILLAGOMEZ: Any second?

(The motion was seconded).

CHAIR VILLAGOMEZ: It has been moved and seconded that we adopt this in the Committee of the Whole.

Open to discussion. Anybody want to discuss?

Ready, all those in favor of the adoption of Article 7, Eligibility to Vote and Hold Office, please say yes.

All those who oppose please say no.

The report on Article 7 is adopted.

Article 8, Election. I would like to call again on Delegate Chairman Tom Aldan to explain, especially if there are any changes.

DELEGATE T. ALDAN: Thank you, Mr. Chairman. The Committee presents the following report to the delegates with respect to Article 8, Election.

Delegate proposals: Committee report No. 1 is dated June 14, 1995; thereafter Delegate Proposal 620 was proposed.

The Committee has considered this proposal and concluded there was no need for primary elections in the CNMI. The political parties should be free to select their own candidates.

I think it was also mentioned that it is now done by the parties to have a primary; so, to constitutionalize that requirement we felt would cost the government more money since it would have to be

sponsored by the Board of Election.

Floor discussion: The Committee of the Whole discussed report No. 1 on June 15, 1995. Several delegates suggested a need for a prohibition preventing voters from voting in a district in which they do not reside ask the Committee to review recent litigation involving the mayor of the Northern Islands.

The Committee discussed the Superior Court opinion in Rubin v. Ogumoro, No. 94-14 which interpreted the provisions of the Commonwealth Code governing voter registration. The Committee concluded that the courts appeared to be effectively enforcing the executive and legislative scheme regarding voter registration and there is no need for a constitutional provision.

Delegate amendments: The Committee received no delegate amendments with respect to this article.

Committee changes: The Committee recommends no further changes to this article.

The Committee recommends and I so move, Mr. Chairman, to have this report on Article 8 passed by the Committee of the Whole.

(The motion was seconded).

CHAIR VILLAGOMEZ: It has been moved and seconded

that Article 8, Election, be passed.

Any discussion?

All those in favor please say yes.

Noes?

Article 8 is adopted. Thank you.

CHAIR VILLAGOMEZ: The next item on the agenda is Article 10, Taxation and Public Finance.

Go ahead, Chairman Aldan.

DELEGATE T. ALDAN: Mr. Chairman, I would like to briefly summarize the report of the Committee on Legislative Branch and Public Finance on Article 10, Taxation and Public Finance on second reading. The delegates should have the report before them.

The Committee issued report No. 6 on Article 10 on July 19, 1995 after the cut-off date of delegate proposals. The Committee of the Whole discussed report No. 6 on July 20, 1995. Several delegates questioned whether Section 9 should include taxpayer suits seeking to enjoin spending under the United States Constitution. The Committee concluded that the only taxpayer suits seeking to enjoin spending that violates the CNMI Constitution should be protected in the CNMI Constitution. Other taxpayer suits shall be governed by statute and court decisions.

One Delegate suggested that the hiring freeze in section 5 might be too restrictive. The Committee does not intend the hiring freeze to apply to the renewal of the comparatively few positions which have been filled on the contract basis. At the same time the Committee intends that the freeze not be circumvented by converting positions into contract positions.

Likewise, the Committee intends the exception for vacancies that jeopardize public health and safety not be limited to positions in the hospital or the police or fire departments. For example, if the only engineer in the Commonwealth Utilities Corporation qualified to maintain the generators retires, failure to fill that vacancy can jeopardize public health.

The Committee received Delegate Amendment No. 10 which proposes that limits be placed on damages that can be recovered in public and private litigation.

The Committee does not recommend this change. This is a subject best left to the legislature.

The Committee recommends two further changes. First, the Committee recommends that the requirement of Section 4 for approval by a

three-fourths popular vote before noncommercial real estate property taxes can be enacted and be reduced to a simple majority. The Committee is mindful of the reluctance to propose property taxes; however, the Committee is also aware that the municipalities increasingly will have to rely on local revenues to fund local services. The Committee concluded that if a majority of the voters in any senatorial district are willing to impose property taxes on themselves they should have that right. A three-fourths majority would make it virtually impossible for the voters in any senatorial district to use real estate property taxes as a tool to raise local revenues.

Second, the Committee recommends providing a short grace period before the freeze provided by section 5 takes effect. Given the deficit, if this passes next spring the freeze would immediately go into effect.

The Committee concluded that the freeze would be best implemented following a short planning period which would coincide with the annual budget. The Committee recommends that a grace period until the start of the fiscal year following ratification be placed in the transitional section.

The recommended changes are contained in the revised Article 10 passed in the report. The Committee recommends its passage, Mr. Chairman, and so moved.

(The motion was seconded).

CHAIR VILLAGOMEZ: Any discussion on this, especially Section 4?

Delegate Dr. Ben Aldan.

DELEGATE V. ALDAN: Mr. Chairman, this is the article that I have missed and I want to make an amendment to Article 10 which will be a new section.

CHAIR VILLAGOMEZ: Excuse me. Do have you a copy?

DELEGATE V. ALDAN: Yes.

CHAIR VILLAGOMEZ: Does everybody have a copy of No. 1?

DELEGATE V. ALDAN: 10, it is in the journal.

CHAIR VILLAGOMEZ: Go ahead.

DELEGATE V. ALDAN: This amendment will set limitations on actions. I have explained in the past that we have currently a double standard here in the Commonwealth and this would set the standard straight.

There is protection at the government level but nothing at the private level. Let it be noted that this amendment will explain that if a Plaintiff's actual lost earnings and medical bills or other actual

damages exceed \$100,000 those damages will be recovered in full. This limitation is on punitive damages, pain and suffering damages, loss of consortium damages and other similar damages that are not out-of-pocket costs or losses.

Two separate sections have been provided for actions against government and private parties in order that the legislative history be clear and in order that if one of the limitations fails in court the other may survive. This has been placed and recommended for Article 10 with the provision on taxpayer's action.

I recommend this because this will actually save us a lot in the future. Currently we are only paying about one-fourth the actual cost of what we pay for our medical insurance. Do we have to wait until we are paying the full 100 percent or have the insurance increase 1,000 percent before we put something like that in our constitution or have the legislature act on it? This is also good for business because it assures them that if somebody falls, nobody in this island will get rich based on damages based on consortium, pain. Those damages will be paid and there should be a limitation on that and that is the main purpose of this is to provide protection to the private sector that the

government currently has.

I know that a lot of delegates think that it is more legislative in nature but it has been 20 years and nothing has been done. Currently there is something being done; there is something in the works, but are we going to wait until 20 years before we see something about it?

CHAIR VILLAGOMEZ: Delegate Aldan, do you want to put that into a motion?

DELEGATE V. ALDAN: Please, Mr. Chairman, I plead with the delegates to consider this amendment and pass it on second reading.

CHAIR VILLAGOMEZ: So you are making a motion.

Anybody want to second that?

(The motion was seconded).

CHAIR VILLAGOMEZ: Okay. Let me recognize Delegate Donald Mendiola and then the others who want to talk.

DELEGATE D. MENDIOLA: (Statements made in Chamorro).

CHAIR VILLAGOMEZ: Delegate Mendiola, do you want to summarize it in English so it can be part of the record?

DELEGATE D. MENDIOLA: Yes. I understand Article 10, section (a). I am trying to dig deeper into the intent of this amendment.

Why limit it to \$100,000 for private businesses? Is there not such a provision here that to establish a business you have a bond security of \$1 million. What is one-tenth of the bond? For example, as I was saying should I be a sole provider of my entire family; I have 10 kids and 20 grandkids who all depend on my work to earn a living to feed everyone. If I were to be incapacitated after an injury, after slipping from someone's step at a private business, how am I to provide for my family with \$100,000, inflationary adjustments included, of course, and to provide the middle standard of nourishment or level of, excuse me, the common person's standard of living to assure them? I mean with \$100,000, I need to find out why a certain dollar amount like \$100,000 which, of course, a lot of us or some people who make millions and millions of dollars after deals prior have to settle with \$100,000. I mean to go to medical school you have to go through more than \$100,000. That is what, eight to ten years of your lifetime to attend school, and how many years of my life do I have to raise my grandkids as well. I have to be able to provide for them. \$100,000? I have a question with that. I need to understand more. As is, I am not

going to support this.

CHAIR VILLAGOMEZ: Thank you, Donald Mendiola.

Before I recognize Dr. Aldan, go ahead
Marylou, Delegate Sirok.

DELEGATE SIROK: Thank you, Mr. Chairman. I would like to address this to the legal counsel. For me on its face I would recommend to my good doctor that he best handle this at the legislative level. I think it is best dealt with by a medical malpractice statute. I guess he is worried about the increasing cost of medical malpractice insurance.

For me I have a problem with that as a private cause of action for a citizen's right for due process, equal protection and trial by jury because I believe that during other litigation the jury has the right to set punitive damages and for me taking that on its face takes away a professional medical malpractice claimant's property right to remedy through courts from a special class like a medical professional. To me, it violates due process.

Do you see any problems with that?

CHAIR VILLAGOMEZ: Let me have Deanne Seimer say something.

Go ahead.

MS. SIEMER: The way that Delegate Aldan has proposed this it would not be a violation. What Delegate Aldan has proposed is that there be no limit -- to answer Delegate Mendiola's question -- there is no limit on out-of-pocket costs, so that all the expenses and lost earnings -- there is no limit on that.

What Delegate Aldan is proposing is a limit on things that are not of out-of-pocket expenses like pain and suffering and punitive damages and as long as that applies across the board and it does not take away out-of-pocket expenses then the way he has proposed it is acceptable. The question that you raised with respect to it being legislative in nature still does remain.

CHAIR VILLAGOMEZ: Go ahead, Dr. Ben Aldan.

DELEGATE V. ALDAN: I wanted Deanne to clarify it, and she did.

