

THE SENATE
ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SECOND SPECIAL SESSION, 1999

CAPITOL HILL, SAIPAN

SESSION DAY	CALENDAR DAY	TIME
1st Day	Wednesday, June 30, 1999	10:00 11:35 a.m.

ORDER OF BUSINESS

A MOMENT OF SILENCE

A. ROLL CALL: 9 members were present

B. READING AND APPROVAL OF THE JOURNAL:

C. MESSAGES FROM THE GOVERNOR:

Gov. Mesg. No. 11-443: May 28, 1999 - From Governor Tenorio re PL 11-6 Exemption for Northern Marianas College.

Gov. Mesg. No. 11-444: June 8, 1999 - From Governor Tenorio informing the Legislature that he had signed into law HB 11-408, HD1, SD1, the Supplemental Capital improvements Projects Appropriations Act of 1999. (PL 11-79 - 06/02/99)

Gov. Mesg. No. 11-445: June 10, 1999 - From Governor Tenorio re Certification for annual salary in excess of \$50,000 for CIP Administrator.

Gov. Mesg. No. 11-446: June 10, 1999 - From Governor Tenorio re PL 11-6 Exemption for Golden Island Chinese Restaurant.

Gov. Mesg. No. 11-447: June 14, 1999 - From Governor Tenorio re PL 11-6 Exemption for Tinian Health Center

Gov. Mesg. No. 11-448: June 14, 1999 - From Governor Tenorio re PL 11-6 Exemption for Department of Public Health.

Gov. Mesg. No. 11-449: June 14, 1999 - From Governor Tenorio re PL 11-6 Exemption for Hafadai Beach Hotel.

Gov. Mesg. No. 11-450: June 16, 1999 - From Governor Tenorio re PL 11-6 Exemption for Department of Public Health.

Gov. Mesg. No. 11-451: June 18, 1999 - From Governor Tenorio informing the President and the Chairman of the Rota Legislative Delegation that he had disapproved SLB 11-15, re to regulate operation of gaming in the First Senatorial District. (DISAPPROVED ON 6/18/99)

Gov. Mesg. No. 11-452: June 18, 1999 - From Governor Tenorio re PL 11-6 Exemption for Stanford Corporation dba Magellan Club.

Gov. Mesg. No. 11-453: June 18, 1999 - From Governor Tenorio re PL 11-6 Exemption for Hyatt Regency Saipan.

Gov. Mesg. No. 11-454: June 09, 1999 - From Governor Tenorio re PL 11-6 Exemption for Marianas Printing Service, Inc..

Gov. Mesg. No. 11-455: June 21, 1999 - From Governor Tenorio re PL 11-6 Exemption for Ansai International Development, Inc..

Gov. Mesg. No. 11-456: June 24, 1999 - From Governor Tenorio re PL 11-6 Exemption for Tandem Skydive Saipan, Inc..

Gov. Mesg. No. 11-457: June 29, 1999 - From Governor Tenorio re PL 11-6 Exemption for Conwood Products, Inc..

Gov. Mesg. No. 11-458: June 29, 1999 - From Governor Tenorio re PL 11-6 Exemption for Atom's Company, Limited.

Gov. Mesg. No. 11-459: June 29, 1999 - From Governor Tenorio re PL 11-6 Exemption for FAS Moving & Storage Company.

Gov. Mesg. No. 11-460: June 29, 1999 - From Governor Tenorio nominating Ms. Elphidia C. Sanchez to serve as a member of the Board of Public Lands.

Gov. Mesg. No. 11-461: June 29, 1999 - From Governor Tenorio nominating Ms. Elizabeth S. Balajadia and Mr. Jesus DLG. Takai to serve as members of the Board of Professional Licensing.

Gov. Mesg. No. 11-462: June 29, 1999 - From Governor Tenorio nominating Mr. Frank T. Flores, Jr. and Mr. Edward C. Sablan to serve as members of the CUC Board of Directors.

Gov. Mesg. No. 11-463: June 29, 1999 - From Governor Tenorio nominating Acting Chief Justice Miguel S. Demapan to serve as Chief Justice of the Supreme Court of the CNMI.

D. REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS: None

E. HOUSE COMMUNICATIONS:

Hse. Comm. No. 11-338: Returning without amendment SJR 11-14, to thank the National Space Development Agency of Japan for making possible the visit to the NMI of Dr. Chiaki Mukai, Astronaut.

Hse. Comm. No. 11-339: Returning without amendment SJR 11-15, authorizing reprogramming authority for the Governor in excess of the limits of 1 CMC § 7401 and 7402.

Hse. Comm. No. 11-340: Informing the Senate that the House of Representatives accepted the Senate amendments to HJR 11-46, entitled, "A House Joint Resolution to amend PL 11-64, the Budget Act of 1999."

