

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

First Day

Thursday, August 02, 2001

The Senate of the Twelfth Northern Marianas Legislature, First Day, Fourth Regular Session, 2001, was called to order at 3:00 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 members being 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. 12-791: July 24, 2001 – Certification that the positions of one Heavy Equipment Operator, one Community Worker, and one Office Aide in the Office of the Mayor of Saipan are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-792: July 24, 2001 – Certification that the position of Administrative Specialist II in the Rota Department of Lands and Natural Resources is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-793: July 24, 2001 – Certification that the positions of one Administrative Specialist II, one Labor Law Enforcement Specialist I, one Labor Certification Worker III, one Immigration Inspector I, and one Immigration Inspector Trainee in the Department of Labor and Immigration are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-794: July 24, 2001 – PL 11-6 Exemption for Mabu Corporation.

Gov. Mesg. No. 12-795: July 24, 2001 – PL 11-6 Exemption for FNC Saipan, Inc.

Gov. Mesg. No. 12-796: July 24, 2001 – PL 11-6 Exemption for E.C. Gozum & Company, Inc.

Gov. Mesg. No. 12-797: July 25, 2001 – Informing the Legislature that he had signed into law SB 12-94, entitled, "To clarify the law enforcement status of the Commonwealth Ports Authority Police and to provide for the death beneficiaries of CPA Police and firefighters; and for other purposes." (PL 12-60 – 07/25/01)

Gov. Mesg. No. 12-798: July 26, 2001 – Certification that the positions of Accountant IV, Roads/Grounds Maintenance Branch manager, and Equipment Operator IV at the Department of Public Works are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-799: July 26, 2001 – Certification that two positions for Wildlife biologist Technician in the Department of Lands and Natural Resources are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-800: July 26, 2001 – Certification that the position of Customs Inspector II in the Rota Department of Finance is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-801: July 26, 2001 – Certification that the position of Police Officer I in the Rota Department of Public Safety is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-802: July 27, 2001 – Certification that 7 positions in the Department of Public health are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-803: July 30, 2001 – Nominating Miss Rita Manglona (Tinian, Mrs. Marian Aldan-Pierce (Saipan), Mr. David M. Sablan (Carolínians), and Mr. Manases M. Manglona (Rota) to serve as members of the Marianas Visitors Authority Board of Directors.

Gov. Mesg. No. 12-804: July 30, 2001 – Certification that two positions for Assistant Attorney General at the Office of the Attorney General are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-805: July 30, 2001 – Certification that the position of Agriculture Quarantine Inspector Trainee at the Department of Lands and Natural Resources is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-806: July 30, 2001 – RE his nomination of individuals to the MVA Board of Directors that, if confirmed, each would serve 4 years instead of 3. (See Gov. Mesg. No. 12-803)

Gov. Mesg. No. 12-807: August 1, 2001 – Certification that 32 positions in the Department of Public Safety are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-808: August 1, 2001 – Certification that the position of Radiologist-locum at the Department of Public Health is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-809: August 1, 2001 – Certification for annual salary in excess of \$50,000 for dr. Ben Hoffman at the CHC.

Gov. Mesg. No. 12-810: August 1, 2001 – PL 11-6 Exemption for pacific Daiken Co., Ltd.

COMMUNICATIONS FROM THE JUDICIARY

None

COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS

None

HOUSE COMMUNICATIONS

The Chair recognized Senator Atalig for comments.

Senator Atalig: Thank you, Mr. President, I would like, for the record, to read out the opinion from our Legal Counsel here in the Senate with regards to Legislative Initiative No. 12-001. The opinion states:

Issue: Can the Senate include an amendment to Article XV that does not deal with Education?

Analyses: Article XVIII, section 3, states:

Section 3: Legislative Initiative. The Legislature by the affirmative vote of three-fourths of the members of each House present and voting may propose amendments to this Constitution. A proposed amendment may not embrace the subject matter of more than one article of this Constitution. An act of the legislature under this section may not be vetoed by the Governor.

Because Article XV deals with education, it appears that the Senate amendment adding public health and public safety embraces a subject matter that is not related to education. However, it can be argued that the Senate amendment does not embrace the subject matter of more than one article because it still deals with guaranteed annual budgets. The amendment merely extends the guarantee of an annual budget to the areas of public health and public safety.

Notwithstanding the above, Article XVIII, section 3, does not restrict the number of amendments that may be contained in a single initiative. For an example, an initiative may content three sections, each amending different article of the Constitution. In the case of House Legislative Initiative No. 12-1, House Substitute 1, Senate Draft 3, the initiative can be re-written to include two separate amendments, one is still dealing with guaranteed funding for Public Education under Article XV, and the other dealing with guaranteed funding for Public Health and Public Safety under Article III. Alternatively, the Constitution can be amended to add a new article on guaranteed annual budget for one or more government function.

