

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

Fourth Day

Wednesday, October 24, 2001

The Senate of the Twelfth Northern Marianas Commonwealth Legislature, Fourth Day, Fourth Regular Session, was called to order at 1:40 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 nine members present, we have the necessary quorum to conduct today's session.

READING AND APPROVAL OF THE JOURNAL

None

MESSAGES FROM THE GOVERNOR

Gov. Mesg. No. 12-892: September 27, 2001 - PL 11-6 Exemption for Triple J Saipan, Inc.

Gov. Mesg. No. 12-893: September 27, 2001 - PL 11-6 Exemption for Carnot air Conditioning and Refrigeration.

Gov. Mesg. No. 12-894: September 27, 2001 - PL 11-6 Exemption for Tasi Tours & Transportation, Inc.

Gov. Mesg. No. 12-895: September 27, 2001 - PL 11-6 Exemption for Emperor Enterprise Corporation.

Gov. Mesg. No. 12-896: September 27, 2001 - PL 11-6 Exemption for Sunleader (Saipan), Company Limited.

Gov. Mesg. No. 12-897: September 27, 2001 - Informing the Legislature that he had signed into law HB 12-376, SD2, the "Commonwealth Auditing Amendments Act of 2001". (PL 12-65 - 09/27/01)

Gov. Mesg. No. 12-898: September 28, 2001 - Returning HB 12-361, HD2, entitled, "To repeal section 301 (b)(5) of Executive Order 94-3; to amend 3 CMC Section 4424; to amend 4 CMC Section 1803".

Gov. Mesg. No. 12-899: October 1, 2001 - PL 11-6 Exemption for Seafix Incorporated.

Gov. Mesg. No. 12-900: October 2, 2001 - Certificate for vacant position of solid Waste Branch Manager/Waste Diversion Coordinator in the Department of Public Works.

Gov. Mesg. No. 12-901: October 1, 2001 - Governor's Revised Revenue Estimate for FY 2002.

Gov. Mesg. No. 12-902: October 2, 2001 – Certificate for 13 vacant positions at the request of the Mayor of Tinian and Aguiguan.

Gov. Mesg. No. 12-903: October 2, 2001 – PL 11-6 Exemption for Blanco Vende Ltd.

Gov. Mesg. No. 12-904: October 3, 2001 – Certification for annual salary in excess of \$50,000 for physicians.

Gov. Mesg. No. 12-905: October 3, 2001 - Certificate for vacant positions at the Department of Public Health.

Gov. Mesg. No. 12-906: October 3, 2001 – Certificate for a vacant position of Response and Recovery coordinator III at the Emergency Management Office.

Gov. Mesg. No. 12-907: October 3, 2001 – Nominating Mr. Galvin DeLeon Guerrero to serve a 4-year term as a member of the NMC Board of Regents to represent Saipan.

Gov. Mesg. No. 12-908: October 4, 2001 – Certificate for a vacant position of Administrative Assistant at the Emergency Management Office.

Gov. Mesg. No. 12-909: October 4, 2001 – Certificate for a vacant position of Nursing Assistant at the Rota Health Center.

Gov. Mesg. No. 12-910: October 11, 2001 - PL 11-6 Exemption for Evergreen Enterprises, Inc. dba China House Restaurant.

Gov. Mesg. No. 12-911: October 11, 2001 - PL 11-6 Exemption for Juanny's Hair Salon.

Gov. Mesg. No. 12-912: October 11, 2001 – PL 11-6 Exemption for A.S.C. Inc. dba Nagoya Star Night club & Karaoke Lounge.

Gov. Mesg. No. 12-913: October 11, 2001 – PL 11-6 Exemption for Memo Fashion.

Gov. Mesg. No. 12-914: October 11, 2001 - PL 11-6 Exemption for Watabe Saipan, Inc.

Gov. Mesg. No. 12-915: October 15, 2001 – Certification for vacant positions of Director of Revenue and Taxation and Director of Electronic Data Processing and Director of Finance and Accounting in the Department of Finance are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-916: October 18, 2001 – Nominating Justice Pedro M. Atalig to serve a 4-year term as a member of the Board of Public Lands Management to represent Rota.

Gov. Mesg. No. 12-917: October 18, 2001 – Certification for annual salary in excess of \$50,000 for Dr. Ehab Suleiman at the CHC.

Gov. Mesg. No. 12-918: October 18, 2001 – PL 11-6 Exemption for Saipan Tribune.

Gov. Mesg. No. 12-919: October 18, 2001 – PL 11-6 Exemption for Marianas Medical Center.

Gov. Mesg. No. 12-920: October 19, 2001 – Informing the Legislature that he had signed into law HB 12-167, CS1, the "Phosphate Detergent Act". (PL 12-66 – 10/19/01)

Gov. Mesg. No. 12-921: October 19, 2001 – Informing the Legislature that he had signed into law HB 12-322, CS1, the "Youth Affairs Act of 2001".

Gov. Mesg. No. 12-922: October 19, 2001 – Informing the Legislature that he had signed into law HB 12-114, CD1, the "Mortgage Credit Certification Program".

Gov. Mesg. No. 12-923: October 22, 2001 – PL 11-6 Exemption for Samy Boat, Inc.

Gov. Mesg. No. 12-924: October 22, 2001 – PL 11-6 Exemption for Korean American Cable Vision.

Gov. Mesg. No. 12-925: October 23, 2001 – Nominating Robert Camacho Naraja to serve as Associate Judge of the Superior Court of the CNMI.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Just on Governor's Messages No. 12-925, I would like to congratulate the Governor for his nomination of Mr. Robert Camacho Naraja to the position of Associate Judge of the Superior Court.

President Manglona: Thank you, Floor Leader. Is there any other member?

Vice President Villagomez: Thank you, Mr. President, on the same communication, Mr. President. I would like to ask the Chairman of EAGI to consider calling a meeting with the nominee, and the committee, so that we can expedite the confirmation process of Mr. Inaraja. Thank you.

COMMUNICATIONS FROM THE JUDICIARY

Judicial Comm. No. 12-10: October 2, 2001 – Submitting a proposed rules for continuing legal education of the Bar.

Judicial Comm. No. 12-11: October 2, 2001 – Submitting a proposed rules for guidelines governing judicial retention election conduct.

The Chair recognized Senator Dela Cruz.

Senator Dela Cruz: I just want to congratulate Chief Justice Demapan for coming out with this two very, very, pressing proposed rules and regulation for the Judicial body on continuing their legal education of the Bar and guidelines governing judicial attention election conduct. Thank you.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Again, Mr. President. I believe the Chair of JGL will have to take a look at these propose rules and regulation submitted by the Judicial Branch. If I'm not mistaken, we have a say on whether to agree or disagree with the proposed rules. I hope that the committee on JGL will have the time along with our counsel to review this proposed rules so that we can have a report on whether or not to support the proposed rules or not. Thank you.

COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS

None

HOUSE COMMUNICATIONS

Hse. Comm. No. 12-308: Informing the Senate that the House rejected the Senate amendments to HB 12-416, HS1, re aviation fuel tax for MVA.

Hse. Comm. No. 12-309: Transmitting for Senate action HB 12-395, entitled, "A Bill for an Act to require the Commonwealth Health Center to provide free counseling and screening of pregnant women in order to prevent the prenatal transmission of HIV and to provide for clear authority for medical care providers to provide medical care related to the testing and counseling of sexually transmitted diseases, who request such care without parental consent; and for other purposes."

Hse. Comm. No. 12-310: Transmitting for Senate action HB 12-375, CD1, entitled, "A Bill for an Act to separate the Division of Corrections from the department of Public Safety, and to elevate it to Department within the Executive Branch."

Hse. Comm. No. 12-311: Transmitting for Senate action HB 12-418, entitled, "A Bill for an Act to amend Section 5 of Public Law 11-89 by adding a new subsection (a); and for other purposes."

Hse. Comm. No. 12-312: Transmitting a certified copy of HR 12-179, entitled, "A House Resolution to support the effort and intent of the Office of the Governor in securing the continued services of the Washington, D.C. firm of Greenberg, Traurig in lobbying before the United States Congress and Administration on behalf of and in the interests of the Commonwealth during this critical time."

Hse. Comm. No. 12-313: Informing the Senate that the House rejected the Senate amendments to HB 12-404, CS1, HD4, SS1, SD1, the "Appropriation and budget Authority Act of 2002."

