

SIXTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
THIRD SPECIAL SESSION, 1988

FIRST DAY

Wednesday, April 13, 1988

The Senate of the Sixth Northern Marianas Commonwealth Legislature, Third Special Session, 1988, was called to order at 3:33 p.m.

The Honorable Benjamin T. Manglona, President, presided.

A moment of silent prayer was observed.

President Manglona: If there is no objection from the members of the Senate, I would like to appoint Ms. Frances Reyes to be the Acting Senate Clerk for today's session. Our Senate Clerk is on leave for one week. Will the Acting Senate Clerk please call the roll?

The Acting Senate Clerk called the roll. Six members were present. Senators Herman R. Guerrero, Jose P. Mafnas, and Herman M. Manglona were absent.

President Manglona: We have established the necessary quorum, so let us proceed with our session.

READING AND APPROVAL OF THE JOURNALS

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

MESSAGES FROM THE GOVERNOR

None

REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS

None

HOUSE COMMUNICATIONS

No. 6-29: Transmitting for Senate action House Bill No. 6-37, H.D.2, entitled: "A Bill For An Act To make appropriations for the operations of the Executive Branch of the Government of the Commonwealth of the Northern Mariana Islands for the Fiscal Year ending September 30, 1988, to identify resources available for appropriations in FY '88, to identify Capital Improvement Projects funds, and for other purposes." (Assigned to the Committee on Fiscal Affairs)

No. 6-30: Returning Senate Joint Resolution No. 6-9, entitled: "A Senate Joint Resolution To officially present to the United Nations Security Council and the United Nations Trusteeship Council the results of the Commonwealth-wide initiative of November 7, 1987: 'To reaffirm the Covenant guaranteeing sovereignty to the people of the Commonwealth of the Northern Mariana Islands over all internal and local affairs.'", adopted by the House of Representatives on April 7, 1988.

Returning Senate Joint Resolution No. 6-14, entitled: "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.", adopted by the House of Representatives on April 7, 1988.

Returning Senate Joint Resolution No. 6-15, entitled: "A Senate Joint Resolution Expressing appreciation and commendation to Mr. Rober 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.", adopted by the House of Representatives on April 7, 1988.

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

None

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Bill No. 6-94: A Bill For An Act To halt for up to six months the issuance of nonresident workers identification certificates under 3 CMC 4435(b) when such certificates are for workers who will perform services or labor within the Third Senatorial District of Saipan, and for other purposes. (Senator Juan T. Guerrero -- Assigned to R&D)

BILL CALENDAR

S.B. 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 Second Reading.

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

There being no discussion, the Chair instructed the Acting Senate Clerk to call the roll for voting:

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

Senate Bill No. 6-24, S.D.1 passed the Senate on Second and Final Reading with a roll call vote of six "ayes".

H.B. 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 5-32, Section 7, (3 CMC, Sec. 4424(b)(1)) and for other purposes.", for Second Reading.

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

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: I think the bill in itself lacks the authority to proceed. As I understand it correctly, the provision under Public Law 5-32 requires that a written approval by the Committee Chairmen -- I believe there are supposed to be four committee chairmen involved with this approval -- they have to concur individually on behalf of their committee. That's the first that I would like to point out. Yesterday, I had the opportunity to meet with the Department of Commerce and Labor and in the same source of

funding \$60,000 is reserved for Commerce and Labor. Mr. President, the Department of Commerce and Labor is having great problems. One of the problems that your Committee on R&D identified was that a lot of their staff have resigned and the Department is now understaff. The Acting Chief from the Department of Commerce and Labor, Mr. Jack Torres, requested if we can insert a floor amendment to include the \$60,000 that would go to the Department. They can take additional effort in catching up on the applications, either for renewal or new applications on the nonresident permits or certificates. If there is no objection from the members, I have a floor amendment that I would like to make.

The Chair called for a short recess at 3:40 p.m.

RECESS

The Senate reconvened at 3:45 p.m.

President Manglona: Let us continue on with our session. We are still under discussion on House Bill No. 6-73, H.D.2. Is there any further discussion?

The Chair recognized Chairman Babauta.

Chairman Babauta: Mr. President, on those issues brought up by Senator Juan T. Guerrero, I think that they merit addressing at this point. In response to those concerns, the Committee felt that the money that was set aside pursuant to Public Law 5-32, can be appropriated in a different appropriation bill for the Department of Commerce and Labor, as well as for Immigration, I believe. With the unanimous consent of the members, I would like to ask if we can proceed approval on this bill that is specifically designed for the College. The other concern that Senator Guerrero raised is the issue of having the four committee chairmen's signature of approval on the expenditure of funds by the College. That has been done through our Committee Report during our First Reading of the bill.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Just one more thing that I would like to mention. On the findings of the Committee Report, the Committee identified that the Department of Finance collected to date \$582,949. The bill, in essence, is appropriating \$609,099. Also the Committee estimated that by the end of the fiscal year that the amount collected will be over a million dollars. I don't know if that's really true or not.