Conclusion: Based on the above the reasons, the Senate amendments in Legislative Initiative No. 12-1, House Substitute 1, Senate Draft 3, do not appear to violate Article XVIII, section 3 of the Constitution. Assuming that they did the House can easily re-draft the Initiative to provide for necessary separate amendments.”

This is the opinion of our Legal Counsel. Thank you, Mr. President.

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

STANDING COMMITTEE REPORT NO. 12-59: FROM THE COMMITTEE ON JUDICIARY, GOVERNMENT AND LAW REPORTING ON HOUSE LEGISLATIVE INITIATIVE 12-13, HD1, SD1, ENTITLED, “A HOUSE LEGISLATIVE INITIATIVE TO AMEND ARTICLE II, § 6 AND ARTICLE VI OF THE COMMONWEALTH CONSTITUTION SO AS TO TREAT EACH CHARTERED MUNICIPALITY FORM OF LOCAL GOVERNMENTS WITHIN THE COMMONWEALTH ON AN EQUAL BASIS AND TO FURTHER EMPOWERED SAID MUNICIPAL GOVERNMENTS TO PASS LOCAL LAWS EXCLUSIVELY ON LOCAL MATTERS.

Floor Leader Reyes moved for its adoption and Senator Dela Cruz seconded.

President Manglona: Is there any discussion on Standing Committee Report No. 12-59?

Several members voiced, “ready” and the motion was carried by voice vote.

President Manglona: Standing Committee Report No. 12-59 passes the Senate.

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Sen. Res. No. 12-50: A Senate Resolution to express condolences and honor the memory of Dr. William M. Peck of Rota. (SEN. PAUL A. MANGLONA – 07/31/01)

Sen. Joint Res. No. 12-6: A Senate Joint Resolution urging the United States Federal Communications Commission to change the urban designation of the commonwealth of the Northern Mariana islands, the Territory of Guam, and American Samoa from their respective capital cities to the City of Honolulu, Hawaii. (SEN. THOMAS P. VILLAGOMEZ – 08/01/01)

Sen. Local Bill No. 12-11: A Local Bill for an Act to establish local license fees for pachinko slot machines and poker machines in the First Senatorial District; and for other purposes. (SEN. EDWARD U. MARATITA – 08/02/01)

Vice President Villagomez moved that Senate Joint Resolution No. 12-6 be placed on this day's calendar for action. There being no objection, it was so placed.

INTRODUCTION OF BILLS AND RESOLUTIONS

None

BILL CALENDAR

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, I move to suspend all pertinent rules in order for us to pass those bills on the Calendar.

Senator Adriano voiced, "second", and there being no discussion, the motion carried by voice vote.

HOUSE BILL NO. 12-354: A BILL FOR AN ACT TO AMEND PUBLIC LAW 11-79, SECTION 6 (c) (2); AND FOR OTHER PURPOSES.

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

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

Senator Atalig: Thank you, Mr. President. I believe that all the members have my floor amendment to House Bill No. 12-354, and I move for the passage of this amendment.

Floor Amendment

Date: 08/02/01
Offered by: Sen. R. S. Atalig
RE: H.B. NO. 12-354

1) Page 1, line 3, after the period insert the following:

“The Legislature further finds that funds appropriated under subsections 530 (e) and (f) of PL 10-41 shall remain available for expenditure without fiscal year limitation. The Legislature further finds that \$280,000.00 in fund balances from these appropriations are available for re-appropriation.”

2) Page 1 after the line 11, insert a new Section 3 to read:

“Section 3. **Re Appropriation and Expenditure.** Fund balances in the amount of \$280,000.00 appropriated under subsections 530 (e) and (f) of PL 10-41 are hereby re-appropriated and authorized to be expended for government operations and various community improvement projects and programs, including, but not limited to summer employment, junior statesman program, off-island student trips to enhance student education and sports competition, and other sporting and educational programs, youth and Man Amko programs, purchase and installation of Rota High School baseball field lighting system, and restoration of the Tatachog Village Rectory (to be used as a museum). The expenditure authority for funds re-appropriated under this section shall be the Mayor of Rota. Provided further, that the funds re-appropriated under this section shall be the expended in accordance with Commonwealth law and procurement regulations.”

3) Renumber subsequent sections accordingly.

Offered by: _____ /s/
Sen. Ricardo S. Atalig

Senator Maratita voiced, “second”.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Thank you, Mr. President. I would like to ask the good Senator, Senator Atalig, to please recall this floor amendment to this specific bill. As you know, we have tried to pass this bill for the past three or four sessions and it always come up that we have to insert an amendment to this specific bill. The bill calls for the reprogramming of the \$1.72 million that was earmarked for Saipan and this appropriation is much needed on the island of Saipan especially in China Town. I ask that we pass House Bill 12-354 as it is. And the floor amendment, I hope that we can include that in the CIP that we have all been waiting for. That’s for the \$50 million CIP that we all need out here in the CNMI. This legislation, the \$1.7 million have been delayed for the longest time now and any further amendment to this legislation will continue to delay the project. So, I ask the members that if we are going to do the amendment, can we put it in House Bill 12-374? Thank you.

