

SIXTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
EIGHTH SPECIAL SESSION, 1988

FIRST DAY

Friday, July 8, 1988

The Senate of the Sixth Northern Marianas Commonwealth Legislature, Eighth Special Session, 1988, was called to order at 10:26 a.m.

The Honorable Benjamin T. Manglona, President, presided.

A moment of silent prayer was observed.

The Senate Clerk called the roll. Five members were present. Senators Joseph S. Inos, Jose P. Mafnas, Herman M. Manglona, and Manuel P. Villagomez were absent.

President Manglona: Before we proceed, I would like to appoint Chairman Babauta to be the Acting Floor Leader for today's special session. Is there any objection? (Pause)

READING AND APPROVAL OF THE JOURNALS

On motion by Acting Floor Leader Babauta, seconded by Senator H. Guerrero, the Journal for the Sixth Special Session, 1988, First Day, was adopted.

MESSAGES FROM THE GOVERNOR

No. 6-12: Informing the Senate that he has signed into local law as Local Law No. 6-1 on June 24, 1988, House Local Bill No. 6-10, S.L.D.1, entitled: "To amend Local Law No. 5-7 to exclude tour buses from restrictions on commercial traffic on Beach Road and for other purposes."

REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS

None

HOUSE COMMUNICATIONS

No. 6-51: Transmitting a certified copy of House Resolution No. 6-20, entitled: "A House Resolution To congratulate the Public School System for a successful Education Week for School Year 1987-88 and to thank the many individuals and agencies that have contributed to the success of this event."

No. 6-52: Transmitting a certified copy of Saipan Legislative Resolution No. 6-5, S.L.D.2, entitled: "A Third Senatorial District Resolution Approving the expenditures by the CNMI Government for Capital Improvement Projects on Saipan for the Commonwealth Ports Authority which are funded by CDA Project Series-1 Revenue Bonds; and for other purposes."

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

Standing Committee Report No. 6-70, from the Committee on Health, Education, Welfare and Programs, reporting on Senate Bill No. 6-66, entitled: "A Bill For An Act To provide for an Emergency Medical Services Act, and for other purposes.", for filing.

Acting Floor Leader Babauta moved that Standing Committee Report No. 6-70 be adopted to file Senate Bill No. 6-66. Senator H. Guerrero seconded the motion, and the motion carried by voice vote.

Standing Committee Report No. 6-71, from the Committee on Resources and Development, reporting on Senate Bill No. 6-18, C.S.1, entitled: "A Bill For An Act To amend the Shooting Gallery Act of 1985 (6 CMC 2252, 2254, and 2256), to increase the shooting

gallery trial period three years beyond the effective date of the Shooting Gallery Act, to amend the Commonwealth Weapons Control Act (6 CMC 2222) to make it a prohibited act to in any way alter firearms from their original state of manufacture; and for other purposes.", for adoption.

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

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Bill No. 6-117: A Bill For An Act To authorize and empower the Governor to request that the Secretary of the Interior transfer administration of the American Memorial Park to the Government of the Commonwealth of the Northern Mariana Islands, and for other purposes. (Senator Benjamin T. Manglona -- Assigned to FRIA)

Joint Res. No. 6-16: A Senate Joint Resolution To request, in light of the Covenant's promise for consultations on all matters affecting the relationship between the U.S. and the CNMI, that the President of the United States revoke Executive Order 12572, in which the President, unilaterally, provided that U.S. relations with CNMI were to be the responsibility of Secretary of the Interior. To request, instead, that the President provide for a direct, government to government relationship, or political consultations and oversight in a manner mutually acceptable to both governments. (Senator Benjamin T. Manglona -- Assigned to Special Senate Committee on Intergovernmental Affairs)

Joint Res. No. 6-17: A Senate Joint Resolution Authorizing the Commonwealth of the Northern Mariana Islands, through its Governor, to submit Community Development Block Grant Application No. B-88-SI-69-0001, to receive the funds requested therein, and to assume all responsibilities that may be imposed by the U.S. Department of Housing and Urban Development with respect to the receipt and administration of Community Development Block Grant assistance. (Senator Benjamin T. Manglona -- Assigned to FRIA)

The Chair recognized Acting Floor Leader Babauta.

Acting Floor Leader Babauta: Mr. President, if there is no objection on the part of the members, I would like to take this opportunity at this time before we move on to the next item on our Order of Business to facilitate for the appointment of some outstanding and pending appointments from the Governor for three individuals to boards and commissions if that is permissible and if there is no objection from the members.

The Chair recognized Senator J. Guerrero.

Senator J. Guerrero: Mr. President, before we proceed, I would like to touch some bases on this. I'm basically concern on two of the candidates. However, I am of the opinion that pursuant to 1 CMC, Division 2, Section 2904, "Appointments: Failure to Confirm. If the appointment is not confirmed by the Senate, or House or by a majority of members from the senatorial district within 90 days from the date the person was temporarily appointed, the appointment shall automatically terminate, the position shall become vacant and the person nominated shall not be renominated. Nothing in the section shall preclude the Governor from submitting an appointment to a special session of the Legislature." The only question I have at this point in time is, you did mention that there is a -- just so that I may satisfy myself, I would like to request the Chair if he could call for a short recess.

The Chair declared a short recess at 10:34 a.m.

RECESS

The Senate reconvened at 10:40 a.m.

President Manglona: Let us resume with our session. A short recess was called by the Chair in order to entertain the concern of the Acting Chairman, Senator Guerrero, J. We are still discussing certain individuals for members of the Board and Commission who were nominated by the Governor. I would like to call upon the Acting Floor Leader to make the necessary motion.

Acting Floor Leader Babauta: Mr. President, if I may ask the consent of the members present, if we can return to item (i) on our Order of Business today so that we can place the confirmation for the Governor's nominee....

President Manglona: Could we go back to item (g)?

Acting Floor Leader Babauta: Whichever is more appropriate.

President Manglona: Can we then go down to item (g) if there is no objection? (Pause)
Acting Floor Leader Babauta, proceed.

STANDING COMMITTEE REPORTS

Acting Floor Leader Babauta: I would like to move, Mr. President, that we waive all pertinent Rules and Procedures of the Senate in order that we may calendar the appointment of Mrs. Marian Aldan-Pierce as the Governor's nominee to serve as a member of the Marianas Public Land Corporation on today's calendar under item (g).

