

NINTH DAY

Monday, February 22, 1988

The Senate of the Sixth Northern Marianas Commonwealth Legislature, First Regular Session, 1988, was called to order at 10:14 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. Senator J. S. Inos was excused. Senator H. M. Manglona was absent.

President Manglona: Before we proceed, I would like to ask the consensus of the members to appoint our Chairman on the Rules and Procedure to be the Acting Floor Leader for today's session. Also, let the record show that Senator H. R. Guerrero is present.

READING AND APPROVAL OF THE JOURNALS

On motion by Acting Floor Leader Babauta, seconded by Senator J. Guerrero, the 6th and 7th Days Journals were adopted.

MESSAGES FROM THE GOVERNOR

None

REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS

None

HOUSE COMMUNICATIONS

House Comm. No. 6-11: Transmitting for Senate action House Bill No. 6-49, H.D.1, entitled: "A Bill For An Act To make an appropriation for the operations of the Board of Elections for Fiscal Year ending September 30, 1988, to identify resources available for such appropriation; and for other purposes."

House Comm. No. 6-12: Transmitting for Senate action House Joint Resolution No. 6-5, entitled: "A House Joint Resolution providing a joint session of the Legislature to receive the Governor's State of the Commonwealth Address."

House Comm. No. 6-13: Returning Senate Joint Resolution No. 6-1, entitled: "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."

House Comm. No. 6-14: Transmitting a certified copy of House Joint Resolution No. 6-4, entitled: "A House Joint Resolution To approve the expenditures by the CNMI Government for Capital Improvement Projects on Tinian, which are funded by the CDA Series-I Revenue Bonds, reserving the right of the Second Senatorial District (Tinian) to be reimbursed on the next drawdown for the shortfall it has agreed to accept on the net proceeds of the first bond drawdown."

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

Standing Comm. Report No. 6-17, from the Committee on Rules and Procedure, reporting on the Temporary Rules and Procedure of the Senate, entitled: "Official Rules of the Senate, Sixth Northern Marianas Commonwealth Legislature.", for adoption.

Acting Floor Leader Babauta: Mr. President, due to continuing changes on the Rules, I move to suspend adoption of the Rules.

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

Standing Comm. Report No. 6-18, from the Committee on Health, Education, Welfare and Programs, reporting on Senate Bill No. 6-1, entitled: "A Bill For An Act To repeal P. L. 3-43 to conform to Constitutional Amendment No. 38; to provide for an elected Board of Education; to establish an autonomous education system in the Northern Marianas; and for other purposes.", for adoption.

Acting Floor Leader Babauta moved for its adoption. Vice President Mafnas seconded the motion, and the motion carried by voice vote.

Standing Comm. Report No. 6-19, from the Committee on Fiscal Affairs, reporting on House Bill No. 6-49, H.D.L, entitled: "A Bill For An Act To make appropriation for the operations of the Board of Elections for Fiscal Year ending September 30, 1988, to identify resources available for such appropriation; and for other purposes.", for adoption.

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

Standing Comm. Report No. 6-20, from the Committee on Health, Education, Welfare and Programs, reporting on Senate Joint Resolution No. 6-5, entitled: "A Senate Joint Resolution Recognizing March 2nd to 8th as Women's History Week.", for adoption.

Acting Floor Leader Babauta moved for its adoption. Vice President Mafnas seconded the motion, and the motion carried by voice vote.

Standing Comm. Report No. 6-21, from the Committee on Health, Education, Welfare and Programs, reporting on Senate Bill No. 6-9, entitled: "A Bill For An Act To create the Commonwealth Health Insurance Corporation.", for adoption.

Acting Floor Leader Babauta moved for its adoption. Vice President Mafnas seconded the motion.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President, I did not concur to the Committee Report at this point in time. Therefore, I would like to ask that I be given the opportunity to comment on the bill itself under Bill Calendar.

The motion to adopt Standing Committee Report No. 6-21 carried by voice vote.

Standing Comm. Report No. 6-22, from the Committee on Rules and Procedure, reporting on House Joint Resolution No. 6-5, entitled: "A House Joint Resolution Providing for a joint session of the Legislature to receive the Governor's State of the Commonwealth Address.", for adoption.

Acting Floor Leader Babauta moved for its adoption. Senator J. Guerrero and Vice President Mafnas seconded the motion, and the motion carried by voice vote.

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Bill No. 6-42: 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.

Bill No. 6-45: Introduced by: Senator Jose P. Mafnas
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. 6-46: Introduced by: Senator Jose P. Mafnas
Assigned to : JGL

A Bill For An Act To establish procedures for the enactment of local bills, local appropriation or revenue bills, municipal ordinances and municipal appropriation or revenue ordinances, to define local matters as may be subject of local laws or municipal ordinances, to provide for the administration and compensation of the Municipal Council, to repeal and reenact the provisions of 1 CMC, Division 1, Chapter 4, and for other purposes.

Bill No. 6-47: Introduced by: Senator Jose P. Mafnas
Assigned to : R&D

A Bill For An Act To amend Public Law 3-104, the Commonwealth Banking Law of 1984, and for other purposes.

