

ELEVENTH DAY

Tuesday, March 8, 1988

The Senate of the Sixth Northern Marianas Commonwealth Legislature, First Regular Session, 1988, was called to order at 10:25 a.m.

The Honorable Benjamin T. Manglona, President, presided.

A moment of silent prayer was observed.

The Acting Senate Clerk called the roll. Eight members were present. Senator Herman M. Manglona was excused.

READING AND APPROVAL OF THE JOURNALS

On motion by Floor Leader Inos, seconded by Vice President Mafnas, the Journal for the Tenth Day was adopted.

MESSAGES FROM THE GOVERNOR

None

REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS

No. 6-1: From Special Assistant for Programs and Legislative Review, acknowledging receipt of Senate Resolution No. 6-6, "Expressing gratitude and thanks for assistance rendered to the island of Rota in the wake of Typhoon Roy."

No. 6-2: From Special Assistant for Programs and Legislative Review, acknowledging receipt of Senate Resolution No. 6-4, S.D.1, "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."

No. 6-3: From Special Assistant for Programs and Legislative Review, acknowledging receipt of Senate Joint Resolution No. 6-1, "Respectfully but strongly urging the President of the United States to appoint a new Special Representative of the President to continue consultation 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."

No. 6-4: From Special Assistant for Programs and Legislative Review, acknowledging receipt of Senate Resolution No. 6-5, "To express the Senate's appreciation for the outstanding service of Julian S. Calvo both to the Senate, and to the Commonwealth."

No. 6-5: From Personnel Officer, CNMI, re Holiday Compensation Provision.

No. 6-6: From Personnel Officer, CNMI, re Group Health Insurance Program: Closing of Enrollment March 30, 1988.

HOUSE COMMUNICATIONS

House Comm. No. 6-19: Transmitting a certified copy of House Resolution No. 6-6, "To amend the Official Rules of the House of Representatives by adding a new paragraph (b) to Rule XIII, Section 5, providing that if the individual members exceed the allocated budget for their individual account, they will be held individually liable, and for other purposes."

House Comm. No. 6-20: Returning S.J.R. No. 6-5, S.D.1, "Recognizing March 2nd to 8th as Women's History Week.", which the House adopted on March 3, 1988.

House Comm. No. 6-21: Returning S.B. 6-22, with H.D.1, "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."

House Comm. No. 6-22: Transmitting for the Senate action, H.J.R. 6-7, "Endorsing the application of the Northern Marianas Catholic Social Services for Youth Employment Strategies (Y.E.S.) Project Grant."

House Comm. No. 6-23: Transmitting for Senate action, H.B. 6-24, H.D.1, "To establish a Government Code of Ethics for public officials to add a new Part 4 to 1 CMC, Div. 8, to provide penalties; to repeal 1 CMC, Div. 6, 6341, and for other purposes."

House Comm. No. 6-24: Informing the Senate that the House of Representatives accepted the Senate amendments on March 3, 1988, to H.J.R. 6-5, "Providing for a Joint Session of the Legislature to receive the Governor's State of the Commonwealth Address."

#### WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

#### STANDING COMMITTEE REPORTS

Standing Comm. Report No. 6-24, from the Committee on Federal Relations and Independent Agencies, reporting on S.J.R. No. 6-9, entitled: "A Senate Joint Resolution To officially present to the United Nations Security Council and the United 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.'", 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. 6-25, from the Committee on Federal Relations and Independent Agencies, reporting on S.J.R. No. 6-7, entitled: "A Senate Joint Resolution Protesting the manner of 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.", for adoption.

Floor Leader Inos moved for its adoption. There were several seconds to the motion.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: With all due respect to the members of the Committee, I do take exception to this committee report. The U.S. President has made his intention known and his appointment is before us. Since this is a Federal Judge, I don't think the Commonwealth Government has any jurisdiction or any say-so as to such appointment. I just would like to share with the Committee that I do not support this committee report as reported out. Thank you.

There being no further discussion, the motion to adopt Standing Committee Report No. 6-25 carried by voice vote.

Standing Comm. Report No. 6-26, from the Committee on Rules and Procedure, reporting on S.B. 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.", for adoption.

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

Standing Comm. Report No. 6-27, from the Committee on Health, Education, Welfare and Programs, reporting on S.B. 6-65, entitled: "A Bill For An Act To provide for a Commonwealth Safe Drinking Water Act, 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.

SPECIAL/CONFERENCE COMMITTEE REPORTS

President Manglona: Under Special/Conference Committee Reports, may I ask the unanimous consent of the Senate to make a very short statement. Is there any objection?

(The members replied "no objection" in unison.)

President Manglona: The Chair has a short statement to make. This statement pertains to the critical water problem in Saipan.

It is no great secret that the problem of inadequate water service on the island of Saipan is of grave concern to all of our people. Because of the lack of adequate water flows health problems, problems in developing our economy, and problems in maintaining the confidence of our people in the effectiveness of our government.

In fact, some of our people are now asking that all new industrial and tourist developments be halted until adequate water supplies can first be guaranteed to private residences. On any given day at the Legislature, we hear very critical reports about families having to bathe themselves and their children, out of a small bucket. We hear about families who are forced to do their laundry and dishes out of what meager water supply they can catch from the tap. Because of the lack of water, we hear about households who are not able to flush their toilets.

We in the Senate understand these frustrations, and we sympathize with these views. Today, we intend to do something about these concerns.

