

HOUSE OF REPRESENTATIVES
TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
THIRD SPECIAL SESSION, 2000

SECOND DAY

May 09, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Second Day, Third Special Session, on Tuesday, May 09, 2000, at 10:33 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 present; Representative Florencio T. Deleon Guerrero came in late and Representative Antonio M. Camacho was excused.

Speaker Fitial: Representative Tony Camacho was here earlier and I believe he was taken away because his right foot is really hurting. Representative Bobby Deleon Guerrero is on his way so just marked them excused. A quorum is duly constituted for the Second Day of our Third Special Session. Let us go right into the Order of Business under Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move for the adoption of Standing Committee Report Nos. 12-104 and 12-105.

The motion was seconded.

Rep. Attao: Mr. Speaker, privilege.

Speaker Fitial: State your privilege.

Rep. Attao: Can we go back to line Item 3, Introduction of Bills, I have one bill to introduce?

Floor Leader Babauta: No objection.

Speaker Fitial: No objection. Proceed, under Introductions of Bills.

INTRODUCTION OF BILLS

H. B. NO. 12-178: A Bill for an Act to require the Commonwealth Utilities Corporation (CUC) to establish and collect charges for the beneficial use of publicly owned limited water resources withdrawn by private water well drillers and operators; to establish a Water Research and Development Fund; and for other purposes.

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

Referred to: Committees on Public Utilities, Transportation and Communications

H. B. NO. 12-179: A Bill for an Act to amend PL 10-73, Section 2; and for other purposes.

Offered by: Rep. William S. Torres

Referred to: Committee on Ways and Means

INTRODUCTION OF RESOLUTIONS

None

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, I wish to restate my motion again, and move for the adoption of Standing Committee Report Nos. 12-104 and 12-105.

The motion was seconded.

S. C. R. NO. 12-104: Reporting on House Bill No. 12-50, entitled, “To coordinate school-to-work employment in the private sector for CNMI college and technical/vocational graduates; and for other purposes.” *Your Committee on Education recommends that the House file the bill.*

S. C. R. NO. 12-105: Reporting on House Bill No. 12-102, entitled, “To establish a special scholarship program for hard-to-fill positions; and for other purposes.” *Your Committee on Education recommends that the House file the bill.*

Speaker Fitial: Discussion? Representative Benavente?

Rep. Benavente: Thank you, Mr. Speaker. Because the Committee Reports recommend that the Bills be filed and because both Bills were introduced by my fellow colleagues here in the minority side, and since we have eight minority and eight minority right now, I would ask my fellow colleagues, the author of the Bills on their feelings on the recommendation that their Bills be filed before I vote on this motion to adopt?

Rep. Attao: Mr. Speaker?

Speaker Fitial: Representative Attao?

Rep. Attao: On Standing Committee Report No. 12-105, this particular Bill is also part of the recommendation submitted by the Public Auditor to you, Mr. Speaker, that this Bill is necessary to upgrade our employees who are permanently working for the government. And if you take a look on that House Bill No. 12-102, it is very clear on Section 4, eligibility. This particular section address the employee who is occupying a permanent government position in the government agency to at least be granted scholarship so that when this particular employee comes back, he can replace nonresident workers. This is the purpose, the intent offered here. May I ask the Chairperson to reconsider the Bill so that maybe by next session we can pass the Bill instead of filing it?

Rep. Ichihara: Mr. Speaker, first of all, when the Committee looks at the Bill we do not look at who the authors are, we look at the information that are provided and the Committee Report is always based on the findings of the group. I would like that to reflect from the

recommendations that are done here that we go through with it. That was the decision of the Committee. I am not looking at it as who introduce it or what; we look at every bill that comes to our committee, on the merits of the bills. And yes, there is more comprehensive scholarship bill that will be forthcoming in addressing the needs of our people who are considering going into continuing their education on the postsecondary level.

Speaker Fitial: Madam Chair, can you just briefly state the intent of this Bill for the journal? What is this Bill trying to accomplish?

Rep. Ichihara: The more comprehensive one? That is to address the financial needs of everyone that is interested in getting the scholarship as long as they meet the criteria and that will also be looking at the scholarship areas, grants, aides, as well as loans. We will be hearing that soon from the public as to how they feel about that. But that will be addressing, I feel that the needs of –

Speaker Fitial: What bill number are you referring to?

Rep. Ichihara: 12-140.

Speaker Fitial: 12-140.

Rep. Ichihara: We are trying to make this something that is more enforceable so we do not have to deal with one bill at a time for a different need. The Bill that had been introduced will be addressing all areas.

Speaker Fitial: So in essence of the concerns raised under the Bill introduced by Representative Attao will be incorporated in the more comprehensive Bill?

Rep. Ichihara: That is how the Committee felt and that is why we decided to file this so that we can all look at the general aspect of the scholarship funds or the financial assistance in general. But we did not file this because of the author. I want that to be clear. We look at each of the bills that are referred to our committee in an objective way. I am not trying to demote anybody here, I respect them for introducing such bill but there is no way that I look at every bill, and look at the person introducing it and just deny it for the sake of denying that. We look at the merits of the Bill and as the Committee deliberates on it, we decide on that as a group, I did not decide it all by myself. I think the Education Committee members should be given that respect for what we do and if we are, we're sorry but we never look at it from any perspective that – to begin with, I never came here with the intension to be filing bill. And I want that clear.

Speaker Fitial: Representative Hofschneider?

