

**THE SENATE
TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
THIRD REGULAR SESSION, 2001**

First Day

Tuesday, January 16, 2001

The Senate of the Twelfth Northern Marianas Commonwealth Legislature, First Day, Third Regular Session, 2001, was called to order at 11:35 a.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 seven (7) members were present. Senator Thomas P. Villagomez and Senator Ramon S. Guerrero were excused.

President Manglona: With seven (7) members present, we have the necessary quorum to conduct today's session.

READING AND APPROVAL OF THE JOURNAL

None

MESSAGES FROM THE GOVERNOR

Gov. Mesg. No. 12-463: December 19, 2000 – Certification for annual salaries in excess of \$50,000 for Dr. Judith G. Voros and Dr. Jose Ariel B. Reyes at the CHC.

Gov. Mesg. No. 12-464: December 19, 2000 – Certification that two physician positions at the CHC are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-465: December 21, 2000 – Informing the Tinian Legislative Delegation that he had signed into law Tinian Local Bill No. 8-4, the Tinian Municipal appropriations Act of 2001. **(TINIAN LOCAL ORDINANCE NO. 8-1 – 12/21/00)**

Gov. Mesg. No. 12-466: December 21, 2000 – PL 11-6 Exemption for Department of Public Health.

Gov. Mesg. No. 12-467: December 21, 2000 – PL 11-6 Exemption for Eskuelan San Francisco De Borja.

Gov. Mesg. No. 12-468: December 22, 2000 – PL 11-6 Exemption for Saipan Employment Agency & Services, Inc.

Gov. Mesg. No. 12-469: December 22, 2000 – PL 11-6 Exemption for Saipan Employment Agency & Services, Inc.

Gov. Mesg. No. 12-470: December 22, 2000 – Correcting the certification for vacant positions dated December 6, 2000 as requested by the Mayor of Tinian, and certifying that the positions of Agriculture Quarantine Inspector III and Agriculture quarantine Inspector I are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-471: December 22, 2000 – PL 11-6 Exemption for Home & Commercial Services.

Gov. Mesg. No. 12-472: December 28, 2000 – Informing the Legislature that he had signed into law HB 12-208, CD1, entitled, ‘To provide for the licensing and regulation of finance companies, other than banks, making consumer loans, and for other purposes.’ (PL 12-36 – 12/28/00)

Gov. Mesg. No. 12-473: December 28, 2000 – Informing the Legislature that he had signed into law House Local Bill No. 12-15, S.1, known as the ‘‘Saipan Acting Mayor Act of 2000. (SLL 12-6 – 12/28/00)

Gov. Mesg. No. 12-474: December 28, 2000 – Informing the Legislature that he had signed into law House Local Bill No. 12-18, S.1., entitled, ‘‘To appropriate \$152,688.66 from Developer Infrastructure Tax for the Gualo Rai, China Town and Chalan Kiya road paving and drainage; and for other purposes.’’ (SLL 12-7 – 12/28/00)

Gov. Mesg. No. 12-475: December 29, 2000 – Certification that the position of Community Worker within the Office of the Mayor of Rota is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-476: December 29, 2000 – PL 11-6 Exemption for Aquarius Karaoke Club.

Gov. Mesg. No. 12-477: December 29, 2000 – PL 11-6 Exemption for SN-FIVE Enterprises.

Gov. Mesg. No. 12-478: December 29, 2000 – PL 11-6 Exemption for Mandara Spa.

Gov. Mesg. No. 12-479: December 29, 2000 – PL 11-6 Exemption for Mari Sai Inc.

Gov. Mesg. No. 12-480: December 29, 2000 – PL 11-6 Exemption for SSFM International Inc.

Gov. Mesg. No. 12-481: December 29, 2000 - PL 11-6 Exemption for Younis Art Studio, Inc.

Gov. Mesg. No. 12-482: December 29, 2000 - PL 11-6 Exemption for T&T Development, Inc.

Gov. Mesg. No. 12-483: December 29, 2000 – PL 11-6 Exemption for Diamond’s Hotel.

Gov. Mesg. No. 12-484: January 2, 2001 – Informing the Legislature that he had signed into law HLB 12-17, S.1, entitled, ‘‘To appropriate \$376,000 on the fees collected from SLL 11-2 (Poker Machines); and for other purposes. (SLL 12-8 – 01/02/01)

Gov. Mesg. No. 12-485: January 2, 2001 – Informing the Legislature that he had disapproved HLB 12-11, S.1., entitled, ‘‘To name the Saipan and Northern Islands Municipal Council Building and ‘Honorable Pedro T. Nakatsukasa Building’ in memory of the late Council Secretary Pedro T. Nakatsukasa and to appropriate Ten Thousand Dollars (\$10,000.00) \$5,000 to cover the expenses of the dedication and \$5,000 for the building renovation; and for other purposes.’’ (DISAPPROVED ON 01/02/01)

Gov. Mesg. No. 12-486: January 4, 2001- Informing the Legislature that he had disapproved SB 12-24, SS1, HCS1, HD1, concerning qualifications of the Attorney General. (DISAPPROVED ON 01/04/01)

Gov. Mesg. No. 12-487: January 4, 2001- From SAPLR acknowledging receipt of a certified copy of SR 12-25.

