



# Senate Journal

## FIRST REGULAR SESSION, 2004

**SJ 14-005**

**Fourth Day**

**Wednesday**

**March 3, 2004**

The Senate of the Fourteenth Northern Marianas Commonwealth Legislature convened in its **Fourth Day, First Regular** Session, on **Wednesday, March 3, 2004**, at **10:05 a.m.**, in the Northern Marianas College Library, Rota, Commonwealth of the Northern Mariana Islands.

The Honorable Joaquin G. Adriano, President of the Senate, presided.

A moment of silence was observed.

President Adriano: *Si Yu'us Ma'ase ni iyon-miyu patience. Iyot-ta session gimagahet ma tutuhon gi nine o'clock. Man gaige i Senadot pago gueni giya Luta. First na session este gi 2004. So with that, I ask the Clerk to call the roll.*

The Clerk called the roll. Eight members were present; Senator Thomas P. Villagomez was excused.

President Adriano: Thank you. With eight members present this morning, we have the necessary quorum to proceed with this session pursuant to our Rules and I hereby order that Senator Villagomez is excused for today's session.

### READING AND APPROVAL OF THE JOURNALS

The Chair recognized Floor Leader Mangloña.

Floor Leader Mangloña moved for the adoption of First Day, Eleventh Special Session (January 5<sup>th</sup>) and the First Day, First Day, Twelfth Special Session (January 7<sup>th</sup>) Journals, was seconded and carried by voice vote.

**First Day, Eleventh Special Session (January 05, 2004)**

**First Day, Twelfth Special Session (January 07, 2004)**

President Adriano: The Journals are hereby adopted. We move to Messages from the Governor.

### MESSAGES FROM THE GOVERNOR

**GOV. MSG. NO. 14-64:** February 18, 2004 – Certification for vacant positions of Administrative Officer, Senior Mayor's Aide, Protocol-Military Liaison Chief, Community Workers (Four Positions), Community Worker II, Personnel Specialist, Public Relation (Two Positions), and Resident Department Head for Department of Labor Tinian.

**GOV. MSG. NO. 14-65:** February 19, 2004 – Certification for vacant position of Statistic Specialist III, at the Department of Commerce.

**GOV. MSG. NO. 14-66:** February 19, 2004 – Certificate for vacant position of Accountant III, at the Department of Community and Cultural Affairs.

**GOV. MSG. NO. 14-67:** February 20, 2004 – Certification for vacant positions of Clerk II, Deputy Clerk I, Deputy Clerk III, Records Assistant, and Computer Operator I, at the Superior Court.

**GOV. MSG. NO. 14-68:** February 20, 2004 – CNMI's Covenant Section 702 Capital Improvement Project status report for the quarter ending December 31, 2003.

**GOV. MSG. NO. 14-69:** February 23, 2004 – Acknowledging receipt of HJR Nos. 14-1, 14-2, 14-3, 14-4.

**GOV. MSG. NO. 14-70:** February 27, 2004 – Certification for vacant position of Administrative Assistant, (replacement) at the Office of Personnel Management.

**GOV. MSG. NO. 14-71:** February 27, 2004 – Certification for vacant positions of Clerk Typist III, (replacement) at the Department of Public Health.

**GOV. MSG. NO. 14-72:** February 27, 2004 – Certification for two vacant positions of Licensed Practical Nurse, at the request of the Mayor of Tinian.

**GOV. MSG. NO. 14-73:** February 27, 2004 – Certification for vacant position of Community Worker I at the office of the Mayor, at the request of the Mayor of Rota.

**GOV. MSG. NO. 14-74:** February 27, 2004 – Certification for two vacant positions of Customs Inspector I at the Office of the Department of Finance, Division of Customs.

**GOV. MSG. NO. 14-75:** March 02, 2004 – Legislative participation in the task forces and committees.

The Chair recognized Vice President Songao.

