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**THE SENATE
TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SECOND DAY, FIRST REGULAR SESSION, 2000**

Second Day

Thursday, February 3, 2000

The Senate of the Twelfth Northern Marianas Commonwealth Legislature Second Day, First Regular Session, 2000 was called to order at 10:00 a.m. in the Tinian Courthouse, Tinian, Commonwealth of the Northern Mariana Islands.

(Singing of the Commonwealth Anthem by J. San Nicolas)

President Manglona: Si Yu'us ma'ase, Mr. San Nicolas. Please let me take this opportunity to welcome everyone this morning. We are very fortunate to have with us his Excellency Bishop Tomas Camacho, Pastor Ellis, Chief Justice Castro, Lt. Governor Sablan, Washington Representative Babauta, Speaker Fitial, and members of the Twelfth House of Representatives. I understand also that Mayor Borja is here as well as Chairperson Mendiola of the Tinian Municipal Council, Chairman Joe Rosario of the Rota Municipal Council, and the members of the Rota, Tinian and Saipan Municipal Councils. Also, the members of the Board of Directors of CDA and the Resident Directors of all our Departments are here. Para todo i taotao Tinian yan espesiatmente i familian I Honorable na ga'chong mame as Joe Dela Cruz yan i man atungo'-ña siha, buenas dias. This is our Second Day, First Regular Session. I now call the session to order. Senate Clerk, please call the roll.

The Senate Clerk called the roll and eight (8) members were present, Vice President Villagomez was excused.

President Manglona: We have the necessary quorum to conduct today's session. Before we begin, please let us all rise for a moment of prayer and invocation by His Excellency Bishop Tomas Camacho.

INVOCATION

Bishop Tomas Camacho: Gi na'an i Tata yan i Lahiña yan I Espiritu Santo, Amen. Almighty and eternal God, you have revealed your glory to all nations. God of power and might, wisdom and Justice, through you, authority is rightly administered and laws are enacted and judgement is decreed. Let the light of your divine wisdom direct the deliberation of the Honorable Senator-elect Jose Dela Cruz, who today joins the Senate of the Commonwealth of the Northern Mariana Islands, and shine forward in all the proceedings and laws framed for our rules and government. May he seek to preserve peace, promote happiness for the people of the islands and continue to bring us the blessing of liberty and equality. We, likewise, commended that to your unbounded mercy that all citizens of the United States and all those who make the Commonwealth their home that we may be blessed in the knowledge and sanctified in the observance of your Holy law. May we be preserved in union and that peace which the world cannot give and after enjoying the blessing of this life be admitted to those which are eternal. We pray to you who are Lord and God, forever and ever. Gi na'an i Tata yan i Lahiña yan Espiritu Santo. Amen.

CREDENTIALS COMMITTEE

President Manglona: Our first action this morning is to appoint a Credentials Committee to look over the credentials of our newly-elected Senator, Jose Dela Cruz. I appoint Senator Edward Maratita as Chairman of the Credentials Committee and Senator Adriano and Senator Ray Guerrero as members. At this point, I call for a very short recess so that the Committee can get together. Short recess.

The Senate recessed at 10:21a.m.

RECESS

The Senate reconvened at 10:40 a.m.

President Manglona: We are back to our regular session after a brief recess in order for the Credentials Committee to evaluate the credentials of our newly-elected Senator. I recognize the Chairman of the Credentials Committee, Senator Edward Maratita.

Senator Maratita: Thank you, Mr. President. Your Credentials Committee begs leave to report as follows: The Committee reviewed the credentials of member-elect Jose M. Dela Cruz, including a copy of his Certificate of Election, and found that he is in technical compliance with the law and entitled to be seated. Specifically, he was duly elected and has met the requirements of Section 2(c) and (d) of Article II of the Commonwealth Constitution. In addition, he has filed the Statement of Financial Interests required by 1 CMC 8511(c)(1). In conclusion, Mr. President, the Committee had found member-elect Jose M. Dela Cruz to have been duly elected and qualified. We recommend that Senator-elect Jose M. Dela Cruz be sworn in as a member of the Senate. Respectfully submitted, Edward U. Maratita, Chairman; Joaquin G. Adriano, member; and Senator Ramon S. Guerrero, member. Thank you, Mr. President.

President Manglona: Thank you, Chairman Maratita. Can I hear a motion for its adoption?

Floor Leader Reyes moved for the adoption of the Credentials Committee Report and several members seconded.

President Manglona: Is there any discussion?

Several members voiced "ready".

The motion to adopt the Credentials Committee Report carried by voice vote.

President Manglona: The Committee Report is hereby adopted. Can I hear a motion to resolve into the Committee of the Whole.

Floor Leader Reyes moved to resolve into a Committee of the Whole. Several members seconded and the motion carried by voice vote.

President Manglona: The Senate now resolves into the Committee of the Whole for the swearing-in of Senator-elect Dela Cruz.

The Senate resolved into a Committee of the Whole at 10:45 a.m.

COMMITTEE OF THE WHOLE

The Oath of Office was administered as follows by Judge Alex Castro.

I Jose M. Dela Cruz do solemnly swear that I will support and defend the Constitution and laws of the Commonwealth of the Northern Mariana Islands, the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the applicable provisions of the constitution, laws and treaties of the United States of America, and that I will faithfully discharge my duties as a Senator of the Commonwealth Legislature to the best of my ability, so help me God".

(Applause)

President Manglona: We will have a five minutes recess after we dissolve the Committee of the Whole. After that, we'll reconvene for about fifteen minutes and then we will have lunch. At this point, can I hear a motion to go back to our regular session? Floor Leader.