There is no restriction here. If you think that your actual damages are very high, it is required that you should get more money out of someone. It is a limit we have no control over. I think that is what has been addressed here. I think it is very fair. If you have a business or even yourself, somebody visits

you, there is such a thing as an accident. If you have an accident, that is something you have no control over. That is the main purpose of this. It is not for any financial gain. It is for protection for everybody here so that in the future our kids will not be out there litigating. If you bump somebody's car, there is pain and suffering when you go out and look at that car. That is the main thing in this. This is a good intention on my part. That is all I am asking.

CHAIR VILLAGOMEZ: Thank you, Delegate Aldan. Before I recognize Delegate Donald Mendiola for the second time I will give Mr. Bernard Zimmerman our lawyer and others a chance to talk. Go ahead.

MR. ZIMMERMAN: I just want to follow up on some of the points that Delegate Sirok was raising and some of Ms. Siemer's comments.

It is true that the way Dr. Aldan has structured this, it is not interfering with the ability to recover out-of-pocket expenses, for example, medical costs and lost wages. But it is very broad and I believe that it does raise some of the questions that Delegate Sirok has mentioned. You have to just think about all the possible ways in which this limitation might come into being and it may well be that some of

those limitations could present a constitutional problems of the kind that Delegate Sirok was talking about. For example, you could picture a situation where a corporation, say, builds a high-rise building -- the situation that happened in Korea recently -- that collapsed and hundreds of people are injured or crippled for life. If you have a person who is crippled for life and will be suffering pain for the rest of that person's life and you limit the pain and suffering damages to \$100,000, you may have constitutional problems.

Likewise, there has been discussion here about things such as in the article 12 context, how can we punish somebody who doesn't make proper disclosure. You have to consider whether you want to limit that to \$100,000.

What is being proposed here and one of the reasons why we think it is legislative, is that each of those different kinds of scenarios -- Is it an injury suit? Is it a contract suit? Is it a fraud suit? -- can present different reasons for limiting damages and it is the legislature that can look into the different ways of doing it and see if it makes sense in any particular instance.

The legislature has already looked into tort liability as far as the Commonwealth is concerned and has passed certain limitations but that doesn't necessarily mean that you can pass the same limitations in the private area, again, for the reasons that Delegate Sirok has mentioned.

Historically there was a time when you couldn't sue the government. They had what they called sovereign immunity. Governments actually had to give the right to sue for damages; therefore, it has been recognized that the government has the right to limit the amount of the suit.

But historically private citizens have been able to sue other private citizens for damages and courts have been reluctant to provide any such limitations except in narrow situations that Delegate Sirok is mentioning where the legislature finds something. What happened ten years ago in California with the malpractice circumstance, the legislative found there was a crisis and the doctors were being prevented from practicing medicine because they couldn't afford malpractice insurance, et cetera, et cetera and then the legislature passed a limitation that the court found constitutional.

But you would really have to look at it in that narrow context to decide whether there is a valid reason for limiting what the courts otherwise generally expect to be the right of a private person to recover damages from another person of whatever level the jury finds is appropriate and the court agrees is consistent with whatever the legal standard for damages is.

CHAIR VILLAGOMEZ: Thank you, Mr. Zimmerman.

Who would like to -- before I -- I want to give everybody a chance before those that spoke earlier.

DELEGATE D. MENDIOLA: Mr. Chairman, you have been doing it the same way many, many times around.

CHAIR VILLAGOMEZ: Okay. Go ahead, Delegate Mendiola.

DELEGATE MENDIOLA: I raise my hand and you keep talking. You can talk five or six times. So don't tell me that okay.

Thank you, Mr. Chairman.

I just wanted to clarify, define what is an actual damage and tell me what kind of mechanism you use to actually measure actual damage? Tell me how you measure emotional stress and duress? Tell me how you measure those and tell me there are statistics that

really do know how to measure that. Because \$100,000 can never be limited; I mean \$100,000 is still not enough for me. I don't like it written out there and I hope it is referred to or left up to the legislature.

CHAIR VILLAGOMEZ: Do you want to direct your question to anybody?

DELEGATE D. MENDIOLA: To legal counsel. Maybe legal counsel Zimmerman.

CHAIR VILLAGOMEZ: Go ahead, Mr. Zimmerman.

MR. ZIMMERMAN: I think the proposal as I understand from Dr. Aldan and as indicated in the notes here is that in the legislative history you would define what can be recovered without limitation and those would include such things as actual lost earnings. So if you were earning, say, \$100,000 a year and you are in an accident, and you can no longer earn that money for the rest of your life you would be entitled to recover that irregardless of the \$100,000 limitation. Medical bills you could fully recover, but you are also correct that things like stress and emotional damages, those would be subject to the \$100,000 limitation that Dr. Aldan is proposing in his amendment.

DELEGATE D. MENDIOLA: How would that be

measured? How would a certain amount be known and measured?

MR. ZIMMERMAN: That is why we have juries.

DELEGATE D. MENDIOLA: Why is the \$100,000 there? How can we measure our damages at \$100,000 for emotional distress when it would be where somebody's peace of mind is worth \$5 billion instead of \$100,000 and it has been damaged because of that accident or whatever.

CHAIR VILLAGOMEZ: Thank you, Delegate Mendiola.

DELEGATE D. MENDIOLA: He has to answer. I asked that question and I want an answer to that question.

CHAIR VILLAGOMEZ: Any other things to add on, legal counsel?

MR. ZIMMERMAN: That is why we have juries. Traditionally in our system it is up to the jury to determine what is the measure of damages. As I indicated, with the exception of areas that the legislature has taken away from the jury such as medical malpractice cases our juries are free to decide whatever the appropriate amount of damages is so long as they are acting in accordance with the law.

DELEGATE D. MENDIOLA: Thank you. That is what I was asking for because when you mentioned that is the

reason why \$100,000 is set as a limit, I mean Jesus Christ, you know, I was just saying you cannot measure any person's emotional comfortability. \$5 million is probably too low for my emotional stability.

Thank you.

CHAIR VILLAGOMEZ: Thank you, Dr. --

DELEGATE GONZALES: Wait wait.

CHAIR VILLAGOMEZ: I recognize Dr. Carlos Camacho and then next in line will be Lillian Tenorio.

DELEGATE CAMACHO: Mr. Chairman, I think the important factor here is to have a little bit of foresight. It is important that we look to the future and not wait until incidents like the collapse of the commercial building in Korea takes place and then we will impose a minimum just because the insurance company or the government cannot cover the whole cost. That is one point that we would have to look into and it is important.

As physicians you try to anticipate and work something that will prevent people from getting sick so that they don't go to the hospital for a start and also so that it won't cost them money and that is the second point that you have to consider. Litigation costs money, a lot of money. You all are aware of that and I

think this is an opportunity now since we are dealing with the Constitution to try and put this in as mentioned. The idea has been tossed around for years but it never materialized.

A lot of the things that we are doing here in the Con-Con are issues which both the executive and legislative branches have not done and it is a lingering problem that our people are continually asking for remedy and the Constitution probably is the only way. I know that we should not legislate; I know that we should not repeat the 1985 constitutional Convention where we work so hard now to try and remedy the bungled work that they did.

So, delegates, open up your mind and think. Are you going to wait until disaster happens and then you are going to limit it or are you going to come up with such decisions.

Thank you, Mr. Chairman.

CHAIR VILLAGOMEZ: I want to make it clear to everybody please stick to the subsidiary motion.

Next is Delegate Lillian Tenorio and Delegate John Gonzales and Delegate James Mendiola.

Go ahead, Delegate Tenorio.

DELEGATE LILLIAN TENORIO: Thank you,

Mr. Chairman. I agree with Delegate Mendiola that pain and suffering is something that one cannot measure. This Convention cannot measure and I agree that it should be left up to the legislature to look at each case, look at this matter on a case-by-case basis. The example that was used with respect to the collapse of the office or the shopping center in Korea is a case in point why this provision should not be put in the Constitution. People died in those buildings. You mean to tell me that their families are not entitled to more than \$100,000 for what they lost? I mean this is ridiculous.

Thank you.

CHAIR VILLAGOMEZ: Okay. Delegate John Gonzales.

I will allow you, Delegate Aldan, an opportunity to speak before we vote.

Go ahead Delegate Gonzales.

DELEGATE GONZALES: I will speak on another provision in section 10. So I hope to be recognized then.

CHAIR VILLAGOMEZ: Delegate James Mendiola.

DELEGATE J. MENDIOLA: Thank you, Mr. Chairman. The only concern I have as I am looking at this, is this Constitution is going to be from now to 25 years

from then. Putting a straight figure down like \$100,000 maybe within ten years \$100,000 is going to be worth \$40,000 or \$20,000. So I beg the indulgence of the delegates to put some kind of formula if you want something like this or put in a legislative provision because 25 or 10 years from now \$100,000 is going to be worth \$20,000.

Thank you, Mr. Chairman.

CHAIR VILLAGOMEZ: One moment. I think Ms. Deanne Siemer would like to speak and then you next after Delegate Dr. Aldan.

Go ahead Deanne.

Change the tape.

(Brief pause).

MS. SIEMER: What Delegate Mendiola suggests certainly can be done but that is not the only inflexibility in something like this. Perhaps there is a way that might satisfy Delegate Aldan to get the legislature to act with respect to this so that he could have satisfaction on this subject but not put it in the Constitution.

CHAIR VILLAGOMEZ: Delegate Dr. Ben Aldan.

DELEGATE V. ALDAN: You all heard that whatever your earning potential is if something happens to you

you will be compensated.

Right, Mr. Zimmerman?

MR. ZIMMERMAN: I am sorry.

DELEGATE V. ALDAN: You mentioned earlier whatever your earning potential is, whatever age you are, you have the right to get that amount.

MR. ZIMMERMAN: As I understand your Proposal you are proposing that loss of future earnings be recoverable regardless of \$100,000 limit.

DELEGATE V. ALDAN: Right.

I don't mind if the legislature if they want to come in and change the \$100,000 value that is the main problem with the delegates. I think if we can rewrite it in a way so that whatever is provided to the government the current protection can be adjusted by the legislature, so that both government and private parties are protected in equal manner and there is no double standard.