Hse. Comm. No. 11-341: Informing the Senate that the House of Representatives accepted the Senate amendments to HB 11-408, HD1, the Supplemental Capital Improvements Projects Appropriations act of 1999.

Hse. Comm. No. 11-342: Transmitting a certified copy of HJR 11-46, SD1, authorizing reprogramming of funds appropriated by PL 11-41 for the commonwealth's contribution to the PIDB.

Hse. Comm. No. 11-343: Transmitting a certified copy of HJR 11-47, to request the Secretary of the Department of Lands and Natural Resources to reduce the rate of \$.05 per square meter for Kagman commercial farm plots, and to allow a grace period for those who have fallen behind in their payments due to events beyond their control.

Hse. Comm. No. 11-344: Transmitting a certified copy of HJR 11-50, to support the Governor's proclamation of April 21-27, 1999 as 'Crime Victims' Rights Week'.

Hse. Comm. No. 11-345: Transmitting a certified copy of HJR 11-51, re CDBG.

Hse. Comm. No. 11-346: Transmitting a certified copy of HJR 11-52, conferring upon Astronaut Chiaki Mukai, M.D., Ph.D., of Tokyo, Japan, the status of 'Honorary Citizen' of the CNMI.

Hse. Comm. No. 11-347: Transmitting a certified copy of HJR 11-53, to provide a joint session of the Legislature to receive the Governor's State of the Commonwealth Address and the Resident Representative to the United States' State of the Washington Office Report.

Hse Comm. No. 11-348: Returning without amendment SLI 11-1, entitled, "to propose a constitutional amendment to provide that only persons of Northern Marianas descent can vote on constitutional amendments affecting the protections against alienation of land."

Hse Comm. No. 11-349: Returning without amendments SB 11-26, entitled, "to amend 6 CMC, Division 2, Chapter 1, by adding Section 2151; 9 CMC, Division 7, by amending Section 7109; 9 CMC, Division 1, by amending Section 1501; and which calls for the revocation of the motor vehicle operator's license held by any person who violates the Commonwealth Controlled Substances Act; and for other purposes."

Hse Comm. No. 11-350: Returning without amendments SB 11-65, entitled, "to amend the Commonwealth State Funeral Act (1 CMC § et seq.) to more narrowly tailor its provisions to accomplish the intent of honoring only high officials of the government and those police and fire officials who have given their life in service of the Commonwealth; and for other purposes."

Hse Comm. No. 11-351: Returning without amendments SB 11-116, entitled, "to vacate all provisions and impact of EO 94-3 relative to the Commonwealth Ports Authority and Coastal Resources Management program and establish each as the same existed, and under the provisions of law then in effect, immediately prior to the effective date of EO 94-3; and for other purposes."

Hse Comm. No. 11-352: Returning without amendments SB 11-135, entitled, "to amend 2 CMC, Div. 2, Article 2, Sections 4323 and 4327; to amend 2 CMC, Div. 2, Article 2 by adding a new § 4328; and for other purposes."

Hse Comm. No. 11-353: Returning without amendments SB 11-136, entitled, "to amend 1 CMC § 7301(d) to improve the administration of capital improvement projects, provide for speedier completion of projects, and ensure quality work by contractors; and for other purposes."

Hse Comm. No. 11-354: Returning without amendments SB 11-140, entitled, "to repeal and reenact 1 CMC § 7404 to establish a local preference to bidders on Commonwealth agency contracts; and for other purposes."

Hse Comm. No. 11-355: Returning without amendments SB 11-143, entitled, to amend 4 CMC § 1708(d)(ii) to compliment the intent of PL 11-36, to exempt from taxation any gains on transactions involving the sale of private land to the Commonwealth Government for public purpose; and for other purposes."

Hse Comm. No. 11-356: Returning without amendments SB 11-144, entitled, to impose criminal sanctions, mandate victim compensation and create a statutory, private cause of action for private act violating or infringing upon an adult person's fundamental right to privacy created by Article I, Section 10 of the Commonwealth Constitution; and for other purposes."

Hse Comm. No. 11-357: Transmitting for Senate action HB 11-253, entitled, "to amend PL 10-68, Section 2 by removing certain expenditure restrictions from funds for compensating landowners for the taking of private lands; and for other purposes."

Hse Comm. No. 11-358: Transmitting for Senate action HB 11-314, entitled, "to amend PL 11-10-44, Section 7, which codified the regulations set forth in Commonwealth Register Volume 17, #1 page 5 et seq. by changing the duration of Regular Term Business Certificates from 90 days to 180 days, and doubling the fee associated therewith."

