

Adopted 7-30-98

HOUSE OF REPRESENTATIVES  
ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
FIRST REGULAR SESSION, 1998

**SEVENTH DAY**

The House of Representatives of the Eleventh Northern Marianas Commonwealth Legislature convened in its Seventh Day, First Regular Session, 1998, on Tuesday, March 24, 1998, at 9:30 a.m., in the House Chamber, Capitol Hill, Commonwealth of the Northern Mariana Islands.

The Honorable Diego T. Benavente, Speaker of the House, presided.

*Vice Speaker Attao was appointed Floor Leader Pro Tempore.*

A moment of silence was observed.

The Clerk called the roll. There were fifteen members present; Representatives Dino M. Jones, Maximo L. Olopai and Herman T. Palacios were excused.

Speaker Benavente: First of all for the record, Floor Leader Teregeyo, Representative Reyes, Representative Manny Tenorio and Representative Malua Peter are all off-island on an official business and therefore, they will be excused for today's session and marked as present. Representatives Olopai, Palacios and Jones are excused for today's session. Before we continue, I recognize, Representative Babauta.

Rep. Babauta: Thank you, Mr. Speaker. Mr. Speaker, because we have a resolution to present this morning, by the House of Representatives, I therefore, move that we resolve into Committee as a Whole so we can present the resolution this morning.

The motion was seconded and carried by voice vote.

The House resolved into Committee as a Whole at 9:33 a.m. and reconvened to plenary session at 9:38 a.m.

Speaker Benavente: We are back into our session. We now move to Item 3 under Prefiled and Introduction of Bills.

**PREFILED AND INTRODUCTION OF BILLS**

H. B. NO. 11-156: "A Bill for an Act to amend 1 CMC §7201(a)(3) to require the Governor to consult with a government agency prior to amending the proposed budget from that agency, and to amend §7202 to require the proposed annual budget to contain a statement of clearly defined goals and accomplishments of each government agency in order to justify the agency's proposed budget; and for other purposes."

Offered by: Rep. Jesus T. Attao and one other  
Referred to: Committee on Ways and means

H. B. NO. 11-157: "A Bill for an Act to reappropriate unused fund balances from Public Law 10-38 and for other purposes."

Offered by: Rep. Jesus T. Attao and two others

H. B. NO. 11-158: "A Bill for an Act to repeal and reenact 6 CMC, Division 5 Chapters 1 and 2; to enact new Chapters 3, 4, 5 and 6; to renumber current Chapter 3 and its articles and sections as Chapter 7 and its articles and sections; and for other purposes."

Offered by: Rep. David M. Apatang

Referred to: Committee on Judiciary and Governmental Operations

The Chair recognized Rep. Hocog.

Rep. Hocog: Thank you, Mr. Speaker. House Bill 11-159, "To amend 3 CMC § 4321 (d) (1) of the Commonwealth Entry and Deportation Act; to increase the salary limitation allowing nonresident workers to bring their immediate relatives into the Commonwealth; and for other purposes." Also, Mr. Speaker, I have House Bill 11-160, "To prohibit the use or application of insecticide, pesticide or any other form of chemical at least one thousand feet (1000') way within the perimeter of any water spring or water well being utilized for public purposes which might endanger the livelihood of the CNMI residents; and for other purposes." Thank you, Mr. Speaker.

H. B. NO. 11-159: "A Bill for an Act to amend 3 CMC § 4321 (d) (1) of the Commonwealth Entry and Deportation Act; to increase the salary limitation allowing nonresident workers to bring their immediate relatives into the Commonwealth; and for other purposes."

Offered by: Rep. Jose A. Hocog

Referred to: Committee on Labor and Immigration

H. B. NO. 11-160: "A Bill for an Act to prohibit the use or application of insecticide, pesticide or any other form of chemical at least one thousand feet (1000') way within the perimeter of any water spring or water well being utilized for public purposes which might endanger the livelihood of the CNMI residents; and for other purposes."

Offered by: Rep. Jose A. Hocog

Referred to: Committee on Labor and Immigration

The Chair recognized Rep. Hofschneider.

Rep. Hofschneider: Mr. Speaker, Representative Olopai, through telephone conversation, asked if the members would allow me to introduce his bill, but according to our House Rules, he needs a written consent. Is there any objection to suspending that particular rule and putting it for introduction purposes?

There was no objection raised.

Speaker Benavente: You may continue then, Representative Hofschneider, or I recognize the Floor Leader for the suspension of that particular section.

Acting Floor Leader Attao: I move for the suspension of all pertinent rules so that we can allow Representative Hofschneider to introduce a bill, supposedly to be introduced by Representative Maximo Olopai.

The motion was seconded and carried by voice vote.

Speaker Benavente: I will recognize Representative Hofschneider.

Rep. Hofschneider: Again, this is by request by Representative Max Olopai. Due to family member being ill, he ask if I could introduce a bill for him. This is an unnumbered bill, "A Bill for an Act to increase health treatment for persons in the CNMI who have diabetes and reduce the morbidity and mortality associated with the disease.", offered by Representative Maximo L. Olopai and many others, Mr. Speaker. Thank you.

Speaker Benavente: Before we continue, I would like for the Clerk to please number the bill that Representative Hofschneider introduced for Representative Olopai and have copies available.

H. B. NO. 11-161: "A Bill for an Act to increase health treatment for persons in the CNMI who have diabetes and reduce the morbidity and mortality associated with the disease."

Offered by: Rep. Maximo L. Olopai and eight others  
Referred to: Committee on Health, Education, and Welfare

H. L. B. NO. 11-8: "A Local Bill for An Act to impose a \$4.00 per day surcharge on motor vehicle rentals in the Third Senatorial District to be used for the construction and repair of primary and secondary roads within that district, and for other purposes."

Offered by: Rep. Jesus T. Attao and two others

H. L. B. NO. 11-9: "A Local Bill for An Act to levy a tax on the taking of coral, lava or sand within the Northern Islands for commercial purposes and to designate the use of these funds for the benefit of the residents of the Northern Islands, and for other purposes."

Offered by: Rep. Jesus T. Attao and one other

Speaker Benavente: Thank you. Any further introduction of bills at this time? If none, we move to Item 4 under Prefiled and Introduction of Resolutions.

## PREFILED AND INTRODUCTION OF RESOLUTIONS

H. RES. NO. 11-22: "A resolution respectfully and explicitly requesting the United States Congressional Committee who has jurisdiction over the Office of Insular Affairs to investigate allegations made against the CNMI government and its people." (REP. DINO M. JONES [Not introduced])

Speaker Benavente: Any further introduction of resolutions? Before we move on, there are two resolutions here that were prefiled by the Minority Leader, Representative Dino Jones. At this time, as in past practice, if the members wish to allow for the former introduction of this resolution so that we may act on it on today's Resolution Calendar, you may do so. Otherwise, if

the members wishes to allow the author of the resolutions to be here, then, we will just leave it their until the next session. Representative Hofschneider.

Rep. Hofschneider: In particular, Mr. Speaker, I think House Resolution 11-23 warrants our action here and if there's no objection, I would like to introduce that for him.

There was no objection raised.

Speaker Benavente: Representative Hofschneider?

Rep. Hofschneider: Thank you. It is prefiled House Resolution 11-23, "A resolution urgently and respectfully requesting the federal officials to waive and/or eliminate the matching fund requirements being provided or granted under the Covenant to help foster and expedite infrastructure development in the CNMI.", offered by Representative Jones. Thank you.

H. RES. NO. 11-23: "A resolution urgently and respectfully requesting the federal officials to waive and/or eliminate the matching fund requirements being provided or granted under the Covenant to help foster and expedite infrastructure development in the CNMI." (REP. DINO M. JONES 03/19/98)

H. RES. NO. 11-24: "A House Resolution requesting the Board of Public Lands and the Honorable Pete P. Tenorio, Governor of the Commonwealth of the Northern Mariana Islands to deed approximately 2 hectares of public land located on Saipan immediately north of the Tinian and Rota Guest House to the Department of Public Health and Environmental Services to construct a primary public health care facility." (REP. HEINZ S. HOFSCHEIDER +1 03/23/98)

The Chair recognized Rep. Camacho.

Rep. Camacho: Thank you, Mr. Speaker. I have a House Resolution, 11-25, "A Resolution expressing full, undeniable and unquestionable support on the provisions of the Covenant by the people and their government of the Commonwealth of the Northern Mariana Islands and in particular under section 902 of said provisions."

H. RES. NO. 11-25: "A House Resolution expressing full, undeniable and unquestionable support on the provisions of the Covenant by the people and their government of the Commonwealth of the Northern Mariana Islands and in particular under section 902 of said provisions." (REP. ROSIKY F. CAMACHO +3 03/24/98)

The Chair recognized Rep. Hocog.

Rep. Hocog: Thank you, Mr. Speaker. House Resolution No. 11-26, "To exclusively and explicitly request the Department of Public Safety in conjunction with the United States Coast Guard to ensure that Public Law 3-25 regarding Boating Safety Act of 1982 be enforced and observed fully and properly by every boat owner and operators in the CNMI." Thank you, Mr. Speaker.



H. RES. NO. 11-26: "A House Resolution to exclusively and explicitly request the Department of Public Safety in conjunction with the United States Coast Guard to ensure that Public Law 3-25 regarding Boating Safety Act of 1982 be enforced and observed fully and properly by every boat owner and operators in the CNMI." (REP. JOSE A HOCOG 03/24/98)

H. J. R. NO. 11-10: "A House Joint Resolution to request the Governor and the Board of Public Lands to deed approximately one-half (1/2) hectare of public land immediately northwest of the Tinian and Rota Guest House, formerly known as the TT Galley, to Parks and Recreation for the construction of a basketball court and other related sports facilities for Upper and Lower Navy Hill residents." (REP. JESUS T. ATTAO +1 03/19/98)

H. J. R. NO. 11-11: "A House Joint Resolution to assist the Mayor of Rota in funding essential programs and projects in the First Senatorial District by approving enhanced reprogramming authority for the Mayor over specific appropriated funds, and designating general categories of expenditure to be addressed by the Mayor; and for other purposes." (REP. ALEJO M. MENDIOLA, JR. +1 03/24/98)

Speaker Benavente: Any further introduction of resolutions at this time? If none, we now move to Item 5, under Messages from the Governor.

