In compliance with the Open Government Act, Senate President Francisco M. Borja issued a notice on October 14, 2016 announcing that the Senate of the Nineteenth Northern Marianas Commonwealth Legislature will convene this open and public session. The notice, the official session call, and the session agenda was filed in the Office of the Senate Clerk; released to the media; and posted at the Entrance Halls of the Office of the Governor, House of Representatives, and the Senate, and on the Commonwealth Legislature’s website at www.cnmileg.gov.mp.

The Senate of the Nineteenth Northern Marianas Commonwealth Legislature convened its Fourth Day, Fourth Regular Session, on October 19, 2016, at 10:21 a.m., in the Senate Chamber, Capitol Hill Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Francisco M. Borja, President of the Senate, presided.

A moment of silence was observed.

President Francisco M. Borja: With all nine members present, we do have the necessary quorum to proceed with our Order of Business but before we proceed to the next line item on our agenda, I would like to call for a short recess because we have a resolution to present this morning. Short recess.

The Senate recessed at 10:22 a.m.

And

The Senate reconvened at 10:27 a.m.

President Francisco M. Borja: Okay, we are back to our plenary session and we are on line item B, under Public Comments. Any member of the general public that wishes to make any comment on any of the agenda today? Please come up and state your name for the record.

PUBLIC COMMENT
Kate Linaises: Good morning again. Some of you may recognize me. I am Kate Linaises. I am the Special Assistant for Policy, Sustainability and Development at the Commonwealth Health Care Corporation and I understand normally I wouldn’t provide oral testimony when a bill is just on the Calendar as a communication from the House but after the House passed bill No. 19-186 two weeks ago, even though it wasn’t on the Bill Calendar, I don’t want to take any chances today. So, I am just going to submit some oral testimony today. We have formal letter comments coming from other staff of the CHCC. So first of all, the Committee Report from the House offered no clear reasons as to why the changes that are proposed to Public Law No. 16-51 would address problems, unspecified problems at the Commonwealth Health Care Corporation. In fact, the Committee Findings in the report are simply copied provisions from the bill and despite receiving expressly negative feedback on this bill from five out of the seven listed commenters, the Committee Report doesn’t acknowledge or address the issues raised by the commenters. All of whom are working or have worked at the CHCC. I am just going to go through some points. Some issues, problems with the bill and we have many more coming your way. First of all, House Bill No. 19-186 eliminates the mandates for the CHCC to propose mandatory minimum coverage for CNMI residents and the CHCC is the only public arm of the health sector, eliminating this authority will likely remove establishing minimum health care coverage for all residences from priority in the CNMI. House Bill No. 19-186 eliminates the authority for the CHCC to develop affordable, comprehensive universal health insurance for all CNMI residences. Health care finances are struggles due to many residence abilities to pay for services and eliminating this authority greatly diminishes the ability for the CHCC to solve for financing barriers. House Bill No. 19-186 eliminates the provision which gives the CHCC the full authority to discharge the functions and duties provided by law to the Department of Public Health and transferred under the chapter to the corporation. Without this provision, which transfers authority from the Department of Public Health to the CHCC, do these laws no longer exist? All of the Public Health Laws are still under the authority of the Department of Public Health which no longer exists. So, do the laws go with it? How this impacts communicable disease reporting requirements, quarantine food safety laws and every single public health law since the birth of the Commonwealth remains to be seen. It is unclear how this law would affect all of those public health laws. Additionally, House Bill No. 19-186 eliminates the authority for the CHCC to establish claims and clinical data warehouse which the Senate voted unanimously twice to pass just in the past year. Because this bill repeals the entire statute that authority that was just passed in July goes along with it. We have put together a detailed comparison of the existing CHCC statute with how the bill will change it for your convenience in the Senate because it is quite complex that changes that were made. So, I will submit that to the Honorable Chair of Health and Welfare in an electronic format and additionally on the board side, so I haven’t even got to some of the board issues. It calls for a board which governs manages and controls the corporation. Traditionally, boards are meant to make financial plans, make sure resources are allocated properly, look out for credit worthiness, and make sure that they are advocating for the corporation with politicians to get funding, etc., etc. Governing, managing and controlling is outside of the realm of most best practices for hospital boards and the CHCC is not only a hospital. We have the all behavior, health services, public health services, clinics on Tinian and Rota, clinics in Saipan. It’s a very far reached and we met yesterday with corporate officers of the CHCC and there are very many concerns as to who will be in authority, how will decisions go down, how will procurement be processed, how will grants be processed. There are many concerns which we will voice formally. We just wanted to get this
information in a little bit today in hopefully the bill isn’t acted on today but we didn’t want to take any chances. Thank you.

President Francisco M. Borja: Thank you. Anyone want to comment on any of the agenda today? If none, proceeding to line item C, Reading and Approval of the Journal.

READING AND APPROVAL OF THE JOURNAL

1. SJ 19-36 - 6th Special - 6/21/16
2. SJ 19-37 - 7th Special - 6/24/16
3. SJ 19-38 - 8th Special - 6/29/16
4. SJ 19-39 - 9th Special - 7/26/16

President Francisco M. Borja: Floor Leader, any motion for the approval of the journals?

