

**THE SENATE
TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SECOND SPECIAL SESSION, 2001**

First Day

Wednesday, May 23, 2001

The Senate of the Twelfth Northern Marianas Commonwealth Legislature, First Day, Second Special Session, 2001, was called to order at 10:20 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 all nine (9) members were present.

President Manglona: With all the members being present, we have the necessary quorum to conduct today's session.

READING AND APPROVAL OF THE JOURNAL

None

MESSAGES FROM THE GOVERNOR

Gov. Mesg. No. 12-615: April 2, 2001 – Submitting the Governor's Budget Proposal for Fiscal Year 2002.

Gov. Mesg. No. 12-616: April 4, 2001 – Appointment of members to the Task Force on Medical and Health Insurance pursuant to PL 12-21.

Gov. Mesg. No. 12-617: April 5, 2001 – PL 11-6 Exemption for Department of Public Health.

Gov. Mesg. No. 12-618: April 5, 2001 – PL 11-6 Exemption for Department of Public Health.

Gov. Mesg. No. 12-619: April 5, 2001 – PL 11-6 Exemption for Anthony M. Camacho dba Great Refuse & Recycling Services.

Gov. Mesg. No. 12-620: April 5, 2001 – PL 11-6 Exemption for Sanko Incorporated.

Gov. Mesg. No. 12-621: April 5, 2001 – PL 11-6 Exemption for Brilliant Start Montessori School.

Gov. Mesg. No. 12-622: April 6, 2001 – PL 11-6 Exemption for Taiwan Trading Co., Limited.

Gov. Mesg. No. 12-623: April 6, 2001 – PL 11-6 Exemption for Hotel Nikko Saipan.

Gov. Mesg. No. 12-624: April 6, 2001 – PL 11-6 Exemption for Cargo Express (Saipan), Inc.

Gov. Mesg. No. 12-625: April 6, 2001 – PL 11-6 Exemption for The Jin's Inc.

Gov. Mesg. No. 12-626: April 10, 2001 – PL 11-6 Exemption for Nisho Enterprises.

Gov. Mesg. No. 12-627: April 12, 2001 – Certification for the positions of a Council Page/Aide and a Community Worker at the Tinian Municipal Council that are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-628: April 12, 2001 – Certification and justification for the position of Substance Abuse Professional at the Department of Public Health is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-629: April 16, 2001 – Certification for annual salary in excess of \$50,000 for Dr. Richard Brostrom at the CHC.

Gov. Mesg. No. 12-630: April 17, 2001 – PL 11-6 Exemption for Saipan Stevedore Company, Inc.

Gov. Mesg. No. 12-631: April 18, 2001 – PL 11-6 Exemption for Universal Group Development Inc. (Saipan).

Gov. Mesg. No. 12-632: April 19, 2001 – PL 11-6 Exemption for Pacific Sunny (Saipan), Inc.

Gov. Mesg. No. 12-633: April 19, 2001 – PL 11-6 Exemption for Hyatt Regency Saipan.

Gov. Mesg. No. 12-634: April 19, 2001 – PL 11-6 Exemption for V.M. Sablan & Associates.

Gov. Mesg. No. 12-635: April 19, 2001 – PL 11-6 Exemption for Advance Marine Saipan, Corp.

Gov. Mesg. No. 12-636: April 19, 2001 – PL 11-6 Exemption for Tropical Color Saipan.

Gov. Mesg. No. 12-637: April 19, 2001 – PL 11-6 Exemption for Rosa Corporation.

Gov. Mesg. No. 12-638: April 19, 2001 – PL 11-6 Exemption for Western Equipment Incorporated.

Gov. Mesg. No. 12-639: April 20, 2001 – Certification for a vacant position of Receptionist at the Tinian Municipal Council that is vacant and must be filled during the period of our present continuing resolution.

Gov. Mesg. No. 12-640: April 20, 2001 – Certification for vacant positions of a Community Worker and a Medical Attendant that are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-641: April 20, 2001 – Nominating the following to serve as members of the Commonwealth Telecommunications Commission: Mr. Joseph Songao Inos to represent Rota; and Mr. Isidro Kaipat Seman; Mr. Norman Takai Tenorio; and Ms. Josephine DLG Mesta to represent Saipan.