#### MESSAGES FROM THE GOVERNOR

Gov. Comm. 11-67: March 17, 1998 - Informing the Legislature that he signed House Bill No. 11-52 (Re-employment of certain mayoral appointees) into Public Law 11-4.

Gov. Comm. 11-68: March 18, 1998 - From SAPLR acknowledging receipt of H.J.R. No. 11-5, SD1.

Gov. Comm. 11-69: March 23, 1998 - Regarding H.B. 11-31, HS1, SD2.

There was no discussion raised.

#### SENATE COMMUNICATIONS

Sen. Comm. 11-40: Transmitting a certified copy of SJR No. 11-5. (For inf.)

Sen. Comm. 11-41: Transmitting a certified copy of SJR No. 11-6. (For inf.)

The Chair recognized Acting Floor Leader Attao.

Acting Floor Leader Attao: I move for the acceptance of Senate Communications 11-40 and 11-41, relative to Senate Joint Resolutions 11-5 and 11-6 respectively.

The motion was seconded and carried by voice vote.

Speaker Benavente: There being no House Communications under Item 7, none from the Judicial Branch, none from the Washington Representative, none under Communications from Departments and Agencies. We move to Item 11 under Other Communications.

### OTHER COMMUNICATIONS

Misc. Comm. 11-16: From Mr. Charles D. Jordan, Vice President, SeaTel Corp., transmitting a copy of Queen Elizabeth 2 (QE2) Project Briefing Book. [Referred to CT - 03/12/98]

Speaker Benavente: The floor is open for discussion on Miscellaneous Communication 11-16. Representative Hofschneider, recognized.

Rep. Hofschneider: Yes, on Miscellaneous Communication 11-16, from Mr. Charles D. Jordan, Vice President, SeaTel Corporation transmitting a copy of the Queen Elizabeth 2 (QE2) Project Briefing Book. This had been referred to Commerce and Tourism Committee. First, Mr. Speaker, reading through the proposal or the briefing book as they call it here, they included "proposed documents" since it does not contain relevant information. For instance, in the MOU documentation, it does not have a date, it does not have the signature of the Governor or the contractor or contractee. Those are suggestive documents that I want to raise the Committee's attention to. We cannot look at this without first having the commitment of the Governor, with such an MOU. Second, there are questions to be raised in the committee, specifically, who are the principals of this company? What is the viability of their ability to undertake such an intriguing if not, for the lack of words, a very optimistic financial package. If you look at the briefing book itself, it contains strategies to finance the project. One question in mind that we have not heard answers or answered on the question too, is, the total federal obligation to the clean up of the Puerto Rico Dump. If in fact there is money and the CNMI is being cut out from tapping that source or the intended funding to clean up the dump and this company comes in, is that also to assume that they become the secondary recipient of a federal assistance to clean up the dump on behalf of the Commonwealth? If so, I want to find out if EPA consents to or Department of Defense has consented to giving the principals of SeaTel Corporation to tap federal funding to clean up the dump. The reason why I'm raising that also is because in their proposal, there is a Fifty-five Million Dollars liability on the government. Historically and the record speaks for itself in the Commonwealth, that no one, no developer in the past who have come into the CNMI to develop a resort or investment and was given CNMI guarantee up to Fifty-five Million Dollars. This is in essence analogous to the Mitsubishi contingent liability of \$20.5 Million when CUC borrowed money from Japan in its bank to purchase the generators for Mitsubishi. That is a government entity. The difference here is, this is a private venture, it is an investment, it is a development and on the surface itself, it will be an injustice to hotel developers such as Nikko, Hyatt, Dai-Ichi, you name it, and golf course resorts that are now up in operations. It is a creative financing scheme to say the least about insisting upon the Commonwealth to back them for \$55 Million. I have done my research on this, Mr. Speaker, and first of all, I want to find out if the Committee has made contact with Conard, to find out if in fact that was agreed upon that the purchase agreement or the acquisition agreement in getting QE2 to the CNMI was agreed upon on the conditions of floating a bond to undertake the financing. If so, then the question that everyone should be asking at a minimum is, whether the CNMI \$55 Million guarantee is in the best interest of the Commonwealth in securing a private

enterprise to go out and borrow money for a private development and having the CNMI come in with a \$55 Million guarantee? The reason why is that, in their proposal, on the surface itself, they are saying that there is a potential revenue generation of about \$6 Million. If you take \$55 Million and you amortize it, the annual incurred realistic liability for the CNMI would be somewhere around \$2.5 Million on an annual basis based on \$5 Million annual guarantee. So, if CDA goes ahead and concurs this, it would immediately translate to a \$2.5 Million loss for the Commonwealth. I urge that the Committee on Commerce and Tourism get a real financial person to break down the figures, because something is not jiving here. Something is terribly wrong in the way that QE2 is being presented. I want to see before this House that *if in fact* the Governor commits the Commonwealth through an MOU on the concept itself, fine, but we need that signature on that MOU, that is number one. Number two, I want to see that, yes, indeed, CPA does not have plans for the Puerto Rico site for its future expansion such as a cruise or a passenger terminal. Right now, the cruise ships that arrives on Saipan are docked where the containers are being unloaded. All other competitive jurisdiction Hawaii and others, have a passenger off-loading and loading area that is consistent with tourism development and facilities. We are hastily getting into this proposal. I tip my hat off to SeaTel for coming up with the scheme, but I have a big reservation on having to ask the people of the Commonwealth to guarantee \$55 Million in the event the concept flops. Thank you.

Speaker Benavente: Any further discussion on the miscellaneous communication? We now move to Item 12 under Reports of Standing Committees.

## REPORTS OF STANDING COMMITTEES

The Chair recognized Acting Floor Leader Attao.

Acting Floor Leader Attao: I move for the adoption of Standing Committee Report 11-6, relative to House Bill 11-89.

The motion was seconded.

**S.C.R. No. 11-6:** Reporting on House Bill No. 11-89, entitled: "A Bill for an Act to provide that all business in the Commonwealth advertise their business name in English; and for other purposes." *Your Commerce and Tourism recommends that the bill be passed in the form of H.B. 11-89, HD1.*

Speaker Benavente: Discussion on the Committee Report? Again, the reference bill will appear on today's calendar. So, at this time the discussion is limited to the report by the Standing Committee. Ready for the question?

The motion to adopt Standing Committee Report 11-6, was carried by voice vote.

Speaker Benavente: Standing Committee Report 11-6, is hereby adopted by the House. There being no Reports of Special and Conference Committees and none from Item 14, we move to Item 15 under Resolution Calendar.

## RESOLUTION CALENDAR

Speaker Benavente: Let me just call for a very short recess and list the resolutions that we will be entertaining on today's session. Short recess.

The House recessed at 9:58 a.m.

## R E C E S S

The House reconvened at 10:12 a.m.

Speaker Benavente: We are back to our session and we are under Item 15 under Resolution Calendar. Floor Leader, recognized.

Acting Floor Leader Attao: Thank you, Mr. Speaker. I move for the adoption of House Resolutions 11-23, 11-24, 11-25, 11-26 and House Joint Resolution No. 11-10.

The motion was seconded.

H. RES. NO. 11-23: "A resolution urgently and respectfully requesting the federal officials to waive and/or eliminate the matching fund requirements being provided or granted under the Covenant to help foster and expedite infrastructure development in the CNMI."

H. RES. NO. 11-24: "A House Resolution requesting the Board of Public Lands and the Honorable Pete P. Tenorio, Governor of the Commonwealth of the Northern Mariana Islands to deed approximately 2 hectares of public land located on Saipan immediately north of the Tinian and Rota Guest House to the Department of Public Health and Environmental Services to construct a primary public health care facility."

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H. RES. NO. 11-26: "A House Resolution to exclusively and explicitly request the Department of Public Safety in conjunction with the United States Coast Guard to ensure that Public Law 3-25 regarding Boating Safety Act of 1982 be enforced and observed fully and properly by every boat owner and operators in the CNMI."

H. J. R. NO. 11-10: "A House Joint Resolution to request the Governor and the Board of Public Lands to deed approximately one-half (1/2) hectare of public land immediately northwest of the Tinian and Rota Guest House, formerly known as the TT Galley, to Parks and Recreation for the construction of a basketball court and other related sports facilities for Upper and Lower Navy Hill residents."

There was no discussion raised.

The motion to adopt House Resolutions 11-23, 11-24, 11-25, 11-26 and House Joint Resolution 11-10, was carried by voice vote.

Speaker Benavente: House Resolutions 11-23, 11-24, 11-25, 11-26 and House Joint Resolution 11-10, are hereby adopted by the House. We now move to Item 16 under Bill Calendar.

*The Chair recognized Rep. Faisao and because his microphone was turned off, he was not recorded.*

Speaker Benavente: I believe it is a typographical error and if there is no objection on the floor, we will allow our Clerk and our Legal Counsel to make the necessary correction on that typographical error.

There was no objection raised.

Speaker Benavente: There being no objection, I ask the Clerk and the Legal Counsel to please make the necessary correction on House Resolution 11-24. I want to call for a very short recess and just consult with the Floor Leader. Because our counsels are not yet ready with the amendments to the moratorium bill, I ask that we continue on with our session and cover the other legislation that we need to act on as well. So, I just need to consult with the Floor Leader, I ask for every one to please remain in their seats and I'll call for a very short recess.

The House recessed at 10:15 a.m.

## RECESS

The House reconvened at 10:17 a.m.