Vice President Songao: Mr. President, on **GOV. MESH. NO. 14-69**, I do not know the detail of these House Joint Resolutions. Can I be enlightened as we did in the past?

President Adriano: Any member wish to comment on **GOV. MESH. NO. 14-69**?

Vice President Songao: With what I understand, Mr. President, there was a resolution, I think the House were in support of a non-voting delegate for our present CNMI Washington Representative, but I'm not really aware whether it's HJR No. 14-1, HJR No. 14-2 or HJR No. 14-3. There are several House Joint Resolutions. Can the clerk....

President Adriano: Clerk, you enlighten the members as to....

Floor Leader Mangloña: I have a copy of the resolutions here. H. J. R. No. 14-1 is for the reconstruction of Chalan Tun Herman Pan. H. J. R. No. 14-2 is the reprogramming authority pursuant to 1 CMC § 7402(d) to assist in the funding of the Judicial Branch's Commemorative Events and Law Week celebration. H. J. R. No. 14-3 is the nonvoting delegate and H. J. R. 14-4 is the apparel manufacturing resolution.

Vice President Songao: Thank you.

President Adriano: Thank you. We move to Communications from the Judiciary.

### COMMUNICATIONS FROM THE JUDICIARY

None

The Chair recognized Sen. Reyes.

Sen. Reyes: Mr. President, since there are no communications from the Judiciary, Head of Executive Departments and from the Senate, can we move down to Communications from the House?

President Adriano: With that, we move to Communications from the House.

### COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS

None

### COMMUNICATIONS FROM THE SENATE

None

### COMMUNICATIONS FROM HOUSE

**HSE. COMM. NO. 14-19**: Transmitting for Senate action H.B. No. 14-76, entitled, "To amend Public Law 12-40 regarding Tinian and Rota capital improvement projects.

President Adriano: Before the session, members agreed to pass H. B. NO. 14-76 on First and Final Reading. We move to Introduction of Bills, Initiatives, Local Bills and Resolutions.

### COMMUNICATIONS FROM THE WASHINGTON REPRESENTATIVE

None

### UNFINISHED BUSINESS

None

### INTRODUCTION OF BILLS, INITIATIVES, LOCAL BILL AND RESOLUTIONS

**S. B. NO. 14-44**: A Bill for an Act to reserve areas of public lands on the island of Tinian that are suitable for village and/or agricultural homesteads, specifically the Kastiyu and Carolinas areas; and for other purposes. (**SEN. JOAQUIN G. ADRIANO – 03/01/04**)

President Adriano: Any member wish to introduce anything today? I recognize Senator Reyes.

Sen. Reyes: Mr. President, to save time, I would like to request that all Pre-filed Bills or Resolutions are officially introduced on today's session.

President Adriano: We're ready and we now move down to Reports of Standing Committees.

### REPORTS OF STANDING COMMITTEES

The Chair recognized Floor Leader Mangloña.

Floor Leader Manglona moved for the adoption of STANDING COMMITTEE REPORT NO. 14-07, the Governor's nomination of Ms. Elaine Hocog Orilla to serve as a member of the NMC Board of Regents representing Rota, and was seconded.

**S. C. R. NO. 14-07:** From the Committee on Executive Appointments and Government Investigations reporting on Governor's appointment of **Ms. Elaine Hocog Orilla** to serve as a member of the NMC Board of Regents representing Rota.

President Adriano: The motion has been seconded. Discussion on the floor? We are ready. Clerk, roll call please.

The roll called on the motion to adopt **S. C. R. NO. 14-07** was as follows:

Senator Luis M. Crisostomo	yes
Senator Paterno S. Hocog	yes
Senator Paul A. Mangloña	yes
Senator Joseph M. Mendiola	yes
Senator Pete P. Reyes	yes
Senator Henry H. San Nicolas	yes
Senator Diego M. Songao	yes
Senator Thomas P. Villagomez	excused
President Joaquin G. Adriano	yes

President Adriano: With all eight members voting "yes" to confirm Ms. Orilla to serve as member of the Board of Regents, **S. C. R. NO. 14-07** is hereby adopted by the Senate. Floor Leader.

