

**THE SENATE  
TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
SECOND REGULAR SESSION, 2000**

Third Day

Thursday, October 19, 2000

The Senate of the Twelfth Northern Marianas Commonwealth Legislature, Third Day, Second Regular Session, 2000, was called to order at 11:05 a.m. in the Senate Chamber, on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Paul A. Manglona, President of the Senate, presided.

A moment of silent prayer was observed.

The Senate Clerk called the roll and eight (8) members were present, and Senator Ramon S. Guerrero was excused.

**READING AND APPROVAL OF THE JOURNAL**

1. 1<sup>st</sup> Day, Fifth Special Session, 06/27/00
2. 1<sup>st</sup> Day, Sixth Special Session, 07/20/00
3. 1<sup>st</sup> Day, Second Regular Session, 08/03/00

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, we have three Journals on the calendar. First Day, Fifth Special Session, dated June 23, 2000; First Day, Sixth Special Session, dated July 20, 2000 and First Day, Second Regular Session, dated August 03, 2000, journals.

Both Vice President Villagomez and Senator Dela Cruz voiced, "second".

President Manglona: Is there any discussion on the Journals?

Several members voiced "second".

The motion to adopt First Day, Fifth Special Session, First Day, Sixth Special Session and First Day, Second Regular Session, was carried by voice vote.

President Manglona: The said Journals passed the Senate.

**MESSAGES FROM THE GOVERNOR**

Gov. Mesg. No. 12-327: October 2, 2000 – PL 11-6 Exemption for Telesource CNMI, Inc.

Gov. Mesg. No. 12-328: September 29, 2000 - PL 11-6 Exemption for JALPAK INTERNATIONAL.

Gov. Mesg. No. 12-329: September 29, 2000 – PL 11-6 Exemption for Golden Bird Corporation.

Gov. Mesg. No. 12-330: September 29, 2000 – PL 11-6 Exemption for Alexander.

Gov. Mesg. No. 12-331: September 28, 2000 – PL 11-6 Exemption for Asian Bridge Corporation.

Gov. Mesg. No. 12-332: September 28, 2000 – PL 11-6 Exemption for Coconesia House, Inc.

Gov. Mesg. No. 12-333: September 28, 2000 – PL 11-6 Exemption for Viralicci.

Gov. Mesg. No. 12-334: September 28, 2000 – PL 11-6 Exemption for Vision 21 Corporation.

Gov. Mesg. No. 12-335: September 28, 2000 – PL 11-6 Exemption for Jones and Guerrero, Inc.

Gov. Mesg. No. 12-336: September 28, 2000 – PL 11-6 exemption for Jin Ah Corporation.

Gov. Mesg. No. 12-337: September 28, 2000 – PL 11-6 Exemption for TRI Enterprises, Inc.

Gov. Mesg. No. 12-338: September 27, 2000 – Certification that the position of Community worker at the Tinian Mayor's Office is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-339: September 27, 2000 – Certification that the position of Receptionist at the Tinian Mayor's Office is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-340: September 27, 2000 – Certification that the position of Construction Worker at the Tinian mayor's Office is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-341: September 27, 2000 – Certification that the position of Secretary at the Tinian Mayor's Office is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-342: September 27, 2000 – PL 11-6 Exemption for Tinian, Department of Public Health.

Gov. Mesg. No. 12-343: September 26, 2000 – Informing the Legislature that he had signed into law SB 12-65, the Commonwealth Medical and health Insurance Task Force. (PL 12-21 – 09/26/00)

Gov. Mesg. No. 12-344: September 25, 2000 – Certification that the position of Technical Financial Analyst at the Office of Management and Budget is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-345: September 22, 2000 – Informing the Legislature that he had signed into law HB 12-011, the "Northern Mariana Islands Free Trade zone Act of 2000". (PL 12-20 – 09/22/00)

Gov. Mesg. No. 12-346: September 22, 2000 – Certification that the position of Physician Assistant at the Tinian Health Center is vacant and must be filled during the period of our continuing resolution.

Gov. Mesg. No. 12-347: September 27, 2000 – Certification that the position of Medical Attendant at the Tinian Mayor's Office is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-348: October 3, 2000 – Certification/Justification that the position of Community Worker for the Office of Special Assistant for Administration is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-349: October 6, 2000 – PL 11-6 Exemption for STS Enterprises, Inc.

Gov. Mesg. No. 12-350: October 6, 2000 – PL 11-6 Exemption for SN-5 Enterprises.

Gov. Mesg. No. 12-351: October 6, 2000 – Certification that the positions of Administrative Assistant, Special Assistant for Projects and 2 Project Development Workers in the Office of the Mayor of Rota are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-352: October 6, 2000 – Certification/Justification that the position of a Medical Referral Assistant and an Administrative officer for the Hawaii Liaison Office are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-353: October 11, 2000 – Certification that the position of Land Title Investigator in the Rota Department of Lands and Natural Resources is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-354: October 12, 2000 – Informing the Legislature that he had signed into law HB 12-149, entitled, “To amend Subsection 2 of Section 2 of PL 11-43; and for other purposes. (PL 12-22 – 10/12/00)

Gov. Mesg. No. 12-355: October 12, 2000 – Informing the Legislature that he had signed into law HB 12-188, HD1, the “Tinian Supplemental Capital Improvement Projects Appropriations Act of 2000.” (PL 12-23 – 10/12/00)

Gov. Mesg. No. 12-356: October 12, 2000 – Informing the Legislature that he had signed into law HB 12-100, HD1, SD2, HD2, entitled, “To reappropriate fund balances from PL 11-67; and for other purposes.” (PL 12-24 – 10/12/00)

Gov. Mesg. No. 12-357: October 17, 2000 – PL 11-6 Exemption for Micronesia Air Saipan, Inc.

Gov. Mesg. No. 12-358: October 17, 2000 – PL 11-6 Exemption for Wayson W.S. Wong, Attorney at Law.

Gov. Mesg. No. 12-359: October 17, 2000 – PL 11-6 Exemption for Pacific Communications d.b.a. International Hairport and Trinity’s Beauty Salon.

Gov. Mesg. No. 12-360: October 17, 2000 – PL 11-6 Exemption for Diocese of Chalan Kanoa (CNMI)

Gov. Mesg. No. 12-361: October 17, 2000 – PL 11-6 Exemption for Hot 98 Marketing d.b.a. Visitor’s Channel.

Gov. Mesg. No. 12-362: October 18, 2000 – Certification that the position of Custodial Worker at the Rota Health Center is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-363: October 18, 2000 – PL 11-6 Exemption for M&F Corporation of Micronesia.

Gov. Mesg. No. 12-364: October 18, 2000 – PL 11-6 Exemption for AA Enterprises Inc.

Gov. Mesg. No. 12-365: October 18, 2000 – PL 11-6 Exemption for Deloitte touché Tohmatsu.

Gov. Mesg. No. 12-366: October 18, 2000 – PL 11-6 Exemption for Saipan Seventh-day Adventist Clinic.

President Manglona: Is there any comment on the Governor’s Messages? None?

#### COMMUNICATIONS FROM THE JUDICIARY

None

#### COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS

None

HOUSE COMMUNICATIONS

Hse. Comm. No. 12-134: Transmitting for Senate action HB 12-254, entitled, "A Bill for an Act to control the usage of fire protection equipment and fire hydrants and for other purposes."