Speaker Benavente: We are back in session and we are now under Item 16 under Bill Calendar.

## BILL CALENDAR

The Chair recognized the Acting Floor Leader.

Acting Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, I move to recall from the Governor, House Bill 11-31, House Substitute 1, Senate Draft 2.

The motion was seconded and carried by voice vote.

Speaker Benavente: House Bill 11-31, H.S.1, S.D.2, is hereby recalled from the Governor and place back in today's calendar for further action. Floor Leader?

Acting Floor Leader Attao: Thank you, Mr. Speaker. I now move to withdraw from the Committee, House Bills 11-155 and 11-117.

The motion was seconded and carried by voice vote.



Speaker Benavente: House Bills 11-155 and 117 are hereby recalled from the Committee and placed on today's calendar. Floor Leader?

Acting Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, I now move for the suspension of all pertinent rules for the passage of all bills appearing on today's calendar on First and Final Reading.

The motion was seconded and carried by voice vote.

Speaker Benavente: Floor Leader?

Acting Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of House Bill 11-155 on First and Final Reading.

The motion was seconded.

H. B. NO. 11-155: "A Bill for an Act to amend Public Law 10-1 to allow funds to be used for certain repatriations for humanitarian purposes; and for other purposes."

Speaker Benavente: Discussion on House Bill 11-155? Representative Babauta, recognized.

Rep. Babauta: Because the bill now is on the floor for discussion, I would like to offer a written Floor Amendment as House Substitute 1, in lieu of the original bill which is House Bill 11-155.

The motion was seconded.

Speaker Benavente: Do we have copies passed out already on that?

Rep. Hofschneider: No.

Speaker Benavente: Short recess.

The House recessed at 10:20 a.m.

## R E C E S S

The House reconvened at 10:29 a.m.

Speaker Benavente: We are back in session. Is there a second to the Floor Amendment offered by Representative Babauta?

The motion was seconded.

ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

H. B. NO. 11-155, H.S.1

FIRST REGULAR SESSION, 1998

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A BILL FOR AN ACT

To amend Public Law 10-1 to allow funds to be used for certain repatriations for the benefit of the alien repatriated, to restructure the provisions of the Act for clarity; and for other purposes.

BE IT ENACTED BY THE ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Amendment.

Sections 3 and 4 of Public Law 10-1 are hereby amended to read in their entirety as follows:

"Section 3. Deportation Fund.

(a) An Alien Deportation Fund (the "Fund") is hereby created as a dedicated fund within the CNMI Treasury and the Secretary of Finance shall make all disbursements from the Fund only to the Department of Labor and Immigration. All funds collected pursuant to this section shall be deemed reserved and automatically appropriated and shall be made readily available to the Department of Labor and Immigration. Should the two divisions of the current Department of Labor and Immigration be separated or otherwise reorganized, then the successor of the Division of Immigration shall be the recipient of disbursements for the Fund.

(b) There shall be deposited into the Fund \$25.00 from every initial application fee and from every renewal fee for nonresident work permits.

(c) The Secretary of Labor and Immigration, in consultation with the Resident Secretaries of Labor and Immigration, shall oversee and monitor the requests for and use of disbursements from the Fund. Should the two divisions of the current Department of Labor and Immigration be separated or otherwise reorganized, the authority granted herein shall rest with the person who is the head of the successor immigration organization, in consultation with the corresponding Resident counterparts. The head of immigration whether it be the Secretary of Labor and Immigration, as is currently the case, or some successor titled individual if a reorganization takes place, is referred to in this Act as the "Secretary."

(c) The Fund shall be used for the following purposes:

(1) to detect and deport illegal aliens within the Commonwealth, including, but not limited to, nonresident workers who have not been properly repatriated by their employers at the end of their periods of employment and overstayed tourists and business permit holders;

(2) to repatriate dependent U.S. citizen children of aliens who are being deported or otherwise repatriated pursuant to this Section so that they may depart with their parent(s);

(3) to detect and repatriate certain other aliens for the benefit of such aliens as may be determined from time to time, on a case by case basis, by the Secretary; and

(4) for costs authorized by the Secretary after determining that such costs are directly related to the deportations and repatriations set forth in subsections (1)-(3) hereof, including but not limited to equipment, additional employees, training and detention costs.

Section 4. Annual Reports. Within 120 days of the end of the government fiscal year, the Secretary shall prepare an annual report detailing the deportation and repatriation operations and activities of the past year and the expenditures under the Fund. The report shall include specific data regarding the number of aliens; dependent U.S. citizen children of aliens; overstayed

tourists and business permit holders, and any other persons that were deported or otherwise repatriated during the year; all costs associated therewith and any other information regarding such activities as may be appropriate. The report shall be transmitted through the Secretary to the Governor and to the presiding officers of each house of the legislature and shall be public information."

Section 2. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 3. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

DATE: 03/17/98

Introduced by: /s/ (Rep.) Diego T. Benavente

Reviewed for legal sufficiency: /s/ Maya B. Kara

/s/ (Rep.) Oscar M. Babauta

/s/ (Rep.) Heinz S. Hofschneider

/s/ (Rep.) Bernadita (Bennet) T. Seman

Speaker Benavente: The discussion at this time, is on the Floor Amendment on House Bill 11-155, in a form of a Substitute. We will allow for discussion on the Floor Amendment and then we will vote on the legislation. Discussion? Representative Hofschneider, recognized.

Rep. Hofschneider: Yes, Mr. Speaker. Just for the record, I want to point out one very important matter here. If you refer to the original House Bill 11-155, with a stamped referred to L & I, introduced by yourself, Mr. Speaker, and then you look at the proposed House Substitute 1, introduced by your colleague from Precinct II, he is trying to plagiarize. Mr. Speaker, I wonder if the Substitute itself is... we are making it clear that this is the entire Substitute because this is in a form of a new bill, however, drafted on the top House Substitute 1 and it does not have that distinction as identifying areas where it is being amended, unless, the entire bill is amended, then I so rest. But I just want to point out that the original author remains even with the Substitute and signed by Representative Babauta.

Rep. Babauta: So clarified, Mr. Speaker.

Rep. Hofschneider: Thank you.

Speaker Benavente: As clarified the attached Substitute is being presented in a form of an amendment, but once we adopt that amendment under our procedure then it becomes basically a substitute of House Bill 1-55 with the author still remaining and that would be myself. And, I would like to further clarify that this is one of those legislations that is being requested by the administration so, any further changes or amendments was probably under the consideration or under the advise of the administration. Thank you.

Acting Floor Leader Attao: Mr. Speaker?

Speaker Benavente: Floor Leader, recognized.

Acting Floor Leader Attao: So, the Substitute 1, would mean that all Section on Public Law 10-1 is amended?

Speaker Benavente: Right. Only Sections 3 and 4 of Public Law 10-1 are being amended.

Acting Floor Leader Attao: Mr. Speaker, I would like to offer a special document here. This is regarding the Department of Labor and Immigration public notices regarding the fees and I hope that the information here will give all the members the information relative to the composition of the \$225.00 deposit fees for the nonresident workers. This information is for the members' information.

Speaker Benavente: Thank you, Floor Leader. I ask the Sergeant-At-Arms to please make copies of that and distribute it to members. Representative Babauta, recognized.

Rep. Babauta: Thank you, Mr. Speaker. Mr. Speaker, just for the record purposes and for clarification in the future questioning by members, I would only quote, Mr. Speaker, that the amendment on Section 3, is strictly adhered by the department and not to deviate expenditure for other purposes other than is cited under Section 3, the entire section. For the record, again, Mr. Speaker, I would hope that the Department of Labor and Immigration comply with Section 4 annually, so this is where we can actually budget their required funding aside from the Special Trust Fund that is created by Public Law 10-1 as amended by this House Bill. So, I wish that every employee of that department, Mr. Speaker, adheres to the strict provisions of this House Bill that we are amending this morning. Thank you.

Speaker Benavente: Thank you. Any further discussion on the Floor Amendment offered by Representative Babauta? Floor Leader?

Acting Floor Leader Attao: Ready. Mr. Speaker, before we vote on the bill, I ask that members review the Immigration Fees Rules and Regulations, so that probably they can raise question relative to the additional cost of \$25.00 that is being charged to the employers. And, I think it is only fair that we take a look at this regulation and see whether or not the \$25.00 additional charges is legal.

Speaker Benavente: Again, let me just try to clarify. Even though this bill was a request by the administration, I think that we do have a couple of issues here that we are concerning ourselves and I think it must be separated. The first issue is, the need to allow the administration to use the Deportation Funds for other than deporting nonresident workers and that at this time, involves certain individuals who for some reasons are here without security for bonding and without employers and therefore needing to find ways to return back to their country. So, this particular bill would amend the Deportation Fund Act to allow the administration to use these funds also for humanitarian reasons to assist these individuals in returning back to their country if they desire to do so. The other issue that is involved here with regards to the document is the ways in which those expenditures of this account was being done in the past. I understand that some members of the leadership may be requesting the Public Auditor to review the expenditures of the past administration with regards to this particular funding. Some of it may be illegally used. So, our concern is that I'm glad we have stressed in the record that we hope that the Department of Labor and Immigration would adhere to the law that restricts the use of these funds for certain activities and not use it for anything else. I think that should be clear. That is the bill as clarified. Vice Speaker?

Acting Floor Leader Attao: Mr. Speaker, the bill is loud and clear, however, Mr. Speaker, part of the fees is also part of the bill and I think it is only fair that we clarify the real intent of the \$25.00 that were charged to the employers, because the composition here, Mr. Speaker, is that out of \$225.00, the \$25.00 is your earmarked for the deportation. I have heard and it came out publicly too that maybe you are questioning the \$25.00 additional charge for the alien registration card and according to this rules and regulations, the additional is only applicable when you are duplicating the permit and the alien cards. The question here is, as to whether or not Immigration has issued another rule to cover an additional \$25.00 for the Health Clearance.

