

TWENTY-FIFTH DAY

Thursday, February 1, 1973

The Senate of the Fifth Congress of Micronesia, First Regular Session, 1973, was called to order at 10:07 a.m.

The Honorable Tosiwo Nakayama, President, presided.

A moment of silent prayer was observed.

The Clerk called the roll. All Senators were present.

READING AND ADOPTION OF JOURNALS

On motion by Floor Leader Iehsi, seconded by Vice-President Salii, the Journal of the Twenty-third Day was adopted. The Journal of the Twenty-fourth Day was distributed.

MESSAGES FROM THE HIGH COMMISSIONER

None

DEPARTMENTAL COMMUNICATIONS

None

HOUSE COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

The Chair recognized Senator Kabua, Chairman of the Committee on Resources and Development.

Chairman Kabua: Mr. President, I am ready to give Standing Committee Report No. 17, but I am still missing No. 16. May I ask for a short recess?

The President declared the Senate in recess, subject to the call of the Chair, at 10:10 a.m.

RECESS

The Senate reconvened at 10:12 a.m.

The Chair recognized Chairman Kabua.

Chairman Kabua: Mr. President, your Committee on Resources and Development, to which was referred Senate Bill No. 3, entitled, "A BILL FOR AN ACT DECLARING CERTAIN PUBLIC LANDS IN THE SASANHAYA AREA ON ROTA ISLAND, MARIANA ISLANDS DISTRICT, AGRICULTURAL AND VILLAGE HOMESTEAD LANDS, AND FOR OTHER PURPOSES.", wishes to report that the purpose of this bill is set out in the title of the bill.

Your Committee heard testimony from the Administration that this bill violates the spirit of Title 67 of the TT Code because Title 67 provides for discretionary designation of homestead areas by the High Commissioner, whereas this bill states that the High Commissioner "shall" designate certain lands in the area mentioned on Rota Island in the Mariana Islands District for homesteading. Administration witnesses before your Committee argued that this bill violates the spirit of Title 67 because it points to specific land for homesteading, instead of providing for homesteading as part of a large land planning scheme.

Your Committee was not persuaded by these arguments from the Administration. This is primarily because the Administration has been entirely too lax in its efforts to provide public land for homesteading purposes, and because the Sasanhaya area is one which should receive high homesteading priority.

In addition, your Committee sees an inherent contradiction in the position presented by the Administration witnesses who testified before it. Public Law No. 4C-50 was passed by the Fourth Congress of Micronesia, Second Regular Session, 1972, and signed into law by the High Commissioner on April 12, 1972. Public Law No. 4C-50 is almost identical to this bill -- both required the High Commissioner to designate specific lands for homesteading. It is not consistent for the High Commissioner to have recently signed Public Law No. 4C-50, and at the same time for his staff to take the position that all homesteading land should be designated on a discretionary basis.

Your Committee feels that the Congress of Micronesia, as a body elected by the Micronesian people, can constructively set priorities in the homesteading field by passing into law legislation such as this bill and Public Law 4C-50. By signing such legislation, the High Commissioner expresses his approval of the position of the Congress. The Administration needs to be encouraged to designate areas for homesteading and the Sasanhaya area should be made available for homesteading.

Your Committee is in accord with the intent and purpose of Senate Bill No. 3, and recommends its passage on Second and Final Reading.

I move for adoption of the report.

Floor Leader Iehsi seconded, and the motion carried. S.C.R. No. 16 was adopted by the Senate.

Chairman Kabua: Mr. President, I am also prepared to report on Senate Bill No. 30, "A BILL FOR AN ACT TO DECLARE CERTAIN PUBLIC LANDS IN THE TENETO AND SINAPALO AREAS ON ROTA ISLAND, MARIANA ISLANDS DISTRICT, VILLAGE HOMESTEAD LANDS, AND FOR OTHER PURPOSES."

The purpose of this bill is set out in the title to the bill. Your Committee heard testimony on, and considered this bill with a companion bill, Senate Bill No. 3. The provisions of the two bills are practically identical. In Senate Committee Report No. 16, your Committee reported on Senate Bill No. 3; the contents of that report apply to this bill as well as to Senate Bill No. 3. The Teneto and Sinapalo areas on Rota Island in the Mariana Islands District should be designated for homesteading.