Hse. Comm. No. 12-135: Informing the Senate that the House accepted the Senate amendments to HB 12-209, entitled, "A Bill for an Act to repeal and reenact 1 CMC 1606-1616, and for other purposes." (RE: amendment to the Youth Congress Act)

Hse. Comm. No. 12-136: Informing the Senate that the House accepted the Senate amendments to HB 12-141, CD2, entitled, "A Bill for an Act to provide for the administration and compensation of Municipal Councils, and their members on the islands of Saipan and Northern Islands, Rota, and Tinian, and to amend certain provisions of 1 CMC, Division 1, Chapter 4, and for other purposes."

Hse. Comm. No. 12-137: Transmitting for Senate action HB 12-17, CD1, entitled, "A Bill for an Act to provide a tax credit to employers who hire and employ individuals with disabilities; and for other purposes."

Hse. Comm. No. 12-138: Transmitting for Senate action HB 12-255, entitled, "A Bill for an Act to amend 2 CMC § 5201(a), to require all parties to a permit to visit Aguiguan register with the Division of Fish and Wildlife prior to and immediately after all landings on Aguiguan; and for other purposes."

Hse. Comm. No. 12-139: Transmitting for Senate action HB 12-257, CD1, HD1, entitled, "a Bill for an Act to further amend Public Law 10-57 to place the board of Public Lands and the Division of Public Lands as a single independent agency within the Executive Branch; and for other purposes."

Hse. Comm. No. 12-140: Returning without amendment SJR 12-1 entitled, "A Senate Joint Resolution respectfully requesting the Congress of the of the United States of America to add Tinian's North Field to the National park System." (TO BE ENGROSSED)

Hse. Comm. No. 12-141: Transmitting for Senate action HB 12-90, CD1, entitled, "A Bill for an Act to amend 4 CMC 7306, and for other purposes." (RE: Security deposits and reserves).

Hse. Comm. No. 12-142: Transmitting for Senate action HB 12-15, CD1, entitled, "A Bill for an Act to amend 4 CMC, Division 10, Subsection 10203(a) by adding a new subsection (35) to authorize the issuance of a construction performance bond for government projects to construction companies and to accept leasehold interest or other security equal to the total project cost; and for other purposes."

Hse. Comm. No. 12-143: Transmitting for Senate action HB 12-275, HS1, entitled, "A Bill for an Act to amend certain provisions of Article 4, Division 4 of Title 3 relating to nonresident worker employment contracts and procedures; and for other purposes."

Hse. Comm. No. 12-144: Transmitting for Senate action HB 12-279, CS1, entitled, "A Bill for an Act to repeal and reenact Public Law 11-79 Section 6(c)(2) and for other purposes."

Hse. Comm. No. 12-145: Transmitting for Senate action HB 12-282, entitled, "A Bill for an Act to repeal and reenact Section 1 of Public Law 12-7; and for other purposes."

Hse. Comm. No. 12-146: Transmitting for Senate action HB 12-285, entitled, "A Bill for an Act to extend the privilege of having non-resident workers with special skills and qualifications fill hard to fill vacant positions within the CNMI government by repealing and reenacting 3 CMC, § 4434(i); and for other purposes."

Hse. Comm. No. 12-147: Transmitting for Senate action HB 12-059, CS1, entitled, "A Bill for an Act to appropriate Two Hundred Fifty Six thousand Six Hundred Thirty Six dollars (\$256,636.00) from fund balances from Public Law Nos. 9-1 and 10-38; and for other purposes."

Hse. Comm. No. 12-148: Transmitting for Senate action HB 12-231, CD1, entitled, "A Bill for an Act to amend Title 1, Div. 8, Part 3, Chapter 7, § 8402 of the commonwealth Code; and for other purposes."

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Thank you, Mr. President. On House Communication No. 12-148, that's transmitting for Senate action House Bill No. 12-231, I would like to ask the members if we could consider and place it on today's Calendar for discussion, maybe on Final Reading.

President Manglona: Is there any elaboration on this particular bill, since there is no title here, Vice President?

Vice President Villagomez: That's the bill to authorize those individuals who have picked up the thirty-percent bonus and are teaching in the classrooms.

President Manglona: I understand that the Floor Leader will be making a motion to include that. So, if you yield for now and the Floor Leader --- conversation has included that. Thank you, Vice President. Is there any other member?

Senator Adriano: Just to make a comment, Mr. President. On House Communication No. 12-140, the House has fully endorsed the Joint Resolution and I want to give an appreciation on behalf of the Senate members. Thank you.

President Manglona: Thank you, Chairman. Is there any other member? None?

#### WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

#### STANDING COMMITTEE REPORTS

None

#### SPECIAL/CONFERENCE COMMITTEE REPORTS

None

#### UNFINISHED BUSINESS

None

#### PREFILED BILLS AND RESOLUTIONS

None

#### INTRODUCTION OF BILLS AND RESOLUTIONS

Sen. Bill No. 12-80: A Bill for an Act to amend certain provisions of Public Law No. 12-19, known as the domestic and family violence prevention act of 2000 and for other purposes. (SEN. RICARDO S. ATALIG)

Sen. Res. No. 12-22: A Senate Resolution to instruct the legal counsel to represent the Senate and take any and all appropriate legal actions, by certification to the Commonwealth Supreme Court, to obtain a judicial determination of the scope of legislative expenditure authority and the role, function, and limits of the Department of Finance's authority with respect to legislative expenditures; and for other related purposes. (SEN. JOAQUIN G. ADRIANO)

Sen. Joint Res. No. 12-2: A Senate Joint Resolution requesting the U.S. Congress to authorize the appropriation of funding necessary to reconstruct, rehabilitate, and repair the break water protecting San Jose Harbor at Tinian, Northern Marianas Islands. (SEN. JOAQUIN G. ADRIANO)

Senator Atalig and Senator Adriano requested to place Senate Bill No. 12-80 and SR 12-22 and SJR 12-2 on this day's calendar for action.

### BILL CALENDAR

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes moved to place House Bill No. 12-22, CS1; House Bill No. 12-285; House Bill No. 12-231, CD2; House Bill No. 12-257, CD1, HD1; Senate Bill 12-80 on this days calendar for Final Reading, and SR 12-2 and SJR 12-2 on the Resolution Calendar

Senator Adriano voiced, "no objection".

President Manglona: Short recess.

The Senate recessed at 11:10 a.m.

### RECESS

The Senate reconvened at 11:15 a.m.

President Manglona: We are back to our session. We are still under Bill Calendar. A motion has been made by the Floor Leader to place additional bills and resolutions on our Calendar.

The motion for the placement was seconded and carried by voice vote.

HOUSE BILL NO. 12-22, COMMITTEE SUBSTITUTE 1: A BILL FOR AN ACT TO APPROPRIATE THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) FOR THE CONSTRUCTION OF COVERED SIDEWALKS IN FULL COMPLIANCE WITH FEDERAL ACCESSIBILITY STANDARDS FOR GARAPAN AND OLEAI ELEMENTARY SCHOOL AND TO AMEND PUBLIC LAW 10-38, AS REPEALED AND REENACTED BY PUBLIC LAW 11-7; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its passage on Final Reading and Senator Atalig seconded.

The Chair recognized Senator Maratita under discussion.

Senator Maratita: I have a floor amendment, Mr. President and I believe that all the members have copies.

President Manglona: Any second on the floor amendment?

Senator Atalig and Senator Dela Cruz voiced, "second".

President Manglona: There's a floor amendment being offered and it has been seconded. Is there any discussion?

