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

Third Day

Wednesday, February 23, 2000

The Senate of the Twelfth Northern Marianas Commonwealth Legislature, Third Day, First Regular Session 2000, was called to order at 2:50 p.m. in the Senate Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Paul A. Manglona, President of the Senate, presided.

A moment of silent prayer was observed.

The Senate Clerk called the roll and all nine (9) members were present.

President Manglona: With all the members present, we have the necessary quorum to conduct today's session.

READING AND APPROVAL OF THE JOURNAL

2nd Day, First Regular Session – 2/3/00

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Thank you, Mr. President. I move for the adoption of our Second Day, First Regular Session, dated February 3, 2000.

Several members voiced, "second".

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

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

MESSAGES FROM THE GOVERNOR

Gov. Mesg. No. 12-34: January 13, 2000 – PL 11-6 Exemption for Hafadai Beach Hotel.

Gov. Mesg. No. 12-35: January 14, 2000 – Certification for vacant positions that must be filled during the period of continuing resolution: Public Health, 1; Commerce, 1; Revenue & Tax, 1; Attorney General, 2; C&CA, 12; Office of the Governor, 2; Labor and Immigration, 3.

Gov. Mesg. No. 12-36: February 3, 2000 – PL 11-6 Exemption for Microblend dba Niko-Ken.

Gov. Mesg. No. 12-37: February 3, 2000 – PL 11-6 Exemption for Mariana Corporation dba Beach Garden Restaurant.

Gov. Mesg. No. 12-38: February 3, 2000 – PL 11-6 Exemption for Magic Candles.

Gov. Mesg. No. 12-39: February 4, 2000 – PL 11-6 Exemption for Eucon International School of Saipan.

Gov. Mesg. No. 12-40: February 4, 2000 – Informing the Legislature that he had disapproved SB 11-148, entitled, “To exempt the CNMI Government from certain provisions of 3 CMC §4437 (c); and for other purposes.” (DISAPPROVED ON 2/4/00)

Gov. Mesg. No. 12-41: February 4, 2000 – Informing the Legislature that he had disapproved HB 11-464, SD1, entitled, “To establish the funding for Youth and Man Amko program and activities; and for other purposes.” (DISAPPROVED ON 2/4/00)

Gov. Mesg. No. 12-42: February 4, 2000 – Certification for 12 vacant positions in the Department of Public Health that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-43: February 7, 2000 – Informing the Legislature that he had disapproved HB 11-493, HD1, entitled, “to suspend collection of certain excise taxes for a period of six (6) months.” (DISAPPROVED ON 2/7/00)

Gov. Mesg. No. 12-44: February 7, 2000 – Informing the Legislature that he had disapproved HB 11-221, SD1, entitled, “To require the Coastal Resources management Office to conduct a study to determine the environmental impact of motorized watercraft on the coastal and marine environment; and for other purposes.” (DISAPPROVED ON 2/7/00)

Gov. Mesg. No. 12-45: February 7, 2000 – Informing the Legislature that he had signed into law HB 11-513, the Capital Improvement Projects Tax Relief Act of 1999. (PL 11-121 – 2/7/00)

Gov. Mesg. No. 12-46: February 10, 2000 – Nominating and temporarily appointing Mr. Herbert D. Soll, Esq. To serve as Attorney General.

Gov. Mesg. No. 12-47: February 10, 2000 – Nominating Mr. Lenny Atalig Diaz and Ms. Susana T. Mafnas to again serve as members of the Retirement Fund Board of Trustees.

Gov. Mesg. No. 12-48: February 10, 2000 – Nominating Ms. Bernadita T. Seman to serve as a member of the CDA Board of Directors.

Gov. Mesg. No. 12-49: February 10, 2000 – Nominating Ms. Maggie S. George and Mr. Herman R. Guerrero to serve on the Marianas Public Land Trust.

Gov. Mesg. No. 12-50: February 10, 2000 – Nominating Ms. Connie S. Camacho to serve as a member of the Board of Elections.

Gov. Mesg. No. 12-51: February 10, 2000 – Nominating Ms. Laura I. Manglona to serve as a member of CUC Board of Directors.

Gov. Mesg. No. 12-52: February 10, 2000 – Certification and justification for vacant positions that must be filled during the period of continuing resolution: DPS, 1; Public Health, 8; Office of the Governor, 2; C&CA, 1; Public Works, 3; and Finance, 13.

Gov. Mesg. No. 12-53: February 10, 2000 – Informing the Legislature that he had signed into law HB 11-501, HS1, the Commonwealth Recycling Act of 1999. (PL 11-122 – 02/10/00)

Gov. Mesg. No. 12-54: February 10, 2000 – Informing the Legislature that he had signed into law SB 11-125, SD1, entitled, “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.” (PL 11-123 – 02/10/00)

Gov. Mesg. No. 12-55: February 10, 2000 – Informing the Legislature that he had disapproved HB 11-389, HCS1, SD1, the Northern Mariana Islands Free Trade Zone Act of 1999. (DISAPPROVED ON 2/10/00)

Gov. Mesg. No. 12-56: February 10, 2000 - Certification for 9 vacant positions in the Department of Public Health that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-57: February 10, 2000 - Certification for annual salary in excess of \$50,000 for Dr. Janice Lee Goerzen at CHC.

Gov. Mesg. No. 12-58: February 10, 2000 - PL 11-6 Exemption for Emperor Enterprise Corp.

Gov. Mesg. No. 12-59: February 10, 2000 - PL 11-6 Exemption for Pacific Basin Insurance Company.

Gov. Mesg. No. 12-60: February 10, 2000 - PL 11-6 Exemption for CNMI Department of Public Health.

Gov. Mesg. No. 12-61: February 10, 2000 - PL 11-6 Exemption for the First Floral Shop.

Gov. Mesg. No. 12-62: February 14, 2000 – PL 11-6 Exemption for Pacific Micronesia Tours, Inc.

