

Accepted

SENATE JOURNAL -- 1st Day

SIXTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIRST SPECIAL SESSION, 1988

FIRST DAY

Tuesday, April 5, 1988

The Senate of the Sixth Northern Marianas Commonwealth Legislature, First Special Session, 1988, was called to order at 10:25 a.m., Tuesday, April 5, 1988.

The Honorable Benjamin T. Manglona, President, presided.

A moment of silent prayer was observed.

The Senate Clerk called the roll. Eight members were present. Senator Herman R. Guerrero was absent.

READING AND APPROVAL OF THE JOURNALS

On motion by Floor Leader Inos, seconded by Vice President Mafnas and Senator Babauta, the Reading and Approval of the Journals was suspended.

MESSAGES FROM THE GOVERNOR

No. 6-7: Informing the Senate that he has signed into law, House Local Bill No. 5-1, as Local Law No. 5-7, entitled: "To regulate the movement of certain vehicles during certain hours on beach road on the island of Saipan.", on March 31, 1988.

No. 6-8: Informing the Senate that he has signed into law, Senate Bill No. 6-8, H.D.1, as Public Law No. 6-2, entitled: "To amend Title 3, Div. 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.", on March 31, 1988.

REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS

None

HOUSE COMMUNICATIONS

No. 6-26: Returning Senate Joint Resolution No. 6-12, S.D.1, entitled: "Establishing a Joint Select Committee on Water Supply and Distribution.", adopted by the House of Representatives on March 31, 1988.

No. 6-27: Transmitting for Senate action House Bill No. 6-88, entitled: "A Bill For An Act To amend Public Law 5-6, to increase the powers and responsibilities of the Task Force on the Termination of the Trusteeship by giving it the responsibility to investigate and report to the Governor and the Legislature of the Northern Mariana Islands and the U.S., on the status of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America; and to give the Commission subpoena powers; and for other purposes." (Assigned to the Committee on Federal Relations and Independent Agencies)

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

On motion by Floor Leader Inos, seconded by Vice President Mafnas and Senator Babauta, Standing Committee Report No. 6-36 from the Committee on Federal Relations and Independent Agencies, reporting on Senate Joint Resolution No. 6-6, entitled: "A Senate Joint Resolution Requesting the Governor and the Representative of the United States to formulate a plan to hold a Commonwealth (CNMI) Day in Washington, D.C.", was adopted by the Senate.

Standing Committee Report No. 6-37 from the Committee on Executive Appointments and Governmental Investigations, reporting on the Governor's appointment of Mr. Juan B. Tudela to serve as Board of Regents for the Commonwealth of the Northern Marianas College, for adoption and confirmation.

Floor Leader Inos moved for its adoption and the confirmation; the motion was seconded.

President Manglona: Since this is for confirmation, I would like to ask the Senate Clerk that we vote by roll call.

The Senate Clerk called the roll with the following result:

Senator Juan N. Babauta	Aye
Senator Herman R. Guerrero	Absent <i>Aye</i>
Senator Juan T. Guerrero	Aye
Senator Joseph S. Inos	Aye
Senator Jose P. Mafnas	Aye
Senator Herman M. Manglona	Aye
Senator Paul A. Manglona	Aye
Senator Manuel P. Villagomez	Aye
President Benjamin T. Manglona	Aye

The motion to adopt Standing Committee Report No. 6-37, confirming Mr. Juan B. Tudela to serve as Board of Regents for the Commonwealth of the Northern Marianas College passed the Senate with a roll call vote of eight "ayes".

President Manglona: The Senate hereby unanimously confirmed, by the Senate members present, Mr. Juan B. Tudela to serve as Board of Regents to the Northern Marianas College.

Standing Committee Report No. 6-39 from the Committee on Executive Appointments and Governmental Investigations, reporting on the Governor's Appointment of Mr. Joaquin T. Castro, to serve as a member of the Board of Directors of the Commonwealth Utilities Corporation to represent the island of Tinian, for adoption and confirmation.

Floor Leader Inos: Mr. President, I move for the adoption of Standing Committee Report No. 6-39, reporting on the Governor's Appointment of Mr. Juan Castro to serve as a member of the Board of Directors of the CUC. The Committee is recommending for the adoption and confirmation of Mr. Castro.

Senator Babauta seconded the motion.

Senator J. Guerrero: Correction, Mr. President.

President Manglona: State your point of correction, Senator Guerrero, J.

Senator J. Guerrero: The person we are confirming is Joaquin T. Castro. I think it's an oversight.

President Manglona: Please, Senate Clerk, reflect that correction. Is there any further discussion? (Pause) Are you ready for the question? (Pause) We will now vote for the confirmation of Mr. Joaquin T. Castro to serve as a member of the Board of Directors of CUC. Since this is, again, for confirmation, I would like to ask the Senate Clerk to please call the roll for voting.

The Senate Clerk called the roll with the following result:

Senator Juan N. Babauta	Aye
Senator Herman R. Guerrero	Absent
Senator Juan T. Guerrero	Aye
Senator Joseph S. Inos	Aye
Senator Jose P. Mafnas	Aye
Senator Herman M. Manglona	Aye

Senator Paul A. Manglona Aye
Senator Manuel P. Villagomez Aye
President Benjamin T. Manglona Aye

The motion to adopt Standing Committee Report No. 6-39, confirming Mr. Joaquin T. Castro to serve as a member of the Board of Directors of the Commonwealth Utilities Corporation passed with a roll call vote of eight "ayes".

President Manglona: The Senate hereby unanimously confirmed, by the Senate members present, Mr. Joaquin T. Castro to serve as member of the Board of Directors of CUC.

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Bill No. 6-89: A Bill For An Act To provide for a mandatory prompt payment act, and for other purposes. (Senator Juan T. Guerrero -- Assigned to JGL)

Bill No. 6-90: A Bill For An Act To provide for the submission of reports by heads of departments and independent agencies and to require the Governor to publish an annual report on the affairs of the Commonwealth. (Senator Juan T. Guerrero -- Assigned to JGL)

Joint Res. No. 6-14: A Senate Joint Resolution Expressing appreciation and commendation to Mr. Anthony M. Pilaro of Duty Free Shoppers Limited on the occasion of the opening of the firm's new main store on Saipan which reflects the firm's confidence for the continued growth of Saipan's vital tourism industry. (Senator Benjamin T. Manglona +3 -- Assigned to FRIA)

Joint Res. No. 6-15: A Senate Joint Resolution Expressing appreciation and commendation to Mr. Robert W. Miller of Duty Free Shoppers Limited on the occasion of the opening of the firm's new main store on Saipan which reflects the firm's confidence for the continued growth of Saipan's vital tourism industry. (Senator Benjamin T. Manglona +3 -- Assigned to FRIA)

BILL CALENDAR

Floor Leader Inos: Mr. President, we have for First Reading today, House Bill No. 6-88, but due to the urgency of this piece of legislation, there are some meager requests on the part of the administration and the leadership that it be considered as a priority on today's calendar. As such, Mr. President, I ask the indulgence of the members of this Senate to place House Bill No. 6-88 for Second Reading on today's calendar.

The motion was seconded and carried by voice vote. House Bill No. 6-88 is placed on the Bill Calendar for Second and Final Reading.

S.B. No. 6-30, S.D.1: "A Bill For An Act To establish an agricultural homestead program for the island of Tinian, and for other purposes.", for Second Reading.

Floor Leader Inos moved for its passage. The motion was seconded.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Mr. President, just as a matter of interest and concern, Senate Bill No. 6-30, S.D.1 calls for the opening of public land so that the people of Tinian will have access to their own agricultural homestead program. As I understood, we have 250 pending applicants awaiting this piece of legislation. Could I be advised whether

piece of legislation, should it be signed into law, be an open-ended program? Is there anticipation or cut-off date as to when will this program be terminated?

The Chair recognized Senator Villagomez.

Senator Villagomez: The total number of applicants are 200, Mr. President, not 250.

President Manglona: I would like to recognize the Acting Chairman to respond to the question raised by the Floor Leader.

Acting Chairman J. Guerrero: Mr. President, the Constitution requires that the Legislature may come up with a legislation as to how to disburse homestead, either agricultural or village homestead. There is a restriction that only allows to the extent that there is land available for that purpose. Regardless if we have law that says we should continue to give, the land designation is not there. Again, the Constitution provides that the Public Land Corporation shall manage and dispose of all public lands and they have to designate areas for this particular purpose. So I think there are provisions in the Constitution as well as the present law which limit and provide for the proper guidelines under distribution of homestead. I hope I answer the question.