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

Acting Floor Leader Babauta: Further, Mr. President, I again move that we suspend all pertinent Rules of the Senate in requiring a committee report for such appointment and the motion at this time is for the confirmation of Mrs. Marian Aldan-Pierce to be a member of the Marianas Public Land Corporation.

Senator H. Guerrero: Question.

President Manglona: State your question, Senator Guerrero, H.

Senator H. Guerrero: I wonder if the motion could also include -- I think there are two other people being nominated.

President Manglona: For your information, Senator Guerrero, H., the other two persons have already been confirmed by the Senate.

Senator H. Guerrero: Oh, I see. Okay, so I second the motion.

The motion was voted on and carried. There being no further discussions, 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	Absent
Senator Jose P. Mafnas	Absent
Senator Herman M. Manglona	Absent
Senator Paul A. Manglona	Aye
Senator Manuel P. Villagomez	Absent
President Benjamin T. Manglona	Aye

The motion to confirm Mrs. Marian Aldan-Pierce to serve as a member of the Marianas Public Land Corporation unanimously passed the Senate, the members being present, with a roll call vote of five "ayes".

President Manglona: If there is no objection from the members of the Senate, let us go back to item (k).

BILL CALENDAR

The Chair recognized Acting Floor Leader Babauta.

Acting Floor Leader Babauta: Mr. President, we have for Second Reading, Senate Bill No. 6-22, Senate Draft 1. The bill's title is Medical Referral. Excuse me, Mr. President, I think this bill was referred to the Committee on HEW, rather than -- can I call for a short recess?

The Chair declared a short recess at 10:45 a.m.

RECESS

The Senate reconvened at 10:46 a.m.

President Manglona: Let us reconvene our session. A short recess was called by the Acting Floor Leader in order to make some clarifications on the bill. Proceed, Acting Floor Leader Babauta.

Acting Floor Leader Babauta: If I may start over, we have for Second Reading, Senate Bill No. 6-22 for passage. I move at this time for passage of this bill.

Senator J. Guerrero seconded the motion.

S. B. No. 6-22, S.D.1: "A Bill For An Act To Establish Medical Referral Standards, A Medical Referral Committee, and for other purposes.", for Second Reading.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, as I mentioned last time when we were at First Reading for this particular bill, I have some concerns which I would like to see addressed before I can actually support passage of this bill. And that concern is on the composition of the board for this medical referral commission. I recommend that at least a member from Rota or Tinian be included in this board. As I mentioned before, this board will be handling medical situation for referrals interislands, as well as to Hawaii and Guam. So I would like to see maybe that at least one member from the islands of Tinian and Rota be included as the bill will be having some appointees which are lay persons. So I strongly recommend that this be considered by the committee. Thank you.

There being no further discussions, 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	Absent
Senator Jose P. Mafnas	Absent
Senator Herman M. Manglona	Absent
Senator Paul A. Manglona	Nay
Senator Manuel P. Villagomez	Absent
President Benjamin T. Manglona	Aye

The motion to pass Senate Bill No. 6-22, S.D.1 on Second Reading carried by a roll call vote of four "ayes" and one "nay".

S. B. No. 6-105, S.D.1: "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 Second Reading.

Acting Floor Leader Babauta moved for its passage. Senator H. 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	Absent
Senator Jose P. Mafnas	Absent
Senator Herman M. Manglona	Absent
Senator Paul A. Manglona	Aye
Senator Manuel P. Villagomez	Absent
President Benjamin T. Manglona	Aye

The motion to pass Senate Bill No. 6-105, S.D.1 on Second Reading carried by a roll call vote of five "ayes".

S. B. No. 6-1B, C.S.1: "A Bill For An Act To amend the Shooting Gallery Act of 1985 (6 CMC 2252, 2254, and 2256), to increase the shooting gallery trial period three years beyond the effective date of the Shooting Gallery Act, to amend the Commonwealth Weapons Control Act (6 CMC 2222) to make it a prohibited act to in any way alter firearms from their original state of manufacture; and for other purposes.", for Second Reading.

Acting Floor Leader Babauta moved for its passage. Senator P. Manglona seconded the motion.

The Chair recognized Acting Floor Leader Babauta.

Acting Floor Leader Babauta: If I may ask the Chairman of the Committee to just kind of explain the amendments being done on this bill?

President Manglona: Will the appropriate Committee Chairman please respond to the concern raised by Chairman Babauta?

Acting Chairman J. Guerrero: I would just like to inform the members that I did not prepare this committee report, but I can explain some of the changes. The first amendment to this bill is to allow for another six year period. It provides that Tinian, Saipan, and Rota will have two each shooting galleries. The regulation for the shooting gallery has already been promulgated by the Attorney General's office. The only shooting gallery that is in compliance is the one in San Vicente as the committee report has stated. The one that is owned by Hartley Kroul has a special waiver from the office of the Attorney General which in my opinion is in violation of the Shooting Gallery Act. They don't have security guard. They are using modified weapons -- hand weapons like 45, 38 with modified firing pin. Those are not within the law that authorized shooting gallery. So what this would do is it would prohibit importation and usage of modified or altered firearms from its original state of manufacturing including but not limited to alteration, modification, and so forth. Furthermore, it also provides for a training, having a rangemaster certify that the shooting galleries may conduct -- that they would certify the people that will be running the shooting galleries so that they can conform with the national standard used in the United States. Furthermore, it also provides that they should maintain an inventory which has to be filed quarterly with the Department of Public Safety. It also amends the location. Instead of in an uninhabited or sparsely populated areas, it allows for only sparsely populated areas where the type of construction for the shooting gallery should be well insulated and safe so that stray bullets will not hinder the community. The committee did conduct a public hearing and the only person that attended the public hearing was the Director of Public Safety who stated that he does not wish to see that the shooting gallery be continued because of some violations by Hartley Kroul. The AG is of the opinion that Hartley Kroul's Shooting Gallery does not have to comply with these provisions. So there is really no need to come up with a legislation because Hartley Kroul is already in business and is not complying with these. So there is a conflict between the present public law and the position of the AG. However, the Committee on R&D is recommending to provide for further enforcement, further provision in this bill to make it more stringent and all shooting galleries should conform with this public law.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Is my understanding correct that there are only two shooting galleries here on Saipan at the moment?