Senator Dela Cruz voiced, "ready", and the motion to adopt the floor amendment offered by Senator Maratita carried by voice vote.

President Manglona: The amendment passes. We're back to House Bill No. 12-22, CS1, as amended.

Senator Maratita voiced, "ready".

President Manglona: Is there any discussion? None? Senate Clerk, call the roll, please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	Yes
Senator Ricardo S. Atalig	Yes
Senator David M. Cing	Yes
Senator Jose M. Dela Cruz	Yes
Senator Ramon S. Guerrero	Excused
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, House Bill No. 12-22, CS1, as amended, passes the Senate.

HOUSE BILL NO. 12-279, COMMITTEE SUBSTITUTE 1: A BILL FOR AN ACT TO REPEAL AND REENACT PUBLIC LAW 11-79, TO GIVE \$1,720,000.00 TO CHALAN KIYA SEWERAGE SYSTEM; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its passage on Final Reading and both Senator Atalig and Senator Adriano seconded.

President Manglona: It has been moved and seconded. Is there any discussion?

Several members voiced "ready".

President Manglona: Ready? Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	Yes
Senator Ricardo S. Atalig	Yes
Senator David M. Cing	Yes
Senator Jose M. Dela Cruz	Yes
Senator Ramon S. Guerrero	Excused
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, House Bill No. 12-279, CS1, passes the Senate.

HOUSE BILL NO. 12-285: A BILL FOR AN ACT TO EXTEND THE PRIVILEGE OF HAVING NON-RESIDENT WORKERS WITH SPECIAL SKILLS AND QUALIFICATIONS FILL HARD TO FILL VACANT POSITIONS WITHIN THE CNMI GOVERNMENT; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its passage on Final Reading and several members seconded.

President Manglona: It has been moved and seconded. Is there any discussion?

Floor Leader Reyes: Mr. President, this is just a clarification on that bill. I believe it is Senate Substitute 1. I'm trying to find...

President Manglona: So the motion is for 12-285, Senate Substitute 1. Is there any comment?

Floor Leader Reyes: First of all, I think that this type of bill, although it is unpopular and should be discouraged, appears to be necessary, but there are other concerns that I have in this bill. I have a floor amendment to address those concerns. Copies of the floor amendments have been passed out to the members. I would like to bring the attention to the floor amendment that we passed out. On page 2, line 20, after "government entities", insert, "for a contract period not to exceed one year renewable pursuant to the restriction impose herein". The reason for doing that, Mr. President, is that the previous law, Public Law 10-4, has a Sunset Clause on the exemption for the government to hire non-resident workers. Apparently, although, it is the intent of this Legislature to insure that those non-resident workers are not hired beyond September 30, 2000. It appears that some government agencies that are exempted under this law renew contracts prior to the expiration of September 30, giving as I was made to understand, additional 2 years beyond September 30. I interpret that to mean that they have extended the exemption and the Sunset Clause beyond what the Legislature intended it to be. So, let us make it crystal clear that no contracts can be allowed in excess of 1 year. The rational behind this is to make sure that because immigration, entry permits are limited by law to 1 year. It does not make sense that contracts are given to individuals whose stay is limited in the Commonwealth to 1 year. So, that was the rational behind that. Also, on page 4, line 9, section (f) or Subsection (a), under no circumstances shall any government entity enter into any employment contract with the manpower service for the purpose of securing of non-resident labor. All non-resident workers employed in any capacity by the Commonwealth government shall contract directly with the applicable agency." The reasons why we are providing exemption for the government to hire non-resident workers preclude the use of manpower services. It doesn't make sense at all why the exemption exists and yet they have to go through a manpower service. So, that was the rational behind this and I move to offer this floor amendment to House Bill No. 12-285, SS1.

Senator Adriano voiced, second.

President Manglona: Is there any discussion on the floor amendment as offered by Floor Leader Reyes?

Vice President Villagomez: On the floor amendment, the amendment on the government entities, on page 2, line 20, I have no problem on that floor amendment, but I have concerns on the second part of this floor amendment, Mr. President and members of the Senate. As you know, what we have right now here in the CNMI is a shortage of professional services and I believe that the intent of this legislation is more to accommodate the need of our public health services. I am not talking about the other agencies, but we do need additional exemption on public health. If we are going to restrict public health from hiring today or renewing the manpower services that are being provided I believe we are going to have more problems than what we are expecting. In fact, I feel that we don't need to pass this legislation if we are going to insert this provision. The only way I see that can work out with this section here.... Let us say, if we provide at least the opportunity with public health services to limit their contract with the manpower agency, to maybe 2 years. But if we are going to insert this amendment and force public health to cancel all manpower services, I believe we are going to be in more trouble.

Floor Leader Reyes: Point of clarification, Mr. President.

President Manglona: Vice President, would you yield to Floor Leader?

Floor Leader Reyes: Mr. President, if you look at the floor amendment that I offered, this is to prevent the use of the manpower service. This does not affect those that are currently employed through the manpower service because those have already entered contracts with CHC. What this proposes to do is to ensure that there's no future use of manpower services. It does not, in any way, in my interpretation in this amendment, go after the CHC professional staffs that are currently enjoying the contract with CHC. But it is the intent, and I have to agree with the Vice President, to allow the flexibility for CHC to hire professional staff that we don't have currently in the Marianas. But the manpower services used are also non-resident and what we are doing here is allowing CHC to directly hire non-resident workers. We don't want two (2) masters serving one (1) agency. So, the rational here is to make sure that an employee hired by the government to work at CHC answers to one master, answer to the Secretary of the Department of Health and Environmental services. He does not answer to the manpower service employment agency. In this particular case, an employee that is hired by the manpower agency has employee or employer obligation to satisfy the manpower agency while at the same time also answers to a second master who is the supervisor of CHC and this does not make sense at all. So, with all due respect to the Vice President, the intent is to



extend the exemption over to the Health Services to recruit non-resident workers. Manpower services use non-resident workers. Why can't CHC directly hire those people that they want to use instead of going through the manpower service? What this does is it reduces the efficiency of workers hired through the manpower services. Because part of their salary goes to pay the manpower services that hire them in the first place.

President Manglona: Floor Leader, I believe the Vice President still has the floor.

Floor Leader Reyes: I'm just making clarification to the statement made that's all.

Vice President Villagomez: The thing that I am trying to relate right now, if this floor amendment is inserted... We adopt the floor amendment and we pass this legislation and it is signed... I believe that there are contracts now pending in front of the Secretary of Public Health that have not been signed and they'll be expiring soon on the manpower services, the nurses that are working under the manpower agency. All I'm trying to relate is, if and when we pass this amendment, I feel that we will be restricting any new manpower contracts at Public Health. Are we ready to deny those nurses now that are here on island that have not renew their contracts, and are we able to recruit those numbers and have them replaced immediately because there's a need for nurses here in the CNMI? I'm saying that, if we are going to put in this provision, let us give the same provision that we are providing on the other agencies at least on the manpower services. Let us give them a mandate that they will have to phase out the manpower agencies, and maybe in 2 years go on a direct hire. I still feel that we should go on a direct hire, but the existing contracts right now or independent contracts that have not gone through--would this authorize it? I feel that this amendment will not allow those nurses to be renewed. Thank you.

The Chair recognized Senator Dela Cruz.