Hse. Comm. No. 12-314: Transmitting for Senate action HB 12-421, entitled, "To amend 1 CMC §6213, subsections (a) and (H) of the Election Law of the CNMI; and for other purposes."

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Thank you, Mr. President. I'm going to comment on House Communication No. 12-308. That is on the rejection of the Aviation Fuel Tax for MVA. I have discussed with the members a proposed action that I am going to take today to request that the Senate recalls its action and try to repass the bill as is. But, there's a concern whether it will be appropriate for us to make the first move or for the House to first reconsider their rejection. Therefore, the discussion with the Senate Leadership was to address this in the next session. I believe that we are contemplating a session on Monday of next week. In the mean time, I would be checking with the House if they can reconsider their action on the rejection and, if possible, convince the Senate to recall the said legislation. Thank you.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: This is regarding the same communication. I am just wondering that if the Senate convenes a session on Monday and acts to recall House Bill No. 12-308, it would translate to the Senate having to call for another session after that once the House approves the recall. I was wondering if it would be appropriate to make a motion to act on the recall right now and allow the House to go ahead and reconsider their action and if they choose to, then we can take action during the next Senate session.

Senator Dela Cruz requested for recess.

President Manglona declare the Senate in recess at 1:45 p.m.

RECESS

The Senate reconvened at 2:00 p.m.

President Manglona: We are back to our session after a brief recess to discuss the recommendation by Vice President Villagomez to recall from the House, H.B. No. 12-416, HS1. There was a recommendation for the Chair to formulate a Conference Committee. So, I will do that with the recommendation that the conferees report back to the Chair by Tuesday of next week.

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

None

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Sen. Leg. Initiative No. 12-8: A Legislative Initiative to propose amendments to the Constitution of the Commonwealth of the Northern Mariana Islands pertaining to continuing appropriations and annual reports by the Governor, Resident Representatives to the United States, Chief Justice, and Mayors. (SEN. JOAQUIN G. ADRIANO – 10/10/01)

Sen. Res. No. 12-55: A Senate Resolution to commend and gratefully acknowledge the outstanding achievements of Mr. Mustafa S. Issa for his many years of friendship, and his unwavering dedication to the economy and tourism industry of the Commonwealth of the Northern Mariana Islands. (SEN. PETE P. REYES – 10/10/01)

Sen. Bill No. 12-128: A Bill for an Act to establish the crime of Terroristic Threatening in the Commonwealth. (SEN. JOSE M. DELA CRUZ 10/22/01)

INTRODUCTION OF BILLS AND RESOLUTIONS

Sen. Bill No. 12-129: A Bill for an Act to require that any recipient of educational leave must perform requisite government service with agency granting said leave as a condition for forgiveness of liability for the funding of such leave and for other purposes. (SEN. DAVID M. CING)

BILL CALENDAR

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes moved for the suspension of all pertinent rules to allow for the passage of the bills. Several members seconded, and the motion carried by voice vote.

HOUSE BILL NO. 12-418: A BILL FOR AN ACT TO AMEND SECTION 5 OF PUBLIC LAW 11-89 BY ADDING A NEW SUBSECTION (a); AND FOR OTHE PURPOSES.

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

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	Yes
Senator Ricardo S. Atalig	Yes
Senator David M. Cing	Yes
Senator Jose M. Dela Cruz	Yes
Senator Ramon S. Guerrero	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. 12-418 passes the Senate. I know that Principal Juan L. Babauta is here in the gallery and he is very appreciative of our action this afternoon.

HOUSE BILL NO. 12-254: A BILL FOR AN ACT TO CONTROL THE USAGE OF FIRE PROTECTION EQUIPMENT AND FIRE HYDRANTS AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

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

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, House Bill No. 12-254 passes the Senate.

HOUSE BILL NO. 12-012, HOUSE DRAFT ONE: A BILL FOR AN ACT TO ALLOW THE DIVISION OF PUBLIC LANDS TO QUIET TITLE TO CERTAIN PROPERTIES IN CHALAN KANOA AREA OF SAIPAN; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	Yes
Senator Ricardo S. Atalig	Yes
Senator David M. Cing	Yes
Senator Jose M. Dela Cruz	Yes
Senator Ramon S. Guerrero	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. 12-012, HD1, passes the Senate.

HOUSE BILL NO. 12-304, HOUSE DRAFT 3: A BO;; FPR AM ACT TP RE-APPROPRIATE FUND BALANCES FROM PUBLIC LAW 9-24; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano Yes
Senator Ricardo S. Atalig Yes
Senator David M. Cing Yes
Senator Jose M. Dela Cruz Yes
Senator Ramon S. Guerrero 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. 12-304, HD3, passes the Senate.

HOUSE BILL NO. 12-395: A BILL FOR AN ACT TO REQUIRE THE COMMONWEALTH HEALTH CENTER TO PROVIDE FREE COUNSELING AND SCREENING OF PREGNANT WOMAN IN ORDER TO PREVENT EH PRENATAL TRANSMISSION OF HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND TO PROVIDE FOR CLEAR AUTHORITY FOR MEDICAL CARE PROVIDERS TO PROVIDE MEDICAL CARE RELATED TO THE TESTING AND COUNSELING OF SEXUALLY TRANSMITTED DISEASES, WHO REQUEST SUCH CARE WITHOUT PARENTAL CONSENT; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

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

Senator Ramon S. Guerrero	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. 12-395 passes the Senate.

SENATE BILL NO. 12-128: A BILL FOR AN ACT TO ESTABLISH CRIME OF TERRORISTIC THREATENING IN THE COMMONWEALTH.

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

President Manglona: Floor Leader Reyes, the Chair does not have a copy of that bill.

Upon request of the members, President Manglona declare the Senate in recess.

RECESS

The Senate reconvened.

President Manglona: We are back to our session. I recognize Senator Dela Cruz.

Senator Dela Cruz: Mr. President, I am the author of this bill that was prefiled. This a very pressing issue here in the CNMI. This is about the bomb scare that has been going on primarily here in Saipan. As a matter of fact, there's a lot disruption within the government and private entities and I felt that we should come up with measure. At the same time, I have a minor amendment on the penalty provision of this bill. I feel that five years is to mild for this kind of act and I want to move it up. Please, refer yourself to page 2, and this is going to be an oral amendment. On line 3, instead of 5, make it 10 years, and a fine not to exceed \$10,000.

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

President Manglona declare the Senate in recess.

RECESS

The Senate reconvened.

President Manglona: We're back to our regular session. We are still discussing Senate Bill No. 12-128, and there is a new language to be offered by Chairman Dela Cruz. I would like to recognize Senator Dela Cruz for the new language which would be on page 2, line 2, Subsection (b) of Section 3.

Senator Dela Cruz: On line 3, the new language would be, "term not to exceed 10 years or a fine not to exceed Ten Thousand Dollars (\$10,000) or both". I so move, Mr. President.

Senator Adriano voiced, "second".

The motion to adopt the oral floor amendment as offered by Senator Dela Cruz carried by voice vote.

President Manglona: We're back to the Senate Bill No. 12-128, as amended. 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	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, Senate Bill No. 12-128, as amended, passes the Senate

President Manglona declare the Senate in recess.

RECESS

The Senate reconvened.

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

Floor Leader Reyes: Mr. President, before I make another motion for the passage of bills. I would like, with the indulgence of the members, to move for the inclusion of House Bill No. 12-136 and House Bill No. 12-103, CD1, on today's Calendar for final reading.

President Manglona declare Senate recess at

RECESS

The Senate reconvened at

President Manglona: We're back to our regular session. We still have one remaining piece of legislation on our Final Reading. Then, we can entertain other bills that members would like to address.

HOUSE BILL NO. 12-421: A BILL FOR AN ACT TO AMEND 1 CMC §6213, SUBSECTION (a) AND (h) OF THE ELECTION LAW OF THE CNMI; 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 Cing: I have an amendment, Mr. President, to House Bill No. 12-421. I believe that copies have been provided to all members. It is in the form of Senate Draft 1, already.

President Manglona: May I ask if every member has a copy of the SD1 version? I assumed that everybody has a copy. So, the motion is for an amendment to House Bill No. 12-421 in the form of SD1.

Senator Adriano voiced, "second".

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

Vice President Villagomez: Yes, Mr. President. I would like to ask the author why are we going through the process of inserting again a challenge on individuals who are trying to vote, exercise their rights to vote? I believe that Public Law 12-18 does not have that provision.