Bill No. 6-48: Introduced by: Senator Juan T. Guerrero
Assigned to : R&D

A Bill For An Act To establish a Commonwealth Government Code relative to Policy for Tourism, and for other purposes.

Bill No. 6-49: Introduced by: Senator Juan T. Guerrero
Assigned to : JGL

A Bill For An Act To establish a Commonwealth Youth Month in the Northern Mariana Islands, and for other purposes.

Bill No. 6-50: Introduced by: Senator Juan T. Guerrero
Assigned to : R&D

A Bill For An Act To establish a Special Business License for Home Industries and to provide an Exemption for such Industries from Business Gross Revenue Tax, and for other purposes.

Bill No. 6-51: Introduced by: Senator Juan T. Guerrero
Assigned to : FA

A Bill For An Act To permit airlines or other vendors of airline tickets to separate the price of airfare from the fee imposed by the Commonwealth Ports Authority as a Departure Facility Service Charge, and for other purposes.

Bill No. 6-52: Introduced by: Senator Juan T. Guerrero
Assigned to : JGL

A Bill For An Act To define retail theft and provide punishment therefore; to amend 6 CMC, Division 1, Chapter 1, by adding a new section; and for other purposes.

Bill No. 6-53: Introduced by: Senator Juan T. Guerrero
Assigned to : JGL

A Bill For An Act To establish a Residential Landlord - Tenant Act, and for other purposes.

Bill No. 6-54: Introduced by: Senator Benjamin T. Manglona (by request)
Assigned to : HEW&P

A Bill For An Act To enact a Workers' Compensation Law, to add a new Chapter 3 to 4 CMC, Division 9, and for other purposes.

Bill No. 6-55: Introduced by: Senator Benjamin T. Manglona and one other
Assigned to : R&D

A Bill For An Act To amend the Submerged Lands Act Sections 1211 through 1229 (P.L. No. 1-23, as amended), to extend the authority of the Department of Natural Resources over submerged lands so as to allow for licenses and development leases for water and nonwater-dependent uses of submerged lands, providing for approval of such leases by the Legislature requiring a

public hearing prohibiting granting of a freehold interest to a private developer restricting the term of such leases, and for other purposes.

President Manglona: I would like to ask the respective chairmen to take note of the assignments of bills and resolutions under the Prefiled Bills and Resolutions on our Order of Business calendar.

BILL CALENDAR

Senate Bill No. 6-1, S.D.1: "A Bill For An Act To repeal P.L. 3-43 to conform to Constitutional Amendment No. 38; to provide for an elected Board of Education; to establish an autonomous Education System in the Northern Marianas; and for other purposes.", for Second and Final Reading.

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

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President, at this time, I would like to offer a floor amendment on Senate Bill No. 6-1, S.D.1. The proposed amendment that I would like to offer at this point in time is on Section 1504(f). I would like to read the amendment, Mr. President. If all the members will refer to page 4, line 19, the amendment is as follows: "(f) 'Superintendent' means the Superintendent of Education. The term 'Superintendent' may be substituted with the term 'Commissioner' if the Attorney General finds that the substitute is not inconsistent with applicable provisions of the Constitution of the Northern Mariana Islands."

Vice President Mafnas seconded the motion.

President Manglona: Is there any discussion on the proposed amendment? You may continue, Senator Guerrero, J.

Senator J. Guerrero: I know that the proposed bill has been heard in this chamber and has been conducted by our chairman, Senator Juan Babauta. The amendment, Mr. President, I know that there are conflicting statements in regards to the language in the Constitutional Amendment. However, the intention of the Constitutional Amendment is to make it autonomous beyond the reach of political interference. In one of their meetings, the Board of Education made changes. And one of the changes is to change the "Superintendent of Education" to "Commissioner of Education" for reason that the educational public school system is rather large and the terminology used and referred to as in other states and territories of the United States reflect that Commissioner of Education encumbers a bigger role and for that matter the Board of Education already has or have made known to the public and they have incurred expenditures in the publication of letterheads and other materials for the function in which the Superintendent of Education will pay. And with that, I would like to urge the members that if my floor amendment is acceptable and again, I would like to stress that provided that the office of the Attorney General finds that it is not in conflict then the term "Commissioner of Education" shall be applicable in all sense of the proposed legislation. Thank you.

President Manglona: In order to be observance of our Senate Rules, and to make the motion consistent with it, I would like to ask the unanimous consent of the members to suspend pertinent Rules of the Senate pertaining to written and duplication of amendments. If there is no objection, it's so ordered.

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

President Manglona: We are still discussing the amendment proposed by Senator Guerrero, J. Are there any further discussions?

The Chair recognized Chairman Babauta.

Chairman Babauta: Thank you, Mr. President. My colleague from Saipan, Senator Juan T. Guerrero has mentioned that he sees many conflicting statements in the bill. I wonder if he can enumerate those so that the Committee can make the necessary changes in order for the bill to be in line in terms of the Constitutional Amendment, Mr. President. I know that when the Committee held a public hearing on this bill, there were a lot of inputs from other people and a lot of the questions were conflicting. And the Committee had to decide on those inputs to the best of our ability. And if there are some conflicting provisions in this bill, we would like to make the necessary changes. With regards to the words "Superintendent" and "Commissioner", the Committee felt that to stay within the language of the Constitution, is the safest way to do because the word "Superintendent" is used in the Constitution as opposed to what the current board members want in terms of the word "Commissioner". There is really no big argument. I think the Committee will be amenable to either one. It's just that the term "Superintendent" was used over and over in the Constitution. I just want to share that with my colleague.