Senator Dela Cruz: Mr. President, I think, with all do respect to the floor amendment presented here today, that the most proper thing to do here is to find out with the Secretary of Public Health how far we are into this manpower service at this time. Because just like what the Vice President has mentioned, I am pretty sure that there are more reasons behind this, why manpower services are being used for these particular areas in our government. I think that before we make some modifications or changes in this particular area that it is only fair that we should ask the Secretary of Public Health as to why or is this particular amendment timely or should we give it a grace period? If there's an on-going process right now, won't it hamper our public service? Because I think the bottom line here, Mr. President, is to make sure that we provide the best possible care for our people. We know very well, that we can not accommodate certain positions at this time, but its only fair that we should consult also with the man in charge in this particular area. Thank you, Mr. President.

The Chair recognized Senator Maratita.

Senator Maratita: Thank you, Mr. President. With all do respect to Floor Leader Reyes, my concern here is are we going to burden again the government in terms of housing? In the case of CHC, is CHC ready? Because if we go on a direct hiring that means we have to provide these employees with housing and other benefits and that would include also CUC, the Northern Marianas College, Public Works. At this time, I believe the manpower services are providing these benefits to the employees. So, I would like to recommend to you, probably for now, we can go ahead and go on a direct manpower agency for two years. And maybe in the next, after the expiration, we can go direct once the government can fulfill the obligation in terms of housing and other benefits to these employees. Thank you, Mr. President.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, I'm not sure I'm making this clear. Those, that currently have entered a contract whether it is 1 year or 2-years contract with CHC beyond September 30, are not affected by this. The end result that you are talking about is the same intent here. We are not going to terminate their employment because of this inclusion. This inclusion makes sure that in the future after those contracts that were signed...

President Manglona: Floor Leader, but I think that Vice President has explained that some of these people's contracts are expiring next month and....

Floor Leader Reyes: I know, Mr. President, I'm getting to that. He mentioned that some of them are expiring very soon. When they expire, Mr. President, it would be beyond September 30, which is beyond the exemption and should not have been renewed anyway. But this provision would allow them to negotiate with these people so that they can hire them directly instead of through the use of manpower services. With respect to the concern of housing, I am sure that if you look at their contracts with CHC, they will show that that non-resident workers are entitled to housing and they would negotiate that in the contract. If not in terms of out-right granting of housing allowance then they would blend that into the salary. So, with respect to discussion with the Secretary of CHC, I've talked to him many times about this. He has assured me on many occasions and I want to go on record saying this, that the use of manpower services will be terminated. Why it has not been terminated, my fellow colleagues, remember that one communications from the Governor's Office--they were indications of the use of manpower services and I made a comment to that effect. I questioned those. And at that time, if my recollection is clear, everybody seemed to agree with my position that manpower should not be used. But this particular insertion allows those people to serve out the contracts that have already been consummated, but to ensure no use of future manpower service for the recruitment of government service. The reason why we are extending that Sunset Clause and the exemption, is because we want the government agencies that need them to hire the non-resident workers and I have no objection to that. I just object to the use of manpower services for government agencies. And those people that have already entered into contracts with the government, they will serve up their term. If it were two-year contract, then it would serve up beyond September 30 until two years from now.

Senator Adriano: May I request for a short recess?

President Manglona: Short recess.

The Senate recessed at 11:35 a.m.

#### RECESS

Counsel McKenzie: Government cannot hire through manpower agencies.

Floor Leader Reyes: Cannot hire.

Counsel McKenzie: That's correct. There's a language in the findings and the purpose, but nothing in the actual statute. And since the hospital has employed a large number of people using manpower agencies, their concern is that if they follow the intent of the law, they really hamstring the hospital. On the other hand, they recognized that the Legislature did intent not to utilize manpower and certain government agencies have tried to go around that requirement. So the point of this floor amendment, and I would say it was drafted rather hastily this morning, is to allow the existing manpower contracts to stay in effect.

Vice President Villagomez: Like all contracts?

Counsel McKenzie: Right. But not to allow any new contracts, and when those old contracts expire nothing would prohibit the affected employees from negotiating directly with the employer and coming up with the contract or not. But it is to try to phase out the manpower contracts. Perhaps the floor amendment could be modified to make it very clear that "all new government contracts, that it applies to all new contracts, not to pending contracts, something like that.

Vice President Villagomez: There's that two different issues right now. Are we going to be against manpower services or are we going to allow continued non-resident workers in the Public Health Services? I'm saying that if we are going to put in this amendment here and the situation with our labor pool and the public health services, we are short--of all agencies, Public Health, the most affected agency, and if we are going to force them right now to negotiate, drop everything, and negotiate for new contracts, what would happen to those individuals who are under the manpower services with the additional time that's remaining? Eventually, you're going to mess up the morale and the whole process in there.

Counsel McKenzie: This should not affect those employees right now, should not affect existing contracts, only new contracts. And the Department of Labor was, the Attorney I spoke with, Mr. Clayton, made it very clear that the Department is unsure if what they are doing is even legal. They have some big questions whether approving these

manpower contracts is appropriate or not and their primarily doing it because there is such a need for the hospital right now. The Department of Labor has requested that some action is taken one way or another to specify whether manpower contracts is going to be permitted or not. So, the Legislature once spoke in the findings and purpose in the law, but didn't carry forward and put it in the statute how they felt and the Department hopes that the Legislature would remedy that and make it clear.

Floor Leader Reyes: Steve, pardon me. Is that in the findings and purpose of Public Law 10-4? There is a language that says that the use of the manpower is not allowed, not exactly in that sentence, but it is pretty clear that they are not suppose to use manpower services? But because it is not in the text of the statute, they are interpreting it as not being part of the law. But the intent of the Legislature can not be more crystal clear than arguing on the floor about the intent of the Legislature in the Journal, in the minutes of this session, expressing the intent of this Legislature. Why are they allowing to hire manpower service--can be subject to legal action against the Department. I intent to take that up.

Senator Dela Cruz: My only concern here, Steve and Mr. President, is do we give the Department itself the courtesy to comment on this particular change? The question here is, can the government afford it? Just like what the good Senator from Rota said, Senator Maratita, on the connected expenses that this particular individual is going to bring into the government. Are we ready for that? Those are the questions that I think we should bring up at this time.

Floor Leader Reyes: Mr. President, I know that we are in recess. But, Mr. President let us go back into session and we will take it out of the Calendar and we will call in the Secretary of Public Health and talk to him. But let us not take action on this bill.

Senator Dela Cruz: Yes, I think it is more better, Mr. President. Why should we rush it?

Floor Leader Reyes: Let us go back.

Senator Maratita: One question, Steve. If we go direct hiring, are these employees going to be entitled to annual leave, sick leave, health insurance and life insurance?

Counsel McKenzie: Of course.

Senator Maratita: Those are the concerns that we have to take versus manpower agency.

Vice President Villagomez: I think it has more policy on that one than anything else.

Senator Maratita: Are the manpower agencies required to pay those benefits?

Counsel McKenzie: If they are employed by manpower agency it would be required to provide them with health insurance....

Senator Maratita: But are they required to give the employees annual leave, sick leaves, life insurance and health insurance?

Counsel McKenzie: Just health insurance.

Senator Maratita: Because if we are going direct, then the government has to go through the process just like anybody, right? You have to bond the employees, right? So, we are burdening the government if we go direct hiring because of all the benefits that we have to give these employees.

Counsel Mc. Kenzie: Senator, in order to make an informed decision, what you need to do is a cost benefits analysis because that the amount you are paying, the manpower agency is higher than what you are paying the employee directly. The manpower agency gets a cut on that employee's salary. In order to make a truly informed decision you have to run a scenario and say, okay, we pay ex-number of dollars per year to the manpower agency for one full time employee. If we are to pay that employee direct and pay all the benefits, which would cost, more? I don't know the answer to that, but that's something....