Floor Leader Steve K. Mesngon: Thank you Mr. President. With what the Clerk just mentioned, we have four on our agenda and the first Senate Journal No. 19-36, I would like to make a motion to adopt - I will like to retrieve this back and I will just include the whole four journals for the adoption today, which is Senate Journal No. 19-36, Sixth Special Session, Senate Journal No. 19-37, Seventh Special Session, Senate Journal No. 19-38, Eighth Special Session and Senate Journal No. 19-39, Ninth Special Session, so move.

The motion was seconded by Senator Arnold I. Palacios.

President Francisco M. Borja: Okay, there’s a motion and it was seconded for the approval of Senate Journal No. 19-36 all the way to Senate Journal No. 19-39. Anybody under discussion? Ready? All in favor of the motion to approve Senate Journal No. 19-36, 19-37, 19-38 and 19-39 say, “aye”.

Several members voiced, “aye”.

President Francisco M. Borja: All opposed, say, “nay”.

The motion was carried by voice vote.

President Francisco M. Borja: Motion carries. Senate Journal No. 19-36 all the way to 19-39 is hereby approved. We are on line item D.

The Chair recognizes Floor Leader Steve K. Mesngon.
Floor Leader Steve K. Mesngon: Thank you Mr. President. If there is no objection from the members, I would like to move to amend our agenda, our pertinent rules to add Governor’s Communication No. 19-321 and 19-322, so move.

President Francisco M. Borja: Okay, there’s a motion to suspend the rules to include Governor’s Communication No. 19-321 and 19-322. Any second on the motion?

Several members voiced, “second”.

President Francisco M. Borja: Any discussion? No discussion?

The Chair recognizes Senator Teresita A. Santos.

Senator Teresita A. Santos: Mr. President, I just wanted to know what are those Governor’s Communications. Apparently, I don’t have them here in my agenda. Thank you. I have nothing further. I yield for now.

Senator Paul A. Manglona: Yes, thank you Mr. President. On Governor’s Communication No. 19-323 and 324, I am not a member of the EAGI Committee and I was just wondering, did the two individuals withdraw from the nomination or is there a situation with the nominees?

President Francisco M. Borja: Okay, before we entertain that, under Messages from the Governor.

Senator Paul A. Manglona: I am sorry. We are still under placement. I yield to the President. Thank you.

President Francisco M. Borja: Okay.

The Chair recognizes Senator Sixto K. Igisomar.

Senator Sixto K. Igisomar: Thank you Mr. President. Doris, can I get the same response that you gave Senator Santos? Thank you.

President Francisco M. Borja: Okay, any further under discussion? Okay, for the suspension of rules, Clerk, can you take the roll?

The Clerk called the roll on the motion to suspend Senate Rule 8, Sections 6, 7 and 8.

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President Francisco M. Borja: With eight (8) members voting yes, the Senate Rules are hereby suspended so that we can include Governor’s Communication No. 19-321 and 19-322 on today’s agenda. Okay, we are back to line item B, Messages from the Governor.

MESSAGES FROM THE GOVERNOR

1. **Gov. Msg. No. 19-321**: September 29, 2016: Certification for annual salary in excess of $50,000 to Mr. Christopher M. Timmons, Chief, Civil Div., AG to receive $77,000,000.


3. **Gov. Msg. No. 19-323**: October 11, 2016 – Withdrawing the nomination of Mr. Jovano O. Taitano to serve as a member of the Professional Licensing Board.

4. **Gov. Msg. No. 19-324**: October 11, 2016 – Withdrawing the nomination of Mr. Julian Calvo to serve as a member of the CHCC Board of Trustees.


6. **Gov. Msg. No. 19-326**: October 11, 2016 – Resume, statement of financial interest, police clearance and drug test results of Mr. Pedro R. Deleon Guerrero to serve as a member of the MPLT.

President Francisco M. Borja: Any member wants to comment on the Governor’s Communication?

The Chair recognizes Senator Paul A. Manglona.

Senator Paul A. Manglona: Yes, Mr. President, I know that 323 and 324 are Communications from the Governor withdrawing the nomination of Mr. Jovano Q. Taitano as a member of the Professional Licensing Board and Mr. Julian Calvo as a member of the Commonwealth Health Care
Corporation Board of Trustee. I understand that we are waiting for some documents from the two said individuals. However, these are appointments that are critical because for instance, the Commonwealth Health Care Corporation, we were just talking about it or someone from CHCC was just talking about it earlier this morning and I wish that the Governor’s Office could somehow get all these necessary documents here so that we can address the nominees. I think that we have many issues down on Rota. For example, the health care issues that need to be addressed and it’s going to prolong again the nomination and the confirmation of the said appointee. Unfortunately, they have already withdrawn the name, but if not, I would have made a motion to confirm them anyway because I know that two individuals are well qualified and we need them on board. I don’t know whether, for example, Mr. Calvo is in the Philippines now. The wife is undergoing medical attention there and serious medical assistance. So, he is off-island, but nonetheless, I think we need to make the nomination and the confirmation possible so that somebody can represent Rota in the CHCC Board. So, I ask the Chairman to please work with the Governor’s Office so we can have the nominee resubmit it again for CHCC and for the Professional Licensing Board. I would really appreciate it because there are many issues that face us down on Rota and we need somebody there to represent us. Thank you, Mr. President.