Gov. Mesg. No. 12-642: April 20, 2001 – Informing the Legislature that he had disapproved HB 12-46, SS1, entitled, "To repeal Sections 214 and 509 of Executive Order 94-3 in order to establish a non partisan and independent civil service system; and for other purposes." **(DISAPPROVED ON 04/20/01)**

Gov. Mesg. No. 12-643: April 20, 2001 – Informing the Legislature that he had disapproved HB 12-147, CD1, HD1, entitled, "To amend 1 CMC Section 8273; and for other purposes (Sick Leave Bank)." **(DISAPPROVED ON 4/20/01)**

Gov. Mesg. No. 12-644: April 20, 2001 – Informing the Legislature that he had disapproved HB 12-226, CS1, "Authorizing the use of and granting legal effect to electronic records and signatures; and for other purposes." **(DISAPPROVED ON 04/20/01)**

Gov. Mesg. No. 12-645: April 20, 2001 – Informing the Legislature that he had signed into law HB 12-360, entitled, "To appropriate \$10,511 from Section 3 of PL 12-6 and for other purposes." **(PL 12-42 – 04/20/01)**

Gov. Mesg. No. 12-646: April 20, 2001 – Informing the Legislature that he had signed into law HB 12-194, entitled, “To provide for the appointment of individual members of the Youth Congress as non-voting honorary members of each Commonwealth Board and Commission; and for other purposes.” (PL 12-43 – 04/20/01)

Gov. Mesg. No. 12-647: April 20, 2001 – Informing the Legislature that he had signed into law HB 12-290, CD1, entitled, “To establish a Master Settlement Agreement Trust Fund for the initial deposit of all funds received by the CNMI pursuant to the Tobacco Industry Settlement, to ensure the preservation of all such funds until the CNMI legislature determines the appropriate allocation of the funds; and for other purposes.” (PL 12-44 – 04/20/01)

Gov. Mesg. No. 12-648: April 20, 2001 – Informing the Legislature that he had signed into law HB 12-260, CD1, entitled, “Requiring any tobacco manufacturer selling cigarettes to consumers within the CNMI to become a participating manufacturer in the tobacco master settlement agreement or to place specific amounts into a qualified escrow fund; and for other purposes.” (PL 12-45 – 04/20/01)

Gov. Mesg. No. 12-649: April 20, 2001 – Informing the Legislature that HB 12-165, SD1, entitled, “To designate Bird Island and Forbidden Island as sanctuaries for the conservation of wildlife and marine life; and for other purposes.” (PL 12-46 – 04/20/01)

Gov. Mesg. No. 12-650: April 23, 2001 – Withdrawing the name of Mr. Joseph Songao Inos as his nominee to the Commonwealth Telecommunications Commission. (SEE GOV. MESG. 12-641)

Gov. Mesg. No. 12-651: April 23, 2001 – PL 11-6 Exemption for Mandara Spa.

Gov. Mesg. No. 12-652: April 23, 2001 – PL 11-6 Exemption for Mochis Disco & Karaoke.

Gov. Mesg. No. 12-653: April 23, 2001 – PL 11-6 Exemption for Micropac Inc.

Gov. Mesg. No. 12-654: April 23, 2001 – PL 11-6 Exemption for Hotel Nikko Saipan.

Gov. Mesg. No. 12-655: April 23, 2001 – PL 11-6 Exemption for Pacific Quick Print.

Gov. Mesg. No. 12-656: April 23, 2001 – PL 11-6 Exemption for Hyatt Regency Saipan.

Gov. Mesg. No. 12-657: April 23, 2001 – PL 11-6 Exemption for Younis Art Studio, Inc.

Gov. Mesg. No. 12-658: April 23, 2001 – Nominating Mr. Edwin M. Hofschneider to serve as a member of the CDA Board of Directors representing Tinian.

Gov. Mesg. No. 12-659: April 23, 2001 – Certification and justification for vacant position of Juvenile correction Worker 1 at the Division of Youth Services that must be filled within the period of continuing resolution.

Gov. Mesg. No. 12-660: April 25, 2001 – Nominating Ms. Rita Manglona to serve as a member of the MVA Board of Directors.

Gov. Mesg. No. 12-661: April 25, 2001 – PL 11-6 Exemption for One Eighty One Design Company Inc.

Gov. Mesg. No. 12-662: April 25, 2001 – Informing the Legislature that he had signed into law SB 12-86, HD1, the “Postsecondary Education Amendment Act of 2000”. (PL 12-47 – 04/26/01)

Gov. Mesg. No. 12-663: April 26, 2001 – Informing the Legislature that he had signed into law HB 12-57, CS1, THE “commonwealth Environmental Health and Sanitation Act of 2000”. (PL 12-48 – 04/26/01)

Gov. Mesg. No. 12-664: April 26, 2001 – Informing the Legislature that he had signed into law HB 12-299, re \$500,000 appropriation for basketball court, roads and drainage in Chalan Kanoa and Susupe villages and construction of Headstart parking lot and stage for WSR Elementary School. (PL 11-49 – 04/26/01)

Gov. Mesg. No. 12-665: April 26, 2001 – Certification for annual salary in excess of \$50,000 for Mr. Stephen P. Lemieux, Professional Engineer for the Department of Public Works.

Gov. Mesg. No. 12-666: April 26, 2001 – Certification for vacant position of Account Clerk I at the Tinian Health Center.