Senator Maratita: I think those are the questions that need to be....

President Manglona: We have some members that are recommending that we give it to the HEW. The Senate intends to come back on Tuesday or Wednesday and I hope the committee can look into this further and report it. Is there any objection?

Vice President Villagomez: I think it's a policy issue. *Kao para tafan halom ya ta bota este pat ahe.* Because, we are going to continue on this issue of manpower service agency.

Senator Maratita: But, Vice President, I would like to look at the cost of the manpower hiring versus the agency -- that I would like to know. Because if its cheaper to go direct, then we go direct. If it is cheaper to go to the manpower, then we go to the manpower. I will support that, but I guess we need to know also the information.

Vice President Villagomez: Right now when you pay the manpower service you got a contract and they are going to provide you the services and they pay for everything.

Senator Maratita: Yes, but what is the amount? What is the cost?

Vice President Villagomez: So, if you are getting paid \$30,000.00 a year or \$15,000.00 a year and the year contract is \$30,000.00 with the CNMI government, either you are paying them fifteen thousand, twenty thousand in there. Your obligation is fixed already and you're going to be paying thirty thousand. But if you go direct service on that one and she qualifies for the thirty thousand payment salary on that one, then that's where you top of with the additional cost. But any businessman goes in, they will give you the rate of return in there and either you take it or not, if you go direct, you're going to pay the extra fees.

Floor Leader Reyes: Mr. President, but this is the same kind of argument that we used when we were debating this particular legislation when we --- co-sponsor of Public Law 10-4. I was involved a great deal in the formulation of this bill. The bottom line is that we have a lot of complaints from our people who are sick and are in the hospital regarding the morale problem of nurses. Between a Nurse III under manpower and Nurse III under direct hire, the Nurse III under the manpower has to pay part of her salary to the manpower because the manpower provides the housing and ask the employees to pay them. And they pay out of their checks. So, the bottom line here is that a Nurse III under the manpower service, hypothetically, gets Five Hundred Dollars net check while the nurse that is a direct hire gets a Thousand Two Hundred Dollars net check. But, when they were hired, the salary was capped at thirty thousand. Hypothetically, thirty thousand dollars, but, when all the expenses are done and they received their checks, the one under manpower gets Five Hundred Dollars. The one who is a direct hire gets Thousand Two Hundred Dollars. And the services that the manpower nurses provide to our people, here in the Commonwealth, are less efficient, less productive, less effective because there's a morale problem. The bottom line is what is the best interest of our people. Are we going to continue this kind of practice where less efficiency, less professionalism is expressed to the patient because there is morale problem with the salary? This is an argument that has been going on for years now--years and years. If the Department of Labor and CHC is in violation of the law because the law in it's Finding and Purpose expressly defined the intent of the Legislature--when they passed this, that manpower should not be use and yet they still use it. It just boggles my mind why is it that even the Attorney General's Office is not protesting this kind of action. And if they are not doing this, then I may take legal action against them. So, in order to avoid that, this particular language in the amendment is to make sure that those that are currently--and let us not forget that the public may still challenge this--that the intent here is to allow those people that are serving out their contracts beyond September 30 to continue to work and not be affected by this amendment. If it is a two-year contract, then, for Christ sakes, it is an additional two years that they extend without the benefit of legislative action.

Senator Dela Cruz: Floor Leader, do you know how many people we are talking about, like how many nurses at this time? Can you give a rough figure?

Floor Leader Reyes: Well, every time I raised the issue here, there are about seven nurses being hired under manpower--every time I raised an issue on the floor regarding the exemption. That is the certification of vacancy position that came here for manpower service. I raised the issue.

Senator Dela Cruz: To be honest with you, I really have no problem with this floor amendment. The only concern that I have right now is the connected cost to the government. Are we ready? That's the question here. If we are

talking about a minimum of an additional Ten Thousand Dollars per individual on benefits alone, and we are talking about maybe twenty or fifty nurses, then that is something that I say we have to....

Floor Leader Reyes: These are positions that are budgeted in the CHC appropriation act. These are vacant positions that are budgeted, but they are not hiring under the budgeted amount. They are using this to recruit from the manpower agencies locally. So, if we're giving them FTE's and they are not using it to hire directly, then, why in the world do we continue to do this? Why don't we provide that under professional service and reduce the cost if it is going to be a savings to the government and let them deal with that. You know, the possibility of a lawsuit against the government is extremely visible and high here of nurses challenging the government as to why they can not receive the net check that they are entitled to get....

President Manglona: Anyway, Floor Leader, *yanggin taya* objection *ginen i* members, *yan pot para tafan* session gi Tuesday next week or Wednesday *ta na'e esti guato gi komite. Kana mayoria guine man membro gi HEW. Yangin taya* objection *ni enao, ta na guaha* public hearing *antes de* Wednesday *ya ta a'gang halom i* Department.

Vice President Villagomez: *Yangin para tafan halom--debidi i fine'nana i decision-ta kao para ta suppota i* continuation *i* manpower services, *pat ahe. Kana' enao ha' siempre este na* discussion. *Achuka' hu hanao esti guato gi komite pat ahe.*

Floor Leader Reyes: Mr. President, *guaha iyona* concern *si* Senator Dela Cruz. *Yanggin para ta act este ya para ta disidi hafa para ta cho'gue guine, pues ta a'gang halom i* Secretary *ya ta kuentusi.* And I fully endorse *enao na* recommendation. *Yanggen enao para hu clarify kao nisisario i* manpower service *na para uma aksepta pat para uma kontinua pat para uma* discontinue, then, its incumbent upon the members, each one of us here, to make sure that we hear what CHC has to say.

Senator Maratita: I think that's the best approach. I will support that. I would like also to call upon CUC, Public Works, and Northern Marianas College and find out. If we go direct hiring, *nai, kao man nahong i* College *ni baraks niha? Kao man nahong i CUC baraks niha, kao guaha bus niha i CUC yan i* College *ni para ufan ma bus este na empliao siha, nai?*

Floor Leader Reyes: If I am not mistaken and please correct me, I think CUC does direct hires.

Senator Maratita: No, I don't think so.

Floor Leader Reyes: I'm not privilege to that information, lao...

Senator Maratita: *Malago' yo' na bai hu tungo' kuantu i* cost of direct hire versus the manpower agency.

Floor Leader Reyes: *Unu ha' nai,* Senator Maratita, I not saying anything different from what is in the Purpose and Findings of the original Public Law 10-4. I am not saying differently from what is already there. I am just making sure that we don't have any more lawyers misinterpreting our intention. So, we want to make it clear. If their problem is respecting the intent of the Legislature, then let's bring that down to the text of the law, *ya uma komprendi nai....*

Senator Maratita: Floor Leader, don't get me wrong. I have nothing against the bill *yan i iyomo* amendment. *Lao,* since Vice President Villagomez raised this question, *nai, malago yo' lokue na bai hu tungo este, nai.* Because I have no problem with the direct hiring, I have no problem with the manpower agency.

Floor Leader Reyes: *Unu ha' na* concern....

Senator Maratita: When Vice President Villagomez raised this question up, then I guess we need to know the inside of the manpower and the direct hiring.

Floor Leader Reyes: *Mauleg ha',* Mr. President, *yanggin malago hao un* suspend *i* session *pago' ya ta.....*

President Manglona: *Ahe, ta ekungok ha' i* consensus *i* gurupu *lao...*

The Chair recognized Senator Cing.