Acting Chairman J. Guerrero: There are two. But the distinction is that one is complying with the present law and the other one isn't.

Senator H. Guerrero: Presently, Mr. President, there is none in Rota and Tinian?

Acting Chairman J. Guerrero: None.

Senator H. Guerrero: Mr. President, on page 3, line 6, it says, "...that a rangemaster or basic firearms instructor certified by the National Rifle Association...". Do we have that association here in the Northern Marianas?

Acting Chairman J. Guerrero: In Guam.

Senator H. Guerrero: They have it in Guam?

Acting Chairman J. Guerrero: Yes.

Senator H. Guerrero: I have one minor amendment here on page 3, line 17, starting from line 16, it says, "To provide for a penalty of \$5,000 and possible loss of the gallery license if any weapons missing or unaccounted for through the negligence of the licensee or any of the gallery employee." Mr. Chairman, I'm just asking that we ought to make this strong rather than leave the language rather ambiguous. I would like to make an oral amendment and strike out the word "possible". Because if you leave the word "possible", it will render this particular paragraph questionable.

President Manglona: Is that a motion?

Senator H. Guerrero: I would like to move, Mr. President, to strike out the word "possible" on page 3, line 17.

The Chair called for a short recess at 10:58 a.m.

RECESS

The Senate reconvened at 10:59 a.m.

President Manglona: Let us continue with our session. A short recess was called by the Chair in order to discuss the concern raised by Senator Guerrero, H. You still have the floor, Senator Guerrero, H.

Senator H. Guerrero: Thank you, Mr. President. I would like to move, if I am allowed, to make an oral amendment to strike out the word "possible". This is on page 3, line 17.

Acting Floor Leader Babauta seconded the motion.

President Manglona: So that there will be no confusion, I would like to ask the unanimous consent of the Senate so that we could waive all pertinent Rules of the Senate in order to make the necessary amendment. Is there any objection? (The members replied "no objection" in unison.)

The Chair recognized Acting Chairman J. Guerrero.

Acting Chairman J. Guerrero: One thing that I would like to ask at this time is on the "Purpose", page 1, line 15, to include a statement there that "All shooting galleries must conform to this Act." That's a statement policy so that we know that we, the Legislature, when we make laws that they follow them.

President Manglona: If there is no objection, I would like to ask the unanimous consent of the Senate to also include Senator Guerrero, J.'s concern in the proposed amendment offered by Senator Guerrero, H. Is there any objection? (The members replied "no objection" in unison.)

The motion to amend S. B. No. 6-18, C.S.1, as offered by Senators H. Guerrero and J. Guerrero, carried by voice vote. Senate Bill No. 6-18, C.S.1 is now Senate Bill No. 6-18, C.S.1, S.D.1.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: I would like to ask the Chairman if it's legal in the Commonwealth to own a concealed weapon, like a pistol 44, 38? Is it legal to own that?

Acting Chairman J. Guerrero: The only authorized people to carry weapons are the members of the Public Safety and those within the enforcement agency. The only authorized weapon licensed for any person is the rifle and 410 shotgun.

Senator P. Manglona: So none of the concealed weapons.

Acting Chairman J. Guerrero: None of the concealed weapons.

Senator P. Manglona: So right now, based on the exemption provided by the AG to one of the shooting gallery establishments, it is legal to own those weapons if they are modified in some ways?

Acting Chairman J. Guerrero: Because I have here an ad in Japanese language which I had someone translated for me. It says here "44 caliber, 38 caliber for your choice. All guns in our shop are real."

Acting Chairman J. Guerrero: Exactly, Mr. President. We brought that up to the attention of the Attorney General because that's a false advertisement. And the AG has not taken any lead. We had the entire page translated into English by an expert in Japanese and they are advertising that the guns are real. However, the Attorney General's Office advised us that the weapons used in the Guns and Shooting are modified. They are allowed to be on island. However, the only mechanism missing from the modifications of those guns are the firing pins. They are being taken out, but they could be replaced.

Senator P. Manglona: Is it possible to replace that easily and therefore, it becomes a real one?

Acting Chairman J. Guerrero: Yes.

Senator P. Manglona: So, Mr. Chairman, is there any language here now that says that those are illegal in the Commonwealth with the passage of this legislation?

Acting Chairman J. Guerrero: If we approve this legislation, the amendment on page 3, Section 5, amending 6 CMC §2222(h) -- by adding a new subsection (h), it will restrict it.

President Manglona: Would it be correct to assume then, that with that subsection provided in the bill, it will take care of Senator Paul's concern?

Acting Chairman J. Guerrero: The only thing missing in here -- I have to take my word back -- is the importation.

Senator P. Manglona: What is this subsection (h) exempting? I'm sorry I don't have the language in which this is one of the subsections in which they are making an exemption.

Acting Chairman J. Guerrero: We are not making an exemption. We are basically putting in a new section to prohibit "In any manner or to any degree, alter or modify any firearm from its original state of manufacture,..." See, when guns are being manufactured, they are manufactured with firing pins. No gun is being manufactured without firing pins. The whole purpose of making guns is for shooting.

Senator P. Manglona: So that means with this language we can bring in the 44. It is still legal as long as you don't modify it?

Acting Chairman J. Guerrero: Right now, without this language, according to the AG it is authorizing importation.

Senator P. Manglona: If it is modified?

Acting Chairman J. Guerrero: If it is modified.

Senator P. Manglona: So this advertisement will not be legal -- I mean will be false then.

Acting Chairman J. Guerrero: Right now, the advertisement is a false advertisement because they are advertising for real guns. That they are using real guns, but they are not actually functional to be real because they are not using the firing pins.

Senator P. Manglona: That's another question. As you mentioned earlier, Mr. Chairman, the Director of Public Safety has some reservations in this legislation. And as I see it, yes, we are tightening some areas up, but on subsection (c), page 2, it says here, "A requirement that a shooting gallery be located in sparsely populated areas," and you deleted "uninhabited". I mean, right now shops are not following the law and right now there is an operation right in the middle of downtown and now we are saying "let's open it." We are sort of opening up this and creating a flexibility as far as location is concerned and that's where I would like to offer an amendment to bring that back -- the language "uninhabited".

The Chair called for a short recess at 11:08 a.m.

