

SIXTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
NINTH SPECIAL SESSION, 1988

FIRST DAY

Thursday, July 14, 1988

The Senate of the Sixth Northern Marianas Commonwealth Legislature, Ninth Special Session, 1988, was called to order at 1:23 p.m.

The Honorable Benjamin T. Manglona, President, presided.

A moment of silent prayer was observed.

The Senate Clerk called the roll. Six members were present. Senator J. Guerrero was excused. Senators Joseph S. Inos and Jose P. Mafnas were absent.

President Manglona: We have established the necessary quorum. Let us now proceed with our session. Reading and Approval of the Journal, Acting Floor Leader Babauta?

Senator Babauta: Are you designating me, Mr. President?

President Manglona: Since our Floor Leader is not here, if there is no objection, I would like to ask the Chairman of our Rules Committee to be the Acting Floor Leader on our Special Session today. (The members replied "no objection" in unison.)

READING AND APPROVAL OF THE JOURNALS

On motion by Acting Floor Leader Babauta, seconded by Senators P. Manglona and Villagomez, the Reading and Approval of the First Day, Seventh Special Session, 1988, Journal, was adopted.

MESSAGES FROM THE GOVERNOR

None

REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS

None

HOUSE COMMUNICATIONS

None

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

President Manglona: If there is no objection from members of the Senate, I would like to take this opportunity now to officially recognize the presence of Dr. Chong and his family. Also, I would like to ask the Acting Floor Leader to make a motion to resolve the session into a Committee of the Whole in order to present Dr. Chong with a Senate Resolution recognizing his many years of outstanding and distinguished service to our government and to our people.

Acting Floor Leader Babauta: Thank you, Mr. President. I move at this time that we resolve into the Committee of the Whole in order that we present a token of recognition to Dr. Jose L. Chong.

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

The Senate resolved into the Committee of the Whole at 1:27 p.m.

COMMITTEE OF THE WHOLE

The Senate resolved into its plenary session at 1:35 p.m.

## STANDING COMMITTEE REPORTS

Standing Committee Report No. 6-72, from the Committee on Executive Appointments and Governmental Investigations, reporting on the Governor's appointment of Mr. Roy C. Manglona (representing Rota) and reappointment of Mr. Francisco Tomokane (representing Saipan) to serve as members of the Alcoholic Beverage Control Act, for adoption and confirmation.

Acting Floor Leader Babauta moved for its adoption and confirmation of Mr. Roy C. Manglona and Mr. Francisco Tomokane. There were several seconds to the motion. There being no discussion, the Acting 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	Aye
Senator Paul A. Manglona	Aye
Senator Manuel P. Villagomez	Aye
President Benjamin T. Manglona	Aye

The motion to adopt Standing Committee Report No. 6-72, confirming Mr. Roy C. Manglona and Mr. Francisco Tomokane, passed the Senate with a roll call vote of six "ayes".

## UNFINISHED BUSINESS

None

## PREFILED BILLS AND RESOLUTIONS

Bill No. 6-118: A Bill For An Act To amend Section 7306(p) of Division 7 of Title 4 of the Commonwealth Code (the Commonwealth Insurance Act of 1983), and for other purposes. (Senator Juan T. Guerrero -- Assigned to R&D)

Local Bill No. 6-3: A Local Act For The Second Senatorial District (Tinian and Aguiguan) To amend Section 4 of Local Law No. 5-2 (Tinian Municipal Scholarship Act of 1986), to provide that the Tinian Scholarship Board may expend monies from the Scholarship Fund to provide job skills training for Tinian government employees; to further provide that such training may take place either within or without the geographical boundaries of the Commonwealth; and for other purposes. (Senator Herman M. Manglona +2 - Second Senatorial District)

## BILL CALENDAR

S. B. No. 6-40: "A Bill For An Act To implement Constitutional Amendment 15, to define the term 'other calamity' as used in Article III, Section 10 of the CNMI Constitution, and for other purposes.", for Second Reading.

Acting Floor Leader Babauta moved for its passage. There were several seconds to the motion.

The Chair recognized Senator Villagomez.

Senator Villagomez: Mr. President, I forgot to include the proposed amendment. During the previous session, on First Reading of this bill, Senate Bill No. 6-40, there was a concern raised by our good Senator, Senator Juan T. Guerrero, from Saipan, as to the definition of "other calamity". I just had the proposed amendment passed out, based on the concern raised by Senator Juan Guerrero.

President Manglona: Do you wish to put that into a motion now, Chairman Villagomez?