Senator Cing: *Yahu etyi na idea, Mr. President, i para uma na'i guato i HEW ya esta next week, kosa ke siña ma a'gang halom i Sekretarian i Public Health as well as other agencies. Now, malago' yo na an ma'agang halom este na komite at least by next session u-guaha dos ni pot para ta kompara which one is which. Manu guine mas costly, manu guine mas libianu, in black and white, ya ta' atan siha i figures yan i advantages, yan benefits i kada agency. Etyi gue buente ni siña esta sa this is not actually a simple bill. As we debate this, bula siha concerns man man dodoku hulo.*

Vice President Villagomez: *Gi kinemprende-ku, Senator Cing, este i manpower services nai, taya inafefekta na i CHC ha'. Sa entre tododo gi ofisina guine gi bandan labor pool, nai, etyi ha man short i nurses. I nurses ni enao kontodo i taotao-ta siha ni man ma graduha gi nurses ni enao. Man ma kokoni huyong sa bula sueddon-ña....*

Senator Cing: *Ahe, hu komprende ha' enao, Senator Villagomez. Lao gi este na bill, ti enao ha' ha embrabresa i shortage nurses. I kuestion guine ni man ma raise, i risk, i benefits yan todo enao siha. Esta man hahalom todo este siha, nai. Ya ti i CHC ha guine esta para ta atan siempre. Ta a'atan lokue i CUC yan todo enao siha sa esta man in-embrabresa i College.*

Vice President Villagomez: *Etyi i ilelek-ko i CUC, Public Works yan enao siha i ti mangongoni gi manpower services. Guiya etyi i direct, nai, etyi lelek-na si Senator Reyes. Direct services ma provide, nai. Guaha market ni siña ha un negotiate, nai. Siña un negotiate yan engineer technically ni enao. Siña ha un negotiate yan i Profesot. Lao manu chiña na labor pool na siña un negotiate i nurses, nai, entre mas man short.*

Floor Leader Reyes: *Unu lokue nai, Vice President. Bula siha problema-ta ni etyi tana' fan hanao i famaguon-ta man eskuela nai, despues man ma gradua, ma bira siha magi taya che'cho' ñiha sa dos anos i contract. Tisina ma break. This is a major concern guine na government because we want to make sure that the students we send to school are.....*

Vice President Villagomez: *Hu supopota iyomo first part na amendment ni etyi year to year.....*

Floor Leader Reyes: *But I'm referring to the second part that you don't support, Mr. Vice President. If we continue to perpetuate the stay of the non-resident workers on government agencies, then I don't mind about private business. The extent that we don't have available local resource to handle the job market, nai. But we are sending our students off island on scholarships and when they graduate and they returned home, they cannot find jobs here.*

Vice President Villagomez: *Hopefully, with the amendment ni para un terminate after two years, nai mu available ni enao siha. After five years, hopefully, mu available enao siha na slot.*

Floor Leader Reyes: *They are available now. Man mafato tatte. For example teachers, we have teacher's guine gi PSS. For example, there's couple of students who have returned from college with a degree and they can't find jobs because there's no job openings. So, what do they do? They go to Guam and work. I know I can name names.*

Vice President Villagomez: *Pat i sueddu ni difrensiao.*

Floor Leader Reyes: *I sueddu, there's a lot of them that stayed because gigun guaha vacant man ma slide halom. But it takes time to do that. We don't just....*

President Manglona: *Can we hear from the Chairman on HEW.*

Senator Atalig: *Mr. President, gi magahet hu e'ekungok enao siha nai. Guaho, magofyo' na para un na'i yo' talo nu enao na task nai. I'm ready to take that task. Unfortunately, sesu na biahe ni man Leadership hit ya hu air este nai. Yanggin nuebo na bill, tana'i i komite ya i komite hu inina. Sesu na biahe na fresko-ha ya ma da-gao hulo' para i Calendar. Taya chansa i komite para hu ina tatkomo enao gue na concern. Siña ha mohon tana guaha public hearing. Siña mohon ta a'gang enao siha na individuatu komo mana'i opotunidad i komite. Lao, sesu hu air enao, ya tihu tungo' kao man malefa hamyo ni enao. But again, I am ready to take any task.*

President Manglona: Chairman, *guaho bai hu gaogao hao dispensa sa ma raised este gi as Chairman Adriano. Guiya concern nu este, ya guaha mu raised este, nai.*

Senator Atalig: *Pues bai hu blame nai si Senator Adriano.*

President Manglona: *Pues i Leadership ha take upon itself para hu fa' Leadership issue este nai.....*

Senator Adriano: *Ahe, komo man ma dipota todo gi Friday i nurse Tinian, pues hago un responsible.*

Senator Atalig: *Guaho responsible ni i bill.*

Senator Dela Cruz: *Taya guine, Mr. President, unu ha' nai, agun. With all do respect to each and every members guine, unu ha' guine i komo guaha ha comment ginen i Secretary Villagomez sa guiya hombre nu mana'i nu este na area para hu ayuda hit guine gi iyotta government nai. Komo ta hungok iyon-ña comment ni este na particular bill nai, then I'll be satisfied because he is the guy that's going to be carrying the cross for the entire people of the Commonwealth.*

President Manglona: I haven't heard from the Chairman *kao willing gue para hu chu'lie este na katgo ya hu komite gue para hu lagnos gi iyotta next session. We are hoping to have our next session on Tuesday or Wednesday. Komu i pumalo members mana'i i pinasensian niha ya ta dagao guato este gi HEW.*

Senator Cing: Mr. President, *hu ripapara na sesu hit guine hulo ni etyi na klasi i ta pakiao i che'cho'ta sa agupa ha' esta para hu expire este pat agupa-ña. Puru kulan espanto este siha na klase ni ta alulalayi, puro pakiao. I otro hu lipapara lokue na i House mampos ta bababaye ni este na klase. Munga siha na ufan hanao huyong ya ufan man public hearing. Todo hita. Komo ta atan este, puru este siha public hearings ni iyon i House ta cho'cho'gue ya siha umentrodusi. Taya bidan ñiha i ma introdusi ha, pues ma dagao hulo polu ya siha lamon gi hulo. Nisisita na u guaha guine halom lokue para hu inatan fan este sa ti baba enao gi magahet. Lao, esta este kulan bisio.*

Senator Maratita: *Ahe, lao guaha Ambassador guine.*

Senator Cing: You know, *este shooting range guine gi alacha, i Senate todo man ma sasangan ni baban ñiha. I bill, bill i House. I mean, maila fan ya ta na guaha sibilisao dididi guine gi halom este sa, chuli responsibilidad-mo ya un katga ya bai hu katga i che'cho' lokue.*

President Manglona: Thank you, Senator Cing. *Ta bira hit tatte?*

The Senate reconvened at 12:05 p.m.

President Manglona: Buenas taddes. We're back to our session after a brief recess.

Floor Leader Reyes: Mr. President, I would like to withdraw my floor amendment, subject to reconsideration. And at the same time, I would also like to withdraw the motion, with the consent of the members, for the passage of this bill. Again, with the agreement that this would be referred to HEW Committee. I ask the indulgence of the members if we can just leave it on the Calendar and not act on it until our concerns are satisfied. That's a motion.

President Manglona: The floor amendment as offered by the Floor Leader is hereby withdrawn, if there's no objection. It's hereby withdrawn and the motion is to refer House Bill No. 12-285 back to HEW Committee for further consideration and recommendation for Senate action. Is there a second to that motion?