Senator Cing moved to resolve into the Committee of the Whole, and several members voiced, "second". There being no discussion, the motion carried by voice vote.

COMMITTEE OF THE WHOLE

Senator Cing: Mr. President and my colleagues. The purpose of this amendment is to prevent people from Guam or people from Saipan from voting in the Second Senatorial District. To my surprise when I got the voting registration, there were names of dependents of contract workers on Tinian who work as teachers that have registered their children to vote on Tinian. It is always my believe, Mr. President, that every election year in Tinian, whoever wins, Republicans or Democrats, there would be a difference of 20 to 40 votes. Now, I don't want to see this when I know that I can amend this here to see tomorrow that these 40 people would determine the outcome of the election for those people who are physically residing on Tinian. That is number one. Number two, if we allow these people to register today and to vote Democrat, for example, then, after the election, these people will come and line up at the MPLC office for the homestead program even when they are not residents of Tinian to begin with. And I guess that goes for Rota and that goes for Saipan. The biggest problem here is these people will determine especially on a very close election who will be the winning candidate and it is not fair. So, where are we going to complain this to? Nothing at all.

Vice President Villagomez: I believe that we have passed Public Law 12-18, and that statute does not have a provision as you point it out. Prior to Public Law 12-18, we had that concern, provision on going through the challenges....

Senator Cing: Prior to that, we have, yes.

Vice President Villagomez: Are you saying that we should deny people from Saipan to vote in Tinian? But, I have constituents out there who are living in Garapan but have a resident in Koblerville. Technically, my understanding on this provision here is that you will be denying those people to choose where they are going to vote whether in Precinct I, II, III or IV.

Senator Cing: Well, my colleagues. This person can not be in two places at one time. He can not choose both worlds. He has to choose only one world in this....

Vice President Villagomez: My understanding is that it is....

Senator Cing: I'm trying to deny his residency. If he's staying here on Saipan then let him be a resident of Saipan.

Vice President Villagomez: If he decides to reside in Rota or Tinian?

Senator Cing: Then he has to be there physically.

Vice President Villagomez: He's a Commonwealth citizen. He's a registered voter.

Senator Cing: In that case, he can vote for the Governor and the Washington Representative, but when it comes to the Senatorial candidates--for example, you're running here on Saipan and then Rota and Tinian....

Vice President Villagomez: We're in the Committee of the Whole, right?

President Manglona responded "yes".

Vice President Villagomez: Counsel Cabrera, will this restrict a registered voter who is residing in Precinct I, registered in Precinct I, and voting in Precinct III?

Senator Cing: Let me just shorten the argument here. In 1992, I challenged Senator King, on a fly-by-night votes. Residents of San Vicente, forty-some people were given tickets to go down to Tinian and vote. I challenged those votes. I won that on the residency issue in the Superior Court. Senator King took me to the Supreme Court and I won that case, because you can not be a resident of San Roque and then because your sister is running on San Antonio, you are going to vote in San Antonio.

Vice President Villagomez: I understand that if he is registered in Precinct IV, he would have to vote in Precinct IV. But, he may be a registered voter in Precinct IV, but he has also has a residence in Precinct I. Are we going to deny the individual his right to choose where he's going to vote?

Senator Cing: No. We are not going to deny him to choose, but he has to choose. He has to make a choice. We are not going to deny him of his choice, but he has to make a choice.

Vice President Villagomez: His choice is to reside—he has both residence, but he decided to continue voting in Precinct IV.

Senator Cing: Beautiful, but not continue to be registered.

Vice President Villagomez: But he has a residenc in Precinct I, and he decided to live in Precinct....

Floor Leader Reyes: Mr. President, I discussed this with Senator Cing earlier in his office and I can see when we're jumping from a Senatorial District to another Senatorial District. I see where that could be a problem because he is right that prior to Public Law 12-18, the residency requirement was part of the law. After Public Law 12-18, residency is no longer an issue. Still is? I stand corrected on that, but I have no objection with establishing permanent residency in one Senatorial District and jumping into another. My problem is when it starts affecting the Saipan precincts. And, I am going to ask Counsel Cabrera whether Public Law 12-18 is changed in any way with respect to residency as far as the amendment is concern in this particular senate draft.

Legal Counsel Cabrera: There is no restriction between the Senatorial District as residency applies--every level...

Floor Leader Reyes: But prior to Public Law 12-18, the issue of residency was in the election law which meant that if you are physically residing in one Precinct and you have a place to vote in Precinct IV, then you have to vote in Precinct I. Because that is where your permanent residency is. I think that for purposes of qualifying to vote in the CNMI, you need to establish a place to vote in the CNMI, regardless whether on Tinian, Rota or Saipan. And your residency is the determining factor, prior to 12-18, on where you are suppose to vote, right?

Legal Counsel Cabrera: (Inaudible) Whatever it was prior to 12-18 that does not apply to this....

Floor Leader Reyes: Because, if PL 12-18 includes the residency regulation, then, really, we don't have to amend this because it is in there already, isn't it? But the reason why an amendment is being offered is because, to me, logically, it is not in PL 12-18. And, I am not too sure whether the amendment, and this is why it is necessary to get clarification--because if the amendment here under Senate Draft 1 is to address the issue of challenges, and to make sure that any challenged vote is not counted as it appears in PL 12-18, it is my understanding then that the only change that we have to make with respect to residency is to make sure that anyone that is challenged, because the focus here is the challenged votes....

Legal Counsel Cabrera: I think that what I am hearing you say is that number one, residency should only apply to establishing your right to vote here in the CNMI.

Floor Leader Reyes: No, no, no that's the place of abode.

Legal Counsel Cabrera: When it comes down to distinguishing the place of abode in residency, the court has generally--some have distinguished between the two. I think most courts have pretty much said that one is synonymous with the other. There are other courts that tend to see it differently, residency and domicile. Now those are very grey, *naï*. They tend to overlap in a lot of cases. And in some cases, some courts say, no, residency is distinct from domicile. But the bottom line in PL 12-18 when it talks about residency and domicile, it always uses the

person's intent to come back to the same place even when he leaves the CNMI, or when he leaves his residency he always has the intent to return.

Floor Leader Reyes: And those are actually spelled out in the law because it defines those who qualify under dwelling. The intent to return actually is spelled out in the law such as students who are temporarily absent from the CNMI and members of the Armed Forces. I'm not too sure about spouses of members of the Armed Forces, but those are just some examples. But it does define what qualifies you to be a voter in the Commonwealth as far as dwelling is concern. But, the residency part of that is that once you establish that you are dwelling in the CNMI or you have a home in the CNMI and you have the intent to return. The other part of it is to determine where you vote whether you vote in Tinian, Rota or Saipan because really it does not matter where your house is. If you have a house in -- I have to qualify my statement, because I was a Chairman of the Board of Election for 8 years and I think Senator Cing can recall that we would go to Tinian and Rota and conduct public hearings to determine what qualifies individuals to vote in the CNMI, because there were so many challenges prior to PL 12-18. Because that was never amended....

Senator Cing: Colleague, what you have just stated is fit on a domicile.

Floor Leader Reyes: Right.

Senator Cing: That's a domicile. Now a residency is within the Commonwealth.

Floor Leader Reyes: Where you stay.

Senator Cing: Right.

Floor Leader Reyes: And it doesn't matter whether you have a home or not. You could be renting an apartment. Residency is not defined by individuals having established permanent homes.

Legal Counsel Cabrera: *(Inaudible)*

Floor Leader Reyes: This is what I want to clarify with you Legal Counsel. My understanding of the amendment is that under PL 12-18, it takes out the ability to appear at a polling place during election and challenge a voter. Because even if you do challenge a voter, for example, in a polling place, they will allow that person to vote and the vote be counted, despite the challenge.

Legal Counsel Cabrera: The vote will be set aside. Can I run through the amendment...

Floor Leader Reyes: This amendment requires that it be set aside.

Senator Cing: Right.

Floor Leader Reyes: But PL 12-18 does not allow that. Public Law 12-18 requires that you count that vote even though it has been challenged.

Senator Cing: Right.

Legal Counsel Cabrera: Okay, let's say the last part has to be I don't know that part. If there's a section in there that says if there's a challenge, votes will be counted anyway....

