



House Journal

FIRST REGULAR SESSION, 2006

Second Day

January 18, 2006

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its Second Day, First Regular Session, on Wednesday, January 18, 2006, at 2:18 p.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Oscar M. Babauta, Speaker of the House, presided.

A moment of silence was observed.

The Clerk called the roll and all eighteen members were present.

Speaker Babauta: Thank you. We have a quorum to conduct business for today's session.

ADOPTION OF JOURNALS

None

PREFILED AND INTRODUCTION OF BILLS

H. B. NO. 15-01: A Bill for an Act to amend 4 CMC § 5951(a) to modify the requirement for a \$100,000 security deposit for foreign investment Certificate applicants; and for other purposes.

Offered by: Rep. Ray N. Yumul and four others

Referred to: Committee on Commerce and Tourism

H. B. NO. 15-02: A Bill for an Act to enact a new Banking Code for the Commonwealth; and for other purposes.

Offered by: Rep. Ray N. Yumul and four others

Referred to: Committee on Commerce and Tourism

H. B. NO. 15-03: A Bill for an Act to authorize public debt in an amount not to exceed \$2,000,000 to fund the purchase of an incinerator; and for the design, construction and to equip an incinerator facility; design, construction and to equip a transfer station in the First Senatorial District; and to create the First Senatorial District incinerator facility fund; and for other purposes.

Offered by: Rep. Crispin M. Ogo and four others

Referred to: Committee on Ways and Means

H. B. NO. 15-04: A Bill for an Act to amend 4 CMC § 5941(a) to require banking institutions holding cash deposits to be members of the Federal Deposit Insurance Corporation and to give the

Secretary of Commerce the discretion to waive the security deposit requirement for long term business certificates if the holder of the certificate has engaged in business in the Commonwealth for ten years or more; and for other purposes.

Offered by: Rep. Joseph Deleon Guerrero and four others
 Referred to: Committee on Commerce and Tourism

H. B. NO. 15-05: A Bill for an Act to restrict the Marianas Public Lands Authority from imposing unreasonable homesteading requirements by amending 105(b) of Public Law No. 12-33.

Offered by: Rep. Arnold I. Palacios and three others
 Referred to: Committee on Natural Resources

H. B. NO. 15-06: A Bill for an Act to create in the Office of the Governor a Council of Economic Advisers.

Offered by: Rep. Arnold I. Palacios and three others
 Referred to: Committees on Judiciary and Governmental Operations & Commerce and Tourism

H. B. NO. 15-07: A Bill for an Act to authorize and direct the assignment of FHA funds, for the financing, design, construction, maintenance and repair of public roads in the Commonwealth of the Northern Marianas Islands; and for other purposes.

Offered by: Rep. Arnold I. Palacios and three others
 Referred to: Committee on Ways and Means

H. B. NO. 15-08: A Bill for an Act to amend Public Law 9-22 to earmark five percent (.05) of the taxes collected from the Income tax, Excise tax, Miscellaneous taxes and License Fees, Amusement Machine Tax, Business License Fees, charges for service and other revenues and taxes except the Fuel Tax for the payment of the surcharge fee; and for other purpose.

Offered by: Rep. Arnold I. Palacios and three others
 Referred to: Committees on Ways and Means & Public Utilities, Transportation, and Communications

H. B. NO. 15-09: A Bill for an Act to establish an Agricultural Homesteading Program for the Northern Islands of Sarigan, Alamagan, Pagan, and Agrihan; and for other purposes.

Offered by: Rep. Arnold I. Palacios and three others
 Referred to: Committee on Natural Resources

H. B. NO. 15-10: A Bill for Act to vest the Commonwealth Utilities Corporation with the management and disposition of certain public land in Sadog Tasi, Saipan for the development of a water reservoir and booster station.

Offered by: Rep. Arnold I. Palacios and three others
 Referred to: Committees on Public Utilities, Transportation, and Communications & Natural Resources

H. B. NO. 15-11: A Bill for an Act to establish an Office of Grants Assistance Program under the Office of Management and Budget; and for other purposes.

Offered by: Rep. Arnold I. Palacios
 Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-12: A Bill for an Act to amend Chapter 2 under Title 9 of the Commonwealth Code to require the passage and completion of a driver education course as a prerequisite for the issuance of operator's licenses for all persons applying for the first time for a license within the Commonwealth; and for other purposes.

