

THIRD NORTHERN  
MARIANA ISLANDS  
CONSTITUTIONAL CONVENTION

DAILY JOURNAL

FIFTY-EIGHTH DAY

Tuesday, August 1, 1995

**PRESIDENT GUERRERO:** The 58th day of the Third Northern Marianas Constitutional Convention is hereby called to order.

Please stand for a moment of silence.

(A moment of silence was had.)

**PRESIDENT GUERRERO:** Thank you.

There are no preliminary matters.

I call now on the Con-Con clerk for roll call.

**CONVENTION CLERK:** Mr. President, there are 26 members present and one member absent.

**PRESIDENT GUERRERO:** Thank you.

We have a quorum to conduct the order of business.

Mr. Floor Leader.

**DELEGATE HOCOG:** Mr. President, I move to adopt the Daily Journal of July 30th.

(The motion was seconded.)

**PRESIDENT GUERRERO:** It has been moved and seconded to adopt the Daily Journal for July 30.

Discussion?

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

Those opposed say "Nay."

Motion carried.

Mr. Floor Leader.

**DELEGATE HOCOG:** I move to adopt the Summary Journal of July 31st.

(The motion was seconded.)

**PRESIDENT GUERRERO:** It has been moved and seconded to adopt the Summary Journal for July 31st.

Discussion?

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

Those opposed say "Nay."

Motion carried.

We now move to reports of committees.

Committee on Organization and Procedures, there is no report today.

At this time, I call the Chair of Land and Personal Rights Committee, Delegate Lifoifoi.

**DELEGATE LIFOIFOI:** Mr. President, your Committee on Land and Personal Rights was supposed to meet this morning to work on the transitional matters, but unfortunately a quorum was not there. I hope the Committee will meet tomorrow.

Thank you.

**PRESIDENT GUERRERO:** Thank you.

Delegate Tomas Aldan, your report on the Committee on Legislative Branch and Public Finance.

**DELEGATE TOMAS B. ALDAN:** Mr. President, the Committee did not have any meeting since the last plenary session.

I would like you to know that the report on Transitional and Related Matters is scheduled for Committee of the Whole.

Thank you.

**PRESIDENT GUERRERO:** Thank you.

I call now on Delegate Felix Nogis, Chair, the Committee on Executive Branch and Local Government.

**DELEGATE NOGIS:** Thank you, Mr. President.

As a result of our meeting this morning, your Committee for Executive and Local Government, we were able to address transitional provisions in regard to section 20, former section 22, pertaining to the Special Assistant to Women's Affairs and section 4.

Thank you.

**PRESIDENT GUERRERO:** Thank you, Delegate Nogis.

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

Delegate Hofschneider.

**DELEGATE HOFSCHEIDER:** Thank you, Mr. President.

Your Committee on Judiciary and Other Elected Offices met this morning and discussed the transitional matters on Article 3, on Education and Civil Service, in addition to Article 4, Judicial Branch.

**PRESIDENT GUERRERO:** Thank you.

At this time I would like to call the Chair of the Style Committee, Delegate Bennett Seman.

**DELEGATE SEMAN:** Mr. President, we met yesterday. We're working hard to develop the most appropriate style for this Con-Con, including the dress code and the hairstyle.

**PRESIDENT GUERRERO:** Thank you, Delegate Seman.

Now to the introduction of proposed amendments.

Delegate Juan Tenorio.

**DELEGATE JUAN S. TENORIO:** Mr. Chair, I have an amendment with regard to Article 2, Senate members, from two to one.

I have no number yet, but I would like to do it today in the Committee of the Whole.

(The motion was seconded.)

**PRESIDENT GUERRERO:** Any other Delegate amendments?

If not, we move on to unfinished business.

As you noticed, there was a motion yesterday by Delegate Tomas Aldan to reconsider section 3 of Article 2. It's in order now for him to make that motion.

Delegate Aldan.

**DELEGATE TOMAS B. ALDAN:** Yes, Mr. President.

I move to reconsider section 3 of Article 2 relative to the term of office for representatives to increase it to four years.

(The motion was seconded.)

**PRESIDENT GUERRERO:** What was your motion again?

**DELEGATE TOMAS B. ALDAN:** I move to reconsider the term of office for the House of Representatives to four years.

**PRESIDENT GUERRERO:** Can you move first that we reconsider the articles, take it out first? We need to take it out before you can actually amend it.

**DELEGATE TOMAS B. ALDAN:** I move to reconsider section 3 of Article 2.

(The motion was seconded.)

**PRESIDENT GUERRERO:** It has been moved and seconded to reconsider section 3 of Article 2.

I want to mention to the members that pursuant to our rules, we just need a simple majority for that to be reconsidered.

Discussion?

If not, those in favor of the motion to reconsider section 3 of Article 2 please say "Aye."

Those who oppose say "Nay."

Motion carried.

Yes, Delegate Aldan.

**DELEGATE TOMAS B. ALDAN:** Am I in order make a motion to adopt the change from two years to four years?

If so, I so move, Mr. President.

(The motion was seconded.)

**PRESIDENT GUERRERO:** It has been moved and seconded to

change the term of the House members from two to four years.

Discussion?

Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** Thank you, Mr. President and fellow Delegates.

I urge your support to change it to four years. As you know, the recall has been improved. I am happy. I hope you will make me happy by adopting four years.

Thank you.

**PRESIDENT GUERRERO:** Thank you, Delegate Juan Tenorio.

**DELEGATE JUAN S. TENORIO:** I think Delegate Villagomez should be consistent. He fought for two years and now four. That's for the record only.

**PRESIDENT GUERRERO:** Delegate Frances Borja.

**DELEGATE BORJA:** It's not in order for me to speak, then.

Mr. President, I would like to say a few words just very briefly.

I was a proponent of the two-year House term; however, the Convention has since then approved an amendment making the recall of public officials easier and more realistic. Now we can recall an ineffective legislator instead waiting for their office to expire.

I think that was foremost in the minds of those of us who supported retaining the two-year House term. The two-year term limit put the legislators on notice that they have

to deliver on their promises or they would be out at the next election.

I'm satisfied that the amended recall provision now provides that same effect; therefore, I ask for the support of the Delegates to vote now for the four-year House term.

**PRESIDENT GUERRERO:** Thank you.

I call on call Delegate Donald Mendiola first.

**DELEGATE DONALD MENDIOLA:** Thank you, Mr. President.

I also support Frances Borja. I voted against the four-year term. I am very disappointed with Delegate Frances Borja for her change of opinion the amendment proposed by Delegate Tom Aldan.

I have something to say to the Delegates here, Mr. President, but I, who is not as old as the President sitting up there in the chair, I'm a still a learning person. I learn from my mistakes.

I'm very satisfied with the recall process now.

I do admit that I do like the amendment that Delegate Tomas Aldan has submitted to this floor, and regardless of whether I'm satisfied with how Delegate Frances Borja has enticed me to vote against the four-year term initially.

I apologize, Delegate Frances Borja, but I will support the four-year term this time around.

Thank you.

**PRESIDENT GUERRERO:** Thank you.

I call on Delegate Quitugua.

**DELEGATE QUITUGUA:** Thank you, Mr. President.

During the discussion on this issue, I heard comments about how they distrust the Legislature or the legislators for making or enacting laws, and the next day amending it.

Here we are just like those legislators that we criticize. In the last two days, we have made changes and now we want to make changes be again.

What will the people say to us if any of us become a legislator? Are we going to do the same thing?

Thank you.

**PRESIDENT GUERRERO:** Thank you, Delegate Quitugua.

Delegate Gonzales.

**DELEGATE GONZALES:** I'm a person that is hard to convince. I, for some reason, like Tom Aldan. He is a man of his word. I like Tom Aldan.

With regard to Donald Mendiola, it's amazing. I knew all along he should have followed our wisdom, our conventional wisdom.

Mr. President, as I've said in the past about four years, I am a profound proponent of four years for efficiency, responsibility, accuracy, and for effective streamlined public services, let's get on with it. Four years.

With that, I move to end debate, Mr. President.



(The motion was seconded.)

**PRESIDENT GUERRERO:** It has been moved and seconded to end debate.

Those in favor of the motion say "Aye."

Those opposed say "Nay."

Motion carried.

Con-Con clerk, roll call, please.

(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,  
Henry U. Hofschneider, David L. Igitol, Jose R.  
Lifoifoi, David Q. Maratita, Donald B.  
Mendiola, James M. Mendiola, Felix R. Nogis,  
Joey P. San Nicolas, Bernadita T. Seman,  
Marylou Ada Sirok, Lillian A. Tenorio,  
Joaquin P. Villagomez. (20 votes)

**NO:** Delegates Carlos S. Camacho,

Benjamin T. Manglona, Justo S. Quitugua,  
Teresita A. Santos, Helen Taro-Atalig.

(5 votes)

**ABSTAIN:** Delegate Juan S. Tenorio.

(1 votes)

**CONVENTION CLERK:** Mr. President, 20 members voted yes,

five members voted no, one member abstaining, and one member absent.

**PRESIDENT GUERRERO:** The amendment offered by Delegate Tomas Aldan to increase the term of the House members from two to four years passed by 21 votes.

(Applause.)

**PRESIDENT GUERRERO:** I call on Delegate Igitol, who gave notice yesterday to reconsider Article 16.

**DELEGATE IGITOL:** Thank you, Mr. President.

I move to reconsider Article 16 today.

(The motion was seconded.)

**PRESIDENT GUERRERO:** It has been moved and seconded to reconsider Article 16.

Discussion?

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

Those opposed say "Nay."

Motion carried.

Do the members have a copy of the amendment?

**DELEGATE HOCOG:** Recess.

**PRESIDENT GUERRERO:** Two-minute recess.

(A recess was taken from 2:38 P.M. to 2:55 P.M.)

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

At this time, I would like to recognize Delegate Igitol.

**DELEGATE IGITOL:** Thank you, Mr. President.

As you know, yesterday I introduced Delegate Amendment 41, which was jointly submitted by Delegate Lifoifoi and myself. Other Delegates co-sponsored it.

Mr. President, let me explain Amendment 41. This amendment insures the right of collective bargaining for resident citizens. I think our citizens should have the right of collective bargaining. We are growing and our economy is developing.

The people who are the backbone of this economy, our resident citizens, should be able to get together and bargain collectively so they can deal effectively with their employers.

We are a successful economy that is built on tourism. For that reason, we have over 500,000 visitors in our islands each year. We must have easy access to our islands in order to promote tourism. We cannot examine each and every person at the port where they enter. We cannot follow them around the Commonwealth to see if they are sticking with their tourist status or, perhaps, if they are getting jobs here. We are so small, that we would quickly be swamped by the expense of this enforcement effort.

We also grant large foreign corporations very substantial rights to open and operate businesses here. We let them lease land for 55 years. We let them build very large hotels. We let them bring in some managerial people to oversee

their investments.

They are much more powerful than we are. Some of these corporations that are well established here earn more every year several times over than our whole Commonwealth.

Because we are very small, we need to have effective enforcement in dealing with these very large corporations. We cannot spend our meager tax dollars investigating them or trying to figure out what they are doing all the time.

We need a few particular rules on these business subjects in our Constitution. I recognize that in the States this might not be a problem, but we are so small and we have so few resources that we have a special situation.

We need to define those to whom this protection of collection bargaining is given. Otherwise, our resident citizens who want to exercise their right of collective bargaining can easily be overcome by many, many people who are here just for a short time, maybe even brought here for the specific purpose of keeping our people from being effective at collective bargaining.

Our resident citizens are the only force here in our small Commonwealth that can challenge the large corporations who have business interests here. Our resident citizens who own the land and govern our Commonwealth should be able to govern their relationships with employers as well.

We don't allow aliens to vote for political governance here. There is no reason to allow aliens to vote for employment governance, either.

We need this provision as an adjunct to our land-owning system that is guaranteed to us under the Covenant. We also need this provision as an adjunct to our immigration powers that are guaranteed to us under the Covenant.

We need a simple rule, and one that will work and is not expensive to administer. So the simple rule is: Resident citizens have the right to organize and to bargain collectively. No one else has that right. No decision of the Legislature or the Executive Branch can affect that right.

I ask the Delegates for two things: First, allow my motion to reconsider Article 16; second, vote for my Amendment 41 to add this simple rule to Article 16.

Thank you, Mr. President.

**PRESIDENT GUERRERO:** Delegate Igitol, thank you.

Would you like to move to --

**DELEGATE IGITOL:** I move to adopt Amendment 41 as part of Article 16.

(The motion was seconded.)

**PRESIDENT GUERRERO:** It has been moved and seconded to pass Delegate Amendment No. 41.

Discussion?

Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** Thank you, Mr. President.

There was a similar proposal earlier by Delegate Tom Aldan. I would have introduced one, but I withdrew mine. Delegate Aldan was -- it was a decision of the Committee, Judiciary, I think that it's legislative. I am supporting it.

I also have questions. I don't know who to address it to, maybe Mr. Willens.

How does this language relate to the National Labor Relations Board? I think MTC, Micronesian TeleCommunications, has a local union here, and is operating under that.

Also, I want to relate this to the Hafadai case -- where the Hafadai Hotel where the nonresident workers organized.

Can somebody explain that?

**MR. WILLENS:** I don't know if I can explain it, Delegate Villagomez.

As I understand the current state of law, under the Covenant, the Federal law does apply here in the Northern Marianas.

I have not conducted any further investigation as to whether this proposal is consistent.

Let me ask Ms. Siemer if she wants to add anything to that statement.

**MS. SIEMER:** The law in this area will support this kind of restriction if it has the proper basis.

Therefore, the way that this is administered will

be very important. The care and attention to the proper purpose will be very critical to a court looking at this type of arrangement.

Therefore, the general rule will be effective and will be upheld by the court depending on the circumstances in which it comes up and if it's not abused for improper purposes.

**DELEGATE VILLAGOMEZ:** Can I hear from Mr. Zimmerman?

**MR. ZIMMERMAN:** The only thing I would add to that is that proper adoption is also very important. Ordinarily, if state were to adopt a law in this area, it would be after extensive hearings, at which the problems that would cause the state to legislate in the area of private employment would be explored and a record would be made. Here is something that the state, or the Commonwealth, needs to deal with.

**PRESIDENT GUERRERO:** Thank you.

Delegate Tomas Aldan.

**DELEGATE TOMAS B. ALDAN:** I have a question for the legal counsel.

It says here resident citizens shall have the right to organize and to bargain collective. It does not say that nonresident aliens can't have that same right.

In other words, it does not bar a nonresident from having those same privilege to organize and bargain collectively.

Is that correct?

**MS. SIEMER:** Presumably, Delegate Aldan, the legislature will implement that, as they do with many constitutional provisions, and it will be up to the legislature to decide how to implement this and what enforcement techniques to use.

But the right granted here is a right granted to resident citizens. It's not granted to anyone else.

**DELEGATE TOMAS B. ALDAN:** But the fact that we didn't mention that it's not granted to them does not necessarily say they can't have one; is that correct?

**MS. SIEMER:** It will depend on how the Legislature decides to implement it. But the intent here is that the right is granted to resident citizens.

**DELEGATE TOMAS B. ALDAN:** I'm still not clear.

If the Legislature enacts a law basically to expound upon the right of resident citizens to organize and bargain collectively, it is not here in this proposal that the Legislature cannot expand that to include nonresident aliens.

**MS. SIEMER:** As I understand the proposal, it's not intended to restrict the Legislature with respect to how it may decide to implement this.

The Legislature is typically given a broad range of possibilities with respect to implementation.

**DELEGATE TOMAS B. ALDAN:** My reading is correct, then, that if we pass this, it would only authorize, which we are now authorized by Federal law, that we can, no matter what type



citizenship you have, to organize and to bargain collectively; is that correct?

**MS. SIEMER:** You have some immigration powers and controls that states do not have. You can exercise those if you do it for a proper purpose to protect resident citizens.

It is my understanding that the intent of this language is to protect resident citizens.

**DELEGATE TOMAS B. ALDAN:** How are resident citizens protected under the language?

**MS. SIEMER:** It's a right that is granted to resident citizens. It's guaranteed to them.

**DELEGATE TOMAS B. ALDAN:** That's not under the Bill of Rights presently that we have those, that we're free to do once we feel our desire to do as long as it's not contrary to any statutes?

