

**THE SENATE
TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIFTH SPECIAL SESSION, 2001**

First Day

Wednesday, July 25, 2001

The Senate of the Twelfth Northern Marianas Commonwealth Legislature, First Day, Fifth Special Session, was called to order 2:20 p.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 members being present, we have the necessary quorum to conduct today's session.

READING AND APPROVAL OF THE JOURNAL

1. 2nd Day, Second Reg. Session 09/22/00
2. 3rd Day, Second Reg. Session 10/19/00
3. 4th Day, Second Reg. Session 11/17/00
4. 5th Day, Second Reg. Session 11/22/00
5. 6th Day, Second Reg. Session 12/19/00
6. 1st Day, Third Reg. Session 01/16/01
7. 2nd Day, Third Reg. Session 01/25/01
8. 3rd Day, Third Reg. Session 02/05/01
9. 4th Day, Third Reg. Session 02/09/01

Floor Leader Reyes moved for the adoption of the journals listed above, and several members seconded.

There being no discussion, the motion for the adoption carried by voice vote.

MESSAGES FROM THE GOVERNOR

Gov. Mesg. No. 12-750: July 6, 2001 - Certification that the positions of Trade Specialist II and Administrative Officer III in the Tinian Department of Lands and Natural Resources that are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-751: July 11, 2001 - Certification that 18 positions in the Division of Public Health are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-752: July 11, 2001 - Certification that 10 positions in the Department of Public Health are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-753: July 11, 2001 - PL 11-6 Exemption for Whispering Palms School.

Gov. Mesg. No. 12-754: July 11, 2001 - PL 11-6 Exemption for Hotel Nikko Saipan.

Gov. Mesg. No. 12-755: July 11, 2001 - PL 11-6 Exemption for Pacific Islands Club Saipan.

Gov. Mesg. No. 12-756: July 11, 2001 - PL 11-6 Exemption for WDI Saipan Inc. dba Tony Roma's/Capricciosa Restaurants.

Gov. Mesg. No. 12-757: July 11, 2001 - PL 11-6 Exemption for Department of Public Health.

Gov. Mesg. No. 12-758: July 11, 2001 - PL 11-6 Exemption for Department of Public Health.

Gov. Mesg. No. 12-759: July 12, 2001 - PL 11-6 Exemption for Saipan Stevedore Company, Inc.

Gov. Mesg. No. 12-760: July 12, 2001 - PL 11-6 Exemption for Shin Young Corporation.

Gov. Mesg. No. 12-761: July 12, 2001 - Certification that the positions of Equipment Operator IV and Electrical Specialist I for the Department of Public Works are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-762: July 12, 2001 - Certification that the positions of Construction Inspector III, Plan Examiner, and Housing Officer in the Department of Public Works are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-763: July 13, 2001 - Certification that two physician positions at the Department of Public Health that are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-764: July 13, 2001 - Certification that the position of Assistant Attorney General at the Office of the Attorney General is vacant and must be filled during the period continuing resolution.

Gov. Mesg. No. 12-765: July 13, 2001 - Certification that the positions of Natural Resources Planner, Fishery Biologist I and Wildlife Biologist II/Herpetologist within the Department of Lands and Natural Resources are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-766: July 13, 2001 - Certification for annual salary to exceed \$50,000 for physicians.

Gov. Mesg. No. 12-767: July 13, 2001 - Certification that the position of Computer Operator II at the Department of Commerce is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-768: July 17, 2001 - Certification that the position of Network Administrator in the Division of Electronic Data Processing at the Department of Finance is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-769: July 17, 2001 - Informing the Legislature that he had disapproved HB 12-359, SS1, Conf. D1, entitled, 'To amend 4 CMC § 1803 by adding a new subsection (e) and to provide for a deputy marketing director for MVA for the First Senatorial District and the Second Senatorial District; and for other purposes.' (DISAPPROVED ON 07/17/01)

Gov. Mesg. No. 12-770: July 17, 2001 - Informing the Legislature that he had disapproved SB 12-81, cited as the "Maintenance and Release of Patient Health Care Information Act of 2000." (DISAPPROVED ON 07/17/01)

Gov. Mesg. No. 12-771: July 17, 2001 - Informing the Speaker of the House and the Chairman of the Saipan and Northern Islands Legislative Delegation that he had into law HLB 12-40, SNILD Substitute 1, Draft 3, entitled, "To appropriate the sum of \$303,957.00 from the fees collected by Saipan Local Law No. 11-2; and for other purposes." (SLL 12-16 - 07/17/01)

Gov. Mesg. No. 12-772: July 18, 2001 - PL 11-6 Exemption for Thai Orchid.

Gov. Mesg. No. 12-773: July 18, 2001 – PL 11-6 Exemption for Kaneshima Sogyo Co., Ltd.

Gov. Mesg. No. 12-774: July 18, 2001 – PL 11-6 Exemption for Aviation Services, Ltd. DBA Freedom
Air.

Gov. Mesg. No. 12-775: July 18, 2001 – PL 11-6 Exemption for Dasom Corporation.

Gov. Mesg. No. 12-776: July 18, 2001 – PL 11-6 Exemption for Pacific Sunny (Saipan), Inc.

Gov. Mesg. No. 12-777: July 18, 2001 – PL 11-6 Exemption for White House Enterprises.

Gov. Mesg. No. 12-778: July 18, 2001 – PL 11-6 Exemption for Breeze Saipan Diving Academy.

Gov. Mesg. No. 12-779: July 18, 2001 – PL 11-6 Exemption for Kurosawa Film Studio Saipan, Inc.

Gov. Mesg. No. 12-780: July 18, 2001 – PL 11-6 Exemption for Hawaiian Rock Products-Saipan.

Gov. Mesg. No. 12-781: July 18, 2001 – Certification that the position of Community Worker for Mayor of the Northern Islands is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-782: July 19, 2001 – PL 11-6 Exemption for Eucon International School of Saipan.

Gov. Mesg. No. 12-783: July 19, 2001 – PL 11-6 Exemption for Sorensen Pacific Broadcasting, Inc.

Gov. Mesg. No. 12-784: July 19, 2001 – PL 11-6 Exemption for Saipan Employment Agency & Services,
Inc.

Gov. Mesg. No. 12-785: July 20, 2001 – Certification that the position of Customs Officer I in the Division of Customs, Department of Finance is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-786: July 20, 2001 – Certification that the position of Physician at the Department of Public Health is vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-787: July 20, 2001 – Certification for annual salary in excess of \$50,000 for Dr. Stephan D. Samoyloff at the Commonwealth Health Center.

Gov. Mesg. No. 12-788: July 20, 2001 – Certification that the positions of Secretary II and Clerk Typist III at the Department of Commerce are vacant and must be filled during the period of continuing resolution.

Gov. Mesg. No. 12-789: July 20, 2001 – PL 11-6 Exemption for WACL Corporation Y.T.T. Gold.

Gov. Mesg. No. 12-790: July 23, 2001 – Certification that the position of Communication Operator I for the Emergency Management Office is vacant and must be filled during the period of continuing resolution.

The Chair recognized Senator Adriano.

Senator Adriano: Mr. President, I would like to refer to Governor's Communication No. 12-769, regarding House Bill No. 12-351, SS1, Conf. D1, regarding aviation tax fuel and creating the MVA Deputy Director for the First and Second Senatorial Districts. According to the veto message, Mr. President, the funding and the FTE in this bill is not coming out from this act, but to be earmarked in the 2002 Budget. With that, Mr. President, I totally disagree with the Governor. I move to override the Governor's veto of this bill.

President Manglona: Is there any further discussion?

Senator Dela Cruz 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	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	No
Senator Thomas P. Villagomez	No
President Paul A. Manglona	Yes

Seven (7) members voted yes and two (2) no.

President Manglona: By a vote of seven (7) yes, we have the necessary two-thirds vote required for an override. The Senate hereby overrides House Bill No. 12-359, SS1, CD1, as vetoed by the Governor.

COMMUNICATIONS FROM THE JUDICIARY

Judicial Comm. No. 12-3: Certification that the position of Computer Operator I in the Commonwealth Superior Court is vacant and must be filled during the period of continuing resolution.

Judicial Comm. No. 12-4: Certification that the position of Deputy Clerk I in the Commonwealth Superior Court is vacant and must be filled during the period of continuing resolution.

Judicial Comm. No. 12-5: Certification that the position of Staff Attorney for Administrative Code, Executive Assistant, and Clerk in the Office of the Commonwealth Law Revision Commission are vacant and must be filled during the period of continuing resolution.

Judicial Comm. No. 12-6: Certification that the position of Staff Attorney for the Office of the Commonwealth Law Revision is vacant and must be filled during the period of continuing resolution.

COMMUNICATIONS FROM HEADS OF EXECUTIVE DEPARTMENTS

None

HOUSE COMMUNICATIONS

Hse. Comm. No. 12-279: Returning without amendment Senate Bill No. 12-92, entitled, "To provide comprehensive legislation regarding the Legislative Bureau; and for other purposes."

Hse. Comm. No. 12-280: Returning without amendment Senate Bill No. 12-94, entitled, "To clarify the law enforcement status of the Commonwealth Ports Authority Police and to provide for the death beneficiaries of CPA Police and firefighters; and for other purposes."

Hse. Comm. No. 12-281: Transmitting for Senate action HB 12-272, entitled, "To amend 9 CMC Division 2, 2209; and for other purposes." (RE: removing Social Security Numbers from driver's licenses.)