Gov. Mesg. No. 12-63: February 14, 2000 – Certification for 10 vacant positions in the Department of Public Health that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-64: February 14, 2000 – Certification for a vacant position in the Department of Lands and Natural Resources that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-65: February 14, 2000 – Informing the Legislature that he had disapproved HB 11-500, HCS1, HD1, entitled, “To designate Managaha Island and its surrounding waters as a Marine Conservation Area; to provide for management policies, administration and enforcement of marine conservation areas; to amend 1 CMC §2268 and PI 10-57 as further amended; and for other purposes.” (DISAPPROVED ON 2/14/00)

Gov. Mesg. No. 12-66: February 14, 2000 – Informing the Legislature that he had disapproved HLB 11-26, D2, entitled, “To authorize certain residents of the Saipan and Northern Islands to obtain identification cards from their respective Mayor’s Office; and for other purposes.” (DISAPPROVED ON 2/14/00)

Gov. Mesg. No. 12-67: February 15, 2000 – Certification and justification for vacant positions that must be filled during the period of continuing resolution: Dept. of Labor and Immigration, 1; Department of Public Health, 4; Office of the Governor, 3; Department of C&CA, 1; Department of Public Works, 2; Department of Finance-Rev. & Tax, 3; Department of Public Safety, 2; Office of the Attorney General, 2; Public Library, 2; Department of Commerce, 3; & Department of Lands and Natural Resources, 1.

Gov. Mesg. No. 12-68: February 15, 2000 – Certification and justification for 35 vacant positions for the Tinian Municipal Council that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-69: February 16, 2000 – Certification and justification for 15 vacant positions for the Rota Municipal Council that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-70: February 15, 2000 – From SAPLR acknowledging receipt of a certified copy of SR 12-1 which was adopted by the Senate on 02/03/00.

Gov. Mesg. No. 12-71: February 17, 2000 – Certification for vacant position of Staff Pharmacist in the Department of Public Health that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-72: February 23, 2000 – Certification for 6 vacant positions in the Department of Public Health that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-73: February 18, 2000 – From Governor Tenorio to Floor Leader Reyes enclosing a copy of the Attorney General’s opinion regarding legislative advise and consent for executive branch appointments

President Manglona: Any comments from members? None?

COMMUNICATIONS FROM THE JUDICIARY

None

COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS

None

HOUSE COMMUNICATIONS

Hse. Comm. No. 12-1: Informing the Senate that the House overrode the Governor's veto of SB 11-148, entitled, "To exempt the CNMI Government from certain provisions of 3 CMC § 4437(c); and for other purposes."

Hse. Comm. No. 12-2: Informing the Senate that the House overrode the Governor's veto of HB 11-493, HD1, the "Excise Tax Abatement Act of 1999."

Hse. Comm. No. 12-3: Returning with amendments SB 11-20, entitled, "A Bill f or an act to amend Public Law 11-84; and for other purposes." (NEEDS SENATE ACTION ON HOUSE AMENDMENTS)

President Manglona: Is there any discussion?

Senator Adriano: Mr. President, can we go back to Governor's Communications?

President Manglona: Is there any objection?

There being no objection, the Senate returned to Item C of the agenda.

MESSAGES FROM THE GOVERNOR

The Chair recognized Senator Adriano.

Senator Adriano: Mr. President, I would like that the Senate acts on Governor's Message Nos. 12-40 to 12-43 today.

Vice President Villagomez: 40, 41, 43, 44, 55, 65, and 66

Senator Adriano: 44, 43, 42, 41.

President Manglona: Those are the Governor's messages informing the Legislature that certain bills were disapproved.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, can we a have a very short recess?

President Manglona: Short recess.

The Senate recessed at 2:55 p.m.

RECESS

The Senate reconvened at 2:57 p.m.

President Manglona: We are back to our session. We're still discussing the Governor's messages and the Chair recognizes Floor Leader Reyes.

SENATE 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.

Floor Leader Reyes: Mr. President, I understand that Governor's Message No. 12-40 in reference to Senate Bill No. 11-148 had been acted upon by the House of Representative and overrode the veto. I believe it is appropriate at this section of our Order of Business to make a motion to override the Governor's veto of Senate Bill No. 11-148. I so move.

Several members voiced, "second".

President Manglona: Is there any discussion on the motion to override Senate Bill No. 11-148?

Senator Adriano: Ready.

President Manglona: Ready? Since this requires a two-thirds vote, I'm going to ask the Senate Clerk to call the roll. Senate Clerk.

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	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: With all the members voting in favor of the override, we have met the necessary two-thirds vote requirement. The Senate hereby overrides Senate Bill No. 11-148. I understand that the House overrode this also.

HOUSE BILL NO. 11-493, HOUSE DRAFT 1: A BILL FOR AN ACT TO SUSPEND COLLECTION OF CERTAIN EXCISE TAXES FOR A PERIOD OF SIX (6) MONTHS.

Floor Leader Reyes: Thank you, Mr. President. On Governor's Messages No. 12-43 in reference to House Bill No. 11-493, HD1, I understand that the House also overrode this veto. I would like to make a motion for the Senate to override the Governor's veto of House Bill No. 11-493, HD1. I so move.

Several members voiced, "second".

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Ready? 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	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: With all members voting in favor of the override, we have met the necessary two-thirds votes requirement. The Senate hereby overrides House Bill No. 11-493, HD1.

HOUSE BILL NO. 11-464, SENATE DRAFT 1: A BILL FOR AN ACT TO ESTABLISH THE FUNDING FOR YOUTH AND MAN AMKO PROGRAM AND ACTIVITIES; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved to override the Governor's veto of House Bill No. 11-464, SD1, and Vice President Villagomez seconded.

President Manglona: Is there any discussion on Governor's Message No. 12-41? The motion is to override the Governor's veto of House Bill No. 11-464, SD1.

Several members voiced, "ready".

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, I would like to say a little to clarify the message on the veto. There is a section in the bill which requires that 50% of taxes collected under certain section of the law—there is a severability clause making a reference to a 50% collection overall. The issue is whether or not the 50% represents the 50% of the total collection under a cited section of an earlier law. I have discussed this with an attorney from the Governor's Office, and we both agreed that the severability clause should take care of this. I want to place that on record. I am ready.

Several members voiced, "ready".

President Manglona: Thank you, Floor Leader. 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	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: With all members voting in favor of the override, the Senate hereby overrides House Bill No. 11-464, SD1, meeting the necessary two-thirds vote requirement.

HOUSE BILL NO. 11-221, SENATE DRAFT 1: A BILL FOR AN ACT TO REQUIRE THE COASTAL RESOURCES MANAGEMENT OFFICE TO CONDUCT A STUDY TO DETERMINE THE ENVIRONMENT IMPACT OF MOTORIZED WATERCRAFT ON THE COASTAL RESOURCES AND MARINE ENVIRONMENT; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved to override the Governor's veto of House Bill No. 11-221, SD1, and several members seconded.

