

**THE SENATE
TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
THIRD REGULAR SESSION, 2001**

Fourth Day

Friday February 09, 2001

The Senate of the Twelfth Northern Marianas Commonwealth Legislature, Fourth Day, Third Regular Session, was called to order at 11:41 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 all nine (9) members were present.

President Manglona: With all the members being present, we have the necessary quorum to conduct today's session. The Chair would like to make a statement. After conducting a Leadership meeting this morning--I understand that a lot of people in the gallery are here for the confirmation of the Governor's nominee of Mr. David Wiseman as a Superior Court Associate Judge. The Leadership decided to conduct a public hearing on this nomination and the hearing is scheduled for February 28. That is the date that the Leadership decided for the public hearing. I would just like to make that announcement.

READING AND APPROVAL OF THE JOURNAL

None

MESSAGES FROM THE GOVERNOR

Gov. Mesg. No. 12-536: February 1, 2001 -- Nominating Mr. Jesus T. Aldan to serve another term as a member of the Civil Service Commission to represent Saipan.

Gov. Mesg. No. 12-537: February 6, 2001 -- PL 11-6 Exemption for Asiana Airlines.

Gov. Mesg. No. 12-538: February 6, 2001 -- PL 11-6 Exemption for Resort & Country Club.

Gov. Mesg. No. 12-539: February 6, 2001 -- PL 11-6 Exemption for R.K., Inc. dba Leni's Outlet Store.

Gov. Mesg. No. 12-540: February 7, 2001 -- Informing the Legislature that he had signed into law HB 12-053, HD1, entitled, "To amend 1 CMC, Division 8, Chapter 3, 8131 9a)(2); and for other purposes." (PL 12-38 - 02/07/01)

COMMUNICATIONS FROM THE JUDICIARY

None

COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS

None

HOUSE COMMUNICATIONS

Hse. Comm. No. 12-193: Informing the Senate that the House accepted the Senate amendments to HJR 12-17, entitled, "Authorizing reprogramming authority for the Governor in excess of the limits of 1 CMC 7401 and 7402.

Hse. Comm. No. 12-194: Transmitting for Senate action HB 12-263, entitled, "To eliminate companies providing services for the garment industry who should be considered as part of the garment industry rather than separate industry."

Hse. Comm. No. 12-195: Transmitting for Senate action HB 12-325, entitled, "To appropriate two million four hundred twenty thousand dollars (\$2,420,000.00) for the Northern Marianas Housing Corporation; and for other purposes."

Hse. Comm. No. 12-196: Transmitting for Senate action HB 12-267, CS1, HD1, entitled, "To establish the Texas Road commission, provide guidelines for the acquisition of private properties needed to open and develop Texas Road on Saipan and for other purposes.

Hse. Comm. No. 12-197: Transmitting for Senate action HB 12-251, CD1, entitled, "To provide a period of limited immunity for illegal aliens to report themselves to the Department of Labor and Immigration to enable them to become lawfully employed, or to exist the Commonwealth without prosecution, and to provide funding to find those who remain in the Commonwealth after the expiration of this limited immunity; and for other purposes."

WASHINGTON REPRESENTATIVE'S COMMUNICATIONS

None

STANDING COMMITTEE REPORTS

None

SPECIAL/CONFERENCE COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

PREFILED BILLS AND RESOLUTIONS

Sen. Res. No. 12-32: A Senate Resolution expressing heartfelt condolences to the family of the late Galileo "Kaily" Towal for the tragic loss of their loved one and citing his bravery, heroism and example of the highest commitment of protecting those whose safety he was entrusted. (SEN. DAVID M. CING – 02/07/01)

President Manglona: Before we go to "Introduction of Bills and Resolutions" there are two Senate Resolutions that we want to present today (Senate Resolution No. 12-30 and 12-31). I am calling a short recess so we can make those presentations.

Floor Leader Reyes: Before we do that Mr. President, I would like place on the calendar Senate Resolution No. 12-32 and act on it so we can present it too if the person is available.