Speaker Benavente: The additional \$25.00 that you are referring to is outside of the \$225.00 anyway, so, how does it relate to this particular \$25.00 that is under this bill?

Acting Floor Leader Attao: Mr. Speaker, if you take a look at Section 1201. Fees: \$100,000.00 for the Aircraft Commission; the other \$100.00 is, the Entry Permit; the alien Registration Card is, \$25.00; and the duplicate copies of permit and alien registration card is, \$25.00. The question here, Mr. Speaker, is the additional charge that were charged to employer or paid by the employer on the Health Clearance? I don't know whether this is part of the regulation or there's another regulation that impose an additional \$25.00 for the Health Clearance.

Speaker Benavente: I am still trying to figure out how you are relating the \$25.00 under the card versus the \$25.00 that's supposed to be earmarked from the original \$225.00 application fee which is different. Vice Speaker, so that we remain on the discussion of this bill, how we...

Acting Floor Leader Attao: Is the \$25.00 charged because of the Health Clearance or charged because of the Alien Registration Card?

Rep. Hofschneider: Clarification.

Speaker Benavente: It is not really an issue at this time, because the law says, "\$25.00 out of the \$225.00 fee is hereby earmark for Deportation Funds." Any other charge is outside of what the...

Acting Floor Leader Attao: I understand that, Mr. Speaker, the \$225.00. What I am asking here and I need clarification from members if there's any information that they can offer, the additional \$25.00.

Speaker Benavente: Representative Babauta?

Rep. Babauta: Thank you, Mr. Speaker. Mr. Speaker, my understanding on Section 1201, the Rules and Regulations of Department of Labor and Immigration is, the \$25.00 that is accessed on the so called ARC is aside form what they originally charged which is the Entry Permit, \$225.00, that goes with Labor and Immigration Entry Permit. Immigration is issuing now two cards, one is the Entry Working Permit and the other one which is \$25.00 that is the Vice Speaker is mentioning is upon arrival where you register, that is \$25.00. That is a good question, Mr. Speaker, so to speak, because it says that all other Entry Permit is \$100.00. What other Entry Permit are we talking about when we access \$225.00 for every applicants?

Speaker Benavente: Again, so just that we don't go off the discussion of this particular bill, the \$25.00 that we are referring to for the ARC is entirely a different fee from where were getting



this source for deportation. It is very clear that the \$225.00 is a fee that you submit with your application for a nonresident worker. Out of the \$225.00, \$25.00 of that is earmarked for the Deportation Fund, that is what we are trying to amend. The \$25.00, although it is an issue at this time, we can probably discuss at another time or deal with it on a separate issue.

Acting Floor Leader Attao: Point of clarification, Mr. Speaker.

Speaker Benavente: Vice Speaker?

Acting Floor Leader Attao: Total of \$225.00, Mr. Speaker, we are taking \$25.00 to accommodate the deportation?

Speaker Benavente: Right.

Acting Floor Leader Attao: So, the \$25.00 is in actuality for the Alien Registration Card?

Speaker Benavente: No. It is \$250.00 all together in fees here that is showing. But the additional \$25.00 is a new charge from the \$225.00 original fee that you pay. So, actually it is not \$225.00 total fee, it is \$250.00. Because you are talking about an original application of \$225.00 then upon getting your ARC, you pay another \$25.00. So, the additional \$25.00 is a separate issue from this particular bill that we are discussing, because we are talking about \$25.00 coming from the \$225.00 fee. Representative Hofschneider?

Rep. Hofschneider: Mr. Speaker, he is getting out of context here and I see our good friend Nick and Benhur agreeing that the \$25.00 is okay.

Speaker Benavente: Any further discussion on the Substitute? Representative Apatang, recognized.

Rep. Apatang: Just for clarification, Mr. Speaker. On page 1 of the Substitute Bill, line 19, says, "Resident Secretaries of Labor...", is that Rota and Tinian?

Rep. Babauta: Yes.

Rep. Apatang: Can you look at the spelling also on Secretary's, I wonder if that is a typographical error or its just my bill?

Speaker Benavente: This is referring to the Secretary's of First and Second Senatorial Districts?

Rep. Babauta: Yes.

Rep. Apatang: Thank you.

Speaker Benavente: Thank you. Representative Camacho, recognized.

Rep. Camacho: Mr. Speaker yan fellow colleagues, hu overheardha' etyo i bonding idea, lao I just want to find out for clarity. I thought the intent of the bonding agencies is to use that

particular money for deportation purposes. And if it is not, then that is a mistake on my part. Now, with this...

Speaker Benavente: Representative Camacho, can you allow me please to clarify because this is actually one of the major concerns. What is going on? Why do we have a situation when we have a law that says that you are suppose to purchase his bonding so that this doesn't happen. So, the government doesn't end up repatriating people. What is going on is that in the past practice by our Department Agency, **un haso si Kababayon**, the guy that came in and left and took all the money, some of these individuals were allowed to come in even without bonding and they are here. We are talking about over hundred Bangladesh workers that were allowed to come in without bonding. So now, they are here without employers, without bonding to repatriate them. So, there's a situation for these individuals. That is what happened. If Immigration follows the law here, there would not be a situation where somebody comes in here without bonding protection to allow for repatriation, if they follow the law. What happens is that, they didn't follow the law before. Representative Camacho?

Rep. Camacho: Mr. Speaker, the overall intent of the bonding issue is -- I think there is insufficient probably amount of money being administered in that particular agency. Maybe what the body should have looked up now, is that we have to go back and revisit that bonding issues, because we should not and must not continue on, to go back and forgive these agencies that have gained some money probably in the beginning, now, they are telling us they cannot do it. I think it is about time for us also to look at it way back and say, this is the problem.

Speaker Benavente: Representative Camacho, let me just interrupt you again...(tape inaudible) ..through or the demand for the repatriation these people. These individuals are here and the agency that brought them here, the individuals that were involved that brought them here, are gone, they are not here. If those agencies are still here, the Department of Labor, pursuant to our Law would forced the particular agency or that particular employers for the repatriation expense. But, because there is no such employer, no such agency, and because they were done illegally in the first place, that is why it is happening. If it was done legally this would not happen.

Rep. Hofschneider: Point of information.

Speaker Benavente: Representative Hofschneider?

Rep. Hofschneider: Those concerns, Representative Camacho is raising, Mr. Speaker, is being addressed in the Labor Reform. And, there is a well thought up section on the issue of bonding.

Speaker Benavente: Before I recognize, Representative Camacho, again, I want you to know that the Leadership has taken the bonding issue as a priority and we will be discussing this as soon as possible. Representative Camacho, recognized.

Rep. Camacho: Thank you, Mr. Speaker. I just don't have it in documentation, but due to an interview and other discussion from respective departments that actually look over bonding issues, I personally see that there is unsecured amount of interest of money in there that they are just not able to handle. And, that is the only reason why I'm asking this question here, is that you should not and must not look at it and try to cover this. The only information that I'm asking is that we need to look at this information back and make a clear information that this particular

issue that we are doing is almost like a cover-up of that bonding thing. It is just a matter of unclear in my part but, if I do have the information, I will provide the whole bond.

Rep. Hofschneider: You've got a point and I want to clarify that. Clarification, Mr. Speaker.

Speaker Benavente: Clarification, Representative Hofschneider.

Rep. Hofschneider: He's got a point there, but what this bill, the \$25.00 is doing, is not in anyway camouflaging the problem of securing a bond. That is a totally separate issue. What we are doing here is for humanitarian reasons that in any event, for instance, even if you properly bond and you allow an employer to bring in one hundred employees, properly scrutinize and bonded, if brought the bonding company is bankrupt and the employer that brought them is bankrupt also, the government is still back to the same point of having to develop or establish a fund such as the proposed \$25.00 fee to be segregated or earmark towards this issue. A lot of these people really wanted to go back home, but there is no way that they can earn within a year so that they can pay for their airfare all the way back to point of origin, either Bangladesh or some place. So, it is our duty and it is in our best interest to establish such a fund for our protection too, and humanitarian reasons. Thank you.

Speaker Benavente: Thank you. Representative Apatang?

Rep. Apatang: I move to end debate.

Speaker Benavente: Before, I recognize the motion to end debate, Representative Babauta, recognized.

Rep. Babauta: Just one short comment, Mr. Speaker, for the benefit of the members, actually, the \$25.00 is allowable already under Public Law 10-1. They have been deducting this since two years ago and this would only expound to who will be eligible to be repatriated. We are just improving the present law now.

Speaker Benavente: Is there a second to the motion to end debate?

The motion was seconded and carried by voice vote.

Speaker Benavente: We will now be voting on the Floor Amendment and we will do so by voice vote. After we do so, then we will vote on House Bill 11-155, as substituted.

The motion to adopt the Floor Amendment offered by Representative Babauta to House Bill 11-155 was carried by voice vote.

Speaker Benavente: The Floor Amendment offered by Representative Babauta is hereby adopted in a form of substitute. I now ask the Clerk for a roll on the motion to pass on First and Final Reading House Bill 11-155, with the Substitute.

The Clerk called the roll on the motion to pass House Bill No. 11-155, H.S.1:

Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Rosiky F. Camacho	yes
Rep. Frank G. Cepeda	yes
Rep. Melvin O. Faisao	yes
Rep. Jose A. Hocog	yes
Rep. Heinz S. Hofschneider	yes
Rep. Egredino (Dino) M. Jones	excused
Rep. Alejo M. Mendiola, Jr.	yes
Rep. Maximo L. Olopai	excused
Rep. Herman T. Palacios	excused
Rep. Maria (Malua) T. Peter	present
Rep. Karl T. Reyes	present
Rep. Bernadita "Bennett" T. Seman	yes
Rep. Manuel A. Tenorio	present
Rep. Ana S. Teregeyo	present
Speaker Diego T. Benavente	yes

Speaker Benavente: House Bill 11-155, as amended, passes the House on First and Final Reading. Floor Leader?