Your Committee is in accord with the intent and purpose of Senate Bill No. 30, and recommends its passage on Second and Final Reading.

I move for adoption of the report.

Floor Leader Iehsi seconded, and the motion carried. S.C.R. No. 17 was adopted by the Senate.

The Chair recognized Senator Amaraich, Chairman of the Committee on Judiciary and Governmental Operations.

Chairman Amaraich moved for adoption of S.C.R. No. 18 on S.B. No. 21, "A BILL FOR AN ACT TO PROVIDE FOR THE ASSENT OF THE CONGRESS OF MICRONESIA REGARDING THE SITTING OF JUSTICES OF THE HIGH COURT." Floor Leader Iehsi seconded.

Chairman Amaraich: Mr. President, instead of reading the report, I will just summarize what I feel is the important part of the report.

Mr. President, the intent and purpose of the bill is to establish a procedure for the sitting of justices of the High Court. The bill provides that no person may sit and hear and decide cases as a justice of the High Court unless he has been appointed as a justice and has received the assent of the Congress of Micronesia as provided in this bill. The original bill provided for a two-year period after the appointment has been made; however, your Committee doesn't feel that is feasible and therefore we have provided a provision whereby in certain cases the Congress can withdraw its assent to the sitting of that particular judge.

The main objection raised by the Administration in public hearings on this bill is that it conflicts with the existing Secretarial Order relating to the appointment of justices of the Trust Territory. There is divided opinion on this. Other witnesses testified and your Committee concluded there is no conflict between the bill and the Secretarial Order. If it is enacted into law, the bill would give the Congress authority to decide on which justices can sit and hear

cases. There may be instances where the Congress will not give its approval and there was concern expressed that if such a case happened, then what are we going to do with the judge who has been appointed. But, we felt that even if there are justices who cannot hear cases, there are many places in the judicial branch where they could be very useful, one of which is training.

The report states the position of your Committee on appointment of High Court justices in general; therefore, I will not go into detail about it, but I think the history of our government is clear -- that up to this time the Congress had no say as to who will hear and decide cases in Micronesia and the decisions of the High Court become the law of the land. Therefore, we feel it is important that Congress have some say as to the kind of person who can decide cases for us in Micronesia.

Thank you, Mr. President.

The motion to adopt carried, and S.C.R. No. 18 was adopted by the Senate.

SPECIAL AND CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

BILL CALENDAR

On motion by Floor Leader Iehsi, seconded by Vice-President Salii, the following bills passed First-Reading of the Senate and were assigned to the committees noted:

S.B. No. 106, "MAKING ELECTION DAY FOR MEMBERS OF THE CONGRESS OF MICRONESIA A LEGAL HOLIDAY." Committee on Judiciary and Governmental Operations.

S.B. No. 107, "APPROPRIATING \$100,000 FOR ADDITIONAL SURVEYORS FOR THE TRUST TERRITORY." Committee on Ways and Means.

S.B. No. 108, "PROVIDING FOR THE EXPIRATION OF PERMITS TO HIRE NONRESIDENT WORKERS." Committee on Judiciary and Governmental Operations.

S.B. No. 109, "PROVIDING FOR THE RETURN OF WAGES, SALARIES, AND GROSS REVENUES TAXES TO THE DISTRICT LEGISLATURES, AND FOR OTHER PURPOSES." Committee on Ways and Means.

S.B. No. 110, "REQUIRING HEALTH EXAMINATIONS FOR TRUST TERRITORY GOVERNMENT EMPLOYEES." Committee on Health.

S.B. No. 111, "CREATING A MICRONESIA DEVELOPMENT PLANNING COUNCIL, DESCRIBING ITS DUTIES AND RESPONSIBILITIES, APPROPRIATING MONEY THEREFOR, AND FOR OTHER PURPOSES." Committee on Resources and Development.

