

HOUSE OF REPRESENTATIVES  
TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
SECOND REGULAR SESSION, 2000

TWENTY-FOURTH DAY

November 06, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Twenty-Fourth Day, Second Regular Session, on Monday, November 06, 2000, at 10:46 a.m., in the House Chamber, Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Benigno R. Fitial, Speaker of the House presided.

A moment of silence was observed.

In accordance with Rule XIII, § 2(a), seventeen members were recorded present and Representatives Martin B. Ada was excused.

Speaker Fitial: Representative Palacios is still in the building but right now he is absent until he appears. Representative Apatang is on official business so he is officially excused and Representative Martin Ada, although legislators don't accumulate sick leave he is officially sick, so he is excused.

**ADOPTION OF JOURNALS**

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move for the adoption of the Twenty-Third Day, Second Regular Session journal.

The motion was seconded.

**23<sup>rd</sup> Day, Second Regular Session (10/24/00)**

Speaker Fitial: Discussion?

Several members voiced, "ready".

The motion to adopt the Twenty-Third Day, Second Regular Session journal was carried by voice vote.

Speaker Fitial: The 23<sup>rd</sup> Day Second Regular Session journal is adopted.

### **INTRODUCTION OF BILLS**

None

Speaker Fitial: Any bills this morning. The sun appears to be shining much brighter on the right side of the Chamber. Any introduction of Bills? If none, Introduction of Resolutions.

### **INTRODUCTION OF RESOLUTIONS**

**H. R. NO. 12-92**: A House Resolution relative to recognizing, memorializing and congratulating school level Senator-elect Tanya M. Taisacan, Rota High School, upon her successful election to the Third CNMI Youth Congress held on Monday, September 18, 2000.

Offered by: Rep. Alejo M. Mendiola, Jr. and seventeen others

**H. R. NO. 12-93**: A House Resolution to relative to recognizing, memorializing and congratulating school level Senator-elect Maryana Mendiola, Precinct VI, upon her successful election to the Third CNMI Youth Congress held on Monday, September 18, 2000.

Offered by: Rep. Alejo M. Mendiola and seventeen others

### **OTHER COMMUNICATIONS**

Misc. Comm. 12-11: From Ms. Lavina A. Reyes, TMC Clerk, requesting the Speaker of the House to consider the Office of the Tinian Municipal Council as the central information point for all public hearings to be held on Tinian.

Speaker Fitial: I would like to ask the indulgence of the members to take note of the communication from the Tinian Municipal Council. So in case any committee or anyone wishing to conduct public hearings in Tinian, please route your request to the Office of the Tinian Municipal Council.

### **REPORTS OF STANDING COMMITTEES**

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, earlier, copies of committee reports were distributed, those are Standing Committee Report Nos. 12-181 and 12-182. With

that, Mr. Speaker, so move for the adoption of Standing Committee Report Nos. 12-181 and 12-182.

The motion was seconded.

S. C. R. NO. 12-181: Reporting on House Bill No. 12-270, entitled, “To amend Title 9 Section 1304 of the Commonwealth Code, prohibiting the seizure of a person drivers license prior to conviction for a crime or infraction; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends that the House passed the bill.*

S. C. R. NO. 12-182: Reporting on House Bill No. 12-174, entitled, “To further amend the Commonwealth Auditing Act of 1983 for the purpose of addressing the section of the “Nonresident Worker Extension Act” affecting the ability of the Office of Public Auditor to hire nonresident professionals after September 30, 2000; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends that the bill be passed in the form of HB 12-174, CD2.*

Speaker Fitial: Discussion?

Several members voiced, “ready”.

The motion to adopt Standing Committee Report Nos. 12-181 and 12-182 was carried by voice vote.

Speaker Fitial: The motion carries.

## RESOLUTION CALENDAR

Floor Leader Babauta: If none, Mr. Speaker, unless otherwise, the majorities wishes to adopt the Resolutions introduced by the Vice Speaker.