The Chair recognized Senator Adriano.

Senator Adriano: Thank you, Mr. President. The CIP that came from the House is the same public law, which is Public Law 11-41, and the funding that our good Senator Atalig is amending is the same funding distributed to the First Senatorial District and the Third Senatorial District. Therefore, Mr. President, I support the amendment and I ask the members to support this.

Vice President Villagomez: I believe that the original bill, House Bill No. 12-354, is from Public Law No. 11-79.

Senator Adriano: Can we ask our Legal Counsel to clarify that, Mr. President?

President Manglona declared a short recess.

RECESS

The Senate reconvened.

President Manglona: After a brief recess, we are back to our plenary session. We are still discussing the floor amendment offered by Senator Atalig.

Floor Leader Reyes: Thank you, Mr. President. Mr. President and colleagues, I join Senator Villagomez in seeking support in requesting my good colleague from Rota to withdraw his floor amendment to House Bill No. 12-354 and apply or introduce his floor amendment on another CIP bill. We have another CIP bill that is up for consideration in this session today. The issue on the China Town sewage system project remains unfinished. The longer this lags on, the greater the problem becomes. While this project is already in motion, we ask that the reprogramming of this money to address the China Town Sewage System be allowed to pass through the Senate without any amendment. As you know, Mr. President and members, one of the biggest populated areas in Garapan continue to have this sewage problem and the residents have addressed their concerns to the Legislature, screaming, I guess, on top of their lungs asking if there is any way that a compromise can be done to request the approval of this particular legislation. Again, I ask my good colleagues, in the spirit of cooperation, to try to recall the floor amendment so that we can move along in passing this very important piece of legislation. Thank you.

The Chair recognized Senator Atalig.

Senator Atalig: I can feel your sentiment on this particular project, but the reason behind my amendment is that I am not taking any single money from your project here. It is just a rider on this particular bill, and I feel also that by putting this amendment in this particular bill—I think that it will be appropriate for us also since there is a bill that is still pending in the House and it can not be passed. So that is the reason why I want this to be a rider also so that once they see that it is a vital project for Garapan, I think also they can pass this. Thank you, Mr. President.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Can I ask Senator Atalig -- have we amended another appropriation bill with this floor amendment and has it passed over to the Governor yet? Was there any action from either the House or the Administration?

The Chair recognized Senator Atalig.

Senator Atalig: I think the only way for us also to get rid of this is to make an amendment to this particular bill. I feel that this is important for your project and I also feel that it is important for us, because this particular bill is still sitting in the House.

President Manglona: To answer the question of the Vice President, let me just state a brief history of this particular concern. This bill was already addressed and transmitted to the Governor about three or four weeks ago. It was vetoed by the Governor and it was vetoed because of technicality only. The original language of that amendment says: "To amend Public Law No. 10-41". He did not like the word "To amend Public Law No.10-41". He likes the words "To re-appropriate section 530 (e) and (f) of Public Law 10-41". So, I think that if this becomes a rider to that very essential project that might be vetoed—I think that will not be vetoed because the Governor has given the assurance that if this were to be reintroduced and transmitted to the Governor he will sign it. The only problem with this is that the House has already committed to pass this on Final Reading in its last session. They have their neck out on this promise to pass it on First Reading, but instead, in the mean time, it still is sitting down there. So, I think the concern here is that there is this \$280,000 that was appropriated for the First Senatorial District. I think that we can argue on the intent and the importance of the project. We can go on all day on this. I know that I am not supposed to be debating on this.

Floor Leader Reyes: Mr. President, I was going to request that we go on recess so you can engage in the debate.

President Manglona declared the Senate in recess.

RECESS

The Senate reconvened.

President Manglona: After a brief recess, we are now back to our plenary session. We are under the Bill Calendar discussing House Bill No. 12-354, in particular the amendment as offered by Senator Atalig. Is there any further discussion? If none, Senate Clerk since there was a debate on the floor, call the roll on the amendments as offered by Senator Atalig.

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	No
Senator Thomas P. Villagomez	No
President Paul A. Manglona	Yes

Seven (7) members voted yes and two (2) voted no.

President Manglona: By a vote of seven (7) yes and two (2) no, the floor amendment as offered by Senator Atalig passes the Senate. We are now back to House Bill No. 12-354, as amended. Is there any further question?

Senator Dela Cruz 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

Vice President Villagomez: *Ai este na chochu gatchong. Para i \$1.72, I hope that there's no hostage on this by the House members or from, especially, the Rota Representative. I am going to vote "yes" and I hope that this bill is....*

Floor Leader Reyes: Mr. President, I would like for a reconsideration.