President Manglona: If there is no objection, let us move to the Resolution Calendar for the placement of Senate Resolution No. 12-32.

RESOLUTION CALENDAR

SENATE RESOLUTION NO. 12-32: A SENATE RESOLUTION EXPRESSING HEARTFELT CONDOLENCES TO THE FAMILY OF THE LATE GALILEO “KAILY” TORWAL FOR THE TRAGIC LOSS OF THEIR LOVED ONE AND CITING HIS BRAVERY, HEROISM AND EXAMPLE OF THE HIGHEST COMMITMENT OF PROTECTING THOSE WHOSE SAFETY HAS WAS ENTRUSTED. (SEN. D. M. CING)

Floor Leader Reyes moved for its adoption and Senator Dela Cruz seconded.

There being no discussion, the motion to adopt Senate Resolution No. 12-32 carried by voice vote.

Floor Leader Reyes: I move to resolve into the Committee of the Whole so we can present the resolutions.

Several members voiced “second”, and the motion to resolve into Committee of the Whole carried by voice vote.

The Senate resolved into the Committee of the Whole at 11:45 a.m.

COMMITTEE OF THE WHOLE

The following Senate resolutions were presented to the respective individuals.

SENATE RESOLUTION NO. 12-30: A SENATE RESOLUTION EXPRESSING APPRECIATION TO DR. SAYED MANSOOR ABIDI FOR HIS CARE AND COMMITMENT TO COMMONWEALTH PATIENTS FROM NOVEMBER 1998 TO FEBRUARY 2001.

SENATE RESOLUTION NO. 12-31: A SENATE RESOLUTION HONORING AND COMMENDING MARIAN ALDAN-PIERCE ON THE CONFERRING UPON HER OF THE AWARD OF “GUAM EXECUTIVE OF THE YEAR” FOR THE YEAR 2000.

SENATE RESOLUTION NO. 12-32: A SENATE RESOLUTION EXPRESSING HEARTFELT CONDOLENCES TO THE FAMILY OF THE LATE GALILEO “KAILY” TORWAL FOR THE TRAGIC LOSS OF THEIR LOVED ONE AND CITING HIS BRAVERY, HEROISM AND EXAMPLE OF THE HIGHEST COMMITMENT PF PROTECTING THOSE WHOSE SAFETY HE WAS ENTRUSTED.

The Senate returned to its plenary session at 12:20 p.m.

INTRODUCTION OF BILLS AND RESOLUTIONS

None

BILL CALENDAR

Floor Leader Reyes: Mr. President, I would like to make a motion to suspend all pertinent rules so we can pass the bills on the calendar.

Vice President Villagomez voiced, “second”, and the motion carried by voice vote.

HOUSE BILL NO. 12-325: A BILL FOR AN ACT T APPROPRIATE TWO MILLION FOUR HUNDRED TWENTY THOUSAND DOLLARS (\$2,420,000.00) FOR THE NOTHERN MARIANAS HOUSING CORPORATION (NMHC); AND FOR OTHER PURPOSES.

Floor Leader Reyes moved for its passage on Final Reading and Vice President Villagomez seconded.

President Manglona: Is there any discussion? Again, with House Bill No. 12-325, it is to do the recall we did in Tinian. However, they made some additional changes. So, with that it becomes necessary to consider House Bill No. 12-325. Is there any further 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	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, House Bill No. 12-325 passes the Senate.

HOUSE BILL NO. 12-194: A BILL FOR AN ACT TO PROVIDE FOR THE APPOINTMENT OF INDIVIDUAL MEMBERS OF THE YOUTH CONGRESS AS NON-VOTING HONORARY MEMBERS OF EACH COMMONWEALTH BOARD AND COMMISSION; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

Several members voiced, “ready”.

The Chair recognized Senator Guerrero.