Floor Leader Reyes moved to dissolve the Committee of the Whole. Several members seconded and the motion carried by voice vote.

The Senate returned to its plenary session at 10:50 a.m.

President Manglona: We're back to our regular session.

Floor Leader Reyes: Mr. President, I move for a five minutes recess so we can congratulate our new member.

The President declared the Senate in recess at 10:49 a.m.

RECESS

The Senate reconvened at 11:00 a.m.

President Manglona: We're back to our plenary session. Thank you all for your patience.

READING AND APPROVAL OF THE JOURNAL

1st Day, First Regular Session (1/10/00) – (Organizational meeting)

Floor Leader Reyes moved for the adoption of the First Day, First Regular Session, Organizational Meeting Journal, and several members seconded.

President Manglona: Is there any discussion?

Floor Leader Reyes: Mr. President, I would like to request that the members be allowed to make corrections on the Journal. Those areas recorded in the Journal that need to be corrected.

President Manglona: I believe that will be, basically, on the speeches because that's about the only thing we did in the inaugural session. Is there any further discussion?

There being no further discussion, the motion to adopt the journal of the First Day, First Regular Session, carried by voice vote.

President Manglona: The Journal of the First Day, First Regular Session, is hereby adopted.

MESSAGES FROM THE GOVERNOR

Gov. Mesg. No. 12-01: January 7, 2000 – Transmitting to the Legislature the Commonwealth's preliminary General Fund Fiscal Year 1999 financial reports.

Gov. Mesg. No. 12-02: January 11, 2000 – Informing the Legislature that he had signed into law HB 11-484, SD1, entitled, "To reappropriate funds from PL 11-78; and for other purposes." (PL 11-111 - 01/11/00)

Gov. Mesg. No. 12-03: January 13, 2000 – PL 11-6 Exemption for Hafa Adai Hotel.

Gov. Mesg. No. 12-04: January 14, 2000 – PL 11-6 Exemption for Pacific Medical Center.

Gov. Mesg. No. 12-05: January 14, 2000 – PL 11-6 Exemption for Angyuta Shipping Company, Ltd.

Gov. Mesg. No. 12-06: January 14, 2000 – PL 11-6 Exemption for Eskuelan San Francisco De Borja.

Gov. Mesg. No. 12-07: January 14, 2000 – PL 11-6 Exemption for Pacific Gardenia Hotel.

Gov. Mesg. No. 12-08: January 14, 2000 – Certification/Justification for vacant positions for the following offices: Public Health, 1; Commerce, 1; Finance, 1; Attorney General, 2; C&CA, 7; Governor (DEQ & DDC), 2; and Labor & Immigration, 3.

Gov. Mesg. No. 12-09: January 18, 2000 – Informing the Legislature that he had signed into law HB 11-492, entitled, “To prohibit cyanide fishing in the waters of the Commonwealth; and for other purposes.” (PL 11-112 – 1/18/00)

Gov. Mesg. No. 12-10: January 18, 2000 – Informing the Legislature that he had signed into law HB 11-498, entitled, “To amend PL 11-75, Section 12(c); and for other purposes.” (PL 11-113 – 1/18/00)

Gov. Mesg. No. 12-11: January 18, 2000 – Informing the Legislature that he had signed into law HB 11-359, entitled, “To amend 1 CMC §8404, to provide for the automatic expiration and repeal of PL 8-30; and for other purposes.” (PL 11-114 – 1/18/00)

Gov. Mesg. No. 12-12: January 18, 2000 – Informing the Legislature that he had disapproved HB 11-355, HD1, SS1, entitled, “To amend Section 5326 of Title 2 of the Commonwealth Code, to modify quarantine requirements for animals who have been properly vaccinated; and for other purposes.” (DISAPPROVED ON 1/18/00)

Gov. Mesg. No. 12-13: January 18, 2000 – Informing the Legislature that he had disapproved HB 11-472, entitled, “To establish an employment referral program for returning CNMI college or technical/vocational graduates; and for other purposes.” (DISAPPROVED ON 1/18/00)

Gov. Mesg. No. 12-14: January 18, 2000 – Informing the Legislature that he had disapproved HB 11-478, entitled, “To amend 4 CMC 5611, by adding a new section (i); and for other purposes.” (DISAPPROVED ON 1/18/00)

Gov. Mesg. No. 12-15: January 18, 2000 – PL 11-6 Exemption for Saipan TV Productions, Inc.

Gov. Mesg. No. 12-16: January 18, 2000 – PL 11-6 Exemption for Micronesia Health Corporation, Island Medical Center.

Gov. Mesg. No. 12-17: January 19, 2000 – PL 11-6 Exemption for Younis Art Studio, Inc.

Gov. Mesg. No. 12-18: January 19, 2000 – PL 11-6 Exemption for SG Corporation dba Elite Printing.

Gov. Mesg. No. 12-19: January 19, 2000 – Informing the Legislature that he had signed into law HB 11-494, entitled, “To repeal and re-enact 6 CMC §4204 setting the compensation for members of the Board of Parole; and for other purposes.” (PL 11-15 – 01/09/00)

Gov. Mesg. No. 12-20: January 20, 1999 – PL 11-6 Exemption for Midland Insurance Underwriters.

Gov. Mesg. No. 12-21: January 20, 2000 – Certification of vacant positions that must be filled during the period of continuing resolution: Ten staff nurses in the Department of Public Health.