Vice President Villagomez: At least I ... by the Governor and sign it into law.

Floor Leader Reyes: I am for the same reason that I hope that this particular legislation will be passed by the House as amended and the Governor will sign. Thank you.

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

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, House Bill No. 12-354, as amended passes the Senate.

HOUSE BILL NO. 12-373, COMMITTEE DRAFT 1, HOUSE DRAFT 1: A BILL FOR AN ACT TO RE-APPROPRIATE THE SUM OF \$2,120,000.00 FROM PUBLIC LAW 11-79 FOR CAPITAL IMPROVEMENT PROJECTS IN PRECINCT I; 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: 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, House Bill No. 12-373, CD1, HD1, passes the Senate.

HOUSE BILL NO. 12-376: A BILL FOR AN ACT TO FURTHER AMEND THE COMMONWEALTH AUDITING ACT OF 1983 FOR THE PURPOSE OF ADDRESSING THE SECTION OF THE "NONRESIDENT WORKER EXTENSION ACT" AFFECTING THE ABILITY OF THE OFFICE OF THE PUBLIC AUDITOR TO HIRE NONRESIDENT PROFESSIONALS AFTER SEPTEMBER 30, 2000; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

Senator Atalig: I have a floor amendment here, Mr. President, ready to be passed to the members.

Floor Leader Reyes requested for recess.

Upon request by Floor Leader Reyes, President Manglona declared the Senate in recess.

RECESS

The Senate reconvened.

President Manglona: Thank you. With everyone's patience, let us again reconvene our session. We are still discussing House Bill No. 12-376. Before the recess, Floor Leader Reyes had planned to offer some amendments.

Floor Leader Reyes: Mr. President, I already distributed the copies of the floor amendment. I move for adoption of that floor amendment.

“FLOOR AMENDMENT TO HB 12-376

1. On page 1, line 2, strike out 2000 and insert 2001.
2. On Page 2, line 28, strike out “shall only e allowed to hire nonresident professions”.
3. On page 2, line 30, strike out “resident applied to an advertisement for a professional’s position”.
4. On page 3, line 3, strike out “A nonresident worker permit shall not be issued or renewed for the Office of the Public Auditor unless the office of Personnel Management certifies that no resident professional is available to fill the position.
5. On page 3, line 29, strike out entire sub (h).
6. On page 4, insert a new Section as follows:

Section 6. Amendment. 1 CMC §7823 is amended by adding subsection (f) to read as follows:

§7823. Audit Procedure and Requirements.

(f) It shall be unlawful for any person in possession of, with knowledge of, or privy to information contained in a preliminary audit and proposed findings report (draft audit report) to disseminate, release, disclose or other wise reveal the substance of such report to anyone not included in the report’s distribution list, unless necessary for agency comments. A violation of this subsections shall be punished by imprisonment for not more than six months, or a fine of not more than \$1,000.00) or both.

7. Following sections be numbered accordingly.

Date: 8/2/01

Offered by: /s/ Sen. Pete P. Reyes”

President Manglona: I believe that all the members have copies of the floor amendment as offered by the Floor Leader. It has been seconded.

Senator Atalig: Thank you, Mr. President. I also introduced a floor amendment and I have talked it out with the Floor Leader. Basically, we have the same floor amendments. His floor amendment, though, is more detailed and I would like to withdraw my motion and have the Floor Leader take care of this amendment. Thank you.

Senator Dela Cruz voiced, “ready”.

President Manglona: So, the amendment as offered by Senator Atalig is withdrawn. We have before us the amendment offered by Floor Leader Reyes and all the members have copies of it. So, is there any further discussion?

Vice President Villagomez voiced, “ready”, and the motion for the adoption of the floor amendment as offered by Floor Leader Reyes was carried by voice vote.

President Manglona: The amendment passes. We are back to discussing the main bill.

Floor Leader Reyes: Mr. President, in addition to the floor amendment, I would like to offer an oral amendment and let me explain. Earlier, Mr. President we passed a similar legislation, House Bill No. 12-174, which basically include all the information that we have on this bill and again we are bringing it back to the original Senate version except on one particular item which apparently happened to be a problem in the House. I would like to offer an oral amendment to page 4, Section 4, line 4. I would like to cross out everything that is in there. Cross out “Amendment:

ICMC 8245 Subsection (a) is amended to read as follows” and everything else on that particular section up to \$100,000. Leave “Section 4”, but insert the following language: Public Auditor. Compensation. Notwithstanding any provisions of law (,) the Public Auditor shall receive an annual salary not to exceed \$100,000.” I so move.

Several members voiced, “second”.

President Manglona: It has been moved and seconded. Is there any discussion on the floor amendment?

Several members voiced, “ready”, and the adoption of the floor amendment as offered by Floor Leader Reyes was carried by voice vote.