Speaker Fitial: Any objection Vice Speaker?

Vice Speaker Mendiola: No, Mr. Speaker.

Floor Leader Babauta: With that, Mr. Speaker, I move for the suspension of Rule VII, Section 9 so that we may place and adopt the Resolutions that the Vice Speaker introduced this morning.

The motion was seconded.

Speaker Fitial: Discussion?

Floor Leader Babauta: Short recess for copies, Mr. Speaker.

Speaker Fitial: If there's no objection, Representative Norman Palacios also would like to request the indulgence of the members for him to introduce similar Resolutions.

There was no objection raised.

Speaker Fitial: Any objection Representative Palacios?

Rep. Palacios: No objection.

Floor Leader Babauta: Back to Item 4, Mr. Speaker.

Mr. Speaker Fitial: Let us go back to Item 4, Introduction of Resolutions.

### INTRODUCTION OF RESOLUTIONS

**H. R. NO. 12-94**: A House Resolution to relative to recognizing, memorializing and congratulating school level Senator-elect Jovon Charfauros, Precinct V, upon her successful election to the Third CNMI Youth Congress held on Monday, September 18, 2000.

Offered by: Rep. Norman S. Palacios and seventeen others

**H. R. NO. 12-95**: A House Resolution to relative to recognizing, memorializing and congratulating school level Senator-elect Jeanette B. Sablan, Tinian High School student, upon her successful election to the Third CNMI Youth Congress held on Monday, September 18, 2000.

Offered by: Rep. Norman S. Palacios and seventeen others

Floor Leader Babauta: Without further objection, Mr. Speaker, introduced by the Committee of the Whole.

There was no objection raised.

Speaker Fitial: If there is no objection, I would like to ask the unanimous consent to dispense with reproduction of copies like Representative Hofschneider always describes, it is not innocuous so we just adopt the Resolutions as introduced.

There was no objection raised.

House Resolution Nos. 12-92, 12-93, 12-94 and 12-95 were adopted by unanimous consent.

Speaker Fitial: So ordered. Bill Calendar.

## BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, I move for the suspension of Rule VII, Section 9 so that we may place on the Bill Calendar House Bill Nos. 12-270 and 12-174, Committee Draft 2.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Floor Leader?

Floor Leader Babauta: Mr. Speaker, there may be potential oral amendments coming up on certain bills. With that, Mr. Speaker, I move for the suspension of Rule IX, Section 11 so that members can offer oral Floor Amendment with all pertinent bills as it appears on today's Calendar.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Passage motion?

Floor Leader Babauta: So move, Mr. Speaker, for the passage of House Bill No. 12-147, Committee Draft 1 on Second and Final Reading.

The motion was seconded.

**H. B. NO. 12-147, CD1:** A BILL FOR AN ACT TO AMEND 1 CMC SECTION 8273; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Hofschneider?

Rep. Hofschneider: Did we do the corrections that we discussed on 12-147?

Rep. Peter: This is not ready, Floor Leader.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Can you reverse your motion?

Floor Leader Babauta: So move, Mr. Speaker -- I withdraw my original motion and move for the passage on First and Final Reading House Bill No. 12-270.

The motion was seconded.

**H. B. NO. 12-270:** A BILL FOR AN ACT TO AMEND TITLE 9 SECTION 1304 OF THE COMMONWEALTH CODE, PROHIBITING THE SEIZURE OF A PERSON DRIVERS LICENSE PRIOR TO CONVICTION FOR A CRIME OR INFRACTION; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Hofschneider?

Rep. Hofschneider: Thank you, Mr. Speaker. I applaud the author of this initiative introduced House Bill 12-270. I just find it difficult to identify what is the rationale when I assume that to be issued legally a driver's permit or driver's license is not a right but privilege, as opposed to the context of the paragraph on Section 2, "We believe that a person is innocent until proven guilty..." that alludes to being equal to a right for a person to be given a driver's license goes to a privilege. The reason why I am raising this is in the event of a hit-and-run and fatality occurs or head on collision do to driving under the influence, do you give back the driver's license as opposed to be issued a citation under the intention of this one?

