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

### TWENTY-SIXTH DAY

November 8, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Twenty-Sixth Day, Second Regular Session, on Wednesday, November 8, 2000, at 11:49 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,  $\ni$  2(a), seventeen members were recorded present; Representative Alejo M. Mendiola, Jr. was excused and Representative William S. Torres came in late.

<u>Speaker Fitial</u>: A quorum is duly constituted for the Twenty-Sixth Day of our Second Regular Session. All members absent are excused.

### **ADOPTION OF JOURNALS**

None

#### **INTRODUCTION OF BILLS**

H. L. B. NO. 12-19: A House Local Bill for an Act to repeal Saipan Local Law 9-1; and for other purposes.

Offered by: Rep. Heinz S. Hofschneider

### **INTRODUCTION OF RESOLUTIONS**

None

## **REPORTS OF STANDING COMMITTEES**

None

### **RESOLUTION CALENDAR**

None

## **BILL CALENDAR**

The Chair recognized the Floor Leader.

<u>Floor Leader Babauta</u>: Thank you. I move for the suspension of Rule IX, Section 11 so that members may have the opportunity to offer an oral floor amendment under House Bill No. 12-147, CD1, as it appears on today's Bill Calendar.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Passage motion on Second and Final Reading?

<u>Floor Leader Babauta</u>: So move, Mr. Speaker, for the passage of House Bill No. 12-147, CD1, on Second and Final Reading.

Rep. Peter: Committee Draft 2.

Floor Leader Babauta: Correction, Committee Draft 2.

Rep. Jones: Second.

Speaker Fitial: Ready?

Rep. Hofschneider: Objection.

Speaker Fitial: I think it should be House Draft 1, instead of Committee Draft 2.

Rep. Hofschneider: Right.

Floor Leader Babauta: Clarification, Mr. Speaker.

Speaker Fitial: State your point of clarification.

<u>Floor Leader Babauta</u>: I just want to check whether or not Draft 1 has been officially introduced?

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

Speaker Fitial: State your point.

<u>Rep. Hofschneider</u>: The bill is in the property of the Calendar. It is on the floor so the Committee cannot and does not have the authority to retrieve it from the Calendar so it is still Committee Draft 1, until she introduces the substitute.

<u>Speaker Fitial</u>: Right. So we are still deliberating on the motion to pass House Bill No. 12-147, Committee Draft 1 that will become House Draft 1. Representative Peter, recognized.

<u>Rep. Peter</u>: Mr. Speaker, I move to introduce House Bill No. 12-147, Committee Draft 1, House Draft 1.

The motion was seconded.

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

H. B. NO. 12-147,CD1,HD1

FIRST REGULAR SESSION, 2000

### A BILL FOR AN ACT

To amend 1 CMC Section 8273; and for other purposes.

#### BE IT ENACTED BY THE TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. <u>Findings</u>. The Legislature finds the need to establish a more realistic policy and sensitivity, as it was originally intended for in Public Law 8-25, in the administration of the Sick Leave Bank. The Legislature further finds that employees who have not fully recovered from their serious illness such as carcinoma of the colon, stomach, brain, lungs and breast; coronary artery disease; and, diabetic complications to name a few or disability such as recovering from major neuro surgery to the cervical or lumbar spine were denied the use of additional sick leave hours from the sick leave bank because of the limitations prescribed by the Civil Service Sick Leave Bank Regulations. Hence, the employee is force<u>d</u> to prematurely return to work and is left to suffer the negative consequence<u>s</u> of returning to work while still recuperating from his or her illness or disability or not return<u>ing</u> to work and <u>being</u> placed on "leave without pay" status which means <u>resulting in the employee</u> either <u>having</u> very little money to survive or becom<u>ing</u> delinquent on his or her financial obligations. Furthermore, the Legislature finds that the stress from the illness or disability coupled with the stress of not having any financial support during the "leave without pay" status could further prevent the afflicted employee from fully recovering from his or her illness or disability and could possibly lead to further deterioration of the individual's mental or health status.