Floor Leader Inos: I don't have the bill with me. I just glanced at it last session. I understood that the requirements to get this parcel of land should be that the person has to be a bona fide resident of the island of Tinian for a period of five years. The person must be a U.S. citizen, formerly CNMI citizen.

Acting Chairman J. Guerrero: Under the Constitution it only grants extension of homestead to those of Northern Marianas descent. There is a restriction on just any U.S. citizen.

Floor Leader Inos: The policies governing the issuance of homestead permits shall be administered by the Public Land Corporation. Is there any guideline whether these lands are up for sale or are they eligible for sale once they were given a permit?

Acting Chairman J. Guerrero: The Committee Report took those into consideration. The language of the Constitution provides that the person may not receive a freehold interest for three years. After the period of three years, he still cannot sell or transfer the homestead for additional ten years. So altogether, there is a 13-year limitation for the disposition of that land.

Floor Leader Inos: The land cannot be sold. But can the land be leased after it being given a deed from MPLC?

Acting Chairman J. Guerrero: After he gets the deed, I believe that it is permissible at that point in time. That is under the present regulation.

Floor Leader Inos: Well, first of all, I am in total favor to improve self-economy. Normally the process that is undertaking at this time to lease your own property instead of selling it, it all amounts to being sold. There is no limitation on lease terms -- no more than 55 years. Still, we probably did not put strong teeth, strong and enough teeth, to ensure that agricultural homestead is issued for the purpose of agriculture. I would hope that the MPLC will think very highly the intention, the primary purpose of issuing this piece of land. It is for agricultural purposes and it is not for lease and it is not for sale. Mr. President, I am in favor of this idea, but I don't think that we put enough backup to ensure that the person given is intended for that person and is for no other purposes. I foresee, Mr. President, that in other areas in the Pacific Islands, there are some programs in which one can lease government property to raise pigs, to raise crops, to do vegetation and other agricultural production at a very minimal rate. For example, on Guam, you can lease maybe one hectare and you pay a minimal fee of, maybe, \$25. So in other words, for three years, you can pay \$75 just to do agriculturing (sic). For us to issue permit for an agricultural purpose in which the land may be sold, may be leased for more than 75 years in three years, I think it defeats the purpose in all honesty of the agricultural homestead. I would hope that the intention remains virgin. It is not tampered with. It is in no way intended to be leased or to be sold. It is intended to assist the farmers -- not only in Tinian

because I think a legislation is coming out for Rota also. It is intended to serve the residents of Tinian. Thank you, Mr. President. I hope I aired my concern.

President Manglona: Before we proceed, I would like to ask the Senate Clerk to please reflect on the record that Senator Guerrero, H., is now present.

The Chair recognized Acting Chairman J. Guerrero.

Acting Chairman J. Guerrero: Mr. President, I share the concern raised by Senator Inos from Rota. The present regulation with MPLC, the Marianas Public Land Corporation, does entail restrictions. Even the Constitution restricts as to the disposition of public lands, agricultural or village homestead and also private land. The problem is not with the regulation. It is the enforcement that we lack. There are guidelines and restrictions placed on village homesteads or agricultural homesteads to be used for the purpose intended. There is sufficient language and protection in that regulation. It's just the matter of enforcement. They don't come back after they issued the deed to inspect if they actually build a house or improve the land. So it was very clear in the public hearing that what we lack is enforcement within the agency mandated to carry this out.

The Chair recognized Senator Babauta.

Senator Babauta: Mr. President, just a couple of questions and I would like to address this to the Acting Chairman. This bill prohibits the resident from Saipan and resident from Tinian to be given agricultural homestead in Tinian, is this correct?

Acting Chairman J. Guerrero: His question is, will it prohibit a resident of Tinian?

Senator Babauta: A resident of Saipan and a resident of Rota from being given agricultural homestead in Tinian unless they established the 5-year residency requirement. So a person from Saipan cannot move to Tinian tomorrow and be eligible for the homestead program unless he stays there for five years?

Acting Chairman J. Guerrero: Right. The present regulation also provides with MPLC that once you have a homestead you are not qualified to have another homestead in any other Senatorial island or district.

Senator Babauta: Which homestead -- agricultural homestead is different?

Acting Chairman J. Guerrero: Agricultural homestead or village homestead.

Senator Babauta: What if I am from Tinian and I lived in the states -- let's say I lived in Hawaii for two, three years and I established a temporary residence there and decided to move back to Tinian to live as a resident of Tinian. Do I have to wait five years before I am eligible for an agricultural homestead after having established residence in Honolulu?

Acting Chairman J. Guerrero: If for work purpose that you moved to Honolulu, then actually you have established a separate residence. It is not like being in the armed forces or going abroad for school. Under the present regulation that is permitted to be counted as temporary absence.

Senator Babauta: So as a Tinian resident having moved to Honolulu to seek employment and having not found any, moved back to Tinian I would have to wait five years before I can be eligible for an agricultural homestead?

Acting Chairman J. Guerrero: For how long are you talking about -- one week?

Senator Babauta: If I stayed in Honolulu for one year and I established residence there and decided that Honolulu is not my place and wanting to return to Tinian, do I have to meet the five year requirement for eligibility?

Acting Chairman J. Guerrero: The test that we base this on is where you actually paid your last tax. If you paid it in Honolulu, therefore, you are officially a resident

of Honolulu. If you have paid your taxes here, then you are a resident of the Commonwealth. That is the test that is used not only in Guam or in Honolulu or in any of the U.S. Territories -- it is the basis that they look at.

Senator Babauta: If I stayed in Honolulu for one year and took up temporary jobs someplace in Honolulu, paid taxes for what I earned there for a period of one year and decided that I want to return to Tinian, maybe to go into farming, do I then have to wait as a resident of Tinian five years before I'm eligible for this agricultural homestead?

Acting Chairman J. Guerrero: The only exception I see at this point in time is that if you are in the military -- serving in the U.S. Armed Forces or at school abroad. That's it. Anything else relative to what you are asking, you have to establish another five years residency.

Senator Babauta: Thank you, Mr. President.

President Manglona: Thank you, Senator Babauta.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: As I stated earlier that I have some difficulties trying to comprehend this bill because as I read further, the more I read it the more I found something that is disturbing. One aspect that I think this bill is disturbing is that, to me, it intends to segregate people who may be eligible for homestead that are locals. By "locals", I mean they are born CNMI citizens whether you are from Rota, Tinian, Saipan, or the Northern Islands. This bill, Mr. President, reflects certain criteria which is being used as a means of whether you are qualified or not. And for us to begin, to entertain that only residents of Tinian or only those people who meet the domiciliary requirement are eligible. I'm afraid we may be creating something that may one day haunt us. This is one that's good for the people of Tinian. What about the people from Rota, Saipan, and the Northern Islands? My question is, the Northern Marianas is very small. We don't need to divide ourselves because the United States is divided into states. We don't need to try to pattern our livelihood as that of the states. I am sure that there is ample room and there is enough space here for us to survive, to take ourselves as citizens of the CNMI or as locals of the CNMI. If this bill should pass, Mr. President, I would like to see that the five years period be stricken out -- the domiciliary period of five years be stricken out. I would like to see that indigenous people of the CNMI be all eligible, not only Tinian residents and for the purpose of Tinian alone. One question that might be asked if this thing should go through is, how many people from Tinian are holding homestead permit or program in Saipan and Rota? This could be asked. How many people from Tinian have been given land exchanges in Saipan and Rota? This will be asked. What I'm trying to drag out, Mr. President, is that I don't want to entertain any bill that hinges upon dividing us. I am pushing for a unification, the United Marianas, not this kind of bill. This kind of bill carries that kind of implication. It will eventually create divisiveness among ourselves. Certain actions that we do in the Legislature do tend to filter down to our people and we don't want to give this kind of image. I think that if we are going to do this then we ought to open the requirement and make it eligible to every CNMI citizen -- not only Rota, or Saipan, but everybody. As I stated earlier, our island is so small. There is only about 18,000 of us. Why can't we take care of ourselves together? Why can't we work within our means and for ourselves and for our protection. I would like to see that kind of bill. But I don't like to see a bill which creates certain benefit only for Saipan, or only for Tinian, or only for Rota.

