

THIRTIETH DAY

Tuesday, February 6, 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. All Senators were present.

READING AND ADOPTION OF JOURNALS

On motion by Floor Leader Iehsi, seconded by Senator Borja, the Journal of the Twenty-sixth Day was adopted by the Senate. The Journal of the Twenty-ninth Day was distributed.

MESSAGES FROM THE HIGH COMMISSIONER

None

DEPARTMENTAL COMMUNICATIONS

None

HOUSE COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

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

Chairman Amaraich: Thank you, Mr. President. Mr. President, may I refer the Senate to Standing Committee Report No. 21 on Senate Bill No. 23, "A BILL FOR AN ACT DECLARING CERTAIN MATTERS PUBLIC RECORDS, AND PROVIDING FOR THE RIGHT OF PUBLIC ACCESS TO THE SAME, AND FOR OTHER PURPOSES."

Your Committee, recognizing the importance and newness of the subject, has provided a detailed analysis of the sections of the bill in the report. Since the report was presented yesterday, I feel that members have had a chance to read it and, therefore, I do not have to go into detail on the report or the bill.

Mr. President, the purpose and intent of Senate Bill No. 23 is to declare certain government documents public records and make them available to the Congress and the public. Our investigation shows that at the present time there is no law requiring disclosure of public documents and we feel there is need for legislation on this subject at this time. Up to now, members of the public, including members of the Congress, and staff, and others, have been encountering difficulty in obtaining records from the government -- records that are normally available to the public under other jurisdictions. Your Committee, in considering this legislation, feels that disclosure of certain public records promotes efficiency and honesty in government.

We held extensive public hearings on the bill in which representatives of the Administration indicated that the Administration is in general agreement with the intent and purpose of the bill but indicated several areas in which the Administration has some concern. The areas that are questionable, according to the Administration, are treated in the report and your Committee has tried to overcome these objections by either compromising on certain provisions or providing amendments to the provisions in question.

As is usually the case, Mr. President, when there is something new in the legislative process, there are some who shy away from it or take a negative attitude about it, but your Committee is convinced that legislation of this nature is essential to the efficient operation of the Trust

Territory Government and would urge members of the Senate to take favorable action on this bill.

We have provided amendments as listed in the report. The report itself is detailed enough for members to know what the Committee intends in recommending passage of the bill. I would like, for clarification of the legislative intent of the bill, to read from page 2 of the report, the next to the last paragraph, in which the Committee states,

"In this connection, it is the intent of the Committee that the inclusions within the definition of 'public record' should be liberally construed, while the exclusions should be strictly interpreted. Your Committee believes that such interpretations would be consistent with the purposes of the bill. The bill is intended to create a presumption in favor of disclosure of government records, and thus to place the burden of proof on an agency seeking not to disclose such records to bring the proposed nondisclosure within one of the exceptions specified in the bill itself. Thus, many apparent ambiguities in the language of the bill resolve themselves."

I think that is a very important provision of the report because it provides the legislative intent of the bill.

With that, Mr. President, I move for adoption of the report.

Vice-President Salii seconded, and the motion carried. S.C.R. No. 21 was adopted by the Senate.

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

Chairman Pangelinan: Thank you, Mr. President. Your Committee on Health wishes to refer to Standing Committee Report No. 22 on Senate Bill No. 28, "A BILL FOR AN ACT TO PROVIDE FOR TAKING THE OFFICIAL POPULATION CENSUS OF 1973 OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS, APPROPRIATING FUNDS THEREFOR; AND FOR OTHER PURPOSES."

The Committee report is rather lengthy, but since the matter is of some importance to us, I would like to request permission to have this deferred for adoption until tomorrow so our members will have the opportunity to go over it and I will be making brief remarks tomorrow, Mr. President.

Floor Leader Iehsi moved that action on S.C.R. No. 22 be deferred. Vice-President Salii seconded, and the motion carried. Action on S.C.R. No. 22 was deferred.

Chairman Pangelinan: Mr. President, I would like now to refer to Standing Committee Report No. 23 relative to Senate Bill No. 96, "A BILL FOR AN ACT TO AMEND TITLE 83 THE TRUST TERRITORY CODE BY AMENDING CERTAIN SECTIONS THEREOF AND ADDING A NEW PART VII THERETO; TO DISCOURAGE THE ABANDONMENT OF MOTOR VEHICLES; TO PROVIDE FOR AND ENCOURAGE THE RAPID REMOVAL OF SUCH VEHICLES FROM PUBLIC AND PRIVATE PREMISES; AND FOR OTHER PURPOSES."