Offered by: Rep. Arnold I. Palacios

Referred to: Committees on Judiciary and Governmental Operations & Health, Education and Welfare

H. B. NO. 15-13: A Bill for an Act to regulate the Land Exchange Program; and for other purposes.

Offered by: Rep. Arnold I. Palacios and three others

Referred to: Committee on Natural Resources

H. B. NO. 15-14: A Bill for an Act to protect pedestrians in the Commonwealth by establishing safe limits on motor vehicle window tinting.

Offered by: Rep. Benjamin B. Seman and six others

Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-15: A Bill for an Act to adopt the "Model State Vital Statistics Act and Regulation Revision" as recommended by the National Center for Health and Statistics and the Centers of Disease Control to establish a uniform system for handling records that satisfy legal requirements as well as meet statistical and research needs at local, state and national levels.

Offered by: Rep. Ramon A. Tebuteb

Referred to: Committee on Health, Education and Welfare

H. B. NO. 15-16: A Bill for an Act to repeal and re-enact 2 CMC §§ 1621-1624 to reallocate from the Managaha Island Landing and User Fee Trust Account; and for other purposes.

Offered by: Rep. Ramon A. Tebuteb and three others

Referred to: Committee on Ways and Means

H. B. NO. 15-17: A Bill for an Act to regulate the ownership and operation of motor scooters by classifying a motor scooter as a motorcycle; and for other purposes.

Offered by: Rep. Martin B. Ada

Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-18: A Bill for an Act require poker license fees to be paid in full prior to the issuance of any license, to provide that the fees shall be nonrefundable; and for other purposes.

Offered by: Rep. Justo S. Quitugua and two others

Referred to: Committee on Ways and Means

H. B. NO. 15-19: A Bill for an Act to authorize the use of the reserved funding for the Public Auditor under 1 CMC § 7831(a) to pay for audits required of any commonwealth department, agency or entity, to be performed by private auditing firms by amending 1 CMC § 7833; and for other purposes.

Offered by: Rep. Justo S. Quitugua and two others

Referred to: Committee on Ways and Means

H. B. NO. 15-20: A Bill for an Act to account for fixed assets and capital goods purchased by the Legislative Branch and for other purposes.

Offered by: Rep. Justo S. Quitugua and two others
 Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-21: A Bill for an Act to amend Article 1, Chapter 5, Division 6, Title 1 of the Commonwealth Code by adding a new Section 6523 regarding orderly conduct at polling places; and for other purposes.

Offered by: Rep. Justo S. Quitugua and two others
 Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-22: A Bill for an Act to require the Scholarship Office and any other governmental agency issuing scholarships to provide scholarship recipient lists to governmental entities; and for other purposes.

Offered by: Rep. Justo S. Quitugua and two others
 Referred to: Committee on Health, Education and Welfare

H. B. NO. 15-23: A Bill for an Act to require the CNMI Superior Court to compensate jury panelists for actual attendance during jury selection.

Offered by: Rep. Justo S. Quitugua and two others
 Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-24: A Bill for an Act to amend 3 CMC § 4437(e) to restrict aliens to only one employer; and for other purposes.

Offered by: Rep. Justo S. Quitugua and Jacinta M. Kaipat
 Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-25: A Bill for an Act to require that the CUC bear the cost of connecting residential dwellings to its water, sewer and electrical power systems by amending 4 CMC § 8123(m).

Offered by: Rep. Justo S. Quitugua and two others
 Referred to: Committee on Public Utilities, Transportations & Communication

H. B. NO. 15-26: A Bill for an Act to amend 1 CMC § 6341; and for other purposes.

Offered by: Rep. Justo S. Quitugua and two others
 Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-27: A Bill for an Act to authorize the Northern Marianas College to establish the United States Registered Apprenticeship Training Program and to amend 3 CMC § 4424(c)(1); and for other purposes.

Offered by: Rep. Justo S. Quitugua and two others
 Referred to: Committee on Health, Education and Welfare

H. B. NO. 15-28: A Bill for an Act to amend Section 2 of Public Law 14-87; and for other purposes.

Offered by: Rep. Justo S. Quitugua and two others
 Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-29: A Bill for an Act to repeal and reenact Section 2(b) of Public Law 14-31; and for other purposes.

Offered by: Rep. Justo S. Quitugua and two others

Referred to: Committee on Ways and Means

H. B. NO. 15-30: A Bill for an Act to increase the Business License Fees by repealing and reenacting 4 CMC § 5611(d); and for other purposes.