Section 2. <u>Purpose</u>. The purpose of this Act is to provide adequate protection for employees with major medical illness or long term disability.

Section 3. <u>Repeal and Reenact</u>. 1 CMC Section 8273 is hereby repealed in its entirety and reenacted to read as follows:

"§ 8273. Eligibility and Withdrawals.

(a) Any employee who is employed by the CNMI government, its agencies or instrumentalities, may apply for sick leave hours from the <u>Civil Service Sick Leave Bank (CSSLB)</u>, provided that a certified medical statement from the attending physician supports such request.

- (b) No employee may request for sick leave beyond his employment contract.
- (c) <u>Civil Service shall create a Voluntary Sick Leave Bank (VSLB)</u>

(d) Notwithstanding <u>subsections (a) and (g)</u>, any employee <u>may</u> who receives <u>directly from a</u> <u>donor unlimited</u> donated sick leave hours shall establish a designated account, as defined in the Civil Service Commission Sick Leave Bank Regulations, to deposit the donated sick leave hours and may voluntarily choose to repay <u>the donor</u> the number of donated hours used.

(e) Notwithstanding any law or regulation, an employee with a <u>VSLB</u> designated account shall have no limitation on the amount of sick leave hours to be donated, time limitation as to when the donated sick leave hours maybe taken, nor limitation <u>as</u> to the number of hours that may be withdrawn from the <u>VSLB</u> designated account.; provided, that the employee complies with the requirements of § 8273(a) above and has exhausted all personal sick leave, annual leave, and allowable advance sick leave prior to recovery from the illness or injury for which the additional sick leave hours are requested, and has in his or her designated account sufficient sick leave hours necessary to meet the number of sick leave hours requested.

(f) Notwithstanding any law or regulation, an employee using the <u>Civil Service Sick Leave</u> <u>Bank</u> general account, as defined in the Civil Service Commission Sick Leave Bank Regulations, may withdraw from the general account up to a maximum of 160 hours and if additional hours are needed because of the severity of the illness or disability, the employee may withdraw an additional 160 hours; provided, that that the employee complies with the requirements of § 8273(a) above and has exhausted all personal sick leave, annual leave, and allowable advance sick leave prior to recovery from the illness or injury for which the additional sick leave hours are requested.

(g) An employee shall repay any sick leave hours withdrawn from the <u>Civil Service Sick Leave</u> <u>Bank general account of the sick leave bank</u> at the rate established in the Civil Service Commission Sick Leave Bank Regulations."

Section 4. <u>Repayment</u>. Any person, as defined in § 8273(c), (d), and (e), denied <u>sick leave</u> 90 days prior to the effective date of this Act, by the Office of Personnel Management, the use of sick leave hours accumulated in either <u>VSLB</u> designated or <u>CSSLB</u> general accounts in the Sick Leave Bank shall be repaid for the hours lost while on leave without pay status.

Section 5. <u>Severability</u>. 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 6. <u>Savings Clause</u>. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 7. <u>Effective Date</u>. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

Date: 3/15/00

Introduced By:

/s/ Rep. Maria "Malua" T. Peter

Reviewed for Legal Sufficiency by:

House Legal Counsel

Speaker Fitial: Discussion?

Several members voiced, "ready".

### Speaker Fitial: Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-147, CD1, HD1, on Second and Final Reading as follows:

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

Speaker Fitial: House Bill No. 12-147, Committee Draft 1, House Draft 1, passes the House on Second and Final Reading.

### **MISCELLANEOUS BUSINESS**

None

# **ANNOUNCEMENTS**

None

The Chair recognized the Floor Leader.

Floor Leader Babauta: Move to recess, Mr. Speaker, until tomorrow morning at 10:00.

The motion was seconded and carried by voice vote.

Speaker Fitial: The House stands recess until 10:00 a.m. tomorrow.

The House recessed at 11:55 a.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk House of Representatives