

FOURTH DAY

Monday, February 1, 1988

The Senate of the Sixth Northern Marianas Commonwealth Legislature, First Regular Session, 1988, was called to order at 2:15 p.m.

The Honorable Benjamin T. Manglona, President, presided.

A moment of silent prayer was observed.

The Senate Clerk called the roll. Seven members were present. Senators J. P. Mafnas and H. M. Manglona were excused.

READING AND APPROVAL OF THE JOURNALS

Floor Leader Inos moved for the suspension of the Reading and Approval of the Journals. Senator Babauta seconded and the motion carried by voice vote.

MESSAGES FROM THE GOVERNOR

None

REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS

None

HOUSE COMMUNICATIONS

None

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

Standing Comm. Rept. No. 6-3: From the Committee on Federal Relations and Independent Agencies, reporting on Senate Joint Resolution No. 6-4, entitled, "A Senate Joint Resolution To urge the United States Court of Appeals for the Ninth Circuit to reconsider its ruling in Fleming v. Department of Public Safety, and to recognize that the CNMI is not a Territory of the United States, to acknowledge that the Covenant between the United States and the people of the Northern Mariana Islands is not a statute of the United States, to recognize that the Territorial clause of the United States Constitution cannot apply in the CNMI.", for adoption.

Floor Leader Inos moved for its adoption. Senator Babauta seconded and the motion carried by voice vote. Standing Committee Report No. 6-3 was adopted by the Senate.

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

- Bill No. 6-21: Introduced by: Senator Benjamin T. Manglona
Assigned to : HEW
- A Bill For An Act To amend Title 2, CMC, Div. 3, Chapter 1, relating to environmental protection by adding a new chapter, addressing the problems of oil and other pollutant spills in the Commonwealth and the problems of abandoned or wrecked marine vessels, and for other purposes.
- Bill No. 6-22: Introduced by: Senator Benjamin T. Manglona
Assigned to : HEW
- A Bill For An Act To amend 2 CMC, Division 4, Chapter 1, and 3 CMC 1316(g) to grant a freehold interest to the Northern Marianas College the land and buildings previously occupied by Dr. Torres Hospital and the island of Saipan, and for other purposes.
- Bill No. 6-23: Introduced by: Senator Benjamin T. Manglona
Assigned to : JGL
- A Bill For An Act To grant to the Governor powers to establish a system of energy management and conservation when the Governor determines that the Commonwealth of the Northern Mariana Islands is experiencing an energy shortage such that the public health, safety or welfare is endangered.
- Bill No. 6-24: Introduced by: Senator Juan N. Babauta
Assigned to : JGL
- A Bill For An Act To declare Martin Luther King Day a Commonwealth Government holiday and to amend 1 CMC Section 311, and for other purposes.
- Joint Res. No. 6-4: Introduced by: Senator Benjamin T. Manglona
Assigned to : FRIA
- A Senate Joint Resolution To urge the United States Court of Appeals for the Ninth Circuit to reconsider its ruling in Fleming v. Department of Public Safety, and to recognize that the CNMI is not a Territory of the United States, to acknowledge that the Covenant between the United States and the people of the Northern Mariana Islands is not a statute of the United States, to recognize that the Territorial clause of the United States Constitution cannot apply in the CNMI.
- Res. No. 6-2: Introduced by: Senator Joseph S. Inos and one other
Assigned to : FRIA
- A Resolution Respectfully recommending to the President of the United States to designate the former Trust Territory High Commissioner Janet McCoy, or somebody with Mrs. McCoy's credentials and good repute with the people of the Commonwealth of the Northern Mariana Islands, to succeed the former Undersecretary to the Department of Interior, Richard Montoya, as the President's Special Representative pursuant to Section 902 of the Covenant establishing a self-governing Commonwealth for the Northern Mariana Islands in political union with the United States, and requesting

that consultations on issues affecting the relationship between the Commonwealth and the United States, quiescent since the resignation of Mr. Montoya, be resumed with all due haste.