The intent of this bill is to facilitate the removal of abandoned vehicles, and to provide penalties for persons who abandon such vehicles.

Your Committee held public hearings on this bill. All the witnesses supported the findings of the Committee that abandoned vehicles were an important environmental problem, and could have adverse effects upon our tourism industry as well. Your Committee concluded that it was in full support of any bill designed to clean up this problem.

Much of the testimony received centered on the technical provisions of the bill itself. Your Committee concluded that the bill was far too detailed for the Trust Territory today, and therefore offered many amendments to simplify it. The most important of these amendments was the deletion of the provision requiring parts dealers to be licensed and controlled. Your Committee also simplified the record-keeping function in savings in the cost of administration of the bill.

There are many pages of amendments, Mr. President, and I would like to request the members of the Senate to pay attention to these amendments which are reflected on pages 2 through 8 of the report.

Your Committee is thus in complete accord with the intent and purpose of Senate Bill No. 96, as amended, and recommends its passage on Second and Final Reading in the amended form. I move for adoption of the report.

Vice-President Salii seconded, and the motion carried. S.C.R. No. 23 was adopted by the Senate.

Chairman Pangelinan: Mr. President, I would like to refer to Standing Committee Report No. 24 relative to Senate Joint Resolution No. 25, "A SENATE JOINT RESOLUTION DIRECTING THE DIRECTOR OF HEALTH SERVICES TO TAKE IMMEDIATE STEPS TO COMBAT THE GROWING SPREAD OF VENEREAL DISEASE IN THE TRUST TERRITORY."

The intent and purpose of this resolution is amply set forth in its title. The resolution expresses its concern about the high, and growing rate of venereal disease infection within the Trust Territory.

Your Committee held a public hearing on this matter with representatives of the Department of Health Services. Since 1970, the Department has inaugurated an accelerated venereal disease control program, including:

1. A seminar on venereal disease, held in April, 1970, on Saipan. The seminar included public health staff involved in venereal disease control from all six districts of the Trust Territory. The seminar emphasized epidemiology, method of interview, treatment, and importance of reporting. The purpose of the seminar was to familiarize the participants in up-to-date knowledge of gonorrhea and to improve the services in the districts.
2. In May, 1971, a public health seminar also included venereal disease control in its agenda.
3. In May, 1972, a public health seminar again included venereal disease control with the introduction of symptomatic case-finding by methods other than tracking down known contacts.
4. In June, 1972, a seminar was held in Truk for the laboratory technicians to learn techniques in themartin and tubercule and bacillus culture.

In public health education, a movie has been shown and discussions held in Palau, Ponape, Ebeye, and Saipan, for the high schools and to members of the general public.

In the area of services, epidemiologic treatments began in 1970, and contact interviews were emphasized the same year. Asymptomatic case-finding began in September, 1972.

In field service, contact interviews were emphasized and epidemiologic treatment was begun in 1970. As of September, 1972, asymptomatic case-finding was suggested, and as of today, the Department has received some data from three of the districts on the asymptomatic case-finding activities. Treatment schedules have been modified for more effective epidemiologic control.

Statistics, however, show that venereal disease (gonorrhea only -- there are no reported cases of syphilis in the Trust Territory) is nevertheless on the rise. The Department's representatives attributed this to the fact that, as in many places, increased efforts toward public education and treatment for the disease have resulted in more known cases. In this respect, the Trust Territory's reporting procedures, which are superior to those of the United States, are probably responsible for the relatively high rate of infection in the Trust Territory, as shown by the statistics: some 700 cases per 100,000 or about 2.5 times the United States rate.

The witnesses suggested, however, that after a two-year period in which the number of cases will continue to rise, due to improved case-finding methods, the number of cases will begin to decline, and by the end of an additional five-year period, should be at or below absolute U.S. levels, despite better reporting methods which increase the known number of cases.

Your Committee is convinced that the Department recognizes the problem of venereal disease

and its consequences in the Trust Territory, and that the Department is taking the necessary steps to deal with the problem in a satisfactory manner. Your Committee will continue to monitor the performance of the Department in this respect.

