

THIRD DAY

Wednesday, January 27, 1988

The Senate of the Sixth Northern Marianas Commonwealth Legislature, First Regular Session, 1988, was called to order at 10:59 a.m.

The Honorable Benjamin T. Manglona, President, presided.

A moment of silent prayer was observed.

The Senate Clerk called the roll. Six members were present. Senators J. T. Guerrero, J. P. Mafnas, and H. M. Manglona were excused.

President Manglona: Let the record show that Senator Guerrero is also excused.

Senator H. Guerrero: Which Senator Guerrero, Mr. President?

President Manglona: Senator Guerrero, J.

READING AND APPROVAL OF THE JOURNALS

Floor Leader Inos moved for the Reading and Approval of the Journals for the 1st and 2nd Days. Senator Babauta and H. Guerrero seconded and the motion carried by voice vote.

MESSAGES FROM THE GOVERNOR

Gov. Mesg. No. 6-4: Informing the Senate that he has disapproved Senate Local Bill No. 5-6, "Regulation and Control of Gambling Enterprises", on January 21, 1988.

REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS

None

HOUSE COMMUNICATIONS

House Comm. No. 6-3: Transmitting a certified copy of 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. Rept. No. 6-2: From the Committee on Health, Education, Welfare and Programs, reporting on Senate Bill No. 6-6, entitled: "A Bill For An Act To amend 4 CMC Section 7301(b)(1)(E), to amend the five-year compliance statute, and for other purposes.", for adoption.

Floor Leader Inos moved for its adoption. Senators Babauta and P. Manglona seconded and the motion carried by voice vote. Standing Committee Report No. 6-2 was adopted by the Senate.

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

- Bill No. 6-10: Introduced by: Senator Juan N. Babauta
Assigned to : R&D
- A Bill For An Act To establish business consumer protection standards for the Commonwealth, to prohibit unfair business practices; to amend 4 CMC, Division 5, Chapter 1; and for other purposes.
- Bill No. 6-11: Introduced by: Senator Manuel P. Villagomez
Assigned to : JGL
- A Bill For An Act To prohibit children under the age of six (6) years old to be left unattended in a parked motor vehicle in the Northern Mariana Islands, to amend 9 CMC, Division 5, Chapter 6, and for other purposes.
- Bill No. 6-12: Introduced by: Senator Manuel P. Villagomez
Assigned to : JGL
- A Bill For An Act To repeal and reenact 6 CMC Section 3307, to increase the penalty for criminal contempt, and for other purposes.
- Bill No. 6-13: Introduced by: Senator Manuel P. Villagomez and one other
Assigned to : JGL
- A Bill For An Act To amend 7 CMC Section 2442(a) and (b) to clarify the current language of the statute relative to bounced checks, and for other purposes.
- Bill No. 6-14: Introduced by: Senator Manuel P. Villagomez
Assigned to : JGL
- A Bill For An Act To amend Section 4(b) of Public Law 2-51, to permit Conservation Officers to carry arms, and for other purposes.
- Bill No. 6-15: Introduced by: Senator Herman R. Guerrero
Assigned to : JGL
- A Bill For An Act To amend Title 2, CMC, Division 5, Chapter 2 (Restriction on plane landings) by requiring the written permission of the Mayor of the Northern Islands before any aircraft or personal landings may be made on any of the Northern Islands, and for other purposes.
- Bill No. 6-16: Introduced by: Senator Manuel P. Villagomez
Assigned to : JGL
- A Bill For An Act To amend Title 6, CMC, Division 3, Chapter 2 (Offenses against the Commonwealth) to add new sections, making it a misdemeanor and an act of contempt of court to practice law without being admitted to practice, and for other purposes.
- Bill No. 6-17: Introduced by: Senator Manuel P. Villagomez
Assigned to : JGL
- A Bill For An Act To amend 1 CMC §3601 and 3602 (Admission to practice); to admit to practice before

the Commonwealth Trial Court licensed attorneys practicing pursuant to 1 CMC §3603, provided they have five years of practice experience and have actively practiced in the Commonwealth for a full year; to require that lawyers seeking admission to practice law for the Commonwealth Court must be graduates of law schools which are accredited by the ABA or graduates of similar institutions approved of by the Commonwealth Trial Court; to allow the Court to impose a fee which is reasonable related to the cost of printing and issuing certificates of admission; and for other purposes.