Gov. Mesg. No. 12-22: January 21, 2000 – PL 11-6 Exemption for Northern Marianas College.

Gov. Mesg. No. 12-23: January 24, 2000 – Informing the Legislature that he had signed into law HB 11-495, entitled, “To appropriate \$600,000 from 4 CMC §1503(e) to complete the construction of the Department of Public Health’s Division of Mental Health Transitional Living Arrangement Facility; and for other purposes.” (PL 11-116 – 01/24/00)

Gov. Mesg. No. 12-24: January 25, 2000 – Informing the Legislature that he had signed into law HB 11-512, entitled, “To establish a new public cemetery on Saipan; to establish administrative guidelines affecting public

cemeteries; to repeal Chapter 6 of Division 2, Title 3 of the Commonwealth Code relating to cemeteries; and for other purposes." (PL 11-117 – 01/25/00)

Gov. Mesg. No. 12-25: January 25, 2000 – Informing the Legislature that he had signed into law SB 11-53, entitled, "To amend 1 CMC §6201 to clarify that time on parole is included as time serving a sentence for a felony in the context of qualification to vote; and for other purposes." (PL 11-118 – 01/25/00)

Gov. Mesg. No. 12-26: January 25, 2000 – Informing the Legislature that he had signed into law HB 11-496, HD4, entitled, "To appropriate the funds generated by the Commonwealth Development Authority under a bond anticipation note authorized under Public Law 11-102 to finance the cost for capital improvement projects; and for other purposes." (PL 11-119 – 01/25/00)

Gov. Mesg. No. 12-27: January 25, 2000 – Informing the Legislature that he had signed into law HB 11-497, HS1, entitled, "To reappropriate fund balances from PL 9-1; and for other purposes." (PL 11-120 – 01/25/00)

Gov. Mesg. No. 12-28: January 25, 2000 – Informing the Legislature that he had signed into law HLB 11-27, D2, entitled, "To appropriate \$260,619 from the Developer Infrastructure Tax for road projects; and for other purposes. (SLL 11-7 – 01/25/00)

Gov. Mesg. No. 12-29: January 25, 2000 – Certification of vacant positions that must be filled during the period of continuing resolution: C&CA, 2; DPW, 1; and DPH, 1.

Gov. Mesg. No. 12-30: January 25, 2000 – PL 11-6 Exemption for Saipan Seventh Day Adventist School.

Gov. Mesg. No. 12-31: January 25, 2000 – PL 11-6 Exemption for Younis Art Studio, Inc.

Gov. Mesg. No. 12-32: January 26, 2000 – PL 11-6 Exemption for Tropical Laundry and Linen Supply Co., Ltd.

Gov. Mesg. No. 12-33: January 27, 2000 – Certification for vacant position that must be filled during the period of continuing resolution: Public Health, 2.

COMMUNICATIONS FROM THE JUDICIARY

None

COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS

None

HOUSE COMMUNICATIONS

None

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

None

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Sen. Bill No. 12-1: to amend 2 CMC 4302(a)(2) and 4308 to create a waiver of the homestead residential dwelling construction requirement for periods when public utilities are not available; to amend 2 CMC §4303(c) to permit otherwise qualified off-island students, armed forces members and their accompanying spouses to acquire rights to a homestead; and for other purposes. (SEN. PETE P. REYES – 01/12/00)

Sen. Bill No. 12-2: A Bill for an Act to amend 3 CMC §4322(d) to permanently ban a deported alien from reentry into the Commonwealth; and for other purposes. (SEN. PETE P. REYES – 01/12/00)

Sen. Bill No. 12-3: A Bill for an Act to amend 1 CMC §7402(d) by adding thereto a new paragraph (1) clarifying that the Legislature may authorize reprogramming without a prior particularized request from the Governor; and for other purposes. (SEN. PETE P. REYES – 01/12/00)

Sen. Bill No. 12-4: A Bill for an Act to adopt the Uniform Comparative Fault Act; and for other purposes. (SEN. PETE P. REYES – 01/12/00)

Sen. Bill No. 12-5: A Bill for an Act to amend subsections 6(a) and 6(f) of Public Law No. 11-15 (The Marianas Visitors Authority act of 1998); to add a new subsection 6(a)(3) thereunder; and for other purposes. (SEN. PETE P. REYES – 01/12/00)

Sen. Bill No. 12-6: A Bill for an Act to establish and create an Administrative Office of the Courts; and for other purposes. (SEN. PETE P. REYES – 01/12/00)

Sen. Bill No. 12-7: A Bill for an Act to forgive educational financial assistance liability of returning college students who cannot find employment with the Commonwealth due to budgetary limitations; and for other purposes. (SEN. PETE P. REYES – 01/12/00)

Sen. Bill No. 12-8: A Bill for an Act to give members of the judiciary the right to waive their salary and instead receive their retirement benefits; and for other purposes. (SEN. PETE P. REYES – 01/12/00)

Sen. Bill No. 12-9: A Bill for an Act to amend Title 4, Division 1, Chapter 4 to add a new §1426 to allow denial of a certificate of origin for any garment factory found in violation of the Non-Resident Workers Act or Commonwealth Minimum Wage Act; and for other purposes. (SEN. PETE P. REYES – 01/12/00)

Sen. Bill No. 12-10: A Bill for an Act to prohibit the future employment of nonresident workers under manpower services contracts; to provide for the phase out of current manpower services contracts; to amend 3 CMC § 4437(e); and for other purposes. (SEN. PETE P. REYES – 01/12/00)