Hse Comm. No. 11-359: Transmitting for Senate action HB 11-412, entitled, "to correct technical deficiencies in PL 11-56, Article 2 and 3; and for other purposes."

Hse Comm. No. 11-360: Transmitting for Senate action HB 11-415, entitled, "to allow for a grace period of not to exceed ten (10) working days for driver's license renewal by amending 9 CMC Div., Chapter 2, §2209(a)."

Hse Comm. No. 11-361: Transmitting for Senate action HB 11-430, entitled, "to amend Title 1 CMC Section 8362 to add two new subsections (h) and (g) for the purpose of assuring that payment of vested retirement benefits will continue without interruption while providing flexibility to the Commonwealth Government in managing resources in a manner that will stimulate the Commonwealth economy and encourage rapid economic revitalization; and for other purposes."

Hse Comm. No. 11-362: Transmitting for Senate action HB 11-431, entitled, "to amend PL 11-75 with respect to the display of cigarettes in retail establishments; and for other purposes."

Hse. Comm. No. 11-363: Transmitting for Senate action HB 11-432, entitled, "to amend Title 1 section 8391 of the Commonwealth Code, and for other purposes."

Hse. Comm. No. 11-364: Transmitting for Senate action HB 11-433, entitled, "to authorize the appropriation of Eighty Thousand Dollars (\$80,000.00) in Fiscal Year 1999 for cross walk improvements; and for other purposes."

Hse. Comm. No. 11-365: Transmitting for Senate action HB 11-79, HD2, entitled, "to amend 3 CMC Section 4340(d) by adding new subsections (i) and (ii); and for other purposes."

Hse Comm. No. 11-366: Transmitting for Senate action HB 11-237, HD2, entitled, "to require any nonresident worker who transfers employment after the initial contract period to secure employment within 3 business days."

Hse. Comm. No. 11-367: Transmitting for Senate action HB 11-219, HD1, entitled, "to exempt employees of the Commonwealth of the Northern Mariana Islands who were hired before April 16, 1998 from the requirement that they have 10 years of contributing membership before receiving retirement benefits; and for other purposes."

Hse Comm. No. 11-368: Transmitting for Senate action HB 11-435, entitled, "to authorize the Commonwealth Development Authority to issue bonds on behalf of the Commonwealth in an amount up to six million U.S. Dollars and authorize interim bridge financing; to finance the cost for capital improvement projects; and for other purposes."

Hse. Comm. No. 11-369: Transmitting for Senate action HB 11-434, entitled, to amend Title 9 section 5807 of the commonwealth Code by adding a new section (g) allowing the Division of Fish and Wildlife to issue beach launching permits to subsistence fishermen, and for other purposes.

Hse. Comm. No. 11-370: Returning with amendments SB 11-141, entitled, "to impose certain conditions upon granting work release privileges to any person sentence to serve imprisonment of one year or more; and for other purposes. (NEEDS SENATE ACTION ON HOUSE AMENDMENTS)

F. WASHINGTON REPRESENTATIVE'S COMMUNICATIONS: None

G. STANDING COMMITTEE REPORTS: None

Standing Comm. Report No. 11-62: From the Committee on Executive Appointment and Governmental Investigation reporting on the Governor's appointment of Ms. Laura I. Manglona to serve as a member of the CUC Board of Directors. **[ADOPTED 9-0]**

H. SPECIAL/CONFERENCE COMMITTEE REPORTS: None

I. UNFINISHED BUSINESS: None

J. PREFILED BILLS AND RESOLUTIONS:

Sen. Res. No. 11-35: A Senate Resolution to convey the sincere condolences and sympathy of the Senate to the bereaved family of the late Honorable Felipe Agulto Salas on the occasion of his passing and to pay fond tribute to his memory. (SEN. JUAN P. TENORIO-6/15/99 *Presented to the family on 6/16/99*)

Sen. Res. No. 11-36: A Senate Resolution to commend and recognize IT&E Overseas, Inc.'s wonderful and unselfish display of generosity to the community of the commonwealth of the Northern Mariana Islands through their continued commitment to improving the livelihood of the CNMI's children with the donation of playground sets throughout the islands. (SEN. PETE P. REYES 6/21/99)

Sen. Bill No. 11-146: A Bill for an Act to amend Section 4 of Public Law 11-77 to expressly and correctly state the legislative intent that the cap imposed on scholarships granted pursuant to the Postsecondary Education Scholarship Act of 1990 is to apply only to individuals awarded the scholarship after the effective date of the Act; and for other purposes. (SEN. PAUL A. MANGLONA +1 6/30/99)