**MS. SIEMER:** Some states have the right to do work mentioned in their Bill of Rights.

The Commonwealth Constitution does not have that in its Bill of Rights. There is a right to work provision, which is the next sentence in this proposal.

**DELEGATE TOMAS B. ALDAN:** Let me ask this question: What would this provision do to the District Court ruling that a nonresident alien can organize and bargain collectively?

**MS. SIEMER:** It depends on how your legislature decides to implement this.

Your legislature may decide to implement it consistently with the court's opinion. The legislature may decide to take into account different circumstances or regulate it differently than the Court opinion.

This is not something that any lawyer, at least any of us in here, can tell you how a particular dispute will come out. This is an area in which there are a lot of cases. They come out differently.

If you have an improper intent, the court will generally find that these kinds of restrictions will not be upheld.

**DELEGATE TOMAS B. ALDAN:** Let me read between the lines.

The way the answer is coming to me, you seem to be implying that we shouldn't have one like this because there may not be something in the present system that will provide it if, in fact, the Legislature wanted.

**MS. SIEMER:** It was not my intention to imply that you should not have a provision like this.

It was my intent to tell you that when you move into this area, if you have an improper intent on what you are doing, the court will search that intent out, or try to, and will measure the constitutionality of this provision against the intent.

The mover of the motion has stated his intent. So far as I can tell, that intent is consistent with what a court

would look to as a proper motive.

I am not an expert in this area. I have never tried one of these cases. So I'm not speaking with a deep reservoir of understanding of the ins and out of the case law here.

**DELEGATE TOMAS B. ALDAN:** One final question.

If we say in the legislative history on this provision, that it is the intent of this Constitutional Convention that no nonU.S. citizen is authorized to organize and to bargain collectively, and shall not be permitted by any vote or by the Legislature enacting a law, would that be a proper intent?

**MS. SIEMER:** That not what I heard the mover of the motion say.

**DELEGATE TOMAS B. ALDAN:** That's what I heard him say, that because Hafadai has a union that is organized, or is about to be organized, basically representing nonMNI or nonU.S. citizen employees.

Now, if we enact this, or if this is ratified, what does this do with the U.S. District Court decision that we can at this point in time organize and bargain collectively?

**MS. SIEMER:** As I understand it, this provision is not at issue in any court decision.

This provision is an attempt to grant to residents a right to collectively bargain, encourage residents who want

to.

This provision, as I read it, does not bind the Legislature as to how it is going to go about implementing it.

It grants a right to resident citizens. If the Legislature wishes to go beyond that in any direction, it would be permitted to do so.

I don't see anything here, unless I'm missing something, that would bar your Legislature from doing anything except taking away from resident citizens the right to bargain collectively.

**DELEGATE TOMAS B. ALDAN:** Maybe the most correct question would be: What is your definition of "resident citizens"?

**MR. WILLENS:** I think the definition you've offered is the correct one.

I do think this is illustrative of when Delegate amendments come at the very last stages of a convention. This is not a matter on which we have been able to give considered, thoughtful legal advice. This is not a matter we have been able to research and provide you the kind advice that we would like to think we would provide you.

If Delegates feel there are concerns of a legal nature with respect to this matter and you want more advice from us, we will provide it. If you think under the time constraints we're under those legal concerns are reasons to vote against this proposal, that, of course, is your decision to make.

**DELEGATE TOMAS B. ALDAN:** Before we make that decision, I would like to be apprised that the court decision handed down on collective bargaining applies to everybody now, all workers, whether U.S. citizen or not.

Before I say yes or no on the amendment, I would like to be clear that it's meant to restrict nonU.S. citizens from organizing and bargaining collectively. That's No. 1.

No. 2, when we say "yes" to the amendment, it would basically repeal or redo, undo, what the District Court has handed down. Before the union takes the whole Hafadai on, it will be dead before it starts.

**MR. WILLENS:** As Ms. Siemer responded to your question, I support with what she said with respect to the intention of the amendment and what the Legislature can do.

You are correct in looking at the wording of this proposed amendment and raising the questions that you do.

So there is no expressed intent here to override the court decision. You may conclude that if that's the purpose, and these words don't do it, you may also conclude that the Commonwealth may not have the authority to do that.

Those are some of the fundamental and difficult legal issues that are raised by this proposal.

**DELEGATE TOMAS B. ALDAN:** Bernie, you want to say something about that?

**MR. ZIMMERMAN:** I think the only thing I can add is that

if I understood Delegate Villagomez, the court continues to construe the National Labor Relations Act; if that is the case, I think that being a Federal law, I think it would control.

I don't know that there is much that a state constitution could do to alter that result. But I have not read the opinion. I'm relying on what I thought I understood Delegate Villagomez to say.

**PRESIDENT GUERRERO:** Let me recognize at this time, Delegate Sirok.

**DELEGATE SIROK:** Thank you, Mr. President.

The only concern I have based on reading this, I want to be convinced that we are not purposely discriminating against a certain class of people to organize and have a right to associate.

Reading this, I can see that there is some rationally related intent on why we are doing this to a permissible governmental interest.

I was going to ask Deanne, can this not be tied in to the Legislature plenary powers to regulate immigration or naturalization policies within the Commonwealth since they do have those powers?

**MS. SIEMER:** The Legislature has powers in this area and can exercise them properly.

The reason that you hear the lawyers couching their responses carefully is that it depends on how the Legislature

acts, and if the Legislature implements this in a proper way, then it will stand. If they go overboard and don't implement it in a proper way, or act for an improper purpose, then it won't stand.

**DELEGATE SIROK:** Mr. President, may I ask her one more question?

If this comes under a judicial review, can this withstand a rational basis test or strict scrutiny, since there is a compelling state interest involved here.

**MS. SIEMER:** The rational basis test is a much lower standard than strict scrutiny.

Depending on the circumstances in which the case comes up, this will withstand a rational basis test.

The strict scrutiny test, however, as you know, is a very, very high standard. Again, it would depend on the circumstances in which it comes up.

When a court decides to apply strict scrutiny, they generally do it because the circumstances suggest to them that there is no proper purpose.

**DELEGATE SIROK:** Thank you.

**PRESIDENT GUERRERO:** Thank you, Delegate Sirok.

Delegate Juan Tenorio.

**DELEGATE JUAN S. TENORIO:** No.

**PRESIDENT GUERRERO:** Delegate Gonzales.

**DELEGATE GONZALES:** The second sentence reads:

"Resident citizens shall have the right to bargain collectively."

Is it the reason that right now they are not allowed that right to organize?

**MS. SIEMER:** No.

The reason is that it provides a constitutional level guarantee as opposed to a statutory level.

There are numerous things that you examined in the Constitutional Convention where there may be a statute but that you want to elevate it to the constitutional level because you think it deserves that kind of protection. That is a question here.

Your colleague, Delegate Igitol, is asking you to raise it to constitutional level. It's a simple principle and an important one for the Commonwealth.

**DELEGATE GONZALES:** Second question: The last sentence says that no person shall be denied the opportunity to obtain or retain employment because of membership or lack of employment in the labor organization.

Again, just so I can make a sound decision, is it because it's the other way around that because due to your membership or lack of, you are somehow affected with the potential ramifications of a labor union?

**MS. SIEMER:** Yes. This sentence, as I understand it, does not raise a question of the same sort as the previous



sentence. This is a constitutional provision that appears in state constitutions and that has been upheld.

Basically what it says is that a union cannot force you out of a job because you don't join the union. A union can represent employees in a work place, but you have a right to a job. You can decide not to join the union or not to support the union as long as you meet the employer's standards and the employer wants to hire you and continue to employ you.

**DELEGATE GONZALES:** One more, Mr. President.

As a layperson, I was struck with awe to find this out in the media.

What was the basic rationale or motivation for such an issue to have arisen community in this northwestern Pacific island?

I'm still trying to grapple with the intention of why this came up, No. 1; and, No. 2, I guess the bottom line as a Delegate that I would want to have answered: Who are we basically protecting? Is the bottom line protection the protection of the so-called resident citizens as offered by Delegate Tom Aldan, and the definition of, or is it a protection of nonresident workers?

Is there some simple answer? If I vote for this, am I bona fide protecting the locals or are we, as Delegate Sirok mentioned, in the process of protecting local citizens, resident citizens, are we unintentionally

discriminating against a class of people.

If I can ask Deanne or for that matter, the mover to ask who are we protecting here?

**PRESIDENT GUERRERO:** Hold on here.

(Tape change.)

**PRESIDENT GUERRERO:** Continue, Delegate Igitol.

**DELEGATE IGITOL:** Basically, I'm asking that the resident citizens have the right to organize and bargain collectively. This is the intent.

**PRESIDENT GUERRERO:** Are you finished, Delegate Gonzales?

**DELEGATE GONZALES:** Okay. Thank you.

**PRESIDENT GUERRERO:** At this time, I call on a Delegate Aldan-Pierce.

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

If we were to act favorably on this particular amendment and it's challenged in court and we lose, which I think we probably would lose, who pays for the court costs?

**DELEGATE GONZALES:** The Retirement Fund.

**PRESIDENT GUERRERO:** Who pays?

**MS. SIEMER:** If this case is litigated and the Attorney General spends time, then the mount comes out of the Attorney's General funds.

If the Attorney General employs outside resources to try to deal with this or if you have some sort of taxpayer action against it, then there could be costs attached to that.

**DELEGATE ALDAN-PIERCE:** Thank you.

**PRESIDENT GUERRERO:** Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** Mr. President, as I the understand the Hafadai union, there were people, nonresident workers, who were removed and local residents were hired.

They went to court under the basis that the National Labor Relations Board applies here. The District Court ruled in their favor.

Now, the local people, who are supposed to be protected under the Nonresident Workers Act that gives priority to locals, whereby they are terminated, I think that is what happened.

We have control over immigration; yet, these people are protected.

Now you see the union drum is beating, the J.C. Tenorio union. I hear even the housemaids are going to be unionized.

I am not prejudiced, but I think there has to be a protection. If this is something that's been dealt with in the Covenant, since the supremacy of the federal law versus CNMI Constitution, then I think that this Con-Con should take a position in the form of a resolution or, perhaps, pass this.

If we're going to take the position of a resolution strongly urging the Legislature to address this and the Governor, perhaps put it on the 902.

My concerns are that local people that are, I don't know, terminated because of the union. What is going to happen next?

There is a momentum. That means you bring in nonresident workers that you unionize. You can't do anything.

**PRESIDENT GUERRERO:** Thank you, Delegate Villagomez.

At this time, I'll recognize Delegate Hocog.

**DELEGATE HOCOG:** Thank you, Mr. President.

I think the proposed amendment is noble to accomplish the intent, to protect the U.S. and locals in performing the bargaining.

I would like to take the privilege to ask our legal counsel with the present formulation of this, the nonresident workers, how would that affect their contractual obligations on an annual basis?

**MR. WILLENS:** I can't answer that.

**MS. SIEMER:** There isn't that anything the Constitution can or should do to impair contract rights.

You see that in the Schedule on Transitional Matters with respect to any article that could impair contract rights, because that can't be done.

So to answer your question about a specific contracts, no Constitutional Convention actions will impair the rights of a prior executed valid contract.

The question of how this will affect aliens who are

in the Commonwealth is up to the Legislature.

The answer there is the same as I gave to Delegate Aldan. It depends on the purpose and the method that is used to implement this right as to how the courts will view it.

**PRESIDENT GUERRERO:** Continue, Delegate Hocog.

**DELEGATE HOCOG:** Yes, Deanne.

I'm concerned on this. I would like to think that each individual here that is involved with a nonresident worker did sign a contract with their employer on an annual basis.

This would then, with the formulation of a union be an implied position that the employer will be forced, also, to renew contracts as a result of the union?

**MS. SIEMER:** As I understand the intent of the mover, it is to insure that resident citizens cannot be affected by either immigration policy or immigration practices with respect to their own employment.

That kind of purpose, to exercise your immigration powers and insure that resident citizens are not adversely affected, if it's implemented with the proper purpose, it should be constitutional.

Again, as Howard says, there are always many unknowns in this kind of area, and how the Legislature will deal with it is one of them.

Therefore, none of us can tell you how this will

ultimately work out. It's not like many of the constitutional provisions that you have considered, where there is a good deal of legal certainty of how things will be implemented, what the intent is, and how it will be handled. That is not the case here.

**PRESIDENT GUERRERO:** Delegate Hocog, are you finished?

**DELEGATE HOCOG:** Yes.

**PRESIDENT GUERRERO:** Delegate Vicente Aldan.

**DELEGATE VICENTE ALDAN:** Thank you, Mr. President.

I would like to address a question to Mr. Zimmerman. I would like you to enlighten me a little bit. There seems to be an analogy between California and Mexico where a lot of people from Mexico actually come over to California.

Are those people allowed to unionize? How does California deal with those people in terms of unions?

**MR. ZIMMERMAN:** I never heard of California trying to do what the Commonwealth is trying to do in this article, in this amendment, rather. I'm not aware of any state that has tried to do anything quite like this.

The problem that California has with the undocumented worker or illegal alien is people trying to disappear into what is called the underground economy. These are not people looking to bargain collectively.

We don't really have that problem. What I can tell you is my understanding of the law. I'm not a labor lawyer. I

don't think Howard or Deanne are, either.

At least in the United States, the National Labor Relations Act applies. It preempts state law except in certain narrow areas, and Deanne has given you one of them, the so-called right to work law. You can't force somebody to join a union or lose their job.

To the extent that it applies, my understanding is that the National Labor Relations Act applies to both aliens and citizens.

As I say, we don't have a problem of nonresident aliens running out saying, "I want to enforce my rights under the National Labor Relations Act."

"Fine. Go enforce it in Mexico," and you will be deported.

That's not the problem we have. There are two things you have to look at.

**PRESIDENT GUERRERO:** Delegate Tomas Aldan.

**DELEGATE TOMAS B. ALDAN:** Maybe it's a dumb question, but based on the comments that the legal team has presented to us, am I correct to say that it's better not to pass this?

**MR. WILLENS:** We are not expressing a judgment on that issue.

We are telling you that it not an issue upon which any of us have been able to spend sufficient time to analyze the legal implications under the Covenant, National Labor Relations

Act, or to think through all the different ways in which Deanne says it might be implemented by the Legislature, some might be more defensible than others.

That is why we are here. We're offering our comments in, perhaps, a more guarded way than you are accustomed to because of the complexity of the problem, the shortage of time, the dedication of effort that we put into other work at the Convention, and we basically have limited time and resources to devote to this problem.

**DELEGATE TOMAS B. ALDAN:** Do you know the Legislature enacted 9-22, and they did it because they not have the right information or the appropriate data?

I'm afraid if we do the same thing, we're acting unreasonably without a foundation, that this is really what we want.

I'm asking the Delegate to maybe recall this amendment, to withdraw it, and ask the legislature to look into it further and see if they can come up with stronger teeth so that we can be sure. At least, I want to be sure that we're doing the right thing.

**PRESIDENT GUERRERO:** Let me recognize Delegate Lillian Tenorio and then Delegate Igitol. Then we'll call for a motion.

**DELEGATE TENORIO:** In response to Delegate Aldan's comments, the Legislature is looking at the same particular provision that we are looking at.



They are concerned about the situation and they have a bill pending in the House. I saw a Senate version yesterday that addresses this particular issue.

I wanted to inform the Delegates about that.

**PRESIDENT GUERRERO:** Delegate Igitol.

**DELEGATE IGITOL:** Thank you.

Before we give Amendment 41 a state funeral, there is a statute right now in the CNMI government where local residents are given preference in working anywhere.

The recent action by the District Court where an alien had an expired contract and the local employee was found to be qualified to fill the job, and he did fill the job working for six months.

The ruling of the District Court, abided by the union, directed the employer to rehire the alien even though displacing this local person. So the local person was displaced because the company cannot open one position for two people at the same time.

So where is the justice for the local? Where is the statute that first preference is given for local people?

This rule is that these people would be hired, and three or four years down the line, local people would be trained to take over.

