

**THE SENATE
TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIFTH SPECIAL SESSION, 2000**

First Day

Friday, June 27, 2000

The Senate of the Twelfth Northern Marianas Commonwealth Legislature, First Day, Fifth Special Session, 2000, was called to order at 10:18 a.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 eight (8) members were present, and Senator Dela Cruz was excused.

President Manglona: Senator Dela Cruz is excused for today's session. We have eight members who are present meeting the necessary quorum to conduct today's session.

READING AND APPROVAL OF THE JOURNAL

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Thank you, Mr. President. There's none on the Order of Business. But Mr. President, I would like to say something about a journal that I have reviewed already and it's not on the Calendar yet.

President Manglona: Please proceed, Floor Leader.

Floor Leader Reyes: Thank you, Mr. President. I read the Journal of our First Day, Third Special Session dated May 11. Under the Communication from Heads of Executive Departments section on page 3, of that Journal, I posted a question to the President. Let me just quote the question that I asked you. "Mr. President, I understand that there are some restrictions with respect to submission of claims by the Legislature on expenditure of funds under Department Communication No. 12-1. I also understand that we're drafting a communication in response to this. I just wonder if that response has already been completed". Your response at that time in the Journal was, "Floor Leader, the Legal Counsel is working on that letter". Again, Mr. President, I ask, have we responded? Apparently, Finance is proceeding with its plan to use the format that they sent us based on the correspondence they sent and based on the promulgation of regulation. They are already implementing that and I have not seen any letter to the Department of Finance from our office.

President Manglona: Floor Leader Reyes, my comment to that is that other members also are concern. Senator Cing is very much concern about that. As you know during our last Leadership meeting, the instruction was for the Legal Counsel to proceed with any necessary action so that we can, if necessary, have this be declared in court as to what extent Finance can get involve in the expenditures of the Legislature. My understanding is that there is a Resolution being prepared. So, I would like each member to review and comment on that and in the next session we can pass such a resolution.

Floor Leader Reyes: Mr. President, this is in a form of a Resolution and you are absolutely correct. There is a draft Resolution, but aren't we supposed to respond to the letter from the Secretary of Finance asking us for comments

regarding the used of that format? My understanding is that the instruction is to respond to that by letter expressing to the Secretary of Finance that we are not subject to the conditions under the format that was presented to us. And we were to quote some legal authorities for the position that we have taken. It is June 27, 2000. It is already over a month since I asked that question, and I know I have questions even way before that. This is the only one that I came across on record. We need to do something about this--to put the Secretary on notice that we are not in support of the use of those formats. Then, this resolution which I am going to introduce also sort of address that concern. But it does not take care of the need to communicate with the Secretary of Finance on the concerns.

President Manglona: May I recommend then that since we have the resolution, we can comment on that as soon as possible, and I will attach a letter to the resolution and send it to the Secretary of Finance and the Attorney General. We'll tell them of our intention to pass it in the next session. I will attach my letter to that resolution.

Floor Leader Reyes: Thank you Mr. President. There's no Journal on the agenda, Mr. President.

President Manglona: Just to clarify that, I'll ask the Sergeant-at-Arms to furnish copies of the resolution to all the members. And if they comment by tomorrow afternoon, I will attach a letter to that and send it to the Secretary of Finance and to the Attorney General's Office.

MESSAGES FROM THE GOVERNOR

Gov. Mesg. No. 12-162: May 12, 2000 - Certification for 2 vacant positions in the Department of Public Health for Rota that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-163: May 12, 2000 - Certification for annual salary in excess of \$50,000 for Dr. Larry B. Hocog at the Rota Health Center.

Gov. Mesg. No. 12-164: May 16, 2000 - PL 11-6 Exemption for UMDA, Inc.

Gov. Mesg. No. 12-165: May 16, 2000 - PL 11-6 Exemption for LOUIS VUITTON, Saipan Inc.

Gov. Mesg. No. 12-166: May 16, 2000 - PL 11-6 Exemption for CNMI Department of Public Health.

Gov. Mesg. No. 12-167: May 16, 2000 - PL 11-6 Exemption for CNMI Department of Public Health.

Gov. Mesg. No. 12-168: May 16, 2000 - PL 11-6 Exemption for Hard Rock Café, Saipan.

Gov. Mesg. No. 12-169: May 16, 2000 - PL 11-6 Exemption for CNMI Department of Public Health.

Gov. Mesg. No. 12-170: May 17, 2000 - Certification of 4 vacant positions in the Department of Public Health that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-171: May 22, 2000 - PL 11-6 Exemption for Tandem Skydive Saipan, Inc.

Gov. Mesg. No. 12-172: May 22, 2000 - PL 11-6 Exemption for JOSHUA GENERATION INTERNATIONAL ACADEMY.

Gov. Mesg. No. 12-173: May 22, 2000 - PL 11-6 Exemption for Hyatt Regency Saipan.

Gov. Mesg. No. 12-174: May 22, 2000 - Certification of a vacant position at the Rota Resident Department of Lands and Natural Resources that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-175: May 24, 2000 - Certification that the position of Tax Technician I at the Division of Rev. and Tax, Rota Department of Finance is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-176: May 24, 2000 - PL 11-6 Exemption for Pacific Gardenia Hotel.

