

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

Second Day

Thursday, August 30, 2001

The Senate of the Twelfth Northern Marianas Legislature, Second Day, Fourth Regular Session, was called to order at 11:00 a.m. at 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 eight (8) members present and Senator David M. Cing was excused.

READING AND APPROVAL OF THE JOURNAL

None

MESSAGES FROM THE GOVERNOR

Gov. Mesg. No. 12-811: August 2, 2001 – PL 11-6 Exemption for SN-5 Enterprises.

Gov. Mesg. No. 12-812: August 3, 2001 – PL 11-6 Exemption for Pacific Gardenia Hotel.

Gov. Mesg. No. 12-813: August 3, 2001 – PL 11-6 Exemption for Hero Co., Ltd.

Gov. Mesg. No. 12-814: August 6, 2001 – Informing the Legislature that he had signed into law HB 12-201, CD1, HD1, entitled, "To reduce the security that a bank pledge in bank assets for the protection of CNMI Government funds deposited in such bank from 110 percent to 100 percent; and for other purposes." (PL 12-61 – 08/06/01)

Gov. Mesg. No. 12-815: August 7, 2001 – Certification for 17 vacant position in the Department of Finance that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-816: August 8, 2001 – Certification for 6 vacant positions in the Department of Public Works that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-817: August 8, 2001 – **Withdrawing** the name of Mr. Manases M. Manglona as his nominee to the MVA Board of Directors.

Gov. Mesg. No. 12-818: August 8, 2001 – Certification that the position of Assistant Attorney General at the Office of the Attorney General is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-819: August 9, 2001 – Certification for annual salary in excess of \$50,000 for Dr. Syed M. Abidi (Internist) at the Commonwealth Health Center.

Gov. Mesg. No. 12-820: August 9, 2001 – Certification that the position of Physician (Internist) at the Department of Public Health is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-821: August 9, 2001 – Certification that the position of Revenue Technician II in the Department of Finance is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-822: August 10, 2001 – PL 11-6 Exemption for the Department of Public Health.

Gov. Mesg. No. 12-823: August 10, 2001 – PL 11-6 Exemption for Kosa Fisheries, International.

Gov. Mesg. No. 12-824: August 13, 2001 – PL 11-6 Exemption for Chanpac, inc. dba Club Jama.

Gov. Mesg. No. 12-825: August 14, 2001 – Nominating Ms. Calistra Taimanao Pendergrass to serve as a member of the Marianas Visitors Authority Board of Directors to represent Rota.

Gov. Mesg. No. 12-826: August 16, 2001 – Certification that the position of Community Service Assistant Supervisor in the Office of the Mayor is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-827: August 16, 2001 – Informing the President and the Chairman of the SNIL Delegation that he had disapproved SLB 12-8, entitled, "To prohibit commercial heavy equipment vehicles from utilizing the Chalan Tun Antonio Apa road in Fina Sisu as through-traffic; and for other purposes." (DISAPPROVED ON 08/16/01)

Gov. Mesg. No. 12-828: August 16, 2001 – Certification that the positions of Eligibility Worker I, Administrative Assistant, Clerk Typist III, and Clerk III at the Department of Public Health are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-829: August 20, 2001 – Certification that the position of Immigration Inspector I at the Rota Department of Labor and Immigration is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-830: August 20, 2001 – Certification that the position of Assistant Public Defender at the Office of Public Defender is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-831: August 20, 2001 – Certification that the position of Scholarship Coordinator at the Administrative Services, Office of the Governor, is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-832: August 20, 2001 – Certification that the position of Natural Resources Planner in the Department of Lands and Natural Resources is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-833: August 21, 2001 – Certification that the position of Environmental Health Technician I at the Department of Public Health is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-834: August 21, 2001 – Certification that the position of Federal Programs Coordinator II at the Emergency Management Office is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-835: August 24, 2001 – Certification for annual salary in excess of \$50,000 for Dr. Marc Wiltshire and Dr. Norma S. Ada at the CHC.

Gov. Mesg. No. 12-836: August 24, 2001 – Certification that the positions of Respiratory Therapist I, Manager Transitional Living Center, and Physician at the Department of Public Health are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-837: August 24, 2001 – PL 11-6 Exemption for Kimco Enterprises, Inc.

Gov. Mesg. No. 12-838: August 24, 2001 – PL 11-6 Exemption for Rosa Corporation.

Gov. Mesg. No. 12-839: August 24, 2001 – PL 11-6 Exemption for Modern Stationery & Trading Co., Inc.

Gov. Mesg. No. 12-840: August 24, 2001 – PL 11-6 Exemption for Seaside Mart, Inc.

Gov. Mesg. No. 12-841: August 24, 2001 – PL 11-6 Exemption for Choin Corporation dba Bethesda Retail Merchandise.

Gov. Mesg. No. 12-842: August 24, 2001 – PL 11-6 Exemption for Hyatt Regency Saipan.

Gov. Mesg. No. 12-843: August 24, 2001 – PL 11-6 Exemption for micro Pacific Development Inc. dba Saipan Grand Hotel.

Gov. Mesg. No. 12-844: August 24, 2001 – Certification that the position of Land Information Manager in the Department of Lands and Natural Resources is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-845: August 24, 2001 – Certification that two positions of Customs Inspector II in the Department of Finance are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-846: August 24, 2001 – Informing the Legislature that he had disapproved SB 12-92, entitled, "An Act to provide comprehensive legislation regarding the Legislative Bureau; and for other purposes." (DISAPPROVED ON 08/24/01)

Gov. Mesg. No. 12-847: August 24, 2001 – Informing the Legislature that He had signed into law HB 12-237, entitled, "To amend Section 1 and Section 3 of PL 11-100 to reappropriate \$500,000 appropriated for Tatchog Library; and for other purposes." (PL 12-62 – 08/24/01)

Gov. Mesg. No. 12-848: August 28, 2001 – PL 11-6 Exemption for hotel Nikko Saipan.

Gov. Mesg. No. 12-849: August 28, 2001 – PL 11-6 Exemption for Department of Public Health.

