

SIXTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SECOND SPECIAL SESSION, 1988

FIRST DAY

Thursday, April 7, 1988

The Senate of the Sixth Northern Marianas Commonwealth Legislature, Second Special Session, 1988, was called to order at 2:42 p.m.

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 Manuel P. Villagomez was absent.

President Manglona: We established the necessary quorum; let us proceed with our session. Before I recognize the Floor Leader, I would like to take this time to recognize the presence of our 1988 Miss Northern Marianas Universe, Miss Ruby Jean Hamilton. (APPLAUSE) At the same time, also, I would like to recognized her loving parents, Mr. and Mrs. Wilburn Hamilton. (APPLAUSE) Miss Northern Marianas Universe is sponsored by J. C. Tenorio Enterprises and is being represented here today by Mrs. Priscilla Quan, Mrs. Darlene Macaranas, and Miss Lynn Tenorio. (APPLAUSE) Floor Leader Inos, Reading and Approval of the Journals?

READING AND APPROVAL OF THE JOURNALS

On motion by Floor Leader Inos, seconded by Senator Babauta, the Reading and Approval of the 13th Day's Journal for the First Regular Session, 1988, was adopted.

MESSAGES FROM THE GOVERNOR

None

REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS

None

HOUSE COMMUNICATIONS

No. 6-28: Transmitting for Senate action House Bill No. 6-73, H.D.2, entitled: "A Bill For An Act To establish a Vocational Education Program at the Northern Marianas College, to appropriate funds designated for such programs pursuant to Public Law 5-52, Section 7, (3 CMC, Sec. 4424(b)(1)), and for other purposes."

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

Standing Committee Report No. 6-38 from the Committee on Judiciary, Government and Law, reporting on Senate Bill No. 6-24, entitled: "A Bill For An Act To declare Martin Luther King Day a Commonwealth Government Holiday and to amend 1 CMC Section 311 and for other purposes.", for adoption.

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

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President, the title fo the bill has been amended. I would like just to share with you that that amendment should reflect the correct title. It is only proper that when we approve the Committee Report that the new title should

be in place. This is just for clarification. We are not approving the report as making Martin Luther King a Commonwealth Government Holiday, rather the new amendment to the bill will be "Commonwealth Day of Public Observance". Thank you.

Floor Leader Inos: Well taken, Mr. President.

The motion to adopt Standing Committee Report No. 6-38 carried by voice vote.

Standing Committee Report No. 6-40 from the Committee on Rules and Procedures, reporting on the temporary Rules and Procedures of the Senate, entitled: "Official Rules of the Senate, Sixth Northern Marianas Commonwealth Legislature.", for adoption.

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

The Chair recognized Chairman Babauta.

Chairman Babauta: Mr. President, before we entertain that motion, I would like to suggest if we can skip over that since the Committee Report is still being prepared and copies are still being xeroxed.

President Manglona: Will you please, Floor Leader Inos, skip that until the Committee Report is xeroxed and made available to the members?

Floor Leader Inos: No objection, Mr. President. I hereby withdraw the earlier motion.

Standing Committee Report No. 6-41 from the Committee on Health, Education, Welfare and Programs, reporting on House Bill No. 6-73, H.D.2, entitled: "A Bill For An Act To establish a Vocational Education Program at the Northern Marianas College, to appropriate funds designated for such programs pursuant to Public Law No. 5-52, Section 7, (3 CMC, Sec. 4424(b)(1)) and for other purposes.", for adoption.

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

Senator J. Guerrero: Do we have copies available?

Senator Babauta: Mr. President, according to the Senate Clerk, copies of the report are also being xeroxed.

President Manglona: Do you also want to skip the adoption of this Standing Committee Report until copies are xeroxed? If you want to skip the adoption of the report, I will ask the Floor Leader to suspend pertinent Rules of the Senate.

Senator J. Guerrero: Mr. President, I will withdraw my objection.

President Manglona: So, with that withdrawal, let's proceed. We are still under discussion on Standing Committee Report No. 6-41.

Senator H. Guerrero moved for the previous question. Vice President Mafnas seconded the motion, and the motion carried by voice vote.

The motion to adopt Standing Committee Report No. 6-41 was voted on and adopted.

