

THE SENATE
ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
THIRD REGULAR SESSION, 1999

CAPITOL HILL, SAIPAN

SESSION DAY	CALENDAR DAY	TIME
1st Day	Thursday, February 4, 1999	10:00 10:45 a.m.

ORDER OF BUSINESS

A MOMENT OF SILENCE

A. ROLL CALL: 9 MEMBERS WERE PRESENT

B. READING AND APPROVAL OF THE JOURNAL:

4th Day, Second Regular Session-11/13/98 [**ADOPTED**]

C. MESSAGES FROM THE GOVERNOR:

Gov. Mesg. No. 11-342: December 18, 1998 - From Governor Tenorio certification and exemption of government salary ceiling for Mr. John Harder of the Solid Waste management Division in the Department of Public Works.

Gov. Mesg. No. 11-343: December 21, 1998 - From Acting Governor Sablan informing the Legislature that he had signed HB 11-293, HD1, SS1, allowing assignment of nonresident workers to perform substantially similar services or labor outside the worker's original job classification, and for other purposes. [PL 11-51 - 12/21/98]

Gov. Mesg. No. 11-344: December 22, 1998 - From Ms. Gloria Hunter, SAPLR, acknowledging receipt certified copies of SR Nos. 11-19, 11-20, and 11-17.

Gov. Mesg. No. 11-345: December 22, 1998 -From Governor Tenorio re PL 11-6 Exemption for Mina de Saipan.

Gov. Mesg. No. 11-346: December 23, 1998 - From Governor Tenorio informing the Legislature that he had signed into law HLB 11-13, D1, to establish a local license fees for pachinko slot machines and poker machines in the Third Senatorial District; and for other purposes. (BECAME SAIPAN LOCAL LAW 11-2 on 12/23/98)

Gov. Mesg. No. 11-347: December 23, 1998 - From Governor Tenorio re PL 11-6 Exemption for the Rota Hotel.

Gov. Mesg. No. 11-348: December 23, 1998 - From Governor Tenorio re PL 11-6 Exemption for Pacific Sunny (Saipan) Inc.

Gov. Mesg. No. 11-349: December 30, 1998 - From acting Governor Sablan informing the Legislature that he had signed into law HLB 11-14, to establish local license

fees for pachinko slot machines and poker machines in the First Senatorial District; and for other purposes. (BECAME ROTA LOCAL LAW 11-1 on 12/30/98)

Gov. Mesg. No. 11-350: January 6, 1999 - From Ms. Gloria Hunter, SAPLR, acknowledging receipt a certified copy of SR 11-22.

Gov. Mesg. No. 11-351: January 6, 1999- From Governor Tenorio re PL 11-6 Exemption for Suwasu Corporation (Saipan).

Gov. Mesg. No. 11-352: January 6, 1999 - From Governor Tenorio re PL 11-6 Exemption for Paras Enterprises Saipan, Inc.

Gov. Mesg. No. 11-353: January 6, 1999 - From Governor Tenorio re PL 11-6 Exemption for Minami Kaze Corporation.

Gov. Mesg. No. 11-354: January 6, 1999 - From Governor Tenorio re appointment of members to the Minimum Wage Review Board.

Gov. Mesg. No. 11-355: January 6, 1999 - From Governor Tenorio re certification for annual salary in excess of \$50,000 for Dr. Luzelin S. Damayo at the Tinian Health Center.

Gov. Mesg. No. 11-356: January 6, 1999 - From Governor Tenorio re PL 11-6 Exemption for Boeing North American Services, Inc.

Gov. Mesg. No. 11-357: January 15, 1999 - From Ms. Gloria Hunter ; SAPLR acknowledging receipt of HJR Nos. 11-31, 11-35, 11-36, and 11-37.