Senator H. Guerrero yielded to Senator H. Manglona.

Senator H. Manglona: Unfortunately, my colleague just started to realize his so-called "concern". That concern should be addressed a long time ago by him. It has been the policy of the Trust Territory Government and it has been the policy of the Transition Government and it's been the policy of the Commonwealth Government that in order for any citizen of the Commonwealth to own land at a particular Senatorial District he must reside there for a certain period of time. The bill does not prohibit any Commonwealth resident to own land on Tinian, but he has to comply to certain period of time to reside

there, the residency requirement. If anybody from Saipan wishes to own a property in Tinian they can go there now and stay there for five years. We will not prohibit them, if we pass this law. Thank you, Mr. President.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: I can see, Mr. President, the residency requirement working for people who are not CNMI citizens and are only staying here as residents. I can see that. But when you are talking about si Herman Lucas yan si Herman Nong nai, yan si Juan Pan pat si Juan Babauta, we are talking about one people. Why create a residency requirement among ourselves. That's where I'm coming from.

Senator H. Manglona: Mr. President, that has been the policy. He has been in the Legislature for a long time and he should have imposed that policy since Trust Territory time.

President Manglona: Do you still wish to maintain the chair, Senator Guerrero, H.?

Senator H. Guerrero: I still have the floor, Mr. President.

President Manglona: You may proceed, Senator Guerrero, H.

Senator H. Guerrero: We are all human beings and we do have our flaws, our thoughts, our weaknesses. So therefore, perhaps, during the Trust Territory days we don't see the problem that we see today. And I think it is my responsibility as a leader of the Commonwealth also that if I see certain things that are going wrong or that is not right and I see it now, it is my responsibility to make sure that I speak up and bring the matter to the attention of all the leadership of the CNMI.

Senator H. Guerrero yielded the floor to Acting Chairman J. Guerrero.

Acting Chairman J. Guerrero: Thank you, Mr. President. Mr. President, it's just like when you register to vote in the Commonwealth, you have to be residing at that particular island before you can qualify to vote. That's true. If I want to vote in Rota, I have to be there for a certain number of days prior to any election year. That is a requirement. The concern that was raised by Senator Guerrero is honorable, however, for the purpose of Tinian there is only so much designated agricultural homestead. A large portion of the island of Tinian has been leased out already, and not only the people of Tinian are benefiting from that, but the people of Rota and Saipan as well. The argument being used at this point in time is not relevant. I share his concern, his position in what he is trying to state. We are only providing that provision in the proposed legislation to ensure that the people of Tinian have the first crack because of the limited land area designated for agricultural homestead. On the same issue on a different bill, Senate Bill No. 6-44, we have the same provision because we have found out that there are more applicants than the land available for village homestead. Therefore, we also put in the five-year domiciliary requirement. Of course, the legislation that was introduced by my good Senator from Rota also has that provision so that the people who are actually residing in Rota can be protected and be given first priority. I don't think that's wrong. I think it's a mechanism. It is only a mechanism in setting policies, in setting criteria in order to be eligible to own or qualify for homestead purpose. I hope I answer your concern. Thank you.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: The concern that Senator Juan Guerrero raised is the same concern that Senator Herman Manglona raised. So actually, it doesn't answer anything. To compare voting and land resources, the only resources that we have that is so dear to each one of us is like comparing oranges to apples. Naturally, Mr. President, for expediency purposes, in our island, we do have requirements in terms of voting. But you cannot compare voting and the only resource that we have here in the Northern Marianas and that's land. I do not believe for one moment that we should entertain any measure which will divide our land up because once our land is divided, we are going to be divided. We are standing on land. We are not standing on voting at elections or whatever. We are standing on a mass of land. Once that is divided, then you tend to say, "Okay, let me fence myself away from the rest of the group because this is my land." It is that kind of sentiment that I'm trying to prevent.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: I think because of the way applications in the last couple of years were processed there has been misconception on the idea of agricultural homestead. We have seen staff of MPLC go out and review or just check out applications for agricultural homestead. I guess a lot of these people are not qualified, but yet, they were given agricultural homestead. I believe this is the reason for this misconception. However, the idea of the Tinian Delegation for this agricultural homestead program is different, I believe. I introduced a legislation for Rota and it is with this in mind that we will allow the residents of Rota to go out and develop the undeveloped public lands -- to grow coconut trees, tronkon manga, alageta, abas, todo siha tronkon fruta. So that is in turn will beautify the island, promote local fruits where as now the lands are just laying abandoned, I mean untouched and you know, like a jungle mess. So that is my idea with this agricultural legislation. I believe I could feel the sentiment of Senator Guerrero in that right now a lot of our residents are selling out their properties to foreigners. So if, somehow in this legislation they can take into consideration Senator Inos' concern where they do not allow these residents to sell out their properties even for more than ten years then this will work out. I remembered when I was a very young kid, we would go on weekends to a relative's farm and I can have all the mangoes I want and all the guavas, alagetas, but now we don't have that because there is no incentive to do that now. Tomorrow you might sell your property and those fruits will be bulldozed to build new developments. So my idea of this agricultural homestead proposal is to let the residents go out and develop these properties and at the same time promote the culture. Thank you.

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

RECESS

The Senate reconvened at 11:20 a.m.

President Manglona: Let us reconvene our session. A short recess was called by the Chair in order to consult with each other pertaining to Senate Bill No. 6-30. We are still discussing Senate Bill No. 6-30, S.D.1. Senator Guerrero, H., you still have the floor.

Senator H. Guerrero: Thank you, Mr. President. You did call a recess so that we can reach a meeting of the minds and compromise especially on the requirement provision of this particular act. But it seems that there is no compromise reached. It seems that our sister delegation wants to push ahead for this particular bill. Mr. President, I believe that this room is for compromise. I don't believe that this room is for stubbornness when I believe that this room is for compromise. But if it is the wishes of our sister delegation to push through this particular bill, then I must warn you that it has very serious consequences. Because, Mr. President, for the reason that I have stated earlier, I would like to register ahead of time my vote "No" on this particular measure. Thank you.

The Chair recognized Vice President Mafnas.

Vice President Mafnas: During the recess, I gathered that the crux of the argument is the number of years, the restriction. Many of us feel that five years is an unreasonable time to wait before you can acquire rights to own agricultural homestead. I submit, Mr. President, that if we reduce the number of years the faster that the land availability will be exhausted. As I read the bill, Mr. President, it does not create divisiveness among the citizens of the Northern Marianas. The intent of the bill, the way I read it, Mr. President, is to review and examine whether the applicant for agricultural homestead on a particular Senatorial District, whether that applicant is sincere in utilizing that particular parcel of land for the purpose of agricultural development. I cannot see the wisdom, nor the merit of an individual who is residing on Saipan who has a full intent to be permanently a resident of Saipan going to Tinian to apply for agricultural homestead and have no intention of using that parcel of land for that purpose that the bill is intended for. Senator Paul has indicated earlier that we must see that the applicant for such program has the sincerity to cultivate, to utilize that parcel of land for the purpose of raising crops and other benefits that will benefit the applicant. So if we were to reduce the number of years to one month or 45 days, my argument, Mr. President, and I submit to the full Senate and because of the limited space of land on Tinian, it will rapidly exhaust the availability of land on Tinian and this bill is

intended to preclude those applicants who are not sincere in establishing agricultural homestead on Tinian. To prevent any speculators that in the future that particular land can be used for any other purpose other than agricultural purposes, during the public hearing, although I was not present in the public hearing, Mr. President, what I gathered from the Acting Chairman is that -- and I'm sure that the people of Rota would share my concern -- if you want agricultural land on Rota, you have to meet certain criteria because the land is intended for the people of Rota, for the people who have moved to Rota to develop such land for agricultural purposes. Therefore, Mr. President, I urge the full Senate to give courtesy to the people of Tinian who wish to see how their land is distributed and the sincerity that that particular land will be used for that purpose. Thank you, Mr. President.

President Manglona: Thank you, Vice President Mafnas.

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

President Manglona: State your point of information, Senator Guerrero, H.

Senator H. Guerrero: What is preventing the people now from getting homestead land on Tinian?

The Chair recognized Acting Chairman J. Guerrero.

Acting Chairman J. Guerrero: If you read the committee report, it states that there was no program since the inception of the Commonwealth government. That is the reason why there is no homestead program. It requires a legislation to open the homestead program.

