

THE SENATE
TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIRST SPECIAL SESSION, 2000

First Day

April 6, 2000

The Senate of the Twelfth Northern Marianas Commonwealth Legislature, First Day, First Special Session, 2000 was called to order at 3:30 p.m. on Thursday, April 6, 2000 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 silence was observed.

The Senate Clerk called the roll and all nine members were present.

READING AND APPROVAL OF THE JOURNAL

None

MESSAGES FROM THE GOVERNOR

Gov. Mesg. No. 12-94: March 27, 2000- Withdrawing the name of Ms. Connie Seman-Camacho as a nominee to the Board of Elections.

Gov. Mesg. No. 12-95: March 09, 2000 – PL 11-6 Exemption for Coral Ocean Point Resort Club.

Gov. Mesg. No. 12-96: March 9, 2000 – PL 11-6 Exemption for Pacific Amusement, Inc.

Gov. Mesg. No. 12-97: March 14, 2000 – Certification and justification for vacant positions that must be filled during the period of continuing resolution: Department of Commerce, 3; Mayor of Saipan's Office, 2; Office of the Governor, 5; Department of Finance, 1; Department of Public Safety, 15; Department of Public Works; 1, Department of Public Health, 1; and Department of Lands and Natural Resources, 1.

Gov. Mesg. No. 12-98: March 15, 2000 – Certification for 4 vacant positions at the Department of Public Health that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-99: March 15, 2000 – Certification for annual salary in excess of \$50,000 for Dr. Janna B. Cundiff at the Commonwealth Health Center.

Gov. Mesg. No. 12-100: March 15, 2000 – PL 11-6 Exemption for S.T.R. Company, Ltd.

Gov. Mesg. No. 12-101: March 15, 2000 – PL 11-6 Exemption for the Renaissance Company.

Gov. Mesg. No. 12-102: March 15, 2000 – PL 11-6 Exemption for Harmony Tours, Ltd.

Gov. Mesg. No. 12-103: March 15, 2000 – PL 11-6 Exemption for Mariana Resort.

Gov. Mesg. No. 12-104: March 15, 2000 – PL 11-6 Exemption for Saipan Diamond Hotel.

Gov. Mesg. No. 12-105: March 15, 2000 – PL 11-6 Exemption for Erensia, Inc.

Gov. Mesg. No. 12-106: March 15, 2000 – PL 11-6 Exemption for Hotel Nikko Saipan.

Gov. Mesg. No. 12-107: March 15, 2000 – PL 11-6 Exemption for Ben & Ki Water Sports.

Gov. Mesg. No. 12-108: March 27, 2000 – Certification for annual salary in excess of \$50,000 for Dr. Janna Hilgus at the Commonwealth Health Center.

Gov. Mesg. No. 12-109: March 27, 2000 – Certification for 4 vacant positions at the Department of Public Health that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-110: March 30, 2000 – Certification for vacant positions that must be filled during the period of continuing resolution: Department of Public Works, 6; Department of Commerce, 1; Department of Public Safety, 1; Office of the Governor, 2; and Department of Public Health, 1.

Gov. Mesg. No. 12-111: March 31, 2000 – PL 11-6 Exemption for Napu Inc.

Gov. Mesg. No. 12-112: March 31, 2000 – Informing the Legislature that he had signed into law SB 12-19, the “Energy Sufficient Act of 2000”.

Gov. Mesg. No. 12-113: March 31, 2000 – Informing the Legislature that he had signed into law SB 12-20, HD3, defining “Public Purpose”.

Gov. Mesg. No. 12-114: Submitting the Fiscal Year 2001 Commonwealth Budget.

Gov. Mesg. No. 12-115: March 29, 2000 – PL 11-6 Exemption for Nanding’s Upholstery Shop.

Gov. Mesg. No. 12-116: March 29, 2000 – PL 11-6 Exemption for Northern Marianas College.

Gov. Mesg. No. 12-117: April 06, 2000 – PL 11-6 Exemption for Charlene Enterprises dba Charlene Beauty Solon.

Gov. Mesg. No. 12-118: April 06, 2000 – Certification for 3 vacant positions that must be filled during the period of continuing resolution in the Department of Lands and Natural Resources.

Gov. Mesg. No. 12-119: April 06, 2000 – Informing the Legislature that he had signed into law HB 12-94, entitled, “To amend 1 CMC 8247(a), and for other purposes.” (PL 12-3 – 04/06/00)

COMMUNICATIONS FROM THE JUDICIARY

None

COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS

None

HOUSE COMMUNICATIONS

Hse. Comm. No. 12-23: Returning with amendment SB 12-40, entitled, “A Bill for an Act to provide one year vested service credit in the Retirement fund for every two years of service on Commonwealth government boards and commissions.”