Senator Villagomez: I so move, Mr. President.

Acting Floor Leader Babauta seconded the motion.

Senator H. Guerrero: Can we take a moment of silent recess?

The Chair declared a short recess at 1:42 p.m.

RECESS

The Senate reconvened at 1:44 p.m.

President Manglona: Let us reconvene our session. We are still discussing the proposed amendment offered by Chairman Villagomez. Is there any discussion on the proposed amendment?

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Senate Bill No. 6-40, I guess, is talking about natural calamities, such as typhoons and fire, tidal wave, earthquakes, if I'm not mistaken. The proposed amendment will include calamities not directly related to nature, but has something to do with fiscal responsibility and management. So if this amendment is still in keeping with the Constitutional Amendment, then I have no problem with it.

President Manglona: If I may respond to the concern of Senator Guerrero, H. In the Constitutional Amendment, the Governor is empowered to declare a State of Emergency in the case of invasion, civil disturbance, and natural disaster and other calamity as provided by law. The intent of this bill is to define what is "other calamity" which is mandated in the Constitutional Amendment that it should be prescribed by law.

Senator H. Guerrero: So, Mr. President, the purpose of this bill is to define "other calamity".

President Manglona: Yes.

Senator H. Guerrero: Like I said, I have no problem with this amendment if it is consistent with the Constitution.

President Manglona: I certainly believe it is consistent with the intent of the Constitutional Amendment.

The Chair recognized Senator Villagomez.

Senator Villagomez: Mr. President, Senator Guerrero submitted an amendment to the proposed legislation, but when I went through your amendment and since they are the same and you are the first one to submit your proposed amendment, I went to your amendment so that we can take immediate action.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, I'm wondering, is this amendment by Senator Juan T. Guerrero or...?

Senator Villagomez: It's introduced by the President.

Senator P. Manglona: So where is Senator Juan T. Guerrero's amendment?

Senator Villagomez: I don't have to take it out, the proposed amendment by Senator Guerrero, because we are not going to entertain it. We are entertaining the proposed amendment by the President.

Senator P. Manglona: So what are we voting on?

Senator Villagomez: We are voting on President Manglona's amendment.

Senator H. Guerrero: Mr. President.

Senator P. Manglona: I yield to Senator Guerrero, H.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: I just want to make a point of clarification here because the statement that was made by my honorable colleague is for the entertainment of the amendment of Senator Juan Guerrero. I am puzzled now because the proposed amendment as I am looking at it now is proposed by Senator Benjamin T. Manglona.

Senator Villagomez: Mr. President, just a point of clarification. The concern raised by my good Senator from Saipan, Senator Juan Guerrero, the definition of "other calamity" it doesn't mean that we are entertaining his proposed amendment to the bill. We are entertaining the amendment as to the intent of the bill. It is not Senator Guerrero's amendment.

President Manglona: Continue, Senator Guerrero, H.

Senator H. Guerrero: I think the motion was made to entertain Senator Juan Guerrero's amendment. That motion ought to be withdrawn so that a new motion be introduced to entertain the amendment offered by Senator Benjamin T. Manglona.

President Manglona: Let me try to make some clarifications. I understand there was a suggested language given to the JGL Chairman by Senator Guerrero, J. The Chair also has a similar amendment which is now offered by Chairman Villagomez. The amendment before us now is the proposed amendment from the Chair offered by Chairman Villagomez. Is that clear to everyone?

Senator Villagomez: Mr. President, just to clarify this and to straighten up the record, I have the proposed amendment introduced by Senator Benjamin T. Manglona as to Senate Bill No. 6-40.

Senator H. Guerrero: I move that the first amendment that was introduced on the floor be waived and instead the amendment proposed by Senator Benjamin T. Manglona be installed.

The Chair recognized Acting Floor Leader Babauta.

Acting Floor Leader Babauta: Point of clarification. Can we clarify this by asking the Clerk to read the original motion out?

President Manglona: Will the Acting Senate Clerk please read the motion offered by Chairman Villagomez?

Acting Senate Clerk: The motion is to entertain the amendment based on the concern raised by Senator Juan T. Guerrero from Saipan.

The Chair recognized Acting Floor Leader Babauta.

Acting Floor Leader Babauta: It appears to me, Mr. President, that Senator Manuel P. Villagomez inadvertently said Senator Juan Guerrero instead of your name for the floor amendment. That seems to me the confusion that Senator Herman R. Guerrero is having. And just to correct the matter, I think it's Senator Manuel P. Villagomez' intent that the amendment came from you rather than Senator Juan T. Guerrero.