Rep. Hofschneider: Thank you, Mr. Speaker. Both Bills purports to provide remedies to ongoing problems in relating to human resources demand in the Commonwealth, or the information of particularly the Chairperson of the Standing Committee. JTPA relates to Standing Committee Report No. 12-104 and the very intention also is parallel to 12-105. For the information of every member in the House, Mr. Speaker, JTPA has since changed... federally speaking, it has been changed. Now, it is called the WIA (Workforce Investment Act). A new board has been created by the Act for the Commonwealth. They have submitted their state plan, April 1 of this year, pending the adoption similar to the State of Texas. We have purports to accommodate greater latitude in the way JTPA used to apply the grants it is more flexible. So, I advise that everyone takes a copy of the proposed state plan on WIA (Workforce Investment Act) and look at that so that we maximize the usage of that fund coming from the federal program and then compliment it in our local resources. What you are doing in the Committee as stated, House Bill No. 12-140, should compliment WIA and maximize the grant because they relieve the application of federal grant going to JTPA. Now, we can accommodate college students in fact. So, let us maximize program and it will

relieve a lot of these issues raised by both bills. So, rather than filing, perhaps hold it off, take it back to the Committee and take H. B. No. 12-140 and WIA and look at how to parallel those two, or coincide the provisions so that we maximize the utilization, the federal grant firms and then we compliment with our local resources. It is an interesting concept because we adopted the Texas State Plan. We just pattern towards certain provisions that are unique for the Commonwealth. It is advisable that we first take a look at that and complement because these are all about creating human resources. How to expand? How to accommodate high school students and college students and those that are out of school and looking for employment? It is a very unique way of looking at the old JTPA program. So, Mr. Speaker and members, maybe to soothe some of the pain of having to file a bill, take the bill back, refer it to the Committee and consider working on H. B. No. 12-140 or similar legislation that would complement the Workforce Investment Act proposed for the Commonwealth. Thank you.

Rep. Ichihara: I appreciate, Representative Hofschneider what you have suggested. Our report is now in your hands and that is where the democratic way of doing things in here. I just wish that we continued to work together and use the heads that we have in this House Chamber. That is something that we can look at in the future. The Standing Committee Report is now in the hands of everyone here in this Chamber. So, I don't know, we will decide on what –

Speaker Fitial: We could do it two ways and either way, it will still come out the same way. In other words, we could just silently incorporate the intent of this into your comprehensive bill and not report it out, or report it out, even though you did not report it out, the author will still ask, “what happen to my bill?” and then the silent will become known. The other way is, as Representative Hofschneider suggested, and it is still the same way, it still comes out the same. The decision of the Committee will still be known either way. But the good thing about it is that you have acknowledged the fact that the merits of this bill that you are now

recommending to file has been taken into account and will be incorporated into your more comprehensive scholarship bill. That is the best thing about it.

Rep. Attao: Mr. Speaker?

Speaker Fitial: Representative Attao?

Rep. Attao: My bill is consistent with the bill that was introduced by the good Floor Leader on yesterday's session regarding extending the sunset provision on the contract employees nonresident were hired by the CNMI government, this is consistent with that. So, instead of extending from September 30, 2000, to additional six years, if we are to pass this bill, our people will have the opportunity to go off-island, get their degree, come back and assist their people. Because ten, fifteen years of working without any incentive these people would not be replaced and this bill will give them the mechanic to replace this bill. That is why I raise this question, because this is specifically for employees occupying permanent position.

Speaker Fitial: Representative Peter?

Rep. Peter: Thank you, Mr. Speaker. If I am not mistaken, Mr. Speaker, this bill had been introduced during the Eleventh Legislature I think as well as the Tenth Legislature, and the fact is that the leadership had agreed on consolidating all forms of financial assistance, and I am repeating what the Chair had stated. It is in House Bill No. 12-140 that she introduced, and I do not know what is keeping or holding these permanent employees from applying to what we have right now currently with the scholarship. If they feel that they need to go, or their supervisor or director see the need of some of our employees to go and continue their education so that they can come back and replace whoever we have here that needs to be replaced. I do not see why they are not going through the same current system that we have right now. Why do we have to establish another scholarship program? I am sure that anybody who feels the need to continue their education is more than welcome to go up to the

scholarship office and apply for assistance and continue on with whatever training they continue to pursue. The Committee had agreed as well as the leadership to consolidate all bills or all laws that has to deal with postsecondary financial assistance, Mr. Speaker. Thank you.

Speaker Fitial: If I may, this bill that we are addressing under Standing Committee Report No. 12-105, would provide financial assistance or scholarship opportunities for incumbent government employees. If they are already incumbent, why are we giving them scholarship to replace themselves? In other words, we should be providing financial assistance to our people who are unemployed or could be trained and when they complete their studies they should takeover positions that are occupied by nonresidents. These are incumbent; these are government employees they don't have to replace anybody because they are working, right?

Rep. Hofschneider: May I, Mr. Speaker?

Rep. Attao: No.

Speaker Fitial: They are not working?

Rep. Attao: They are working, Mr. Speaker. The problem here is that they don't have the necessary degree to fill the contract employees. Classic example, DPW, we do have local people about five, seven of them, they can replace that because they don't have any engineering degree, so this bill will allow them to go and get their degree comeback and replace these people, this is the bill.

Speaker Fitial: But, if we were to provide scholarship to incumbent government employees, we would be defeating the purpose of providing scholarship opportunity for our own people who are not working.

Rep. Benavente: Clarification, Mr. Speaker.

Speaker Fitial: Representative Hofschneider?

Rep. Hofschneider: Logically, that is a very correct analysis, but the problem is, perhaps the intention is somewhat in line not adequate however. We have a lot of employees that are capable of moving up to the next yield in their current position, however in the past, they allow and this is another consideration in House Bill No. 12-140, instead of providing an additional funding as you have stated, why are we subsidizing an ongoing employee, instead of doing that, in the past, Mr. Speaker, they allow at least two hours of leave with pay so that these employees can uplift their educational, more professional skills at the Northern Marianas College in particular. Accounting is one of those areas that is heavily tapped at the Northern Marianas College so you don't have to supplement additional funding, however, we should have a policy that instead of hiring nonresident workers for the government while this person is capable of uplifting if we provide the venue or the assistance then it is in our interest to assist in any form, either giving them two hours of leave every three o'clock or four o'clock. Anyway, the government is only sixty percent efficient. So, you give them a leave of two hours and they take courses that would enhance their careers instead of supplementing the scholarship to a person employed by the government, as you put it. It is true, why are we subsidizing existing employees? But in the long run, I think the savings will be realized that by uplifting the careers of these individuals, that we don't have to hire another person to complement that existing employee on board that is the problem, they stopped that practice. So, these kids that want to move up the ladder, the vertical position, they cannot do so because they don't have the degree, at least an AA. So, some of the institutions here like CUC and others, they still practice and allow their employees to take courses that are consistent with their profession, accounting for instance or biology in water or sewer division, instead of supplementing them with money. They supplement them by giving them two hours to take courses. I think that is a lot of savings in our part.