Senator J. Guerrero: Mr. President, the only thing that I would like to state at this point in time, is that, I recognize that there are some conflicting remarks made by some of the people who testified in terms of whether it is permissible to substitute "Superintendent" to "Commissioner". I do recognize the fact that the Constitution stated that the "Superintendent of Education" shall be the person. Again, from what I have gathered, the legal counsel for the Senate has stated one opinion or statement which could be documented and supported, and also the office of the Attorney General through letter of inquiries from the staff through the Board of Education inquired prior to making changes. It is my understanding at this time that at that time the office of the Attorney General did not object or in fact did not issue an opinion as if the term "Superintendent" to be substituted to "Commissioner" cannot be permissible. I do not mean to imply to the Chairman that there are provisions here other than that which is in conflict to the Constitution. I would like to make that clear.

President Manglona: Thank you, Senator Guerrero, J. Any other member wish to speak in favor or in opposition to the proposed amendment offered by Senator Guerrero, J.?

There being no further discussions, the motion to amend Senate Bill No. 6-1, S.D.1 as offered by Senator J. Guerrero carried by voice vote. Senate Bill No. 6-1, S.D.1 is now Senate Bill No. 6-1, S.D.2.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, I would like to offer an amendment on Section 1520(f), after line 20, page 6. The amendment, if you will allow me to read it, is as follows: "An elected member must reside in the island or islands in which he or she is elected."

Acting Floor Leader Babauta seconded the motion.

Acting Floor Leader Babauta: Would the suspension of the Rules be necessary?

President Manglona: Will you please make the necessary motion, Acting Floor Leader?

Acting Floor Leader Babauta: So moved for the suspension of the pertinent Rules of the Senate.

Senator Villagomez seconded the motion, and the motion carried by voice vote.

President Manglona: You may proceed, Senator Manglona, P.

Senator P. Manglona: I move that on page 6, after line 20, we place the following: "An elected member must reside in the island or islands in which he or she is elected."

Acting Floor Leader Babauta seconded the motion.

The Chair recognized Vice President Mafnas.

Vice President Mafnas: Are you referring to page 6 or 11?

Senator P. Manglona: Page 6.

Vice President Manglona: Can you repeat the proposed amendment?

[At the request of Vice President Mafnas, Senator P. Manglona repeated his proposed amendment.]

The motion to amend Senate Bill No. 6-1, S.D.2 as offered by Senator P. Manglona carried by voice vote. Senate Bill No. 6-1, S.D.2 is now Senate Bill No. 6-1, S.D.3.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: I have another amendment on page 8, line 20 -- "Any Board member may be removed by a majority vote of the voting Board members for commission of a felony, corruption, neglect of duty, mental or physical incapacitation." I would like to make an amendment there, that we replace the words "majority vote" with "concurrence of 4" of the Board members.

Acting Floor Leader Babauta seconded the motion.

President Manglona: If there is no objection, I would like to ask the unanimous consent of the members to suspend the appropriate Senate Rules in order to entertain the proposed amendment. Is there any objection? If there is no objection, the amendment made by Senator Manglona, P., is in order. We are now open for discussion on the proposed amendment.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Just for clarification. The Board of Education members is only seven?

Chairman Babauta: Five members.

Senator J. Guerrero: I just wondered because I thought it was seven.

The Chair recognized Chairman Babauta.

Chairman Babauta: Mr. President, I think the floor amendment being offered by Senator Paul Manglona is in line with Section 1521(c) on page 8 of the bill itself since the presence of four voting members shall constitute a quorum. The floor amendment is very appropriate and to be consistent with the bill.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: In line with that, on the same page, subsection (c), it further says that "All actions of the Board requires the concurrence of 3 of the voting members;". And the amendment proposed by Senator Paul is to change that to "concurrence of 4". The question I would like to ask, shouldn't we just make it the same -- three? If the board -- three votes constitute approval in

any of the function, it should also -- going further and saying now that to remove a board member, we need four. The question is, what was the rationale of the four?

The Chair recognized Chairman Babauta.

Chairman Babauta: Subsection (c) of Section 1521 requires that in order for a quorum to be constituted at least four members be present and when four members are present, it shall only take three concurring votes in order for adoption of businesses to take place.