Floor Leader Reyes: So, my concern about this amendment is if the whole idea is to allow the challenge, then of course, we need to define the area of residency as far as a Senatorial District is concern, as far as Saipan is concern. We have no problem in Rota and Tinian. In Tinian, for example, you can live in San Jose and still vote anywhere because the candidates is island-wide both Senatorial and for the House of Representatives. But, in Saipan we have precincts and Public Law 12-18, I believe, does not allow the challenge to exist at the polling place. If a person comes and is registered under Precinct I, even if he has a residence in Precinct IV, as long as that person is not purged out from the election roster, that person can drive down to Precinct I and cast his vote.

Legal Counsel Cabrera: That's where....

Floor Leader Reyes: And the challenge is not....

Legal Counsel Cabrera: PL 12-18 requires that the person votes at his place of residency and it defines residence and it also has a criteria to determine residency. So, what you have just stated, someone living in Precinct IV driving down to Precinct I to vote, that is against PL 12-18. There's a provision in there that allows the....

Floor Leader Reyes: The second part of this that concerns me is that House Bill No. 12-421 intends to extend the timing for absentee ballots to be counted. As a result of the recent attack on the United States, the mail, either surface or air, takes longer to reach the CNMI from the Mainland. I'm just concerned that if additional amendments are done....

Senator Cing: Mr. President, before I do this, I already scout the chances for this one. Believe me, this will go through. The Governor will sign this, honest to goodness.

Senator Adriano: I'm ready to go back, Mr. President.

Senator Cing: This is a great concern for everybody.

Senator Adriano: Why don't we move back to our regular session, Mr. President.

Vice President Villagomez: I have a question to the Counsel. You pointed out that there is a provision now in PL 12-18 that requires that people residing in a particular district should vote in that specific district or precinct. Well, to tell you the truth....

Leg. Counsel Cabrera: You can go down in Rota if you have business in Rota on November 03. They'll mail you your ballot in Rota, but you're still voting for your candidates running in your precinct.

Vice President Villagomez: But you see, I understand that this amendment won't affect this coming election. If it doesn't, why jeopardize the extension of 7 to 14 days? Another issue that concerns me as I point it out in Kagman, right now, there's a lot of new residents, new people who are trying to develop their homesteads have not taken the opportunity to register in Precinct I. And, if you're going to pass this amendment and try to make it affective on this election, I believe we're denying them their right to choose where they're going to be on this coming election. Because they're trying to develop their homesteads, their residence, and in fact, a lot of them are residing in that homestead area, but are still registered in Precinct III for that matter. And also, why is it that we're going to deny those individuals their choice of where they're going to be voting at? If they want to vote in Precinct III, let them vote in Precinct III. If they want to move over to Tinian, let them vote in Tinian. I'm not sure that it's for us to decide where an individual should vote, whether in Tinian, Rota or Saipan.

Senator Guerrero: Mr. President, my concern here is that we're counting ten days before the election. Assuming that this becomes law then that means that the Board of Election is going to have a problem. Because those that are covered by this amendment will not be allowed vote.

Vice President Villagomez: No, my understanding is that the bill does not affect this election and since it does affect this election, why don't we let you three incumbent senators decide it in the next legislature to make it affective on the next election? Why do it now if it is not going to do anything to this election?

Floor Leader Reyes: We're still in the Committee of the Whole, right, Mr. President?

President Manglona: Yes.

Senator Guerrero: My suggestion originally to Senator Cing when he brought this to me was to treat it separately. Let us act on the emergency on what we need to extend. We can pass this in a separate bill, rather than put it as a rider, and let the House decide on it. If the House members are saying that they are in support of it, then I don't see any reason why they would not pass and send it to the Governor. But, we should treat this separately so it does not jeopardize the emergency request. We only have ten days.

Floor Leader Reyes: Mr. President, I want to go on record. When I was in Senator Cing's office, I have committed my support on this, because I feel that the Senator is right about moving from one Senatorial District to another. At the same time, I inform him that I'm concern about any amendment. If this were to go through and be passed by the Senate, I'm worried that the House may reject this. Really, the issue of counting the absentee ballot and the timing for the deadline of that is a crucial part of this election, and that is the one that concerns me the most. But, if Senator Villagomez is correct that signing this into law is not going to affect this current election, even if we do pass the extension, that will not have any practical affect on the absentee ballots any way. As a gentleman, I have given my word and I will support the amendment.

The Chair recognized Senator Dela Cruz.

Senator Dela Cruz: Mr. President, *dinanche iyot-ta* legal counsel *na* there is a provision on residency requirement in PL 12-18. There's no question on that. The only problem here is if there is a clear conclusive evidence on the island of Tinian and possibly, also, in other districts *na guaha etyi ti mañasaga guihe na tano man ma register ha' ya para hu fan man bota, para hu fama 'tinas decision para etyi I mañasaga na taotao. Ya* regardless, *guaho ti hafa este, lao* this is something *na* has to be seriously looked into. *Sa tisiña ombre na paraun na fan bota taotao gi distritu ni ti sumasaga. Para hu fato ha temporario,* you will only see him on election day just to cast his ballot and leave. *I disision ni ha fa 'tinas ti para guiya hu ina-afekta. Tisiña na para hu taiguenao enao.* Let us be fair, *sa guaho,* I'm a candidate. *Yanggin sumasaga i taotao Tinian, taya taotao Tinian ni hukeke block para hu fan bota. Para tafan fair ha guine. Lao guaha taotao ni tismasaga guihe nai ya mana fan bota. I consider the thing inappropriate sa guaha iyot-ta law na ilelek-ña na tisiña man bota hao yanggin ti residente, nai. Lao, i problema-ña guine i para hu mana ' fan bota este siha i tima-ñasaga Tinian ya para ufan matufong ha ballotun ñiha. Siña ha ma challenge gi kotte. Lao hafa taimanu ma identify etyi na botu yanggin ha mix gue halom yan i general ballot? Where is it going to end? Are we going to have another special election because of the election contest? That's where we're leading to. Pues yanggin ta correct este nai, pues tododo etyi siha na taotao-gue I questionable iyon-ñiha residency man ma pegga gi un banda ya uma create a panel to review their qualification to vote. Why should that be a problem? Ti dinanche este i para hu halom un taotao an sumasaga guine giya Saipan pat Luta pat Guam ya para hufatinas decision para i man gaige na taotao giya Tinian. It is not right no matter how you look at it. Regardless of who he is going to vote for, ti dinanche ha, Mr. President.*

The Chair recognized Senator Cing.

Senator Cing: Mr. President, *ma nanangga este gi House para uma tackle esta.*

The Chair recognized Senator Atalig.

Senator Atalig: Thank you, Mr. President. *Otro iyok-ku view ni este siña. Ti uma mafak'cha yan si Senator Dela Cruz. Lao, gi malofan na tiempo Luta, este I challenge anaku na tiempo parauma diside haye man-ganna. Pues etyi gue' i rason na esti I PL 12-18, ma reform este ya parauma' suha enao. Akon-ne' guato gi kotte ya i kotte hu diniside enao. Fan hire abugadu-mu ya in akon-ne' guato gi kotte. Senator Guerrero na kao siña ya etyu ha i 14 days ta address ya ta separate este ya later on ni ta address.*

Vice President Villagomez: *Ti inafefekta nai, Senator Cing i pa'go na election. Hamyo na tres esta garantiha na man gaige hamyo gi next legislature. Pues amenda enao para i next election. Tisiña ta pat'cha i esta man monhayan man ma rehista para pa'go na election.*

Senator Cing: Senator Villagomez, *ilek-ku na responsabilidat-hu nigap ni para bai hu aregla pa'go. Responsibilidat-hu agupa ni para bai hu aregla pa'go.*

Vice President Villagomez: *Amu, yanggin un atan ñaihon este nai, ilelek-ta....*

Senator Cing: *Yanggin paraun sangani yu' na asta i next election este ni para ta aregla....*

Vice President Villagomez: *I iyom-mu amendment ti hu afekta este na election.*

Senator Cing: *Para hafa yu' ni iyok-ku election, election tododo este i Commonwealth.*

Vice President Villagomez: *Ahe, este i mamaila na election gi November 3, i November 3 ti para hu inafekta nu este.*

Senator Cing: *Colleague, taya este problema-ña guine papa. Etyo ha man gai problema i ti taotao Tinian or ti taotao Luta or ti taotao Saipan ya man man dadaggi. Etyu ha' para ufan inafekta nu este. Ti uninafekta i candidate yanggin para ufan gan-na gi election man gannao ha'.*