Acting Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of House Bill 11-97 on First and Final Reading.

The motion was seconded.

H. B. NO. 11-97: "A Bill for an Act to make government retirement pensions subject to a 100% tax rebate."

There was no discussion raised.

Speaker Benavente: Clerk, roll call please.

The Clerk called the roll on the motion to pass House Bill No. 11-97:

Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes

Rep. Camacho: Nanga sa adingo yo' i batku. Hafa este iyoña title?

Speaker Benavente: This is the one that would make a 100% tax rebate for all retirees.

**Rep. Camacho:** Kumeke ilekmo tantu etyo siha i man mangagana Hundred Thousand Dollars gi iyofia retirement ti para ta tax siha? Ya etyo gaige gi ya papapa ni Forty Thousand, Twenty Thousand, Eighteen Thousand Dollars para ta tax? Mr. Speaker, este earning, an man earn hao, debi ha na un ma tax, sa hafa? Para ta na'e siha free, ti para ta tax siha? I'll vote "no".

Rep. Rosiky F. Camacho		no
Rep. Frank G. Cepeda	yes	no
Rep. Melvin O. Faisao		yes
Rep. Jose A. Hocog		yes

**Rep. Hofschneider:** Mr. Speaker, I am going to cast vote either way, but, I am going to request that we reconsider our vote on this and look at this very carefully. I like the intent, Mr. Speaker, but there is a hitch that we need to undo. I am voting "yes" on the basis that we need to recall our action.

Rep. Heinz S. Hofschneider	yes
Rep. Egredino (Dino) M. Jones	excused
Rep. Alejo M. Mendiola, Jr.	yes
Rep. Maximo L. Olopai	excused
Rep. Herman T. Palacios	excused
Rep. Maria (Malua) T. Peter	present
Rep. Karl T. Reyes	present
Rep. Bernadita "Bennett" T. Seman	yes
Rep. Manuel A. Tenorio	present
Rep. Ana S. Teregeyo	present

**Speaker Benavente:** Before I cast my vote, let me recognize, Representative Cepeda.

**Rep. Cepeda:** Thank you, Mr. Speaker. I voted "yes", but I want to recall that vote because I have a second thought. Some of these retirees they are earning more that we need to look at it. I would like to change my vote to "no".

Speaker Diego T. Benavente	yes w/reservation
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**Speaker Benavente:** House Bill 11-97, passes the House on First and Final Reading. Representative Hofschneider, recognized.

**Rep. Hofschneider:** Yes, Mr. Speaker. I want to request that we ask the Floor Leader to make a motion to reconsider our action and look at the mathematics of this legislation, Mr. Speaker. The intention is good that we consider the lower echelon of the pensioners. But when you start reaching \$70,000.00 take home pension, Mr. Speaker, I have a problem especially because a lot of employees right now are increasingly earning more. It is unfair for the people like Class I, for instance, to be continually burdened and the employers for Class I, on twenty-two percent employer's contribution. Can we reconsider our vote and place it back on the calendar so that we can really, Mr. Speaker, look at the mathematics behind this.

**Acting Floor Leader Attao:** Is that for consideration, Mr. Speaker?



Speaker Benavente: There is no motion as this time. Is there a motion being offered?  
Representative Hofschneider?

Rep. Hofschneider: I would like to offer a motion, Mr. Speaker, to reconsider our action.

The motion was seconded.

Speaker Benavente: Discussion now is on the motion to reconsider our vote on House Bill 11-97.

Acting Floor Leader Attao: Is that to reconsider and place on our calendar or reconsider for another vote?

Rep. Hofschneider: No. Reconsider our action and remains in the Calendar, Mr. Speaker.

Speaker Benavente: It will remain in the calendar if we reconsider our action right now.  
Representative Apatang?

Rep. Apatang: Thank you, Mr. Speaker. This is the second time around that we have entertained this bill. If those who have been here during the Tenth Congress can recall this bill was passed during the Tenth Congress. However, it was stocked up at the Senate. It never passed the Senate. Here again, it appears on the Calendar today. I believe if we go back to the record, everybody supported this bill in the past. Therefore, I just don't see recalling my vote at this time. Thank you.

Speaker Benavente: Thank you. Any further discussion on the motion to reconsider our action?

Acting Floor Leader Attao: Can I ask the legal counsel as to the abatement and rebatement on this, whether it is proper for the House to consider the bill based on the IRC. Abatement and Rebatement for the retirement pension.

Speaker Benavente: Short recess.

The House recessed at 10:50 a.m.

## R E C E S S

The House reconvened at 11:05 a.m.

Speaker Benavente: We are back to our session and at this time, the discussion is on the motion to reconsider our action on House Bill 11-97. Any further discussion? Ready?

The motion to reconsider the action on House Bill 11-97 was carried by voice vote.

Speaker Benavente: House Bill 11-97 is still on the floor for discussion. Any further discussion on House Bill 11-97? Floor Leader, recognize for another motion.

Acting Floor Leader Attao: Thank you, Mr. Speaker. I move to defer action on House Bill 11-97, this is with respect to 100% tax rebate on retirement pension.

The motion was seconded.

Rep. Apatang: Clarification.

Speaker Benavente: Discussion on the motion? Under clarification, Representative Apatang, recognized.

Rep. Apatang: This is to defer action and place it on the calendar for future action?

Speaker Benavente: Right. So, at this time, Representative Faisao, the motion on the floor is to defer action on House Bill 11-97 will be place on the calendar. Discussion on the motion? Are we ready to vote? Ready?

The motion to defer action on House Bill 11-97 was carried by voice vote.

Speaker Benavente: Before we move on, I would like at this time, to call for a very short recess and ask all the members to please come in to the Speaker's Conference Room so we may discuss the Moratorium Bill. Short recess.

The House recessed at 11:08 a.m.

## RECESS

The House reconvened at 11:44 a.m.

Speaker Benavente: We are back in our session and we are still under Bill Calendar. First of all, without objection on the floor, if we may be allow to return to Item 3, under Prefiled and Introduction of Bills... Any objection on the floor?

There was no objection raised.

Speaker Benavente: If none, we move to Item 3 under Prefiled and Introduction of Bills.

## PREFILED AND INTRODUCTION OF BILLS

The Chair recognized Rep. Mendiola.

Rep. Mendiola: Thank you, Mr. Speaker. I would like to introduce, "A Bill for an Act to grant the Mayor of Rota unlimited reprogramming authority during Fiscal Year 1998 with respect to funds appropriated for the operations and activities of the Office of the Mayor of Rota; and for other purposes."

H. B. NO. 11-162: "A Bill for an Act to grant the Mayor of Rota unlimited reprogramming authority during Fiscal Year 1998 with respect to funds appropriated for the operations and activities of the Office of the Mayor of Rota; and for other purposes."

Offered by: Rep. Alejo M. Mendiola, Jr. and one other

Speaker Benavente: Thank you. Will there be any introduction of bills at this time, before we move back to Bill Calendar? Without objection on the floor, we now return to Item 16 under Bill Calendar.

### BILL CALENDAR

The Chair recognized Acting Floor Leader Attao.

Acting Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, I move for the suspension of all pertinent rules to place House Bills 11-162, 11-159, 11-160 and 11-157 on today's calendar for action.

The motion was seconded.

Speaker Benavente: Can you just restate the numbers again, please?

Acting Floor Leader Attao: House Bills 11-162, 11-159, 11-160 and 11-157.

Speaker Benavente: Discussion on the motion? Ready?

The motion to suspend all pertinent rules to place on the Calendar for action House Bills 11-162, 11-159, 11-160 and 11-157, was carried by voice vote.

Rep. Faisao: Privilege, Mr. Speaker.

Speaker Benavente: Vice Speaker?

Acting Floor Leader Attao: No. Those two bills, I think they were introduced this morning.

Speaker Benavente: Yes. But because of the lack of legal sufficiency signature, the rules requires that it be referred to the committee.

Acting Floor Leader Attao: You mean to say, Mr. Speaker, that the bill was not signed by the legal counsel?

Speaker Benavente: No. According to our Clerk, there is no legal sufficiency signature for those two bills.

Rep. Hofschneider: So it appears.

Rep. Babauta: He is authorized to introduce but not to...

Speaker Benavente: Short recess.

The House recessed at 11:47 a.m.

**R E C E S S**

The House reconvened at 11:48 a.m.

Speaker Benavente: We are back to our session. Floor Leader, recognized.

Acting Floor Leader Attao: Thank you, Mr. Speaker. I move to withdraw House Bills 11-160 and 11-159 respectively.

The motion was seconded and carried by voice vote.

Speaker Benavente: House Bills 11-159 and 11-160, are hereby withdrawn from the Calendar and will be referred to the committee. We are still under Bill Calendar. Floor Leader, recognized.

Acting Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of House Bill 11-162 on First and Final Reading.

The motion was seconded.

H. B. NO. 11-162: "A Bill for an Act to grant the mayor of Rota unlimited reprogramming authority during Fiscal Year 1998 with respect to funds appropriated for the operations and activities of the Office of the Mayor of Rota; and for other purposes."

Speaker Benavente: Discussion on House Bill 11-162? Vice Speaker, recognized.

Acting Floor Leader Attao: I would like to offer a Floor Amendment, Mr. Speaker, on the heading right after "Rota" insert "Tinian", and all other paragraphs that shows "Mayor of Rota" insert "and Tinian" also.

The motion was seconded.

Speaker Benavente: Discussion on the Floor Amendment as offered by the Vice Speaker? On the Amendment, Representative Babauta, recognized.

Rep. Babauta: Mr. Speaker, so that to be consistent with the First Senatorial District, I would like to request our good colleague Hocog from Tinian to also request the Mayor to submit a similar financial reprogramming status of the Second Senatorial District as submitted by the First Senatorial District. Thank you.

