

SECOND DAY

Wednesday, January 20, 1988

The Senate of the Sixth Northern Marianas Commonwealth Legislature, First Regular Session, 1988, was called to order at 3:55 p.m.

The Honorable Benjamin T. Manglona, President, presided.

A moment of silent prayer was observed.

The Senate Clerk called the roll. Eight members were present. Senator J. T. Guerrero was excused.

READING AND APPROVAL OF JOURNALS

On motion by Floor Leader Inos, seconded by Vice President Mafnas, the approval of the Journal of the First Day was suspended due to some technical errors of the translation from the Chamorro language to English.

MESSAGES FROM THE GOVERNOR

Gov. Mesg. No. 6-1: Informing the Senate that he has signed into law, as Local Law No. 5-3, Senate Local Bill No. 5-4, "To address a local matter in the Office of the Mayor, that is, the selection of an Acting Mayor when the Mayor is physically absent from the island of Tinian, repealing any inconsistent Municipal Ordinances, and for other purposes."

Gov. Mesg. No. 6-2: Informing the Senate that he has signed into law, as Local Law No. 5-4, Senate Local Bill No. 5-5, "To address a local matter in the Office of the Mayor, that is, the Mayor's timely submission of Resident Department Heads to the Municipal Council for confirmation, repealing any inconsistent Municipal Ordinances, and for other purposes."

Gov. Mesg. No. 6-3: Submitting the Commonwealth's Statement of Revenues and Expenditures (Budget and Actual) for FY 1987.

REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS

None

HOUSE COMMUNICATIONS

House Comm. No. 6-1: Forwarding a list of Officers and Committee Members of the Sixth Northern Marianas Commonwealth Legislature, House of Representatives.

House Comm. No. 6-2: Transmitting for Senate action House Joint Resolution No. 6-1, entitled: "A House Joint Resolution Offering support for the Governor's efforts to provide necessary assistance to the people of Rota who are in great need of help as a result of Typhoon Roy which passed over the island of Rota on January 12, 1988."

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

Standing Comm. Report No. 6-1, from the Committee on Health, Education, Welfare and Programs, to which was referred Senate Bill No. 6-8, entitled, "A Bill For An Act To amend Title 3, CMC, Div. 2, Chapter 5 (Mental Illness), by adding provisions for non-judicial, involuntary, 24 hour treatment and evaluation detention for the mentally ill or gravely disabled, and for other purposes.", for adoption.

Floor Leader Inos moved for its adoption; seconded by Vice President Malinas. The motion was carried by voice vote.

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Bill No. 6-1: Introduced by: Senator Juan N. Babauta
Assigned to : HEW & FRIA

A Bill For An Act To repeal P. L. 3-43 to conform to Constitutional Amendment No. 38; to provide for an elected Board of Education; to establish an autonomous education system in the Northern Marianas; and for other purposes.

Bill No. 6-2: Introduced by: Senator Juan N. Babauta
Assigned to : HEW & FRIA

A Bill For An Act To repeal and enact certain provisions of 3 CMC Division 1, Article 1, § 1301 et seq., and 3 CMC, Division 1, Article 4, § 1331 et seq. (Northern Marianas College Postsecondary Education Act); to incorporate Constitutional Amendments No. 20 and 38; and for other purposes.

Bill No. 6-3: Introduced by: Senator Juan N. Babauta
Assigned to : HEW & FRIA

A Bill For An Act To establish the Commonwealth Health Services Board which will administer the Department of Public Health & Environmental Services, to repeal Sections 1 CMC 2601, 2602, 2606, 2621, 2622, 2623, 2624, 2625, 2631 et seq., and 2646 et seq., and to repeal and enact 3 CMC 2412."

Bill No. 6-4: Introduced by: Senator Juan N. Babauta
Assigned to : HEW

A Bill For An Act To amend 3 CMC Section 4438(c), to amend the ten day transmittal limitation, and for other purposes.

