

SIXTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
SEVENTH SPECIAL SESSION, 1988

FIRST DAY

Friday, June 17, 1988

The Senate of the Sixth Northern Marianas Commonwealth Legislature, Seventh Special Session, 1988, was called to order at 2:00 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 Jose P. Mafnas was excused.

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. 6-49: Returning Senate Bill No. 6-36, "To amend Title 1 CMC, Section 2154 (Attorney General's Staff) to create the Division of Intergovernmental Relations for the purposes of addressing cases and controversies arising under the Covenant and the Commonwealth Constitution; and for other purposes."

No. 6-50: Returning S.J.R. No. 6-7, "Protesting the manner of nominating the Federal Judge for the NMI District Court, and requesting the establishment of a procedure for such nomination involving prior consultations with the Commonwealth of the Northern Mariana Islands.", which the Senate recalled on June 7, 1988.

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

Standing Committee Report No. 6-63, from the Committee on Executive Appointments and Governmental Investigations, reporting on the Governor's appointment of Mr. Antonio S. Borja to serve as a member of the Alcoholic Beverages Control (ABC) Board representing the island of Tinian, for adoption and confirmation.

Floor Leader Inos moved for its adoption and confirmation of Mr. Antonio S. Borja. Senator H. Manglona seconded the motion. There being no discussion, 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	Excused
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. 6-63, confirming Mr. Antonio S. Borja to serve as a member of the Alcoholic Beverages Control (ABC) Board representing the island of Tinian, passed the Senate with a roll call vote of eight "ayes".

Standing Committee Report No. 6-64, from the Committee on Executive Appointments and Governmental Investigations, reporting on the Governor's appointment of Mr. Howard I. Macaranas to serve as a member of the Board of the Marianas Visitors Bureau (MVB) representing Tinian, for adoption and confirmation.

Floor Leader Inos moved for its adoption and confirmation of Mr. Howard I. Macaranas. Senator Babauta seconded the motion. There being no discussion, 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	Excused
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. 6-64, confirming Mr. Howard I. Macaranas to serve as a member of the Board of the Marianas Visitors Bureau (MVB) representing Tinian, passed the Senate with a roll call vote of eight "ayes".

Standing Committee Report No. 6-65, from the Committee on Executive Appointments and Governmental Investigations, reporting on the Governor's appointment of Mr. Efrain F. Camacho to serve as a member of the Board of the Professional Licensing, for adoption and confirmation.

Floor Leader Inos moved for its adoption and confirmation of Mr. Efrain F. Camacho. Senator Babauta seconded. There being no discussion, 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	Excused
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. 6-65, confirming Mr. Efrain F. Camacho to serve as a member of the Board of the Professional Licensing, passed the Senate with a roll call vote of eight "ayes".

Standing Committee Report No. 6-67, from the Committee on Federal Relations and Independent Agencies, reporting on Senate Joint Resolution No. 6-13, entitled: "A Senate Joint Resolution Urging the MPLC to immediately execute a lease with the Mercedarian Missionaries of Berriz on terms and conditions reflecting their continued need for, and previously existing interest in, land on Navy Hill they have occupied for in excess of twenty (20) years; and approving a forty (40) year lease of the subject land in accordance with Article XI, Section 5(c) of the Constitution of the Northern Mariana Islands, as amended by Constitutional Amendment No. 32.", for adoption.

Floor Leader Inos moved for its adoption, seconded by Senator Babauta.

President Manglona: Let me make some clarifications. I would like to call your attention, Floor Leader Inos, to go back to Standing Committee Report No. 6-66 after we adopt Standing Committee Report No. 6-67.

Floor Leader Inos: Yes, Mr. President..

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President, again, this morning, I met with some of the nuns here on Saipan and they are still looking at us in trying to help them out in this predicament that they're in right now. It looks like somebody with MPLC have the intention of losing all the documents in their possession. They're saying that they don't have anything. I don't think that's right. The Mercedarian sisters who have been here longer than the existence of MPLC by a great number will take an attitude that the Mercedarian Missionaries of Berriz are not useful here in the Commonwealth. I take the position that their being here has helped us out not only spiritually, but also in providing us with the proper guidance in our livelihood. In fact, they taught us that we should be friendly to our neighbors and that before we cast a stone at somebody, we should look at ourselves first. With that, I urge the members to support this standing committee report so that we may pass the resolution. Thank you.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Mr. President, I just want to point out for my colleagues' information that there was a resolution passed with respect to the MPLC. This is the second resolution that this body is attempting to get to MPLC. After listening to their rationale in the public hearing, we have found that they really have no basis to deny the request. So, therefore, Mr. President, I would urge immediate passage of this and if we could also ask our President to communicate with the House to urge immediate passage, and if this piece of resolution pass the Legislature, and the Governor signs it, we have to make sure that the MPLC approves it. If not, we might have to go back and introduce it in a form of a bill.

The Chair recognized Senator Villagomez.