Hse. Comm. No. 12-24: Returning with amendment SB 12-42, entitled, “A Bill for an Act to clarify the duties and limits of liability of the Director of Public Lands; and for other purposes.”

Hse. Comm. No. 12-25: Informing the Senate that the House accepted the Senate amendment to HJR 12-5.

Hse. Comm. No. 12-26: Transmitting for Senate action HB No. 12-12, HD1, entitled, "A Bill for an Act to allow the Division of Public Lands to quiet title certain properties in Chalan Kanoa area of Saipan; and for other purposes."

Hse. Comm. No. 12-27: Transmitting for Senate action HB No. 12-30, entitled, "A Bill for an Act to amend Public Law 3-71, § 1 (§1117) as amended by Public law 3-72, §2 (§1102) and Public Law 6-44, § 2 to exempt from Forfeiture, property used in the commission of a criminal act by someone other than the owner without the knowledge, consent or willful blindness of the owner."

Hse. Comm. No. 12-28: Transmitting for Senate action HB No. 12-062, entitled, "A Bill for an Act to amend 3 CMC Section 4340 (d) by adding new subsections (i) and (ii); and for other purposes."

Hse. Comm. No. 12-29: Transmitting for Senate action HB No. 12-67, CS1, entitled, "A Bill for an Act to amend the Commonwealth Code regarding usury; and for other purposes."

Hse. Comm. No. 12-30: Transmitting for Senate action HB No. 12-74, entitled, "A Bill for an Act to amend section 4201, 6 CMC, Division 4, Chapter 2, and for other purposes."

Hse. Comm. No. 12-31: Transmitting for Senate action HB No. 12-92, entitled, "A Bill for an Act to amend 6 CMC § 2301(a)(2) by increasing the amount of currency brought into the Commonwealth; and for other purposes."

Hse. Comm. No. 12-32: Transmitting for Senate action HCR No. 12-1, entitled, "A House Concurrent Resolution to approve revenues and resources of the Commonwealth of the Northern Mariana Islands, 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 2000 beginning October 1, 1999 and ending on September 30, 2000."

Hse. Comm. No. 12-33: Transmitting for Senate action HB No. 12-75, CS1, entitled, "A Bill for an Act to enact a new section 1609 of Title 6 of the Commonwealth Code; and for other purposes."

Hse. Comm. No. 12-34: Transmitting for Senate action HB No. 12-87, entitled, "A Bill for an Act to amend the Public School System Capital Improvement Projects Appropriation Act of 1999 (Public Law 11-89); and for other purposes."

Hse. Comm. No. 12-35: Transmitting for Senate action HB No. 12-1, CS2, HD3, entitled, "A Bill for an Act to make appropriations for the operations and activities of the Government of the Commonwealth of the Northern Mariana Islands, its agencies, instrumentalities, and independent programs, and to provide budget authority for Government Corporations for fiscal Year 2000; and for other purposes."

Hse. Comm. No. 12-36: Transmitting for Senate action HB No. 12-84, HD1, entitled, "A Bill for an Act to provide penalties for allowing minors access to firearms; and for other purposes."

Hse. Comm. No. 12-37: Transmitting for Senate action HB No. 12-131, entitled, "A Bill for an Act to amend 4 CMC § 1708 to ensure equitable treatment between landowners who receive public land from the government in exchange for their private land and those who receive cash compensation from the government in exchange for their private land, and for other purposes."

Hse. Comm. No. 12-38: Transmitting for Senate action HB No. 12-11, entitled, "A Bill for an Act to stimulate the economy of the Northern Mariana Islands through the creation of free trade zones, the creation of tax incentives, and the establishment of a public corporation to administer free trade zones; and for other purposes."

Hse. Comm. No. 12-39: Informing the Senate that the House reconsidered its action on the Senate amendment to HJR 12-5, and referred the resolution instead to a committee.

Hse. Comm. No. 12-40: Transmitting for Senate action HB No. 12-150, entitled, "A Bill for an Act to amend 4 CMC § 8151; and for other purposes."

Hse. Comm. No. 12-41: Transmitting for Senate action HB No. 12-101, HD1, entitled, "A Bill for an Act to establish an account for the deposit of ambulance fees; and for other purposes."

Hse. Comm. No. 12-42: Transmitting for Senate action HB No. 12-100, HD1, entitled, "A Bill for an Act to appropriate fund balances from Public Law 11-67; and for other purposes."

Hse. Comm. No. 12-43: Returning with amendment SB 12-51, entitled, "A Bill for an Act to allow a government employee to convert PL 7-31 retroactive salary adjustment to vesting credit service; and for other purposes."

Hse. Comm. No. 12-44: Transmitting for Senate action HB 12-154, HD1, entitled, "A Bill for an Act to amend the Commonwealth State Funeral Act (1 CMC § 453); and for other purposes."