Gov. Mesg. No. 12-850: August 27, 2001 – PL 11-6 Exemption for Kan Pacific Saipan, Ltd.

Gov. Mesg. No. 12-851: August 27, 2001 – PL 11-6 Exemption for D&W Enterprises, Inc.

Gov. Mesg. No. 12-852: August 27, 2001 – PL 11-6 Exemption for Asia Pacific Express Remittance Saipan, Inc.

Gov. Mesg. No. 12-853: August 27, 2001 – PL 11-6 Exemption for Mr. Zardo James Villanueva.

Gov. Mesg. No. 12-854: August 27, 2001 – Certification for a vacant position of Legislative Affairs at the Office of the Mayor of Saipan that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-855: August 28, 2001 – Nominating Mrs. Abelina Cing-Cabrera and Mr. Vincent J. Seman to serve new terms as members of the NMC Board of Regents.

Gov. Mesg. No. 12-856: August 29, 2001 – PL 11-6 Exemption for Tan Holdings Corporation.

The Chair recognized Senator Adriano.

Senator Adriano: Mr. President, this is on the veto message of Senate Bill No. 12-92. The veto message is agreeable to the contents of the three different branches of government that they are not permitted to regulate or operate a finance office. I tend to agree with that and I have talked to our Legal Counsel. But, then again, Mr. President, we're coming back to first base when we adopted a resolution to bring the Secretary of Finance for a certified question, and up until now, that resolution is still pending. So, at this point in time, Mr. President, I would

like to ask the Senate Legal Counsel if we could entertain a resolution that will bring Senate Bill No. 12-92 as a certified question before the court.

President Manglona: I guess the recommendation is for the Legal Counsel to work with the Governor's Office and possibly the Attorney General's Office and the Department of Finance to come up with a certified question to bring before the Supreme Court. I believe that we can make that into a motion. Chairman, do you want to make a motion to that effect?

Senator Adriano voiced, "I move".

President Manglona: Is there any discussion? Ready?

The motion was carried by voice vote.

President Manglona: The instruction is for our Legal Counsel to proceed with the process of bringing a certified question before the Supreme Court on this very issue. Is there any other comment?

COMMUNICATIONS FROM THE JUDICIARY

None

COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS

None

HOUSE COMMUNICATIONS

Hse. Comm. No. 12-285: Informing the Senate that the House accepted the Senate amendments to HB 12-376, the "Commonwealth Auditing Amendments Act of 2001".

Hse. Comm. No. 12-286: Informing the Senate that the House rejected the Senate amendments to HB 12-354, SD1, entitled, "A Bill for an Act to amend PL 11-79, Section 6(c)(2); and for other purposes."

Hse. Comm. No. 12-287: Transmitting for Senate action HB 12-328, HD2, entitled, "To amend 1 CMC Section 8248(b) to include psychologists; and for other purposes."

Hse. Comm. No. 12-288: Transmitting for Senate action HB 12-342, CS1, entitled, "A Bill for an Act to amend 1 CMC 8282 by creating a new subsection (n), to qualify probation officers employed by the Office of Adult Probation Supervision; and for other purposes."

Hse. Comm. No. 12-289: Transmitting for Senate action HB 12-361, HD2, entitled, "A Bill for an act to repeal section 301 (b) (5) of Executive Order 94-3; to amend 3 CMC Section 4424; to amend 4 CMC Section 1803; and for other purposes."

Hse. Comm. No. 12-290: Informing the Senate that the House accepted the Senate amendments to HB 12-374, CS1, SD2, the "Capital Improvement Projects Act of 2001".

Hse. Comm. No. 12-291: Transmitting for Senate action HB 12-380, HD1, HS1, entitled, "A Bill for an Act to amend the Investment and Incentive Act of 2000, 4 CMC Section 3301, et. seq., and for other purposes."

Hse. Comm. No. 12-292: Transmitting for Senate action HB 12-401, HD2, entitled, "A Bill for an Act to re-appropriate and authorize the expenditure of Two Hundred Eighty Thousand Dollars (\$280,000.00) from certain fund balances available from appropriations under Subsection 530(e) and (f) of Public Law 10-41; and for other purposes."

Hse. Comm. No. 12-293: Transmitting a certified copy of HR 12-157, entitled, "A House Resolution to express our appreciation and congratulation to Norman Lovelace on his retirement as Manager of the Region 9 Pacific Insular Area Programs of United States Environmental Protection Agency."

Hse. Comm. No. 12-294: Transmitting a certified copy of HR 12-160, entitled, "a House Resolution to commend and congratulate Evalani Bernedette Baclayon Lizama for her contribution to the CNMI's cultural preservation of traditional arts an culture through the medium of dances and folklore."

Hse. Comm. No. 12-295: Transmitting a certified copy of HR 12-161, entitled, "A House Resolution recognizing and congratulating our CNMI probation and parole Officers on their historic and memorable First CNMI Probation and Parole Officers Week proclaimed by the Honorable Governor Pedro P. Tenorio on Thursday, July 12, 2001.

Hse. Comm. No. 12-296: Transmitting a certified copy of HR 12-163, entitled, "A House Resolution directing the Secretary of the Department of Public Works to terminate the construction contract with Pac-United for cause as the contracted defaulted on the construction of Kagman Elementary School over a year ago and to secure the performance bond to help pay for all the corrective work resulting from poor workmanship by the contractor and subcontractors."

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

Floor Leader Reyes requested for "short recess".

President Manglona declared the Senate recess at 11:03 a.m.

RECESS

The Senate reconvened at 11:09 a.m.

President Manglona: Let us resume with our session.

GOVERNOR'S COMMUNICATION

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Thank you, Mr. President. During recess, we discussed the motion for a certified question, the instruction for the Senate Legal Counsel. I would like to ask Senator Adriano to reconsider the motion, and rather than having a Senate Resolution can I amend that motion to make it a Senate Joint Resolution?

Senator Atalig voiced, "second".

Vice President Villagomez: It is to reconsider the action that was taken by the Senate in adopting the motion to instruct the Legal Counsel.