Speaker Fitial: I agree with that. I think this is more of a policy that we had to institute in our government. For a government to subsidize employees to leave work to go to school when we have a lot of our own people who do not have work and are not going to school, that is where we come in to decide on the policy whether which group of people we should provide this type of assistance to? Representative Benavente?

Rep. Benavente: Thank you, Mr. Speaker. Just to provide further information on the intent of the Bill. As we know, we have a present law here in the Commonwealth that restricts the government from hiring nonresident workers with exemptions for several agencies and those agencies are actually pointed out in this Bill -- Agencies such as, Public Works for engineer, CUC for power plant operators, CHC for nurses and doctors, Public Auditor for auditors -- and the reason why we provided the exemptions because those are hard-to-fill positions for local people and so there was a need for those agencies to continue to hire nonresident worker. There is also in the present policy that we would like to reduce and eventually eliminate the need for nonresident workers not only the government but here in the Commonwealth with that policy. Now, this bill tends to assist that or aid that policy by having this special scholarship that grants some employees within these agencies to be able to get the training they need to eventually replace those individuals that are necessary at this time in those agencies. I think it is very clear on the Bill, on House Bill No. 12-102, that hard to fill positions are defined as those positions that are in those agencies that we currently at this time exempt from the restriction of nonresident workers. I know that we have the comprehensive scholarship act that we are trying to work on but this is also something that I think most of these agencies under the present law that are being required to submit annual report to the Legislature on their attempts to fill those positions with locals or with U.S. workers. As Representative Attao pointed out, those were some of the recommendations that are being offered by those agencies and at this time, this is one way to assist those agencies by assisting them in their programs and their efforts to replace those nonresident workers. Thank you.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Mr. Speaker, listening to the deliberation on this Committee Report, but reading the attachment, Mr. Speaker, which is House Bill No. 12-102, although Section 2 defines certain agencies pertaining to employees that perform work in those agencies, the gist of this bill is actually on Section 4, and I guess the intent is to allow permanent government employees holding government positions with pay to be granted scholarship and that alludes to educational leave, I believe. I understand educational leave was suspended by the Governor, right? So, this is allowing a civil servant employee, for instance, for four years with pay to be granted scholarship to a graduate degree, like nurse or doctor or maybe lawyers. I don't know, but is the intent of this legislation on the Section 4 to allow permanent positions continue receiving bi-weekly pay with scholarship fully paid? Another thing is, recently the Legislature had enacted a capping of \$12,000.00 for every recipient other than the special scholarship award, and I wonder what is the rationale between having to pay full time permanent position employees with pay while receiving a full four years scholarship? This I cannot understand, Mr. Speaker, if some one can explain that please? I guess the Committee is cognizant of this provision. So, Mr. Speaker, I support the Committee Report.

Rep. Ichihara: The training and education leave, what has been mentioned, if a supervisor really believes that this employee really needs some type of training and it requires them to go to NMC, I am sure that that employer or supervisor would encourage this staff to go and maybe make up for the work afterwards. Because I know, there are a lot of NMC students that are currently working. It is training and education leave with pay to top it all, and it has been done. You can do it in a form of –

Speaker Fitial: Representative Rosiky Camacho?

Rep. Rosiky Camacho: Thank you, Mr. Speaker. Mr. Speaker, the merit is good, I think the question that we need to ask ourselves is, what is the fear behind filing it and then working on it under the comprehensive bill? I think the whole issue is the filing is not the issue of what is the Bill about. I think the important thing to remember is if this is a fire and you have the fire burning while you are working on another, then the fire will continue to burn. But if we just put down ourselves and put our hearts together and say, “let us set this and let us move on and work with the committee and let the committee work in itself.” I think this bill is good as it is and let us put it into a comprehensive bill. Thank you, Mr. Speaker.

Speaker Fitial: Talking about CUC, our power plant, ever since when I was still small, were manned by our own local people, Kapira, Jesus Sablan, all of them are non degree, but we have electricity. So, I think the issue here really is this bill is trying to provide advantage and benefit to incumbent, government employees who want to go to school while they are receiving pay. This is actually what this bill is trying to provide, advantage. So it is really a policy issue for us to determine whether to continue to allow government employees to go to school and continue to receive their pay in order for them to secure that advantage in their job. Okay, enough? Representative Jones?

Rep. Jones: Thank you, Mr. Speaker. If we recall that just this year, we passed the reform bill, which deleted the contract agreement between employee and employer and by that it will save the government a large sum of money. It was anticipated if not decided, that with such savings it will upgrade the employment office that we have and that is basically the aim and the mission of the employment office to provide not only training to our people who are in need, in search of employment, but as well as education while on the job. Second, if we are to continue branching out different or adding additional responsibilities on the government by assigning certain delineation, it will either create a duplication of mission to accomplish education and employment of our people in the private sector. That is what we have been trying in the past Legislature’s to minimize as much as possible duplication of

mission of a government function, agencies and departments. This is one of the consideration that the committee looked at, that if we were to endorse this bill, it will create another function of the government that either to take away certain functions of a designated office such as the employment office, office duties and responsibilities and that creates either not knowing who actually is the sole responsible department for the enhancement of resident employment? Second, I am in the process upgrading the employment office by using a model from Guam and that model of Guam that is in practice in Guam, have certain funding opportunities as mentioned earlier by Representative Hofschneider. We will be identifying source of funds that will help the need of our local residents in the employment in the private sector. But I think it is about time also, that in the future as we look forward of our resident employment, it is not only important that we look for replacement of the nonresident workers, but with also go beyond that and look at self-reliance of our people because without that self reliance instill in them, the concept of resident and nonresident workers or will not accomplish the mission of one thing, us in the Legislature respond responsibly of our people's employment in the future. So, we should go beyond not only to replace the nonresident workers, but also to be self-reliant because when our residents become self-reliant it is not only employment, but also self-employed which is very important. Thank you, Mr. Speaker.