That is my main concern here. Why are we willing to have one standard in the government and not willing to have the same standard in the private sector. That is my main concern. I mean if we don't want that protection in the private sector then let's not have it in the government. I urge you, I mean

there are a lot of people raising their hands. What if I die? What about my family? It has been told already that this is just a limitation on one aspect and I am willing to make a subsidiary motion to what I just said, that the legislature can come in and change that law as long as there is similar protection that is afforded the private sector.

CHAIR VILLAGOMEZ: Do you want to do it now?

DELEGATE V. ALDAN: Sure.

CHAIR VILLAGOMEZ: What is your motion?

You are withdrawing your first subsidiary motion and you are coming up with another one?

DELEGATE V. ALDAN: Can we take a recess on this because I need to consult with Deanne.

CHAIR VILLAGOMEZ: Five minute's recess.

(Recess taken from 3:12 p.m. to 3:15 p.m.)

CHAIR VILLAGOMEZ: The Committee of the whole reconvenes.

I would like to recognize Dr. Aldan to state his subsidiary motion.

DELEGATE V. ALDAN: I am going to recall my subsidiary motion and the previous motion and have a new motion so that will satisfy most of delegates.

I am going to try and put this amendment so

that it will appear in the Schedule on Transitional Matters so that with respect to taxpayer's action there will be direction for the legislature to act on the limitation of damages within the next five to ten years.

CHAIR VILLAGOMEZ: You are making that into a motion?

DELEGATE V. ALDAN: Yes.

CHAIR VILLAGOMEZ: Anybody want to second it?

(The motion was seconded).

CHAIR VILLAGOMEZ: Discussion on subsidiary motion.

Delegate Lillian Tenorio.

DELEGATE LILLIAN TENORIO: Are you going to put in a language that says the damages against a private party may not be \$100,000?

That is the intention?

DELEGATE V. ALDAN: No. The intention is that the legislature will enact a limitation on the damages within five to ten years.

DELEGATE LILLIAN TENORIO: I am satisfied.

CHAIR VILLAGOMEZ: Please don't speak unless I recognize you.

DELEGATE V. ALDAN: Sorry. Mr. Chairman.

CHAIR VILLAGOMEZ: Go ahead Mary Sirok.

DELEGATE SIROK: I would just like to recommend Dr. Aldan that could best be handled by a resolution from this Convention rather than a transitional matter?

It is just a thought, you know.

CHAIR VILLAGOMEZ: Thank you, for your thoughts.

Delegate Tom Aldan.

DELEGATE T. ALDAN: What is the implication about if the legislature does not act on it? Nothing?

CHAIR VILLAGOMEZ: Mr. Bernard Zimmerman.

MR. ZIMMERMAN: As I understand what Dr. Aldan is proposing, there will simply be language in the transitional section that directs the legislature to consider whether to pass such legislation on this in the next five years or so and it is up to the legislature. We obviously can't force them to do anything.

CHAIR VILLAGOMEZ: I think we have had enough discussion on the subsidiary motion.

I see Victor Hocog, our floor leader. Go ahead.

DELEGATE HOCOG: Ready for the question.

(The motion was seconded).

CHAIR VILLAGOMEZ: All those in favor of the

subsidiary motion as proposed by Dr. Ben Aldan say
yes.

Opposed say no.

Adopted.

Now we go back to the main motion, and before
I call on the main motion I recognize Delegate John Gonzales.

Go ahead.

DELEGATE GONZALES: Yes, yes. Thank you,
Mr. Chairman.

I wanted to inject some reminders also in
regards to Section 4 of the article in front of us on
Taxation and Public Finance and this is specifically
with regard to real property taxes. In the Committee
deliberation it was basically also a split vote 5 to 4
with the majority getting the votes that would be
required to pass a referendum or a popular initiative
that would approve a tax on property on each senatorial
district. I was one of those that went against this
because of the fact that it is something that would
really affect our lives in the Commonwealth. The basic
argument that I brought up was that if Rota and Tinian
want something or want less stringent requirement for
passage of property taxes then perhaps we can give them
that benefit of the doubt. Now, because of the need

for them to raise funding to fund local programs, local government service programs, I was one of those along with my three other colleagues of the Committee who went for perhaps a different requirement on passage perhaps two-thirds for Saipan two-thirds passage for Saipan for taxes and if Rota and Tinian want a simple majority perhaps they can have that if that can be constitutionally provided. So, basically, what I am trying to say is I am against the simple majority. I want a more constrictive requirement for Saipan alone, two-thirds perhaps.

CHAIR VILLAGOMEZ: Yes. Thank you, but if you want something for the Convention to take action make a motion.

DELEGATE GONZALES: I would like to move for a two-thirds requirement for Saipan and single majority for Tinian and Rota.

CHAIR VILLAGOMEZ: Any second to that?

(The motion was seconded).

DELEGATE J. MENDIOLA: No, no, no.

CHAIR VILLAGOMEZ: It has been moved and seconded. We have a subsidiary motion, two-thirds for Saipan; simple majority for Rota on popular initiatives on taxes on real property.

Recognize Delegate Victor Hocog.

DELEGATE HOCOG: Thank you.

CHAIR VILLAGOMEZ: Please raise up your hand if you are going to speak so I can recognize the others. Go ahead, Mr. Floor Leader.

DELEGATE HOCOG: Thank you, Mr. Chairman. I wish to congratulate Delegate Gonzales for picking the percentage for the Rota and Tinian people. Given his simple majority position I would like to take the two-thirds majority.

I wish to assure Delegate Gonzales that even if I lowered down the percentage to one-sixteenth for a senatorial initiative, it will not suffice in the vote. So I don't see any bad position about having the majority of the votes cast for each senatorial district. I think the amendment as is on Section 4 is intact and was agreed by the Committee. There should be no change.

Thank you.

CHAIR VILLAGOMEZ: Next in line is Delegate James Mendiola and Delegate Dave Maratita.

Go ahead Delegate Mendiola.

DELEGATE J. MENDIOLA: Thank you, Mr. Chairman.

I think Delegate Hocog spelled it out real

true, that anyone, I think even anywhere in the world that if you look at it and if you mention tax everybody is scared and runs away. Even though we put it down to 25 percent it will never pass especially if you are looking into the pocket of the people.

Thank you.

CHAIR VILLAGOMEZ: Thank you, Delegate Mendiola.

Delegate Maratitia go ahead.

DELEGATE MARATITA: If we are going to specify percentage of passage by initiative to be on the basis of senatorial district, it should be applicable; it should be simple. I don't want to specify that two-thirds of Saipan and majority for Rota and Tinian. If it is two-thirds for the entire senatorial district then it has to be specified and not singled out.

Thank you.

CHAIR VILLAGOMEZ: Delegate Tom Aldan.

Go ahead.

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

In the interest of promoting unity we should all be battling the same problem on equal footing. If we want a majority, everybody should have a majority as well, just like the casino issue. We are leaving it up to the individual senatorial district and leave to it

the majority of each senatorial district.

CHAIR VILLAGOMEZ: Okay. Any more before we vote on the subsidiary motion?

Those in favor of the subsidiary motion as proposed by Delegate John Gonzales say yes.

All opposed say no.

Proposal defeated.

Back to the main motion. The motion is to adopt Article 10.

DELEGATE HOCOG: With the delegate amendment, Mr. Chairman.

CHAIR VILLAGOMEZ: As amended.

Delegate Hocog.

DELEGATE HOCOG: Just for the information of the members can you inform the delegates the provision that was amended?

CHAIR VILLAGOMEZ: Okay. I call on the chair to state the main motion.

DELEGATE T. ALDAN: Mr. Chairman, I think Delegate Hocog is asking to include the amendment made by Delegate Dr. Aldan with respect to providing for a transitional provision for the legislature to act on passing a legislation on limiting damages.

CHAIR VILLAGOMEZ: Okay. Thank you, chair.

DELEGATE HOCOG: Ready.

CHAIR VILLAGOMEZ: Those in favor of the main motion as amended say "Aye." Opposed say no.

Thank you. The taxation Article is adopted as amended.

Next in line is Article 11 on public lands. I call Delegate Marian Aldan-Pierce.

Go ahead, ViceChair.

DELEGATE ALDAN-PIERCE: Thank you, Mr. Chairman.

Mr. Chairman, I move to adopt on second reading the report of the Committee on Land and Personal Rights with respect to Article 11, Public Lands.

(The motion was seconded).

CHAIR VILLAGOMEZ: It is moved and seconded that article 11 be adopted.

Any discussion?

Go ahead ViceChair Aldan before I recognize those that raised their hands.

DELEGATE ALDAN-PIERCE: Thank you. The Committee has made a few changes to the language on Article 11 and we have added some detail to our report on the permanent preserves but we have not changed in any important way what we presented on first reading. The

changes are: Section 4(a) has been changed to refer to the fiduciary duty of the directors to administer the public lands as well as the affairs of the bureau. This does not change the meaning of this section. It is only a clarification.

Section 5(a) has been changed to delete the requirement that a homesteader wait three years for the grant of a free hold interest in the homestead. We have left the waiting period for the bureau to regulate so that homesteaders will be eligible for mortgages during the period in which they have an obligation to build a house on the land.

Section 5(c) has been changed to refer to an opportunity for competing bids instead of a solicitation of competing bids in order to give the bureau more flexibility. This does not change the meaning of this requirement to get the best price for commercial leases.

Section 5(d) has been changed to include the wording "administer the public lands" for consistency and clarity. This section used to say that the bureau would operate in accordance with the comprehensive land use plan. Now it specifies that the bureau shall administer the public lands in accordance with a

comprehensive land use plan.

Section 6(b) has been changed to delete the reference to the island of Anyota on Rota. The Commonwealth Ports Authority informed us that such a designation would interfere with their plans to develop the marina.

Section 8(b) has been changed to add a benchmark of 60 percent of the investments of the Marianas Public Land Trust that may be in equities. The explanation of this language has also been expanded in the legislative history.

