

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

Fifth Day

Thursday, November 01, 2001

The Senate of the Twelfth Northern Marianas Legislature, Fifth Day, Fourth Regular Session, 2001, was called to order at 1:00 p.m. in the Senate Chamber, on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

A moment of silent prayer was observed.

The Senate Clerk called the roll and six (6) members were present. Senator David M. Cing, Senator Joaquin G. Adriano and Senator Jose M. Dela Cruz were excused.

READING AND APPROVAL OF THE JOURNAL

None

MESSAGES FROM THE GOVERNOR

Gov. Mesg. No. 12-926: October 25, 2001 – PL 11-6 Exemption for Tinian Health Center.

Gov. Mesg. No. 12-927: October 25, 2001 – PL 11-6 Exemption for Kairos Corporation dba Gimbab Express.

Gov. Mesg. No. 12-928: October 25, 2001 – PL 11-6 Exemption for Marianas Health Services.

Gov. Mesg. No. 12-929: October 25, 2001 – Informing the Legislature that he had signed into law HB 12-411, CS1, entitled, "To reappropriate the sum of \$2,790,000 from subsection (b)(1) of Section 4 of Public Law 11-89; and for other purposes." (PL 12-69 – 10/25/01)

COMMUNICATIONS FROM THE JUDICIARY

None

COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS

None

HOUSE COMMUNICATIONS

Hse. Comm. No. 12-315: Transmitting a **certified copy** of HR 12-182, entitled, "A House Resolution to recognize the efforts and accomplishments of Dave Ecret for his dedication and many years of service to the people of the CNMI in helping to fully implement new telecommunications development in the CNMI."

Hse. Comm. No. 12-316: Transmitting for Senate action HB 12-396, entitled, “ A Bill for an Act to amend Public Law 12-6; and for other purposes.” (Re: Ambulance maintenance)

Hse. Comm. No. 12-317: Transmitting for Senate action HCR 12-4, entitled, “A House Concurrent Resolution to approve the revenues and resources of the CNMI as identified by the Governor in compliance with Article III, Section 9(a) of the constitution, as amended, and 1 CMC Division 7, for Fiscal Year 2002 beginning October 1, 2001, and ending on September 30, 2001.”

Hse. Comm. No. 12-318: Transmitting for Senate action House Bill No. 12-423, entitled, “A Bill for an Act to make appropriations for the operations and activities for the commonwealth of the Northern Mariana Islands, its agencies, instrumentalities, and independent programs, and to provide authority for Government corporations for Fiscal Year 2002; and for other purposes.”

Hse. Comm. No. 12-319: Transmitting for Senate action House Bill No. 12-421, entitled, “A Bill for an Act to amend 1 CMC § 6213, subsections (a) and (h) of the Election Law of the CNMI; and for other purposes.”

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

None

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

None

INTRODUCTION OF BILLS AND RESOLUTIONS

None

BILL CALENDAR

HOUSE BILL NO. 12-421, SENATE DRAFT 2, HOUSE DRAFT 1: A BILL FOR AN ACT TO AMEND 1 CMC § 6213, SUBSECTIONS (a) AND (h) OF THE ELECTION LAW OF THE CNMI; FOR OTHER PUPROSES.

Floor Leader Reyes moved for its passage on Final Reading, and several members voiced, “second”.

President Manglona: There is a motion for the passage of House Bill No. 12-421, SD2, HD1, under House Communication No. 12-319. This is the legislation extending the time frame for receiving the absentee ballots from off-island. It has been moved and seconded. Is there any discussion?

Several members voiced, “ready”.

Senator Guerrero: I just want to recommend that we make the necessary correction on the Calendar on House Bill No. 12-241. I guess it is the reverse. This is just for correction.

President Manglona: It is a typographical error. It should be 12-421 instead of 241.

President Manglona: Is there any discussion?

Senator Guerrero voiced, "ready".

President Manglona: Again, we are voting on House Bill No. 12-421, SD2, HD1 as attached on House Communication No. 12-319. There being no further discussion, 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	Yes
Senator David M. Cing	Excused
Senator Jose M. Dela Cruz	Absent
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

Six (6) members voted yes.

President Manglona: By a vote of six (6) yes, House Bill No. 12-421, SD2, HD1, passes the Senate.

Floor Leader Reyes: Mr. President, without objection from the members, I would like to move to item "H" of the Order of Business. I would like to comment.

STANDING COMMITTEE REPORTS

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, I noticed that there's no Standing Committee Reports. I just wish to go on record expressing my disappointment that a Committee Report to enable the Senate on this session to confirm the Governor's appointment of Mr. Robert Naraja is not prepared. And my understanding is that a decision had been made not to place the confirmation of Mr. Naraja in today's session. For the record, Mr. President, I would like to request a clarification, at least to me, on record, as to why a decision was made not to confirm Mr. Naraja.

President Manglona: Thank you, Floor Leader Reyes. The last communication I had with the Chairman of EAGI, who has the jurisdiction for all nominations from the Governor, is that he is requesting that we address the appointment of Mr. Robert Naraja at our next session rather than this week. So, it is a very painful decision on my part to vote against any motion for the consideration. This is coming directly from the Chairman of the Committee, and this body is tasked with addressing all nominations from the Governor. I understand that any member can bring up issues or nominations before this body. Again, this is a request from the Chairman. And, just for the record, there is not one member from Tinian in this session. I reluctantly called this session because of the urgency of House Bill No. 12-421 which we had passed earlier. It is for that reason that I called this session very reluctantly. Thank you, Floor Leader Reyes.