President Manglona: We are back to the main bill, House Bill No. 12-376, as amended. Is there any further discussion? 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	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	No
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes and one (1) no, House Bill No. 12-376, as amended, passes the Senate.

Senator Adriano: Mr. President, can we entertain House Legislative Initiative No. 12-13.

President Manglona: House Legislative Initiative No. 12-13 is on our Calendar. Is there any objection on the floor?

Senator Dela Cruz voiced, “no objection”.

Floor Leader Reyes: Mr. President, can we just follow the order of Business, we have two more bills before that and I don’t think it will take that long.

Senator Adriano: *Hunggan*, Mr. President. *Lao megai taotao guine man man nanangga nu esta pa’go. Maila ya ta bota ya ta lie kao munga na ta entertain este fine’ne’na.* Motion *enao*, Mr. President.

Several members voiced, “second”.

President Manglona: So, there is a motion and it has been seconded that we skip over several legislation so that we can address at this time House Legislative Initiative No. 12-13. Is there any discussion?

Several members voiced “ready”, and the motion to act on House Legislative Initiative No. 12-13 was carried by voice vote.

President Manglona: At this point we have agreed to entertain House Legislative Initiative No. 12-13. Floor Leader Reyes for the appropriate motion?

Senator Dela Cruz: Thank you, Mr. President. *Komo guaho Chair i komuten i JGL ya guaho uma'atan este na particular initiative, for the sake of harmony yan pot para tana' seguro na hu go through este na initiative pa'go na ha'ane sa bula taotao man man nanang-ga, I am willing to support this amendment. Also I am hoping as much as possible na uma minimize i amendment ya kosa ke siña man hanao hit mo'na ya tana fonhayan este gi mas chadedek yan mas libiano na manera. Si Yu'us ma'ase, Mr. President.*

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, I would like to offer a subsidiary motion to amend that, but I would like to yield for now until we pass Senator Maratita's amendment and then I'll make my motion.

President Manglona: Is there any other discussion on that amendment offered by Senator Maratita?

Several members voiced "ready", and the adoption of the floor amendment as offered by Senator Maratita was carried by voice vote.

President Manglona: We are still discussing House Legislative Initiative No. 12-13, HD1, SD1, as amended.

Floor Leader Reyes: Mr. President, I was one of the first group to advocate empowerment to the Municipal Council. From the beginning of my term as the Chairman for the Saipan Legislative Delegation, I made a statement in support of empowering the Municipal Council and we --- the Saipan Legislative Delegation of that responsibility passing it down to the Municipal Council. My understanding is that the members of the Municipal Councils requesting this empowerment have not suggested that they are going to be compensated as a full time legislators with salary to commensurate up to the level equal to the current members of the House and the Senate. However, because that is already in the bill, I have no problem supporting that, but I feel that the number of current Municipal Council of three should remain three. I do not understand the logic behind having to increase it to this five. Why not seven, why not nine? I feel that the current members of Municipal Councils are doing their jobs and if the issue is they would do a better job when they are compensated and hired as a full time Municipal Council, that would only serve to increase their vigilance over the resources that they would collect and they would perform better if anything else. The two amendments that I would like to make--the other concern that I have is where the compensation is going to come from. As you know, we are experiencing serious financial problems as it is right without having to find other resources to compensate for additional FTE's. And this is what we are doing. We are creating additional FTE's and we are creating additional obligation for this government to pay up to over half a million dollars. If two additional Municipal members are added, it will translate to \$585,000 or more that we have to pay and that would mean that for Tinian it would receive an additional \$195,000. For Rota, it will receive \$195,000 and for Saipan an additional \$195,000. I am not sure where these funds are going to come from. So, in the spirit of cooperation and my heart bleeds out to Senator Dela Cruz who worked really hard in the Committee to find a middle ground, I would like to propose an oral amendment. I would like to ask the Legal Counsel to verify for legal sufficiency if this language is okay, but I would like first to make a motion to reduce in the Senate Draft 1, from 5 to 3 and leave it the way it is right now. I would like to make a motion for an oral floor amendment to page 6, after line 23, after "Governor", put a (,) and insert the language: "except the compensation for members of Municipal Council shall be paid out of revenues generated by the local government". I so move. In his way, Mr. President, the Municipal Council would be tasked with the responsibility of finding ways and means, to explore different ways, to generate resources and would not tap into the general fund of the central government.

Vice President Villagomez voiced, "second".

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

Senator Dela Cruz: I am a little confused here, Mr. President. With all due respect, to our colleague, Senator Reyes, I thought that we just passed Standing Committee Report No. 12-59 and I believe his signature was on that particular committee report. I have no objection on this amendment, but just like I said earlier for the sake of the passage of this particular initiative, I hope that we can keep this discussion at ease so that we can hopefully get the numbers needed to pass this Legislative Initiative. I have no objection on your motion colleague, but I thought that since you signed that committee report that your position is still limited to the conclusion of that particular discussion of the committee report. Thank you, Mr. President.