Gov. Mesg. No. 12-488: January 5, 2001 – Certification that the positions of Labor Law Enforcement Specialist III, Labor Law Enforcement Technician I, and Immigration Inspector Trainee within the Office of the Mayor of Rota are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-489: January 5, 2001 – Submitting his nomination of Mr. David M. Wiseman, Esq. to serve as Associate Judge of the Commonwealth Superior Court.

Gov. Mesg. No. 12-490: January 8, 2001 – Certification that the positions of Equipment Operator II (3) and one Building Maintenance-man within the Department of Natural Resources are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-491: January 8, 2001 – Certification that the position of Council page/Aide in the Tinian Municipal Council is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-492: January 8, 2001 – Certification for annual salary in excess of \$50,000 for Kimberly (Casey) C. Conner, Certified Plant Engineer for the CHC.

Gov. Mesg. No. 12-493: January 8, 2001 – PL 11-6 Exemption for the Department of Public Health.

Gov. Mesg. No. 12-494: January 8, 2001 – PL 11-6 Exemption for Elephant International, Inc.

Gov. Mesg. No. 12-495: January 8, 2001 – PL 11-6 Exemption for Moylan's Insurance Underwriters, Inc.

Gov. Mesg. No. 12-496: January 8, 2001 – PL 11-6 Exemption for Subway Investments Corporations.

Gov. Mesg. No. 12-497: January 8, 2001 – Informing the Legislature that he had disapproved HB 12-212, CD1, HD1, SS1, entitled, "To amend the Weapons control Act to promote and allow resort developments offering target ranges for competitive rifle competition and skeet shooting; and for other purposes." **(DISAPPROVED ON 01/08/01)**

Gov. Mesg. No. 12-498: January 11, 2001 – Informing the Legislature that he had signed into law HB 12-092, entitled, 'To amend 6 CMC §2301(a)(2) increasing the amount of currency brought into the Commonwealth; and for other purposes'. **(PL 12- 37 – 01/11/01)**

Gov. Mesg. No. 12-499: January 12, 2001 – Certification that the position of Community Worker within the office of the Rota Municipal Council is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-500: January 11, 2001 – Nominating Mr. Vicente M. Babauta, Jr. to serve as a member of the Free Trade Zone Authority Board.

Gov. Mesg. No. 12-501: January 11, 2001 – Certification for annual salary in excess of \$50,000 for Dr. Kevin Wardle, a Dentist at the Tinian health Center.

Gov. Mesg. No. 12-502: January 11, 2001 – Certification that the position of Dental officer at the Tinian Health Center is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-503: January 11, 2001 – PL 11-6 Exemption for Mike's Manufacturing, inc. dba Mike's Jewelry.

Gov. Mesg. No. 12-504: January 11, 2001 – PL 11-6 Exemption for Pacific Micronesia Tours, Inc.

Gov. Mesg. No. 12-505: January 11, 2001 – PL 11-6 exemption for Young Pacific Corporation dba young Pacific Tour.

Gov. Mesg. No. 12-506: January 11, 2001 – Appointing Ms. Julie Sandvold, Esq., to serve as a member of the Free Trade Zone Authority Board.

COMMUNICATIONS FROM THE JUDICIARY

None

COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS

None

HOUSE COMMUNICATIONS

Hse. Comm. No. 12-173: Returning without amendment SB 12-26, entitled, "to reserve areas of public lands on the island of Rota that are suitable for village homesteads, specifically the Dugi, Finafa, Chudang, and Ginalangan areas; and for other purposes."

Hse. Comm. No. 12-174: Returning without amendments SB 12-60, the "Rota Agricultural Homestead Amendment Act of 2000".

Hse. Comm. No. 12-175: Returning without amendments SB 12-83, SD1, to amend PL 11-87.