- Gov. Mesg. No. 12-177: May 30, 2000 – PL 11-6 Exemption for Saipan Tribune.
- Gov. Mesg. No. 12-178: May 31, 2000 - PL 11-6 Exemption for MIYO USA, Inc.
- Gov. Mesg. No. 12-179: May 31, 2000 - PL 11-6 Exemption for Arrow Field Corporation.
- Gov. Mesg. No. 12-180: May 31, 2000 - PL 11-6 Exemption for Hotel Nikko Saipan.
- Gov. Mesg. No. 12-181: May 31, 2000 - PL 11-6 Exemption for Aviation Services, Ltd. Dab “FREEDOM AIR”.
- Gov. Mesg. No. 12-182: June 1, 2000 - PL 11-6 Exemption for Treasures Inc. COLORS.
- Gov. Mesg. No. 12-183: June 1, 2000 - PL 11-6 Exemption for PMT Pacific Micronesia Tours, Inc.
- Gov. Mesg. No. 12-184: June 1, 2000 – PL 11-6 Exemption for Nippon Travel Agency Micronesia Inc., dba MACH TOUR.
- Gov. Mesg. No. 12-185: June 1, 2000 – PL 11-6 Exemption for JALPAK INTERNATIONAL.
- Gov. Mesg. No. 12-186: June 1, 2000 – PL 11-6 Exemption for Young Pacific Corp. dba “Young Pacific Tour”.
- Gov. Mesg. No. 12-187: June 2, 2000 – PL 11-6 Exemption for Yu Tian Corporation dba Yu Tian Wholesale.
- Gov. Mesg. No. 12-188: June 2, 2000 – Certification that the position of Chairman of Land Registration at the Rota Resident Department of Lands and Natural Resources’ Division of Land Registration & Survey is vacant and must be filled during the period of continuing resolution.
- Gov. Mesg. No. 12-189: June 2, 2000 – Certification that 8 positions on Rota are vacant and must be filled during the period of continuing resolution.
- Gov. Mesg. No. 12-190: June 2, 2000 – Certification that 14 positions on Tinian are vacant and must be filled during the period of continuing resolution.
- Gov. Mesg. No. 12-191: May 30, 2000 - Certification that 10 positions on Rota are vacant and must be filled during the period of continuing resolution..
- Gov. Mesg. No. 12-192: June 5, 2000 – Informing the Legislature that he had signed into law HB 12-087, entitled, “To amend the PSS CIP appropriation Act of 1999 (PL 11-89); and for other purposes. (PL 12-5 – 06/05/00)
- Gov. Mesg. No. 12-193: June 5, 2000 – Informing the Legislature that he had signed into HB 12-101, HD1, the “CNMI Ambulance Fee Act of 2000”. (PL 12-6 – 06/05/00)
- Gov. Mesg. No. 12-194: June 5, 2000 – Informing the Legislature that he had signed into law HB 12-116, HD2, entitled, “To repeal and reenact Section 6 (c) (4) of Public Law 11-79; and for other purposes. (PL 12-7 – 06/05/00)
- Gov. Mesg. No. 12-195: June 5, 2000 – Informing the Legislature that he had disapproved HB 12-001, CS2, HD3, SD2, CS1, the appropriations and Budget Authority Act of 2000. (DISAPPROVED on 06/05/00)
- Gov. Mesg. No. 12-196: June 12, 2000 – Certification and justification for vacant positions that must be filled during the period of continuing resolution: One in the Rota Department of Public Works; One in the Tinian

Department of Public Safety; 2 in the Tinian Department of Labor and Immigration; One in the Office of the Governor.

Gov. Mesg. No. 12-197: June 12, 2000 - PL 11-6 Exemption for S.H.A Project Inc.

Gov. Mesg. No. 12-198: June 12, 2000 - PL 11-6 Exemption for AA ENTERPRISES INC.

Gov. Mesg. No. 12-199: June 7, 2000 - PL 11-6 Exemption for Pacific Islands Club.

Gov. Mesg. No. 12-200: June 7, 2000 - PL 11-6 Exemption for HYATT REGENCY HOTEL SAIPAN.

Gov. Mesg. No. 12-201: June 9, 2000 - PL 11-6 Exemption for Young pacific corp. dba "Young Pacific Tour.

Gov. Mesg. No. 12-202: June 19, 2000 - PL 11-6 Exemption for Department of Public Health.

Gov. Mesg. No. 12-203: June 19, 2000 - PL 11-6 Exemption for RB Electrical & Construction.

Gov. Mesg. No. 12-204: June 20, 2000 – Certification that the position of Project Development Worker on Rota is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-205: June 21, 2000 - PL 11-6 Exemption for FNC Saipan, Inc.

Gov. Mesg. No. 12-206: June 21, 2000 – Certification that the position of Administrative Specialist I at Tinian department of Public works is vacant and must be filled during the period of continuing resolution.

The Chair recognized Senator Atalig.

Senator Atalig: This is on Governor's Messages No. 12-163 regarding certification for annual salary in excess of \$50,000 for Dr. Larry B. Hocog at the Rota Health Center. Mr. President, this is just a point of acknowledgement and recommendation to those agencies and individuals that initiate contracts to speed up the process for Dr. Hocog to work at the Rota Health Center. It is with great pleasure and honor to join the Mayor of Rota and the people of Rota to welcome Dr. Hocog, our very own Rotanese son, to our hospital. As you all are aware, most of the time our local people have this language barrier, especially our man amko, in explaining their sickness, their feelings, to foreign doctors. But with our very own local doctor, our people will feel more comfortable in explaining their sickness. With that, I thank you.

The Chair recognized Senator Adriano.

Senator Adriano: Thank you, Mr. President. This is on Governor's Message No. 12-210, in reference to Senate Bill No. 12-51. I move to override the Governor's....

Senator Atalig voiced, "second".

President Manglona: This is Governor's Message No. 12-210, informing the Legislature that he disapproved Senate Bill No. 12-51, HS1, entitled, "To allow a government employee to convert Public Law 7-31, retroactive salary adjustment to vesting credit service and for other purposes". There's a motion on the floor and it has been seconded. Is there any discussion?

Vice President Villagomez: Is that a motion to override the Governor's veto?

President Manglona: I understand there is a motion to override.

Vice President Villagomez: Motion to override? Can you call for a very short recess, Mr. President? I haven't really read the communication under Governor's Message No. 12-210.

President Manglona: Short recess.

The Senate recessed at 10:33 a.m.

RECESS

The Senate reconvened at 10:50 a.m.

President Manglona: Let us resume our session. We're still discussing the override motion offered by Senator Adriano on Senate Bill No. 12-51, HS1. It has been seconded, and we're still under discussion.

Senator Maratita: Thank you, Mr. President. While I support the override, Mr. President, I believe that Public Law 7-31 will be unfair to some of the government employees. There are two reasons, Mr. President. If I were a government employee at this time and have a vested service of 18 years, I wouldn't want to be credited for service. I want money. I want to be paid the retroactive. I believe this is good for a government employee who has put up a vested service of 10 or 12 years. It would be beneficial to that employee, but not to those government employees who have put in a service of 16, 17, 18 or almost 20 years. So, the Governor is right when he disapproved Senate Bill No. 12-51, HD1. And I'm sorry to say to the members that at this time, I will not support an override because it's unfair for some of the government employees who has put up a service of more than 20 years or little less than 20 years. I believe that a government employee who is ready or close to retiring, would want to see the retroactive pay. And like I said, for those employees that had put up 10 or 12 years, this would probably be good for them, but not for those employees that are ready to retire. Thank you, Mr. President.

The Chair recognized Senator Adriano.

Senator Adriano: Thank you, Mr. President. If I may enlighten our good Senator from Rota that on page 1 of this bill on line 13 -- this is not a mandatory conversion. An employee may elect to take this opportunity, but it is up to the employee. Thank you, Mr. President.