President Manglona declared the Senate in recess.

RECESS

The Senate reconvened.

President Manglona: We are back to our session. We are still discussing House Legislative Initiative No. 12-13, and I believe Floor Leader Reyes has offered an amendment. Copies have been distributed to all the members.

Floor Leader Reyes: Just for clarification -- to be paid out of locally generated revenue.

President Manglona: That is on the floor amendment, right?

Floor Leader Reyes: For each Senatorial District.

Both Senator Adriano and Vice President Villagomez voiced, "ready".

President Manglona: Is there any further discussion?

Several members voiced, "ready", and the adoption of the amendment as offered by Floor Leader Reyes was carried by voice vote.

President Manglona: The amendment is passed. So, we are back to House Legislative Initiative No. 12-13, as amended by Senator Maratita and Floor Leader Reyes. Is there any other discussion?

Both Senator Adriano and Vice President Villagomez 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	Abstained
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

Eight (8) members voted yes and one (1) abstention.

President Manglona: By a vote of eight (8) yes and one (1) abstention, we have garnered the necessary three-fourths vote of the total membership to pass House Legislative Initiative No. 12-13, as amended by the Senate.

Senator Dela Cruz requested for short recess.

Upon request by Senator Dela Cruz, President Manglona declared the Senate in recess.

RECESS

The Senate reconvened.

President Manglona: We are still under the Bill Calendar.

Floor Leader Reyes: By request, Mr. President, and before I make a motion for the passage of another bill, I would like to make a motion to include House Bill No. 12-237 on today's Calendar for Final Reading.

Senator Adriano: Mr. President, I object to that.

President Manglona: There is a motion and there is an objection.

Senator Atalig: I believe I have made a request to Floor Leader Reyes on this.

Senator Adriano: *Sasangan nai.* Mr. President, I asked Floor Leader Reyes if we could go to HB 12-374, first.

President Manglona: The motion before us is for the placement and I understand that there was no objection. Let me just dispose of this motion, and there being no objection, House Bill No. 12-237 it is so placed.

Senator Dela Cruz: I want to defer House Bill No. 12-381, the Hazardous pay. I want to refer it to the Fiscal Affairs Committee.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: This particular bill has been on the Calendar for quite some time already.

President Manglona: You are talking about House Bill No. 12-381.

Floor Leader Reyes: Yes, and this is the next one that I would like to make a motion on because this is the next one on our Order of Business. I would like to ask that we entertain this legislation, because it has been sitting in the Calendar for a long time and the Department of Public Safety is waiting to see what kind of action the Senate is going to make on a promise made by the House of Representative to pay hazardous differentials. As you know the House passed a bill -- it is a feel-good bill, because that is what it is. That is all it is -- for the members of the Department of Public Safety to feel good, but they do not intend to pay them because they did not appropriate the money for it. And I think that it is wrong to make that kind of promise. So, I would like to put this on Calendar and if anybody wishes to vote against this, that is fine.

President Manglona: Is there any objection from Senator Dela Cruz.

Senator Dela Cruz: That is the only reason why Mr. President. I am trying to refer this to the Fiscal Affairs Committee. It is because there is no funding in this particular bill just like I agree with our colleague that this particular bill is just another pay increase without funding. And that is the reason why I am referring it to the appropriate committee to look into where we are going to get the money for this particular bill.

Floor Leader Reyes: Well, Mr. President, I am prepared to offer a floor amendment to appropriate the money.

Senator Dela Cruz: I withdraw my motion to defer.

President Manglona: With the motion to pass, the motion made by Senator Dela Cruz can also be addressed at that time.

Senator Dela Cruz: I have no problem, Mr. President.

The Chair recognized Floor Leader Reyes.

HOUSE BILL NO. 12-381, COMMITTEE DRAFT 2, HOUSE DRAFT 3: A BILL FOR AN ACT TO PROVIDE HAZARDOUS PYA TO SWORN POLICE OFFICERS, CORRECTIONS OFFICERS AND FIREFIGHTERS EMPLOYED BY THE DEPARTMENT OF PUBLIC SAFETY (DPS); AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its passage on Final Reading and Senator Dela Cruz seconded.

President Paul A. Manglona

Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, House Bill No. 12-381, as amended, passes the Senate.

Floor Leader Reyes: Mr. President, I understand that House Bill No. 12-192 is going to be on the Calendar for Final Reading, but the majority's decision is not to act on it today. Is that correct?

President Manglona: I believe that is the agreement since the NMC is currently finishing up on their rules and regulation and we're going to be reviewing that. That is correct, Floor Leader.

HOUSE LEGISLATIVE INITIATIVE NO. 12-3, COMMITTEE DRAFT 2, SENATE DRAFT 1: A LEGISLATIVE INITIATIVE PROPOSING TO AMEND ARTICLE XI OF THE CONSTITUTION OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS REGARDING PUBLIC LANDS.