Bill No. 6-18:

Introduced by: Senator Jose P. Mafnas
Assigned to : R&D

A Bill For An Act To amend the Shooting Gallery Act of 1985 (6 CMC §2251, *et seq.*) to extend the exemption of shooting galleries from the "Commonwealth Weapons Control Act" for an additional three years, and for other purposes.

Joint Res. No. 6-2:

Introduced by: Senator Herman R. Guerrero and
one other
Assigned to : FRIA

A Senate Joint Resolution informing the President of the United States, the President of the United States Senate, and the Speaker of the United States House of Representatives of the discrimination which has been practiced by the United States as Administering Authority in Micronesia, and of the fact that the United States District Court found such discrimination did exist; and requesting that the President and leaders of Congress determine that appeal the judgement entered against the United States and the Trust Territory Government is inconsistent with the principles on which the United States is founded and not in the interest of the government of the United States, and therefore direct that no appeal of the decision of the District Court of the Northern Marianas in Civil Action No. 81-0006 shall be prosecuted; and further requesting sufficient funds to pay the plaintiffs the amounts awarded be appropriated immediately.

Joint Res. No. 6-3:

Introduced by: Senator Juan N. Babauta
Assigned to : HEW

A Senate Joint Resolution Urging the Governor and and Commonwealth Utilities Corporation (CUC) to designate an alternate land fill for the Puerto Rico Dump site within a period of six months.

Res. No. 6-1:

Introduced by: Senator Juan N. Babauta
Assigned to : HEW

A Senate Resolution Expressing appreciation to the members of the various media for their coverage of the activities of the Fifth Northern Marianas Commonwealth Legislature, Regular Session, 1987.

BILL CALENDAR

Senate Bill No. 6-6: "A Bill For An Act To amend 4 CMC Section 7301 (b)(1)(E), to amend the five year compliance statute, and for other purposes.", for First Reading.

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

Floor Leader Inos: Mr. President, may I request the Chairman of HEW to simply explain the substance of this bill just in case some members are not much acquainted with it?

President Mangiona: Will the Chairman of HEW be kind enough to brief the members on the substance of Senate Bill No. 6-6?

Chairman Babauta: The purpose of this bill, Mr. President, is to amend the existing insurance statute pertaining to the issuance of a Certificate of Authority. The current statute requires a five-year period of experience of insurance practice here in the Commonwealth before a Certificate of Authority is to be issued. It is, therefore, being revised to change the five-year requirement to one year. This is the substance of the bill.

President Mangiona: Are you satisfied with that explanation, Floor Leader Inos?

Floor Leader Inos: Yes, Mr. President.

President Mangiona: Any more discussions?

Floor Leader Inos: Ready for the question.

The motion to end debate carried by voice vote. The motion to pass Senate Bill No. 6-6 on First Reading passed the Senate.

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 Second and Final Reading.

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

Senator Villagomez: Mr. President, what is the title of the bill?

President Mangiona: Will the Senate Clerk please read the title of Senate Bill No. 6-8? (Pause) Let me call for a short recess.

The Chair declared a short recess at 11:06 a.m.

RECESS

The Senate reconvened at 11:08 a.m.

President Mangiona: A short recess was called by the Chair. We are still under discussion on Senate Bill No. 6-8. A request was made by Chairman Villagomez to have the Senate Clerk read the heading of the bill.

The Senate Clerk read the title of Senate Bill No. 6-8 as follows:

"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."

President Mangiona: Is there any discussion?

Floor Leader Inos: Ready for the question.

The motion to end debate carried by voice vote.

President Manglona: We will now vote for Second and Final Reading on Senate Bill No. 6-8. Senate Clerk, please call the roll for voting.

The Senate Clerk called the roll with the following result:

Senator J. N. Babauta	Aye
Senator H. R. Guerrero	Aye
Senator J. T. Guerrero	Excused
Senator J. S. Inos	Aye
Senator J. P. Mafnas	Excused
Senator H. M. Manglona	Excused
Senator P. A. Manglona	Aye
Senator M. P. Villagomez	Aye
President B. T. Manglona	Aye

Senate Bill No. 6-8 passed the Senate on Second and Final Reading with a roll call vote of six members present voting "ayes".

