

SIXTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
ELEVENTH SPECIAL SESSION, 1988

FIRST DAY

Wednesday, July 27, 1988

The Senate of the Sixth Northern Marianas Commonwealth Legislature, Eleventh Special Session, 1988, First Day, was called to order at 10:53 a.m.

The Honorable Benjamin T. Manglona, President, presided.

A moment of silent prayer was observed.

The Senate Clerk called the roll. Seven members were present. Senators Juan T. Guerrero and Joseph S. Inos were excused.

President Manglona: Since we have established the necessary quorum, let us proceed with our session. If there is no objection from the members, I would like to appoint Senator Babauta to be the Acting Floor Leader for today's session.

READING AND APPROVAL OF THE JOURNALS

On motion by Acting Floor Leader Babauta, seconded by Senator H. Guerrero, the Reading and Approval of the 8th and 9th Special Session, 1988, First Day Journals were adopted.

MESSAGES FROM THE GOVERNOR

None

REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS

None

HOUSE COMMUNICATIONS

No. 6-55: Informing the Senate that the House of Representatives accepted the Senate amendments to House Bill No. 6-70, H.D.1, entitled: "A Bill For An Act Amending the Commonwealth Code by adding a new Division 7 to Title 2, prohibiting the activity of commercial farming to all persons who qualify to own land in the fee simple in the Northern Mariana Islands, and for other purposes."

No. 6-56: Transmitting for Senate action House Bill No. 6-65, H.D.1, entitled: "A Bill For An Act To amend 1 CMC, Div. 2, Chapter 12, Section 2605 for the purpose of requiring the testing of blood for AIDS, Syphilis and Hepatitis 'B' or any other communicable disease detectable by blood test before accepting such blood for transfusion; and for other purposes." (Referred to HEW Committee)

No. 6-57: Transmitting for Senate action House Concurrent Resolution No. 6-1, H.D.1, entitled: "A House Concurrent Resolution To approve the identified revenues and resources of the Government of the Commonwealth of the Northern Mariana Islands pursuant to Article III, Section 9(a) of the Constitution, as amended, and 1 CMC Section 7201(e) for Fiscal Year 1989 ending September 30, 1989." (Referred to Fiscal Affairs Committee)

No. 6-58: Transmitting for Senate action House Bill No. 6-108, entitled: "A Bill For An Act To approve the Commonwealth Nonresident Worker Fee Fund revenue projection and to appropriate the reserves for the office of the Mayors of Rota, Tinian and Aguiguan, and the Department of Commerce and Labor for Fiscal Year 1988 pursuant to Public Law 5-32." (Referred to Fiscal Affairs Committee)

No. 6-59: Returning Senate Joint Resolution No. 6-17, entitled: "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.", adopted by the House on July 25, 1988.

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

Standing Committee Report No. 6-76, from the Committee on Executive Appointments and Governmental Investigations, reporting on the Governor's appointment of Mrs. Rufina B. Villagomez to serve as a member of the Northern Marianas College Board of Regents (representing Tinian), for adoption and confirmation.

Acting Floor Leader Babauta moved for the adoption and confirmation of Mrs. Rufina B. Villagomez. Senator H. Manglona seconded the motion.

President Manglona: Since this is an important matter, I would like to ask the Senate Clerk that we vote by roll call.

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	Excused
Senator Jose P. Mafnas	Aye
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. 6-76, confirming Mrs. Rufina B. Villagomez, passed the Senate by a roll call vote of seven "ayes".

Acting Floor Leader Babauta: Mr. President, by request from the Chairman of R&D Committee, Standing Committee Report No. 6-77, as it appears on our Order of Business, is being omitted and not to be entertained today.

President Manglona: I think that is understood to everyone. Is there any objection? (The members replied "no objection" in unison.)

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

H. J. R. No. 6-3: "A House Joint Resolution To authorize the Commonwealth Development Authority to make application to and to enter into a loan agreement with the Farmers Home Administration, U.S. Department of Agriculture, for the purpose of obtaining \$6,000,000 of financial assistance for the development and construction of the proposed cultural and performing arts center.", for adoption.

Acting Floor Leader Babauta: Mr. President, we have House Joint Resolution No. 6-3, relative to the performing arts center grant application for Senate action today as we discussed during our last session. I believe, Mr. President, House Joint Resolution No. 6-3 was referred to the Committee on Federal Relations and Independent Agencies to find out more information on the grant application itself. I wish to report, by direction from the Chairman of the FRIA Committee, that I have consulted with the Director of CDA in regards to this grant since it affects CDA because CDA is authorized under that grant to borrow \$6 million for the construction of the center. The Director of CDA, Mr. Rex Palacios, wishes to study the matter further since he is not aware of the full package with regards to this grant. And he wishes that we postpone action on this matter until he and members of the Senate are able to get together to study this matter further. With that, Mr. President, this House Joint Resolution, by request, I move that we suspend action and the matter remain with the FRIA Committee for further study.