RECESS

The Senate reconvened at 11:13 a.m.

President Manglona: Let us resume with our session. A short recess was called by the Chair in order to clarify some of the questions raised by Chairman Manglona, P. to the Chairman of R&D Committee. We are still discussing Senate Bill No. 6-18, Committee Substitute 1, Senate Draft 1. You may continue, Chairman Manglona, P.

Senator P. Manglona: I have no further comments, Mr. President.

The Chair recognized Senator Babauta.

Acting Floor Leader Babauta: I have several questions to ask the Acting Chairman. He mentioned earlier that there are two shooting galleries on the island of Saipan. One of them is complying with the law, the other is not. I just want to ask if he has any knowledge whether or not the Attorney General is aware of this violation.

Acting Chairman J. Guerrero: Yes.

Acting Floor Leader Babauta: Is the Attorney General not doing anything to prosecute this person violating the law?

Acting Chairman J. Guerrero: I don't know if he's not doing anything, but as far as I'm concerned when the Director of Public Safety came and testified he enumerated the violations. And the violations were confiscations of firearms with complete -- complete firearms without being imported into the Commonwealth. They didn't prosecute. According to the Director of Public Safety, I think two times Hartley Kroul was brought in. And the third time he was brought in he was allowed to reexport the same equipment or the firearms out of the Commonwealth.

Acting Floor Leader Babauta: So in other words, there is a violator of law and the Attorney General is not doing anything about it according to the committee's findings?

Acting Chairman J. Guerrero: The opinion of the Committee -- in my findings, it seems like the office of the Attorney General did find a loophole for Hartley Kroul to operate and they are operating based on that premise. They are saying that the weapons that they are using are modified, therefore, should not fall under this public law. I tend to disagree because the intent of the license to Hartley Kroul is a shooting gallery. Therefore, all provisions of the law should apply. For instance, the Rules and Regulations that was promulgated by the Attorney General mandates that a full-time security guard be placed during normal operating hours. Hartley Kroul never complied with that provision. They do not maintain an inventory. For what reason, I do not know. I have written on these issues to the office of the Attorney General about two and a half months ago. Up to now, I have not received any correspondence from that office. I will be more than happy to share my files on this specific subject with all the members.

Acting Floor Leader Babauta: Another question, Mr. President, -- well, first of all, before we part on my previous question, I'm just kind of disappointed that the Attorney General is not acting in accordance with the Law of the Commonwealth to take action on violators of our law. And I just want to go on record on that. The other question that I would like to ask, Mr. President, is on the Chairman's statement that he did not prepare the committee report. I wonder who prepared the committee report for this committee.

The Chair recognized Acting Chairman J. Guerrero.

Acting Chairman J. Guerrero: The committee report was prepared by the staff of the Chairman, Senator Mafnas. The only thing that I included in this amendment to the bill is Section 5 on page 3. The reason why I wasn't the one who prepared it because I have not seen all pertinent information from the AG that I need to conclude with my findings.

Acting Floor Leader Babauta: So the committee report was prepared independent of your committee findings based on the hearing?

Acting Chairman J. Guerrero: Again, I would like to reiterate that the only witness that came to the public hearing was the Director of Public Safety. The other was submitted by the Mayor of Tinian requesting to include Tinian for shooting galleries. He was supporting the intention. The other one was Hartley Kroul. As I stated earlier, he felt that even with the passage of this bill or it becomes law, it will not affect his business. There were other written comments that came in at a later date but what I was looking at more was the opinion or questions raised by the office of the Attorney General for clarification, which he never did respond.

Acting Floor Leader Babauta: Lastly, Mr. President, I would like to ask the Acting Chairman if there is any prohibition at this time for anybody to open up the shooting gallery business in Rota or Tinian?

Acting Chairman J. Guerrero: If they are going to comply with the present Public Law, it says that it is only for Saipan, for a period of three years. However, if Hartley Kroul can circumvent the law, I don't see any reason why Tinian and Rota couldn't qualify for the same privilege that Mr. Kroul's establishment enjoys.

Acting Floor Leader Babauta: One of the reasons why I support this bill, Mr. President, is that the shooting gallery is a very popular sport for tourists and it is an activity that they may enjoy on the islands of Rota and Tinian if such businesses are established there. I just want to make that comment. I have no further question.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Mr. President, on page 1, line 18, Section 5, it says, "Regulation of Shooting Galleries. The Attorney General shall promulgate a regulation for the operation of shooting galleries. The licenses shall be issued to qualified applicants on a first come first served basis...". I wonder, Mr. President, since this bill is only calling for operation of two shooting galleries -- I wonder if that phrase is necessary here -- "on a first come first served basis". If it is not then I think we should strike it out because when you put in the phrase "on a first come first served basis" it connotes many people, many applicants. But we are only talking about two operations here.

The Chair called for a short recess at 11:23 a.m.

RECESS

The Senate reconvened at 11:27 a.m.

President Manglona: Let us reconvene with our session. A short recess was called by the Chair in order to discuss the concern raised by Senator Guerrero, H. We are still discussing Senate Bill No. 6-18, C.S.1, S.D.1.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: To iron out the concern that we have, I would like to make an oral amendment.

President Manglona: Will you also include in your motion the suspension of all pertinent Rules of the Senate?

Acting Floor Leader Babauta: If I may take the privilege in making the motion.

The Chair recognized Acting Floor Leader Babauta.

Acting Floor Leader Babauta: Mr. President, I move that we suspend all pertinent Rules and Procedures of the Senate for an oral amendment to be made on page 1, lines 23 and 24 of Senate Bill No. 6-18. The amendment shall read, starting with line 23, "The licenses shall be issued to qualified applicants by the Department of", striking out "on a first come first served basis". I wonder if that is correct, Senator Guerrero.

Senator H. Guerrero seconded the motion, and the motion carried by voice vote. Senate Bill NO. 6-18, C.S.1, S.D.1 now becomes Senate Bill No. 6-18, C.S.1, S.D.2.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: As we are all fully aware, there is growing unrest in our society, in our community with regards to businesses being operated here by aliens, by third country nationals, taking away the businesses from local residents. This bill, I think, is a starter where perhaps we could limit the ownership of this particular business to the people of the CNMI citizen or United States citizen. I think that the local people can do this type of business. I just want to open that up for discussion.