BILL CALENDAR

Senate Bill No. 6-22: "A Bill For An Act To amend 2 CMC, Division 4, Chapter 1, and 3 CMC 1316(g) to grant a freehold interest to the Northern Marianas College the land and buildings previously occupied by Dr. Torres Hospital on the island of Saipan, and for other purposes.", for First Reading.

Floor Leader Inos moved for its passage. Senators Babauta and Villagomez seconded and the motion carried by voice vote.

Senate Bill No. 6-22 passed the Senate on First Reading.

Chairman Babauta: Mr. President,

President Manglona: Yes, Chairman Babauta.

Chairman Babauta: If I may make a brief comment on Senate Bill No. 6-22. As you know, the Committee did not report to this body...

President Manglona: Can I ask you, Chairman Babauta, to please speak on special privilege since we already passed the Bill Calendar on our Order of Business.

Chairman Babauta: Yes, but I do want to make a comment, Mr. President. There is no Committee Report accompanying this bill, however, the HEW Committee to which this bill was assigned to is in the process of redrafting the previous Committee Report which has been prepared during our last Legislature. So the Committee Report will be forthcoming shortly before our next session.

President Manglona: Thank you, Chairman Babauta. Any bill for Second and Final Reading?

Senate Bill No. 6-6: "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.", for Second and Final Reading.

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

There being no discussion, the Chair instructed the Senate Clerk to call the roll for voting.

Senator J. N. Babauta	Aye
Senator H. R. Guerrero	Aye
Senator J. T. Guerrero	Aye
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

President Manglona: Senate Bill No. 6-6 passed the Senate unanimously by the members present.

Senate Bill No. 6-6 passed the Senate on Second and Final Reading.

RESOLUTION CALENDAR

Senate Joint Resolution No. 6-4, S.D.1: "A Senate Joint Resolution To urge the United States Court of Appeals for the Ninth Circuit to reconsider its ruling in Fleming v. Department of Public Safety, and to recognize that the CNMI is not a Territory of the United States, to acknowledge that the Covenant between the United States and the people of the Northern Mariana Islands is not a statute of the United States, to recognize that the Territorial clause of the United States Constitution cannot apply in the CNMI.", for adoption.

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

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President and fellow members, I would like to make a statement at this point in time in support of Senate Joint Resolution No. 6-4, S.D.1.

Mr. President and dear colleagues, I stand to view the opinion of the United States Court of Appeals for the Ninth Circuit in the Fleming case as another instance in which the Federal Government honored the Covenant in its breach. The Ninth Circuit Court of Appeals--the most liberal court in the United States--in the Fleming case seemed to have made decision using the "rational basis" test instead of the "compelling state interest" test required in cases that pose complex and controversial constitutional issues of far reaching importance.

The view that the Northern Mariana Islands is an American colony continues to be supported by the Federal Courts. Although some of these cases are marginal to our concerns here, our examination of particular cases involving territorial issues is most important to understanding the real issue behind the Fleming case.

From 1898 to 1917 the courts were very active and took a very strong position. Marching in tune with the Executive Branch, the Judiciary created in the Insular Cases (the first case being Downes v. Bidwell (1901)), the "Unincorporated v. Incorporated Territories" distinction. With the annexation of the Philippines, Guam and Puerto Rico and the acquisition of Hawaii and American Samoa, the American Territorial System was transformed. In fact, the concept of an "Unincorporated Territory" was a judicial devise fashioned to rationalize the special status of America's new frontiers.

From 1925 to 1974, the U.S. Courts almost totally withdrew from status issues. Except for a few cases from Hawaii and Puerto Rico elaborating on the Insular Cases, the Supreme Court took very few cases at all from the Territories.

But since 1974 there has been an almost total reversal. There has been significant Supreme Court and other Judicial activity, with rulings almost always against the Territory and in favor of congressional power. The Supreme Court in the last decade has taken five cases from Puerto Rico; and of the last four, Puerto Rico has lost them all. The first two dealt with the congressional attempt to discriminate in federal programs against U.S. citizens in Puerto Rico; something it wouldn't have done in Nebraska or California. The Court simply validated an unusual assertion of federal power against Puerto Rico, an assertion certainly unconstitutional against a state.

Then on Guam, which had never had a case in the Supreme Court, suddenly had two in a row. One involved a question of diversity of jurisdiction in the Federal District Court; the other was an attempt by the Territory to establish its own Supreme Court. Like Puerto Rico,

Guam lost at the highest level. The Supreme Court read the Guam Organic Act very narrowly. Although under the Organic Act the Territorial Courts were to have such authority as the Guam Legislature shall "determine," the Court ruled this did not give the Legislature the power to establish its own local Supreme Court since this would mean the power to transfer jurisdiction from the District Court to the Territorial Court.

In the Third Circuit and in the D.C. Circuit, the Virgin Islands was to lose major cases. The first prevented the Virgin Islands from establishing a preference for local residents for governmental employment, a decision which probably, given recent decisions of the Supreme Court, today is somewhat questionable. Then, the D.C. Circuit prevented the transfer of the petroleum excise taxes to the Virgin Islands; ruling instead that unless the statute was very clear the language would not be interpreted to permit such a major result in favor of the Virgin Islands.

American Samoa has also had its share of a conservative Judiciary. In King v. Andrus (452 F. Supp. 11 (D.D.C. 1977)), the Plaintiff argued that jury trials were required in criminal cases in American Samoa. Most observers thought it had been established for some time, going back to the Insular Cases, that jury trials were not required in the Territories. Despite extensive testimony from key political figures urging that jury trials not be required, the Court held that jury trials should apply to American Samoa.

In CNMI v. Atalig, the first interpretation of our Covenant, the Ninth Circuit Court of Appeals relegated the Covenant to a footnote and ruled that the Insular Cases, rather than the Covenant, was determinative of the jury trial issue. Interestingly enough, the Court held that jury trials were not required in the Northern Mariana Islands.

In Fleming, the Circuit Court of Appeals has asserted congressional plenary powers over the Northern Mariana Islands by its application of the Territorial Clause--a federal policy, passed by the Congress of the Confederation in 1787, that established that the "Territorial System's long-range objective was to admit new States." The reasoning being that since the Covenant makes no provision whereby the Northern Mariana islands would be considered for statehood, the Northern Mariana Islands, therefore, is an "Unincorporated" Territory of the United States. This stresses in the negative what we are not. The Court failed to see the voluntary relinquishment, by Congress, of portions of its plenary authority over Territories granted under the Territorial Clause. It failed to see that while Congress retains its rights to enact legislation applicable to the Northern Mariana Islands, there is the qualification that laws relating exclusively to our islands must be specifically so designated in order to avoid inadvertent harmful effects. The irony of the Court's opinion in Fleming is that while it highlighted the conspicuous absence of the Eleventh Amendment to the United States Constitution from the Covenant, the Court failed to also notice the deliberate exclusion of the application of Article IV, Section 3 (The Territorial Clause) to the Northern Mariana Islands.

The real issue is that the Judiciary is not following a principle of local autonomy and it will not do so. The Federal Government has permitted the Judiciary to take the lead in Territorial Policy and the Judicial positions have been frightenly consistent: Strongly in favor of congressional power and strongly against Territorial initiatives and Territorial exceptions to federal law. The Judiciary is going against the stated local autonomy policy of the Federal Government.

In our opening session day, I highlighted the importance of our seeking remedies to the serious misgivings about the way in which our political status, under the Covenant, is being implemented and interpreted by the

Federal Government. As is most obvious in the Fleming case, the matter has has never been greater nor more urgent.

My office stands ready to assist in whatever way I could to resolve these most important issues to the favor of the people of the Northern Mariana Islands. And, again, I thank you all for listening to my statement.

President Mangiona: Thank you, Senator Guerrero, J.

The Chair recognized Senator Babauta.

Senator Babauta: Mr. President and fellow colleagues, I have before me a prepared written statement regarding the Fleming vs. the Department of Public Safety case which I would like to share with you all.

The Ninth Circuit Court of Appeals' reversal of the District Courts decision on the Fleming case has a very serious implication with regards to the status of the Commonwealth under the Covenant. The Ninth Circuit Court of Appeals' decision said, among other things, that the:

(1) Commonwealth is a Territory; and

(2) That the Territorial clause which is found under Article 4 of the U.S. Constitution applies to the Commonwealth.

These are only two of the several examples in which the Ninth Circuit Court of Appeals decided on in the Fleming case.

As we all know, Mr. President, that on March 6, 1977, the people of the Northern Mariana Islands ratified, by 93% of those who voted, their first constitution. The ultimate objective in ratifying the Constitution is for the CNMI to become self-governing under the sovereignty of the United States. To say the least, the Constitution of the Northern Mariana Islands which is based on the negotiated Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States, is a unique political document. The Covenant which preceded the Constitution was approved by the people by a seventy-eight percent affirmative vote in a plebiscite in June, 1975. The Covenant consists of ten articles that define the political relationship between the United States and the Northern Mariana Islands.

The provisions of the Covenant became effective in three stages:

(1) Formation of the Constitution.

(2) Right of Self-Government, Judicial Authority, the applicability of the U.S. Constitution and statutory provisions, income tax and public indebtedness, the U.S. financial assistance, and the lease of Marianas property.

(3) Granting of U.S. Citizenship to the people of the Northern Marianas, and bringing the Commonwealth officially under United States sovereignty.

When the Covenant is fully effective and it has, the Commonwealth of the Northern Mariana Islands became, as some call it, a territory or possession of the United States. To some extent, we have acquired a status similar to Guam, the Virgin Islands, American Samoa, and Puerto Rico.

There are, however, significant differences among these political entities in respect to both their relationships with the United States and the extend of self-government that is practiced. These differences are

inherent in the Covenant. However, with events as they are between the United States and the Northern Marianas, what we have received is no different from the status of unincorporated territory. In unincorporated territories, only certain fundamental provisions of the U.S. Constitution applies, such as the protection of liberty (basic human rights) and property of the citizen. The U.S. Constitution is fully applied once a territory is incorporated. Incorporation happens only through the expressed or implied consent of the United States Congress.

With this background, the biggest challenge in the CNMI/U.S. relations surrounds the controversy of whether the CNMI granted the United States sovereignty over internal matters. The Commonwealth takes the position that Section 103 of the Covenant is clear. This section states that the CNMI and its people may govern their internal affairs with a government and constitution of their own choosing.

Section 104 of the Covenant grants the United States sovereignty over foreign affairs and defense. This position is supported by Section 501 of the Covenant which makes only limited provisions of the United States Constitution applicable in the Commonwealth. Notably missing from Section 501, are both the so-called "Territorial Clause" and "Interstate Commerce Clause" of the U.S. Constitution. The mere omission of these two clauses in our Covenant should not be construed as being applicable in the CNMI. These are the two clauses most used by the United States to govern internal matters of states and territories.

The Commonwealth at the time of the Covenant, believed that it indeed have control or sovereignty over internal matters. The United States seems to have changed its position and is more and more treating the Commonwealth as if it were a territory; something that Congress completely controls. A few examples of the type of rule, regulation or law which is now being applied in the Commonwealth is:

(1) Statutes, rules and regulations requiring the burning of unleaded gas. This cost motorist nearly 0.10 cents a gallon. This is an example where the United States clearly has no foreign affairs or defense interest. Why would the United States usurp the role of the CNMI Legislature on this matter? Clearly if the United States can legislate in this area, any area is open to her control even in remote tiny island(s), eight to nine thousand miles away such as the CNMI where the people are completely unrepresented.

(2) Pollution reducing and safety laws, rules and regulations which increase the cost of an automobile by approximately \$1,000.00 per car over the general export models going to such countries as Australia. There again, we failed to see the foreign affairs or defense basis for this type of statute or regulation.

(3) Control over the 200-mile fishery and economic zone is another example of intrusion into internal matters. The CNMI always anticipated that it would retain control over the adjacent natural resources including such fish as tuna. We learned however, after ratification of the Covenant, that the United States never intended to honor this essential element of controlling internal matters.

(4) Conditions placed on how Capital Improvement Funds (CIP) are spent.

(5) There would be no restrictions on exported goods from the CNMI to the U.S. and that they are taxed free under Headnote (3a). However, severe restrictions on quotas are being imposed.

(6) The Covenant created the Commission on Federal Laws and put into effect by a U.S. statute. When the Commission became somewhat controversial, Congress cut off funding for its operation

and directed this entity not to receive funding from other than the U.S. Congress. This requirement is a requirement of Congress and not a requirement of the Covenant.

These are but a few examples of the basic underlying problems. If our sovereignty is eroded by the passage of time, by our lack of challenging these types of intrusions in the courts and even the United Nations, we will someday wake up to a meaningless Covenant. Guam, Puerto Rico, the Virgin Islands are at the mercy of any Act of Congress. The Covenant did not intend the CNMI to be in this category.

I have no doubt in my mind that the United States have learned from experience, but in the case of the CNMI, she has willingly and deliberately made those same mistakes again.

Resistance by the States, in the 1700's and early 1800's, against Federal Authority was a controversy that finally brought on a tragic civil war in American history. The South was ready to secede in 1828. States were adopting and exercising the Doctrine of Nullification (this is the alleged right of a State of the Union to declare an Act of Congress inapplicable, null and void and without force or effect within its borders). States' Rights Doctrine were being exercised: "the idea of a divided sovereignty". The states are sovereign over those not delegated to the United States analogous to that of the Covenant.

Mr. President, we must educate our children to be vigilant in protecting our negotiated birthright in the Covenant. The Covenant mandates a clear limitation on the authority of the United States Congress to legislate, with respect to the CNMI, in any way that might modify the fundamental term of the Covenant. We want to be clear on this limitation and keep it that way.

The United States authority with respect to the CNMI emanates exclusively from the Covenant, not from any independent Constitutional basis.

If at some time we are offered meaningful representation in Congress, including the House and Senate of the United States, then and only then, could we relax as we would be part of the decision making process. Until that time, we must insist that federal intrusion into the Commonwealth be as prescribed in the Covenant, and **ONLY** as prescribed in the Covenant.

Thank you, Mr. President and Fellow Colleagues.

President Manglona: Thank you very much, Chairman Babauta, for your statement. Any other member wish to make a statement?

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Mr. President, the statement that I would like to make is not directly related to the Senate Joint Resolution, some are not. So I would like to speak under privilege.

President Manglona: Please proceed.

Senator H. Guerrero: Mr. President, I agree with my two colleagues on the remarks they just made. It is sad to know that the people, the higher ups in the United States Congress and the White House perhaps even up to the President still do not understand the Covenant that was negotiated and agreed upon between the U.S. Government and the people of the Commonwealth of the Northern Mariana Islands. It is sad to know that even the Ninth Circuit Court of Appeals do not understand the Covenant as reflected in their decision on the Fleming case. Mr. President, it is our obligation, our duty to fight hard and fight as much as possible to bring home to them the point that there is such a document called "Covenant" an agreement between the United States

Government and the people of the Northern Marianas. And it should be honored. We brought this argument, this sentiment before the United Nations from the very inception of the Covenant, and up until now, we are still having problems. I don't think the United States Government is intending to honor the provisions of the Covenant. I think they want to merge us together with Guam, Puerto Rico, the Virgin Islands, and American Samoa and the other small islands nation under the Trust Territory flag. I think they have no intention of giving up this so-called "Trust Territory Government Concept". But, Mr. President, all is not lost. We have in the Covenant a particular section called Section 902. Under this Section it stipulates that any problem of great importance, any problem that exist between the United States Government and the people of the Northern Marianas with respect to any provision of the Covenant, whatsoever, shall be brought before the two political entities and iron out on the table. It is for that reason, Mr. President, that I introduce a resolution to strongly request the President of the United States to appoint his representative to the 902 Consultation talks so that the talk will resume, so that we could bring all these problems that are facing us before the two government entities and iron them out. The Section 902 Consultation talk came to an abrupt halt last year when Mr. Montoya resigned from his post to run for a seat in the United States Senate. But there is no need for the talk to stop. The talk can continue, but the United States has not yet appointed a replacement for Montoya. I do not know whether this is another delay tactic. I think it is incumbent upon us to let them know that we intend to pursue vigorously the 902 talk to resume. Mr. President, the decision that the Ninth Circuit Court of Appeals made on the Fleming case clearly becomes a 902 issue, as well as the 200-mile fisheries and economic zone, as well as the Capital Improvement Projects that my good Senator, Senator Babauta had indicated earlier. Those are all Section 902 Consultation matters. And that is why it is important that we should resume the 902 talk so that we can iron out these problems we continue to face. We are all aware with the problems on the citizenship issue. The United States citizenship issue is a 902 issue. We are doing something about it and came close to a resolution but instead it came to a halt. I think, Mr. President, it is important that we air our grievances or concerns on very critical matters before us just as we are airing our displeasure at the decision on the Fleming case and other matters. But let's get the 902 resolution approved so that we can begin our talks and hopefully to something good. And again, Mr. President, if we do not exert all effort to bring to the attention of the United States Congress, the President of the United States, and officials in the White House that there is such an agreement called "Covenant" between the U.S. and the Northern Marianas people and to command their respect to the Agreement, we will all lose out. Thank you very much, Mr. President.

President Manglona: Thank you very much, Senator Guerrero, II.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Mr. President, I do not have any prepared statement regarding Senate Joint Resolution No. 6-4, but I am more prepared ad-lib to speak on the issue. Mr. President, I believe that once again the sanctity and dignity of the Commonwealth Government is at stake. I believe that our government and our people are being sabotaged by the fact that there has been erroneous applications of law which have been ruled in the case of Fleming v. the CNMI (sic). Mr. President, I feel that the Covenant has been illegitimately tampered by one of the highest judicial officials in this great democratic country. The fact, Mr. President, that the ruling on Fleming v. CNMI (sic) used terms which have never become used in the Covenant are indications that our judicial system do not understand the definition of the Covenant. We may be sabotaged by some parties. I don't know who to blame, but I feel that the briefing officials--the briefing parties should let the judges of the Commonwealth or the Court of Appeals understand what is a Covenant. By the fact that

they do not fully understand what is a Covenant, many misrepresentation of terms come out because of the lack of understanding of what is a Covenant. To even pinpoint specifically the lack of understanding of what is a "Covenant", they used the word "Covenant" tantamount to that of the U.S. law. In the U.S. law, any congressman, any senator, any legislature may amend any legislation of the U.S. law. This is very unique because the U.S. Congress has no legal authority to amend the Covenant because it is not a unilateral position. It takes two to tangle. And the fact that the judges say that the Covenant is a U.S. law is a misrepresentation, is a sabotage to the people of the Northern Marianas. Furthermore, Mr. President, I have mixed feelings, although I am in total support of Senate Joint Resolution No. 6-4, whether we should go to the highest court of the land to make known to everyone our position that although we are child (sic), we are just beginning to form our government, we must go all the way to the Supreme Court to make known what is a Covenant. If we do not do that, we will be fighting again tomorrow, the day after tomorrow, next year. We will be fighting not for what, but for our very human rights, for the very sanctity of the Covenant. The other alternative I have, Mr. President, although I have not made it definite yet, it would be a good idea to think about appearing before the United Nations to make known the nations of the world that the Commonwealth of the Northern Marianas Covenant is being tampered by our mother or our father. We are not given the right, we are not given their very mutual agreement when we become member of the Covenant. We must let the world know, Mr. President, by means of the United Nations that the agreements, that what we all agreed to have not been delivered to us. Something is missing and because something is missing we will still be fighting. We are fighting among ourselves. There probably is no need for us to go to different courts of appeals, Ninth Circuit Court, or Supreme Court, but as a last resort, we have no choice. This is our land; we have to protect it. The Covenant is ours; we have to protect it. If anyone, any Tom, Dick, or Harry out in the street want to challenge the sovereignty, the self-government, and our local government, I think it's useless to call this "U.S. Commonwealth of the Northern Marianas". This is not a Trust Territory anymore. We're being treated as such. Mr. President, in general, I am very happy of the different speeches previously expressed by some Senators. I ask you, gentlemen, to reconsider the position inasmuch as we could pass this Senate Joint Resolution. Should we go ahead to the Supreme Court or shall we call upon the United Nations to man. This is not a fighting force something like elsewhere in Lebanon, or Pakistan, or in the Middle East, but we might need the United Nations force here to observe and to make sure that the people of the Northern Marianas are not being fooled by her mother nature. Thank you, Mr. President.

President Manglona: Thank you very much, Floor Leader Inos, for your statement. Chairman Villagomez, do you wish to make a statement? (Pause) Chairman Manglona, P.? (Pause) Any other member wish to be recognized? Are you ready for the question? (The members replied "ready" in unison.) Since this is a very important issue, I would like to ask the Senate Clerk to 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	Aye
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

President Manglona: Before the Chair make an official ruling, first, let me say this and I will try to make it very short and brief. I am very pleased with the decision made by you, fellow Senators, this afternoon. I am very proud because all of us spoke very candidly and openly without any fear in this very sensitive and important issue. I would like to solicit your supports to continue our struggle in defending our rights of self-determination here in our Commonwealth. So for that matter, I would like you to know that I am very proud and grateful to all of you for your courageous action. The verdict of the voting then is that we unanimously adopted S.J.R. No. 6-6, S.D.1.

Senate Joint Resolution No. 6-6, S.D.1 was adopted by the Senate.

INTRODUCTION OF BILLS

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: I have five bills to introduce in this session which were filed with the Chairman of Rules and Procedures and have been prenumbered.

Bill No. 6-25: Introduced by: Senator Juan T. Guerrero
Assigned to : R&D

A Bill For An Act To add a new Chapter 2 to Division 8 of the Title 4 of the Commonwealth Code to provide for the franchising of cable television and for consumer protection.

Bill No. 6-26: Introduced by: Senator Juan T. Guerrero
Assigned to : Rules and Procedures

A Bill For An Act To require mandatory public hearings for all legislative bills within 120 days of their date of introduction and to mandate a dispositional report by their respective oversight standing committee within 30 days of their public hearing date; to amend Division 9 of Title 1 of the Commonwealth Code; and for other purposes.

Bill No. 6-27: Introduced by: Senator Juan T. Guerrero
Assigned to : R&D

A Bill For An Act To add a new Chapter 5 to 3 CMC, Division 4 to establish a noncitizen business permit and the business activities that can be performed under said permit; to establish procedures for suspension, revocation of the noncitizen business permit; and for other purposes.

Bill No. 6-28: Introduced by: Senator Juan T. Guerrero
Assigned to : FA

A Bill For An Act To appropriate for deficit reduction all deobligated and lapsed funds after the end of the fiscal year in which they were appropriated and to reserve for further appropriation for deficit reduction any additional resources identified subsequent to the adoption of a concurrent resolution reported in accordance with Article III(9)(a) of the Constitution of the Northern Mariana Islands and to add new Sections 7606 and 7607 to 1 CMC, Division 7.

Bill No. 6-29: Introduced by: Senator Juan T. Guerrero
Assigned to : JGL

A Bill For An Act To require that every motor vehicle operated on any public highway within the Northern

Mariana Islands be insured for liability to third parties in a sum of not less than ten thousand dollars; to amend Division 8 of Title 9 of the Commonwealth Code by adding new Sections 8110, 8111, and 8112 to the Financial Responsibility Law; to amend 9 CMC §8104 to reflect the increased requirements in insurance coverage; and for other purposes.

President Manglona: Thank you, Senator Guerrero, J. Chairman Babauta?

Senator Babauta: Mr. President, I also would like to introduce a bill, Senate Bill No. 6-24 (prefiled). A Bill For An Act to declare Martin Luther King Day a Commonwealth Government holiday and to amend 1 CMC Section 311, and for other purposes.

The Chair recognized Senator Villagomez.

Senator Villagomez: Mr. President, I have one bill to introduce, Senate Bill No. 6-30.

Bill No. 6-30: Introduced by: Senator Manuel P. Villagomez
Assigned to : R&D

A Bill For An Act To establish an agricultural homestead program for the island of Tinian.

INTRODUCTION OF RESOLUTIONS

None

PETITIONS, MEMORIALS, AND MISCELLANEOUS COMMUNICATIONS

None

MISCELLANEOUS BUSINESS

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President, since at times reports are sometimes erroneous, I just would like to reflect on the record that my absence on the Second and Third Days, First Regular Session, I was on Red Cross duty and I was on the island of Rota providing assistance to the people of Rota.

President Manglona: Thank you, Senator Guerrero, J. The records will reflect that you are excused on the days that you have just stated. You have been officially excused from the Senate sessions because of the important role you were doing with the Red Cross work in Rota, and that of course, deals with the interest of our Commonwealth Government. Again, the record will reflect that you were in Rota doing Red Cross work helping the people of Rota as a result of Typhoon Roy destruction on the island. I just want the record to reflect that.

The Chair recognized Senator Guerrero, H.

Senator H. Guerrero: I would like to inquire about the bill that I introduced, the public beachfront properties. Where was that bill assigned to?

President Manglona: May I ask the Chairman of the Rules to please respond to that concern raised by Senator Guerrero, H.?

Chairman Babauta: Mr. President, I believe I assigned that bill to the Committee on Resources and Development.

Senator H. Guerrero: Mr. President, I understand that the Chairman is on medical leave. That's an important bill. I wonder if that bill could be taken out of that committee and begin public hearing.

President Manglona: Let me discuss this with the Chairman of the Senate Committee on Rules. If possible, the bill can be recalled from the Committee to which it is assigned and to reassign it to another committee.

Senator H. Guerrero: Could I know the result of that by Wednesday's session?

President Manglona: I will ask the Chairman on Rules to get hold of you on that, Senator.

Senator Villagomez: Mr. President, can I answer that question? It was assigned to my committee during the 5th Legislature and we have conducted a public hearing regarding that bill and I think the 5th Legislature passed it but the House did not act on it.

Senator H. Guerrero: I am referring to the same bill that I introduced in this Legislature (6th Senate).

Senator Villagomez: I am aware of that bill during the 5th Legislature.

President Manglona: The Chairman will look into that matter. Any other member wish to be recognized under Miscellaneous Business?

The Chair recognized Senator Babauta.

Senator Babauta: Mr. President, before we move on to the next item on the agenda, I would like to commend Senator Juan T. Guerrero for his active role in assisting the people of Rota in line of duty as President of the Red Cross Chapter here in the CNMI.

President Manglona: Thank you, Senator Babauta.

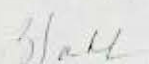
ANNOUNCEMENTS

President Manglona: Announcements? (Pause) Adjournment? Floor Leader Inos?

Floor Leader Inos moved that the Senate stand recessed until Wednesday, February 3, 1988, at 10:00 a.m. Senator Babauta seconded the motion and the motion carried by voice vote.

The Senate recessed at 3:04 p.m.

Respectfully submitted,


Bernadita C. Sablan
Clerk of the Senate