Senator Villagomez: Mr. President, I think the same bill was introduced during the Fifth Legislature and I voted for that resolution. I am still supporting the same resolution here too. Thank you.

The motion to adopt Standing Committee Report No. 6-67 was voted on and carried.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Mr. President, going back to the other committee report, I move for the confirmation and adoption of Standing Committee Report No. 6-66 from the Committee on EAGI, reporting on the Governor's appointments of Mr. Gregorio T. Sablan (representing Saipan), Mr. Victorino N. Igitol (representing Carolinian Community), and Mrs. Arlene C. Torres (representing Women) to serve as members of the Alcoholic Beverages Control Board.

Senator Babauta seconded the motion.

Standing Committee Report No. 6-66, from the Committee on Executive Appointments and Governmental Investigations, reporting on the Governor's appointment of Mr. Gregorio T. Sablan (representing Saipan), Mr. Victorino N. Igitol (representing Carolinian Community) and Mrs. Arlene C. Torres (representing Women) to serve as members of the Alcoholic Beverages Control (ABC) Board, for adoption and confirmation.

President Manglona: Are you ready for the question? (Pause) The Chair wish to get the direction from the members. Are you going to vote for the confirmation of all nominees at one time? (The members replied "yes" in unison.)

The Senate Clerk called the roll with the following result:

Senator Juan N. Babauta	Aye
Senator Herman T. Guerrero	Aye
Senator Juan T. Guerrero	Aye
Senator Joseph S. Inos	Aye
Senator Jose P. Mafnas	Excused
Senator Herman M. Manglona	Aye
Senator Paul A. Mariglona	Aye

Senator Manuel P. Villagomez  
President Benjamin T. Manglona

Aye  
Aye

The motion to adopt Standing Committee Report No. 6-66, confirming Mr. Gregorio T. Sablan, Mr. Victorino N. Igitol, and Mrs. Arlene C. Torres, passed the Senate with a roll call vote of eight "ayes".

Standing Committee Report No. 6-68, from the Committee on Health, Education, Welfare, and Programs, reporting on Senate Bill No. 6-62, entitled: "A Bill For An Act To establish Medical Referral Standards, A Medical Referral Committee, and for other purposes.", for adoption.

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

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, there is minor note here for the Committee to consider on First Reading when we get there. Going through the report on the composition of this board, I have no problem with it because I believe it's a good composition. However, can you please consider maybe including in here members from the islands of Rota and Tinian? As you know, medical referral is necessary for our people many times because our facility is not a complete hospital. Please consider including the members from the islands on this board. Thank you.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: I have no reservation to include members from Rota and Tinian. Correct me if I'm not on the right track, but I think the board sometimes deal with emergency cases. Am I on the right track?

President Manglona: I think you are, Senator Guerrero, H.

Senator H. Guerrero: The board deals with emergency cases and if we are faced with a situation like that we can probably rush in the members from Rota and Tinian. The problem is that sometimes the small planes don't arrive on time and the helicopters are very slow in the coming, so the patient dies. To an extent feasible and notwithstanding the emergency situation, I think they should include members from Rota and Tinian.

The Chair recognized Senator H. Manglona.

Senator H. Manglona: I disagree with Senator Guerrero. We have people from Tinian and Rota residing here in Saipan. They can be appointed to serve on the medical referral committee. Thank you.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Senator Manglona just gave one good reason why members from Tinian and Rota should be included. If that is the wishes of my colleagues, that's even better because they are on the island. But I thought that in putting representatives on the board and commission, and whatnot, that they should actually be residing in the particular area they are representing.

The Chair recognized Senator Villagomez.

Senator Villagomez: The recommendation by Senator Manglona has merit. Just a point of clarification. What is the present medical referral board at this time? Are the members of the medical referral board all doctors or is there any regular citizen on the board? Are they supposed to be doctors making a decision on the referral of the patient? It's just a point of clarification.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: The medical referral committee is a committee, not a board. It is composed mostly of doctors with the inclusion of the medicaid staff. The medicaid staff are not doctors. I believe Angie Deleon Guerrero and Lambert Palacios are members of the

medical referral committee at this time. Mr. President, because of the nature of the medical referrals are delicate, decisions are made within hours. At times, I do not agree with the manner or condition of sending the patient for referral. Sometimes it is too late and the patient died before they reach a decision.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Actually, there can be a compromise. If one can define what emergency is then maybe there might not be a need to establish a quorum based on the total number of board member in an emergency situation. My only point here is that since medical referral in the CNMI concern mainly the people from Rota and Tinian, they should be included in the board composition. I think that their concerns should also be addressed. That's my only point there. I guess it's for policy decision solely than the whole board establish a quorum to meet. That's all, thank you.

President Manglona: Let me suggest that we will limit our debate on whether or not there is a need to have one representative from Rota and Tinian. But when we reach the Bill Calendar, I will permit members to debate and deliberate on the issue.