Therefore, as Senate President, and vested with the authority to appoint a special or select committee under our Rules of Procedure, the Chair is most honored to make a special announcement. This announcement concerns the appointment of a Special Senate Committee to address the critical water problem in Saipan. I have appointed the following Senators to serve on the Special Senate Committee on Saipan Water Problems:

- Sen. Juan N. Babauta, as Chairman;
- Sen. Herman R. Guerrero, Member;
- Sen. Manuel P. Villagomez, Member; and
- Sen. Paul A. Manglona, Member.

The purpose of this Special Committee is to study, investigate, and analyze Saipan's critical water problems. This can be accomplished by analyzing and evaluating available studies and consulting reports that have been done for the CNMI in the area of water. Next, resident water

experts whose job is to study alternative solutions to our water needs must also be consulted and interviewed. Another important step will be to consult with our local people through public meetings and Senatorial hearings. After all, it is our own people on Saipan who have endured this hardship of water shortages and daily water rationing for many years. However, I will certainly leave it to this Special Committee to define the scope of their inquiry. At the same time, this Special Senate Water Study must also address the issue of funding - in other words, how much money will be required to provide adequate and reliable water services to Saipan. In doing so, the full Senate shall expect a written report of their findings within sixty (60) days.

In closing, I wish to add that the appointment of this Special Senate Water Study Committee is intended to assist efforts now being made in this same area by the Executive Branch. Our efforts are intended to compliment, not compete with, the efforts of the Executive Branch.

Fellow colleagues, the task before us will indeed be difficult. But I have complete confidence that the solutions that will be offered by our Special Committee will be constructive, and will help resolve this most serious problem that now faces our government, and our people.

Thank you.

We shall now proceed with the Unfinished Business.

UNFINISHED BUSINESS

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Mr. President, allow me to speak on privilege.

President Manglona: You may proceed.

Senator H. Guerrero: Mr. President, the statement you just mentioned now is being supported by a resolution which I intend to introduce in this session, because I, too, and my colleagues, both the House and the Senate, agree with you that the water situation is a crisis situation right now. Needless to say, Mr. President, that water is a basic necessity of life. If you remember, seven years ago, the people of the CNMI, of Saipan especially, were promised 24-hour water service. During the past ten years, numerous studies have been made relating to water supply and distribution for the island of Saipan. Over the past six years, millions of dollars in Federal and local funds have been spent on Saipan's water system. And despite the studies and the expenditure of funds, the water situation on Saipan is worse than it has ever been. Although many reasons can be given to explain, and in quotation, to "explain" the problem, the fact remains that for many citizens, particularly those who cannot afford water pumps and storage systems, the situation can only be described as desperate. The Legislature, Mr. President, finds that the problem of water supply and distribution has reached crisis proportions and is consequently too important to be left solely in the hands of the Executive Branch and a quasi-executive public corporation. Mr. President, I wholeheartedly support the appointment that you made now. I feel that perhaps the House members will also be included in the select committee that you appointed so that the studies that will be done will have greater strength. The committee, Mr. President, that I propose to have established will identify and review all studies and plans relating to water supply and distribution made in the last ten years. They will also identify and detail all government expenditures in the past six years related to water supply and distribution. They will also determine the specific plan of action and timetable currently held by the relevant public agencies concerned with water supply and distribution, now and in the future. They will also determine the actual character of present water supply and distribution problems, or to the extent this is not feasible, identify the means to make such a determination. They will also evaluate the appropriateness and effectiveness of ongoing actions, current plans, and existing laws and policies related to water

supply and distribution, with particular emphasis on providing speedy relief to residential consumers. They will also establish priorities and systematic approaches for governmental action to address water supply and distribution problems. They will also report its findings and recommendations to the President of the Senate and the Speaker of the House no later than July 1, 1988. Mr. President, I will introduce this joint resolution when the appropriate time comes on the agenda.

President Manglona: Thank you very much, Senator Guerrero, II. Before we proceed with our agenda, may I take this opportunity to recognize the presence of the Mayor from Rota, the Honorable Prudencio T. Manglona (Applause). Also at the same time, I would like you to officially recognize the three newly elected members of the Council from Rota, Councilman-elect, the Honorable Edward Maratita (Applause); Councilman-elect, the Honorable Ricardo S. Atalig (Applause); and the Councilwoman-elect, the Honorable Laura I. Manglona, who is the first woman ever elected on Rota for public office (Applause). On behalf of the Senate, I would like to officially welcome you today. We are still under Unfinished Business in our Calendar.

#### PREFILED BILLS AND RESOLUTIONS

Bill No. 6-72: Introduced by: Senator Juan N. Babauta and one other  
Assigned to : R&D

A Bill For An Act To provide for the protection, management, and efficient use of water resources of the Commonwealth of the Northern Mariana Islands.

Joint Res. No. 6-10: Introduced by: Senator Herman R. Guerrero  
Assigned to : JGL

A Senate Joint Resolution Expressing the support and endorsement of the Commonwealth Legislature for the Youth 2000 Public/Private Sector Partnership being initiated by NMI Catholic Social Services.

Joint Res. No. 6-11: Introduced by: Senator Herman R. Guerrero  
Assigned to : JGL

A Senate Joint Resolution Endorsing the purpose and intent of proposed Youth Conference and Youth Council portions of a "Youth Bill" currently undergoing drafting by NMI Catholic Social Services in connection with their Youth 2000 effort.

Joint Res. No. 6-12: Introduced by: Senator Herman R. Guerrero and  
three others  
Assigned to : HEW&P

A Senate Joint Resolution Establishing a Joint Select Committee on Water Supply and Distribution.

#### BILL CALENDAR

Senate Bill No. 6-26: "A Bill For An Act To require mandatory public hearing 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.", for First Reading.

Floor Leader Inos moved for a short recess. The motion was seconded and carried by voice vote.