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

PREFILED BILLS AND RESOLUTIONS

Res. No. 6-13: A Senate Resolution Relative to expressing sympathy and sincere condolences to the Honorable Fortunato Taisacan Manglona on the occasion of his untimely passing on July 27, 1988.
(Senator Benjamin T. Manglona -- Committee of the Whole)

Res. No. 6-14: A Senate Resolution To express full support for the professional performance and personal qualities of Alexandro C. Castro, Attorney General of the Commonwealth of the Northern Mariana Islands.
(Senator Herman M. Manglona +1 -- Committee of the Whole)

BILL CALENDAR

S. B. No. 6-104, S.D.1: "A Bill For An Act To add a new Section 2607 to Title 1, Division 2, 1 CMC, providing for a Commonwealth Solid Waste Management and Disposal Act of 1988; to amend 1 CMC, Section 2605(x); and for other purposes.", for Second Reading.

Acting Floor Leader Babauta moved for its passage. Vice President Mafnas and Senator Villagomez 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	Excused
Senator Joseph S. Inos	Excused
Senator Jose P. Mafnas	Aye
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. 6-104, S.D.1, on Second Reading passed the Senate by a roll call vote of seven "ayes".

S. B. No. 6-112, S.D.1: "A Bill For An Act To establish a Commonwealth Health Trust Fund which will provide a health benefits plan for Government employees and retirees; to require alien workers to initially participate in the Commonwealth Trust Fund; to provide for indigent residents to participate in the Commonwealth Health Trust Fund; to allow for voluntary participation in the Commonwealth Health Trust Fund by private sector employees and other residents; and for other purposes.", for Second Reading.

Acting Floor Leader Babauta moved for its adoption. Senator H. Manglona seconded the motion. There being no discussion, the Senate Clerk called the roll with the following result:

Senator Juan N. Babauta	Aye
Senator Herman R. Guerrero	Aye
Senator Juan T. Guerrero	Excused
Senator Joseph S. Inos	Excused
Senator Jose P. Mafnas	Aye
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. 6-112, S.D.1, on Second Reading passed the Senate by a roll call vote of seven "ayes".

H. B. No. 6-108, S.D.1: "A Bill For An Act To approve the Commonwealth Nonresident Worker Fee Fund revenue projection and to appropriate the reserves for the offices of the Mayors of Rota, Tinian and Aguiguan, and the Department of Commerce and Labor for Fiscal Year 1988 pursuant to Public Law 5-32.", for Second Reading.

Acting Floor Leader Babauta moved for its passage. Several members seconded the motion. There being no discussion, the Senate Clerk called the roll with the following result:

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

The motion to pass House Bill No. 6-108, S.D.1, on Second Reading passed the Senate by a roll call vote of seven "ayes".

RESOLUTION CALENDAR

S. R. No. 6-13: "A Senate Resolution Relative to expressing sympathy and sincere condolences to the Honorable Fortunato Iaisacan Manglona on the occasion of his untimely passing on July 27, 1988.", for adoption.

Acting Floor Leader Babauta moved for its adoption. Several members seconded the motion, and the motion carried by voice vote.

H. C. R. No. 6-1, H.D.1, S.D.1: "House Concurrent Resolution To approve the identified revenues and resources of the Government of the Commonwealth of the Northern Mariana Islands pursuant to Article III, Section 9(a) of the Constitution, as amended, and 1 CMC Section 7201(e) for Fiscal Year 1989 ending September 30, 1989.", for adoption.

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

The Chair recognized Acting Floor Leader Babauta.

Acting Floor Leader Babauta: Mr. President, with the unanimous consent of the members, I move that we suspend all pertinent Rules and Procedures of the Senate in order that we calendar Senate Resolution No. 6-14.

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

S. R. No. 6-14: "A Senate Resolution To express full support for the professional performance and personal qualities of Alexandro C. Castro, Attorney General of the Commonwealth of the Northern Mariana Islands.", for adoption.

Acting Floor Leader Babauta moved for its adoption, seconded by Vice President Mafnas.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Mr. President, as I look at this resolution -- if we pass this resolution it will lead us to a head-on confrontation with the House. I have no qualms in supporting this type of resolution, but the issues that have been publicly aired against the Attorney General merit some investigations as to whether there is any truth in them or not. I find it a must that the Senate, before passing this type of resolution, should join the House and look closely at this investigation to clear the Attorney General's name because his name has been publicly aired and if I may even say, "smeared". By passing this resolution it does not clear his name. It simply adds one problem over the other. And in the eyes of the public, the people will say, "What is the

Legislature doing?" It will show a direct confrontation between the Senate and the House. I don't want to be a part of any direct confrontation because if this do happen, nothing is going to move in the Senate, neither in the House, as we have experienced in the past, Mr. President. So rather than tackle the House head-on in an entirely opposite view, I think that the Senate should take this resolution very seriously and create a committee to investigate whether the House's allegations are true or not. And, of course, if it is true, then let us deal with the truth regardless of how painful it is. But if it is not true, then for heaven's sake, let us clear the Attorney General's name. It is on that basis, Mr. President, that we should hold this resolution and conduct the investigation so that we can clear our Attorney General's name.