Offered by: Rep. Crispin M. Ogo

Referred to: Committee on Commerce and Tourism

H. B. NO. 15-31: A Bill for an Act to reform the laws governing probation and suspended imposition of sentence and to establish an Adult Diversion program in the Commonwealth; and for other purposes.

Offered by: Rep. Jesus SN. Lizama and two others

Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-32: A Bill for Act to mandate a new schedule of monetary assessments against individuals convicted of either a misdemeanor or felony charge(s) to be deposited into a Victim of Crime Assistance Revolving Fund; and for other purposes.

Offered by: Rep. Benjamin B. Seman and four others

Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-33: A Bill for an Act to authorize the Governor reprogramming authority prior to the enactment of a comprehensive appropriations act for fiscal year 2006; and for other purposes.

Offered by: Rep. Crispin M. Ogo and seventeen others

H. B. NO. 15-34: A Bill for an Act to prohibit and sale of used tires in the Commonwealth; and for other purposes.

Offered by: Rep. Ray N. Yumul and seven others

Referred to: Committee on Commerce and Tourism

H. B. NO. 15-35: A Bill for an Act to amend Title 4 CMC § 5594 to provide for the Secretary of Commerce, or his designee, to impose civil fines for violations of the Alcoholic Beverage Code, as the current statute only provides for the suspension and revocation of licenses; and for other purposes.

Offered by: Rep. Ray N. Yumul and nine others

Referred to: Committee on Commerce and Tourism

H. B. NO. 15-36: A Bill for an Act to provide for the regulation of non-bank automated teller machines by adding a new Chapter 10 to Title 4, Division 6; and for other purposes.

Offered by: Rep. Ray N. Yumul and eight others

Referred to: Committee on Commerce and Tourism

H. B. NO. 15-37: A Bill for an Act to declare Martin Luther King Jr. Day a legal holiday in the CNMI and to rename Columbus Day as Commonwealth Cultural Day; and for other purposes.

Offered by: Rep. Jacinta M. Kaipat and eight others

Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-38: A Bill for an Act to repeal and reenact Chapter 4 through 8 of Division 4 of Title 3 of the Commonwealth Code (Nonresident Workers Act), to amend 4 CMC § 5708(a), (b) and (c); and for other purposes.

Offered by: Rep. Jacinta M. Kaipat and seven others

Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-39: A Bill for an Act to regulate re-connection fees which the Commonwealth Utilities Corporation, the cable, and telephone companies may charge to its subscribers; and for other purposes.

Offered by: Rep. Manuel A. Tenorio and five others

Referred to: Committee on Public Utilities, Transportation & Communications

H. L. B. NO. 15-1: A Local Appropriation Bill for an Act for the Third Senatorial District to appropriate the sum of \$17,269.00 from the fees collected from the bingo and cockfighting; and for other purposes.

Offered by: Rep. Arnold I. Palacios

H. L. B. NO. 15-2: A Local Appropriation Bill for an Act for the Third Senatorial District to appropriate \$1.5 Million from Saipan Local Law 11-2; and for other purposes.

Offered by: Rep. Arnold I. Palacios

H. L. B. NO. 15-3: A Local Appropriation Bill for an Act for the Third Senatorial District to appropriate Two Million Two Hundred Forty Five Thousand Dollars (\$2,245,000.00) from Saipan Local Law 11-2; and for other purposes.

Offered by: Rep. Ramon A. Tebuteb and three others

H. L. B. NO. 15-4: A Local Bill for an Act for the Third Senatorial District to rename the Garapan Street to the “Jesus T. Attao Road” in honor of Jesus T. Attao, distinguished congressman.

Offered by: Rep. Ramon A. Tebuteb and three others

H. L. B. NO. 15-5: A Local Appropriation Bill for an Act for the Third Senatorial District to appropriate \$50,000 from the fees collected pursuant to Saipan Local Law 11-2, as amended by Saipan Local Law 13-8, for the construction and equipment of a Kannat Tabla Basketball Court Facility.

Offered by: Rep. Martin B. Ada

H. L. B. NO. 15-6: A Local Appropriation Bill for an Act for the Third Senatorial District to appropriate One Million Dollars (\$1,000,000.00) from Saipan Local Law 11-2; and for other purposes.