Speaker Fitial: George Bush was given back his license.

Rep. Hofschneider: Exactly. And that was the republican philosophy to give back the driver's license as opposed to the democratic view of taking away the driver's license, which the author sort of preempted to vouch.

Speaker Fitial: Thank you, Mr. Speaker. I don't disagree with the previous speaker that the driving is privilege rather than right. The impact does exist that when such person is being deprived of the driver's license and travel abroad particularly if such traveler is on official purpose, we know that driving abroad requires one to possess a driver's license. And not to have in the possession of a driver's license in accomplishing a purpose for the CNMI business, a person might not be able to perform his duties and responsibilities other than to take a taxi. I believe that many of the traveling officials from the CNMI prefer to drive than to take a taxi. That is one area that I think will serve the purpose of having one to hold at all times a driver's license just aside from identification purpose. Then again, the driver's license is very important for one to possess maybe here in the CNMI, because at all times you must have that license with you. And I believe, although as I said earlier I don't disagree with the speaker, that until the judge or justice declares that you are guilty then you should not be free to continue possessing that driver's license so these are the two primary reasons that I ask the members to consider. Thank you, Mr. Speaker.

Rep. Hofschneider: May I continue, Mr. Speaker?

Speaker Fitial: Yes, you may continue.

Rep. Hofschneider: Just a brief history on the intention of the existing statute is that, I believe it was in the Ninth Legislature when it was audited that the backlogs of the citations were attributed to those individuals who were given citations with the driver's license still in the possession of the individuals cited failed to show up to court. Now, if you look at the same page, page 1, line 21, "and serve it upon the driver" meaning the citation, the citation itself under the current statute serves as a permission to continue driving, not revoking the privilege to drive. I can understand

that one subset of problem or practical impediment on the current statute of having to travel abroad and finding yourself in need of a driver's license elsewhere other than in the Commonwealth. It is a practical problem that the author is trying to resolve, but the greater number of populations who actually were audited in that period show that even under their possession the failure to appear is probably due the enforcement of bringing these individuals to court not because of the fact that they have their licenses back. I am concern about those incidences where it is warranted to remove the license from the driver by inserting this language back without making a distinction as proposed in HB 12-270 would in fact raise the potential for the same person to again do the same violation and that is, hit and run, for instance, DUI incidences or even head on collusion. I am disturbed because a lot of the drivers today, Mr. Speaker, don't know the purpose of the inner-lane when getting on the main thorough fare. People cut in to the outer most-lane from making a stop and getting unto the main thorough-lane. Now in citing that particular case and removing the license until they appear, because of specific failure to appear to safety or safe driving, you get back the license it gives them that perception or the confidence to continue driving even though they have been cited. Perhaps, Mr. Speaker, the bill needs further refinement in making a distinction on certain violations to withhold the license for a fact and prevent that person from driving further or continue. I agree, it is cumbersome and in most cases people don't have any ID but a driver's license, and it serves them in check cashing for instance for their livelihood or accessing where identification is required. I am concern that this would allow individuals that I have mentioned to continue driving and possibly take another person's life. We have to make a distinction when to take away the driver's license, not the universal application of the intention of this bill. I will support the author for those who merit getting their driver's license back as opposed to being permitted temporarily under citation rule, giving them permission to continue driving until they appear to court before a judge to get their license back. Perhaps to make a distinction of those specific violations where it warrants the Commonwealth to revoke or take the driver's license until they appear to court.

Speaker Fitial: Representative Benavente?