Hse. Comm. No. 12-282: Transmitting for Senate action HB 12-374, CS1, entitled, "To appropriate funds for Capital Improvement Projects; and for other purposes."

Hse. Comm. No. 12-283: Transmitting for Senate action HB 12-391, CD1, entitled, "To clarify provisions of the CNMI tax laws and ensure that no double taxation is imposed on exporters of goods, fish and agricultural

products produced in the Commonwealth and exported to buyers outside the Commonwealth; and for other purposes.”

Hse. Comm. No. 12-284: Transmitting a certified copy of HR 12-156, entitled, “Directing the Secretary of the Department of Lands and Natural Resources to immediately begin enforcement of the conservation measures contained in PL 12-12, 12-14 and 12-46 so that the flora, fauna and marine life contained in the Managaha Marine Conservation Area and in the Bird Island and Forbidden Island sanctuaries are preserved for the enjoyment of current and future Commonwealth residents and visitors.

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. Res. No. 12-48: A Senate Resolution Congratulating and thanking Mr. Domingo Castro Dela Cruz, a local businessman and a resident employee, for his unselfish contributions to the private sector of the CNMI and for being a resident worker exemplar of efficiency and dedication. (SEN. THOMAS P. VILLAGOMEZ)

Sen. Res. No. 12-49: A Senate Resolution recognizing and congratulating Ramon King Quichocho, Jr., Esquire, on becoming the first native on the island of Tinian, Commonwealth of the Northern Mariana Islands to successfully passed the CNMI Bar Examination and be admitted to practice law in the courts of the CNMI. (SEN. THOMAS P. VILLAGOMEZ)

Sen. Bill No. 12-124: A Bill for an Act to exempt the Marianas Visitors Authority from competitive bidding strictly for section 7402, 1 CMC, from marketing procurement which exceed in amount not more than one hundred thousand and for other purposes. (SEN. JOAQUIN G. ADRIANO)

BILL CALENDAR

Floor Leader Reyes moved to suspend pertinent rules of the Senate to allow for placement of Senate Bill Nos. 12-115, 12-122; 12-123 and 12-124 on the Final Reading Calendar for action. There being no discussion, the motion carried by voice vote.

President Manglona declared a short recess at 2:26 p.m.

RECESS

The Senate reconvened at 2:27 p.m.

President Manglona: Let us resume with our session. We're still under the Bill Calendar. The Chair recognizes Floor Leader Reyes.

HOUSE LEGISLATIVE INITIATIVE NO. 12-001, HOUSE SUBSTITUTE 1: 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 several members seconded.

The Chair recognized Senator Atalig.

Senator Atalig: Thank you, Mr. President. I have already passed out a floor amendment.

The Floor amendment reads:

Floor amendment

Offered by: Senator Ricardo S. Atalig

Date: July 25, 2001

Re: H.L.I. 12-001, HS1

1) **Page 1, line 19, after the period insert the following:**

"Provided, however that the thirty percent shall not apply to revenues being generated by autonomous public corporations, independent agencies, earmarking of revenue by statute, federal grants, capital improvement fund and revenues generated by each senatorial district".

Line 14 after the word "Commonwealth", insert, "as appropriate by the Legislature".

/s/
Senator Ricardo S. Atalig

Both Senator Adriano and Senator Dela Cruz voiced, "second".

Senator Guerrero: Mr. President, I also have a floor amendment.

President Manglona: Can we dispose of this amendment first before I recognize you? I understand that the amendment has a number of 30%. The present bill, as it reads now, has 25%. I am assuming that there is an amendment that you are anticipating, Senator Atalig.

Senator Atalig: That is correct.

There being no discussion, the motion to adopt the floor amendment as offered by Senator Atalig was carried by voice vote.

The Chair recognized Senator Guerrero.

Senator Guerrero: Thank you Mr. President, I also have a floor amendment to House Legislative Initiative No. 12-001, HS1.

The following is the amendment:

Floor amendment

Offered by: Senator Ramon S. Guerrero

Date: July 25, 2001
Re: H.L.J. 12-001, HS1

- 1) Page 1, line 12, after the word "system" place a comma and insert the following:

"the Department of Health and Services and the Department of Public Safety"
- 2) Page 1, line 13, strike out "twenty-five" and insert in lieu thereof "thirty".
- 3) Page 1, line 16, after the word "Education" remove the semi colon (;) and insert, "and health related purposes by the Secretary of Public Health and Public Safety related purposes by the Commissioner of Public Safety;".

/s/

Sen. Ramon S. Guerrero

Senator Atalig voiced, "second".

President Manglona: Is there any discussion?

Floor Leader Reyes: Mr. President, if I understand the floor amendment correctly, this would effectively earmark or mandate a 30% appropriation by Constitution for the Public School System, the Department of Health Services and the Department of Public Safety. Each one would have 30%. If that is the case, then the remaining balance of 10% would be for the Department of Natural Resources, Department of Cultural and Community Affairs, Department of Finance, and for the rest of the other departments and autonomous agencies. I'm wondering if the 10% can sustain the operation and can maintain efficient delivery of public services and that includes Public Works. I'm not sure whether I can support that. I do support the 30% for Public School System but I am hoping that we reconsider the amendment of 30% for Public Safety and Public Health and leave that up to the Legislature to appropriate the funds. I am afraid that if we approve this, it would leave a balance of 10%, which is grossly insufficient to maintain the operation of the other departments and agencies of the government.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Thank you Mr. President. I guess there's a couple of points here that we have to address. First of all, the initiative that came from the House was from 15% to 25%. We have just adopted a floor amendment by Senator Atalig increasing it to 30% of the total revenues not including public corporations and independent agencies and so forth. I believe that's a good compromise, Mr. President, and also putting in again "as appropriated by the Legislature". The initial intent of the legislation is to just earmark 25% of the total revenue inclusive of the public corporations. But with this amendment we're saying that we're going to give them 30% excluding public corporations, but it needs the action of the Legislature. I believe that it is a good compromise to have this Legislative Initiative put out to the general public. If we're going to put in a minimum total of 90% earmark, we're going to leave 10%. I think we're just kidding ourselves and I, therefore, ask that we don't support this amendment and stick to the first floor amendment that was offered by Senator Atalig. Thank you.

The Chair recognized Senator Guerrero.

Senator Guerrero: Mr. President, my purpose here is to gave 30, 30, 30 and we have to remember that 1% also goes to the Public Auditor. Actually, it's 91% and the balance is 9%. My concern here, Mr. President, is the House Legislative Initiative plus the hundreds of letters that I have received from students asking me to support the increase of 25% of the total revenue. Yet, what about land acquisition? What about the across-the-board increase that everybody is talking about? What about the \$60 million that we owe the Retirement Fund? We have talked about hazardous pay. We have talked about practically those that are not written in the books. So, in order to be fair, I think that the three most important people that we have to look at are Education that instead of 25% I gave 30%, the

Hospital which is 30%, and of course Public Safety that takes care of the people of Saipan, Tinian and Rota. Now, the House would have to come up with a better legislative initiative to make sure that we share, and as a Senator, I have an obligation to the people of the Commonwealth. I think it is only fair that we also give more the appropriate agencies that watched over the schools. Now, we have other department agencies that are more active, more responsible, and more dedicated to the lives and to the concern of the people of the Commonwealth. I guess, they, too, deserve to be given. But either we cut the pie straight down the line or we cut the pie side ways, if the crust is better and somebody comes up with a better formula, we have to look at it. It is not because November is November. My concern is can we just treat everybody so we don't have to fight and let the Legislature decide who should get what if we can not do that? We see a lot of overrides, we see a lot of vetoes, we have talked about different amount of revenues, we have a budget that was submitted to us that has been revised. Now, which one comes first? I believe in education. That's why that rather than giving 25% that is in the original version of the House Legislative Initiative, I think the kids would love 30%. It is better than 25%. We have talked about DPS hazardous pay, overtime pay, standby pay, and all of that. I think they would love 30%. And our hospitals and doctors and patients especially those that are dying and cannot reach the hospital, I think they would love 30%. I hope that they will double vote for me if I run next time. Thank you.

The Chair recognized Senator Dela Cruz.

Senator Dela Cruz: Mr. President, I share the same sentiment that Senator Guerrero has expressed. Of course, I want my kids to be smart. I want them to have the best education possible, but at the same time I also want them to be healthy. I want them also to go out there and be protected within our community. We're talking about taking away our responsibility here in the Legislature and putting it in the Constitution by giving them 25% of the entire CNMI Budget regardless of what the situation is in the Commonwealth. I share the same sentiment that we should look at not only education. I am supporting education. I don't want to be misquoted here. I am supporting it, but at the same time we're having so much problems with our hospitals, and we're having so much problems with our public safety as well and until such time that we strike a balance in this three major departments here, I think that's the time that we should start earmarking money for one particular agency in the Commonwealth. I am supporting education. I want to make that thing clear, but I want our community to have the best education possible, of course. At the same time, I want them to be healthy and I want them also to have best possible protection in our community. Thank you Mr. President.

The Chair recognized Senator Cing.