President Manglona: Is there any further discussion? (Pause) Are you ready for the question?

Senator H. Guerrero: Mr. President, I'm not ready. I just want to open this up for discussion.

Senator P. Manglona: I thought that was included already -- the U.S. citizenship.

Senator H. Guerrero: That's why I'm asking. Does this bill ask that ownership of such business be limited to U.S. citizens or local citizens -- CNMI citizens?

President Manglona: Will the Acting Chairman please respond?

Acting Chairman J. Guerrero: For purpose of discussion, if you so wish to incorporate that in the bill, I have no objection. But it is not part of the bill.

Senator H. Guerrero: Mr. President, I would like to call for a short recess so that we can incorporate this in the bill.

The Chair declared a short recess at 11:32 a.m.

RECESS

The Senate reconvened at 11:35 a.m.

President Manglona: Let us resume our session. A short recess was called by the Chair in order to continue consultation with the members on Senate Bill No. 6-18, C.S.1, S.D.2. We are still under discussion on the bill.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Mr. President, thanks to the efficient and quick response by Senator Mafnas' staff. They showed me Public Law No. 4-51 which reflects the provision that only local citizens or U.S. citizens are allowed to operate this type of business. Therefore, my amendment doesn't have the ruling in the draft legislation before us. Let me just read it for your information. Public Law 4-51 states that this license shall only be issued to individuals who are citizens of the United States as defined

by Section 8 of the Schedule on Transitional Matters of the Constitution of the CNMI or permanent residents of the CNMI.

President Manglona: Thank you, Senator Guerrero, H.

Senator H. Guerrero: I still have further questions. On page 2, line 24, it says here, "Such security guard shall possess a valid weapons identification card as required by 6 CMC Section 2204;". What is 6 CMC 2204, Mr. President?

President Manglona: Off-hand, I do not know what section is that referring to. Can anyone assist our good colleague?

Acting Chairman J. Guerrero: Can he look it up in the Commonwealth Code, Mr. President?

Senator H. Guerrero: We don't have the Code before us. Let me just ask this. Maybe someone can answer my question here. Does this provision here allow the security guard to carry concealed weapons? Does anybody know that?

President Manglona: Chairman Guerrero, J., would you be kind enough to respond to the question?

Acting Chairman J. Guerrero: Mr. President, I think the question that our good Senator from Saipan is asking is in the Code. If he should ask all those questions, I suggest that he should get a hold of the Code and look them up first before coming in to the session.

Senator H. Guerrero: Mr. President, I don't think he's right and I'm asking because I don't have the Code in front of me and because of that I might have to request that we recess for one month so that I can check the Code.

The Chair called for a short recess at 11:38 a.m.

RECESS

The Senate reconvened at 11:40 a.m.

President Manglona: Let us continue with our session. We are still discussing Senate Bill No. 6-18, S.D.2.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Thank you, Mr. President. The question that I asked earlier is a question regarding the provision on page 2, line 24, with regards to the identification card as required by 6 CMC Section 2204. I have the Code before me and I would like to read it for you to make sure that we all know the provision of this code. Section 2204 says, "No person may acquire or possess any firearm, dangerous device or ammunition unless the person holds an identification card issued pursuant to this Chapter. The identification card is evidence of the holder's eligibility to possess and use or carry firearms, dangerous devices, or ammunition." That responds to my question.

President Manglona: Do you have any further questions?

Senator H. Guerrero: Yes, Mr. President.

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

Senator H. Guerrero: I would like to move that we end debate.

Senator Babauta seconded 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	Aye
Senator Joseph S. Inos	Absent
Senator Jose P. Mafnas	Absent
Senator Herman M. Manglona	Absent

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

The motion to pass Senate Bill No. 6-18, S.D.2 on Second Reading carried by a roll call vote of five "ayes".

The Chair recognized Acting Floor Leader Babauta.

Acting Floor Leader Babauta: Mr. President, because we voted on Standing Committee Report No. 6-70, as listed under item (g) of our Order of Business, and in view of the fact that this said bill is not scheduled on our Bill Calendar, I would like to ask the unanimous consent of the members of this body to calendar Senate Bill No. 6-66 for adoption.

President Manglona: Our Floor Leader is correct. There was an oversight here. If there is no objection, I would like to ask for the unanimous consent to place this bill on our Bill Calendar.

Senator J. Guerrero: What is the bill?

President Manglona: Senate Bill No. 6-66. We have already adopted the committee report. What we have to do now is to place that bill on our Bill Calendar for filing.

Senator J. Guerrero: I don't think we need to do that, Mr. President. In the committee report, they already recommended to file the bill. Why pass a bill when the committee already recommended that it be filed?

Acting Floor Leader Babauta: By the same token that it be approved for adoption of the committee report for passage we go ahead and vote for passage of the bill.

President Manglona: That has been our practice in the past.

Senator J. Guerrero: Mr. President, if we place that bill on the Bill Calendar, I think the intent of the Bill Calendar is to pass the bill, not to file it.

President Manglona: In the past, we acted on both the committee report and the bill separately.

Senator J. Guerrero: But the distinction between the two, Mr. President, is that in the committee report we recommend to file. Now if we place the bill by itself under the Bill Calendar and we vote, it doesn't make that much sense. We already voted to file the bill and we filed it by adopting the report.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: I just want to raise a point of question here, Mr. President. If we place a bill that has been filed by the committee, we are placing it and opening it up for questions which might boomerang -- backfire. In other words, if the committee wants to file its bill, then I think it ends right there. If the committee is going to raise the bill to be discussed on the floor which has been filed already, then there is a chance that any member might say, "Wait a minute. I think if we are going to be filing this bill, there is a merit to this." I'm just pointing out a possibility that might arise. So if it is the intent of the committee to file a bill, then I think it is better to leave it there like that.

President Manglona: If a bill is filed by the committee at any time, the committee may reactivate the bill. However, if the committee recommended to file the bill on the floor, that's the end of it, if adopted.

Senator H. Guerrero: To my understanding, that's the end of the bill.

President Manglona: So in this situation, I believe the committee has recommended that the bill be filed.

Senator H. Guerrero: Mr. President, which we did already. And the floor has acted unanimously to file it.

The Chair called for a short recess at 11:47 a.m.

RECESS

The Senate reconvened at 11:50 a.m.

(Senator J. Guerrero was excused during recess.)