Floor Leader Iehsi moved that S.B. No. 3, "DECLARING CERTAIN PUBLIC LANDS IN THE SASANHAYA AREA ON ROTA ISLAND, MARIANA ISLANDS DISTRICT, AGRICULTURAL AND VILLAGE HOMESTEAD LANDS, AND FOR OTHER PURPOSES.", pass Second and Final Reading of the Senate. Vice-President Salii seconded.

The Clerk called the roll with the following result:

Senator Mangefel	Aye
Senator Amaraich	Aye
Senator Iehsi	Aye
Senator Salii	Aye
Senator Olter	Aye
Senator Kabua	Aye
Senator Kendall	Aye
Senator Pangelinan	Aye
Senator Borja	Aye

Senator Tmetuchl	Aye
Senator Tun	Aye
Senator Nakayama	Aye

S.B. No. 3 passed Second and Final Reading of the Senate.

Floor Leader Iehsi moved that S.B. No. 21, S.D.1, "TO PROVIDE FOR THE ASSENT OF THE CONGRESS OF MICRONESIA REGARDING THE SITTING OF JUSTICES OF THE HIGH COURT.", pass Second and Final Reading of the Senate. Vice-President Salii seconded.

There was no discussion, and Senator Kabua moved for the previous question. Vice-President Salii seconded, and the motion carried.

The Clerk called the roll with the following result:

Senator Mangefel	Aye
Senator Amaraich	Aye
Senator Iehsi	Aye
Senator Salii	Aye
Senator Olter	Aye
Senator Kabua	Aye
Senator Kendall	Aye
Senator Pangelinan	Aye
Senator Borja	Aye
Senator Tmetuchl	Aye
Senator Tun	Aye
Senator Nakayama	Aye

S.B. No. 21, S.D.1, passed Second and Final Reading of the Senate.

Floor Leader Iehsi moved that S.B. No. 30, "TO DECLARE CERTAIN PUBLIC LANDS IN THE TENETO AND SINAPALO AREAS ON ROTA ISLAND, MARIANA ISLANDS DISTRICT, VILLAGE HOMESTEAD LANDS, AND FOR OTHER PURPOSES.", pass Second and Final Reading of the Senate. Vice-President Salii seconded.

The Clerk called the roll with the following result:

Senator Mangefel	Aye
Senator Amaraich	Aye
Senator Iehsi	Aye
Senator Salii	Aye
Senator Olter	Aye
Senator Kabua	Aye
Senator Kendall	Aye
Senator Pangelinan	Aye
Senator Borja	Aye
Senator Tmetuchl	Aye
Senator Tun	Aye
Senator Nakayama	Aye

S.B. No. 30 passed Second and Final Reading of the Senate.

RESOLUTION CALENDAR

Floor Leader Iehsi moved that S.J.R. No. 31, "RESPECTFULLY INVITING THE UNITED NATIONS UNDER-SECRETARY-GENERAL FOR TRUSTEESHIP AND DECOLONIZATION, THE HONORABLE T'ANG MING-CHAO, TO ADDRESS THE CONGRESS OF MICRONESIA IN A JOINT SESSION DURING HIS UPCOMING TOUR OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS.", be adopted by the Senate. Vice-President Salii seconded.

The motion carried, and S.J.R. No. 31 was adopted by the Senate.

The Chair made the following assignments of resolutions:

S.J.R. No. 29, "RESPECTFULLY URGING THE HIGH COMMISSIONER TO ESTABLISH A POLICY REQUIRING THAT THERE BE INCLUDED IN THE PLANS AND COST ESTIMATE OF ALL PUBLIC BUILDINGS OR ALL BUILDINGS CONSTRUCTED WITH PUBLIC FUNDS IN AREAS NOT SERVICED BY GOVERNMENT WATER SYSTEMS PROVISIONS FOR CONSTRUCTION OF ADEQUATE WATER CATCHMENT TANKS." Committee on Resources and Development.

S.J.R. No. 30, "AUTHORIZING AND DIRECTING THE JOINT COMMITTEE ON FUTURE STATUS TO STUDY, INVESTIGATE, PLAN AND COORDINATE THE ORDERLY TRANSITION OF MICRONESIA FROM A TRUST TERRITORY TO ANOTHER FORM OF GOVERNMENT." Committee on Judiciary and Governmental Operations.