The Senate recessed at 10:42 a.m.

## RECESS

The Senate reconvened at 10:47 a.m.

President Manglona: A short recess was called in order to make some clarifications on the bill prior to its placement for First Reading.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Before I continue on Senate Bill No. 6-26, during the short recess, I have discussed with the committee members a bill of interest to this whole body. On privilege, Mr. President, Senate Bill No. 6-26 calls for a mandatority of public hearing for any piece of legislation introduced on either floor, the House or the Senate. The purpose of the bill is highly commendable and it meets its satisfaction in general, both the House and the Senate. However, we feel that it will be much more appropriate if such piece of legislation be incorporated in the Official Rules of the Senate and in the House. As such, I have contacted each member of this committee, the Committee on Rules and Procedure, and they have agreed that that channel would have been much more appropriate. By their direction, I am guided to inform the Chairman of the Rules and Procedure Committee to inject in all substance the intent of Senate Bill No. 6-26 in the official Rules of the Senate. And please take notice that this direction is being directed to the Chairman of the Rules Committee. As such, Mr. President, with all due respect, I move to file Senate Bill No. 6-26.

Senator Babauta and Vice President Mafnas seconded the motion.

The Chair recognized Chairman Babauta.

Chairman Babauta: Thank you, Mr. President. Before this body votes on filing or not filing this bill, I wish to inform the members that this particular bill was assigned to my committee, the Committee on Rules and Procedure. The Committee did take the appropriate channels and action in conducting public hearing -- a public hearing for this particular bill. We called in witnesses and the witnesses that were called did come in and presented their views and opinions regarding this bill. I agree to some degree to the statement made by Senator Inos regarding the appropriateness of this bill in the Senate Rules rather than in a statute. However, it might be wise at this time, Mr. President, to ask the good Senator from Saipan, Senator Juan T. Guerrero, to perhaps explain why he wanted this in a statute rather than in the Senate Rules. The Committee on Senate Rules will be happy to abide by the recommendation of this body to inject, as Senator Inos used the term, this in the Senate Rules. The Committee serves at the pleasure of this body and as such we await the decision of such body. At this time, I do want to go on record that I support the intent of this bill. I think it has merit, however, if it is the unanimous consent of this body that it goes in the Senate Rules, there is nothing that I can do personally. The issues that were raised during the public hearing were such that this bill may be unconstitutional in that it infringes on other branch of the government, especially the Judicial Branch. But the substance of the hearing was that the prerogative of the Legislature in doing whatever it wishes to do, as far as passing laws, rests with this body. And as such, the committee decided that because of that, it recommended passage of this bill. I do still wish, Mr. President, to ask Senator Juan T. Guerrero why he intended that this bill be in the statute rather than in the Rules. Thank you.

President Manglona: Do you wish to respond to the concern raised by the Chairman, Senator Guerrero, J.?

Senator J. Guerrero: Mr. President, first of all, if it's the wishes of the majority of the Senate, so be it. The reason for my introduction of this bill is that Senate Rules are made to be changed. Senate Rules are made to be broken. The Rules are at times waived so that we can pass certain

legislation. I have seen in the past, not only in this house but also in the House of Representatives where amendments of the Rules are so frequent that it defeats the purpose at times. In regards to the constitutional test raised in the public hearing that can only be challenged once the bill becomes law. But for the Attorney General to speak now that it might be unconstitutional, it is somewhat farce because he can only issue an opinion of public laws. He can't issue on something that it is not and what it is not. So with that, again, I would like to turn back and say that if it is the consensus of this body that the whole text of this proposed legislation shall be inserted in the Senate Rules, so be it. I am not objecting to that route.

The motion to file Senate Bill No. 6-26 carried by voice vote.

Senate Bill No. 6-65: A Bill For An Act To provide for a Commonwealth Safe Drinking Water Act, and for other purposes.", for First Reading.

Floor Leader Inos moved for its passage. Senator J. Guerrero seconded the motion, and the motion carried by voice vote.

Senator Babauta: Point of privilege, Mr. President.

The Chair recognized Senator Babauta.

Senator Babauta: If you may permit me to go back to Senate Bill No. 6-26 momentarily, Mr. President.

President Manglona: Do you want to make a comment or ask question?

Senator Babauta: Yes. I do want to ask a question. Is it in the Senate Rules that we vote by voice vote on the motion to file?

President Manglona: Usually it has been our practice that we vote by voice vote when we approve the bill on First Reading. However, under Second Reading of the bill, we vote by roll call.

Senator Babauta: Thank you.

President Manglona: Is there any further discussion? We are still discussing Senate Bill No. 6-65.

The Chair recognized Chairman Babauta.

Chairman Babauta: Mr. President, if I may just make a comment on this bill. This bill is of great importance. As you know it deals with safe drinking water for the Commonwealth as a whole and Saipan is specifically and especially affected by this. And the way this bill is written out and if this bill becomes law it calls for such strict standard to the kind of water problem that we are facing right now at this moment; and if it should become law, I guarantee that the water system here in Saipan will be shut down. And although I support this bill wholeheartedly, I tend to have some reservations with regards to shutting down the entire system just because of this bill. And I recommend that the Senate Standing Committee on Health, Education, Welfare and Programs, to which this bill was referred to, consult with the author of this bill, Senator Juan T. Guerrero, and perhaps refine the bill a bit more so that it has a transitional clause in which the current water system is accorded the chance to transition from a system in which water is undrinkable to a system that this bill calls for.

The Chair recognized Senator Villagomez.

Senator Villagomez: Can I ask the introducer of the bill a question? Does this bill apply to rainwater also, or does it only apply to the main distribution?