The motion was voted on and Standing Committee Report No. 6-68 was adopted.

Standing Committee Report No. 6-69, from the Committee on Health, Education, Welfare and Programs, reporting on Senate Bill No. 6-105, entitled: "A Bill For An Act To provide for a Commonwealth Littering Control Act of 1988, repealing 6 CMC Section 3106 and 9 CMC, Section 5803, and for other purposes.", for adoption.

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

#### SPECIAL/CONFERENCE COMMITTEE REPORTS

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Mr. President, under line item H, I move for the adoption of Conference Committee Report No. 6-2, from the Committee on Fiscal Affairs of the Senate and the Committee on Ways and Means of the House reporting on House Bill No. 6-37, H.D.2, S.D.2, C.D.2, entitled: "A Bill For An Act To make appropriations for certain operations and personnel of the Government of the Commonwealth of the Northern Mariana Islands for the fiscal year ending September 30, 1988, and to identify resources available for appropriations in FY '88; and for other purposes."

Senator Babauta seconded the motion.

Conference Committee Report No. 6-2, from the Joint Conference Committee, reporting on House Bill No. 6-37, H.D.2, S.D.2, entitled: "A Bill For An Act To make appropriations for certain operations and personnel of the Government of the Commonwealth of the Northern Mariana Islands for the fiscal year ending September 30, 1988, and to identify resources available for appropriations in FY '88; and for other purposes.", for adoption.

The chair recognized Chairman Inos.

Chairman Inos: Mr. President, in a nut shell, this is a 1988 budget committee report. The committee report here addressed those concerns that were raised earlier and we could not compromise on. As a result of aggressive effort between the two amicable chairmen in the House and the Senate Committees on budget affairs, we have managed to finally agree upon on good ground terms which is to the best interest of our government and remains to be favorable and has been agreed upon by majority or all of the conference committee. Mr. President, in essence, the committee report reflects those concerns that have been of great disparity between the House and the Senate and we have jointly agreed upon the 21 main points which have separated the House and the Senate for a very, very long time. As a result, it is very simple and self-explanatory, and I hope that with your indulgence we should be able to let 1988 pass and look forward for 1989. Thank you, Mr. President.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, can the Chairman please explain Section 311? Can he describe the purpose of this section?

President Manglona: Will the Chairman respond to the concern raised by Chairman Manglona, P.?

Chairman Inos: Mr. President, Section 311 is something that has been allegedly described as one of the most abused criteria within our government. Section 311 requires that government board members, government staff, or government officials employed in the CNMI who go out of the CNMI for meetings or any kind of activity when they come back to the CNMI they must report to the Governor, to the Legislature activities -- what is the purpose of their departure, the financial obligation that has been incurred as a result of this meeting and other itemized actual expenses. We feel that this is not done by some individuals and it's about time we put some teeth into traveling -- what is known as -- I forgot the term. Thank you, Mr. President.

The motion to adopt Conference Committee Report No. 6-2 was voted on and carried.

The Chair recognized Chairman Babauta.

Chairman Babauta: Yes, Mr. president. On item H, if I may report on behalf of the Committee on Water.

President Manglona: Yes, you may proceed.

Chairman Babauta: Mr. President, I am very pleased to present to you on behalf of the eight members of the Special Joint Select Committee on Water Supply and Distribution which you have appointed on March 8, 1988, and was subsequently joined by other members of the House upon the approval of Senate Joint Resolution No. 6-12, sponsored by Senator Herman R. Guerrero and having approved by this transmittal of seven out of eight member, the descending vote is from Representative Juan S. Torres. I am very pleased at this time, Mr. President, to present to you as the presiding officer of the Senate the completed report of your Special Joint Select Committee on Water Supply and Distribution. Thank you very much.

President Manglona: Thank you, Chairman Babauta. The Chair would like to take this special privilege to personally thank the Chairman and the Committee members who served in the Senate Special Joint Legislative Committee on Water Resources for Saipan. I would like to acknowledge the fine work of the Chairman and his Committee members. They deliberated long hours of meetings among themselves, with officials of the Executive Branch and the general public to accumulate sufficient information for their report. Chairman Babauta, on behalf of the Senate, I would like to thank you very much and your Special Committee members for the outstanding work your committee has performed. Also, I would like to also ask you, Mr. Chairman, to continue to take the lead to follow your recommendations until we resolve the water problem. Also, I would like to instruct the Chairman of our Fiscal Affairs Committee to take special note on the committee's recommendations pertaining to the fundings requirements, so that necessary fundings can be appropriated for water projects on Saipan. I urge all the members of the Senate to read the report. Let us all put our efforts together to see to it that the water situation on the island of Saipan be resolved as soon as possible. Again, thank you very much, Chairman Babauta and your Special Committee members for your good work.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, I heard last night as I was watching Cable TV News that some legislators objected to the work of this Joint Legislative Committee. If it is true that it is a waste of our time to hold public hearings for this very serious problem, if it is true that holding public hearings with our people, with the business community, and looking at the problem of our water situation on Saipan is a waste of time, then we should close down the Legislature, Mr. President. However, I believe that we should instead congratulate the very hard working Chairman of this Special Legislative Committee, Senator Juan Babauta, for a job well done. However, the work does not stop right here. We should look at the recommendation of the committee and we should direct our legislative effort in that direction. I believe, as a member of the Rota Delegation, that we all support the committee's recommendation. Thank you.