Senator Dela Cruz voiced, "second", and the motion to refer House Bill No. 12-285 to HEW Committee carried by voice vote.

President Manglona: We're still under Final Reading having deferred House Bill No. 12-285.

Floor Leader Reyes: Mr. President, with the understanding that the House Bill No. 12-285 remains on the Final Reading Calendar, right?

President Manglona: Okay, it is still under the Final Reading Calendar for the next session.

Floor Leader Reyes: So, we'll take it out and Calendar it right now or just leave it in there?

President Manglona: Actually it will show up on our next session under Final Reading.

**HOUSE BILL NO. 12-231, COMMITTEE DRAFT 2: A BILL FOR AN ACT TO AMEND REEMPLOYMENT LIMITATION ALLOWING CERTAIN GOVERNMENT EMPLOYEES TO RETURN TO GOVERNMENT WITHOUT HAVING TO PAY BACK RETIREMENT BONUS; AND FOR OTHER PURPOSES.**

Floor Leader Reyes moved for its passage on Final Reading, and Senator Atalig seconded.

President Manglona: Is there any discussion?

Vice President Villagomez: Mr. President, I would like to make a floor amendment and that is on page 2, line 19.

**FLOOR AMENDMENT ON H.B. 12-231, CD1**

**Pg. 2, line 19 after the word "board" to add a (,) comma and add the word "except" that any person reemployed under Public Law 11-2 shall not be required to repay the early Retirement Bonus.**

Offered by: \_\_\_\_\_  
/s/  
**Vice President T.P. Villagomez**

Vice President Villagomez: That's page 2, line 19. "Any person covered by subsections (a) through (d) of this section shall not repay any Bonus paid pursuant to regulation established by the Board, except that any person reemployed under Public Law No. 12-2 shall not be required to repay the earlier Retirement Bonus." Copies are being distributed. The reason for the floor amendment is to make sure that we adhere to the intent of Public Law No. 11-2 or the Legislative Initiative in authorizing retirees to work as classroom teachers or in the medical profession. Right now, there are retirees who had picked up their 30% bonus and qualify to be classroom teachers. They are being asked to repay the 30% bonus. I believe the intent of the Initiative and the enabling legislation, Public Law 11-2, is to make sure that we make available retirees to go in to those needed profession without any penalties. In fact, right now, they're being penalized because, although, they are paying contribution to the Retirement they've vested service are not affected and their pension does not increase.

Both Senator Adriano and Floor Leader Reyes voiced, "second".

President Manglona: It has been moved and seconded. I believe all the members have a copy of the floor amendment offered by the Vice President. Is there any discussion?

Floor Leader Reyes: Mr. President, let me just say that I agree with the Vice President. These are the people that have retired from government, went on to receive their bonus, and the government, because it needs teachers, asked these retirees to return from their retirement to active employment and the amendment to the Constitution allows them. I guess "double dip" is the term for a period of two years. Although, my personal opinion is that they should have been allowed to work until such time that their services are no longer needed or they chose not to continue. It is unfair for this government to ask them to return that when the government is asking them back to work. So, I don't know how else I can make this more clearly. I support that and I ask the members to join Senate Vice President Villagomez and me in support of this amendment.

The Chair recognized Senator Dela Cruz.



Senator Dela Cruz: I'm glad that the Floor Leader mentioned about the two year limitation, because I have been discussing this particular area with him. We are trying to open up that two years limitation on these particular retirees so that we can put an indefinite period until such time that we can find adequate personnel to cover this particular area. That's only a comment, Mr. President.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: I have asked our former legal counsel for the past several years to draft me a bill and initiative to remove the two year limitation, to make it indefinite for as long the government needs them. Up to the time he left us, no bills, no initiative have ever come to my office for review--no draft, no final version.

The motion to adopt the floor amendment offered by Vice President Villagomez carried by voice vote.

President Manglona: The amendment carries. Is there any other discussion?

Senator Maratita: I have a question for the Vice President. Has any teacher under Public Law No. 11-2 been asked to pay the bonus back?

Vice President Villagomez: What's going on is on the previous...the double dipping for classroom teachers. We have people that were informed that the bonus will not be... they don't have to repay the thirty-percent bonus as mandated, and I believe that's Public Law No. 8-47. So, they went ahead and start employment as a classroom teacher. After they have completed a year or two, the Retirement Fund through the decision of the Board does not include the retirement bonus as part of their pension and they are requesting that they repay the thirty-percent.

Senator Maratita: Did they pay the thirty-percent?

Vice President Villagomez: Right now they're been threatened on going to court and being threatened by deduction or allotment. I have written to the director to hold on unless the Governor does not sign this legislation. Then, it would be according to the decision of the board.

Senator Maratita: So, your amendment here will clarify that?

Vice President Villagomez: It will restrict the Retirement Fund from deducting the thirty-percent bonus back to the respective employee.

Legal Counsel Arriola: Which is what they are doing now, Vice President.

Vice President Villagomez: Yes, they have started doing that one.

Senator Maratita: Thank you.

The Chair recognized Senator Cing.

Senator Cing: Thank you, Mr. President. *Este ta 'lo uno na issue ni kulan man bulachon English hit guine yangin ta cho'gue este.* I believe that this goes back to the Second Constitution, Mr. President, *deligadu yo guenao. Anai ta tutuhon este i bonus, I motibu muna tanana 'i i taotao-ta empleaon gobietno bonus i pot para ufan huyong yanggen esta siha man elihible para ufan ritirao, ya ufan hanao guato gi private sectors ya uma fill-in etyo siha na posision ni man gaigne gi private sectors, ya munga na unina 'i chansa i taotao hiyong para huhalom, ya para tafan tai eskusu na taya taotao-ta para hu fill-in etyi na posision. Tita chogue enao. Guine ta 'lo gi alacha ta nayi ta 'lo otro trenta mit pesos para bonus sa para ufan huyong talo ya uma fill-in i posision siha gi private sectors. Tita bira hit tatte ya ta atan hafa este iyo-na ramification or hafa iyon-na negative impact gi halom empleao-ta yanggen ta drain i eskuela pat ta drain i hospitat ni este siha i tana 'i bonus, huyong despues man problema hit. Instead na para tana 'i mohon ni enao, ta faisen este siha i Gobietno ya hutohge komo head of the Commonwealth maseha ya hu faisen este siha ni ko 'operation ñiha ya hu guaha dididi sakrafisio lokue gi posision ñiha para taotao-ñiha. Gi meggai siha na posision, man gasta i gobietno para una hanao through educational leave yan todo enao siha. Debi lokue de hutohge i Gobietno, taimano ha anai tumohge i Presidentin Amerika ya ha faisen huyong siha i dokto, lawyers, para ufan*

*gai'ase nui taotao ya hu ribaha siha papa. Este gi magahet debi guine para tacho'cho'gue. Sigi ha hit de man ma bonus. Bonus after bonus, taya ottimo-ta ni este. Tana'i ni bonus, ha chule', ma'pus ya hagasta, takoni ha talo tatte--taya. Puru hit gasto. Mauleg-ña mohon na un chule' etyi thirty thousand ya un dagao guato gi presente na sueddon-ña ya hu kontinuha gue macho'cho' sa ni personnel action tita repitti. Guiya ha siempre. One way street ha'. Lao este siha na klasen legislation nai, Mr. President, tita a'atan este siha kabales. Ta shoot ha' mo'na trunki-trunk sa pot esta ma pass gi papa ya la'abman guine gi hulo. Para guaho, nai, ke sin budget achogha tafan un año ni este ya ta sigi ha umina yanggen siakaso na para tafan huyong gi maulek na risuta. Ti hana ma'añao yo' enao sa pot esta tres messes guine hulo este. Maulek-ña na sais messes ya yanggin ta lagnos, guarantee--guarantee na man in arekla. Thank you.*