Senator J. Guerrero: If I may continue, Mr. President. The thing with this section -- if you read the sentence, it stopped at "a Board meeting.", then a new sentence started. From my reading, it says, "All actions of the Board...", meaning all meetings of the Board should only require, even if there was five members present or four members present, it only requires three concurrence. Now, in their function as board members, if it only requires three to make substantial changes in the deliberations of the board, in their functions, and on the proposed amendment, we are making it four and this person is a convicted felon and, you know, commission of a felony, corruption, neglect of duty -- I mean if you were to look at the fiduciary responsibility of the board, we are making it more restrictive to the removal of that board member who is in every essence or every term of the violation of all these corruptions and so forth should even require less. In fact, I would like to ask that we should not make it more stringent. We should make it more relaxed because I don't think, Senator, that you want a felon serving on the board. That's my major concern at this point in time.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, it is for that reason exactly, the difficulty in judging the commission of "a felony, corruption, neglect of duty, mental or physical incapacitation" that this amendment is introduced. It is very difficult at times to define what constitutes "a felony, corruption, neglect of duty,..." and it is for this reason that I am conclusive that there should be a consensus of four of the voting members in order that we remove a member. I guess to answer Senator Guerrero's concern, maybe on line 12, we should put in, "except for the removal of a Board member as provided in subsection (f)." Then that will be in line. I guess that one of the main purposes here is that we are trying to avoid politics for the removal of a member. We are trying to make it difficult for any member to be removed because three members feel this way and I believe that if a member is really a criminal, if he's really corrupted, then we should at least get the concurrence of four members easily.

Senator J. Guerrero: I agree with the neglect of duty. But a person who committed a felony, it has to be through a proceeding of a court. Corruption, conviction of a felony, those would have to be through the court. Now, mental and physical incapacitation would have to be from Public Health. Those, I think, the board cannot just say he's convicted of a felony if the court -- the person cannot be a felon unless he's convicted of that charge. He cannot be convicted of corruption if he is not convicted by the court or the Federal Grand Jury, for that matter. He cannot be mentally or physically incapacitated if the responsible doctor at the Commonwealth Health Center did not issue a statement in that regard. Again, for that matter, the neglect of duty, I do agree with our Senator that maybe we can amend that just to -- if he is not objecting to take out the "neglect of duty" and come up with a compromise that would require four members to take out a person. Can you call for a short recess, Mr. President?

The Chair declared a short recess at 10:43 a.m.

RECESS

The Senate reconvened at 10:51 a.m.

President Manglona: Let's continue with our session. A short recess was called by the Chair in order that we address the concern raised by Senator Guerrero, J., on the amendment offered by Senator Manglona, P. At this time, I would like to recognize the Floor Leader to make the appropriate motion for the suspension of the Senate Rules in order to entertain a motion to substitute the original motion.

Acting Floor Leader Babauta: Thank you, Mr. President. During our recess, Senator Paul A. Manglona has further suggested an amendment to make on the bill. So in order for us to proceed with that, I move that we suspend all pertinent Rules of the Senate in order for Senator Paul Manglona to make the necessary floor amendments.

Senator J. Guerrero seconded the motion, and the motion carried by voice vote.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, I move that we amend Subsection (c) under Section 1521 to read as follows -- the last sentence now reads, "All actions of the Board requires the concurrence of 3 of the voting members; except for the removal of a Board member as provided in subsection (f) of this Section." And then subsection (f), it will now read, "Any Board member may be removed by the concurrence of 3 of the voting Board members for commission of a felony, corruption, and mental or physical incapacitation; provided for the neglect of duty, a Board member may be removed by concurrence of 4 of the voting members."

Senator H. Guerrero seconded the motion.

President Manglona: I would like at this time to clarify the motion. The motion that was just made by Senator Manglona, P., is a substitute motion of his original motion. Is there any question from the floor? The floor is now open for discussion on the amendment.

There being no discussion, the motion to amend Senate Bill No. 6-1, S.D.3, as offered by Senator P. Manglona carried by voice vote. Senate Bill No. 6-1, S.D.3 is now Senate Bill No. 6-1, S.D.4.

The Chair recognized Vice President Mafnas.

Vice President Mafnas: Did Senator Paul Manglona make two amendments?

President Manglona: The response to that Vice President is no. I already made a clarification prior to voting on the proposed amendment that the amendment made by Senator Manglona, Paul is a substitute amendment to his original amendment.

Acting Floor Leader Babauta: Mr. President, clarification. I understand that Senator Paul Manglona did make two amendments. The first was line 12 and the second was line 20.

The Chair declared a short recess at 10:55 a.m.

RECESS

The Senate reconvened at 10:58 a.m.

President Manglona: A short recess was called for by the Chair to make some clarifications on the concern raised by Chairman Babauta. Let the record reflect that since the original motion was substituted with the most recent one,

therefore, we have only one amendment. We are still discussing Senate Bill No. 6-1, as amended.

The Chair recognized Vice President Mafnas.

Vice President Mafnas: I would like to refer to page 8, line 21, the word "commission". The word "commission" does not necessarily mean that the person has to be convicted in order to be removed. In other words, the word "commission" of a felony can be defined as being "arrested for a felony" and then I can be removed by the members. Is that the intention of the bill, without going through the full judicial process?

The Chair recognized Chairman Babauta.

Chairman Babauta: Mr. President, as stated by Senator Juan T. Guerrero, I think the purposes of our records that the intent of this language that only upon the conviction of any of the members who committed a felony, corruption, or verification of a mental or physical incapacitation that such a member can be removed. It should not be construed as the member being removable if they felt that he is involved in some kind of a corruption. He has to be first convicted of a felony.

President Manglona: Do you wish to continue, Vice President?

Vice President Mafnas: Are you saying, Mr. Chairman, that the word "commission" is synonymous to the word "conviction"?

