

FIFTH DAY

Wednesday, February 3, 1988

The Senate of the Sixth Northern Marianas Commonwealth Legislature, First Regular Session, 1988, was called to order at 11:28 a.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

On motion by Floor Leader Inos, seconded by Senator Babauta, the Journals for the 3rd and 4th Days were adopted.

MESSAGES FROM THE GOVERNOR

None

REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS

None

HOUSE COMMUNICATIONS

House Comm. No. 6-4: Transmitting for Senate action House Bill 6-41, H.D.1, entitled, "A Bill For An Act To amend 4 CMC, Division 8, Section S143(c) so that equitable rates of the Commonwealth Utilities Corporation may be implemented as each class of service is metered."

House Comm. No. 6-5: Transmitting a certified copy of House Resolution No. 6-2, H.D.1, entitled, "A House Resolution Commending and thanking the Northern Marianas Chapter of the American Red Cross for their exemplary, immediate and generous efforts in assisting the people of Rota in their recovery from the disastrous effects of Typhoon Roy."

House Comm. No. 6-6: Transmitting a certified copy of House Resolution No. 6-3, H.D.1, entitled, "A House Resolution Offering commendation and appreciation to Northern Mariana Islands Catholic Social Services for their rapid and generous response to the needs of the people of Rota following the passage of Typhoon Roy."

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

Standing Comm. Report No. 6-4, from the Committee on Health, Education, Welfare and Programs, reporting on Senate Bill No. 6-2: "A Bill For An Act To repeal and enact certain provisions of 3 CMC Division 1, Article 1, §1301 et seq., 3 CMC Division 1, Article 2, §1311 et seq., 3 CMC Division 1, Article 3, §1321 et seq., and 3 CMC Division 1, Article 4, §1331 et seq. (Northern Marianas College Post-secondary Education Act); to incorporate Constitutional Amendment Nos. 20 and 38; and for other purposes.", for adoption.

Floor Leader Inos moved for its adoption.

President Manglona: Is there any discussion? (Pause) We will now vote on Standing Committee Report No. 6-4.

Senator Babauta: Clarification, Mr. President. Is there a second to the motion? (Pause) If none, I would like to second the motion.

The motion to adopt Standing Committee Report No. 6-4 carried by voice vote.

Standing Comm. Report No. 6-5, from the Committee on Health, Education, Welfare and Programs, reporting on Senate Bill No. 6-9: "A Bill For An Act To create the Commonwealth Health Insurance Corporation.", for adoption.

Floor Leader Inos moved for its adoption. There were several seconds to the motion, and the motion carried by voice vote.

Standing Comm. Report No. 6-6, from the Committee on Health, Education, Welfare and Programs, reporting on Senate Bill No. 6-4: "A Bill For An Act To amend 3 CMC Section 4438(c), to amend the ten day transmittal limitation, and for other purposes.", for adoption.

Floor Leader Inos moved for its adoption. Senators H. Guerrero and Babauta seconded the motion.

Senator H. Guerrero moved for the previous question. There were several seconds to the motion, and the motion carried by voice vote.

The motion to adopt Standing Committee Report No. 6-6 carried by voice vote.

Standing Comm. Report No. 6-7, from the Committee on Health, Education, Welfare and Programs, reporting on 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 adoption.

Floor Leader Inos moved for its adoption. Senator Babauta seconded the motion, and the motion carried by voice vote.

Standing Comm. Report No. 6-8, from the Committee on Judiciary, Government and Law, reporting on Senate Bill No. 6-29: "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 a 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.", for adoption.

Floor Leader Inos moved for its adoption. Senator Babauta seconded the motion, and the motion carried by voice vote.

Standing Comm. Report No. 6-9, from the Committee on Judiciary, Government and Law, reporting on Senate Bill No. 6-31: "A Bill For An Act To amend 1 CMC §211 and 1 CMC §221 of the Commonwealth Code in order to conform to Amendment No. 43 to the Commonwealth Constitution, and for other purposes.", for adoption.

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

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: There is a technical correction to be made here, Mr. President. I would just like to note that there is a typographical error on the Committee Report. Please allow the Clerk to make a correction.

President Manglona: Will the Clerk please make the necessary correction as requested by Senator Guerrero, J.?

The motion to adopt Standing Committee Report No. 6-9 carried by voice vote.

Standing Comm. Report No. 6-10, from the Committee on Judiciary, Government and Law, reporting on Senate Bill No. 6-11: "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.", for adoption.