Senator Cing: Thank you Mr. President. If I'm not mistaken, I was the one that amended that particular bill during our last session. That amendment, Mr. President, was to open the eyes of our elected officials here. That was the purpose of my amendment. Mr. President, we have been making mistakes here in the Legislature. First, we passed the 14% salary increase and up unto today we haven't fulfilled that. Later on, we passed another legislation, which is the 30% bonus. As a result of that, we took out a lot of our teachers. We have to go off-island to hire teachers on emergency basis. Up until today, we still have problems with it every time. The program is crying because they don't have enough funds. Here today again, we are faced with another bill that would earmark 25% of the general fund. Twenty-five percent, Mr. President. If you draw a circle, it would take away one part of this circle so only three parts are left--only 75%. And Senator Guerrero have stated about the Public Safety, and the Public Auditor. Senator Dela Cruz have stated about the Medical Referral. Senator Reyes explained the needs also for the minority islands. If we are going to allow this 25% to be earmarked for the PSS, we might as well, Mr. President, let us just do it for all of the departments. This is what I meant when I said to, just close the Legislature and let this 25% takes its course. I understand that it is election year. Everyone wants to look good out there in front of the parents and students and we tend to forget our obligation as elected officials that we have to balance this. Our responsibilities -- it is already enough that we don't have enough funds. And then here we are because we are afraid of the parents and the students that they might misconstrue this action of the Legislature and not vote for us, we tend to forget about our responsibility. Thank you.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, once again, it is a simple math. Ninety percent of the total resources is gone if this is approved. We have to fund the Judiciary. We have to fund the Office of the Washington Representative, and many of us, not including myself, are advocate of making payments to or hiring a Washington lobbying firm. We have to fund the Department of Public Works. We have to fund the Department of Natural Resources, and we have

to fund the Community and Cultural Affairs. We have to fund the Department of Labor and Immigration. We have to fund the Department of Commerce. We have to fund the Department of Finance. We have to fund Independent Agencies such as Historic Preservation, Indigenous Affairs Office, the Carolinian Affairs Office, Tinian and Rota government – their share. We have to find money for the retroactive salary adjustment under Public Law No. 7-31 which we have not done since 1990. We have to fund our commitment to the people whose lands were taken for the use of the public which is for the land acquisition payment. We have talked about funding the hazardous differential for the deserving government employees. We have to fund the Public Auditor's Office, which already takes away 1% and other autonomous and independent agencies of the government and activities that provide public services. I do support the earmarking and the amendment to the Constitution to increase the funding for the Public School System. Who is going to tell all these agencies and the other branches of government that they have to close down? If we increase the funding of the Department of Public Safety to make sure that everybody is safe, what if someone gets into a problem and has to be adjudicated in court? Who in the Judiciary when there's no judiciary? Who is going to be the judge? Who is going to administer the fairness of the administration of law? How are we going to survive all the criticism and the problems that we now encounter in Washington because of all these anti-CNMI legislation that are coming out? Who is going to provide what Public Works is providing right now in terms of public service delivery? Who is going to protect our natural resources? Who is going to enforce our CNMI laws that are designed to protect our environment? Who is going to pay our salaries? Who is going to pay the salaries of the employees of the Department of Public Safety and the Department of Health and Environmental Services, if there's no Department of Finance? I think that in the final analysis, we have to agree and I do sincerely agree with Senator Cing that even now, we don't have sufficient funds to spread around. We do this, and we're going to cripple the government operation. Who's going to monitor the emergency situation if EMO and the Disaster Control Office is closed down because we did not fund it? I mean this is just a listing from the top of my head, but we go to the budget package and look at the list of all the activities that we fund inclusive of independent agencies such as the Little League that we all support, the Museum, the many activities that this government supports, the Flame Tree Festivals under the Cultural Affairs that we usually have on an annual basis. I think that when we sit back and look at this in retrospect, we would see that this amendment is—and I have to admit that I don't blame Senator Guerrero for coming up with this because it is the responsibility of the Legislature to appropriate, and I have to say that the Legislature miserably failed in prioritizing urgencies of deserving activities in government such as PSS. PSS should have been funded 25% without the need to amend the Constitution to increase it. This is the prerogative of the Legislature, and we all miserably failed to do that and we should take full responsibility for this, including myself. In the last debate on this issue to provide the 25%, I came to bat for the Public School System, urging my colleagues to approve the 25% because I feel that the investment we put into our children will have a far-reaching affect in the future in providing and directing our economy in the Commonwealth. I urged each of the members here today, my colleagues, to please reconsider the position that we have taken because each one of us is responsible for our own action. And if the people, the public, does not agree with me and does not want to return me to the Senate this coming election, then I am content that I have done my best to protect their interest and my conscience is clear. This is something that I live with as a principle. We need to maintain our principles. Individual members here have to be accountable for their actions and when we were elected, we were expected to make difficult, complicate, and sometimes very compromising decisions. Our job is to make those choices and we make those choices on behalf of our constituencies, the general public, the employees in Public Health, the employees of the Department of Public Safety, and the employees in Public School System. We are responsible for them too, as well as other members of the community and the people of the Commonwealth. We should take that responsibility seriously, because if I were to make a decision out of anger and out of spite and out of retaliation, Mr. President, I don't deserve to sit in this chamber. I don't deserve the trust that the public put in me. Thank you.

The Chair recognized Senator Maratita.

Senator Maratita: Thank you, Mr. President. I have heard the concerns of my colleagues, and the bottom line here is money. We need money to pay for our doctors and nurses and we need money also medicines and equipment for CHC. We need money, Mr. President, for CUC to pay our \$12 million debt. We also need money for the Retirement which is \$60 million. We need money for land acquisitions. We need money to pay for the retroactive salary increase, and we need money for overtime for our police officers. Our job here, Mr. President, is to try to divide this money equally among all the departments. Providing for the best education and having the worst hospital—I believe you can not send your kids to school if they sick. So, the question here, Mr. President, is we need to finance all this, and like I said the bottom line here is we need money. There's no question about that. We can say all our peace here that all the departments are very important for the services of our constituents, but without money we can never have or provide the best services for our people here in the CNMI. Thank you, Mr. President.



The Chair recognized Senator Guerrero.

Senator Guerrero: Mr. President, I have one last comment. I totally disagree with my colleague, Senator Maratita. The bottom line is not money. The bottom line here is management. I'm a firm believer, Mr. President, that when you touch the Constitution, it is dangerous game. The 15% that is given to PSS plus whatever appropriation--if you take all the prior appropriation made by this Legislature it would exceed 25%. Our biggest problem is planning at the PSS. They built a high school in Kagman, but there's no planning of how much it would cost for chairs, for books, and for additional teachers. It is not the money. It is planning, poor planning. This is the problem. And again, if you look at the Federal Grants that PSS is receiving, it is quite an amount. If you look at the \$38 million that is strictly for salaries for PSS plus the Federal Grants involved, it is over \$60 million. Why do we have to blame ourselves as politicians that we are not doing our jobs? We are doing our jobs. The problem is management in the departments, like PSS. Then we try to get into the Constitution because that's the easiest way to the play by taking money out by touching a dangerous game. We have talked about touching Marianas Public Land Trust because we have no other way around. Where do we go next after MPLT? This is our problem. Management is our problem--but if we have managers in each of these departments, I am definitely sure because I think this Legislature is doing its job. We are giving them what we want, but just because November is coming we're going to die or commit suicide? We have to understand this, Mr. President, that not only that this is a fact, but even San Roque School. I was invited and I had to buy a CNMI flag and American flag and look for the flagpole because they don't have it. If we can not have ropes and flags for the schools in the Commonwealth, there is a problem in that management, Mr. President. I don't care who's going to be attacked for that management, but there is a problem. I have requested the Board of Education to come to meet with me on this issue. Maybe, Mr. Pellegrino because he's running. It seems he doesn't like to meet with me. But this is an issue of every school. And, I went and I campaigned and I said that the parents have no business buying schools supplies, crayons etc., for their kids because it is only the schools in the Commonwealth that would ask. It doesn't happen in the United States. We do our jobs. It is the managers that are responsible to come to this Legislature and to tell us what they need, straight flush with good pre-planning. The purpose of this amendment is to open eyes somewhere. But, I think that the Legislature is doing its job, and it's not the money. It's management that is the problem. Way back, Mr. President, when I was Executive Director of CUC, I was thrown over board. I was embarrassed, but today this power that is in this Legislature, is the same thing that Senator Kumoi built and that management was good. There is nothing new at CUC that we have to be proud of. It is something that has already been built, and I feel proud for that and I feel proud as a Senator today. I can not speak for all of you, but I think that we're doing the right job. It is the departments that we have to bring in and ask them why they're not doing it right and every time they have to cry they would use the school children. It is not right. When you use school children to write letters to your Senator or Congressman, it is not right for the Principal to do that. Why? Because there is another politician that is telling them to write that. It is a political thing and we can not mix education and politics together. Our job as politicians is to provide them and we have been providing them. It is management that is the problem. Mr. President, I have to do this. It is not because I am not running. It has nothing to do with that. *Para hita nai ni Chamorro, debi de ta tungo' na an para ta run effectively I depattamento, debi lokue ta usa titanos-ta ni nina'en Yu'us.* What we have is meager resources, and if we can not handle a meager resource, Mr. President, the ship is going to sink and I don't think it's right for any politician today to use the Constitution as a way to escape. The forefathers of the Constitution have done it right. I heard my colleague, Senator Adriano, in the Leadership meeting when he mentioned about two-thirds of Tinian. But I want my colleague to also understand that we have put Farallon de Mendinilla to be bombed and that's why we have our blue passport because of those put together. It is our forefathers that haave put it in the Covenant agreement and the Constitution, and I think that we should abide by that agreement. We might not totally agree, but that is part of the game. It is an agreement that we have and we all have to share that responsibility. Mr. President, I have no objection withdrawing my floor amendment on the 30, 30, 30, but I hope to God that the House members are listening to me today, right now, in this session. Though we can do a better job, we can also stand as Senators of this Commonwealth and do a better job and I totally agree with Senator Cing. It's an eye opener and if it takes somebody like me to bring this type of a floor amendment to open the eyes of everybody in this building, then I will--do it. I will do that because enough is enough. But even the Governor is listening, and I hope the media puts me down straight flush that everybody must share in this thing. The school children are important, the sick people are important, everybody is important. Ten years ago, Mr. Chairman, I was the Chairman of the Salary Act Committee. I threatened the Legislature that I would cut the power. I was only one man and I had the 14% across the Board approved because of that type of a situation, which is not necessary. But that was 10 years ago, Mr. President. Yet, today we speak about retroactive pay. What happened 10 years ago? Some of us are still sitting here today. I was the Chairman of the Salary Act Committee. Is it because November is here? We should have done this nine and a half years ago if we