Chairman Babauta: In their literal definitions, they are not synonymous. But the word "commission" can be construed as only upon a conviction of a member or members.

The Chair declared a short recess at 11:03 a.m.

RECESS

The Senate reconvened at 11:05 a.m.

President Manglona: Let us continue with our session. A short recess was called in order to address a legal question raised by Vice President Mafnas. A legal question was raised by the Vice President to HEW Chairman Babauta, and I believe we all share the interpretation of the word "commission". After we consulted with our legal counsel and we deliberated during the recess, and we decided that in order to avoid doubts that may arise in the future, it would be recommendable that we substitute the word "commission" to "conviction". To shorten our discussions, I would like at this time to ask the unanimous consent of the Senate to substitute the word "commission" with the word "conviction". Is there any objection? [Pause] If none, it's so ordered. Therefore, with the blessings of all the members, the word "commission" is substituted with the word "conviction". We are still under discussion on the bill. Anyone wish to be recognized?

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Mr. President, as we are deliberating on this word "commission" and "conviction" -- so it is now "conviction" instead of "commission" of a felony, corruption. Now "conviction" means if a person is found by the court to be guilty, that is a "conviction" that we use in this act?

President Manglona: Yes, Senator Guerrero. That's my understanding.

Senator H. Guerrero: Let's take for example a person who is negligent of his duty, do we have to wait for such person to be convicted by the court before the board take action to remove him?

President Manglona: I believe we all take it for granted our rights under our Constitution that an accused person is considered innocent until proven guilty. I am sure that is our contention here. Let me now recognize Senator Manglona, Paul to further clarify that.

Senator P. Manglona: Mr. President, I guess for the neglect of duty, Senator Guerrero is not clear that we have separated that already with a semicolon (;) where it says that "except that a neglect of duty a member shall be removed by the board." So there is no conviction or way of determining whether there is a neglect of duty except by the concurrence of four of the voting members.

President Manglona: Does that satisfy your concern, Senator Guerrero, H.?

Senator H. Guerrero: Yes, it does.

President Manglona: We are still under discussion on the bill.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: I just want to make sure that the library can also be used by students other than students belonging to the public school system. Is this correct? Can Mt. Carmel School students also use the library?

Chairman Babauta: Yes.

Senator H. Guerrero: I want that to be clear in this deliberation. What about transportation of students to and from school? Does this Senate Bill No. 6-1 also provide that non-public school students can also ride the bus?

Chairman Babauta: Yes, of course.

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

The Chair recognized Vice President Mafnas.

Vice President Mafnas: Again, I would like to refer to page 8. What are we trying to accomplish here? Are we trying to get rid of a felon from the Board of Education or the corrupted official from the Board of Education because the way I am reading line 20 -- let's say that I am a member of the Board of Education, and if I am convicted for a felony, they don't have to remove me if they don't want to. So the question I am raising now, are we trying to completely kick out a felon from being a member of the Board or do we leave that discretion up to the court. According to the sentence here on line 20, Mr. President, it says, "Any Board member may be removed..." "...may be...", it is not mandatory.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: I think the words are supposed to be "shall be" instead of "may be" on line 20.

President Manglona: In order not to run into any legal technicality, I would like to ask the Floor Leader to suspend all pertinent Rules of the Senate in order to make the proper motion to substitute the words "may be" to "shall be". Senator Babauta, you are recognized.

Acting Floor Leader Babauta: Thank you, Mr. President. I would like to move at this time to suspend all pertinent Rules of the Senate in order that further amendment be made on line 20 of the bill. If I may do that amendment?

President Manglona: Yes, you may, Chairman Babauta.

Acting Floor Leader Babauta: The amendment as proposed by Senator Jose P. Mafnas which is a very legitimate concern, the language on line 20 which reads, "Any Board member may be removed...", shall now read, "A Board member shall be removed...". So the word "Any" shall be substituted with the word "A" and the words "may be" shall be substituted with the words "shall be".

Senator H. Guerrero seconded and the motion carried by voice vote. Senate Bill No. 6-1, S.D.4 is now Senate Bill No. 6-1, S.D.5.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, for the record, on page 6, subsection (g), I would like to ask the Chairman if this means that the Board members cannot hire themselves as full-time members to the Board of Education?

The Chair recognized Chairman Babauta.

Chairman Babauta: Thank you, Mr. President. Lines 22 and 23 should be very clear in that the Board member shall only be compensated for meetings actually attended at a rate consistent with the existing public law or guideline. And it should not be construed as giving the Board the authority to salary themselves.

The Chair recognized Senator Villagomez.

Senator Villagomez: Can I ask the Chairman a question? Is there an existing law or guideline with regards to the compensation of the Board members?

Chairman Babauta: I believe so, Mr. President.

Senator J. Guerrero: Mr. President, further on that question, on line 19, page 6, also "No elected member of the Board shall be an employee of the Department of Education Public School System." I think that's very clear on the intent and none of the Board members shall be an employee of the public school system. Right?

Chairman Babauta: That's right.