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Bill No. 6-114: A Bill For An Act To provide that all garment factories and multi-occupancy hotel and resort facilities on the island of Saipan be water self-sufficient; providing for compliance by new and existing facilities; providing civil penalties for non-compliance; and for other purposes. (Senator Juan N. Babauta -- Special Committee on Water)

Bill No. 6-115: A Bill For An Act To amend Title 1 CMC, Division 2, Article 5 (Division of Environmental Quality) to provide that all well drilling shall be pursuant to permit issued by the Chief of the Division of Environmental Quality; providing for penalties for non-compliance; providing for civil injunctions to obtain compliance; and for other purposes. (Senator Juan N. Babauta -- Special Committee on Water)

Bill No. 6-116: A Bill For An Act To amend Section 8 of Public Law 5-32, and for other purposes. (Senator Juan N. Babauta, by request -- R&D)

BILL CALENDAR

S. B. No. 6-62, S.D.1: "A Bill For An Act To establish Medical Referral Standards, A Medical Referral Committee, and for other purposes.", for First Reading.

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

S. B. No. 6-105: "A Bill For An Act To provide for a Commonwealth Littering Control Act of 1988, repealing 6 CMC Section 3106 and 9 CMC, Section 5803, and for other purposes.", for First Reading.

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

H. B. No. 6-37, H.D.2, S.D.2, C.D.1: "A Bill For An Act To make appropriations for certain operations and personnel of the Government of the Commonwealth of the Northern Mariana Islands for the Fiscal Year ending September 30, 1988, and to identify resources available for appropriations in FY '88; and for other purposes.", for Second Reading.

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

The Chair recognized Chairman Inos.

Chairman Inos: Mr. President, once again, this 1988 budget bill, Committee Substitute 1, is the best compromise we can handle. We cannot satisfy everyone to the maximum of their request. But I feel, Mr. President, that this budget is a working budget. This budget is perhaps a maximum compromise that the Senate and the House can agree upon. I can assure you that each member of the Conference Committee has done their best in making sure that we have met the demand of our constituents. The committee worked hard. The committee worked aggressively. The committee worked in harmony with the House of Representatives. We feel, Mr. President, that with the understanding and indulgence of these members, we can overcome the challenge of our community to which we have constantly and continuously been accused of a body who does not listen to the community's financial requirement. The 1988 budget has long been overdue. It is time to think of 1989. And I can assure you that the House of Representatives is in good terms with the Senate committee members, this committee, and were more than willing to pass this budget in the manner which will serve the best interest of our government. I know that many members of this committee -- members of this Senate -- are not fully satisfied because their requests are not fully met. We understand this, Mr. President. We understand that Rota needs more, Tinian needs more, Saipan needs more, and Northern Islands needs more. But I can assure you in all honesty that in 1989 budget we will address those first which were not addressed in this 1988 and long overdue budget. I ask your patience and understanding of each member of this body

to please assist the Commonwealth by providing us your favorable vote for House Bill No. 6-37. Thank you, Mr. President.

The Chair recognized Senator Babauta.

Senator Babauta: Mr. President, I would like to extend appreciation to the Chairman and the other members of the Conference Committee for House Bill No. 6-37 upon its inclusion to increase the budget for the Department of Education above and beyond the House version of \$12,338,000. The Senate has increased it by well over \$62,000. Mr. President, the Department of Education has come out on the media blaming the Legislature for its inaction in passing a budget for them and rightly so, Mr. President, due to the fact that our school children are in need of materials and supplies in order for them to continue having appropriate education. However, I would like to announce at this time, Mr. President, that this body has taken the initiative to provide for that money and much more and beyond what has been provided by the House of Representatives contrary to the rumors that the Senate went out and cut \$2,000,000 of the Department of Education's budget. Thank you, Mr. President.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, I too would like to recognize the hard working Chairman of Fiscal Affairs. He and the Chairman of Ways and Means in the House have really worked hard to put out this budget. My congratulations goes out to them. But in addition, I believe the real person who made their work a lot easier is in this Chamber, the Director of Finance. He made available millions of revenues to the CNMI and it is to this person that we owe recognition also. I would like to recognize Mr. Eloy S. Inos. (Applause)