President Manglona: Let me clarify the motion. The motion is to accept the amendment proposed by the Chair and offered by JGL Committee Chairman Villagomez. It's been seconded and it's now under discussion.

The Chair recognized Acting Floor Leader Babauta.

Acting Floor Leader Babauta: Senator Manuel P. Villagomez, correct me if I'm wrong, but I would like to attempt to clear the record by saying that his motion was meant to read that the proposed amendment be from you rather than from Senator Juan T. Guerrero. So with that, I would like the record to reflect that.

President Manglona: Is everyone clear on the motion now?

Senator H. Guerrero: Mr. President, it is better if we kill the first amendment and reintroduce this amendment now. That will clear the record.

The Chair called for a short recess at 1:50 p.m.

RECESS

The Senate reconvened at 1:55 p.m.

President Manglona: Let us reconvene with our session. A short recess was called by the Chair in order to clarify some misunderstandings pertaining to the motion offered by Chairman Villagomez. Let me now recognize Chairman Villagomez in order to clarify his motion.

Chairman Villagomez: Thank you, Mr. President. I would like to retract my previous statement. I have a proposed amendment introduced by Senator Benjamin T. Manglona. I believe members of this body have copies of this proposed amendment as to Senate Bill No. 6-40.

President Manglona: So that is your motion?

Chairman Villagomez: That is my motion.

Acting Floor Leader Babauta seconded the motion.

The following is the proposed amendment offered by Senator Benjamin T. Manglona to Senate Bill NO. 6-40, Section 5121(a)(3) should be amended to read:

"(A) The words 'other calamity' do not include a state of emergency caused by the financial condition or hardship of the government. Such emergencies shall be addressed exercising fiscal management authority under 1 CMC, Division 7, including the authority of the Governor to impound funds on an emergency basis under 1 CMC §7605. Corrective measures such as a freeze in government hiring (except for personnel in essential services, such as public safety, health services, and education), a moratorium on all but essential government procurement, and a reduction in government travel to all but the most essential trips should always precede declarations of a state of emergency based on the financial condition of the Commonwealth.

"The words 'severe power and water crisis' shall be narrowly construed. They shall only include a crisis in which more than thirty percent of the power or water users in a Senatorial District have been or will be without power for periods of over thirty days. A 'severe power and water crisis' shall not authorize the use of available resources to extend power or water service to areas not previously and normally served."

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, what basically is the difference between part (A) of this proposed amendment and Section 3 of the bill? It appears that this amendment is being made so that there can be room for an emergency to be made or to be declared based on financial condition or hardship. Is that correct?

President Manglona: I believe the proposed amendment is made in order to further define other calamities. There has been incidents in the past where money was reprogrammed and used by justifying that it was an emergency. In this proposed amendment, it provides direction and guidance to the Governor to follow prior to exercising his emergency power. In another words, the Governor has to exercise and institute fiscal control, for example, freeze hiring, stop unnecessary travel, curtail hiring of vacant and new positions, etc. If he institutes good fiscal management, and then it does not correct the problem, he can then call it a crisis and at the same time he can declare it a calamity. The proposed amendment exactly does that.

Senator P. Manglona: So it's more lax than the wording of subsection 3 on page 2 of the bill? It says here, "The words 'other calamity' do not include a state of emergency caused by the financial condition or hardship of the government." Then it goes on and states that the Governor has to use, I guess, 1 CMC Section 7605 to exercise fiscal management. What is the difference, I'm asking, between that section and this subsection (A)? Why do we need that amendment?

President Manglona: I believe subsection (A) merely says that. I think the proposed amendment is stretching that definition. In another words, it further defines what is "other calamity" in addition to what was already defined under the bill.

Senator P. Manglona: So we are defining that in the bill further.

President Manglona: Yes.

The Chair recognized Senator H. Manglona.

Senator H. Manglona: Does the Governor, at the present time, have no authority to address that concern?

President Manglona: The language in the Constitution is broad, and we need to precisely define that.

Senator H. Manglona: What I meant was the financial hardship--to cut the travel, to reduce travel, to put moratorium on procurement. I think the Governor has the power as of this time to do that.

President Manglona: He may have that power now. But sometimes good fiscal management was not instituted and was abused. The purpose of this proposed amendment is to enable the Governor to follow provision of the law before he exercise his emergency power. If this bill and the proposed amendment become law, it will prevent the Governor to abuse his emergency power. He has to enforce the law.