Floor Leader Mangloña moved for the adoption of **S. C. R. NO. 14-08**, the Governor's appointment of Mr. Vianney B. Hocog to serve as a member on the MPLT Board representing Rota, and was seconded.

**S. C. R. NO. 14-08:** From the Committee on Executive Appointments and Government Investigations reporting on Governor's appointment of **Mr. Vianney B. Hocog** to serve on the MPLT Board representing Rota.

President Adriano: The motion has been seconded. Discussion on the adoption?

Sen. Mendiola: I believe our Floor Leader is talking about **S. C. R. NO. 14-08** – just to clarify that.

President Adriano: The motion is to adopt **S. C. R. NO. 14-08** and it has been seconded.

Vice President Songao: (*Inaudible.*)

Floor Leader Mangloña: That's **S. C. R. NO. 14-07**, Mr. President. The good Senator from Rota wants to calendar it.

President Adriano: Floor Leader, **S. C. R. NO. 14-07** has been adopted. We're now on **S. C. R. NO. 14-08**. The motion has been seconded and we'll continue to discuss it.

Sen. Reyes voiced, "ready."

President Adriano: Everybody is ready. Clerk, roll call for the adoption.

The roll called on the motion to adopt **S. C. R. NO. 14-08** was as follows:

Senator Luis M. Crisostomo	yes
Senator Paterno S. Hocog	yes
Senator Paul A. Mangloña	yes
Senator Joseph M. Mendiola	yes
Senator Pete P. Reyes	yes
Senator Henry H. San Nicolas	yes
Senator Diego M. Songao	yes
Senator Thomas P. Villagomez	excused
President Joaquin G. Adriano	yes

President Adriano: With all eight members voting "yes", Mr. Hocog, is hereby reconfirmed to serve as the MPLT Board representing Rota. Floor Leader.

Floor Leader Mangloña moved for the adoption of **S. C. R. NO. 14-09** reporting on the Governor's appointment of Ms. Edith Deleon Guerrero to serve as a member MPLT Board representing women and the island of Saipan, and was seconded.

**S. C. R. NO. 14-09**: From the Committee on Executive Appointments and Government Investigations reporting on Governor's appointment of **Ms. Edith Deleon Guerrero** to serve as a member of **MPLT** Board representing Women.

President Adriano: The motion has been seconded. Discussion on the floor? We are ready. Clerk, roll call please.

The roll called on the motion to adopt **S. C. R. NO. 14-09** was as follows:

Senator Luis M. Crisostomo	yes
Senator Paterno S. Hocog	yes
Senator Paul A. Mangloña	yes
Senator Joseph M. Mendiola	yes
Senator Pete P. Reyes	yes
Senator Henry H. San Nicolas	yes
Senator Diego M. Songao	yes
Senator Thomas P. Villagomez	excused
President Joaquin G. Adriano	yes

President Adriano: With all eight members voting “yes”, Ms. Guerrero, is hereby confirmed to serve on the MPLT Board. Floor Leader.

Floor Leader Mangloña moved for the adoption of **S. C. R. NO. 14-10** reporting on **S. B. NO. 14-05**, which we had agreed to place on the calendar, was seconded and carried by voice vote.

**S. C. R. NO. 14-10**: From the Committee on Fiscal Affairs reporting on **S.B. No. 14-05**, entitled, To give members of the judiciary the right to waive their salary and instead receive their retirement benefits.

President Adriano: **S. B. NO. 14-05** reference **S. C. R. NO. 14-10** is hereby placed on the calendar for First and Final Reading. We move to Bill Calendar.

### SPECIAL/CONFERENCE COMMITTEE REPORTS

None

### RESOLUTION CALENDAR

None

### BILL CALENDAR

The Chair recognized Floor Leader Mangloña.