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

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

Senator Adriano: For discussion, Mr. President, I would like to make an oral floor amendment and I ask the Legal Counsel to help me out on this to include in the appropriate section the retroactive salary, which is 7-31, Medical Referral and the Scholarship.

President Manglona declared the Senate in recess.

RECESS

The Senate reconvened.

President Manglona: We are back to our plenary session. We are still discussing House Legislative Initiative 12-3, CD2, SD1. An amendment has been offered.

Senator Adriano: I would like to withdraw that amendment, Mr. President. I yield to my good colleague, Senator Atalig.

The Chair recognized Senator Atalig.

Senator Atalig: I would like to offer an amendment in the form of Senate Draft 1 and copies has been passed out. Thank you.

"FLOOR AMENDMENT

On page 2, line 12,

~~"The Commonwealth government shall establish a A~~

On page 2, line 13, after "purpose" delete (.) and add

Shall be established by law

Date: August 02, 2001

Offered by: _____ /s/ _____
Sen. Ricardo S. Atalig"

Senator Adriano voiced "second and ready", and the adoption of the floor amendment as offered by Senator Atalig was carried by voice vote.

The Chair recognized Senator Guerrero.

Senator Guerrero: Thank you, Mr. President. I don't know how much money we have left under this, but I have a floor amendment to House Legislative Initiative No. 12-003, CD2, and it is as follows.

“FLOOR AMENDMENT

House Legislative Initiative No. 12-003, CD2, SD1, is amended as follows:

On page 2, line 27, before the period (.) insert the following contained within the quotations:

“and shall not exceed Forty Million (\$40,000,000.00) Dollars”

Date: August 02, 2001

**Offered by: _____ /s/
Sen. Ramon S. Guerrero**

Floor Leader Reyes: Mr. President, point of clarification.

President Manglona: State your point.

Floor Leader Reyes: I think there was a motion to substitute Senate Draft 2 to Senate Draft 1 and that would be the bill that we should be amending. I think we should pass—the normal procedure, Mr. President is to first accept the substitute bill and then we can debate on that.

President Manglona declared the Senate in recess.

RECESS

The Senate reconvened.

President Manglona: We are back to our session. We are still discussing House Legislative Initiative No. 12-3, SD1.

Senator Atalig: Thank you, Mr. President. I would like to further make an amendment on page 2, line 12, and also on page 2, line 13, after the “purpose” delete the (.) and add “shall be established by law”.

President Manglona: I believe copies have been provided to all the members. Is there any discussion?

Senator Guerrero voiced, “ready”, and the adoption of the floor amendment was carried by voice vote.

The Chair recognized Senator Guerrero.

Senator Guerrero: Floor amendment, Mr. President on the same initiative. On page 2, line 27, after the word “amendment” insert and shall not exceed \$40 million.

Senator Atalig voiced, “second”.

President Manglona: Is there any discussion?

Several members voiced, “ready”, and the adoption of the floor amendment as offered by Senator Guerrero was carried by voice vote.

The Chair recognized Senator Dela Cruz.

Senator Dela Cruz: I also have a floor amendment, Mr. President. On page 2, line 25, after January 1, 2000 insert “except future land acquisition not limited to lands around the Maui well on the Second Senatorial District Tinian.” I so move, Mr. President.

President Manglona: The motion as offered by Senator Dela Cruz will clarify the amendment that we have just passed earlier. So, technically, we are reconsidering the amendment that we passed by voting and passing the amendment now just offered by Senator Dela Cruz. He did move and was seconded. Is there any discussion?

Several members voiced, "ready", and the adoption of the floor amendment as offered by Senator Dela Cruz was carried by voice vote.

President Manglona: We are back to House Legislative Initiative No. 12-3, as amended, by the Senate. Senate Clerk, call the roll the please.

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, House Legislative Initiative No. 12-3, as amended by the Senate passes the Senate with the necessary three-fourths vote requirement.

HOUSE BILL NO. 12-237: A BILL FOR AN ACT TO AMEND SECTION 1, AND SECTION 3, OF PUBLIC LAW 11-100 TO REAPPROPRIATE \$500,000 APPROPRIATED FOR TATACHOG LIBRARY; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

Senator Atalig 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, House Bill No. 12-237, passes the Senate.

President Manglona declared the Senate in recess.

Several members voiced, "ready", and the adoption of the floor amendment as offered by Senator Adriano was carried by voice vote.

President Manglona: I would just like to ask if an amendment can be offered because I have discussed this earlier with the Committee about line 10, page 2. When we passed the American Memorial Park bill, we appropriated \$2 million, and the numbers will be off here. This is just a technical correction. So, can I hear a motion for our legal counsel to adjust this accordingly by reducing the amount appropriated for the American Memorial Park, which we passed recently and became Public Law in the amount of \$2 million from this funding?

Senator Adriano: Yes, that is on page 2, line 10. Instead of \$19 million it should be \$17,787,631.

President Manglona: And also, accordingly, the total of \$50 million should be only \$48 million. There is only \$48 million.

Several members voiced, "second".

President Manglona: Is there any discussion?

Several members voiced, "ready", and the adoption of the oral amendment as offered by Senator Adriano was carried by voice vote.

President Manglona: Is there any further 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	Absent
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, House Bill No. 12-374, as amended, passes the Senate. Just for further clarification because in the findings of this bill we made reference to the \$50 million and again the amendment by Senator Adriano would have to correspond and clarify those other sections that make reference to the \$50 million.

RESOLUTION CALENDAR

SENATE RESOLUTION NO. 12-50: A SENATE RESOLUTION TO EXPRESS CONDOLENCES AND HONOR THE MEMORY OF DR. WILLIAM M. PECK OF ROTA.

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

Floor Leader Reyes: This is to express condolences and honor in memory of Mr. William M. Peck of Rota offered by the President and I hope by the rest of the members.

President Manglona: If there's no objection, this would be offered by the Committee of the Whole.

Several members voiced "no objection", and the motion to adopt Senate Resolution No. 12-50 carried by voice vote.

SENATE JOINT RESOLUTION NO. 12-6: A JOINT RESOLUTION URGING THE UNITED STATES FEDERAL COMMUNICATIONS COMMISSION TO CHANGE THE URBAN DESIGNATION OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, THE TERRITORY OF GUAM, AND AMERICAN SAMOA FROM THEIR RESPECTIVE CAPITAL CITIES TO THE CITY OF HONOLULU, HAWAII.

Floor Leader Reyes moved for the adoption of Senate Joint Resolution No. 12-6 and several members seconded.

President Manglona: Is there any discussion?

Several members voiced, "ready", and the adoption of Senate Joint Resolution No. 12-6 was carried by voice vote.

President Manglona: Senate Joint Resolution No. 12-6, passes the Senate.

Floor Leader Reyes: Mr. President, I have an unnumbered Resolution to instruct the Legal Counsel to represent the Senate.

Senator Adriano: Mr. President because you are communicating back and forth with the Acting Secretary of Finance, I would like to place this on the Calendar until we have a word from the Secretary of Finance.

President Manglona: Let me just add that I spoke about 30 minutes ago with the Acting Secretary and it appears that they do not have any word until 2:30 p.m. tomorrow. So, it's a negative response and I am afraid that we might not have time to get into a session. So if there is no objection, I believe we should proceed and vote affirmatively on this resolution so that by tomorrow we can instruct the Legal Counsel to file a lawsuit by tomorrow or Monday. Floor Leader Reyes for the appropriate motion if there is no objection?

SENATE RESOLUTION NO. 12-51: A SENATE RESOLUTION INSTRUCTING THE SENATE LEGAL COUNSEL TO REPRESENT THE SENATE AND TAKE ANY ACTIONS AGAINST THE DEPARTMENT OF FINANCE AND ALL POTENTIAL PARTIES REGARDING MATTERS RELATED TO EMPLOYEE RETIREMENT CONTRIBUTIONS FOR LEGISLATIVE STAFF.

Floor Leader Reyes moved for the adoption of Senate Resolution No. 12-51 and Senator Adriano seconded.

The Chair recognized Senator Cing.

Senator Cing: Mr. President, there's no problem taking the Secretary of Finance to court, but I believe this is the twelfth resolution that we have passed to take the Secretary of Finance to court.

President Manglona: I believe this is the first resolution with regards to the matter on retirement contribution being deducted from our accounts, but you are right. We have passed several resolutions to take to court the Department of Finance Secretary, but I believe that a different route was taken in what we passed. There are several bills and one of which is with the Governor. The other is still with the House which addresses the concern that is causing the problem between the Administration and the Legislative Branch. So, this is the first time that we're addressing this issue and if we do not address this, then it will mean that there will be some employees that will not receive their pay checks not tomorrow, but following Friday.

Senator Dela Cruz: This is just to set the record straight. Just like what good Senator Adriano have said, we do not want to be misconstrued that this is a go, go resolution at this time. This is just in case that they don't come back

with an answer, we're going to go ahead and proceed. But, this is just so that we can put everything on ready, Mr. President.

President Manglona: That is correct, Senator Dela Cruz. Is there any further discussion?

Several members voiced, "ready", and the motion to adopt Senate Resolution No. 12-51 was carried by voice vote.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: I move for recess subject to your call.

Several members voiced "second" and there being no objection, the motion carried by voice vote.

President Manglona declared the Senate recessed subject to the call of the Chair at 5:50 p.m.

Respectfully submitted,



Ramona I. Kapileo
Senate Journal Clerk

Adopted: Jan. 11, 2002