Floor Leader Inos moved for its adoption. Senator Villagomez seconded the motion, and the motion carried by voice vote.

Standing Comm. Report No. 6-11, from the Committee on Federal Relations and Independent Agencies, reporting on 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 Babauta seconded the motion.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Just some technical minor amendments here, Mr. President, on the last paragraph, the first few words, "It is inappropriate in that...".

Floor Leader Inos: Are you referring to the Committee Report?

Senator H. Guerrero: Yes.

President Manglona: Since this is just a minor correction, I would like to call on the Senate Clerk to reflect that correction in the Committee Report. Is there any objection?

Senator H. Guerrero: No objection.

The motion to adopt Standing Committee Report No. 6-11 carried by voice vote.

Standing Comm. Report No. 6-12, from the Committee on Judiciary, Government and Law, reporting on Senate Bill No. 6-13: "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.", for adoption.

Floor Leader Inos moved for its adoption. Senator Villagomez seconded the motion, and the motion carried by voice vote.

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Bill No. 6-31: Introduced by: Senator Manuel P. Villagomez and one other
Assigned to : JGL

A Bill For An Act To amend 1 CMC §211 and 1 CMC §221 to Amendment No. 43 to the Commonwealth Constitution, and for other purposes.

Joint Res. No. 6-5: Introduced by: Senator Juan N. Babauta
Assigned to :

A Senate Joint Resolution Recognizing March 2nd to 8th as Women's History Week.

Joint Res. No. 6-6: Introduced by: Senator Juan N. Babauta and four others
Assigned to : FRIA

A Senate Joint Resolution Requesting the Governor and the Representative to the United States to formulate a plan to hold a Commonwealth of the Northern Mariana Islands (CNMI) Day in Washington, D.C.

Joint Res. No. 6-7: Introduced by: Senator Juan N. Babauta
Assigned to : FRIA

A Senate Joint Resolution Protesting the manner in nominating the Federal Judge for the Northern Mariana Islands District Court, and requesting the establishment of a procedure for such nomination involving prior consultations with the Commonwealth of the Northern Mariana Islands.

Joint Res. No. 6-8: Introduced by: Senator Herman R. Guerrero
Assigned to : JGL

A Senate Joint Resolution Strongly requesting the United States Department of State to negotiate with the Japanese Government in order to allow the Government of the Commonwealth of the Northern Mariana Islands to deal directly with the Japanese Government in appealing for recognition and compensation of the Saipanese citizens who were forced to perform military duties during World War II, with emphasis that this is an issue of serious concern to the people and government of the Commonwealth of the Northern Mariana Islands.

Res. No. 6-3: Introduced by: Senator Joseph S. Inos
Assigned to : HEW

A Senate Resolution Expressing appreciation to Mr. Tadashi Kinumura for the donation of a school bus shelter.

Res. No. 6-4: Introduced by: Senator Joseph S. Inos
Assigned to : HEW

A Senate Resolution Expressing deep gratitude to Mr. Tadashi Kinumura for generous assistance extended to the people of Rota in the wake of Typhoon Roy's destructive onslaught.

BILL CALENDAR

Senate Bill No. 6-2: "A Bill For An Act To repeal and enact certain provisions of 3 CMC Division 1, Article 1, §1301 et seq., 3 CMC Division 1, Article 2, §1311 et seq., 3 CMC Division 1, Article 3, §1321 et seq., and 3 CMC Division 1, Article 4, §1331 et seq. (Northern Marianas College Postsecondary Education Act); to incorporate Constitutional Amendment Nos. 20 and 38; and for other purposes.", for First Reading.

Floor Leader Inos moved for its passage. Senators Villagomez and Babauta seconded the motion.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: May I direct a question to the good Chairman, Chairman Babauta? In essence, does this bill attempt to incorporate Constitutional Amendment Nos. 20 and 38 to this Northern Marianas College?

President Manglona: Will you please, Chairman Babauta, respond to the Floor Leader's question?

Chairman Babauta: Yes, that is the intent of the bill, Mr. President.

Floor Leader Inos: Do we still have the Board of Regents in full operation now?

Chairman Babauta: Yes.

Floor Leader Inos: Does the Board of Regents right now have to be reappointed, or reconfirmed in order to select a new president of the NMI College?

Chairman Babauta: Not under this bill, Mr. President.

Floor Leader Inos: Mr. President, may I ask the Chairman to explain what does Constitutional Amendment No. 38 has to do with the college?