President Manglona: Do you wish to continue, Senator Guerrero, H.?

Senator H. Guerrero: Yes, Mr. President, if it does require legislation what is so bad about coming in with a comprehensive legislation to include the residents for the whole Northern Marianas instead of this.

The Chair recognized Acting Chairman J. Guerrero.

Acting Chairman J. Guerrero: In the deliberation, the committee found out that the legislation introduced by the Tinian Delegation merits the review of the Senate. The particular legislation did not include homestead program for Saipan nor for Rota. Therefore, the committee concluded that it is the desire and based on the public hearing which over 50 people attended that it is the wishes of the people too that the homestead program be opened in Tinian.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: That is good, Mr. President, but I hope we are not sitting in this chamber thinking that we are only working for Tinian or Rota or Saipan. I thought we are all working as a Commonwealth-wide legislators, Senators. Mr. President, we know that when we introduced bills it is our responsibility to see that if the bill will also be beneficial for the other districts as well, then we can amend the bill. The bill could be amended to take care of that concern.

The Chair recognized Acting Chairman J. Guerrero.

Acting Chairman J. Guerrero: Mr. President, our rules also permit any member to introduce a similar legislation for any Senatorial District. The argument, again, before us is rather limited. I am in full support of the legislation because I strongly feel that the people of Tinian, after giving out 2/3 of the island of Tinian, deserve that they have first priority in receiving or being granted homestead, either village or agricultural homestead. That policy should be set in all Senatorial Districts. I can't, for any reason, understand the arguments being used at this point in time. We are still one Commonwealth. The only thing dividing us is the water between these islands. For practical purposes, the size of Tinian is so limited. Unlike Rota -- Rota still has a lot of public lands. On Saipan, we have about 2,000 applicants for village homestead. And we are running out of designated homestead areas here on Saipan. I feel that it is proper to include qualifying criteria for any individual so that we don't grant homestead today and tomorrow they leave the

island. That's why they have, in the village homestead provision, within three years, I believe, to construct something on that piece of property. So when they apply for village or agricultural homestead they have to go in there and develop those properties. Those are criteria and they are in the same category as we can set up any qualifying criteria. So this qualifying criteria of putting a five-year restriction to ensure that the people of Tinian -- and we are not only talking about the people who are qualified now, we are talking about those who will be qualified in the next year or so who are still underage and have not met the voting age. We have to be mindful that they are children and those children deserve to receive something in return. I'm not saying that people of Saipan should be precluded. It's just that if you are living on Saipan and you are trying to get a homestead on Tinian, it doesn't make any sense. In order so that we have set a policy and a guideline for MPLC to follow on agricultural homestead we are putting that restriction of five years. Mr. President and members, when the Third Legislature, I believe, passed the Homestead Waiver Act, that is a piece of crap because it granted five hectares to individuals who have not developed those properties and they were given the titles to those properties. This is a big distinction of what we are trying to do here. Some of those properties that were given under the Homestead Waiver Act were sold or are under lease right now. And all these people are asking is one hectare -- not five -- for their development in Tinian for their livelihood. I know of some people who benefited from that Homestead Waiver Act. All I'm asking is that we provide the future qualifying people of Tinian the same courtesy as those who are qualified now. Thank you.

President Manglona: You may continue, Senator Guerrero, H.

Senator H. Guerrero: I think we have identified the problem here. I don't think anyone in this chamber is trying to deny what is denying our people in Tinian -- lands and whatnot. We are not trying to deny that. We are trying to be fair with our people from Tinian, Saipan, and Rota. That's the concern that we have. The requirement here seems to indicate that there is no fairness in this particular bill. We are trying to make right what we think is wrong. Unfortunately, fortunate or unfortunate, we do not see eye to eye on this particular bill, but there is no one in this chamber that is going against what the people of Tinian wants -- land. So as the people of Saipan. They want land too and the people of Rota also -- the people of the Commonwealth. Let's compromise. Let's reduce the requirement period from five years to something lower or something more acceptable. Let us make this particular bill eligible and working only for the indigenous Commonwealth residents, not U.S. citizens in general and then, of course, so on down the line. Let us give it to unmarried people or married people or old people or young people or what as long as they are indigenous CNMI citizens. This is what I'm saying. All I am trying to do here, Mr. President, is to be fair to our people.

Floor Leader Inos moved to end debate. The motion was seconded and carried by voice vote.

President Manglona: May I ask the Senate Clerk to call the roll for voting?

The Senate Clerk called the roll with the following result:

Senator Juan N. Babauta	Nay
Senator Herman R. Guerrero	Nay
Senator Juan T. Guerrero	Aye
Senator Joseph S. Inos	Aye
Senator Jose P. Mafnas	Aye
Senator Herman M. Manglona	Aye
Senator Paul A. Manglona	Aye
Senator Manuel P. Villagomez	Aye
President Benjamin T. Manglona	Aye

The motion to pass Senate Bill No. 6-30, S.D.1 on Second and Final Reading passed the Senate with a roll call vote of seven "ayes" and two "nays".

Senator H. Manglona: Privilege, Mr. President.

President Manglona: State your point of privilege, Senator Manglona, H.

Senator H. Manglona: Senator Guerrero, H. just voted no and he signed the report of the committee supporting the intention of the bill. Thank you.

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

President Manglona: State your point of information, Senator Guerrero, H.

Senator H. Guerrero: If Chairman Manglona attended the previous sessions, he would know why I signed the report.

Senate Bill No. 6-44, S.D.1: "A Bill For An Act To amend 2 CMC §4333(e) regarding priorities for the issuance of a permit for a village homestead lot, and for other purposes.", for Second Reading.

Floor Leader Inos moved for its passage. The motion was seconded.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Mr. President, I would like to ask a question. What is the difference between the requirement of the earlier bill that was passed? The difference between Senate Bill No. 6-30 and 6-44? I noticed that the five-year requirement is pretty much the same.

The Chair recognized Acting Chairman J. Guerrero.

Acting Chairman J. Guerrero: The same concern here is that on the island of Saipan the designated areas for village homestead is also limited. The number of applicants far exceed the designated area.

Floor Leader Inos: I'm beginning to see the difference. What we discussed earlier is that we were talking about agricultural homestead. What we have here we are talking about village homestead. So I mean to say that there is no problem in Tinian with respect to village homestead and what is being addressed here in this legislation is to accommodate Commonwealth-wide the requirement for village homestead.

Acting Chairman J. Guerrero: Mr. President, if they read the bill, Senate Bill No. 6-44, there is a very big distinction. We are trying to qualify those individuals who have applied for a period of three years or longer that are considered second priority. There are a lot of applicants or 500 of them who are waiting to be qualified.

Floor Leader Inos: Five hundred. Where?

Acting Chairman J. Guerrero: On the island of Saipan alone.

Floor Leader Inos: This is a CNMI-wide legislation?

Acting Chairman J. Guerrero: Yes.

Floor Leader Inos: What's the magic number of December 19, 1979 for this to become retroactive?

Acting Chairman J. Guerrero: The magic number?

Floor Leader Inos: Why was this retroactive to December 19, 1979? This was nine years ago.

Acting Chairman J. Guerrero: Because there are still some people who have applied since then and that are not qualified because of their marital status -- are single. Some of our people do not wish to be married.

Floor Leader Inos: This is their own policy -- the individual's own policy. Some of them want to be single for the rest of their lives. That would mean that by the policy of MPLC they would not be entitled because they were never married.

Acting Chairman J. Guerrero: They are entitled, but they are considered second priority under the qualifying criteria.

Floor Leader Inos: Because they are not legally married or they are not traditionally married?

Acting Chairman J. Guerrero: Because they are not married -- period. The regulation at this point in time which provides for first priority states that you have to be a married person and also if single person with children. So what the MPLC is condoning is that -- it's saying basically, "Go ahead and have a child and we will qualify you.", which is stupid.

Floor Leader Inos: Who is going to have a child?

Acting Chairman J. Guerrero: The qualifying criteria is that even if you are single and if you have a child....

Floor Leader Inos: The mother does.

Acting Chairman J. Guerrero: Mother or father.

Floor Leader Inos: If you father a child, you will still not be eligible, of course.

Acting Chairman J. Guerrero: If you have custody of the child, you are qualified.

Floor Leader Inos: Custody. It's not the fathering or the mothering.