Gov. Mesg. No. 12-667: May 1, 2001 – Informing the Legislature that he had signed into law SB 12-111, entitled, “To amend the investment And Incentive Act of 2000 (Public Law 12-32); and for other purposes.” (PL 12-50 – 05/01/01)

Gov. Mesg. No. 12-668: May 1, 2001 – Informing the Legislature that he had signed into law House Local Bill No. 12-32, D2, entitled, “To appropriate \$68,239.00 from the local license fees for pachinko slot machines and poker machines in the First Senatorial District; and for other purposes.” (RLL 12-5 – 05/01/01)

Gov. Mesg. No. 12-669: May 1, 2001 – Certification for a vacant position of Physician (Internal Medicine/Gastroenterology) at the CHC that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-670: May 1, 2001 – Certification for annual salary in excess of \$50,000 for Dr. Maria C. Chang at the CHC.

Gov. Mesg. No. 12-671: May 1, 2001 – Certification for vacant positions of a Special Assistant for Tourism, Community Workers (2), and project Community Worker within the Rota Mayor’s Office that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-672: May 3, 2001 – PL 11-6 Exemption for Kingfisher Golf Links.

Gov. Mesg. No. 12-673: May 3, 2001 – PL 11-6 Exemption for The Bell Corporation dba Chickadee.

Gov. Mesg. No. 12-674: May 7, 2001 – Informing the Legislature that he had signed into Law HB 12-345, CD1, SD1, entitled, “To provide a 90-day amnesty period for the filing of delinquent returns under Title 4, Chapter s 2, 3, 4, 5, and 7, Division 1 of the Revenue and Taxation Act of 1982, as amended, and the payment of delinquent taxes without imposition of penalty and interest, with certain exceptions and for the waiver of penalty for failure to obtain a business license; and for other purposes.” (PL 12-51 – 05/07/01)

Gov. Mesg. No. 12-675: May 7, 2001 – Informing the Legislature that he had signed into law HB 12-333, CD1, HD1, entitled, to amend 4 CMC §1503(a)(2) to exempt certain revenues; and for other purposes.”

Gov. Mesg. No. 12-676: May 7, 2001 – PL 11-6 Exemption for Adora R. Reyes.

Gov. Mesg. No. 12-677: May 7, 2001 – PL 11-6 Exemption for Pacific Medical Center.

Gov. Mesg. No. 12-678: May 8, 2001 – Nominating Mr. Victor B. Hocog to represent Rota on the Commonwealth Telecommunications Commission.

Gov. Mesg. No. 12-679: May 8, 2001 – Nominating Mr. J. Michael Fitzgerald to serve as a member of the Commonwealth Telecommunications Commission.

Gov. Mesg. No. 12-680: May 9, 2001 – PL 1-6 Exemption for SNE Saipan Co., Ltd.

Gov. Mesg. No. 12-681: May 11, 2001 – PL 11-6 Exemption for Future world, Inc.

Gov. Mesg. No. 12-682: May 11, 2001 – PL 11-6 Exemption for Niko Niko, Inc.

Gov. Mesg. No. 12-683: May 11, 2001 – Certification for vacant positions of Community Worker (3), Community Worker III (1); Public Relations Assistant (1) and Administrative Officer (1) that must be filled during the period of continuing resolution (Requested by the Mayor of Tinian).

Gov. Mesg. No. 12-684: May 11, 2001 – Certification that the position of Field Immigration Officer, within the Tinian Department of Labor and Immigration is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-685: May 14, 2001 – PL 12-6 Exemption for Kan Pacific Saipan, Ltd.

Gov. Mesg. No. 12-686: May 14, 2001 – PL 11-6 Exemption for Saipan Trolling Company.

Gov. Mesg. No. 12-687: May 14, 2001 – PL 11-6 Exemption for Pacific Island Traders.

Gov. Mesg. No. 12-688: May 14, 2001 – PL 11-6 Exemption for Kan Pacific Saipan, Ltd.

Gov. Mesg. No. 12-689: May 14, 2001 – PL 11-6 Exemption for Saipan Trolling Company.

Gov. Mesg. No. 12-690: May 14, 2001 – PL 11-6 Exemption for Pacific Island Traders.

Gov. Mesg. No. 12-691: May 15, 2001 – Certification for vacant positions of Accountant I and Staff Nurse II at the Tinian Health Center that must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-692: May 16, 2001 – Certification for a vacant position, at the request of the Mayor of Tinian, of Customs Inspector I that must be filled during the period of continuing resolution.

COMMUNICATIONS FROM THE JUDICIARY

None

COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS

None

HOUSE COMMUNICATIONS

Hse. Comm. No. 12-233: Informing the Senate that the House of Representatives rejected the Senate amendments to HB 12-359, SS1 (MVA-aviation fuel tax).

Hse. Comm. No. 12-234: Informing the Senate that the House of Representatives rejected the Senate amendments to HB 13-317, SS1 (Moratorium on the application of PL 11-69).

Hse. Comm. No. 12-235: Informing the Senate that the House of Representatives accepted the Senate amendments to HB 12-345, CD1, SD1 (Tax amnesty).