Sen. Bill No. 12-11: A Bill for an Act to establish provisions with respect to religious accommodation in employment, and for other purposes. (SEN. PETE P. REYES – 01/12/00)

Sen. Bill No. 12-12: A Bill for an Act to reclassify all division level directors as civil service employees; and for other purposes. (SEN. PETE P. REYES – 01/12/00)

Sen. Bill No. 12-13: A Bill for an Act to amend those provisions of PL 10-44 pertaining to the requirement that a non-immigrant alien investor seeking a long term business certificate or foreign investment certificate may, subject to the approval of the Department of Commerce, post alternative forms of security other than a cash deposit; and for other purposes. (SEN. PETE P. REYES – 01/12/00)

Sen. Bill No. 12-14: A Bill for an Act to shorten the period for initial registration under the limited immunity granted to illegal aliens under Public law 11-33; and for other purposes. (SEN. PETE P. REYES – 01/12/00)

Sen. Bill No. 12-15: A Bill for an Act to improve the retirement benefits and the conditions for retirement for Class I members of the CNMI Retirement Fund by amending certain provisions of the retirement law; and for other purposes. (SEN. RAMON S. GUERRERO – 01/12/00)

Sen. Bill No. 12-16: A Bill for an Act to repeal and reenact the Election Act of the Commonwealth of the Northern Mariana Islands (1 CMC, Division 6, Chapter 1 through 5) and for other purposes. (SEN. RAMON S. GUERRERO – 01/19/00)

Sen. Bill No. 12-17: A Bill for an Act to re-name the Commonwealth Health Center to Dr. Carlos S. Camacho Medical Center; and for other purposes. (SEN. RAMON S. GUERRERO – 01/20/00)

Sen. Bill No. 12-18: To repeal and re-enact 1 CMC, Div. 1, Chapter 4; and for other purposes. (SEN. JOAQUIN G. ADRIANO – 1/26/00)

Sen. Bill No. 12-19: To state as public policy that construction of an 80 megawatt power plant facility by phases, beginning with immediate installation of 60 megawatts of generating capacity, is in the best interest of the Commonwealth; to find and declare that phased construction of 80 megawatts of generating capacity is consistent with the Request for Proposals (RFP) under which proposers recently competed for a contract for a new power plant on Saipan; to provide a time period during which proposers may stand by their existing proposals for purposes of project award; to expressly authorize project award and negotiation of a contract based on existing proposals; and for other purposes. (SEN. PETE P. REYES 1/28/00)

Sen. Leg. Initiative No. 12-1: A Senate Legislative Initiative amending the CNMI Constitution, Article III, Section 11, to clarify the appointment process for the attorney general and to provide for a more effective attorney general. (SEN. RAMON S. GUERRERO – 01/26/00)

INTRODUCTION OF BILLS AND RESOLUTIONS

Sen. Bill No. 12-20: A Bill for an Act to Amend Public Law 11-84; and for other purposes. (SEN. PETE P. REYES)

Sen. Bill No. 12-21: A Bill for an Act to re-name the Northern Marianas College; and for other purposes. (SEN. RAMON S. GUERRERO)

Sen. Bill No. 12-22: A Bill for an Act to make technical amendments in Sections 1, 2, and 3, of P.L. 10-88, and for other purposes. (SEN. EDWARD U. MARATITA)

Sen. Bill No. 12-23: A Bill for an Act to provide for replacement of the nonresident workers hiring moratorium imposed by Public Law 11-6 with a system of regulating the total number of alien workers in the Commonwealth; to make technical corrections and improvements in the moratorium; and for other purposes. (SEN. EDWARD U. MARATITA)

Sen. Bill No. 12-24: A Bill for an Act to Amend 1 CMC § 2152, concerning qualifications of the Attorney General, to conform with Article III, Section 11 of the Commonwealth Constitution; and for other purposes. (SEN. EDWARD U. MARATITA)

Sen. Bill No. 12-25: A Bill for an Act to require the Commonwealth Development Authority to offer a fixed interest rate to new business dedicated to Eco-tourism; and for other purposes. (RICARDO S. ATALIG)

Sen. Bill No. 12-26: A Bill for an Act to reserved areas of public lands on the island of Rota that are suitable for village homesteads, specifically the Dugi, Finafa, Chudang, and Ginalangan area; and for other purposes. (RICARDO S. ATALIG)

Sen. Bill No. 12-27: A Bill for an Act to establish uniform guidelines for fifteen year lease extensions of public lands; and for other purposes. (RICARDO S. ATALIG)

Sen. Bill No. 12-28: A Bill for an Act to Amend 1 CMC § 8401 by adding a subsection (c) to allow members with 30 years or more of vesting service credit with the Retirement find 120 day period to receive an early retirement bonus of 30 percent; and for other purposes. (RICARDO S. ATALIG)

Sen. Bill No. 12-29: A Bill for an Act to preserve and designate Lot NO. 683 R 01 at as Nieves on the island of Rota for cultural center; and for other purposes. (RICARDO S. ATALIG)

Senate Bill No. 12-30: A Bill for an Act to Amend Section 2 (c) of PL 11-75; and for other purposes. (RICARDO S. ATALIG)

Sen. Bill No. 12-31: A Bill for an Act to promote equal access to salvage sites in the commonwealth by eliminating the possibility of one contractor having exclusive rights to more than one survey/salvage site, to promote greater local participation in survey/salvage operations, and for other purposes. (RICARDO S. ATALIG)

Sen. Bill No. 12-32: A Bill for an Act to establish Superior Court judge positions for Tinian and Rota; and for other purposes. (RICARDO S. ATALIG)