President Manglona: Is there any objection to reconsider the action we have taken when we passed the motion offered by Senator Adriano?

Several members voiced, "no objection".

President Manglona: Please proceed, Vice President Villagomez, with your motion.

Vice President Villagomez: The motion is to instruct the Senate Counsel to come up with a certified question -- a Senate Joint Resolution to address the certified question on the Governor's veto.

Several members voiced, "second".

President Manglona: Is there any discussion on the reconsideration? Now, the instruction would be to ask the Senate Legal Counsel to come up with a Senate Joint Resolution addressing the issue of a certified question. Is there any discussion?

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

STANDING COMMITTEE REPORTS

STANDING COMMITTEE REPORT NO. 12-60: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATIONS REPORTING ON THE GOVERNOR'S NOMINATION OF MRS. MARIAN ALDAN-PIERCE TO SERVE AS A MEMBER OF THE MARIANAS VISITORS AUTHORITY BOARD OF DIRECTORS.

Floor Leader Reyes moved for the adoption 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	Excused Absent
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.

President Manglona: By a vote of eight (8) yes, the Senate hereby confirms Mrs. Marian Aldan Pierce to serve as a member of the MVA Board of Directors. I believe she's with us in the gallery. I would like to offer the Senate's congratulations to her.

STANDING COMMITTEE REPORT NO. 12-61: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATIONS REPORTING ON THE GOVERNOR'S NOMINATION OF MS. CALISTA T. PENDERGRASS TO SERVE AS A MEMBER OF THE MARIANAS VISITORS AUTHORITY BOARD OF DIRECTORS.

Floor Leader Reyes moved for the adoption 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	Excused Absent
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.

President Manglona: By a vote of eight (8) yes, the Senate hereby confirms Ms. Calista T. Pendergrass representing Rota to serve as a member of the Marianas Visitors Authority Board of Directors.

STANDING COMMITTEE REPORT NO. 12-62: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATIONS REPORTING ON THE GOVERNOR'S NOMINATION OF MS. RITA MANGLONA TO SERVE AS A MEMBER OF THE MARIANAS VISITORS AUTHORITY BOARD OF DIRECTORS.

Floor Leader Reyes moved for the adoption 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	Excused Absent
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.

President Manglona: By a vote of eight (8) yes, the Senate hereby confirms Mrs. Rita Manglona to serve as a member of the Marianas Visitors Authority Board of Directors.

STANDING COMMITTEE REPORT NO. 12-63: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATIONS REPORTING ON THE GOVERNOR'S NOMINATION OF MR. DAVID M. SABLAN TO SERVE AS A MEMBER OF THE MARIANAS VISITORS AUTHORITY BOARD OF DIRECTORS.

Floor Leader Reyes moved for the adoption on Final Reading and several members seconded.

President Manglona: Is there any discussion?

Senator Atalig: Thank you, Mr. President. *Gi magahet, Mr. President, este na nominee kulan guaha dididi iyon-ña concern Luta sa sessu na biahe ni guaha malago' mame Luta lokue parehu ha yan Tinian. Sessu hu hungok yan*

huli'e na ha against *tat komo etyi* Deputy Managing Director *ni ha* propose *si* Senator Adriano. *Lao* with all do respect *para si* Senator Reyes, Senator Villagomez *yan si* Senator Guerrero, *bai hu suppota este na* nominee. Thank you, Mr. President.

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	Excused Absent
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.

President Manglona: By a vote of eight (8) yes, the Senate hereby confirms Mr. David M. Sablan to serve as a member of the Marianas Visitors Authority Board of Directors.

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Sen. Res. No. 12-52: A Senate Resolution amending the Official Rules of the Senate, Twelfth Northern Marianas Senate regarding the time and place of senate meetings and subsistence allowance for senators. (SEN. RAMON S. GUERRERO – 08/20/01)

Sen. Res. No. 12-53: A Senate Resolution expressing the sense of the Senate that the commonwealth Superior court should not decide the cross motions for summary judgment presently before that court in the case of CDA v. CUC, Civil Action No. 01-0249D, and instructing the Legal counsel to move for intervention by the Senate therein to specifically ask the court to stay any decision in the matter for 180 days to provide an opportunity for the Legislature to act with regard to the indebtedness which is the subject of that action. (SEN. PETE P. REYES – 08/29/01)

Sen. Res. No. 12-54: A Senate Resolution to request the Governor and the Resident Representative to appear before the Senate and deliver the "State of the Commonwealth" address and the "State of the Washington Office Report" respectively. (SEN. JOAQUIN G. ADRIANO +5 others – 08/30/01)

Sen. Joint Res. No. 12-7: A Senate Joint Resolution to urge the United States of America to provide monetary compensation to those local Saipanese still living and to the families of those now dead who served as Marine Scouts during the liberation of the Northern Mariana Islands from the Japanese in 1944. (SEN. DAVID M. CING – 08/30/01)

Sen. Local Bill No. 12-12: A Local Bill for an Act renaming the public building commonly referred to as the "Rota Gym" to "Manhoben Rota Recreation Center"; and for other purposes. (SEN. EDWARD U. MARATITA - 08/30/01)

Sen. Bill No. 12-125: A Bill for an Act to revise and reform the criminal laws concerning sexual assault and sexual abuse of minors in the Commonwealth. (SEN. PETE P. REYES - 08/30/01)

HOUSE COMMUNICATIONS

President Manglona: Just for the record, Senate Clerk, did we ever discuss House Communication? Is there any comment on House Communications?