RESOLUTION CALENDAR

Floor Leader Inos moved that a special waiver be approved to suspend all pertinent Rules of the Senate in order that Senate Joint Resolution No. 6-3 be placed on the Resolution Calendar. Senators Babauta and H. R. Guerrero seconded the motion, and the motion carried by voice vote.

Senate Joint Resolution No. 6-3: "A Senate Joint Resolution Urging the Governor and the Commonwealth Utilities Commission (CUC) to designate an alternate land fill for the Puerto Rico Dump Site within a period of six months.", for adoption.

Floor Leader Inos moved for its adoption. Senators Babauta and H.R. Guerrero seconded the motion, and the motion carried by voice vote. Senate Joint Resolution No. 6-3 was adopted by the Senate.

Floor Leader Inos: Mr. President, the instruction during last week's session was that we take action today on Senate Joint Resolution No. 6-2(sic) which is relative to the 902 talks and was referred to the Committee on Foreign Relations and International Affairs. The Joint Resolution was introduced by our good Minority Leader, Senator Guerrero. However, the leadership felt that this resolution could be improved, and as such, we could not act on it at this time. So, therefore, I would like to make a motion not to calendar it on today's session until the leadership deliberated on it and then probably act on it on next Wednesday's session.

President Manglona: Is there any second to the motion?

Senator Villagomez seconded the motion.

Senator H. Guerrero: What was the motion about?

President Manglona: The motion was to suspend approval of the Joint Resolution on today's session and shall be placed on next week's session.

Floor Leader Inos: After deliberation with the leadership.

Senator H. Guerrero: If I may, the subject resolution is not on today's calendar. So, I believe Senate Joint Resolution No. 6-1, which the Floor Leader stated as 6-2, will be taken up at our next session. I think that is how the motion should be stated.

Floor Leader Inos: During our session last week we decided that the Joint Resolution be acted on on today's session. However, since it is a very important measure and the leadership wants to deliberate on it

further, it was decided that we do not take action on it today until probably next session, which is Wednesday of next week.

President Manglona: Any further discussions? Just to make it clear so that there will be no misunderstanding, the motion is to suspend from placing on today's Resolution Calendar, Senate Joint Resolution No. 6-1, but it shall be placed perhaps on our next session.

Senator H. Guerrero: Clarification. Did the Floor Leader say "perhaps"?

Floor Leader Inos: That it shall be deliberated upon by the leadership and shall be calendared on our next session after deliberation.

The motion not to calendar Senate Joint Resolution No. 6-1 was carried by voice vote.

INTRODUCTION OF BILLS

Bill No. 6-19: Introduced by: Senator Manuel P. Villagomez
Assigned to : JGL

A Bill For An Act To amend 9 CMC §7109(A) (Penalties for driving under the influence) to authorize the court, in its discretion, to sentence a defendant to do community service in lieu of the mandatory jail term for a first conviction, and for other purposes.

INTRODUCTION OF RESOLUTIONS

Senator H. Guerrero: I have a joint resolution which I would like to request the appropriate committee chairman to act on it as soon as possible. This bill is urging the U.S. not to appeal the decision made by the U.S. District Court on the judgment entered against the United States and the Trust Territory Government. I would like to urge the appropriate committee chairman to take immediate action on this in order that immediate payments be made to our citizens. This is prefiled as Senate Joint Resolution No. 6-2, prefiled today. I also have...

President Manglona: Senator Guerrero, will you please wait until we get to the Announcements on our Order of Business? I know you want to deliberate further. We are still under Introduction of Resolutions.

Senator H. Guerrero: I am still under introduction of matters.

President Manglona: I want you to wait until we get to Miscellaneous Business or Announcements.

Senator H. Guerrero: Yes, Mr. President.

President Manglona: Thank you. Any more resolutions to be introduced?

PETITIONS, MEMORIALS, AND MISCELLANEOUS COMMUNICATIONS

Misc. Comm. No. 6-7: From Douglas F. Cushnie, Attorney-at-law, re Temengil v. Trust Territory, DC Civil Action No. 81-0006.

