

TWENTY-SIXTH DAY

Friday, February 2, 1973

The Senate of the Fifth Congress of Micronesia, First Regular Session, 1973, was called to order at 10:05 a.m.

The Honorable Tosiwo Nakayama, President, presided.

A moment of silent prayer was observed.

The Clerk called the roll. Eleven Senators were present; Senator Kendall was excused.

READING AND ADOPTION OF JOURNALS

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

MESSAGES FROM THE HIGH COMMISSIONER

None

DEPARTMENTAL COMMUNICATIONS

None

HOUSE COMMUNICATIONS

No. 11 Transmitting H.B. No. 35, H.D.1, relating to penalties for starting unauthorized fires.

STANDING COMMITTEE REPORTS

The Chair recognized Senator Pangelinan, Chairman of the Committee on Health.

Chairman Pangelinan: Thank you, Mr. President. Your Committee on Health is pleased to submit Standing Committee Report No. 19 on Senate Bill No. 62, "A BILL FOR AN ACT REQUIRING PHYSICAL EXAMINATIONS OF PERSONS ENTERING THE TRUST TERRITORY FOR EMPLOYMENT THEREIN, AND FOR OTHER PURPOSES."

The intent and purpose of Senate Bill No. 62 is to halt the spread of infectious diseases in the Trust Territory imported by nonresident workers, and incidentally, to endeavor to save the Trust Territory Government the expense of treating such persons when they require treatment for such diseases.

Your Committee held a public hearing on this bill. The Director of Health Services and the Chief of the Communicable Diseases Division testified to the need for such legislation: for example, during 1972, in the Mariana Islands District alone, three nonresident workers were treated for tuberculosis, one of whom died as a result of the ravages of this communicable disease. There were also many cases of highly communicable venereal diseases in nonresident workers. In the words of the witnesses, "It's about time we had this legislation."

Presently, all that is required is a "yellow card," showing that the bearer has been inoculated against smallpox and cholera. This has proved insufficient, as the evidence before your Committee shows. Certification of freedom from all communicable diseases is indicated.

Representatives of the Administration estimated the cost of complete examinations at \$20; a charge of \$5 is levied to the examinee, but the witnesses believed that the Department could and would absorb the additional cost.

Your Committee offers several amendments to this bill, all for the purpose of strengthening it. The major amendments are to require each nonresident worker to keep in his possession a certificate of freedom from contagious diseases, on pain of loss of nonresident worker's permit,

and strengthening the penalties for noncompliance with the law. The amendments, your Committee notes, incorporate many of the provisions of Senate Bill No. 91, which was referred to the Committee on Judiciary and Governmental Operations, of which your Committee takes notice. The amendments are reflected on page 2 of the report and on page 3. I would like to make a minor amendment, which will be amendment No. 16, to the bill. It's on line 21 of page 2. "Section 3" is changed to "Section 4."

Your Committee is thus in complete accord with the intent and purpose of Senate Bill No. 62, as amended, and recommends its passage on Second and Final Reading in the amended form. I move for adoption of Standing Committee Report No. 19.

Vice-President Salii seconded, and the motion carried. S.C.R. No. 19 was adopted by the Senate.

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

Chairman Amaraich moved that S.C.R. No. 20, on S.B. No. 19, "A BILL FOR AN ACT MAKING CERTAIN OFFICIALS OF THE TRUST TERRITORY GOVERNMENT SUBJECT TO THE ADVICE AND CONSENT PROVISIONS OF PUBLIC LAW 4C-48, AND FOR OTHER PURPOSES.", be adopted by the Senate.

Vice-President Salii seconded, and the motion carried. S.C.R. No. 20 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. 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." Committee on Resources and Development.

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." Committee on Ways and Means.

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." Committee on Ways and Means.

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." Committee on Resources and Development.

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." Committee on Ways and Means.

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." Committee on Resources and Development.

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." Committee on Ways and Means.

H.B. No. 35, H.D.1, "CLARIFYING AND RESOLVING CERTAIN CONFLICTING PROVISIONS REGARDING PENALTIES FOR STARTING UNAUTHORIZED FIRES." Committee on Judiciary and Governmental Operations.

Floor Leader Iehsi moved that S.B. No. 19, S.D.1, "MAKING CERTAIN OFFICIALS OF THE TRUST TERRITORY GOVERNMENT SUBJECT TO THE ADVICE AND CONSENT PROVISIONS OF PUBLIC LAW 4C-48, AND FOR OTHER PURPOSES.", pass Second and Final Reading of the Senate. Vice-President Salii seconded.

The Chair recognized Senator Amaraich.