President Manglona: *Senator Villagomez yan Senator Cing....*

Vice President Villagomez: *Inafekta i kandidatu gi Precinct I guato gi III yan IV, guine giya Saipan. Yanggin paraun deny taotao-hu Saipan lokue pot i para in atan ñaihon iyon miyu Precinct, la'che lokue enao giya guaha.*

Senator Adriano: *Ahe, tita deny.*

President Manglona: *Counsel Cabrera, guaha para un clarify. Siña un explain hafa kumeke ilek-ña este kao efektibu este gi este na election? Siña un explain ya ta komprende enao? Hafa etyi na guidelines i para un resident under PL 12-18? Ti ilelek-ña guini na tisiña na para hu retro este? Enao gue i kuestion?*

Legal Counsel Cabrera: *Gi presente under PL 12-18, yanggin paraun tulaika iyom-mu registration, nai, let's say from Saipan to Tinian, you have to do it 50 days before the election day. Yanggin ti un gan-na etyi I 50 days nai, siña ha un move hao papa ya un atkila apartment or tutuhun humaksa gima-mu within the 50 days, lao botadot Saipan hao ha trabiha asta ke i next election. Etyi gue iyom-mo catch i 50 days. You have to re-register 50 days before the election day.*

Senator Adriano: *But the residency, Counselor, ilelek-ña na you have to establish yourself 50 days ya un register hao, etyi ni illegible hao para unfan bota gue.*

Legal Counsel Cabrera: *Even before the 50 days comes up, you have already been living in the new place. Under the amendment, you have to be there at least 120 days before the 50 day period.*

President Manglona: *Siña bai hu kuentus ha fan dididi sa siña lokue bai hu aluk na hu gof tungo pot i election law sa la meggai na election nai sumaonao yu man challenge.*

Senator Guerrero: *Mr. President, is it possible na ta aga'ang i Board of Election ya tali'e hafa iyon ñiha opinion?*

President Manglona: *Siña ha' ta agang, lao, maila' ya ta ekungok ha siha i membru pues etyu na ta disidi hafa para ta cho'gue guine. Bai hu sangan este na, I know ginen mamanu magi si Senator Cing. Piot mas ginen Luta, Tinian ya i diffirensia--dinanche, guaha na biahe ni enao 5 to 10 votes ha'. Guaha nai un botu ha', ya tali'e gi six years ago i Board of Education, na man gan-na unu na kandidatu, pues ma swear-in, pues two months later ma amut, ma tulaika sa pot challenge. Pues, tatungo ha ginen mamanu este, ya concern yu lokue ni este sa kada election gaige yu gi san me'na na guaha hu cha-challenge ya manhanao all the way para i kotte ya guaha hu lili'e na dinanche. Este na i qualify debide un fan bota, i ti qualify ti para hu fan bota. Ya etyu na man-man yu anai matulaika este in the first place i Public Law 12-18, ya ti ma kurihe. Ombres iyot-ta Legal Counsel, si Tony, ti hatungo' na debidi hu ma count esta ke makpo I election ni para uma challenge. Ya ti dinanche enao na para un count ya esta ke makpo I election ni para uma challenge. Pues taimanu para un identify botu-ña i taotao, tisiña in identify estake ma count. An un faisen, naturat, siempre ilek-ña, ahe hu bota enao siha I man ma-ped'di. Achuka etyi I manman ganna ha bota putno para hu bira tatte i bottu-ña. Pues i problema actually, gaige gi PL 12-18, ya para uma tulaika an ma challenge hao. Debi na uma segregate, i problema-ña si Senator Villagomez. I see where he is coming from. Para un keke tulaika i kondision siha anai para un challenge, pues etyu gue baihu faisen ha' i Tinian Delegation. Let's say na taigue ha' I PL 12-18, ya matulaika ya ma pega na i challenge debi na uma pega gi un banda.*

Senator Cing: *Gi magahet, Mr. President, ti hu komprende si colleague Villagomez hafa na lalalu' nu este ya ha kokon-tra. Gi magahet, debidi hu agradesi este sa etyi i ti para ufan man bota gi Tinian ni man ginen este nai, ha bira gue tatte para Saipan para botu-ña.*

President Manglona: Let me just go back. *Ta'lo etyi pot i challenge, presisu na yangin guaha challenge debi uma segregate sa siña ha timatungo'. Kumu ti qualify debi na uma lagños i botu-ña. Pot legal ha' este na para ta diskuti dididi ya kao etyi gue iyon-ña point si Senator Villagomez. Estaba ilek-ña 45 days, pues i PL 12-18 ilek-ña 120 days. Etyi na taotao i ti qualify under 120 days ti ha register gue. Ti munahong oportunidad para hu react ni enao sa esta mahuchom i registration. Etyi ilelek-ña na siñaha taya retro effect guine.*

Senator Dela Cruz: Para retro?

President Manglona: Siña ha ti retro....

Senator Dela Cruz: *Guiya enao, ya gimagahet debi para uma preso enao, Mr. President, yanggin magahet na ma sodda' gi kotte or ma sodda' after i review na ti debi na ufan bota guihi na district...ha register gue intentionally, pues debi na uma penalize.*

President Manglona: Ahe, gi present, qualified. *Etyi ilelek-ña....*

Senator Dela Cruz: *Not qualified to vote, lao i residency guine ni gaige i problema-ta, etyu ha' problema-ta. Yanggin taotao Saipan hao ombre nai, hafa business-mo para unfan bo-bota Tinian? Enao ha' problema-ta guine ya para ta separate ha' I ballotu ni etyi man ma contest.*

President Manglona: *Siña ha' baihu faisen hao, Tony, hafa na additional requirement ha propose si Senator Cing over the present law? Hafa na additional requirement?*

Legal Counsel Cabrera: *That's exactly hafa para bai hu sangan, nai. Under the present law, yanggin i registering Clerk guaha information ha lili'e or guaha iyon-ña question pot i registration, immediately para hu na'i guato i Commission to make a decision, and then the Commission, if they think that a hearing is warranted, they would hold a hearing formal or informal ni pot parauma atan todo....*

President Manglona: *I guess, Tony, i kuestion i hafa na requirement mas para un preba para un resident versus the present law.*

Legal Counsel Cabrera: *That's on page 3 of the bill, the Senate Draft 1.*

Vice President Villagomez: *Kumu un apapasi 12 months gi sakan I iyon-mo power bill achuka taigue hao guihe na lugat lao gaigi gi na'an mu, debidi ha na un gaige guihe? Qualify hao ha' man bota guihe? Esti i number 3, Payment of Utility, yanggin un apapasi 12 months, nai, taigue hao lao gagaige ha' i magagu-mu gue'.*

Legal Counsel Cabrera: *Ahe, taitai lines 8 through 10. You need to have subsection 1, you need to satisfy subsection 1 and 2 or more of the following. Number 1 covers continuous physical presents.*

Senator Guerrero: *Gaige ha' nai, Tony. Etyi CNMI versus Techur na case.*

Leg. Counsel Cabrera: *CNMI versus haye?*

Senator Guerrero: *Techur. There was a ruling anai ilek-ña si Hefner na as long as you hang your T-shirt, your pants, your shirt, even if you have been gone for 50 years or 30 years, as long as they are still hanging that is your domicile.*

Vice President Villagomez: *And you are still paying your bill?*

Senator Guerrero: *Exactly. Guaha ruling, CNMI versus Ray Ur.*

Legal Counsel Cabrera: *If you intent to return, nai.*

Senator Guerrero: *No, as long as you have it there, it is a proof that you are. That is your residence.*

Senator Dela Cruz: *Un danchi ha' enao, taya probleman mame ni enao, colleague. Este residency esta ma establish gi PL 12-18....*

Senator Guerrero: *Ahe, Colleague, I PL 12-18 guaho author. It is up to the Election Commission to prove otherwise na etyi na taotao is duly able to establish I iyon-ña residency under PL 12-18 ni siña ma grant para ufan bota gi Tinian. If that is the case, it's all in PL 12-18.*

Senator Dela Cruz: I do agree....

Senator Guerrero: Now, assuming na para uma challenge nai, then the legal counsel is right, the Board should hear that. I otro na iyok-ko concern, I think Senator Cing in the way anai kumekuentos, hu feel na timalago na para i Election Commission para hu inina enao na problema.... In PL 12-18 its directly to the Court. Taya esta i Election Commission para hu entertain....