President Manglona: Thank you, Chairman Adriano. Is there any other member?

Senator Adriano: Ready.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Thank you, Mr. President. As you know, I have introduced a similar legislation in trying to --- the members. Those that have retired, can either get their compensation through Retirement or the mandated retro payment of Public Law No. 7-31. It looks like the members are in agreement that we have to address the funding--the appropriation of Public Law 7-31. There are a lot of employees that have not received their retroactive pay. Now, this is an option between waiting for the retroactive pay or taking the position of getting the retirement. I do have similar concerns with the Governor on the question of eligibility of those employees who are hired after Public Law 11-14. I sure would like to support the override of this legislation. But rather than asking for it, I sure would like to ask the members that we reconsider the motion and address this question at our next session. To tell you the truth, Mr. President, and my apology to the members, I've not gotten the opportunity to read this communication. As you know, we received it yesterday and I haven't really fully digested the impact of what our action will be. With all due respect to the Senator from Tinian, I sure would like to ask that rather than killing the motion to override, we defer action on this legislation and come up with an agreement in the next session. Thank you.

President Manglona: Is there any other member?

Senator Cing: Ready.

President Manglona: None? The question before us is for the override of Senate Bill No. 12-51, HS1. As you all know, there's a requirement for two-thirds votes of the Senate members. 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	Excused
Senator Ramon S. Guerrero	Abstained
Senator Edward U. Maratita	No
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	No
President Paul A. Manglona	Yes

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

President Manglona: Senate Clerk, can you call the members that did not answer to the roll call, please? I want to get their votes on this of either yes or no or abstention, but not to remain silent? The Senate Clerk, called "Senator Ramon S. Guerrero" and Senator Guerrero responded, "Abstained".

President Manglona: By a vote of five (5) yes, not meeting the required six (6) votes, the override on Senate Bill No. 12-51, HS1, failed to pass the Senate. We're still under Governor's Communication. Is there any other member who would like to comment on any of the Governor's Communication? Vice President, under Governor's Communication.

Vice President Villagomez: This is on Governor's Communication No. 12-209, regarding the veto of the bill on public lands--clarifying the duties and limits of liability of the Director of Public Lands. I hope that the Executive Branch exercises its right in doing the right management of our public land. We have seen decisions made by the Board of Directors of Public Lands being reversed by the Executive Director of Public Lands. You have sought correspondence decisions made and reversed actually just by the Executive Director, not the Secretary of Lands and Natural Resources. I am not going to ask for an override of this bill, but I sure would like to ask the Administration that it should rectify those differences and coordination down at the Division of Public Lands because I don't think that we can continue getting decisions by members of the Board of Directors and be reversed by the Executive Branch without any consolation or approval by the Secretary of the Department of Lands and Natural Resources. Thank you.

COMMUNICATIONS FROM THE JUDICIARY

None

COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS

None

HOUSE COMMUNICATIONS

Hse. Comm. No. 12-60: Transmitting for Senate action HB 12-121, CS1, transferring regulation of the game Jueteng to the Office of the Mayor for each Senatorial District.

Hse. Comm. No. 12-61: Transmitting for Senate action HB 12-157, HD1, to establish a Health Care System Review Commission, and for other purposes.

Hse. Comm. No. 12-62: Transmitting for Senate action HB 12-162, CS1, the Managaha Marine Conservation Act of 2000.

Hse. Comm. No. 12-63: Transmitting for Senate action HB 12-117, HS1, the Alcohol Beverage Control Act of 2000.

Hse. Comm. No. 12-64: Transmitting for Senate action HB 12-200, to repeal certain sections of PL 11-105; and for other purposes.

Hse. Comm. No. 12-65: Transmitting for Senate action HB 12-006, CS1, the Commonwealth Telecommunications Act.

Hse. Comm. No. 12-66: Transmitting for Senate action HB 12-165, entitled, "To designate Bird Island and forbidden Island as sanctuaries for the conservation of wildlife and marine life; and for other purposes."

Hse. Comm. No. 12-67: Transmitting for Senate action HB 12-173, HD1, entitled, "To amend PL 11-15 to give the Marianas Visitors Authority the power to regulate commercial activities on or near tourist sites; and for other purposes.

Hse. Comm. No. 12-68: Transmitting for Senate action HB 12-176, HD1, entitled, "To amend PL 1 CMC 3711 by adding a new subsection (c), and for other purposes."

Hse. Comm. No. 12-69: Transmitting for Senate action HB 12-190, entitled, "To add a new subsection 3311(d) to 4 CMC Chapter 3 Notaries Public; and for other purposes.

Hse. Comm. No. 12-70: Transmitting for Senate action HJR 12-009, entitled, "A House Joint Resolution to instruct the Legal Counsel and the Senate Legal Counsel to investigate cost incurred the Commonwealth as a result of PCB contamination in the village of Tanapag, and working in close consultation with the Attorney General take all necessary measures to recover these costs from the appropriate party(ies)."

Hse. Comm. No. 12-71: Transmitting for Senate action HB 12-202, entitled, "To reappropriate fund balances from Public Law 9-24 and for other purposes."

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

STANDING COMMITTEE REPORT NO. 12-09: FROM THE COMMITTEE OF EAGI REPORTING ON THE GOVERNOR'S NOMINATION OF MR. EDWIN M. HOFSCHEIDER TO SERVE AS A MEMBER OF THE COMMONWEALTH DEVELOPMENT AUTHORITY BOARD OF DIRECTORS REPRESENTING TINIAN.

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

President Manglona: Is there any discussion?

There was no discussion and Vice President Villagomez and Senator Adriano voiced, "ready".

President Manglona: No discussion? Senate Clerk, call the roll, please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	Yes
Senator Ricardo S. Atalig	Yes
Senator David M. Cing	Yes
Senator Jose M. Dela Cruz	Excused
Senator Ramon S. Guerrero	Yes
Senator Edward U. Maratita	Yes

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

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, Mr. Edwin M. Hofschneider is hereby confirmed by the Senate to serve as a member of the Commonwealth Development Authority Board of Directors, representing the island of Tinian.

STANDING COMMITTEE REPORT NO. 12-10: A BILL FOR AN ACT TO REFORM THE LABOR AND BUSINESS LAWS OF THE COMMONWEALTH; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its adoption. S

Several members voiced "second", and the motion to adopt Standing Committee Report No. 12-10 carried by voice vote.