The Chair recognizes Senator Francisco Q. Cruz.

**Senator Francisco Q. Cruz:** Thank you Mr. President. Thank you, Senator Paul, for your concern. Actually, the nomination of both nominees was submitted to the Senate, but because absent documentation and in order for the two to be reappointed again, I believe the administration needs to recall it otherwise the ninety days will expire and both individuals will not be able to be re-nominated on the same position. So, I continue to inform the Governor’s staff under this section to please advise the nominees to submit their documentation on time in order for the committee to act on the schedule of such appointment and I believe Mr. Calvo hasn’t submitted any of the required documents. As for Jovano Taitano, the documents were submitted one month after, but the Committee was not able to schedule a public hearing due to the fact that there is other conflicting schedule in regards to the CNMI budget. So, that’s what actually happened here on these two nominations. So again, I continue to ask the governor’s staff to continue to push the nominee to expedite documentation in order for the committee to schedule a public hearing. Thank you, Mr. President.

**President Francisco M. Borja:** For everyone’s information, I just received yesterday the re-submission and the nomination of Mr. Jovano Q. Taitano. So, he has been re-appointed.

**Senator Paul A. Manglona:** Mr. President, can we have a very short recess? I think they are here, the representatives from the Governor’s Office. I just really want to know about the health care. That is good that we got already the Professional Licensing.

**President Francisco M. Borja:** Okay, short recess.
The Senate recessed at 10:44 a.m.

And

The Senate reconvened at 10:48 a.m.

**President Francisco M. Borja:** Okay, we are back to our plenary session and we are still under discussion and comments under the Governor’s Messages. Any further comments? If none, we are moving on to Communications from the Judiciary.

**COMMUNICATIONS FROM THE JUDICIARY**

NONE

**President Francisco M. Borja:** Communications from Heads of Executive Departments.

**COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS**

NONE

**President Francisco M. Borja:** Communications from the House.

**COMMUNICATIONS FROM THE HOUSE**

1. **Hse. Comm. No. 19-250:** September 30, 2016 – Certified copy of HR 19-50 – Cirsis Counseling Program under CGC.

2. **Hse. Comm. No. 19-251:** September – Certified copy of HR 19-51 – Republic of China (Taiwan)


5. **Hse. Comm. No. 19-254**: October 11, 2016 – Transmitting for Senate action H.J.R. No. 19-13 – To respectfully urge the Honorable Ralph DLG. Torres, Governor of the CNMI, to kindly request the Secretary of the U.S. DOL to extend the effective date for the Mining Safety and Health Administration (MSHA) to begin regulating quarries and mines in the CNMI, and to request for the provision of assistance from the Educational Field and Small Mine Services (EFSMS) to help ensure that quarry and mine operators are in compliance with federal laws, rules and regulations.

6. **Hse. Comm. No. 19-255**: October 11, 2016 – Accepted the Senate amendments of H.B. No. 19-44, HD1, SD1 - To require all scuba dive shop operators to impose a $5.00 $10.00 surcharge per tank to purchase, install, operate, and maintain decompression chambers in the CNMI; and for other purposes.

7. **Hse. Comm. No. 19-256**: October 11, 2016 – Transmitting for Senate action H.B. No. 19-1, HD1 – To present to the voters in the Commonwealth in the next general election the question: “Shall there be a constitutional convention to propose amendments to the Constitution?”


9. **Hse. Comm. No. 19-258**: October 11, 2016 – Transmitting for Senate action H.B. No. 19-131, HD1 – To amend 2 CMC, § 4831, Coordination with Other Agencies; Issuance of Permit; and for other purposes.

10. **Hse. Comm. No. 19-259**: October 11, 2016 – Transmitting for Senate action H.B. No. 19-132, HD1 – To require all contractors to be licensed in the CNMI.


12. **Hse. Comm. No. 19-261**: October 11, 2016 – Transmitting for Senate action H.B. No. 19-173, To amend 4 CMC § 1205 (C) by adding a new subsection (9) allowing an educational tax credit for donations to the Northern Marianas Judiciary Historical Society; and for other purposes.

13. **Hse. Comm. No. 19-262**: October 11, 2016 – Transmitting for Senate action H.B. No. 19-175, HD1 – To amend the CNMI Vehicle Code to establish regulations for the use of all-terrain vehicles in the Commonwealth; and for other purposes.
14. **Hse. Comm. No. 19-263**: October 11, 2016 – Transmitting for Senate action H.B. No. 19-176, HD1 – To amend 9 CMC §2107 to provide an extended time period before the vehicle registration late fee would apply; and for other purposes.

15. **Hse. Comm. No. 19-264**: October 11, 2016 – Transmitting for Senate action H.B. No. 19-186, HD1 - To repeal and reenact certain sections of the Commonwealth Healthcare Corporation Act; to establish a Board of Trustees, which shall managed and control the operations, functions and activities of the Commonwealth Healthcare Corporation.