Speaker Fitial: With that being said, anybody else wants to say more? Representative Pangelinan?

Rep. Pangelinan: Thank you, Mr. Speaker. I guess the intent of these two bills is to provide assistance to the government employees who wants to grow within the system and become better employees by obtaining education means, improving their careers, as a lot of people have stated. This is towards the search, the growing and intensified mission of the Commonwealth to ensure that our people, the employees in the government become creditable, trustworthy, educated, in an effort to obtain what Representative Jones said, self reliance. It is our responsibility to ensure that all our employees can perform standard

measures in their assigned duties and responsibilities, and hopefully through these bills they will go beyond in an effort. This is why the Public School System become very successful, by allowing none degree holders of staff and teachers on a special scholarship, training and educational leave, the allowance that teachers are given, now the Public School have gotten rid of those who failed to grow. We have local teachers that are certified and beyond and this is it, the intent is to go beyond that. To ensure that the government employees are given the means to grow so we can have able bodies and minds operating the government or employees of the government. Look at the pattern that the Public School System has done, it is not an easy program, and it is not easy establishing the rules. The Covenant says that, “that governs the training and educational leave and allowing people to go on salary to obtain a higher degree in terms of certified teaching and also for school administrators”. But, I guess most of us have their minds made up. Thank you.

Speaker Fitial: No further deliberation?

Rep. W. Torres: Mr. Speaker?

Speaker Fitial: Representative Bill Torres?

Rep. W. Torres: Point of fact, I have written to several agencies that are affected by Public Law 10-34, not surprisingly, most of those agencies indicated in House Bill No. 12-102 have not fulfill the mandate of that Public Law. So, I hope the committee will take a look into that situation and consider that one more time because the mandate of Public Law 10-34 has not been met by all the agencies that were granted exemptions. I believe I have given you, Mr. Speaker, a copy of that letter in my interest of trying to find out what these agencies trying to do as far as enabling the residents to partake in the employment in those agencies exempted by law. Secondly, Mr. Speaker, on SCR NO. 12-104, I have no particular feeling on this other than to probably prompt a little bit to the committee’s thinking on this issue, especially in view, lack of significant comments either for or against the bill. I just wish that more

hearings would be done on this issue. As you know, Mr. Speaker, during our campaign people have been talking about students not knowing where to go as far as employment is concern. There is no organized way of securing employment especially among our graduating students. All of acknowledge that approximately eighty percent of our students did not go off to college, and where does that leave us with those eighty percent of students. So the intent of that bill really the school to work employment in the private sector now not in the government, is to facilitate that transition from high school to the private sector. It is true, the JTPA has a program that does that, but to a very limited extend do to the income situation of that particular federal program. I wish to ask the committee to really deliberate carefully on this next time around, go to Rota, Tinian, and have meetings here in Saipan. Go to the high schools and find out how many students have already gotten a gainful employment, because this is very common problem here Saipan, I am sure in Rota and Tinian as well, that a lot of the graduating students do not have any work. So that is the purpose of that bill to facilitate that. Now, another point, which I am very surprise to hear during our village meetings, really, the graduating students. Some of them are frustrated in coming back, returning to the CNMI because they have submitted their application maybe six months prior to graduating from college, to know avail, nobody is following up on their applications. I know of a person who is an attorney who did just that, and boy, he is lucky to be back even without a job offer. But most of the other students have decided to remain in the States, Guam or Hawaii, because of this problem. I understand Representative Apatang did something similar in the last Legislature and the Governor has his own reasons for not signing it. But this amended bill is slightly different in that it is really aiming employment not in the government. It is aiming employment in the private sector to employ our returning graduates and to employ our graduating high school student by giving them incentive for the firs five years of employment. As you know, Mr. Speaker, if you have the choice between a highly experience individual and a person from here who is a newly graduate, obviously the choice is very clear. So what this bill is trying to do is to give an edge to our students that we have supported financially by sending them to college or elsewhere outside of the CNMI. So it is really the parents, this is in response to the parent's outcry on the part of our government.

I just wish that some kind of a public forum will be held so that these parents will come and give our their horror stories about how it is to work so hard and not find employment when it is time for your to seek one. Thank you.

Speaker Fitial: According to the veto message by the Governor on the Bill that you referred too introduced by Representatives Apatang and Attao, the Governor mentioned that they were trying to institute of – Representative Bill Torres?

Rep. W. Torres: Yes, Mr. Speaker. As a matter of fact, I had mentioned as probably a model, maybe because of the size, but if Rota, they are very successful in placing a lot of students in the private sector because they insist of doing so. Here in Saipan however, I cannot speak for Tinian, but here is Saipan it is still extremely difficult. I have asked people, recent high school graduates and college graduates and it is still pretty difficult really not to be frustrated.

Speaker Fitial: Exact. Representative Hofschneider?

Rep. Hofschneider: Mr. Speaker, enough has been said, I move that 12-104 and –

Speaker Fitial: Before any motion is recognize, I recognized Representative Apatang.

Rep. Apatang: Thank you, Mr. Speaker. One of the rational that my bill was vetoed was because of questionable issues like trying to create additional agencies within the departments, but that was not the intent of the bill. The bill was actually to assign a specific agency, a division within the Department of Labor, employment services division to hand the referral program. The issue here also was that the Scholarship Office should refer those names over to the Employment Services Division and the division will advertise, will put out in the media that these students are graduating at this time with their degrees or whatever field they are in graduating out of so the private sector will have the opportunity to contact

the division of labor and these students can be hired maybe as an intern not as a manager. But if they are hired as an intern they can grow up within the system once they gain their experience. The problem right now is that, when a college graduate comes back they can't find a job because they don't have the experience. They have the education qualification, a degree. If you look at the personnel systems qualification when they announce, it is always BA plus five years experience, where are you going to get experience in college when all you are doing is go to school? So that is the reason of that bill. I am glad that Representative William Torres reintroduced a similar bill so we can help our students out. Up to now, I haven't seen any advertisement in the media saying that these college students are graduating and they are coming back at this time so these people can apply in the private sector. That is one way to replace some of these assistant managers or managers in the industries. Thank you.