Senator J. Guerrero: Furthermore, Mr. President, going over the bill and it is always my contention that any school system here in the Commonwealth shall be conducted at the highest possible level. I was trying to find a section in the bill where that's a matter of policy that our goal and objective in the public school system -- that what we are going at -- is to provide top quality education without any restriction or any interference. And I can't seem to find that section referred in our bill. I am not sure if it's there or if it's in the Constitution, but I would like to ask if our objective is to provide the most top quality education possible.

Chairman Babauta: Mr. President, I hope that that is our objection. If not, then we should change this whole thing. I truly believe that with the elected board as it is now that they should be given the flexibility to set their goals, their mission for the public school system in terms of the type of quality education that they want. As for the bill itself, it should be construed, Mr. President, as that being our goal.

President Manglona: Are you satisfied with the explanation, Senator Guerrero, J.?

Senator J. Guerrero: I am satisfied, but preferably I would like to see that the policy, the intent of the bill should be included to further emphasize that part of our deliberation that that's what we are trying to achieve. I would like to admit that our school system is not par to the U.S. standard. However,

there are some schools here in the Commonwealth that are very high. In fact, the school in San Vicente is one of the best in the public school system. I would also further state that the Saipan Community School is the best school on the island. And by far, it is not comparable of the kind of education being provided to the other public school systems. And that I failed to see in the proposed legislation. I just would like to emphasize that -- to make the record reflect that one of my top priorities here in the Legislature is to see that the quality of education be improved and that we as members of this body that the primary objective is that the quality of education is achieved comparable to the standard of the U.S.

President Manglona: Are you through, Senator Guerrero, J.?

Senator J. Guerrero: I also have one more, but I just lost the thought.

President Manglona: Thank you. Any other member would like to be recognized? [Pause] If none, we will now vote on Senate Bill No. 6-1, as amended. Will the Senate Clerk please call the roll to vote by roll call?

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	Excused
Senator J. P. Mafnas	Aye
Senator P. A. Manglona	Aye
Senator H. M. Manglona	Absent
Senator M. P. Villagomez	Aye
President B. T. Manglona	Aye

Senate Bill No. 6-1, S.D.5, passed the Senate on Second and Final Reading with a roll call vote of seven members present voted "ayes".

The Chair recognized Chairman Babauta.

Chairman Babauta: I just would like to comment on my appreciation of the members regarding their input on this bill because it has been a very difficult bill to deal with and I think that your input has been very helpful.

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

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

The Chair recognized Vice President Mafnas.

Vice President Mafnas: Just a minor question to the Chairman of the Committee. Is this the same measure that we passed in the Fifth Legislature?

Chairman Babauta: The only changes are those sections which implied that the bill was making an appropriation from the Senate for any financial obligation which is prohibited by the Constitution. Otherwise, it is the same bill that was introduced and passed in the Fifth Legislature.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President and members, with the indulgence of the Chairman, since the introduction of this bill, I always have reservation. However, for me to support the bill, I would like to offer three amendments. On Section 14, page 5 -- the first amendment is on subsection (e).

Subsection (e) should become subsection (f) and a new subsection (f) is as follows: "(f) To establish by regulation the minimum standards of medical and dental care services coverage. Any licensed private insurer offering medical and dental insurance coverage that meets the regulated minimum standards shall be permitted to provide medical and dental care coverage services in the Commonwealth. The Board shall not unnecessarily withhold granting a permit to those who meet the regulated minimum standards. The Corporation shall also be equally required to meet the regulated minimum standards." The new subsection (e) shall read: "(e) The Corporation shall pay its administrative expenses out of funds available to the Corporation pursuant to Section 4(b)(5) and (6) and in conformity with a budget approved by the Board, prepared and submitted to the Governor and the Legislature as provided in 1 CMC, Division 7, for informational purposes. The budget for administration, including costs earmarked for development purposes, shall not exceed two percent of the Corporation's assets including premiums receivable." Do I need a second for all the amendments?

The Chair declared a short recess at 11:24 a.m.

RECESS

The Senate reconvened at 11:32 a.m.

President Manglona: A short recess was called by the Chair to Xerox copies of the proposed amendments to be offered by Senator Guerrero, J. Senator Guerrero, J., you still have the floor. You may proceed with your proposed amendments.

Acting Floor Leader Babauta: Mr. President, if I may make a motion to suspend all pertinent Rules of the Senate in order for Senator Juan T. Guerrero to make the necessary amendment.

Senator J. Guerrero seconded the motion, and the motion carried by voice vote.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: The third amendment to my motion is on Section 19, page 9, and it reads as follows: "Section 19. Health Services within the CNMI. Unless in the professional opinion of a medical or dental doctor that specialized medical or dental care or use of special facilities not available in the Northern Mariana Islands, this program must utilize medical and dental facilities and services in the Commonwealth, including the personnel and facilities provided by the Commonwealth Government."

President Manglona: Is that a motion, Senator Guerrero, J.?

Senator J. Guerrero: That's my motion.

Acting Floor Leader Babauta seconded. There being no discussion, the motion to amend as offered by Senator J. Guerrero was adopted. Senate Bill No. 6-9, S.D.1 is now Senate Bill No. 6-9, S.D.2.

President Manglona: We are still under discussion on Senate Bill No. 6-9, as amended. Is there any further discussion? [Pause] Are you ready for the question?