Floor Leader Mangloña: Thank you, Mr. President. On Final Reading, I move for the passage of **S. B. NO. 14-02, SD1**, forgiving educational financial assistance liability of returning college students who cannot find employment.

The motion was seconded.

**S. B. NO. 14-02, SD1**: A BILL FOR AN ACT TO FORGIVE EDUCATIONAL FINANCIAL ASSISTANCE LIABILITY OF RETURNING COLLEGE STUDENTS WHO CANNOT FIND EMPLOYMENT WITH THE COMMONWEALTH DUE TO BUDGETARY LIMITATIONS OR BECAUSE A POSITION IS FILLED BY A NON-RESIDENT WORKER.

President Adriano: The motion has been seconded. Discussion on the motion.

Sen. Reyes voiced, “ready.”

President Adriano: Senate Clerk, roll call for the passage on First and Final Reading.

The roll called on the motion to pass **S. B. NO. 14-02, SD1** on First and Final Reading was as follows:

Senator Luis M. Crisostomo	yes
Senator Paterno S. Hocog	yes
Senator Paul A. Mangloña	yes
Senator Joseph M. Mendiola	yes
Senator Pete P. Reyes	yes
Senator Henry H. San Nicolas	yes

Senator Diego M. Songao	yes
Senator Thomas P. Villagomez	excused
President Joaquin G. Adriano	yes

President Adriano: With all eight members voting “yes”, **S. B. NO. 14-02, SD1** is hereby passed on First and Final Reading. Floor Leader.

Floor Leader Mangloña: Mr. President, I move for the passage of **S. B. NO. 14-07, SD1**, amending the Education Act of 1988 and creating three Board of Education students representatives.

The motion was seconded.

**S. B. NO. 14-07, SD1:** A BILL FOR AN ACT TO AMEND THE EDUCATION ACT OF 1988 AND CREATE THREE (3) BOARD OF EDUCATION STUDENTS REPRESENTATIVES.

President Adriano: The motion has been seconded. Discussion on the floor? I recognize Senator Reyes.

Sen. Reyes: Mr. President, I thank my colleagues for supporting this bill. This bill is going to give Saipan, Rota and Tinian equal representation by the students so that each of the islands will be fairly represented. I believe that this will be good for the CNMI and it’s also a recommendation from the Youth Congress. So I thank each and every member for supporting this bill.

President Adriano: Thank you. Any more discussion?

Sen. Reyes voiced, “ready.”

President Adriano: We’re ready. Senate Clerk, roll for the passage.

The roll called on the motion to pass **S. B. NO. 14-07, SD1** on First and Final Reading was as follows:

Senator Luis M. Crisostomo	yes
Senator Paterno S. Hocog	yes
Senator Paul A. Mangloña	yes
Senator Joseph M. Mendiola	yes
Senator Pete P. Reyes	yes
Senator Henry H. San Nicolas	yes
Senator Diego M. Songao	yes
Senator Thomas P. Villagomez	excused
President Joaquin G. Adriano	yes

President Adriano: With all eight members voting “yes”, **S. B. NO. 14-07, SD1** is hereby passed on First and Final Reading. Floor Leader.

Floor Leader Mangloña: Mr. President, I move for the passage of **S. B. NO. 14-22**, Higher Education Act of 2004.

The motion was seconded.

**S. B. NO. 14-22:** A BILL FOR AN ACT TO AMEND 1 CMC § 1316(N); AND FOR OTHER PURPOSES.

President Adriano: The motion has been seconded. Discussion on the floor to that motion? No discussion? Senate Clerk, we're ready, please roll call.