President Manglona: We are still under Second Reading on our Bill Calendar. There was a concern raised by the Floor Leader prior to the recess. Now, I would like to turn over the floor to the Acting Floor Leader.

Acting Floor Leader Babauta: Earlier before the short break, I did ask for the unanimous consent of the members to calendar Senate Bill No. 6-66, and based on our discussion during the recess, I hereby now withdraw that request.

President Manglona: Thank you, Acting Floor Leader Babauta. Let us now go down to the Resolution Calendar.

The Chair recognized Acting Floor Leader Babauta.

Acting Floor Leader Babauta: Mr. President, before we depart item (k) on our Order of Business, I would like to ask for the support and the unanimous consent of the members present if I may be permitted to calendar a very important measure before us. This bill is Senate Bill No. 6-102, "A Bill For An Act To provide for a Commonwealth Groundwater Management and Protection Act of 1988 and for other purposes." I would like to ask for the support of the members to calendar this because it is a very urgent bill. The Chief of the Division of Environmental Quality has informed me that there has been numerous groundwater drilling taking place in Saipan indiscriminately and it is his office's concern that drilling activity is going rampant and our underground water may be in danger in the not too distant future if there is no control to prohibit such indiscriminate drilling through a permitting process. And I would like to ask for the unanimous consent of the members if I may be able to calendar this on our Bill Calendar for today.

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

President Manglona: You may now make the necessary motion, Acting Floor Leader Babauta.

Acting Floor Leader Babauta: Since there is no objection for calendaring this bill, Mr. President, for First and Final Reading, I would like now to move for passage of Senate Bill No. 6-102, entitled: "A Bill For An Act To provide for a Commonwealth Groundwater Management and Protection Act of 1988, and for other purposes.", from your Special Committee on Water.

Senators H. Guerrero and P. Manglona seconded the motion.

S. B. No. 6-102: "A Bill For An Act To provide for a Commonwealth Groundwater Management and Protection Act of 1988, and for other purposes.", for Second Reading.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: I think this bill is very, very necessary in order to provide control of water drilling. But insofar as only to control not to stop it altogether, I have not read the bill, but I would like to ask the author if this bill will prevent the drilling of wells completely or will provide control of well drilling?

Chairman Babauta: Mr. President, I agree with Senator Guerrero, H.'s comment that he objects to stopping drilling altogether. This bill does not intend to stop drilling altogether, rather to control it and that a permitting process take place in the authorization for drilling.

President Manglona: Continue, Senator Guerrero, H.

Senator H. Guerrero: And who is, under the bill, authorized to administer this drilling permit?

Chairman Babauta: The permitting will be handled by the Department of Public Health and Environmental Services under the Division of the Environmental Quality. This is the same office that conducts the testing of water around our island.

Senator H. Guerrero: I have no further question, Mr. President.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, my concern here is -- what sort of relationship does DEQ have with CUC as far as volume of water that is extracted from underground? I would like to address that to the Chairman.

Chairman Babauta: Mr. President, if I may ask Chairman Manglona, P., if he can clarify his question?

Senator P. Manglona: As you know, CUC is responsible for water production and distribution and right here in this bill you are saying that the permitting process shall be initiated with the Chief of DLQ. What role does CUC play?

Chairman Babauta: Mr. President, CUC does not play any role in the permitting process. The permit to drill wells will be handled independently by the Department of Public Health and Environmental Services under the Division of Environmental Quality. The reason why we are divorcing the permitting process from CUC is that we want to have an independent office issuing permit for drilling since CUC itself does drilling activities. So if CUC were to handle the permitting process they will be handling itself permits to drill and that's a conflict in itself. And so with the most knowledgeable office on water being the Environmental Quality, the bill proposes that it be handled by the Division of Environmental Quality.

Senator P. Manglona: Mr. President, my concern here is that -- I agree that if you separate it from CUC you have the independence there and therefore can be licensed and controlled effectively, however, CUC has their own wells also and if you allow somebody other than CUC to permit other parties to drill water, it might affect their water sources in that you might have intrusion of salt water into CUC well area. So maybe, can we put some language that says, "CUC's needs should be prioritized" or some kind of wording to that effect in that CUC provides to the general public, and other parties seeking permits to use it for their own personal use only. And we want to make it clear that CUC wells are priority.

The Chair recognized Chairman Babauta.

Chairman Babauta: The Division of Environmental Quality is authorized to promulgate rules and regulations and that may be addressed in its rules and regulations giving CUC the preference to well drilling before anybody else since it is a public utility. If Senator Paul is more comfortable in seeing the language in the bill, I am more than happy to work on an amendment to the bill.

President Manglona: Do you wish the Chair to call for a short recess?

The Chair called for a short recess at 12:00 p.m.

RECESS

The Senate reconvened at 12:05 p.m.

President Manglona: Let us continue with our session. We are still discussing Senate Bill NO. 6-102.

The Chair recognized Chairman Babauta.

Chairman Babauta: Thank you, Mr. President. To address the well intended concern raised by Senator Paul Manglona on the issuance of permits to potential drillers,

I wish to offer an oral amendment, but before doing that, I would like to move that we waive all pertinent rules and procedures of the Senate in order that I may offer that oral amendment.

Senators P. Manglona and H. Guerrero seconded the motion, and the motion carried by voice vote.

The Chair recognized Chairman Babauta.

Chairman Babauta: If I may refer the members to page 3, Section 7, adding to that section, subsection (e) after subsection (d) followed by subsection (e) to read: "CUC shall receive priority in the issuance of all well drilling permits." That will follow item (d) after line 14.

Senator P. Manglona seconded the motion.

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

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

Senator H. Guerrero: I may be wrong but if we say, "CUC shall be given a priority in all issuance of well drilling", to me, that sounds as if we are giving priority to CUC to decide all the water drilling. It could be wrong. Could you repeat that again?

Chairman Babauta: Adding a new subsection (e) to Section 7, it shall read, "CUC shall receive priority in the issuance of all well drilling purpose."

Senator H. Guerrero: Okay. He said "shall receive". I didn't hear that "shall receive". No further questions, Mr. President.

Senator H. Guerrero moved for the previous question. The motion was seconded and carried by voice vote. The motion to amend Senate Bill No. 6-102 as offered by Acting Floor Leader Babauta, proposed by Senator P. Manglona, was voted on and adopted. Senate Bill No. 6-102 now becomes Senate Bill No. 6-102, S.D.1.