Offered by: Rep. Joseph Deleon Guerrero and six others

Rep. Ogo: Mr. Speaker, the importance of H. B. NO. 15-33 require that we look at this legislation this afternoon. Therefore, I ask to place this House Bill on today’s Calendar for action, if there is no objection.

Several members voice “no objection”.

Speaker Babauta: There is no objection, it is so ordered.

Rep. Tebuteb: Mr. Speaker, if there is no objection and because of the urgency of our economic situation, I would like to place on the Bill Calendar H. B. NO. 15-16.

Speaker Babauta: We have so many bills introduced this afternoon, and I kindly ask for your indulgence to allow the standing committees and the rest of the membership time to review them. I know that some of these bills have been introduced in the previous legislature. However, I sincerely appreciate your humble cooperation at this time in the interest of allowing the members who have just been inaugurated the ability to partake in committee deliberations and to review them. Be assured that the Chair will continue diligently to prop the standing committees' chairs and committee members to execute such duties of the committees immediately. As I have stated earlier, I will be giving the rest of the members who have not been fitted in their respective offices time to take their comfort and at the same time do work of the legislature. I sincerely appreciate your understanding. Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. Are you also referring to H. B. NO. 15-33?

Speaker Babauta: There was no objection on the floor. I sincerely appreciate your understanding in addressing this measure without further review in that as a result of the Joint Leadership meeting yesterday with the Administration, the financial picture of this government is very, very sad, to a certain extent that there is an impending financial problem that might probably occur this week or the following week. So I beg your indulgence to please allow this one particular bill's disposition on today's session, so we may proceed to act on it immediately. Thank you.

The Chair recognized the Minority Leader.

Rep. Arnold Palacios: Thank you, Mr. Speaker. That is very good and respectful approach to the newly introduced legislation, but I hope, Mr. Speaker, that some of our new chairmen work diligently because some of these legislations have sat sadly in committees in the 14th Legislature. So I am very hopeful that the chairmen will work diligently to at least report them out from the committee.

Speaker Babauta: On the same note, since the chairmen will be seeking assistance from all of you to partake in committee membership, I would sincerely urge each of you who have not partaken in any committee membership to engage yourself with the standing committees so that we may move forward with the legislation process. Be assured that the Chair would diligently check on the committees, perhaps not everyday, but a prodding should be in place. Thank you. Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. I guess I will respect that direction and I withdraw my intention on asking for consideration.

PREFILED AND INTRODUCTION OF RESOLUTIONS

H. R. NO. 15-02: A House Resolution to request that the Marianas Public Lands Authority reserve Lot number 098-D04 and 098-D05 to serve as the new location of the Garapan Elementary School.

Offered by: Rep. Ramon A. Tebuteb

H. R. NO. 15-03: A House Resolution to request that the Marianas Public Lands Authority grant the CNMI Council for Arts & Culture the existing building located at the Fishing Base across the Horiguchi Building to be used as the CNMI Gallery for Arts & Culture.

Offered by: Rep. Ramon A. Tebuteb

H. R. NO. 15-04: A House Resolution to recognize the Honorable Representative Jesus Torres Attao for his distinguished years of service to the people of the Commonwealth of the Northern Mariana Islands as a Congressman of the CNMI House of Representatives.

Offered by: Rep. Justo S. Quitugua and seventeen others

H. R. NO. 15-05: A House Resolution to amend House Resolution No. 15-1.

Offered by: Rep. Ramon A. Tebuteb and four others

MESSAGES FROM THE GOVERNOR

None

SENATE COMMUNICATIONS

None

HOUSE COMMUNICATIONS

HSE. COMM. NO. 15-1: A letter from Representative Crispin M. Ogo informing the members of the newly installed Committee members for the Ways and Means.

Speaker Babauta: If there is no objection, I just received a copy of House Communication 15-1 from the Chairman of Ways and Means informing the House Members of the membership of the committee. As I mentioned earlier, I would be issuing the complete listing of the House committees' composition. I have requested the standing committee chairs to work with the minority members and other members who wish to engage and deliberate in the committees. The committees appreciate your participation. Thank you. I recognize Representative Ogo.

Rep. Ogo: Thank you, Mr. Speaker. I would like to thank Representative Tebuteb for recognizing a word in this communication. I would like to strike out the word, "during".

