

TENTH DAY

Wednesday, February 24, 1988

The Senate of the Sixth Northern Marianas Commonwealth Legislature, First Regular Session, 1988, was called to order at 1:24 p.m.

The Honorable Benjamin T. Manglona, President, presided.

A moment of silent prayer was observed.

The Acting Senate Clerk called the roll. Six members were present. Senators J. S. Inos, H. M. Manglona, and M. P. Villagomez were excused.

READING AND APPROVAL OF THE JOURNALS

On motion by Acting Floor Leader Babauta, seconded by Vice President Mafnas, the 3th and 9th Days Journals were adopted.

MESSAGES FROM THE GOVERNOR

Governor's Mesg. No. 6-5: For information and review re Solid Waste Landfill Site Investigations.

Governor's Mesg. No. 6-6: Informing the Senate that he has signed into law, as Public Law 6-1, House Bill No. 6-49, H.D.1, entitled: "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.", on February 24, 1988.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President, is there a possibility that we can get a copy of the preliminary study on the solid waste landfill site investigations besides this letter?

President Manglona: After this session, I will ask the Senate Clerk to provide you a copy. The report is quite voluminous. Senate Clerk, make sure that you provide a xerox copy to Senator Guerrero, J.

REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS

None

HOUSE COMMUNICATIONS

House Comm. No. 6-15: Transmitting a certified copy of House Resolution No. 6-5, H.D.2, entitled, "A House Resolution Requesting the Attorney General to commence proceedings in the United States District Court for the Northern Marianas to compel the renewal of regular consultations between the United States and the Commonwealth as provided for in Section 902 of the 'Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America'."

House Comm. No. 6-16: Transmitting a certified copy of Saipan Legislative Delegation Resolution No. 6-3, D.1, entitled: "A Third Senatorial District Resolution Approving the expenditures by the CNMI Government for Capital Improvement Projects on Saipan for the Commonwealth Utilities Corporation which are funded by CDA Project Series-1 Revenue Bonds, and for other purposes."

House Comm. No. 6-17: Transmitting for Senate action House Joint Resolution No. 6-6, "A House Joint Resolution Requesting the assistance of certain members of the Congress of the United States in urging the President of the United States to appoint a Special Representative in order that the bilateral consultations between the Government of the United States and the Government of the Northern Mariana Islands required by Section 902 of the Covenant, may promptly be resumed."

House Comm. No. 6-18: Returning Senate Bill No. 6-8, H.D.1, "A Bill For An Act To amend Title 3 CMC, Division 2, Chapter 5 (Mental Illness), by adding provisions for non-judicial, involuntary, 24-hour treatment and evaluation detention for the mentally ill, and for other purposes."

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

Comm. No. 6-2: Enclosing copy of letter sent to Senator Joseph Biden, Chairman of the Senate Judiciary Committee on the selection of the next federal district court judge for the Commonwealth.

STANDING COMMITTEE REPORTS

Standing Comm. Report No. 6-23: From the Committee on Health, Education, Welfare and Programs, reporting on Senate Bill No. 6-3, entitled: "A Bill For An Act To establish the Commonwealth Health Services Board which will administer the Department of Public Health and Environmental Services, to repeal Sections 1 CMC 2601, 2602, 2606, 2621, 2622, 2623, 2624, 2625, 2631 et seq., and 2646 et seq., and to repeal and enact 3 CMC 2412.", 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, again, with all due respect to the Chairman and the members, the Committee Report contains a lot of inferring assumptions. I just want to ask the Chairman if some of the statements in the Committee Report are factual, especially in the analysis. It talks about an increased number of assistance provided to medical and health care patients. Is there statistic available? The consumer need for improved and specialized health care services have substantially increased in the Northern Marianas in the recent years. Those are things that I am concern. Where did some of these statements derive from? I would like to satisfy myself because the Public Health Services will be expecting a substantial fiscal outlay for medical services for Fiscal Year 1988. It is approximately 20 percent of the operating budget of the Commonwealth which is in my personal opinion is somewhat really high. If our budget is \$70 million, 20 percent of that is substantial. And between the Department of Health Services and the Department of Education, we are now talking that they will take 50 percent of the total resources that will be available for 1988. Again, I just would like to iterate that, that I have major concern as far as the bill and the Committee Report. I am not opposing the bill and the Committee Report. It's just that some of the statements contained in both cause confusion in my mind. Actually there are some facts, data that can substantiate some of these statements.

President Manglona: Will the Chairman please respond to the concern raised by Senator Guerrero, J.?

Chairman Babauta: Thank you, Mr. President. I wish that Senator Guerrero can be more specific and point out singly each one of those concerns specifically in that way I can better deal with them in answer to his concerns.

President Manglona: The Chair would like to rule that if there is no objection, we will proceed with the adoption of the Committee Report now, and when we come to the Bill Calendar for First Reading, we can deliberate on the bill.