Senator Dela Cruz: *Enao gue gi magahet i iyok-ko concern, nai. Lao, i problema-ña guine nai I yanggin man file hao contest to the Court, for example, esta ha ma mixed i ballotu-ña enao na taotao I ma cha-challenge to the court. Hafa taimanu—do we have to have another special election sa esta un mixed i ballotu-ña halom?*

Senator Guerrero: *Etyi gue na hu request i President kao siña tafan recess ya ta a'gang i Board of Election sa iyon-ñiha sets of rules and regulation este. Bonitu enao, lao assuming na similar yan prior elections gi original law. Kumu humalom i taotao para u fan bota ya either party matungo na ti botun ñiha etyo they can challenge it there before he votes ya ma set aside, right? In the original law.*

Floor Leader Reyes: Can I make a recommendation, Mr. President. While they're calling in Board of Elections Director, can we move on with the other bills?

Senator Adriano: *Maila' ya ta faisen i author fine'na'na.*

Senator Cing: *Para ta nangga i Board of Election para ufan sinangani na munga siha sa bulan cho'cho'.*

Senator Adriano: *Mauleg-ña maila ya ta bota.*

Senator Guerrero: We need to know, munggi iyon-ñiha rules and regulation ya ta li'e kao ha encompass este. We just want to....

President Manglona: *Baihu sangan na iyon-ñiha ha encompass este sa i law ilelek-ña na i ma challenge para uma na halom gi box i botu-ña ya taya other rules and regs ni para hu diroga enao. Gigun ha man bota hao, na halom ha.*

Senator Guerrero: Ahe, kumeke ilek-ko, Mr. President, i iyon-ñiha procedures.

President Manglona: Right.

Senator Guerrero: They have to establish their own procedures based on the law.

President Manglona: Right, lao, i law ilelek-ña na yanggin humanao yu para bai hu fan bota ya ma challenge yu, ti para uma segregate i botu-hu. Para uma na halom ha enao ya uma tufung.

Senator Dela Cruz: *Para uma nafan dan-ña halum.*

President Manglona: After the election ni para uma challenge. There's no way of knowing how that person voted. There's no way para un lagños botu-ña. Etyi gue na problema ha cite si Senator Cing. Uno ha este muna komplikakao i para uma satba I probleman i mail, etyi post office ha, i Senator Cing kulan uma-a'angkas guine, right?

Senator Cing: Ahe, Mr. President. Ti angkas ha este chiña. Para ta correct este sa tana siña para ta correct ya gaige este giya hita. Gof na '-pinite yan gof che'cho tailaye este i-tana siña ha lao tita cho'gue.

President Manglona: Este ha fan Senator Cing bai hu faisen hao....

Senator Cing: *Enao na palabra i siña ha' ti ma pass gi House, hafa na ti para hu siña este. Magahet este I ta sasangan guine.*

President Manglona: Senator Cing, baihu faisen ha si Tony....

Senator Cing: *Para tana' gasgas este.*

President Manglona: *Este ha na kuestion, Tony. Esta guaha set of rules anai para uma register siha I taotao, haye qualify yan haye ahe? And I'm talking about this election, nai, na esta guaha qualify. Hu'lie esta I problema guine na debi ha' na uma segregate....*

Senator Dela Cruz: *Debi ha' i man ma contest na ballot.*

President Manglona: I have another question. *Guaha lokue ma add gi Senator Cing's bill, mas strict na guideline ya etyu gue I iyok-ko question. Yanggin ma segregate siakasu ya matu gi kotte, hafa I kotte para hu base gue kao qualify pat ahe, i PL 12-18 pat i new public law? Okay, let's say na ma pass ya para uma segregate, pues taya' question? Pues ma konne hulu etyi taotao ni ilek miyu na ginen Guam yan patgon i miestra ni ginen Guam ya ti debi ha, dinanche na ti debi, na para uma hear etyi na patgon. Hafa na law para uma base siha na qualified, the new law or 12-18?*

Senator Cing: Mr. President, if we pass this amendment ya ha sign i gobietno este na amendment ma insert este halum gi etyi PL 12-18, nai.

President Manglona: Pues any question ginen as Tony, nai. Kao magahet enao, pat ti ma magahet?

Legal Counsel Cabrera: *Ma passa ha este as is, nai, ya ti mana; klaru kao it would apply, let's say....*

Senator Cing: It applies to this election?

Legal Counsel Cabrera: *Enao gue nai para baihu sangan.*

Senator Cing: *Este na argument I para pa'go na election sa yanggin agupa, nai, achuka' ta sot-ta este ya esta ke man monhayan hit gi election ni ta bira hit tatte ya ta amenda.*

Legal Counsel Cabrera: *Ti listu yo' ni para bai hu sangan na it will apply this election.*

Senator Cing: *Pues guiya enao. Dinanche enao na i-intension-ña este i para hu applicable guine na election.*

Legal Counsel Cabrera: *Enao gue che'cho i author an you heard from his mouth. He wants it....*

President Manglona: Pa'gu i lai, hafa i lai?

Legal Counsel Cabrera: Pagu....

Senator Cing: Atan-ha' esta man mayuyulang este siha....

President Manglona: *Hafa i practice, nai. Kao magahet ya tana retroactive, nai.*

Legal Counsel Cabrera: *I taotao an esta monhayan humano papa para Tinian ya ha komple etyi 50 days, ha register gue 50 days before the election. Now it was 50 days ago from November 3rd. Go back 50 days. He did that, he got all the requirements na guaha guma ni sumasaga, blah,blah, blah. Pues pa'gu otro simana ha fitma i Governor este and it becomes law. Hamyo pot esta lai pa'gu este, para un challenge i botu-ña etyo na taotao. Lao, hafa na para uma challenge anai ha register gue before this becomes effective.*

Senator Cing: Okay, *este na* amendment, *ti unu ha guine para un qualify. Kana guaha kuarto, sinko este, nai.*

Legal Counsel Cabrera: *Ahe, that's okay....*

Senator Cing: *Fuerra de enao i sumaga hao sinkuenta dias or sientobente dias, yanggin ma challenge hao, debidi un provide. Manggi iyom-mo electric bills for 50 days or 120 days ni sumaga hao? Yanggin siakaso na gai kareta hao nai, manggi iyom-mo registration para i kareta-mu, ngai'an ni un rehistra enao yanggin driver's license, manu hao nai mañuli driver's license. Enao gue siha para un indicate na magahet na este na taotao sumasaga guine.*

Legal Counsel Cabrera: I agree with you *na para ufan ma provide este to make it apply retroactive. Lao, un chu'chuot direcho'ña i taotao para ufan bota yanggin para un apply este retroactive desdi anai matu papa Tinian para un register gue, this was not in existence. Pues ha komple i minalagu i lai, guihe na tiempo 50 days ago. Pa'gu para un halom ya para un tulaiika i rules of the game and you're going to challenge his vote based on new criteria.*

Senator Cing: *Pues enao china, ta lagñus enao ya tana parehu ya hu 50 days, provided na ufañaga i pumalu siha.*

Legal Counsel Cabrera: *Ti ma tulailaika I 50 days. What I'm saying is to make the additional requirements apply to people that already satisfy the registration this coming election. What I'm saying is maput para un cho'gue enao. Guse-ña na guiya i kotte hu dispensa, lao this law can not detrimentally affect the right to vote. An esta monhayan un komple i minalagu i lai, taya sinedat-ña i Commission na you're a just a fly-by night, going down to register and next week you're going to move back to Saipan. All right?*

Senator Dela Cruz: Tony, *mauleg sa* you made a point. *Ya dinanche hao ni enao, nai. Taya concern guine I kao siña tana' halum language ni para hu satisfy etyi I para uma separate i man ma kontesta siha na ballotu during i election. Ti para bai in fanmato guatu ya bai in fan man challenge.*

Legal Counsel Cabrera: So, in other words to have sort of like a transition clause, *guine.*

Senator Dela Cruz: *Debidi uguaha provision gi election law na tododo etyi siha na ballotu ni man ma challenge debidi ufan ma separate kontra i general na ballotu ni timan ma challenge.*

Legal Counsel Cabrera: I understand that, that would apply....

Senator Cing: *Ahe, maila' ya baihu oppe' ha' este. Enao I un sasangan nai, as a matter of fact, mas mauleg este.*

Legal Counsel Cabrera: You want a special clause to apply for just this....