The roll called on the motion to pass **S. B. NO. 14-22** on First and Final Reading was as follows:

Senator Luis M. Crisostomo	yes
Senator Paterno S. Hocog	yes
Senator Paul A. Mangloña	yes
Senator Joseph M. Mendiola	yes
Senator Pete P. Reyes	yes
Senator Henry H. San Nicolas	yes
Senator Diego M. Songao	yes
Senator Thomas P. Villagomez	excused
President Joaquin G. Adriano	yes

President Adriano: With all nine members voting "yes", **S. B. NO. 14-22** is hereby passed on First and Final Reading. Floor Leader.

Floor Leader Mangloña: Mr. President, I move for the passage of **S. B. NO. 14-05**, this is the Judiciary salary when judges are retired.

The motion was seconded.

**S. B. NO. 14-05:** A BILL FOR AN ACT TO GIVE MEMBERS OF THE JUDICIARY THE RIGHT TO WAIVE THEIR SALARY AND INSTEAD RECEIVE THEIR RETIREMENT BENEFITS.

President Adriano: The motion has been seconded. Discussion on the motion. We are ready. Senate Clerk, please roll call for the passage on First and Final Reading.

The roll called on the motion to pass **S. B. NO. 14-05** on First and Final Reading was as follows:

Senator Luis M. Crisostomo	yes
Senator Paterno S. Hocog	yes
Senator Paul A. Mangloña	yes
Senator Joseph M. Mendiola	yes
Senator Pete P. Reyes	yes
Senator Henry H. San Nicolas	yes
Senator Diego M. Songao	yes
Senator Thomas P. Villagomez	excused
President Joaquin G. Adriano	yes

President Adriano: With all eight members voting "yes", **S. B. NO. 14-05** is hereby passed on First and Final Reading. Floor Leader.

Floor Leader Mangloña: Mr. President, I move for the passage of **H. B. NO. 14-76**.

The motion was seconded.



**H. B. No. 14-76:** A BILL FOR AN ACT TO AMEND PL 12-40 REGARDING TINIAN AND ROTA CIP PROJECTS.

President Adriano: The motion has been seconded. Discussion on the floor? I recognize Senator Reyes.

Sen. Reyes: Mr. President, I have requested the legal counsel to prepare a floor amendment and before I offer the floor amendment, I would like to explain the purpose of the amendment. It is to also allow the Saipan and Northern Islands Legislative Delegation to reprogram funds under Public Law 12-40. So the floor amendment is as follows: On page 2, line 17, after the word “appropriation” insert the following: “and the appropriation in Section 3 of this Act”. Additional amendment will include a new section as “Section 3” to read as follows: “Section 3. Third Senatorial District Appropriation. All interest from bonds not appropriated in Section 2 of this Act is hereby appropriated for capital improvement projects in the Third Senatorial District.” All Sections thereafter should be renumbered accordingly.

President Adriano: We’ll have the clerk correct that.

The motion was seconded.

President Adriano: The motion has been seconded to that amendment. Floor Leader.

Floor Leader Mangloña: Short recess.

President Adriano: Short recess.

The Senate recessed at 10:25 a.m.

### RECESS

The Senate reconvened at 10:35 a.m.

President Adriano: We’re back in session and we’re still going to discuss the amendment as offered by Senator Reyes. Senator Reyes.

Sen. Reyes: Mr. President, with the indulgence of the members, I would like to withdraw my amendment.

President Adriano: So the amendment is withdrawn. We’re back to the original motion. Ready? Floor Leader.

Floor Leader Mangloña: Just one comment. Again, the Senator has my support once the final audit comes in on the bond interest to accommodate the good Senator’s request for the Third Senatorial District also and we anticipate getting this as soon as possible, the audited financial statement as far as the bond increase is concerned. Thank you.

President Adriano: Thank you. With no further discussion, Clerk, roll call for the passage on First and Final Reading please.

The roll called on the motion to pass **H. B. NO. 14-76** on First and Final Reading is as follows:

Senator Luis M. Crisostomo	yes
Senator Paterno S. Hocog	yes
Senator Paul A. Mangloña	yes
Senator Joseph M. Mendiola	yes
Senator Pete P. Reyes	yes
Senator Henry H. San Nicolas	yes
Senator Diego M. Songao	yes
Senator Thomas P. Villagomez	excused
President Joaquin G. Adriano	yes

President Adriano: With all eight members voting “yes”, **H. B. NO. 14-76** is hereby passed on First and Final Reading. Senator Reyes.

Sen. Reyes: Mr. President, just for the record, I’d like to request that Senator Villagomez be excused for today’s session.

President Adriano: He was excused. (Inaudible). Clerk.

The clerk informed the President that it was **H. B. NO. 14-76**.

President Adriano: For the record, **H. B. NO. 14-76**. Floor Leader.

Floor Leader Mangloña: There’s no further bill on the calendar, Mr. President.

President Adriano: With that, we move to Petitions, Memorials and Miscellaneous Communications.

### **PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS**

**MISC. COMM. NO. 14-17**: February 18, 2004 – Juan T. Guerrero & Associates, Inc. regarding Comments on Commonwealth Health Center fee increases.

The Chair recognized Sen. San Nicolas.

Sen. San Nicolas: This is in regards to the communication from Mr. Guerrero. The committee does appreciate the communication from Mr. Guerrero. As you may have heard, the committee has recommended the Secretary of Public Health in regards to this matter. If I’m not mistaken, CHC has postponed the increase in its service fees. Also, the committee will eventually call for another meeting to discuss not only about this issue, but also on other matters. Thank you, Mr. President.

President Adriano: The Chair commends you for taking that up and that regulation that was published. (*Inaudible*)...Floor Leader now knows, we go back for further examination also with the Legislature and the...(*inaudible*). Floor Leader.

Floor Leader Mangloña: No comment.

President Adriano: So with that, we move to Miscellaneous Business.

### MISCELLANEOUS BUSINESS

The Chair recognized Vice President Songao.

Vice President Songao: Mr. President, I missed one communication, **GOV. MESG. NO. 14-75** and this communication is a letter from the Lieutenant Governor addressed to you, Mr. President, that there are at least three formations of Task Forces and Committees. The Lieutenant Governor wanted to know whether the members of the Thirteenth Legislature are still members of those Committees. If not, then I believe he wants you to make an appointment for members for these Committees: Solid Waste, Water Task Force....

President Adriano: Let me cut you short on that. I met with the Lieutenant Governor yesterday and I'm coming down to that discussion. Any more announcements? So with that communication, I want the Senate Clerk to mark it **GOV. MESG. NO. 14-75**. I have met with the Lieutenant Governor on this communication and for the record, I ask the legal counsel to prepare the following appointments to this communication. Senator Reyes is hereby appointed to serve on the 60<sup>th</sup> Commemoration Steering Committee. Senator Villagomez will serve on the Solid Waste Task Force and Senator Crisostomo will serve on the Water Task Force. With that, I'd like to prepare the written appointment and we'll send it to the Governor. Any more comments? None. Floor Leader, move for adjournment.

### ANNOUNCEMENTS

None

Floor Leader Mangloña moved for adjournment subject to the call of the Chair, was seconded and carried by voice vote.

President Adriano: The Senate stands adjourn.

The Senate adjourned at 10:44 a.m.

Respectfully submitted,

Ramona I. Kapileo, Journal Clerk  
The Senate

Reviewed by,

Eric M. Lister/George N. Camacho  
Senate Legislative Assistant

**(ADOPTED ON 04/14/04)**

**APPEARANCE OF LOCAL BILLS**

**SLB 14-01:** To have the Chairman of the Municipal Council appointed as Acting Mayor in the absence of the Mayor.  
*[1<sup>st</sup>. Appearance on 02/11/04; 2<sup>nd</sup> Appearance on 02/23/04; 3<sup>rd</sup> Appearance on 03/03/04]*

**INFORMATION PURPOSES ONLY**  
**APPEARANCES OF HOUSE LOCAL BILLS**

None