Sen. Bill No. 12-33: A Bill for an Act to repeal and reenact 6 CMC §1311 (c) to increase the penalties for sexual abuse of a child; and for other purposes. (RICARDO S. ATALIG)

Sen. Bill No. 12-34: A Bill for an Act to prohibit acts of domestic nad family violence and to establish remedies, penalties, and courses of treatment available to perpetrators and victims of domestic and family violence; and for other purposes. (RICARDO S. ATALIG)

Sen. Bill No. 12-35: A Bill for an Act to Amend 2 CMC § 4144 to waive the appraisal requirement in the case of small land exchanges and provide for the exchange of the equivalent of one house lot in cases where the government acquires private lands of a total area less than that of a single house lot; and for other purposes. (RICARDO S. ATALIG)

BILL CALENDAR

The Chair recognized Senator Adriano.

Senator Adriano: Thank you, Mr. President. Without objection, I would like to place Senate Bill No. 12-18 on the First Reading Calendar.

President Manglona: Can you please specify the title of the bill?

Senator Adriano: Mr. President, Senate Bill 12-18 will empower the Municipal Council under Amendment 25.

President Manglona: Is there any discussion? There being no objection, so placed. I recognize the Floor Leader.

Floor Leader Reyes: Thank you, Mr. President. Can I request for a short recess so we can get the Calendar organized?

The President declared the Senate in recess at 10:21 a.m.

The Senate recessed at 10:21 a.m.

RECESS

The Senate reconvened at 10:40 a.m.

President Manglona: We have an agreement during our recess to place Senate Bill No. 12-16 on the First Reading Calendar. Senate Bill No. 12-18 regarding the Municipal Council is also on the First Reading Calendar. For the Final Reading Calendar, we have Senate Bill No. 12-20 regarding public purpose and Senate Bill Numbers. 12-13, 12-19, and 12-9.

Floor Leader Reyes: Senate Bill No. 12-19 is already on the Calendar.

President Manglona: It is already on the Calendar. So, Floor Leader, can you make the proper motion?

Floor Leader Reyes: Mr. President, I would like to make a motion to suspend pertinent rules so we can act on some of the bills that we have for First and Final Reading. I so move.

Several members seconded and the motion carried by voice vote.

President Manglona: The said bills are placed on our First Reading and Final Reading Calendar. Any motion for the passage of Senate Bill No. 12-16 on First Reading.

SENATE BILL NO. 12-16: A BILL FOR AN ACT TO REPEAL AND REENACT THE ELECTION ACT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (1 CMC, DIVISION 6, CHAPTER 1 THROUGH 5) AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its passage on First Reading, and several members seconded.

President Manglona: Is there any discussion?

There being no discussion, the motion for the passage of Senate Bill No. 12-16 on First Reading carried by voice vote.

President Manglona: Senate Bill No. 12-16 passes the Senate on First Reading.

SENATE BILL NO. 12-18: TO REPEAL AND RE-ENACT 1 CMC, DIV. 1, CHAPTER 4; AND FOR OTHER PURPOSES

Floor Leader Reyes moved for its passage on First Reading, and several members seconded.

President Manglona: Is there any discussion?

Several members voiced "ready".

The motion to pass Senate Bill No. 12-18 on First Reading carried by voice vote.

President Manglona: Senate Bill No. 12-18 passes the Senate on First Reading.

SENATE BILL NO. 12-9: A BILL FOR AN ACT TO AMEND TITLE 4, DIVISION 1, CHAPTER 4 TO ADD A NEW §1426 TO ALLOW DENIAL OF A CERTIFICATE OF ORIGIN FOR ANY GARMENT FACTORY FOUND IN VIOLATION OF THE NON-RESIDENT WORKERS ACT OR COMMONWEALTH MINIMUM WAGE ACT; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved to file Senate Bill No. 12-9, and several members seconded.

President Manglona: Is there any discussion?

Several members voiced "ready".

The motion to file Senate Bill No. 12-9 carried by voice vote.

SENATE BILL NO. 12-13: :A BILL FOR AN ACT TO AMEND THOSE PROVISIONS OF PL 10-44 PERTAINING TO THE REQUIREMENT THAT A NON-IMMIGRANT ALIEN INVESTOR SEEKING A LONG TERM BUSINESS CERTIFICATE OR FOREIGN INVESTMENT CERTIFICATE MAY, SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF COMMERCE, POST ALTERNATIVE FORMS OF SECURITY OTHER THAN A CASH DEPOSIT; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its passage on First Reading, and several members seconded.

President Manglona: Is there any discussion on Senate Bill No. 12-13? This is regarding the One Hundred Thousand Dollar (\$100,000.00) investment requirement.

Floor Leader Reyes: I yield, Mr. President.

President Manglona: Since this is for Final Reading, Senate Clerk, please, call the roll.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	Yes
Senator Ricardo S. Atalig	Yes
Senator David M. Cing	Yes
Senator Jose M. Dela Cruz	Yes
Senator Ramon S. Guerrero	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Excused
President Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, Senate Bill No. 12-13 passes the Senate on Final Reading.