Bill No. 6-5: Introduced by: Senator Juan N. Babauta
Assigned to : R&D

A Bill For An Act To amend 4 CMC, Division 1, Section 1403, to provide for the earmarking of liquid fuel excise taxes collected, and for other purposes.

Bill No. 6-6: Introduced by: Senator Juan N. Babauta
Assigned to : HEW

A Bill For An Act To amend 4 CMC Section 7301(b)(1)(E), to amend the five years compliance statute, and for other purposes.

Bill No. 6-7: Introduced by: Senator Juan N. Babauta
Assigned to : FA

A Bill For An Act To amend Public Law 5-9, to allow for the payment of overtime or other additional compensation to employees of the Commonwealth Government whose contract so provide, and for other purposes.

Bill No. 6-8: Introduced by: Senator Juan N. Babauta
Assigned to : HEW

A Bill For An Act To amend Title 3, CMC, Div. 2, Chapter 5 (Mental Illness), by adding provisions for non-judicial, involuntary, 24-hour treatment and evaluation detention for the mentally ill or gravely disabled, and for other purposes.

Bill No. 6-9: Introduced by: Senator Juan N. Babauta
Assigned to : HEW & FRIA

A Bill For An Act To create the Commonwealth Health Insurance Corporation.

Joint Res. No. 6-1: Introduced by: Senator Herman R. Guerrero
Assigned to : FRIA

A Senate Joint Resolution Respectfully but strongly urging the President of the United States to appoint a new Special Representative of the President to continue consultations pursuant to Section 902 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and requesting that such consultations on critical issues affecting the relationship between the Northern Mariana Islands and the United States resume with all due haste.

BILL CALENDAR

Floor Leader Inos: Mr. President, I move that we pass Senate Bill No. 6-8 for First Reading.

Vice President Mafnas seconded the motion.

Senator H. Guerrero: Senate Bill No. 6-8, is that being calendared?

Floor Leader Inos: Yes, it is.

Senator H. Guerrero: I don't see Senate Bill No. 6-8 on my calendar.

President Manglona: In order to expedite this matter, I would like to call on the Floor Leader to make a motion to suspend pertinent Rules of the Senate in order that we place S.B. No. 6-8 on First Reading. It appears from our calendar that the bill that the Floor Leader has just moved is not included. Would you please make the appropriate motion, Floor Leader Inos?

Floor Leader Inos: Somehow, I have it on my copy. Mr. President, I move to suspend Rule 9 of the official Rules of the Senate so that we place Senate Bill No. 6-8 for First Reading.

Vice President Mafnas seconded and the motion carried by voice vote.

Senate Bill No. 6-8: "A Bill For An Act To amend Title 3, CMC, Div. 2, Chapter 5 (Mental Illness), by adding provisions for non-judicial, involuntary, 24-hour treatment and evaluation detention for the mentally ill or gravely disabled, and for other purposes.", for First Reading.

Vice President Mafnas seconded the motion.

Senator H. Guerrero: Can the author of the Senate bill brief us on the bill?

President Manglona: Can the author please explain the bill?

Chairman Babauta: Mr. President, the purpose of this bill is clearly stated in the Committee Report. However, to paraphrase the purpose, the intent is to...

Senator H. Guerrero: Excuse me, Mr. President. I did not see the bill, but I got it now.

President Manglona: So we disregard your question?

Senator H. Guerrero: Yes. Thank you very much, Mr. President.

The motion to pass Senate Bill No. 6-8 on First Reading carried by voice vote.

RESOLUTION CALENDAR

House Joint Resolution No. 6-1, H.D.1: "A House Joint Resolution Offering support for the Governor's efforts to provide necessary assistance to the people of Rota who are in great need of help as a result of Typhoon Roy which passed over the island of Rota on January 12, 1988.", for adoption.

Floor Leader Inos moved for its adoption. Senator Babauta seconded the motion.

Floor Leader Inos: Mr. President, there is an amendment which is House Draft I. The House Draft I is not included in our present report. However, I would like to move that such amendment...