Rep. Benavente: Thank you, Mr. Speaker. First of all, I must disagree with Representative Hofschneider, those specific violations plus others such as reckless driving have different provisions in which allows the police officer... first of all, in DUI for example, first offense you go to jail, you not only lose your license, but you get put in for three days, reckless driving also, there are restrictive provisions. I think we are talking about a regular citation. What he said earlier about the "backlog", at the time, and the cost that the department in the past years have been having is the reason why this was changed to require that the license be held. Because in the past a lot of people would forget about paying their citations and then they have to issue arrest warrants or warrants for them to come in. At that time, there's a lot of cost for the Department of Public Safety. I think this is a system in which not only cuts cost, but to require or guarantees that those citations are paid whether it is on-island or in some cases off-island drivers who end up leaving after a citation. If we were to hold their driver's license then those particular persons would definitely show up and pay their citations and take their licenses back. I don't believe that it is that inconvenient at this point in time. Unless you are going to contest your citation and you want to go to court and challenge it, but otherwise, a lot of people -- and believe me I have tried it already. I got cited, all I had to do was go down the next day, and paid at the court, paid my

citation and got my driver's license back. You don't have to wait for months and months to get your driver's license back. And again, this really is a policy question right now before us. If we want our people to fight the cost in the departments that the problem they had in the past or to provide this mechanism in which citations being issued are paid, you know, we provide assistance they'll pay.

Speaker Fitial: Are you through Representative Benavente?

Rep. Benavente: Yes.

Speaker Fitial: Representative Jones?

Rep. Jones: Mr. Speaker, I just want to share commonsense in this, well, it is true that to drive on public highways takes responsibility of ones, but at the same time, the driver's personal possession of a license should not be terminated or taken away from him. I believe that as in any other cases in court, be it criminal or civil, you have to prove to the court, or the court will have to reach the conclusion that the person is guilty before imposing fines or penalty.

Rep. Benavente: Point of clarification, Mr. Speaker.

Speaker Fitial: State your point of clarification.

Rep. Benavente: That is not true. Once again, as I said earlier, if you get cited, you don't have to go to court unless you want to challenge that. All you have to do is go down the next day at the court's office and pay for that citation and you got your driver's license back. Not all citations go to court. Thank you.

Speaker Fitial: You only go to court if you contest it.

Rep. Jones: But what I am alluding to...

Speaker Fitial: We are only referring to minor infractions of traffic violation. This is the danger part because it happened to me once at Diamond Hotel. I just pulled out and the policeman was 200 feet back so he pulled me over. He said, "you pulled out when I was coming, I almost hit you." So I said, "well, you didn't hit me", and he said, "but it was too close." So he gave me a citation and he took away my license. So the following day I went over and paid the fine and I got my license back. These are the types of citations we are talking here. We are not talking about hit and run, DUI, those belong to the big leagues.

Rep. Jones: Yes, but at the same time, the driver's license belongs to the individual and in order for personal belonging for the court to take away from you, or for any government officials the court has to make that declaration by proving that the person is guilty or whatever crime he/she committed. So, I don't believe that having to violate traffic laws or regulations your possession of a driver's license should be taken away automatically. There is this process of having to

receive citation that requires by regulation that you have to face the court to proof that you are not guilty, but not to take away your driver's license because that is your personal property.

Speaker Fitial: Like, Representative Benavente stated, the only reason why they take your driver's license away is to use it to make sure that you go to the court and pay, because a lot of people just run away. But I do not support that rationale that they should take away our driver's license because they want to use it as a hostage so that you go back and pay and get back your driver's license. I don't think, just because you don't trust other people, that doesn't mean that I should not be trusted.

Rep. Benavente: Point of information, Mr. Speaker, if I may?

Speaker Fitial: Go ahead.

Rep. Benavente: The problem is that it was costing the department a lot of money to go after these individuals all the time. As Representative Hofschneider said, there's a lot of type... I remember the time when we were discussing this, they had so many unpaid fines and they always have to issue arrest warrants and search warrants and that cost a lot of money. That is why I said, this is going to be a policy decision for us whether we want to remove the burden but cost the department more money in time or with this provision, which makes it efficient for the department and clerk of court.

Speaker Fitial: I am sure that most of us are familiar with the system that they implement in the Philippine where they just pay right there.

Rep. Hofschneider: Another point of information, Mr. Speaker.