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President and fellow members, I'm not going to speak against the bill, but I do have some questions that need to satisfy my curiosity to the manner in which some of the departments were budgeted for their operations. Yesterday, I met with the Chief of the Animal and Quarantine and in their budget worksheet on the continuing resolution, they have \$25,000 some. In the 1988 fiscal year budget which I believe is included in this, they will be receiving \$8,000. Under the continuing resolution allotment advise there is going to be some problems encountered because they will be allotted based on the last fiscal year. The amount will be greater than the amount that is proposed under this legislation. I'm not going to question the Chairman because I know that the Chairman and the members have taken great time in meeting with the House. However, I cannot in all honesty just endorse a piece of legislation that I did not participate in nor know anything that I can satisfy myself. In fact, I see some projects here in Saipan perhaps that were initiated by members of the House in my own personal opinion are not essential -- like the CK/Susupe Park. That \$100,000 could have been used for better purpose such as our pending problem on the power and water -- the problem here on Saipan. I don't even know what these constructions and other projects or the magnitude of \$295.3 thousand, let alone other miniature projects, in which the Saipan Legislative Delegation approved substantial amount for the Department of Education. Yet, there are some big projects that I don't think are essential at this time for the island of Saipan. And those money should have then been earmarked for water and power. So with that, those are the things that I am concern of. I'm not blaming the Chairman. The Chairman did a great job in trying his best effort to accommodate the desire and wishes of the House in agreeing in coming up with this version. So with that, thank you all.

The Chair recognized Senator H. Guerrero.

Senator H. Geurrero: Just one direction here whether I'm looking at the appropriate measure we're discussing or something else. But the report here on number 6, it says here "312" -- and it explains that Section 304(b) of Public Law 6-3 is repealed -- and it goes on down the line. It talks about the certification for a waiver of salary limit under the Compensation Adjustments Act. I turn to Section 312 of the bill and it talks about the Northern Marianas Amateur Sports Association and the 1988 Agricultural Fair. I wonder if I'm looking at the same bill.

Chairman Inos: What page are you on? .

Senator H. Guerrero: Page 15. It says that the committee report explained each Section of the bill and under Section 312 it says about the certification for a waiver of salary limit under the Compensation Adjustment Act.

The Chair called for a short recess at 2:30 p.m.

RECESS

The Senate reconvened at 2:35 p.m.

President Manglona: Let us continue with our session. A short recess was called by the Chair in order to make some clarifications on the budget worksheets. We are still discussing House Bill No. 6-37, H.D.2, S.D.2, C.D.1.

The Chair recognized Senator Babauta.

Senator Babauta: Thank you, Mr. President. During the recess I was checking to see if a provision here was included to give the CUC the authority to raise rates for utilities which includes power, water and sewer. And I found that it has been included in this bill which is very essential that this authority be vested in the CUC in order that rates be raised for water, power and sewer. And this time, Mr. President, since for years now the consumers have been paying way below cost for services provided by CUC and by Public Works prior to the change over in the administration of the utilities. Right now, at this moment, the consumers of water pay less than one penny a gallon. They also pay 50 percent below cost for power. And it is time, Mr. President, if we want to expect improvement in water, in the services for water, power and sewer that these rates be increased at least for CUC to break even. We have been -- the consumers as well as other commercial businesses on this island as well as Rota and Tinian -- subsidizing these services and it is time, Mr. President, that we begin to pay for these services so that we can begin to see a marked increase in better services to the public. If we do not do this, Mr. President, it is expected that CUC will run into deficit and may not be able to provide services, these essential services to the public. I strongly support that this bill be passed.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Yes, Mr. President. As I suspected, I was given the wrong copy of the bill by mistake. I got the right copy now. As I glance at this work, Mr. President, I think the committee chairmen, both the House and the Senate and members, have done a good job. As stated earlier, we could not satisfy everybody. I still have some concerns that I would like to put in here, but we are simply all human beings and we cannot really satisfy everybody 100 percent. So I am supporting this bill. One thing I like about this bill is that at long last it contains provision in here where people can now borrow money to buy water catchment tank. This has been a problem for a long time. I was pushing for this for so many years ago. I see it in this budget now and I hope this goes through so that the people can begin to utilize this help which they deserve. And in addition to this, this bill will allow people to borrow money to buy power generator, if I'm not mistaken. This is timely because of the frequent power outages we have been having.

President Manglona: Senator Guerrero, H., is that the fulfillment of your long dream?