Acting Chairman J. Guerrero: We asked that question, Senator Inos, why they are setting that practice -- why they are condoning them -- because one of the witnesses asked why her daughter was told that in order for her to qualify for a village homestead that she must have a child. Obviously that daughter does not have any wish to have a child at this point in time. So we have to rectify all of these problems.

Floor Leader Inos: I notice that this will be an open-ended question, Mr. President. Some people just cannot have a child -- cannot father a child or mother a child. One or the other. So if both genes don't work, they are not entitled to own property. Nevertheless, Mr. President, I am troubled to understand, why was this retroactive to December 19, 1979?

The Chair recognized Vice President Mafnas.

Vice President Mafnas: If I can recall it correctly, Mr. President, during the public hearing, MPLC had indicated that there were about 500 applicants who applied for village homestead since 1979 and the purpose for the recommendation of the bill to retroact the date of this bill back to 1979 is because to try and accommodate the number of applicants who have applied since 1979.

Floor Leader Inos: So instead of the date, I was thinking to make sure that all applicants are covered -- is this really sure that all applicants are covered as of this date? Is there a better language or is it a better language to accommodate all eligible applicants? I want to be sure that everyone is covered.

Vice President Mafnas: That is the intent of the bill, Senator Inos, to upgrade the priority category of the unmarried people or those people who have dependents and have applied since 1979.

Floor Leader Inos: So primarily this is to satisfy most of our residents of Saipan. Mr. President, this will give us another headache, maybe. Is there any place identified for the additional 500 village homestead on Saipan?

Vice President Mafnas: Yes. There is an enormous number of land that are available to accommodate these people, but the reason why they have not been accommodated is because of their status -- their unmarried status. So the purpose of the bill is to treat the unmarried people as first priority as that of the married individual.

Floor Leader Inos: Okay. That means, Mr. President, off-the-top, 500 applicants, 500 houses, 500 residences more or less for each residence. Mathematically, you compute that to two hotel rooms. So we are talking more or less in terms of -- in the area of 1,000 rooms.

Vice President Mafnas: That comparison, Mr. President, was not discussed in the public hearing.

Floor Leader Inos: I'm just trying to figure it out. Should it be signed into law -- should we set a formula of two hotel rooms equals one residence, more or less. Five hundred applicants would mean 1,000 hotel rooms. Therefore, we would rather favor 500 residences to establish than giving license for another 1,000 hotel rooms. I support the bill. Thank you, Mr. President.

The Chair recognized Senator Babauta.

Senator Babauta: Mr. President, I want to speak on behalf of the bill. I support the bill. It has good intent and merit. I think that for the last number of years in which Marianas Public Land Corporation began issuing homestead lots, it seems to be that they have been practicing sex discrimination and discrimination against people who do not wish to get married. And I think that is about time that we put forth those people who waited ten to fifteen years for homestead lots by virtue of their being single or not having any children. Thank you, Mr. President.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, I support the bill also, however, I have some concerns here on page 2, line 5. I guess it's mentioned here for the fact that if the person is divorced and homestead lot is consequently given to the other spouse or to the children then this divorcee can be entitled to another homestead lot. I'm concern about this section in that tomorrow we are going to be coming in with another legislation which says that this divorcee cannot marry another divorcee who owns another lot. I mean, it seems that we might have two divorced people getting married and they will have two homestead lots. I'm just saying that we should ignore this section. They came in together as husband and wife and applied. What happens after that, we don't know. That's their problem and I think I'm concern on this provision here. Also on another section here it says that this is retroactive back to 1979 and if we look at subsection (c) it says here that he must be domiciliary for five years. If you make this back to 1979 this section will be a technical problem in that at present they are giving out homesteads to people who are domiciliary for only one year or two years. This is a technical problem that I think the committee should consider. Thank you.

The Chair recognized Acting Chairman J. Guerrero.

Acting Chairman J. Guerrero: Mr. President, if they really look at the bill, what the bill is trying to do is to amend the law to qualify the second priority. The 1979 provision is put in there because that's the date when they enacted the village Homestead Act of 1979. This became Public Law 1-42. When we became Commonwealth, the homestead program was opened. It fell under a different category because MPLC was created it went through a different channel. The five-year provision basically is set forth that they have to be at least residing for not less than five years. I failed to see where the conflict is there. As far as the provision that will provide homestead to those divorced, again, if you read the committee report it is only reported less than ten, I believe, individuals who qualify. What we are trying to address also is a concern raised by MPLC because of the court decision where the couple -- it is not necessarily true that they apply jointly. At times, I know for a fact that prior to this there were homesteads that were even given out to single persons. And what the court did was that it took away the property that they jointly own and the sole property that they jointly own. Thereby taking away that homestead which the other person also need. We can't deny those individuals especially those poor people that are ready for designated homestead so that they can build their house. I know that you said there is going to be other people that will probably come in and say we have to change the law so that we will not permit those with homestead already. What we are trying to do is just the opposite that if you are already a homestead owner and you are married to another person who has a homestead, upon marrying that person you basically become ineligible to receive a

homestead. But while you are single with children and you received a homestead and the individual also has a homestead and you marry him, we can't do anything about that. That's after the fact. So basically what we are trying to do in this bill is just to address the second priority by setting that after five years that they become eligible to be considered in the homestead program.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: The bill addresses something like handicapped individuals -- they become handicapped by circumstances. But there are people who would have applied but are still single. If those people were given village homestead and once they marry what then happens to the two village homesteads given to these individuals?

Acting Chairman J. Guerrero: The court normally decides on the divorce. If there are two properties, normally the court will give one property to the husband and the other property to the spouse.

Floor Leader Inos: So they have two village lots.

Acting Chairman J. Guerrero: If before they marry they have two village lots, that's unfortunate.

Floor Leader Inos: Do you mean to say that we have around 500 applicants now pending who are still single, who are not married?

Acting Chairman J. Guerrero: Five hundred thirty to be exact.

Floor Leader Inos: Five hundred thirty from December 19, 1979.

Acting Chairman J. Guerrero: Some of them since December 19, 1979. They have applied but are still not qualified.

Floor Leader Inos: Because they are not married?

Acting Chairman J. Guerrero: Because they are not married and basically they are second priority. And there are 400 first priority.

Floor Leader Inos: What's first priority?

Acting Chairman J. Guerrero: Married people or individuals with a child or children.

President Manglona: Are you through, Floor Leader Inos?

Floor leader Inos: Yes.

President Manglona: I believe we have enough discussion on the proposed bill. Are you ready for the question? (The members replied "ready" in unison.) We will now vote on Senate Bill No. 6-44, S.D.1. I would like to ask the Senate Clerk to call the roll for voting.

The Senate Clerk called the roll with the following result:

Senator Juan N. Babauta	Aye
Senator Herman R. Guerrero	Aye
Senator Juan T. Guerrero	Aye
Senator Joseph S. Inos	Aye
Senator Jose P. Mafnas	Aye
Senator Herman M. Manglona	Aye
Senator Paul A. Manglona	Aye
Senator Manuel P. Villagomez	Aye
President Benjamin T. Manglona	Aye

The motion to pass Senate Bill No. 6-44, S.D.1 on Second and Final Reading passed the Senate with a roll call vote of nine "ayes".

House Bill No. 6-88: "A Bill For An Act To amend Public Law 5-6, to increase the powers and responsibilities of the Task Force on the Termination of the Trusteeship by giving it the responsibility to investigate and report to the Governor and the Legislature of the Northern Mariana Islands and the U.S. on the status of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United State of America; and to give the Commission subpoena powers; and for other purposes.", for Second Reading.

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

The Chair recognized Vice President Mafnas.

Vice President Mafnas: Mr. President, can you call for a short recess please?

The Chair called for a short recess at 11:55 a.m.

RECESS

The Senate reconvened at 12:03 p.m.

President Manglona: We will reconvene our session. The Vice President called for a short recess to consult our legal counsel on legal matter pertaining to House Bill No. 6-88. We are still under discussion.

Senator H. Guerrero: Mr. President, are we under House Bill No. 6-88?

President Manglona: Yes, Senator Guerrero, H. We are still under discussion on the bill. Senator Guerrero, H., you have the floor.

Senator H. Guerrero: If I remember correctly, Mr. President, I think we are just starting discussion. We haven't started discussion on the measure yet.

President Manglona: We are still under discussion.