Hse. Comm. No. 12-45: Transmitting for Senate action HJR 12-7, entitled, "A House Joint Resolution to authorize the CNMI through its Governor, to submit to the U.S. Department of Housing and Urban Development (HUD), the Action Plan for the CDBG Application No. B-00-ST-69-001; the Home Investment Partnership (HOME) Grant Application No. M-00-ST-69-02303; and the Emergency Shelter Grant (ESG) Application No. S-00-DC-69-001, to receive the funds requested therein, and to assume all responsibilities that may be imposed by the U.S. Department of HUD CDBG, HOME and the ESG programs."

Hse. Comm. No. 12-46: Transmitting for Senate action HJR 12-8, entitled, "A House Joint Resolution to respectfully request Mr. Jesus T. Deleon Guerrero, Chairman of CUC Board of Directors, all members of the Board and the Executive Director of the Commonwealth Utilities Corporation (CUC), Mr. Timothy P. Villagomez, to reconsider the reconnection fee for residential consumers."

Hse. Comm. No. 12-47: Transmitting a certified copy of HJR 12-004.

Hse. Comm. No. 12-48: Transmitting a certified copy of HJR 12-002.

Hse. Comm. No. 12-49: Transmitting for Senate action HB 12-16, HD1, entitled, "To prohibit non-traditional fishing methods in the Commonwealth; and for other purposes."

Hse. Comm. No. 12-50: Transmitting for Senate action HB 12-130, CS1, "To amend Public Law 11-7 to authorize the construction of educational facilities at Tatachog, Rota; and for other purposes."

Hse. Comm. No. 12-51: Transmitting for Senate action HB 12-115, HD1, entitled, "To establish a Lease-To-Own Housing Program for qualified applicants and first-time homebuyers; and for other purposes."

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

Standing Comm. Rep. No. 12-3: From the Committee on Executive Appointments and Government Investigations reporting on the Governor's appointment of Herman R. Guerrero to serve as a member of the Marianas Public Land Trust.

Floor Leader Reyes moved for its adoption, and Vice President Villagomez seconded.

President Manglona: Is there any discussion?

There being no discussion, 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 w/ reservation
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, Mr. Herman R. Guerrero is hereby confirmed as a member of the Marianas Public Land Trust.

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Sen. Res. No. 12-6: Senate Resolution expressing the condolences of the Senate and the honor and respect of the people of the Commonwealth to the family of the late Corporal Cristino Sablan Dela Cruz on his passing from this life to the next. (SEN. THOMAS P. VILLAGOMEZ-04/03/00)

INTRODUCTION OF BILLS AND RESOLUTIONS

None

BILL CALENDAR

Floor Leader Reyes: Can we have a short recess so that we can arrange the list under the Bill Calendar?

President Manglona: I understand that before we can entertain the budget, we have to adopt House Concurrent Resolution 12-1. Can you make the motion so that we can dispose of that first? You can do it under the Resolution Calendar.

(The Senate proceeded to the Resolution Calendar.)

RESOLUTION CALENDAR

HOUSE CONCURRENT RESOLUTION NO. 12-1: A HOUSE CONCURRENT RESOLUTION TO APPROVE REVENUES AND RESOURCES OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, 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 2000 BEGINNING ON OCTOBER 1, 1999 AND ENDING ON SEPTEMBER 30, 2000.

Floor Leader Reyes moved for its adoption, and Senator Guerrero seconded.

President Manglona: Is there any discussion?

There being no discussion, 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 Concurrent Resolution 12-1 is hereby adopted by the Senate.

President Manglona declared the Senate in recess at 3:35 p.m.

RECESS

The Senate reconvened at 3:50 p.m.

President Manglona: We are back to our session. We are still under the Resolution Calendar.

SENATE RESOLUTION NO. 12-6: A SENATE RESOLUTION EXPRESSING THE CONDOLENCES OF THE SENATE AND THE FAMILY OF THE LATE CORPORAL CRISTINO SSABLAN DELA CRUZ ON HIS PASSING FROM THIS LIFE TO THE NEXT.

HOUSE JOINT RESOLUTION NO. 12-7: A HOUSE JOINT RESOLUTION TO AUTHORIZE THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, THROUGH ITS GOVERNOR, TO SUBMIT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), THE ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATRION NO. B-00-ST-69-0001; THE HOME INVESTMENT PARTNERSHIP (HOME) GRANT APPLICATION NO. M-00-ST-69-0203; AND THE EMERGENCY SHELTER GRANT (ESG) APPLICATION NO. S-00-DC-69-0001, TO RECEIVE THE FUNDS REQUESTED THEREIN, AND TO ASSUME ALL RESPONSIBILITIES THAT MAY BE IMPOSED BY THE U.S. DEPARTMENT OF HUD CDBG, HOME AND THE ESG PROGRAMS.