Gov. Mesg. No. 11-358: January 18, 1999 - From Governor Tenorio informing the Legislature that he had disapproved HB No. 11-154, CS1, entitled, "To amend 3 CMC Sections 1316(a), and 1316(h), and for other purposes." (DISAPPROVED ON 01/18/99)

Gov. Mesg. No. 11-359: January 22, 1999 - From Governor Tenorio informing the Legislature that he had disapproved HB No. 11-179, entitled, "To authorized the appropriation of \$81,000 from reserved funds provided by in PL 9-29, for payment for the construction of bus shelter in San Vicente Elementary School; and for other purposes. (DISAPPROVED ON 01/22/99)

Gov. Mesg. No. 11-360: January 22, 1999 - From Governor Tenorio informing the Legislature that he had signed into law SLB No. 11-4, D1, entitled, "Saipan Street Naming and Street Address Numbering Act of 1998". (SAIPAN LOCAL LAW 11-3)

Gov. Mesg. No. 11-361: January 26, 1999 - From Governor Tenorio certifying and granting approval to allow Dr. Robert J. George, Physician at CHC to receive an annual salary exceeding the \$50,000 (\$110,000/a) cap set by the Compensation Adjustment Act.

Gov. Mesg. No. 11-362: January 14, 1999 - From Governor Tenorio informing the Legislature that he had signed into law HB No. 11-326, HD1, entitled, "To amend 4 CMC, Division 4, Chapter 11, to correct technical deficiencies, and for other purposes". (BECAME PL No. 11-52-1/14/99)

Gov. Mesg. No. 11-363: January 14, 1999 - From Governor Tenorio informing the Legislature that he had signed into law HB No. 11-75, entitled, "To amend PL 8-19, which allows the consumption of certain endangered or threatened species". (BECAME PL 11-53-1/14/99).

Gov. Mesg. No. 11-364: January 29, 1999 - From Ms. Gloria Hunter, SAPLR acknowledging receipt of SJR No. 11-10 and SJR No. 11-11.

Gov. Mesg. No. 11-365: January 29, 1999 - From Governor Tenorio re: PL 11-6, exemption for Department of Public Health.

Gov. Mesg. No. 11-366: January 11, 1999 - From Governor Tenorio re: PL 11-6, exemption for Black Micro Corporation

Gov. Mesg. No. 11-367: January 11, 1999 - From Governor Tenorio re: PL 11-6, exemption for La Fiesta San Roque Tropical Plaza Limited.

Gov. Mesg. No. 11-368: January 29, 1999 - From Governor Tenorio informing the Legislature that he had signed into law SB No. 11-95, entitled, "To amend [the] 9 CMC §2101(c) to allow the registration of any right hand drive vehicle which entered the Commonwealth prior to the effective date of PL 11-12." (BECAME PL 11-54 ON 01/29/99)

Gov. Mesg. No. 11-369: January 29, 1999 - From Governor Tenorio informing the Legislature that he had signed into law HB No. 11-300, entitled, "To require mandatory liability insurance for motor vehicle in the Commonwealth" (BECAME PL 11-55 ON 01/29/99).

Gov. Mesg. No. 11-370: February 01, 1999 - From Governor Tenorio informing the Legislature that he had signed into law HB No. 11-297, HD1 entitled, "To add to 2 CMC Division 7 a new Chapter 3, the Commonwealth Fire Safety Code; and for other purposes" (BECAME PL 11-56 ON 02/01/99).

D. REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS: None

E. HOUSE COMMUNICATIONS:

Hse. Comm. No. 11-250: Transmitting a certified copy of HJR 11-31, supporting the establishment of a South Pacific Whale Sanctuary.

Hse. Comm. No. 11-251: Transmitting a certified copy of HJR 11-35, requesting that the Division of Public Lands designate certain public lands in Sadog Tasi as a public park; and for other purposes.

Hse. Comm. No. 11-252: Transmitting a certified copy of HJR 11-36, requesting that the Division of Public Lands designate certain public lands in Navy Hill as baseball field and public park; and for other purposes.

Hse. Comm. No. 11-253: Transmitting a certified copy of HJR 11-37, to approve 3 additional FTE's in order for the Division of Sanitation Services to efficiently and effectively meet the mandated functions of the office.

Hse. Comm. No. 11-254: Transmitting for Senate action HJR 11-38, requesting the Division of Public Lands to survey and determine the actual size of land area where the current legislative building occupies, including its surrounding vacant areas.