Senator Maratita: Thank you, Mr. President. Actually, I was going to ask the members if there would be no objection to go back to House Communications, but since you mentioned that, I would, therefore, like to comment on House Communication No. 12-292, House Bill No. 12-401, HD2. Mr. President, during our last session, Senator Villagomez and Senator Reyes aggressively opposed the amendment to House Bill No. 12-374. That is the reason why, again, Mr. President, that when we passed this amendment the House rejected the amendment and offered a new bill which is now House Bill No. 12-401, HD2. This is the problem here, Mr. President. This is money coming from the First Senatorial District. This money, which is under House Bill No. 10-41, is for CIP and the Rota Delegation decided to re-appropriate this money for the different programs that we mentioned in House Bill No. 11-41. Here again, the House, Mr. President, separated the bill and they changed the expenditure authority for the First Senatorial District for the amount of \$280,000. So I would like to put the Third Senatorial District on notice, that before we pass House Bill No. 12-374, I would like the House to pass House Bill No. 12-401 without amendment or reintroduce another bill, because I will not support House Bill No. 12-374, Mr. President, until the House fixes this bill. Otherwise, I will not be supporting any CIP coming from the House. Thank you, Mr. President.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Thank you, Mr. President. House Bill No. 12-401, HD2 is a bill that concerns the Senatorial District of Rota. It is true that they have made an amendment to what the Senate wants. But, I must point out, Mr. President, that this legislation was introduced by your colleague from Rota in the House. As I pointed out in the beginning, Vice Speaker Alejo Mendiola is not only from Rota, but he's also part of the House Leadership. I was hoping that if the Rota Delegation is being consistent with the intent of the bill, then I do not think that it is fair that the differences within the Delegation should hamper the other Senatorial Districts. I would like to point out that I am ready to support any amendment that the Senate wants to do to House Bill No. 12-401, pass it and give it back to the House and hopefully not only the Saipan Delegation, but also Tinian and the Representative from Rota would come in and accept the Senate amendment. As you know, the Rota delegation is composed of four members, three from the Senate and one from the House. Our position -- our agreed-upon position in the Saipan Senatorial District is that we have about 16 members in the House, and three members in the Senate. We kind of try to agree with the majority, and if the House agrees and passes a provision concerning the Saipan Senatorial District, we would try to work it out and in most cases we would approve what the majority agrees upon. If the Senate Leadership or the Senate Delegation from Rota insist that we revert back the spending authority to the Mayor, the original spending authority, then I hope that the Saipan Delegation and the House Leadership would accept that and pass it. So, I recommend that we propose an amendment to this legislation and lobby for its passage. Thank you.

The Chair recognized Senator Atalig.

Senator Atalig: Thank you, Mr. President. Although House Bill No. 12-401, HD2, had been passed in the House, still sections 2(a) and (b) doesn't address the concern of the Governor. The Governor's Message stated that every program should be identified in terms of figures, in terms of the amount. And, even as it was passed in the House, it still does not address this portion of the Governor's Message. So, I still see that there should be an amendment to HB 12-401. I don't know if the House has overlooked the Governor's Message in so far as the \$280,000 for Rota. And, I feel that is why Senator Maratita wants to put this on the agenda today, but I told him that since the House did not address this, we postpone putting this on the agenda and talk it out with the Mayor so that we can see how much will go to each program. For example, how much will go to the Statesman Junior Program, how much will go to the Educational Sports Competition and so forth?

So this main section here has not been addressed. That is why we want to cancel putting it on the agenda. Thank you, Mr. President.

The Chair recognized Senator Maratita.

Senator Maratita requested the Senate Journal Clerk to pass out his letter regarding House Bill No. 12-401 to the members and to include it on this day's journal.

"August 22, 2001

**Honorable Rep. Antonio M. Camacho
Chairman
House Committee on Ways & Means
12th Northern Mariana Islands
House of Representatives
Saipan, MP 96950**

RE: H.B. No. 12-401

Dear Chairman Camacho:

As you know, the Senate previously agreed to address the re-appropriation of \$280,000 from certain fund balances available from appropriations under PL 10-41 separately from H.B. No. 12-374, provided, that no significant changes would be made.

After review of H.B. No. 12-401 it appears that significant changes were indeed made with regard to the re-appropriation and expenditure authority of the available balance. Previously, the Mayor of Rota was the sole expenditure authority of the available balance. However, H.B. No. 12-401 significantly amends the expenditure authority by splitting it between the Chairman of the Board of Education and Mayor of Rota. This disturbs me, let us not forget that these funds originate from the First Senatorial District and therefore expenditure authority should be from the First Senatorial District.

The Chairman of the Board of Education is a "policy maker" not an administrator. The Principal of the Rota High School would be a more appropriate and knowledgeable person to designate expenditure authority to. Moreover, I do not understand why or how the House came up with the figures of \$180,000 for the Board of Education and \$100,000 for the Mayor of Rota. On top of this, the purchase and installation of the Rota High School baseball lighting system was completely left out of H.B. No. 12-401.

As I mentioned earlier, the Senate agreed to address the changes made to H.B. No. 12-374 in a separate manner, but unfortunately the changes, as reflected in the current version of H.B. No. 12-401 are unsatisfactory.

I thank you for your understanding and hope that this oversight can be rectified in timely manner.

Sincerely,

/s/
Sen. Edward U. Maratita

**Cc: Mayor of Rota
Members, RLD"**

The Chair recognized Senator Adriano.

Senator Adriano: The 11-41, is that the Federal budget or the CIP?

President Manglona: 10-41 is the appropriation measure.

Senator Maratita: That is the fund balance on CIP.

Senator Adriano: The way section 2 reads, line 16, reads, we are taking the CIP money to....

Senator Atalig: Local CIP.

Senator Maratita: The fund balance from 10-41.

Senator Atalig: It is not Federal

President Manglona: Senator Maratita, before me, I see a copy of your letter to Chairman Camacho. Is it your intention to make this part of the record?

Senator Maratita: Yes, Mr. President.

President Manglona: Senate Clerk, can you please have this letter included as part of the record for today's session under House Communication?