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Sen. Bill No. 12-70: A Bill for an Act to vacate §304(b) of Executive Order 94-3 to return the responsibility of administering Developmental Disabilities programs to the Office of the Governor, and for other purposes.

Sen. Bill No. 12-71: A Bill for an Act to define the term "agency" as used in Public Law 11-87 providing a preference to bidders on Commonwealth agency contracts; and for other purposes. (SEN P.P. REYES – 06/21/00)

INTRODUCTION OF BILLS AND RESOLUTIONS

Sen. Bill No. 12-72: A Bill for an Act to prohibit the supply of gasoline and diesel fuel to gasoline service stations during daylight hours; and for other purposes.

Sen. Bill No. 12-73: A Bill for an Act to Amend provisions of the commonwealth Code concerning the insanity defense in criminal cases, competency to stand trial, and criminal commitment; to provide for a verdict or judgement of guilty but mentally ill; and for other purposes. (SEN. E. U. MARATITA – 06/27/00)

Sen. Res. No. 12-15: A Senate Resolution calling on the Director of the Office of Insular Affairs of the United States Department of the Interior to remove its Field Representative, Mr. Jeffrey Shore, in light of evidence of spying and improper political activity uncovered by the resources Committee of the U.S. House of Representatives. (SEN. P.P. REYES – 01/12/00)

The Chair recognized Floor Leader.

Floor Leader Reyes: Mr. President, during the last session, I mentioned that I would be introducing a Senate Resolution. I would like to introduce that now. It is an unnumbered Senate Resolution calling on the Director of the Office of Insular Affairs of the United States Department of Interior, to remove its Field Representative, Mr. Jeffrey

Schorr, in light of evidence of spying and improper political activity uncovered by the Resources Committee of the U.S. House of Representatives. I move for the adoption of this resolution.

Senator Adriano: Second.

Vice President Villagomez: Can we have a copy of the resolution?

President Manglona: Floor Leader, can I ask you that we entertain that on the Resolution Calendar?

Floor Leader Reyes: Short recess, Mr. President.

President Manglona: Short recess.

The Senate recessed at 11:02 a.m.

RECESS

The Senate reconvened at 11:05 a.m.

President Manglona: We're back to our session. I understand that Floor Leader Reyes will be making the motion for the adoption of Senate Resolution No. 12-15.

Floor Leader Reyes: Mr. President, if I may be allowed to just place this under Resolution Calendar, so that when we get to the Resolution Calendar, I will make the appropriate motion for its adoption. I just want to introduce this properly.

President Manglona: I believe the members have been provided copies of Senate Resolution No. 12-15 and we'll be entertaining it under our Resolution Calendar.

BILL CALENDAR

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, I would like to request that the prefiled bill under item "K", Senate Bill No. 12-71, be also placed on today's Calendar for Final Reading, if there is no objection from the members.

Senator Adriano voiced, "no objection".

President Manglona: So, there being no objection, it is so placed on our Final Reading Calendar.

Floor Leader Reyes then moved to suspend all pertinent rules for the passage of the bills that appear on the Calendar, and Senator Adriano seconded the motion.

HOUSE BILL NO. 12-39: A BILL FOR AN ACT TO REFORM THE LABOR AND BUSINESS LAWS OF THE COMMONWEALTH; AND FOR OTHER PURPOSES.

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

President Manglona: It has been moved and seconded. Is there any discussion on House Bill No. 12-39?

Floor Leader Reyes: Mr. President, this is just to place on record some of the concerns that were raised during the several days that the Committee met with some of the key players of this particular bill. Unfortunately, the members of the House sat in on only one occasion. It was my hope that they would sit in for the rest of the discussion. Nevertheless, there is now a consensus by those people who are involved and members of the Committee. The members can refer to the committee report. This is also a brief analysis of what transpired. So, without having to waste too much time, I would like to just go into some of those that were not covered. On the "transfer" there are

problems with non-resident workers on the current law who are married to U.S. citizens. The question that they asked was what would happen to their replacement once their status changes to "IR" (immediate relative). This particular legislation allows the employer to obtain a replacement for people under those situations. Another question that was asked was what would happen if a non-resident worker dies? Can that position be replaced? And again, this legislation allows that when, previously, there was no flexibility to provide for this kind of replacement. Public Law 9-71 and 11-74 on the Resident Workers Fair Compensation, the committee recommends that the House of Representatives submit this as a separate legislation because there were complications in addressing it. It appears that its inclusion would lengthen the review period of the current bill that we are working on. So, we recommended that this also be submitted as a separate bill for the members to review. Overall, Mr. President, this bill addresses sufficiently the concerns of the Chamber of Commerce, the Hotel Association, and the Garment Industry. Unfortunately, the committee had not acted on some proposals to repeal certain current laws. Because of legal and technical complications, your committee recommends that this be requested for the House to resubmit as a separate bill so that the Senate can act promptly in addressing those needs. For example, the three years limitation is not at the present time being implemented. So, it has no adverse effect to the business community. The Fair Compensation Act is not being applied and enforced, so it has no eminent negative effect on the business community. The denial of certificate of origin is not being implemented. There has been no certification denied by the Division of Custom Service. And again, that has no eminent problem. As a matter of fact, there was a recommendation by SGMA to improve that and not to entirely repeal it. So, those concerns were taken into account. In general, it has positive response to the concerns of the business community and I recommend each member to join me in support to pass this bill on Final Reading. Thank you.

President Manglona: Thank you, Floor Leader Reyes. Is there any other discussion on House Bill No. 12-39, CS2, SS1? Senator Guerrero.

Senator Guerrero: Thank you, Mr. President. I have taken full participation in the committee work on House Bill No. 12-039. I just want to express my appreciation to the Chairman for doing what he did, and also to the business community as earlier mentioned by Senator Reyes. I hope that when this bill is transmitted down to the House, the House will look at it closely. Not only do I believe that this bill --ordered type legislation, but does not need to be included in the original bill from the House. With the committee having deliberated on this issue along with the business community, I hope that when we transmit this legislation back to the House, they would not hold it back because as you know, the media has been blaming this Senate for inaction on this legislation. It is not a legislation that can be resolved overnight. This has taken a lot of precise changes not contradictory to what is in the original existing laws that were passed to us from the House. I want the Chairman to be acknowledged on the hard work he did on this issue and the business community that took part in all the committee meetings. Hopefully, the House and most especially the media would now re-direct their attention to the House rather than blaming the Senate for inaction on this legislation. Thank you, Mr. President.

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

President Manglona: Please, state your clarification.