Speaker Fitial: State your point.

Rep. Hofschneider: The fact that the Judicial Building was built is also collaterally germane to the context of the intention making sure people pay off on a timely basis, those collections are dedicated over to the debt service, so if you lax it up again and delinquency occurs, it goes back to the chamber.

Speaker Fitial: The other alternative would be to require penalty for people who failed to pay so they do not take their license away.

Rep. Jones: Mr. Speaker?

Speaker Fitial: Go ahead.

Rep. Jones: If that is the argument that it is the management problem at the Judicial Branch, is it fair for people who happen to violate traffic laws or regulations...?

Rep. Benavente: Clarification, Mr. Speaker.

Speaker Fitiaf: Go ahead.

Rep. Benavente: This is not about management problem. It is about cost, it is about people's actions costing this government and those actions are either they leave the CNMI without paying their fines or our off-island visitors or those individuals who just forget to pay, they lost their tickets and they have to wait for another arrest warrant to come before they go and pay so it is not management. It is just the cost burden on the department.

Speaker Fitiaf: Cost and convenience.

Rep. Jones: The point that was raised earlier was that it takes time to get the money from these people, the fines, that is what I mean. That is the reflection of management, why can't they privatize it? If that has been the problem for many years, can they come up with a solution that does not have to penalize a person to lose his personal rights, the driver's license, particularly when it was mentioned earlier that it takes time before you get to the court to appeal or to argue for your return of your driver's license when there is already bureaucracy there. There is already a big problem at the court, you are going to wait for maybe one month, because the court is back logged.

Rep. Hofschneider: Point of clarification.

Speaker Fitiaf: State your point.

Rep. Hofschneider: I believe I have not made myself clear. Under the current statute if you read the stricken out paragraph on page 2 beginning on page 1, what it constitute to be is, if a person continues to have that right to drive or the privilege to drive no one is being denied. But by taking the license away it ensures the accountability on the individual that burdens the taxpayers compoundingly. If you intent to acknowledge those persons keeping their driver's license then you have to face the consequences of personal responsibility and I don't think that you and I can speak on behalf of the personal responsibility for every individual that violates the Commonwealth law.

Speaker Fitiaf: I think Representative Jones made himself clear. Your point is clear, but his point is, he gets pulled over and then they took away his license and he is leaving tomorrow, that is the reason. Or don't let tomorrow come.

Rep. Hofschneider: You can follow the police officer over to the department and pay the fine and get your license back.

Rep. Jones: It takes process. We just don't go to court and have the court to hear you and then get your license back.

Rep. Hofschneider: If you contest it, yes, I agree. But in most cases people actually, nine out of ten serves the purpose. This statute serves that purpose well. One out of ten serves your concern.

Rep. Jones: Provided that on the day I want my driver's license back, the calendar is not full, the judges and justices are not full so we just have to wait in line. Just like any other process in the department you have to wait in line. Then again, what is more serious for the court to consider those already had been calendar to hear criminal cases and civil cases pending two, three months ago, five months ago, a year. You think the court is going to say, alright, you want your driver's license back, I want to hear – what time you want to hear and what date?

Rep. Benavente: No, there is a traffic court date.

Rep. Jones: Anyway, Mr. Speaker, I think Representative Hofschneider has a point. I will move that this be deferred and refer back to the committee.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Floor Leader?

Floor Leader Babauta: So move, Mr. Speaker, for the passage on First and Final Reading House Bill No. 12-174, CD2.

The motion was seconded.

**H. B. NO. 12-174, CD2**: A BILL FOR AN ACT TO FURTHER AMEND THE COMMONWEALTH AUDITING ACT OF 1983 FOR THE PURPOSE OF ADDRESSING THE SECTION OF THE "NONRESIDENT WORKER EXTENSION ACT" AFFECTING THE ABILITY OF THE OFFICE OF PUBLIC AUDITOR TO HIRE NONRESIDENT PROFESSIONALS AFTER SEPTEMBER 30, 2000; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Hofschneider?