The Chair recognized Acting Floor Leader Babauta.

Acting Floor Leader Babauta: Since the initial Committee Report was not concurred by Senator J. Guerrero and giving his amendment to the bill which we had just approved, would he be at this time in concurrence with the bill?

Senator J. Guerrero: I will be supporting the bill, as amended.

President Manglona: If there is no objection, we will now vote on Senate Bill No. 6-9, as amended.

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	Excused
Senator J. P. Mafnas	Aye
Senator P. A. Manglona	Aye
Senator H. M. Manglona	Absent
Senator M. P. Villagomez	Aye
President B. T. Manglona	Aye

Senate Bill No. 6-9, S.D.2, passed the Senate on Second and Final Reading with a roll call vote of seven members present voted "ayes".

House Bill No. 6-49, H.D.1: "A Bill For An Act To make an appropriation for the operations of the Board of Elections for Fiscal Year ending September 30, 1988, to identify resources available for such appropriation; and for other purposes.", for Second and Final Reading.

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

There being no discussion, 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	Excused
Senator J. P. Mafnas	Aye
Senator P. A. Manglona	Aye
Senator H. M. Manglona	Absent
Senator M. P. Villagomez	Aye
President B. T. Manglona	Aye

House Bill No. 6-49, H.D.1, passed the Senate on Second and Final Reading with a roll call vote of seven members present voted "ayes".

RESOLUTION CALENDAR

Senate Joint Resolution No. 6-5, S.D.1: "A Senate Joint Resolution recognizing March 2nd to 8th as Women's History Week.", for adoption.

Acting Floor Leader Babauta moved for its adoption. Vice President Mafnas seconded the motion.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Am I to understand that this is for 1989?

Acting Floor Leader Babauta: Yes.

Senator J. Guerrero: And it will not be applicable for 1988?

Acting Floor Leader Babauta: That's correct.

Senator J. Guerrero: I have no objection then.

The motion to adopt Senate Joint Resolution No. 6-5, S.D.1, carried by voice vote.

House Joint Resolution No. 6-5, S.D.1: "A House Joint Resolution Providing for a joint session of the Legislature to receive the Governor's State of Commonwealth Address.", for adoption.

Acting Floor Leader Babauta moved for its adoption. Senator H. Guerrero seconded the motion.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President, I have been a member for three legislative body now and I always wanted to speak when the Governor was speaking. The thing here, Mr. President, is that every year we go there and sit down. I would like to see it in black and white of those statements that he made in those prior years and what were the accomplishments. He said, "We are going to do this, this year." I want to see actually what was done that year. And I always wanted to submit in writing my position as to what he had stated last year. Would it be permissible to submit such position at the State of the Union Address?

President Manglona: I believe that this entitlement is given to our Governor under our Constitution. Our Constitution did give our Governor that prerogative upon invitation of our Legislature to address the Commonwealth on a wide area of programs and interests including but limited to his administration's past accomplishments and future plans and programs. I believe anyone of us can personally make an appointment to see and to speak to the Governor to discuss Commonwealth-wide issues. None of us is denied to make any arrangement to see the Governor.

Senator J. Guerrero: But, Mr. President, this is a joint session of the Legislature. The thing is that our Rules does not provide the proper procedure as to what is allowed and what is not allowed. Every year we adopt a resolution inviting the Governor to speak before us, yet as a member, I go there to listen and I don't know what's my role. Being there, I can listen and listen, but at times I have questions and concerns, not only me personally, but the people that I represent, concerns that need to be clarified. I guess, maybe, it's not the proper forum but I would like to find out if it's permissible or not permissible.

President Manglona: Well, the Chair doesn't want to sound as if he is so defensive for the Governor, but let us admit, and I believe we all know this, that this is traditional in governments of the world. Even the United States President when he appears before the U.S. Congress, he is not subject to be questioned before that body. The same thing is also true with any state governments and municipal governments. Inasmuch as we wanted to question the Chief Executive, I think it is traditional practice in the Federal Government and in the state government and the municipal level that the Governor is given the privilege to present his Address without being questioned. But if members of the Senate wish to invite the Governor to the Legislature on some other occasions for questioning type session, I'm sure that can be arranged if you want me to communicate that to the Governor. I know that there is nothing to prevent a member of the Legislature from asking any question if such a session or meeting is specifically called for that purpose because that is a congressional or legislative prerogative. But what we are exercising is a tradition that we have practiced for many years now, both in the U.S. Congress and the state government. Usually members of the U.S. Congress and state legislators do not ask questions at the time that their Chief Executives deliver their federal and state addresses to their respective legislative bodies.

Senator J. Guerrero: Maybe the proper approach is that we will entertain it in our Rules to provide a provision in there of what a joint session should address so that we can be specific to restrict any type of intervention or any presentation of a position paper, and whatnot.

President Manglona: Any other member wish to be recognized? If none, we will now vote on the joint resolution.