Senator H. Manglona: I got the point. Thank you.

Senator Villagomez: I think the intent of this amendment is not to have the Governor come back and say that he has very limited authority or something. I think this amendment gives the clear picture of the authority of the Governor.

There being no further discussions, the motion to amend Senate Bill No. 6-40, as offered by Senator Benjamin T. Manglona, was voted on and carried. Senate Bill No. 6-40 now becomes Senate Bill NO. 6-40, S.D.1.

The Acting Senate Clerk called the roll for voting 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	Aye
Senator Paul A. Manglona	Aye
Senator Manuel P. Villagomez	Aye
President Benjamin T. Manglona	Aye

The motion to pass Senate Bill No. 6-40, S.D.1 on Second Reading passed the Senate with a roll call vote of six "ayes".

#### RESOLUTION CALENDAR

None

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The Chair recognized Senator H. Manglona.

Senator H. Manglona: I have here a resolution from the Second Senatorial District and I would like to ask the permission of the Chair after I introduce this resolution to instruct the Sergeant-At-Arms to have the remaining author sign this resolution then submit it to the proper committee. Is this permissible, Mr. President?

President Manglona: I believe it is permissible, unless overruled by the members.

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

Senator H. Manglona: Mr. President, I would like to read the heading of this resolution. "Second Senatorial District Resolution Approving the Expenditures by the CNMI Government for Capital Improvement Projects on Tinian for the Department of Education and for other Capital Improvement Projects which are funded by CDA Project Series-1 Revenue Bonds." Mr. President, this resolution is requesting to make funds available from the CDA or from the Revenue Bond for construction and relocation of Tinian High School, road projects on Tinian, sewer lines, water lines, and other essential projects for the island of Tinian. Thank you, Mr. President.  
(Tinian Legislative Delegation Res. No. 6-1)

#### PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS

None

#### MISCELLANEOUS BUSINESS

The Chair recognized Senator H. Manglona.

Senator H. Manglona: Mr. President, last week on Friday, a measure from my Committee was withdrawn -- recalled from my Committee and this morning I came to your office and explained the reason why that measure was not acted on by the Committee on EAGI. Mr. President, your Committee on EAGI has no intention to neglect its duties and responsibilities. This is in regards to the MPLC nominee that was submitted by the Governor to your office and was given to your Committee on EAGI for action to either confirm or not confirm. Prior to that, Mr. President, we held a public hearing as to the confirmation of Mr. Pedro L. Cruz to serve on the MPLC from Tinian. On that hearing, Senator Babauta was present and myself. We asked the Executive Director of MPLC if we have to confirm Mr. Pedro L. Cruz to serve on the MPLC Board of Directors -- if that would constitute a quorum so that the MPLC Board of Directors can conduct their business. And he replied, "yes". And I was informed that there was a call or request from other departments and agencies that if we don't act on other nominees the MPLC Board cannot function. I believe, Mr. President, that that information was misleading. I understand that the Constitution calls that there will be a woman to represent or to be a member on that Board. But it doesn't mean to say that without the participation of a woman that the Board cannot function. Mr. President, there are a lot of nominees that your Committee held back because of certain concerns by certain groups. There's a time that the nominee has a direct conflict of interest to the position that he was nominated. There's a time that the nominee was already serving on other important board. And we need time to clarify those information that the Committee received from the other interested groups. It is not because we are trying to neglect our duties, Mr. President. And I hope, Mr. President, that this thing will never happen again -- to recall a measure from a Chairman on the floor is embarrassing to the Chairman. It is very embarrassing. I'm happy, Mr. President, because after I talked to you this morning and after I informed you as to what really transpired I think we came to an agreement that I want the other members to know that it is not because I don't do my job. It's because there's a concern raised by other people regarding direct conflict of interest to any appointee to any position. Mr. President, when you wrote me a letter asking that I must act on the MPLC nominees, I did conduct a hearing and we did confirm the nominee to serve on the MPLC Board so that they can function. The confirmation of Pedro L. Cruz from Tinian constitutes a quorum for the MPLC Board to conduct their business. It's not true that with the absence of one more nominee yet to be confirmed, they cannot constitute a quorum, Mr. President. Thank you.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: As one of the participants to withdraw that from the Committee, I would like to explain my position. Mr. President, with all due respect to the Chairman on EAGI and the members, I took the position to vote to withdraw the subject

matter because of experience I have encountered in the past. There were nominees whose confirmation did not occur because the limitation of time. I forgot whether the Legislature has 60 days or 90 days to act and if they do not act within this time frame, then the poor nominee's confirmation died. It has happened to two people in the past. And I was afraid that perhaps we might be heading towards the same incident and that is why I voted the way I did. If I didn't do that then it will bother my conscience because for one thing, I do not know what the Committee is going to do. And at least, the full Senate should have or should be given the courtesy of a simple report as to what is happening rather than remaining silent. I would like to point out that each and everyone of us here in the Senate has that privilege, has that prerogative. We should have a say-so as to the fate of any nominee.