Floor Leader Reyes: Mr. President, this bill is a result of a compromise between the business community, the Executive Branch, and the Senate. This is also a bill that is likely to be accepted by the Executive Branch and a bill that the members of this committee expect positive action by the Executive Branch. I just want to mention that for the record.

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

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Thank you, Mr. President. Just a little bit more clarification on the exemption for the replacement hires. The Floor Leader has mentioned about those non-resident workers that are married to U.S. citizens, the "IR". And there were those people who have died. I understand also, Mr. President and Mr. Chairman, that there are still some concerns by the business community on the replacements—on what they call, "unfilled contracts". Those are the non-resident workers that have their documents all processed to come into the CNMI, but in one way or another just failed to fill the contract because the guy just never showed up in the CNMI, and the

business community would have a hard time canceling the labor permit of the guy that haven't arrived here in the CNMI. I understand that they were denied to replace that unfilled contract by informing the employer that they have to wait until the expiration of the contract, although that non-resident worker never showed up here in the CNMI. I hope that the flexibility that we're providing the Secretary of Labor and Immigration understand that the replacement should not be an obstacle to bring in the qualified non-resident workers. Because there are at times--I also heard that we have people that have expired contracts, then on the last day they would agree to renew their contracts with their former employers. But Labor and Immigration is kind of strict that when they hear replacement. They feel that it has to be a different body or different individual. And I thought that the intent of the slot, that employment is the number. As long as we don't duplicate the slot, we will authorize the filling of individual employee by either the renewal of an old contract or a new contract. But once that business enterprise has that slot, he should not be restricted on the renewal process of a new hiring. Thank you.

Floor Leader Reyes: Mr. President, can I respond to that concern?

President Manglona: Please proceed, Floor Leader.

Floor Leader Reyes: Mr. President, on page 6 of the bill under "Exemption for Replacement Hire", the Secretary of Labor and Immigration is given greater latitude to make that authorization--to make that exemption and replacement. If I may read, "The hiring of non-resident workers to replace another non-resident worker in the same position shall not be affected by the moratorium imposed by this act.... Provided, however that this exemption shall only be available if the non-resident worker being replaced has been fully accounted for, either by confirmed departure from the Commonwealth, and cancellation surrender of the entry permit of the worker being replaced, or by officially accomplished transfer" and in the underscored sentence "or in any other Lawful manner acceptable to the Secretary of Labor and Immigration". It provides greater flexibility.

President Manglona: I think that's a good addition there, the underscored sentence. So that would take care of these special cases. Floor Leader Reyes, thank you for the explanation.

Floor Leader Reyes: Mr. President, if I may. I just received a note here. With reference to the amendment of the original bill from the House of Representative on the "30% Management", I was asked to say something about this. If I may refer the members to page 3 of 10, the House version provided for the garment industry to have 30% management and supervisory level local resident hire. The SGMA recommended that a re-consideration be made because they admit that some garment factories are not currently in compliance with the 30% management level. So they proposed to the committee that an incremental schedule be allowed which is proposed to take effect six months after enactment of this law. To increase up to 20%, then six months after that up to 25%, and then a year later up to 30% in the proposal submitted by the House. Your committee rejected that. The members rejected the proposal and part of the justification for doing so is to encourage the compliance by any businesses to allow the recruitment of supervisory and managerial level position for local by the industry. And the committee felt that this is something that they could easily meet if the conditions are required. To that extent, I support the committee's position. Thank you.

President Manglona: Thank you Floor Leader. Is there any other member? If none, we'll be voting on House Bill No. 12-39, CS2, SS1. 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	Excused
Senator Ramon S. Guerrero	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, House Bill No. 12-39, CS2, SS1, passes the Senate on Final Reading.

HOUSE BILL NO. 12-131: 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.

Floor Leader Reyes: Mr. President, I would like now to finish up the Calendar on First Reading. I move for the passage of House Bill No. 12-131 on First Reading.

Several members voiced, “second”, and the motion for the passage of House Bill No. 12-131 on First Reading only carried by voice vote.

President Manglona: House Bill No. 12-131 passes the Senate on First Reading.

SENATE BILL NO. 12-11: A BILL FOR AN ACT TO ESTABLISH PROVISIONS WITH RESPECT TO RELIGIOUS ACCOMODATION IN EMPLOMENT, AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

There was no discussion, and 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	Excused
Senator Ramon S. Guerrero	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, Senate Bill No. 12-11 passes the Senate on Final Reading.

SENATE BILL NO. 12-70: A BILL FOR AN ACT TO VACATE §304(b) OF EXECUTIVE ORDER 94-3 TO RETURN THE RESPONSIBILITY OF ADMINISTERING DEVELOPMENTAL DISABILITIES PROGRAMS OF THE OFFICE OF THE GOVERNOR, AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its passage on Final Reading and Vice President Villagomez and Senator Guerrero seconded.

President Manglona: Is there any discussion?

There was no discussion, and several members voiced, “ready”.

President Manglona: Senate Clerk, call the roll, please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	No
Senator Ricardo S. Atalig	Yes
Senator David M. Cing	Yes
Senator Jose M. Dela Cruz	Excused
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

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

President Manglona: By a vote of seven (7) yes and one (1) no, Senate Bill No. 12-70 passes the Senate.

HOUSE BILL NO. 12-7, HOUSE DRAFT 1: A BILL FOR AN ACT TO AMEND 6 CMC, SECTIONS 1322 AND 1323; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

There was no discussion, and Senator Atalig voiced, “ready”.

President Manglona: Senate Clerk, call the roll, please.

The Senate Clerk called the roll with the following result:

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

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, House Bill No. 12-7, HD1 passes the Senate on Final Reading.

HOUSE BILL NO. 12-115, HOUSE DRAFT 1: A BILL FOR AN ACT TO ESTABLISH A LEASE-TO-OWN HOUSING PROGRAM FOR QUALIFIED APPLICANTS AND FIRST-TIME HOMEBUYERS, AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

There was no discussion, and Senator Adriano and Senator Atalig voiced, “ready”.

President Manglona: Senate Clerk, call the roll, please.

The Senate Clerk called the roll with the following result:

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

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, House Bill No. 12-115, HD1, passes the Senate.

HOUSE BILL NO. 12-16, HOUSE DRAFT 1, SENATE DRAFT 1: A BILL FOR AN ACT TO PROHIBIT NON-TRADITIONAL FISHING METHODS IN THE COMMONWEALTH; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any further discussion?

Floor Leader Reyes: For the members, Mr. President, I purposely skipped House Bill No. 12-100, because I would like to make that last, there’s a proposed amendment to that bill.