Hse. Comm. No. 12-236: Returning without amendment SJR 12-5 relating to Lt. Colonel Scott Edward Rutter.

Hse. Comm. No. 12-237: Returning SB 12-111, entitled, "To amend the Investment and Incentive Act of 2000.

Hse. Comm. No. 12-238: Transmitting for Senate action HB 12-114, CD1, "To establish a Mortgage Credit Certificate Program for qualified Applications and first-time homebuyers; and for other purposes."

Hse. Comm. No. 12-239: Transmitting for Senate action HB 12-363, to amend the Commonwealth Museum Act of 1996.

Hse. Comm. No. 12-240: Transmitting a certified copy of HR 12-136, entitled, "A House Resolution recognizing and congratulating the NMC Board of Regents chairman Ramon G. Villagomez, vice Chairman Fermin M. Atalig (Interim Chairman) and members of the Board, Mr. Jack M. Sablan, President, employees and students of the NMC on the Northern Marianas College 20th Anniversary Celebration from March to December 2001."

Hse. Comm. No. 12-241: Transmitting for Senate action HCR 12-3, to approve the revenues and resources of the CNMI for FY 2001 beginning October 1, 2001 and ending on September 30, 2001.

Hse. Comm. No. 12-242: Transmitting for Senate action HJR 12-21, to recognize and commend the good efforts of all police officers for protecting life and property of all residents of the CNMI.

Hse. Comm. No. 12-243: Transmitting for Senate action HB 12-378, HD2, entitled, "To appropriate Seven Hundred Thousand Dollars (\$700,000) for environmental sampling in the Tanapag Village; and for other purposes."

Hse. Comm. No. 12-244: Informing the Senate that the House of Representatives overrode the Governor's veto of HB 12-147, CD1, HD1, entitled, "To amend 1 CMC Section 8273; and for other purposes." (Sick Leave Bank).

Hse. Comm. No. 12-245: Informing the Senate that the House of Representatives overrode the Governor's veto of HB 12-46, SS1, entitled, "To repeal Sections 214 and 509 of Executive Order 94-3 in order to establish a non-partisan and independent civil service system; and for other purposes."

Hse. Comm. No. 12-246: Transmitting for Senate action HB 12-136, entitled, "A Bill for an act to establish the CNMI Product Seal, and for other purposes."

Hse. Comm. No. 12-247: Transmitting for Senate action HB 12-354, entitled, "A Bill for an act to amend PL 11-79, Section 6(c)(2); and for other purposes." (\$1,720,000 for China Town Sewage System and improvement of all loops, drainage, sidewalk and paving.)

Hse. Comm. No. 12-248: Transmitting for Senate action HB 12-376, entitled, "A Bill for an act to further amend the Commonwealth Auditing Act of 1983 for the purposes of addressing the section of the 'Nonresident Worker Extension Act' affecting the ability of the Office of the Public Auditor to hire nonresident professionals after September 30, 2000; and for other purposes."

Hse. Comm. No. 12-249: Transmitting for Senate action HJR 12-22, entitled, "Respectfully requesting the Secretary of the United States Department of the Interior to use his good offices to encourage U.S. investors to assist the economic development of the Commonwealth of the Northern Mariana Islands."

Hse. Comm. No. 12-250: Transmitting for Senate action HB 12-314, entitled, "To create a marine reserve on Tinian, which shall extend from the north point of the municipal breakwater to Puntan Diablo, and for other purposes."

Hse. Comm. No. 12-251: Transmitting for Senate action HB 12-343, entitled, "To amend Public Law 12-34 to allow for the hiring of nonresident workers as scientists and engineers by the Coastal Resources management Office; and for other purposes."

Hse. Comm. No. 12-252: Transmitting for Senate action HB 12-389, entitled, "To amend Public Law No. 11-119, Section 7 to authorize the Governor to reprogram funds appropriated under Public Law No. 11-119, Section 5(C); and for other purposes."

Hse. Comm. No. 12-253: Transmitting for Senate action HB 12-381, CD2, HD3, entitled, "A Bill for an Act to provide hazardous pay to sworn Police Officers, Corrections Officers and Firefighters employed by the Department of Public Safety (DPS); and for other purposes."

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

STANDING COMMITTEE REPORT NO. 12-33: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATION REPORTING ON THE GOVERNOR'S APPOINTMENT OF MR. EDWIN M. HOFSCHEIDER TO SERVE AS A MEMBER OF THE COMMONWEALTH DEVELOPMENT AUTHORITY BOARD OF DIRECTORS.

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

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Senate Clerk, call the roll since this is for confirmation.

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, Mr. Edwin M. Hofschneider is hereby confirmed by the Senate to serve as a member of Commonwealth Development Authority Board of Directors.

STANDING COMMITTEE REPORT NO. 12-34: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATION REPORTING ON THE GOVERNOR'S APPOINTMENT OF MR. FRANK H. SABLAN TO SERVE AS A MEMBER OF THE BOARD OF ELECTIONS TO REPRESENT SAIPAN.