Senator Amaraich: Mr. President, maybe I should make a very brief presentation of the purpose of the bill before we take any action on it.

The effect of the proposed legislation, Mr. President, would be to include certain divisions under advice and consent. As you will recall, when the Advice and Consent bill was originally drafted, division chiefs were included but the first bill was subsequently disapproved by the High Commissioner, and one of the reasons why it was disapproved was that division chiefs do not make decisions on policy in the Administration and, therefore, it was felt unnecessary to include them under the advice and consent provision of the law. But, as time passes, we are finding out, and your Committee is convinced, that certain division chiefs are policy-making positions. Not only that, but your Committee is also concerned about the execution of policies made by the Directors or the High Commissioner.

We have evaluated the effect of the bill and we have attempted to compromise with the Administration by exclusion of some of the division chiefs which, we are convinced, are technical and not policy-making positions. But we are still convinced that those included in the bill are in fact policy-making positions and should be included under the advice and consent procedure.

The Administration in its testimony before your Committee was not in favor of the bill because of the same reason as indicated previously by the High Commissioner. Apparently, also, the executive branch of our Government has been directed by Washington, Interior in particular, not to support the legislation. Now, the need for this type of legislation, Mr. President, should be obvious if everybody is sincere about granting more self-government to the people of Micronesia, and we think that it another step in that direction.

Therefore, your Committee takes the position that this is very important legislation and should be passed at this session. We have two major amendments in the bill, as indicated in the report. Thank you, Mr. President.

The Clerk called the roll with the following result:

- Senator Mangefel Aye (Abstained twice)
- Senator Amaraich Aye
- Senator Iehsi Aye
- Senator Salii Aye
- Senator Olter Aye
- Senator Kabua Aye
- Senator Kendall Excused
- Senator Pangelinan Aye
- Senator Borja Aye
- Senator Tmetuchl Aye (Abstained twice)
- Senator Tun Aye
- Senator Nakayama Aye

Floor Leader Iehsi moved that S.B. No. 62, S.D.1, "REQUIRING PHYSICAL EXAMINATIONS OF PERSONS ENTERING THE TRUST TERRITORY FOR EMPLOYMENT THEREIN, AND FOR OTHER PURPOSES.", pass Second and Final Reading of the Senate. Vice-President Salii seconded.

The Chair recognized Floor Leader Iehsi.

Floor Leader Iehsi: Mr. President, when the Chairman was reading the report, he mentioned something about an amendment.

Chairman Pangelinan: Yes, Mr. President. The amendment I referred to was on page 2 of the bill, line 21. The number "3" should be changed to "4".

Vice-President Salii: Mr. President, I suggest that we consider that amendment technical.

Chairman Pangelinan: Mr. President, I would like to move that the Rules requiring written amendments and duplication be suspended at this time.

Floor Leader Iehsi: Mr. President, it has been suggested that we treat this as technical; it is a typographical error, and therefore it is not necessary to go through with this motion.

Chairman Pangelinan: Thank you, Mr. Floor Leader.

President Nakayama: We shall treat that as a technical error and, therefore, it can be corrected in the bill. "3" should be changed to "4". Is there any further discussion. If not, we shall vote.

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 (Abstained twice)
Senator Kendall	Excused
Senator Pangelinan	Aye
Senator Borja	Aye
Senator Tmetuchl	Aye
Senator Tun	Aye
Senator Nakayama	Aye

S.B. No. 62, S.D.1, passed Second and Final Reading of the Senate.

RESOLUTION CALENDAR

The following resolutions were assigned to the committees noted:

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." Committee on Resources and Development.

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." Committee on Judiciary and Governmental Operations.

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." Committee on Ways and Means.

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." Committee on Judiciary and Governmental Operations.

INTRODUCTION OF BILLS

Senator Salii introduced S.B. No. 119, "MAKING HIROKO KISHIGAWA OF HIROSHIMA, JAPAN, ELIGIBLE FOR NATURALIZATION AS A CITIZEN OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS."

Senator Olter introduced S.B. No. 120, "TO PROVIDE FOR AN INVENTORY AND CONTROL PROCEDURE FOR ALL EQUIPMENT PURCHASED BY THE CONGRESS OF MICRONESIA, AND FOR OTHER PURPOSES."

Senator Borja introduced S.B. No. 121, "CREATING A JOINT COMMITTEE ON LABOR; SPECIFYING ITS POWERS AND DUTIES; APPROPRIATING MONEY THEREFOR; AND FOR OTHER PURPOSES."

Senator Olter introduced S.B. No. 122, "TO ESTABLISH A GOVERNMENT AUTHORITY TO ENGAGE IN THE BUSINESS OF PROCESSING, MANUFACTURING AND SELLING SOAP, DETERGENTS AND RELATED PRODUCTS, TO MAKE APPROPRIATION THEREFOR AND FOR OTHER PURPOSES."