Section 8(d) was inadvertantly omitted from the prior draft. This provision for the memorial park has been in the Constitution since 1976 and is unchanged.

Thank you.

CHAIR VILLAGOMEZ: There are several amendments that are proposed, delegate amendments. This is a chance to bring them up as we go down section by section.

Go ahead, Delegate Dr. Camacho.

DELEGATE CAMACHO: Mr. Chairman, you being a new chairman before the determination of the Con-Con you went so fast on to motion to put all this in the

Committee of the Whole I didn't have an opportunity to say anything. So I would like to speak on this issue.

CHAIR VILLAGOMEZ: On Article 11?

DELEGATE CAMACHO: Yes. Would you allow me?

CHAIR VILLAGOMEZ: Yes.

DELEGATE CAMACHO: Thank you, Mr. Chairman.

First of all, I would like to introduce this document to be included as part of the journal for today's plenary session. They are both, one is dated July 23, 1995 and the other one is the changes that respond to this which is dated today and I have signed my name on it with a date so that I will know this is what I am submitting.

Mr. Chairman, I would like to ask that this article be referred back to the Committee because of the new additional information that has been submitted with regards to Article 11.

If it is possible and if the delegate would allow it I would like to ask that basically the information that has come in is very substantial and I think it should be reviewed in the Land Committee before it is brought back to the plenary session or the Committee of the Whole.

That is basically what I want to say,

Mr. Chairman.

CHAIR VILLAGOMEZ: Before I recognize Delegate James Mendiola, I would like to call on Ms. Deanne Siemer to respond.

MS. SIEMER: The document from Mr. Mitchell to which Dr. Camacho refers is in the journal. This matter has been under consideration in the Committee since July 10th.

This is a fairly late submission by Mr. Mitchell, but despite the fact that it was a very late submission, I took into account every comment that Mr. Mitchell made except those that had been specifically rejected by the Committee. The ones that have been specifically rejected by the Committee were election of the directors of the bureau and changing them from directors to trustees, and because those had been rejected by the Committee in its consideration on first reading and did not arrive until very, very late in the process, I did not see any reason to refer those back to the Committee. They had been discussed fully; however, they certainly could be discussed again here on the floor.

But with respect to the changes which had been proposed, one of the changes that was very helpful

was a mistake that I had made in inadvertantly omitting a section on the memorial park. It would have had no effect because the memorial park would have gone on in any case but, as Mr. Mitchell points out in his letter, Ambassador Williams would have a seizure upon finding out that his park provision was out of the Convention. So, to prevent seizures I put it back in as Mr. Mitchell had requested. It is my judgment that there is no new information and there are no reasons to send this back to the Committee.

CHAIR VILLAGOMEZ: Delegate James Mendiola and then Delegate Dr. Carlos Camacho.

DELEGATE J. MENDIOLA: Mr. Chairman, we haven't seen the document that has been submitted. Could we have five minutes to look at it at least.

CHAIR VILLAGOMEZ: Okay. Five-minute break.

(Recess taken from 3:38 p.m. to 3:55 p.m.)

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CHAIR VILLAGOMEZ: The Committee of the Whole is back in session.

I call on Delegate Camacho.

DELEGATE CAMACHO: Mr. Chair, among the vast information that has emerged from this memo -- by the way, you know this thing is dated July 23rd, and for the information of the Delegates, I just got it last night. It accidentally emerged during, you might say, a place where it shouldn't be discussed, really.

But anyway, just to reemphasize what I stated earlier, this is a perfect example of the Committee and the Delegates' inability to get information so we can get it and review it.

One of the issues that is mentioned here is the trustee, the trustee concept. In my discussions with employees of MPLC and the Department of Natural Resources, I have the impression that they feel that they are only administering public land; and, therefore, they can do whatever they want with public land irrespective of whether they give it away or not.

A trustee concept will make them more responsible in their handling of public land so that they will be made liable in the event that they goof off.

Let's cite, for example, the Willie Tan lease next to the CHC. This piece of property was designated as an extension of CHC or the Education Department.

This was agreed upon; and, yet, through the effort of very influential people, it was leased out to an individual.

And of all things, the assessed value of the property is \$13 million. But if you compute \$3 million times 25 years, I think it comes up to something like \$200-some per month.

Mr. Chair, I would sure like to get a piece of property like that from the government pay \$200-some a month.

CHAIR VILLAGOMEZ: Do you want to make a motion?

DELEGATE CAMACHO: I would like to move that this Article 11 be returned to the Committee for a total review of the documents that have been submitted and any other relevant documents since then so that it can be incorporated or rejected at the Committee level.

(The motion was seconded.)

CHAIR VILLAGOMEZ: It has been moved and seconded that Article 11 be referred to the Committee on Land and Personal Rights.

Discussion?

DELEGATE LIFOIFOI: Ready.

CHAIR VILLAGOMEZ: All those in favor of referring the Article 11 back to the Committee on Land and Personal Rights say "Yes."

All those opposed say "No."

(The motion did not carry.)

We're discussing Article 11 in the Committee of the Whole.

Delegate Tom Aldan.

DELEGATE TOMAS B. ALDAN: Mr. Chair, I would like to make a recommendation for a change under Section 8(b) in the wording of the Constitution in the second sentence.

I would like to have it read "up to" instead of "at least" and change the word "shall" to "may."

I would also like to add one last sentence under that section to read:

"Investment in cash and cash equivalent if investment counsel or trustees deem appropriate is authorized."

CHAIR VILLAGOMEZ: Is that a motion?

DELEGATE TOMAS B. ALDAN: Yes. I so move.

DELEGATE JUAN S. TENORIO: What is your motion?

CHAIR VILLAGOMEZ: Please restate your motion, Delegate Tom Aldan.

DELEGATE TOMAS B. ALDAN: I would move to change the words "at least" to "up to."

- **CHAIR VILLAGOMEZ:** Can you refer to the specific --

DELEGATE TOMAS B. ALDAN: Page 4, 8(b) in the language of the Constitution.

The second sentence should read:

"Up to 40 percent of the assets may be

invested."

At the last sentence:

"Investment in cash and cash equivalent if investment counsel or trustees deem appropriate is authorized."

CHAIR VILLAGOMEZ: Discussion on the subsidiary motion?

MS. SIEMER: Is it the intent, Chair Aldan, to have no limitations on the mix; is that the intent of the motion?

DELEGATE TOMAS B. ALDAN: No.

There is a limitation that basically projects for a balance type of investment where they can make up to 40 percent of the assets in bonds and up to 60 percent in stocks.

Now, if the market is not good in either one, the trustee or the investment counsel who is doing the investment can pull those back and put it in cash or cash equivalents.

CHAIR VILLAGOMEZ: Everyone understands the intent of the motion?

Any question on that, the subsidiary motion?

DELEGATE CAMACHO: Mr. Chair, can we go back and see if we can get which part of the --

CHAIR VILLAGOMEZ: Go ahead, Delegate Aldan.

DELEGATE TOMAS B. ALDAN: Page 4, section 8(b), of the proposed constitutional amendment.

DELEGATE CAMACHO: Can you identify --

CHAIR VILLAGOMEZ: Delegate Tom Aldan, can you help --

DELEGATE TOMAS B. ALDAN: 8(b) should read:

"The trustees shall make reasonable careful and prudent investments."

Then it will read:

"Up to 40 percent of the assets may be invested."

Everything else is the same up until the last period of that section. Then add:

"Investment in cash and cash equivalent if investment counsel with the trustees deem appropriate is authorized."

CHAIR VILLAGOMEZ: I saw some hands.

Anybody want to talk on the subsidiary motion before we vote?

DELEGATE HOCOG: Delegate Aldan is doing just fine, Mr. Chair.

CHAIR VILLAGOMEZ: So are you ready to vote?

All those --

DELEGATE VICENTE ALDAN: Wait.

CHAIR VILLAGOMEZ: Go ahead, Delegate Hocog.

DELEGATE HOCOG: The motion is to delete "at least" and replace it with "up to"? Why don't we vote on the motion?

CHAIR VILLAGOMEZ: All those in favor of adopting the motion as proposed by, Delegate Tom Aldan please say "Aye."

Opposed, say "Nay."

The subsidiary motion is adopted.

We're back to the main motion.

There are some Delegate amendments -- go ahead Delegate John Gonzales.

DELEGATE GONZALES: I just want to touch on the amendment that I submitted, which is basically to reduce the legislative approval from 5 hectares down to 1 hectare.

Let me give two points, and then from there we'll move on.

First, I put in the amendment to reduce it from 5 hectares down to 1 hectare for two reasons: One, the value and resource of public land is too precious and too much to be ignored and sacrificed in the name of development and the excuse that giving it to the legislature would be too much of a bureaucracy.

Two, in light of the scarcity of public lands now available, and in light of the land rush phenomenon that witnessed countless numbers of public lands going away before our very eyes.

Thank you, Mr. Chair.

CHAIR VILLAGOMEZ: Are you putting that into a motion?

DELEGATE GONZALES: Yes.

I move that on section 5(c) of the proposed constitutional language be replaced -- the 5 hectares be moved down to 1 hectare.

CHAIR VILLAGOMEZ: Any seconds?

(The motion was seconded.)

CHAIR VILLAGOMEZ: Please raise your hand so I know who wants to talk.

Go ahead, President Guerrero. Next will be Donald Mendiola.

PRESIDENT GUERRERO: Thank you, Mr. Chair.

Mr. Chair, I talked to Delegate Gonzales earlier. I believe that section 5(c) already has been strengthened to insure that the problems that we see now, perhaps, as raised by other Delegates, if you look at the Committee report on page 7, especially under "Condition," if you read this section, Mr. Chair, it says:

"This section requires that before a lease is approved by the Bureau, that a public notice be issued stating the availability of a particular parcel of public land for commercial lease. That notice shall solicit and provide a reasonable opportunity for competitive bids. Through this process of competitive bids, and by testing the market in appropriate ways, the Bureau must get the best possible price for any commercial lease. To do otherwise would violate the fiduciary responsibility of the directors. The Committee recommends this

policy as an effective means of preventing leases at concessionary terms."