**President Francisco M. Borja**: Any members have any comment or want to discuss any of the House Communications?

The Chair recognizes Senator Teresita A. Santos.

**Senator Teresita A. Santos**: Thank you Mr. President, and this is in regards to House Communication No. 19-264, transmitting for Senate action H.B. No. 19-186. We have heard earlier comments in regards to this bill. However, and this is for everyone’s information, the Chairperson of the Health, Education and Welfare of the House as well as the Senate Health and Welfare will be conducting public hearings on this particular legislation. Thank you, Mr. President.

**President Francisco M. Borja**: Thank you Senator Santos.

The Chair recognizes Vice President Arnold I. Palacios.

**Vice President Arnold I. Palacios**: Thank you Mr. President. I would like to ask the Chair of the Senate Committee on Health and Welfare for her indulgence to share whatever written testimonies are submitted or will be submitted to the Committee, to all the members who also may not be a member of the committee. I certainly would appreciate copies of all the testimonies. Thank you.

**President Francisco M. Borja**: So, noted, Mr. President. Thank you.

**President Francisco M. Borja**: Any other discussion? If none, line item H, Communications from the Senate.

**COMMUNICATIONS FROM THE SENATE**


President Francisco M. Borja: Any comment or discussion on the Senate Communication? If none, Communications from the Washington Delegate.

COMMUNICATIONS FROM THE WASHINGTON DELEGATE

NONE

President Francisco M. Borja: Unfinished Business.

UNFINISHED BUSINESS

NONE

President Francisco M. Borja: Pre-filed Bills, Initiatives, Local Bills, and Resolutions.

PRE-FILED BILLS, INITIATIVES, LOCAL BILLS, AND RESOLUTIONS

NONE

President Francisco M. Borja: Line item L, Introduction of Bills, Initiatives, Local Bills, and Resolutions.

INTRODUCTION OF BILLS, INITIATIVES, LOCAL BILLS, AND RESOLUTIONS

NONE

President Francisco M. Borja: Reports of Standing Committees.

The Chair recognizes Floor Leader Steve K. Mesngon.
REPORTS OF STANDING COMMITTEES

1. **Standing Committee Report No. 19-128:** From the Committee on Executive Appointments and Government Investigations reporting on the appointment of Mr. Donald M. Hofschneider to serve as a member of the Commonwealth Election Commission representing the Second Senatorial District.

2. **Standing Committee Report No. 19-129:** From the Committee on Executive Appointments and Government Investigations reporting on the appointment of Mr. Roman M. Tudela, Jr., to serve as the Resident Executive Director for Indigenous Affairs.

**Floor Leader Steve K. Mesngon:** Thank you Mr. President. Mr. President, we have two Standing Committee Reports and the first one, I would like to move for the adoption of Senate Standing Committee Report No. 19-128, which is from the Committee on Executive Appointments and Government Investigation reporting on the appointment of Mr. Donald M. Hofschneider to serve as a member of the Commonwealth Election Commission representing the Second Senatorial District, so move, Mr. President.

**President Francisco M. Borja:** Okay, there’s a motion for the adoption of Standing Committee Report No. 19-128 and it has been seconded. Under discussion.

The Chair recognizes Senator Francisco Q. Cruz.

**Senator Francisco Q. Cruz:** Thank you Mr. President. Mr. President, on behalf of the Standing Committee on Executive Appointments and Government Investigations, we are ready to present the Senate Standing Committee Report No. 19-128. This is the reappointment of Mr. Donald M. Hofschneider to serve as a member of the Commonwealth Election Commission to represent the Second Senatorial District. Mr. President, your Standing Committee on Executive Appointment and Government Investigation to which was referred the reappointment of Mr. Donald M. Hofschneider to serve as a member of the Commonwealth Election Commission appointed by Governor Ralph Deleon Guerrero Torres on August 30, 2016 pursuant to 1 CMC § 6102. It is the intent of your Committee on Executive Appointments and Government Investigation to assure the appointment of Mr. Donald M. Hofschneider is in conformance pursuant to 1 CMC § 6102. Furthermore, Mr. Donald M. Hofschneider has submitted all required documents in conformance with Rule 7, Section 5 of the Senate Rules. However, your Committee has examined all pertinent documents submitted relating to Mr. Hofschneider’s overall credentials. In addition, your Committee took into account all written and oral testimonies presented during the public hearing and after much deliberation and based on the overall assessment of Mr. Donald M. Hofschneider’s credentials, experiences,
testimonies and other relevant issues considered, your Committee is convinced that Mr. Donald M. Hofschneider possess the qualification and leadership skills necessary to serve as a member of the Commonwealth Election Commission. In summation, your Committee on Executive Appointments and Government Investigation recommends that the full Senate gives its advice and consent to confirm the reappointment of Mr. Donald M. Hofschneider to serve as a member of the Commonwealth Election Commission. Again, I ask the full Senate member to support Senate Standing Committee Report No. 19-128. Thank you, Mr. President.

**President Francisco M. Borja:** Thank you Senator Cruz. Any other under discussion?

The Chair recognizes Senator Paul A. Manglona.