Floor Leader Reyes moved for its adoption, and several members voiced, "second".

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	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, the Senate hereby confirms Mr. Frank H. Sablan to serve as a member of the Board of Elections representing Saipan.

STANDING COMMITTEE REPORT NO. 12-35: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATION REPORTING ON THE GOVERNOR'S APPOINTMENT OF MRS. SHERYL S. CAMACHO TO SERVE AS A MEMBER OF THE FREE TRADE ZONE AUTHORITY BOARD.

Floor Leader Reyes moved for its adoption, and several members voiced "second".

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	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, the Senate hereby confirms Ms. Sheryl S. Camacho to serve as a member of the Free Trade Zone Authority Board.

STANDING COMMITTEE REPORT NO. 12-36: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATION REPORTING ON THE GOVERNOR'S APPOINTMENT OF MR. GALVIN DELEON GUERRERO TO SERVE AS A MEMBER OF THE NORTHERN MARIANAS COLLEGE BOARD OF REGENTS.

Floor Leader Reyes moved for its adoption, and several members voiced "second".

President Manglona: Is there any discussion?

Both Senator Dela Cruz and Senator Guerrero 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, the Senate hereby confirms Mr. Galvin Deleon Guerrero to serve as a member of the Northern Marianas College Board of Regents.

STANDING COMMITTEE REPORT NO. 12-37: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATION REPORTING ON THE GOVERNOR'S APPOINTMENT OF MS. ELOISE A. FUREY TO SERVE AS A MEMBER OF THE NORTHERN MARIANAS COLLEGE BOARD OF REGENTS.

Floor Leader Reyes moved for its adoption, and several members voiced "second".

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	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, the Senate hereby confirms Ms. Eloise A. Furey to serve as a member of Northern Marianas College Board of Regents.

STANDING COMMITTEE REPORT NO. 12-38: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATION REPORTING ON THE GOVERNOR'S APPOINTMENT OF MR. VICTOR M. BORJA TO SERVE AS A MEMBER OF THE CIVIL SERVICE COMMISSION.

Floor Leader Reyes moved for its adoption, and several members voiced "second".

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Senate Clerk, call the roll the 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, the Senate hereby confirms Mr. Victor M. Borja to serve as a member of the Civil Service Commission.

STANDING COMMITTEE REPORT NO. 12-39: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATION REPORTING ON THE GOVERNOR'S APPOINTMENT OF MS. RITA MANGLONA TO SERVE AS A MEMBER OF THE MARIANAS VISITORS AUTHORITY.

Floor Leader Reyes moved for its adoption, and several members voiced "second".

President Manglona: Is there any further discussion?

Several members voiced, "ready".

President Manglona: Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

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

Eight (8) members voted yes and one (1) abstained. (*Senator Cing was later allowed to vote on this Standing Committee Report. He voted "Yes". See discussion that follows.*)

President Manglona: By a vote of nine (8) yes, and one (1) abstention, the Senate hereby confirms Ms. Rita Manglona to serve as a member of the Marianas Visitors Authority.

STANDING COMMITTEE REPORT NO. 12-40: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATION REPORTING ON THE GOVERNOR'S APPOINTMENT OF MR. ISIDRO K. SEMAN TO SERVE AS A MEMBER OF THE COMMONWEALTH TELECOMMUNICATIONS COMMISSION.

Floor Leader Reyes moved for its adoption, and Senator Dela Cruz voiced "second".

President Manglona: Is there any discussion?

Senator Dela Cruz 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	Abstained
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 and one abstained.

President Manglona: By a vote of eight (8) yes, and one (1) abstention, Mr. Isidro K. Seman is hereby confirmed to serve as a member of the Commonwealth Telecommunication Commission.

STANDING COMMITTEE REPORT NO. 12-41: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATION REPORTING ON THE GOVERNOR'S APPOINTMENT OF MS. JOSEPHINE DLG. MESTA TO SERVE AS A MEMBER OF THE COMMONWEALTH TELECOMMUNICATIONS COMMISSION.

Floor Leader Reyes moved for its adoption, and several members voiced "second".

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

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

Eight (8) members voted yes and one (1) abstained.

President Manglona: By a vote of eight (8) yes and one (1) abstention, Ms. Josephine Mesta is hereby confirmed by the Senate to serve as a member of the Commonwealth Telecommunication Commission.

STANDING COMMITTEE REPORT NO. 12-42: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATION REPORTING ON THE GOVERNOR'S

APPOINTMENT OF MR. NORMAN T. TENORIO TO SERVE AS A MEMBER OF THE COMMONWEALTH TELECOMMUNICATIONS COMMISSION.

Floor Leader Reyes moved for its adoption, and Senator Dela Cruz voiced "second".

President Manglona: Is there any discussion?