I believe the mechanism is already included in the current language of the proposed Constitution.

I don't see the necessity of going to the Legislature. The fact is that the Legislature also is subject to bribes and so forth, and I would prefer that we leave it up to the directors.

It's the same process. There are supposed to be hearings. They're supposed to put out for competitive bid any parcel of lands that's going to be leased by anyone.

So I don't see the problem. It's being accommodated. At this time, I'm not going to support the amendment.

CHAIR VILLAGOMEZ: I thank you, Mr. President.

I want to make it clear to everyone that the Constitutional Convention does not have immunity. Please stick to the facts.

Go ahead, Donald Mendiola.

DELEGATE DONALD MENDIOLA: Thank you, Mr. Chair.

I would like to applaud our President for being considerate and having the courage to mention that members of the legislature are subject to bribery.

What is stopping the board of directors from being subjected to the same -- excuse me -- information that was

shared by the President.

I don't have anything against anyone. I think the Legislature would have more things to worry about than the 1 hectare approval or disapproval condition.

The people would like to have their lands all leased out. I don't have one yet, but I may have some to lease in the future.

But do I have to wait for a long period of time before I actually get an approval, and which you know, they are not always here and present.

Thank you, Mr. President, for the chance to speak.

CHAIR VILLAGOMEZ: I want to remind everybody that the subject is the size of the land that the Legislature must approve.

Go ahead, Delegate Aldan-Pierce.

DELEGATE ALDAN-PIERCE: Thank you, Mr. Chair.

If the amendment is being offered because some Delegates are concerned about the possible evasion of the 5 hectare requirement, that was discussed at length in the Committee. It is on page 8 of the Committee report, the legislative history, that says that we have taken note of the possible evasion of the 5 hectare requirement that might occur if developers acquire separate parcels of less than 5 hectares and then join them.

The fiduciary responsibilities of the directors

require that they investigate this possibility and require as a lease term that if any parcels are subsequently joined in fact or in practical effect to a lease of less than 5 hectares that would make the total parcel greater than 5 hectares, then the lease shall automatically expire and the legislature's approval must be obtained.

DELEGATE HOCOG: Very, very good.

DELEGATE ALDAN-PIERCE: Thank you.

CHAIR VILLAGOMEZ: I'm sorry. My eyes are not that good. When you raise your hand, hold it there so I can recognize you.

Go ahead, Lillian Tenorio.

DELEGATE TENORIO: Thank you, Mr. Chair.

I applaud Delegate Gonzales for this amendment. I heard the explanation of our chair, vice chair, who led the review on this particular article.

I think the intent is not because of fear of circumventing the 5 hectare provision. What Delegate Gonzales is seeking to accomplish is to provide another added protection that the public lands will be used prudently by subjecting it to legislative review.

That's all he's asking for, is just to insure that another protection is given in the management of our public lands.

CHAIR VILLAGOMEZ: Any more discussion before we vote on the subsidiary motion?

DELEGATE CAMACHO: Mr. Chair.

CHAIR VILLAGOMEZ: Delegate Camacho and then
Delegate Donald Mendiola.

DELEGATE CAMACHO: I want to say that I support the
motion to reduce the 5 hectares to 1 hectare for the Legislature
to look at.

Thank you, Mr. Chair.

CHAIR VILLAGOMEZ: Thank you, Delegate Camacho.

Delegate Mendiola, go ahead.

DELEGATE DONALD MENDIOLA: Thank you, Delegate Former
First Governor Camacho.

I am disappointed, too. I do wish that if an
amendment comes up to please have the person that submitted the
amendment to please explain it further instead of having another
fellow Delegate or colleague explain the intention of the
amendment.

We're having Delegate Lillian Tenorio explaining
the intention of the amendment that Delegate Gonzales
introduced. I'm getting confused. Why is it happening?

I support it, but please, if you are introducing an
amendment, please explain it. Don't have anybody else explain
it. It's like someone is turning it in for someone else.

~ Thank you.

CHAIR VILLAGOMEZ: Thank you for your wise words,
Delegate Mendiola.

Before I recognize John Gonzales, go ahead, Delegate Victor Hocog.

DELEGATE HOCOG: I guess the amendment is very ridiculous, No. 1, Mr. Chair.

If we are to downsize the number of hectares of land that is subject to legislative review, why not Mr. Chair, reduce it down 926 square meters, if that is what we are concerned with?

Are we opening our hands for development or are we closing our hands for nondevelopment?

You tell me, Mr. Chair. I want to find out from these Delegates. You telling me an investor will come in and lease 1 hectare to develop a 20-story building? This is ridiculous, Mr. Chair, No. 1.

The legislative director or the Bureau director has fiduciary duties, and if any deviation away from that he is subjected to answer, particularly when he's required to report that before a session in the Legislature.

Let's not be too greedy in trying to protect the land, and then we would like to sell our land at the same time.

— I know we have a lot more protective clauses here, as Delegate Marian Aldan-Pierce said, that anyone trying to circumvent the legislative review will be subjected to termination or will be subjected to legislative review. This is very clear language.

If we are really mindful about a piece of property, Mr. Chair, I would like to move, too, that 926 square meters will be subject for legislative review.

CHAIR VILLAGOMEZ: You are making a subsidiary motion?

DELEGATE HOCOG: I am making that subsidiary motion.

CHAIR VILLAGOMEZ: Let's take care of the first subsidiary motion as proposed by Delegate Gonzales. If that is defeated and you want to come back, I will give you that opportunity.

Before I recognize Delegate John Gonzales, let me recognize Delegate Maratita and then Delegate Tom Aldan.

Go ahead, Delegate Maratita.

DELEGATE MARATITA: Thank you, Mr. Chair.

We are specifying some duties here as far as preparing parcels of land to be approved by the Legislature.

I think the present practice of saying 5 hectares, 4.99 would be the responsibility of the owner, and 5 hectares would be the responsibility of the Legislature.

If we are worried that our land is being given away at 1 hectare, then we should be worried as to what the Bureau people would be doing and leave it to them. The Bureau people are safeguarding the public interest in land. That's their responsibility.

Now, as a layer of protecting 5 hectares upwards, then that is the responsibility of the Legislature, whether to

reject or approve the submission by the Bureau.

Thank you.

CHAIR VILLAGOMEZ: Thank you, Delegate Maratita.

Go ahead, Delegate Tom Aldan. Then
Delegate Gonzales and then Mr. President.

DELEGATE TOMAS B. ALDAN: I would like to remind you,
Mr. Chair, the last sentence of this report reads:

"The Committee recommends this language
to the Convention."

I see here Delegate Gonzales signed the report that
he's supposed to recommend passage to the Convention.
Apparently, he does not.

I also saw one last name on the bottom. It seems
to me that this is the reason why it takes a long time for
reports to get through the Committee of the Whole because
sometimes the very Delegates who are supposed to support it, are
against passage for a certain reason, one thing or another.

But I would like the Delegates to support their
recommendation; otherwise, the other Delegates feel that maybe
this report is not the consensus of the Committee.

CHAIR VILLAGOMEZ: Thank you.

First, I want to recognize the presence of our
Congressman, Representative Stanley Torres, in the Chamber.

(Applause.)

CHAIR VILLAGOMEZ: This is the lineup: President

Guerrero, Delegate Gonzales, Delegate Lillian Tenorio, and then I think we've heard enough debate.

Go ahead, Senate President.

CHAIR VILLAGOMEZ: Go ahead, Senate President.

I will give you an opportunity, Delegate Gonzales, to speak prior to voting, rest assured.

DELEGATE FLEMING: Con-Con President.

CHAIR VILLAGOMEZ: Same thing.

PRESIDENT GUERRERO: Thank you, Mr. Chair, but I have no intention of overthrowing the Senate at this time.

Mr. Chair, it bothers me to know we're trying to add an additional layer. We are always concerned about outside investors and so forth.

You know, if we are going to do this, then we should also require before a homestead is deeded out, then the Legislature should have the final say-so individually on every one of them so that a public hearing is held to see if everyone else is following the rules or somebody is circumventing the rules and they're just getting the land deeded and also to insure that everything else is moving forward.

I don't know, Mr. Chair. There is a need to have consistency in this government. I think the Committee did an excellent job in putting teeth in the Committee report and in the language itself.

I believe that we should leave to these people, the

directors that will be appointed, to make that decision. I don't think that we know and everybody knows that, perhaps, in the future they have certain fiduciary responsibilities and they have to live up to those standards, just like any legislators have to live up to the oath of office and to insure that the general public gets the best deal on a piece of property if they are going to lease it.

The mechanism is there. If we do this, then, perhaps, we should think also about the homestead program and make it so that has to go through the Legislature.

This is basically executive functions that we're giving to the Legislature to do, giving the Legislature a veto power over the executive functions. We should think very seriously to what extent we should continuously give the Legislature Executive functions.

I still support the original intent of this Committee report.

CHAIR VILLAGOMEZ: Thank you, Con-Con President.

I apologize for calling you the Senate President. I was thinking of him for two months. My apologies. I'll never call you the Senate President.

Delegate John Gonzales.

DELEGATE GONZALES: (Statements in Chamorro.)

Let me translate into English what I just said, if you permit me.

Some of my fellow Delegates say it's a ridiculous amendment. With all due respect, I beg to differ. Ask yourself: Do we still have a lot of public land available for us to go ahead and continually dispose of? Who has first priority, economic development or social fabric of our people? I ask you that.

Development. In the name of development, we all have given so much attention to economic development; yet, we have clearly forgotten over and over and time a time again, the needs of our people.

After all, the public lands belong to people and they deserve first to be given the priority for those public lands, which is rightly theirs, not to mention the opportunity to comment, to put their input in at public hearings.

I close with regard to the answer of the effervescent Delegate Donald Mendiola.

I put in the amendment because of my clear conscience, my integrity, and honesty. I believe in the amendment. I did not submit it in because of somebody else.