INTRODUCTION OF BILLS

Senator Olter, plus ten, introduced S.B. No. 112, "TO ADD A NEW SUBSECTION (3) TO 77 T.T.C. SECTION 53 TO PROVIDE A HIGHER TAX RATE FOR GOODS IMPORTED INTO THE TRUST TERRITORY WHICH CANNOT BE PURCHASED DIRECTLY FROM THE PRODUCER OR MANUFACTURER, OR FROM A PERSON OR ORGANIZATION HOLDING A BUSINESS LICENSE IN MICRONESIA THAT CAN PURCHASE SUCH GOODS DIRECTLY FROM THE PRODUCER OR MANUFACTURER, AND FOR OTHER PURPOSES."

Senator Pangelinan, plus one, introduced S.B. No. 113, "TO APPROPRIATE THE SUM OF \$15,000 OUT OF THE GENERAL FUND OF THE CONGRESS OF MICRONESIA TO CONSTRUCT A SCHOOL TO BE USED FOR THE EDUCATION OF HANDICAPPED CHILDREN AND FOR OTHER PURPOSES."

Senator Pangelinan, plus one, introduced S.B. No. 114, "TO APPROPRIATE THE SUM OF \$14,000 OUT OF THE GENERAL FUND OF THE CONGRESS OF MICRONESIA AS GRANTS-IN-AID FOR VILLAGE OPERATIONS TO THE VILLAGES OF SAIPAN AND THE NORTHERN MARIANA ISLANDS AND FOR OTHER PURPOSES."

Senator Iehsi introduced S.B. No. 115, "TO PROVIDE FOR REAL PROPERTY SECURITY INSTRUMENTS IN THE TRUST TERRITORY; TO DESIGNATE THE HOUSING AUTHORITY WITHIN EACH DISTRICT AS THE SOLE TRUSTEE OF SUCH SECURITY INSTRUMENTS; TO ESTABLISH PROCEDURES FOR THE SATISFACTION OF SUCH SECURITY INSTRUMENTS; TO PROVIDE THAT ONLY THOSE PARTIES PERMITTED TO OWN LAND IN THE TRUST TERRITORY MAY OBTAIN TITLE TO REAL PROPERTY SOLD PURSUANT TO THE EXERCISE OF A POWER OF SALE IN SUCH SECURITY INSTRUMENTS; AND FOR OTHER PURPOSES."

Senator Iehsi introduced S.B. No. 116, "TO AMEND P.L. NO. 4C-31 TO EXTEND THE TIME FOR COMMENCING THE OPERATION OF THE BANK OF MICRONESIA; TO APPROPRIATE FUNDS FOR THE BOARD OF DIRECTORS OF THE BANK OF MICRONESIA; AND FOR OTHER PURPOSES."

Senator Iehsi introduced S.B. No. 117, "TO REQUIRE THE OBTAINING OF INSURANCE ON MOTOR VEHICLES; REQUIRING INSURANCE COMPANIES TO OFFER CERTAIN POLICY COVERAGE; AND PROVIDING A PENALTY FOR VIOLATION THEREOF; AND FOR OTHER PURPOSES."

Senator Iehsi, by request, introduced S.B. No. 118, "TO FURTHER AMEND TRUST TERRITORY PUBLIC LAW 4C-2, AS AMENDED, RELATING TO TAXES ON SALARIES, WAGES AND GROSS REVENUES OF BUSINESSES BY AMENDING SUBPARAGRAPHS (8) AND (11) OF PARAGRAPH (c) OF SECTION 1; PARAGRAPH (g) OF SECTION 1; PARAGRAPH (a) OF SECTION 4; SECTION 8; PARAGRAPH (a) OF SECTION 9; SECTION 11; SECTION 15; SECTION 16; BY PROVIDING THAT TAX RETURNS ARE PRIVILEGED INFORMATION; BY PROHIBITING CONFLICT OF INTEREST IN EMPLOYMENT; AND BY PROVIDING A TITLE FOR PUBLIC LAW 4C-2."