Senator H. Guerrero: This is the fulfillment of everyone's dream -- the people's dream. I got this dream from the people. Mr. President, I also like the provision of this Section 311 where it states that people who travel abroad and come back should submit financial report and written report. I have also been pushing for this for a long time. I congratulate the people involved here. It is high time that we direct ourselves to try and keep working within the limitation of our budget. And I also see that this bill attempts to bring everybody in compliance with the salary act that was passed previously which limits certain position to receive certain amount. We all know that that has been simply pushed aside. So with that, Mr. President, I would like to request for favorable endorsement on passage of this bill for Second and Final Reading.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President and fellow members, I'm glad that Senator Babauta brought up Section 319. I tend to disagree with the statement he made on the floor that it is badly needed now. Yes, I agree that we need to charge rates that are reasonable. But in the case of charges here on Saipan, I don't think it is in the wisdom of this body that we should charge an arm and a leg for services that is not being provided. I think, Mr. President, it's bad management. When CUC was created, they were given the authority to ensure that proper charges of utilities for power, water and sewer were assessed. I was the main sponsor of that particular bill. However, the problem we have now with CUC is not just a simple problem. It is not just leaking pipes or malfunction generators. I believe that at this point in time that CUC is overstaffed with people that need further trainings. And that the management should take more into account in reviewing the structure of CUC to ensure that the cost effectiveness of the operation justifies the means which is the production of the utility to the consumers. And then when that time is there, I do agree that we should raise the rates. Right now, specifically the people of Saipan are suffering, not just because there is no water, but because of the constant fluctuation, the power surge. It has caused them economic burdens -- their refrigerators burn out, the motor of the refrigerator; the condensing unit of their air conditioning units are burned out and other similar type of electrical motors. We, I believe, should be more mindful that the people that we serve should be given a clear picture and understanding of what they should expect first. What to expect in terms of the delivery, and what are their rights as consumers because this is the only island where anything can go and nobody really care about the consumer because -- and I know for a fact in Guam, if the generator goes down and within certain hours it doesn't go back and the food in the refrigerator get spoiled, it is the responsibility of the government. And that is what I'm saying here. It is our responsibility to ensure that CUC deliver the services expected and then when we have achieved that, we should go out or turn around and say, "Okay, you can amend your chargeable rates to consumers that we know we are providing the services."

President Manglona: Senator Guerrero, J., will you please restrict your comments to the section of the bill that addressed the power of CUC to regulate utility rate increase. I believe that when Senator Babauta made a reference, he was referring to the authority given to CUC to regulate and control utility rates, which is in line with his concern that it's high time that CUC will now have that responsibility. I hate to cut you off on your debate, but....

Senator J. Guerrero: That's exactly the point, Mr. President. What I'm saying is that at this time -- and a lot of people are being charged for water services and are not receiving any water. And what we are trying to do is that we are going to authorize further to CUC to make their rates more flexible so that they can recover their cost of operation. And that is what I'm against. So if I'm out of line....

President Manglona: Isn't it our intent that CUC will provide meters for water and power so that when the water and power are improved they can register on the meters. If there is no water, then, there is no reading registered on the meter.

Senator J. Guerrero: We have meters. There are meters, but like water meters -- water meters operate when there is air in the pipe system.

President Manglona: Please proceed, but may I ask you to stick to the issue.

Senator J. Guerrero: If the Chair so decides that I'm out of order, then I'm....

President Manglona: No, I'm not saying that.

Senator J. Guerrero: I'm finished, Mr. President.

The Chair recognized Senator Babauta.

Senator Babauta: Thank you, Mr. President. Just a very short comment. Obviously, Senator Guerrero and I disagree fundamentally on the approach on how we cure the problem of infrastructure -- our utilities, rather. He is of the opinion that we should expect that these services of power, water, and sewer be improved before we allow CUC to generate these revenues. I say that we should allow CUC to generate these revenues and then expect the services to be improved. That seems to be the fundamental difference between his philosophy and mine and he's entitled to his and I'm entitled to mine.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, I think this amendment was first introduced as a bill by a member of the House of Representatives and that bill came up to the Senate and was referred to the Committee on Federal Relations and Independent Agencies. After the discussion with the CUC Executive Director and of course, the Fiscal Affairs Chairman, we saw it fit to include this concern as a Section in the appropriations bill. What basically this amendment does is to allow CUC to set up different consumer classes -- commercial, residential, and governmental. And then upon setting up one or two of these classes without complete metering of all consumers, they can go ahead and start to bill this one or two classes. So basically, it would allow CUC to start metering a group of consumers without first waiting for every consumer to be metered. That is the basic intent of this amendment. In fact, CUC is supposed to complete metering the whole Commonwealth by October 1, 1986. So this one is sort of delaying it to January 1, 1989. So I hope this is clear to the members. This was first brought up by a member of the House of Representatives and we are just including it in this appropriation bill.

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Mr. President, with the indulgence of these members, I move that we end debate.

There were several seconds to the motion, and the motion carried by voice vote.

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

The motion to accept the Conference Draft 1 on House Bill No. 6-37, H.D.2, S.D.2, passed the Senate by a roll call vote of seven "ayes" and one "nay".

Senator Villagomez: Mr. President, may I be excused?

President Manglona: Yes, Senator Villagomez, you are excused.

(Senator Villagomez left his seat.)

S. B. No. 6-32, S.D.1: "A Bill For An Act To amend Title 3 CMC, Division 2, Articles 7 and 8, to establish protection for those persons who have successfully completed training in Cardiopulmonary Resuscitation, First Aid, Advanced Lifesaving or Lifeguarding; and other persons with specified health care training who offer assistance to those in need of emergency care; and for other purposes.", for Second Reading.