Senator H. Guerrero: Mr. President, I think more than ever before, we should all stand united and fight for our basic rights. Mr. President, House Bill No. 6-88 calls for the continuation of the Task Force on the Termination of the Trusteeship. Mr. President, I call for a strong unanimous support of this piece of legislation because it looks like the United States Government do not intend at all to appoint members or to appoint representatives to the 902 discussion. And as you are all aware, the 902 discussion, a provision in the Covenant, calls for the creation of representatives appointed by the President of the United States and representative appointed by the Governor of the Commonwealth to get together and iron out issues of great concern such as 803(a) problems, passports, third country nationals, 200 miles legislation and garment problems, textiles problems, et cetera. Mr. President, as we are all aware, there was a 902 discussion that was underway for just a year and a half and a lot of discussions was taking place until it was cut off because of the termination of Mr. Richard Montoya and since then, there has been no replacement. So, therefore, the representative from the Commonwealth of the Northern Marianas and the representative of the President of the United States cannot meet to resolve these great issues that are confronting us. I think the United States has no intention at all to appoint and review the discussion that was going on. So, therefore, our only chance, Mr. President, is to push through and support this Task Force on the Termination of the Trusteeship and let us, this time forcefully, more than ever before, bring our pleas before the United Nations if that is the last forum that will hear our plight. I say "plight", Mr. President, because the United States has breached, has contradicted all basic agreements between the United States and the Commonwealth of the Northern Marianas under the Covenant. I think it is incumbent upon us to stand up and fight for our cause and for our right because if we don't do that we will be simply covered over by a thick blanket and our existence out here will be terminated. And I am saying this with emotion and with force because we have seen before our eyes over and over the problem that we are facing. We have to go through legal means to try to achieve what is rightfully ours. We have to go through all sorts of things. We even passed a

resolution requesting for the 902 to be continued and a representative from the United States be appointed by the President and up to now it is landing on deaf ears. So, Mr. President, the United States Government has no intention of keeping its promises. That's why, if I may veer off a little bit to the Philippines, where in the Philippines now their legislature is saying perhaps it's high time that they charge a high price for Subic Bay or get the Bay out. And I may be talking with that kind of intonation. Recently, there was a measure introduced in the House and the House measure calls for the reassessment of our Covenant. Perhaps this is the right time to do it. Mr. President, if it is not the intention of the United States Government to give us self-government, then what are we waiting for? It is high time that we do something about our plight. Thank you.

President Manglona: Thank you, Senator Guerrero H., for your very strong statement in support of the passage of House Bill No. 6-88.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Thank you for your complete support, my good Minority Leader. Mr. President, with respect to the proposed amendment as identified on said House Bill No. 6-88, I call your attention to page 3. I hope this has gone through scrutiny with legal eyes. I think this is a typographical error. Section 104(a) says, "The Commission on the Termination of the Trusteeship shall investigate violations of rights granted to the people of the Commonwealth under the Covenant." I think there should be a period after the word "Covenant" instead of "Covenant violations." Second, can we be advised who are the Commission on the Termination of the Trusteeship Task Force and for how long could this appointment exist?

President Manglona: Can the Chairman respond to the question raised by Floor Leader Inos? Chairman Paul Manglona, you're recognized.

Senator P. Manglona: Mr. President, I had my hand up for the same question, but my colleague on my left indicated to me that two of the members are Mr. Hillbloom and former Mayor Frank Diaz.

President Manglona: One additional member, I believe, is Attorney Pete Atalig.

Floor Leader Inos: So there are three members of the Commission, Mr. President?

President Manglona: I think the Chairman of this Termination Task Force Commission is the present Speaker of the House of Representatives and the members are Attorneys Pete Atalig and Larry Hillbloom. I understand the public law which created the Termination Task Force gives the Governor the authority to appoint three members and each presiding officer of the Legislature will appoint one. I think Hillbloom was appointed from the Senate side and I don't know who was appointed from the House side. But again, I believe the Governor is supposed to have three appointees.

Floor Leader Inos: So Mr. Hillbloom was appointed by the previous Senate President. Who will the Senate President now appoint?

President Manglona: Since their term has not yet expired, I believe Hillbloom continues to serve representing the Senate.

Floor Leader Inos: Mr. President, specifically on the said amendment, 104 says that there shall be a commission within this commission. It says, "The Commission on the Termination of the Trusteeship Task Force shall form a fact-finding and investigation committee...". Do you mean to say that there shall be a committee within this commission? Since there are four members of this commission, who would be members of the committee?

President Manglona: My reading and interpretation of the bill is that there will be an established "investigatory committee" to be within the commission. In addition to the members of the commission, the Chairmen of the House and Senate Committees on Federal and Foreign Relations and the JGO will also serve as members. In short, four additional members are added to the current commission members.

Floor Leader Inos: So you mean to say that all the members of the Commission on the Termination shall become members of this investigation committee. In addition to these, there shall be ex-officio members, the President of the Senate and the Speaker of the House. In addition to this, the Chairman of the JGO in the House, the Chairman of the Federal Relations and Independent Agencies in the Senate and the Chairman of the JGL of the Senate.

President Manglona: I believe subsection (c), line 17 is self-explanatory. By reading that subsection carefully, I think it does not say how many commission members are to serve. I believe that is discretionary, and it is up to the commission to determine how many members are to serve on the fact-finding and investigation committee. Other members are very specific by naming the Federal Relations and Judiciary and Government Operations Committees of both houses to be members.

Floor Leader Inos: Although this committee write down what their findings and others are, what are we to achieve for reporting their findings?

President Manglona: I think several things could be accomplished. The bill mandates the commission to report its findings to the Legislature and to the Governor on violations. I am sure the Governor may instruct the office of the Attorney General to file a court case on any violation of the Covenant by the United States Government. That may be one approach to deal with the problem. The other approach the commission may determine that the violation may be reported to the United Nations. The Commission can petition the United Nations that the United States Government is violating the Covenant agreement.

Floor Leader Inos: Precisely, Mr. President. Thank you for your statement. What I'm deriving at here is that we're not putting enough teeth as would have been said into this piece of legislation. What I was thinking was that we must petition the United Nations as special appellant that some basic human rights is being denied to the key people of the Commonwealth. I was trying to see if it would be appropriate to put some kind of an amendment when there is time left so that this commission shall petition the United Nations for immediate attention to the Commonwealth of the Northern Marianas for reasons that the Covenant is not being honored to the intent it should be honored.

President Manglona: For your information, Floor Leader Inos, there was a letter sent to President Reagan. In that letter we attached the initiative that was voted and approved by our people on the last General Election. The letter was signed jointly by the Governor, the Speaker of the House and myself, as President of the Senate. We have sent that initiative to affirm the position of our people and our Government. In addition to that also, there is a letter now being drafted that we will also be signing jointly, informing the United Nations that there will be a delegation going there in May to be composed of members of the Termination Task Force and the Legislature to formally present a statement regarding violations of the Covenant by the U.S. Government. I think the purpose of this is to further reinforce the powers and duties of the Termination of the Trusteeship Task Force.

Floor Leader Inos: While I understand we are increasing the authority and we are giving additional members to the task force (a), (b), and (c), I was going to present a proposal so that we put another amendment (d) to read, "The findings of this report shall be promptly transmitted to the United Nations Trusteeship Council for such (date and date and date and date)." .

Senator P. Manglona: Point of information, Mr. President.

President Manglona: State your point of information, Senator Manglona, P.

Senator P. Manglona: On page 2, I believe, they mentioned something to that effect. It says here, "The purpose of the legislature is to give the Task Force on the Termination of the Trusteeship the power to investigate and report to the United Nations...". That's on page 2, line 21.

President Manglona: Does that meet your concern, Floor Leader Inos?

Floor Leader Inos: Yes, Mr. President. It is very helpful. So if the intention here, Mr. President, as I come to understand, all findings of the alledged violations -- for us they're violations, for the U.S., maybe it's not -- will be reported to the Trusteeship Council this year? Next year?

President Manglona: The Termination Task Force will be packaging their findings in preparation for the May presentation. We see the urgency for the passing of this important legislation.

Floor Leader Inos: So we will then have all these delegations before the Trusteeship Council to present their findings?

President Manglona: Yes, Floor Leader Inos, I believe you're correct on that.

Floor Leader Inos: Thank you, Mr. President.

The Chair recognized Senator Babauta.