Hse. Comm. No. 12-176: Informing the Senate that the House accepted the Senate amendments to HB 12-212, CD1, HD1, entitled, "To amend the Weapons Control Act to promote and allow resort developments offering target ranges for competitive rifle competition, and skeet shooting; and for other purposes. (See Gov. Mesg. 12-497)

Hse. Comm. No. 12-177: Transmitting for Senate action HB 12-298, entitled, "A Bill for an Act granting lifetime honorary citizenship of the commonwealth; Diplomat status; and waiver of entry permit requirements to the Honorable Tokuo Yamashita; and for other purposes."

Hse. Comm. No. 12-178: Transmitting for Senate action HB 12-301, entitled, "A Bill for an Act to authorize the appropriation of \$2,420,000.00 for the NMIHC."

Hse. Comm. No. 12-179: Returning without amendment SJR 12-3, entitled, "Requesting the Secretary of the Department of Transportation of the United States of America to assist and provide One Million Five Hundred Thousand Dollars to undertake two feasibility studies of sites for the construction of bridges, and for other purposes."

Hse. Comm. No. 12-180: Transmitting a certified copy of HR 12-106, congratulating and extending best wishes to the Honorable George W. Bush for his successful bid during the November election to the august office of President of the United States.

Hse. Comm. No. 12-181: Transmitting a certified copy of HR 12-107, congratulating and extending best wishes to the Honorable Richard Bruce Cheney for his successful bid during the November election to the august office of Vice President of the United States.

Hse. Comm. No. 12-182: Transmitting a certified copy of HR 12-108, congratulating and extending best wishes to the Honorable Tommy Esang Remengesau for his successful bid during the November election to the august office of President of the Republic of Palau.

Hse. Comm. No. 12-183: Transmitting for Senate action HJR 12-17, entitled, "Authorizing reprogramming authority for the Governor in excess of the limits of 1 CMC 7401 and 7402."

Hse. Comm. No. 12-184: Transmitting for Senate action HB 12-253, CD1, entitled, "To amend 3 CMC 4331; and for other purposes". (RE: Tourists with valid US visa to enter the CNMI with no further requirements.)

Hse. Comm. No. 12-185: Transmitting for Senate action HB 12-290, CD1, entitled, "To establish a Master Settlement Agreement Trust fund for the initial deposit of all funds received by the CNMI pursuant to the Tobacco Industry Settlement, to ensure the preservation of all such funds until the CNMI Legislature determines the appropriate allocation of the funds; and for other purposes."

Hse. Comm. No. 12-186: Informing the Senate that the House voted to recall HB 12-293, CD1, entitled, "Toxic Substances Exposure Compensation Act" that was transmitted to the Governor on December 27, 2000.

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

STANDING COMMITTEE REPORT NO. 12-26: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENT AND GOVERNMENT INVESTIGATIONS REPORTING ON THE GOVERNOR'S APPOINTMENT OF MS. THERESA T. OGUMORO TO SERVE AS A MEMBER OF THE FREE TRADE ZONE AUTHORITY BOARD REPRESENTING CAROLINIANS.

STANDING COMMITTEE REPORT NO. 12-27: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENT AND GOVERNMENT INVESTIGATIONS REPORTING ON THE GOVERNOR'S APPOINTMENT OF MR. GEORGE M. FLEMING TO SERVE AS A MEMBER OF THE FREE TRADE ZONE AUTHORITY BOARD REPRESENTING SAIPAN.

Floor Leader Reyes moved for their adoption and several members voiced "second".

President Manglona: My understanding is that we will be voting on both reports at the same time. 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	Excused
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Excused
President Paul A. Manglona	Yes

Seven (7) members voted yes.

President Manglona: By a vote of seven (7) yes, the Senate hereby confirms Ms. Theresa T. Ogumoro and Mr. George M. Fleming as members of the Free Trade Zone Authority Board representing Saipan.

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Sen. Res. No. 12-26: Expressing the intent and sense of the Senate with regard to the hiring of lobbyist services in Washington, DC, and Section 532 of H.B. No. 12-1, CS2, HD3, SD2, Conf. CS1. (SEN. RAMON S. GUERRERO 12/29/00)

Sen. Res. No. 12-27: Requesting the Governor of the CNMI to request the U.S. Secretary of the Interior to employ at least two qualified US Citizens of Northern Marianas descent as defined in the Northern Marianas Constitution and who are and have been residents of the Northern Marianas for at least five of the last ten years as an intern or civil service employee of the Office of Insular Affairs or other office in the U.S. Department of the Interior. (SEN. RAMON S. GUERRERO – 01/04/01)

Sen. Res. No. 12-28: Expressing grave concern or the immediate need to address the health and environmental hazards, and regulatory liabilities posed by the presence of the Puerto Rico Dump in its current state,

and to request that the Government of the Commonwealth of the Northern Mariana Island explore methods and options to facilitate the EPA complaint closure of the Puerto Rico Dump in concert with the construction of the Marpi Solid Waste Facility. (SEN. PETE P. REYES – 01/05/01)