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

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Thank you, Mr. President. I want to comment a little bit on this particular message from the Governor. It states that the intent of conducting this environmental impact study on the coastal resources and waters of the Commonwealth is much supported. Then, he took out the mandatory requirement for the study and its submission to be made within a specific period of time--cannot be realistically implemented or enforce. I would appreciate if we override this veto, Mr. President and members of the Senate, because I understand that this agency, the CRM Office, has been very selective when they review applications concerning our marine environment. I was informed that CRM has issued a permit for an island, a floating island near Managaha Island, and have not done any fiscal impact study on the area. CRM went ahead and issued that permit. We need consistency and we need to force this agency to conduct an impact study of our coastal and marine environment, especially the area by Managaha Island. As you know, the Constitution mandates that the Manahaga Island is to be a recreational island--the area. If we destroy the coastal and

marine environment that we have out there for the people of the CNMI and our tourism, we might not be able to fix the problem. I don't think that the excuse regarding the time period should be the restriction in signing this legislation. I feel that the Governor should mandate his agencies to work in protecting our environment. Thank you.

President Manglona: Thank you, Mr. Vice President. Is there any other? 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	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, we have met the two-thirds vote requirement. The Senate hereby overrides House Bill No. 11-221, SD1.

HOUSE BILL NO. 11-389, HOUSE COMMITTEE SUBSTITUTE 1, SENATE DRAFT 1: A BILL FOR AN ACT TO ESTABLISH THE NORTHERN MARIANA ISLANDS FREE TRADE ZONE ACT OF 1999.

Floor Leader Reyes moved to override the Governor's veto of House Bill No. 11-389, HCS1, SD1, and Senator Atalig and Vice President Villagomez seconded.

President Manglona: Is there any discussion on the motion?

Several members voiced, "ready".

President Manglona: We are voting on the free trade zone legislation. 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

Vice President Villagomez: Mr. President, I just want to point out that I was not present when this legislation was initially passed. Since I didn't submit any input on some of the concerns that were raised, I was going to refrain from voting. I also feel uncomfortable knowing that the Administration pushed for the passage of this bill and then vetoed it. So I'm not sure which--where's the consistency. So, rather than abstained from voting, I will go ahead and vote on the override.

Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, we have met the two-thirds vote requirement. The Senate hereby overrides House Bill No. 11-389, HCS1, SD1.

HOUSE BILL NO. 11-500, HOUSE COMMITTEE SUBSTITUTE 1, HOUSE DRAFT 1: A BILL FOR AN ACT TO DESIGNATE MANAGAHA ISLAND AND ITS SURROUNDING WATERS AS A MARINE CONSERVATION AREA; TO PROVIDE FOR MANAGEMENT POLICIES, ADMINISTRATION AND ENFORCEMENT OF MARINE CONSERVATION AREAS; TO AMEND 1 CMC § 2268 AND P.L. 10-57 AS FURTHER AMENDED; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved to override the Governor's veto of House Bill No. 11-500, HCS1, HD1, and Senator Atalig and Senator Villagomez seconded.

President Manglona: Is there any discussion?

Senator Adriano: Ready.

President Manglona: This is to designate Managaha Island and its surrounding waters as marine conservation area.

Vice President Villagomez: I'm ready.

President Manglona: Ready? 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	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, we have met the two-thirds vote requirement. The Senate hereby overrides House Bill No. 11-500, HCS1, HD1.

HOUSE LOCAL BILL NO. 11-26, DRAFT 2: A LOCAL BILL FOR AN ACT TO AUTHORIZE CERTAIN RESIDENTS OF THE SAIPAN AND NORTHERN ISLANDS TO OBTAIN IDENTIFICATION CARDS FROM THEIR RESPECTIVE MAYOR'S OFFICE; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved to override the Governor's veto of House Local Bill No. 11-26, D2, and Vice President Villagomez seconded.

President Manglona: What is the concern in this particular bill?

Vice President Villagomez: Earmarking.

President Manglona: Earmarking? 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	Yes

President Paul A. Manglona

Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, we have met the two-thirds vote requirement. The Senate hereby overrides House Local Bill No. 11-26, Draft 2.

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

None

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Sen. Bill No. 12-36: A Bill for an Act to require insurance for individuals with diabetes in the Commonwealth; and for other purposes. (SEN. PAUL A. MANGLONA – 02/07/00)

Sen. Bill No. 12-37: A Bill for an Act to enact a Revised Criminal Code; to repeal and reenact Title 6 of the commonwealth Code on Crimes and Criminal Procedure; and for other purposes. (SEN. PAUL A. MANGLONA – 02/07/00)

Sen. Bill No. 12-38: A Bill for an Act to give full effect to the salary increase for teacher aides mandated by Public Law 10-35; to clarify the terms of Public Law 10-35; and for other purposes. (SEN. THOMAS P. VILLAGOMEZ – 02/22/00)

Sen. Bill No. 12-39: A Bill for an Act to amend 9 CMC § 2106 to include the mandatory display of vehicle identification plates in the front of vehicles; and for other purposes. (SEN. THOMAS P. VILLAGOMEZ – 02/22/00)

Sen. Bill No. 12-40: A Bill for an At to provide one year vested service credit in the Retirement Fund for every two years of service on Commonwealth government boards and commissions; and for other purposes. (SEN. THOMAS P. VILLAGOMEZ – 02/22/00)

Sen. Bill No. 12-41: A Bill for an Act to allow a government employee to convert Public Law 7-31 retroactive salary adjustment to vesting credit service; and for other purposes. (SEN. THOMAS P. VILLAGOMEZ – 02/22/00)

Sen. Bill No. 12-42: A Bill for an Act to clarify the duties and limits of liability of the Director of Public Lands; and for other purposes. (SEN. THOMAS P. VILLAGOMEZ – 02/22/00)

Sen. Res. No. 12-2: A Senate Resolution recognizing and honoring Mrs. Janet S. Tenorio for her 25 years of dedicated and unselfish public service to the educational welfare and well being of the children of the northern Mariana Islands. (SEN. PETE P. REYES – 02/23/00)