Speaker Benavente: Thank you, Representative Babauta. Any further discussion on the amendment? Ready?

The motion to adopt the oral Floor Amendment on House Bill 11-162, offered by Vice Speaker Attao was carried by voice vote.

Speaker Benavente: The discussion now is on House Bill 11-162, as amended. Representative Hofschneider, recognized.

Rep. Hofschneider: Yes. May I ask any of the members, Mr. Speaker, not necessarily the author, perhaps the Vice Speaker, what is Section 7401, 7402 (a) (1) and (2) and 7402(c)?

Acting Floor Leader Attao: That is the Planning and Budgeting Act.

Speaker Benavente: Representative Hofschneider, you still have the floor.

Rep. Hofschneider: Mr. Speaker, sixth months into the end of Fiscal Year under the continuing resolution, keep in mind that the current continuing resolution is higher in terms of spending level than the proposed as already being publicly stated by the Governor of \$240 Million. Moving this moneys from one purpose to another purpose, Mr. Speaker, is going to create a real deficit in both senatorial districts if the two...

Speaker Benavente: Let me clarify, the reprogramming authority as limited by the Constitution is limited to the Office of the Mayor only. It does not extend to the Resident Departments, it is limited within the Office of the Mayor.

Rep. Hofschneider: I was going to come to that, Mr. Speaker. I have no objections as to how the hiring practices of the respective Mayors in Rota and Tinian, but I do have a great concern when there is a commitment for contractual, independent contracts for instance, with individuals that exceed the appropriated amount for the Office of the Mayor. Somehow, those deficit must come from some source at the end that under the Constitution the Mayor is not authorized to reprogram except at the end of fiscal year when there is lapses created intentionally so that the deficit can be covered by allowing reprogramming of the office itself now, or today, with this bill. I don't have a problem with what they need to do in moving moneys from left pocket to the right pocket within their own house. If this is the need of the Mayors of Rota and Tinian, Mr. Speaker, it is fine, but I am not going to be supportive if the new budget is submitted by the Governor to this body to cover for deficits created because of this reprogramming bill that allows the respective Mayors to reprogram within for a specific purposes under their office. This is going to realistically create a deficit at the end of the fiscal year. We will be revisiting this problem. Thank you.

Speaker Benavente: Let me just offer a further clarification on this need. Presently, similar to Rota, Tinian has the same concern. But in Rota presently, they are having to dig for funds to pay for those nurses in the amount of over a hundred Thousand Dollars. The Office of the Mayor does not have enough funds to pay that from within. So, we are still giving the authority from all sources. One of the authority we are trying to grant is the Office of the Mayor alone to be able to reprogram whatever funds he can to provide for payments of those nurses. He is also going to need reprogramming authority which is granted under the Constitution and our Planning and Budgeting Act, from Department Heads to be able to submit further funds for the payment of that. But that authority is still limited to the Resident Department requesting the reprogramming, then the Municipal Council approving it. So there are still procedures in which is necessary for



Mayor Mangloña to accomplish that need and that need to be able to reprogram enough funds to pay off those liabilities at this time. That is what is necessary. But in order to assist them, we are also going to grant our only authority to grant the Mayor reprogramming authority within his own office to be able to make some funds available for the payment of these nurses. So, it is very limited to the Office of the Mayor alone. Any further discussion on House Bill 11-162, as amended? We will now be voting on House Bill 11-162, as amended. Clerk, roll call, please.

The Clerk called the roll on the motion to pass House Bill 11-162, as amended:

Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Rosiky F. Camacho	yes
Rep. Frank G. Cepeda	yes
Rep. Melvin O. Faisao	yes w/reservation
Rep. Jose A. Hocog	yes

Rep. Hofschneider: Colleague, with all due respect, I know too much on what is going on. I vote "no".

Rep. Heinz S. Hofschneider	no
Rep. Egredino (Dino) M. Jones	excused
Rep. Alejo M. Mendiola, Jr.	yes
Rep. Maximo L. Olopai	excused
Rep. Herman T. Palacios	excused
Rep. Maria (Malua) T. Peter	present
Rep. Karl T. Reyes	present
Rep. Bernadita "Bennett" T. Seman	yes
Rep. Manuel A. Tenorio	present
Rep. Ana S. Teregeyo	present
Speaker Diego T. Benavente	yes

Speaker Benavente: House Bill 11-162, as amended, passes the House on First and Final Reading. Floor Leader?

Acting Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of House Bill 11-3, H.D.1, on First and Final Reading.

The motion was seconded.

H. B. NO. 11-3, HD1: "A Bill for an Act to amend 6 CMC §4207, 6 CMC §2203, and 1 CMC §8282 to enable the Parole Board to more effectively carry out its duties and responsibilities; and for other purposes."

There was no discussion raised.

Speaker Benavente: We will now be voting on the motion to pass on First and Final Reading House Bill 11-3, H.D.1. Clerk, roll call please.

The Clerk called the roll on the motion to pass House Bill 11-3, H.D.1:

Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Rosiky F. Camacho	yes
Rep. Frank G. Cepeda	yes
Rep. Melvin O. Faisao	yes
Rep. Jose A. Hocog	yes
Rep. Heinz S. Hofschneider	yes
Rep. Egredino (Dino) M. Jones	excused
Rep. Alejo M. Mendiola, Jr.	yes
Rep. Maximo L. Olopai	excused
Rep. Herman T. Palacios	excused
Rep. Maria (Malua) T. Peter	present
Rep. Karl T. Reyes	present
Rep. Bernadita "Bennett" T. Seman	yes
Rep. Manuel A. Tenorio	present
Rep. Ana S. Teregeyo	present
Speaker Diego T. Benavente	yes

Speaker Benavente: House Bill 11-3, H.D.1, passes the House on First and Final Reading. Floor Leader?

Acting Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of Senate Bill 11-19, on First and Final Reading.

The motion was seconded.

S. B. NO. 11-19: "A Bill for an Act to amend 2 CMC §§ 4302(a)(2) and 4308 to create a waiver of the homestead residential dwelling construction requirement for periods when public utilities are not available; to amend 2 CMC § 4303(c) to permit otherwise qualified off-island students, armed forces members and their accompanying spouses to acquire rights to a homestead; and for other purposes."

Speaker Benavente: Discussion on Senate Bill 11-19? This is the 'Homestead Waiver for students and military personnel', Representative Hofschneider, recognized.

Rep. Hofschneider: Mr. Speaker, under current statute requirement, no deed shall be issued prior to three years and there has to be a marked improvement to qualify for deed. Under this bill, Mr. Speaker, it extends the unimproved property so that it allows the very individuals under this bill to prolong to holding on to the property undeveloped.

Speaker Benavente: For students and military personnel who are off-island on official duty.

Rep. Hofschneider: There may be a problem, Mr. Speaker. Did they solicit comments from the Board of Public Lands?

Speaker Benavente: This particular bill was passed I believed in the 7th Legislature, 8th Legislature, 9th Legislature, 10th Legislature...

Rep. Hofschneider: And it never went up because of this issue.

Speaker Benavente: No. It always passes the House and gets stuck in the Senate.

Rep. Hofschneider: Mr. Speaker, because of the extensive dealing with the Division of Public Lands and the Northern Marianas Housing, there is a great question now between the AG's Office and the three agencies about the very issue on three years Constitutional mandate for no one shall be issued a deed or title prior to three years...

Speaker Benavente: I don't believe that is a Constitutional requirement.

Rep. Hofschneider: Yes, there is. On the Homestead Act.

Speaker Benavente: Short recess.

The House recessed at 12:00 p.m.

### RECESS

The House reconvened at 12:09 p.m.

Speaker Benavente: We are back to our session and the discussion at this time is on Senate Bill 11-19. Any further discussion, Representative Hofschneider, recognized.

Rep. Hofschneider: I move that Senate Bill 11-19 be referred to a committee, Mr. Speaker.

The motion was seconded and carried by voice vote.

Speaker Benavente: Senate Bill 11-19, is hereby referred to the Committee on Natural Resources. Without objection on the floor, since copies are made available of House Bill 11-163, I would like at this time to move back to Item 3, under Introduction of Bills.

There was no objection raised.

### PREFILED AND INTRODUCTION OF BILLS

The Chair recognized Rep. Hofschneider.

Rep. Hofschneider: Thank you, Mr. Speaker. With the consensus of the members present today that our action in recalling the previous bill from the Governor, House Bill 11-31, H.S.2, I offer a new bill, House Bill 11-163, "A Bill for an Act to impose a moratorium on the hiring of nonresident alien workers in the Commonwealth; and for other purposes.", with the clarification's included, Mr. Speaker.

Speaker Benavente: Any further introduction of bills before we move back to Item 16? None? Without objection on the floor, we move back to Item 16 under Bill Calendar.

## BILL CALENDAR

The Chair recognized Acting Floor Leader Attao.

Acting Floor Leader Attao: Thank you, Mr. Speaker. I move for the suspension of all pertinent rules to place House Bill 11-163 on today's calendar for action.

The motion was seconded and carried by voice vote.

Speaker Benavente: House Bill 11-163 is hereby placed on today's calendar. Floor Leader?

Acting Floor Leader Attao: Thank you, Mr. Speaker. I move for the suspension of all pertinent rules to pass House Bill 11-163 on First and Final Reading.

The motion was seconded and carried by voice vote.

Speaker Benavente: Floor Leader?

Acting Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of House Bill 11-163 on First and Final Reading.

The motion was seconded.

H. B. NO. 11-163: "A Bill for an Act to impose a moratorium on the hiring of nonresident alien workers in the Commonwealth; and for other purposes."

Speaker Benavente: Discussion on House Bill 11-163? Representative Hofschneider, recognized.