Sen. Bill No. 12-87: A Bill for an Act to require insurance coverage for individuals with diabetes in the Commonwealth; and for other purposes. (SEN. PAUL A. MANGLONA – 01/16/01)

Sen. Bill No. 12-88: A Bill for an Act to amend the Medical Practice Act (3 CMC § 2201 et seq.) to provide for the licensing of foreign doctors; to promote the establishment of retirement communities in the Commonwealth; and for other purposes.” (SEN. PAUL A. MANGLONA – 01/16/01)

Sen. Bill No. 12-89: A Bill for an Act to amend 1 CMC § 7301(d) to improve the administration of capital improvement projects, provide for speedier completion of projects, and ensure quality work by contractors; and for other purposes. (SEN. PAUL A. MANGLONA – 01/16/01)

Sen. Bill No. 12-90: A Bill for an Act to amend 2 CMC, Division 4, § 4144 by adding a new subsection (d) relating to land in the First Senatorial District; and for other purposes. (SEN. EDWARD U. MARATITA – 01/16/01)

INTRODUCTION OF BILLS AND RESOLUTIONS

None

BILL CALENDAR

Floor Leader Reyes moved to suspend pertinent Senate rules to pass the bills that are listed on the Calendar and several members seconded. There being no discussion, the motion was carried by voice vote

HOUSE BILL NO. 12-301: A BILL FOR AN ACT TO AUTHORIZE THE APPROPRIATION OF \$2,420,000.00 FOR THE NORTHERN MARIANAS HOUSING CORPORATION; AND FOR OTHER PURPOSES.

Floor Leader Reyes: Mr. President I move for the passage of House Bill No. 12-301 as received from the House Communication without any Senate amendment.

President Manglona: Is there any discussion?

Floor Leader Reyes: Ready.

President Manglona: On the Calendar, it is Senate Draft 1 and your motion is not to amend

Floor Leader Reyes: Not to amend the House Bill that was transmitted to the Senate by the House of Representatives.

President Manglona: Short recess.

The Senate recessed at 11:46 a.m.

RECESS

(The following is the discussion during recess.)

President Manglona: *Munga na tafan argue later on, tana' klaru este.*

Floor Leader Reyes: Yes, just to clarify it. *Taya' amendment.*

President Manglona: The one before you is not the one we are voting on.

Floor Leader Reyes: Because the one before did not have the Senate Draft 1 amendment.

Senator Cing: This is without amendment.

Floor Leader Reyes: Without amendment.

Senator Adriano: So, we are not entertaining House Bill No. 301, SD1.

Floor Leader Reyes: We are not entertaining SD1.

Senator Adriano: What are we entertaining?

President Manglona: We need a copy of the original bill.

Floor Leader Reyes: This is under House Communication.

Senator Dela Cruz: Mr. President, I don't see any other bill. The only bill that I see here is House Bill No. 12-301, SD1. Unless, there is another one that is on the Calendar without SD1 that I am not aware of.

Floor Leader Reyes: Mr. President, I believe that during the Leadership meeting, we agreed not to amend House Bill No. 12-301 that we have received from the House. Unfortunately, at the time the Order of Business is being prepared, there were discussions to amend this bill and the amended version of the bill was included on the Bill Calendar for Final Reading. So, I guess the understanding is that we are going to act on the bill without those amendments. So, if you are looking at the bill with Senate Draft One those that are underscored are not going to be part of the bill when we discuss and entertain this on today's session.

President Manglona: We're still in recess. Senator Dela Cruz?

Senator Dela Cruz: Just as I mentioned earlier, I do agree that we have a discussion in there. But to my knowledge, there is no clear consensus that we are going to be passing a bill other than 301, Senate Draft 1, Mr. President. At least that's my understanding.

Senator Cing: Mr. President, *guaho gi* conference room *fine'ne'na sumoppota este* reluctantly *i* House Bill No. 12-301 *ni para hu* impact *ayo--para ta pasa ha etyi* *i* original from the House without any amendment. *Ya i siniente guine*, both from Tinian and the Rota Delegation, if I'm not mistaken, *i para ta na' guaha rider gi magahet nai pot para hu* clarify *ya para hu metgot mas* in black and white *kuanto gi magahet balansia para Tinian yan Luta gi mamamaila'*. I believe *enaogue i* hang up *este na* bill, *nai*. *Lao, ta a'agang halom i* Executive Director *as Marylou ya ginen iyon-na* statement *si* Marylou that we went ahead *ya kulan consensus guenao pago I para ta pass ha'* without amendment. *Ya guaho fine'ne'na magahet mu* move *na uguaha inangok-ko na yanggin siakaso na gagaige ha' gi papa si* Marylou *pues siempre an mato talo' este na tiempo, hahaso ha' na guaha magahet soblata*. Tinian, if I'm not mistaken, has \$18 million *tetehnan gue--* 18 point something.