Floor Leader Reyes: Mr. President, we are still under discussion on this section of our Order of Business. I am just concerned because the jurisdiction of any bill belongs to the Senate, the entire Senate. Of course, bills are assigned to the Committee Chairs in order to conduct the necessary formalities. In this case, the issue of public hearing could be one of those formalities. But, I have been made to understand that in the case of Mr. Naraja, everyone supports that nomination and it is sad that the Senate is not taking action before the election to confirm Mr. Naraja. After the election, it will require more votes of the members, and I am not sure what the status in our rules is, but there is no need to prolong it if everybody supports the nomination. I have to go on record saying that I reluctantly agree not to

do this, but of respect for the delegation for Tinian who is not here. It is very unfortunate that they are not here to conduct the business that they were elected to do. It is really, really sad. Thank you.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Thank you, Mr. President. This morning when I got up, after finding out last night that we're going into session today, I was in the position to place the confirmation question on the floor no matter what. I thought that the Tinian Delegation is trying to delay the confirmation process of Mr. Naraja. What I understand is that the Tinian Delegation is not supportive of any amendment to the Election Bill. The Election Law, I believe they do support, but they want to put in more, and we kind of agree that it should be done on the Election Law. I talked to some members at the time on the issue, the confirmation process. From what I heard earlier, Senator Atalig, and Senator Maratita and yourself, Mr. President, have no objection to the confirmation if we are going to be voting on the appointment of Mr. Naraja. I do understand the concern in respecting the committee. To be consistent, I am willing to support that move that we respect the committee. If the committee chair does not make any initial move for the next session, I would like to ask the members of EAGI to come out with a proposed Standing Committee Report. On the confirmation process, we can just come in and vote as it is right now. There is no constitutional issue about getting more than simple majority of the members being present. But at the same time, as you know we have Sablan-Onerheim retention question in place today and that question will be done in this election. Whatever the result of the election will be, Judge Onerheim will continue to serve up to, I believe, 2002 before the next mid-term election just like what happened to Judge Bellas. His term ended last month and not two years ago, but the questioned was placed on the mid-term. Now, we have Judge Onerheim retention question to be brought up the day after tomorrow. After talking to the family of the nominee, Mr. Naraja, he sure would like to see that the whole members of the Senate participate in his confirmation and he feels that he has no personal objection being placed after the election. Although, the family is lobbying for his confirmation, they do understand the process can be done today or next week and I hope that the Senate addresses the nomination before the end of the month. So, I sure would like to ask again, the understanding and support of the Rota Delegation that when we convene the next session that we continue with the support.

President Manglona: Thank you, Vice President Villagomez. Is there any further discussion?

Floor Leader Reyes: This is just a clarification, Mr. President. Normally, the suspension of rules is necessary. I just need to clarify that because this particular legislation passed the Senate and the suspension of rules is no longer necessary. I never made a motion on the suspension of the rules.

President Manglona: Just so that we are all in order, I guess Floor Leader Reyes is referring the question to the Final Reading.

Floor Leader Reyes: This is on the motion to pass this on Final Reading. Because this has gone through and the Senate reviewed and passed it. I noticed that it is Senate Draft 2, unless I am mistaken. It is not necessary to call for a motion to suspend any part of our rules?

President Manglona declared the Senate in recess.

RECESS

The Senate reconvened.

President Manglona: We are back to the Bill Calendar and Floor Leader Reyes is raising a point.

Floor Leader Reyes: Mr. President, although the suspension of rules is necessary, without objection from the members, we can go ahead and consider that the suspension or rules have been made and allowed the passage of House Bill No. 12-421.

President Manglona: Is there any objection to that?

Several members voiced "no objection".

President Manglona: House Bill No. 12-421, was passed according to our rules.

Vice President Villagomez: This is just a short one. I believe that the majority of the vote that was cast is in support of the bill. We did some amendments--went down to House and they took out the amendments and that is what we have just addressed. There was a question earlier about the quorum and attendance, and with the absence of the Tinian Delegation--our rules say that at least a member shall represent a Senatorial District unless they were provided ample time notice. Since you called the session yesterday, there should not be any question. But I believe that the Floor Leader was trying to make a point so that nobody will question whether there is any technicality on the passage of the legislation. So, I guess, his comment was to point out the suspension of all pertinent rules for the passage so that there would not be any question on the action of the Senate today. In fact, six out of the six members present voted for it. So, I believe that there should be no questions or any technicality that will hamper our action today.

President Manglona: Is there any motion for adjournment?


Floor Leader Reyes: Thank you, Mr. President. Before I move for adjournment, I would just like to the need to cooperate on legislation affecting the Commonwealth. Cooperation is a major factor in a lot of bills that are to be entertained by the Senate. I would like to say to my colleague from Rota that I respect his position on this. And, out of that respect, I decided not to move for consideration of this nomination. I also joined Senator Villagomez and Senator Guerrero in seeking the Rota support when this nomination comes up. Now I move for adjournment subject to your call.

President Manglona: There is a motion for adjournment subject to the call of the Chair. Is there any discussion?

The motion was seconded and carried by voice vote.

President Manglona declared the Senate adjourned subject to the call of the Chair at 2:45 p.m.

Respectfully submitted,



Ramona I. Kapileo
Senate Journal Clerk

Adoped: Jan. 11, 2002