Rep. Hofschneider: Thank you, Mr. Speaker. Clarification on why we are doing a separate bill on this is because of earlier request that the tourism industry in particular is going to be impacted by the restrictions imposed on the first bill namely, House Bill 11-31. 1) The purpose is further clarified in the intent of the Legislature to impose a temporary freeze on the number of non-resident workers in the Commonwealth. The exemptions are listed in particular highlighting the exemption to new or major tourist oriented development. The emphasis is on the tourism industry and critical professionals that are needed in the Commonwealth. The other departure from the old bill that was recalled is the further clarification of when an employer may be permitted to invoke its privilege in replacing another non-resident employee. Under section (c) on page 2, "Exemption for Replacement Hire.", again, for the record, this is not going to allow increase number for non-resident excluding those sections that require meeting a minimum investment, namely, section (d). All others are not permitted to increase their FTE's or total number of non-resident workers. The manner in which replacement is further clarified under section (c) of the Exemption for Replacement Hire -- and that is the departure from the old bill --

is on page 3, a new and very important addition to the old bill which is the transfer. Since conceptually speaking, we are now closing the door with the exception of meeting a minimum development amount of Five Million Dollars and Two Hundred Fifty Thousand Dollars for the islands of Tinian and Rota respectively. Since we are closing the door the intent of the Legislature is to maximize the internal labor pool that is created by the moratorium to maximize the utilization of these employees and the only way to allow maximal utilization of internal pool is to allow transfer from one employer to another employer, and the prescription is set forth in subsequent page four. There are conditions that must be followed or met in order for one employee to move to another employer. This is why the addition of consensus transfer, meaning both employers must agree to a transfer and having met the condition that an opening under that new employer is in existence, so that it is not adding on to the pool. This and the fact that the tourism industry is requesting some breathing room, for instance, the La Fiesta and the Duty Free development which specifically is expected to open this year -- the Hard Rock Cafe is proposed in the Duty Free development. Existing complex such as the La Fiesta previously had tremendous reservation in that, if a tenant closes down and a new tenant comes in or an existing tenant expands in the La Fiesta complex, the previous bill restricts them from filling in new positions. This bill allows them to qualify. For instance, for the opening of the Hard Rock Cafe in the Duty Free Development, there is a need to clarify that new positions also maybe filled by transfers. So if you meet the qualifications under new positions created then a transfer maybe use to fill those positions. TWA, which is the Temporary Work Authorization is applicable still with the new bill. What I'm about to say, Mr. Speaker, with all sincerity is that I must say my peace on this effort that we are doing. Sometimes, you sit and wonder and ask yourself if the whole development is really benefiting us? When we passed this previous bill, 11-31, I said something and I guess everyone took it in passing and took lightly. I said don't be scared by the usual and conventional and historically used scare tactic, that on behalf of development do not restrict our livelihood. This is coming from the commercial. At some point in time in you life, you have to wonder, sit around and start taking notes, and ask yourself, why is this happening? For instance, if it is true that the tourism is really not only contributing resources or revenues to the general fund and everyone I think agrees that it is contributing in providing thereby public goods and services. But that is only half of the equation of your responsibility. The other half of the responsibility is to question yourself, has it improved the quality of life of the very people we represent? Number 2, has it created job opportunities for the very people we represent? The reason why I am raising this is, I am beginning to be very pessimistic and very doubtful. Classic example, when our people go out and borrow money from lending institutions commercially or from CDA and become an entrepreneur or establish business of their own in trying to penetrate the tourism industry, this is what happens. No one wants to say what is happening because we pay pist-off Japanese or we may pist-off the Koreans that we rely on, but this is the reality of things happening in the Commonwealth. If it is a Japanese company, it patronizing the very Japanese companies that are doing business as in the tourism industry. Hardly, you'll find that the locals, who are also struggling and establishing their own businesses trying to penetrate the tourism industry... are they being deprived of the opportunity to access the tourism industry? Classic example, para sailing, you cannot pick-up tourist on Mañagaha because there is a franchise and you have to pay a huge payment or user fee or permit that this struggling individuals cannot afford to. Jet ski operations in front of hotels, no, no, you cannot because it is traditionally segregated and reserved for the hotel. And, who are the owners? They are the very people who also establishes business in front of the hotels. Diving, if you do not sell a great portion of your stocks or business to respective Japanese and Koreans, you are not going to be patronized. I am tired, Mr. Speaker, of this, I hope to God that they also open their eyes and



open up some of their palms, tightly clenched fist in greed and allow the very people who want to take advantage of the opportunities out their. Hard Rock Cafe, my hat goes out to them... (end of tape...continues)... given privilege to hire low wage income earners. They should be in the fore front of setting examples that they can pay \$8.00 an hour and believe me, some of our kids our going to line up doing part time or full time and not taking privilege advantage of hiring non-resident at \$3.05 or \$3.50. La Fiesta, the tenant fee is expensive, the target market is different. It is geared toward targeting tourist, they can afford to pay people at \$8.00 an hour or \$6.00 an hour, but no, they have to take advantage of the privileged open door policy in exploitation of non-residents, and I challenge... I'm closing, Mr. Speaker, I challenge the people who are going to Washington, D.C., this is classic. I will support because I inked my name because there has to be some control. But this is my statement to Washington, "federalize the minimum wage". Thank you.

Speaker Benavente: Representative Faisao, recognized.

Rep. Faisao: Thank you, Mr. Speaker. Going over House Bill 11-163, I would like to just present a few comments in the manner prescribed under exemption. Mr. Speaker, to provide for such exemption would again allow social attitude to predominate over intention of the law. If exemption must be made, more details must come from this legislative body on how to address this exemptions. Policies that should apply to either foreign or domestic investors should include such things as giving tax credit for local job creations, or other tax relief, not a condition for hiring non-resident workers -- the very core or a basic problem and issue that we have to respond to the U.S. Congress by this week or next week. We must not use non-resident workers as an incentive to expand and create businesses in the CNMI. This should not be the reason for one thing to invest in the CNMI or desiring to invest in the CNMI. We want investors to commit themselves into hiring local workers. There are business driven training model such as, mariats, pathway, to independence which train disadvantaged individuals to full time employment and satisfying careers with the mariats and other hospitality industry employers. This model can be applied by most hospitality industry employer here in the CNMI. The magic word is, "commitment". The United States Congress is looking for bench mark not exemption. We cannot close up one sector of an industry and open up one. This would not accomplish what the U.S. Congress wants us to do. Mr. Speaker, I am still confuse on what the legislation is really trying to accomplish. Do we look into the future for what we want to achieve or do we look into the present for what we want to avoid? This could develop into a lot of contradiction in our response and arguments. And, I also would like to clarify Section 5 of this bill, House Bill 11-163. The way I understand this provision is that those applications already certified for job vacancy announcement before the effective date of this bill, would be deemed to have been already submitted and may be processed. What about maids and farmers application that do not go through the process of job vacancy announcement? I recommend that for this category the payment fees would have been paid already and submitted to the labor division. Also, clarification on line 19 to 21 on page 5, Section 5, what about pending application for renewals and replacement as allowed under this provision? If not, why don't we do away with job vacancy announcement being that this moratorium bill would allow only for renewals and replacement. It is waste of time or ridiculous of the administrative time to go through the job vacancy announcements when the announcement are for renewal and replacement and exemption have already been given for recruitment of non-resident workers. The personnel efforts should be concentrated on analyzing job position for residents. Thank you, Mr. Speaker.

Speaker Benavente: Thank you. Any further discussion?

Rep. Faisao: I would like for an answer to those that I need to be clarify.

Speaker Benavente: Is any one ready to respond at this time on the question? If none, Representative Faisao, you still have the floor.

Rep. Faisao: Then, may the legal counsel clarify me on those?

Speaker Benavente: Short recess.

The House recessed at 12:31 p.m.

### R E C E S S

The House reconvened at 12:40 p.m.

Speaker Benavente: We are back in session. Discussion on House Bill 11-163? Representative Faisao?

Rep. Faisao: Thank you, Mr. Speaker. Getting back at my question, Mr. Speaker, the legal counsel should give us clarification under Public Law 10-9. Does this jive together with this propose legislation? Because under P.L. 10-9, it allows for renewal and replacement only and there is going to be conflicting with this provision under Section 6, provided that no pending application for hiring of non-resident worker in the garment industry shall be approve by the Department of Labor and Immigration.

Speaker Benavente: Before, I recognize the counsel for respond, Representative Hofschneider, recognized.

Rep. Hofschneider: I just want to offer a clarification. Public Law 10-9 is really alluding to the moratorium level. So, if you have exceeded the 1996 moratorium and you have pending in the department, the department is not authorize under this act to approve those pending applications so long as you are below the 1996 moratorium act level then it is permissible for the department to process those pending. It is very clear, 1996 will be the rule. So, if you have pending or no pending you can apply as long as your quota is not 1996 level, that is the intent. If you have pending in the department and you have exceeded the 1996 quota then, I am sorry, it is not permitted to be renewed or process.

Speaker Benavente: And to further clarify that level, it should have been 11,000 some. Presently, we are told that there are over 17,000 garment factory workers. I'll call for a short recess for the legal counsel to respond. Short recess.

The House recessed at 12:44 p.m.

### R E C E S S

Maya Kara: There is really not much I can add. Representative Hofschneider said it perfectly. We have a certain quota that is imposed by P.L. 10-9, that has been exceeded and ignored. This is a further attempt by the Legislature to impose a limit and to say to the garment industry, you must respect P.L. 10-9.

Speaker Benavente: And actually, this doesn't conflict. It actually reinforces P.L. 10-9.

Rep. Faisao: So, would it be healthy to throw away the job vacancy announcement on this moratorium and just allow any for renewals and replacement?

Speaker Benavente: No. That is for the other applications other than garment factory workers. That is what that section means. It is for any other job categories other than garment factory workers will take your application after you got a certification of your job vacancy announcement.

Rep. Hofschneider: Garment is just the section here that may invoke that section on job vacancy announcement, but as long as you have not exceeded the 1996 moratorium level. The department is permitted to process those.