Senator Cing: Mas mauleg este sa yanggin man dadaggi i taotao, *sinen gacha' ni este.*

Legal Counsel Cabrera: Let me go back again. In order for some of this to apply, we need to have a special clause to be exact, saying, "it applies for another voter to challenge another voter shall exist for this coming election. However the criteria to determine residency shall be limited to the criteria that was in existence before Public Law 12-18 that was amended by 12-421". *Siña ha ta na'i direcho si Dela Cruz para hu challenge i botun Guerrero, lao tisiña ma usa este pot kareta, i.d. card...existence before this became law.*

Floor Leader Reyes: So, if that goes through the way you said, which is something I'm following, then really, the only effect upon this becoming law--the only effect would be the issue of absentee ballot because any other amendment would have a retroactive effect to those that are already qualified.

President Manglona: *Esta gaige guine i Director. Ta chagi ha' fan ya ta limit the discussion to 30 minutes sa kulan guaha man keke hanao esta....*

Senator Adriano: Esta ma'pos I delegation Luta, Mr. President.

At this juncture, Mr. Gregorio Sablan, Executive Director of the Board of Elections entered the Chamber.

President Manglona: *Ahe, gaige si Senator gi otro side. Director, our main concern is yanggin guaha ma challenge, ilelek-ña I lai na para uma tufung ha' I botu-ña ya dispues i election ni para u fan akotte, nai. Si Senator Cing had brought up a major concern, it would be too late by that time yanggin ma determine na sientu ti debi para ufan man bota ya esta matufung i sientu. Enao ha raised si Senator Cing. Can you touch that issue?*

Director Gregorio Sablan: Mr. President yan members, for now, anybody who's name is on the register will be allowed to vote and shall not be denied the ballot.

President Manglona: *Pues yangin ma challenge i taotao ni etyi i taya na mali'e, let's say it when through the crack ya ma register and it was obvious that he was not qualified, hafa taimanu enao?*

Legal Counsel Cabrera: *Pa'gu kumu guaha challenger then it has to go through the court.*

President Manglona: Right. Let's say it's too late *sa esta ma count i botu-ña.*

Legal Counsel Cabrera: Okay, let's say it's a voter's fraud--*taotao Saipan ya matu papa Tinian and he wants to be a resident of Tinian. He knows about it he wants to challenge that person's vote, he files a lawsuit. Hekua kao ha --- that person individually yan i commission para hu allow his vote. The thing goes through, pues umanuk na kumu, let's say, na magahet na that person committed voter fraud he register ---- and they are at fault sa masedi gue na para hu resident gue. Pues machuli I total result of that vote, let's say, ni unu tumungo haye etyi na taotao....*

Senator Dela Cruz: *Etyi gue nai, iyok-ko concern.*

Legal Counsel Cabrera: *Siña ha man danggi na, well, hu bota si whoever pues ma minus one vote gi etyi na kandidatu.*

President Manglona: So, automatically *ma minus enao?*

Senator Cing: Lao, tisiña, nai.

Director Gregorio Sablan: It will be up to the court. In a court contest, the person who is filing the contest is the plaintiff and will have to prove that they are sufficient illegal votes to overturn the election results.

Senator Dela Cruz: Let's go to the Supreme Court and let's say *na sufficient, let's say na 40 votes na difference. I ma kuekuestion na ballot 45 for that matter or even 50 for that matter. Hafa taimanu na para un determine etyi na 50 ballots kao para un overturn pat ti para un overturn? Enao gue I iyon-mame main concern. Sa gimagahet gi last, ta separate i protest ballot. Pa'gu taya para uma separate.*

Director Gregorio Sablan: No, let me put it this way. I had a case here. You are aware of the Charfuraos case--that's three votes. Right now, that case is being remanded back to the Superior Court here. Each of those Commissioners who were Commissioners then, are being sued and they are personally liable for that decision because they allowed the challenge for the Charfuraos case. Immunity is gone. So, it's going to come to trial. Now, *este i residency, nai. Right now, there's no challenge, we removed the challenge to protect these people, too.*

Senator Cing: *Nangga, un ratu ha'. Sa maseha manu este na Board. Lao, hafa bidan ni-ñiha enao na Board?*

Director Gregorio Sablan: They refused these three people to vote, *i challenge nai.*

Senator Cing: *Lao, ti para un ma refuse, nai. Sa gi alacha, sotta yaun fan bota, pues un kontesta....*

Commission Gregorio Sablan: Provisional cast, *enao. Those are called provisional ballots....*

Senator Cing: *Pues i taotao Board of Election ma seal etyi I iyon-ña ya ma sagan halom gi box esta ke monhayan i election, nai man ma review etyi siha based on what you are challenging this individual for. Pues enao gue nai na man ma sue enao ya bunechu. Sa ti para un deny i prohimu, not even this amendment ti un deny.*

Senator Dela Cruz: Director, *un ratu ha'*. Director, *yangin* substantial I number *ya para uma* overturn i result, *man malilik ilun miyu*. You have to come up with new election.

Director Gregorio Sablan: That's up to the Court. Once it goes to the Superior court any counters is a decision of the court. *Guiya i kotte hu deside kao* special election *pat* whatever. It is strictly out of our hands. It is up to the court.

Senator Dela Cruz: *Esta nai na ma file, lao i problema-ña guenao i yanggin un file halum iyom-mo* complaint. Let's say for example *un file halum iyom-mo* complaint *ya 40* out of 1000 *iyom-mo* complaint. *Hafa taimanu enao un mix etyi i 40 yan i 1000 ya hafa taimanu pa'gu para un determine yanggin...mamauleg-ha yanggin ilelek-ña i kotte*, go ahead and count all of it because.... *Lao, hafa yanggin ma sotda na magahet na ti resident, ti ha meet i requirement. Hafa taimanu Director para un solve enao na problema? Enao gue nai ta-a'atan mo'na*. It is not because I'm running for office, but I can see it coming *na yanggin guaha man file halom protest gi kotte, I kotte will demand, ha faisen siempre hamyo munggi enao siha na ballotu ni man ma kuekuestion pa'go. Yanggin taya, ti un chu'chuli enao na number sa esta un mix*, how you're going to handle that?

Director Gregorio Sablan: Well, we asked for the additional 7 days for the absentees. We communicated before, we ask the Legislature, we expressed our concerns. I problema I pot mail.

Senator Dela Cruz: We understand that.

Director Gregorio Sablan: *I kinemprende-ku i Governor iyon-ña concern I para uma pat'cha* exactly what we're doing now because he's going to refuse to sign anything from what I understand from Gloria that has anything to do besides the 7 days. *Yanggin para tana' halum pa'gu este I residency*, I don't know what we're creating. Mr. President and members, I spoke to the AG's office and they're saying no. Any changes to the election law besides the 7 days is a problem.

Senator Adriano: Can we go back to session, Mr. President?

Senator Dela Cruz: *Lao, Director, man confident hamyu na taya problem-ña este pa'gu* the way you set it up *taiguine i para uma mix halum etyi I paraun ufan ma challenge na botu gi mamaila yan guato gi kotte yan etyi ti man ma cha-challenge na botu? Man confident hamyu na there's no problem....*

Director Gregorio Sablan: No, I'm not saying that, Senator Dela Cruz. I'm saying that any contest would have to go through the court and let the court make a decision. We respect the Judiciary, that we are following the law. It is 9 days before the election. We have close to a thousand absentee ballots, ladies and gentlemen, close to a thousand today and we expect more. Now, we know mail is in Hawaii. It is getting into Hawaii tonight and it would get distributed on a daily basis to the States from Hawaii. We already have people who have voted. All absentee ballots are kept at the Post Office. We are expecting a thousand and that is a lot of absentee ballots and that is our concern.

Senator Adriano voiced, "ready".

The Senate reconvene its plenary session.

President Manglona: Thank you for your understanding, let us resume with our regular session. We're still under the Bill Calendar discussing House Bill No. 12-421, SD1, as offered by Senator Cing . We are still discussing the amendment.

Vice President Villagomez: For the last time, *ilelek-ku na yanggin para hu inafekta i botadot guine gi islan Saipan lokué, ilek-ko na la'che para baihu tatiye este na amendment yanggin guaho para baihu kiñontra pues so be it*, but I'm not for this amendment. Thank you.

The Chair recognized Senator Atalig.

Senator Atalig: Thank you, Mr. President. I would like to make a motion to end debate so that we can go back to the original motion.

Senator Cing voiced, "second", and the motion carried by voice vote.

President Manglona: Senate Clerk, we are voting on the amendment as offered by Senator Cing, I would like the Senate Clerk to call the roll on the amendment.