Floor Leader Reyes: Mr. President, can I clarify that? In your package, look at House Communication No. 12-178. That represents the original version from the House. I believe that you would have that in your package.

President Manglona: House Communication No. 12-178.

Senator Cing: Mr. President, *yanggin ta bira hit tatte gi* session, the members should be allowed to make a statement with regards to that, *nai*.

Senator Dela Cruz: Mr. President, the only reason why I insisted this amendment before, honestly, is because I don't have another choice or I am left without a choice here. The bottom line here is, if we're going to treat the half a million dollars for Tinian and Rota as a separate bill and we're not going to put it in this bill, I know in my heart that the House of Representatives would not pass it. This is the only chance that we have. That is why I am pushing for this amendment and I do agree also with the Executive Director that the timing here is everything. I also asked her when will the completion of this project be and she mentioned that it will be in April. I do agree that money moves

the project, but if we pass this without this rider or this amendment, Mr. President, then we might as well just kiss our Rota and Tinian projects good-bye because I know that the House is not going to pass it in a separate bill. I hope that they can prove me wrong on this one. This is for the record, Mr. President.

Senator Adriano: Mr. President, *yanggin ta* entertain i 12-301, SD1 then we should proceed to discussion and let us pass this one.

President Manglona: What is the understanding then?

Senator Adriano: Sa *ilelek-ña si* Senator Reyes *na* we're not going to entertain 12- 301, SD1.

Floor Leader Reyes: What we have is House Communication No. 12-178. Because that does not include....

President Manglona: Because House Communication No. 12-178--*taya'* amendment.

Senator Adriano: Right, I understand that. But what you are saying is that we're going to pass 12-301, SD1 without amendment.

Floor Leader Reyes: No.

Senator Cing: Senate Draft 1--that is amended already.

Senator Adriano: Exactly, *enaog ue ilelek-ña, nai*.

President Manglona: *Ahe*, I motion *pa'go nai*.....

Floor Leader Reyes: I guess, Mr. President that Senator Adriano is correct. I think that the proper procedure is to place House Communication No. 12-178, House Bill No. 12-301 on the Calendar. Then we will act on that and we should not be acting on Senate Draft 1. Legal Counsel, is that the proper procedure, may I ask?

Senator Adriano: It doesn't appear and I think that the Calendar is being adopted today.

Floor Leader Reyes: Can we go back to our session and I will make the proper motion?

President Manglona: I guess what I'm after is the decision of the Senate. *Kao i* Senate *para hu amenda este pat ti para hu amenda*. *Yanggin ta deside gi recess na para ta amenda* then I guess, we don't have to go through all the parliamentary-- we just motion for SD1.

Senator Adriano: Mr. President, *siña tafan* session *un rato ha' gi halom?*

The Senate returned to its plenary session at 12:02 p.m.

President Manglona: We are back to our regular session. We are still discussing House Bill No. 12-301.

Floor Leader Reyes: Mr. President, the motion that I made originally was for House Bill No. 12-301, the House version as we received it under House Communication No. 12-178. During recess, Mr. President, the Leadership again, decided to discuss this issue and much to my disappointment, the Leadership's decision is to entertain Senate Draft 1 instead of the House version which I believe was the understanding earlier. And so because of the Leadership's position here, I move for the passage of House Bill No. 12-301, SD1 on Final Reading.

Senator Dela Cruz: Second.

HOUSE BILL NO. 12-301, SENATE DRAFT 1: A BILL FOR AN ACT TO AUTHORIZE \$2,420,000.00 FOR THE NORTHERN MARIANAS HOUSING CORPORATION; AND FOR OTHER PURPOSES.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, I would like to point out that whenever we entertain legislation, I think we should try to make sure that we don't associate any development that happens in Saipan as being from Saipan and not embracing the entire interest of the Commonwealth. In the past, I have supported legislation involving developments in Tinian and Rota and I will continue to do that. It is my firm believe that when we entertain legislation for developments whether it's for Tinian or Rota, I view that as a development for the entire Commonwealth because after all we are all people of the Commonwealth. I understand that we have our own politics and I understand that we need to respond to the needs of our constituents and that's okay. That is fine. But in this particular case where it will place into jeopardy several members or families that are currently waiting to move into homes that are being developed by Marianas Housing Authority, in my view, is not a very responsible thing to do. I just wish that the members will reconsider their position and support this and I hope that whatever action we do here will not further delay the project that is undergoing for many of our citizens who are waiting for housing. Thank you.