SENATE BILL 12-19: TO STATE AS PUBLIC POLICY THAT CONSTRUCTION OF AN 80 MEGAWATT POWER PLANT FACILITY BY PHASES, BEGINNING WITH IMMEDIATE INSTALLATION OF 60 MEGAWATTS OF GENERATING CAPACITY, IS IN THE BEST INTEREST OF THE COMMONWEALTH; TO FIND AND DECLARE THAT PHASED CONSTRUCTION OF 80 MEGAWATTS OF GENERATING CAPACITY IS CONSISTENT WITH THE REQUEST FOR PROPOSALS (RFP) UNDER WHICH PROPOSERS RECENTLY COMPETED FOR A CONTRACT FOR A NEW POWER PLANT ON SAIPAN; TO PROVIDE A TIME PERIOD DURING WHICH PROPOSERS MAY STAND BY THEIR EXISTING PROPOSALS FOR PURPOSES OF PROJECT AWARD; TO EXPRESSLY AUTHORIZE PROJECT AWARD AND NEGOTIATION OF A CONTRACT BASED ON EXISTING PROPOSALS; AND FOR OTHER PURPOSES.

Floor Leader Reyes: Mr. President, originally, I wanted to submit a substitute bill for S. B. No. 12-13. However, in consultation with the House prior to the Session, they requested that it be passed as it appears in the original bill. I will present the Senate Substitute One to the members of the House for their consideration. I'll ask them to look it over and if they agree with the Senate to incorporate it in their deliberation. Mr. President, I move for the passage of Senate Bill No. 12-19 on Final Reading.

Several members voiced "second".

President Manglona: It has been moved and seconded. Is there any discussion?

Several members voiced "ready".

President Manglona: Senate Clerk, call the roll, please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	Yes
Senator Ricardo S. Atalig	Yes
Senator David M. Cing	Yes
Senator Jose M. Dela Cruz	Yes

Senator Ramon S. Guerrero

Abstained

The Chair recognized Senator Guerrero.

Senator Guerrero: Thank you, Mr. President. On Senate Bill No. 12-19, I would like to clarify my position in here. The reason why I did not vote on the bill is because I wanted the Senate to make sure that I have no conflict-of-interest being a former Director of CUC. That is my only concern and that is the reason why I did not vote on the bill. Thank you.

President Manglona: Are you declaring a conflict-of-interest?

Senator Guerrero: I would like the whole Senate to....

President Manglona: Can you state your conflict?

Senator Guerrero: Being the former Executive Director of CUC, would it be a conflict for me to vote on this legislation? I totally agree with the legislation. I just want to clarify if there's any conflict-of-interest.

President Manglona: Well, we have the Rules Committee Chairman.

Floor Leader Reyes: Mr. President, the President has the authority to decide on the issue of conflict-of-interet. If the President decides that a conflict does not exist, he can so rule.

President Manglona: Senate Bill No. 12-19 is actually a bill that is not really directing CUC to do anything, but actually giving them an option to exercise. I believe that by being a former Executive Director, I do not see any conflict. I would like to ask you, Senator, to please vote "yes" or "no" and disregard your conflict-of-interest in this particular case. I think that this is a very critical legislation and we all have to participate. I ask your understanding on that.

Senator Guerrero: Can I request then the Clerk to call my name, again?

Senator Ramon S. Guerrero	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Excused
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, Senate Bill No. 12-19 passes the Senate.

SENATE BILL NO. 12-20: A BILL FOR AN ACT TO AMEND PUBLIC LAW NO. 11-84 AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its passage on First and Final Reading, and several members seconded.

President Manglona: It has been moved and seconded. Any discussion on the public purpose bill?

Several members voiced "ready".

President Manglona: Senate Clerk, call the roll, please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	Yes
Senator Ricardo S. Atalig	Yes
Senator David M. Cing	Yes

Senator Jose M. Dela Cruz	Yes
Senator Ramon S. Guerrero	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Excused
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, Senate Bill No. 12-20 passes the Senate on Final Reading.

RESOLUTION CALENDAR

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, I have a Resolution that I would like to introduce but it is unnumbered. I would like the Clerk to number it.

President Manglona: Okay, Floor Leader. I think that you will have to make a motion to go back to Introduction of Bills and Resolutions.

Floor Leader Reyes: Mr. President, I so move.

President Manglona: Is there any objection? If there's no objection, then we're back to Introduction of Resolutions.

INTRODUCTION OF BILLS AND RESOLUTIONS

Sen. Res. No. 12-1: A Senate Resolution authorizing and directing the Senate Legal Counsel to defend Senator David M. Cing in the small claims action filed by the Law Firm of white, Pierce, Mailman and Nutting on behalf of Budget Rent-A-Car, and any related proceeding, to implead the Secretary of Finance into the small claims action, and to institute and prosecute such other sanctions or proceedings as may be necessary to vindicate the expenditure authority of the Senate and its members and bring to a final resolution the ongoing dispute between the Legislature, its members, and the Department of Finance. (SENATOR PETE P. REYES)

President Manglona: Do you have copies for all the members, Floor Leader?

Floor Leader Reyes: Copies have been provided. Short recess.

The President declared the Senate in recess at 11:18 a.m.

RECESS

The Senate reconvened at 11:25 a.m.

President Manglona: We're back to our plenary session. We will now be discussing Senate Resolution No. 12-1. Floor Leader, you will need to make the proper motion for its adoption.