**Senator Paul A. Manglona:** Yes, Mr. President. I just would like to ask if the nominee is here or any other Board member or anybody from the Board of Election present in the gallery? There is none? Mr. President, I know, maybe they do not need to be here for this nomination, but I respectfully ask our Legal Counsel or somebody from the LB to contact them so that before the end of the session today, I really wish they can be here so we can ask some questions regarding the process of the election that is taking place now. I am somewhat concerned with the delay in sending of the absentee ballots. Today is October 19 and not one ballot has left the Commonwealth to be sent to the voters who are off-island and I don’t know when they will be sending it or when they will be receiving the ballots on Saipan so that they can start the process of putting them in an envelope and sending them off to Guam and elsewhere. This is very alarming. We mentioned this in the last session and here we are more than a week later the same situation continues to exist down at the Board of Election. I am getting calls just like others I am sure. The members are getting calls from Guam, U.S. asking where their ballots are and so there are many things that we need to know as far as the absentee ballots are concerned and I hope before the session ends, we can get somebody to come up here and explain to us what is going on. That is all, Mr. President. I know the nominee and I am ready to support the nominee. Thank you.

**President Francisco M. Borja:** So, I guess before we entertain the Standing Committee Report, I would like to call for a short recess so that we can accommodate Senator Paul. If there is any chance that any member from the Board or the Executive Director can be present here during the session or if not, then after the session so they can meet with the Senate. So, at this time, I call for a short recess.

The Senate recessed at 10:56 a.m.

And

The Senate reconvened at 11:11 a.m.

**President Francisco M. Borja:** We are back to our plenary session and we are still on the Standing Committee Report. Senator Paul, for your information, we just got a hold of the Executive Director, Julie, however, they are very busy at this time and will not be able to be here during the session. So,
I advised her to give us a call and anytime today if they are available to give us a call so that we can set the time to meet. With that..

**Senator Paul A. Manglona:** Thank you Mr. President.

**President Francisco M. Borja:** Any further discussion under Standing Committee Report No. 19-128?

**Vice President Arnold I. Palacios:** Ready for the question.

**President Francisco M. Borja:** Ready? Okay, for the adoption of Standing Committee Report No. 19-128, Clerk, can you take the roll?

The Clerk called the roll on the motion to pass **Standing Committee Report No. 19-128**.

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**President Francisco M. Borja:** With all nine (9) members voting yes, the appointment of Mr. Donald M. Hofschneider to serve as the member of the Commonwealth Election Commission representing the Second Senatorial District is hereby unanimously confirmed by the Senate. Floor Leader, any other?

**Floor Leader Steve K. Mesngon:** Yes, thank you Mr. President. We have one on item M, on Reports of Standing Committee, which is the last one and I would like to move for the adoption on Standing Committee Report No. 19-129 which is again from the Committee on Executive Appointments and Government Investigations reporting on the appointment of Mr. Roman M. Tudela Jr. to serve as the Resident Executive Director for Indigenous Affairs here in Saipan, so move Mr. President.

**President Francisco M. Borja:** Okay, there’s a motion for the adoption of Standing Committee Report No. 19-129 and it has been seconded. Any discussion?

The Chair recognizes Senator Francisco Q. Cruz.

**Senator Francisco Q. Cruz:** Thank you Mr. President. Again, Mr. President. Your Committee is ready to present the Senate Standing Committee Report No. 19-129. This is the appointment of Mr.
Roman M. Tudela Jr. to serve as a Resident Executive Director for the Indigenous Affairs Office. Mr. President, your Standing Committee on Executive Appointment and Government Investigation to which was referred the appointment of Mr. Roman M. Tudela Jr. to serve as a member of the Resident Executive Director for the Indigenous Affairs Office appointed by Acting Governor Victor B. Hocog on September 19, 2016 pursuant to Article III, Section 23 of the Northern Marianas Islands Constitution, 1 CMC § 2352. It is the intent of your Committee on Executive Appointments and Government Investigation to assure the appointment of Mr. Roman M. Tudela Jr. is in conformance pursuant to Article III, Section 23 of the Northern Marianas Islands Constitution, 1 CMC § 2352. Furthermore, Mr. Roman M. Tudela Jr. has submitted all required documents in conformance with Rule 7, Section 5 of the Senate Rules. However, your Committee has examined all pertinent documents submitted relating to Mr. Roman M. Tudela Jr.’s overall credentials. In addition, your Committee took into account all written and oral testimonies presented during the public hearing and after much deliberation and based on the overall assessment of Mr. Roman M. Tudela Jr.’s credentials, experiences, testimonies and other relevant issues considered, your Committee is convinced that Mr. Roman M. Tudela Jr. possesses the qualification and leadership skills necessary to serve as a member of the Resident Executive Director for the Indigenous Affairs Office. In summation, your Committee on Executive Appointments and Government Investigation recommends that the full Senate gives its advice and consent to confirm the appointment of Mr. Roman M. Tudela Jr. to serve as a member of the Resident Executive Director for the Indigenous Affairs Office. Again, I ask the full Senate to consider Senate Standing Committee Report No. 19-129. Thank you, Mr. President.

President Francisco M. Borja: Okay, any other under discussion?

The Chair recognizes Senator Paul A. Manglona.