The motion to adopt House Joint Resolution No. 6-5, S.D.1 passed the Senate.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President, during the last session, if I'm correct, the Journal reflected that action on a particular joint resolution, House Joint Resolution No. 6-3, will be addressed at this session. House Joint Resolution No. 6-3 is "A House Joint Resolution To authorize the Commonwealth Development Authority to make application to and to enter into a loan agreement with the Farmers Home Administration, U.S. Department of Agriculture, for purposes of obtaining \$6,000,000 of financial assistance for the development and construction of the proposed Cultural and Performing Arts Center." I would like to bring this up before this body and at this point, I would like to know if this body would act on it as indicated in our Journal.

President Manglona: The Chair would like to respond to that concern. I had the opportunity to meet with the Senate leadership to discuss that particular resolution. It was the decision of the Senate leadership that since that is an important resolution which deals with commitment and authorization of some CNMI money that we need to take more time to deliberate on the future impact of that resolution. The resolution is now assigned to the Chairman of the Senate Fiscal Affairs Committee, chaired by Senator Inos. The Chair at that meeting also emphasized the importance of that piece of measure and I had asked the Chairman to expeditiously take action on it. I see Chairman Babauta raising his hand. You are recognized, Chairman Babauta.

Acting Floor Leader Babauta: That's correct, Mr. President. I was going to make the same explanation.

Senator J. Guerrero: If that is the decision of the leadership, then I must agree with it.

President Manglona: I can only say to you, Senator Guerrero, J., that we asked the Chairman to act on it expeditiously.

INTRODUCTION OF BILLS

The Chair recognized Senator Villagomez.

Senator Villagomez: Mr. President, I have three bills here, Senate Bill No. 6-56 and Senate Bill No. 6-61. The other bill is Senator Manglona's bill which I would like to introduce for him. It's Senate Bill No. 6-57.

Bill No. 6-56: Introduced by: Senator Manuel P. Villagomez and two others
Assigned to : JGL

A Bill For An Act To amend 6 CMC §2230(B) (Penalties for violation of Weapons Control Act) to reduce the fine from \$5,000 to \$2,000, and for other purposes.

Bill No. 6-57: Introduced by: Senator Herman M. Manglona and two others
Assigned to : EAGI

A Bill For An Act To amend Title 1 CMC, Div. 2, Part 2, by adding a new section requiring a re-elected Governor to submit to the Legislature, for confirmation, those persons holding positions or appointments requiring the advice and consent of the Senate or House, and for other purposes.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Mr. President, I have three bills to introduce. Two of these bills I had introduced last year, but never passed.

Bill No. 6-58: Introduced by: Senator Herman R. Guerrero
Assigned to : JGL

A Bill For An Act To designate the beach now known as Civic Center Beach to be Kilili Beach, in honor of the late former Mayor of Saipan, Vicente D. Sablan, and his father, the late Gregorio SN. Sablan, the first Mayor of Saipan, to redesignate 1 CMC §425 as 1 CMC §426, to enact a new Section 425 of Title 1 of the Commonwealth Code, and for other purposes.

Bill No. 6-59: Introduced by: Senator Herman R. Guerrero
Assigned to : JGL

A Bill For An Act To designate the highway now known as the Cross Island Road to be the Olympio T. Borja Memorial Highway, in honor of the late former Senate President, Olympio Tudela Borja, to enact a new subsection (c) to Section 423 of Title 1 of the Commonwealth Code, and for other purposes.

Bill No. 6-60: Introduced by: Senator Herman R. Guerrero
Assigned to : R&D

A Bill For An Act To prohibit non-U.S. or non-CNMI citizens from engaging in the business of agricultural production unless certain requirements for local participation are met; to allow exceptions upon a finding by the Director of Natural Resources in cases where the non-citizen will provide a unique new product or technology and will not be in competition with existing local producers; and for other purposes.

Bill No. 6-61: Introduced by: Senator Manuel P. Villagomez and two others
Assigned to : JGL

A Bill For An Act to amend 1 CMC, Division 2, Section 2904, to simplify the General Appointment Procedures, and for other purposes.

President Manglona: Thank you, Senator Guerrero, J.

Acting Floor Leader Babauta: Can I correct an error, Mr. President? You said Senator Guerrero, J.

President Manglona: I meant to say Senator Guerrero, H. Thank you for correcting the Chair, Mr. Acting Floor Leader.

INTRODUCTION OF RESOLUTIONS

None

PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS

None

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENTS

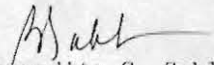
The Chair recognized Chairman Babauta.

Chairman Babauta: Mr. President, I would like to announce again that there will be a public hearing conducted by your Committee on Rules and Procedure on Senate Bill No. 6-26, entitled, "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. And there is another public hearing which a notice will be forthcoming on Senate Bill No. 6-41, relating to an Office on Handicapped Persons to be conducted on March 8 at 1:00 p.m., here in the Senate Chamber. The public hearing for Senate Bill No. 6-26 will also be in the Senate Chamber on February 26, Friday, at 10:00 a.m. I would like to urge the members of this Committee to be present.

There being no further announcements, Acting Floor Leader Babauta moved that the Senate stand in recess until Wednesday, February 24, 1988, at 10:00 a.m. There were several seconds to the motion, and the motion carried by voice vote.

The Senate recessed at 11:53 a.m.

Respectfully submitted,


Bernadita C. Sablan
Clerk of the Senate