Floor Leader Inos moved for its passage, seconded by Senator Babauta. There being no discussion, 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	Excused
Senator Herman M. Manglona	Aye
Senator Paul A. Manglona	Aye
Senator Manuel P. Villagomez	Excused
President Benjamin T. Manglona	Aye

The motion to pass Senate Bill No. 6-32, S.D.1, on Second Reading passed the Senate with a roll call vote of seven "ayes".

S. B. No. 6-39, S.D.1: "A Bill For An Act To enact enabling legislation for the establishment of an Office of Special Assistant to the Governor for Women's Affairs as mandated by Constitutional Amendment No. 21; to amend 1 CMC, Division 2, Section 2051, and to add to 1 CMC, Division 2, Chapter 1, a new Article 5, and for other purposes.", for Second Reading.

Floor Leader Inos moved for its passage, seconded by Senator Babauta. There being no discussion, 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	Excused
Senator Herman M. Manglona	Aye
Senator Paul A. Manglona	Aye
Senator Manuel P. Villagomez	Excused
President Benjamin T. Manglona	Aye

The motion to pass Senate Bill No. 6-39, S.D.1, on Second Reading passed the Senate with a roll call vote of seven "ayes".

S. B. No. 6-42, Comm. Subst. 1: " A Bill For An Act To amend Chapter 2 of Division 1 of Title 2 of the Commonwealth Code in its entirety; to extend the authority of the Department of Natural Resources over submerged lands so as to allow for licenses and development leases for water and non-water dependent uses of submerged lands in the Northern Mariana Islands; to provide for approval of such leases by the Legislature and to require a public hearing on such lease prior to granting said approval; to prohibit granting of a freehold interest to a private developer; to restrict the terms and conditions of leases of submerged lands; and for other purposes.", for Second Reading.

Floor Leader Inos moved for its passage, seconded by Senator Babauta. There being no discussion, 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	Excused
Senator Herman M. Manglona	Abstained (twice)
Senator Paul A. Manglona	Aye
Senator Manuel P. Villagomez	Excused
President Benjamin T. Manglona	Aye

The motion to pass Senate Bill No. 6-42, Comm. Subst. 1, on Second Reading passed the Senate with a roll call vote of six "ayes" and one "abstained".

H. B. No. 6-70, H.D.1, S.D.1: "A Bill For An Act To amend the Commonwealth Code by adding a new Division 7 to Title 2, prohibiting the activity of commercial farming to all persons who qualify to own land in the fee simple in the Northern Mariana Islands, and for other purposes.", for Second Reading.

Floor Leader Inos moved for its passage, seconded by Senator Babauta. There being no discussion, 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	Excused
Senator Herman M. Manglona	Aye
Senator Paul A. Manglona	Aye
Senator Manuel P. Villagomez	Excused
President Benjamin T. Manlgon	Aye

The motion to pass House Bill No. 6-70, H.D.1, S.D.1, on Second Reading passed the Senate with a roll call vote of seven "ayes".

S. B. No. 6-36, H.D.3: "A Bill For An Act To amend Title 1, CMC, Section 2154 (Attorney General's Staff) to create the Division of Intergovernmental Relations for the purposes of addressing cases and controversies arising under the Covenant and the Commonwealth Constitution; and for other purposes.", for acceptance of House amendment.

Floor Leader Inos moved for the acceptance of the House amendment. Senator J. Guerrero seconded the motion. There being no discussion, 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	Excused
Senator Herman M. Manglona	Aye
Senator Paul A. Manglona	Aye
Senator Manuel P. Villagomez	Excused
President Benjamin T. Manglona	Aye

The motion to accept the House amendment on Senate Bill No. 6-36, H.D.3, passed the Senate with a roll call vote of seven "ayes".

#### RESOLUTION CALENDAR

S. J. R. No. 6-13, S.D.1: "A Senate Joint Resolution Urging the Marianas Public Land Corporation to immediately execute a lease with the Mercedarian Missionaries of Berriz on terms and conditions reflecting their continued need for, and previously existing interest in, land on Navy Hill they have occupied for in excess of twenty (20) years; and approving a forty (40) year lease of the subject land in accordance with Article XI, Section 5(c) of the Constitution of the Northern Mariana Islands, as amended by Constitutional Amendment No. 32.", for adoption.

Floor Leader Inos moved for its adoption, seconded by Senator Babauta. The motion was voted on and carried.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

None

#### PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS

None

#### MISCELLANEOUS BUSINESS

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President, I just would like to say something quickly and then be excused for the Saipan Legislative Delegation meeting. Mr. President and fellow members, they said that friends are those who excuse you when you made a fool of yourself. I would like for everyone to know that I have excused Senator Paul A. Manglona for his statement in the previous session. Thank you.

(Senator J. Guerrero left his seat.)

The Chair recognized Floor Leader Inos.