Senator H. Manglona: Mr. President, can the Senator from Saipan yield please?

President Manglona: Do you wish to yield the floor to Senator Manglona, H.?

Senator H. Guerrero: I'm not debating. I'm just stating a point.

President Manglona: We are under Miscellaneous Business. Every member of the Senate has the opportunity to express himself or herself on a general subject. For this reason, Senator Guerrero, H., still has the floor. You may continue, Senator Guerrero, H.

Senator H. Guerrero: Thank you. What I'm saying, Mr. President, is that each member of the Senate has the prerogative, privilege, and opportunity to comment under our Rules of Procedure. We should be accorded the respect that we deserve. I'm not raising this as something for debate, but I'm raising it because it is a concern that I have since the last couple of years. Thank you.

President Manglona: Thank you, Senator Guerrero, H. Before I recognize Senator Manglona, H., any other member wish to be recognized under Miscellaneous Business? (Pause) Please proceed, Senator Manglona, H.

Senator H. Manglona: I do not know whether Senator Guerrero has a copy from the Attorney General's opinion. He stated that the board or commission appointees are subject to 90 days limitation. There is a letter transmitted to your office, Mr. President, and to my office that the board and commission appointees are subject to 90 days limitation. For that reason that the Committee has 90 days to act.

President Manglona: I would like to discourage members from debating under Miscellaneous Business.

Senator H. Guerrero: I agree. I cannot debate with him. He's my namesake. (Laughter)

President Manglona: As I already explained, under Miscellaneous Business anyone may say anything that he wants. A member of the Senate has that prerogative. However, I would not permit members of the Senate to debate amongst themselves on issues that were said under Miscellaneous Business.

Senator H. Manglona: I'm not debating, Mr. President. Mr. President, can I be recognized again? I got here the legal opinion...

President Manglona: Let us exercise a little order. According to our Rules, a member can speak twice on the issue, unless everyone had spoken. So before I recognize those members that had already spoken, may I ask the other members who have not yet spoken if they want to be recognized? (Pause)

The Chair recognized Senator H. Manglona.

Senator H. Manglona: Thank you, Mr. President. This morning I asked our legal counsel, Mr. Tim Bruce, to come up with a legal opinion regarding the appointees from the Governor. May I have your permission to read out the legal opinion?

President Manglona: Is there any objection from the members? (Pause) You may proceed, Senator Manglona, H.

The following is the legal opinion presented by Senator H. Manglona:

"TO: Senator Herman M. Manglona  
FR : Tim Bruce  
DT : 14 July 1988  
RE : Requirement of a Woman on the MPLC Board

"QUESTION:

"Senator you asked if the MPLC Board of Directors is prohibited from conducting business for the sole reason that a woman board member has not been confirmed and available to sit?

"ANSWER:

"A quorum otherwise being available, the absence of a confirmed woman board member does not deny the MPLC Board the power to conduct business. This is true, providing appointment and confirmation of such a required woman board member is proceeding with all due speed.

"ANALYSIS:

"A woman board member is required on the MPLC board of directors. But nothing in the Constitution, or the statutory scheme, mandates that the directors can only act if a woman member is available and confirmed. The only constitutional and statutory requirement to conduct business is that the board act by the affirmative vote of a majority of the members.

"Absent a statutory or constitutional mandate that a woman be confirmed and available to do business, we believe the board can go ahead and lawfully transact business, even though a woman has not yet been confirmed by the Legislature and made available for service.

"Of course, this opinion is qualified by the understanding that when a woman member is missing from the MPLC Board, authorities, including the Legislature, must move expeditiously, and with all due speed, to see that an appointment is made and that the confirmation process proceeds without undue delay. Failure to observe this timeliness requirement, would, in fact, throw into question the legality of MPLC board action, when it operates without a woman member."  
Thank you, Mr. President.

President Manglona: Thank you, Senator Manglona, H.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Just one minor point I want to make if nobody wants to speak.