President Manglona: Will the Chairman of HEW Committee or the Chairman of the Fiscal Affairs Committee please respond to the concern raised by Acting Chairman Guerrero, J.?

Chairman Inos: I'm not quite sure what's being asked.

Senator J. Guerrero: The bill itself talks about the sum of \$609,099. In the findings of the Committee, it only identified \$582,949. Also, the Committee Report indicated that possible collection is to exceed a million dollars.

Chairman Inos: Public Law 5-32 calls for the increase of fees and those fees should go to at least three or four different projects. Those fees collected in FY '88 that we know of is 600 some thousand dollars. The share for the Northern Marianas College is 500 some thousand dollars. So the difference of that share goes to the Mayor of Rota, Mayor of Tinian and for the Labor. If I may add, Public Law 5-32, the collection for all of those began in April of last year. So actually, the collection was made for six months, not one year. So we're expecting that the collection being appropriated here will double for FY '89.

Senator J. Guerrero: According to the Committee Report, that's not what it says. It says that the actual cash collected commenced on August 1987 to January 1988.

Chairman Inos: That's my understanding, unless the Chairman of HEW has different information.

Chairman Babauta: Mr. President, I have the same understanding as the Chairman of Fiscal Affairs has as relayed by the Director of Finance.

Senator J. Guerrero: Is that in writing?

Chairman Babauta: The Director of Finance was in the meeting with us.

Senator J. Guerrero: That's all, Mr. President.

President Manglona: We are still discussing House Bill No. 6-73, H.D.2. (Pause) Are you ready for the question? (Pause) We will now vote on House Bill No. 6-73, H.D.2. Acting Senate Clerk, please call the roll to vote.

The Acting 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	Absent
Senator Herman M. Manglona	Absent
Senator Paul A. Manglona	Aye
Senator Manuel P. Villagomez	Aye
President Benjamin T. Manglona	Aye

House Bill No. 6-73, H.D.2 passed the Senate on Second and Final Reading with a roll call vote of six "ayes".

RESOLUTION CALENDAR

None

INTRODUCTION OF BILLS

Senator P. Manglona: Mr. President, I have prenumbered Senate Bill No. 6-95. It's A Bill For An Act To repeal Title 6, CMC, §2150(d)(Controlled Substances Forfeiture), and enact in its place a new subsection (d), providing that criminal for forfeiture of property seized in drug enforcement cases can take place as part of a criminal trial, upon separate count or indictment; to amend Title 6, CMC, §2150(g), by adding a new provision allowing the Attorney General to enter upon unoccupied public lands, without a search warrant, for purposes of enforcing drug laws, and for other purposes." (Assigned to JGL & HEW)

Senator M. Villagomez: Mr. President, I have Senate Bill No. 6-96 -- A Bill For An Act To amend Title 6, CMC, Division 2 (Contraband Offenses), by adding a new Chapter 3, making it unlawful in the Commonwealth to import controlled substances, certain currency, certain firearms, ammunition or dangerous devices, and creating criminal penalties; and for other purposes." (Assigned to JGL & HEW)

Senator J. Babauta: Mr. President, as of today, I am introducing Senate Bill No. 6-97. This is A Bill For An Act To amend Title 6, CMC, Div. 2, Article 4 (Offenses and Penalties - Drug Offenses), by adding a new section, making a certificate of analysis from a certified chemist admissible evidence in a criminal drug case, creating a rebuttable presumption that the substance is what the certificate says it is; and for other purposes." (Assigned to JGL & HEW)

INTRODUCTION OF RESOLUTIONS

None

PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS

None

MISCELLANEOUS BUSINESS

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, what happened to the bill that we passed on the Trusteeship Termination Commission?

President Manglona: I understand that the House rejected the Senate amendment to the bill. I was informed by the Speaker to appoint members of the Conferees from the Senate. I have appointed the following members of the Conference Committee. You, Chairman Manglona, P., as Chairman, Senators Babauta and Villagomez as members. I would like to ask you to check with the members of the House Conferees and see if you can expeditiously review their objection on the bill. Is there any further Miscellaneous Business?

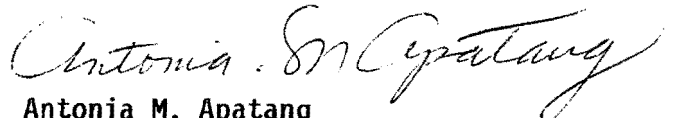
ANNOUNCEMENTS

Acting Chairman J. Guerrero: Mr. President, your Committee on Resources and Development will be conducting a public hearing tomorrow (Thursday, April 14, 1988) at ten o'clock on Senate Bill No. 6-38.

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

The Senate recessed at 3:55 p.m., subject to the call of the Chair.

Respectfully submitted,



Antonia M. Apatang
Senate Journal Clerk