I give two points: No. 1, as I said earlier, the value and resource of public lands is too precious and too much to be ignored and sacrificed in the name of economic development. The excuse of giving it to the Legislature would be too much of a bureaucracy.

In closing, Mr. Chair, in light of the scarcity of

public lands now available, and in light of the land rush phenomenon that witness countless numbers of land to go away before our very eyes, I have submitted this amendment to essentially create a buffer or protection for the future generations in light of the menial public lands that are available in front of our eyes.

CHAIR VILLAGOMEZ: Thank you, Delegate Gonzales. I think we have enough debate.

Go ahead, Delegate Lillian Tenorio.

DELEGATE TENORIO: Move to end debate.

(The motion was seconded.)

CHAIR VILLAGOMEZ: Those in favor of ending debate, say "Yes."

Opposed, say "No."

(The motion carried.)

CHAIR VILLAGOMEZ: We're going to vote on the subsidiary motion as proposed by Delegate Gonzales.

The motion is that 1 hectare of public land must undergo legislative scrutiny rather than five.

All those in favor say "Yes."

All opposed say "No."

Please raise up your hand for those say yes. Can the Con-Con clerk help me?

CONVENTION CLERK: 6.

DELEGATE TENORIO: I'm correct. I'm raising up my hand.

CHAIR VILLAGOMEZ: Please raise your hand. Leave it there until I tell you.

All those who oppose, say "No."

MR. ZIMMERMAN: Raise their hand.

CHAIR VILLAGOMEZ: All opposed raise your hand. My apologies. Raise it up high.

CONVENTION CLERK: 6 and 12.

CHAIR VILLAGOMEZ: It's defeated. 6 to 12. There are 12 "No."

Thank you.

Delegate Lifoifoi.

DELEGATE LIFOIFOI: Mr. Chair, I move to end debate on Article 11.

(The motion was seconded.)

CHAIR VILLAGOMEZ: It's been moved and seconded that we end debate. That means that we go back to the main motion.

DELEGATE HOCO: Mr. Chair, provide me the privilege, then, to withdraw my motion.

CHAIR VILLAGOMEZ: Yes.

DELEGATE HOCO: I will now withdraw my motion.

- **CHAIR VILLAGOMEZ:** I was going to go back to you. Thank you, Mr. Floor Leader, for reminding the Chair of that.

We're going to vote on the main motion. This is the adoption of the Committee report, Article 11.

DELEGATE CAMACHO: Mr. Chair, can we ask for roll call on

this, please?

CHAIR VILLAGOMEZ: Yes.

Go ahead, Con-Con clerk.

CONVENTION CLERK: Restate the motion.

DELEGATE NOGIS: Recess.

CHAIR VILLAGOMEZ: Recess for five minutes.

(A recess was taken from 4:28 P.M. to 4:36 P.M.)

CHAIR VILLAGOMEZ: The Committee of the Whole is back in session. We have a subsidiary motion.

DELEGATE CAMACHO: Mr. Chair, I withdraw my motion for a roll call. I'll reserve it for the plenary session.

CHAIR VILLAGOMEZ: We're back on the main motion. The main motion is to adopt Article 11 as amended.

All those in favor say "Yes."

All those opposed say "No."

Article 11 is adopted.

Thank you, Chair Aldan.

We're now on Article 13, eminent domain.

I call upon Chair Marian Aldan-Pierce.

DELEGATE ALDAN-PIERCE: Thank you, Mr. Chair.

I move to adopt on second reading the report of the Committee on Land and Personal Rights with respect to Article 13, eminent domain.

(The motion was seconded.)

CHAIR VILLAGOMEZ: Go ahead.

DELEGATE ALDAN-PIERCE: Thank you.

Article 13 has remained unchanged since 1976, and we recommend no changes.

During the floor discussion on first reading there was a Delegate suggestion that the government be encouraged to use the eminent domain power. The Committee took care of that in Article 11. We put a two-year limit on clearing up land exchanges. This means the government will have to use the eminent domain power more often.

Thank you.

DELEGATE HOCOG: Ready for the question.

CHAIR VILLAGOMEZ: It has been moved and seconded to adopt Article 13.

All those in favor say "Yes."

All those opposed say "no."

Article 13 is adopted.

Next is Article 14, natural resources.

Go ahead, Chair Aldan-Pierce.

DELEGATE ALDAN-PIERCE: I move to adopt on second reading Article 14, natural resources.

(The motion was seconded.)

CHAIR VILLAGOMEZ: It has been moved and seconded that Article 14 be adopted.

Any discussion?

All those in favor of adopting Article 14 say

"Yes."

Opposed say "No."

Article 14 is adopted.

Yes, Mr. President.

PRESIDENT GUERRERO: I wonder if we could adopt the gambling --

CHAIR VILLAGOMEZ: I was about to say that.

DELEGATE HOCOG: Mr. Chair, in addition, I would like to include Article 16 for second reading.

CHAIR VILLAGOMEZ: What is Article 16, Mr. Floor Leader?

DELEGATE HOCOG: Corporations.

CHAIR VILLAGOMEZ: Any objection?

DELEGATE TENORIO: No objection.

DELEGATE CAMACHO: Mr. Chair, these are all unplanned second readings of proposals that are going to be passed without documents in front of us.

We come unprepared, other than the gambling Article 21, which has been circulated. I have not seen Article 16. I don't understand why we are trying to do all of these things without providing the Delegates at least copies so that we can look at it.

I realize that it went to first read reading already. But can't Article 16 be delayed until tomorrow? Are we concerned that the Rota delegation or Tinian delegation will not be here tomorrow?

CHAIR VILLAGOMEZ: Thank you, Delegate Camacho.

It's the consensus to place it on the calendar. During that discussion, if you want to make a motion to refer it back, I will give you that opportunity, but it has been calendared.

We go now to Article 15 on gambling. I call on Delegate Tom Aldan.

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

The Committee presents the following report to the Delegates with respect to Article 15 formerly Article 21, Gambling, on second reading.

Delegate proposals: The Committee's report No. 3 is dated June 21, 1995. Thereafter, Delegate proposals 455, 572, and 608 were introduced.

The Committee considered these proposals and concluded that they raise issues dealt with by each senatorial district that approves casino gambling.

Floor discussion: The Committee of the Whole discussed Report No. 1 June 21, 1995. Comments from several Delegates produced a revised report which the Committee of the Whole discussed and adopted on June 22, 1995.

Delegate Amendments: The Committee received no Delegate amendments with respect to this article.

Committee Changes: This article has been renumbered to eliminate gaps left as articles were consolidated.

The Committee recommends no further changes to the text of the of this article.

Therefore, we move to adopt the report on gambling.

(The motion was seconded.)

CHAIR VILLAGOMEZ: It has been moved and seconded to adopt Article 15, formerly Article 20, on gambling by popular initiative.

Any discussion?

All those in favor of adopting Article 15 on gambling say "Yes."

Opposed say "No."

This article is adopted.

Thank you, Delegate Aldan.

The next is Article 16 on corporations.

I call Delegate Marian Aldan-Pierce.

Go ahead.

DELEGATE ALDAN-PIERCE: Thank you Mr. Chair.

I move to adopt on second reading the report of the Committee on Land and Personal Rights with respect to Article 16, Corporations.

(The motion was seconded.)

CHAIR VILLAGOMEZ: It has been moved and seconded to move and adopt Article 16 on corporations.

Any discussion?

Delegate Victor Hocog.

DELEGATE HOCOG: For your information, Mr. Chair.

CHAIR VILLAGOMEZ: Go ahead.

DELEGATE HOCOG: This section contains no changes, so we don't have to worry about changes.

I move for the question.

CHAIR VILLAGOMEZ: We're now going to vote on Article 16, Corporations.

All in favor of adopting it say "Yes."

Opposed say "No."

Article 16 is adopted.

Thank you.

DELEGATE HOCOG: No more?

Mr. Chair, I would like to resolve --

CHAIR VILLAGOMEZ: That concludes the Committee of the Whole agenda.

DELEGATE HOCOG: I would like to resolve back to the plenary recession.

(The motion was seconded.)

CHAIR VILLAGOMEZ: Those in favor to go back to the plenary session say "Yes."

(The motion carried.)

Mr. President.

PRESIDENT GUERRERO: Yes.

DELEGATE HOCOG: Five-minute recess.

(A recess was taken from 4:45 P.M. to 4:58 P.M.)

(Tape Change.)

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

I call on Delegate Villagomez to report back on the deliberation of the Committee of the Whole.

DELEGATE VILLAGOMEZ: Thank you, Mr. President.

The Committee of the Whole discussed several articles and adopted them.

Before I get to that, Article 9 on initiative was referred back to the Committee.

The Committee of the Whole adopted Article 7, Article 8, Article 10 as amended, Article 11 as amended, Article 13, Article 14, Article 15 on gambling, and Article 16 on corporations.

Thank you, Mr. President, for the opportunity to chair the Committee of the Whole.

(Applause.)

PRESIDENT GUERRERO: Let's give him a round of applause. He did an excellent job just like everyone else before him, also.

It was difficult for him because he couldn't debate from the Chair.

I call on the Floor Leader.

DELEGATE HOCOG: I move to pass second and final reading of Article 7, Eligibility To Vote and Hold Office.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to pass Article 7, Eligibility To Vote and Hold Office, for second and final reading.

Discussion?

If not, Con-Con clerk, roll call.

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

YES: Delegates Tomas B. Aldan,
Vicente S. Aldan, Marian Aldan-Pierce,
Frances LG Borja, Esther S. Fleming, John
Oliver Gonzales, Herman T. Guerrero, Victor B.
Hocog, David L. Igitol, Jose R. Lifoifoi,
David Q. Maratita, Donald B. Mendiola, James M.
Mendiola, Felix R. Nogis, Bernadita T. Seman,
Marylou Ada Sirok, Helen Taro-Atalig, Juan S.
Tenorio, Lillian A. Tenorio, Joaquin P.
Villagomez. (20 votes)

NO: (None.)