say we have the responsibility as a man--we have the responsibility. We should have done that right there and then. But, no, we have to use the Constitution. We have to amend the Constitution. We have to take money away from MPLT. We have to take money from everybody else. It is my job one and a half years ago, and I'll do whatever I could to get this retroactive salary increase paid somehow, one way or another. But, I am more concern first of the patients that are very sick today because they come first. I don't think PSS is going to die if we go for another six months. We have been surviving all these tremendous several years of hard life. We never die. We're still alive. But, the people that need the hospital, but can not get into the hospital do not stand the chance. The school kids are still young and they're healthy. Of all that, we have to consider the sick people first. We have to be concern about the 4,000 retirees that need to be paid. One way or the other, the 24% share of the government must be exercised. We have to look for that. That's our responsibility, and I agree with my colleague, Senator Reyes. It's our responsibility, but how about a little bit of management. I am therefore, Mr. President, officially withdrawing my floor amendment to the House Legislative Initiative, and I hope that I don't have to do that again, Mr. President, and speak the way I had to speak, but I had spoken. I think I'm loud enough. Thank you.

Senator Atalig requested for a short recess.

President Manglona declared the Senate recessed at 3:06 p.m.

RECESS

The Senate reconvened at 3:16 p.m.

President Manglona: We're back to our regular session. The Chair recognizes Senator Guerrero.

Senator Guerrero: Thank you, Mr. President. I mentioned about withdrawing my floor amendment, but I have decided to reinstate the floor amendment and not to withdraw it-- to reinstate it if there is no objection from the members.

Several members voiced, "no objection".

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, I don't have to repeat all the lines that I have said. I'd like to clarify, after all the things I have said and all the things that I've mentioned about responsibility, that this particular funding of 25% for PSS could have easily been done by the House of Representatives if they so desire to provide 25% to PSS without the need to amend our Constitution. The Constitution currently provides for 15% mandatory appropriation or mandatory share of the total resources. It does not prevent the Legislature from exceeding the 15% and making it 25%. It does not prevent the Legislature from increasing it even further up to 40% if that is the desire of the Legislature and if the Legislature sought the wisdom in recognizing the need to educate our children and provide sufficient funding. I have to say that this is the first time a bill is debated this long in the Senate. Historically, we would agree in the Leadership meeting before any session if we were to disagree, but apparently this is a very sensitive position and it touches the soul of every member here and their conscience. I ask the members again, to please reconsider their position on the floor amendment and consider those who would be adversely affected--all those departments and the Judiciary that rely on the Legislature. The Judiciary Branch rely on the Legislature to fund it. I failed to add the Attorney General's Office and many other agencies of government that rely on us for funding. So, I ask you to vote with a clear conscience. Thank you.

The Chair recognized Senator Dela Cruz.

Senator Dela Cruz: I move to end debate, Mr. President.

Senator Adriano voiced, "second" and the motion to adopt the floor amendment as offered by Senator Guerrero was carried by voice vote.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: We have voted on the floor amendment to the Legislative Initiative. It would need at least two-thirds vote for the adoption of the floor amendment.

President Manglona: We will be voting on the bill itself later on. What really matters is the two-thirds vote of the bill itself.

Vice President Villagomez: Yes, but the House passed it with two-thirds vote and we are amending it. I know it will be going down again to the House for the acceptance of any amendment that we....

President Manglona: Let me just call for short recess.

The Senate recessed at 3:20 p.m.

RECESS

The Senate reconvened at 3:21 p.m.

President Manglona: We're back to our session. The Senate has just approved a floor amendment offered by Senator Guerrero. We are still discussing House Legislative Initiative No. 12-001, HS1, as amended. Is there any other discussion?

Vice President Villagomez: Do we have to do an amendment to correct the Initiative on page 1, line 5, from "25%" to "30%". That should be "30%" under Findings. If so, I move to amend it.

President Manglona: I believe the floor amendment offered by Senator Guerrero on line item 2, states that on page 1, line 13, to strike out 25%. I think that should take care of that concern and further adds on the other departments. Is there any other concern?

Vice President Villagomez: So under Finding, it is still 25% and the allocation will be 30%. So be it.

President Manglona: Is there any other discussion?

Several members voiced, "ready".

Vice President Villagomez: Before we really vote on the Initiative, I just want to try to get a clarification on the amendment that was introduced by Senator Atalig and that we have adopted. It says, "...autonomous public corporation, independent agencies, earmarking of revenues by statute, federal grants, capital improvement funds, and revenues generated by each Senatorial District". So, any revenues that are identified by each Senatorial District shall not include the 30%, total 90%, of the Constitutional mandate. I need more clarification because I'm looking at the governor's budget here and it is under independent programs. It did mentioned some Workmen's Comp, the South Pacific Commission--those are not included whatever we appropriate to those agencies. The balance will be, as Senator Reyes pointed out, from Lands and Natural Resources including 10%, is going to be inclusive of the 9% -- should be inclusive of the Department of Public Works, the AG's Office, Lands and Natural Resources, and I believe also from the Office of the Municipal Councils from Saipan, Tinian and Rota and Office of the Mayor of Saipan, Tinian and Rota. If so, I would be voting on this Legislative Initiative. Thank you.

The Chair recognized Senator Atalig.

Senator Atalig: That's correct, Mr. President. It would be excluded from those generating revenues as adopted in this amendment. And this would not be included if we were to vote on this 30%.

Vice President Villagomez: If we're going to appropriate for the Office of the Mayor of Saipan, Tinian and Rota, it will be on that 10%.

Senator Atalig: Yes.

Vice President Villagomez: Just on the 10%. Thank you.

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Those departments and agencies that I have mentioned including Tinian and Rota, the Mayor's Office in Saipan, the Municipal Councils, will be subject to division of the remaining 10%, if this passes. In other words, Tinian and Rota will have to get some share out of the balance of 10% of the total resources after this is passed. Is that correct?

Several members voiced "yes".

President Manglona: The Legal Counsel wants a time out, but before I see if there's a need, I think that we have to recognize that there's a PSS in Rota and in Tinian and of course Public Health. Those would have to be taken from their share. Short recess.

The Senate recessed at 3:28 p.m.

RECESS

The Senate reconvened at 3:30 p.m.

President Manglona: We're back to our regular session. After being addressed by our Legal Counsel, let me recognize Senator Guerrero.

Senator Guerrero: Thank you Mr. President. The Legal Counsel asked me to further make an amendment. On my floor amendment, on line 12, after "shall" insert the word "each". This will clarify the concern that everybody has. Thank you, Mr. President.

President Manglona: Actually, that's an oral amendment and we're going to vote on that.

The motion to adopt the oral amendment as offered by Senator Guerrero was carried by voice vote.

President Manglona: Is there any further amendment? If 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	No
Senator Jose M. Dela Cruz	Yes
Senator Ramon S. Guerrero	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	No
Senator Thomas P. Villagomez	Yes
President Paul A. Manglona	No

Nine (6) members voted yes and three (3) voted no.

President Manglona: By a vote of six (6) yes, three (3) no, the Senate hereby passes House Legislative Initiative No. 12-1, HS1, as amended, with the necessary two-thirds vote.

President Manglona: Without any objection, we would have to go back to the decision that I have just declared on House Legislative Initiative No. 12-001. I understand from our Legal Counsel that a three-fourths vote is necessary and not two-thirds. I made an error in my declaration. If there's no objection, we will allow other members to cast their votes or change their votes, or whatever we see that we should do. We do not have the required votes at this time. There are only six yes and three no. Before I declare the decision on that, I would like to ask the members if

any, at this time, would want to switch votes. If not, I would declare the appropriate decision. Is there any member who wishes to change his vote?

Floor Leader Reyes: Mr. President, I wish to comment and justify my vote.

President Manglona: I'm just going to make a declaration and then I will recognize other members.

Floor Leader Reyes: Thank you.

President Manglona: With a vote of six yes and three no, House Legislative Initiative No. 12-001 failed to pass the Senate by not garnering the necessary three-fourths vote.