Senator Babauta: Thank you, Mr. President. Mr. President, if I may refer my fellow members to Section 104 on page 3. Section 104 delegates to the Commission investigatory powers and also in Section 105 it delegates to the Commission subpoena powers. Further under Section 105(b), page 4, it specifically mentioned the subpoena power is vested in the Commission. And then subsection (e), line 20, page 4, says, "A person shall be in contempt of the Committee if the person, without a protective order, fails to appear before the Commission's...". It seems to me that this piece of legislation is giving subpoena power to the Commission and then it transposes and makes the Commission synonymous to the committee with subpoena power vested within the Commission. However, subsection (e) mentions that if a person is in contempt of the Committee..., etc. Now, I think that should read, "A person shall be in contempt of the Commission...", rather than "Committee". Perhaps this is an oversight. I don't know. I haven't read the entire bill. But I see some inconsistencies in having given the Commission subpoena power and then down on throughout the bill it mentioned something about the person violating the subpoena power of the committee. The bill does not give the committee subpoena power.

President Manglona: You raised a good point, Chairman Babauta. May I call for a short recess?

The Senate recessed at 12:24 p.m.

RECESS

The Senate reconvened at 12:40 p.m.

President Manglona: Let us reconvene our session. A short recess was called in order to consult our legal counsel pertaining to the concern raised by Chairman Babauta. If there is no objection from the members of the Senate, I would like to ask the unanimous consent of the Senate to instruct our Senate legal counsel, in consultation with the House legal counsel, to take note of the concern raised by Chairman Babauta prior to transmitting this bill back to the House. Please make sure that the legal concern raised by the members is addressed adequately. If in fact there is a legal problem, then the two legal counsels will address that. We gathered from the discussion that we are strongly supporting and endorsing the intent and purpose of the bill. The only problem we are facing now is a legal concern which will be addressed by our legal counsel. Is this clear, and is there any objection? (The members replied "no objection" in unison.) We are still discussing House Bill No. 6-88.

The Chair recognized Vice President Mafnas.

Vice President Mafnas: Mr. President, I have two amendments to offer. One is a very minor amendment, Mr. President. On page 3, line 2, the bill failed to include subsection (c). This is the minor amendment. Page 3, line 2 should read, "...amended to add new subsections (a), (b), and (c)...", which will correspond with subsection (c) on line 17.

President Manglona: Since I consider that amendment to be minor, and in the interest of saving time, I would like to ask for the unanimous consent of the members to instruct the Senate Clerk to reflect that correction on the bill. Is there any objection? (The members replied "no objection" in unison.)

Vice President Mafnas: The other amendment, Mr. President, that I have is on page 4. Copies of this amendment have already been disseminated to the members. The amendment is on page 4, line 8, and it reads as follows: "(c)(1) Before any subpoena issued in the name of the Commission shall be effective, it shall be presented to the Attorney General of the Commonwealth. If, within 24 hours after the subpoena has been presented to the Attorney General, he shall not have disapproved the subpoena in writing. The subpoena shall be effective as provided in this act." I so move, Mr. President.

Senator H. Guerrero seconded the motion.

The Chair recognized Senator Babauta.

Senator Babauta: Mr. President, I support the amendment and I think it's so much better than just giving direct subpoena power by the Commission or to the committee. However, this still gives subpoena power to the Commission whose members will be composed of elected as well as non-elected individuals and I have problems with giving a non-elected person subpoena powers. It is good that the Attorney General will serve as a screening board or screening official of the subpoena after it's being issued by the Commission. I am a little hesitant with the overall intent of the subpoena provision and although I will vote favorably on this amendment as well as the bill itself, I wonder if the same thought is given to having a joint legislative special committee for this matter so that the issue of subpoena will not be an issue at all in terms of granting a non-elected individual subpoena powers and that it be completely legislative matter. I know that this is intended to enjoin the efforts of the Legislature as well as the administration in this endeavor, and I suggest that we look at an alternative way of creating such a body so that the question of the constitutionality issue be erased and the subpoena should be within the proper structural authority. I just wish to register those concerns, Mr. President.

President Manglona: Thank you, Chairman Babauta. Acting Chairman Guerrero, J., you're recognized.

Acting Chairman J. Guerrero: Perhaps, Mr. President, the language on line 2, the first "shall" should be stricken out. "Before any subpoena issued in the name of the Commission be effective, it shall be presented to the Attorney General of the Commonwealth. If, within 24 hours after the subpoena has been presented to the Attorney General, he shall not have disapproved the subpoena in writing. The subpoena...". The "it" after "subpoena" should be stricken out.

Senator H. Guerrero: It's out.

President Manglona: We are still under discussion on the proposed amendment.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Mr. President, I share the sentiment of my colleague, Senator Babauta, but at the same time, I am generous to give my subpoena power to a non-elected organization or personnel. This is a very important committee and it is a committee created by Congress, created by the Legislature. So, therefore, I will not be that hesitant to give out that subpoena power. They need it because we know there are people that we call to come to be a witness in front of us and unless you force them to come, they will not come. This is one way of the committee being able to work, being able to sort of force people to come and be questioned and give responses to the questions. So my concern will be minimal with respect to giving subpoena power to these persons. Thank you.

The Chair recognized Senator Babauta.

Senator Babauta: Thank you, Mr. President, for recognizing me. I just want to register my concern which is bothering my conscience. There should be no mistake that

I support the Covenant and it is a binding legal document between two entities. But I refer my colleagues to page 1, line 15 which reads, "The People have been deceived into believing they have the right,...". This is an outright accusation. There is no room for "ifs" and "buts". This is a statement that we have been deceived and I think that we should be prepared to back up that statement. I know that we have cases now before the Ninth Circuit Court of Appeals. It has not been favorable in terms of what we believe the Covenant provisions intent in terms of our relationship. Also, we have heard Mark Hayward made statements that the Territorial Clause applies in the CNMI. I think that's just coming from Mark Hayward. He's not a member of the 902 negotiating team. I don't think that he's speaking on behalf of the Department of the Interior. I don't believe that he is speaking on behalf of the Government of the United States of America. And with respect to the Fleming Case, it has gone through the Ninth Circuit Court of Appeals and I think we still have the right to appeal to a further and higher court. And before we make serious accusations such as the one that is being mentioned in this bill, I want to register that so that we are sure and have the evidence that we have been discriminated against or that we have really been deceived. We should document these deceits.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: If I may help, Mr. President, a little bit here, I think....

Senator J. Guerrero: Point of order, Mr. President.

President Manglona: State your point of order, Senator Guerrero, J.

Senator J. Guerrero: We have a floor amendment before us and we are debating on the entire bill. Has the floor amendment been voted on already?

President Manglona: We are still under discussion on the floor amendment.

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

President Manglona: State your point of privilege, Senator Guerrero, H.

Senator H. Guerrero: The point of privilege that I'm going to make is with respect to the remarks made by my good Senator, Senator Babauta.

President Manglona: Can you repeat what you just said, Senator Guerrero, H.?

Senator H. Guerrero: I would like to speak on privilege to offer some help with respect to the concern raised by Senator Babauta.

President Manglona: The point of privilege is undebatable. So you may proceed, Senator Guerrero, H.

Senator H. Guerrero: Mr. President, the statement that was read out by Senator Babauta on page 1 where it says, "The People have been deceived into believing they have the right, independently, to govern their internal affairs.", this would have been much harder than what it is now. It is very mild and we could back this up by incidents that have happened in the past. We all know that the Covenant provides for the President of the United States to appoint a representative to Section 902 so that we can do the negotiation. Up to now, they have not appointed anybody since the resignation of Mr. Montoya. That is a direct disregard of the provisions of the Covenant. On top of that, Mr. President, when the Section 902 members were appointed, they were appointed very late. That, again, is a violation of the spirit of the Covenant. The refusal by the United States Government to accept the fact that upon termination of the Trusteeship we should all be given United States passports. That is again a direct confrontation and a direct disregard. So these are all examples I can point out to back up our statement. The refusal of the U.S. to grant passports to Commonwealth citizens, the United States' assertion that the territorial clause of the U.S. Constitution allow the federal government to interfere in the Commonwealth's affairs, the breach of the Section 902 Consultation and a lot of other things. I could go on if you will allow me, but I just want to point these out.

President Manglona: Yes, Senator Guerrero, H. We are still under discussion on the proposed amendment. If there is no objection, I would like to dispose on that motion now.