President Manglona: House Bill No. 12-16, Fishing Methods. Is there any discussion?

There was no discussion, and Senator Cing and Senator Guerrero voiced, “ready”.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Can I request for a very short recess?

Senator Cing: What for?

President Manglona: Short recess.

The Senate recessed at 11: 28 a.m.

RECESS

The Senate reconvened at 11:44 a.m.

President Manglona: We’re back to our session. We’re still under the Final Reading Calendar discussing House Bill No. 12-16. Is there any further discussion?

Senator Atalig: Thank you, Mr. President, I think my floor amendment has been passed out.

The following is the floor amendment that was offered by Senator Atalig.

FLOOR AMENDMENT

H.B.NO. 12-16, HD1

DATE: 06/27/2000

TO BE AMENDED AS FOLLOWS:

1. page 1, lines 11-15, is hereby amended to read:

“Section 3. Non-traditional Fishing Methods Prohibited. It shall be unlawful for any commercial and non-commercial fishermen to use explosives, poisons, electric shocking devices, scuba tank or hookah when fishing for reef fish and harvesting other marine life within the lagoon or reef and one thousand feet (1,000ft.) outside the lagoon or reef on the coastal waters of the Commonwealth.”

2. page 1, between line 15 and 16, insert a new Section 4 and 5 and renumber all subsequent section accordingly. The new section 4 and 5 shall read:

“Section 4. Exceptions. The use of explosives, poisons, electric shocking devices, SCUBA or hookah is allowed when authorized by the director of Fish and Wildlife strictly for scientific collections and other purpose as determined by the Secretary of Land and Natural Resources and the Director of Fish and Wildlife. Special permit shall be issued by the director of Fish and Wildlife for all exceptions.”

“Section 5. Enforcement. The enforcement of this Act shall be the responsibility of the Secretary of the Department of Land and Natural Resources, in consultation with the Director of Fish and Wildlife and the Resident Director of the Department of Land and Natural Resources in each senatorial District. Such enforcement shall be pursuant to the provisions in 2 CMC, Div. 5, Chap. 1, §5109.”

3. Renumber subsequent sections as appropriate.

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

Vice President Villagomez: Second.

President Manglona: Senator Atalig is offering a floor amendment to House Bill No. 12-16. Copies have been provided to all the members.

There being no discussion, the motion to adopt the floor amendment offered by Senator Atalig on House Bill No. 12-16 carried by voice vote.

President Manglona: The amendment as offered by Senator Atalig passes the Senate. We're still under House Bill No. 12-16, as amended. Is there any further discussion?

Vice President Villagomez: This is just a short one. I didn't get the opportunity to discuss the floor amendment. But on the exemption, it says, "special permit shall be issued by the Director of Fish and Wildlife for all exemption". I believe the intention of any exemption is only when the Secretary of Lands and Natural Resources authorizes that study. Thank you, 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	Excused
Senator Ramon S. Guerrero	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, House Bill No. 12-16, as amended, passes the Senate.

SENATE BILL NO. 12-71: A BILL FOR AN ACT TO DEFINE THE TERM “AGENCY” AS USED IN PUBLIC LAW 11-87 PROVIDING TO BIDDERS ON COMMONWEALTH AGENCY CONTRACTS; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

Floor Leader Reyes: Mr. President, I would like to bring the attention of the members back to when we passed this 15% bidding advantage for resident construction companies. This became law but has never been applied or implemented because the definition of the word “agency” has presented a problem area in the definition. CUC, CPA and other government corporations who are involved in providing a major kind of infrastructure development do not fall under the definition of “agency”. Local resident construction companies are not allowed to bid and be given the 15% advantage for projects because of that definition. By amending this definition and extending the definition for the purpose of the 15%, it will include the other government corporations who previously did not fall under the definition of “agency”. I would like the members to take note that this definition of “agency” extends to Government Corporation and is for the purpose of this particular law only--this particular statute only.

President Manglona: Floor Leader Reyes, now that I realize what this bill is, I wonder if you can grant us your understanding on this particular legislation because Senator Cing and I happened to come across some contractors in one of our meetings and they also raised a concern regarding the definition of local or resident contractors. I think that we need to address that also. I hate to pass this bill now, because if we pass this bill, then we may have to come up later with other bills addressing other concerns. And I want to ask you, Floor Leader, if you can please look into the definition also of what is a local company. Is there a residency requirement? And if we can address both situations, I think it will go a long way.

Vice President Villagomez: Mr. President, if I’m not mistaken, Public Law No. 11-87 did address the definition on local firm or company.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Public Law No. 11-87 did define “agency”. “Agency” does not include government corporation. CUC in writing a letter responding to a local contractor’s requested for a review of the RFP and factoring of the 15% under the law--their response is that the word “agency” does not define them because they are government corporations. I think that the constitution or another law that defines “agency” does not include them. So this particular legislation is to allow redefining “agency” for the purpose of Public Law No. 11-87, alone. We have done this review already.

Vice President Villagomez: This is just a point of clarification. I believe that the Mr. President was asking whether there's a definition on Local Corporation and I believe it is defined in Public Law No. 11-87. And the Floor Leader is right that it does not clarify the definition of "agency". But my understanding on this amendment to Public Law 11-87, technically, is that agencies that are included in the fiscal budget of the CNMI are considered an agency.

Floor Leader Reyes: Again, Mr. President, Public Law No.11-87, to the best of my recollection, does define what local contractors are.

President Manglona: Thank you, Floor Leader Reyes, for that explanation, and I believe that we're still under discussion. Is there any other member?

Floor Leader Reyes: If the President still desires that we delay the passage of this bill, I am open to....

President Manglona: I think we should just proceed and if anything, we can always go to the House. I think this is of such urgency--to make sure that it applies to other agencies also. With that, 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	Excused
Senator Ramon S. Guerrero	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, Senate Bill No. 12-71 passes the Senate.

HOUSE BILL NO. 12-100, HOUSE DRAFT 1, SENATE DRAFT 2: A BILL FOR AN ACT TO REAPPROPRIATE FUND BALANCES FROM PUBLIC LAW 11-67; TO AMEND PUBLIC LAW 10-38; TO APPROPRIATE FUNDS TO SUPPLEMENT THOSE AVAILABLE FOR THE WEST TINIAN AIRPORT AIRSIDE CAPITOL IMPROVEMENT PROJECT; AND FOR OTHER PURPOSES.

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

The Chair recognized Senator Atalig.