INTRODUCTION OF RESOLUTIONS

Senator Tun introduced S.J.R. No. 32, "REQUESTING AND URGING THE UNITED STATES OFFICE OF ECONOMIC OPPORTUNITY TO RENEW ITS GRANT TO THE YAP COMMUNITY ACTION PROGRAM."

Senator Tun introduced S.J.R. No. 33, "REQUESTING THE SECRETARY OF THE INTERIOR TO AMEND DEPARTMENT OF INTERIOR ORDER NO. 2918 TO PERMIT THE CONGRESS OF MICRONESIA TO MEET IN REGULAR SESSION FOR A PERIOD NOT TO EXCEED ONE HUNDRED CALENDAR DAYS EACH YEAR; TO PERMIT A MAXIMUM OF THREE REGULAR SESSIONS EACH YEAR; TO PERMIT THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO DESIGNATE THE TIME AND PLACE FOR THE MEETING OF EACH REGULAR SESSION; AND TO ELIMINATE THE REQUIREMENT THAT THE CONGRESS MEET ON CONSECUTIVE CALENDAR DAYS WHILE IN REGULAR SESSION."

Senator Mangefel introduced S.J.R. No. 34, "REQUESTING THE LEGISLATIVE COUNSEL, THE CLERK OF THE SENATE AND THE CLERK OF THE HOUSE OF REPRESENTATIVES TO SUBMIT RECOMMENDATIONS FOR RAISES IN SALARY FOR THEIR RESPECTIVE STAFFS TO THE SENATE COMMITTEE ON WAYS AND MEANS AND TO THE HOUSE COMMITTEE ON APPROPRIATIONS."

Senator Kabua, plus one, introduced S.R. No. 1, "DIRECTING THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENTAL OPERATIONS TO INVESTIGATE THE ORGANIZATION, POLICIES, PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF PUBLIC WORKS AND TO REPORT THEREON TO THE CONGRESS OF MICRONESIA."

MISCELLANEOUS COMMUNICATIONS

No. 29 From the Director of Health Services, transmitting a survey report on sanitary facilities of the TT.

MISCELLANEOUS BUSINESS

The Chair recognized Senator Pangelinan.

Senator Pangelinan: Thank you, Mr. President. I just want to call to the attention of the Senate the conditions of the entryway to the Chambers. It is very disappointing to those coming to the Congressional session, and particularly those who are making a visit to the Chamber, to see the litter and cigarette butts there. I wonder if we could provide ash trays and trash cans so we can keep it a little neater. Thank you.

President Nakayama: Thank you, Senator.

ANNOUNCEMENTS

Chairman Pangelinan announced a public hearing by the Committee on Health on S.B. No. 96 and S.B. No. 25, at 1:30 p.m., February 1, 1973, in the Senate Chamber.

Chairman Oltter announced a public hearing by the Committee on Ways and Means on S.B. No. 74, S.B. No. 78 and S.B. No. 81, at 1:30 p.m., February 1, 1973, in Conference Room No. 2.

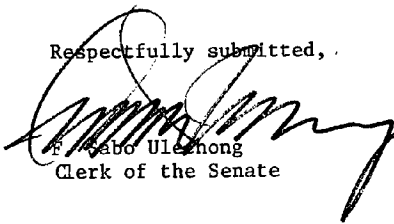
Chairman Amaraich announced a public hearing by the Committee on Judiciary and Governmental Operations on S.B. No. 37, S.B. No. 41, and S.B. No. 42, at 1:30 p.m., February 2, 1973, in the Senate Chamber.

Floor Leader Iehsi announced that the Senators had been invited to luncheon at the home of the Deputy High Commissioner, Peter T. Coleman, at 11:45 a.m., February 2, 1973

There being no further business and no objections, the Chair declared the Senate in recess until 10:00 a.m., Friday, February 2, 1973.

The Senate recessed at 10:30 a.m.

Respectfully submitted,


F. Sabo Uleahong
Clerk of the Senate