Chairman Babauta: Mr. President, Constitutional Amendment No. 38 has a dual function, that is the establishment of the public schools system, the elementary and secondary. The other function of the Constitutional Amendment No. 38 is the establishment of the higher and adult continuing education in which the responsibility for that has been placed in the Northern Marianas College. And in that section, Mr. President, it delineates the composition of the board and the requirement on the board establishing a mission for the College and the guaranteed annual budget for the College, as well as placing the Adult Vocational Education responsibility for the College. That is essentially the purpose of Constitutional Amendment No. 38, Mr. President.

Floor Leader Inos: Mr. President, I was tempted to ask the question because it has to deal with certain direct appropriations out of the CNMI General Revenue. As I understand it, Mr. President, there should be a minimum of one percent of the CNMI total revenue that should be directly obligated to the CNMI College or no less than \$500,000 for continued operation of the College. Mr. President, I would like to ask the Chairman -- does the bill contemplate to request the Legislature for an appropriation, or is this direct appropriation made directly by the Board of Regents?

President Manglona: Chairman Babauta, do you wish to reply the question?

Chairman Babauta: If I may respond to that, if you look at Constitutional Amendment No. 38, Section 2, subsection (c), it reads, Mr. President, "The college shall be guaranteed an annual budget of not less than one

percent of the general revenues of the Commonwealth. The budgetary appropriation may not be reprogrammed for other purposes, and any unencumbered fund balance at the end of a fiscal year shall be available for reappropriation." The one percent, Mr. President, is guaranteed by the Constitution. The Board of Regents has no choice but to have that ceiling or floor or whatever you want to call it as far as the budget that is going to be available to the Legislature. The bill as written does not intend to appropriate funds since appropriation doesn't originate from the Senate, but it is, as stated in the bill, to memorialize the intent of the Constitution.

President Manglona: Are you satisfied with the answer, Floor Leader?

Floor Leader Inos: I'm not satisfied, Mr. President, but I understand the intent of the bill, what the bill intends to achieve. I'm concern of this, Mr. President, because to my understanding we have a law on Alien Labor, I think Public Law 5-32, and in that piece of legislation there is a direct grant given to the Northern Marianas College, the revenue of which is generated out of fees from the non-alien -- from the alien workers coming to the Northern Mariana Islands. To my understanding, Mr. President, the Northern Marianas College is entitled to by that piece of legislation to no less than quarter of a million dollars per year beginning Fiscal Year 1989. If that is the contention, I ask the Chairman of HEW, is the \$500,000 minimum guaranteed appropriation to the Northern Marianas College going to be subtracted out of the intent of Public Law 5-32, which is the alien labor law?

Chairman Babauta: Mr. President, the fee that is to come up from the alien workers under Public Law No. 5-32 will be in addition to the guaranteed one percent of the College budget under the Constitution. That is my understanding, Mr. President. If I'm wrong, then I stand corrected.

Floor Leader Inos: That's a matter of opinion, I hope. We take no official position with respect to the position of the HEW Chairman. I would like to meet together with the HEW Chairman to iron out these differences. Thank you.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Since we are on the amendment part of the present public law itself and also we are complying with the constitutional intent, I have a few concerns that I think should be a matter of concern to some members. First of all, on page 3, lines 9 through 12, I think it's appropriate to confer diplomas or degrees or any other document provided that in conferring those documents that those courses are being taught. The example I am trying to make here is -- I've seen some universities conferring degrees which the university does not have the specialized field. And I think we should be restrictive in allowing that authority to those particular type of subject matters that are being taught at the college. I don't think we should give blanket authority to the college to confer a doctorate degree on Doctor of Jurisprudence when they don't have a law school. This is an example that I would like to mention on that area. The other concern that I don't see addressing this particular bill is -- and I would like to ask the Chairman -- does the college have a procurement policy? It's an autonomous agency. Is there a procurement policy in place, and if not, I would like to recommend that they should promulgate their own procurement regulation so that they have the flexibility and the guidelines set forth. Is there a procurement policy?

Chairman Babauta: Mr. President, to Senator Guerrero's first concern, I should hope that the Board of Regents not confer any degrees or certificates on anything in which courses were not offered. I just have the confidence that the board doesn't do that. Secondly, the Board of Regents, with respect to Constitutional Amendment No. 20 which

establishes and which guarantees the independence of boards and commissions, gives the Board of Regents the total control over the operations of the college and this includes procurement for the college and I believe that the board will be passing its own policy with regards to procurement. If this body wishes to itemize those powers of the board we can, otherwise, we can just leave it as broad as it is in the bill.