Floor Leader Reyes: Mr. President, I voted "no" on House Legislative Initiative No. 12-1, HS1, because I do not agree with the floor amendment submitted by members of the Senate. I said this because I do sincerely believe that the funding of 25% for Public School System is an appropriate and justifiable request. I will support the funding for 25% or 30% or even 40% for Public School System because I do believe in the education of our children and what it promises to the Commonwealth government and the people of the Commonwealth in the future. But I can not, in clear conscience, and in full representation of the people that put me in office and in trusted me with the responsibility to protect their interest, in clear conscience, vote on the amendment that would effectively eliminate the funding necessary to continue the operation of the Judiciary branch of our government. There's a specific number of departments that relies on this Legislature to appropriate funding for their operations because it will result in mass termination of employees, which are not justified, leaving many of our people jobless because of this action. I feel that if the initiative as we received from the House were to be entertained by this body that I will, without hesitation, vote in favor of that bill. I maintain, however, that this bill is still unnecessary, this initiative is still unnecessary, because we do have the authority to provide 25% or 30% or even more. If we sit back and recognize that the priority is with education, there should be no problem doing this. Originally, I blame members of the Legislature and I include myself because I can not convince the members, I can not go to the House and convince each member of the House to support education and give them 25% on their budget. I do blame myself for that, but to earmark 90% or 91% of our resources leaving 9% because of the 1% that was earmarked for the Public Auditor, in my opinion, is an injustice service to our people, to the Commonwealth and the people that entrusted us with this responsibility. I want that to go on record, Mr. President. And like Senator Guerrero said, I hope that this is the last time that we will ever debate such an irrational type of legislation that we have to deal with. So, I'm sorry that it didn't go through as was originally submitted to the Legislature, because I feel that this is an important piece of legislation, but I am relieved that we did not commit the entire CNMI resources leaving urgently needed department activities un-funded. I hope that in November, the people would vote for people who are responsible. People who would not take this kind of situation as lightly as it did that they would put somebody who would not hesitate to appropriate 30% in the House of Representatives and submit that to the Senate for its approval. So, Mr. President, the action that we have taken today is in the journal for the people's review. In the future, be mindful that any action that you had taken remains on the journal and is subject to scrutiny by our constituencies. Thank you.

The Chair recognized Senator Cing.

Senator Cing: Mr. President, I just can not lie to myself. I have to remain voting no.

(Clerk's Note: Read through for more discussion on House Legislative Initiative 12-1)

President Manglona: Thank you, Senator Cing. Let us proceed with the other items on our Calendar.

SENATE BILL NO. 12-121: A BILL FOR AN ACT TO AMEND SECTION 3, OF PL 12-14; 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".

(Clerk's Note: At this point, Vice President Thomas P. Villagomez temporarily left his seat in the Chamber.)

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	No
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	Absent
President Paul A. Manglona	Yes

Seven (7) members voted yes and one (1) no.

President Manglona: By a vote of seven (7) yes and one (1) no, Senate Bill No. 12-121, passes the Senate.

SENATE LEGISLATIVE INITIATIVE NO. 12-6, SENATE DRAFT 1: A SENATE LEGISLATIVE INITIATIVE PROPOSING TO AMEND SECTION 7, ARTICLE X OF THE CONSTITUTION OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS REGARDING GOVERNMENT EMPLOYMENT.

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

President Manglona: Is there any discussion?

Floor Leader Reyes requests for "short recess".

President Manglona declared the Senate recess at 3:42 pm..

RECESS

The Senate reconvened at 4:16 p.m.

President Manglona: We're back to our plenary session after a brief recess. We were discussing House Legislative Initiative No. 12-006.

Floor Leader Reyes: Mr. President, I wish to offer a substitute and I have issued Senate Legislative Initiative No. 12-6, Senate Draft 1. You have to add Senate Draft 1 because it was on the original. On page 2, after "administered", just add in, "by management intern office". And that would be the substitute bill. I have not specifically identified the policy in administering this office because I feel that it should be provided by law instead of having to include it as a Constitutional amendment. On line 3, I know that "shall be" was crossed out and "shall received" was inserted. I would like to interchange that and cross out "shall received" and the words "shall be" be the appropriate language as advised by our Legal Counsel. So it will now read, "senatorial district shall be equal to the ratio" and continue on. That is the amendment.

President Manglona: We have to vote on the amendment.

The amendment offered by Floor Leader Reyes was carried by voice vote.

President Manglona: The amendment passes the Senate. Is there's any further 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, we have the necessary three-fourths vote to pass Senate Legislative Initiative No. 12-6, SD1, as amended.

(Clerk's Note: At this point, Vice President Villagomez took his seat in the chamber.)

SENATE BILL NO. 12-115: A BILL FOR AN ACT TO AMEND 4 CMC § 8141 (d) REGARDING UTILITY SERVICE RATES; AND FOR OTHER PUPPOSES.

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

President Manglona: Is there any discussion?

Several members 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	Yes
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	No
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, Senate Bill No. 12-115, passes the Senate.

SENATE BILL NO. 12-122: A BILL FOR AN ACT TO LOWER WATER RATES FOR LOCAL FARMERS AND RANCHERS 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 Dela Cruz: I have an oral amendment, Mr. President. After “farmers”, insert “and ranchers”. The title should reflect that -- should include ranchers as well. So, it is not only for farmers, but also ranchers.

Several members voiced, “second”, and the motion to adopt the oral amendment offered by Senator Dela Cruz was carried by voice vote.

President Manglona: We’re back to Senate Bill No. 12-122. 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, Senate Bill No. 12-122, as amended, passes the Senate.

SENATE BILL NO. 12-123: A BILL FOR AN ACT TO MAKE AMENDMENTS TO THE BOARD OF PUBLIC LANDS ACT OF 2000, 1 CMC § 101 (a), SECTION 102, § 102, § 104 (h) AND § 106 (d); AND FOR OTHER PURPOSES.

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

President Manglona: Is there any discussion?

Senator Dela Cruz voiced, “ready”.

The Chair recognized Senator Adriano.

Senator Adriano: Yes, Mr. President, I have a floor amendment here and I have passed this out.

The amendment reads as follows:

Floor amendment

Offered by: Senator Joaquin G. Adriano

Date: 7/25/01

TO BE AMENDED AS FOLLOWS:

- Page 2, line 27, between Land and fair – it should read as follows: *“land lease for commercial purposes shall not be less than eight percent (8%) of the appraised fair”*
- Page 2, line 29, between shall and negotiate – it should read as follows: *“shall have the power to negotiate”*
- Page 3, line 3, between commercial and which – it should read as follows: *“commercial development on public lands, and reduction in rentals for non-profit learning institutions, which”*
- Page 3, line 16, replace Public Lands with *Directors*

- Page 3, line 19, include after the last word, rentals, the following – it should read: *“rentals shall be computed and collected by the Board as additional rentals if the gross receipt rentals exceed”*
- Page 3, line 31, insert after the period, the following – it should read: *“except for commercial use, farming and grazing shall be charge not more than \$5.00 per hectares,”*

_____/s/
Sen. J. G. Adriano

Senator Dela Cruz voiced, “second”.

President Manglona: Is there any discussion?

Several members voiced, “ready”, and the motion to adopt the floor amendment as offered by Senator Adriano was carried by voice vote.

President Manglona: We’re back to Senate Bill No. 12-123, as amended.

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	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. 12-123, as amended, passes the Senate.

Senator Maratita: Mr. President, I move to place Senate Bill No. 12-120 on today’s Calendar.

Vice President Villagomez voiced, “second”.

President Manglona: We still have two more bills to entertain. Floor Leader Reyes, we still have two more?

Floor Leader Reyes: That’s okay, Mr. President. I think it is an appropriate motion to place it.

President Manglona: There’s a motion on the floor and it has been seconded. Senator Maratita moved to place Senate Bill No. 12-120 on our Final Reading Calendar.

The motion to place Senate Bill No. 12-120 on the Calendar was carried by voice vote.

Floor Leader Reyes: Mr. President, the same suspension of rules applies to Senate Bill No. 12-120.

SENATE BILL NO. 12-124: A BILL FOR AN ACT TO EXEMPT THE MARIANAS AUTHORITY FROM THE BIDDING PREFERENCE REQUIREMENTS OF 1 CMC SECTION 7404; TO EXEMPT THE

MARIANAS VISITORS AUTHORITY FROM CERTAIN COMPETITIVE BIDDING REQUIREMENTS OF THE CNMI PROCURMENT REGULATIONS TO AUTHORIZE THE MARIANAS VISITOR AUTHORITY TO MAKE A SOLE SOURCE CONTRACT AWARD IN PROCURING MARKETING SERVICES IN JAPAN IN THE AMOUNT NOT TO EXCEED \$100,000.00; 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?

Several members voiced, "ready".

President Manglona: Senate Clerk call the roll.

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. 12-124 passes the Senate.

SENATE BILL NO. 12-120: A BILL FOR AN ACT TO AUTHORIZE OVERTIME PAY FOR POLICE OFFICERS IN THE GRADE OF LIEUTENANT AND ABOVE; AND FOR OTHER PURPOSES.

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

The Chair recognized Senator Cing.

Senator Cing: This is, again, a reminder. We just had a very long debate on the issue of the PSS granting them the 30%. I didn't mention about the 14% increase for our civil service employees that we have not yet fulfilled. Here's another bill calling for another expenditure for lieutenants and above at the Department of Public Safety. Aside from that, why is it only for police officers? The Fire Department falls also under public safety and they are also by rank?

President Manglona: I believe this includes the Fire Department. It is not in title, but it is in Section 3.

Senator Maratita: It is on page 1, line 7.

Senator Cing: That is correct, Mr. President. It includes the fire officers. Back to the main question, Mr. President. On the money that we're going to set aside for lieutenants and above, how much are we talking about? I have a feeling that there was a good reason why they removed the lieutenants and above from overtime pay. I want to know the history of—such removal of overtime.

President Manglona: Senator Cing, can you yield to Senator Maratita?