President Manglona: Can I ask for unanimous consent of the members so that we can insert the House amendments to the original House Joint Resolution No. 6-1. If everyone is in agreement with the insertion of those amendments, then they will be included under our Floor Leader's original motion. Is there any objection? (Pause) Since there is no objection, would you please, Floor Leader, read out the House amendments?

Floor Leader Inos: Motion to amend. On line 2 after the word "causing" we delete the phrase "...total destruction of at least 81 dwellings and the near total destruction of at least 168 other dwellings and caused...". We delete that and...

Senator Villagomez: Point of privilege, Mr. President. I think some of the members do not have their copy of the bill.

The Chair called for a short recess at 4:03 p.m.

RECESS

The Senate reconvened at 4:05 p.m.

President Manglona: Let us continue with our session. A short recess was called for by the Chair in order to provide some members with their copy on the subject matter under discussion. I would like to permit the Floor Leader to continue to make his correction to the resolution which is now under discussion. Continue, Floor Leader Inos.

Floor Leader Inos: The amendment, Mr. President, therefore, reads: "...major destruction to residential dwellings as well as...", then it will continue. The motion, therefore, reads: "WHEREAS, on January 12, 1988, Typhoon Roy passed over the Commonwealth island of Rota, causing major destruction to residential dwellings as well as substantial damage to businesses,..."

President Manglona: What about the Resolving clause?

Floor Leader Inos: The Resolving clause will say that certified copy of the House Joint Resolution will be sent to the Secretary of the Interior, the Honorable Donald Hodel, Mr. Froilan C. Tenorio, U.S. Washington Representative, and to the Mayor of Rota, Prudencio T. Manglona.

President Manglona: In order to avoid misunderstanding, the Floor Leader has incorporated the amendment made by the House on the advance copy that was given to everyone. I asked earlier for the unanimous consent of the Senate in order to incorporate that amendment into the original copy you have before you so that we will consider that as part of the motion made by the Floor Leader. We are still under discussion.

Vice President Mafnas: Point of question.

President Manglona: State your point of question.

Vice President Mafnas: Am I to understand that the House made the amendment, but the original that was transmitted to the Senate did not reflect that?

President Manglona: Yes.

Vice President Mafnas: In other words, the amendment that Senator Inos is making now does not have to go back to the House for adoption?

President Manglona: Yes. It doesn't need to go back to the House. In other words, rather than amending it, I ask for your unanimous consent so that we will incorporate all of the House amendments to the original bill. Therefore, with the Floor Leader's amendment, we will now have the same version that was transmitted by the House to us as House Joint Resolution No. 6-8, H.D.I.

Floor Leader Inos: Yes.

Senator Villagomez: Mr. President, I second Senator Inos' motion.

The motion to adopt House Joint Resolution No. 6-1, H.D.I, carried by voice vote.

Senator H. Guerrero: Mr. President, I have a resolution here which has been prefiled today and it has been designated as No. 6-1. I wonder, Mr. President, if we could calendar this for today's consideration. It has something to do with the appointment of the President's Special Representative in Section 902 of the Covenant so that the talks on Section 902 will resume. This resolution, I feel, ought to be enacted by this Legislature, and as such, I had copies distributed to the members.

I would like the Floor Leader to make the appropriate motion to place this on the calendar as he deems appropriate.

President Mangiona: If there is no objection, I would like to ask the Floor Leader to make the necessary motion. Floor Leader Inos?

Floor Leader Inos: I move to place Senate Joint Resolution No. 6-1 on today's calendar.

Vice President Mafnas seconded and the motion carried by voice vote.

Senator H. Guerrero: If I may just make a short statement in regards to the Joint Resolution.

President Mangiona: Senator Guerrero, would you please permit the good Floor Leader to move for its adoption before we go into discussion?

Senate Joint Resolution No. 6-1: "A Senate Joint Resolution Respectfully but strongly urging the President of the United States to appoint a new Special Representative of the President to continue consultations pursuant to Section 902 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and requesting that such consultations on critical issues affecting the relationship between the Northern Mariana Islands and the United States resume with all due haste.", for adoption.