Senator Dela Cruz 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	Abstained
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 and one (1) abstained.

President Manglona: By a vote of eight (8) yes and one (1) abstention, the Senate hereby confirms Mr. Norman T. Tenorio to serve as a member of the Commonwealth Telecommunication Commission.

STANDING COMMITTEE REPORT NO. 12-43: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATION REPORTING ON THE GOVERNOR'S APPOINTMENT OF MR. MICHAEL J. FRITZGERALD TO SERVE AS A MEMBER OF THE COMMONWEALTH TELECOMMUNICATIONS COMMISSION.

Floor Leader Reyes moved for its adoption, and several members voiced "second".

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

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

Eight (8) members voted yes and one (1) abstained.

President Manglona: By a vote of eight (8) yes and one (1) abstention, the Senate hereby confirms Mr. Michael J. Fitzgerald to serve as a member of the Commonwealth Telecommunication Commission.

STANDING COMMITTEE REPORT NO. 12-44: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATION REPORTING ON THE GOVERNOR'S APPOINTMENT OF MR. VICTOR B. HOCOG TO SERVE AS A MEMBER OF THE COMMONWEALTH TELECOMMUNICATIONS COMMISSION.

Floor Leader Reyes moved for its adoption, and several members voiced "second".

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

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

Seven (7) members voted yes and two (2) abstained. *(Senator Cing was later allowed to vote on this Standing Committee Report. He voted "Yes". See discussion that follows.)*

President Manglona: By a vote of seven (7) yes and two (2) abstention, the Senate hereby confirms Mr. Victor B. Hocog to serve as a member of the Commonwealth Telecommunication Commission.

Senator Cing: While we're still with the Standing Committee Reports, I would like to voice the reason why I abstained from voting for the two nominees. I would like the record to reflect that on Standing Committee Report No. 12-39, which is the Governor's appointment of Ms. Rita Manglona to serve as MVA for Tinian-- my concern is that there are several Rita Manglonas on Tinian. I would like the record to reflect which Rita Manglona we are talking about. On Standing Committee Report No. 12-44, we discussed this on Rota concerning the qualification. I don't see the reason why Mr. Victor B. Hocog, a good reason, to be included here as Standing Committee Report No. 12-44 on today's session. I thought that we have resolved this before the session. Thank you.

President Manglona: On your first concern, which is Standing Committee Report No. 12-39, let me ask the Chairman of the Tinian Delegation to clarify the nominee's identification.

Senator Adriano: Thank you, Mr. President. On Standing Committee Report No. 12-39, the Governor's Special Assistant did not appear at the public hearing on Tinian, but through a telephone conversation, and this is not part of the record, Mr. Guerrero from the Governor's Office stated that this Rita Manglona is the former wife of Ignacio Quichocho, the former Mayor of Tinian. I have no problem recalling this nominee to further clarify who is the real Rita Manglona to serve on this board. On Standing Committee Report 12-44, which is Mr. Victor Hocog, the Rota Delegation made it clear that this should be placed on today's calendar and that is what the Chairman and the Committee signed for, for today's action. Thank you.

The Chair recognized Senator Guerrero.

Senator Guerrero: Thank you, Mr. President. I supported all the other Standing Committee Reports except for the Telecommunication Commission members. First of all, Josephine Deleon Guerrero Mesta is my niece, and that would be a conflict of interest. I want to be fair to everyone and I did not cast my vote. I abstained. Number two, in reference to Standing Committee Report No. 12-44, I had a discussion with the Chairman of PUTC of the House concerning the issue that Senator Cing brought up. And, as I understand it, there is supposed to be an amendment made to this provision. That is number two. And number three, I still feel that the law that created the Telecommunication Commission is too prohibitive and there are some constitutional issues that I am concerned with. Those are the three reasons why I abstained. Thank you, Mr. President.

The Chair recognized Senator Cing.

Senator Cing: Mr. President, let me clarify my position here. My intention is not to embarrass the Chairman and the Committee on EAGI. I only want clarification. If this Rita Manglona is the wife of former Mayor Quichocho, then let the record reflect that this is Rita San Nicolas Manglona and not Rita Aquinog Manglona or Rita Manglona Manglona. I would like the Chair to go ahead and put this on record that this is Rita San Nicolas Manglona that we are voting for. And the other one is on Mr. Victor Borja Hocog. I have nothing against this particular individual. If the Committee had decided that everything is clear, then I will go with that. I will change my position from abstention to a "yes" vote.

President Manglona: Senator Cing, are you asking to have the record reflect a change in your vote for Ms. Rita Manglona and Mr. Victor Hocog?

Senator Cing: Yes, if the findings of the committee is okay because during our discussion on Rota, we left it opened. I thought that we were going to discuss that further here, and to my surprise, we did not discuss that this morning. Then, it appears we are ready for vote and that is my concern.

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

President Manglona: So, Senate Clerk, please have the record reflect the changes.