INTRODUCTION OF RESOLUTIONS

Senator Tmetuchl introduced S.J.R. No. 35, "CREATING AN EMERGENCY JOINT COMMITTEE ON CONGRESSIONAL ORGANIZATION."

MISCELLANEOUS COMMUNICATIONS

None

MISCELLANEOUS BUSINESS

The Chair recognized Senator Tmetuchl.

Senator Tmetuchl: Mr. President:

A few days ago you stated that Micronesians and the members of the Congress of Micronesia have been sleeping and dreaming for the last twenty-six years. You also stated that it was time we wake up. I couldn't agree with you more. Our dreaming and our sleep, however, is closer to home than some of us realize. I refer to the organization of our own Congress. Three and one-half years ago this Congress created a Joint Senate-House Study Committee to investigate the organization of this body. Not only has the Committee failed to report to the Congress, but to my knowledge, it has yet to hold its first meeting.

In the last several years, this Congress has grown in size and complexity. Our staff is more than twice as large as it was five years ago. The funds we have available for appropriation are more than five times what they were five years ago. The number of bills and resolutions we must consider has likewise grown many times. Yet what have we done to improve our own organization so that we can operate efficiently? We talk about organizing a new Government for Micronesia, when we have yet to organize ourselves.

We need a system to set priorities for our work. We need better coordination between the two Houses. It is true that we are separate, but in our desire to remain separate we must not forget that our primary task is to work together. Committee Chairmen should meet weekly with the Senate leadership to insure a smooth and orderly flow of work through the Senate. Since I have been in this Congress we have almost always done the majority of our work during the last week and even during the last day of a session. I have not seen much improvement in the years I have been here.

We also talk about economic development, and, as the President stated in his speech, "We have lived an expensive life which most of our people cannot afford." In 1969 our operating budget was \$421,995. In two years it has grown to \$1,271,984, an increase of more than one hundred percent. It seems that the only approach we have taken to solve our organizational problems is to spend more money. And what is the money spent for? For cars which we see parked outside of local bars at night. For higher salaries for ourselves and our staff. For new

positions to enlarge our staff which we have never taken the time to organize. What kind of an example are we setting for our people? Who in this room can even tell me what this \$1,271,984 is spent for? I agree it is time we stopped dreaming and sleeping. It is time for us to act! To this end I am introducing a resolution today to create an emergency Joint Committee on Congressional Organization. The resolution requires the Joint Committee to report to the Congress within ten days after the resolution is adopted.

Thank you, Mr. President.

The Chair recognized Vice-President Sali.

Vice-President Sali: Thank you, Mr. President. There are certain things which my colleague from Palau has called to the attention of the Senate, and I would like to address myself to some of them, mainly to inform the Senator of the actions which have been taken in the areas of concern which he has mentioned. Let me start off by saying that while there was a Joint Committee on the organization of the Congress in the past, the need for organizing the Congress in the past was not very urgent. There was a small staff. The present organization continued to supply the services needed by the Senate and the House. But, I agree that the need is very urgent at this time and I am pleased to report that the leadership of the Congress has, in cooperation with the staff, undertaken a study on how best to provide the best service to the Congress itself and to the people of Micronesia.

So, there is a proposed bill which is under review by the joint leadership of the Senate and the House and that later will go through another study to come up with a recommendation. I think this approach of review by the leadership is faster since the measure will reorganize the staff of the Congress without waiting for a study by another group. The results of the study indicate that we should organize along the lines which are cited in the bill.

I am also pleased to report that Committee Chairmen of the Senate have met with the leadership of the Senate to discuss how best to conduct the business of the committees and of the Senate. This practice of meeting between the Chairmen and the leadership will continue as the need arises for the rest of this session and for future sessions.

As far as coordination between the leadership of the Senate and the leadership of the House, this is also ongoing. At the present time there are continuous meetings between the leadership of both Houses. As a result, those members who are not Committee Chairmen, might notice that there are quite a few hearings which are held jointly between the corresponding committees of both Houses. I believe this is the kind of coordination that my colleague is concerned about and this will continue to take place for the rest of this session.

If I may say so for the President and Floor Leader, in spite of this improvement which I think will meet all the concerns of my colleague, we will be very pleased to hear any more comments from any members of the Senate and we will be most pleased if recommended remedies are forthcoming and also, as you point out, problems.

With that, I would like to say we all share the concern of the Senator from Palau on the organization of this Congress.

President Nakayama: Thank you, Senator Sali.