President Manglona: Is there any further discussion? If none, 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	Excused
Senator Edward U. Maratita	Yes

Floor Leader Reyes: Mr. President, my vote is no, but I want to go on record that my "no" vote does not in anyway diminishes my support for Tinian and Rota. I just feel that this an appropriate bill that that should have been approve.

Senator Pete P. Reyes	No
Senator Thomas P. Villagomez	Excused
President Paul A. Manglona	Yes

Seven (6) members voted yes.

President Manglona: By a vote of six (6) yes, and one (1) no, House Bill No. 12-301, SD1, passes the Senate.

HOUSE BILL NO. 12-59: A BILL FOR AN ACT TO APPROPRIATE TWO HUNDRED FIFTY-SIX THOUSAND SIX HUNDRED THIRTY-SIX DOLLARS (\$256,636.00) FROM FUND BALANCES FROM PUBLIC LAW NO. 9-1 AND 10-38; AND FOR OTHER PURPOSES.

Floor Leader Reyes: Mr. President, I would like to make a motion to place House Bill No. 12-059, CS1 on the calendar for Final Reading.

Senator Dela Cruz: Second.

President Manglona: Is there any discussion? Before I recognize anyone, I understand for technicality purposes that Floor Leader Reyes is recommending that 12-059, CS1 be passed without the Senate Substitute 1 as agreed upon in the Leadership meeting. We will be doing so and those copies of 12-59 showing the Senate Substitute 1 will be addressed in another bill and I believe that will be reflected in House Bill No. 12-130. So, the motion is for the passage of House Bill No. 12-059, Committee Substitute 1 without the Senate amendment. It has been seconded. Is there any further discussion?

Floor Leader Reyes: This is just for clarification, Mr. President. The motion I made with respect to House Bill No. 12-59 is similar to the motion that I made for House Bill No. 12-301.

President Manglona: So, if there's no objection, House Bill No. 12-59, CS1 is now under discussion. If there's 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	Excused
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Excused
President Paul A. Manglona	Yes

Seven (7) members voted yes.

President Manglona: By a vote of seven (7) yes, House Bill No. 12-59, CS1, passes the Senate.

HOUSE BILL NO. 12-130 COMMITTEE SUBSTITUTE 1: A BILL FOR AN ACT TO APPROPRIATE FIFTY MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$50,150,000.00) FOR CAPITOL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any second?

Senator Adriano: What is the bill's title?

President Manglona: Floor Leader, before I recognize your motion, again, House Bill No. 12-130, CS1 will be amended to reflect what is in House Bill No. 12-59, Senate Substitute 1 that we have before us. Just to further explain that, let me call for a very short recess.

The Senate recessed at 12:09 p.m.

RECESS

The Senate reconvened at 12:16 p.m.

President Manglona: We are back to our regular session. There was a motion for the passage of House Bill No. 12-130, CS1, and we are still under discussion.

Floor Leader Reyes: Mr. President, I know that there will be a motion and if the members would allow me--I think if my understanding is correct, then I am willing to support the bill. But first, I would like to go on record expressing that my understanding of this bill is to substitute this with the text of House Bill No. 12-59, specifically focusing on the section which the Senate proposes to amend earlier under the original 12-59. The intent was to incorporate the letter that we have received from the Administration--from Mr. Sablan as the Chairman of CIP Task Force. They were delineation of funding which indicated the balance due to Tinian and Rota and the remaining balance for Saipan. And if this is the intent, I am sure that changes would not be made. Once this is clarified in this session representing the remaining balance for Rota under this communication to the eighteen million four hundred fifty-five thousand, and the same amount for Tinian and Rota, and the remaining balance for Saipan is nineteen million seven hundred and fifty coming from the Chairman of CIP task force. The Administration under the sixty million-dollar bond that we ---. If the intent is to incorporate that then I believe that in all fairness, Tinian and Rota are deserving of the balance that they have not appropriated under the one-eighth portion of their share and I have no problem supporting that.

President Manglona: Thank you, Floor Leader Reyes. Is there any other member? That basically, Floor Leader Reyes, is the intent. I believe that focuses on the letter from Mike Sablan on behalf of the Governor when we wrote to the Governor several months ago when we were considering the last CIP appropriation. So, the intent of this legislation is to finally complete the hundred and fifty-four million CIP master plan. The passage of this will bring us to a total of hundred and fifty-four million as agreed upon under previous laws on the distribution of thirty million for Rota and thirty million for Tinian and ninety and some million for Saipan. So, this will commemorate the understanding in that letter from Mike Sablan writing on behalf of the Governor back then as chair of the CIP Task Force.