Speaker Fitial: That is a policy issue within our jurisdiction. Vice Speaker?

Vice Speaker Mendiola: Thank you, Mr. Speaker. I believe we delivered a lot of concern in regards to this report. I would like to suggest that we end this and proceed. Hopefully the committee will take some consideration in regards to these two bills. Like what Representative Hofschneider said, we will try to put something that we can incorporate in the comprehensive bill, House Bill No. 12-140. So, I believe we got enough deliberation on these two Standing Committee Reports.

Rep. Hofschneider: I move to refer to the committee.

The motion was seconded.

Rep. Hofschneider: Not recognize.

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Clarification, Mr. Speaker, is that a subsidiary motion? The original motion was for the adoption.

Speaker Fitial: The motion was not recognize, so I am recognizing you to effectuate a motion.

Floor Leader Babauta: Mr. Speaker, my original motion was for the adoption of Standing Committee Report Nos. 12-104 and 12-105 unless a subsidiary motion is offered. We went into a long discussion.

Speaker Fitial: Okay, there being no further discussion. Are you ready for the question?

Several members voiced, “ready”.

Speaker Fitial: Representative Attao?

Rep. Attao: Subsidiary motion for reconsideration, to refer to the committee.

The motion was seconded.

Speaker Fitial: Recognized.

Rep. Attao: Thank you, Mr. Speaker.

Speaker Fitial: There is a secondary motion to defer action and refer these two Committee Reports along with their respective attachments to the Standing Committee and it has been seconded. So, let us vote on the secondary motion first, roll call.

The Clerk called the roll on the motion to adopt Standing Committee Report Nos. 12-104 and 12-105 as follows:

Rep. Martin B. Ada	absent
Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	no
Rep. Diego T. Benavente	yes
Rep. Antonio M. Camacho	excused
Rep. Rosiky F. Camacho	no
Rep. Florencio T. Deleon Guerrero	no
Rep. Heinz S. Hofschneider	yes
Rep. Brigida DLG. Ichihara	no
Rep. Dino M. Jones	no
Rep. Alejo M. Mendiola, Jr.	no
Rep. Norman S. Palacios	no
Rep. Thomas B. Pangelinan	yes

Rep. Peter: Mr. Speaker, because of the fact that the Committee had spent time on these two Bills, I'll vote "no".

Rep. Maria "Malua" T. Peter	no
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	no

Speaker Fitial: The motion to adopt Standing Committee Reports Nos. 12-104 and 105 is passed and that is by implication. Next?

Rep. Attao: Executive Session, Mr. Speaker?

Speaker Fitial: I think we should resolve into the Executive Session right now.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Can we come back after lunch and continue the rest of the Agenda so we can have our Executive Session right now?

Rep. Hofschneider: Yes.

Floor Leader Babauta: Mr. Speaker, Rule III, Section 4 requires $\frac{3}{4}$. Mr. Speaker, if I am in order –

Speaker Fitial: You are in order.

Floor Leader Babauta: Mr. Speaker, I move into Executive Session subject to Rule III, Section 4.

The motion was seconded and carried by voice vote.

The House resolved into Executive Session at 11:29 a.m. and reconvened back to plenary session at 3:10 p.m.

Speaker Fitial: The House shall reconvene. We will go to Item Number 3 in our Agenda under Introduction of Bills.

INTRODUCTION OF BILLS

H. B. NO. 12-180: A Bill for an Act to amend the Commonwealth Criminal Code to provide penalties for criminal misconduct against police officers and private security guards while performing their duties; and for other purposes.

Offered by: Rep. Diego T. Benavente and four others

Referred to: Committee on Judicial and Governmental Operations

H. B. NO. 12-181: A Bill for an Act to amend the Commonwealth Code to allow covered and excepted service CNMI government employees to use a limited amount of sick leave to care for family members; and for other purposes.

Offered by: Rep. Diego T. Benavente and four others

Referred to: Committee on Judicial and Governmental Operations

H. B. NO. 12-182: A Bill for an Act to amend the Commonwealth Criminal Code to punish persons who commit hate crimes and to provide penalties for offenses based on a person's ethnicity, nationality, race, gender physical disabilities or sexual orientation; and for other purposes.

Offered by: Rep. Diego T. Benavente and four others

Referred to: Committee on Judicial and Governmental Operations

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

None

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, I now move for the passage of House Bill No. 12-81 on First and Final Reading.

The motion was seconded.

H. B. NO. 12-81: A BILL FOR AN ACT TO AMEND CERTAIN SECTIONS OF 1 CMC, DIVISION 8, BY REPEALING ALL PROVISIONS RELATING TO CLASS I MEMBERSHIP IN THE NORTHERN MARIANA ISLANDS RETIREMENT FUND; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Hofschneider?

Rep. Hofschneider: Thank you, Mr. Speaker. As agreed, I offered a House Substitution to the Bill on the floor and –

Speaker Fitial: Is that the proposed amendment agreed upon yesterday?

Rep. Hofschneider: Yes.

Speaker Fitial: Can you proceed to discuss the proposed amendment, Representative Hofschneider?