The Chair recognized Senator Borja.

Senator Borja: Thank you, Mr. President. I notice again this morning that there are some students observing the Senate, and with your permission, I would like the Senate to recognize them. These are junior high school students involved in an educational experience, as well as Micronesian Civics. They are accompanied by Mr. Yana, and at this time I would like to ask them to rise so we can recognize them. Thank you.

ANNOUNCEMENTS

Chairman Amaraich announced a public hearing by the Committee on Judiciary and Governmental Operations at 1:30 p.m., Friday, February 2, 1973, in the Senate Chamber. He further announced the cancellation of the hearing scheduled for 7:00 p.m., Monday, February 5, 1973.

Chairman Kabua announced that the schedule for hearings of the Committee on Resources and Development was attached to the Order of the Day. He further reminded the members of the Committee of the joint meeting with the House Committee on Resources and Development scheduled for 7:00 p.m., Friday, February 2, 1973.

The Chair recognized Senator Olter, Chairman of the Committee on Ways and Means.

Chairman Olter: Thank you, Mr. President. First, I would like to ask two questions of my two honorable colleagues, one from Truk and one from Palau. On the report made by the colleague from Truk, he mentioned something to the effect that HiCom said that the chiefs do not make decisions, and I wonder if HiCom gave him a good operational definition of decision-making? After many years of servicing the Administration, I came to the belief that there were too many decisions made by the clerks, and I wonder if he has that information -- HiCom's definition of decision-making.

My second question is to my colleague from Palau. He kept on referring to five years ago, or three years ago. I wonder if his research did not go back eight years ago when Congress started.

My announcement for today is that our Committee on Ways and Means will have a public hearing on Senate Bill No. 81 in the Library since Conference Room No. 2 is occupied at 1:30 p.m. Thank you, Mr. President.

President Nakayama: Thank you, Mr. Chairman. Do you wish the two distinguished colleagues to respond to your questions today or would you allow them time to respond at the next session.

Chairman Olter: Thank you, Mr. President. They may submit their written answers at their convenience.

The Chair recognized Senator Amaraich.

Senator Amaraich: Mr. President, I want to thank the Chairperson of Ways and Means this morning for his inquiries. I have one answer to one of his questions concerning who makes decisions. I was not able to reach HiCom during the public hearing, but testimony indicated that, as he said, it used to be clerks who made decisions for this Government, but their testimony indicated that decisions are being made, not by the clerks, but by the Secretary, but that Secretary is not in Micronesia; he is somewhere else.

President Nakayama: Senator Tmetuchl, would you like to respond to the question raised by Senator Olter?

Senator Tmetuchl: Yes, Mr. President. I just want to say that if it was this bad five years ago, eight years ago it must have been worse.

Chairman Pangelinan announced that a trip to Tinian for members and staff of Congress was scheduled for Saturday, February 3, 1973, and that boats would be leaving from Charlie Dock at 9:00 a.m.

The Chair recognized Floor Leader Iehsi.

Floor Leader Iehsi: Mr. President, I would like to inform the members that if they want to wash their pants tomorrow, using washing machines, they had better do it in the afternoon because there will be no power from 8:00 a.m. to 12:00 n. tomorrow.

President Nakayama: Can they do it first thing in the morning, before 8:00 a.m.?

Floor Leader Iehsi: If they can wake up before that time, Mr. President.

President Nakayama: I wonder if we should meet tomorrow in session? What is the wish of the Senate? Is there any business?

Floor Leader Iehsi: Thank you, Mr. President. In talking to some of the members of the Senate, the ones I talked to indicated that they, especially Senator Tmetuchl, think it would be better

if there is no session tomorrow, and, for that reason, I move the Senate recess until Monday at 10:00 a.m.

Senator Tmetuchl seconded.

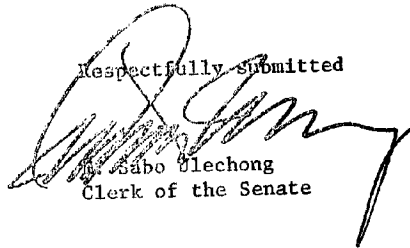
The Chair recognized Senator Kabua.

Senator Kabua: Mr. President, I would like to second the motion because I think Senator Tmetuchl's seconding is very biased.

The motion carried, and the Senate recessed until 10:00 a.m., Monday, February 5, 1973.

The Senate recessed at 10:40 a.m.

Respectfully submitted



Sabo Olechong
Clerk of the Senate

TWENTY-SEVENTH DAY

Saturday, February 3, 1973

NO SESSION

TWENTY-EIGHTH DAY

Sunday, February 4, 1973

NO SESSION