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, I want to comment on the last Governor's Message and that is 12-73. As you know, we have received nominations from the Governor to the Board of Elections and the CDA Board. I have requested a copy of a legal opinion that was issued by the Attorney General's office. Sometime ago, we had a discussion with one assistant Attorney General in this Chamber regarding the position of the Executive Branch on confirmation actions by the Senate,

particularly, on individuals nominated to the Board of Elections or to the Board of CDA. I, now, have the legal opinion. In the legal opinion, it expresses that the Governor, in the spirit of cooperation, is sending over names, nominating names, and is asking the Senate for its advice and consent. However, almost at the same breathe, he is also saying that in a review by the Attorney General's Office, there is no need for confirmation by the Senate. Several things come to mind when I read this, Mr. President. I'm glad that you find it important enough to place it on Governor's Communication. First, why is he sending over names that don't require confirmation? I know that his intention is to cooperate, but if it's unnecessary, why do that? Secondly, my understanding of the legal opinion, and I don't have an attorney's analytical mind to dissect the opinion and make some sense out of this, is that if the Constitution is silent on the authority to nominate, the Legislature can not enact legislation to compel the confirmation of these individuals. I'm not very happy with this kind of opinion, because of existing law which established this precedence in the past. The fact that they arbitrarily disregarded the existence of a statutory authority, in my opinion and in my view, the office of the Attorney General took judicial action to decide on whether the existing statute applies or not. I think this is beyond the Attorney General's scope of duty. This is something that should be left for the Court to decide. Since there has been no challenge in Court, it should have continuing statutory application. I just want to share my understanding on this. Thank you.

The Chair recognized Senator Maratita.

Senator Maratita: Thank you, Mr. President. In line with what Senator Reyes was saying, we have to make sure that this body is consistent when confirming nominees. For example, the Governor submitted to us a nominee to represent Rota in the Board of Elections and this body took action and confirmed this individual. Now, we're saying that we need to take this to court and let the court decide. Whether or not a nominee to the Board of Elections or CDA is required to go through the process of advice and consent, what I'm saying here, is that we have to be consistent. My point is we, also, have to be consistent here. I heard from some of the members that the Governor must be consistent in his decisions. We have to be consistent also and make sure that what we say is what we practice. Thank you, Mr. President.

The Chair recognized Senator Guerrero.

Senator Guerrero: Thank you, Mr. President. My concern here is the Governor's letter to Senator Pete Reyes. It really does not define if the legal opinion by the Assistant AG was issued during former Governor Tenorio's time. I'm assuming that the Governor probably is looking at establishing relationship with the Senate. Don't you think that this would be good question to ask the next nominee for Attorney General--whether he agrees with the legal opinion by Sattler? Because there's nothing in the correspondence to Senator Pete Reyes that the Governor is honoring this legal opinion. It's just a transmittal of the copy, but we would like to find out how did the Attorney General's office stand on different legal opinions. I feel that this should be the major question to ask the nominee for Attorney General and see if he differs on this opinion. Thank you.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Thank you, Mr. President. Ti hutuñgo kao bai huchom sikosu pat magahet bai hu baba ya bai hu defende ya bai hu na consistent i posision i lehislatura. Gi public hearing, ma faisen si Sattler faisen kao ma nisisita advice and consent i appointment para i Board of Election. Ilekña ti ma nisisita sigon gi iyon ñiha legal opinion ni mana'i guato i Gobietno. Ha chule' etyi na posision lokue i Gobietno na dinanche. Connie Seman Camacho, primahu este, ma ataka yo' na ti hu supopota i familia. Lao malago' yo lokue na bai hu na klaro na guaha che'cho' ho komo Senadot. Si Bennet Seman, prima ho'. Amko-ña ki guaho, hu gof respeta. I consistency, yanggin para ta cho'gue enao, maila ya ta chuli este i dos, hu respeta si Bernadita, malago' yo' bai hu bota lokue ya bai hu sangan ha' na bai hu bota komo ma planta gi mena'ta na para ta bota. Bai hu bota lokue si Connie. Lao, hafa na dos na familia-ku para ta usa guine na issue? Lao i kotte siempre guiya dumiside para i mamaila siha na decision i advice yan consent gi Senate. Ti hana comfortable yo' ni este lao ilekko na yanggin dinanche i Gobietno gi finenana na iyonña counsel na ti hanasisita advice and consent i Board of Election anai ta kuestona gi finenana, ti ha laknos si Connie Seman Camacho. Anai hu kuestiona i dos na appointment ginen Rota guato gi CDA, guaha siha iyokko correspondent ma sangani yo' na taya ha ma nisisita advice yan consent. Ta kuekuestiun i posision-ña i Senadot. In fact, i abugadu-ta, ta kuesto-tona ni etyi i bill ni para ta pasa pot i advice and consent gi as Herbert Soll. Hita la'mon kao para ta konfitma pat ahe. Qualify gue' pat ti qualify gue, hita ni Senadot—I Constitution hana'i hit. Direkchota kao para ta suppota pat ahe. Lao, ngaian para tana klaru hafa diretchon-ña i Senadot gi advice and consent yanggin I abugado ha' para chiña ya ti humalom gi kotte, para uguaha Judicial review. Antes de hu expired iyon ñiha nomination, parehu ha si Bennet Seman yan si Connie Seman, bai hu faisen este na grupo, i membron Senadot ya ta chu'le este guato gi Judicial review ya uma kuestion, uma prioritizez este. Yanggin ilek-ña i kotte na hunggan dinanche na diretchon-ña i Senadot na appointments para guato siha gi hafa na agency debi ufan ma konfitma gi Senadot, pues bai hu ofresi hamyu na bai hu kontinuha ya tafan arespeta. Lao, bai hu suppota si Bennet, bai hu suppota si Connie. Lao nisisita tana klaro lokue este. Tana'i guato I kotti pot fabot ya malago

ha' yo' later na bai hu move na i Presidente hu na'i direksion guatu i counsel gi bendision este na Senadot ya uma chule este na kuestiona guato gi kotte ya tana fonhayan fan este, once and for all. Si Yu'us ma'ase.

President Manglona: Thank you, Vice President. Is there any other comment? Senator Cing.