Floor Leader Inos moved for its adoption. Senator H. Guerrero seconded.

Senator H. Guerrero: The resolution is very clear. It is requesting the President of the United States to appoint a replacement for Mr. Richard Montoya who represented the President of the United States in the consultation talks, the Section 902 Consultation talks. We have had three sessions so far and the talk had to stop because Montoya resigned to run for the United States Congress. While the talk is not resuming, we are faced with critical problems that continue to mount almost on a daily basis. Section 902, as provided in the Covenant stipulated that any problems that the Northern Marianas people experience with the United States Government should be discussed on a mutual basis. And we're doing this until the resignation of Mr. Montoya. Under this 902 Consultation, Mr. President, we have touched the passport issue; we have touched the war claims issue; we also touched the self-government issue. And part of the self-government issue, I think is reflected on the lawsuit that Hillbloom submitted. And there are many other critical issues of great importance to us. We cannot allow these important issues to be disregarded. We have to push forward, and adamantly request that the talks resume no matter who is appointed. We are all faced with the passport issue. The war claims have been rumored that they will pay 50 percent. We don't want 50 percent payment on war claims. We want 100 percent payment. And we have other problem that is confronting us which I will address by introducing a joint resolution. This is regarding the discriminatory hiring practices of the Trust Territory Government. During the Trust Territory days, the people of the Commonwealth -- of Micronesia, then, were hired under a very discriminatory pay scale.

President Mangiona: Are you debating on a different legislation, Senator Guerrero?

Senator H. Guerrero: I am talking about the importance of passing this resolution.

President Manglona: I want you to continue, Senator Guerrero, but please stick to the resolution under discussion.

Senator H. Guerrero: Thank you, Mr. President. So, therefore, let me backtrack to Joint Resolution No. 6-1. I urge the passage of this resolution so that we can resume the 902 talks that should have been going on now.

President Manglona: Thank you, Senator Guerrero. Vice President Mafnas?

Vice President Mafnas: Yes, Mr. President. Does the Chair have any knowledge or does the author have any knowledge as to the reason why the President of the United States have not appointed a Special Representative after the resignation of Mr. Montoya?

President Manglona: Do you wish to respond to the question raised by the Vice President, Senator Guerrero?

Senator H. Guerrero: I have no knowledge, Mr. President, except that I think it is incumbent upon us to force the President to make an appointment because if I may share with you the knowledge that I have with regards to the appointment of Mr. Richard Montoya, to represent the President of the United States on the 902 talks -- the appointment was made by Richard Montoya himself and submitted the appointment to higher up in the White House who simply made it official without the President's knowledge. We want to make sure that the President of the United States personally know that he is appointing somebody to represent him on the 902 talk and not just a "paper type" appointment. With all due respect to Mr. Montoya who is already gone, at least we were talking on some problems that greatly affect our lives.

Vice President Mafnas: May I continue? Do I understand correctly that Mr. Montoya appointed himself without the President's knowledge?

Senator H. Guerrero: That was the report that we received, that the appointment was self-made and then it went up to higher echelon in the White House and somebody made it official.

Vice President Mafnas: In other words, the Secretary of the Interior can make the appointment and not necessarily the President? Or did Montoya follow the normal procedure in making the appointment? The question I'm trying to ask, Mr. President, is whether the President is the appropriate person to appoint the Special Representative. Are we addressing the resolution to the appropriate person? This is what I am trying to say.

President Manglona: Mr. Vice President, according to our Covenant, the President of the United States and the Government of the Northern Marianas must appoint their respective representative. I believe in this situation that the President of the United States appointed Mr. Montoya.

Vice President Mafnas: May I continue?

President Manglona: Please proceed.

Vice President Mafnas: How many rounds of talks since the appointment of Mr. Montoya?

President Manglona: I believe there were about two or three rounds of talks. Perhaps the Minority Leader, Senator Guerrero, will be in a better position to answer that since he is one of the current members. Do you wish to respond to that question, Senator Guerrero?