Senator Maratita: In the beginning, Mr. President, they were saying that under the Federal Labor Standard Act, it's illegal for the people, Lieutenants and above, to be receiving overtime pay. I have talked to the Legal Counsel and there's nothing in the Federal Labor Act that would stop them. That is the reason why I introduced this bill because at this time there's a lot of sergeants right now that can become lieutenants, but they do not want to become

lieutenants because of the compensation and the overtime. We can not promote those people who are PO3 to sergeants at this time because sergeants do not want to become lieutenant. So, this bill will address the concern of the Department of Public Safety for lieutenants and above.

President Manglona: Senator Cing, do you have comments?

Senator Maratita: And this includes Saipan, Tinian, and Rota.

Senator Cing: It puzzles me, Mr. President, because as a civil service employee, I don't think you have much right to dictate the rules and regulations of the Civil Service. If the administrator or the director or the commissioner says that the lieutenant is supposed to be captain already, then he has no choice. He has got to be a captain. It has nothing to do with overtime or whatsoever.

Senator Maratita: Not at this time. The conversation that I held with a lot of police sergeants is that the reason why they don't want to get promoted is because they're making more than what a lieutenant is making.

President Manglona: Senator Maratita, let me ask this. Do one have to sign something to be promoted to a lieutenant or captain.

Senator Maratita: I think so.

President Manglona: Personnel Action.

Senator Maratita: Yes.

Senator Cing: This is almost like saying that I'm the subordinate so I tell you, my boss, that I will be a lieutenant tomorrow. It's not you telling me that I have to be lieutenant tomorrow.

Senator Maratita: Well, that is happening now in the Department of Public Safety. That's why I introduced this bill to clarify the rank of lieutenants and above.

Senator Cing: Mr. President, I have nothing against this, honest to goodness. If we have abundance of funds before us to appropriate—I can recall a speech that was delivered by our Secretary of Finance, Mrs. Nielsen, when she said that we have to limit passing bills that would cost the government more than what we have now. And thinking about that, this is one example that we have to take a look at because we have to get these funds from somewhere. Maybe, tomorrow, if the economy is much better, then by all means, yes. But to separate these groups of people from other employees especially when their department demands overtime and these individuals are not getting overtime, but getting comp-time. I don't think this is fair. I know of employees of agencies and autonomous agencies that would go out at night on emergency basis and work for comp-time because they don't have much to be paid overtime.

President Manglona: Are these police officers getting comp-time—the lieutenants? I'm just curious. Does anybody know?

Senator Maratita: Some of them, yes.

The Chair recognized Senator Dela Cruz.

Senator Dela Cruz: The only concern that I have, Mr. President, is that I am aware of the Fair Labor Standard Act. An individual who works anything over 40 hours should be paid overtime. Now, I think this has to do with an internal policy within each department. Each department has its own standards. With this title that we're discussing right now, if he has worked over 40 hours and he didn't get paid for that then he has the right to file grievance against that department because nobody should work beyond 40 hours and not get paid overtime. I don't know who grants the Department of Public Safety the authority to restrict these people from receiving overtime. They have the right not to make them work overtime, but for them not to get paid when they have worked overtime, is a different story. So, if we're just going to authorize them to be paid overtime, then the department can still come in and do a responsible management and not allow them to work overtime. So, it's not going to cost the government that much

money. But the bottom line here is plain and simple. If somebody has worked overtime, then they have to be paid overtime. That's the bottom line. I have no problem passing this bill.

The Chair recognized Senator Adriano.

Senator Adriano: I understand that now, overtime with DPS--we have four high ranking officers that have brought the Department of Public Safety before the US District Court for a judgment that they were entitled for overtime since 1991. Mr. President, I support this bill due to...a managerial position within the Department of Public Safety right, you're not entitled for overtime. *An kahulo hao gi sergeant ya gaige hao ha' gi PO3* then you're not entitle for that compensation while *I PO3 iyon-na salary guaha na biahe ni tagkilo-na ke i sergeant. I sergeant tagkilo-na ke lieutenant pat enao siha na discrepancies. Ilek-ko na maila ya ta suppota este ya ta pasa sa ginen enao siempre ni man illegible i manelu-ta.* Thank you.

President Manglona declared the Senate recess at 4:38 p.m.

RECESS

The Senate reconvened at 4:52 p.m.

The Chair recognized Vice President Villagomez.

Vice President Villagomez: Thank you, Mr. President. As I mentioned earlier during recess, we have a pending case right now at the Federal Court regarding some police officers at the level of lieutenant and captain. I believe they are not qualified through out our personal regulation to receive overtime. They have a lawsuit to try to clarify whether these positions are illegible for retirement or not. I would like to ask the members to defer action on this legislation not only because of that, but I see that if we are going to authorize the overtime pay for lieutenants it will be coming from the available funds that will be reprogrammed from their existing budget. We have just killed the 30% initiative to the police officers and we're now moving to -- authorize the personnel at the Department of Public Safety for overtime. Where are they going to get the funding? We have not passed the budget. We don't have funding and we're going to authorize the overtime pay. It looks like we're just trying to accommodate ourselves by voting for this legislation. Again, I ask that we defer action or just vote against the legislation for now. Thank you.

Floor Leader Reyes: I just wish to express my understanding of this bill. Presently, the rank of lieutenants and above are not entitled for overtime compensation by law. Secondly, if a sergeant is offered a promotion to lieutenant, that sergeant has a right to decline the promotion. Number three, my understanding is that this particular legislation proposes to make the lieutenants and above illegible for overtime compensation, but will be subject to management to determine whether funds are available within the organization to pay for it. If that is true, then they will assign lieutenants and above to work. If not, then management reserves the right not to assign. The contrast between this, Mr. President and members, and the hazardous pay is that the bill is authorizing not eligibility, but entitlement to all police officers who are faced with dangerous situation to be entitled to 25%. This particular bill makes them eligible subject to availability of funds and a contrast between that is that in the hazardous pay situation even if there's no fund they're already entitled if that bill is passed into law without any appropriation and that's the difference. I have no problem supporting this bill.

The Chair recognized Senator Adriano.

Senator Adriano: Mr. President, I tend to disagree with my good colleague Senator Villagomez that we defer action on this measure. *Yanggin sina, Mr. President ta apasi I Washington Lobbyist \$800,000 yan bula lokue na emplyao guine man manana'i siha sueddo yi ti manmafato gi che'cho, ya pulisia este siha--siha uma'atan hit ya pot overtime ha' para ta defer este, pues maila ya ta po'lu gi floor ya ta bota.* I move for the previous question, Mr. President.

President Manglona: Is there any other comment? If 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	No
Senator Jose M. Dela Cruz	Yes
Senator Ramon S. Guerrero	Abstained
Senator Edward U. Maratita	Yes
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	No
President Paul A. Manglona	Yes

Six (6) members voted yes, two (2) no and one (1) abstention.

President Manglona: By a vote of six (6) yes, two (2) no, and one (1) abstention, Senate Bill No.12-120 passes the Senate.

RESOLUTION CALENDAR

Floor Leader Reyes: Mr. President, I understand that there are additional resolutions introduced and have been assigned numbers. I have Senate Resolution No. 12-49 and Senate Resolution No. 12-48. Is that all that we have on the Calendar? I don't have the rest of the resolutions. Mr. President, I don't have the other resolutions except for this two resolutions.

President Manglona: Senate Resolution No. 12-44, Senate Resolution No. 12-45 and Senate Resolution No. 12-47 are already listed on the Order of Business.

SENATE RESOLUTION NO. 12-44: A SENATE RESOLUTION RECOGNIZING THE LIFETIME CONTRIBUTIONS AND COMMITMENT OF THE HONORABLE TOKUO YAMASHITA TOWARDS GLOBALLY IMPROVING SOCIAL, POLITICAL, AND ECONOMIC CONDITIONS AND FOR PROMOTING WORLD PEACE; AND FOR ENDANGERING AND FACILITATING GREATER ECONOMIC AND CULTURALIES BETWEEN JAPAN AND OTHER ASIAN NATIONS WITH THE CNMI.

SENATE RESOLUTION NO. 12-45 A SENATE RESOLUTION SUPPORTING THE PROCLAMATION FO THE WEEK OF MAY 13 THROUGH THE 19, 2001, AS POLICE WEEK, IN COMMEMORATION OF ALL POLICE OFFICERS PROTECTING AND SAFEGUARDING THE RIGHTS AND FREEDOMS OF THE PEOPLE OF THE CNMI; AND RECOGNIZING MAY 15, 2001, AS PEACE OFFICER'S MEMORIAL DAY, IN HONOR OF THOSE OFFICERS KILLED OR DISABLED IN THE LINE OF DUTY.

SENATE RESOLUTION NO. 12-47: A SENATE RESOLUTION TO HONOR THE MEMORU OF THE LATE SENOT JOSE SEMAN IBA WHO PASSED AWAY ON MAY 19, 2001 AND TO EXPRESS THE SENATE'S CONDOLENCES TO HIS FAMILY AND BELOVED ONES; AND FOR OTHER PUPROSES.

SENATE RESOLUTION NO. 12-48: A SENATE RESOLUTION AND THANKING MR. DOMINGO CASTRO DELA CRUZ, A LOCAL BUSINESSMAN AND A RESIDENT EMPLOYEE, FOR HIS UNSELFISH CONTRIBUTIONS TO THE PRIVATE SECTOR OF THE CNMI AND FOR BEING A RESIDENT WORKER EXEMPLAR OF EFFICIECY AND DEDICATION.

Floor Leader Reyes moved for the adoption of Senate Resolution No. 12-44, 45 and 47, 48 and 49 and several members seconded.

The Chair recognized Senator Cing.