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: It applies to the public water system.

Senator Villagomez: Can we insert any language that would apply to rain-water too because we are trying to encourage people to drink clean water. We are trying to help the entire public health of the individual. And I think it is important to try to find a language that will encourage these people to stop drinking rainwater when it is not sanitary.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Is it to include private water catchment?

Senator Villagomez: That's what I'm asking, Mr. President, because a lot of people have water reservoir at their houses and I don't think the Environmental is enforcing individual owners that the water they are drinking is unsanitary.

Senator J. Guerrero: I have no objection to include it. The only problem is the enforcement. The constraint will be based within the responsible agency. It will be somewhat strenuous. The concern that is addressed in the bill really is that when the government provides water through the public water system that that water meets the safe standards. It is very current now especially here on Saipan where water is being pumped through the houses or homes. And then they turn around a few days later and announce not to drink the water. In the first place, it is the responsibility of the government to provide safe drinking water. There is no short cut to provide that safe drinking water. To say that it would stop the water, yes, it will be more appropriate to stop the water so that they could provide safe water to the consumer. The hardship that will cause is that if people get sick from the water they will put extra burden in our public health system. There are ways -- there are techniques -- there are proven type of equipment now in the specialized days here in this world that the government can go out and solicit bids so that we can get the right type of equipment to ensure that whatever water pumped out into the water distribution system that we provide safe drinking water or just safe water for whatever purpose to be used by the ultimate consumer and that is the intent of this legislation and nothing else. Everything else is secondary. Thank you.

President Manglona: Thank you, Senator Guerrero, J. Did I see you raise your hand, Chairman Babauta?

Chairman Babauta: I yield, Mr. President.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: I have several amendments to make for the Second and Final Reading, but not at this time.

The motion to pass Senate Bill No. 6-65 on First Reading carried by voice vote.

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 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 Second Reading.

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

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Mr. President, with all due respect to the members who were highly involved in the drafting and approval of this piece of legislation for First Reading, I found it difficult to understand portions of some sections and provisions on the bill. I do not particularly understand the authority of the Commonwealth Health Care Board. I notice that the establishment of this board shall have the responsibility to annually prepare and approve the budget for that department. Does that mean that this board approves the Department's budget for Rota, Tinian and Saipan or only for the Commonwealth Health Center?

President Manglona: Will the appropriate Chairman respond to the concern raised by Floor Leader Inos?

Chairman Babauta: It is very difficult at times to deal with the various constitutional provisions with regards to the authority vested in the Governor, the Mayors of the respective islands, and as such, the bill itself does not intend to infringe upon the constitutional mandate being given to the Mayors with regards to their authority over the various departments in the islands of Rota and Tinian. I think that the Mayor will still have the constitutional responsibility and will control over the budget of the various departments of those islands.

Floor Leader Inos: I don't get it from that reading. I understood that it says "department" which means every individual, every division within the Department. And that is clearly said on page 3, line 4 -- "To annually prepare and approve the budget for the Department;". Do you intend to make this an independent agency, away from the Executive Branch? Is this the intention?

Chairman Babauta: Mr. President, this will not be totally autonomous agency. This will still be a public/government agency because I for one do not support the total independence of the hospital from the government. Maybe years down the road, but not at this time.

Floor Leader Inos: Yes. But there are two key words here which is troublesome. One is "approve". When something is approved, to what limitation does that approval constitute? Second, the approval goes to the department. There is a Department of Health and Environmental Services in Rota; there is a Department of Health and Environmental Services in Tinian. Additionally, it seems to me from reading this that this board has the authority to hire personnel required within the Department in Rota and in Tinian. And that is clearly said on line 9, page 3.

Chairman Babauta: Mr. President, it is not clear to me with regards to the other departments now in the Executive Branch. Let's take the Department of Commerce and Labor, for instance. I am sure that the Director of the Department of Commerce and Labor prepares the budget for the Department and thereby submits the budget to the Executive Branch and ultimately to the Legislature. I am not clear at this time how the Resident Department Head in Rota or Tinian as far as formulating their budget goes. I am sure that the Mayor has control over the department of the Resident Department Head's budget when it is submitted. I believe that the Mayor approves the Resident Department Head's recommendation and thus it is incorporated into the overall budget of the Department. And I think that it is a similar procedure in this regard.

Floor Leader Inos: Still, I regret I was not present during the First Reading of the bill. I do feel that we are swaying away from the Executive Branch. The very idea that the Chief Executive Officer which is formerly called the Director of Health and Environmental Services, we are changing the nomenclature to Chief Administrative Officer. This is getting away from the normal title of the Director of Health and Environmental Services. I see, Mr. President, that we may be spreading ourselves too thin. But the fact that this bill proposes to create and establish additional agency when in fact this is not conducted in the island of Rota in the public

hearing. I do feel, Mr. President, that the gist of this really constitutes centralization more than the idea of decentralization. The fact that the board will hire their own staff, the fact that this board will prepare and approve their own budget constitutes something. It means that to each its own. I am not prepared to cast a favorable vote on this until I fully comprehend the bill. Please excuse me. But I hope that the author would give us the pleasure of understanding this piece of legislation prior to its final passage.

The Chair called for a short recess at 11:10 a.m.

RECESS

The Senate reconvened at 11:18 a.m.