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, Senator Cing is right. The intent of the thirty-percent bonus was to allow eligible retirees to leave government service and allow other people to return when that was done. Later on, we re-examined what we did because we were seeking teachers and nurses retiring because they have reached retirement age. And we evaluated our position because we looked at the number of non-resident workers who are returning to replace them—to replace teachers that have retired, to replace nurses that have retired. When we look at that, we see that not only do we pay them the salary that the retirees were getting, but we also pay for housing, we pay them repatriation, we pay for their recruitment, we give them all kinds of free-benefits, and free-medical service. And, upon evaluating that, we discovered, to our surprise, that by allowing retired teachers with vast experienced background to return back into the classroom and allow them to keep their retirement pension, and again pay them whatever salary they were getting, we still would experience lesser government burden financially--if we do that. And at the same time, we're providing an avenue for our younger generations, our US citizens, our residents here who are returning back from school to slide into their positions if they so desire to again gracefully go out from the position. And it is easy to do that. Because these are the people that we don't need to worry about contractual agreement, breaking contracts, sending them back and sending their household effects back. So, we recognized that that is a financially desirable result for the CNMI government. Thus, the two-year amendment to our Constitution. But, I repeat myself, I think as Senator Cing has correctly stated we kept making booboos--we kept making mistakes. I think we should have allowed that to go beyond two-years. We should have plans that would tell when we these students will come back to take over. We should have planned base on that. We did it again. We are act just like what Senator Atalig and Senator Cing have said. We are crisis, kulan we are crisis mechanics. We would respond to crisis situation and when we do that, we make a lot of mistakes, we screw up. We do patch work, we do band-aid corrections and this is bad because it is a reflection of every member up here. But as far as the need to allow retirees to come back, I respectfully beg to differ but I think there is a great need to do this. It is a break for us, for the CNMI government, and it is good for our people, because we are not recruiting new teachers. We are recruiting experienced teachers who actually have gone through twenty years or thirty years of teaching experience and are coming back to the classroom making huge contributions to the students. Thank you.

President Manglona: Thank you, Floor Leader Reyes. We're still discussing House Bill No. 12-231, CD2 as amended. Is there any other member?

Several members voiced, "second".

President Manglona: Ready? Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	Yes
Senator Ricardo S. Atalig	Yes
Senator David M. Cing	Yes
Senator Jose M. Dela Cruz	Yes
Senator Ramon S. Guerrero	Excused
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, House Bill No. 12-231, CD1, as amended passes the Senate.

HOUSE BILL NO. 12-257, COMMITTEE DRAFT 1, HOUSE DRAFT 1: A BILL FOR AN ACT TO FURTHER AMEND PL 12-57 TO PLACE THE BOARD OF PUBLIC LANDS AND THE DIVISION OF PUBLIC LANDS AS A SINGLE INDEPENDENT AGENCY WITHIN THE EXECUTIVE BRANCH; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its passage on Final Reading and Senator Adriano seconded.

President Manglona: Is there any discussion?

Senator Adriano voiced "ready".

President Manglona: Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	Yes
Senator Ricardo S. Atalig	Yes
Senator David M. Cing	Yes
Senator Jose M. Dela Cruz	Yes
Senator Ramon S. Guerrero	Excused
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, House Bill No. 12-257, CD1, HD1, passes the Senate.

SENATE BILL NO. 12-80: A BILL FOR AN ACT TP AMEND CERTAIN PROVISIONS OF PL 12-19, KNOWN AS THE DOMESTIC AND FAMILY VIOLENCE PREVENTION ACT OF 2000; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its passage on Final Reading and both Senator Adriano and Senator Dela Cruz seconded.

President Manglona: Is there any discussion?

Several members voiced "ready".

The Chair recognized Senator Atalig.

Senator Atalig: Just a simple comment, Mr. President. Senate Bill No. 12-80, is an amendment--the Governor requested for an amendment that the Superior Court has aired. So, this is to alleviate that problem. Thank you.

President Manglona: Thank you, Chairman. Senate Clerk, call the roll please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	Yes
Senator Ricardo S. Atalig	Yes
Senator David M. Cing	Yes

Senator Jose M. Dela Cruz	Yes
Senator Ramon S. Guerrero	Excused
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, Senate Bill No. 12-80, passes the Senate.

SENATE BILL NO. 12-36 HOUSE DRAFT 1: A BILL FOR AN ACT TO REQUIRE INSURANCE COVERAGE FOR INDIVIDUALS WITH DIABETES IN THE COMMONWEALTH; AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its passage on Final Reading and several members seconded.

President Manglona: Is there any discussion?

Senator Adriano voiced "ready".

President Manglona: This is basically to accept the House amendment made to Senate Bill No. 12-36, HD 1, Senate Clerk, call the roll, please.

The Senate Clerk called the roll with the following result:

Senator Joaquin G. Adriano	Yes
Senator Ricardo S. Atalig	Yes
Senator David M. Cing	Yes
Senator Jose M. Dela Cruz	Yes
Senator Ramon S. Guerrero	Excused
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Eight (8) members voted yes.

President Manglona: By a vote of eight (8) yes, Senate Bill No. 12-36, HD1, passes the Senate.

#### RESOLUTION CALENDAR

SENATE RESOLUTION NO. 12-22: A SENATE RESOLUTION TO RESPECTFULLY REQUESTING THE US CONGRESS TO AUTHORIZE THE APPROPRIATION OF FUNDING TO RECONSTRUCT, REHABILITATE AND REPAIR THE BREAKWATER PROTECTING SAN JOSE HARBOR AT TINIAN, CNMI.

SENATE JOINT RESOLUTION NO. 12-2: A SENATE JOINT RESOLUTION TO INSTRUCT THE SENATE LEGALCOUNSEL TO REPRESENT THE SENATE AND TAKE ANY AND ALL APPROPRIATE ACTIONS, BY CERTIFICATION TO THE COMMONWEALTH SUPREME COURT, TO OBTAIN A JUDICIAL DETERMINATION OF THE SCOPE OF LEGISLATIVE EXPENDITURE AUTHORITY AND THE ROLE, FUNCTION, AND LIMITS OF THE DEPARTMENT OF FINANCE AUTHORITY WITH RESPECT TO LEGISLATIVE EXPENDITURE.

Floor Leader Reyes moved for the adoption of Senate Resolution No. 12-22 and Senate Joint Resolution No. 12-2, and Senator Dela Cruz seconded.

President Manglona: Is there any discussion?

Several members voiced "ready" and the motion carried by voice vote.

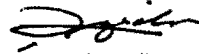
President Manglona: Senate Resolution No. 12-22 and Senate Joint Resolution No. 12-2 are hereby adopted by the Senate.

Floor Leader Reyes: Mr. President, I move for recess subject to your call.

Senator Adriano voiced, "second" and the motion to recess carried by voice vote.

President Manglona declared the Senate in recess subject to the call of the Chair at 12:05 p.m.

Respectfully submitted,



Ramona I. Kapileo  
Senate Journal Clerk

Adopted: July 25, 2001