[Chairman Babauta and Senator J. Guerrero replied "no objection."]

President Manglona: Any more comments on the Committee Report?

There being no further discussions, the members present voted by voice vote and adopted Standing Committee Report No. 6-23.

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

- Bill No. 6-62: Introduced by: Senator Juan T. Guerrero  
Assigned to : HEW&P  
  
A Bill For An Act To establish Medical Referral Standards, A Medical Referral Committee, and for other purposes.
- Bill No. 6-63: Introduced by: Senator Juan T. Guerrero  
Assigned to : FA  
  
A Bill For An Act To provide for reimbursement for off-island travel, and for other purposes.
- Bill No. 6-64: Introduced by: Senator Juan T. Guerrero  
Assigned to : JGL  
  
A Bill For An Act To prohibit age and sex discrimination in employment practices, and for other purposes.
- Bill No. 6-65: Introduced by: Senator Juan T. Guerrero  
Assigned to : HEW&P  
  
A Bill For An Act To provide for a Commonwealth Safe Drinking Water Act, and for other purposes.
- Bill No. 6-66: Introduced by: Senator Juan T. Guerrero  
Assigned to : HEW&P  
  
A Bill For An Act To provide for an Emergency Medical Services Act, and for other purposes.
- Bill No. 6-67: Introduced by: Senator Juan T. Guerrero  
Assigned to : JGL  
  
A Bill For An Act To extend the minimum wage requirement to previously exempt categories of workers, to thereby encourage the employment of local resident workers in these job areas, to amend P.L. 1-20, as amended, and for other purposes.
- Bill No. 6-68: Introduced by: Senator Juan T. Guerrero  
Assigned to : R&D

A Bill For An Act To provide for a system by which Headnote 3A Import waivers can be fairly allocated among existing manufacturers; to vacate current regulations covering this same topic; to regulate the textile manufacturing industry; to add a new Chapter 5 to 4 CMC, Division 5, and for other purposes.

Bill No. 6-69: Introduced by: Senator Juan T. Guerrero  
Assigned to : FRIA

A Bill For An Act To provide for regulation of commercial employment agencies, and for other purposes.

BILL CALENDAR

Senate Bill No. 6-3, S.D.1: "A Bill For An Act To establish the Commonwealth Health Services Board which will administer the Department of Public Health & Environmental Services, to repeal Sections 1 CMC 2601, 2602, 2606, 2621, 2622, 2623, 2624, 2625, 2631 et seq., and 2646 et seq., and to repeal and enact 3 CMC 2412.", for First Reading.

Acting Floor Leader Babauta moved for its passage. There were several seconds to the motion.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Thank you, Mr. President. Perhaps since this is just for First Reading on the bill, I can address my concerns in writing to the Chairman; and hopefully, the Chairman will entertain some of my concerns. So rather than prolonging the session, I will submit my concerns in writing.

Chairman Babauta: I have no objection.

President Manglona: Thank you, Senator Guerrero, J. Is there any further discussion on the bill?

There being no further discussions, Senate Bill No. 6-3, S.D.1 passed the Senate on First Reading.

Senate Bill No. 6-8, H.D.1: "A Bill For An Act To amend Title 3 CMC, Division 2, Chapter 5 (Mental Illness), by adding provisions for non-judicial, involuntary, 24-hour treatment and evaluation detention for the mentally ill, and for other purposes.", for acceptance of the House amendments.

Acting Floor Leader Babauta moved for the acceptance of the House amendments. There were several seconds to the motion.

The Chair recognized Chairman Babauta.

Chairman Babauta: Mr. President, this is Senate Bill No. 6-8 which has been amended at the House, however, with their amendments come various typographical errors and I have consulted with the Chairman of the Committee on HEW from the House regarding these typographical errors. And since he believe, and I also believe, that it will not change the substance of the bill, he consented to having those typographical errors made without having to return this bill back to the House for conference, if it does pass the Senate. I just want to point out those typographical errors.

President Manglona: Let the record reflect those corrections.

Senator J. Guerrero: Are those typographical errors spellings?

Chairman Babauta: Spellings.

Senator J. Guerrero: It does not change the substance?

Chairman Babauta: No, it does not.

Senator J. Guerrero: I have no objection since the Rules of the House provide for the House Clerk to make changes -- typographical changes.

The Chair recognized Vice President Mafnas.

Vice President Mafnas: It's just a minor question, Mr. President. May I address this to the Chairman?

Chairman Babauta: Yes.

Vice President Mafnas: Does the bill also address the problem of minor persons? I understand that the House has stricken out the word "minor" in the bill.

Chairman Babauta: Yes. For some reason, Vice President, when the bill was sent to the House, they did solicit some further comments from the Catholic Social Services in which their representative there recommended that that particular section dealing with minors be deleted from the bill. There was no major concern regarding that raised during the hearing, so we felt that it was not a substantive item. The gist of the bill is to give the Department of Public Health and Environmental Services the legal ability to detain a person who is mentally ill against their will.

Vice President Mafnas: On page 2, line 7, Mr. Chairman, it starts: "'Mentally ill,'" means for purposes of 24-hour evaluation and treatment, a person with mental disorder,...". "A person" could be a minor in that case, am I correct on that assumption?

Chairman Babauta: Yes.

Vice President Mafnas: Thank you, Mr. President.

President Manglona: Any further discussion? [Pause] If none, we will now vote to accept the House amendments on Senate Bill No. 6-8, H.D.1.

The Acting Senate Clerk called the roll for voting 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	Excused
Senator M. P. Villagomez	Excused
President B. T. Manglona	Aye

The motion to accept the House amendments to Senate Bill No. 6-8, H.D.1 unanimously passed the Senate with a roll call vote of six "ayes".

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President, I would like to find out from the Chair as to the disposition of the.... No, I'm sorry, Mr. President.

RESOLUTION CALENDAR

None

INTRODUCTION OF BILLS

Bill No. 6-70: Introduced by: Senator Paul A. Manglona  
Assigned to : JGL

A Bill For An Act To provide that Municipal Council Members be elected at the regular general election, and that they reside in the municipality they represent during their term in office.

Bill No. 6-71: Introduced by: Senator Herman R. Guerrero  
Assigned to : JGL

A Bill For An Act To provide for mandatory prosecution of any person caught stealing from the government, regardless of whether the money or property stolen is returned or repaid; to require department heads, division chiefs, and all other managerial or supervisory government personnel to report all incidents of actual or suspected theft, fraud, embezzlement or similar offenses by government employees to the Office of the Attorney General and the Director of Public Safety; to require removal of any public official who fails to comply with the requirement to report and to make failure to so remove an impeachable offense; to bar from government employment for a period of five years any person convicted of stealing from the government and to permanently bar any person so convicted from any government employment involving the handling of cash, the preparation or approval of any document which would result in a payment by or create an obligation of the government, or the keeping of any records relating to funds, property, or financial obligations of the government; and for other purposes.

INTRODUCTION OF RESOLUTIONS

None

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENTS

The Chair recognized Chairman Babauta.

Chairman Babauta: Mr. President, I would just like to announce again the public hearing that your Committee on HEW will be holding on Senate Bill No. 6-26 and that will be on Friday, February 26, at 10:00 a.m. The other bill for public hearing is Senate Bill No. 6-41 on the Handicapped Persons. That will be on March 8, at 1:00 p.m.

The Chair recognized Acting Chairman J. Guerrero.

Acting Chairman J. Guerrero: On behalf of the Chairman on the Committee on R&D, a public hearing is scheduled for tomorrow at 9:00 a.m., to entertain the poker machines legislation introduced by our colleague from Rota. Also, I would like to inform the members that I have set up, again, on behalf of the Chairman, that public hearings for the Committee on R&D on all the bills referred to R&D,

has been scheduled and will be conducted every Thursday of the week. Notices will also be given to sponsors of the bill and also to the members of the Committee.

President Manglona: Thank you, Senator Guerrero, J.

Senator H. Guerrero: Point of information, Mr. President.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: The public hearing for every Thursday on the Committee on R&D will take place at what time?

Acting Chairman J. Guerrero: The time will be indicated on the notice depending on the subject of the proposed legislation. Some of them will start at 9 and most of them will start at 10. I feel that some of the bills will require longer period of time. Some of the bills are more sensitive in nature than others so again the Committee will be flexible on the time to accommodate any of the needs of the members of the Committee.

President Manglona: Is there any further announcement? If there is no further announcement, I would like to ask the Acting Floor Leader to resolve the Senate into the Committee of the Whole in order to present our former Senate President, Senator Julian S. Calvo, his resolution which was adopted by the Sixth Commonwealth Legislature in recognition of his outstanding service with our government. I would like at this time to entertain a motion from the Acting Floor Leader.

Acting Floor Leader Babauta moved that the Senate resolve into the Committee of the Whole. Vice President Mafnas seconded the motion, and the motion carried by voice vote.

The Senate resolved into the Committee of the Whole at 1:44 p.m.

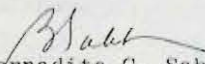
COMMITTEE OF THE WHOLE

The Senate resolved to its plenary session at 1:49 p.m.

Acting Floor Leader Babauta moved that the Senate stand in recess subject to the call of the Chair. Vice President Mafnas seconded the motion, and the motion carried by voice vote.

The Senate recessed at 1:50 p.m.

Respectfully submitted,

  
Bernadita C. Sablan  
Clerk of the Senate