Senator Cing: Mr. President, I would like to request that we separate the resolution that was introduced by Senator Villagomez regarding Ray Quichocho.

President Manglona: If there's no objection, the motion will be for the passage of Senate Resolution No. 12-44, 12-45, 12-47 and 48....

Floor Leader Reyes: Then I will amend the motion.

President Manglona: Please, proceed Floor Leader Reyes.

Floor Leader Reyes moved for the adoption of Senate Resolution No. 12-44, Senate Resolution No. 12-45, Senate Resolution No. 12-47, Senate Resolution No. 12-48 and several members seconded.

President Manglona: Is there any discussion?

Senator Maratita: Can we know from the requestor what's the problem with Senate Resolution No. 12-49?

President Manglona: We will address that. Is there any discussion?

Several members voiced, "ready" and the adoption of Senate Resolution No. 12-44, 45, 47 and 48 was carried by voice vote.

SENATE RESOLUTION NO. 12-49: A SENATE RESOLUTION RECOGNIZING AND CONGRATULATING RAMON KING QUICHOCHO, JR. ESQ., ON BECOMING THE FIRST NATIVE OF THE ISLAND OF TINIAN, COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI), TO SUCCESSFULLY PASS THE CNMI BAR EXAMINATION AND BE ADMITTED TO PRACTICE LAW IN THE COURTS OF THE CNMI.

Floor Leader Reyes moved for its adoption and several members seconded.

President Manglona: Is there any discussion?

Senator Cing: Mr. President, can Floor Leader Reyes read the whole resolution, please?

Floor Leader Reyes: It is my pleasure, Mr. President.

"A Senate Resolution recognizing and congratulating Ramon King Quichocho Jr. Esquire on becoming the first native of the island of Tinian Commonwealth of the Northern Mariana Islands (CNMI) to successfully passed the CNMI Bar examination and be admitted to practice law in the Courts of the CNMI.

Whereas, Mr. Ramon King Quichocho, Jr. was born on March 5, 1971, on the island of Tinian, and is the son of Mr. Ramon Deleon Guerrero Quichocho and Mrs. Rosa Borja (deceased) King Quichocho; and

Whereas, Mr. Ramon King Quichocho, Jr., began his early childhood and primary education in Tinian, and subsequently moved to Saipan where he continued his elementary education, and then transferred to Guam where he graduated John F. Kennedy High School in 1989; and

Whereas, from 1989 to 1995, Mr. Ramon King Quichocho, Jr., served in the United States Armed Forces as an enlistee Army Reserve; and

Whereas, after a brief stint in working for the CNMI government, Mr. Ramon King Quichocho, Jr., decided to pursue higher education, and in 1995 enrolled at Seattle Pacific University, Seattle, Washington; and

Whereas, while student at Seattle Pacific University Mr. Ramon King Quichocho, Jr., was an outstanding student and the recipient of the Ben Cheney Merit scholarship; and

Whereas, in 1997, Mr. Ramon King Quichocho, Jr., graduated cum laude from Seattle Pacific University with a Bachelor of Arts in Economics; and

Whereas, early on during his educational years in high school and college, Mr. Ramon King Quichocho, Jr., recognized the need for indigenous attorneys, in order to afford the people of Tinian better representation and access in the Commonwealth and federal judicial systems; and

Whereas, in keeping true to his longtime desire to serve the people of Tinian, Mr. Ramon King Quichocho, Jr., pursued a law degree at the Seattle University School of Law in Seattle, Washington, where he attained his Juris Doctor degree in the year 2000; and

Whereas, Mr. Ramon King Quichocho, Jr., passed the February 2001 CNMI Bar examination; and

Whereas, in May 3, 2001, Mr. Ramon King Quichocho, Jr., was sworn-in by Chief Justice Miguel S. Demapan and admitted to practice law in the Courts of the CNMI; and

Whereas, the people of the CNMI, and specifically, the people of Tinian are proud of Mr. Ramon King Quichocho, Jr's., accomplishments and the achievement of the laudable goals he set and reached; now therefore,

BE IT RESOLVED, by the Senate, Twelfth Northern Marianas Commonwealth Legislature, that the Senate recognizes and congratulates Mr. Ramon King Quichocho, Jr., Esq., on becoming the first native of the island of Tinian to successfully pass the CNMI Bar Examination and be admitted to practice law in the Courts of the CNMI; and

BE IT FURTHER RESOLVED, that the President of the Senate shall certify and the Senate Legislative Secretary shall attest to the adoption of this resolution, and the Senate Clerk shall thereafter transmit certified copies to Mr. Ramon King Quichocho, Jr., Esq., Mr. Ramon Deleon Guerrero Quichocho, the Honorable Francisco M. Borja, Mayor of Tinian and Aguigan, and to Honorable Pedro P. Tenorio, Governor of the Commonwealth of the Northern Mariana Islands.

Dated July 23, 2001 and introduced by Senator Thomas P. Villagomez.”

President Manglona: Thank you, Floor Leader Reyes.

Senator Cing: *Si Yu'us ma'ase, Mr. President. I konsensia-ko tiha konsenti yo' na para bai hu sotta si Senator Villagomez na para guiya ha' na maisa para hu intrudusi este na resolution ni hu komprende ha' na guiya ginen Saipan, ya guaho ginen Tinian. I subject guine gi resolution ginen Tinian. Malago' yo' na baihu faisen kao sina ha inklusu ina'an hu komo patte gi introducer....*

Vice President Villagomez: *My apology, to Senator Cing. Dispensa sa hu intrudusi este. In fact, hu check si colleague earlier gi iyotta Leadership para hu fan fitma. Esta si Senator Adriano yan si Senator Dela Cruz. Hunggan, para bai hu famaisen lokue suppotasion ya ta na Committee of the whole.*

Senator Cing: *I otro, Mr. President, kao sina ma amenda este na resolution ya hu halom lokue I full support ginen este i Twelfth Senate, na ma endorse lokue si Mr. Ray King Quichocho komo esta monhayan hachulie I test ya komubales mu Lawyer. Ma endodosa ni este na kuetpo na i next Lawyer para i Senate guine, yanggin guaha pumara in the future, kao sina guiya hu tinahgue guine gi Senate. Kao sina ma endosa ni kuetpo ya hu inklusu guenao. Hu agradesi. Thank you.*

The Chair recognized Vice President Villagomez.

Vice President Villagomez: *Mr. President, if I may. That's a very good intent, Senator Cing. Baihu komenda hao ni enao. Pa'go, i abugadu-ta as Ray gi magahet ti enao ha nisisita. Ha nisisita pa'go I para umana klaru guine gi departamentun Attorney General, i offisinan Attorney General. Uno ha' este na prohimo i huna halom guine na resolution na para hu ma konne gi Office of Attorney General. Lao i problema-ta guine, este gue natibo ginen Tinian ya malago' macho'cho' gi AG's office. Malago' ha practice gue finene'na gi departamentun Attorney General. I prohimo desde tutuhon mana'i problema. Masagane na debide de hu chuli'e iyon-na drug test pues ha' cho'gue esta lao manangga ha esta ke masangane na tutuhun hao guenao na ha'ane ya yanggin mato hao lago, uma tutuhon i setbision-mo. Lao anai mato lago, masangane finene'na na nisisita hu chuli drug test. Diferensiao na departamento i offisinan gobietno yan i offisinan AG. Hachuli'e i prohimo magahet lao hasangane yo' na hakeke tulaika hinason-na. Humumuye, hu faisen kao sina ma konsidera lokue ya umana'i housing allowance yanggin munga sina na para umana'i housing. Dalai magahet komo otro siha na prohimo sina man mana'i housing. Prohimo-ta esta taotao Marianas. Nuebo ni tumalak halom i taotao ya esta ha chuli iyon-na degree, ha passed iyon-na CNMI Bar. Masangane na tisina gue mana'i housing allowance pues ma ofresi na para u-umana'i guma ni ayo i para hu pulan nainaihon lao anytime sina ha ma pattik huyong. Pa'go, gaige gi lago na hanigogosiu iyon-na contract. Magahet na huna'i advice. Ilek-ko hago un inan naihon enao kao magahet enao na problema-na i AG*

I yanggin natibu tisina mana'i housing pues dangkulo problema-ta. Etyi na hagas ha hu kontra este housing guine gi government agency. I prohimo, bonitu ni para tana'I ni posision guine komo Legal Counsel i Senate. Mamaulek ha si Ton. Guaha iyon-na suppotasion ni enao. Colleague, dispensa lao pa'go hu fafaisen hamyo sa kulan malago' i taotao para hu gai ekspirensia lokue gi AG. Kao sina maseha mohon yanggin i otro na natibu na abugadu sina mana'i housing allowance, hafa na este tisina, para umanangga esta ke monhayan ya mahatsa etyi otro na a'paka iyon-na sueddu pues ayo na sina gue ma konsidera ni housing. En rekokohe siha enfotmasion ni taimano magahet para ta pangon etyi lago hafa ma keke cho'gue. Lao I suppotasion husangane na gaige ha' yo entre tododo ya dispensa sa kulan hu delay este dos, tres biahe esta para baihu introdusi na resolution. Lao, enao gue ayudo pago.

The Chair recognized Senator Cing.