Your Committee, therefore, does not deem the adoption of this resolution to be appropriate at this time, and recommends that the same be filed.

At this time I would like to move that the Standing Committee Report be adopted.

Vice-President Salii seconded, and the motion carried. S.C.R. No. 24 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, S.B. No. 123, "RELATING TO CARRIAGE OF GOODS BY SEA AND FOR OTHER PURPOSES.", passed First Reading of the Senate and was assigned to the Committee on Resources and Development.

Floor Leader Iehsi moved that S.B. No. 23, S.D.1, "DECLARING CERTAIN MATTERS PUBLIC RECORDS, AND PROVIDING FOR THE RIGHT OF PUBLIC ACCESS TO THE SAME; AND FOR OTHER PURPOSES.", pass Second and Final Reading of the Senate. Vice-President Salii seconded.

The Chair recognized Senator Mangefel.

Senator Mangefel: Thank you very much, Mr. President. I have one question I would like to have answered by anyone, and that is, if this bill passes both houses and is signed by the High Commissioner and becomes law, will it cover the Congress of Micronesia?

President Nakayama: The question is, when and if the subject bill becomes law, will its jurisdiction extend to the Congress of Micronesia?

Chairman Amaraich: Mr. President, may I refer the Senator to Section 3 of the bill, "Definitions" which says that it does not include the Congress of Micronesia or the courts of the Trust Territory.

President Nakayama: Does that answer your question?

Senator Mangefel: Yes, Mr. President.

The Clerk called the roll with the following result:

Senator Mangefel	No
Senator Amaraich	Aye
Senator Iehsi	Aye (Abstained twice)
Senator Salii	Aye
Senator Oiter	Aye
Senator Kabua	Aye (Abstained twice)
Senator Kendall	Aye
Senator Pangelinan	Aye (Abstained twice)
Senator Borja	Aye (Abstained twice)
Senator Tmetuchl	Aye (Abstained twice)
Senator Tun	Aye
Senator Nakayama	Aye

S.B. No. 23, S.D.1, passed Second and Final Reading of the Senate.

Floor Leader Iehsi moved that action on S.B. No. 28, S.D.1, "TO PROVIDE FOR TAKING THE OFFICIAL POPULATION CENSUS OF 1973 OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS, INCORPORATING EXECUTIVE ORDER NO. 106, PROVIDING PENALTIES, APPROPRIATING FUNDS THEREFOR; AND FOR OTHER PURPOSES.", be deferred until the next day's calendar. Vice-President Salii seconded.

The Chair recognized Senator Pangelinan.

Senator Pangelinan: Thank you, Mr. President. I wonder if this measure could be referred to Ways and Means because there is an appropriation section there and it would thus not unduly delay the action of the Senate. I will make a report tomorrow but I believe that Ways and Means should be advised there is a provision for \$40,000 appropriation.

Floor Leader Iehsi withdrew his motion, and moved that S.B. No. 28, S.D.1, be referred to the Committee on Ways and Means. Vice-President Salii seconded, and the motion carried. S.B. No. 28, S.D.1, was referred to the Committee on Ways and Means.

Floor Leader Iehsi moved that S.B. No. 96, S.D.1, "TO DISCOURAGE THE ABANDONMENT OF MOTOR VEHICLES, TO PROVIDE FOR AND ENCOURAGE THE RAPID REMOVAL OF SUCH VEHICLES FROM PUBLIC AND PRIVATE PREMISES; AND FOR OTHER PURPOSES.", pass Second and Final Reading of the Senate. Vice-President Salii seconded.

The Chair recognized Senator Mangefel.

Senator Mangefel: Mr. President, I wonder if we are not getting too far afield by making a law to govern the private vehicles of the people of Micronesia. I think this is interfering with the constitutional rights of the people in Micronesia. Thank you very much, Mr. President.

Senator Amaraich: Mr. President, I am in favor of the legislation. There is one question that bothers me and that is that the responsibilities be given to the Director of Public Safety. I think there are many things that the Public Safety people haven't done right to enforce the law, and to add some more means we are kidding ourselves that the enforcement of the law can be made effective.

Senator Pangelinan: Mr. President, I wish we could accommodate Senator Amaraich with his concern regarding the Public Safety, that Public Safety is the one authorized to handle that particular legislation. There is no agency at the present time that is charged with the responsibility and, unfortunately, Public Safety is the only department that has the jurisdiction to handle matters such as the one referred to. I hope that we can come up with something better, but this is the best we could do under the present circumstances.

The Clerk called the roll with the following result:

Senator Mangefel	Aye	(Abstained once)
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	(Abstained twice)
Senator Tun	Aye	
Senator Nakayama	Aye	

S.B. No. 96, S.D.1, passed Second and Final Reading of the Senate.

RESOLUTION CALENDAR

Floor Leader Iehsi moved that S.J.R. No. 25, "DIRECTING THE DIRECTOR OF HEALTH SERVICES TO TAKE IMMEDIATE STEPS TO COMBAT THE GROWING SPREAD OF VENEREAL DISEASE IN THE TRUST TERRITORY.", be adopted by the Senate. Vice-President Salii seconded.

Senator Kabua moved for the previous question; Senator Tun seconded. The voice vote was inconclusive and a show of hands was called for. The motion to close debate carried.

The motion to adopt was defeated, and S.J.R. No. 25 was filed by the Senate.

INTRODUCTION OF BILLS

Senator Salii introduced S.B. No. 124, "TO ADD CHAPTER 3, COMPRISING SECTIONS 51 TO 359, INCLUSIVE, TO TITLE 49 OF THE TRUST TERRITORY CODE TO ESTABLISH A WORKMEN'S COMPENSATION ACT FOR THE TRUST TERRITORY, TO APPROPRIATE FUNDS THEREFOR, AND FOR OTHER PURPOSES."

Senator Iehsi introduced S.B. No. 125, "TO APPROPRIATE THE SUM OF \$50,000 FROM THE GENERAL FUND OF THE CONGRESS OF MICRONESIA TO CONSTRUCT AND PREPARE FACILITIES NEAR THE DOCK AREA AT TAKATIK ISLAND, PONAPE DISTRICT, FOR USE BY THE PONAPE FISHING COOPERATIVE ASSOCIATION AND THE DISTRICT PERSONNEL OF THE DIVISION OF MARINE RESOURCES."

Senator Borja, plus one, introduced S.B. No. 126, "EXTENDING THE TIME FOR THE FILING OF EMPLOYERS' QUARTERLY REPORTS REQUIRED BY TITLE 73 OF THE TRUST TERRITORY CODE."

Senator Amaraich introduced S.B. No. 127, "TO PROTECT GOVERNMENT EMPLOYEES FROM POLITICAL ACTIVITIES; TO REPEAL EXISTING LAW RELATING THERETO, AND FOR OTHER PURPOSES."

Senator Olter introduced S.B. No. 128, "TO AMEND 73 T.T.C. SECTIONS 151, 152 AND 153 TO REDUCE THE EMPLOYEE AND EMPLOYER CONTRIBUTIONS TO THE SOCIAL SECURITY SYSTEM AND FOR OTHER PURPOSES."

Senator Tun introduced S.B. No. 129, "AMENDING SECTION 4 PUBLIC LAW NO. 4C-65 CONCERNING AN APPROPRIATION FOR THE CONSTRUCTION OF ROADS IN THE TRUST TERRITORY."

Senator Borja introduced S.B. No. 130, "AMENDING PUBLIC LAW 4C-2, AS AMENDED, TO PROVIDE FOR A \$3,000 DEDUCTION FROM WAGES AND SALARIES."

Senator Olter introduced S.B. No. 131, "TO PROVIDE DISABILITY BENEFIT UNDER THE SOCIAL SECURITY SYSTEM; TO EXTEND SOCIAL SECURITY COVERAGE TO TEMPORARY WORKERS AND PERSONS WITH RELIGIOUS ORGANIZATIONS; TO INCREASE SOCIAL SECURITY BENEFITS; TO AMEND 73 T.T.C. SECTION 3, SECTION 101, SECTION 104, SECTION 105, SECTION 107, SECTION 109; AND FOR OTHER PURPOSES."

INTRODUCTION OF RESOLUTIONS

Senator Kendall introduced S.J.R. No. 36, "EXPRESSING THE SORROW AND SYMPATHY OF THE CONGRESS OF MICRONESIA TO THE FAMILY AND FRIENDS OF LEKOJ ANJAIN FOR HIS UNTIMELY AND UNWARRANTED AND IRREPLACEABLE LOSS."

MISCELLANEOUS COMMUNICATIONS

None

MISCELLANEOUS BUSINESS

The Chair recognized Senator Kendall.

Senator Kendall: Mr. President, with your permission I would like to ask the members of the Senate to give recognition to the members of the district legislature who are here in connection with the deliberations of Congress. We have with us this morning the Honorable Andrew Hisiah and we also have the Honorable Kunar Abner.

President Nakayama: Thank you, Senator. We are most honored by your presence this morning.

The Chair recognized Senator Amaraich.

Senator Amaraich: Mr. President, I have two pieces of miscellaneous business that are very important. First, I have been wondering what happened to the snack bar we used to have up here. I wonder whether it is out of business or can be set up so we can benefit from it. The time is

coming when many members will be confined to the Chambers and the snack bar will come in very handy.

Second, Mr. President, some of the press have inquired where we post our schedule of public hearings or announcements. I thought perhaps it might not be too much trouble if someone puts it on a bulletin board so the general public can check on public hearings and what subjects and the time and place.

President Nakayama: Thank you, Senator. Mr. Floor Leader, do you have an answer to the first question?

Floor Leader Iehsi: Mr. President, I have no answer now. I am sure the leadership will consider it and come up with some answer.

ANNOUNCEMENT

Chairman Pangelinan announced that the Committee on Health was planning a trip to Guam to investigate the problem of referral cases on Saturday, February 10, 1973, along with members of the House subcommittee. The Chairman requested that they be advised if a session would be held on that particular day.

Chairman Pangelinan announced further that the Committee on Health would hold a public hearing at 1:30 p.m., Wednesday, February 7, 1973, in Conference Room No. 2, to consider Senate Bill 110 and Senate Joint Resolution No. 23.

Chairman Olter announced that the Committee on Ways and Means would hold a public hearing in the Senate Chamber at 1:30 p.m., Wednesday, February 7, 1973, on Senate Bills No. 49, No. 65, No. 97, No. 99, No. 107 and No. 118. He further announced a public hearing on Thursday, February 8, 1973, in Conference Room No. 2 at 1:30 p.m., on Senate Bills No. 71, No. 89, No. 98, and No. 103.

Chairman Kabua announced that the Committee on Resources and Development would hold a public hearing at the Community Development Office Conference Room, Wednesday, February 7, 1973, at 1:30 p.m. on Senate Bills No. 77, No. 111, No. 115, No. 122, and No. 121. The Chairman stated that subsequent public hearings were listed on the attachment to the Calendar of the Day.

Chairman Kabua requested an audience with the leadership immediately after the session to consider a matter submitted to the Chairman by the Chairman of the Committee on Health.

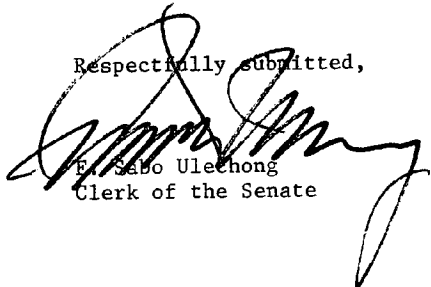
Chairman Amaraich announced that a public hearing was scheduled by the Committee on Judiciary and Governmental Operations for 1:30 p.m., Tuesday, February 6, in the Senate Chamber, to receive testimony from the executive branch on Senate Bills No. 37, covering transition; No. 41, Micronesian Unity Award; and No. 42, Commission on National Unity. The Chairman further announced that at 7:00 p.m., February 7, 1973, the Committee would hold an executive session on preliminary discussion on the Trust Territory pay plan.

Chairman Pangelinan announced that in view of the conflict with the Ways and Means Committee, the Health Committee hearing would be moved from Wednesday to Friday, February 9, 1973, at 1:30 p.m.

Floor Leader Iehsi moved that the Senate recess and reconvene at 10:00 a.m., Wednesday, February 7, 1973. Vice-President Salii seconded, and the motion carried. The Senate recessed until 10:00 a.m., February 7, 1973.

The Senate recessed at 10:45 a.m.

Respectfully submitted,


E. Sabo Uleehong
Clerk of the Senate