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	No
Senator Edward U. Maratita	Yes

Floor Leader Reyes: Mr. President, before I cast my vote. I want to make statement, that I am very concern about the absentee ballots for Saipan. And I feel that the bill addresses that concerned, and we need to make sure that those ballots come after 14 days after election and to be counted. I I want to make a motion to extend that date beyond the one appearing on the bill, but since were already voting and for the interest of getting those ballots counted, I will vote "yes" on this.

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

Six (6) members voted yes, two (2) no and one (1) abstention.

President Manglona: By a vote of six (6) members yes, two (2) no and one (1) abstention, House Bill No. 12-421, SD1, the amendment, passes the Senate and we are back to the main bill 12-421, SD1. So, now we're voting for the bill as amended. Senate Clerk.

Floor Leader Reyes: Mr. President, is there any discussion on the bill as amended?

President Manglona: Thank you, Floor Leader Reyes. Is there any further discussion on House Bill No. 12-421, as amended?

Floor Leader Reyes: Again, Mr. President, we have a lot of concerns regarding this amendment. I have given my word to Senator Cing that I will support his amendment to 12-421. I would like to echo my original concern regarding this amendment and that is the House's intention to extend the dead-line for counting of absentee ballot. That is the focus of my concern. What it does is that it adds 14 more days after the election date. And because of the fact, that 14 days in my obsevation is not sufficient. I have had a personal experienced where I have made an order, an overnight delivery order from the Mainland, and it came a month later. I would like to offer a floor amendment to page 2, line 8, to make the extension not later than December 31 or 30 days after election. Thirty (30) days is much better because this would be....

Several members voiced, "second".

President Manglona: We are discussing the amendment. Is there any discussion?

Vice President Villagomez: Why don't we extend it to January for that matter. I don't know but I believe the 7 days is sufficient on a regular routing and an extra week would be reasonable. But, going beyond, that I have great reservation, Mr. President.

The Chair recognized Senator Dela Cruz

Senator Dela Cruz: Mr. President, I did a researched on what it takes for Express Mail and DHL to get here from the States and normally, prior to the terrorist attack in the US, the average is about 3 to 4 days. Right now, it is about 14 days average.

President Manglona: DHL?

Senator Dela Cruz: Yes, on DHL and Express Mail. So, as you can see this is a significant difference on the duration of the mail. And see, the thing about it is that we want to make sure, especially those kids that are in the military, we know very well also that they are not going to be at their regular camps at this time because they are on full alert. So we want to give them a little bit more time to make sure that their votes are counted.

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

President Manglona: State your point.

Floor Leader Reyes: On every part of the bill where “fourteen (14)” appears, should be changed to thirty (30).

President Manglona: The motion is to extend the dead-line to December 31.

Floor Leader Reyes: Thirty days, Mr. President.

President Manglona: Thirty days? Okay, where “fourteen (14)” appears, we are going to put “thirty (30)” days. It has been moved and seconded.

The motion on the oral amendment as offered by Floor Leader Reyes carried by voice vote.

President Manglona: We’re back to House Bill No. 12-421, as amended.

Several members voiced, “ready”.

President Manglona: Is there any further discussion? Senate Clerk, call the roll.

The Senate Clerk called the roll with the following result:

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

Seven (7) members voted yes, one (1) no and one (1) abstention.

President Manglona: By a vote of seven (7) yes, one (1) no and one (1) abstention, House Bill No. 12-421, as amended, passes the Senate.

The Chair recognized Senator Adriano.

Senator Adriano: Mr. President, I move to adjourn.

Floor Leader Reyes: Mr. President, Congressman William Torres is requesting for two bills to be entertained on today’s session. I mentioned that earlier, and again, I’m appealing to the members to consider just two more bills

that are not controversial. Bills that are important for the island of Saipan, and in the spirit of cooperation, I'm asking the Senate members.

Senator Maratita: Floor, I have no objection, but can we do it right now because I have a plane to catch?

HOUSE BILL NO. 12-136: "A BILL FOR AN ACT TO ESTABLISH THE CNMI PRODUCT SEAL, AND FOR OTHER PURPOSES."

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

President Manglona: Floor Leader, a motion to adjourn is not subject to debate. I'm going to ask Chairman Adriano if he can withdraw his motion.

Senator Adriano: I withdraw.

President Manglona: So, with that, we have two more bills for Final Reading, House Bill No. 12-103 and House Bill No. 12-136. So the motion is for the passage of House Bill No. 12-136?

Floor Leader Reyes: This is on the CNMI Seal.

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

Vice President Villagomez: Mr. President, I didn't have the opportunity to read through the bill. Can I get the Floor Leader's input on what the bill is for?

Floor Leader Reyes: Yes, Mr. President, the bill is establishing the CNMI products seal. There is a committee report and let me read the findings. "The Committee finds that House Bill No. 12-136, is appropriate and necessary to prevent smuggling of contraband products into the Commonwealth of the Northern Mariana islands, and to encourage the development of a local, CNMI- base industry of manufacturing, wholesaling, and retailing of goods or products manufactured originally in whole or in part within the CNMI."

Senator Cing voiced, "second".

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	Absent
Senator Ricardo S. Atalig	Absent
Senator David M. Cing	Yes
Senator Jose M. Dela Cruz	Yes
Senator Ramon S. Guerrero	Abstained
Senator Edward U. Maratita	Absent
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Abstained
President Paul A. Manglona	Yes

Four (4) members voted yes and two (2) abstention.

President Manglona: By a vote of four (4) yes and two (2) abstention, House Bill No. 12-136 passes the Senate.

HOUSE BILL NO. 12-103, COMMITTEE DRAFT 1: "A BILL FOR AN ACT TO CREATE THE BUSINESS LICENSE APPLICATION TASK FORCE TO FORMULATE A PLAN FOR A ONE-STOP BUSINESS LICENSE CENTER; AND FOR OTHE RPURPOSES."

Floor Leader Reyes moved for its passage on Final Reading.

Senator Cing: Can Floor Leader Reyes just....

President Manglona: House Bill No. 12-103, is a bill to create the business license application task force to formulate a plan for a one-stop business license center. Is there any further question?

Senator Cing: Can you just further elaborate what is a one-stop business.

Floor Leader Reyes: The whole idea here is to centralize application of business licenses instead of getting it in many different areas or many different departments activity. The whole idea is to centralize it into one area.

The Chair recognized Senator Cing.

Senator Cing: I am very glad that the author is from Saipan and there is a similar case to this one, Mr. President. That is the reason why I will be coming up with either a resolution or a bill because we have agencies here in the Commonwealth, for example, like DEQ. The DEQ on Tinian can not approve a residential permit, just for residential not commercial, unless we go through Saipan. Sometimes it takes us like two to three months if we followed it up. Thank you.

Floor Leader Reyes voice, "ready".

Vice President Villagomez: So, you understand, Mr. President....

President Manglona requested for short recess.

RECESS

The Senate reconvened.

President Manglona: We're back to our session. We are still discussing House Bill No. 12-103, CD1. Is there any further discussion?

Senator Cing: I move for the previous question, Mr. President.

Floor Leader Reyes voiced, "second", and the motion carried by voice vote.

President Manglona: Senate Clerk, call the roll.

The Senate Clerk called the roll with the following result:

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

Five (5) members voted yes and one (1) abstention.

President Manglona: By a vote of five (5) yes and one (1) abstention, House Bill No. 12-103, CD1, passes the Senate.

RESOLUTION CALENDAR

SENATE RESOLUTION NO. 12-55: "A SENATE RESOLUTION TO COMMEND AND GRATELY ACKNOWLEDGE THE OUTSTANDING ACHIEVEMENTS OF MR. MUSTAFA S. ISSA FOR HIS MANY YEARS OF FRIENDSHIP, AND HIS UNWAVERING DEDICATION TO THE ECONOMY AND TOURISM INDUSTRY OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

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

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

Several members voiced, "ready", and the adoption of Senate Resolution No. 12-55 carried by voice vote.

President Manglona: Senate Resolution No. 12-55, passes the Senate.

PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS

None

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENT

There being no announcement, Floor Leader Reyes moved for adjournment subject to the call of the Chair.

There being no objection, President Manglona declared the Senate adjourned at 3:55 p.m. subject to the call of the Chair.

Respectfully submitted,



Ramona I. Kapileo
Senate Journal Clerk

Adopted: Jan. 11, 2002