Senator Guerrero: Thank you, Mr. President. With all do respect to my colleague Senator Maratita, I hope that whether -- he should withdraw his earlier comment giving notice to the Third Senatorial District on any CIP. I believe, Mr. President, that the issue here is between the House of Representative delegation from Rota and the Rota Delegation in the Senate. I do not see any reason why the Third Senatorial Delegation should be held hostage for a decision that we always respect and we always support. I hope that my colleague from Rota -- the reason why I raised my hand is that I want clarification. I have always supported and respected the position for Rota and Tinian, but when it comes to giving notice to the Third Senatorial District, I am not too keen in accepting that because we have nothing to do with it. We always respect the amount of money issued to Rota and Tinian, but to hold the Third Senatorial District, Mr. President, I do not think that's fair. Thank you.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Thank you, Mr. President. I would like to join Senator Villagomez in expressing that members of the Senate from the Third Senatorial District have always made serious attempts to cooperate with other members of the Senate from Rota and Tinian. Again, I repeat and reiterate my commitment to work with the Senator in addressing some of the major concerns that confronts the island of Rota and Tinian. In this case, it would be the island of Rota and I give him my full support if he wishes to provide a floor amendment to the bill to addresses that concern. And, I hope that we can continue to work together in cooperation so that major legislation's affecting our respective islands can be addressed and not hampered in any way. So, I wish to inform my colleagues of the Rota Delegation that my support is there.

The Chair recognized Senator Maratita.

Senator Maratita: The reason why I said that, Mr. President, is because the amendment is coming from a Representative from the Third Senatorial District and he should be reminded to keep his hands-off those money that belongs to Rota. The majority of the Delegation has already decided where to put the money. So, they are interfering also with our money as to where to put our money and who is going to be the expenditure authority. Thank you.

The Chair recognized Senator Dela Cruz.

Senator Dela Cruz: Thank you, Mr. President. I feel that this is a Delegation issue. So, we always work in that fashion whereby a Legislative Delegation from each Senatorial District brings in a piece of legislation and expecting cooperation from the full Senate including the full House. This is a Delegation matter and I feel that if the

Delegation from Rota wants an action on their CIP, I think and I feel that is only appropriate that we should try to let them go with their share of the pie. Likewise, with Tinian and likewise with Saipan. I honestly feel that this type of discussion should not be handled in this area until such time that the Rota Delegation is ready to address this. And, I agree with Senator Atalig. I think that the Rota Delegation should sit down and address this thing before you bring it to the full Senate. Thank you, Mr. President.

Floor Leader Reyes: Mr. President, on my prefiled bill, I would like to request that this be placed on today's Calendar for First Reading, only to allow the members the opportunity to review so that at the next session we can pass it on Final Reading. This is a comprehensive bill to revise and reform the criminal laws concerning sexual abuse and sexual assaults of minors in the Commonwealth. And, since this is a comprehensive measure, I would like to allow the opportunity for the members to thoroughly review this.

The Chair recognized Senator Adriano.

Senator Adriano: I would like to follow that, Mr. President. Let us put this on the calendar for First Reading and pass it today and perhaps give a chance to each member to comment.

President Manglona: So, if there is no objection from the members, we are hereby placing Senate Bill No. 12-125 on our First Reading Calendar.

INTRODUCTION OF BILLS AND RESOLUTIONS

Sen. Bill No. 12-126: A Bill for an Act to provide comprehensive legislation regarding the Legislative Bureau; and for other purposes. (SEN. JOAQUIN G. ADRIANO)

BILL CALENDAR

Floor Leader Reyes moved for the suspension of pertinent rules in order to pass the bills on the Calendar and Senator Adriano seconded.

There being no discussion, the motion carried by voice vote.

SENATE BILL NO. 12-125: A BILL FOR AN ACT TO REVISE AND REFORM THE CRIMINAL LAWS CONCERNING SEXUAL ASSAULT AND SEXUAL ABUSE OF MINORS IN THE COMMONWEALTH.

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

President Manglona: Is there any discussion?

Several members voiced, "ready", and the passage of Senate Bill No. 12-125 on First Reading was carried by voice vote.

President Manglona: The passage of Senate Bill No. 12-125 on First Reading passes the Senate.

SENATE BILL NO. 12-33: A BILL FOR AN ACT TO REPEAL AND REENACT 6 CMC (c) TO INCREASE THE PENALTIES FOR SEXUAL ANUSE OF A CHILD; AND FOR OTHER PURPOSE.

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: This is for Final Reading. 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	Excused Absent
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.

President Manglona: By a vote of eight (8) yes, Senate Bill No. 12-33 passes the Senate.

SENATE BILL NO. 12-62: A BILL FOR AN ACT TO REQUIRE ALL CONTRACTORS TO REGISTER AND OBTAIN A CONTRACTOR'S CERTIFICATE OF REGISTRATION FROM THE DEPARTMENT OF PUBLIC WORKS BEFORE ENGAGING IN THE CONSTRUCTION BUSINESS HERE IN THE COMMONWEALTH; AND TO REQUIRE CONTRACTORS TO SECURE BONDS BEFORE PERFORMING ANY CONSTRUCTION PROJECTS; 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	Excused Absent
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.

President Manglona: By a vote of eight (8) yes, Senate Bill No. 12-62 passes the Senate.

SENATE BILL NO. 12-99: A BILL FOR AN ACT TO REPEAL CERTAIN PROVISIONS OF THE NONRESIDENT WORKERS ACT THAT UNFAIRLY SHIFT THE BURDEN OF MEDICAL EXPENSES FROM EMPLOYEE TO EMPLOYER AND PROVIDE PAYMENT PROTECTION TO COMMONWEALTH MEDICAL SERVICE PROVIDERS.

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	Excused Absent
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.

President Manglona: By a vote of eight (8) yes, Senate Bill No. 12-99 passes the Senate.

SENATE BILL NO. 12-116: A BILL FOR AN ACT TO ESTABLISH THE BOARD OF DIRECTORS FOR COASTAL RESOURCES AUTHORITY AND THE OFFICE OF COASTAL RESOURCES MANAGEMENT; 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	Excused Absent
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.

President Manglona: By a vote of eight (8) yes, Senate Bill No. 12-116 passes the Senate.