Floor Leader Inos: Mr. President, I wish to express special appreciation to the staff and members of the Fiscal Affairs Committee, Conference Committee and everyone involved in the making of the 1988 Budget possible to be passed by the Senate members. I will assure this body that we say goodbye to 1988 and we should look forward to the immediate resolution, public hearing and final passage of 1989. I ask for your continued cooperation. Thank you, Mr. President.

The Chair recognized Senator H. Manglona.

Senator H. Manglona: I would like to commend the Chairman of the Fiscal Affairs for his hard, dedicated and well done job. Finally we have passed the 1988 budget. Like he said, "Goodbye 1988" and here I come 1989 budget. Thank you.

The Chair recognized Senator Babauta.

Senator Babauta: I would like to express appreciation to a few people and organizations in their assistance in completing the report by the Special Joint Legislative Committee on Water. Appreciation is extended to you first, Mr. President, for all your assistance in accommodating the committee's needs during its study; and to CUC, who has actively participated in all of our meetings and public hearings; and to the staff here in the Senate to help us in one way or another in completing our report. Special thanks is especially extended to Mr. Tim Bruce who assisted the committee in all of its meetings and public hearings and to my two staff in my office, Mr. Frank Taitano and Mr. Paul Hamilton; and Mr. Emet Saures including, Mr. President, the assistance of your staff Carmen Reyes and Lillian Villagomez of Senator Herman R. Guerrero's office. Special thanks is also extended, Mr. President, to the staff of the CUC, especially Mr. Epifanio Cabrera who took a lot of time from his busy work to show us around and teach us a few things about the problem of water here on Saipan; to Mr. Ralph Baumer, who contributed a lot also to the report and Mr. O. V. Natarajan, as well as to the Mayor of Saipan, Mayor Gilbert C. Ada, who also participated very actively and in support of our mission in putting together the report. Special thanks also to the Chairman of the Board of Directors of CUC, Mr. Joe Taitano; and to the members of the Special Committee from the Senate, Senator Paul Manglona, Senator Herman R. Guerrero, and Senator Manuel P. Villagomez. Thank you very much.

President Manglona: Thank you very much, Senator Babauta, for your kind words to the Chair, to members and staff of the Senate and also to those of the Executive Branch.

Senator Babauta: And also, Mr. President, to Ms. Frances Reyes who helped one way or another.

President Manglona: If I may thank you, once again, Chairman Babauta. Your timely submission of the report deserve praise from members of the Senate. I ask that you will continue to remain chairman on this Special Select Committee. We ask that you implement those recommendations into action. Now that we know the water problem, let us all work together to get the necessary findings and to begin construction. Another praise is due to the distinguished Senator from Rota, Senator Inos, for his accomplishment on the passage of the FY 1988 budget. Chairman Inos and his committee members have done a tremendous job in putting the budget package together. For the job well done, I would like to thank you on behalf of the Senate. It make all of us real proud when we have accomplished something. We hope we will continue to work together on a bipartisan basis to accomplish other tasks before us. I want to encourage all of our appropriate committee chairmen and the members to work together to tackle problems affecting our government. With us working together, I'm sure this Legislature can accomplish more. Thank you very much.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Mr. President, I agree with you. This is not the end of the committee's work. This is just the beginning. We have identified the problems and some solutions. I think it is incumbent upon the committee members now to vigorously pursue the recommendations contained herein and the committee should pursue any source of funding somewhere, somehow, and try and help in identifying solutions to the problem that we are confronting right now. I don't think the committee should wait for the money in the 7-year program, but rather find federal funding somewhere because I know there are some. The committee could also tap the third country national assistance. These are all possibilities. The committee has just developed the tools to work on. To assist the committee in its work, I suggest that the members of the Senate and the House should take the time and read this report and come up with their recommendation and suggestions as to how best to approach this water problem situation. With that, Mr. President, I just want to say that the committee's work hasn't ended; it has just begun. Thank you very much.

ANNOUNCEMENTS

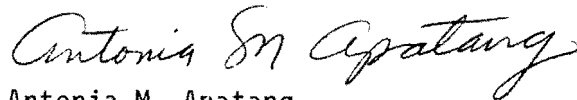
The Chair recognized Senator P. Manglona.

Senator P. Manglona: The Senate Committee on Federal Relations and Independent Agencies will have a public hearing on Thursday, June 23, at 10:00 a.m., in this chamber. It will be regarding Senate Bill No. 6-87, "A Bill For An Act To provide minimum bidding requirement for Public Works Contracts; to open records to the public; to prohibit negotiations after bids are submitted; to require that Public Works Contracts be signed in the Commonwealth; to restrict the use of change orders; to amend 1 CMC §2553(j) (duties of Department of Finance) and 1 CMC §7404 (Procurement Regulations); and for other purposes." I urge all the members to please be present at this public hearing. Thank you.

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

The Senate recessed at 3:20 p.m., subject to the call of the Chair.

Respectfully submitted,



Antonia M. Apatang  
Senate Journal Clerk