Senator Paul A. Manglona: I know Roman Tudela and I will not be voting on the Standing Committee Report as I have a conflict of interest. He is married to my niece through my wife. So, I will not be voting, but I know that he is listening in the gallery and I actually have a concern that I wish he would look into and that concern is with regards to former Congressman Crispin Ogo whom I understand prior to his appointment was coming to work under some appointment and because serious health issues, he was not showing up because he was getting medical attention. So, I hope that when he gets on board that he looks at that situation so that will not be lingering there as far as his situation with the Indigenous Affairs. I understand that he has been employed for some time and then he had to take leave because of serious medical issues. So, I just ask the Director to look into that and again, while I fully support him, I will not be voting for the nomination. Thank you.

President Francisco M. Borja: Thank you Senator Paul. Any other member under discussion?

Several members voiced, “ready”.

President Francisco M. Borja: Okay, for the adoption of Standing Committee Report No. 19-129 on the appointment of Mr. Roman M. Tudela Jr. to serve as the Resident Executive Director for Indigenous Affairs. Clerk, can you take the roll?

The Clerk called the roll on the motion to adopt Senate Standing Committee Report No. 19-129.
President Francisco M. Borja: With eight (8) members voting yes, one (1) abstention due to conflict, Mr. Roman M. Tudela Jr. is hereby confirmed by the Senate. Congratulations, if he is around. Okay, I guess the members want a short recess so that we can congratulate the nominee.

The Senate recessed at 11:18 a.m.

And

The Senate reconvened at 11:21 a.m.

President Francisco M. Borja: We are back from recess and we are on line item N, Reports of Special Conference Committee. Sorry, Clerk. We are on line item N, Special Conference Committee Report.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

NONE

President Francisco M. Borja: Under the Resolution Calendar. Line item P. Floor Leader, any under…

Floor Leader Steve K. Mesngon: Yes, Mr. President. Thank you very much and we have one item in our Bill Calendar today.

President Francisco M. Borja: Bill Calendar? We are back on line item O, Resolution Calendar.
RESOLUTION CALENDAR

1. **S.J.R. No. 19-10** – Authorizing MVA to se a new compensation and wage salary scale for its employees pursuant to 4 CMC § 2124(g).

_Floor Leader Steve K. Mesngon_: Oh, we are still on line item O? None, Mr. President.

The Chair recognizes Senator Jude U. Hofschneider.

_Senator Jude U. Hofschneider_: Although it is on the Calendar for action, I have asked the agency to be with us on Friday. We have a Fiscal Affairs meeting on Friday to address some of the concerns that some of the members have. So, Mr. Floor Leader, can we just defer action on the matter today, Sir? Thank you.

_President Francisco M. Borja_: Okay, thank you. We are moving down to line item P, Bill Calendar.

The Chair recognizes Floor Leader Steve K. Mesngon.

BILL CALENDAR

FIRST READING

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FINAL READING

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<td>H.B. No. 19-181, SS1</td>
<td>To provide for the possession and management of firearms in the Commonwealth</td>
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Floor Leader Steve K. Mesngon: Yes, thank you Mr. President. We have one in the Bill Calendar which is House Bill No. 19-81 and I would like to move for the passage on House Bill No. 19-181 which is in reference to provide for the possession and management of firearms in the Commonwealth, so move, Mr. President.

President Francisco M. Borja: Okay, there’s a motion for the passage of House Bill No. 19-181 and it has been seconded. Under discussion.

The Chair recognizes Vice President Arnold I. Palacios.

Vice President Arnold I. Palacios: Thank you Mr. President. Mr. President, I would like to offer a Senate Substitute One or amendment to House Bill No. 19-181 in the form of Senate Substitute One for adoption, so move.

The motion was seconded by Floor Leader Steve K. Mesngon.

President Francisco M. Borja: Okay, there’s a motion on the floor to amend and submit Senate Substitute One and it has been seconded. Any discussion on the motion.

The Chair recognizes Vice President Arnold I. Palacios.

Vice President Arnold I. Palacios: Thank you Mr. President. Mr. President, I believe a copy of the substitute and the summary, accompanying summary of the substitute of the legislation is provided to all members. Basically, the substitute includes amendments to the original legislation to conform to the recently adjudicated Murphy decision and the substitute addresses those issues that the court adjudicated. Thank you.

President Francisco M. Borja: We are still under discussion. Any other member who wishes to discuss the amendment offered by the Vice President?

The Chair recognizes Senator Teresita A. Santos.

Senator Teresita A. Santos: Thank you Mr. President. This is in regards to the Vice President’s comment and discussion earlier. When we say court, are we referring to the Federal District Court, Mr. Vice President? Thank you.
**Vice President Arnold I. Palacios:** Yes. The Murphy case was taken to the Federal District Court. Thank you.

The Chair recognizes Senator Paul A. Manglona.

**Senator Paul A. Manglona:** Yes, I might be out of topic here, but I just want to ask the Legal Counsel, what happens if in a situation where somebody is a hunter on Guam and wants to come to the CNMI and bring his gun temporary just for the weekend and then brings it back? Does he have to go through the whole process as if for the first time purchasing? Would bringing in a rifle for hunting, is that subject of this legislation?