Senator Atalig: Mr. President, I also have a floor amendment to this bill, and I believe copies of the amendment have been passed out to the members.

The following is the floor amendment being offered by Senator Atalig.

Floor Amendment to H.B. No. 12-100, HD1

1. In the title, add the following after the semicolon: "to amend "P.L. 10-38;".
2. Page 1, after line 8 and before line 9, insert the following:
Section 3. Amendment. Section 3(b) of Public Law 10-38, as repealed and reenacted by Public Law No. 11-7, is hereby amended as read:
“(b) First Senatorial District.

- (1) \$1,700,000 for A&E and construction of educational facilities or youth services and recreational facilities, at Tatachog, for use by, or under the authority of, Northern Marianas College. Such facilities may include, but are not limited to, a vocational shop and ROTC classrooms including storage rooms at the Rota High.
- (2) \$2,283,375 for A&E, construction and paving of village roads in Songsong and Sinapalo villages.

Notwithstanding any other section of this Act, expenditure authority for projects under this paragraph subsection shall be vested in the Secretary of Public Works and the Mayor of Rota and no others. Delegation appropriations pursuant to this section are exempt from the limitations of 1 CMC §1402(b), but shall conform to 1 CMC §7193(g).”

Section 4. Precedence. If both shall become law, this Act shall take precedence over Section 3 of H.B. No. 12-202, SD1, and Section 3 of H.B. No. 12-202, SD1 shall be without force or effect.

3. **ReNUMBER subsequent sections as appropriate.**

Date: 06/27/00

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

President Manglona: Is there any discussion on the amendment?

There was no discussion, and the motion to adopt the floor amendment to House Bill No. 12-100 offered by Senator Atalig carried by voice vote.

President Manglona: The amendment offered by Senator Atalig passes the Senate.

Senator Adriano: Likewise, Mr. President. I have a floor amendment to House Bill No. 12-100 and copies have been passed out.

The following is the floor amendment offered by Senator Adriano.

FLOOR AMENDMENT FOR HB 12-100, HD1, SD2:

1. In the title, add the following just before the words: “to appropriate funds to supplement those available for the West Tinian Airport Airside Capitol Improvement Project;”.
2. Page 1, just ahead of line 9, insert the following, with appropriate section numbers in lieu of the blanks:

Section _____. West Tinian Airport Airside CIP. An aggregate amount of \$6,510,000 is hereby identified from the following sources:

- (1) \$3,255,000 from CDA Bond Issuance authorized under Public Law 11-102, and
- (2) \$3,255,000 from Covenant Section 702 funding, and is hereby appropriated as supplemental funding for construction and architectural and engineering design for the Tinian West International Airport Expansion/Renovation and Construction Project. Funds shall be drawn from the source identified without fiscal year limitation until amounts indicated have been realized,

and the funds appropriated by this section shall likewise remain available without fiscal year limitation until expended. Expenditure authority shall be the Secretary of the Department of Public Works with the concurrence of the Executive Director of the Commonwealth Ports Authority. The audit powers granted to federal auditors and the Public Auditor pursuant to the Planning and Budgeting Act of 1983 as amended (1 CMC §7701 et seq.) shall apply to this appropriation. The Secretary of Finance shall establish separate account for the subject CIP project.

Section _____. First Senatorial District CIP. An aggregate amount of \$6,510,000 is hereby identified from the following sources:

- (1) \$3,255,000 from CDA Bond Issuance authorized under Public Law 11-102, and
- (3) \$3,255,000 from Covenant Section 702 funding, and reserved for appropriation for CIP projects in the First Senatorial District. Notwithstanding any other provision of law, no funds for CIP projects in the second or third senatorial districts appropriated subsequent to the effective date of this Act may be expended until the appropriations mandated by this section have been enacted into law.

3. **Renumber remaining sections as appropriate**

Date: 6/27/2000

Offered by: _____/s/
Sen. J. G. Adriano

Senator Guerrero: Second.

President Manglona: Is there any discussion?

There was no discussion, and the motion to adopt the floor amendment to House Bill No. 12-100 offered by Senator Adriano carried by voice vote.

President Manglona: We're back to House Bill No. 12-100, HD1, as amended. Is there any further discussion?

Floor Leader Reyes: Mr. President, I noticed that both floor amendments make reference to page 1 on the title and section. There's one here without a section number. I guess it's from Senator Adriano. It needs to be renumbered and resection. So, if there's no objection, I would like to just make a simple request that in reviewing the two amendments that it be represented complimentary in the bill so that it would not overlap and duplicate numbers.

President Manglona: Senate Clerk and Legal Counsel, please take note of that. Thank you, Floor Leader Reyes. We're back to House Bill No. 12-100, HD1, as amended. 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	Excused
Senator Ramon S. Guerrero	Yes

Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, House Bill No. 12-100, HD1, as amended, passes the Senate.

Floor Leader Reyes: Before we move down to the Resolution Calendar, Mr. President, I would just like to request for a very short recess.

The Senate recessed at 11:55a.m.

RECESS

The Senate reconvened at 12:04 p.m.

President Manglona: We're back to our session. We're still under the Final Reading Calendar. Floor Leader Reyes, please make the proper motion to place House Bill No. 12-131 on our Final Reading Calendar.

Floor Leader Reyes: Thank you, Mr. President. With the permission of the members, I would like to make a motion to move this bill from the First Reading Calendar, which we have already passed and place it under the Final Reading Calendar. I so move.

Several members voiced, "second".

President Manglona: There being no objection, it is so placed for Final Reading.

HOUSE BILL NO. 12-131: 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.

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

President Manglona: Is there any discussion?

There was no discussion, and Senator Cing 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	Excused
Senator Ramon S. Guerrero	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, House Bill No. 12-131 passes the Senate on Final Reading.

Senator Cing: Can we have five minutes recess?

President Manglona: Five minutes recess.

The Senate recessed at 12:05 p.m.

RECESS

The Senate reconvened at 12:09 p.m.

RESOLUTION CALENDAR

SENATE RESOLUTION NO. 12-15: A SENATE RESOLUTION CALLING ON THE DIRECTOR OF THE OFFICE OF INSULAR AFFAIRS OF THE UNITED STATES DEPARTMENT OF THE INTERIOR TO REMOVE ITS FIELD REPRESENTATIVE, MR. JEFFREY SCHORR, IN LIGHT OF EVIDENCE OF SPYING AND IMPROPER POLITICAL ACTIVITY UNCOVERED BY THE RESOURCES COMMITTEE OF THE U.S. HOUSE OF REPRESENTATIVES.