Senator Cing: Thank you, Mr. President. Fine'ne'na, ilekko na i rason na I Gobietno mo'na ha infotoma hit magi ni listan i nominees siha i pot para una tungo hit haye siha na taotao Commonwealth ha apunta para i Board siha. I mina dos, etyi i kuestiona guine, guaha na Board according gi iyotta Constitution ha spell out explicitly na ha require advice and consent gi Senate yan guaha na Board ti ha spell out. Enao gue' ilekku ni gaige I confusion. Now, gi hita ha' guine ni man ma ilihe, ilekku na impotante i Board of Election uma na klaro na etyo gue' na Board ha nisisita advice and consent. Ya ti kumeke ilek-ña na pot taigue gi Constitution sa ti ma spell out, tisiña na para tana guahaye lai para ufan dinikta este siha na klasen Board—I CDA ni ti ma spell out gi Constitution, i Board of Election ni ti ma spelled out gi Constitution. Ti kumeke ilekña na tisiña tana guahaye akto na from here on para mo'na, debi de uma require este siha na Board na hu kinonfitma ni kuetpon Senadot sa parehu este na Board yan yangin i Gobietno para ufan create gurupon taotao para little league pat gurupon taotao para task force osino otro. Kuetpot este lokue i Board of Election, petnamente na ofisina ya etyo gue na required yan obligasion i lehislatura para ufan konfitma. Obligasion-ña i Gobietno para ufan apunta. Taya guine, Mr. President, hu a'atan itmas cha'dek na manera para tacho'gue guine, i para ta draft bill ya hu dinikta este siha na Board. Ta select gi lista mano siha timan halom gi Constitution, ya ta pasa. Tana'e i House ya hu pasa. Pues tana'e i Gobietno ya yangin ha veto pues ta override. Sa ilekku na makpu este na atgumento yan confusion. Thank you.

President Manglona: Floor Leader, kao para un oppe' si Senator Cing?

Floor Leader Reyes: Mr. President guaha esta lai ma pasa gi mina' dos Legislature ya ma fitma ni Gobietno. Guaha lai ya ha require este na statute na uguaha konfitmasion gi nominees para i Board of Elections. Ti-siguru yu' gi CDA.

President Manglona: Kon todú i CDA.

Floor Leader Reyes: Lao Board of Elections, siguru yo' na guaha. Guaha lokue gi CDA?

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Talo', going back gi ayo i public hearing, ti hu gogote etyi pago' lao hu tataitai halom ginen i statute ayo. Lao ilelekña i abugadu na tiha nisisita. Esta i abugadu ilelekña na guiya ha dinanche, guiya ha lokue i kotte. Guiya ha para hu diniside na ti presisu i appointmen. Guaho ilelekku na yanggin monhayan ya ta tan-tan yaña i abugadu siha i haye man matancho ya ti guinaeya ni Senadot. Para ke siha ni statute ni enao sa man mahonggi. I Gobietno ha chuchule i direksion-ña ginen i abugadu-ña. Lao ilekña i Gobietno lokue na yanggin para hutatiye i lai, manu guine dinanche? I statute ilelekña na debi de uma konfitma gi Senadot, lao guaha iyonña opinion i abugadu na tiha nisisita. Ilekku na maila ya tana ma aregkla este ya i kotte, through Judicial review ya uma chadiki.

The Chair recognized Senator Atalig.

Senator Atalig: Thank you, Mr. President. Guahu, hu fabot si Senator Villagomez ni etyi ni para ta na'i guato i kotte, nai. Sa ilelekku pagu' i opinion i A.G., ilelekña na este gue opinion-ña at the same time, kulan mama' guiya i kotte, nai. Pues maila ya ta dagao guato gue ya uma resolve este na problema. Ya yanggin ilegña i kotte na ti nisisario advice and consent pues tafan settle guenao. Pues bai hu chu'li iyonña direksion si Senator Villagomez ya Mr. President komo siña un direct iyotta legal counsel ya ta chu'li hafa na klasen aksion guato gi kotte. Thank you.

The Chair recognized Senator Cing.

Senator Cing: Mr. President kumu dinanche si Senator Reyes na guaha akto esta ma pasa na ha indidika na i Board of Election, Board of CDA, yan hafa otro na Board guine ni ilekta presisu na hu guaha confirmation ginen i Senate ya ma pasa ya ha sign i Gobietno ya ha kontradisi ha este i Gobietno, then I agree na ni manu na kotte este ya ta konne ta ganna. Lao yanggin taya ni este na akto ma pasa, nichuka lokue mano este na kotte ni ta planta man ma pedi hit siempre. Sa hafa? Ma planta siempre i Constitution ya i Constitution hana klaru na este gue ha nisita confirmation, este taigue i confirmation. Pues siempre, achuka malagu' i Judge na hu fabot hit, tisina sa esta ginedde ni etyo. Hita tatungo ha na i CDA Board ha require confirmation, lao ti facto enao. What matters here is black and white, the Constitution or black and white gi statute. Thank you.

The Chair recognized Senator Maratita.

Senator Maratita: Si Yu'us ma'asi, Mr. President. Guaha pineligruña este. Sa gi pa'go, dinanche si Senator Villagomez na debi i kotte hu diniside este sa gi alatcha, taimano ha' husangan gi finenina, ta confirm unu na Board. Pues pa'go para ta sotta este sa para-ta tatiye i opinion i Attorney General na ilelekña na ti nisisario i advice and consent. Lao yet ta chu'li action guine gi unu na Board gi Eleventh Legislature. Based gi hearing, nai....

President Manglona: Senator Maratita, an ti lachi yu', I iyona recommendation si Vice President i para ta chu'li este para I kotte ya I kotte para hu diniside.

Senator Maratita: Right, i iyokku point guine i hu fabobot si Vice Presiden. Sa gi finenina ta chu'li action ya ta confirm unu na Board member ginen Luta. Pues pagu para ta bira hit ya ta sangane i Gobietno na based gi A.G.'s opinion ti nisisario....i Board of Election yan i CDA.

President Manglona: Siña bai hu recognize i EAGI, Chairman?

Senator Adriano: Mr. President, si Yu'us ma'asi. Etyi ilelekña si Senator Maratita, kasi i Eleventh Legislature etyo, lao kumu guaho i Chairman Governmental Investigation, esta hu na'i iyotta counselor ni etyi I kattan Senator Reyes para hu review. Ya yanggin ha merit etyo, debi ta konni para i kotte ya ta kuestion. Sa ilekku na iyotta authority este para ta confirm ayo siha I man ma transmit ginen i Governor. Enao ha'.