HOUSE BILL NO. 12-167, COMMITTEE SUBSTITUTE 1: A BILL FOR AN ACT PROHIBITING THE SALE, MANUFACTURING, DISTRIBUTION OR USE OF CERTAIN CLEANING AGENTS CONTAINING PHOSPHATES; CONFERRING POWERS AND DUTIES ON THE DIVISION OF ENVIRONMENTAL QUALITY; AND PROVIDING PENALTIES; 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	Excused Absent
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.

President Manglona: By a vote of eight (8) yes, House Bill No. 12-167, CS1, passes the Senate.

HOUSE BILL NO. 12-361, HOUSE DRAFT 2: A BILL FOR AN ACT TO REPEAL SECTION 301 (b) (5) OF EXECUTIVE ORDER 94-3; TO AMEND 3 CMC SECTION 4424; TO AMEND 4 CMC SECTION 1803; 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	Excused Absent
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.

President Manglona: By a vote of eight (8) yes, House Bill No. 12-361, HD2, passes the Senate.

HOUSE BILL NO. 12-114, COMMITTEE DRAFT 1: A BILL FOR AN ACT TO ESTABLISH A MORTGAGE CREDIT CERTIFICATE PROGRAM FOR QUALIFIED APPLICANTS AND FIRST-TIME HOMEBUYERS; AND FOR OTHER PURPOSES.

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

President Manglona declared the Senate recess at 11:35 a.m.

RECESS

The Senate reconvened at 11:54 a.m.

President Manglona: Let us resume with our regular session. We are still under the Final Reading Calendar.

Floor Leader Reyes: The motion, Mr. President, is for the passage of House Bill No. 12-114, CD1.

Vice President Villagomez voiced, "second".

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	No
Senator Ricardo S. Atalig	Yes
Senator David M. Cing	Excused Absent
Senator Jose M. Dela Cruz	Yes
Senator Ramon S. Guerrero	Abstained
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Abstained

Five (5) members voted yes, one (1) no, and two (2) abstention.

President Manglona: By a vote of five (5) yes, one (1) no, and two (2) abstention, House Bill No. 12-114, CD1, passes the Senate.

HOUSE BILL NO. 12-322, COMMITTEE SUBSTITUTE 1: A BILL FOR AN ACT TO REPEAL SECTION 203 OF EXECUTIVE ORDER 94-3 AND ESTABLISH THE COMMONWEALTH YOUTH AFFAIRS ACT; 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	Excused Absent
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.

President Manglona: By a vote of eight (8) yes, House Bill No. 12-322, CS1, passes the Senate.

SENATE BILL NO. 12-114: A BILL FOR AN ACT TO CREATE A TAXICAB AUTHORITY TO OVERSEE THE ADMINISTRATIVE FUNCTIONS PERTAINING TO TAXICAB OPERATION IN THE COMMONWEALTH; 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	Excused Absent
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.

President Manglona: By a vote of eight (8) yes, Senate Bill No. 12-114 passes the Senate.

RESOLUTION CALENDAR

HOUSE JOINT RESOLUTION NO. 12-24: A HOUSE JOINT RESOLUTION TO URGENTLY REQUEST THE HONORABLE PEDRO P. TENORIO, GOVERNOR OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, MR. JOHN B. CEPEDA, SECRETARY OF PUBLIC WORKS, MS BERTHA C. LEON GUERRERO, DIRECTOR OF PUBLIC LANDS AND MR. TOM B. ALDAN, CHAIRMAN OF THE BOARD OF PUBLIC LANDS TO OPEN A PUBLIC ROAD TO SERVE LANDLOCKED PROPERTIES SITUATED IN AS FALIPE AND ADJACENT AREAS AS PER THE FOLLOWING LOT NO(s): 1510, 1512, 1511, 1516, 1609, 1520, 1495, 1515 AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for the adoption of Senate Joint Resolution No. 12-24 and several members seconded.

President Manglona: Is there any discussion?

Several members voiced "ready", and the adoption of Senate Joint Resolution No. 12-24 was carried by voice vote.

President Manglona: The motion passes the Senate.

SENATE RESOLUTION NO. 12-52: A SENATE RESOLUTION AMENDING THE OFFICIAL RULES OF THE SENATE, TWELFTH NORTHERN MARIANA ISLANDS SENATE REGARDING THE TIME AND PLACE OF SENATE MEETINGS AND SUBSISTENCE ALLOWANCE FOR SENATORS. (SEN. R. S. GUERRERO – 08/20/01)

SENATE RESOLUTION NO. 12-53: A SENATE RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT THE COMMONWEALTH SUPERIOR COURT SHOULD NOT DECIDE THE CROSS MOTIONS FOR SUMMARY JUDGEMENT PRESENTLY BEFORE THAT COURT IN THE CASE OF CDA v. CUC, CIVIL ACTION NO. 01-0249D, AND ASK THE COURT TO STAY ANY DECISION IN THE MATTER FOR 180 DAYS TO PROVIDE AN OPPORTUNITY FOR THE LEGISLATURE TO ACT WITH REGARD TO THE INDEBTNESS WHICH IS THE SUBJECT OF THAT ACT. (SEN. P.P. REYES – 08/29/01)

SENATE RESOLUTION NO. 12-54: A SENATE RESOLUTION TO REQUEST THE GOVERNOR AND THE RESIDENT REPRESENTATIVE TO APPEAR BEFORE THE SENATE AND DELIVER THE “STATE OF THE COMMONWEALTH ADDRESS AND THE “STATE OF THE WASHINGTON OFFICE REPORT” RESPECTIVELY. (SEN. J.G. ADRIANO – 08/30/01)

President Manglona declared the Senate recess at 11:58: a.m.

RECESS

The Senate reconvened at 12:16 p.m.

President Manglona: We are back to our regular session. The Chair recognizes the Floor Leader.

Floor Leader Reyes: Mr. President, the first motion is for the adoption of Senate Resolution No. 12-52.

President Manglona: Floor Leader Reyes, I believe there was an understanding with the author as well as the members to defer that particular resolution. We have before us Senate Resolution No. 12-53, which is next on the Resolution Calendar.

Floor Leader Reyes: I withdraw the motion, Mr. President, and the next motion is for the adoption of Senate Resolution No. 12-53.