Senator J. Guerrero: Mr. President, the other concern that I have is on page 2, lines 22 and 23, the Terms and Qualifications. I agree that members of the board should not be classroom instructors. However, the terms and qualifications basically just emphasized what a board can be and cannot be. It doesn't qualify the credential. Is this just to have -- or can anybody on the street be a member of the board for our prestigious college in the Commonwealth? The thing that I'm trying to get across, Mr. President, is that in order to have the direction and the people with dedication in education on the board, though I do not necessarily agree with the way certain people are nominated for a certain position, I hope that we, as members of this legislative body, provide the proper language for the Board of Regents. At least the person has to be a high school graduate or has a certain type of bachelor degree and who knows more about the area of education and not just any ordinary Joe and Flo on the street. I, for one, do not possess the credential to be a member of this board because I think that we need more dedicated and more professional people to lead and make ways for the direction of the Northern Marianas College. I am bringing up this concern because I feel that it is important that we should at least try to urge people or try to be more selective on the people that we put into the Board of Regents. That's all I have, Mr. President.

Chairman Babauta: In response to Senator J. Guerrero's concern, I think parts of 3 CMC Division 1, Article 1 contains some of the qualifications that a board member ought to possess when being appointed by the Governor. The two items that are listed here is merely an addition to that section. I am pretty sure that the current statute list the variety of qualifications each member has to have in order for the Governor to make his appointment. We may refer to the current law later on, but at this time, I don't have the current law with me.

Senator J. Guerrero: Mr. President, is this just for passage on First Reading?

Chairman Babauta: First Reading.

Senator J. Guerrero: Then I will reserve all my comments and submit a written recommendation to the Chairman.

President Manglona: Any other member who has not spoken wish to be recognized?

Floor Leader Inos moved for the previous question. The motion was seconded and carried by voice vote.

President Manglona: We will now vote on Senate Bill No. 6-2. Are you ready? (The members replied in unison "ready".) Senate Clerk, please call the roll for voting.

Floor Leader Inos: Mr. President, this is for First Reading.

President Manglona: The Chair stand corrected. Since this is for First Reading, we are, therefore, not required to vote by roll call.

The motion to pass Senate Bill No. 6-2 on First Reading passed the Senate by voice vote.

Senate Bill No. 6-9: "A Bill For An Act To create the Commonwealth Health Insurance Corporation.", for First Reading.

A Bill For An Act To ban poker machines in the Commonwealth; to repeal P.L. 5-3, and to amend pertinent sections of 4 CMC, Div. 1 and 6 CMC, Div. 3, and for other purposes.

Bill No. 6-38: Introduced by: Senator Juan N. Babauta
Assigned to : R&D

A Bill For An Act Relating to the transfer of freehold interest and accompanying management rights in certain public lands to the Department of Natural Resources for management as Commonwealth Forests, to forest management direction in the Commonwealth, and for other purposes.

Bill No. 6-39: Introduced by: Senator Joseph S. Inos
Assigned to : JGL

A Bill For An Act To enact enabling legislation of the establishment of an Office of Special Assistant to the Governor for Women's Affairs as mandated by Constitutional Amendment No. 21; to amend 1 CMC, Div. 2, Section 2051, and to add to 1 CMC, Div. 2, Chapter 1, a new Article 5, and for other purposes.

Bill No. 6-40: Introduced by: Senator Benjamin T. Manglona and one other
Assigned to : JGL

A Bill For An Act To implement Constitutional Amendment No. 15, to define the term "other calamity" as used in Article III, Section 10 of the CNMI Constitution, and for other purposes.

Bill No. 6-41: Introduced by: Senator Juan N. Babauta
Assigned to : HEW

A Bill For An Act Relating to an Office on Handicapped Persons.

Joint Res. No. 6-9: Introduced by: Senator Benjamin T. Manglona
Assigned to : FRIA

A Senate Joint Resolution To officially present to the United Nations Security Council and the United Nations Trusteeship Council the results of the Commonwealth-wide initiative of November 7, 1987: "To reaffirm the Covenant guaranteeing sovereignty to the people of the Commonwealth of the Northern Mariana Islands over all internal and local affairs."

Res. No. 6-5: Introduced by: Senator Benjamin T. Manglona
Assigned to : R&P

A Senate Resolution To express the Senate's appreciation for the outstanding service of Julian S. Calvo both to the Senate, and to the Commonwealth.