RESOLUTION CALENDAR

SEN. RES. NO. 12-1: A SENATE RESOLUTION AUTHORIZING AND DIRECTING THE SENATE LEGAL COUNSEL TO DEFEND SENATOR DAVID M. CING IN THE SMALL CLAIMS ACTION FILED BY THE LAW FIRM OF WHITE, PIERCE, MAILMAN AND NUTTING ON BEHALF OF BUDGET RENT A CAR, AND ANY RELATED PROCEEDING, TO IMPLEAD THE SECRETARY OF FINANCE INTO THE SMALL CLAIMS ACTION, AND TO INSTITUTE AND PROSECUTE SUCH OTHER SANCTIONS OR PROCEEDINGS AS MAY BE NECESSARY TO VINDICATE THE EXPENDITURE AUTHORITY OF THE SENATE AND ITS MEMBERS AND BRING TO A FINAL RESOLUTION THE ONGOING DISPUTE BETWEEN THE LEGISLATURE, ITS MEMBERS, AND THE DEPARTMENT OF FINANCE.

Floor Leader Reyes moved for its adoption, and several members seconded.

President Manglona: Is there any discussion on the Resolution?

Several members voiced "ready".

The motion to adopt Senate Resolution No. 12-1 carried by voice vote.

President Manglona: Senate Resolution No. 12-1 is adopted by the Senate.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: With your indulgence and the consent of the members, I feel that the Resolution Calendar is the appropriate part of the Agenda to make a motion to amend a section of the Senate Rules. Copies have been reproduced. One minute recess?

President Manglona: Floor Leader, I would like to recommend that we continue while copies are being made.

Floor Leader Reyes: Let me just state, Mr. President, so we can move on, that the amendment to the rules that I'm proposing is to make a change in the structure of one committee of the Senate to add one member. Instead of six members in the Standing Committee on EAGI, I want to make an amendment to add one more to make it seven.

President Manglona: Is that for only one committee?

Floor Leader Reyes: That is for one committee only. This is by the request of the members....

President Manglona: Is the Chairman aware of that? The Chairman of EAGI?

Floor Leader Reyes: Yes, Mr. President. Just a few minutes ago, he was made aware of it. Mr. President since he was--he indicated that he was not previously aware of it, but he had not indicated his disapproval of the....

Senator Adriano: Do you have that floor amendment? Can we have a copy of the amendment?

President Manglona: Seriously, we might want to consider other committees. Do you think that only the EAGI Committee should be increased to seven or is it the wish of the members to increase also the other committees?

Floor Leader Reyes: May I officially make the request for the amendment, Mr. President?

President Manglona: Okay, we all have copies, Floor Leader.

Floor Leader Reyes: The motion is to amend Rule 7, Section 4 of the Official Rules of the Senate. Pursuant to Rule 15 of the Official Rules of the Senate, the undersigned hereby moves to amend Rule 7, Section 4, of the Official Rules of the Senate to increase the maximum membership of the Committee on Executive Appointments and Governmental Investigations from six members to seven members. I so move.

Several members voiced "second".

President Manglona: Is there any discussion? Chairman Adriano.

Senator Adriano: May I ask the good Floor Leader, Mr. President, what is the reason for increasing it from six to seven?

Floor Leader Reyes: I yield the floor to the members.

The Chair recognized Senator Cing.

Senator Cing: Hu a'atan este, Mr. President, that since everyone of the members here are holding Chairmanship position, ilekko na buente chadek'-ña yanggin ta faisen ya uguaha kinemprende yan compromise between siha ya hu huyong uno guine, instead na para ta add uno sa siempre yanggin para ta add humuyong siete. Next time around, guaha siempre ta'lo Committee ni yaña para ufan add. Mauleg buente yanggin man compromise ha' ya uma accommodate si Senator Guerrero. Hu huyong ha' uno guihe.

Floor Leader Reyes: Quick privilege, Mr. President.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, I'm just aware that in the Senate Rules we can introduce the amendment, but we cannot adopt it until our next session and I request...

President Manglona: So, we can entertain it in our next session. With that, I'm going to ask the understanding of the members to allow for the process. We can approve it in our next session. So, the motion is for the placement of the proposed amendment to the Rules of the Senate.

Senator Cing: But that's even better, Mr. President. Siña ha' man ásoddá before the next session ya ufan compromise ya uma resolve este.

President Manglona: There's no objection? So there's an official notice now before us to amend Rule 7. I hope that by the next session, we can act on this matter.

PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS

None

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENT

President Manglona: Siña bai hu faisen i Chairman i Tinian Delegation ya hu fankombida para i lunch?

Senator Adriano: Hago ha' enao, Mr. President.

President Manglona: On behalf of the Tinian Delegation yan espisiatamente i membron Senatod siha yan i LB, man magof ham para bai inkombida todos i man gaige guine yan i familia para tafan hita sumilebra este i hinalom I nuebo na ga'chong mame as Senator Dela Cruz. Na' magof pago' na ha'ane para i taotao Tinian sa kabales pa'go i representasion. Na' magof lokue para hame gi Senatod sa guaha ta'lo uno gachong mame para bai infan a-ayuda mo'na para i minaulek tano'- ta'. Si Yu'us ma'ase todo nu I finaton miyo. Si Yu'us ma'ase Mayor yan i council members Tinian. Sumen bonitu magahet i Kottin miyo--este na facilidad. Esta i man ginen Luta siha, duro man ma estod-ba ham na para bain na taigueni na boninito i kottin Luta. Si Yu'us ma'ase yan sen bonitu i finaton miyo pa'go na talo'ane. Baihu na kadada' ha' sa esta man ñalang hit.

Senator Dela Cruz: Siña, an taya objection, in na'i yo' at least several minutes ya bai hu presenta....

Several members voiced "no objection".