**Legal Counsel Jose Bermudes:** Senator Paul, this was actually drafted from outside and I am not sure it addresses that concern, but I have called Customs at one time regarding the same issue and normally when a weapon comes from outside – is this in the same bill? This one is on page 6 or something but it says Section 905 (B)....

**Vice President Arnold I. Palacios:** Mr. President.

The Chair recognizes Vice President Arnold I. Palacios.

**Vice President Arnold I. Palacios:** Perhaps, you know, the Deputy Attorney General is here with one of the Assistant Attorney General and can provide a lot more guidance since this was drafted outside the legislature. So, if we can go to the Committee of the Whole.

**Legal Counsel Jose Bermudes:** Let me just look because what I was [inaudible] page 6 of something, but it refers to Section 905 (B).

**Senator Sixto K. Igisomar:** It is on page 71 Counsel.

**Legal Counsel Jose Bermudes:** The transfer of firearms, ammunition to the Commonwealth, okay - no this is any firearm, ammunition being transferred into the Commonwealth via the post office or common carrier shall be addressed to and received by a firearm vendor duly licensed under the Commonwealth and federal law. The vendor shall ensure that the firearm complies with the Commonwealth, federal and local laws. If the firearm does not comply with those three laws, shall be...

**Senator Paul A. Manglona:** I guess my question is, if somebody from Guam wants to bring his own rifle to Rota for the weekend. Some people actually go hunting when the season is open and they bring back their guns to Guam on their return trip. So how will that be handled? Maybe on the first trip he may have to do some waiting, but after it’s been licensed in the CNMI and licensed in Guam, then they can bring their gun back and forth?

**President Francisco M. Borja:** I guess we have the Deputy AG here so if any members want to make a motion to resolve into the Committee of the Whole so that we can engage in the Deputy to get more information on this particular bill, Floor Leader.
Vice President Arnold I. Palacios: So move.

President Francisco M. Borja: Okay, there’s a motion to resolve into the Committee of the Whole and it has been seconded. All in favor of the motion say, “aye”.

Several members voiced, “aye”.

President Francisco M. Borja: All opposed, say, “nay”.

The motion was carried by voice vote.

President Francisco M. Borja: Motion carries. We hereby resolve into the Committee of the Whole.

The Senate resolved into the Committee of the Whole at 11:30 a.m.
and reconvened its plenary session at 12:03 p.m.

President Francisco M. Borja: We are now back to our plenary session and we are still on the Bill Calendar under discussion on the amendment offered by the good Vice President.

Several members voiced, “ready”.

President Francisco M. Borja: Ready? Okay, for the adoption of the amendment offered by Vice President Palacios, all in favor on the amendment offered by the Vice, say, “aye”.

Several members voiced, “aye”.

President Francisco M. Borja: All opposed, say, “nay”.

The motion was carried by voice vote.

President Francisco M. Borja: Motion carries. The amendment offered by the good Vice President is hereby adopted. Back to the main motion. For the passage of House Bill No. 19-181, SS1, Clerk, can you take the roll?

The Clerk called the roll on the motion to pass House Bill No. 19-181, SS1.

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<th>Senator</th>
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<tr>
<td>Francisco Q. Cruz</td>
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<td>Jude U. Hofschneider</td>
<td>yes</td>
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<td>Sixto K. Igisomar</td>
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<td>Paul A. Manglona</td>
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<td>Steve K. Mesngon</td>
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Senator Arnold I. Palacios: yes
Senator Justo S. Quitugua: yes
Senator Teresita A. Santos: yes
President Francisco M. Borja: yes

**President Francisco M. Borja:** With all nine (9) members voting yes, House Bill No. 19-181, SS1 hereby passes the Senate on Final Reading. Floor Leader, is there any other?

**Floor Leader Steve K. Mesngon:** There is none, Mr. President, on our Bill Calendar for today. Thank you.

**President Francisco M. Borja:** Okay, moving down on our order of Business under Q, Petitions, Memorials, and Miscellaneous Communications.

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**PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS**

1. **Misc. Comm. No. 19-180:** October 05, 2016- AG Manibusan regarding HB 19-181 – SAFE II.

2. **Misc. Comm. No. 19-181:** October 05, 2016 – CPA employees regarding HB 19-139 - To amend Title 1 Division 8 Part 2 Chapter 4 (Public Employment/Employee Compensation of the Commonwealth Code. To exempt the Commonwealth Development Authority (CDA) and the Commonwealth Ports Authority (CPA) from the salary limitations imposed by the Compensation Adjustment Act.


**President Francisco M. Borja:** Okay, any members want to comment or discuss any of the Miscellaneous Communication? If none, under Miscellaneous Business. Any member under Miscellaneous?

The Chair recognizes Senator Paul A. Manglona.