SPECIAL/CONFERENCE COMMITTEE REPORTS

President Manglona: Under item (H) on our Order of Business today, I would like to ask the Floor Leader to make a motion that the Senate resolve itself into the Committee of the Whole in order to present the Senate Resolution honoring Miss Ruby Jean Hamilton. May I hear a motion from the Floor Leader?

Floor Leader Inos: Mr. President, I so yield the motion and give it to the honorable Senator Babauta.

The Chair recognized Senator Babauta.

Senator Babauta: Thank you, Mr. President. I move that the Senate resolve itself to the Committee of the Whole in order that we present the Senate Resolution honoring Miss Ruby Jean Hamilton for winning the Title of Miss Northern Marianas Universe 1988.

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

The Senate resolved itself into the Committee of the Whole at 2:50 p.m.

COMMITTEE OF THE WHOLE

The Senate resolved to its plenary session at 2:56 p.m.

President Manglona: Let us continue with our session. We are now down to Unfinished Business.

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

None

President Manglona: Floor Leader Inos, do you wish to go back to the Standing Committee Reports on line item (G) on our Order of Business now that we already have the reports with us?

Floor Leader Inos: Yes, Mr. President. We are now on item (J), however, I would like to waive all pertinent Rules of the Senate so that we go back to line item (G). That's a motion.

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

STANDING COMMITTEE REPORTS

Standing Committee Report No. 6-40 from the Committee on Rules and Procedures, reporting on the temporary Rules and Procedures of the Senate, entitled: "Official Rules of the Senate, Sixth Northern Marianas Commonwealth Legislature.", for adoption.

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

President Manglona: If there is no objection, I would like to ask for the unanimous consent of the Senate to go down to line item (K) on our agenda. (The members replied "no objection" in unison.)

BILL CALENDAR

Senate Bill No. 6-24, S.D.1: "A Bill For An Act To declare Martin Luther King Day a Commonwealth Day of Public Observance, and for other purposes.", for First Reading.

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

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, I bought a Time Magazine this afternoon and I came across a page with an interesting article. Can I read it please?

President Manglona: Do you want to read a paragraph of that article or do you want to read the whole page?

Floor Leader Inos: Under privilege, Mr. President.

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

Senator P. Manglona: "Any American child can grow up to be President. That idealistic sentiment began as part of the catechism of democracy, but through generations of rote it has degenerated into a kindergarten fable. Adults, of course, know the truth. The presidency is reserved for white men who have held high office and who have almost always avoided embracing a cause or expressing a sentiment that is far outside the mainstream of established opinion.

"But there are rare moments when the truths that seemed self-evident begin to be re-examine. The recalibration is a slow process, and it does not always immediately lead to dramatic consequences. Still, just the act of toying with a previously unimaginable possibility leaves an indelible mark. Even if the surface of life goes on pretty much as before, a seed has been planted that may someday bloom." This is a section that I took out from the Time Magazine article and I guess it is a coincident that it came out a week after the anniversary of the death of Martin Luther King in 1960. I guess it is written as a preface of an article on Jesse Jackson who has a dream just like Martin Luther King. Thank you, Mr. President.

The Chair recognized Senator Babauta.

Senator Babauta: Thank you, Mr. President. Mr. President, personally, I preferred that Martin Luther King Day be observed as a legal holiday. However, because of the additional burden financially that would cost the CNMI I yield to this day being declared only as a day of observance. And the reason why, Mr. President, is that I knew of this man through text and reading and hearing about him. And I think that through his non-violent movement in achieving racial and social integration in the great democracy country of the United States of America he did much to pull the nation together to erase social injustices and racial injustices. I know and experienced it when I was living in the states for several years the feeling of being discriminated. I have experienced walking in a restaurant to eat and people refusing to serve me. I have experienced being placed in the rear part of the airplane because the front part was reserved for whites in Atlanta, Georgia back in the early 1970's. I have experienced going to public facilities designated as "Whites Only" and as "Blacks Only". It is disheartening during those times to experience such experiences and Martin Luther King was one person that was responsible in erasing these injustices prevailed over the United States of America from the early times of the country up to late 1960's and 1970's. I full heartily give my support to this bill and I urge my colleagues to vote favorably on it. Thank you.

The motion to pass Senate Bill No. 6-24, S.D.1 on First Reading passed the Senate by voice vote.