President Manglona: Let's continue with our session. A short recess was called by the Chair in order to permit our Floor Leader to consult with our HEW Chairman pertaining to his concern on the bill under discussion.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Thank you, Mr. President. Mr. President, a short recess was called for to clear some gray areas in Senate Bill 6-3 with respect to administrative provision that might be in conflict with certain constitutional matters. As such, Mr. President, the Floor Leader has consulted with the introducer of said bill, members of said committee and they have agreed that it will be most beneficial if said bill be referred back to the committee for further improvement. We did feel that there are certain members of the committee who would like to recommend amendments prior to the Second and Final Reading. With that generosity on part of the Chairman, I so move to defer this Senate Bill 6-3 to the proper committee.

President Manglona: Can the Chair offer some procedural matters prior to entertaining the motion made by Floor Leader Inos? The Chair would like to ask the mover of the original motion to withdraw that motion and to substantiate it with the motion to defer.

Floor Leader Inos: So moved, Mr. President. I move to withdraw earlier motion for its approval on Second and Final Reading so that the motion now reads -- I move to defer action to the committee.

Chairman Babauta seconded the motion, and the motion carried by voice vote.

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 acceptance of House Draft 1.

Floor Leader Inos moved for the acceptance of House Draft 1. Chairman Babauta seconded the motion.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President and members, though I concur with the intent of the bill, I find it hard to agree that the legislative body has power over the constitutional power of the Marianas Public Land Corporation. In this bill, the Legislature proposes to grant freehold interest to the Northern Marianas College. I have no objection or problem with that. The objection I have in regards to this Senate Bill 6-22, as amended by the House as H.D.1, is that the Legislature has no prerogative, no authority to grant freehold interest to any of its government agency, entity, or whatnot. The only constitutional mandate granted such power is the Marianas Public Land Corporation. I am supporting the concept of the bill, but I think the

lead should be taken by the Marianas Public Land Corporation. I know that there is funding requirement or deadlines but still the fact remains that the sole authority vested in our Constitution to grant freehold interest of any public land belongs to MPLC and for that, I would like to urge the members to consider action on this bill.

The Chair recognized Senator Villagomez.

Senator Villagomez: Mr. President, did the legal counsel, Mr. Tim Bruce, review the proposed legislation? And did the House legal counsel review the same bill as stated by Senator Guerrero that the Legislature has no authority to grant freehold interest?

President Manglona: The Chair would like to respond to the concern raised by Chairman Villagomez. Prior to the introduction of this bill, there has been some discussions made between our legal counsel and the MPLC counsel regarding S.B. 6-22. In addition to that, you are correct, Chairman Villagomez, that the House also consulted with their House counsel on the legality of the bill. I believe there is a difference of opinion here with respect to our interpretation. Our good Senator Guerrero, J. viewed it as may be unconstitutional while our legal counsel and some of us viewed it to be constitutional.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Mr. President, what were the changes made by the House, since this says for the "acceptance of H.D.1"?

The Chair recognized Chairman Babauta.

Chairman Babauta: Mr. President, the changes are shown on the underlined of the bill. It mainly specified the tract number of the lot.

There being no further discussions, 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	Nay
Senator J. S. Inos	Aye
Senator J. P. Mafnas	Aye
Senator H. M. Manglona	Excused
Senator P. A. Manglona	Aye
Senator M. P. Villagomez	Aye
President B. T. Manglona	Aye

The Senate accepted the House amendment to Senate Bill No. 6-22 with a roll call vote of seven "ayes" and one "nay".

#### RESOLUTION CALENDAR

Senate Joint Resolution No. 6-7: "A Senate Joint Resolution Protesting the manner of 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.", for adoption.

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

Senate Joint Resolution No. 6-9: "A Senate Joint Resolution To officially present to the United Nations Security Council and the United 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.', for adoption.

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

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Regardless whether this piece of legislation is passed or not passed, will it be handcarried to the UN Trusteeship meeting the first week of March? May I ask the Minority Leader for any information? Senator H. Guerrero?

Senator H. Guerrero: What are you referring to?

Floor Leader Inos: This is to advise our grandfather, UN Security Council and the Trusteeship Council, the verdict of the CNMI voters regarding our sovereignty, and you as the veteran spokesman to the United Nations, are you responsible to handcarry this piece of legislation?

Senator H. Guerrero: Mr. President, if I am appointed unanimously to handcarry this piece of resolution to the United Nations, I will do it. And I think it's a good idea.

Floor Leader Inos: Thank you, Mr. President.

The motion to adopt Senate Joint Resolution No. 6-9 carried by voice vote.

The Chair declared a short recess at 11:27 a.m.

RECESS

The Senate reconvened at 11:30 a.m.

President Manglona: Let us continue on with our session. We are still under Resolution Calendar. Floor Leader Inos?

Floor Leader Inos: Mr. President, in consonant with the statement earlier expressed by the President during today's Special and Conference Committee Reports, I have with me a very urgent piece of Senate Joint Resolution which was earlier introduced by the good Senate Minority Leader, Senator Herman R. Guerrero. We understand the joint resolution is of great importance and it demands our immediate attention at this time. It has been prefiled as Senate Joint Resolution No. 6-12. Mr. President, I move for the unanimous consensus of the Senate to waive certain provisions of the Senate Rules and place Senate Joint Resolution No. 6-12 on today's Resolution Calendar, entitled: "Establishing a Joint Select Committee on Water Supply and Distribution."

Senator Babauta seconded the motion.

President Manglona: If there is no objection and by unanimous consensus, we will now place Senate Joint Resolution No. 6-12 on today's Resolution Calendar.

Senate Joint Resolution No. 6-12: "A Senate Joint Resolution Establishing a Joint Select Committee on Water Supply and Distribution.", for adoption.

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

The Chair recognized Chairman Babauta.