Senator H. Guerrero: Point of information.

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

Senator H. Guerrero: Is this measure being considered on its final passage?

Acting Floor Leader Babauta: Yes. That was the motion.

Senator H. Guerrero: That was the motion. I move to the previous question.

The motion was seconded and 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	Excused
Senator Joseph S. Inos	Absent
Senator Jose P. Mafnas	Absent
Senator Herman M. Manglona	Absent
Senator Paul A. Manglona	Aye
Senator Manuel P. Villagomez	Absent
President Benjamin T. Manglona	Aye

The motion to pass Senate Bill No. 6-102, S.D.1 on Second Reading passed the Senate with a roll call vote of four "ayes".

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, kao sina un sede yo ya bai hu fino Chamorro dididi?

President Manglona: Chairman, we are still under the Second and Final Reading on our Calendar.

Senator P. Manglona: Hungan

President Manglona: Okay, go ahead.

Senator P. Manglona: Yahoo na ta atan pago guine, Mr. President, eyo i Senate Bill No. 6-37, ya ta konsidera. Yahoo na bai famaisen ya sina uma suspende todo i Rules ya kosa ki ta lagnos enao ya ta diskute gi First and Final Reading. Hu comprende na gaige i bill gi R&D ya ma lagnos huyong komo Committee Substitute 1. Ti hutungo taimano este kao ta lagnos huyong eyo i Committee Substitute 1 osino ta chule huyong ha eyo i Senate Bill No. 6-37. Buente pot seso manmanaitai hit newspaper masea tihu hohonge todo hafa palabran nila lao sina ha guaha lokue meritu sa seso guaha nai taatuki eyo siha i man makat siha na desision ni para ufan mafatinasi, ya yahoo na ta chule este na posision pago nai para tafatinas este i makat na desision para i minaleg i taotao siha. Pues pago bai hu move kao sina malagnos huyong i Senate Bill 6-37 ya ta fatinas aksion gi pago na haane.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Mr. President, ti problema para guaho eyo lao, hafa eyo i 6-37 sa ti hu haso?

Senator P. Manglona: Mr. President, i 6-37 eyo i....

Acting Floor Leader Babauta: May I raise a concern, Mr. President?

The Chair called for a short recess at 12:13 p.m.

RECESS

The Senate reconvened at 12:15 p.m.

President Manglona: Let us continue with our session. There was a motion offered by Senator Manglona, P., and his motion is to withdraw from the R&D Committee Senate Bill No. 6-37. He already made a motion, but there was no second.

Acting Floor Leader Babauta seconded the motion.

S. B. No. 6-37: "A Bill For An Act To ban poker machines in the Commonwealth; to repeal P. L. 5-3, and to amend pertinent sections of 4 CMC, Div. 1 and 6 CMC, Div. 3, and for other purposes.", for Second Reading.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Mr. President, I think we have to check our Rules of Procedure whether it requires a certain percentage of the members present to be able to withdraw a measure out of the Committee.

President Manglona: According to our Senate Rules, any measure can be withdrawn from the Committee by the majority of the members of the Senate present. In other words, since we establish the quorum with five members, the majority of that five members will be three members. Therefore, we can transact business with a majority vote of the members present.

Senator H. Guerrero: Mr. President, I have a very uneasy feeling with transacting a very important measure with only minority members present in the Chamber. Since this bill is rather technical and controversial in nature, somebody might question the fact that there were only minority members transacting business. They might question whether this body can legally transact business. I think we ought to find out from our legal counsel, unless it is absolutely clear in our Rules of Procedure that we can do that.

President Manglona: Let me refer you to our Rules of Procedure on page 11 on our booklet, Section 10, Withdrawal of Bills. It says here, "Any bill, resolution or other matter referred to a committee at a regular session may be withdrawn by an affirmative vote of the majority of the members of the Senate present, a quorum being present, provided that the bill, resolution or other matter still has been referred to the committee ten or more days prior to the recall."

Senator H. Guerrero: I think I have a problem with that. The question that I have is, it calls for majority of the members present and then again it says, "a quorum being present". I don't know whether we define it in the Rules of Procedure what is "a quorum being present."

President Manglona: The quorum of the Senate is five members. I said earlier that we did establish a quorum in order to convene our special session. Since we already established the quorum, now that one member is excused and not present, I believe that the four of us can transact matters for the Senate. In other words, what requires to withdraw a measure, a bill or resolution for that matter, is the presence of the majority member present. The motion to recall is in order. But I will leave that decision in the hands of the members to decide.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, I agree that on this type of bill, we should act when most of the members are present. However, this bill did not just surface today. It has been with the committee for so many months already. The matter has been discussed intensively, both among members and in the public through the media. If any of the members have any reservation to this bill, they should have raised it already months ago. I mean they should have acted on it one way or the other. I have no intention of bringing this bill out only when Senator Juan Guerrero is absent. It was my original plan whether or not he is here to bring this bill out. So on this critical matter to which a lot of our residents in Rota, Saipan, and Tinian are raising concerns, I think we should not sit back and wait further. It is time to act on this bill and I ask the members to please act on it right now. Thank you.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: I have no problem with giving support or not to support this bill. My problem is one of a very technical in nature whether we can legally transact business. Whether the Committee members present here are willing to take a chance. I am willing to take a chance also. I just don't want to work on a bill and then be challenged later. I just want to be absolutely clear that we can transact business legally. The reason why I am raising this at this point in time is because this is a controversial bill and somebody might see fit to challenge the decision that is being made today. I did not raise this problem in the past two bills that we passed because I don't see anybody raising a question. But with this particular matter, somebody might raise a question and then what -- we go back to first base again.

President Manglona: Let me explain it. Prior to the session, because of other related issues, and to be specific the confirmation issue, I have consulted with our legal counsel whether or not we can withdraw the nominee from the EAGI Committee. Myself and our legal counsel looked over the Senate Rules and we are both in agreement that we can withdraw a nomination, a bill or a resolution from any committee, provided that we have established a quorum and a majority of the members of the Senate is present. If you wish, I can call for a short recess to consult our legal counsel...

Senator H. Guerrero: Mr. President, I agree. It says, "majority members present". Now there is no majority here. That's my question. We are not majority now.

President Manglona: Well, our Senate Rules went on further to say that if half of the proceeding of the Senate constitute a quorum and after one member leaves, I believe the Rules still permit us to transact business. Maybe the best thing I could do now is to call for a short recess.

The Chair called for a short recess at 12:24 p.m.

RECESS

The Senate reconvened at 12:38 p.m.

President Manglona: Let us continue with our session. We are still discussing Senate Bill 6-37. There is a question raised by Senator Guerrero, H., whether or not the Senate can transact action with only four members present. The Chair would like to rule that since at the beginning of the session, we have five members present and since we established the necessary quorum, it is, therefore, the ruling of the Chair that we can transact business. With that ruling, I would like to proceed with the discussion on Senate Bill No. 6-37.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Mr. President, with that ruling, I feel a little bit better.

President Manglona: Thank you very much, Senator Guerrero, H. Any further discussion?

The Chair recognized Acting Floor Leader Babauta.

Acting Floor Leader Babauta: Mr. President, if we have a motion on the floor, can I be briefed on what that motion is?

Senator P. Manglona: The motion, Mr. President, is to pass on First, Second and Final Reading Senate Bill No. 6-37 which is a bill to ban poker machines in the Commonwealth.

Acting Floor Leader Babauta: Is the bill that Senator Manglona, P., has placed for action by this body, is that the original bill that will ban only poker machines here in the Commonwealth?

President Manglona: That is the Chair's understanding. Perhaps Senator Manglona, P., can clarify that.

Senator P. Manglona: Yes, Mr. President, that is the original 6-37 and not the Committee Substitute 1 as proposed by R&D Acting Chairman Senator Guerrero in which he proposes to ban all forms of gambling including bingo, batu and cockfight. So this only bans poker machines.

Acting Floor Leader Babauta: Thank you, Mr. President.

There being no further discussions, the Senate Clerk called the roll with the following result:

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

The motion to pass Senate Bill No. 6-37 on Second Reading passed the Senate with a roll call vote of four "ayes".

RESOLUTION CALENDAR

The Chair recognized Acting Floor Leader Babauta.

Acting Floor Leader Babauta: Mr. President, if I may be permitted, I would like to move to waive all pertinent Rules of Procedure of the Senate in order that I may calendar Senate Joint Resolution No. 6-17 on our Resolution Calendar.

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

S. J. R. No. 6-17: "A Senate Joint Resolution Authorizing the Commonwealth of the Northern Mariana Islands, through its Governor, to submit Community Development Block Grant Application No. B-88-ST-69-0001, to receive the funds requested therein, and to assume all responsibilities that may be imposed by the U.S. Department of Housing and Urban Development with respect to the receipt and administration of Community Development Block Grant assistance.", for adoption.

Acting Floor Leader Babauta moved for its adoption, seconded by Senators P. Manglona and H. Guerrero.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Is that resolution calling for Community Block Grant for the island of Saipan only or Tinian only or Rota only or what?

Acting Floor Leader Babauta: It addresses the Commonwealth of the Northern Mariana Islands as a whole. It is not written specifically for any of the islands.

Senator H. Guerrero moved to end debate, seconded by Senator P. Manglona. The motion to end debate carried by voice vote.

The motion to adopt Senate Joint Resolution No. 6-17 was voted on and adopted.

INTRODUCTION OF BILLS AND RESOLUTIONS

None

PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS

President Manglona: At this time, if there is no objection from the members of the Senate, I would like to read out to you a letter addressed to the Chairman of our Committee on Federal Relations and Independent Agencies. (The members replied "no objection" in unison.) The letter is dated July 8, 1988 and it is addressed to Chairman Paul A. Manglona, Committee on Federal Relations and Independent Agencies, The Senate - Sixth Northern Marianas Commonwealth Legislature.

"Dear Chairman Manglona: I have read the Inspector General's audit report of MIHA's contract difficulties with OCK Construction Limited. MIHA is paying close to a \$1 million annually in interest on loans to finance a housing project that has yet to get off the ground. The MIHA's contract with OCK was signed in January of 1987. Upward to 497 single-family housing units were to be built. According to the audit, only three model homes have been completed. Further, MIHA faces liquidated damages of as much as \$2.8 million to OCK if the housing units are not built.

"To quote Governor Tenorio, if the OCK contract '...is not handled properly and thoroughly, MIHA, and in some instances the Commonwealth Government, faces millions of dollars in losses.'

"Chairman, because the Commonwealth can ill-afford any monetary loses, I would like to direct your Committee on Federal Relations and Independent Agencies to assist with the MIHA/OCK problem. Specifically, I would ask your Committee to meet with MIHA, CDA, Finance, and the Attorney General. I have asked the Senate legal counsel to work directly with the Committee. From this meeting, I would like to see a solution to MIHA's dilemma with OCK.

"Very clearly, I am not interested in fault finding or finger pointing. I'm not asking your Committee to investigate MIHA's difficulties. Instead I ask the Committee to find a solution, a compromise, a way for the Commonwealth to minimize the financial damage threatening it.

"The success of your Committee, Chairman, will build public confidence in the ability of the Legislature to solve problems. Would you please report back to me on the Committee's activities within 30 days of this appointment.

"Thank you, Chairman, for accepting this most challenging assignment. I know it is not an easy thing the Senate asks of your Committee. It is also no easy thing for the people of the Commonwealth to suffer millions of dollars in lost public revenues."

Signed by the Senate President. Thank you.

MISCELLANEOUS BUSINESS

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, just a short note here. We are all aware that a Senator from Guam passed away last week or so and I would just like to know if maybe we could get a resolution going from this body. I understand Carl or Senator Inos is working on something so maybe we can entertain that early next week.

President Manglona: That is a very good suggestion, Chairman Manglona, P., and the Chair will look into that matter so that in our next special session, we can act on it. Upon passage, we can transmit the resolution to the family of the late Senator Quan from Guam.

ANNOUNCEMENTS

None

There being no Announcements, Acting Floor Leader Babauta moved that the Senate stand in recess subject to the call of the Chair. The motion was seconded by Senator P. Manglona and carried by voice vote.

The Senate recessed at 12:50 p.m., subject to the call of the Chair.

Respectfully submitted,


Antonia M. Apatang
Senate Journal Clerk