Senator H. Guerrero: You're right, Mr. President. We had about three rounds of talks.

Vice President Mafnas: Since it appears that Montoya has violated the intent of the Covenant or the President did not sanction the appointment, in other words, the three talks that had taken place were not official. They were not legitimate because the representative in there was not the legitimate representative appointed by the legitimate person who is supposed to be making the appointment.

President Manglona: I take exception to my respected Senator. I believe Mr. Montoya is appointed by the U.S. President. So, therefore, he is the official representative of the U.S. Government in its 902 negotiations with the Northern Marianas Government.

Senator H. Guerrero: I agree. The appointment is official. But what disturbed us was that it did not come from the President. I am not saying that the President will necessarily appoint the person personally, but somebody should have recommended names to the President and the President will make a choice. But in this case, it didn't happen that way.

President Manglona: Can I call for a short recess, please?

The Chair declared a short recess at 4:20 p.m.

RECESS

The Senate reconvened at 4:32 p.m.

President Manglona: We will now continue with our session. A short recess was called by the Chair in order to make some clarifications on Senate Joint Resolution No. 6-1. We are still under discussion on the resolution. Any member wish to be recognized?

Floor Leader Inos: Mr. President, during recess, we feel that some members of the Senate would like to have some input on the subject resolution. And during the discussion, we feel that Wednesday next week will be a more appropriate time for each member to put in their input. As such, I move to withdraw the motion I made earlier for this passage.

President Manglona: The motion is withdrawn. Can the Chair get direction? Is this measure now going to be referred back to the appropriate Senate committee?

Floor Leader Inos: Yes. It will be referred to the appropriate committee and the committee is requested to take immediate action at the first available Senate session.

President Manglona: Is it going to be reported out to the full Senate on the first available session?

Floor Leader Inos: Yes, Mr. President.

President Manglona: Is this clear now? If no objection, so it shall be ordered. The Senate Joint Resolution No. 6-1 be deferred and referred to the appropriate Senate committee and to be reported on the first session of the Senate which is scheduled for Wednesday of next week.

INTRODUCTION OF BILLS

None

INTRODUCTION OF RESOLUTIONS

None

PETITIONS, MEMORIALS, AND MISCELLANEOUS COMMUNICATIONS

Misc. Comm. No. 6-1: From Coastal Resources Management Office, submitting its calendar year 1987 Annual Report.

Misc. Comm. No. 6-2: From NMI Retirement Fund, reasons for enacting the Retirement Fund Bill (formerly H.B. 5-176).

Misc. Comm. No. 6-3: From MPLC, submitting adopted Rules and Regulations that will govern the administration and implementation of the Public Purpose Land Exchange Authorization Act of 1987, PL 5-33.

Misc. Comm. No. 6-4: From Donald P. Hodel, Secretary of the Interior, re Convention and Recommendation concerning safety in the Use of Asbestos.

Misc. Comm. No. 6-5: From Henry C. Asugar, Chief Clerk, Congress of the Federated States of Micronesia, transmitting certified copy of Congressional Resolution No. 5-127, re to the the immediate and generous support of the CNMI to provide disaster relief to the storm victims of Truk caused by Tropical Storm Nina.

MISCELLANEOUS BUSINESS

Senator H. Guerrero: Mr. President, I just want to congratulate ourselves, especially our Senate Clerk and whoever is doing the journal because this is the first time I see our journal -- our First Day's Journal. And it is nice to know that we are keeping up with things. So, again, I would like to congratulate our staff and ourselves.

President Manglona: Thank you, Minority Leader Guerrero. I hope our Journal Clerk will make sure she prepares the journal of each session and make it ready prior to the next session. It is my intention that at least on a quarterly basis, we should compile all of the approved journals and make a booklet of them. Chairman Babauta, you are recognized.