Senator Dela Cruz voiced, “second”.

President Manglona: Is there any discussion?

Floor Leader Reyes: I think there’s no need to point fingers at who is at fault. The concern I have with the on-going battle between CDA and CUC is with respect to the hundred plus million dollars. The fact is both are Government Corporations and both uses public funds to hire attorneys to bring this to court. I feel that regardless of who wins in this court battle, the public loses out because public funds are being used by both sides, and the only one that wins are the attorneys, the legal offices they have hired. I feel that there is a remedy for the Legislature to resolve this matter through legislative process, and this is the message that I am sending out. I feel that the issue before the court is a political issue, and I hope that by the passage of this resolution, the court would view this as a political issue and hope that the court would take action to remand this back to the Legislature and ask the Legislature to resolve this. The resolution asked for a period of hundred and eighty days to resolve this matter and I encourage the members of the Senate, in the interest of saving wasteful public funds from continuing in this on-going battle, that the Senate would have a standing to intervene and request the court to allow a the legislative process to go through. So, this is my comment on this bill.

The Chair recognized Senator Dela Cruz.

Senator Dela Cruz: Mr. President, I just made a mistake when Floor Leader Reyes moved this resolution and I seconded. I withdraw my second on that motion.

President Manglona: Do we have another second? This is Senate Resolution No. 12-53. It has been moved by Floor Leader Reyes. Under discussion, the person who seconded the motion withdrew the second. So, is there any second from the other members?

Upon request by Senator Adriano for a recess, President Manglona declared the Senate in recess.

RECESS

The Senate reconvened.

President Manglona: We're back to our regular session after a brief recess discussing further Senate Resolution No. 12-53. I understand that the second was withdrawn, but I realize that some members still want to comment. So, I would recognize the comments of some members. At this time, I would like to recognize Floor Leader Reyes.

Floor Leader Reyes: Mr. President, one of the reasons why I introduced this resolution is because if the court had decided on the fate of this particular matter, it will be too late for the Legislature to come in and act to resolve. I feel that as a taxpayer, there is standing by the members of the Legislature because each member of the Senate here represents the taxpayers. Every taxpayer on this island, in the case of Saipan, and of course, Rota and Tinian is the same way. But, if we were to let it go and ask the court to resolve this without even lifting a finger and attempting to save public funds, I think this is tantamount to allowing public funds to be wasted. I think it is our duty to make sure that when we see an area where we can intervene to save public funds, then I feel that it is timely to do it -- the equity conversion issue. We know that the statute that created CUC does not allow any corporation or any business to become members or part owners of CUC. And, if the court were to rule on that favor then it goes right back to the Legislature to resolve. If the court were to rule that CUC requires that they pay CDA, CUC will come right back to the Legislature to appropriate the money to do that. If the court were to rule that and allow CDA to have a say in how CUC is to run and how management makes decisions, it goes right back to the Legislature to enact legislation authorizing that to happen because the current legislation does not allow that. So, no matter how you look at it, the court will still return the case back to the Senate. If we were to wait until the court make a ruling on this, it will be too late and who are going to suffer -- it is the people that pay utility rate. *Ya munga nai, Mr. President na later on I have to come back ya bai hu sangan na atan ha nai, ilek-ko ha nai, dia nai. Munga na later on yanggin esta humuyong i regulation na para uma hatsa i rate ta kakasas iluta sa siña ha ta prevent este pues dispues ta sotta ha. Pues an enao malago' ñiha i members that's fine with me. I'm just expressing, na guaha iyot-ta responsibility para ta safe i publiku salape ya este gue para hu akonne dos Government Corporation ni propertin publiku. Todo'dos iyon i publiku para hu akonne guato gi kotti ya para uma kotti pues para uma usa ta 'lo salape publiku ya para uma nafan man ganna siha i lawyers that push this sa i legal law firm tiu ma advice iyon ñiha client na munga umakonne este para i kotti sa teneke taya' salape. Salape publiku este parauma gasta, ya yanggin mapedde CUC ya para u apasi etyi hundred sum million dollars, teneki ma hatsa hulo' i kandit iyon-ña rate, i hanom iyon-ña rate ya man mamadesi tododo etyi siha na taotao i bumota hit halum.*

President Manglona: Ya isao-ta, Floor Leader Reyes *enaoyan todos ha i Legislature, dispensa yo? Pues esta man ready ya ta....*

Senator Guerrero: Discussion *ha trabiha este*, Mr. President.

President Manglona: Floor Leader, I'm sorry *monhayan esta hau?*

Floor Leader Reyes: *Taya gua*, Mr. President, I'll give others the opportunity to comment on this.

The Chair recognized Senator Dela Cruz.

Senator Dela Cruz: Mr. President, I believe in our system of government. I honestly believe also in our Judicial system. The Judicial system will really look at the merits of this particular issue that is facing us, and I honestly believe that the court will come out with a good decision on this issue.

The Chair recognized Senator Guerrero.

Senator Guerrero: Thank you, Mr. President. This is very simple. I think that what we should be dealing here is not the resolution. What we should be dealing with is to kill CDA – repeal it in its entirety. We would save the public and everybody else, and the rates cannot be raised higher. But, presently, that “Grant Pledge Agreement” does not allow the rates to go down. It is signed by this government. It has to go up and that is one of the three conditions of the Grant Pledge Agreement. My suggestion is very simple. The Legislature created the law; the Legislature can kill the law. If we want to do this, and our counterpart next door agrees, we just totally repeal CDA. They make the profit the public don’t make the profit and it’s over.

President Manglona: I know that there was no second to the motion and there should not be any discussion, but there was no objection. *Ta chagiha fan ya ta* limit the discussion.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Thank you, Mr. President. My concern about the intervention by the Senate and not through both houses, is that as you point it out, we will be sending out a wrong message to the judicial system. At the same time, the court is now reviewing the issue and I believe Judge Lizama had pointed out that he would prioritize this issue. I pointed out earlier also that I believe that the court should come out and finalize whatever decision they will be deciding on this matter if it goes up to an appeal -- so be it. But it will clarify any future misunderstanding by the agency and the lending institution. The resolution calls for suspension for up to about six months. This Legislature is good only to about four or five months now. Another thing, Mr. President, I would like to give credit to Senator Reyes for introducing the legislation to address this issue since early last year. We have passed it. We have done our job and the House has not done anything about it. So, there is a position now from the House that they do not want to interfere on this issue. We have proposed that we resolve the issue by transferring over the principle, if I’m not mistaken, that was the principle of the loan over to the Department of Finance, also the intent that the CUC will just provide whatever infrastructure CIP projects billing over to CDA, and write it off as a payment to the supposedly loans in there. But, still, there is that question on the floor from the court that has not been resolved. Senator Reyes has introduced that bill, we passed it, and it is down at the House. They are not going to do anything, or, as of today, they have not done anything on that issue and I also feel that it is not right for us to intervene and show a different signal to the court. That is why I am of the position that let us give the court and let them decide it. If the court says that CUC should pay, then we can come in on our own policy decision and enforce that rather than paying up-front the cash. We demand that any CIP project that was done from CUC for Saipan, Tinian and Rota be credited. But as of right now, nothing is going on and the issue will continue for the next Legislature if we should intervene and show wrong impression to the court. Therefore, I am not ready to support the resolution. Thank you.

The Chair recognized Senator Atalig.

Senator Atalig: Thank you, Mr. President. This is the first time I have seen a resolution with a very lengthy discussion. And with that, Mr. President, I would like to second the motion and further move to end debate so that we can dispose of this. Thank you.

Floor Leader Reyes: Mr. President, before we do that, I would just like to make one short comment on that one. Mr. President, the action that we have taken to pass the bill and try to resolve this matter, the House sits on it even if we have done it. It is our responsibility to our public not to sit back and wait for something to happen when it is not happening. It is our responsibility to find other ways to seek resolution of our problem. We can not be complacent, just sit back, and wait because we already passed a bill and it is sitting there. We can not go back once the court makes a ruling and amend the law. It’s like saying it’s illegal to break in and enter into somebody’s house, and when somebody gets caught breaking and entering, and the court decides that this guy goes to jail, then we come back and amend the law and it is not illegal anymore to enter and break-in. It is not like that. It does not work that way, because once the court rules that CUC has to pay CDA then CUC has to pay CDA and it will be too late for us. It will be too late for any intervention. We are not trying to tell the court what to do. We are just expressing and I know that this resolution is going to die. I’m just sad that I can not convince members to be sensitive to the public’s interests when something like this is threatening the public’s interest by increasing the rates because there’s no other way that CUC would find money to pay this, but by increasing the utility rates. So, it is too bad and since this was seconded already and there is a motion to end debate, I move to the previous question.

President Manglona: Thank you, Floor Leader. So there being no further....

Floor Leader Reyes: I would like to request that the voting be by call of the roll.

President Manglona: Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	No
Senator Ricardo S. Atalig	No
Senator David M. Cing	Excused Absent
Senator Jose M. Dela Cruz	No
Senator Ramon S. Guerrero	No
Senator Edward U. Maratita	No
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	No
President Paul A. Manglona	Abstained

Six (6) members voted no, one (1) yes and one (1) abstention.

President Manglona: By a vote of six (6) no, one (1) yes and one (1) abstention, Senate Resolution No. 12-53 is defeated by the Senate.

SENATE RESOLUTION NO. 12-54: A SENATE RESOLUTION TO REQUEST THE GOVERNOR AND THE RESIDENT REPRESENTATIVE TO APPEAR BEFORE THE SENATE AND DELIVER THE "STATE OF THE COMMONWEALTH ADDRESS AND THE "STATE OF THE WASHINGTON OFFICE REPORT" RESPECTIVELY.

Floor Leader Reyes: This is really good. We respect members' position on issues. I move for the adoption of Senate Resolution No. 12-54, SD1.

Several members voiced, "second".

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, I would like to make an oral amendment on line 20. Insert in between the words "date" and "and", "of September 5, 2001 or other mutually acceptable date". On page 2, line 5, again between the words "date" and "and", insert the same amendment "of September 5, 2001 or other mutually acceptable date".

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

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

President Manglona: We are back to Senate Resolution No. 12-54, SD1, as amended. Is there any further discussion?

Several members voiced, "ready", and the adoption of Senate Resolution No. 12-54, SD1, as amended was carried by voice vote.

SENATE JOINT RESOLUTION NO. 12-7: A SENATE JOINT RESOLUTION TO URGE THE UNITED STATES OF AMERICA TO PROVIDE MONETARY COMPENSATION TO THOSE LOCAL SAIPANESE STILL LIVING AND TO THE FAMILIES OF THOSE NOW DEAD WHO SERVED AS MARINES SCOUTS DURING THE LIBERATION OF THE NORTHERN MARIANA ISLANDS FROM THE JAPANES IN 1944.

Floor Leader Reyes moved for the adoption of Senate Joint Resolution 12-7 and several members seconded.

President Manglona: Is there any discussion?

Several members voiced, "ready", and the adoption of Senate Joint Resolution No. 12-7 was carried by voice vote.

PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS

None

MISCELLANEOUS BUSINESS

The Chair recognized Senator Guerrero.

Senator Guerrero: I would like to ask if the President can write a letter to the Governor to give us the respect on the separation of powers and to inform the Secretary of Finance that we don't fall under the Memorandum of the Governor regarding the issuance of travel advances one day before departure. We are not part of the Executive Branch, but apparently, the Department of Finance is using that Memorandum to include the Senate and the House. This is just a friendly letter to the Governor reminding him of the separation of the powers, Mr. President.

ANNOUNCEMENT

There being no announcement, Floor Leader Reyes moved that the Senate adjourn subject to the call of the Chair, and several members seconded.

There being no discussion, President Manglona declared the Senate session adjourned subject to the call of the Chair at 12:50 p.m.

Respectfully submitted,



Ramona I. Kapileo
Senate Journal Clerk

Adopted: Jan. 11, 2002