Res. No. 6-6: Introduced by: Senator Joseph S. Inos
Assigned to : HEW

A Senate Resolution Expressing gratitude and thanks for assistance rendered to the island of Rota in the wake of Typhoon Roy.

BILL CALENDAR

Senate Bill No. 6-40: "A Bill For An Act To implement Constitutional Amendment No. 15, to define the term "other calamity" as used in Article III, Section 10 of the CNMI Constitution, and for other purposes.", for First Reading.

Floor Leader Inos moved for its passage. Vice President Mafnas seconded the motion.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Getting back again to this particular bill, Mr. President and fellow members, I already stated my serious concern on the proposed bill since it does not provide the definition for clarity and interpretive guidelines to the Governor as far as the power and water crisis. As far as the bill is concerned, I have no major objection to the bill. It's just that giving a blanket authority as to what constitutes a calamity in this particular area -- that I have serious concern on. I would support the bill if it would go to the committee for clarity definition to be contained in this proposed legislation. I am not trying to say that the Governor should not be given the authority. All I'm asking is that the Governor should be given the authority with the proper guidelines. And as I indicated before, on the island of Saipan where there are areas here on Saipan without water and if we give that authority to the Governor to classify that as calamity then he should be reprogramming all the money that will probably go to the other islands or for the island of Saipan, as well. We need to define that so that at a later date we don't get into any confrontation with the Governor that we don't mean it that way and that what we intended was to give the authority provided that "you don't overstep your boundary". So with that, I would like to ask, Mr. President and fellow colleagues -- I am not opposing the bill, *per se*; I think that this legislation is called for in order to give the authority to the Governor. Again, the only concern I have at this point in time is that we need to clarify what is the severe power and water crisis. And with that, thank you for giving me the opportunity to make a statement.

President Manglona: The Chair recognized your concern, Senator Guerrero, J. The Chair would like to ask you that if you feel you have some amendments to make on the bill, you may do so prior to its passage on Second and Final Reading. Furthermore, you may also check with the appropriate chairman of the Committee on Judiciary, Government and Law and discuss your proposed amendments for possible inclusion on the bill prior to passage. May I recognize at this time, Chairman Villagomez?

Chairman Villagomez: Mr. President, I consider the question raised by my good Senator from Saipan. The Committee is scheduling a meeting sometime this week to appraise those bills assigned to the JGL Committee and at the same time address that issue.

President Manglona: Thank you, Chairman Villagomez. Is there any other member wish to be recognized?

Senator J. Guerrero: Just one. The Committee Report indicated First and Final Reading. Is that an oversight?

Chairman Villagomez: It is an oversight. It should read "First Reading".

There being no further discussion, the motion to pass Senate Bill No. 6-40 on First Reading passed the Senate by voice vote.

Senate Bill No. 6-2: "A Bill For An Act To repeal and enact certain provisions of 3 CMC Division 1, Article 1, §1301 et seq., §1321 et seq., and 3 CMC Division 1, Article 4, §1331 et seq. (Northern Marianas College Postsecondary Education Act); to incorporate Constitutional Amendment Nos. 20 and 38; and for other purposes.", for Second and Final Reading.

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

There being no discussions made by the members, the Chair requested the Senate Clerk to call the roll for voting.

The Senate Clerk called the roll with the following result:

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

Senate Bill No. 6-2 passed the Senate on Second and Final Reading with a roll call vote of eight members present voted "ayes".

Senate Bill No. 6-4: "A Bill For An Act To amend 3 CMC Section 4438(c), to amend the ten day transmittal limitation, and for other purposes.", for Second and Final Reading.

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

Senator J. Guerrero: Are the members being provided copy of the bill?

Floor Leader Inos: That was provided during last week's session.

The Chair recognized Vice President Mafnas.

Vice President Mafnas: May I ask the Chairman of this committee a question or two? What does the present law require -- a ten-day transmittal limitation?

Chairman Babauta: Yes.

Vice President Mafnas: Then we are changing that to add another twenty days?

Chairman Babauta: That's correct.

Vice President Mafnas: Do you know what seems to be the problem?

Chairman Babauta: According to the Department of Public Health and Environmental Services the volume and the number of aliens coming in to the Commonwealth has increased drastically and the processing of these individuals is taking much longer than the usual processing time. Then the Director requested for an extension of that ten days for the health examination period.

Vice President Mafnas: Did the Director ask for an additional manpower to help expedite the processing?

Chairman Babauta: No, he did not. He only asked for an extension of the ten days.