President Manglona: Senator Maratita, an tilachi yu', si Vice President ginen ha' ke cho'gue este lao ti malagu' i Attorney General para hu sign i certified question. Pues pagu' anai ta i'ina nomination i AG, siña ha buente ha' fitma etyi sa para uguaha mas inakomprende. I think enao i decision.

Vice President Villagomez: I punto guini, dinanchi si Senator Maratita. An tilache yu' si Mr. Hocog etyi i ma apunta para i Board of Election. Hita ta agree. Taya problema-ta gi as Hocog. Ta consenti ni enao, no? Ti man matagu' hit na para ta konsiente. Tana'i suppotasion ni enao.

Senator Maratita: Lao, based gi AG's opinion, ilekña na ti nisisario. Yet, ta chu'li action gue.

Vice President Villagomez: Sa ta agree, nai.

Senator Maratita: I Governor ha na'i hit magi ni etyi, nai. Lao ti nisisario i Governor na hu na'i hit magi ni etyo na na'an para ta confirm....

Vice President Villagomez: Sa mauleg si Teno bidada-ña. Guaha respeto guato gi Twelfth Legislature.

Senator Maratita: Iyokku point guine I ti para ta chu'li guini action, lao yet ta chu'li gi Eleventh Legislature based gi opinion i A.G. gue.

Floor Leader Reyes: Point of clarification.

President Manglona: Floor Leader.

Floor Leader Reyes: Mr. President, I rason na ti ta-act eyu i earlier na nomination, sa anai ta agang halom i Attorney General, man ma sangani hit na guaha legal opinion esta ma fotma. Lao taya in writing man ma provide hit. Hita ta nanangga enao para u tafan mana'i. Taya. Not until anai hu faisen guine pot este na recurring situation, nai. Eyu ha na man ma na'i hit anai hu faisen talo'. Anai hu dimanda na para tafan man'i in writing. I guessed I've provided todudu i members ni este na legal opinion. I danger guine, Mr. President, I hafa mohon yanggin ta bota ya ta reject. Hafa mohon ya ta reject iyon ñiha nominee, ya ilelekña i Governor na hu sangani ha' hamyu na ti nisisario confirmation sa achuka un reject bai hu na halom ha' sa iyokku authority este para bai hu na halom. Hafa mohon yanggin ma susede enao? Maulek ha' yanggin todo ta confirm, taya implication ni hafafa....

Vice President Villagomez: For the record, uno hs malago-hu para bai hu planta na punto. Husasangan ha na si Bernadita yan si Connie bai hu suppot. Yanggin ta reject sa pot i para munga hit kumonfotma esta ha ma apunta ni Gobietno. Okay? Ta reject enao pues man apunta i Gobietno otro para enao na Board ya umagu-guat si Bernadita Seman yan umagu-guat si Connie Seman ya ha sue hit. Kao para tana'i talo' i pupbliko, tana'e si Joey Arriola ya hu sue i

Administrasion na para hu korehi i AG na patti. Maila ya hita ta korehi este. Tana korehi i finenana. Sa yañgin ta reject si Bernadita, ilegña i Gobietno tiu nisisita iyon miyo confirmation. Esta hu na'i hamyo.

The Chair recognized Senator Dela Cruz.

Senator Dela Cruz: Mr. President atmam esta este na problema gi magahet. Dinanche si Senator Maratita ni etyi i hasangan na mampos megai inconsistency guine na area. Ya siempre i Attorney General's Office, yanggin man gagao legal opinion i Governor in most cases siempre ma render i legal opinion gi etyi I ginagao i Governor. Legal opinion is just a legal opinion, Mr. President. Ya presisu este na uma resolve gi kotte, nai. Para uma clarify ha', once and for all, manu chiña iyonña, i fuetsa-ña I confirmation body. Para uma extendi ha' guato gi Judicial system i kuestiona ya umana klaro este. Sa guaha na biahi ni prisisu, required na uma confirm guaha na biahi ni ti required ya dinanche ha' etyi ilelekña si Senator Maratita na debi na uguaha consistency. Ya yañgin para uma confirm este na taotao, ma require este na taotao na para uma confirm, debi na ufan ma require lokue tododo I pumalo.

The Chair recognized Senator Guerrero.

Senator Guerrero: Thank you, Mr. President. Three things, unu gi kattan-ña i Gobietno ilelekña na ha' waive iyonña attorney client privilege in this legal opinion, one. Number two, ilekña na for this reason although not specifically required by either the Covenant or the CNMI Constitution, ha cha-challenge maisa este, nai. But yet, hana hanao magi. I think na para hu test i iyotta integrity. That's number three, Mr. Chairman. Ilekko na esta siña ta bota ya bai hu move na ta end debate ya ta direct iyotta counsel.

President Manglona: Okay, tapan recess, ha' for five minutes.

The Senate recessed at 3:40 p.m.

RECESS

The Senate reconvened at 4:03 p.m.

President Manglona: We're back to our regular session. We're still under the Governor's Communication. Is there any further comments? We are discussing the certified question issue.

Senator Guerrero: No, the last discussion was on a motion to end debate and to go ahead with the recommendation for a Judicial review.

Vice President Villagomez: I so move.

President Manglona: The motion, actually, is to instruct the legal counsel to initiate a resolution instructing the Senate President to move forward with the Judicial review question on the issue of confirmation.

The motion to proceed with the judicial review question carried by voice vote.

President Manglona: Is there any further comment on the Governor's messages? None?

HOUSE COMMUNICATIONS

The Chair recognized Senator Adriano.

Senator Adriano: Thank you, Mr. President. I move to place House Communication No. 12-3 on today's Calendar for our action.

Senator Cing and Senator Dela Cruz voiced, "second".

President Manglona: The motion is to place House Communication No. 12-3 on the Bill Calendar. This is a communication from the House informing the Senate that the House have passed Senate Bill No. 12-20 with amendments.

The being no discussion, the motion to place Senate Bill No. 12-20 on the Bill Calendar carried by voice vote.