Sen. Bill No. 11-147: A Bill for an Act to amend the Medical Practice Act (3 CC § 2201 et seq.) to provide the licensing of foreign doctors; to promote the establishment of retirement communities in the Commonwealth; and for other purposes. (SEN. PAUL A. MANGLONA +1 6/30/99)

Sen. Bill No. 11-148: A Bill for an Act to exempt the CNMI Government from certain provisions of 3 CMC § 4437(c); and for other purposes. (SEN. PETE P. REYES +8 - 6/29/99)

K. INTRODUCTION OF BILLS AND RESOLUTIONS:

SB 11-149 (SEN. JUAN P. TENORIO)
SB 11-150 (SEN. JUAN P. TENORIO)

L. BILL CALENDAR:

First Reading

Second & Final Reading

SB 11-125 **[PASSED 9-0 AS SD1]**

SB 11-145 (Vehicle Operator's License)
[PASSED 9-0]

SB 11-13, SD1, HD1 (Tour Guide)
[See Hse. Comm. 11-297]
[PASSED 9-0]

SB 11-124 (Boards-2 yrs. Ret. Vested Service)
[PASSED 9-0]

SB 11-130 (Dog/Cat license)
[PASSED 9-0]

SB 11-132 (Facsimile Documents)
[PASSED 9-0]

SB 11-133 (Permitting Office in Tinian/Rota)
[PASSED 9-0]

SB 11-134 (Mandatory Medical Insurance)
[DEFERRED ACTION]

SB 11-137 (Fitness to adopt)
[PASSED 9-0]

SB 11-138 (HIV/AIDS-Sexual Endangerment)
[DEFERRED ACTION]

SB 11-139 (Violation of alien labor law)
[PASSED 9-0]

SB 11-142 (Supreme Court power over
admission to practice law)
[DEFERRED ACTION]

HB 11-235 (Fee for probation services)
[Hse. Comm. 11-304]
[PASSED 9-0]

(more on next page)

HB 11-247 (Employment limitation-nonres.)
[See Hse. Comm 11-305]
[PASSED 9-0]

ORDER OF BUSINESS
SECOND SPECIAL SESSION, 1999
JUNE 30, 1999

HB 11-279, HD1 (Reapprop. fund balances)
[See Hse. Comm 11-306]
[PASSED 9-0]

HB 11-313 (Secretary of Labor-definition)
[See Hse. Comm 11-307]
[PASSED 9-0]

HB 11-167 (Parks & Recreation Act)
[See Hse. Comm 11-313]
[PASSED 9-0]

HB 11-334 (Nurse Examiners Board members)
[See Hse. Comm 11-314]
[PASSED 9-0]

HB 11-401 (Homesteaders))
[See Hse. Comm 11-316]
[PASSED 9-0]

HB 11-431 (Display of cigaretttes)
[See Hse. Comm. 11-362]
[PASSED 9-0]

HB 11-432 (Retirement-Benefit consolid.)
[See Hse. Comm. 11-363]
[PASSED 9-0 AS SS1]

HB 11-409 **[PASSED 9-0 AS SD1]**

HB 11-219, HD1 **[PASSED 9-0 AS SD1]**

HB 11-435 **[PASSED 9-0 AS SD1]**

SB 11-146 **[PASSED 9-0]**

SB 11-147 **[PASSED 9-0]**

SB 11-148 **[PASSED 9-0]**

SB 11-149**[PASSED 9-0]**

SB 11-150 **[PASSED 9-0]**

SB 11-141, HD2 **[REJECT HD2 BY 9-0]**

Note: Upon rejection of SB 11-141, the President appointed the following Senate conferees: Sen. David M. Cing as chairman and Senators Thomas P. Villagomez and Edward U. Maratita as members.

M. RESOLUTION CALENDAR:

SR 11-35 (Late Felipe A. Salas)

SR 11-36 (IT&E)

SJR 11-13 (legal fees)

[ALL OF THE ABOVE RESOLUTIONS WERE ADOPTD BY VOICE VOTE]

N. PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS:

O. MISCELLANEOUS BUSINESS

P. ANNOUNCEMENT

ADJOURNMENT : 1:48 p.m. subject to the call of the chair.

APPEARANCE OF LOCAL BILLS

Third Legislative Day

Sen.. Local Bill No. 11-20: A Local Bill for an Act to require the confirmation of the Municipal Council for any appointment by the Mayor to any local board, commission or municipal treasurer; and for other purposes. (SEN. JOAQUIN ADRIANO INTRODUCED- 3/10/99
2ND DAY - 6/2/99)

Sen. Local Bill No. 11-21: A Local Bill for an Act to rename the beach currently known as the Leprosarium Beach on Tinian, the Tinian Beach.
(SEN. JOAQUIN ADRIANO - INTRODUCED - 3/10/99
2ND DAY - 6/2/99)