Rep. Hofschneider: Thank you, Mr. Speaker. The first change that we made is on Section 2 of the Bill. Section 2 in the Substitute Bill, would be Class I Membership conversion and I'll just read it out, "Class I members prior to the effective date of this Act shall have three years to decide whether to retire as Class I or Class II members. Provided, further that any Class I member who chooses to convert to Class II must do so within this three years period and shall pay the difference in contribution attributable to Class II membership retroactive to the effective date of Public Law 6-17, prior to the date of the retirement." That means a person currently under Class I, when this Bill becomes law, may up to become Class II and shall pay the difference that Class II are paying. They have three years up to convert to Class II. For the purposes of those that were classified Class I due to Public Law 6-17, the Bill also reference retroactive application to that specific date. Section 3, on the Substitute, are for new members. All new members shall automatically be classified as Class II. That means upon the effective date of this Bill, any new employee who is a member of the Fund shall automatically be Class II. Then the repealer is on Section 4, with an added sentence after the word "hereby repealed" on line 18, "except for Class I members that do not convert to Class II after the three years period." So, there is a safety net provided in the repealer by that language so those employees that are members of the Fund that do not wish to convert to Class II may remain in Class I. So, there is no excuse that three years is inadequate time for people to consider converting to Class II and an appropriate time accommodation for their options to be considered since we are requiring them to pay the difference of approximately 2 ½ percent between Class I and Class II and then it takes about three years period to decide on how to go about, whether they can go to the banks and borrow and pay in the difference immediately or they can opt during the three years period to become Class II and make an arrangement with Retirement Fund or the CNMI government as employer to have payroll

deductions. There are so many ways that one can achieve conversion to Class II. If that is acceptable by the author particularly, then, Mr. Speaker, I move for the substitute.

Floor Leader Babauta: Second.

Speaker Fitial: What does the author have to say? Is that acceptable he is asking?

Rep. Jones: It is acceptable, Mr. Speaker.

Speaker Fitial: Proceed with the motion, Representative Hofschneider.

Rep. Hofschneider: It has been seconded.

Speaker Fitial: Discussion? Representative Attao?

Rep. Attao: Mr. Speaker, on Section 6. Saving Clause, there are two additional laws, P.L. 6-41 and P.L. 7-39, will Section 6 prohibit this particular Bill if it becomes law to change P.L. 6-41 and P.L. 7-39? Because the Bill is only talking about amending P.L. 6-17 and I am afraid that if we pass this Bill, P.L. 6-41 and P.L. 7-39 will not be applicable pursuant to Section 6 of this Bill, the Saving Clause. Maybe we can ask the legal counsel to enlighten us on this?

Speaker Fitial: Short recess.

The House recessed at 3:23 p.m.

RECESS

The House reconvened at 3:51 p.m.

Speaker Fitial: The House shall reconvene. We were discussing House Bill No. 12-81 with the proposed changes. There is a motion to accept the proposed amendment offered by Representative Hofschneider. Ready?

Rep. Hofschneider: Let us adopt and then refer back to the Committee.

Speaker Fitial: Can you just withdraw then we defer?

Rep. Hofschneider: I think for discussion purposes and the Retirement Fund it will be fitting to adopt this and say, “can we work on the Bill?” *Munga na’ ta create talo nuebo na – ti fair para i author.*

Speaker Fitial: So, the motion now is to accept the amendment offered by Representative Hofschneider on House Bill No. 12-81.

The motion to adopt the Amendment offered by Representative Hofschneider on House Bill No. 12-81 was carried by voice vote.

Speaker Fitial: The motion carries. Now, we are voting on House Bill No. 12-81, House Draft 1. Representative Hofschneider?

Rep. Hofschneider: I move to defer action and refer back to Committee.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. House Bill No. 12-81, House Draft 1, is hereby deferred and referred to the Committee. I just want to remind all of you that yesterday, we did place more Bill on the Calendar for First and Final Reading. House Bill Nos. 12-21, 12-70 –

Rep. Benavente: 12-121 and 12-170.

Speaker Fitial: I am sorry. House Bill Nos. 12-121, 12-170 –

Rep. Benavente: It is in the Order of Business.

Speaker Fitial: 12-157 and 12-162. That is correct. Floor Leader?

Floor Leader Babauta: Mr. Speaker, just probably a typographical error on House Bill No. 12-119 – I am sorry, I take it back. Mr. Speaker, I move for the passage on First and Final House Bill No. 12-117.

The motion was seconded.

H. B. NO. 12-117: A BILL FOR AN ACT TO REPEAL TITLE 4 CMC DIVISION 5, CHAPTER 5 IN ITS ENTIRETY; VACATE EO 94-3, 302 (c) AND REPLACE WITH A NEW DIVISION 5, CHAPTER 5, ENTITLED THE ALCOHOLIC BEVERAGE CONTROL ACT OF 2000; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Hofschneider?

Rep. Hofschneider: With all due respect to the Committee that is assisting JGO, I believe, Mr. Speaker... can we hold off on this Bill, there's a lot of typos in the Bill.

Speaker Fitial: A lot of what?

Rep. Hofschneider: Typos and transposition of words. On page 4 for instance –

Rep. Jones: That is correct, Mr. Speaker -- four, five, six.

Rep. Hofschneider: And also, subsections of the bill are being headed as the main subject matters. On pages 4, 6, --

Speaker Fitial: I see that. So, if there is no objection can we defer action on this particular Bill so that we can refer it to the central repair shop?

Rep. Jones: This thing will do a good job with the committee assistants.

Speaker Fitial: Okay. The Chairman has assured the House that this Bill will be returning with proper attire.

Rep. Hofschneider: Thank you.

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Mr. Speaker, I now move for the passage of House Bill No. 12-119 on First and Final Reading.

The motion was seconded.

H. B. NO. 12-119: A BILL FOR AN ACT TO ESTABLISH A DIVISION OF FINANCE WITHIN THE LEGISLATIVE BUREAU; AND FOR OTHER PURPOSES.

There was no discussion raised.

The Clerk called the roll on the motion to pass House Bill No. 12-119, on First and Final Reading as follows:

Rep. Martin B. Ada

yes

Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Diego T. Benavente	no
Rep. Antonio M. Camacho	excused
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	excused
Speaker Benigno R. Fitial	yes

Speaker Fitial: Representative Lee Torres had to leave the session because his father-in-law is seriously ill and he will be transported to Honolulu later on this evening. House Bill No. 12-119 passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I now move for the passage of House Bill No. 12-133 on First and Final Reading.

The motion was seconded.

H. B. NO. 12-133: A BILL FOR AN ACT TO ESTABLISH AN OFFICE OF ADMINISTRATIVE HEARINGS AND APPEALS; AND FOR OTHER PURPOSES.