Senator Babauta: Mr. President, I want to raise a concern with respect to the journal today that has been suspended for its approval on the matter of the official language or the translation of our journal. The case in point is, during the inaugural ceremony, Senator Paul A. Manglona spoke in Chamorro. And as you know, Mr. President, the Constitution declared that English, Chamorro and Carolinian are to be the official languages of the Commonwealth. And it is difficult at times to make a literal translation of the Chamorro language to another language such as English. And at times it loses its substance and I wonder if the members can give some direction to our recorder on whether or not the translation be made for -- if the member spoke in Chamorro whether that be written in Chamorro in our journal. I am tossing this out so that you can give a direction to our recorder.

President Manglona: I think it can be recorded on both. If a member speaks in Chamorro we can have his statement in Chamorro or if he speaks in English we record it in English. One thing I want to ask each member of the Senate is to be able to edit your comments on the journal. If you feel you need to change your statement, I believe we can provide that flexibility on the Senate Rules of Procedure. There are times when there is an emotional discussion on the floor that you say something on the floor which later on you regretted what you have said. A situation like that can be avoided if a member is permitted to modify his statement after it has been made, provided that you don't change the substance of it. I think every member of the Senate must feel free to edit his statement. I hope to address and discuss this matter on our next leadership meeting to determine what kind of directions to follow. Yes, Minority Leader, you are recognized.

Senator H. Guerrero: Thank you, Mr. President. I think that in our executive meeting two days ago, you directed the Chairman on Rules to get together with the committee members and work on the Rules of Procedure of the Senate and I think this is one concern that they can address in the Rules of Procedure of the Senate. We could include it and perhaps say that we can speak in English, Chamorro and Carolinian as official languages and therefore, they don't need translation.

President Manglona: The Chair will take that under advisement. I'm afraid that we're using the Miscellaneous Business to debate on the issue. May I ask that we avoid that at this time so we can only entertain members who wish to speak under Miscellaneous Business? I will announce members of the special committee to review our Senate Rules when we reach the Announcement item on our Calendar. Any other member wish to speak under Miscellaneous Business?

ANNOUNCEMENTS

Chairman H. Manglona: Your Committee on EAGI will be presiding on the nomination of Mr. David Maratita to represent Tinian on the CUC. It's long overdue and I would like to inform the members that I will be informing them as to when the Committee will meet again to decide on the fate of Mr. Maratita to represent the island of Tinian on the CUC.

Chairman Babauta: Your Committee on HEW wishes to announce that a public hearing is scheduled for Senate Bill No. 6-1. This is in regards to the Board of Education and the Department of Education. The hearing is going to be next week Wednesday at 2:00 p.m. here in the Senate Chamber.

President Manglona: Any other announcements? The Chair wishes to make one announcement. On our last leadership meeting, it was decided that we appoint a committee of four to start reviewing the Senate Rules of Procedure. The following people are appointed by the Chair: Senator Babauta, the Vice President, Floor Leader Inos, and Minority Leader H. R. Guerrero. This committee of four will be chaired by our Chairman of the Senate Rules of Procedure, Senator Babauta. I would like to ask the Chairman to please promptly schedule a meeting to go over our temporary Rules of Procedure so that we can adopt our permanent Rules of Procedure of the Senate.

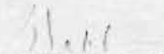
Chairman Babauta: It shall be done, Mr. President.

President Manglona: As a reminder, I would like to ask our good Floor Leader, and Committee Chairmen who wish to calendar any measure for the session on Wednesday to make sure that each of the members of the Senate be given a copy of the measures in advance so that the members will have sufficient time to review them prior to the session next Wednesday. This procedure, if followed, will probably minimize much discussions or disagreements on the floor. I would like to ask the Floor Leader to make sure that the suggestion is followed. Is there any further announcement? If none, adjournment? Floor Leader Inos?

Floor Leader Inos moved that the Senate stand in recess until Wednesday, January 27, 1988 at 10:00 a.m. The motion was seconded and carried by voice vote.

The Senate recessed at 4:43 p.m.

Respectfully busmitted,


Bernadita C. Sablan
Clerk of the Senate