Floor Leader Inos: The intention of this piece of legislation exactly addresses that. We will hire permanent staff whose only mission is to make sure that the Covenant is implemented the way it was planned and the way that it was intended and nothing else.

Vice President Mafnas: Am I to understand that this division will be under the jurisdiction of the Attorney General's office?

Floor Leader Inos: For administrative purposes, yes, Mr. President.

Vice President Mafnas: The opinion of this division will be final regarding any question about the Constitution or the Covenant?

Floor Leader Inos: Yes, Mr. President.

Vice President Mafnas: Thank you.

President Manglona: Thank you, Vice President.

The Chair recognized Senator Babauta.

Senator Babauta: Just a follow-up question with the Vice President's inquiry -- a minor one. I'm a little confused on the statement made by the Floor Leader when he said that this office is going to be placed in the Attorney General's office for administrative purposes. My question is, to whom is this division then reports to -- to the Attorney General, to the Governor, or to the Legislature or some body?

Floor Leader Inos: Mr. President, there are several divisions within the office of the Attorney General. One of which is the one we are creating now -- the Division of Intergovernmental Relations. This person reports to the Attorney General, but the primary activities and mission of this individual is focused and concentrated on the Covenant.

President Manglona: I would like to refer you, Chairman Babauta, to page 2 on lines 2 and 3 of the bill. I think that paragraph may satisfy your concern.

Senator Villagomez: Mr. President, I think lines 12 through 15 is very clear of the responsibility of this particular person in this Division.

President Manglona: Does that satisfy you, Chairman Babauta?

Senator Babauta: Thank you, Mr. President.

There being no further discussions, the Senate Clerk called the roll with the following result:

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

Senate Bill No. 6-36 passed the Senate on Second and Final Reading with a roll call vote of eight members present voted "ayes".

The Chair recognized Senator J. Guerrero.

Vice President Mafnas: Thank you.

President Manglona: Thank you, Vice President.

There being no further discussion, the Senate Clerk called the roll for voting with the following result:

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

Senate Bill No. 6-4 passed the Senate on Second and Final Reading with a roll call vote of eight members present voted "ayes".

Senate Bill No. 6-36: "A Bill For An Act To amend Title 1, CMC, Section 2154 (Attorney General's Staff) to create the Division of Intergovernmental Relations for the purposes of addressing cases and controversies arising under the Covenant and the Commonwealth Constitution; and for other purposes.", for Second and Final Reading.

Floor Leader Inos moved for its passage. Vice President Mafnas seconded the motion.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Mr. President, Senate Bill No. 6-36 attempts to achieve a very specific issue. I think the issue here it attempts to achieve is integrity, sovereignty, and one of which belongs to our people. It intends to create an office within the Attorney General to defend the people of the Commonwealth of the Northern Marianas. We have had sour and terrible experiences in the past in which we were forced to spend our own little money at the expense of this great nation. Mr. President, the United States of America must know that we are very serious in the defense of our Covenant. We cannot take lawyers from different division in the Attorney General's, from different sectors in the community to defend our Covenant when they do not exactly understand what the Covenant stands for. Senate Bill No. 6-36 will allow us to hire a permanent attorneys general or attorney general in the name and on behalf of the indigenous inhabitants of the Commonwealth islands. I ask your strong support. And I can assure you, gentlemen, that in the Fiscal Committee, we shall appropriate all necessary expenses required to make sure that this office will function and shall function on behalf of our government. This may not be necessary, but we feel that we are mandated and obligated by the malicious actions of other great nations. We may in the future give additional attorneys general either assigned to the Ninth Circuit Court or elsewhere to make sure that our brothers and sisters and our children in the past will not be upon of other great nations that we have experience now. Mr. President, thank you and I am in total support. I request that you register this strong support to this piece of legislation.

The Chair recognized Vice President Mafnas.

Vice President Mafnas: Mr. President, just a minor question or point of clarity. If we have questions about the Covenant, do we address that question to the Attorney General or to this Division of Intergovernmental Relations?

Senator J. Guerrero: Before we proceed, may I be excused? I have to be at the Governor's office. Furthermore, if there is no objection from the members, I have two prefiled bills that I would like to introduce today. I will just turn them over to the Senate Clerk.

President Manglona: Thank you, Senator Guerrero, J.

[At this point, Senator J. Guerrero left the Chamber.]