Senator Dela Cruz: Your Excellency Bishop Tomas Camacho, Representative Babauta, President Manglona, colleagues from the Senate, Speaker Fitial and members of the CNMI House of Representative, Mayor Borja, Tinian Municipal Council, Rota Municipal Council members, Saipan Municipal Council, friends, families and especially my dear people of Tinian. It gives me great pleasure to be here today to be sworn in during this First Regular Session of the CNMI Legislature in this new Millennium. Please allow me a moment to say thank you to Mayor Francisco M. Borja and his administration. Your support was truly essential. Equally important was the support that I received

from my colleagues among the Tinian Joint Legislative Delegation; Chairman Adriano, Senator Cing, and Vice chairman, our Congressman Norman Palacios. Further thanks are due to our Tinian Municipal Council members, Madam Chair Juanita Mendiola, our Vice Chairman Antonio H. Borja, and Councilman Antonio O. Kiyoshi and certainly a “dangkulo na si Yu’us ma’ase to you, President Manglona, my colleagues in the Senate, Speaker Fitial and members of the House of Representatives and all those wonderful people who contributed in one way or another to my election. And once again, thank you to the people of Tinian who voted for me during this special election. I am truly honored and humbled by the confidence you have placed in me. I pledge to do my best to live up to your expectations. I would be remiss if I didn’t thank my lovely wife, Kay. Without her patience and diligent efforts, I will not be in this position today. Si Yu’us ma’ase, asaguaho. Thank you to my three wonderful daughters’, Marjorie, Joanna and Soledad, who sacrificed a day at school to be here today to share my moment of honor. They are truly my inspiration. To my immediate family, “pop”, yan hamyo ni manelu-ho guine yan i familian miyo, un dangkulo na si Yu’us ma’ase. Thank you for your undivided support. You’re the core of my self-confidence. We have much work to do in the years ahead. I am prepared to face the challenge. I am confident, because I know I can work cooperatively with my colleagues. I believe that cooperation is the key to progress and prosperity for Tinian and our entire Commonwealth. I look forward to working closely together with our Mayor, our Tinian Municipal Council, and the members of the Senate, the House of Representatives, and the Executive Branch toward our common goals. I believe that if we work cooperatively, we can accomplish great things for our islands and our people. As we all know too well, the slump in the Asian Marketplace has caused a slump in our economy. For the sake of our people, we must work closely together to improve the economic condition of our islands. Tinian has made a commitment to the Casino industry. The Dynasty Hotel and Casino has also made a commitment to Tinian and our Commonwealth. Clearly, we must do everything necessary to make the Casino successful, if we want to continue to enjoy the benefits of their presence. Nurturing the Casino industry requires that the Tinian International Airport and Tinian Harbor be completed. Completing these projects is essential to creating more jobs for our people and the general prosperity of Tinian and the Commonwealth. Sustaining the economic development of the island requires an educated workforce. In order, to properly educate our people for the new Millennium, we must complete the construction of Tinian Elementary School, Tinian High School, and the new Tinian Northern Marianas College campus, and each must be provided with the necessary equipment, and the teachers, who will prepare our Youth to meet the technology demands of the twenty-first Century. There should be computers in every classroom, with cable and Internet connections. Although, we are in a period of economic austerity, I believe that they are mechanisms available that can make this educational vision a reality for our children. All these will be nothing, however, if we do not control the development of our island. Uncontrolled development will lead to the destruction of our pristine environment. We must protect our limited, precious, natural resources in particular our beaches. Our waste-water treatment system and beach control policies are necessary. We must also explore other industries. We have already learned a lesson from international economics. If we depend solely on tourism, then we will continue to survive at someone else’s pleasure. We must diversify our economy. Of all the industries available to the Marianas today, seabed mining holds the greatest potential. According to scientific studies, there are rich deposits of manganese, nickel and cobalt near the Marianas. These are highly expensive minerals. Hawaii is already taking advantage of these resources. I plan to contact the appropriate Hawaii State officials immediately to pursue this issue. We should also review the economic possibilities of luxury cruise ships. They have visited here before. Previously, we didn’t have sufficient attractions. Thus, they stopped using the CNMI as a destination. The Dynasty Casino, and hopefully a Tinian golf course, will provide the necessary attractions that will bring the “Love Boats” back to the CNMI. These are only a few of the ideas that I plan to pursue, in cooperation with my colleagues. The year 2000 presents great opportunities for our islands. I am optimistic that if we work together, we can achieve great ends that our children, and their children, will be proud of. Again, thank you all for your support and the confidence that you have placed in me. I look forward to working on these challenges. With the continued support of my family, friends, the people of Tinian, and the Tinian leadership, I have no doubt that we can achieve each of these goals. Thank you, buenas dias.

(Applause)

President Manglona: Thank you, Senator yan congratulation para hago yan i familia-mo talo’.

BENEDICTION

Pastor Rick: Please pray with me. Dear heavenly Father, we thank you for the many blessings that we enjoy each day. For the privilege of living and the freedom of this democracy, which allows us to choose the leaders who will govern us. I pray that Senator Dela Cruz will honor you by giving his life as a public servant and he will serve with

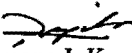
humility to protect each one living under his care. Give him God's wisdom and understanding as he addresses a difficult issue that he is going to face on a daily basis. I pray that he would love justice and every passion that he would live at peace and work for the prosperity of those he serves. God blessed him as he we pray. Amen.

ADJOURNMENT

Floor Leader Reyes moved that the Senate adjourn subject to the call of the Chair. Several members seconded and the motion carried by voice vote.

The Senate adjourned at 11:40 a.m. subject to the call of the Chair.

Respectfully submitted,


Ramona I. Kapileo
Senate Journal Clerk

ADOPTED: February 23, 2000