PREFILED BILLS AND RESOLUTIONS

None

INTRODUCTION OF BILLS AND RESOLUTIONS

Senate Bill No. 12-43: A Bill for an Act to reorganize the Department of Public Safety into three departments, the Department of Emergency and Fire Stations, the Department of Corrections, and the Police Department; and for other purposes. (SEN. E.U. MARATITA)

Senate Bill No. 12-44: A Bill for an Act to repeal the three-year limit on the stay of nonresident workers, Public Law 11-69; and for other purposes. (SEN. E.U. MARATITA)

Senate Bill No. 12-45: A Bill for an Act to provide for emergency loans from the Commonwealth Retirement Fund from a member's contribution reserve for educational and medical needs; and for other purposes. (SEN. E. U. MARATITA)

Senate Bill No. 12-46: A Bill for an Act to Amend 1 CMC § 7841 by adding s new subsection (d), and for other purposes. (SEN. R. S. ATALIG)

Senate Bill No. 12-47: A Bill for an Act to established a reduced water rate for subsistence crop and livestock farmers; and for other purposes. (SEN. R. S. ATALIG)

Senate Bill No. 12-48: A Bill for an Act to allow the Municipality of Rota to enter into joint ventures with private investors, leasing Rota Public Land in exchange for acquiring valuable public facilities; and for other purposes. (SEN. R. S. ATALIG)

Senate Bill No. 12-49: A Bill for an Act to Amend certain provisions of the CNMI Lottery Rules and Regulations; and for other purposes. (SEN. R. S. ATALIG)

Senate Bill No. 12-50: A Bill for an Act to protect, conserve and prohibit the hunting of the Commonwealth Bird (Tottot) defined in 1 CMC § 233; and for other purposes. (SEN. R. S. ATALIG)

Senate Bill No. 12-51: A Bill for an Act to allow a government employee to convert P.L. 7-31 retroactive salary adjustment to vesting credit service; and for other purposes. (SEN. J. G. ADRIANO)

Senate Bill No. 12-52: A Bill for an Act to create a Bureau of Alcohol, Tobacco, and Firearms in the Department of Public Safety; and for other purposes. (SEN. J. G. ADRIANO)

Senate Bill No. 12-53: A Bill for an Act to abolish the Department of Finance and transfer its functions; and for other purposes. (SEN. RICARDO S. ATALIG)

The Senate recessed at 4:08 p.m.

RECESS

The Senate reconvened at 4:12 p.m.

BILL CALENDAR

SENATE 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.

Floor Leader Reyes moved to file Senate Bill No. 12-14, and Vice President seconded.

President Manglona: 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	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, Senate Bill No. 12-14 is hereby filed.

SENATE BILL NO. 12-24, SENATE SUBSTITUTE 1: 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.

Floor Leader Reyes moved for its passage on Final Reading, and Senator Atalig seconded.

President Manglona: Is there any discussion? Vice President Villagomez.

Vice President Villagomez: I just want to clarify the changes on the statutory requirements on the appointment of the AG. Section (c), line 12, is another requirement that reads, "Was submitted to the practice of law in the Commonwealth after examination under authority of the Commonwealth Supreme Court or (prior to May 02, 1989) the Commonwealth Trial Court, and not on the basis (in lieu of examination) of admissions in another jurisdiction or past practice in the Commonwealth or the Trust Territory of the Pacific Island or some combination of such admission and local practice." I thought that the members have agreed that in order to qualify, the candidate must be a member of the CNMI Bar. Can we get a clarification on the requirement of (a) comparing it to (c) on page 2? Can we have a short recess.

The Senate recessed at 4:16 p.m.

RECESS

The Senate reconvened at 4:26 p.m.

President Manglona: We're back to our plenary session. We're still discussing Senate Bill No. 12-24, SS1. Ready?

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	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, Senate Bill No. 12-24, SS1, hereby passes the Senate on Final Reading.

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

Floor Leader Reyes moved for its passage on Final Reading, and was seconded.

President Manglona: There's a motion to pass Senate Bill No. 12-20 under House Communication No. 12-3 as amended by the House. Is there any discussion?

Senator Adriano voiced, "ready".

President Manglona: There being no discussion, 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	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, Senate Bill No. 12-20 as amended by the House passes the Senate.

At the request of Floor Leader Reyes, the Senate moved back to Item L of the Agenda and Senator Atalig introduced Senate Bill No. 12-53. Without objection from the members, Senate Bill No. 12-53 was placed on the Final Reading Calendar for action.

The Senate proceeded to the Bill Calendar.

Floor Leader Reyes: Thank you, Mr. President. Mr. President, I would have to apologize to the members. I need to make a motion to suspend pertinent rules in order to pass the bills on the Final Reading Calendar. I so move.

Several members voiced, "second". There being no discussion, the motion carried by voice vote.

BILL CALENDAR

SENATE BILL NO. 12-53: A BILL FOR AN ACT TO ABOLISH THE DEPARTMENT OF FINANCE AND TRANSFER ITS FUNCTIONS; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Floor Leader, can you briefly explain where the Division of Revenue and Tax would fall under?

Floor Leader Reyes: Mr. President, the reorganization of the Department of Finance. as I understand the bill, is to place Finance at a division level along with the Division of Revenue and Tax and other divisions under the current Finance Department. It also brings in the Division of Motor Vehicle from the Department of Public Safety and place all of that under the Department of Administration, which will be headed, supposedly, by a Commissioner of Administration. That's my understanding of this bill. Thank you.

President Manglona: Thank you, Floor Leader. Is there any further discussion? 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	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, Senate Bill No. 12-53 hereby passes the Senate.

Floor Leader Reyes: Mr. President, there's a minor correction that we need to make on the bill. Can I request that we recall our action, so that I can make the appropriate correction?

President Manglona: Short recess.

The Senate recessed at 4:32 p.m.

RECESS

The Senate reconvened at 4:33 p.m.

President Manglona: We're back to our plenary session. We have just voted to pass Senate Bill No. 12-53 and Floor Leader Reyes will be making a motion to amend the title. Floor Leader.

Floor Leader Reyes: Yes, Mr. President with the unanimous consent of the members, the corrections I need to make is on the title of the bill. After "functions" to just put "and to create a Department of Administration".

President Manglona: Is there any objection?

Senator Adriano: No objection.

The motion carried by voice vote.

President Manglona: With that motion, we are authorizing the Senate Clerk to amend the title to reflect the language.

Floor Leader Reyes: Thank you, Mr. President. By request, I would like to place on the Calendar two bills; Senate Bill No. 12-51 and Senate Bill No. 12-52.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Since we are adding additional bills to the calendar, I would like to ask that we include Senate Bill 12-40. The bill was distributed with the other Senate Bills that were prefiled for this session.