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

President Manglona: There's a motion and it has been seconded for the adoption of Senate Resolution No. 12-15.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: I want to ask, Mr. President, about the word "spying". Can we get the author to enlighten us of the evidence of "spying: on line 2?"

President Manglona: Do you want to respond to that, Floor Leader Reyes?

Floor Leader Reyes: Mr. President there were documentation which allude to Mr. Schorr sitting in an office at the Executive Branch talking to an individual attorney and taking notes. These are the information that were provided by or uncovered by the Resource Committee in the US Congress, Chaired by Congressman Don Young. These are information that Mr. Schorr not being provided properly, did obtained the information improperly by observing document's on top of employees' desk. In my humble opinion, this can not be described any better than to say that this person is spying. I hate it because if Jeff Schorr were to come to my office, Mr. President, I will go outside my office and talk to him--outside where there is no document available for him to even look. And further, I will be looking very carefully if he's wearing sunglasses, because I don't trust this person anymore. I'll be very cautious. I can say I'll be overly cautious when talking to this individual because there are significant proof that in my bill, suggest that he can not be trusted. So, the word "spying" can not be better defined, and if there's no objection, I would like to leave it or unless members wish to amend that and come up with a better description.

Senator Cing: I don't know what terminology....

Vice President Villagomez: I don't know, I was just reading it and.....

Senator Cing: Sniper?

Vice President Villagomez: I'm not sure, "in light of evidence of improper political activities...." I'm not really sure of the word "spying". I'm a bit concern when we try to use the word "spying" in there.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President when Jeff Schorr described me as a garment “lackey”, he did not asked anyone whether that is an appropriate terminology to use. I strongly object to that term, but nevertheless he went ahead and used it and I read his message to OIA, which is a document that is provided officially, as I understand it from the Office of Chairman Don Young.

The Chair recognized Senator Guerrero.

Senator Guerrero: Mr. President, I am in support of the resolution whether the word is “spying” or whatever the word is. At least now that I am a Senator, I would like to briefly give the members a little bit more of information. When I was the Director of CUC, a more crucial thing had happened with Mr. Schorr with on official document for the information of the committee. Way back I reported it to the Inspector General. I reported it to the Public Auditor, but it looks like Mr. Schorr had all the chains tied up and apparently the Federal Agency doesn’t see that this is a serious commitment destroying the Commonwealth. I’ve never spoken about the man, just now and I resented it because I do have an official copy of a diary that reflects the date and time of this document that affected former Governor Guerrero and CUC. It was a destruction that was done by Mr. Schorr, in fact even to this date I still have that copy of a diary that was provided to my office. I hope if I recall the previous Legislature getting back with all the persona non-grata resolution that was granted to Mr. Schorr is still here. So he might have a better credit card than any one of us around this table has that the Federal government still maintain. I would highly suggest that the Floor Leader may probably redirect his resolution to Congressman Don Young of the US Congress and to also push them into making sure that we don’t have another Jeff Schorr in the Commonwealth of the Northern Mariana Islands. I do not regret saying what I said, but it is about time, and whoever wants to have a copy of what I have reflected of the seriousness during my four years as Executive Director--I think it is about time and I would like the members of the Senate to know that I did passed out and I reported and provided copies to the Federal people on what had transpired in that diary, but with no luck until today. I hope that this resolution would probably flow along in that water and not sink so something could be done. We need somebody that is trustworthy on our island and not people that are just hired to send fax messages to D.C. Maybe we can hire somebody local to do the job than what Mr. Schorr is doing. Especially, when you are married to a nationality that has crucified us in the US Congress. I hope that the resolution by the Floor Leader would hold some water of what we’re doing today. Thank you, Mr. President.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Mr. President, bear in mind that anybody that is doing anything bad to the Commonwealth is not a friend of mine. Although I question--the word is fine. That word there—it doesn’t mean that I’ll continue to support an individual that is questioning the integrity of the CNMI. I just want to point out that I hope Chairman Don Young comes out with his own findings on whether or not Mr. Schorr is involved in political maneuvers to discredit the CNMI during his ten years with the Federal government and any individuals who uses the Federal agency to discredit the CNMI. I hope that Chairman Young enforces, from what I understand, the Hatch law. That is the restriction of using Federal time and energy and resources to campaign against individuals or any institution. Thank you.

President Manglona: One minute recess.

The Senate recessed at 12:19 p.m.

RECESS

The Senate reconvened at 12:21 p.m.

President Manglona: We’re back to our session after a brief recess. We are still discussing Senate Resolution No. 12-15. I believe there was an understanding for an oral amendment. Floor Leader Reyes, please make the appropriate amendment.

Floor Leader Reyes: Mr. President, if the members allow me, I want to just add in the resolving clause on page 2, that copies be transmitted to Chairman Don Young and Chairman Frank Murkowsky in the Senate. I so move.

President Manglona: It has been moved and seconded. Senate Resolution No. 12-15 is amended to reflect such changes. Is there any further discussion?

There being no discussion, the motion to adopt Senate Resolution No. 12-15, as amended, carried by voice vote.

President Manglona: Senate Resolution No. 12-15 as amended, passes the Senate. Is there any other resolution under the Resolution Calendar?

Floor Leader Reyes: None, Mr. President.

PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS

None

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENT

The Chair recognized Senator Atalig.

Senator Atalig: Thank you Mr. President. I want to make a note that tomorrow, Wednesday, 6/28/00, the JGL Committee will meet at the conference room and on Thursday. So, please members, make a note of that. The rest of the other schedule will stay as is. Thank you.

President Manglona: Thank you Senator Atalig. Is there any other member? I would just like to announce that tonight is the opening ceremony for the PIBBA conference here in the CNMI. We're all invited to the ceremony which begins at 6:00 o'clock.

Floor Leader Reyes: Mr. President, I understand that the Senate is sponsoring this. So, it will be nice if the Senators are there.

President Manglona: We're one of the sponsors.

Senator Guerrero: Where, Mr. President?

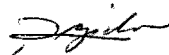
President Manglona: I'm not exactly sure of the hotel location. Floor Leader Reyes, do you know where the conference is being held? We can provide that to the members immediately after the session. Is there any other announcement? If none, motion for adjournment?

Floor Leader Reyes: I move to adjourn subject to your call.

Several members voiced, "second", and the motion to adjourn carried by voice vote.

The Senate adjourned subject to the call of the Chair at 12:55 p.m.

Respectfully submitted,



Ramona I. Kapileo
Senate Journal Clerk

ADOPTED: October 19, 2000