CONVENTION CLERK: Mr. President, we have 20 voting yes,
7 members absent.

(Applause.)

PRESIDENT GUERRERO: Before I announce the official result, I hope that the "um" stands for yes --

DELEGATE NOGIS: Affirmative.

PRESIDENT GUERRERO: -- and other grunted forms of

expression.

Article 7 passes on second and final reading with 20 votes.

Mr. Floor Leader.

DELEGATE HOCOG: Yes, Mr. President.

I now move to pass second and final reading of Article 8, Elections.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to pass Article 8 for second and final reading.

Discussion?

Con-Con clerk, roll call.

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

YES: Delegates Tomas B. Aldan,
Vicente S. Aldan, Marian Aldan-Pierce,
Frances LG Borja, Esther S. Fleming, John
Oliver Gonzales, Herman T. Guerrero, Victor B.
Hocog, David L. Igitol, Jose R. Lifoifoi,
David Q. Maratita, Donald B. Mendiola, James M.
Mendiola, Felix R. Nogis, Bernadita T. Seman,
Marylou Ada Sirok, Helen Taro-Atalig, Juan S.
Tenorio, Lillian A. Tenorio, Joaquin P.
Villagomez. (20 votes)

NO: (None.)

CONVENTION CLERK: Mr. President, we have 20 members

voting yes, 7 members absent.

Article 8 passes on second and final reading.

(Applause.)

PRESIDENT GUERRERO: Mr. Floor Leader.

DELEGATE HOCOG: Mr. President, I would like to move to pass second and final reading as amended Taxation and Public Finance.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to pass Article 10, Taxation and Public Finance, on second and final reading on as amended.

Discussion?

Con-Con clerk, roll call.

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

YES: Delegates Tomas B. Aldan,
Vicente S. Aldan, Marian Aldan-Pierce,
Frances LG Borja, Esther S. Fleming, John
Oliver Gonzales, Herman T. Guerrero, Victor B.
Hocog, David L. Igitol, Jose R. Lifoifoi,
David Q. Maratita, Donald B. Mendiola, James M.
Mendiola, Felix R. Nogis, Bernadita T. Seman,
Marylou Ada Sirok, Helen Taro-Atalig, Juan S.
Tenorio, Lillian A. Tenorio, Joaquin P.
Villagomez. (20 votes)

NO: (None.)

CONVENTION CLERK: Mr. President, we have 20 members voting yes, 7 members absent.

PRESIDENT GUERRERO: Article 10 passes on second and final reading.

(Applause.)

PRESIDENT GUERRERO: Mr. Floor Leader.

DELEGATE HOCOG: Yes, Mr. President.

I now move to pass on second and final reading as amended Article 11, Commonwealth Lands.

PRESIDENT GUERRERO: It has been moved and seconded to pass Article 11, Commonwealth Lands as amended.

Discussions?

Yes, Delegate Villagomez.

DELEGATE VILLAGOMEZ: Mr. President and fellow Delegates: I ask your support in passing this very important article that will protect the people's land.

I just want to cut it short. I know time is of the essence. I leave you with this quote, "We do not own the land. We are just borrowing it from our children."

Thank you.

PRESIDENT GUERRERO: Thank you, Delegate Villagomez.

Delegate Gonzales.

DELEGATE GONZALES: I wanted to insert another comment on the amendment. That is to talk about the size of the land. Let us be mindful of what has already transpired in the past.

Look at, for example, Plumeria Hotel, the Aqua Resort, the proposed Okamoto. These are public lands that are 1-1/2 hectares or less than 1-1/2 hectares. The Okamoto is going to be a little over 2 hectares. These are worth millions of dollars of investment money.

Now, we ask ourselves, do we just allow it to slip by without the two levels of approval?

That's it, Mr. Chair.

PRESIDENT GUERRERO: Thank you, Delegate Gonzales.

Delegate Hocog.

DELEGATE HOCOG: Ready for the question.

PRESIDENT GUERRERO: May I recognize Delegate Tomas Aldan?

DELEGATE TOMAS B. ALDAN: I just want clarification.

Some of us heard first reading.

DELEGATE HOCOG: No. The motion is for second and final reading as amended.

PRESIDENT GUERRERO: Thank you.

Delegate Maratita.

DELEGATE MARATITA: I want clarification.

-- Have we already placed this for first reading?

PRESIDENT GUERRERO: Yes, we have.

DELEGATE MARATITA: Article 11, page 1, that's Commonwealth Lands as is, which are public lands. I want it clarified, Commonwealth Lands is the title?

PRESIDENT GUERRERO: Yes.

DELEGATE MARATITA: Thank you.

DELEGATE HOCOG: Ready.

PRESIDENT GUERRERO: Con-Con clerk, roll call.

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

YES: Delegates Tomas B. Aldan,
Vicente S. Aldan, Marian Aldan-Pierce,
Frances LG Borja, Esther S. Fleming, Herman T.
Guerrero, Victor B. Hocog, David L. Igitol,
Jose R. Lifoifoi, David Q. Maratita, Donald B.
Mendiola, James M. Mendiola, Felix R. Nogis,
Bernadita T. Seman, Marylou Ada Sirok, Helen
Taro-Atalig, Juan S. Tenorio, Lillian A.
Tenorio, Joaquin P. Villagomez. (19 votes)

NO: (None.)

ABSTAIN: John Oliver Gonzales.

(1 vote)

CONVENTION CLERK: Mr. President, 19 members voted yes,
1 member abstained, and 7 members absent.

PRESIDENT GUERRERO: Article 11 passes by 20 votes.

DELEGATE HOCOG: 19.

PRESIDENT GUERRERO: 20 votes. The abstention goes with
the prevailing side.

MR. WILLENS: That's right.

(Applause.)

PRESIDENT GUERRERO: Mr. Floor Leader.

DELEGATE HOCOG: Mr. President, I move to pass second and final reading Article 13, Eminent Domain.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to pass on second and final reading Article 13, Eminent Domain.

Discussion?

If not, Con-Con clerk, roll call.

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

YES: Delegates Tomas B. Aldan,
Vicente S. Aldan, Marian Aldan-Pierce,
Frances LG Borja, Esther S. Fleming, John
Oliver Gonzales, Herman T. Guerrero, Victor B.
Hocog, David L. Igitol, Jose R. Lifoifoi,
David Q. Maratita, Donald B. Mendiola, James M.
Mendiola, Felix R. Nogis, Bernadita T. Seman,
Marylou Ada Sirok, Helen Taro-Atalig, Juan S.
Tenorio, Lillian A. Tenorio, Joaquin P.
Villagomez. (20 votes)

NO: (None.)

CONVENTION CLERK: Mr. President, 20 members voted yes, 7 members absent.

PRESIDENT GUERRERO: Article 13 passes on second and final reading.

(Applause.)

PRESIDENT GUERRERO: Mr. Floor Leader.

DELEGATE HOCOG: Mr. President, I move to pass on second and final reading Article 14, Natural Resources.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to pass on second and final reading Article 14, Natural Resources.

Discussion?

Let me recognize Delegate Donald Mendiola.

DELEGATE DONALD MENDIOLA: I'm sorry.

PRESIDENT GUERRERO: Delegate Villagomez.

DELEGATE VILLAGOMEZ: Thank you, Mr. President. Please allow me to read a short statement.

Mr. President and distinguished Delegates: Today we're discussing Article 15 for second and final reading.

DELEGATE HOCOG: Point of control.

PRESIDENT GUERRERO: We're on Article 14.

DELEGATE HOCOG: Point of control.

DELEGATE VILLAGOMEZ: Article 14.

I would like to request the unanimous approval of the Convention to pass this very important article with respect to our fragile and precious and natural resources.

The proposed article deals with two very important sections. Section 1, which states:

"The marine resources in waters off the coast of the Commonwealth over which the

Commonwealth now and hereafter may have any jurisdiction shall be managed, controlled, protected, and preserved by the Legislature for the benefit of the people."

At the end, a new section 4 is added to read:

"The mineral, water, and other natural resources located on public land shall be managed, controlled, and preserved by the Legislature for the benefit of the people."

These two sections support the concept of the public trust doctrine which states:

The public trust doctrine provides title to navigable and fresh water, the land beneath, as well as the living resources inhabiting these waters within a state is a special title. It is a title held by the state, the Commonwealth, in trust for the benefit for the public that establishes the right of the public to use and enjoy this trust water, lands, and resources for a variety of recognized public use. Of greater importance, it is also a title with two components: The public trust title use, *jus publicum*, and a private proprietor title, *jus privatum*.

A central strength of the public trust doctrine is that it allows the state to manage its resources as a property owner rather than having to exercise either its regulatory police power or the power of eminent domain. The public trust

doctrine offers our costal resources manager a powerful tool in addition to state regulatory police power.

The doctrine places the costal manager in a stronger position of managing publicly owned resources rather than regulating privately owned property.

The doctrine provides a sound legal basis for requiring all uses of the trust lands and waters to be water dependent.

Further, these private rights in trust lands are in great part subject to the dominant rights of the public to use the same land for a variety of recognized uses.

The doctrine is tremendously versatile. It can be used to address problems as diverse as public access to the coastal areas and environmental quality.

In short, the public trust doctrine is applicable whenever navigable water or the land beneath are altered, developed, conveyed, and otherwise managed or preserved.

It applies whether the trust lands are publicly or privately owned. The doctrine articulates not only the public rights of this land and water, it also sets limitations on the Commonwealth, the public, and private owners, -as well as establishing the duties and responsibilities of the state when managing these public trust assets.

In conclusion, exercising the public trust doctrine authority is to exercise power over a state's own property.

This places the coastal resources manager in a well protected position from successful taking arguments.

Thank you, Mr. Chair.

PRESIDENT GUERRERO: Thank you.

Let me recognize Delegate Lillian Ada-Tenorio.

DELEGATE TENORIO: Thank you, Mr. President.

Delegate Villagomez has been extremely helpful to the Committee on Land and Personal Rights. I want him to know that I consider him the Jacques Cousteau of the Marianas.

PRESIDENT GUERRERO: Delegate Hocog.

DELEGATE HOCOG: That's okay, Mr. President. We have concluded the round of applause.

PRESIDENT GUERRERO: Any other discussion?

Con-Con clerk, roll call.

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

YES: Delegates Tomas B. Aldan,
Vicente S. Aldan, Marian Aldan-Pierce,
Frances LG Borja, Esther S. Fleming, John
Oliver Gonzales, Herman T. Guerrero, Victor B.
Hocog, David L. Igitol, Jose R. Lifoifoi,
David Q. Maratita, Donald B. Mendiola, James M.
Mendiola, Felix R. Nogis, Bernadita T. Seman,
Marylou Ada Sirok, Helen Taro-Atalig, Juan S.
Tenorio, Lillian A. Tenorio, Joaquin P.
Villagomez. (20 votes)

NO: (None.)

CONVENTION CLERK: Mr. President, 20 members voted yes, 7 members absent.

(Applause.)

PRESIDENT GUERRERO: Article 14, Natural Resources, passes on second and final reading by 20 votes.

Mr. Floor Leader.

DELEGATE HOCOG: For that reason, Mr. Chair, I would like to move now to pass second and final reading on gambling.

PRESIDENT GUERRERO: What?

DELEGATE HOCOG: I would like to restate my motion.

I would like to move to pass Gambling, Article 15, on second and final reading.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to pass Article 15 on second and final reading.

Discussion?

If not, Con-Con clerk, roll call.

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

YES: Delegates Tomas B. Aldan,
Vicente S. Aldan, Marian Aldan-Pierce,
Francis LG Borja, Esther S. Fleming, John
Oliver Gonzales, Herman T. Guerrero, Victor B.
Hocog, David L. Igitol, Jose R. Lifoifoi,
David Q. Maratita, Donald B. Mendiola, James M.

Mendiola, Felix R. Nogis, Bernadita T. Seman,
Marylou Ada Sirok, Helen Taro-Atalig, Juan S.
Tenorio, Lillian A. Tenorio, Joaquin P.
Villagomez. (20votes)

NO: (None.)

CONVENTION CLERK: Mr. President, 20 members voted yes,
7 members absent.

PRESIDENT GUERRERO: Article 15 passes on second and
final reading by 20 votes.

(Applause.)

DELEGATE HOCOG: Move to pass second and final reading
Article 16, Corporations.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to
pass Article 16 on second and final reading.

DELEGATE HOCOG: Ready for the question.

PRESIDENT GUERRERO: Discussion?

PRESIDENT GUERRERO: Con-Con clerk, roll call.

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

YES: Delegates Tomas B. Aldan,
Vicente S. Aldan, Marian Aldan-Pierce,
Francès LG Borja, Esther S. Fleming, John
Oliver Gonzales, Herman T. Guerrero, Victor B.
Hocog, David L. Igitol, Jose R. Lifoifoi,
David Q. Maratita, Donald B. Mendiola, James M.

Mendiola, Felix R. Nogis, Bernadita T. Seman,
Marylou Ada Sirok, Helen Taro-Atalig, Juan S.
Tenorio, Lillian A. Tenorio, Joaquin P.
Villagomez. (20 votes)

NO: (None.)

CONVENTION CLERK: Mr. President, 20 members voted yes,
7 members absent.

(Applause.)

PRESIDENT GUERRERO: Article 16 passes on second and
final reading by 20 votes.

DELEGATE HOCOG: Mr. President.

PRESIDENT GUERRERO: Yes, Mr. Floor Leader.

DELEGATE HOCOG: I would like to move to pass report
No. 7, Article 12, on first reading -- I'm sorry.

I withdraw my motion.

I move, if there is no objection, to go to item 11.

PRESIDENT GUERRERO: We're finished with item 10 of our
agenda. We're on item 11, announcement and miscellaneous
business.

I call on Delegate Borja.

DELEGATE BORJA: Mr. President and fellow Delegates,
please allow me to say something about what was said by
Delegate Camacho this morning.

First of all, I do not agree that we have goofed in
selecting our leadership. I'm part of that leadership. I think

I'm capable of being a leader.

As a part of the COP, we have never withheld any information from the rest of the Delegates that was pertinent for their deliberations.

From the beginning, everything has been openly discussed and debated at the Committee level and again in the Committee of the Whole and in the Convention.

The so-called majority do not always agree nor vote on an issue because it was proposed or introduced by a majority member. I can attest to this because my amendment to retain the two-year House term was even rejected by the majority in the Committee. I had to appeal to the Committee of the Whole and Convention itself to get my amendment adopted. The votes I got were more from the other Delegates who were not members of the so-called majority.

I have no doubt in my mind the Delegates are voting on issues and not on personality or whether they belong to the majority or minority.

I also have no doubt in my mind that our legal counsel has provided us the legal advice to the best of their abilities and have not influenced the Delegates in their discussion on what amendments to make in the Constitution.

I think that the amendments we have come up with is a product of what we firmly believe to be the best for our Constitution.

Thank you.

PRESIDENT GUERRERO: Thank you.

I call on Delegate Villagomez at this time.

(Applause.)

DELEGATE VILLAGOMEZ: Thank you, Mr. President.

I agree with what Delegate Borja stated.

Mr. President, you are a great leader. I want to thank you, if I am minority, for giving me the opportunity, and I sometimes go beyond, to putting forth my proposals and my amendments.

I feel that you are fair, fair to me. I also want to thank all the Chairs for your excellent jobs and for giving me the opportunity to debate.

I want to commend the COP, the leadership. You have done a great job.

I want to commend the legal staff. I have not been denied any material. Any material that I want, I get.

I want the record straight that I am satisfied. I want to thank you all for giving me a chance to put forth what I wanted when I campaigned.

Thank you.

PRESIDENT GUERRERO: Thank you, Delegate Villagomez.

I call on Delegate Seman.

DELEGATE SEMAN: Mr. President, I have remarks to say about what was said today. I would like to reserve my remarks

until we have the presence of Dr. Camacho.

Thank you.

PRESIDENT GUERRERO: Perhaps he's watching on television.

Delegate James Mendiola.

You didn't have your hand up?

DELEGATE JAMES M. MENDIOLA: No.

PRESIDENT GUERRERO: Yes, Delegate Marian Aldan-Pierce.

DELEGATE ALDAN-PIERCE: Are we still on announcements?

PRESIDENT GUERRERO: Yes, we are.

DELEGATE ALDAN-PIERCE: The draft report on Article 12 has been given to all of the Delegates so we don't have anybody saying they didn't get it.

Also, there will be a meeting tomorrow for the Committee of Personal Rights and Land at 9:30.

Thank you.

PRESIDENT GUERRERO: Any other Committee chairs to make announcements?

Yes, Delegate Nogis.

DELEGATE NOGIS: Yes.

At the same time, Executive and Local Government Committee will meet tomorrow at 9:30.

PRESIDENT GUERRERO: Any other Committee chairs?

Yes, Delegate Donald Mendiola.

DELEGATE DONALD MENDIOLA: The subcommittee on Article 9 will meet tomorrow immediately after the Committee on Land

Personal Rights meeting.

Thank you.

PRESIDENT GUERRERO: Delegate Vicente Aldan, you had something?

DELEGATE VICENTE ALDAN: Mr. President, I side with Delegate Villagomez. You are doing a very good job. We just received this draft on Article -- I guess this is going to be Article 12.

I request that if we are going to entertain this in the Committee of the Whole or plenary session, that maybe we should postpone this to Monday rather than tomorrow so we can digest the thickness of the draft report.

PRESIDENT GUERRERO: We're basically almost finished, so you have all the time all night to do it.

We're running out of time at this stage. We should be at sine die by Thursday. Tomorrow, perhaps, they're going to give us a copy of the analysis, so we are going to be reviewing that, also.

There are other articles that have not come forth to be entertained by the Convention. I urge you to take the time and read it as much as possible for tomorrow's Committee meeting.

DELEGATE VICENTE ALDAN: I have no problem with that. It's just that the articles you mentioned, there is not much conflict with that.

This is an article that affects a lot of people here. I'm just asking the Committee if they could just give us two days. What is Monday before we entertain it in the plenary session for first reading or anything like that.

PRESIDENT GUERRERO: We already finished with the first reading.

DELEGATE VICENTE ALDAN: Or for the second reading.

PRESIDENT GUERRERO: When the Committee is ready to report it by tomorrow, perhaps if they are ready, they can report it out and we can entertain it in the Committee of the Whole.

If we're not finished with the Committee of the Whole, we can carry it over to Monday. That's the best workable solution.

Delegate Gonzales.

DELEGATE GONZALES: If you permit me, Mr. President, on behalf of the Convention to commend the presence of the honorable Delegates from Tinian, the Honorable Delegate David Maratita, the Honorable James Mendiola; and, of course, the honorable Delegate from Rota, Delegate Victor B. Hocog, for their presence in insuring that the Convention and its proceedings continue.

Thank you.

(Applause.)

PRESIDENT GUERRERO: Tomorrow, we are going to have a

session about 1:30 tomorrow in the afternoon, either 1:30 or close to 2:00. It's one of the two.

Yes, Mr. Floor Leader.

DELEGATE HOCOG: Mr. Chair, I move to adjourn subject to the call of the Chair.

(The motion was seconded.)

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

Those in favor of the motion say "Aye."

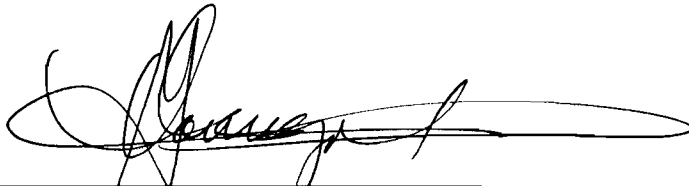
Those opposed say "Nay."

Motion carried.

Session is adjourned.

(The Convention recessed at 5:31 P.M.)

Respectfully submitted,



Convention Secretary