Misc. Comm. No. 6-8: From Douglas F. Cushnie, Attorney-at-law, re 4th Commonwealth Legislature's account at Microl Corporation.

Floor Leader Inos: I would like the members to take note of Miscellaneous Communication No. 6-8. The Chairman of the House Ways and Means Committee and the Chairman of the Senate Fiscal Affairs Committee are about to close this communication.

MISCELLANEOUS BUSINESS

Senator H. Guerrero: I have a bill to introduce, but I'm afraid that we already passed the "Introduction of Bills" part on the order of the day.

President Manglona: Do you wish to go back to Introduction of Bills?

Senator H. Guerrero: I can do it under Miscellaneous Business, Mr. President.

President Manglona: Floor Leader Inos, will you move to suspend pertinent Rules of the Senate so that we go back to the Introduction of Bills?

Floor Leader Inos moved to suspend all pertinent Rules of the Senate in order to go back to item M, Introduction of Bills. The motion was seconded and carried by voice vote.

INTRODUCTION OF BILLS

Senator H. Guerrero: Mr. President, I have Senate Bill No. 6-15, which was prefiled, to amend Title 2, CMC, Division 5, Chapter 2 (Restriction on plane landings) by requiring the written permission of the Mayor of the Northern Islands before any aircraft or personal landings may be made on any of the Northern Islands, and for other purposes. I would like to request the appropriate committee chairman to act on this as soon as possible because I have been visited by some people from the Northern Islands day after day for the past week in regards to this. I am under pressure to get this going. I have another bill, Mr. President. This is a bill for an act to protect public beachfront and reserve the same for use by the people of the Commonwealth of the Northern Mariana Islands, to prohibit lease of public lands within 750 feet of the mean high water mark and for other purposes. This bill is being requested by many members of our community. This is an important bill also and I would like the appropriate committee chairman to act on this as soon as possible.

Bill No. 6-20: Introduced by: Senator Herman R. Guerrero
Assigned to : R&D

A Bill For An Act To protect public beachfront and reserve the same for use by the people of the Commonwealth of the Northern Mariana Islands, to prohibit lease of public lands within 750 feet of the mean high water mark, and for other purposes.

President Manglona: Any other member has bills to introduce?

Senator Babauta: This bill was prefiled but I would just like to read it out on the floor. It is a bill for an act to establish business consumer protection standards for the Commonwealth, to prohibit unfair business practices; to amend 4 CMC, Division 5, Chapter 1; and for other purposes.

President Manglona: Thank you, Chairman Babauta. I would like to ask for the consensus of the Senate so that we go down to item P, Miscellaneous Business. Is there any objection?

MISCELLANEOUS BUSINESS

Floor Leader Inos: Mr. President, I read in the paper about a week or two ago, a local circulation, where some District Court actions were made by another judge. I would like to have that thing cleared if it is a legal decision. As I understand it right, Judge Laurretta is still the Judge for the Federal District Court although there was an honorable individual, Mr. Munson, already appointed. So about last week, the Commonwealth Trial Court Judge, Chief Justice Hefner, sat in the U.S. District Court because Judge Laurretta was not on the island. I foresee conflict of interest here because our Chief Justice is the Chief Judge for the Commonwealth Trial Court and should make decisions within the Commonwealth Trial Court. I would like to be informed whether or not it is appropriate for a Chief Justice of the Commonwealth Trial Court to sit in the U.S. District Court, if it is a conflict of information or interest.

President Manglona: Thank you, Floor Leader Inos.

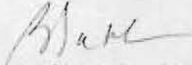
ANNOUNCEMENTS

Chairman Babauta: Mr. President, I would like to announce again that your Committee on HEW is conducting a very important public hearing today at 2:00 p.m., here in the Senate Chamber on Senate Bill No. 6-1. This is the Education Act of 1988. I would like to urge the members of this Committee to please come to the hearing.

There being no further announcements, Floor Leader Inos moved that the Senate stand recessed until Wednesday, February 3, 1988, at 10:00 a.m. Senators Babauta and H. Guerrero seconded and the motion carried by voice vote.

The Senate recessed at 11:25 a.m.

Respectfully submitted,


Bernadita C. Sablan
Clerk of the Senate