Floor Leader Reyes: But the understanding is that this will memorialize this letter into the bill.

President Manglona: That is correct, Floor Leader Reyes.

Floor Leader Reyes: I am ready.

President Manglona: Is there any other member?

Floor Leader Reyes: Mr. President, for proper parliamentary procedure, I think we need to make a motion to offer a Senate substitute bill.

The Chair recognized Senator Adriano.

Senator Adriano: Thank you, Mr. President, I would like under discussion to substitute House Bill No. 12-130 CS1 with House Bill No. 12-59, CS1, SS1. I so move.

President Manglona: Let us just further clarify that with the exception of Section 7, and other sections after that.

Senator Dela Cruz: Second.

President Manglona: That is with the exception of Section 7 and any references to 12-59 in its original form when it came from the House. Again, in front of us is a copy of Senate Substitute 1 for 12-59. The motion by Senator Adriano is to place everything in except for Section 7 and any reference with regards to the subject of section 7. Short recess.

The Senate recess at 12:23 p.m.

RECESS

The Senate reconvened at 12:24 p.m.

President Manglona: Let us resume our session.

Senator Adriano: At this time, Mr. President, I would like to strike out 12-130 and substitute 130 with 12-59, CS1, SS1, except for Section 7.

President Manglona: So, with that motion, is there any further discussion?

Senator Dela Cruz voiced, "second and ready".

President Manglona: That is on the amendment by Senator Adriano.

The motion offered by Senator Adriano was carried by voice vote.

President Manglona: We are back to House Bill 12-130, as amended. Is there any further discussion? If none, 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	Excused
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Excused
President Paul A. Manglona	Yes

Seven (7) members voted yes.

President Manglona: By a vote of seven (7) yes, House Bill No. 12-130, CS1, as amended by Senator Adriano hereby passes the Senate.

SENATE BILL NO. 12-90: A BILL FOR AN ACT TO AMEND 2 CMC, DIVISION 4, §4144 BY ADDING A NEW SUBSECTION (d) TO RELATING TO LAND IN THE FIRST SENATORIAL DISTRICT; 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: 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	Excused
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Excused
President Paul A. Manglona	Yes

Seven (7) members voted yes.

President Manglona: By a vote of seven (7) yes, Senate Bill No. 12-90 passes the Senate

SENATE BILL NO. 12-86: A BILL FOR AN ACT TO AMEND 3 CMC, SECTION 1316(P); 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	Excused
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Excused
President Paul A. Manglona	Yes

Seven (7) members voted yes.

President Manglona: By a vote of seven (7) yes, Senate Bill No. 12-86 passes the Senate.

RESOLUTION CALENDAR

SENATE RESOLUTION NO. 12-26: EXPRESSING THE INTENT AND SENSE OF THE SENATE WITH REGARD TO THE HIRING OF LOBBYIST SERVICES IN WASHINGTON, DC, AND SECTION 532 OF H.B. NO. 12-1, CS2, HD3, SD2, CONF. CS1. (SEN. RAMON S. GUERRERO 12/29/00)

SENATE RESOLUTION NO. 12-27: REQUESTING THE GOVERNOR OF THE CNMI TO REQUEST THE U.S. SECRETARY OF THE INTERIOR TO EMPLOY AT LEAST TWO QUALIFIED US CITIZENS OF NORTHERN MARIANAS DESCENT AS DEFINED IN THE NORTHERN MARIANAS CONSTITUTION AND WHO ARE AND HAVE BEEN RESIDENTS OF THE NORTHERN MARIANAS FOR AT LEAST FIVE OF THE LAST TEN YEARS AS AN INTERN OR CIVIL SERVICE EMPLOYEE OF THE OFFICE OF INSULAR AFFAIRS OR OTHER OFFICE IN THE U.S. DEPARTMENT OF THE INTERIOR. (SEN. RAMON S. GUERRERO – 01/04/01)

SENATE RESOLUTION NO. 12-28: EXPRESSING GRAVE CONCERN OR THE IMMEDIATE NEED TO ADDRESS THE HEALTH AND ENVIRONMENTAL HAZARDS, AND REGULATORY LIABILITIES POSED BY THE PRESENCE OF THE PUERTO RICO DUMP IN ITS CURRENT STATE, AND TO REQUEST THAT THE GOVERNMENT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLAND EXPLORE METHODS AND OPTIONS TO FACILITATE THE EPA COMPLAINT CLOSURE OF THE PUERTO RICO DUMP IN CONCERT WITH THE CONSTRUCTION OF THE MARPI SOLID WASTE FACILITY. (SEN. PETE P. REYES – 01/05/01)

Floor Leader Reyes moved for the adoption of Senate Resolution No. 12-26, Senate Resolution No. 12-27 and Senate Resolution No. 12-28 and several members seconded.