Floor Leader Reyes: This is for clarification. During the discussion on Rota, it's true that we discussed this and that the issue here is the qualification requirement which is a bachelor's degree of the candidate nominated by the Governor or equivalent related experiences. There's no definition as some of the members have expressed during the Leadership meeting in Rota and what criteria to use to measure the individual's qualification and what test to be administered to arrive at a conclusion. At that time, I made a statement that we have met two tests. The first test was the Governor's evaluation of the candidate when determining whether such a candidate is qualified to be nominated and then submitting the name to the Legislature for confirmation. The second test that I mentioned during that leadership meeting is the fact that the committee have met and decided that they will support the candidate after reviewing all the documents that were submitted. That, also, in my view, met that test. So the remaining test would be for the House of Representatives in its review of the candidate of Mr. Hocog to determine whether their committee and of course, thereafter, the entire body of the House of Representative would decide--whether that test also meet their satisfaction. And that is the reason why a decision was made to--and I thought a decision was made to go ahead and include this candidate through a Standing Committee Report for the Senate's approval. Thank you.

The Chair recognized Senator Dela Cruz.

Senator Dela Cruz: Let us not forget also that the law governing this Telecommunication Commission mandates that all five members should be confirmed in order, or should I say be in place, before anything can start. So that's also part of the reasoning behind making sure that we have a working commission rather than just coming in with piecemeal confirmation. On top of that, qualification area for Mr. Hocog, I think that thing can also be rectified at the Lower House because it is very specific on the bachelor's degree or equivalent. The only two bodies that are given the authority to define what is equivalent is the review process body, which is the House and the Senate as specified in the statute. Thank you, Mr. President.

Floor Leader Reyes: Mr. President, this is just a matter of clarification again. In order for a vote to be changed, I need to suspend certain section of the rules. With the member's indulgence, I would like to offer a motion to suspend Rule 10, Section 11. This is on the change of vote so that we can allow Senator Cing to change his vote.

Senator Dela Cruz voiced, "second".

Senator Cing: Thank you, Mr. President, but before we do that, I would like to yield for my good colleague here.

The Chair recognized Senator Guerrero.

Senator Guerrero: Thank you, Mr. President. The reason that I am concern is, Number 1, in yesterday's House session, the Speaker personally said that the issue on confirmation by the House is unconstitutional because of the provision in the Constitution that only the Public Auditor will have a joined confirmation. Therefore, I am concerned on that issue, too. Two, I personally met with the PUTC Chairman of the House and there were several amendments including the amendments to have Mr. Hocog qualified. Those are the concerns that I see. I hate to see that we have to come back again next week to make additional amendments regarding this concerns. I have been outspoken, saying that we should fix this law first before we make any further commitment, because we are assuming based on the statement that was made by the Speaker yesterday regarding the unconstitutionality of the law. I was quite surprised because we have legal counsels for both the House and the Senate and yet we went ahead with that provision and passed that law. Therefore, I still feel, for the record, that I should abstain even though with a conflict of interest, but I would like to see that in Standing Committee Report No. 12-44, is exactly what the intent is. The other concern I have is that everybody can have all the masters degree in the world, all the bachelors of art degrees in the world and, based on the law, they can be qualified. My concern is, are they technically telecommunication type commission that can do the function? It is not as simple as we think. We have made errors in placing commission members or board members and then we come back and start blaming them for their backgrounds. I want to make sure that this Telecom is precisely what we talked about during the public hearing. I asked if any of the members or those appointees have any knowledge on fiber optic cables and, for the record, they said no. I want to make sure that my position maintains that in order to have an effective Telecommunication--I don't care whether he has a masters degree or she has a masters degree, but if she doesn't know fiber optic cables and she doesn't know what the satellite does in communication, we're going to be back tracking. And we will back track and we will come back and amend the law again. I am deeply concern with this issue. My other concern is --- agreement between MTC and the government. Now, Verizon does that, have more than a million every year that we collect from the --- fee. The law is very unspecific. I am concern and I will state my position, Mr. President, with the members' indulgence that I am not attacking personally. I'm just making sure that we have a Telecommunication Commission that will be very effective. Thank you.

The Chair recognized Senator Cing.

Senator Cing: Mr. President, if it is unconstitutional for the House to be included on these nominees, then I think we are still in order. Because even if the House does not want to accept this, it is our prime responsibility to vote on these nominees. I just received a note here, so can we have a five-minutes recess, Mr. President?

Floor Leader Reyes: Mr. President, with all due respect, and believe me Senator, I really respect that. I still have one more Standing Committee Report and I would like to do that before we go into recess if the members....

Senator Cing: I think that this is in line with the nominees also and that is the reason why....

President Manglona: I think that Floor Leader Reyes is referring to Standing Committee Report No. 12-45, that before we take a recess, we dispose of that Standing Committee Report. So, I guess, with your approval Senator Cing--can we delay that?