Rep. Hofschneider: Yes, on page 3, can somebody rationalize a sunset provision of subsection 4, line 20?

Floor Leader Babauta: Mr. Speaker?

Rep. Jones: Mr. Speaker?

Speaker Fitial: Representative Jones?

Rep. Jones: Mr. Speaker, I am just about to make an amendment to the Bill.

Rep. Hofschneider: I withdraw.

Speaker Fitial: You are in order for proposing an amendment.

Rep. Jones: I move that on page 3, Section 4, remove the words “one year” and put “five years”.

The motion was seconded.

Speaker Fitial: Discussion on the motion? Representative Hofschneider?

Rep. Hofschneider: Again, it is the same whether it is one year, thirty seconds, or five years, it is the same problem that is attributed to the intention of why we are inserting a provision here that allows people not to divulge attractive one. If you intend to adhere to some feasibility and giving the person under question or the department under question the equal right to rebut a draft report then there should be no sunset provision at all. Why are we providing a period? If you intent to permanently not divulge any draft report then state it simply. Let us not have any sunset as to the applicability of that section. I believe that Section 7 serves as well unless I am reading it backwards.

Speaker Fitial: Representative Benavente?

Rep. Benavente: That goes on to the other subsections also. There are other provisions there about the scholarship office. Other provisions of establishing a compensation rate for the office, would that sunset take away those provisions as well? I don't see some of these provisions should have sunset provisions of course including subsection (a).

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Thank you. Subsidiary motion, Mr. Speaker, to the main motion.

Speaker Fitial: Go ahead.

Floor Leader Babauta: So move to strike out the entire Section 4 and renumber accordingly.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Further discussion? Representative Attao?

Rep. Attao: Mr. Speaker, on page 2, relative to the compensation for the Public Auditor's Office. On page 2, line item 2, “Public Auditor shall se its own compensation, wage and salary scales.” On line item 6, “the Public Auditor shall be allowed to set higher compensation rates for certain technical and managerial positions.” On line item 8, Mr. Speaker, “The higher compensation rates shall be exempt from the salary ceiling established by the Compensation Adjustment Act 1991 (1 CMC § 8348).” Mr. Speaker, I did not see provision that will prohibit the Public Auditor to go beyond establish compensation pursuant to Public Law 7-31. If we are to give the Public Auditor exemption to the existing statute, Mr. Speaker, the Public Auditor's Office will be higher and beyond the salary act for the Commonwealth. It is very important that the Legislature must

review, approve, and sanction any salary scale under the CNMI government. We are giving Public Auditor to go beyond the established schedule for the Commonwealth government and I don't think this is fair. So, I ask the author to offer an amendment to include a provision that any salary scale has to be sanctioned by the Legislature. This is to control the Commonwealth's overall salary scale and not to go beyond the existing statute. It is going to be unfair for the government employees if we are to let it go without putting in a provision for the Legislature to approve or sanction the compensation for the Public Auditors Office. Thank you.

Speaker Fitial: Let me ask Representative Attao, do all government agencies fall under this Compensation Act, Public Law 7-31?

Rep. Attao: Not all agencies, Mr. Speaker. Classic example, CPA do have their own compensation scale, however, that compensation was sanctioned by the Legislature thru Joint Resolution. It has to be sanctioned by the Legislature and that was the practice since I came to Congress since 1990 and upon the signing of Public Law 7-31. We do sanction all salary compensation for the government.

Speaker Fitial: How about CUC?

Rep. Attao: Even CUC.

Rep. Hofschneider: Mr. Speaker?

Speaker Fitial: They have their separate items...?

Rep. Attao: PSS, CUC, CPA and other autonomous agencies who have their own compensation plan were sanctioned by the Legislature.