President Manglona: It has been moved and seconded for the adoption of Senate Resolution No. 12-26 to Senate Resolution No. 12-28. Is there any discussion?

There being no discussion, the motion to adopt Senate Resolution No. 12-26, Senate Resolution 12-27, and Senate Resolution No. 12-28 was carried by voice vote.

PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS

None

MISCELLANEOUS BUSINESS

The Chair recognized Senator Dela Cruz.

Senator Dela Cruz: Mr. President, I would like to take this opportunity to set the record straight that I was not in any way trying to hamper the NMHC project of \$2.4 million. My intention on the amendment...is to also recognize the

need for Tinian and Rota. I don't want to be misconstrued, Mr. President that I amended this just so that the project--it's a mechanism to the later project. Often times here at the Senate, we are left with no choice but to come out with moves to try to get additional funding for the respective minority islands. I am elected in Tinian and I have to try my very best to provide better living for the people of Tinian as well. I am not saying that I am not supporting the project for Saipan. When our good colleague, Senator Reyes, came out, he put it in a fashion where it's like I am opposing the project. I am not--as a matter fact I was part of the project since the.... I just want to set the record straight, Mr. President, that often times we have no choice but to do it this way so that we can also move our projects in the minority islands. Si Yu'us ma'ase, Mr. President.

President Manglona: On that subject, let me just point out that we have to comment the Executive Director Marylou Ada for being a very effective lobbyist. Unfortunately, she is caught between the House and Senate. For the record, the Senate did passed a bill, I forgot the number but it is almost exactly like this bill in its last session and what the House did was ignored the amendment. They ignored they amendment, and they sent a completely new legislation which is 12-301, ignoring our comments. So, I don't have a sympathy when it comes to saying that we have to act in one way because of the House. I think that we did give ample time to the House before leaving to Washington D.C., to act on that legislation. As a matter of fact, we passed it in the last session two weeks ago. But yet, I guess Marylou is caught in the middle and that is why she's appealing to Senator Reyes and all of us here. And it is very unfortunate that this had to happen, but at least the Senate did compromised further by this time not touching the \$2.4 million--keeping it intact because we reduced that to \$1.6, but now we raised it up to \$2.4 with the compromise that future interest of \$1 million be divided between Rota and Tinian. So, we did bend backwards. I don't know if the House has a quorum, but we can surely check and see if we there is a quorum so we can assist in the passage of this \$2.4 million. Is there any other discussion?

Floor Leader Reyes: Mr. President, I am not going to dwell on the issue of the \$2.4 million any more. But what I would like to say is that we have received a bill which was passed by the House that proposes to extend the waiver over to the Office of the Public Auditor (OPA). During the Leadership's meeting, I have indicated my desire to call for a public hearing before the Senate acts on this bill and in all fairness....

President Manglona: You're talking about the alien hiring?

Floor Leader Reyes: Yes, the extension of the sunset clause for non-resident workers working for the Office of Public Auditor. I think that in all fairness rather than acting on the bill without the benefit of any input from the public or from the Office of Public Auditor, we should allow them the opportunity to appear before the committee in a public hearing forum to convince the members that its need for extension is warranted. My intent is to provide that forum so that we can hear and question the Public Auditor's Office with respect to many of the concerns that I have unanswered in my mind. And once we do this, then the committee can deliberate on the merits of the information that we receive. So, I just want to officially let the members know that on February 21, at 10:00 a.m., there will be a public hearing for the Public Auditor's Office in this Chamber. I ask members to please put that in your calendar and be present. It is very important that we resolve this problem. Thank you.

President Manglona: I believe its timely because our newly appointed Public Auditor has settled down already in his position and this would be a good opportunity to discuss that and other issues.

The Chair recognized Senator Adriano.

Senator Adriano: Mr. President, I would like to announce also that the pubic hearing for appointee David Wiseman as Superior Court Judge is scheduled for the 25th on Tinian and I would like to ask the committee members to be present on that date which will start at 9:00 a.m.

President Manglona: Is that on Friday, Senator Adriano?

Senator Adriano: Next week Thursday at 9:00 a.m.

President Manglona: Thank you, Senator Adriano. Is there any other announcement? If none, can I hear a motion for 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.

President Manglona declared the Senate adjourns subject to the call of the Chair at 12:33 p.m.

Respectfully submitted,



Ramona I. Kapileo
Senate Journal Clerk

Adopted: July 25, 2001