Speaker Benavente: So, lets say for some reason, fifteen garment factories closes and the level goes down to 8,000 workers, then, the ability for replacement of position becomes available, because it is below the level. But at this time, because we know that it is way above the 1996 level, we are saying, no more. Enough is enough, we are not going to grant you anymore addition or we are not going to grant you anymore of the ones that are pending application, actually that's the Department of Labor.

Rep. Faisao: So, in other word, we are working into attrition?

Speaker Benavente: At this time, it doesn't say attrition at all. We are going to do that in a separate bill. At this time, we are just going to say, the cap is restricted to this level. The 2,000 pending applications at the Department of Labor and Immigration will not be processed and will not be allowed.

Rep. Hofschneider: That is why I refrain, Mr. Speaker, because I was going to offer the closure of the garment in five years phase, but since we all agree that we should address it in a different translation, then so be it.

Speaker Benavente: Is there any other question for the counsel before we go back in?

Rep. Apatang: Mr. Speaker, one question. Just in case any of the garment industries have exceeded their number of employees ...

Speaker Benavente: The cap is not within each garment factory. The cap is overall in the garment industry. So, there is no reason to differentiate the garment factories.

Rep. Apatang: Overall.

Speaker Benavente: Yes, overall. The 11,000 some that was suppose to be the cap during the 1996 period when Public Law 10-9 became effective is for overall garment employees. Any further question to the counsel before we go in? Ready?

The House reconvened at 12:48 p.m.

Speaker Benavente: We are back in session. Representative Faisao, you still have the floor.

Rep. Faisao: Thank you, Mr. Speaker. That will be all.

Speaker Benavente: Thank you. Representative Babauta?

Rep. Babauta: Thank you, Mr. Speaker. Mr. Speaker, I wish to offer an amendment in a form of verbal amendment, to delete Section 8, on page 5, lines 27 to 33, and renumber accordingly.

The motion was seconded and carried by voice vote.

Speaker Benavente: Further discussion on House Bill 11-163, as amended? Representative Camacho?

Rep. Camacho: Mr. Speaker, si yu'us ma'ase. Maila ya tafan philosophy dididi sa kalan dididi kadada i ora. Yangen para ta diskuti siempre anako. Ta tungo-ha hafa na ha'ani, Covenant. Kulan ha gacha hit i tiempo ya debidi ta atan kabales hafa ta keke chogue guine. Yangen mohon ta sotta etyo man concern gi hiyong ya ufan haohao, ti tafan naiguiguine pago ora. Kumeke ileko yangen mohon tana guaha public hearing tana halom este gi kumite ya tana haohao i man concern, siña guaha mas mauleg masuedi. I tiempo niha nahe-hit esta ha'susedi enao. Maila yata atan gi bandan ekonomian Labor. Yangen timan siguru-hit na para ta gotti i Labor yan Immigration, ya salape i Labor for non-resident workers, pues maulegña mohon yangen ta baba pago sa yangen manmato i resuta guaha esta taotao para tafan ma'ayuda gi industria. Komu ta atan kabales, ni hago, ni guaho, ni hayiyiha, taya tumungo kao para tafan mana'e tatte etyo na fuetsa. Guaha uno na punto debi ta atan, ilelekta na para ta maximize i non-resident workers. Guine gi page 4, line 23, "Jobs Classification and Compensation may change in the course of transfer", ha bababa i petta ni siña ha man ginedi-hit mas. Yangen para ta maximize, maila yata allow i non-resident workers ya ufan machocho part-time, yata li'e i petta. Maila yata atan sa yangen ma huchom i peta ni federat man kokoku-hit ni hafa guaha-ta. I rason na fumino' Chamorro yo sa sensitibo este gi filosofia, Covenant Day, pago. Dangkulu este para u'tinalaika gi Covenant decision. Kalan ha didikta-hit i tiempo na, estague para ta fatinas na disision. Dispensa yo, lao man'honge yo na i disision ni ta fatinas pago nu este, dangkulu para u inafekta Marianas. Munga-hit man haohao sa pot i guaha humahaohao gi hiyong i kollat. Maila ta fañaga gi halom i kollat, tafan haohao-ha gi halom i kollat yata chogue checho-ta. Mr. Speaker yan fellow colleagues, na'piniti este na disision. Sa, yangen man'malago-hit para ta protehi maila yata protehi. Maulegña mohon ta sota este yata li'e hafa i rusuta. Maila yata baba i petta san man malago-hit taotao yata tungo-ha na tanisisita siha, pues maila ta baba manu siña yata li'e i federat kao magahet na para u'chuli'e tatte. Yangen magahet ni uno giya hita siña. Ti atman-ha nima sasangan na para u'ma federalize i Labor, sen magahet. Ti atman-ha ni ilelekta hafa otimoña? Esta guaha kondision gi halom este-ha. Etyo i resolution ni ti'atman-ha nita papasa, resolution 11-25,



todo-hit ha tumungo na man'nigogosiu etyo siha taotao-ta, lao taya sumangan nata difefendi i Covenant. Ilekta ta'baba-ha. Maila yata sangan ta difefendi i Covenant yata fañaga-ha guihe na disision. Na'bubu este, lao enao-ha, Mr. Speaker, para biahu latngos-ha este putin korason-hu. Si yu'us ma'ase.

Speaker Benavente: I believe enough has been said on 11-163, as amended. And, without objection, I would like at this time to call ...

Rep. Hofschneider: Just an oral amendment.

Speaker Benavente: Representative Hofschneider?

Rep. Hofschneider: Just probably a grammatical error, Mr. Speaker, and I confer with Maya. On page 4, line 6, just strike-out the word, "commencing". That is a motion.

Speaker Benavente: Is it a grammatical error?

Rep. Hofschneider: Yes.

Speaker Benavente: Without objection on the floor then, I'll just allow the Clerk and the counsel to make the correction on the grammatical error. Any objection on the floor? If none, we will treat that as a grammatical error and, therefore, make your own corrections, please. Are we ready to vote on the motion to pass on First and Final Reading on House Bill 11-163...

Vice Speaker Attao: Mr. Speaker?

Speaker Benavente: Representative Seman, recognized.

Rep. Seman: Thank you, Mr. Speaker. I just want to make a brief comment on this bill. Representative Hofschneider mentioned that we took lightly his comments earlier, I totally disagree on that one. However, I totally agree with the comments of Representative Hofschneider made today, that any development either foreign or domestic should not be allowed to flourish with exploitation of non-resident workers often at expense of our local labor force. This body, this legislature, should develop and establish sound policies to encourage only development which provides optimal benefits to our people. Having such policies would also help perspective investors in their business decision on what kind of activity or line of business they can pursue with profitability as well as responsible and be as responsible and conscientious members of this community. I do hope that this Legislature will follow up with the comprehensive reform on our current labor laws that will address these critical issues. Thank you.

Speaker Benavente: Thank you. Vice Speaker?

Vice Speaker Attao: Yes, Mr. Speaker. On page 5, Section 8, prohibition of workers relocation and reassignment was amended in its entirety?

Speaker Benavente: Yes, repealed.



Vice Speaker Attao: Was repealed in its entirety?

Speaker Benavente: Yes.

Vice Speaker Attao: However, on page 6, Section 9, subpart (e), which is addressing the repealed section, Mr. Speaker, I don't think we need this subsection. So, I therefore, move to repeal in its entirety, from line item 11 through line 15 on page 6.

Rep. Hofschneider: So move, Mr. Speaker.

The motion was seconded.

The motion to adopt the Floor Amendment offered by Representative Hofschneider was carried by voice vote.

Speaker Benavente: Representative Babauta?

Rep. Babauta: Mr. Speaker, with all do respect to the Chair and because of the time, I wish to offer another oral Floor Amendment in consistent with Section 6 and Section 8 of the bill. On page 6, Section 9, subsection (b), starting from ... sorry, Mr. Speaker.

Speaker Benavente: Any further discussion on House Bill 11-163 as amended? We will now be voting on the motion. Clerk, roll call please.

The Clerk called the roll on the motion to pass House Bill 11-163, H.D.2:

Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Rosiky F. Camacho	yes
Rep. Frank G. Cepeda	yes
Rep. Melvin O. Faisao	yes
Rep. Jose A. Hocog	yes
Rep. Heinz S. Hofschneider	yes
Rep. Egredino (Dino) M. Jones	excused
Rep. Alejo M. Mendiola, Jr.	yes
Rep. Maximo L. Olopai	excused
Rep. Herman T. Palacios	excused
Rep. Maria (Malua) T. Peter	present
Rep. Karl T. Reyes	present
Rep. Bernadita "Bennett" T. Seman	yes
Rep. Manuel A. Tenorio	present
Rep. Ana S. Teregeyo	present
Speaker Diego T. Benavente	yes

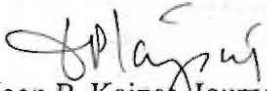
Speaker Benavente: House Bill 11-163, H.D.2, passes the House on First and Final Reading. Vice Speaker?

Vice Speaker Attao: Move to recess subject to the call of the Chair.

The motion was seconded and carried by voice vote.

The House recessed at 1:00 p.m., subject to the call of the Chair.

Respectfully submitted,

  
Joan P. Kaipat, Journal Clerk  
House of Representatives

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APPEARANCE OF LOCAL BILLS

H. L. B. NO. 11-6: A Local Bill for an Act to amend 10 CMC, Division 3, §3313 by changing the hour from 11:00 p.m. to 10:00 p.m.; and for other purposes. (REP. OSCAR M. BABAUTA 02/27/98) (3rd Appearance]

H. L. B. NO. 11-7: A Local Bill for an Act to impose a surcharge tax on fees paid by passengers who disembark on Mañagaha Island Pier on the Island of Saipan; and for other purposes. (REP. JESUS T. ATTAO 03/10/98) (3rd Appearance]