Hse. Comm. No. 11-255: Transmitting for Senate action HJR 11-39, requesting the Secretary of Finance to identify funds and allocate such funds for the 25% hazardous pay differential to three respective DPW employees as mandated by PL 11-41, and for other purposes.

Hse. Comm. No. 11-256: Transmitting for Senate action HJR 11-40, denouncing the inaccurate and questionable fourth annual report submitted to Congress by the Office of Insular Affairs and request the US Congress to maintain its position that the CNMI should solve its own local problems without the need to take away control of immigration.

Hse. Comm. No. 11-257: Informing the Senate that the House had recalled from the Governor HB 11-154, CS1, to amend 3 CMC Sections 1305 (b), 1316(a), and 1316(h), and for other purposes.

Hse. Comm. No. 11-258: Informing the Senate that the House had recalled from the Governor HB 11-179, to authorize the appropriation of \$81,000 from reserved funds provided by in PL 9-29, 'the Pachinko Slot Machine Act,' for payment for the construction of the bus shelter in San Vicente Elementary School; and for other purposes.

Hse. Comm. No. 11-259: Informing the Senate that the House accepted the Senate amendments to HB 11-287, entitled, "A Bill for an Act to impose a landing fee to be paid by passengers who disembark on Managaha Island; and for other purposes".

Hse. Comm. No. 11-260: Informing the Senate that the House had recalled from the Governor HB 11-324, to amend 2 CMC, Division 3, Chapter 1, Article 3, §3131 by adding a new subsection (i) and amending §3131(c) and (h); Amend 2 CMC, Division 3, Chapter 1, Article 3, §3132(a); Amend 2 CMC, Division 3, Chapter 1, Article 3 by adding a new §3135; Amend 2 CMC, Division 3, Chapter 5, §3513 by adding a new subsection (m); Amend 2 CMC, Division 3, Chapter 5, §3515(b) and §3518(b); Amend 2 CMC, Division 3, Chapter 5, §3520; and for other purposes.

Hse. Comm. No. 11-261: Transmitting for Senate action HB 11-336, to amend 6 CMC Section 3110 to increase the enforcement of and the penalties for the provision of tobacco to minors or use of tobacco by minors; to require establishments selling tobacco products to be licensed by the Dept. of Commerce; and to charge the Dept. of Commerce, Dept. of Public Health, and DPS with enforcement responsibility; and for other purposes.

Hse. Comm. No. 11-262: Transmitting for Senate action HB 11-338, to amend 4 CMC 9503 ("The Resident Workers Fair Compensation Act of 1995"); and for other purposes.

Hse. Comm. No. 11-263: Transmitting for Senate action HB 11-357, to amend 3 CMC §1316(a) and (h); and for other purposes.

Hse. Comm. No. 11-264: Transmitting for Senate action HB 11-358, to amend 2 CMC, Division 3, Chapter 1, Article 3, §3131 by adding a new subsection (i) and amending

§3131(c) and (h); Amend 2 CMC, Division 3, Chapter 1, Article 3, §3132(a); Amend 2 CMC, Division 3, Chapter 1, Article 3 by adding a new §3135; Amend 2 CMC, Division 3, Chapter 5 §3513 by adding a new subsection (m); Amend 2 CMC, Division 3, Chapter 5, §3515(b) and §3518(b), Amend 2 CMC, Division 3, Chapter 5, §3520; and for other purposes.

Hse. Comm. No. 11-265: Transmitting for Senate action HB 11-359, to amend 1 CMC §8404, to provide for the automatic expiration and repeal of PL 8-30, and for other purposes.

Hse. Comm. No. 11-266: Transmitting for Senate action HB 11-360; to appropriate \$81,000 from the School Lunch Program Trust Fund provided by in PL 9-29, 'the Pachinko Slot Machine Act,' for payment and construction of the bus shelter in San Vicente Elementary School; and for other purposes.

Hse. Comm. No. 11-267: Transmitting for Senate action HB 11-361; to authorize the CDA to borrow up to Two Million Dollars for the beautification and development of American Memorial Park; and for other purposes.