And when qualified they were hired and then they were moved, because the union and this alien called for the job

again.

What happened to the local person? Well, he's just walking the street not working.

That's basically the thing I'm trying to raise on this Amendment 41.

**PRESIDENT GUERRERO:** I think we have enough debate on the issue.

Call for a roll call.

Con-Con clerk, proceed, please.

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

YES: Delegates Frances LG Borja,  
 Carlos S. Camacho, Esther S. Fleming, John  
 Oliver Gonzales, Herman T. Guerrero, Victor B.  
 Hocog, Henry U. Hofschneider, David L. Igitol,  
 Jose R. Lifoifoi, Benjamin T. Manglona,  
 David Q. Maratita, James M. Mendiola, Felix R.  
 Nogis, Justo Quitugua, Bernadita T. Seman,  
 Helen Taro-Atalig, Juan S. Tenorio, Joaquin P.  
 Villagomez.

(18 votes)

NO: Delegates Joey P. San Nicolas,  
 Marylou Ada Sirok, Lillian A. Tenorio.

(3 votes)

ABSTAIN: Delegates Tomas B. Aldan,  
 Vicente S. Aldan, Donald B. Mendiola, Marian

Aldan-Pierce, Teresita Santos, Helen  
Taro-Atalig.

(5 votes)

**CONVENTION CLERK:** Mr. President, 18 members voted yes, three members voted no, five members abstained, and one member absent.

**PRESIDENT GUERRERO:** Delegate Amendment 41 offered by Delegate Igitol passed by 23 votes.

**DELEGATE IGITOL:** Thank you.

We can cancel the state funeral now.

**PRESIDENT GUERRERO:** Mr. Floor Leader.

**DELEGATE HOCO:** Yes, Mr. President.

I move to resolve into the Committee of the Whole to further discuss the Schedule on Transaction and Related Matters as well as to discuss the Analysis of the Constitution.

**PRESIDENT GUERRERO:** Second?

(The motion was seconded.)

**PRESIDENT GUERRERO:** It has been moved and seconded to resolve into the Committee of the Whole to discuss and to entertain the Schedule on Transition and Related Matters and discuss the Analysis of the Constitution.

Discussion?

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

Those opposed say "Nay."

Motion carried.

At this time, the Chair would like to appoint Marylou Ada Sirok to Chair.

**PRESIDENT GUERRERO:** I call you at this time.

**DELEGATE SIROK:** Can I move to a three-minute recess to get up there?

(A recess was taken from 3:41 to 4:00 P.M.)

**CHAIR SIROK:** The Committee of the Whole is now in session.

We will now be discussing the Schedule on Transitional and Related Matters.

The President has kindly given you another day to go over the discussion of the Constitutional Analysis, so we won't discuss that today. We'll do that tomorrow. Hopefully, you will take it home and have a good discussion tomorrow.

I would like to recognize the Chair, Tom Aldan, to give a report, please.

**DELEGATE HOFSCHEIDER:** He just gave a report.

**CHAIR SIROK:** Excuse me, Delegate Hofschneider?

**DELEGATE HOFSCHEIDER:** I believe you just gave the report. You just told us that we have to read it overnight.

**CHAIR SIROK:** That's the Constitutional Analysis.

**DELEGATE HOFSCHEIDER:** Oops. Sorry, Madam Chair.

**DELEGATE TOMAS B. ALDAN:** First, I want to make sure that everyone has the Schedule on Transitional and Related Matters, Draft, August 1, 1995. It shows 11:54 A.M.

Does everybody have there copyright in front of them?

Please, proceed, Mr. Chair.

**DELEGATE TOMAS B. ALDAN:** The Committee on Legislative Branch has gone through that and has made some changes.

The Committee has suggested that we move back to May 1st, 1998, on the director of Legislative Bureau. We used to have July 1, 1998. It's changed to May based on the Committee's recommendation.

Are there any questions on transition with respect to Article 2, Legislative Branch?

Basically, that refers to --

**CHAIR SIROK:** Chairman, Aldan, is that the only change on the transition with respect to Article 2, Legislative Branch?

**DELEGATE TOMAS B. ALDAN:** Yes.

**CHAIR SIROK:** Does any Delegate have any question with respect to that date, May 1st, 1998?

Nothing?

Please, proceed.

**DELEGATE TOMAS B. ALDAN:** Section 2, transition with respect to Article 3, Executive Branch, we didn't have any change.

**CHAIR SIROK:** Any question on the floor with respect to Article 3, Executive Branch, section 13, Education?

**DELEGATE TOMAS B. ALDAN:** May I have my legal counsel,

Bernie, say something about it?

**CHAIR SIROK:** Mr. Zimmerman.

**MR. ZIMMERMAN:** With respect to section (a), Education, and section (b) the Civil Service Commission, the Committee on Judiciary and Other Elected Offices met this morning and made some changes to the schedule that the Committee on the Legislative Branch looked at yesterday. They are incorporated, I believe, in this version.

It might be appropriate for Chairman Hofschneider to comment on those.

**DELEGATE TOMAS B. ALDAN:** Okay.

Chairman Hofschneider.

**CHAIR SIROK:** Chairman Hofschneider, please.

**DELEGATE HOFSCHNEIDER:** Who called me?

**CHAIR SIROK:** I am, Delegate Hofschneider.

**DELEGATE HOFSCHNEIDER:** Thank you, Ma'am.

**DELEGATE HOFSCHNEIDER:** Madam Chair, we met this morning on section 2, Education.

No. 1, the changes made this morning were the date from January 1st, '98, to reflect second Monday in January of '98. That goes to section 2 and section 3.

On section 3, the last sentence:

"Upon the effective dates of these amendments the Governor shall appoint a representative to work with the Board of

Education and the Commissioner to insure an effective transition."

I want to make sure the present board, whoever the future Commissioner is, carries out the responsibilities of actually setting up the system in place at the inception of the new administration in '98.

We also reviewed section 4. We have no comments to that, and section 5.

Section 6, we added a sentence on the bottom. We modified the sentence to say:

"The Legislature may review the transition process and act with respect to the transition if, in the opinion of the Legislature, the Board of Education is not making adequate provisions for an adequate transition."

Section 7 remains the same, no change, as reviewed the by the Committee on Chair Aldan's committee.

Thank you.

**CHAIR SIROK:** Thank you Delegate Hofschneider.

Is there any question with respect to the provision in the education section, section 13?

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**CHAIR SIROK:** Thank you, Delegate Hofschneider. Is there any question with respect to the provision on education, section 13?

Delegate Dr. Ben Aldan.

**DELEGATE V. ALDAN:** Chairman Hofschneider, so there will be a commissioner, the local board, and the newly appointed Secretary of Education working on this transition?

**CHAIR SIROK:** Delegate Hofschneider.

**DELEGATE HOFSCHEIDER:** Can you rephrase your question again, Delegate Aldan.

**DELEGATE V. ALDAN:** Yes, according to section 3 the governor will appoint a representative and then at the end of section 3 each representative will work with the Board of Education and commissioner to assure an effective transition. In section 4 the governor may appoint a secretary of education. That is where I am confused. There is going to be a secretary of education and commissioner and local board working on the transition.

**DELEGATE HOFSCHEIDER:** Probably you are reading it wrong, Dr. Aldan. The representative from the governor's office, upon ratification of the Constitution with respect to this amendment, will want



to ensure that the Board of Education continues its fiduciary duties and also the commissioner to ensure an effective transition.

As you all know, the new amendment to this third Constitution reflects the authority back to the governor on the Department of Education. Under section 4, the governor is given the flexibility to appoint the present commissioner, if he wants, to be the Secretary of Education.

**CHAIR SIROK:** Delegate Aldan, does that answer your question or do you need further clarification?

**DELEGATE V. ALDAN:** No. I think I pick up on section 3 on or after the governor may appoint the Secretary of Education and that will be the effective date when this whole thing will start working, right?

**CHAIR SIROK:** Chairman Hofschneider.

**DELEGATE HOFSCHNEIDER:** Yes.

**CHAIR SIROK:** Are you finished, Delegate Aldan?

**DELEGATE V. ALDAN:** Yes. Thank you, Madam Chair.

**CHAIR SIROK:** You are welcome.

Can we proceed to section 16?

Chairman Hofschneider.

**DELEGATE HOFSCHNEIDER:** The Committee met this morning and they reviewed the language that was changed

in sections 1, 2, 3, 4 and 5. Apparently there was were just minor changes and we left it as it is for review of Chairman Aldan's Committee.

**CHAIR SIROK:** Is there any question with respect to section 16, Civil Service Commission, from any of the delegates?

Nothing? Okay. Let's proceed to section 19, retirement system.

Chairman Aldan, please proceed.

**DELEGATE T. ALDAN:** Madam Chair, I would like to add a phrase at the end of section 2 to put "as of the expiration date." In other words, those members of the fund who have three or more years of vested service credit will continue to be eligible for the five years.

**CHAIR SIROK:** Do you want to make a motion to have that amended into section 19? You are talking about retirement system, right?

**DELEGATE T. ALDAN:** Yes. This is just for clarification purposes. So that it will be clear, the three years of vested service is as of the expiration date.

**CHAIR SIROK:** So you want to add the words "as of the expiration date"?

**DELEGATE T. ALDAN:** Yes.

(The motion was seconded).

**CHAIR SIROK:** Do you want to make a motion?

**DELEGATE T. ALDAN:** So moved.

(The motion was seconded).

**CHAIR SIROK:** There is a motion to "add as of the expiration date" and it has been seconded.

All those in favor of the motion say "Aye."

All those opposed say "Nay."

(The motion was seconded).

Discussion?

Delegate Jacques Cousteau Villagomez.

**DELEGATE VILLAGOMEZ:** Madam Chair, thank you, for the nice name.

**CHAIR SIROK:** You are welcome, Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** Can the mover, Delegate Aldan, explain more about the motion to be clear in my mind. I am a little confused.

**CHAIR SIROK:** Delegate Aldan, can you please help Delegate Villagomez.

**DELEGATE T. ALDAN:** As of December 31, 1996, five years additional credit for a member who reaches 20 years of service will no longer be available except if

you have three or more years as of that date, December 31, 1996, of vested service credit you will continue to get that five years.

In other words, if you have three years of vested service credit on December 31, 1996, 17 years later you retire with 20 years of service you will get the additional five years' credit. If you have less than three years of vested service credit on December 31, 1996, when you reach 20 years of service you will not get the additional five years credit.

**CHAIR SIROK:** Delegate Villagomez, does that answer your concern?

**DELEGATE VILLAGOMEZ:** Yes, thank you, Madam Chair.

**CHAIR SIROK:** You are welcome. Is there any question from any of the delegates with respect to section 19, retirement system?

None? So let's proceed to section 20,  
Council for Indigenous Affairs.

Chairman Aldan.

**DELEGATE VILLAGOMEZ:** Have we voted on the motion we finished discussing?

**CHAIR SIROK:** It has been moved and seconded.

Okay. All those in favor of the motion.

Thank you, Chairman Aldan.

All those in favor of the motion to add under section 19, Retirement System, after "vested service credit," "as of the expiration date" date all those in favor of the motion say "Aye." All those opposed say "Nay."

Motion carried.

Yes Mr. President.

**PRESIDENT GUERRERO:** Didn't we vote on that and then you recognized Delegate Villagomez and you voted on it again.

**MS. SIEMER:** It is a minor procedural irregularity. It happens all the time when the president is presiding.

**PRESIDENT GUERRERO:** I hope it is not a constipation.

**CHAIR SIROK:** Thank you, Mr. President, for keeping me in order.

Can we proceed to section 20, Council for Indigenous Affairs.

May I call the good Chairman Aldan to please say something.

**DELEGATE T. ALDAN:** There is no change made on that section, on section 20.

**CHAIR SIROK:** Is there any question from any of the delegates with respect to section 20, Council for Indigenous Affairs?

Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** Madam Chair, as I understand this section 20, the Indigenous Affairs Office, the Language Commission and Arts Council, all the personnel will be transferred to CIA; however, CIA is to be funded by the MPLT money and the legislature must approve the budget that that would come out from the MPLT interest.

If there is no budget, then there is no MPLT set up, correct?

**CHAIR SIROK:** Chairman Aldan would you like to respond to his question?

**DELEGATE T. ALDAN:** Yes.

That is not necessarily correct, that there won't be any money for CIA. That language itself transfers everything, including "and funding" in the last phrase of that subsection. As such there is funding basically for indigenous affairs. Maybe they can't do as much as they would like to until there is an appropriation. There is presently an office of indigenous affairs with funding and there is a language



commission with funding, Arts Council with funding and so on and so on. When it is organized there is funds to work with but, again, not to the extent that they want to until there is an appropriation for funding beginning October of that year.

**CHAIR SIROK:** Delegate Villagomez, do you have any further questions?

**DELEGATE VILLAGOMEZ:** No. Thank you.

**CHAIR SIROK:** You are welcome.

Delegate Tenorio, do you have a question with respect to this section?

**DELEGATE JUAN S. TENORIO:** No, that answers my question.

**DELEGATE GONZALES:** I have a question, Madam Chair.

**CHAIR SIROK:** Yes, Delegate Oliver Gonzales.

**DELEGATE GONZALES:** Yes, we're dealing with the transition, I want to find out, the transition stipulates that everything, the fixtures and whatnot and the employees will be consolidated from these mentioned offices under the CIA. Does this mean that on top of this we are going to have five directors who will direct the operations and functions or the policies of the CIA or are we in addition to that going



to be hiring or are we going to maximize what we currently have?

**CHAIR SIROK:** Chairman Aldan, would you like to respond to his question?

**DELEGATE VILLAGOMEZ:** I know Delegate Gonzales says he likes me but sometimes I like to take my take my belt and spank those members of the Committee to be putting me on the spot and to answer questions like that.

**CHAIR SIROK:** Can you just answer his question?

**DELEGATE T. ALDAN:** Yes.

**CHAIR SIROK:** Proceed.

**DELEGATE T. ALDAN:** Whatever Delegate Gonzales is suggesting will happen.

**DELEGATE GONZALES:** That is what I like about you Tom, thank you. That is it, Madam Chair.

**CHAIR SIROK:** Chairman Nogis, do you have anything further information that you would like to share?

**DELEGATE NOGIS:** I was just going to mention that it will be the Council that will promulgate what policies, the commission will be under the council itself.

**CHAIR SIROK:** Delegate Gonzales.

**DELEGATE GONZALES:** That is it, Madam Chair, for

now. Thank you.

**CHAIR SIROK:** You are welcome.

Shall we move on to former section 22,  
special assistant for women's affairs.

Chairman Tomas Aldan.

**DELEGATE T. ALDAN:** Yes. The Committee didn't  
make any change on that provision.

Is there any question? Delegate Borja.

**DELEGATE BORJA:** Actually, there is one change.  
What we did was, instead of just saying "as provided by  
law," we also but it by executive order or law. That  
was the change.

**CHAIR SIROK:** Thank you, Delegate Borja.

Chairman Aldan, did you take notice of that?

**DELEGATE T. ALDAN:** I don't know when the  
suggestion was made.

**DELEGATE NOGIS:** This morning per our meeting.

**DELEGATE T. ALDAN:** I took note of it already,  
Madam Chair.

**CHAIR SIROK:** You are welcome.

Chairman Nogis, you had your hand up did you  
want to say anything further?

**DELEGATE NOGIS:** No. In line with what Delegate  
Borja said.

**CHAIR SIROK:** Okay. Section 3, Article 4 Judicial Branch.

Judiciary Chairman Hofschneider.

**DELEGATE HOFSCHEIDER:** There was no change.

**CHAIR SIROK:** Is there any question with respect to Article 4, Judicial Branch, transitional matters?

No question.

Let's proceed to Article 6, local government.

Chairman Nogis.

**DELEGATE NOGIS:** Yes, Madam Chair. Per our discussion this morning in the Committee, it is maintained that upon the termination of the mayor it should also reflect on the number of the employees that are presently being hired at the mayor's office and that is the mayor for the Northern Islands.

**CHAIR SIROK:** Thank you.

Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** Madam Chair, I think I have the support of Delegate Nogis. I am going to make a motion. Will you allow me that?

**CHAIR SIROK:** You have every right to do so.

**DELEGATE VILLAGOMEZ:** I move that the present employees of the mayor of Northern Islands be

transferred, there are 20, to the Saipan Municipal Council, the Saipan Mayor, and the Carolinian Affairs Office. And I think if anybody would like to second that.

**DELEGATE NOGIS:** I second that motion, Madam Chair.

**CHAIR SIROK:** There is a motion on the floor to transfer the present employees of the mayor of the Northern Islands to the Saipan Municipal Council and has been seconded by Chairman Nogis.

Discussion?

**DELEGATE VILLAGOMEZ:** I think you need to clarify.

**CHAIR SIROK:** Yes, Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** To transfer to the Saipan Municipal Council, Saipan mayor and the Carolinian affairs and indigenous affairs. There is 20, so how could it be, three-three or six-six, eight something like that. No, no.

**CHAIR SIROK:** Are there 20 employees currently?

**DELEGATE VILLAGOMEZ:** Yes, there are twenty.

**DELEGATE GONZALES:** Madam Chair, point of information.

**CHAIR SIROK:** Yes.

**DELEGATE GONZALES:** 15 employees with some

employees from Saipan in addition to residents from Northern Islands. Just wanted to let you know.

**CHAIR SIROK:** Is there any more discussion?

Delegate Aldan-Pierce, please.

**DELEGATE ALDAN-PIERCE:** Just a question. When we were discussing the transition for local government at one time we talked specifically about the employees and I thought at that time that they are being given notice and that they should start looking for jobs. Can I ask the mover of the rationale of wanting this? Because we are concerned about cost and that is one of the reasons why the mayor's office has been taken out.

**CHAIR SIROK:** Thank you, Delegate Aldan-Pierce.

Delegate Villagomez, would you like to respond to that question?

**DELEGATE VILLAGOMEZ:** Yes, Madam Chair. I am cognizant of the budget, but I feel that these people, too, should be given the opportunity to consider employment at the Council, the Mayor, and Carolinian Affairs.

As you know, Article 6 had given more power to the Saipan Municipal Council and even the mayor. If they are worried about not enough jobs, there will be jobs because the governor has the authority to

delegate. Madam Chair, and fellow delegates, these are people with families. We have in our wisdom to assist our neighbors Rota and Tinian, with all due respect, we have agreed to maintain the present FTE's and budget for these islands. I feel that it is only fair that the Northern Islands people, who are part of Saipan, should be afforded the same opportunity, so that they can contribute to the economic development of our island.

**CHAIR SIROK:** Thank you, Delegate Villagomez.

I would like to recognize Delegate Justo Quitugua.

**DELEGATE QUITUGUA:** When is this transfer going to take place? Immediately after ratification or after the election in 1997?

**CHAIR SIROK:** Chairman Nogis, would you like to answer that question?

**DELEGATE NOGIS:** If I am not mistaken, Madam Chair, that would be in line with the term of the mayor itself.

**CHAIR SIROK:** Thank you. Delegate Hofschneider, do you have any other question?

**DELEGATE HOFSCHEIDER:** I guess there is financial support and there is no problem with funding. I think

all contracts are with the term of the mayor. So we cannot say that we have to transfer by constitutional transition.

**CHAIR SIROK:** Chairman Nogis would you like to respond to that?

**DELEGATE NOGIS:** Respond to what?

**CHAIR SIROK:** Chair Hofschneider's concern.

**DELEGATE NOGIS:** Surely Madam Chair.

If we can accord Tinian and Rota and their concerns of our staffing, I am sure we can accord the same opportunity with regard to the Northern Islands mayor and I beg the indulgence and support of my fellow delegates to support the amendment being placed in front of us.

Thank you.

**CHAIR SIROK:** You are welcome.

Delegate Tenorio.

**DELEGATE JUAN S. TENORIO:** One more time, Chairman Nogis, I will make a comment. Never compare apples and jets. In Tinian and Rota, the mayor's office runs the islands. The Northern Islands are here. They are not up there. I am concerned with the employees of the Northern Islands, but yet these are politically hired and I think that is one of the reasons that we are

moving from an elected mayor to an appointed representative to the Northern Islands but I am concerned with the welfare of the 20 employees. Yet we can transfer to maybe the CIA and other departments, but it is a political hire and the expiration of the contract would be the expiration of the mayor's term.

**CHAIR SIROK:** Delegate Mendiola.

**DELEGATE D. MENDIOLA:** Thank you, for the opportunity to talk.

As is stated in the first sentence, "The mayor of the Northern Islands and all the employees of that office shall continue in office until the end of the term," meaning that after the mayor is out, all employees should be out as well. Everyone here, the employees of the mayor's office present in Saipan, are all going to be guaranteed constitutionally to retain their jobs down there too? If the mayor of the Northern Islands is out then why not remove all the employees working under the mayor's office? These are political people working in there. They can start applying for jobs. I, too, have sentiments with these people. I don't want them to lose their jobs; however, I think to make it a fair political game as well on every island, I think it is only proper. We can't



constitutionally guarantee them.

Right, Madam Chair?

**CHAIR SIROK:** Whatever you say, Delegate Mendiola.

**DELEGATE D. MENDIOLA:** I am asking you am I correct, right?

**CHAIR SIROK:** Chairman Aldan, please.

**DELEGATE T. ALDAN:** I think the thought of doing such a practice is dangerous. Why not then if we feel bad about political employees' have protection for whenever we have a new governor we have the entire department directors be moved. Why can't we protect them? They also have families. If we change the entire House of Representatives this coming election, we have entirely new sets of employees coming in. Why don't we protect them? The argument keeps going down and down and down. If we have a new mayor on Saipan this 1998, isn't it bad to put in political employees that the mayor does not want? It is really a dangerous and bad precedent that we are doing. If we don't get in one political office, why not do it all over.

For that reason if the Mayor of Tinian is changed in 1998, why don't we preserve all the employees under the mayor, so that when Mayor Mendiola comes in he doesn't have to hire anybody else. You

know the logic is there. So, I would like to preserve, give the mayor the right to whomever he wants to.

**CHAIR SIROK:** Thank you, Chairman Aldan.

I would like to call on Delegate Maratita.

Do you have anything to contribute?

**DELEGATE MARATITA:** I am always thinking about whether I want to talk or not.

**CHAIR SIROK:** You have the floor now.

**DELEGATE MARATITA:** I think Delegate Aldan has a point regarding the nature of employees in the mayor's office and it is politically an activity that whenever a new mayor is hired then, you know, his personal staff must also be with him.

So I think the concern that Delegate Villagomez has is the employees that are currently there now. I think the legislative history should indicate that because of the budget, the mayor's budget will remain intact unless the legislature removes that under the 1998 fiscal year provision, but if we want to make the same provision that we are not talking about FTEs. We are talking about funding and wherever the new mayor is in that particular year, also the appropriation available should come in there.

I mean we are considering downsizing the

government so expenditures also should follow if the appropriation for the mayor for Northern Islands should be abolished at that time.

**CHAIR SIROK:** Thank you, Delegate Maratita I would like to call on Delegate Seman.

**DELEGATE SEMAN:** Thank you, Madam Chair. I think we have enough discussion on this. We have been responsive on the Committee and I move to end debate.

(The motion was seconded).

**CHAIR SIROK:** There is a motion to end debate.

**DELEGATE VILLAGOMEZ:** Madam Chair.

**DELEGATE SEMAN:** There is a motion.

**DELEGATE VILLAGOMEZ:** Can the mover just allow me.

**CHAIR SIROK:** Delegate Villagomez, I have to rule you out of order and I would like to dispose of the motion.

There is a motion on the floor to end debate.

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

**CHAIR SIROK:** Motion carried.

**DELEGATE NOGIS:** Could we have a show of hands on that one.

**CHAIR SIROK:** Order on the floor please.

**DELEGATE VILLAGOMEZ:** Please let me talk.

**CHAIR SIROK:** There is a motion on the floor to end debate. All those in favor raise up their hand.

All those opposed please raise your hand.

Motion carries.

Now we are back to the main motion, motion made by Delegate Villagomez, to transfer the present employees of the mayor of the Northern Islands to the Saipan Municipal Council, Saipan mayor's office, Carolinian affairs office.

**DELEGATE NOGIS:** That is for an indefinite periods of time.

**CHAIR SIROK:** Chairman Nogis, would you like to be recognized first.

**DELEGATE LIFOIFOI:** Point of order.

**DELEGATE NOGIS:** I apologize.

**CHAIR SIROK:** Would you like to respond to that motion?

**DELEGATE NOGIS:** No. It is fine.

**CHAIR SIROK:** Are we ready to dispose of the motion?

All those in favor of the motion please say "Aye."

All those opposed say "Nay."

**CHAIR SIROK:** Division. I would like to see a raise of hands. All those in favor of the motion please raise up your hands high.

All those who oppose please raise up your hands.

Motion defeated.

**CONVENTION CLERK:** Nine voting yes; 12 voting no.

**CHAIR SIROK:** Nine voted yes. 12 voted no.

Does any delegate have anything else further to discuss with respect to section 4, transition with respect to Article 6, local government?

Okay. Let's proceed to section 5, transition with respect to Article 10, Taxation and Public Finance.

I would like to call on Chairman Aldan.

**DELEGATE T. ALDAN:** Madam Chair, as far as I know there is no change.

**CHAIR SIROK:** There is no change. Does anybody have any question with respect to Article 10?

Okay. Let's proceed to Article 11, public lands.

Shall I call on the chairman of Public Land and Personal Rights, Chairman Lifoifoi.

**DELEGATE LIFOIFOI:** Madam Chair, I have no problem

with this.

**CHAIR SIROK:** Is there any question with respect to Article 11, public lands?

Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** Thank you, Madam Chair.

Deanne, page 5, section (c), can you explain that?

**MS. SIEMER:** Yes, Delegate Villagomez. That is a provision with respect to the homestead program, land exchanges, and the other programs. All of those are things that are in process and they remain in effect and in process unless they are inconsistent with this section. The bureau has the obligation to adopt rules and regulations under this section. Once the bureau does that, it preempts the legislature from this jurisdiction. Anything that the bureau does that contradicts existing legislation, it takes precedence. So this has to do with the special rule-making power that the bureau has for the homestead program.

**CHAIR SIROK:** Delegate Villagomez, do you have any further question with respect to Article 11?

**DELEGATE VILLAGOMEZ:** How is this related to the agricultural homesteads that Delegate Manglona brings up?

**MS. SIEMER:** There is, you recall, no constitutional limit with respect to homesteads. This is left to the bureau so that they have the flexibility to allow agricultural homesteads on Rota if that is appropriate but not allow agricultural homesteads on Saipan. The reason that was taken out of the Constitution is to give the bureau that flexibility to differentiate among the islands.

**DELEGATE VILLAGOMEZ:** I wanted to make sure they are protected. Thank you.

**CHAIR SIROK:** Thank you.

Delegate Maratita.

**DELEGATE MARATITA:** Thank you, Madam Chair.

I indicated in the discussion on the floor in the Committee of the Whole about the title as indicated under Article 11 and it says here in the transition provision that Article 11 is public lands. For consistency purpose we have "Commonwealth land" instead of "public."

**MS. SIEMER:** You are absolutely correct and thank you, that is a very good catch.

**CHAIR SIROK:** Thank you, Delegate Maratita.

Is there any other question from the delegates with respect to Article 11, public lands,

Commonwealth lands.

**DELEGATE GONZALES:** I have a question.

**CHAIR SIROK:** Yes.

**DELEGATE GONZALES:** Since we are talking about the schedule on transitional matters, I want to ask a question to Deanne.

The programs that are currently with the division of public lands, it says here they shall remain in effect until such time as they are inconsistent with the rules they adopt.

Suppose we ratified this, and I am confident we will ratify this in March instead of November, suppose the next day that we ratify this and the -- are they going to be building upon current -- suppose the MLB has some other new programs or new regulations that demands that they change it, they have to promulgate to make it consistent and vice versa.

**MS. SIEMER:** Yes. That's right. If you look back on page 4 under (b) it says that all rules, regulations, and administrative policies continue to exist and remain in effect to the extent consistent with this Article 11.

So you want to allow everything that is consistent with it to go forward and that will be the



base on which the bureau will promulgate its rules to put into effect the special provisions of the Constitution.

**DELEGATE GONZALES:** Thank you.

**CHAIR SIROK:** Is there any question from anybody else, delegates?

Okay. Let's proceed to section 7, transition with respect to Article 12, restrictions on alienation of land.

Is there any question with respect to that Article 12?

Delegate Ben Aldan, Dr. Aldan.

**DELEGATE V. ALDAN:** Deanne, is there a reason why they chose August 4, 1995 and not June 5th when we started the Convention?

**MS. SIEMER:** Yes, Delegate Aldan. I did some research with respect to this because I want to be sure that it is effective and no one can challenge it. It was our conclusion that the date that had the best enforcement possibility was August 4. The reason for that is, one, you adopt this schedule on transition and we publish it, every one is on notice that these new provisions are going to be in effect and we think that that is the best date. We think that you can also

adopt the June date that we earlier suggested. Our research has not indicated that there are any binding contracts that would be effective in that period. That is what we were worried about and so I think that the August 4 date is all right.

**CHAIR SIROK:** Does that answer your question, Dr. Delegate Aldan?

**DELEGATE V. ALDAN:** You are saying it is still safe to go back to June 5th?

**MS. SIEMER:** You could. Our concern about that is the problem of notice. The Constitutional Convention is a public body. Your deliberations are widely reported and we could support that date, but we think that August 4 is a safer date.

**CHAIR SIROK:** Dr. Aldan, do you have any further question?

**DELEGATE V. ALDAN:** Will that create a land rush?

**MS. SIEMER:** If it does, it will be a rush between today and Thursday.

**CHAIR SIROK:** Delegate Fleming.

**DELEGATE FLEMING:** Thank you, Madam Chair.

Last night I submitted Delegate Amendment No. 39 and I would like to, if I may, I would like to address that now.

**CHAIR SIROK:** Do you want to make a motion?

**DELEGATE FLEMING:** Yes. I would like to move to address the delegate amendment No. 39 in regards to amending the schedule on transitional matters and this is to declare Public Law 8-32 no longer in force once we pass the amendment on Article 12 last night.

(The motion was seconded).

**CHAIR SIROK:** There is a motion for Delegate Amendment No. 39 with respect to Article 12, to repeal Public Law 8-32 and it has been seconded.

Discussion.

Delegate Fleming.

**DELEGATE FLEMING:** Yes, before the others come in, I have a statement to make on each of the provisions given under Public Law 8-32 if I may proceed, if you allow me to proceed.

**CHAIR SIROK:** Please proceed.

**DELEGATE FLEMING:** Thank you, Madam Chair.

First, let me explain why I think this amendment that I am introducing now will be a good idea after we passed Article 12 last night. The amendments that we have made to Article 12 are a better way to solve the problems that Public Law 8-32 addressed.

Second, I think that some of our legislators

are having second thoughts about Public Law 8-32. It was the first time that they had enacted any significant legislation in the Article 12 area and they may have made some mistakes.

Third, I think it is better to start with a clean slate. There is a lot about Public Law 8-32 that is overkill. It was motivated in part by a desire to blunt the attack on land transactions made by particular Article 12 plaintiff lawyers.

Here is why I think the amendments we have made to Article 12 take care of the same problems that Public Law 8-32 sought to address and do a better job of it. I will take it section by section. I think the staff did pass out the famous Public Law 8-32 and for your reference you may take a look at it but I am going to go section by section to illustrate what I mean by this.

**CHAIR SIROK:** Can you hold on for a minute?

Does everyone have their copy right in front of them?

Okay. Please proceed.

**DELEGATE FLEMING:** Public Law 8-32 has a provision with respect to attorney's fees. This sets limits on the attorney's fees that plaintiffs lawyers may charge

in an Article 12 case. The limit is 20 percent of recovery. Our counsel says that standard contingent fee agreements everywhere in the states are 30 to 40 percent. These are allowed because the lawyers have to invest their own money in the case and may not see a recovery for years, if ever. So if the fees here are low to discourage lawyers from taking Article 12 cases, this may leave some deserving plaintiffs unrepresented. Our revision on Article 4 on the courts is a better approach. There we provided that the Supreme Court may make rules regulating lawyers. They are the best ones to take care of this problem dispassionately and fairly.

The second part of 8-32 is a provision that if an Article 12 plaintiff wins, then before the plaintiff can recover anything, they must pay back the landowner for all the improvements on the land.

Suppose someone posed as a person of Northern Marianas descent, actually lied about it. By the time the landowner finds out about it and sues, this person who is not of Northern Marianas descent has built a \$100,000 home on the property. The landowner now has to come up with \$100,000 to buy the wrongdoer out of these improvements. This is called an equitable

adjustment in the statute. Not only does the landowner have to pay the \$100,000 but the landowner gets a judgment entered against him for that amount. Now the wrongdoer has a judgment and can take a landowner's car and boat and any other belongings, maybe even his house and property away from him, and all because the landowner was defrauded in the first place.

Our solution is much better. Under the voidable standard the landowner goes into court. If there is anything that the landowner should fairly have to pay, the court will order that, but it isn't a flat rate that the landowner has to reimburse the buyer, no matter whether the buyer got the land by an outright lie.

Our way of going about this allows the court to look at all the facts for the landowner and for the buyer and make a fair decision on that.

The third part of Public Law 8-32 deals with the resulting trust doctrine, and declares that no resulting trust comes about when a buyer uses purchase money that he or she got from a third person. The courts have already dealt with that problem. This provision isn't needed any more.

The fourth part of Public Law 8-32 is a

six-year statute of limitations. Our solution also has a statute of limitations but our statute of limitations is fairer. Under Public Law 8-32, the legislature took away some rights of the landowner. The legislature made the six-year period absolute unless there is fraudulent concealment. They took away the rights the landowner would ordinarily have if the landowner was under some disability under the six-year period and couldn't bring an action.

For example, if one week after the land deal the landowner was hit by a car and fell into a coma. When the landowner came out of the coma he or she had no mental capability to undergo a lawsuit and no recollection of the sale. Under the legislature's statute of limitations that person would lose their land anyway if they didn't bring an action within six years.

Under our statute of limitations, all the common law exceptions to the statute of limitations are preserved. These are exceptions that have been built up by the courts over centuries to deal with unfairness in transactions.

For example, the person who was in the coma would not have the six years run until he or she or

perhaps a family member was able to understand that the cause of action existed. The six years would be extended, perhaps for as long as ten years or more. There are other similar exceptions that would be preserved. The six-year limit would not be so rigid under our approach.

The fifth part of Public Law 8-32 has to do with the paper records about corporations. It says, in essence, if the paper record says that the transaction occurred properly, then it really did and no one can challenge it. This may be an invitation to fraud. Suppose that a U.S. citizen provides a loan of \$1 million to three people of the Northern Marianas descent. All three are put on a board of directors and the U.S. citizen says that the loan would be left in place and will never have to be repaid so long as the three persons of Northern Marianas descent always vote their shares and act as directors exactly as the U.S. citizen does. Now the paperwork says these three people are of Northern Marianas descent and the paperwork is true, as far as it goes, but that U.S. citizen has bought these people. The real holder of those shares and the real director is the U.S. citizen. This statute says you can't look at that; you



can't even put in evidence about the loan or the control that the U.S. citizen has.

Our approach is better. Under the voidable standard, the court will look at the reality of the transaction and decide whether these people of Northern Marianas descent actually, completely, and directly govern and own that corporation. If they don't, then the U.S. citizen is out of luck. If they do, then everything would be okay.

The sixth part of Public Law 8-32 is a severability provision. This says no matter how bad the intention was, no matter if the lawyer and the client were conspiring directly to get around Article 12, the bad parts of their work product can always be severed and the rest of the transaction will stand.

Our approach is better. We have provided under the voidable standard that all transactions, those that happened before our amendments, can be wiped clean with a severability power; but if anyone tries to get around Article 12 in the future, using those same old unconstitutional clauses, then severability may not be available and the whole transaction may go down the drain. Under our approach, the lawyers have some incentive to make their transactions comply with

Article 12. There just isn't any incentive to do that under Public Law 8-32.

Madam Chair, I am not criticizing the legislators for what they did in passing Public Law 8-32. I feel they perceived there was a problem and they tried to solve it. I am just saying that we looked at that same problem now with the benefit of more experience and we came up with better solutions. I think that we don't need Public Law 8-32. So we should let it go.

Thank you.

**CHAIR SIROK:** Thank you, Delegate Fleming. I would like to recognize Delegate Tom Aldan.

**DELEGATE T. ALDAN:** Thank you, Madam Chair.

You know, everything in this section, if Article 12 has been ratified, then in effect every single section that she has stated which is covered under Article 12, if it is not consistent, it will be dead. Why kill it? It is dead if it is ratified. The way I am looking at this is a two-prong approach.

The proponents of Article 12 and the opponents of Article 12. If Article 12 is dead on the ballot and they pass the repeal of 8-32, we are back to square one.

If we enact Article 12 and it is ratified, then everything that is inconsistent under 8-32 would be dead; so why kill 8-32? Now you are saying that it resolves the problem. Maybe it will add more problems. I don't know how many cases have been decided by the court based on 8-32. Let's say that the lower court has rendered a decision on an Article 12 problem based on 8-32 and we pass the repeal of 8-32. When it is appealed it will be decided as if there is no 8-32. That puts the higher court in a state of confusion because right now there is no 8-32. The lower court decided under 8-32, and when it is reviewed at the upper level, there is no 8-32.

Now, I would like to think that if all that is being raised here is that everything under 8-32 is covered under Article 12, why bother repealing it. I asked the delegates at one time: Let's roll back Public Law 9-32 or even nullify it. That bill passed the legislature with no public hearing. 8-32 received, I think, a wide public hearing. There were a bunch of lawyers there and a bunch of people there. I wasn't there, but I heard.

Why do you support repeal of 8-22 when it affects a lot of poor people? You are asking us to

support the repeal of 8-32 when most, if not all, of those buyers and sellers received some sort of payments in one form or another.

Anyway, there are some cases that we need really to look at if we are to repeal 8-32.

Upon repeal it will be decided as if there is no 8-32. If there has been a case, it will cost more to all the parties involved since they will have to retry all cases that have been previously decided based on the 8-32.

I think it is the wrong way. If the legislature has thought there was a problem with it, why don't we give it to them to tell them that.

If you realize the problem, correct it. It is the feature of the legislature. I think the only advantage to repealing 8-32 is for the lawyers to make more money.

I think it would be a never ending story on all cases that have been brought to the attention of the court. So the fight will start all over again.

I think if we leave 8-32, not only will it promote stability in the courts, but it would avoid further confusion to those who are involved in Article 12 and to those to a lesser extent who are not involved

in Article 12 issues.

Let's prevent new issues from being litigated because we repeal 8-32.

Repealing public laws is not, in my opinion, our duty in this Convention. We are supposed to be amending the Constitution, not repealing laws. That is the reason why I didn't pursue Public Law 8-22 because most of you suggested that it is not our duty to do it. So please let's not do it. This is what was said when it was suggested, strongly stated that no, no, no; it is an irrational act to do it. Now we are doing the same. Please, let the legislature do its work and if we enact and if Article 12 is approved by the people, it will correct itself if it is inconsistent with Article 12.

Now, if this portion is not inconsistent, it will continue to be in effect. Hopefully, if you are concerned the legislature should be informed of the concern or of the problems. I hope that they do act on it because it is their duty. I don't think we should be correcting poor legislation.

Thank you.

**CHAIR SIROK:** You are welcome.

Our legal counsel Deanne Siemer would like to

comment on several factors you brought up.

**MS. SIEMER:** There are just two things, Chairman Aldan. The first is that if Article 12 is not successful on the ballot, this repealing of 8-32 would not go into effect. So you do have that problem. Second, you should consider separately the question whether you give that retroactive or prospective effect. A large part of what you are talking about with respect to possible adverse affects would be on retroactive and not prospective. So the decision to repeal or not should be discussed first, independent of your views about prospective or retroactive application, because you can have very different views about those two things.

Secondly, with respect to Article 12's corrective effects, Article 12 as passed does have corrective effects and it will affect 8-32 no matter what is done with respect to the repeal. As I understand the motion, it is to reach all of 8-32, not just portions of it.

**DELEGATE T. ALDAN:** The only reason why I am talking about the prior effect is because I think here I am looking at Public Law 8-32 as repealed as of October 1993.

**MS. SIEMER:** As I understand, Chairman Aldan, there are separate amendments making it prospective and retroactive and one may logically debate those if you are.

**DELEGATE SAN NICOLAS:** Point of information.

**CHAIR SIROK:** Would you like to say something?

**DELEGATE SAN NICOLAS:** I would like to inform the delegate that is No. 40 something. We are referring to Delegate No. 39 which would in fact deal with it in that respect.

**CHAIR SIROK:** Thank you, Delegate San Nicolas.

I would like to call on Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** Madam Chair, I heard excellent discussions from both sides and from the legal counsel. So with that I move to end debate.

(The motion was seconded).

**DELEGATE VILLAGOMEZ:** But I was pleading time to speak and nobody wanted to give me. I think there is enough debate.

Let's vote.

**CHAIR SIROK:** There is a motion to end debate. All those in favor, please say "Aye." All those oppose say "Nay."

Let's raise hands.

All those in favor of the motion to end debate please raise your hands.

All those who oppose, please raise up your hands.

Motion carried.

Should we get back to take a vote on the motion?

There is a motion to adopt delegate amendment 39 which will amend the schedule of transitional matters to declare Public Law 8-32 to be no longer in effect with respect to Article 12.

All those in favor of the motion please raise up your hand to repeal 8-32.

All those opposed please raise your hands up.

Motion is defeated.

May I ask for the count, please.

**CONVENTION CLERK:** 10 voted yes and 13 voted no.

**CHAIR SIROK:** We need to take a break for five minutes.

(Recess taken from 5:00 p.m. to 5:25 p.m.)

**CHAIR SIROK:** The Committee of the Whole is now in session.

We are now discussing Article 12, restrictions and alienation of land.



I believe there were several people that wanted to speak on this matter.

Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** Madam Chair, during the plenary session I mentioned my delegate amendment 29 and I noticed that it is not here under section 7, transition with respect to Article 12, restrictions on land.

May I present it?

**CHAIR SIROK:** Is that in relation to schedule on transitional matters?

**DELEGATE VILLAGOMEZ:** Yes.

**CHAIR SIROK:** Proceed, Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** I think everybody has a copy.

My motion is this: To provide under the schedule of transition a section that there shall be a one year grace period from the effective date of the amendments to this article for any person with a cause of action who filed suit in the CNMI Superior Court for any alleged violation of Article 12. I so move.

**CHAIR SIROK:** Any second?

(The motion was seconded).

**DELEGATE VILLAGOMEZ:** Would you allow me to speak

on my motion?

**CHAIR SIROK:** All those in favor of the discussion?

Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** Thank you, Madam Chair.

This is my rationale for requesting for one year grace period. Public Law 8-32 contains a six-month grace period but that six-month grace period was not enough time. There was no publicity. People didn't have reasonable notice that they should get to a lawyer to find out whether they had an Article 12 claim and the chances of finding a lawyer who will take an Article 12 case on a contingent fee basis were significantly reduced by other provisions of Public Law 8-32, which could make even the best Article 12 case a highly unlikely prospect for any recovery. The lawyers were removed because of the provisions of 8-32 that they could not get paid. So they were unlikely to take these cases.

This was not a fair circumstance in which to have a six-month grace period operate.

The six-month grace period in Public Law 8-32 is unfair; other provisions were unfair. What we need to do is provide for any claim or defense or counter

claim.

**CHAIR SIROK:** Excuse me, Delegate Villagomez.

We need to change tapes.

(Pause).

**CHAIR SIROK:** Please proceed.

**DELEGATE VILLAGOMEZ:** What we need to do is provide that any defense or advance or counterclaim on Article 12 is not barred if it is brought within one year of the effective date of the amendments to Article 12. At that rate, with all the publicity that we will have in the public education program about ratifying the Constitution, we can emphasize this one year provision. People who know their rights, they will have time to find out from a lawyer if they have a claim and time to bring that claim. In this way we can put to rest all the problems with Article 12. The amendments to Article 12 have helped solve some of the problems. My amendment to the schedule on transitional matter would finish the job, and I ask the support of the delegates.

Thank you.

**CHAIR SIROK:** Delegate Aldan.

**DELEGATE T. ALDAN:** Madam Chair, first I have a question.

**CHAIR SIROK:** Please ask.

**DELEGATE T. ALDAN:** Deanne, if Article 12 is ratified, what prevents any seller from bringing a case to court on a violation of Article 12.

**MS. SIEMER:** There are two things that prevent that. One is the existing statute of limitations in Public Law 8-32, and the second is the statute of limitations in the Constitution itself.

**DELEGATE T. ALDAN:** Even though, let's say, the document is completely contrary to Article 12?

**MS. SIEMER:** Any violation of Article 12 is cut off after six years under 8-32. When it came into effect, there was a six-month window for older cases.

**DELEGATE T. ALDAN:** Let's say that a buyer does not meet the Northern Marianas descent test when he bought that property. Would that buyer be then the owner of the property?

**MS. SIEMER:** My understanding of 8-32 is that the seller's cause of action to reclaim the property, because of that violation, is cut off after six years.

**DELEGATE T. ALDAN:** So the new owner is not of Northern Marianas descent.

**MS. SIEMER:** That is not dispositive because it may well be that there is a cause of action because that

person is holding land contrary to the Constitutional provision. But the seller's cause of action which arose at the date of the transaction is measured by the six-year period unless there has been fraudulent concealment.

**DELEGATE T. ALDAN:** So the government can bring a suit against that buyer to reclaim the property?

**MS. SIEMER:** I would suggest that remedy is available. I am unaware of any instance in which that has actually been done.

**DELEGATE T. ALDAN:** Madam Chair.

**CHAIR SIROK:** Delegate Aldan.

**DELEGATE T. ALDAN:** I think prior to 8-32 any Article 12 issues have all the time in the world to bring a case. 8-32 basically cut that to an additional six months as of an effective date. So I really don't understand why we should give another grace period when there was a grace period prior to when 8-32 was enacted. My understanding is that, again, 8-32, when it was being entertained in the legislature, it received a lot of publicity. I saw a list of names in the newspaper supporting passage of 8-32 and I have seen a lot of people coming to testify for and against passage of 8-32. I don't really see the rationale of

giving just one year.

Thank you.

**CHAIR SIROK:** You are welcome.

Delegate Gonzales.

**DELEGATE GONZALES:** Thank you, Madam Chair. If you may please allow me to speak in the vernacular, Chamorro, and from there I will switch to English.

**CHAIR SIROK:** Make it short and precise.

**DELEGATE GONZALES:** (Statements made in Chamorro).

Madam Chair, if I may translate that in English briefly.

**CHAIR SIROK:** Please do.

**DELEGATE GONZALES:** The statute of limitations that is in front of us gives a six year time period for the local original landowner to file an action if he or she finds some discrepancy or any provision in the contract of lease or purchase that violates Article 12. It provides for a six-year time period for which he or she can bring up those new lawsuits.

Some people say prior to the passage of Public Law 8-32 that there were extensive comprehensive and infinite air time at public hearings and whatnot. True, I agree, but let me ask you were the public hearings held in the vernacular? By that, I mean, were

they held in Chamorro and in Carolinian so that the original landowners, indigenous people, would understand, grasp and digest the entire intent, ramifications or repercussions of Public Law 8-32 which includes statute of limitations? Subsequent to that, they allowed a six-month window of opportunity for which the locals, the indigenous and CNMI descent would bring up those cases.

My friends, I ask you this question, if fairness and justice is what we want to aim for and to do to ourselves, was the six month period enough? Was it fair? That, I believe, is too short of a time. It does not allow the original landowners time to get the resources together. There is not enough money to get together and so it is too short of a time. My friends, is that justice? Is that fairness?

With that I pray to God and hope that we all support the one-year window of opportunity so we can ensure fairness and justice.

Thank you.

**CHAIR SIROK:** Thank you, Delegate Gonzales.

Delegate Aldan-Pierce.

**DELEGATE ALDAN-PIERCE:** Thank you, Madam Chair.

One of the things we are trying to accomplish here is

to provide some stability on land titles. I think that is why the majority of the delegates voted in favor of the "voidable" language. If we were to open the one-year grace period and I agree with Delegate Aldan, the people have had ample opportunity to come up if they felt that there were some provisions in their leases that violate Article 12. They have had over 10 or 15 years to do that. People have already started making plans for their land. Businesses have already started making plans for expansion based on Public Law 8-32 probably, based on what we have done during the Convention. So if we were to adopt the one year grace period we would provide another year of uncertainty. That is one more year whereby the developers have to sit back and wait and see who is going to get sued next. If ambulance chasing was illegal in the Commonwealth, I will support the one-year grace period but it is not. This gives lawyers opportunities to go out and look for clients, and nobody can tell me that that does not happen in Saipan because it does.

Thank you.

**CHAIR SIROK:** You are welcome.

Delegate Lillian Tenorio.

**DELEGATE LILLIAN TENORIO:** No one will go out to



look for clients because pursuant to Public Law 8-32 you have a limit on attorney's fees and that discourages some attorneys from representing land claimants.

**CHAIR SIROK:** Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** During discussion and records of the Senate hearing on P.L. 8-32, some of the senators said, I forgot which ones, they will do their best to educate the public in translating all of these. Did you see any? There were none. Some of the people affected are in the states. So are you going to blame them for not meeting the six months? Madam Chair, my amendment has nothing to do with ambulance chasing. If Delegate Aldan-Pierce wants to make ambulance chasing legal that is her prerogative. She can stand in front of CHC and do it.

**CHAIR SIROK:** Are you finished, Delegate Villagomez?

**DELEGATE VILLAGOMEZ:** Thank you.

**CHAIR SIROK:** There is a motion on the floor, which was seconded, to amend the schedule on transitional matters that there shall be one year grace period for any person with a cause of action to file a suit in the CNMI Superior Court for any alleged violation of

Article 12. We are ready to vote on that motion.

All those in favor of the motion, please raise your hand.

All those who oppose please raise your hand.

Motion is defeated. 9 voted yes; 12 voted no.

Is there anyone else who wants to bring up anything with respect to Article 12 regarding on alienation of land?

Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** Madam Chair, I move to delete section 7(d).

(The motion was seconded).

**DELEGATE VILLAGOMEZ:** And I move to end debate.

(The motion was seconded).

**DELEGATE LIFOIFOI:** We cannot end debate, Madam Chair.

**DELEGATE VILLAGOMEZ:** There is a motion to end debate.

**DELEGATE LIFOIFOI:** There a lot of speakers. You have to entertain the speakers.

**DELEGATE VILLAGOMEZ:** Madam Chair, you have to follow the rule.

**CHAIR SIROK:** I understand the rules, Delegate

Villagomez, I am trying to search for a higher...

**MS. SIEMER:** It is not in order for the person that introduces it to end debate. There has to be an opportunity for discussion.

**DELEGATE LIFOIFOI:** I agree.

**DELEGATE VILLAGOMEZ:** There is nothing in the rules that say the mover cannot.

**CHAIR SIROK:** Delegate Quitugua.

**DELEGATE QUITUGUA:** Madam Chair, did you recognize these people to speak? If they were not recognized the motion is not valid.

**CHAIR SIROK:** I did recognize Delegate Villagomez. He is the first one that spoke after I asked whether there were any delegates that wanted to speak with respect to Article 12. He was the first one to raise his hand.

**DELEGATE QUITUGUA:** Did you recognize the person that seconded it?

**CHAIR SIROK:** It was Delegate Aldan.

**DELEGATE ALDAN-PIERCE:** No. It was Gonzales.

**DELEGATE QUITUGUA:** Did you recognize him.

**CHAIR SIROK:** No, but I heard a second.

**DELEGATE VILLAGOMEZ:** Of all the motions --

**CHAIR SIROK:** Delegate Villagomez, would you please

hold on until I recognize you. We are trying to establish some order on the floor.

Is there anybody else that would like to speak with respect to the motion that was made by Delegate Villagomez?

Delegate Hocog.

**DELEGATE HOCOG:** I just want to make sure that when there is a motion on the floor and it has been seconded that it regards discussion. Thereafter, anyone can move forward to end debate.

**CHAIR SIROK:** Thank you, Delegate Hocog.

Is there anybody else who wants to speak on this matter that was brought up by Delegate Villagomez with respect to 7(d) which he wants deleted. Section 7(d) states that upon the effective date of this amendment to Article 12, section 6 shall apply in all pending proceedings other than those in which a final judgment not subject to further appeal has been entered. That is a motion that Delegate Villagomez has made to delete.

Delegate Lillian Tenorio.

**DELEGATE LILLIAN TENORIO:** The question for the counsel is what happens if we delete this, the voidable standard that we passed last night if it is approved by

the voters? How would that affect cases that are before the courts? Will they be retrospective or prospective?

**MS. SIEMER:** This is a provision from the Committee's first draft in which the Committee's wished to have this have retroactive effect. You will notice that the legislative history has a different provision which supports prospective application because that is what the Committee approved at the time that draft was discussed. So the choice is as to whether you want it made retroactive or prospective. If you do nothing it will be prospective although normally we would provide and make clear that it is prospective because it is important that every one understands how this works.

**CHAIR SIROK:** Delegate Tenorio.

**DELEGATE LILLIAN TENORIO:** Yes. Clarification. If this provision in the transitional schedule is deleted then the effect would be prospective?

**MS. SIEMER:** That is correct.

**CHAIR SIROK:** Delegate Juan Tenorio.

**DELEGATE JUAN S. TENORIO:** On that, chair, is section 6 the enforcement section?

**CHAIR SIROK:** Yes.

**DELEGATE JUAN S. TENORIO:** I move to end debate.

(The motion was seconded).

**CHAIR SIROK:** There is a motion on the floor to end debate and it has been seconded. All those in favor say "Aye." All those oppose say "Nay."

Motion carried.

Let's go back to Delegate Villagomez's motion to delete section 7(d).

All those in favor of the motion to delete 7(d) from Article 12 with respect to schedule on transitional matters, please say "Aye."

All those who oppose say "Nay."

**DELEGATE VILLAGOMEZ:** Division.

**CHAIR SIROK:** Let's do it again by raising our hands. All those in favor of the motion to delete 7(d) please raise your hands.

All those who oppose please raise your hands.

**CHAIR SIROK:** Motion is defeated. Seven voted yes and 14 voted no.

We are still on section 7 with respect to Article 12, restrictions on alienation of land.

Are there any other delegates who wish to speak on this section?

Delegate Seman.

**DELEGATE SEMAN:** Can you come back to me? I lost my page.

**CHAIR SIROK:** Sure. Are there any other delegates who wish to speak on this matter on Article 12?

Chairman Lifoifoi.

**DELEGATE LIFOIFOI:** Thank you, Madam Chair. My dear colleagues, the 11th hour is approaching and there is a lot of last minute amendments. I specifically the remind members of my Committee on Land and Personal Rights we have worked and worked very hard. We have put a lot of time into this article, Article 12. We had five public hearings in various places, three different islands and the 11th hour is approaching. Be aware and let's not rush, and let's not be tempted into acting to taking a last minute floor amendment that will jeopardize our work.

Thank you.

**CHAIR SIROK:** Thank you, Chairman Lifoifoi and now we will go back to Delegate Seman.

**DELEGATE SEMAN:** Yes, I want to ask our legal counsel a question if I may.

**CHAIR SIROK:** Yes, you may.

**DELEGATE SEMAN:** The subsections of Article 12, section 3, 4 and 5 will have prospective effect.

The change referring back to Article 12 section 4 the change we have made there is about an adopted child. Does this mean that all those adopted before the ratification date will still be in effect considered Northern Marianas descent?

**MS. SIEMER:** Yes. That is correct.

**CHAIR SIROK:** Are there any other delegates that wish to raise any issue with respect to Article 12?

Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** Deanne, how does this new proposal, this new rule, compare to the old rule regarding "voidable"? As I understand it 76 is void ab initio. 85 is void ab initio. If this is passed it will be voidable. Mr. Rex Kosack and the others complained about the change of rule in the middle of the game. What we are doing with 7(d) is changing the rule in the middle of the game isn't that true?

**MS. SIEMER:** I think Delegate Villagomez that any judge would be very reluctant to change the rules in the middle of the game. What this voidable standard does however is that it allows the judge to make a choice with respect to remedy. A judge who has already made a choice with respect to applying the void ab initio standard has made a decision that that judge



would be reluctant to remove and should be reluctant to remove.

What you are doing here, if you make it retroactive, is the same thing you are doing when you enact a voidable standard. You are allowing the court to make up its own mind as to matters not yet decided -- pending cases where no standard has yet been appealed.

**CHAIR SIROK:** Please continue, Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** But section 7(d), as I read, it upon the effective date of this amendment, Article 12, section 6 which is in force, shall apply in all cases and the pending cases under the '76, '85 rule, which is void ab initio. Other than those with a final judgment not subject to final appeal has been entered.

**MS. SIEMER:** Yes, that is correct. But the void ab initio standard is included in the voidable standard. The judge that has already applied a void ab initio standard and made those findings will be reluctant to go back and revisit them. Those issues have been decided.

It is not the intention of this provision to dig up and exhume cases. It is the intention to allow

judges to dispose of pending cases where no decision has yet been made and where they see that that is necessary. Having had the confidence in your judges to give them the flexibility under the voidable standard, it is consistent to have the same confidence with respect to this.

**DELEGATE VILLAGOMEZ:** Time will tell.

**CHAIR SIROK:** Delegate Lifoifoi.

**DELEGATE LIFOIFOI:** I move to end debate on section 7.

(The motion was seconded).

**CHAIR SIROK:** There is a motion to end debate. All those in favor say "Aye." All those opposed say "Nay."

Motion carried.

We are now on the last section, general transitional provisions, section 8.

Is there any question with respect to this provision, section 8, which is the last section we will be discussing on schedule of transitional matters.

Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** No. Will you recognize me finishing on 8?

**CHAIR SIROK:** Do you have anything to say with

respect to section 8 that is directly on point with respect to general provision.

**DELEGATE VILLAGOMEZ:** I am satisfied.

**CHAIR SIROK:** You are satisfied with that.

Mr. President.

**PRESIDENT GUERRERO:** Yes, Madam Chair. I was wondering if perhaps under subsection (b), perhaps once a year the Attorney General shall review the foregoing provisions and certify to the governor which had been executed. I wonder if it would be a good idea to have also that notice to the governor published for the people to know which one is being executed and no longer needs to be kept in the transitional matter. So I would like to have that published for general information to the general public that this provision has already served its purpose and they should move on. If there is no objection on the floor, I would certainly like to move that the Attorney General publish that notification.

Am I in order?

**CHAIR SIROK:** Yes, Mr. President, would you like to make a motion.

**PRESIDENT GUERRERO:** I would like to require that the Attorney General publish that notice that he is

certifying to the governor. I am trying to figure out whether it is the local paper or just the Commonwealth Register, but I would like to see that published as a requirement.

**CHAIR SIROK:** Any second?

(The motion was seconded).

**CHAIR SIROK:** Discussion?

There is a motion with respect to section 8(d) which requires the Attorney General to publish the notice and general circulation of the Commonwealth.

All those in favor of the motion say,

"Yes."

All those opposed say, "No."

Motion carried.

Is there any other question with respect to section 8?

Delegate Aldan? Question?

**DELEGATE T. ALDAN:** Are we going to adopt this? I move to adopt the schedule on transition and related matters.

(The motion was seconded).

**CHAIR SIROK:** There is a motion to adopt the schedule on transition and schedule matters. All those in favor of the motion say "Aye." All those opposed

say "Nay."

Motion carried.

Is there any other discussion on schedule and related matters.

Nothing further?

**DELEGATE QUITUGUA:** Delegate Quitugua.

**DELEGATE QUITUGUA:** Just a question on 8(c). If the legislature decides to have a special election to ratify these amendments, does that mean that whatever is ratified on a legislative initiative this November will stay intact and not be superseded by this amendment if this amendment were held for ratification in February?

**CHAIR SIROK:** Counsel Willens.

**MR. WILLENS:** Yes. It is our judgment that if the legislative initiative was voted in November and approved in accordance with the constitutional provision it would take effect. If the recommended amendments that emerge from this convention are voted on in early spring and they are ratified, they would serve to supersede and set aside those amendments that were adopted at the earlier election if there is a conflict and that is presently the state of affairs. We do not know when an election is going to be

scheduled with respect to amendments that this Convention is recommending to the people. The legal staff is considering this language and some of the legal precedents to see whether this can be strengthened in any way so as to ensure that to the maximum extent possible the amendments that emerge from this Convention will prevail irrespective of what the legislature does, when it does it, and what the people do with respect to what is done with respect to the legislature.

**CHAIR SIROK:** Thank you, Counsel Willens.

Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** Madam Chair, I move that we vote on the schedule of transition and related matter section by section.

**CHAIR SIROK:** We already voted on the adoption of the report, schedule of transitional matters.

**DELEGATE VILLAGOMEZ:** Okay. I wasn't listening.

**CHAIR SIROK:** Mr. Floor Leader, we have concluded our session of the Committee of the Whole.

**DELEGATE HOCO:** Thank you, very much Madam Chair.

**CHAIR SIROK:** You are welcome, Mr. Floor Leader.

**DELEGATE HOCO:** You may step down.

**CHAIR SIROK:** I will do so.

**DELEGATE HOCOG:** I move to rise back to the plenary session.

(The motion was seconded).

**DELEGATE HOCOG:** And five-minute break.

(Recess taken from 5:55 p.m. to 6:10 p.m.)

**PRESIDENT GUERRERO:** The plenary session is called back to order. At this time I call on Delegate Sirok to report on the deliberation in the Committee of the Whole.

**DELEGATE SIROK:** Thank you, president. I would like to thank you for the opportunity to serve as the chair this afternoon.

The Committee of the Whole adopted the schedule on transition and related matters as amended. Amendments were made to section 19, retirement system, subsection 2, and amendments were made to section 8, general transitional provisions, subsection (d). That is the report of the Committee of the Whole, Mr. President.

**PRESIDENT GUERRERO:** Thank you, Delegate Sirok.

I call on Delegate Juan Tenorio.

**DELEGATE JUAN S. TENORIO:** Mr. Chairman, can you check whether we have a quorum to conduct business.

**PRESIDENT GUERRERO:** Can I have a roll call,

please, Con-Con clerk.

**CONVENTION CLERK:** Mr. President, 21 members present; six members absent.

**PRESIDENT GUERRERO:** I forgot to mention this morning that Delegate Mariano Taitano is still sick. He had an operation in the posterior. He is unable to make it.

**DELEGATE LILLIAN TENORIO:** What part?

**PRESIDENT GUERRERO:** I don't know.

**MR. ZIMMERMAN:** The painful part.

**DELEGATE HOCOG:** Mr. President.

**PRESIDENT GUERRERO:** Yes, Mr. Floor Leader.

**DELEGATE HOCOG:** You have no one else?

**PRESIDENT GUERRERO:** You may proceed.

**DELEGATE HOCOG:** Thank you. Mr. President, I move to accept, as amended, the schedule on transitional and related matters.

(The motion was seconded).

**PRESIDENT GUERRERO:** Let me ask the legal counsel. Is the word "accept" and the word "adopt" the same thing? Can they be used synonymously?

**MR. WILLENS:** Yes, the word "accept" and the word "adopt" can be used simultaneously and synonymously as the floor leader has so ably done.



**PRESIDENT GUERRERO:** It has been moved and seconded to accept, or as the legal counsel says, adopt also means the same thing, the schedule on transitional and related matters.

Discussion.

Ready, Con-Con clerk, roll call.

{The roll was called and the Delegates voted as follows:}

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

NO: Vicente Aldan

ABSTAINING: Benjamin T. Manglona

**CONVENTION CLERK:** Mr. President, 19 members voted yes; one member voted no; one member abstaining and six members absent.

**PRESIDENT GUERRERO:** Schedule on transitional and related matters passes the Convention.

Thank you, and the vote?

**DELEGATE HOCOG:** Mr. President.

**PRESIDENT GUERRERO:** Yes, Mr. Floor Leader.

**DELEGATE HOCOG:** I would like to stay on item 11 and have the president recognize my good Delegate Seman to speak.

**PRESIDENT GUERRERO:** We move to Item 11 and at this time I recognize Delegate Seman.

**DELEGATE SEMAN:** Just an announcement. I believe the Committee on Style report No. 1 has been distributed.

Please review, especially the pronouns that we will discuss tomorrow.

Thank you.

**PRESIDENT GUERRERO:** I would like to mention that I recommend that all of you review the Analysis and we will take it up tomorrow at 1:30 session.

And since it is the last day we need to review it. I mean excuse me. The second to the last day.

**DELEGATE HOCOG:** Mr. President, I move to recess until tomorrow.

(The motion was seconded)

**EN MASSE:** No, to adjourn.

**DELEGATE HOCOG:** Oh, you don't want to recess?  
Mr. President. They don't want me to recess. So I  
move to adjourn.

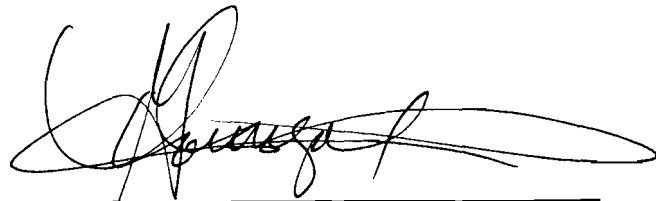
**PRESIDENT GUERRERO:** It has been moved and  
seconded to adjourn.

Those in favor of the motion say "Aye."  
Those who oppose say "Nay."

Motion carried.

(The Convention adjourned at 6:18 p.m.)

Respectfully,



\_\_\_\_\_  
Convention Secretary



# Third Northern Mariana Islands Constitutional Convention

**Delegate Amendment No. 41 Rev.**

Date: July 31, 1995

ARTICLE AND SECTION TO BE AMENDED: Article 16, new section

COMMITTEE ASSIGNED: Committee on Land and Personal Rights

It is proposed that the article passed on first reading be amended as follows:

Article 16: Corporations

No private business corporation shall be organized and no existing corporate charter shall be extended or amended except by general laws. Resident citizens shall have the right to organize and to bargain collectively. No person shall be denied the opportunity to obtain or retain employment because of membership or non-membership in a labor organization.

*[Handwritten signatures and notes on the left side of the page, including names like J. Vay and J. B. Plalun.]*

Submitted by:

*[Handwritten signature of David L. Igitol]*  
\_\_\_\_\_  
Delegate DAVID L. IGITOL

*[Handwritten signature of Jose R. Lifoifoi]*  
\_\_\_\_\_  
Delegate JOSE R. LIFOIFOI

Notes: This provision ensures that the right to organize and to bargain collectively is preserved for resident citizens. It also balances the right to organize with a right to work that may not be denied or abridged on account of membership or non-membership in any labor union or other labor organization.

*[Handwritten signatures at the bottom of the page, including names like Sami and others.]*

# FAX TRANSMISSION

THIRD CONSTITUTIONAL CONVENTION-CNMI

P. O. Box 909  
SAIPAN, MP 96950  
fax: 011-670-322-0993

To: Mayor Joseph S. Inos  
Date: ~~July~~ <sup>August</sup> 1, 1995  
Fax #: 0532-9454  
Pages: 12, including this cover sheet.  
From: ~~Deanne Siemer~~ Mona V. Mangiona  
Subject: Article No. VI: Local Government

## COMMENTS:

As per our telephone conversation this morning, following are:

- (1) Report No. 5: Section 17 of Article III, and Article VI (Local Government) dated July 29, 1995.
- (2) Proposed language to Article VI dated July 29, 1995.
- (3) Draft of yesterday's Summary Journal, July 31, 1995.

Please note that Article VI was amended on the floor yesterday and did pass second and final reading. Article VI passed first reading on Saturday, July 29, 1995. I will fax any new material on Article VI when it becomes available.

I hope these documents address your concerns stated in your July 27, 1995 letter. If you need anything further, don't hesitate to call me at 664-0991.

Mona

08/01/95

10:34

FAX 870 322 0993

HOUSE OF REP.

001

ACTIVITY REPORT

TRANSMISSION OK

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ACTIVITY REPORT

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08/01/95 10:13 FAX 670 322 0993 HOUSE OF REP. 001

ACTIVITY REPORT

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TRANSACTION # 0179

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START TIME 08/01 10:05

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PAGES 10



July 29, 1995

COMMITTEE ON EXECUTIVE BRANCH AND LOCAL GOVERNMENT

REPORT NO. 5: SECTION 17 OF ARTICLE III AND ARTICLE VI (LOCAL GOVERNMENT)

This report supplements and revises Report No. 4 of the Committee dated July 26, 1995. It reflects the further consideration of this matter among the delegates generally and within the Committee on July 26, July 27 and July 29, 1995. The Committee has reached the following conclusions and recommends them to the Convention:

1) The Committee recommends that Section 17 of Article III remain exactly as it is now in the Constitution. Accordingly, the Committee withdraws the amendment to Section 17 that it previously recommended to the Convention in Report No. 4. In light of the differences within the Committee and the Convention generally on this difficult subject, the Committee believes that staying with the status quo makes the most sense.


2) The Committee recommends that the Convention adopt on first reading the draft Article VI attached to this report. The sections of this Article and their intention are explained in detail in the Committee's Report No. 4 dated July 26, 1995. In light of the Committee's decision relating to Section 17 of Article III,

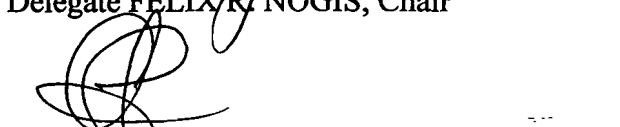
Section 3 of Article VI has been revised to make certain that each of the mayor's powers presently listed is included in the recommended Section 3. For the convenience of the delegates, the current version of Section 3 of this article is attached to this report.

In addition, Section 3 and 4 have been modified to provide for the appointment of an executive assistant for the northern islands to be appointed by the mayor of Saipan and the islands north of it and for an ex officio member of the municipal council elected by the residents of the northern islands at such time as service on the council becomes full time.

The Committee recommends that the Convention approve this report and the draft Article VI on first reading.

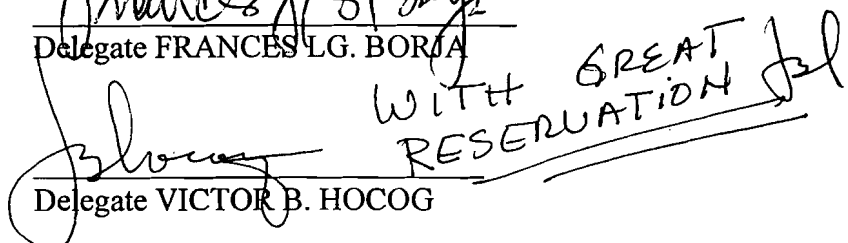
Respectfully submitted,

  
Delegate FELIX R. NOGIS, Chair

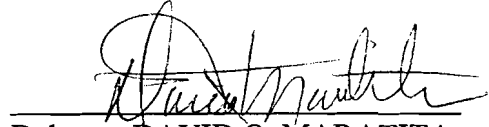
  
Delegate JAMES M. MENDIOLA, Vice Chair

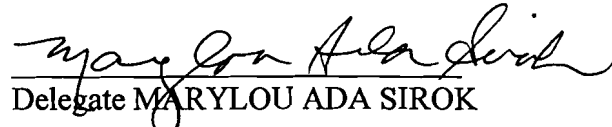
  
Delegate TOMAS B. ALDAN

  
Delegate FRANCES L.G. BORJA

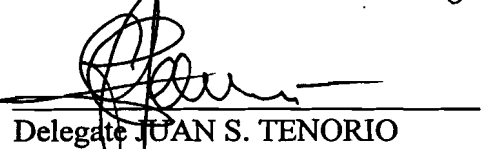
  
Delegate VICTOR B. HOCO  
WITH GREAT RESERVATION

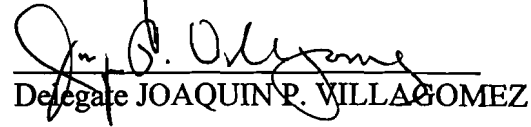
Delegate BENJAMIN T. MANGLONA

  
Delegate DAVID Q. MARATITA

  
Delegate MARYLOU ADA SIROK

  
Delegate HELEN TARO-ATALIG

  
Delegate JUAN S. TENORIO

  
Delegate JOAQUIN P. VILLAGOMEZ

**Art. VI, § 3**

contests).

Comment: With respect to special elections to fill vacancies, see comment to article VIII, § 2.

**Section 3: Responsibilities and Duties of the Mayor.**

a) A mayor shall serve on the Governor's Council as established by Section 5 of this article.

b) A mayor shall administer government programs, public services, and appropriations provided by law, for the island or islands served by the mayor, and shall report quarterly to the governor, relating to these programs and services or appropriations.

c) A mayor may investigate complaints and conduct public hearings with respect to government operations and local matters, and may submit findings or recommendations to the governor and the legislature. A mayor may require information in writing relating to local matters as may be necessary to his investigation under this subsection.

d) The Mayors of Rota, Tinian and Aguiguan, Saipan, and the islands north of Saipan, in consultation with the Municipal Council, shall submit items for inclusion in the proposed budgets for both government operations and capital improvement projects. The governor's budget submission to the legislature shall state his disposition of the budgetary requests contained in the submissions received from the Mayors.

e) A mayor shall coordinate any extension of federal programs extended to the island or islands served by the mayor.

f) A mayor shall act as the principal local official for coordinating activities with disaster control for the mobilization of resources and meeting emergency conditions in the island or islands served by the mayor.

g) The Mayors of Rota, and, Tinian and Aguiguan, shall appoint, in consultation with the head of the respective executive branch department, all resident department heads.

h) A mayor shall perform other responsibilities provided by law.

History: Ratified 1977, effective 1978; amended 1985 by Amendment 25; amended by Legislative Initiative 1 (House Bill 5-198), ratified November 7, 1987. This section originally provided:

**Section 3: Responsibilities of Mayor.**

a) A mayor shall serve on the governor's council established by section 5 of this article.

b) A mayor shall review the government services and appropriations provided by law for the island or islands served by the mayor and shall submit to the governor findings or recommendations relating to these services or appropriations.

July 29, 1995

**ARTICLE VI: LOCAL GOVERNMENT**

Section 1: Local Government

Agencies of local government shall be established as provided by this article for the three existing senatorial districts and the fourth senatorial district when established under article II, section 2.

Section 2: Mayor

The qualified voters of each senatorial district shall elect a mayor for their island or islands.

a) The mayor shall be a United States citizen qualified to vote in the island or islands served by the mayor, at least thirty-five years of age, a resident of the Commonwealth for at least three years immediately preceding the date on which the mayor takes office, and meet such other qualifications provided by law. The mayor must reside on the island or islands served after election.

b) The mayor shall be elected at a regular general election for a term of office of four years and may not serve as mayor for more than two terms. A vacancy in the office of mayor shall be filled by special election if one-half or more of the term remains and otherwise as provided by law or ordinance.

c) A mayor shall receive an annual salary and allowance for reasonable expenses. The salary shall be as provided by law or ordinance upon the recommendation of the advisory commission on compensation provided for by article II, section 9.

Section 3: Responsibilities and Duties of the Mayor

a) The mayor shall have the executive authority with respect to local matters that affect only the island or islands served by the mayor pursuant to municipal ordinances enacted under section 5 of this article and not inconsistent with Commonwealth law.

b) The mayor may propose ordinances relating to local matters for enactment by the municipal council. The mayor shall have thirty days within which to approve or veto ordinances enacted by the council. Every ordinance enacted shall be signed by the presiding officer of the of the municipal council and submitted to the mayor. If the mayor signs the ordinance, it shall become effective. If the mayor vetoes the ordinance, it shall be returned within five working days of the veto to the presiding officer of the council with a statement of the reasons for the veto. The mayor may veto an item, section or part of an appropriation ordinance and sign the

remainder of the ordinance; provided that the mayor may not veto an item, section or part governing the manner in which an appropriation may be expended if any appropriation affected by the item, section or part is approved. If the mayor fails either to sign or veto an ordinance within the applicable period, it shall become effective.

c) The mayor shall administer departments, agencies, boards and commissions of local government established by municipal ordinance and appoint their heads or members subject to confirmation by the municipal council.

d) The mayor shall serve on the governor's council established by section 6 of this article.

e) The mayor may investigate complaints and conduct public hearings with respect to government operations and local matters and may submit findings or recommendations to the municipal council, governor and the legislature. The mayor may require information in writing relating to government operations and local matters as may be necessary to any investigation under this subsection.

f) The mayor shall in consultation with the municipal council prepare an annual budget for the island or islands served by the mayor. The budget shall set forth the anticipated Commonwealth funds to be provided the local government and those to be raised by local taxes, the proposed expenditure of those funds during the next fiscal year, and recommendations for inclusion in the proposed Commonwealth budget for government operations and capital improvement projects. Upon approval by the municipal council the local funding components of the budget shall go into effect and the Commonwealth funding components of the budget shall be transmitted to the governor for inclusion in the governor's proposed Commonwealth budget. The governor's budget submission to the legislature shall state his disposition of the budgetary requests submitted by the mayors.

g) The mayor shall coordinate any extension of federal programs and act as the principal local official for coordinating activities with disaster control for the mobilization of resources and meeting emergency conditions in the island or islands served by the mayor.

h) The mayor shall administer government programs, public services, and appropriations provided by law, for the island or islands served by the mayor, and shall report quarterly to the governor, relating to these programs and services or appropriations.

i) The mayors of Rota, and Tinian and Aguiguan, shall appoint, in consultation with the head of the respective executive branch department and subject to confirmation by the municipal council, all resident department heads in departments that provide public services on the island or islands served by the mayor.

j) The mayor of Saipan and the islands north of Saipan shall appoint an executive assistant for the northern islands who shall be confirmed by the municipal council. The executive

assistant shall promote the social and economic growth of the islands north of Saipan and coordinate local programs to advance those objectives.

k) The mayor shall perform such other responsibilities provided by Commonwealth law or municipal ordinance.

#### Section 4: Municipal Council

The qualified voters of each senatorial district shall elect a municipal council for their island or islands.

a) The municipal council shall consist of five members elected for a term of two years on a non partisan basis as provided by Commonwealth law. A member shall be a United States citizen qualified to vote in the Commonwealth, at least twenty-five years of age, and a resident of the island or islands served by the council for at least three years immediately preceding the date on which the member takes office. Members of the municipal councils shall be elected at large. At such time as service on the municipal council for Saipan and the islands north of it becomes full time, the council shall include an ex officio member elected by the residents of the northern islands who shall be entitled to vote on matters directly affecting the northern islands pursuant to rules adopted by the municipal council.

b) In the case of a vacancy on the municipal council a special election shall be held if more than one-half of the term remains. Otherwise the mayor shall appoint within thirty days the unsuccessful candidate for the office in the last election who received the next highest number of votes and is willing to serve or, if no such candidate is available, the mayor shall appoint a candidate to be confirmed by the municipal council.

c) Council members shall be compensated for attendance at meetings as provided by law or ordinance and only from locally raised revenues in an amount recommended by the advisory commission on compensation provided for by article II, section 9, at such time as service on the council becomes a full time position.

#### Section 5: Responsibilities and Duties of the Municipal Council

a) The municipal council shall have the legislative authority with respect to local matters that affect only the island or islands served by the council. Such legislative authority may be exercised through the enactment of municipal ordinances that are not inconsistent with Commonwealth law and are approved by the mayor in accordance with procedures established by the council and mayor.

b) An ordinance or item, section or part of an ordinance vetoed by the mayor may be reconsidered by the council. The council shall have thirty days from the receipt of the mayor's

veto message to reconsider the vetoed ordinance or item, section or part of an ordinance. If two-thirds of the members voted upon reconsideration to pass the ordinance or the item, section or part of an ordinance, it shall become effective.

c) The municipal council shall confirm resident department heads and heads of local departments, agencies, boards and commissions nominated by the mayor.

d) Appropriation and revenue ordinances may be introduced in the municipal council. The council shall hold public hearings on all appropriation ordinances and on all ordinances involving taxation or revenue. Every expenditure of public funds must be authorized by an appropriation ordinance. The council shall not enact an ordinance that requires the expenditure of public funds without also appropriating the necessary funds. Locally raised revenues shall not be subject to appropriation or reprogramming by the legislature or the governor.

e) The municipal council shall review the budget proposed by the mayor for submission to the governor, approve those components that involve local funding and expenditures, and shall propose recommendations to be submitted by the mayor to the governor for inclusion in the governor's proposed annual budget.

f) The municipal council and the mayor through enactment of municipal ordinances shall have the authority to define the size and structure of the local government including the office of the mayor and any local departments or agencies established to serve the island or islands involved. No such local departments or agencies shall duplicate or supervise Commonwealth departments or agencies providing services in the senatorial district.

g) When a mayor is outside the Commonwealth or unable to discharge the duties of office by reason of physical or mental disability, the presiding officer of the municipal council shall be acting mayor. If the presiding officer is not available, another member shall be selected by the council to serve. If the mayor is unable to discharge the duties of office by reason of physical or mental disability the council shall declare a vacancy in the office within the meaning of section 2(b) of this article.

h) The council shall perform such other responsibilities provided by Commonwealth law or municipal ordinance.

### Section 6: Governor's Council

The mayors elected under section 2 of this article, the executive assistant appointed under article III, section 18, and the chair of the council appointed under article III, section 20, shall comprise a council that shall advise the governor on government operations and local matters. The governor shall preside over the council which shall meet regularly or at least four times each year to consider matters concerning the relationship between the Commonwealth and its separate islands.

Section 7: Funding of Local Government

a) The mayor, municipal council members, employees of their offices and of any local established departments, agencies, boards and commissions, shall be compensated and programs and services authorized by local government shall be funded as provided by law or ordinance. Personnel employed by local government entities and compensated in whole or part by Commonwealth funds appropriated by the legislature shall be subject to the same laws and regulations as other Commonwealth employees.

b) Commonwealth funding of local government shall not exceed the funding for local government in fiscal year 1996 until January 1, 1998, and thereafter shall be reduced by no less than ten percent in each of the five succeeding years. The legislature may continue funding after these five years at a level that does not exceed those revenues raised locally in each senatorial district if the legislature finds after public hearings that (1) the local government has made all feasible efforts to raise revenues from local sources; (2) the local government has reduced the number of government employees compensated by Commonwealth funds substantially during the past six years; and (3) the local government has provided detailed and convincing support for continued Commonwealth funding for local government personnel and services.

c) The number of government employees who work for the mayor and municipal council in any of the three senatorial districts and are compensated with Commonwealth funds other than those appropriated to fund Commonwealth public services delegated to the mayor pursuant to article III, section 17, shall not exceed those employed in each senatorial district as of June 5, 1995.



## TRANSITIONAL PROVISIONS

Section ---: The Mayor of the Northern Islands shall continue in office until the end of his term and the employees of that office shall be transferred to the offices of the mayor and municipal council of Saipan and the northern islands.

THIRD NORTHERN MARIANAS  
CONSTITUTIONAL CONVENTION

SUMMARY JOURNAL  
Fifty-Seventh Day  
Monday, July 31, 1995

1. Call to Order: The session was called to order by the President at 2:47 p.m. at the Chamber of the House of Representatives, Commonwealth of the Northern Mariana Islands Legislature.

2. Preliminary Matters: The President announced the plenary session would consider several lengthy matters this afternoon.

3. Roll Call: A roll call by the Convention Clerk showed 21 delegates present, 1 excused and 5 absent. The President noted the absence of <sup>all the</sup> ~~any~~ delegate<sup>s</sup> from Tinian and that they were meeting with the Mayor of Tinian. Delegate Tom Aldan moved under Rule 62~~0~~ to suspend the rules and modify the quorum requirement in Rule 4. Delegate Hocog asked for a recess so that he could go to Tinian and urge the delegates to attend. A motion to recess until 5:00 p.m. was made and carried. The Convention was called back to order at 5:39 p.m. A roll call by the Convention Clerk showed 24 delegates present, 1 excused and 2 absent. ✓  
✓

4. Adoption of Journals: The Daily Journals for July 26, 27, 28 and 29, 1995 were adopted. The Summary Journals for July 28 and 29, 1995 were adopted.

5. Reports of Committees: The President announced that Articles 6 and 12 would be completed today and that the Schedule on Transition would be completed tomorrow. Thursday is the last scheduled day of the Convention. The Style Committee is considering the signing and printing of the Constitution. Delegate Gonzales has almost completed a version of the Constitution in Chamorro. The President reminded everyone to review and comment on the Analysis.

Chairman Lifofoi of the Committee on Land and Personal Rights reported that the Committee met today on Article 12 and asked that it be calendared for The Committee of the Whole.

~~Chairman Aldan of the Committee on Legislative Branch and Public Finance~~ Chairman Aldan of the Committee on Legislative Branch and Public Finance reported that his Committee had almost completed its work on the Schedule on Transition.

Chairman Nogis of the Committee on Executive Branch and Local Government reported that the Committee is considering further changes to Article 6.

Chairman Hofschneider of the Committee on Judiciary and Other Elected Offices reported that the Committee has completed its work and will meet tomorrow to finalize provisions for the Schedule on Transition.

6. Introduction of Proposed Amendments: Delegates Fleming, Aldan-Pierce, T. Aldan, Camacho, Villagomez, Hocog and Igitol introduced proposed amendments.

7. Motions and Resolutions: Delegate T. Aldan withdrew his motion under Rule 62<sup>Ⓢ</sup> made earlier today and gave notice of a motion to reconsider Article 2, Section 3. Delegate Igitol gave notice of a motion to reconsider Article 16. Delegate Villagomez' motion to amend Rules 5 and 6 was defeated. ✓

8. Unfinished Business: None.

9. Special Orders of the Day: Articles 6 and 12 were calendared for discussion by the Committee of the Whole and for second reading.

10. General Orders of the Day: The Convention resolved into a Committee of the Whole. Delegate Fleming was appointed Chair of the Committee of the Whole.

Article 6, as amended, was approved and reported to the Convention for second reading.

The Report of the Committee on Land and Personal Rights on Article 12, second reading, was approved and reported to the Convention.

After the Committee of the Whole was dissolved, the Chair reported to the Convention the actions taken by the Committee of the Whole.

Article 6, as amended, and Article 12 were passed on second and final reading.

11. Announcements and Miscellaneous Business: None.

There being no further matters before the Convention, the Convention adjourned at 9:36 p.m.

Respectfully submitted,

\_\_\_\_\_  
Convention Clerk

August 1, 1995

## COMMITTEE ON STYLE

### REPORT No. 1

The Committee met on Monday, July 31, 1995. The committee discussed, amended and adopted a style manual that sets out accepted capitalizations, spellings and other stylistic conventions. The committee recommends that the Convention approve the style manual, a copy of which is attached. Once the style manual is adopted, staff may make conforming changes to the text of the Constitution and the Analysis, without the need for a line-by-line examination of the documents by the Convention.

The committee further recommends that the locations mentioned by name in the Constitution, such as Bird Island and Forbidden Island, be referred to by their local names, with the English name in parenthesis following it. A listing of these names is contained in the style manual.

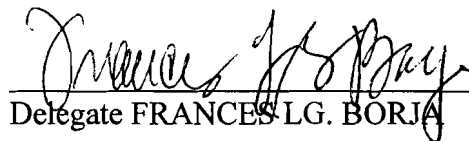
Delegate John Oliver Gonzales has translated the Constitution into the Chamorro language, and it has been printed in today's paper. The Committee thanks Delegate Gonzales for the excellent work.

The style manual adopted by the Committee is attached. The Committee recommends its adoption to the Convention.

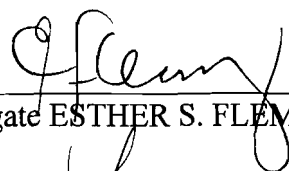
Respectfully submitted,



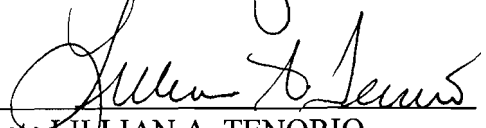
Delegate BERNADITA T. SEMAN, Chair



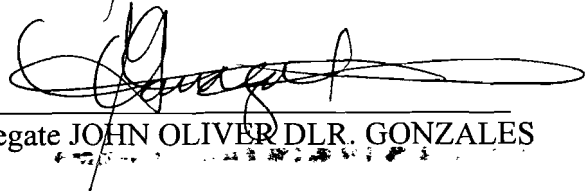
Delegate FRANCES LG. BORJA



Delegate ESTHER S. FLEMING



Delegate LILLIAN A. TENORIO



Delegate JOHN OLIVER DLR. GONZALES

# THIRD CONSTITUTIONAL CONVENTION OF THE NORTHERN MARIANA ISLANDS

## STYLE MANUAL

### Numerals and Symbols

Spell out numbers (twenty-five, not 25) zero to ninety-nine. For larger numbers, use numerals. Any number that begins a sentence must be spelled out. "Hundred," "thousand," or any other round number is spelled out. If numerals are used in a series, all must be numerals (e.g., 12, 17, 123; not twelve, seventeen, 123.)

Use the word "section," not the symbol. Some fonts do not have the section symbol.

Dollar and percent symbols (\$) and (%) are used when numerals are used (\$100,000; 100%) and words and spelled out when numbers are spelled out (ninety-nine dollars; ninety-nine percent). No space between "\$" or "%" and the numeral.

### Italicization for Style

The letter *l* should be italicized when used in a subdivision (section 16(*l*)). Words and phrases in languages other than English or Latin should be italicized.

### Capitalization

#### In Headings and Titles

Capitalize the initial word and all other words except articles ("the"), conjunctions ("and"), prepositions of four letters or less ("but").

#### In Text

Articles	<p>In the title of the section: Article I</p> <p>But not in the body of the text: The article No changes were made to article I, section 10</p>
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<p>Constitutions</p>	<p>When naming any constitution in full: The Commonwealth Constitution</p> <p>When referring to the United States or Commonwealth Constitutions: The Constitution</p> <p>But not when referring to other constitutions and not using the full title: The constitution of Hawaii</p>
<p>Courts</p>	<p>When naming a court in full: The Commonwealth Supreme Court The Court of Appeals for the Ninth Circuit</p> <p>When referring to the United States Supreme Court: The Court</p> <p>But not when just referring to the court without full name: The supreme court may issue advisory opinions. The superior court The court of appeals</p>
<p>Sections</p>	<p>In the title: Section 19</p> <p>But not in the body of the text: This section has not been amended</p>
<p>Titles of judges and justices</p>	<p>When giving the name: Justice Holmes Judge Learned Hand</p> <p>Or when referring to a previously named justice of the Commonwealth or the U.S. Supreme Court: Writing for the majority, the Justice stated ...</p> <p>But not when describing the office: The chief justice is appointed to a twelve year term.</p>

Titles of agencies	When the full title is used: The Marianas Land Bureau The Legislative Bureau  But not when just the last word is used: The bureau
Titles of officials	When giving the name of the person: Attorney General Smith  Or when referring to a specific person: The Public Auditor (when talking about a previously named person)  But not when talking about the office itself: The public auditor is appointed for a four year term.

**Special phrases**

Use “Northern Marianas descent,” not “Northern Mariana Islands descent.”

**The Senatorial Districts**

- First District - Rota
- Second District- Tinian & Aguiguan
- Third District- Saipan and the northern islands

**Spelling of proper nouns**

- Aguiguan
- As Matuis Public Park
- As Nieves Latte House.
- Chenchun bird sanctuary
- Dandan Homestead Park
- Garapan Central Park
- Garapan Regional Park (Matsui)
- Guata Beach
- Hole Beach
- Isleta Maigo Luao (Forbidden Island)
- Isleta Maigo (Bird Island)
- Kagman wildlife conservation area
- Kagman Homestead Park



Kammer Beach  
Katan Afato wildlife conservation area  
Lasarino  
Maddock (Grotto)  
Managaha Island  
Masaolog  
Mochong Beach  
Naftan wildlife conservation area  
Navy Hill Softball Field  
Puntan Muchot (Micro Beach)  
Puntan Afetna (Afetna Beach Park, San Antonio south of Pacific Island Club Resort)  
Puntan Susupe (Susupe Regional Park)  
Sabana  
Tachogna Beach  
Taga Beach  
Taga House Park  
Taipingot Peninsula  
Tanapag Beach Park  
Tatachog Beach  
Teteto Beach  
Tetnon Park (Old Japanese Cannon Park)  
Tonga Cave Park  
Unai Babui  
Unai Chalan Kanoa (Chalan Kanoa District #4 San Isidro Beach Park)  
Unai Chalan Kiya (Civic Center Beach, Vietnam Memorial Monument, Kili Beach)  
Unai Chulu  
Unai Dangkolu and Unai Dikike (Denikuio and Coral Ocean Point)  
Unai Dankulu  
Unai Fanhang (Jeffries Beach)  
Unai Halaihai (Marine Beach)  
Unai Hasngot (Old Man By The Sea)  
Unai Laolao Kattan (Tank Beach)  
Unai Makpe (Wing Beach)  
Unai Nanasu (Hidden Beach)  
Unai Peo (Ladder Beach)  
Unai Talufofo (Talufofo Beach)  
Veterans Memorial Park



# Third Northern Mariana Islands Constitutional Convention

July 27, 1995

Honorable Juan S. Demapan  
Senate President  
Ninth NMI Legislature  
Capitol Hill  
Saipan, MP 96950

Dear President Demapan:

The attached amendment No. 36, has been made to Article 9, Section 3. If you have any comments regarding this amendment, please provide them to Mr. Henry U. Hofschneider, Chairman of the Committee on judiciary and Other Elected Offices, prior to the second reading of the affected amendment which may take place within the next few days.

Sincerely,

*Rodney Jacob*

RODNEY JACOB  
Legal Team

Received By: *Acostino*

Date and Time: 7/31/95 11:45am

Delivered By: *Cinta M Keipat*

Date and Time: 7/31/95 11:44 a.m.



# Third Northern Mariana Islands Constitutional Convention

July 21, 1995

Lucia Blanco  
Tinian, MP 96952

Dear Ms. Blanco:

The Third Constitutional convention has under consideration the attached report and proposed amendment language, report number 5: Article XV, Education. The Convention will revisit this article for a second and final reading within the next week. Changes may still be made to the article before the Convention votes on it for the second reading. You may submit your comments to the Committee on Judiciary and Other Elected Offices before the whole Convention votes on the article again. Please address comments to Chairman Henry U. Hofschneider and deliver them to the Convention office at the Legislature Building.

As you know, the Convention has a very limited time in which to complete its work, so we would appreciate it if you could submit your comments early.

Sincerely,

  
HERMAN T. GUERRERO  
President

Received by:  \_\_\_\_\_

Date & Time: 7/25/95

Delivered by: \_\_\_\_\_

Date & Time: \_\_\_\_\_



# Third Northern Mariana Islands Constitutional Convention

July 25, 1995

Honorable Joseph S. Inos  
Mayor of Rota  
P.O. Box 537  
Rota, MP 96951

Dear Mayor Inos:

The attached amendment No. 04 has been made to Article XIV, new section. If you have any comments regarding this amendment, please provide them to Mr. Jose R. Lifofoi, Chairman of the Committee on Land and Personal Rights, prior to the second reading of the effected amendment which may take place within the next few days.

Sincerely,

A handwritten signature in black ink that reads "Rodney J. Jacob".

Rodney J. Jacob  
Legal Team

Received by: \_\_\_\_\_ Date & Time: \_\_\_\_\_

Delivered by:  Date & Time: 7/26/95 2:20p  
via Fax