President Manglona: Thank you, Senator Guerrero, H.

Senator H. Manglona: Mr. President.

President Manglona: Can I recognize Vice President Mafnas first?

Vice President Mafnas: I will yield to Senator Manglona.

The Chair recognized Senator H. Manglona.

Senator H. Manglona: I share the concern of Senator Guerrero. But I feel that we should not bow to whatever the House wants. We have the lower house and the upper house. We must not be guided because the House has a different opinion from the Senate that we must abide to the House's opinion. If the House decided that they want to investigate, so be it, Mr. President. If the Senate decide that this resolution will also support the Attorney General's function and performance, it is up to the Senate to decide that, Mr. President. But I really hate to see that the Senate should be guided as to what the House want us to do. Thank you, Mr. President.

The Chair recognized Vice President Mafnas.

Vice President Mafnas: Thank you, Mr. President. Mr. President, I submit that there is nothing in this resolution that will prevent the lower house from continuing on with its investigation on the performance of the Attorney General. The resolution is merely commending the Attorney General's professional performance and accomplishments and we have no jurisdiction over the plan of the House to investigate the allegations that were made against the Attorney General. We are merely commending him for his accomplishments and professional performance during his tenure in office. Thank you, Mr. President.

The Chair recognized Senator H. Guerrero for the second time.

Senator H. Guerrero: Mr. President, as I said earlier, I have no problem commending the Attorney General if the commendation is true. And I agree that the House can go ahead and do their investigation. Nothing is going to stop them from doing it. But what if after we pass this resolution commending the Attorney General and the House came out with facts, and perhaps even figures, that he is not doing his job? What if that is true? Where does the commendation made by the Senate put us? How would we feel in the eyes of the public and in the eyes of our neighboring island and nation? Even in the eyes of the United States Congress, but most importantly the eyes of those people who put us in here and put their faith and trust in us to protect their well-being, their welfare and their interest. Where will that put us? We can go ahead and pass it if you want to pass it, but since the House have already raised very serious questions and allegations, I think it is good for the Senate -- we don't have to go side by side with the House to join forces and investigate -- the Senate can do its own investigation because there are serious allegations that have been raised. The Senate, then, based on its investigation, can clear his name. Without doing so and just pass this type of resolution, to me, Mr. President, it will make us look rather awkward in the eyes of the public. Thank you.

President Manglona: Any other member wishes to be recognized? (Pause) Are you ready for the question? (Several members replied "ready".)

Senator H. Guerrero: Mr. President, I ask for a roll call.

President Manglona: Is there any objection to the request made by Senator Guerrero, H., for a roll call vote? (The members replied "no objection" in unison.)

(Senator Villagomez was excused.)

Senator H. Manglona: Mr. President, I will be responsible for my own act.

The Senate Clerk called the roll with the following result:

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

The motion to adopt Senate Resolution No. 6-14 passed the Senate by a roll call vote of five "ayes". Senator Herman R. Guerrero abstained once.

INTRODUCTION OF BILLS AND RESOLUTIONS

None

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENTS

The Chair recognized Chairman Babauta.

Chairman Babauta: I wish to remind the members of the HEW Committee that the Committee will be holding a public hearing this coming Friday at, I believe, 10:00 o'clock in the morning, I'm not sure, on the Senate bill regarding the Workmen's Compensation. I would like to ask for the presence of the members.

The Chair recognized Chairman Mafnas.

Chairman Mafnas: There will be a public scrutiny on Senate Bill No. 6-111 tomorrow, Mr. President, July 28 at 10:00 a.m., in the Senate Chamber. Senate Bill No. 6-111 was introduced by the honorable Senator Herman R. Guerrero, entitled: "A Bill For An Act To prohibit immediate relatives of nonresident workers from staying in the Commonwealth regardless of income; to prohibit the issuance of any new nonresident worker permit to any immediate relative of a nonresident worker already in the Commonwealth; to repeal 3 CMC, Section 4437(j) as enacted by Public Law 5-32; and to amend 3 CMC, Section 4321(c); and for other purposes." I ask the indulgence of all the members of the Senate Committee on R&D to participate in tomorrow's public hearing.

The Chair recognized Senator H. Guerrero.

Senator H. Guerrero: Is that a public scrutiny or a public hearing?

Chairman Mafnas: To me, Mr. President, it's the same thing.

Senator H. Guerrero: What time is the same thing going to take place?

Chairman Mafnas: Tomorrow at 10:00 a.m.

There being no further Announcements, Acting Floor Leader Babauta moved that the Senate stand in recess subject to the call of the Chair. Senator H. Manglona seconded the motion, and the motion carried by voice vote. The Senate recessed at 11:21 a.m., subject to the call of the Chair.

Respectfully submitted,

Antonia M. Apatang

Antonia M. Apatang
Senate Journal Clerk