House Bill No. 6-73, H.D.2: "A Bill For An Act To establish a Vocational Education Program at the Northern Marianas College, to appropriate funds designated for such programs pursuant to Public Law No. 5-52, Section 7, (3 CMC, Sec. 4424 (b)(1)), and for other purposes.", for First Reading.

Floor Leader Inos moved for its passage. The motion was seconded and carried by voice vote. House Bill No. 6-73, H.D.2 passed the Senate on First Reading.

RESOLUTION CALENDAR

"Official Rules of the Senate, Sixth Northern Marianas Commonwealth Legislature.", for adoption.

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

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President, with all due respect to the members of this body, the copies that were promised to be delivered in our last session got to my office at 3:15 this afternoon. I know I am a minority member and I never forgot that, but I'm also a member of the Senate representing the people of the Commonwealth. There are provisions in this Senate Rules that concern my activities here in the Senate; and I was not given the proper time to review and digest it. It is unfortunate that I was

not provided that copy. I'm not in complete opposition to the full text of the Senate Rules. It's just that there are major concerns that I would like to be addressed and never had the chance to address them. Specifically, on page 8, Rule 3, it says, "Time and Place of Meeting." It stated the place of meeting, but it did not state the time. It only referred to Article II, Section 13 of the Constitution. When we make rules, we have to incorporate things that are relevant, that we can read so that when we open up for reference that they are there in black and white. We don't have time to have all of these resources available before us. Also, Mr. President, just as a matter of concern, when a bill is referred to a committee -- the committees are set forth with the understanding that if it's a Committee on JGL that it deals with the relevant subject matter in the way that this Senate Rules is put together. And again, without trying to be insulting in trying to bring these matters before this honorable body, I have reservations in which the Chairman on the Rules Committee would make referrals on bills even if such a bill is not relevant to that certain committee. It defeats the purpose of the Rules itself because in the Rules, you set up the committees with the intent and the responsibilities. But when you don't refer those particular bills to the proper committee, then what is a committee? I have reservations with the functions of the Committee Chairmen. When a Committee Chairman do the committee report after a public hearing and submits the report to the general membership of the committee or to the Senate Clerk to place on the agenda or on the calendar, it is not the prerogative of the Committee Chairman but rather it is somebody else's function to place a bill or a standing committee report that a committee has worked hard on. That function and that route should be directly between the Committee Chairman and the Senate Clerk to place it on the calendar to be entertained either to reject or to approve. Those are some of my concerns. I don't have ample time to go over the Rules in particular, but I highlighted those as my major concerns. Again, I apologize if I insulted or in any way indicated to any of the members what I have said today. Thank you.

The Chair recognized Senator Babauta.

Senator Babauta: Mr. President, last week, I believe, one of my staff made available copies of the draft Senate Rules for the members' review. The only difference between that copy, Mr. President, and the copy that was handed to Senator Juan T. Guerrero at three o'clock this afternoon is the change on Rule 16, amendment to Section 1 which reads that -- with respect to disciplining and expelling a member of the Senate which requires a simple majority to that of 3/4 vote of the Senate. That's the only change, otherwise the committee report essentially states the same. Those copies were made available, I believe, last week.

The Chair recognized Senator P. Manglona. Senator P. Manglona yielded the floor to Senator H. Guerrero. Senator H. Guerrero yielded the floor to Senator J. Guerrero.

Senator J. Guerrero: Mr. President, again, I would just like to state for the record that my office was never provided copy last week.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Mr. President, I think it is high time that we pass some kind of or some sort of permanent Rules and Procedures of the Senate. Since the beginning of this Senate I was very vocal in pushing for the Senate to have permanent Rules and Procedures because we have been operating under temporary Rules and Procedures in the past Senates. And I feel very, very uncomfortable in trying to operate under temporary Rules and Procedures because all sorts of Rules and Procedures could be changed either way, anytime. Anybody could change it. Whether these Rules are good or bad, I feel that we should now have a permanent Rules. In the coming days, or months, or sessions, any member of the Senate can put forth his amendment to the Rules if there is concern to certain provisions in the Rules. Otherwise, I think it is high time that we have a permanent Rules and Procedures for the Senate now. Thank you, Mr. President.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, I agree with my good colleague, Senator Juan Guerrero, that these rules will truly affect the way I function and operate as a Senator. That is why when it was announced in the last session by Senator Babauta that the rules will be given out to the members, I personally did not have copy and I took the effort to go to Senator Babauta and asked for a complete set after the last session. Thank you.