Floor Leader Reyes: No objection.

President Manglona: There's a motion to place Senate Bill No. 12-40, 12-51 and 12-52 on our Second and Final Reading Calendar. Is there any discussion?

There being no discussion, the motion to place the said bills carried by voice vote.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Thank you, Mr. President. I move to suspend pertinent Senate rules to allow us to pass these bills on Second and Final Reading.

Several members seconded, and the motion carried by voice vote.

SENATE BILL NO. 12-51: A BILL FOR AN ACT TO ALLOW A GOVERNMENT EMPLOYEE TO CONVERT P.L. 7-31 RETROACTIVE SALARY ADJUSTMENT TO VESTING CREDIT SERVICE; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its passage on Final Reading, and Vice President Villagomez and Senator Atalig seconded.

President Manglona: 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	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, Senate Bill No. 12-51 passes the Senate on Final Reading.

SENATE BILL NO. 12-52: A BILL FOR AN ACT TO CREATE A BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS IN THE DEPARTMENT OF PUBLIC SAFETY; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its passage on Final Reading, and Vice President Villagomez and Senator Atalig seconded.

President Manglona: Is there any discussion?

The Chair recognized Senator Maratita.

Senator Maratita: Mr. President, my concern is on line 16, Section 4 regarding the transfer of personnel. When this personnel gets transferred to the Department of Public Safety, will they become police officers? Will their titles be police officers, or what?

Senator Adriano: I believe so, my good Senator. That depends on the Commissioner of Public Safety.

Senator Maratita: If they are to become police officers, then we need to have them go through basic training or to an academy in order for them to become full-fledged police officers to enforce the alcohol, tobacco and firearm law.

Senator Adriano: It should be. I believe that at the present time, these people would undergo police academy training whenever they are designated as ABC (Tobacco, Beverage and Alcohol) enforcement officers.

President Manglona: Is there any further question?

Senator Maratita: We need more clarification on this, Mr. President. It's a good bill and I'm supporting it. The only concern that I have here is on the personnel section. Can we call the Commissioner of the Department of Public Safety and find out whether or not when these people are transferred, they would have had the necessary training. I don't believe that right now, ABC Enforcement officers have the same qualification as full-fledge police officers.

Senator Adriano: Siempre nai, Senator, yañggin ta pasa este na bill, i Commissioner of Public Safety ha fa'tinas i regulation anai para ufan ma certify siha komo Law Enforcement Officers.

Senator Maratita: Lao automatic nai este. Ilek-mo na all records personnel para ufan ma transfer yan kontodo i personnel. Kao during i time anai para ufan ma train, esta sina manman enforce, or do we need to train police officers right now to enforce the ABC regulations. I don't think that police officers right now are trained to enforce ABC regulations.

Senator Adriano: If you want to amend the bill, we'll amend the bill. Hafa I iyomo solution?

Senator Maratita: My solution is to make sure na man ma train i polisia siha guine.

President Manglona: Especially, when Section 3(c) deals with the enforcement of provisions of the weapons control law. Short recess.

The Senate recessed at 4:42 p.m.

RECESS

The Senate reconvened at 4:59 p.m.

President Manglona: We're back to our session and we're still discussing Senate Bill No. 12-52 regarding the creation of the Bureau of Alcohol, Tobacco and Firearms Division.

Senator Adriano: Thank you, Mr. President. I have a floor amendment to offer.

FLOOR AMENDMENT TO S.B. NO. 12-52

On Page 1, line 18, add the following after the end of the sentence:

All personnel assigned to the Bureau of Alcohol, Tobacco, and Firearms shall be provided with the necessary training required for the performance of their duties.

Offered by: _____ /s/ _____
Senator Joaquin G. Adriano

Vice President Villagomez: Second.

President Manglona: Is there any discussion on the amendment?

Several members voiced, "ready".

The motion to adopt the floor amendment to Senate Bill No. 12-52 carried by voice vote.

President Manglona: The floor amendment offered by Senator Adriano passes the Senate. We're back to Senate Bill No. 12-52 as amended. Is there any further discussion?

Several members voiced, "ready".

President Manglona: Ready? Senate Clerk, since this is on Final Reading, 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	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, Senate Bill No. 12-52 as amended passes the Senate.

SENATE BILL NO. 12-40: A BILL FOR AN ACT TO PROVIDE ONE YEAR VESTED SERVICE CREDIT IN THE RETIREMENT FUND FOR EVERY TWO YEARS OF SERVICE ON COMMONWEALTH GOVERNMENT BOARDS AND COMMISSIONS; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion? 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	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, Senate Bill No. 12-40 passes the Senate. Floor Leader, during our recess, I made a recommendation for the passage of Senate Bill No. 12-42. If there's no objection, can you please make the appropriate suspension of the rules?

Floor Leader Reyes: Thank you, Mr. President. There's a rule that needs to be suspended in our order for us to pass this bill on Final Reading. My motion is to suspend that rule.

President Manglona: Is there any discussion?

There being no discussion, the motion carried by voice vote. Senate Bill No. 12-42 was so placed on the calendar.

SENATE BILL NO. 12-42: A BILL FOR AN ACT TO CLARIFY THE DUTIES AND LIMITS OF LIABILITY OF THE DIRECTOR OF PUBLIC LANDS; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its passage on Final Reading, and Senator Atalig seconded.

President Manglona: 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	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, Senate Bill No. 12-42 passes the Senate.

RESOLUTION CALENDAR

SENATE RESOLUTION NO. 12-2: A SENATE RESOLUTION RECOGNIZING AND HONORING MRS. JANET S. TENORIO FOR HER 25 YEARS OF DEDICATED AND UNSELFISH PUBLIC SERVICE TO THE EDUCATIONAL WELFARE AND WELL BEING OF THE CHILDREN OF THE NORTHERN MARIANA ISLANDS.

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

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

There being no discussion, the motion to adopt Resolution No. 12-2 carried by voice vote.

PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS

None

MISCELLANEOUS BUSINESS


None

ANNOUNCEMENT

There being no announcement, Floor Leader Reyes moved that the Senate adjourns subject to the call of the Chair. Several members seconded, and the motion carried by voice vote.

The Senate adjourned at 5:03 p.m., subject to the call of the Chair.

Respectfully submitted,


Ramona I. Kapileo
Senate Journal Clerk

Adopted: March 10, 2000