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**MISCELLANEOUS BUSINESS**
Senator Paul A. Manglona: Thank you Mr. President. I know we are waiting for the Board of Election members or officials to come and discuss with us the issue of the absentee ballots, but I just want to take this opportunity to emphasize the importance of the situation. As you know, it is already October 18, or 19 today, October 19 and ballots on an election year are sent out a week before the end of September, a week before the end of September. In other words, one month ago, the ballots should have been sent out. It should have been mailed out one month ago, but the ballots are still not in the Commonwealth. We are still waiting for its arrival so that they can be mailed out. So, that really concerns us because you know, the rights of those voters who are absentee voters are being jeopardized because we know that to send mail to California, sometimes takes up to ten days. So, we know that by the time they fill out their ballots and mail it back here it’s not going to arrive on time because we are facing also the mailing process of getting it to Guam because then from Guam it gets on an international airline to the mainland. So, it might be two weeks before the ballots actually get to the voters in the mainland and worse for those that are on the east coast. So, that is something that I know is the subject of House Bill No. 19-204, but we don’t know the status of that legislation, whether the House is going to pass it this week or next week or when and then it has to come to the Senate and then to the Governor. So, the time is really running out. So, if the board is not – I mean I guess, the board can’t do anything with it because under the law, the ballots have to be here on Election Day. So, it’s up to us now. We know that there is no way that we can go around this and that eventually we are going to have to face lawsuits if the legislature does not act or do anything to extend the deadline for the receipt of the ballots and the thing about it, is even if we can extend the receipt of the ballot, what we cannot do is extend the election date because we don’t know. Will the ballot be sent out before Election Day? We don’t know. I mean that is what we want to know is when before the Election Day will it be sent out because we cannot change the Election Day. So, this is the time we have to know from them when it will be sent because we can’t change the election date. So, the other thing that I want to raise up, is there is a list of names that are out there and it’s not available to everyone equally. I mean some people are privileged to know the list of names that are being challenged because they have two residences. Not the public. I do not know if there is such a list that we can get so that we know who are these 69 or 79. We don’t know how many of that are being challenged because they have two residences and I have heard that for some people in the states that are being challenged, that they actually were on the registration list, for example for the State of Washington, or Florida because they actually went there to fill out a renewal for a driver’s license. So automatically their names are placed there if they are US Citizens so do we take those people out from our list? I understand that on Guam, if your name is on the registration list, then by all means remove their names here in the CNMI because on Guam you have to actually physically apply for registration to be on the election roster, but in some states they actually just make you fill out – and also there is the misinformation that you can register and vote for the President and don’t vote on the state level and you can continue to vote in the CNMI. So, those are issues and why are they bringing it up now, you know, three weeks before the election? Most of these voters are by the way in the states and you are going to ask them to justify why they should be on the list three weeks before the election? I question that process and especially so because they are targeting only the absentee voters. So, if you didn’t request for an absentee ballot, you wouldn’t be targeted. You will not be questioned because you didn’t request for an absentee ballot, but you could very well be under the same circumstance as those people over in the mainland that requested for an absentee ballot. In other words, a student attending school in Washington or in Oregon that graduated is back here in the CNMI and therefore doesn’t need to request for an absentee ballot, but that student that is back here and can readily vote on Election Day, is not being questioned. Yet the
same class of people who are still in the mainland because there is a need for them to request for an absentee ballot are not being questioned. So, that is something that the law in not being clearly applied across. Just because one filled out a request, he is being questioned. The other one is back here and graduated from college already and maybe he is here is not being questioned, but they fall under the same situation. They are both registered in the mainland. So, there are people here that are registered in the mainland because they probably renewed their driver’s license last year or the year before, but they are not being questioned because they are here and their names do not appear on the absentee request. So, that is something that we need to emphasize to the board. I hope that the House of Representative will act on House Bill No. 19-204 and the Senate, Mr. President, I respectfully ask if we can convene shortly thereafter to tackle the same bill to allow for more extension. I hope that the Board of Election can consider their move to weed out the names of absentee voters who were listed in the mainland simply because they applied for a driver’s license or because they wanted to vote for the President, but had no intention to vote for the state level candidates. If they can reconsider this. Let’s pick this up before the next election, months before, so that the legislature can also play a role in the consideration of what action to do as far as these voters. At this late in the game, I think we are just inviting more lawsuits before or after the election and I thank the members for their patience. Thank you.

President Francisco M. Borja: Thank you Senator Paul. Any other member under Miscellaneous? None, under Announcement?

ANNOUNCEMENT

NONE

President Francisco M. Borja: Any announcement? No announcement? Adjournment, Floor Leader.

ADJOURNMENT

Floor Leader Steve K. Mesngon: Thank you Mr. President. This will be the last on our agenda and its line item T and I move for the adjournment of today’s session subject to the call of the Chair, so move.

President Francisco M. Borja: There’s a motion to adjourn subject to the call of the Chair and it has been seconded. Any discussion? Okay, all in favor of the motion to adjourn say, “aye”.

Several members voiced, “aye”.

President Francisco M. Borja: All opposed, say, “nay”.
The motion was carried by voice vote.

**President Francisco M. Borja:** This session stands adjourned. Thank you.

The Senate adjourned at 12:15 p.m. subject to the call of the Chair.

Respectfully Submitted,

/s/ Geraldine T. Cruz
Senate Journal Clerk

### APPEARANCE OF SENATE LOCAL BILLS

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The Senate may consider, debate, and/or act upon any item contained in this Order of Business at the time and place described herein.