Chairman Babauta: Mr. President, upon passage of this joint resolution not having the benefit to read it and have a copy before me, the title itself indicates that this will be a Joint Select Committee and I believe that

this is going to entail the members of the Senate and the House. This is not consonant with your appointment of the Special Senate Committee and I just wonder how we are going to deal with this, Mr. President.

The Chair called for a short recess at 11:32 a.m.

## RECESS

The Senate reconvened at 11:49 a.m.

President Mangiona: Let us continue with our session. We are still under discussion on Senate Joint Resolution No. 6-12. Floor Leader Inos?

Floor Leader Inos: Thank you, Mr. President. Mr. President, a short recess was called to ensure consistency with the appointment of the Senate President made earlier with Senate Resolution No. 6-12. In that regard, Mr. President, the following appointments were incorporated and I will read them -- it is being incorporated, like I said, to ensure consistency with the earlier appointment. The amendment reads that the Senate Select Committee on Water Supply and Distribution is created to be composed of, amendment "eight" instead of "six" members, "four" instead of "three" -- four members of the Senate and four members of the House. The second amendment, "BE IT FURTHER RESOLVED that the President of the Senate shall appoint the Chairman, and the Senate members." That is the amendment. Further amendment, Mr. President, the amendment reads: "BE IT FURTHER RESOLVED that with regard to Senate members of the Joint Select Committee the Senate members have already been appointed by the Senate President (as per Senate Rules) as such members were chosen to serve on this Special Senate Committee on Saipan Water Problems; they were appointed on 8 March 88; and BE IT FURTHER RESOLVED...". This is the amendment that was incorporated into Senate Joint Resolution No. 6-12. Mr. President, I so move that the necessary writings will be approved by our legal counsel prior to the final writings of this Senate resolution. So that's the motion I made for the amendments.

Senator Babauta seconded the motion, and the motion carried by voice vote. Senate Joint Resolution No. 6-12 is now known as Senate Joint Resolution No. 6-12, S.D.1.

The motion to adopt Senate Joint Resolution No. 6-12, S.D.1 carried by voice vote.

## INTRODUCTION OF BILLS

Bill No. 6-73: Introduced by: Senator Jose P. Mafnas and three others  
Assigned to : JGL

A Bill For An Act To repeal 2 CMC, Division 5, Article 2 (Animal Health Protection and Disease Control Act Public Law No. 4-55); finding that the United States' laws do not apply to local issues of quarantine, animal health protection and disease control; and for other purposes.

## INTRODUCTION OF RESOLUTIONS

Joint Res. No. 6-13: Introduced by: Senator Herman R. Guerrero  
Assigned to : FRIA

A Senate Joint Resolution Urging the Marianas Public Land Corporation to immediately execute a lease with the Mercedarian Missionaries of Berriz on terms and conditions reflecting their continued need for, and previously existing interest in, land on Navy Hill they have occupied for in excess of twenty (20) years; and approving a forty (40) year lease of the subject land in accordance with Article XI, Section 5(c) of the Constitution of the Northern Mariana Islands, as amended by Constitutional Amendment No. 32.

## PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS

None

## MISCELLANEOUS BUSINESS

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: I would like to bring to the attention of my colleagues certain bill that I introduced and I think requires immediate public hearing. One such bill which I just recently introduced last week, I think, has something to do with the mandatory prosecution of any person caught stealing from the government, et cetera, et cetera. The number of this Senate Bill is 6-71. This bill, Mr. President, is assigned to the Committee on JGL and I would like to see that if the Chairman of JGL is not available for reason of health or whatever, then the Vice Chairman should take this bill and call a public hearing. Another resolution, Mr. President, I mean bill is Senate Bill No. 6-60 -- to prohibit non-CNMI citizen from engaging in the business of agricultural production unless certain requirements for local participation are met. This is assigned to R&D. And another bill assigned to JGL Committee is Senate Bill 6-15 -- "To amend Title 2, CMC, Division 5, Chapter 2 (Restrictions on plane landings) by requiring the written permission of the Mayor of the Northern Islands before any aircraft or personal landings may be made on any of the Northern Islands, and for other purposes." Mr. President, it is coincidental that I bring this matter up before this body now because I have with me a picture showing Pagan Island Sportsman Club. Now if this bill passes, this type of activity is going to take place without proper permission by the Mayor and without consultation with the people of the Northern Islands. The Club brochure says here, "Come fly close to the volcano" -- that's okay. They can go see the volcano. "Look into the crater" -- they can look into the crater. They can probably fish, they can dive, they can explore and swim in mineral hot spring, but what I don't like about this is that they will hunt wild pigs. They will hunt wild goats; and they will hunt for fruit bats, eat lobsters; they will barbeque goat, barbeque beef. Mr. President, as you can see the danger that exist without any proper rules and regulation, without any proper authority to see that that island north of us is not to explore and left up to any business venture, et cetera. We have people out there and I think that it is high time that we give them the respect, the privilege and the opportunity to decide for themselves on what to do with the island north of us. So I urge, pot fabor, the JGL Committee to conduct public hearing on Senate Bill No. 6-15. Another Senate bill that I introduced -- this Senate bill, Mr. President, for your information was introduced way back -- early part of last year. It is prenumbered now as 6-20 because I reintroduced it again on January 27, 1988. This is a bill "To protect public beachfront and reserve the same for use by the people of the Commonwealth of the Northern Mariana Islands, to prohibit lease of public lands within 750 feet of the mean high water mark, and for other purposes." We need to public hear this bill, Mr. President, so that if it's appropriate to pass then let's pass it. If it is not appropriate let's take appropriate action. Senate Bill No. 6-20 is not given to any committee. I don't have any committee assignment indication....