The Chair recognized Senator H. Manglona.

Senator H. Manglona: Mr. President, I just came back from my medical treatment and I also don't have the time to review the Senate Rules. I do not believe that my office was furnished the proposed Rules as Senator Babauta mentioned. I was given the Senate Rules at about three or five to three this afternoon. And I agree with Senator Juan Pan and Senator Paul Manglona that we have to be given time to review this with the amendments that was signed by the individual Senators. I believe that it will not hurt the Senate. If we can wait four months then we can wait until next session. Thank you, Mr. President.

President Manglona: Thank you, Chairman Manglona, H. Let me say this that at one time copies of the rules were passed out during a leadership meeting. I believe every chairman has a copy at that meeting. I remembered also that at one occasion we were about to act on the Rules and I think the Rules were distributed in every box of the members for the Senate. I am sorry if there have been some misunderstandings. It appears that we have communication problem. Somebody may have picked up your copy in your mail box. Is there any further discussion? Are you ready for the question? (Pause) We will now vote on the Official Rules of the Senate -- this is the permanent Official Rules of the Senate. Since this is an important matter for the Senate, I would like to ask the Senate Clerk to please call the roll for voting.

Senator J. Guerrero: Point of clarification.

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

Senator J. Guerrero: Senator Babauta mentioned and I didn't catch it clearly that a member can be expelled by a simple majority now or is it the opposite?

Senator Babauta: It is the opposite.

Senator J. Guerrero: Now it requires 3/4?

Senator Babauta: Yes.

President Manglona: To further clarify that concern, the proposed change on that will now be consistent with the present language of the Constitutional Amendment. Senate Clerk, 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 | Aye |
| Senator Juan T. Guerrero | Nay |
| Senator Joseph S. Inos | Aye |
| Senator Jose P. Mafnas | |
| Senator Herman M. Manglona | |
| Senator Paul A. Manglona | Aye |
| Senator Manuel P. Villagomez | Absent |
| President Benjamin T. Manglona | Aye |

Senate Clerk: Mr. President, we have five "yes", two "abstained" and one "no".

President Manglona: Will you please call the names of the two Senators who have not responded to the first call?

Senate Clerk: Senator Jose P. Mafnas?

Vice President Mafnas: Mr. President, before I cast my vote, I would like to explain myself. I did not sign the committee report in view of the fact that it was a very short time that I was given the opportunity to review the committee report. I have no major concern, no major objection to the committee report nor the final draft of the Senate Rules that we are now discussing but because of the time allotted me to make clear judgement on the present Rules and Procedures of the Senate that is under discussion, in all fairness, Mr. President, to myself, I will cast my vote "no".

Senator Jose P. Mafnas
Senator Herman M. Manglona

Nay
Aye

The motion to adopt the Official Rules of the Senate, Sixth Northern Marianas Commonwealth Legislature, passed the Senate with a roll call vote of six "ayes" and two "nays".

INTRODUCTION OF BILLS

Bill No. 6-92: A Bill For An Act To amend Section 10(b) of P.L. 3-105, the Commonwealth Entry and Deportation Act of 1983, to place reasonable restrictions on business entry permits and prevent abuses; to make a technical amendment to Section 7 of P.L. 3-105; to prohibit the issuance of nonresident worker permits to immediate relatives of nonimmigrant alien visitors; and for other purposes. (Senator Herman R. Guerrero -- Assigned to R&D)

INTRODUCTION OF RESOLUTIONS

None

PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS

None

MISCELLANEOUS BUSINESS

None

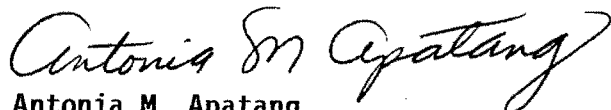
ANNOUNCEMENTS

Acting Chairman J. Guerrero: The Committee on R&D has scheduled a public hearing tomorrow at ten o'clock on the Foreign Investment bill.

Chairman P. Manglona: The Committee on Federal Relations and Independent Agencies will have a public hearing on April 12 on Senate Bill No. 6-69.

On motion by Floor Leader Inos, seconded by several members of the Senate, the Senate recessed at 3:24 p.m., subject to the call of the Chair.

Respectfully submitted,



Antonia M. Apatang
Senate Journal Clerk