Rep. Hofschneider: Better example, Mr. Speaker, the Constitution created agencies like Northern Marianas College, which is equivalent to OPA. Even them under the statutes they have to get concurrence from the Legislature on the compensation. And the purpose for that, particularly on OPA, is that the floor is set at 1% and in most cases during the year we don't know whether they have hire people to work or adjusted the compensation to be consistent with the approved budget, but because it is flexible enough to go beyond 1% constitutional floor. The other agencies contributing to the 1% is really a question now whether some agencies are actually paying for the 1%. We need to put a control as to how progressive their compensation scale is.

Speaker Fitial: When you say the other agencies contributing to the 1% constitutional floor, I didn't know that agencies are contributing to Public Auditor, 1% of whatever the resources is.

Rep. Attao: Mr. Speaker, the only agency that is exempted from the 1%, is the Legislature.

Speaker Fitial: -- For Public Auditor – Floor Leader?

Floor Leader Babauta: Mr. Speaker, thank you. The concern raised by Representative Attao, with that, I wish to offer an oral Floor Amendment, on page 2, line 9, after the period “(.)”, the following oral Floor Amendment shall read, “Provided further that such compensation and salary adjustment shall be approved by the Legislature.”

Speaker Fitial: Is that phrase appears after the citation?

Floor Leader Babauta: After “(1 CMC ə 8248)”, I repeat; “provided further that such compensation and salary adjustment shall be approve by the Legislature”.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. There being no further discussion, we are now voting on House Bill No. 12-174, Committee Draft 2, House Draft 2. Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-174, CD2, HD2, on First and Final Reading as follows:

Rep. Martin B. Ada	excused
Rep. David M. Apatang	excused
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Diego T. Benavente	yes
Rep. Antonio M. Camacho	yes
Rep. Rosiky F. Camacho	yes
Rep. Florencio T. Deleon Guerrero	yes
Rep. Heinz S. Hofschneider	yes
Rep. Brigida DLG. Ichihara	yes
Rep. Dino M. Jones	yes
Rep. Alejo M. Mendiola, Jr.	yes
Rep. Norman S. Palacios	yes
Rep. Thomas B. Pangelinan	yes
Rep. Maria “Malua” T. Peter	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-174, Committee Draft 2, House Draft 2, passes the House on First and Final Reading.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Can we move back to Item 12?

Speaker Fitial: I believe adopted all those Resolutions that were introduced earlier by the unanimous consent.

Floor Leader Babauta: Thank you.

Speaker Fitial: Anymore bills on today's Calendar? Any good words on Miscellaneous?

### MISCELLANEOUS BUSINESS

The Chair recognized Rep. Hofschneider.

Rep. Hofschneider: Yes, just congratulating -- (*inaudible*)

Speaker Fitial: You should have memorialized that in a form of a resolution.

### ANNOUNCEMENTS

Speaker Fitial: Today is our Twenty-Fourth Day session, we have six more days before we adjourn the Second Regular Session. We will be having sessions everyday this week before unofficial businesses will take place. Floor Leader?

Floor Leader Babauta: Move to recess until tomorrow morning at ten o'clock, Mr. Speaker.

The motion was seconded and carried by voice vote.

Speaker Fitial: The House stands recess until tomorrow morning at 10:00.

The House recessed at 11:40 a.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk  
House of Representatives

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### APPEARANCE OF LOCAL BILLS

**H. L. B. NO. 12-18**: A HOUSE LOCAL BILL FOR AN ACT TO APPROPRIATE THE \$152,688.66 FROM DEVELOPER INFRASTRUCTURE TAX FOR GUALO RAI, CHINA TOWN AND CHALAN KIYA ROAD PAVING AND DRAINAGE; AND FOR OTHER PURPOSES. (REP. JESUS T. ATTAO 10/24/00) **2<sup>nd</sup> APPEARANCE**

**H. L. B. NO. 12-17:** A LOCAL BILL FOR AN ACT TO APPROPRIATE \$276,000 ON THE FEES COLLECTED ON SAIPAN LOCAL LAW 11-2; AND FOR OTHER PURPOSES. (REP. JESUS T. ATTAO 10/13/00) **3<sup>rd</sup> APPEARANCE**