Speaker Babauta: No objection. It is only typographical error.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

WASH. REP. COMM. NO. 15-1 – [1/11/06] – From Resident Representative Pete A. Tenorio providing four sets of briefing material covering federal relations issues. (Copy of the set will be provided upon request.)

Speaker Babauta: I would like to inform the members that because of the thickness of the documentation that our Honorable Washington Representative has remitted to my office, I have instructed the Clerk to just copy the cover letter of the communication. Please contact my office if you wish to avail yourself a copy. I recognize Representative Palacios.

Rep. Palacios: Mr. Speaker, are these spiral bound?

Speaker Babauta: No, it came in binder form so it is something that is very quick to reproduce.

Rep. Palacios: Thank you, Mr. Speaker.

The Chair recognized Representative Manny Tenorio.

Rep. Tenorio: Mr. Speaker, I just want to comment on the communication from the Washington Representative. I was thinking perhaps you could issue them in a form of CD-ROM so that we can have it available in our computers. It will probably save us more money rather than having to make a copy for each member.

Speaker Babauta: The Chair would definitely get in contact with the Washington Representative's Office and will see if it could be available in that way so that we may have a copy downloaded to the various computers of the members allowing you time to review and make comments.

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

OTHER COMMUNICATIONS

MISC. COMM. 15-1 – [1/10/06] – From Chairwoman Marian DLG. Tudela, informing the Speaker that the Ninth Saipan & Northern Islands Municipal Council is organized and ready to conduct business.

MISC. COMM. 15-2 – [1/12/06] – From Mayor Juan B. Tudela to the Presiding Officers of the Legislature requesting for an appropriation of \$100,000 for the 2006 Liberation Day Festivities.

MISC. COMM. 15-3 – [1/10/06] – From Mayor Juan B. Tudela providing a copy to the Speaker about his request to the Chairman of the SNILD with regard to the bingo and cockfighting licensing fees.

Floor Leader Deleon Guerrero: Mr. Speaker, we have three Miscellaneous Communications under the record at this time. If it is within the indulgence of the Committee of the Whole, Mr. Speaker, maybe we could move and adopt these communications.

Speaker Babauta: Let me just clarify. Do you wish to discuss any of those communications, Floor Leader, or do you just want to let it go?

Floor Leader Deleon Guerrero: At this point, I think we should just let it go until the next session.

Rep. Tenorio: For the purpose of discussion, Mr. Speaker, on MISC. COMM. NO. 15-2, this is an appropriation request for \$100,000 and if we adopt it....

Speaker Babauta: Let me just clarify. I assumed that the Floor Leader was inquiring about those communications and I asked if anyone wished to comment on such communications. On the particular communication you just mentioned, Representative Tenorio, over the last several months, our mayor continues to prop the Saipan and Northern Islands for financial assistance. The Mayor has continued to be given letters of demand for payment for various heavy equipment rentals. As I understand, approximately \$70,000.00 as of this day is owed for rental services to execute the Mayor's Office's community services such as, helping families with funerals and repairing of various unpaved roads. So I kindly ask that you review those communications so that we can take them up once the Saipan and Northern Islands Delegation is organized. I have also instructed my office to make sure that these communications are delivered to the Delegation for appropriate action. I recognize the Vice Speaker.

Vice Speaker Quitugua: Thank you, Mr. Speaker. I think MISC. COMM. NO. 15-2 is addressed in one of Representative Tebuteb's House Local Bill, H.L.B. No. 15-3 if I am not mistaken.

Speaker Babauta: Noted. Let us move to item number 15.

REPORTS OF STANDING COMMITTEES

None

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

Speaker Babauta: There was no objection to Calendar H. R. NO. 15-4 by the Committee of the Whole. I recognize Representative Tebuteb.

Rep. Tebuteb: Can we go ahead and adopt all the resolutions, Mr. Speaker?

The Chair called for a short recess.

The House recessed at 2:46 p.m.

RECESS

The House reconvened at 2:48 p.m.

Speaker Babauta: Our understanding during recess is that, H. R. No. 15-05 shall be referred to the Ad Hoc Committee for immediate action. Floor Leader, I hereby, again, appoint you to Chair the Ad

Hoc Committee to address the House Rules of the Fifteenth House of Representatives and take into consideration the submission of H. R. No. 15-05.

Floor Leader Deleon Guerrero: Thank you, Mr. Speaker.