There was no discussion raised.

The Clerk called the roll on the motion to pass House Bill No. 12-133, on First and Final Reading as follows:

Rep. Martin B. Ada	yes
Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Diego T. Benavente	yes
Rep. Antonio M. Camacho	excused
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	excused
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-133 passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I now move for the passage on First and Final Reading House Bill No. 12-121, CS1.

The motion was seconded.

H. B. NO. 12-121, CS1: A BILL FOR AN ACT TO AMEND 6 CMC 3156(a), 1 CMC § 1402(a) AND TO ADD A NEW SUBSECTION 1 CMC 5107(h) FOR PURPOSES OF TRANSFERRING REGULATION OF THE GAME JUETENG TO THE OFFICE OF THE MAYOR FOR EACH SENATORIAL DISTRICT.

Speaker Fitial: Discussion?

Several members voiced, “ready”.

Speaker Fitial: Representative Benavente?

Rep. Benavente: Thank you, Mr. Speaker. I have a couple of objections to this Bill. First of all, even as I read the Bill on Section 2, when you say, “bingo, batu, raffle, cockfighting and jueteng” which it doesn’t sound right. I don’t think it is part of the traditional games and cultural games that were intended to allow the Mayor to operate and to allow the Saipan Municipality to generate revenue. The other concern I have is that, presently, jueteng is being regulated by the Lottery Commission where there was at one time two companies who had licensed had to pay the Lottery requirement or One Hundred and Fifty Thousand Dollars (\$150,000.00) fee in order to run his gambling game. Right now, there is still one company that continues to operate the jueteng game and still pays the One Hundred Fifty Thousand Dollars (\$150,000.00) plus the five percent (5%) on the gross that their being required of totals to somewhere over two hundred sum thousand dollars that we presently get from one operator of jueteng game. That is a substantial revenue presently that this government collects and to take that out of the Lottery Commission and put it over to the Mayor’s Office where as we know, the other games such as bingo, batu and cockfighting, when they do issue bidding for operators for these types of license, the bidding that are being offered is anywhere from Ten to Forty Thousand Dollars at the most. I think this would substantially take, first of all, a lot of revenue that this government depends on right now. I think it is

more related to the lottery system that is, again, currently being regulated... and I don't think that it should be under the Mayor's Office, and again, shouldn't be tied in together with the other cultural games that was intended to provide the Mayor to operate. Again, Mr. Speaker and members, I think that we need to consider the fact that revenue is very important to us and if this individual company continues to operate presently under the Lottery and continue to pay the \$150,000.000 fee plus the 5% that is being required, I think that is for the benefit of this government, we should leave it there. Thank you.

Floor Leader Babauta: There is no objection, Mr. Speaker. We are ready.

Speaker Fitial: Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-121, CS1, on First and Final Reading as follows:

Rep. Martin B. Ada	yes
Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Diego T. Benavente	no
Rep. Antonio M. Camacho	excused
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. Palacios: Mr. Speaker, I don't know what game is this, but I have to vote "no".

Rep. Norman S. Palacios	no
Rep. Thomas B. Pangelinan	no
Rep. Maria “Malua” T. Peter	yes
Rep. Stanley T. Torres	no
Rep. William S. Torres	excused
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-121, CS1, passes the House. Next, Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I now move for the passage of House Bill No. 12-170 on First and Final Reading.

The motion was seconded.

H. B. NO. 12-170: A BILL FOR AN ACT TO ESTABLISH A TEMPORARY WATER SAFETY TASK FORCE; AND FOR OTHER PURPOSES.

There was no discussion raised.

The Clerk called the roll on the motion to pass House Bill No. 12-170 on First and Final Reading as follows:

Rep. Martin B. Ada	yes
Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Diego T. Benavente	absent
Rep. Antonio M. Camacho	excused
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. Thomas B. Pangelinan	yes
Rep. Maria “Malua” T. Peter	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	excused
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-170 passes the House. Did we adopt the Resolutions 12-45 – already?

Floor Leader Babauta: Yes. Yesterday.

Speaker Fitial: Next, Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I now move for the passage of House Bill No. 12-162, CS1, on First and Final Reading.

The motion was seconded.

H. B. NO. 12-162, CS1: A BILL FOR AN ACT TO DESIGNATE MANAGAHA ISLAND, AND ITS SURROUNDING WATERS AS A MARINE CONSERVATION AREA, TO AMEND 1 CMC 2268 AND PL 10-57 AS FURTHER AMENDED; AND FOR OTHER PURPOSES.

There was no discussion raised.

The Clerk called the roll on the motion to pass House Bill No. 12-162, CS1, on First and Final Reading as follows:

Rep. Martin B. Ada	yes
Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Diego T. Benavente	absent
Rep. Antonio M. Camacho	excused
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	excused
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-162, CS1, passes the House.

Rep. Hofschneider: Mr. Speaker, privilege.

Speaker Fitial: Privilege.

Rep. Hofschneider: Representative Benavente asked to be excused, he had an urgent call.

Speaker Fitial: So noted. Any further Bills on the Calendar?

Floor Leader Babauta: Yes, Mr. Speaker, one more.

Speaker Fitial: Floor Leader.

Floor Leader Babauta: Mr. Speaker, I move for the passage of the last Bill on the Calendar, on First and Final Reading House Bill No. 12-157, House Draft 1.

The motion was seconded.

H. B. NO. 12-157: A BILL FOR AN ACT TO ESTABLISH A HEALTH CARE SYSTEM REVIEW COMMISSION; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion?

Several members voiced, “ready”.

Rep. Hofschneider: Mr. Speaker, just a few –

Speaker Fitial: Just a few points?

Rep. Hofschneider: Yes. Mr. Speaker, this is a timely legislation and it is urgently needed. And also, Mr. Speaker, if the Chairperson of Health Committee could also take a look at the reorganization of the hospital that I proposed, that is consistent with the intention of this legislation that we are going to be voting on. We need to streamline the hospital and reduce the subsidy to the hospital by looking at privatizing the services.