Hse. Comm. No. 11-268: Returning without amendment SJR 11-10, honoring Lieutenant Lee Scott Fields, United States Coast Guard, and his family residing in Champaign, Illinois for saving the life of Ms. Asuncion 'Annie' Pangelinan Palacios, a Commonwealth of the Northern Marianas Islands resident presently with her husband and children stationed in Honolulu, Hawaii. [TRANSMITTED TO GOVERNOR 01/25/99]

Hse. Comm. No. 11-269: Returning without amendment SJR 11-11, to honor Guy Gabaldon for his heroic and extraordinary service as a member of the Second United States Marine Division on Saipan during 1944, and to request the President of the United States to nominate Guy Gabaldon for the country's highest recognition, the Congressional Medal of Honor. [TRANSMITTED TO GOVERNOR 01/25/99]

Hse. Comm. No. 11-270: Returning without amendment SB 11-93, to shorten the period for initial registration under the limited immunity granted to illegal aliens under PL 11-33; and for other purposes. [TRANSMITTED TO GOVERNOR 01/22/99]

Hse. Comm. No. 11-271: Returning without amendment SB 11-95, to amend the 9 CMC §2101 (c) to allow the registration of any right hand drive vehicle which entered the Commonwealth prior to the effective date of PL 11-12; to impose strict liability on any shipping company transporting right hand drive vehicles to the Commonwealth after the effective date of PL 11-12; to impose a \$500.00 per car civil penalty on any person found importing right hand drive vehicles into the Commonwealth after the effective date of PL 11-12; and for other purposes. [TRANSMITTED TO GOVERNOR 01/22/99]

Hse. Comm. No. 11-272: Transmitting a certified copy of HR No. 11-109, HD1, entitled, "A House Resolution to respectfully request that the National Marine Fisheries Service (NMFS) and the U.S. Fish & Wildlife Service (USFWS) grant the CNMI Govt. a 'Traditional Take' permit under the U.S. Endangered Species Act of 1973 (ESA), as amended.

F. WASHINGTON REPRESENTATIVE'S COMMUNICATIONS: None

G. STANDING COMMITTEE REPORTS:

Standing Rep. Comm. No. 11-53: From the Committee on Executive Appointments and Government Investigation reporting on the Governor's appointment of Mr. Fermin M. Atalig to serve as a member of the Northern Marianas College Board of Regents. **[ADOPTED BY 8-0]**

H. SPECIAL/CONFERENCE COMMITTEE REPORTS:

Special Comm. Report No. 11-3: From the Joint Committee on Economic Crisis re Initial Report. **[ADOPTED BY VOICE VOTE]**

I. UNFINISHED BUSINESS: None

J. PREFILED BILLS AND RESOLUTIONS:

Sen. Bill No. 11-97: A Bill for an Act to amend PL 11-22, §3(c) to require five members of an industry committee to constitute a quorum for conducting business; and for other purposes. (SEN. PAUL A. MANGLONA 02/3/99)

Sen. Bill No. 11-98: A Bill for an Act to create an Independent Garment Factories Monitoring Foundation to independently monitor working conditions within Commonwealth garment factories; and for other purposes. (SEN. PAUL A. MANGLONA 2/3/98)

Sen. Bill No. 11-99: A Bill for an Act to allow the Department of Finance to make deductions from retiree's pension checks for obligations owed to the Commonwealth incurred during the retiree's employment with the Commonwealth upon giving the retiree notice and opportunity to contest the amount of the obligation; to limit deductions based on the retiree's income and expense levels, including the retiree's number of dependents; and for other purposes. (SEN. DAVID M. CING 2/3/99)

Sen. Bill No. 11-100: A Bill for an Act to require the Department of Finance to inspect each and every poker and slot machine on a monthly basis to determine whether each respective machine is properly calibrated according to United States standards and measures; and for other purposes. (SEN. DAVID M. CING 2/3/99)

Sen. Bill No. 11-101: A Bill for an Act to mandate that any Commonwealth elected official shall, upon conviction of certain felony offenses, forfeit all accrued retirement benefits; be banned from future employment with the Commonwealth government; and for other purposes. (SEN. DAVID M. CING 2/3/99)

Sen. Bill No. 11-102: A Bill for an Act to require employers to provide round trip air fare and paid maternity leave to each and every alien contract worker becoming pregnant during the term of her employment contract; and for other purposes. (SEN. DAVID CING 2/3/99)

Sen. Bill No. 11-103: A Bill for an Act to provide retirement benefits to persons 62 years of age and have three (3) years of contributing membership service commenced after the age of 55; and for other purposes. (SEN. EDWARD U. MARATITA 2/4/99)

Sen. Bill No. 11-104: A Bill for an Act to grant to the Mayor of Rota unlimited reprogramming authorizing, during FY '99 with respect to unobligated and unexpended; over funds within the operations and activities of the Office of the mayor; capital funds appropriated for the PSS Administration Services at the Rota High School Baseball field; capital funds appropriated for the Rota Public Works Bird Sanctuary/Restroom Facilities and Water Tank Project; and capital funds appropriated for the Rota Public Works East Dock Repair project; and for other purposes.

Sen. Local Bill No. 11-16: A Bill for an Act to amend Title 10, Division 2, Chapter 4 of the Commonwealth Code to add a new § 2420 which imposes criminal penalties for operating of, and participating in, unlicensed cockfighting activities for profit, and for other purposes. (SEN. DAVID M. CING 2/3/99)

Sen. Local Bill No. 11-17: A Bill for an Act to prohibit harvesting, taking, gathering, collecting, hunting, trapping, harassing, disturbing, and interfering with the Marianas Sea Crab ("Hagahaf") within the Second Senatorial District; and for other purposes. (SEN. DAVID M. CING 2/4/99)

Sen. Local Bill No. 11-18: A Bill for an Act to prohibit hunting, trapping, harassing, disturbing, and interfering with Micronesian Starling, Aplonis/Opaca, ("Sali") within the Second Senatorial District; and for other purposes. (SEN. DAVID M. CING 2/4/99)

Sen. Legislative Initiative No. 11-2: A Legislative Initiative to propose a constitutional amendment to establish an Office of Independent Counsel to prosecute violations of the Commonwealth Ethics Code Act and contempt of the Senate, the House, or both the Senate and the House by any person. (SEN. DAVID M. CING 2/3/99)

Sen. Legislative Initiative No. 11-3: A Legislative Initiative to propose a constitutional amendment to prohibit any Legislator, who has accumulated three unexcused absences from the Regular Sessions of the house in which he or she is seated, during a term, from seeking re-election. (SEN. DAVID M. CING 2/3/99)

Sen. Legislative Initiative No. 11-4: A Legislative Initiative to propose a constitutional amendment to create an office of finance within the Legislative Bureau to control and regulate the expenditure of public funds by the Legislative Branch and to remove the Department of Finance's control and regulation of public funds appropriated to the Legislative Branch accordingly and to create an office of finance within the Judicial Branch to control and regulate the expenditure of public funds by the Judicial Branch and to remove the Department of Finance's control and regulation of public funds appropriated to the Judicial Branch accordingly. (SEN. EDWARD U. MARATITA 2/3/99)

Sen. Res. No. 11-23: A Senate Resolution supporting the application submitted by the Office of the Resident Representative to the National Space Development Agency of Japan for Astronaut Chiaki Mukai to visit the CNMI and to address scheduled regional conferences in the Summer. (SEN. PETE P. REYES 2/3/99)

Sen. Res. No. 11-24: A Senate Resolution to recognize the month of February 1999 as Selective Service Registration Awareness Month in the Commonwealth of the Northern Mariana Islands; and to encourage all young men in the CNMI, ages 18 through 25, to register with the Selective Service System. (SEN. PAUL A. MANGLONA 2/4/99)

K. INTRODUCTION OF BILLS AND RESOLUTIONS:

SR 11-25 (Sen. Thomas P. Villagomez)
SR 11-26 (Sen. Ricardo S. Atalig)
SJR 11-12 (Sen. Edward U. Maratita)
SB 11-105 (Sen. Paul A. Manglona)

L. BILL CALENDAR:

First Reading

HB 11-30, HD1 (Family Violence Act)
[See Hse. Comm. 11-240]
[PASSED BY VOICE VOTE]

HB 11-225, HD1 (Right of Way)
[See Hse. Comm. 11-235]
[PASSED BY VOICE VOTE]

HB 11-298, HD1 (Sec. 902)
[See Hse. Comm. 11-236]
[PASSED BY VOICE VOTE]

HB 11-336 (tobacco law)
[See Hse. Comm. 11-261]
[PASSED BY VOICE VOTE]

HB 11- 338 (alien compensation)
[See Hse. Comm. 11-262]
[PASSED BY VOICE VOTE]

HB 11-357 (Post Educ. Amend. Act)
[See Hse. Comm. 11-263]
[PASSED BY VOICE VOTE]

HB 11-358 (Environmental Act)
[See Hse. Comm. 11-264]
[PASSED BY VOICE VOTE]

Second & Final Reading

SB 11-49 (Uniform Comparative Act)
[PASSED 8-0]

SB 11-97 (Industry quorum)
[PASSED 8-0]

SB 11-98, SS1 (Monitoring Foundation)
[PASSED 8-0 w/ SD1]

HB 11-315 (Cap on Garment Industry)
[See Hse. Comm 11-220]
[PASSED 8-0]

HB 11-318, HD1 (Obyan water line)
[See Hse. Comm. 11-237]
[PASSED 8-0]

HB 11-361 (American Memorial Park)
[See Hse. Comm. 11-267]
[PASSED 8-0]

SB 11-103 **[REFERRED TO COMM.]**

SB 11-104 **[REFERRED TO COMM.]**

SB 11-105 **[PASSED 8-0]**

SLI 11-4 **[PASSED 8-0 (3/4)]**

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**HB 11-316 [RECONSIDERED AND
FILED BY VOICE VOTE]**

HB 11-320 [PASSED 8-0]

M. RESOLUTION CALENDAR:

SR 11-23

SR 11-24 (Selective Service)

HJR 11-39 (25% hazardous pay)
[See Hse. Comm. 11-255]

SR 11-25

SR 11-26

SJR 11-12

ALL DOPTED BY VOICE VOTE]

N. PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS:

O. MISCELLANEOUS BUSINESS

P. ANNOUNCEMENT:

1. HEW&P: Public Hearing on HB 11-30 as follows:
Rota - 3/12/99
Tinian - to be announced
Saipan - to be announded
2. RED&P: Committee Meeting on 2/10/99 re foreign investment.
3. PUTC: Public Hearing on Rota on 2/12/99

ADJOURNMENT : 1:05 P.M. SUBJECT TO THE CALL OF THE CHAIR.

APPEARANCE OF LOCAL BILLS

Second Legislative Day

Sen. Local Bill No. 11-14: A Local Bill for an Act to enable the regulatory licensing, control and disposal of stray dogs; to appropriate and generate revenue for licensing, control and disposal of stray dogs; and for other purposes.
(SEN. JOAQUIN G. ADRIANO - INTRODUCED ON 12/14/98)

Sen. Local Bill No. 11-15: A Local Bill for an Act to amend 10 CMC §1401 et seq. to regulate operation of gaming in the First Senatorial District; and for other purposes.
(SEN. RICARDO S. ATALIG - INTRODUCED ON 12/17/98)

Third Legislative Day

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Senate Local Bill No. 11-12: A Local Bill for an Act to establish the Pinatang Park Marine Wildlife Reserve for the conservation and protection of marine wildlife, plant or animal; and for other purposes. (SEN. RICARDO S. ATALIG - INTRODUCED - 11/13/98
2ND DAY - 12/17/98)

Senate Local Bill No. 11-13: A Local Bill for an Act to amend Section 2 of Rota Local Law No. 9-2 to prohibit all forms of net fishing and high-tech fishing devices within three hundred feet outside the reef surrounding the island of Rota, and for other purposes. (SEN. RICARDO S. ATALIG - INTRODUCED - 11/13/98
2ND DAY - 12/17/98)