Senator Cing: That is the reason why, Mr. President, I am begging you. I would like to request for a five-minutes recess.

President Manglona: Five minutes recess.

The Senate recessed at 10:50 a.m.

RECESS

The Senate reconvened at 11:01 a.m.

President Manglona: Let us continue with our session. We are under Standing Committee Report.

Floor Leader Reyes: Mr. President, if there is no objection from the members, I would like to move to the Resolution Calendar of our Order of Business.

There was no objection.

RESOLUTION CALENDAR

SENATE RESOLUTION NO. 12-46: A SENATE RESOLUTION TO COMMEND AND GRATEFULLY ACKNOWLEDGE THE OUTSTANDING ACHIEVEMENTS OF MR. GLENN M. YASUI, HIS MANY YEARS OF FRIENDSHIP, AND HIS UNWAVERING DEDICATION IN HELPING TO IMPROVE THE ROAD SYSTEM OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Floor Leader Reyes moved for its adoption, and several members seconded.

President Manglona: Is there any discussion?

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Thank you, Mr. President. I see that the resolution was introduced by you, but can we have the entire members of the Senate included?

President Manglona: Yes. Floor Leader Reyes will testify that the final version of the resolution shows the Committee of the Whole as the sponsor. I believe that every member here recognizes the contribution that Mr. Yasui has made and that the final resolution reflects that also. If there is no objection, the Vice President is offering an amendment to have the Committee of the Whole introduce the resolution. Is there any objection?

Floor Leader Reyes voiced, "no objection", and the motion to adopt Senate Resolution No. 12-46 was carried by voice vote.

President Manglona: Senate Resolution No. 12-46 passes the Senate. At this time, we will have a very short recess to present the resolution to Mr. Glenn Yasui.

The Senate recessed at 11:03 a.m.

RECESS

The Senate reconvened at 11:11 a.m.

Floor Leader Reyes: Mr. President, if there is no objection, I would like move back to the Standing Committee Report of our Order of Business.

There was no objection.

STANDING COMMITTEE REPORTS

President Manglona: Floor Leader Reyes had made a motion suspending pertinent rules to allow for a change of vote.

Floor Leader Reyes: Let me make the proper motion, Mr. President. I move to suspend Rule 10, Section 11, this is on the Change of Vote, to allow Senators who wish to change their votes on some of the Standing Committee Reports that we have already adopted.

Several members voiced, "second".

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

Floor Leader Reyes: Mr. President, I would like to request that those who abstained be allowed to vote.

President Manglona: Senate Clerk, on Standing Committee Report No. 12-39 and Standing Committee Report No. 12-44 for Senator Cing.

Senate Clerk Borja: For Standing Committee Report No. 12-39, Senator Cing.

Senator Cing voted, "yes".

Senate Clerk Borja: For Standing Committee Report No. 12-44, Senator Cing.

Senator Cing voted, "yes".

Senate Clerk Borja: Mr. President the result of the votes now on Standing Committee Report No. 12-44, eight (8) members voted "yes" and one abstention. The result of the vote on Standing Committee Report No. 12-39, nine (9) members voted "yes".

President Manglona: So, on Standing Committee Report No. 12-39, the vote is nine (9) "yes", and on Standing Committee Report No. 12-44, eight (8) voted yes with one (1) abstention. With that, Floor Leader Reyes, please proceed with Standing Committee Report No. 12-45.

STANDING COMMITTEE REPORT NO. 12-45: FROM THE COMMITTEE ON EXECUTIVE APPOINTMENTS AND GOVERNMENT INVESTIGATION REPORTING ON THE GOVERNOR'S APPOINTMENT OF MRS. CONCEPCION O. IGISOMAR TO SERVE AS A BOARD MEMBER OF THE COMMONWEALTH PORTS AUTHORITY.

Floor Leader Reyes: Mr. President, let me first extend my deepest appreciation to our members for their cooperation to place the Standing Committee Report on the Calendar for its adoption at the request of the Saipan Legislative Delegation. I do appreciate the cooperation of the members from Tinian and Rota and hope that we can continue this kind of cooperation. I know that we work well and we have respect for each of the senatorial districts and I do appreciate that sincerely. I now move for the adoption of Standing Committee Report No. 12-45.

Vice President voiced, "second".

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	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.

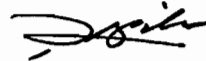
President Manglona: By a vote of nine (9) yes, Mrs. Concepcion O. Igisomar is hereby confirmed by the Senate to serve as a member of the Commonwealth Ports Authority Board of Directors.

President Manglona declared a recessed at 11:29 a.m. and to reconvene at 2:00 p.m.

RECESS

(Senate Clerk's Note: During recess, the President issued a memorandum postponing the reconvening of the session at 2:00 p.m. until Wednesday, May 30, 2001 at 10:00 a.m.)

Respectfully submitted,



Ramona I. Kapileo
Senate Journal Clerk

Adopted Jan. 11, 2002