Senator Cing: *Kulan hana confuse yo' si Senator Villagomez sa kulan ti gof magof ni etyi na propose amendment. Guaho umintendetyo' na si Mr. Quichocho gagaige ha' guine gi Legislature ya ha enjoy gue ya etyo na huhahaso na maybe he can do better. Lao para ta fanu'e gue na ta appreciate ha'. Etyi gue muna hu toss etyo huyong.*

Vice President Villagomez: *Dispensa sa ti huna keke confuse hao lao kulan hana' figan naihon yo etyi i AG ni sigiha ni hana'i run around. Hunggan entrisao ha' lokue lao tisina ma kone I prohimo guine. Dinanche hao, yanggin guaha available sina ha' ta konsidera enao. Hafa kao ta adopta taigueni ya ta espihaye mo'na.*

Senator Cing: *Mr. President, baihu withdraw yanggin ti sumetbe esta etyi.*

Vice President Villagomez: *Lao baihu faisen ha' i suppotasion-mo ya ta enbistiga fan etyi lagu hafa taimanu na yanggin taotao tano tisina.*

President Manglona: *Sina un amenda lokue enao ya una halom i Committee of the Whole, Vice President Villagomez.*

Vice President Villagomez: *Hunggan, magof ha' yo yan magof lokue si Senator Dela Cruz guine yan si Senator Adriano.*

Senator Dela Cruz: *I recommend, Mr. President that we just-go ahead and pass this resolution as it is, but at the same time I'm going to ask the assistance of the Legal Counsel of the Senate to come out with a resolution recommending Attorney Ray Quichocho for consideration at the AG's Office for whatever kind of accommodation there. That's for a different resolution if possible. We can not dictate them whom to hire, but coming from the full Senate, I'm pretty sure it might do him good. Thank you. Mr. President.*

President Manglona: *Is there any other member?*

Their being no further discussion, the motion for the adoption of Senate Resolution No. 12-49 was carried by voice vote.

Floor Leader Reyes: *Mr. President, I know this is unusual, but I would like to make an attempt anyway. I would like to request that we go back to the Bill Calendar.*

President Manglona: *If there's no objection, we're back to the Bill Calendar.*

Senator Adriano: *Objection, Mr. President.*

President Manglona: *Can you clarify?*

Floor Leader Reyes: *Let me clarify why I want to do that. I would like again to revisit and reconsider our action on House Legislative Initiative No. 12-1, HS1, on the PSS Budget, which was defeated.*

Vice President Villagomez voiced, "second".

President Manglona: *There's a proposal to have a reconsideration vote on House Legislative Initiative No. 12-001. The request, if there's no objection, is to go back to our Bill Calendar. Is there any objection?*

Several members voiced, "no objection".

President Manglona: So we have a division?

The motion to go back to the Bill Calendar was carried by voice vote.

BILL CALENDAR

The Chair recognized Floor Leader Reyes.

Floor Leader Reyes: Mr. President, I would like to make a motion to reconsider our action on House Legislative Initiative No. 12-1, HS1.

Vice President Villagomez voiced, "second".

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

The motion for reconsideration of House Legislative Initiative No. 12-001, HS1 was carried by voice vote.

President Manglona: Now, we're under discussion on House Legislative Initiative No. 12-001, as amended, and passed by the Senate.

Floor Leader Reyes: Mr. President, I do this and I know there was objection and I apologize to my good colleague from Tinian. The reason I requested reconsideration is because I still feel that this Senate can do something about this proposed Legislative Initiative. I urged these members to support the floor amendment offered by Senator Ricardo Atalig and let us pass this Initiative with that amendment which would sufficiently address the concern for the Public School System. Thank you.

President Manglona: I believe that under consideration we can only vote -- the amendment has already been passed. Since we're under consideration you have to offer an amendment to change the....

Floor Leader Reyes: I know, Mr. President. I mentioned that because I'm hoping that Senator Guerrero would recall his motion and leave the amendment made by Senator Atalig so we can vote on that. Thank you.

President Manglona: Is there any other member?

Senator Adriano: I would like to make a subsidiary motion, Mr. President, that we maintain the amendment of Senator Guerrero and that's a motion.

Several members voiced, "second".

President Manglona: So, we don't have to really vote on anything because we're still back to the way we originally passed it. I would just like to comment that if we're going to re-vote, I will be voting for this bill which we failed to pass earlier and I know that the Floor Leader is attempting to vote also on the same with amendment.

Senator Cing: Point of information, Mr. President.

President Manglona: State your point.

Senator Cing: I believe that Floor Leader Reyes was requesting for himself to reconsider and not for you, Mr. President, to reconsider.

President Manglona: Under reconsideration, everybody is welcomed to change his vote....

Floor Leader Reyes: No, Mr. President. My position, for the record, is that I support the floor amendment offered by Senator Atalig. I feel that the only floor amendment to be made to the House Initiative is with the 25% proposed funding for PSS. I will support that and I will vote yes on it without the inclusion of any other floor amendment.

The Chair recognized Senator Dela Cruz.

Senator Dela Cruz: I think, Mr. President, that the appropriate way to address this is for the Floor Leader to make a motion for him to repeal Senator Guerrero’s amendment.

President Manglona: Floor Leader Reyes can you make that proper motion?

Floor Leader Reyes requested for a short recess.

President Manglona declared a recess at 5:19 p.m.

RECESS

The Senate reconvened at 5:24 p.m.

President Manglona: We’re back to our plenary session.

Floor Leader Reyes: Mr. President, I would like to request officially and ask with all do respect Senator Guerrero to reconsider his floor amendment and recall that.

The Chair recognized Senator Guerrero.

Senator Guerrero: Mr. President, if I may. If I have to do that, then I would like to say this. One of my uncle says “to scoot the scoot, the scoot the what, the after the scoot the what they go to the farm to *haley tangan-tangan* the what”. I will not withdraw my floor amendment.

President Manglona: With that, Floor Leader Reyes, you have the opportunity to make a motion. If not, then we have to proceed with the previous question.

Floor Leader Reyes: Thank you Mr. President. With my deepest apology to Senator Guerrero and my deepest respect for him, I do this not because of the amendment that he feels his right, but because what I think is right. And I am asking him to please forgive me for making this motion to strike out the amendment offered by Senator Guerrero and entertain the bill as amended, leaving the floor amendment approved by this body that was offered by Senator Atalig.

Senator Atalig voice, “second”.

President Manglona: Is there any discussion?

Senator Maratita: Mr. President what is good for the PSS is good for the Hospital and is good for everybody. My position is still the same.

President Manglona: Let us go for to the previous question if there’s no further comments. Senate Clerk, call the roll please.

(Clerk’s Note: At this point, Senator Cing left his seat in the chamber.)

The Senate Clerk called the roll with the following result:

Senato

Senator Joaquin G. Adriano	No
Senator Ricardo S. Atalig	Yes
Senator David M. Cing	Absent
Senator Jose M. Dela Cruz	No

Senator Ramon S. Guerrero	No
Senator Edward U. Maratita	No
Senator Pete P. Reyes	Yes
Senator Thomas P. Villagomez	Abstained
President Paul A. Manglona	Abstained

Four (4) members voted no, two (2) yes, and two (2) Abstention.

President Manglona: By a vote of four (4) no, two(2) yes, and two (2) abstention, the amendment offered by Floor Leader Reyes did not pass the Senate.

r Dela Cruz: Mr. President, I request for your reconsideration on this Legislative Initiative.

President Manglona: Right now, we have not voted to reconsider. It is still floating on the floor here which and that is the question of House Legislative Initiative No. 12-001 as amended by the Senate. So there being no further discussion and amendment, we're back to the previous question. With that Senate Clerk, call the roll please. We are voting on House Legislative Initiative No. 12-001, as amended by the Senate prior to the reconsideration. So, it will be on the 30%, 30%, 30%.

Senator Dela Cruz: Mr. President, I think that we have already passed this. We have already voted on this. The only person that should vote on this one, if I'm not mistaken, is the person that is going to change his vote.

President Manglona: Yes, but I believe our rules does not allow for that. So, we have to vote again on this one. Senate Clerk, please proceed.

The Senate Clerk called the roll with the following result:

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

Seven (7) members voted yes and one (1) abstention.

President Manglona: By a vote of seven (7) yes and one (1) abstention, House Legislative Initiative No. 12-001, as amended, by the Senate passes the Senate having garnered the necessary three-fourths vote required for passing legislative initiatives.

PETITIONS, MEMORIALS AND MISCELLANEOUS COMMUNICATIONS

None

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENT

Senator Adriano: Mr. President, I am calling the Executive Appointments and Governmental Investigation Committee to meet on Monday (July 30, 2001) to come up with a resolution for an oversight hearing with respect to procurement protests/bidding at 10:00 o'clock.

The Chair recognized Senator Atalig.

Senator Atalig: Can we make it 10:30 since the flights from Rota arrive between 9:30 to 10:30.

Senator Adriano: As you wish. We'll make it 10:30.

The Chair recognized Senator Dela Cruz.

Senator Dela Cruz: I want to take advantage of that day since the Chairman of EAGI has scheduled a meeting in the morning. I would like also to schedule a meeting for JGL in the afternoon at 1:00 p.m. so we can kill two birds on the same day. This meeting will be primarily on the hazardous pay for the Department of Public Safety. We have passed the overtime so we'll be just concentrating on the hazardous pay for Public Safety.

President Manglona: Is there any other announcement? Any motion for adjournment, Floor Leader Reyes.

Several members voiced, "so move" and the motion to adjourn subject to the call of the Chair was carried by voice vote.

President Manglona declared the Senate adjourned subject to the call of the Chair at 5:35 p.m.

Respectfully submitted,



Ramona I. Kapileo
Senate Journal Clerk

Adopted: Jan. 11, 2002