President Manglona: Is there any objection from the members?

Acting Floor Leader Babauta: Mr. President, if our Rules allows each member to speak only twice, then I think we should allow each member to speak only twice.

President Manglona: Are you going to speak on a point of privilege?

Senator H. Guerrero: No, I am not. This is a point of information.

President Manglona: State your point of information.

Senator H. Guerrero: I don't know if our Rules allows a member to speak twice on a subject. This is a new subject now.

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

Senator H. Guerrero: I just want to point out, Mr. President and fellow colleagues, some gross misunderstandings on the part of some people in the community in regards to the bill that I introduced in our last session -- the famous pregnancy bill.

Some people are saying that that bill is unconstitutional -- it is not fair and they call it all kinds of things under the sun. And some even went on to say that the bill is trying to prevent two people from making love. Mr. President, that is not true. That is not the purpose of the bill. And they said that because of that it is unconstitutional. If they read that bill properly, it didn't say that they cannot make love or they cannot do this or that. They can do it and they can do it as often as they want. But just protect themselves because if they get pregnant, they have to leave and deliver the baby at the point of hire. So I just want to put that out for the information of my colleagues. The bill is not intended to prevent people from making love.

The Chair recognized Acting Floor Leader Babauta.

Acting Floor Leader Babauta: For the information of all the members, especially Senator Guerrero, H., since that is his bill and since his bill is in my committee, I would like to inform everyone that the bill is still in my committee. We held a public hearing on it and my committee assistant is working on finalizing the bill and I am hopeful that on our next regular session, we will be able to calendar that for Senate action.

The Chair recognized Senator P. Manglona.

Senator P. Manglona: Mr. President, speaking of bills in committees, as I understand it, the Acting chairman for R&D will be off-island for several weeks. So that committee is left without an acting Chairman.

President Manglona: I believe the Chairman is the Vice President of the Senate and in the absence of the Vice President, the Vice Chairman is Senator Manglona, H. So if Senator Guerrero, J., who is the Acting Chairman, is not on island because he is going on leave, I believe that the authority must revert back to the original chairman and if the original chairman is not available then I expect that the Vice Chairman will be in charge.

Senator P. Manglona: So, Mr. President, as I understand it then from your statement, the Acting Chairman is the honorable Senator Villagomez since a designation has been made already as to who is the acting chairman and the acting chairman is off-island for several weeks. So, is it correct for me to understand that the new acting chairman is Senator Villagomez?

President Manglona: The Chair wishes to rule that since the Acting Chairman will be taking an extended leave of absence, I would like to write a letter to the Chairman informing him of that, so that he can take full charge of the R&D Committee. Therefore, the Chairman has to take care of all incomings and pending matters before his committee. If for some reason he cannot discharge that responsibility, then the Vice Chairman will have to assume that responsibility.

Senator Villagomez: Mr. President, just a point of clarification. The Vice Chairman for the Committee is Senator Manglona, H.?

President Manglona: That is correct, Senator Villagomez. Senator Herman M. Manglona is the Vice Chairman.

Senator Villagomez: I just want to clarify that because earlier my name was mentioned.

President Manglona: The record will show that Senator Manglona, H. is the Vice Chairman. The Chair rules that a letter to the Chairman be sent out informing him to assume back the R&D Committee Chairmanship. In the event, by any reason that he refuses to accept that, I would then like to ask the Vice Chairman to assume that responsibility.

Senator H. Guerrero: Point of question.

President Manglona: State your point of question.

Senator H. Guerrero: I do not understand why there should be an Acting Chairman when the Vice Chairman is available.

President Manglona: I believe we have deliberated on that matter before. I prefer to discuss that subject administratively in our Leadership meeting than to discuss in the session. I know there has been some concerns and I would like to discuss that privately with each one of you.

The Chair recognized Acting Floor Leader Babauta.

Acting Floor Leader Babauta: I just want to raise the same concern, Mr. President, however, since you want to deal with it administratively, I yield at this time.

President Manglona: I appreciate your kind understanding very much.

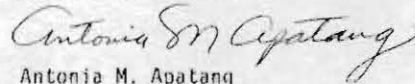
ANNOUNCEMENTS

None

Acting Floor Leader Babauta moved that the Senate stand in recess subject to the call of the Chair. There were several seconds to the motion, and the motion carried by voice vote.

The Senate recessed at 2:25 p.m.

Respectfully submitted,



Antonia M. Apatang  
Senate Journal Clerk