Senator J. Guerrero: It is assigned to R&D.

Senator H. Guerrero: So the Acting Chairman on R&D said that it is assigned to R&D. I ask for a favorable consideration for a public hearing.

President Manglona: Thank you, Senator Guerrero, H. I am sure the appropriate committee chairman is taking note on your concern.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, to answer Senator Guerrero's concern on Senate Bill No. 6-20, that has been scheduled for a public hearing by

your Committee on Federal Relations. I understand that has dual assignment -- one to R&D and the other to Federal Relations. We have set a public hearing date of March 15 at 9:00 in this Senate Chamber. I was going to make that announcement later on. Mr. President, on another matter, I believe it has been two years since the Legislature moved up to this building and there is still no library. I would like to know or inquire as to the status of our library up here as I find it difficult to do research without our library. Thank you.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President, since we are under Miscellaneous, I think it is appropriate at this point in time to extend our appreciation to the Mayor of Rota, the Honorable Prudencio T. Manglona, on behalf of the American Red Cross on his assistance in making the American Red Cross function easier. I also would like to recognize, on behalf of the American Red Cross again, our appreciation to Mrs. Laura Manglona for her volunteer services on the disaster relief of Typhoon Roy. I would like to thank them personally from the board of directors of the American Red Cross.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Mr. President, briefly and in a nut shell. During my trip to Washington as Chairman of the Fiscal Affairs Committee, I would like to report to the members some of the fortunate or rather unfortunate -- for your information, Mr. President, the War Claims Title I issued in the amount of \$12,000,000, \$3,000,000 of which will be for the Northern Marianas, will be distributed on August 1988 in the Northern Marianas. I have said this in the rally before the council in Rota. That is the position of the U.S. Department of Interior. Second, Mr. President, the Brooks amendment which is so-called "Buy American" is very much insignificant inasmuch as we thought it might greatly jeopardize the financial obligation of the CNMI. The Department of Interior is given the authority to waive territories or government entity from its applicability of the Brooks amendment should he feels it is necessary. So although we were worried that the Brooks amendment might add the additional financial hardship to our government, this is not the case. The sad story of it, Mr. President, is that the U.S. Department of the Interior have outspokenly supported the fact that the not fact that the CNMI is part of the territory clause. As you see, this has become an issue of hot debate and we were very much dissatisfied with the issue and still do not call this a deadend issue. We are going to fight for it and make sure that the intention of the government is implemented. We have talked with the Washington Resident Representative and he is going to go all out against the issue of territorial clause applicability. With respect to the harbor money which shall be used to improve the basin and Tanapag harbor, we are very fortunate to have been advised that there is not much money in Washington to address this issue at this time. Inasmuch as authorization was granted to construct this needed and vital infrastructure, we are very unhappy that the Army Corps of Engineers recommended negatively for this immediate appropriation after the authorization. Mr. President, the \$3,000,000 which was intended to improve and construct the American Memorial Park still again this year fell in deaf ears. There is not much money in Washington, again, and it is not likely that this will be appropriated this year. There are other miscellaneous financial obligations that the U.S. has yet to pay and appropriate to the CNMI. That information will be forthcoming upon my preparation for the actual budget hearing on April 18, 1988. So with that in mind, Mr. President, your Committee on Fiscal Affairs has done a mission which is obligated to do to report to these Senate members the trip to Washington.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President, pursuant to our Rules, it is always the practice of the Senate to provide status table. I would like to

request the Chairman on Rules to ensure that the Senate maintains a status table so that we know the disposition of the legislations, so that we don't take time. Like earlier on this Miscellaneous Business, somebody asked where his bills are, how come a public hearing is not being conducted. That is the sole intent of the status table. Further, Mr. President, according to our Rules, we should have attendance record. Last year, just before the year ended, there were some reports of the attendance of some of the members of the Senate which were not accurate. And if the Senate is to report on the attendance of every member then that report should come out of the Senate Clerk's office and I would like to ask that the attendance record shall be published at least every end of the month.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: I just would like to applaud the report made by our distinguished Chairman of the Fiscal Committee, Senator Inos. I would like to applaud him for his effort in trying to do a good job in Washington, D.C., and indeed, it is a trip worth taken by him and his colleagues. Mr. President, I was dismayed by Mr. Mark Hayward when he came here last time about three or four weeks ago when he did not tell us that the War Claims money has been appropriated and ready for disbursement. I found this out not through government channel. I wrote a letter about two and a half weeks ago and requesting him to submit to us information and to date, I have not received any communication from Mark Hayward from the Department of the Interior. I would like to find out from our good Senator if the \$3,000,000 that will be disbursed on August 1988 is the date given by Mark Hayward or is this the date given by the Congressional committee responsible on War Claims matter?

Floor Leader Inos: Mr. President, during the exchange of questions and answers session in the U.S. Congressional chamber, Chairman de Lugo asked Mr. Mark Hayward and Mr. David, I cannot recall his last name, regarding the situation of the war claims money and Mr. Hayward flatly said that money has been appropriated, \$12,000,000 is ready and it could be distributed tomorrow. But to ensure an orderly distribution and make sure that everyone gets his share it will be timely and is recommended that it should be no further than August 1988. It was through the DOI's interpretation that that is the most accurate date.

Senator H. Guerrero: Thank you, Mr. President. This should be a welcome news to many of our people who have been waiting for such a long, long time for their money. The war on war claims is not over yet. We still need to continue to push for the other 50 percent that still have to be appropriated. And I think Congress is taking steps to appropriate the remaining balance of the war claims money.