Senator Guerrero: I just want to make sure that this time when we vote on a Youth Congress, Mr. President, that what the House submitted to us, is definitely right. We do not want anything to happen like the last time when I made myself looked like a fool by introducing a section. So, if it is guaranteed that this house bill is correct, and that the Youth Congress has been informed and is in agreement, then I don’t have any objection. Thank you.

President Manglona: Floor Leader, since you placed that on our Calendar, is the concerned of Senator Guerrero addressed? In other words has the Youth Congress reviewed the bill and in support of the bill?

Floor Leader Reyes: Mr. President, the bill has an attachment of a committee report. I am sure that the committee report has addressed that concern.

Senator Adriano: Another thing, Mr. President, if I may. On the committee report, of the entire members only four signed the committee report and I just wonder why this is so?

Senator Atalig: I think most of the members were off-island.

Senator Adriano: Perhaps, maybe the committee did not have a quorum.

Senator Atalig: Basically, what this bill would do is that the Youth Congress will have different committees and that they will be assigned to different commissions. For example, if a committee is PUTC, this particular committee can be assigned to the commission. In that way, the Youth Congress can have experience in different areas. This is the bill that....

President Manglona: Would they be paid for attending the meeting?

Senator Atalig: No, they will be voting and....

President Manglona: Would they be paid? Sometimes they have to be sent to Rota....

Senator Atalig: No, they would not be paid, but they would gain experience. At the same time, the Youth Congress meets a certain time of the year so they can be utilized by the commission just for the....

The Chair recognized Senator Guerrero.

Senator Guerrero: Mr. President, my only concern here is that I have no objection other than being non-voting delegates in this area, but they also have the power to do legislation that would otherwise disrupt whatever the commission or boards have. That is my concern and then those bills will be referred back to us again if they have any other objection. That is only my concern. I don't want to see a conflict here because they can sit in any board and discuss for learning purposes, which I support very much. But, what if they are negative and then they have their own session and do legislation that is totally different from the learning process. That will be contrary to the decision of the board and then we have another problem. That is my only concern.

The Chair recognized Senator Maratita.

Senator Maratita: I share the concern of Senator Guerrero, Mr. President. To make sure it is.... Sometimes we have a controversial bill and we don't know --- to have a problem in the future.

The Chair recognized Senator Atalig.

Senator Atalig: Mr. President, let us give a chance to these young people to exercise. I believe they are becoming adult and I am pretty sure that they will be the leaders of the Commonwealth.

President Manglona: Any motion for the previous question?

Floor Leader Reyes: I so move.

The motion for the previous question was carried by voice vote.

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	No
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 and one (1) no.

President Manglona: By a vote of eight (8) yes, and one (1) no, House Bill No. 12-194 passes the Senate.

HOUSE BILL NO. 12-165: A BILL FOR AN ACT TO DESIGNATE BIRD ISLAND AND FORBIDDEN ISLANDS AS SANCTUARIES FOR THE CONSERVATION OF WILDLIFE AND MARINE LIFE; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

Floor Leader Reyes: Mr. President on page one of the bill, I would like to offer a floor amendment. On line 16, instead of a period (.) after “cliff line,” put a semi colon (;), and then add the following sentence “provided that, boundaries shall not affect any pre-existing public land leases.” I so move.

FLOOR AMENDMENT TO H.B. NO. 12-165

On page 1, line 16, after the word “line” insert the following:

“; Provided that, the boundaries shall not affect any pre-existing public land leases.”

/s/

Floor Leader P.P. Reyes

Senator Atalig voiced, “second”.

President Manglona: Is there any discussion?

Senator Atalig voiced, “ready”, and the amendment offered by Floor Leader Reyes carried by voice vote.

President Manglona: We are back to House Bill No. 12-165, as amended.

Senator Adriano: Under discussion, Mr. President.

President Manglona: We are still under discussion, but before I recognize Senator Adriano, for clarification Floor Leader Reyes, did you say Board of Public Land or Marianas Public Land?

Floor Leader Reyes: I did not say Board of Public Land, Mr. President. I said pre-existing public land leases.