Floor Leader Reyes moved for the adoption of SR No. 12-6 and HJR No. 12-7, and several members seconded.

President Manglona: Is there any discussion?

There being no discussion, the motion to adopt SR 12-6 and HJR 12-7 carried by voice vote.

Floor Leader Reyes moved that the Senate returns to Item M of the Agenda. There being no objection, it was so ordered.

BILL CALENDAR

HOUSE BILL NO. 12-1, COMMITTEE SUBSTITUTE 2, HOUSE DAFT 3, SENATE DRAFT 1: A BILL FOR AN ACT TO MAKE APPROPRIATIONS FOR THE OPERATIONS AND ACTIVITIES OF THE GOVERNMENT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, ITS AGENCIES, INSTRUMENTALITIES, AND INDEPENDENT PROGRAMS, AND TO PROVIDE BUDGET AUTHORITY FOR GOVERNMENT CORPORATIONS FOR FISCAL YEAR 2000; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion? All the members should have the final copy.

Floor Leader Reyes: Mr. President, I have an oral amendment to offer.

President Manglona: Please, state your oral amendment.

Floor Leader Reyes: Can we have a short recess? I need to verify something with the Chairman.

The President declared the Senate in recess at 4:00 p.m.

R E C E S S

The Senate reconvened at 6:32 p.m.

President Manglona: Good evening. We are back to our session after an hour of recess. We are discussing House Bill No. 12-1, CS2, HD3, SD1. I recognize the Floor Leader.

Floor Leader Reyes: Thank you, Mr. President. I would like to make an oral amendment to the administrative provisions. On page 21, line 27, after the word “reserve”, add “and pay”, and after the word “purpose”, add “and report it to the legislature.” It should now read as follows: “...any such receipts in reserve and pay for this purpose and report it to the Legislature.” I so move.

Senator Guerrero seconded.

President Manglona: Is there any discussion on the oral amendment?

There being no discussion, the oral amendment offered by Floor Leader Reyes passed by voice vote.

Floor Leader Reyes: Mr. President, I would also like to make an oral amendment to the worksheets and copies of the corrections—excuse me, this is not an oral amendment but there are changes to the worksheets that are reflected in the copies that we have already passed out to the members. Pages 1 through 3 of the worksheets are changed as a result of my amendments, and also page 10 and 12. Mr. President, I made some changes by moving two FTE’s from the Office of the Attorney General over to the Office of the Public Defender. The FTE’s represent Assistant Attorney Generals from the Office of the Attorney General. Those changes resulted in the reduction of two ungraded positions in the Attorney General’s Office and an increase of two ungraded positions in the Public Defender’s Office. The changes associated with that appear on several pages and in pages 1 to 3 of the summary. Also, on page 7, there is an asterisk under the Lieutenant Governor’s Office for the transfer-out of \$35,000 under the All Others Account. The asterisk indicates that this \$35,000 is for the Junior Statesman Program. I so move.

Several members seconded.

President Manglona declared the Senate in recess at 6:36 p.m.

R E C E S S

The Senate reconvened at 6:38 p.m.

President Manglona: We are back to our session. We are still discussing House Bill 12-1, CS2, HD3, SD1. Floor Leader.

Floor Leader Reyes: This is just for clarification. The amendments that I have mentioned are already incorporated as Senate Draft 1.

President Manglona: Thank you, Floor Leader. Please let the record reflect that Senate Draft 1 has already incorporated what the Floor Leader has offered as amendments. Each member should ensure that they have the correct pages of the worksheets. Is there any further discussion on Senate Draft 1?

The Chair recognized Senator Adriano.

Senator Adriano: Mr. President, I would like to make an oral amendment to page 36 to reflect the footnote. Please insert an asterisk on Class Code 62420 and 62440. Those are for Rental—Vehicles and Rental—Office. I so move.

Senator Cing seconded.

President Manglona declared the Senate in recess at 6:41 p.m.

R E C E S S

The Senate reconvened at 6:46 p.m.

President Manglona: We are back to our session. We are still discussing House Bill No. 12-1. This is now Senate Draft 2 because of the oral amendment offered by Floor Leader Reyes. I recognize Senator Adriano.

Senator Adriano: Thank you, Mr. President. I withdraw my motion.

President Manglona: Senator Adriano has withdrawn his motion concerning page 36 of the worksheets. Is there any other 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. 12-1, CS2, HD3, SD2, passes the Senate. Is there any motion for adjournment?

Floor Leader Reyes moved that the Senate adjourn subject to the call of the Chair. Senator Adriano seconded, and the motion carried by voice vote.

The Senate adjourned at 6:50 p.m. subject to the call of the Chair.

Respectfully submitted,



Ramona I. Kapileo
Senate Journal Clerk

ADOPTED: June 16, 2000