Floor Leader Inos: As Chairman to further elaborate the question raised by the good Minority Leader, yes, it is true that we were very much dissatisfied with the action of the DOI presentation of the CNMI budget. All along we thought that we are bringing our request to the Department of Interior's Fiscal Affairs Committee what we need and what we should recommend. However, everything has been finalized by the DOI before the Committee prior to our presence. We were very dissatisfied to the greatest extent to the fact that the remaining war claims money was not even requested to be authorized for appropriation. We were prepared with our papers to present to the U.S. Congress, however, the DOI did not request for that. And I can assure you, Gentlemen, that although you feel that we are getting very little out of it, be assured that other government entities are getting zero out of the meager U.S. dollar. I think we have marched so long and have gotten quite a bit out of our hard works.

The Chair recognized Senator Babauta.

Senator Babauta: Mr. President, along the same line as Senator Herman R. Guerrero has expressed, I also would like to express a dismay when the

representative of the DOI and the representative from the Office of Senator Bennett Johnston were here. Specifically, Mr. President, as you recalled, I raised several questions on the floor when Mr. Stayman who is the Assistant to Senator Bennett Johnston was here answering questions from the legislators here. I asked, Mr. President, whether Mr. Stayman knew of any efforts to lift the cap on the medicaid funding for the CNMI and he indicated that there was no plan to raise the cap and that there is no money for the Congress to appropriate in addition to the cap already exist for the Commonwealth. Much to my surprise and at the same time dismay, I found out from our Medicaid Office here that the cap has been lifted and the cap has been increased to about \$700,000 by 1988, this year. And I was surprised that Mr. Stayman did not know about this. And I was dismayed at the same time that the Medicaid Office here in the CNMI has not communicated here with the Legislature with regards to this matter. I would like to see that the Directors of the various departments report some of these vital information to the Legislature. And I am very disappointed that this information has not come to the Legislature and we sometimes made fools out of ourselves in a situation where we are asking questions when the information is already in front of our doorsteps. Thank you.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: As correlated to the statement made by our good Senator, Senator Babauta, he is right. Senator Babauta is straightforward. The office of Senator Bennett Johnston who headed the Energy in the Senate do not really understand the situation of the EPA and the EDA in the Commonwealth. Exactly like what he said, they are pretty much puzzled. Rota was promised for Phase II EPA Sewer Project and I am working closely with the Tinian Delegation for the sewer project under EPA grant. Yet, somehow, they were not versed on this from the Environmental Protection Agency. In fact, they were given negative impression that they are really pushing this project to be implemented either in Tinian or the Phase II Sewer Project in Rota. Additionally, the EDA -- Economic Development Administration -- they are not really first-handed individuals to give us first-hand information. So during my second trip, I intend to work closely with the Tinian Delegation to knock on the door on EPA and EDA to make sure that the promised budget for Rota and Tinian should be implemented as soon as possible. Thank you, Mr. President.

#### ANNOUNCEMENTS

The Chair recognized Chairman Babauta.

Chairman Babauta: Mr. President, I wish to announce that there will be a public hearing today at one o'clock here in this Chamber on Senate Bill No. 6-41, a bill for an act relating to an Office of Handicapped Persons. I would like to ask the members to please be present.

The Chair recognized Chairman P. Manglona.

Chairman P. Manglona: Mr. President, again, there will be a public hearing on March 15 at nine o'clock in this Chamber on a bill for an act to protect public beachfront and reserve the same for use by the people of the Commonwealth of the Northern Mariana Islands, to prohibit lease of public lands within 750 feet of the mean high water mark, and for other purposes.

The Chair recognized Acting Chairman J. Guerrero.

Acting Chairman J. Guerrero: The Committee on R&D will be conducting a public hearing in Tinian on Thursday for the agricultural homestead provision.

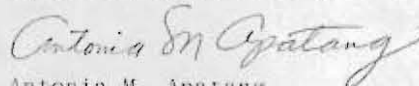
President Manglona: Are there any further announcements? If there is none, the Chair would now like to respond to some of the concerns raised by the Senate members. The first concern is regarding the library. The office of the President has been in communication with the Governor's

office to secure the space between this Chamber and the office of our Floor Leader so that we can use that space as library and office space for our legal counsel, the Senate Clerk, and the Journal Clerk. The Governor promised me that there is no problem but he wants to be able to inspect the place prior to officially turning over the spaces to us. I will again check with the Governor now that he is back from Washington, D.C. I will make every effort to have the Governor approve our request. Another problem we are faced with pertaining to the library is that inasmuch as we wanted to have library, I admit to you that because of our fiscal problem there is not much we can do on that project. However, we can still utilize the legal reference materials we already have that are now at the custody of our legal counsel. Regarding the bills and resolutions status table and also the members' attendance record, I would like to instruct the Senate Clerk to make sure that this request be made available immediately to the members of the Senate. I have discussed this with our Senate Clerk about a week ago and I have asked her to make copies of the status table available to each member. Pertaining to the members' attendance record, I believe our Senate Rules provide that such report shall be issued on a quarterly basis. So at the end of this month, that will make it a quarter. However, since the quarter will soon be ended, I would like also to instruct the Senate Clerk to make sure that the members' attendance record be provided to each member and to the public if requested. Also, pertaining to the concern raised by our chairman on the Rules and Procedure of the Senate and HEW concerning some vital information that oftentimes we in the Legislature were never informed, I would like to take that responsibility and to immediately correspond to the Governor's office to ask him to keep us informed on any issue that may need our involvement and of interest to the Legislature. With these, may I hear a motion for adjournment?

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

The Senate recessed at 12:20 p.m.

Respectfully submitted,



Antonia M. Apatang  
Senate Journal Clerk