President Manglona: So, I guess that would not have any concern with our last session’s discussion on the agency.

Senator Adriano: That would answer my question, Mr. President, on existing leases. Remember last year in a Joint Session, we approved somewhere at the Bird Island a golf course or development.

President Manglona: That would be addressed before the approval of the Legislature. So it does not conflict. Is there any other comment? 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	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, House Bill No. 12-165, as amended, passes the Senate.

SENATE BILL NO. 12-102: A BILL FOR AN ACT TO AMEND 6 CMC § 4201, 4202, 4203, 4206, 4251 AND 4252 RELATING TO THE BOARD OF PAROLE; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

Senator Dela Cruz: Mr. President, I have a minor oral amendment here. **On page 1, line 15, just to replace the word “seven” with “eight,” and replace the word “one” with “two”.**

Senator Atalig voiced, “second”.

President Manglona: Is there any discussion?

Several members voiced, “ready”, and the amendment as offered by Senator Dela Cruz carried by voice vote.

President Manglona: We are back to the main bill, Senate Bill No. 12-102. Is there any discussion?

Several members voiced, “ready”.

President Manglona: Senate Clerk, call the roll the 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	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, Senate Bill No. 12-102, as amended, passes the Senate.

HOUSE BILL NO. 12-147, COMMITTEE DRAFT 1, HOUSE DRAFT 1: A BILL FOR AN ACT TO AMEND 1 CMC SECTION 8273; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

Senator Atalig voiced, “ready”.

President Manglona: No discussion? 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	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, House Bill No. 12-147, CD1, HD1, passes the Senate.

HOUSE BILL NO. 12-226 COMMITTEE SUBSTITUTE 1: A BILL FOR AN ACT TO AUTHORIZE THE USE OF AND GRANTING LEGAL EFFECT TO ELECTRONIC RECORDS AND SIGNATURES; AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

Several members voiced, "ready".

President Manglona: No discussion? 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	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	Yes

Nine (9) members voted yes.

President Manglona: By a vote of nine (9) yes, House Bill No. 12-226, CS1, passes the Senate. I believe everybody has that. That is CS1.

HOUSE LEGISLATIVE INITIATIVE NO. 12-001: A LEGISLATIVE INITIATIVE PROPOSING TO AMEND ARTICLE XV, SECTION 1 (e) OF THE CONSTITUTION OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS REGARDING PUBLIC EDUCATION.

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

The Chair recognized Vice President Villagomez.

Vice President Villagomez: I was going to ask whether they have conducted a public hearing and they did have a committee report on that one. I was just wondering, what is the annual budget for the Public School System? Now,

from what we are given, I understand that the intent is to increase from fifteen percent to twenty-five percent the budget that is mandatory going over to PSS. What are we giving now to PSS?

Senator Maratita: Fifteen percent.

Vice President Villagomez: Just fifteen percent of the total budget on that one and we are going to increase it to a mandatory twenty-five percent?

Senator Maratita: I am trying to amend that and instead of twenty-five percent, let us give them fifty percent.

Vice President Villagomez: You know what? Everybody is for education on that one, but we should also be very responsible in the allocation of funds, because as you know, Public Health is in need. Public Safety is also in need for the community. It is not only PSS. How about Northern Marianas College? I know that this is going to be brought up to the people, but then again, I think that if we pass this legislation now, this would be voted on this election. Do we have the time to educate the people of the intent of the legislation with how many parties and candidates running on this upcoming election? Do you think that we can really relate this initiative to the community? Are we going to put it out in the November election? I have a reservation, to tell you the truth. Personally, I have a reservation on just giving up a mandatory amount by allocation to any agency. I think that we have been very responsible in trying to allocate funds to the needs of the CNMI. I would like to ask that maybe we do our own public hearing on this initiative. Thank you.

President Manglona: Thank you. Can we hear from the Chairman of HEW?

Senator Atalig: Thank you, Mr. President. There are two things that I would like to share with you. Number one, like the Vice President had mentioned, the House already had a public hearing on this. I do not know whether if we have another public hearing--the public has the same concern and comments. It is like we are duplicating the public hearings. That is one of my concerns. The other concern is that the other agencies and departments like the CHC, Public Safety, we all understand that those are needed agencies, too. But, I am not too sure whether those agencies are in the Constitution and are earmarked particular funding unlike the PSS. So, I am not too sure. We have the Legal Counsel to maybe look into that. The PSS is authorized by the Constitution for fifteen percent and it can be amended if the people so desire and wish. As we can see there are two more steps for this Legislative Initiative. The Governor has to approve it, and then we have to put in the ballot. Then the people have to vote on it. So, there are other areas that the people have to approve. Maybe we approve it today and the Governor vetoes it, or if the Governor approves it, the people would have to approve it. Those are the things that....

Vice President Villagomez: Point of information.

President Manglona: State your point.

Vice President Villagomez: I believe that to pass this initiative, it needs two-thirds. And I understand that if we pass this Legislative Initiative, it does not go to the Governor. It just goes to the people. So, we have to really take a look at it. I am going through some of the comments, and the comments are mostly coming from school representatives, the board of education, and.... How about the other departments in there? I still believe that the only institution that is mandated by the Constitution for an allotment on the general budget is PSS, nobody else. At least, can we reconsider our action and come out with it at the next session on that one? I mean, we can just vote for the bill and it will go to the people, but can we get more input from the other agencies?

President Manglona: Before I recognize Senator Guerrero, Senator Atalig still has the floor. Can you yield?

Senator Atalig: I can yield. Maybe we will give everybody the chance to participate in the hearing and maybe get more input from other agencies and the community.

The Chair recognized Senator Guerrero.

Senator Guerrero: Thank you, Mr. President. The concern here, Mr. President, is if we look at the budget package for PSS on 2001--we have to look--PSS gets more than triple millions of dollars that is being used by PSS. If you look at the 2001 budget, the Commonwealth revenue that is appropriated to PSS is mostly for salary. So, we have to

look at this. I agree with Senator Villagomez regarding the other departments as well. Even though they are not constitutionally mandated, but I feel that with all the millions, PSS is receiving the biggest chunk of Federal money here in the Commonwealth. Assuming that the economic slump continues on, and let us say that the revenue is reduced, and with this amount to be incorporated at twenty-five percent, we will have a serious dilemma. That also includes the Constitutional provision provided for us here in the Legislature--would be affected. I highly suggest, and I think my colleague to my left, Senator Atalig being the Chairman of HEW, is probably considering that if we do a public hearing, then I think that we can ask more questions to PSS and do a justification based on this. Because with all those Federal monies that are pumped into PSS, as I understand—and I have been trying to talk to Matson at PSS, but he is never on Saipan. He is always in Washington DC. So, I am curious. I placed a call to the Commissioner and he never returns my call. So, I feel that maybe in a public hearing we can ask the right questions. Let us call in the departments to see what their feelings are, and let us find out from the Governor whether this is allowable for him or whomever the next Governor would be. We know we have about five or six running. So, let us give them an opportunity. I like PSS. I campaigned very hard. I like to see that books, crayons, and pencils are provided by the school rather than by the parents. If Dr. Inos, who is the Commissioner, does not feel that that is important, then as a Senator, I feel that is important. And if Matson can stop his traveling like being in Saipan five days a month--that is a lot of money to be flying business class all the way to Washington or whatever state his going to. That should be sufficient to buy crayons to all the elementary schools. We have to be consistent. But aside from that, Mr. President, I think that it is only fair that we call a public hearing. Let us get this thing straight down the line because a Legislative Initiative, once it is passed, it takes a long time. If they want it and if they feel they need it, PSS has to face me and justify during the public hearing. Thank you, Mr. President.

The Chair recognized Senator Maratita.

Senator Maratita: Thank you, Mr. President. All of us here are in support of education. But, if we are to give twenty-five percent of the total resources to PSS, I know, Mr. President, that even if we approve this they will always come back again asking for more on top of the twenty-five percent and that would leave the remaining resources to about seventy-five percent. CHC maybe needs another twenty-five percent, and so as Public Safety. Those are areas that deliver critical services to the public. And a lot of us here are politicians using education as a political game. Let us be realistic at this time. You know that we do not have the resources to accommodate at this time the twenty-five percent that the PSS needs. So, I too, would like to conduct a public hearing and hear the concerns because I know that PSS at this time is receiving something like sixty million dollars of Federal programs on top of the local resources that we are giving PSS which is forty-one million dollars. So, if we are to give again another ten percent, I think, Mr. President, we are doing a disfavor to the other department in as far as providing essential services, too, that the public deserves to be given. So, I believe that at this time, we should defer action on this and let us conduct a public hearing.

President Manglona: I know that Senator Atalig is going to announce a public hearing date, but, before he does that, let me recognize for the first time Senator Dela Cruz and then the Floor Leader.

Senator Dela Cruz: Thank you, Mr. President. Before I comment on this bill, I just want to say for the record that I am supporting education, always. I am just a little uncomfortable, Mr. President, when we start setting percentages on the general resources of the Commonwealth. Vice President Villagomez mentioned earlier, and other members' have echoed their sentiment, that every time we set a percentage on the general resources that we have to offer the government it puts us in a very uneasy position to adequately distribute the resources to the other departments. Department of Public Health for example, I would consider as one of the most, if not the most crucial entity in our government. So, I am supporting the Chairman of HEW to please come up with a public hearing so that we can further discuss this. Twenty-five percent, I do not know how they arrived to that figure. It could be thirty percent or it could be lower. So, twenty-five percent translates to fifty-six million of the CNMI coffer at this time. Do we have all the facts to go with this initiative? I don't think so at this time, Mr. President. So, I am supporting the Chairman of HEW to please come up with a public hearing so that we can bring all information in before we make this critical decision. Thank you, Mr. President.

The Chairman recognized Floor Leader Reyes.

Floor Leader Reyes: Thank you, Mr. President. I have read a lot of books and articles about education. We receive these periodically from Washington and from various departments in the US Mainland. One intriguing issue is when under-developed countries suddenly makes a complete turn and becomes advanced both in health and in public

safety, in the administration of their resources. I respect my colleagues here because they are experienced and they understand and know what they are saying. But, the result of those complete reversals from under-developed countries to becoming productive and advance is a result of dedicating resources to the youth of that country. Imagine, Mr. President, that in our case here it is different in private schools because they can turn away students and not allow them to enroll. The Public School System is prohibited from doing this, and it is mandated by our Constitution to require students to be allowed regardless of their economic situation into the school. I suggest that there is nothing more essential than that of educating our children, and I want to quote part of the testimony that was submitted by Dr. Inos; "These must be --- in our priority and in our attempt to resolve issues in crime and health. Imagine a healthier and safer environment and communities with educated individuals nurtured to take care of one another and to be free to support and help each other". This is not just about funding. This is about committing resources to educate our people, and as a result of that, we will have good health program. We will have public safety enforcement and activities. We will have good social delivery of services. We will have public works people that are educated, and these are intertwined with the commitment to educate our people. I know that it is difficult because I held the Chairmanship when I was in the House as Chair of Ways and Means. And again, I have held the Chairmanship for Fiscal Affairs in the Senate at one point in time and I see the difficulty that we face. But, I think and I believe in my heart that if we commit this--we make all these decisions for our people. This is something that we want to see whether the general population that actually put us here where we are is in agreement with our position here or they disagree. I feel very comfortable that this kind of initiative should be given to our people to determine whether their elected officials are doing what they want. I do not think that there is anything wrong with that. If it turns out that they agree with the increase of fifteen percent to twenty-five percent, it will be an increase of less than ten million dollars. Right now, we have slightly over ten million dollars. Right now, we have forty-one million dollars, and they propose at the rate of resource that we have, it would increase that from forty-one million to fifty-six million dollars. This is not much to commit to our children -- the children of the Commonwealth. I submit to the members that by educating our people we will experience better, if not enhanced, economic activity. Because we now have educated people who are coming back worrying about our own status and concern about our own status because they are going to live and die here. I ask my colleagues in a most respectful way to please help us pass this and let our people decide. I appeal to the members to reconsider their position. Thank you.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: For the last time, Mr. President. The only reason I was asking that we conduct a public hearing is because they conducted a public hearing and the only people they invited are people from the education system. They did not invite the Public Safety and they did not invite the other agencies -- whether it is okay for them to be cut by that amount. If we are going to go with those --- about education and stuff we have a budget now, we could have given them the fifty million or sixty million on that one, but we are not committed. Even if we pass the Legislative Initiative on that one, how committed are we on that? We should do it now, but we have to do it responsibly. Thank you.