Floor Leader Inos moved to end debate. Senator Babauta seconded and the motion carried by voice vote.

President Manglona: We will now vote on the proposed amendment offered by Vice President Mafnas.

The motion to adopt the amendment carried by voice vote. House Bill No. 6-88 now becomes House Bill No. 6-88, S.D.1.

President Manglona: Is there any further discussion on House Bill No. 6-88, S.D.1?

Senator H. Guerrero: I move to the previous question.

Senators Babauta and J. Guerrero seconded and the motion carried by voice vote.

President Manglona: We will now vote on the main motion to pass First, Second and Final Reading on House Bill No. 6-88, S.D.1. Will the Senate Clerk please call the roll to vote?

The Senate Clerk called the roll with the following result:

Senator Juan N. Babauta	Aye
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Senator Babauta: My vote is "yes" with all those concerns that I enumerated.

Senator Herman R. Guerrero	Aye
Senator Juan T. Guerrero	Aye

Senator J. Guerrero: "Yes", provided that it is legal.

Senator Joseph S. Inos	Aye
Senator Jose P. Mafnas	Aye
Senator Herman M. Manglona	Aye
Senator Paul A. Manglona	Aye
Senator Manuel P. Villagomez	Aye
President Benjamin T. Manglona	Aye

The motion to pass House Bill No. 6-88, S.D.1 on Second and Final Reading unanimously passed the Senate with a roll call vote of nine "ayes".

RESOLUTION CALENDAR

Senate Joint Resolution No. 6-6, S.D.1: "A Senate Joint Resolution Requesting the Governor and the Representative of the United States to formulate a plan to hold a Commonwealth (CNMI) Day in Washington, D.C.", for adoption.

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

Senate Joint Resolution No. 6-14: "A Senate Joint Resolution Expressing appreciation and commendation to Mr. Anthony M. Pilaro of Duty Free Shoppers Limited on the occasion of the opening of the firm's new main store on Saipan which reflects the firm's confidence for the continued growth of Saipan's vital tourism industry.", for adoption.

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

Senate Joint Resolution No. 6-15: "A Senate Joint Resolution Expressing appreciation and commendation to Mr. Robert W. Miller of Duty Free Shoppers Limited on the occasion of the opening of the firm's new main store on Saipan which reflects the firm's confidence for the continued growth of Saipan's vital tourism industry.", for adoption.

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

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Mr. President, I just want to find out -- we are giving our appreciation and commendation to the people in the Duty Free. Does it require the Senate's commendation for those who work at Duty Free? Can somebody enlighten the Senate on that?

President Manglona: Since I am the introducer of the resolutions, I find it fitting that we extend our congratulations to Duty Free Shoppers on the occasion for the grand opening of their new department store at downtown Garapan. It would be a good gesture on the part of the Legislature to recognize their growth and development here in the Northern Marianas. As we all know that Duty Free Shoppers have successfully demonstrated their interest and support in our economic development. They have contributed tremendously in our tourism development. Also, there are lots of contributions made by Duty Free Shoppers for various community projects on our islands. Therefore, in recognition of these services to our people, and in view of the grand opening of their new main shopping center this coming Friday, it is a nice gesture on our part to recognize these two individuals who pioneered the Duty Free Shoppers on our island.

Senator J. Guerrero: Ready.

Senator H. Guerrero: Yes, Mr. President. I know that they are ready -- Senator Juan Pan is ready. But, Mr. President, I know that I am not ready -- at least not yet. (Laughter) Mr. President, it's just that maybe I would like to find out more about what this commendation and appreciation is for. I agree with you, Mr. President, The Duty Free is one outlet here that has hired more locals here than any other businesses that I know. So I think along that line, I will support your line of thinking, Mr. President. Now I am ready.

President Manglona: Thank you, Senator Guerrero, H. We will now vote on Senate Joint Resolution No. 6-15.

The motion to adopt Senate Joint Resolution No. 6-15 carried by voice vote.

INTRODUCTION OF BILLS

Bill No. 6-91: A Bill For An Act To regulate port charges and related user fees, to confer additional powers and duties to the Commonwealth Ports Authority, to amend Article 2 of Division 2 of Title 2 of the Commonwealth Code, and for other purposes. (Senator Juan T. Guerrero -- Assigned to JGL)

INTRODUCTION OF RESOLUTIONS

None

PETITIONS, MEMORIALS, AND MISCELLANEOUS COMMUNICATIONS

None

MISCELLANEOUS BUSINESS

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: I just want to share the letter that I received from the Deputy Assistant Secretary of the Territorial and International Affairs with regards to the approval of the war claims money. Mr. President, after writing to the office, they

have finally confirmed that war claims have been approved, but the Department of the Interior has been silent about it. I have a letter here which I would like to share with the members of the Senate. If you'll allow me, I will read it. If you don't allow me, I can have copies made.

President Manglona: You have my blessing, Senator Guerrero, H. Please, you may proceed.

Senator H. Guerrero: Thank you. This is a letter coming from Mark S. Hayward, signed for him by Nancy L. Boone. "Dear Senator Guerrero: Thank you for your letter seeking information as to our plans on distributing the funding appropriated by Congress in the FY 1988 budget for Micronesia War Claims.

"As you know, the work of the Micronesian War Claims Commission was completed several years ago. The records were transferred to Washington, D.C. Included in these records are computer tapes, several years old, which contain the basic information on the status of each claim. The Department is now in the process of converting the old Trust Territory computer tape to the Department's computer system since the TT computer no longer exists. Once this process is completed, it will be necessary to determine which of the 19,000 individuals known to be eligible for the claim funds are still living and, if not living, determine the legal heir.

"As you can see, this is no simple process and will take some time. In addition, Congress did not provide any funding for administrative costs, therefore we are having to make adjustments to our own budget to accomplish these tasks.

"In our opinion, it should not be necessary for individuals to hire the services of legal counsel to obtain the funds as the Claims Commission already made a determination on individual eligibility. In addition, Congress specifically limited fees for such legal counsel. No new claims will be accepted.

"Once we have completed the administrative process, we will then work with your government in the proper distribution of the funds by the Department of the Interior.

"I am hopeful this information is responsive to your request. Sincerely, Mark S. Hayward, Deputy Assistant Secretary Territorial and International Affairs." Thank you.

The Chair recognized Senator Babauta.

Senator Babauta: Thank you, Mr. President. I would like to announce as Chairman of the Rules and Procedures Committee that the committee will be issuing copies to all the members of the Rules, as well as the members of the Senate, on the revised set of Rules for the Senate. As you know, Mr. President and members, that it has been four months since the inauguration and we are still operating under the Rules of Procedures of the Fourth Legislature which was temporarily adopted by the Fifth Legislature and which was temporarily adopted by the Sixth Legislature. With the urging of the members after the inauguration, the committee has worked on amending the Rules and I would like to keep them on notice that copies of the amended Rules will be sent to them for review and I recommend to them that we act on it during our next session.

ANNOUNCEMENTS

Chairman Babauta: I would like to announce that the Special Select Committee on Water Resources will be meeting tomorrow at 4:00 p.m., in the Speaker's Conference Room. I would like to urge Senator Herman R. Guerrero, Senator Manuel P. Villagomez, and Senator Paul A. Manglona to please attend this very important meeting as well as to the members of the House on this committee.

Acting Chairman J. Guerrero: Mr. President, there is a scheduled public hearing on Thursday and Friday at ten o'clock to be conducted by the Committee on Resources and Development.

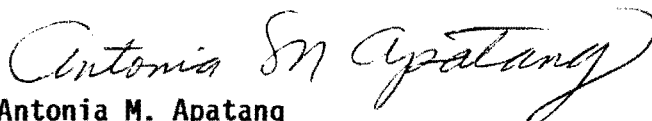
Senator Babauta: May I ask, Mr. President, what bills are going to be heard?

Acting Chairman J. Guerrero: The bill on Thursday is on Senate Bill No. 6-27. I don't exactly know the complete title off-hand, but it is the bill on the Foreign Investment -- the bill that we did not take action in the Fifth Legislature. On Friday, the scheduled public hearing will address the submerged land.

There being no further announcements, Floor Leader Inos moved that the Senate stand recessed subject to the call of the Chair. Senator Babauta seconded the motion, and the motion carried by voice vote.

The Senate recessed at 1:09 p.m., subject to the call of the Chair.

Respectfully submitted,


Antonia M. Apatang
Senate Journal Clerk