RESOLUTION CALENDAR

Senate Resolution No. 6-4, S.D.1: "A Senate Resolution Expressing deep gratitude to Mr. Tadashi Kinumura for generous assistance extended to the people of Rota in the wake of Typhoon Roy's destructive onslaught.", for adoption.

Floor Leader Inos moved for its adoption. Senator Babauta and Vice President Mainas seconded the motion, and the motion carried by voice vote.

Senate Resolution No. 6-5: "A Senate Resolution To express the Senate's appreciation for the outstanding service of Julian S. Calvo both to the Senate, and to the Commonwealth.", for adoption.

Floor Leader Inos moved for its adoption. Senator Babauta seconded the motion, and the motion carried by voice vote.

Senate Resolution No. 6-6: "A Senate Resolution Expressing gratitude and thanks for assistance rendered to the island of Rota in the wake of Typhoon Roy.", for adoption.

Floor Leader Inos moved for its adoption. Vice President Mainas seconded the motion.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Mr. President, Senate Resolution No. 6-6 is a very simple, yet explicit expression from the people of Rota. We really appreciate everyone who had assisted the people of Rota in the wake of Typhoon Roy. I want to tell everyone that the people of Rota really appreciate that. Thank you.

The motion to adopt Senate Resolution No. 6-6 passed the Senate by voice vote.

INTRODUCTION OF BILLS

The Chair recognized Senator Villagomez.

Senator Villagomez: Mr. President, I have one bill to introduce. It has already been prenumbered as Senate Bill No. 6-42.

Bill No. 6-42: Introduced by: Senator Manuel P. Villagomez and six others
Assigned to : R&D

A Bill For An Act To amend 1 CMC, Division 2, Chapter 13, Section 2654(j) to expand the jurisdiction of the Department of Natural Resources so that it will be responsible for the management of the submerged lands in all areas of activity, including those activities already prescribed by the Submerged Lands Act; and for other purposes.

Bill No. 6-43: Introduced by: Senator Juan T. Guerrero
Assigned to : JGL

A Bill For An Act To amend Title 1 of Division 2 of Chapter 3 of the Commonwealth Code by adding a new subsection (i) to Section 2153 relative to requiring the Attorney General to deliver copies of legal opinions to the Legislature and providing penalties for failure to make such deliveries.

Bill No. 6-44: Introduced by: Senator Juan T. Guerrero
Assigned to : R&D

A Bill For An Act To amend 2 CMC §4333(e) regarding priorities for the issuance of a permit for a village homestead lot.

The Chair recognized Senator Babauta.

Senator Babauta: Thank you, Mr. President. Just for the record, I have prefiled two bills. One is Senate Bill No. 6-38: "A Bill For An Act Relating to the transfer of freehold interest and accompanying management rights in certain public lands to the Department of Natural Resources for management as Commonwealth Forests, to forest management direction in the Commonwealth, and for other purposes." The other is Senate Bill No. 6-41: "A Bill For An Act Relating to an Office on Handicapped Persons." Thank you.

President Manglona: Thank you, Chairman Babauta.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, I have prefiled Senate Bill No. 6-37, "A Bill For An Act To ban poker machines in the Commonwealth; to repeal P.L. 5-3, and to amend pertinent sections of 4 CMC, Div. 1 and 6 CMC, Div. 3, and for other purposes."

President Manglona: Thank you, Chairman Manglona, P.

The Chair recognized Floor leader Inos.

Floor Leader Inos: Mr. President, I have prefiled a bill which was addressed during the Fifth Legislature. It's a bill which called for an establishment of the office of Women's Affairs. The Senate acted promptly on that piece of legislation, however, the House did not take any action on it. It has been prefiled.

INTRODUCTION OF RESOLUTIONS

None

PETITIONS, MEMORIALS, AND MISCELLANEOUS COMMUNICATIONS

Misc. Comm. No. 6-9, from Robert A. Hefner, Chief Judge, enclosing the annual State of the Commonwealth Judiciary report for calendar year 1987.

Misc. Comm. No. 6-10, from Gloria W. Hunter, Special Assistant for Programs and Legislative Review, acknowledging receipt of Senate Joint Resolution No. 6-4, S.D.1, re Fleming v. Department of Public Safety.

MISCELLANEOUS BUSINESS

The Chair recognized Vice President Mafnas.

Vice President Mafnas: Mr. President, if I recall correctly about a month ago we had a meeting in your office and the leadership agreed that

any measure to be passed by this body must be accompanied by a committee report. My question is -- can you give us a direction, Mr. President, whether the same situation apply to those measures that passed the Senate during the Fifth Legislature, transmitted to the House and the House did not take any action. Do we need to attach a committee report as well?

President Manglona: It will be very helpful if the committee report is attached to the bill before the bill is calendared for passage. In a case where we already passed a bill during the Fifth Legislature, I would like to suggest that the chairman can reproduce the original committee report with some modifications, if necessary, and can report the same for passage at the Sixth Legislature. I would like to ask the appropriate chairmen to short-cut the process if they deem to see fit.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Mr. President, as a matter of information to these members, please be advised that the Chairman of the Fiscal Affairs of the Senate is closely working with the Chairman of the House Ways and Means Committee regarding the financial situation of our Commonwealth. The Chairman of the House has agreed that we will use the Fifth Legislature's proposed budget as a reference for this fiscal year budget. We are working closely and I was informed and assured that the House will pass this FY '88 budget by the end of this month. I want to put everyone on notice that there are no great changes with respect to each proposed allocation for each Senatorial District. We will leave this up to each Senatorial Delegation to make their decision. I would ask the cooperation of each of the Senate members that once this budget act pass the House, the committee shall act on it as soon as possible. Thank you, Mr. President.

President Manglona: Thank you very much, Floor Leader. I would like to request that you continue to get in touch with the House Ways and Means Chairman to try to expeditiously pass the FY '88 budget. I am very pleased with the cooperation so far between two houses and I would like to continue on that spirit.

The Chair recognized Senator H. Manglona.

Senator H. Manglona: Thank you, Mr. President. First, I would like to comment on Senate Bill No. 6-37 introduced by Senator P. A. Manglona from Rota. I would like to say that it is a very classic bill regarding the poker machines in the Commonwealth and for his bravery in introducing this bill so that we can ban all sorts of casino machines in the Commonwealth. I hope that the committee will act immediately on this Senate Bill and I hope that the Senate pass this bill so that we can transmit it down to the House. I hope that the House pass it, and I also hope that the Governor will sign it into law because there were a lot of comments made on the issue of the gambling. I believe that the poker machine is part of gambling and if gambling is bad then the poker machine is bad. So I urge the committee assigned this bill to immediately meet so that we can ban the poker machines in the Commonwealth. Thank you.

President Manglona: Thank you, Chairman Manglona, II.

ANNOUNCEMENTS

The Chair recognized Chairman Babauta.

Chairman Babauta: Mr. President, I wish to announce that the Committee on Rules and Procedure is conducting a public hearing on February 26, Friday at 10:00 a.m. to solicit public comments on Senate Bill No. 6-26, entitled, to require a mandatory public hearing on all legislative bills within 120 days from 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.

The Chair recognized Vice President Mafnas.

Vice President Mafnas: Mr. President, I understand that Senate Bill No. 6-37 was introduced by Senator Paul Manglona -- a bill for an act to ban poker machines in the Commonwealth -- and was assigned to two standing committees -- the Committee on Fiscal Affairs and the Committee on R&D. Now, with the concurrence of the Chairman of Fiscal Affairs Committee, I would like to take this initiative to schedule a public hearing for Senate Bill No. 6-37 for Friday, February 26 at 1:00 p.m.

President Manglona: I am sure, Vice President, that is within your prerogative as committee chairmen. If there is no objection from the committee members, I would like all of you to take note of that date for the public hearing on Senate Bill No. 6-37.

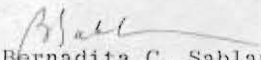
[The members replied "no objection" in unison.]

President Manglona: Is there any further announcement? The Chair would like at this time to make a very short announcement. There has been notice given to the Senate leadership that we will be meeting with the U.S. congressional staffer delegation from the office of Senator Bennett Johnston this afternoon at 3:00 p.m. in the House Chamber. I would like to urge all of you to please attend this important meeting so that you can ask questions and assistance from the staffer of Senator Bennett Johnston. Senator Johnston has always been a good friend to the Commonwealth. He had championed many legislations and provided many assistance for our government. I urge all of you to have the opportunity to meet and speak to his senior staff. Also, I would like to ask the leadership to please make your time available immediately after this session for a short meeting in the President's office. Adjournment, Floor Leader Inos?

Floor Leader Inos moved that the Senate stand recessed until February 17, 1988 at 10:00 a.m. Senator Babauta seconded the motion, and the motion carried by voice vote.

The Senate recessed at 11:00 a.m.

Respectfully submitted,


Bernadita C. Sablan
Clerk of the Senate