The Chair recognized Senator Guerrero.

Senator Guerrero: Thank you, Mr. President. I think that to solve this because it is an election year and probably that is why the House started this, I am willing to come up with a Legislative Initiative. Just let fifteen- percent stay with PSS and if we have to increase it to ten percent then I would include it in the Legislative Initiative, and that this amount of money to be given to PSS, will be on a strict account so that we can get back the people that have graduated--our people that have graduated to come back. So, we can have this money set aside for them so that there is a guarantee.

Floor Leader Reyes: I support that.

Senator Guerrero: Rather than giving to PSS that ten percent to add to an additional sixty million for example, why don't we lock that ten percent in the Legislative Initiative and everybody who is running for election will be elected, but that money stays for the kids that we have in schools in the United States, Hawaii and elsewhere--that should come here and can guarantee on them. Because no matter how much money we appropriate, they will never come back here. Especially with Civil Service--the way they set up the rules that in order for you to be hired in this government--you must have five years experience. How can you have experience when you just get out of school, and I think that is very important? We should legislate and get that to become a statute. As I understand, the House has that. Now, I am willing to support all our kids, in fact, let me tell you, to be blunt with you -- I just came back

from Washington and I have two positions guaranteed for anybody, anybody with a BA or any type of degree. I can pick up the phone and get them hired now and I am looking for those two. If we can guarantee that, we have ten additional million dollars into the budget--just to get our kids down here and put them to work at CHC. I don't care where and let us waive this five years because it is our own people that is creating our own problems today and yet we sit as legislators and we do nothing about it. So, let us ... out the Civil Service Commission and get our people that have graduated. They will not have graduated if they are not experienced and I will support any Legislative Initiative that would set aside money for these kids to come home. We need them here at home. We just did a resolution this morning and presented it to a doctor that is not from here, and he has not been here for more than a year. What about those that are graduating from medical school today? I know of so many people now driving around the island with BA degrees and we cannot even get them jobs. So, let us work on this and ... Chairman of HEW consider that we do a public hearing. Maybe this is the best way. Thank you very much.

The Chair recognized Senator Atalig.

Senator Atalig: Thank you, Mr. President. At this time, I would like to make a motion to withdraw House Legislative Initiative No. 12-001 for further public hearing. Thank you.

Both Vice President Villagomez and Senator Guerrero voiced, "second", and the motion carried. House Legislative Initiative No. 12-001 was referred to the Committee of HEW.

President Manglona: I believe that the Chair of HEW has plans to conduct a public hearing as recommended. Let me just add that, for comparison purposes, I would like to see some figures as to what other jurisdictions have with regards to the percentage of their annual budget that is being earmarked for education. When I say comparison, I think that they should be comparable--in other words, does that include CIP monies that we give for CIP projects? Also, federal grants as were mentioned during the discussion, PSS is receiving a significant amount of federal grants. With all those calculated in the total revenue for the Commonwealth, let us compare that with other jurisdictions. I believe that it will give us some idea of how much we are spending for our children and I hope that the Committee can include that. Is there any other discussion? If none, Floor Leader we are still under the Bill Calendar.

Floor Leader Reyes: Mr. President, I know that this is the last one on our calendar, but I just want to ask if the members feel that we should place the House Bill which Congresswoman Peter requested from the Leadership regarding the proceeds from the tobacco lawsuit. I know that this bill is with the Senate. I just ask, for the record, if there is a consensus to....

President Manglona: Earlier, Senator Adriano was....

Senator Adriano: Are we going to place this bill today, Mr. President? I have a major amendment to the House Bill. So, with all do respect, I will ask that we put this back to the committee and give the members a chance to discuss it further.

Vice President Villagomez: What is this House Bill?

President Manglona: House Bill No. 12-290.

Senator Cing: I just want to know--if we don't pass this bill today, will there be any danger that the Commonwealth will have a brownout or whatever if we don't pass this bill today....

President Manglona: Let us have a short recess.

The Senate recessed at 12:10 p.m.

RECESS

The Senate reconvened at 12:23 p.m.

President Manglona: We are back to our plenary session. There was a discussion during recess about the consideration of House Bill No. 12-290. Our Legal Counsel has met with the House Legal Counsel, and there is

really no magic number or date to address this particular legislation. Of course, the urgency is there and the sooner we address this, the better. But, there is no fix date to address it. I believe that the understanding during the recess was to possibly conduct a public hearing or a committee meeting on this particular piece of legislation. With that, the Chair recognizes Floor Leader Reyes.

Floor Leader Reyes: Mr. President, this is just a short comment on the bill. Thank you for informing us that there is no urgency. I guess my comment may not be considered urgent, but right now Finance is --- the account that are supposed to be proceeds from the tobacco lawsuit into the general fund. I bring to the members' attention that the settlement agreement requires that these funds be dedicated to conditions--to be used on certain conditions. And, if we don't establish a trust account, which would require Finance or mandate Finance to put this aside into a trust account, I am afraid that the funds will continue to be commingled, misplaced, deposited with general funds, and thereby may result in us losing the future proceeds of the lawsuit. With that statement, Mr. President, but this is not placed on the Calendar, and I am merely asking if the members would consent to our placement of this in the Calendar. There is no other bill remaining in the Calendar. So, I would like to request that we move on.

President Manglona: Before we proceed, I would like to recognize Senator Guerrero.

Senator Guerrero: Just briefly, Mr. President. I do not want to bring this up, but when you look at the bill, one of the sections says that thirty percent is for the CNMI group health and life insurance trust fund. I am a member of the Retirement Trust Fund, Mr. President. We have to ask the Retirement Fund if the health provider will authorize cancer patient caused by tobacco to observe costs in the hospital because I was turned down. In my hand, I am a cancer patient and I am not eligible to use my medical insurance because the health provider refused to cover my cost and I do not want to talk publicly about my health. But, I am a member of the American Cancer Society and they paid part of the funds for my surgery at USC. That cost me over hundred thousand dollars. I am so lucky that I have plastic cards that helped me pay for this cost. Now, before I agree personally as a Senator, I would like to see in the public hearing the health provider of our government insurance. Ask them that if any other patients are eligible to be treated for cancer in Hawaii or in the United States, and I will support it. But there is nothing here of a chance that they will support it. We are just giving them money. What if they turn it down? We would have to come back and amend this legislation again. So, I hope, Mr. President, that my other colleagues would understand. So, we have questions to ask. Thank you very much.

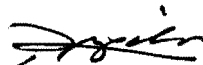
President Manglona: Thank you, Senator Guerrero. Floor Leader Reyes.

Floor Leader Reyes: With that, Mr. President, and without objection, I move to adjourn subject to your call.

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

President Manglona declared the Senate adjourned subject to the call of the Chair at 1:18 p.m.

Respectfully submitted,



Ramona I. Kapileo
Senate Journal Clerk

Adopted: July 25, 2001