Speaker Fitial: This is the direction that this House leadership is moving on. As you probably have learned, various meetings taking place between the committee and the respective members of the Health Committee and everyone is in agreement of the proposed direction that we are now taking to streamline government expenditures on delivery of health care. And also, involve the private clinics in the delivery of health care.

Rep. Hofschneider: Thank you. Ready.

Speaker Fitial: Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-157, HD1, on First and Final Reading as follows:

Rep. Martin B. Ada	yes
Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Diego T. Benavente	excused
Rep. Antonio M. Camacho	excused
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	excused
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-157, House Draft 1, passes the House.

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENTS

The Chair recognized Rep. Ichihara.

Chairwoman Ichihara: Education Committee will be hosting a public hearing tomorrow at Rota Court House on House Bill 12-55, possibly House Bill No. 12-140, and House Legislative Initiative at ten o'clock, in Rota.

Speaker Fitial: You are having a public hearing in Rota, tomorrow? -- So, let us just agree to reschedule the leadership tomorrow to Thursday, same time. Any more announcements? Representative Ada?

Rep. Ada: I would like to ask Representative Palacios about tomorrow's ceremony for the Oldest Living Person in the CNMI?

Speaker Fitial: Representative Palacios?

Chairman Palacios: Mr. Speaker, I think they moved the schedule for 22nd, if I am not mistaken, in Tinian.

Speaker Fitial: Twenty --?

Chairman Palacios: Second -- May 22nd. I will verify it again, just to make sure.

Speaker Fitial: Can you verify that?

Rep. Ada: Thank you.

Speaker Fitial: We just passed House Bill No. 12-119, that is the LB (Legislative Bureau) Division of Finance. I have been receiving request for payments from individual members requiring my signature and I venture to find out why am I required now to sign off on request for payments affecting individual members account. I don't think, even though I am the Speaker, I don't think that I have any business certifying public purpose for request for payments affecting individual members account. So, please do not route this request for payments for my signature because I respect each individual members account.

Rep. Hofschneider: Mr. Speaker, is that coming from the Secretary of Finance?

Floor Leader Babauta: There were Rules promulgated.

Rep. Hofschneider: I believe the Secretary does not have a copy of the House Rules we adopted.

Floor Leader Babauta: So, we need to provide her that one.

Rep. Apatang: Mr. Speaker, there is proposed Rules and Regulation for the Department of Finance.

Speaker Fitial: Right, but there is a statute.

Rep. Apatang: Evidently the regulation was adopted prior to the statute becoming a law. So, we need to probably go back and address that issue with the Secretary of Finance because she is been returning a lot of bills and requiring your signature.

Speaker Fitial: But there is a statute concerning individual members accounts that each individual member is accountable, responsible, for their respective individual accounts. No one else can be accountable or responsible for such accounts except individual members.

Rep. Apatang: Maybe we need to meet with the Secretary of Finance.

Rep. Attao: Mr. Speaker?

Speaker Fitial: Go ahead.

Rep. Attao: This is very specific, the Speaker's signature is required only on the official representation allowance, if you are to charge the official representation.

Rep. Hofschneider: No.

Rep. Attao: Yes. That is the policy.

Rep. Hofschneider: But not on individual members –

Rep. Attao: If you are going on travel business, that is your prerogative, but as far a official representation, the Speaker has to certify, that is the policy.

Rep. Apatang: I just received a bill returned, requiring the Speaker's signature for tents that I have rented out. That kind of business had to stop.

Vice Speaker Mendiola: Actually, we are not suppose to be involve that is exactly your own money.

Rep. Apatang: That is what we need to do, invite the Secretary and make her understand that public purpose statute is in effect.

Chairman Palacios: Come up with a resolution.

Chairwoman Peter: Which law is that?

Floor Leader Babauta: Mr. Speaker, may I?

Speaker Fitial: I am not too sure, whether or not because House Resolution No. 12-13, House Draft 2, which append the additional House Rules that applies to the expenditure of every member, I don't know if the Secretary of Finance has been –

Rep. Hofschneider: What I heard is that, she is not aware of similar provisions in our House Rules like the Senate. She may be asking because she is not informed about that particular adoption of the public purpose.

Floor Leader Babauta: When we passed the Senate Bill, Mr. Speaker, we incorporate also the Rules of the House, because the provision of the Senate stipulates that, there is a Section there that says, "shall adhere to each respective Rules, Senate and the House of Representatives." So that is why we went ahead and move for the adoption of the additional rules to be attached to our present House Rules that specified the items that are qualified to be paid out off our individuals allocation.

Speaker Fitial: Legal Counsel, does Public Law 12-2, allow each House to have different Rules? – So we have the Chamorro Rules and the Carolinian Rules.

Rep. Attao: Our Rules is consistent with the Senate because we adopt the Senate Rules.

Speaker Fitial: No, but our Rules does not allow expenditure for secretary's bouquet.

Floor Leader Babauta: Yes. That is inclusive, Mr. Speaker, on Rule –

Speaker Fitial: The point here is that, I don't think that the Speaker should be controlling or has anything to do with individual members account. Is this the desire of the House to have the Speaker control?

Vice Speaker Mendiola: Maybe she is asking if we can acknowledge – like...

Speaker Fitial: The Secretary is not looking for acknowledgement. As I understand, the Secretary is looking not for acknowledgement, but for liability, somebody to be also equally responsible and liable. I don't think this is fair.

Rep. Hofschneider: It is not recommended that all of the seventeen liability, you are going to be liable for it.

Speaker Fitial: Unless this is the desire of the House. Because if you all agree that I should be the person to approve on all your request –

Rep. Hofschneider: I think a letter, Mr. Speaker, from your office on --

Speaker Fitial: One-minute recess.

The House recessed at 4:20 p.m.

RECESS

The House reconvened at 4:23 p.m.

Speaker Fitial: The House shall reconvene. We don't have anymore miscellaneous, we don't have any more announcements, and we have only one last announcement. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move to adjourn subject to the call of the Chair.

The House adjourned at 4:24 p.m. subject to the call of the Chair.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives