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FINAL
04/20/06

THE SENATE
FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIRST SPECIAL SESSION, 2006

SENATE CHAMBER, SAIPAN, MP 96950

SESSION DAY	CALENDAR DAY	TIME
1st Day	Thursday, April 20, 2006	9:40 A.M.

ORDER OF BUSINESS

A MOMENT OF SILENCE

A. ROLL CALL Eight (8) members are present 1 absent - excused

B. READING AND APPROVAL OF THE JOURNAL:

1. **SJ 15-07 ADOPTED**

C. MESSAGES FROM THE GOVERNOR:

1. **Gov. Msg. No. 15-117:** March 30, 2006 – Certification for vacant position of (1) Criminal Justice Planner II at the DPS.

2. **Gov. Msg. No. 15-118:** March 31, 2006 – Certification for vacant positions of Special Investigator, Governor's Chauffer, and Special Projects Coordinator at the DPS.

3. **Gov. Msg. No. 15-119:** March 31, 2006 – Certification for vacant position of Clerk Typist III at the DPS, Rota.

4. **Gov. Msg. No. 15-120:** March 31, 2006 – Certification for vacant position of Special Assistant to the Secretary at DLNR

5. **Gov. Msg. No. 15-121:** March 31, 2006 – Certification for vacant positions of Three (3) Assistant Attorney Generals within the Office of the Attorney General, Division of Immigration.

6. **Gov. Msg. No. 15-122:** March 31, 2006 – Certification for vacant position of Physician (OB/GYN) at the DPH.

7. **Gov. Msg. No. 15-123:** April 05, 2006 – Re-appointment of **Mr. John S. Del Rosario, Jr.** to the position of *Secretary of Public Lands*.

8. **Gov. Msg. No. 15-124:** April 05, 2006 – Certification for vacant positions of (1) one corrections Sergeant, (2) Two Corrections Officers I at the Dept. of Corrections.

9. **Gov. Msg. No. 15-125:** April 05, 2006 – Certification for vacant positions of Three (3) Staff Nurse I at the Dept. of Public Health.

10. **Gov. Msg. No. 15-126:** April 05, 2006 – Certification for vacant positions of One (1) Clinical Attendant II, One (1) Medical Records Technician I at the Dept. of Public Health.

11. **Gov. Msg. No. 15-127:** April 05, 2006 – Certification for vacant position of Special Assistant to the Secretary for Resource Development at the DLNR.

12. **Gov. Msg. No. 15-128:** April 05, 2006 – Certification for vacant position of Community Worker at the Office of the Governor.

13. **Gov. Msg. No. 15-129:** April 06, 2006 – Appointment of Ms. Maria "Malua" T. Peter, to serve on the NMC Board of Regents representing Women/Saipan.

14. **Gov. Msg. No. 15-130:** March 31, 2006 – Certification for annual salary increase for Irma L. Halaby, DDS at CHC.

15. **Gov. Msg. No. 15-131:** March 31, 2006 – Certification for annual salary in excess of $50,000 for Dr. Francis Xavier Hardiman at CHC.

16. **Gov. Msg. No. 15-132:** April 07, 2006 – Certification for annual salary in excess of $50,000 for Clinical Psychologist Dr. Kendall Elizabeth Gladding at CHC.

17. **Gov. Msg. No. 15-133:** April 10, 2006 – Certification for vacant position of Public Information Specialist II at DLNR, Division of Fish and Wildlife.

18. **Gov. Msg. No. 15-134:** April 11, 2006 – Certification for vacant positions of Vehicle Registration Technician, Driver's License Technician at DPS.

19. **Gov. Msg. No. 15-135:** April 11, 2006 – Certification for vacant position for a Federal Programs Coordinator at EMO Hazard Mitigation Program.

20. **Gov. Msg. No. 15-136:** April 10, 2006 – Informing the Legislature that **H.B. No. 15-27, HD1**, entitled, "To authorized the Northern Marianas College to establish the United States Registered Apprenticeship Training Program and to amend 3 CMC § 4424(c) (1)," becomes ***PUBLIC LAW NO. 15-5***.

21. **Gov. Msg. No. 15-137:** April 11, 2006 – Informing the Legislature that **H.B. No. 15-37, HS1**, entitled, "To declare Martin Luther King Day an official holiday in the CNMI; to combine Commonwealth Day and Covenant Day into "Commonwealth Covenant Day" and to rename Columbus Day as "Commonwealth Cultural Day," becomes ***PUBLIC LAW NO. 15-4***.

22. **Gov. Msg. No. 15-138:** April 17, 2006 – Appointment of Mr. Juan M. Ayuyu to the position of Secretary of the Dept. of Corrections.

D. COMMUNICATIONS FROM THE JUDICIARY:

1. **Jud. Comm. No. 15-01**: March 07, 2006 – Certification for vacant position for a Law Clerk in the Superior Court.

E. COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS:

1. **Dept. Msg. No. 15-08:** March 27, 2006 – Acknowledged receipt of SR 15-10, SD1, entitled, "To request the Honorable Mayor Juan B. Tudela to rename "Beach Road," Saipan to Chalan Bishop Camacho."

2. **Dept. Msg. No. 15-09:** March 31, 2006 – Acknowledged receipt of SJR 15-04, entitled, "Requesting the CPA to provide free parking for all Commonwealth Government employees stationed at the Saipan International Airport and Saipan Seaport and SJR 15-05, entitled, "To respectfully oppose the proposed to amend the applicable entry, immigration, adoption and other laws and regulations of the CNMI which would allow for the implementation of the proposed Safe Haven Program."

F. COMMUNICATIONS FROM THE SENATE:

1. **Sen. Comm. No. 15-02:** March 14, 2006 – From the PUTC Committee Chairman re: Financial overview of CUC on both local and federal funds.

2. **Sen. Comm. No. 15-03:** March 21, 2006 – From the Senate President re: PUTC Chairman on CUC financial overview on local and federal funds.

G. COMMUNICATIONS FROM THE HOUSE:

1. **Hse. Comm. No. 15-22:** March 17, 2006 – Transmitting a *certified* copy of **HCR No. 15-1**, entitled, "To respectfully express sincere and heartfelt recognition, congratulations, and commendation to a prominent community veteran and business leader Mr. David "Dave" Mangarero Sablan for being selected the 2005 Guam Business Executive of the Year, the 2005 Saipan Chamber of Commerce Businessperson of the Year, and the 2005 Rotary Citizen of the Year and for bringing honor and distinction to the people of he CNMI and the Territory of Guam in the Pacific Region."

2. **Hse. Comm. No. 15-23:** March 23, 2006 – Returning *without amendment* **S.J.R. No. 15-04**, entitled, "Requesting the Commonwealth Ports Authority to provide free parking for all Commonwealth Government employees stationed at the Saipan International Airport and Saipan Seaport."

3. **Hse. Comm. No. 15-24:** March 23, 2006 – Returning *without amendment* **S.J.R. No. 15-05**, entitled, "To respectfully oppose the proposal to amend the applicable entry, immigration, adoption and other laws and regulations of the Commonwealth of the Northern Mariana Islands which would allow for the implementation of the proposed Safe Haven Program."

4. **Hse. Comm. No. 15-25:** March 27, 2006 – Transmitting for *Senate action* **H.J.R. No. 15-2**, entitled, "Expressing support for the passage of S. 1954 ("Insular Possessions Act of 2005") introduced by Senator Larry E. Craig and Senator Daniel K. Akaka in the Senate of the 109th United States Congress, to amend the General Notes of the Harmonized Tariff Schedule of the United States to give products imported from United States insular possessions the same treatment as products imported from countries with which the United States has entered into a free trade agreement in order to make the apparel manufacturing in the Northern Marianas globally competitive."

5. **Hse. Comm. No. 15-26:** March 27, 2006 – Transmitting for *Senate action* **H.B. No. 15-22, HD1,** entitled, "To require the Scholarship Office and any other governmental agency issuing scholarships to provide scholarship recipient lists to governmental entities; and for other purposes."

6. **Hse. Comm. No. 15-27:** March 27, 2006 – Transmitting for *Senate action* **H.B. No. 15-51, HD4**, entitled, "To amend 4 CMC § 1708(b) to provide funding to support the Public School System's Seven Year CIP Plan 2005-2012 and NMC's CIP Plan 2006-2013; and for other purposes."

7. **Hse. Comm. No. 15-28:** March 27, 2006 – Transmitting for *Senate action* **H.B. No. 15-60, HS1**, entitled, "To establish a special account to ensure that adequate funding is readily available for the operational, inter-island travel, and training expenses of the Inspection and Investigation Section of the Fire Division; and for other purposes."

8. **Hse. Comm. No. 15-29:** March 27, 2006 – Transmitting for *Senate action* **H.B. No. 15-61**, entitled, "To amend 1 CMC § 1617, created Section 3 of Public Law No. 12-43, to give the Speaker of the Youth Congress the authority to appoint individual members of the Youth Congress to serve as non-voting honorary members of each Commonwealth Board and Commission; and for other purposes."

9. **Hse. Comm. No. 15-30:** March 28, 2006 – Transmitting for *Senate action* **H.L.I. No. 15-1,** entitled, "To amend Article XV, Section 2 (a) of the Constitution of the Northern Mariana Islands."

10. **Hse. Comm. No. 15-31:** March 28, 2006 – Transmitting for *Senate action* **H.B. No. 15-34, HS1, HD1**, entitled, "To prohibit the importation of used tires and sale of imported used tires in the Commonwealth."

11. **Hse. Comm. No. 15-32:** March 28, 2006 – Transmitting for *Senate action* **H.B. No. 15-35, HS1**, entitled, "To amend the enforcement and penalties of alcoholic beverage control violations."

12. **Hse. Comm. No. 15-33:** March 28, 2006 – Transmitting for *Senate action* **H.B. No. 15-36, HS1, HD1**, entitled, "To provide for the regulation of automated teller machines by adding a new Chapter 11 to Division 6, Title 4 of the Commonwealth Code."

13. **Hse. Comm. No. 15-34:** March 28, 2006 – Transmitting for *Senate action* **H.B. No. 15-64, HS1, HD3**, entitled, "To authorize the Commonwealth Development Authority (CDA) to write off the principal sum and interest due to it, from loans extended to the Commonwealth Utilities Corporation referenced in the amended Memorandum of Agreement between CUC and CDA executed on January 13, 2004 and January 17, 2004, by each respective public corporation; and for other purposes."

14. **Hse. Comm. No. 15-35:** March 28, 2006 – Transmitting for *Senate action* **H.B. No. 15-76, HD1**, entitled, "To amend Title 4, Division 5, Chapter 5, by adding a new Article 6 to ensure that alcoholic beverages bottled or imported for sale in the Commonwealth contain health warnings on their containers in compliance with federal laws and regulations and to ensure that the Commonwealth Department of Commerce, Division of Alcohol Beverage and Tobacco Control has the power to enforce the requirement for such labeling; and for other purposes."

15. **Hse. Comm. No. 15-36:** March 28, 2006 – Transmitting for *Senate action* **H.B. No. 15-86**, entitled, "To amend 1 CMC § 2281 by amending subsection (c) and adding a new subsection (d)." (Expenditure authority for PSS CIP projects)

16. **Hse. Comm. No. 15-37:** March 28, 2006 – Transmitting for *Senate action* **H.B. No. 15-95, HD3**, entitled, "To appropriate $50,500 from the First Senatorial District Solid Waste Management Fund."

17. **Hse. Comm. No. 15-38:** March 30, 2006 – Transmitting a *certified copy* of H.R. No. 15-31, entitled, "In support of the building of a curatorial, exhibit preparation and storage facility on the NMI Museum of History and Culture grounds."

18. **Hse. Comm. No. 15-39:** March 30, 2006 – Transmitting a *certified copy* of H.R. No. 15-32, HD1, entitled, "Recognizing the existence of PL 13-29 to create a Northern Mariana Islands Film Office within the MVA and acknowledging the need to fill the ever continuing vacant Film Office Manager's position and recommending MVA hires for a Film Office Manager Position."

19. **Hse. Comm. No. 15-40:** March 30, 2006 – Transmitting a *certified copy* of H.R. No. 15-35, entitled, "Requesting that the CNMI Office of the Governor and the CNMII Office of the Attorney General review and take appropriate actions in the matter of leases between the CPA and Mobil Oil Mariana Islands and Shell Marianas."

20. **Hse. Comm. No. 15-41:** March 30, 2006 – Transmitting a *certified copy* of H.R. No. 15-36, entitled, "To request the DPL to designate a parcel of public land to the Marianas Auto-motor Sports Association for the construction of a drag racing facility."

21. **Hse. Comm. No. 15-42:** March 30, 2006 – Transmitting a *certified copy* of H.R. No. 15-37, entitled, "To request the Dept. of Finance explore the feasibility and costs involved with installing a central computer system linked to all business establishments for the purpose of monitoring business gross receipts and ensuring the full payment of Business Gross Receipt Taxes."

22. **Hse. Comm. No. 15-43:** March 31, 206 – Transmitting a certified copy of H.C.R. No. 15-2, entitled, "To express a sincere and heartfelt recognition, congratulation, and commendation to Saipan Southern High School Mock Trial Competition Team, Teacher and Attorney Coaches for capturing the 2006 (8th Annual CNMI High School Mock Trial Competition championship title held at the Judicial Complex on Saturday, March 11, 2006."

23. **Hse. Comm. No. 15-44:** March 31, 2006 – Transmitting a certified copy of H.R. No. 15-42, entitled, "To support the Local Farmers and Fishermen's petition asking Governor Benigno R. Fitial and Department of Lands and Natural Resources Secretary Dr. Ignacio Dela Cruz to reconsider their decision to cancel the public market and the proposed children's park project at the fishing base in Garapan."

24. **Hse. Comm. No. 15-45: Hse. Comm. No. 15-45:** April 04, 2006 – Transmitting a *certified* copy of H.R. No. 15-44, entitled, "Requesting that the CNMI Office of the Governor and the CNMI Office of the Attorney General review and take appropriate actions in the matter of the Grant of Easement to Lay and Operate Pipeline Agreement between the Commonwealth Ports Authority and Mobil Oil Mariana Islands, Inc."

RECESS: 9:43 A.M. ***RETURNED: 9:45 A.M.***

H. COMMUNICATIONS FROM THE WASHINGTON REPRESENTATIVE: (None)

I. UNFINISHED BUSINESS: (None)

J. INTRODUCTION OF BILLS, INITIATIVES, LOCAL BILL& RESOLUTIONS:

COMMITTEE OF THE WHOLE: 9:46 A.M. RETURNED: 10:25

BILLS:

1. **Senate Bill No. 15-40:** To reduce by 10 percent all government salaries except those protected under the Constitution. **(SEN. FELIX T. MENDIOLA – 03/30/06)**

2. **Senate Bill No. 15-41:** To repeal the Public Employee Legal Defense and Indemnification Act, 7 CMC §§ 2301–2307 (Public Law 5-12, as amended by Public Law 9-68), and to amend the Government Liability Act to provide for dismissal and/or representation of Commonwealth employees in court actions; to clarify the extent of government tort liability; and for other purposes. **(SEN. MARIA FRICA T. PANGELINAN – 04/04/06)**

3. **Senate Bill No. 15-42:** To prohibit the legislature from addressing other matters until it has passed a balanced budget. **(SEN. MARIA FRICA T. PANGELINAN – 04/05/06)**

4. **Senate Bill No. 15-43:** To amend the Medical Practice Act (3 CMC § 2201 ET SEQ.) to provide for the licensing of foreign doctors; to promote the establishment of retirement communities in the Commonwealth. **(SEN. PAUL A. MANGLONA – 04/11/06)**

INITIATIVES:

1. **Senate Legislative Initiative No. 15-06:** To amend Article II, Section 6 of the NMI Constitution to vest Municipal Councils with law-making authority.

RESOLUTIONS:

1. **Senate Resolution No. 15-12:** Endorsing and supporting the petitions of the local farmers and fishermen on their rightful assignment to the Garapan fishing base as the venue for the Saipan Public Market and to encourage and persuade Governor Benigno R. Fitial and Department of Lands and Natural Resources Secretary Dr. Ignacio Dela Cruz to reassess their intention of relocating said venue in the interest of the petitioners and the people of Saipan. **(SEN. LUIS P. CRISOSTIMO – 04/04/06)**
2. **Senate Resolution No. 15-13:** Recognizing and Commending Representative Stanley T. McGinnis Torres for seeking judicial interpretation of the legality of the Governor's State of Disaster Emergency for the Commonwealth Utilities Corporation as it affects the CNMI Government's separation of powers and CNMI Constitution and Statutory Laws. **(SEN. LUIS P. CRISOSTIMO – 04/04/06)**

3. **Senate Resolution No. 15-14:** Supporting and endorsing the joint venture of J.G. Sablan Rock Quarry Inc. and Bridgecreek International Corporation on the Pagan Mining Project and ask Governor Benigno R. Fitial to accelerate its processing for the benefit of the people of the CNMI in its present financial turmoil. **(SEN. LUIS P. CRISOSTIMO – 04/10/06)**

4. **Senate Joint Resolution No. 15-06:** To respectfully request that the NMC continue the nursing programs currently offered and emphasize the nursing department when allocating resources to enhance and develop the department and the programs offered thereby for the participation of local residents. **(SEN. JOSEPH M. MENDIOLA – 04/04/06)**

SENATE LOCAL BILL:

1. **SENATE LOCAL BILL NO. 15-01:** To designate the Tinian Mayor's Office administrative authority over the Tinian San Jose Village Cemetary. **(SEN. JUDE U. HOFSCHNEIDER – 04/10/06)**

RECESS: 10:30 A.M. RETURNED: 10:35 A.M.

K. REPORTS OF STANDING COMMITTEES:

1. **Standing Committee Report No. 15-36:** April 13, 2006 – From the **Committee on Resources, Economic Development and Programs** reporting on *S.B. No. 15-18*, entitled, "To authorize the Marianas Public Land Trust to make available $10,000,000.00 for the Marianas Public Lands Authority's use in the establishment of programs to provide for home loans to homesteaders."

2. **Standing Committee Report No. 15-37:** April 17, 2006 – From the **Committee on Resources, Economic Development and Programs** reporting on *S.B. No. 15-20*, entitled, "To amend 3 CMC § 4303 and § 4331 to lower the amount of required investment for foreign retiree investment certificate and to extend the duration of entry permits for non-resident senior citizens," and *S.B. No. 15-21*, entitled, "To amend PL 11-60, which created a new category for non-immigrant alien retirees, to make clarifications in the law with regard to dependents of retirees."

3. **Standing Committee Report No. 15-38:** April 19, 2006 – From the **Committee on Judiciary, Government and Law** reporting on **S.B. No. 15-31**, entitled, "To amend the Commonwealth Entry and Deportation Act in the Commonwealth Code; to regulate the provision of services offered to consumers wishing to change their residency, immigration or naturalizations status."

4. **Standing Committee Report No. 15-39:** April 19, 2006 – From the **Committee on Judiciary, Government and Law** reporting on **S.B. No. 15-32**, entitled, "To amend the Commonwealth Code to provide a definition and punishment for the unauthorized practice of law."

5. **Standing Committee Report No. 15-40:** April 20, 2006 – From the **Committee on Executive Appointments and Government Investigations** reporting on the nomination of **Mr. John S. Del Rosario, Jr.** to serve as the *Secretary of the Department of Public Lands.* ***(ADOPTED & CONFIRMED)***

RECESS: 10:31 A.M. RETURNED: 10:45 A.M. TO CONTINUE WITH SESSION ON 04/21/06 AT 2:00 P.M. (RECESS)

L. SPECIAL/CONFERENCE COMMITTEE REPORTS: (None)

M. RESOLUTION CALENDAR:

1. **Sen. Joint Resolution No. 15-06:** To respectfully request that the NMC continue the nursing programs currently offered and emphasize the nursing department when allocating resources to enhance and develop the department and the programs offered thereby for the participation of local residents. **(SEN. JOSEPH M. MENDIOLA – 04/04/06)**

N. BILL CALENDAR:

First Reading

LEG. NO.	TITLE
SB 15-42	**To prohibit the legislature from addressing other matters until it has passed a balanced budget**

Final Reading

LEG. NO.	TITLE
SB 15-20, SS1 **(see SCR 15-37)**	**To amend 3 CMC §§ 4303 and 4331, Sections 3, 4, and 5 of PL 11-60 and enact new provisions to reduce the minimum investment of required of foreign retirees**
SB 15-31, CD1 **(see SCR 15-38)**	**To amend the Commonwealth Entry and Deportation Act in the Commonwealth Code; to regulate the provision of services offered to consumers wishing to change their residency, immigration or naturalizations status**
SB 15-32, CD1 **(see SCR 15-39)**	**To amend the Commonwealth Code to provide a definition and punishment for the unauthorized practice of law**

HB 15-29 **(Hse. Comm 15-13)**	**To repeal and reenact Section 2(B) of PL 14-31 (Legislative Delegation appropriation authority)**
HB 15-88, HD1 **(Hse. Comm 15-16)**	**To reappropriate the sum of $259,712.00 from subsection (c) (6) of Section 4 of PL 11-89 (Garapan & Oleai Elementary Schools building renovation)**
HB 15-29 **(Hse. Comm 15-13)**	**To repeal and reenact Section 2(B) of PL 14-31 (Legislative Delegation appropriation authority)**
HB 15-88, HD1 **(Hse. Comm 15-16)**	**To reappropriate the sum of $259,712.00 from subsection (c) (6) of Section 4 of PL 11-89 (Garapan & Oleai Elementary Schools building renovation)**

O. PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS:

(None)

P. ANNOUNCEMENT: (None)

Q. ADJOURNMENT: RECESS: 10:45 A.M.

APPEARANCE OF SENATE LOCAL BILLS

LEG. NO.	TITLE
SLB 15-01	To designate the Tinian Mayor's Office administrative authority over the Tinian San Jose Village Cemetary

INFORMATION PURPOSES ONLY
APEARANCES OF HOUSE LOCAL BILLS

LEG. NO.	TITLE
	NONE