Speaker Babauta: I recognize the Floor Leader for the motion to suspension of Rule VII, Section 9, so that we may adopt H. R. NO. 15-2, H. R. NO. 15-3, and H. R. NO. 15-4.

Floor Leader Deleon Guerrero: I so moved, Mr. Speaker, to suspend Rule VII, Section 9.

The motion was seconded and carried by voice vote.

Speaker Babauta: I move for the adoption of H. R. No. 15-02, H. R. No. 15-03 and H. R. No. 15-04.

The adoption motion was seconded.

H. R. NO. 15-02: A HOUSE RESOLUTION TO REQUEST THAT THE MARIANAS PUBLIC LANDS AUTHORITY RESERVE LOT NUMBER 098-D04 AND 098-D05 TO SERVE AS THE NEW LOCATION OF THE GARAPAN ELEMENTARY SCHOOL.

H. R. NO. 15-03: A HOUSE RESOLUTION TO REQUEST THAT THE MARIANAS PUBLIC LANDS AUTHORITY GRANT THE CNMI COUNCIL FOR ARTS & CULTURE THE EXISTING BUILDING LOCATED AT THE FISHING BASE ACROSS THE HORIGUCHI BUILDING TO BE USED AS THE CNMI GALLERY FOR ARTS & CULTURE.

H. R. NO. 15-04: A HOUSE RESOLUTION TO RECOGNIZE THE HONORABLE REPRESENTATIVE JESUS TORRES ATTAO FOR HIS DISTINGUISHED YEARS OF SERVICE TO THE PEOPLE OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS AS A CONGRESSMAN OF THE CNMI HOUSE OF REPRESENTATIVES.

Speaker Babauta: The floor is now open for discussion and I recognize Representative Tebuteb.

Rep. Tebuteb: Mr. Speaker, there is a minor oversight on my part on H. R. NO. 15-02. Please delete the words, "the Senate concurring" on line 19.

Speaker Babauta: Please make note of the necessary typographical correction. I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Mr. Speaker, I wanted to ask the author since two out of all three resolutions are from the same author, as far as H. R. No. 15-02 and H. R. No. 15-03, Mr. Speaker, those I believe merit individual discussions. [End of tape] ... [Beginning of tape] H. R. No. 15-02, which basically requests that Garapan Elementary School be relocated. I want to discuss that matter with the author and with the other members. If there is no objection, can we go one by one?

Speaker Babauta: Representative Deleon Guerrero, I am sure the motion was for the adoption of the three resolutions and we have opened up discussion for any of them to be deliberated. So any

member wishing to deliberate on any of those resolutions will be allowed to do so by the Chair upon recognition. Just specify resolution that you would like to deliberate on.

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker. I want to ask the author if this was prompted by potential investors, the Garapan Revitalization District, or somebody else to use the current land where Garapan Elementary School is currently located.

Rep. Tebuteb: Yes.

Rep. Joseph Deleon Guerrero: Can you elaborate?

Rep. Tebuteb: If you look at the contents, it partly specifies some of the intentions. It is basically to look forward in all the plans that I would think this new administration would also participate in, which basically is to expand the revitalization of the Garapan District for tourism purposes.

Rep. Joseph Deleon Guerrero: Have we checked whether the lot in Lower Navy Hill is equal to, less than, or more than the existing campus as far as the size is concern?

Rep. Tebuteb: For the population that Garapan Elementary School has at this point, the answer would be yes.

Rep. Joseph Deleon Guerrero: And would it allow for expansion?

Rep. Tebuteb: It will allow for expansion by going up. But there is also an existing government property above this property, so expansion is possible if our leaders are inclined to go that direction.

Rep. Joseph Deleon Guerrero: Thank you.

The Chair recognized Representative Waki.

Rep. Waki: Thank you, Mr. Speaker. To my honorable Precinct III colleague, have we looked at any other public lands? I have no problem with the fact that the resolution is requesting to relocate Garapan Elementary School, I was just wondering if we looked into other areas such as in China Town, or the housing area, because I am just looking at the different areas. I feel exactly the way you do about the relocation but I was just thinking maybe we should have a discussion before we adopt the resolution. But again, I like your idea. If we can look at other areas of public land in Garapan or from Puerto Rico on towards Chalan Laulau area. It is just a thought.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. Point of information from the author of H. R. No. 15-03. I recall that during the Thirteenth Legislature this building was supposed to be used for farmers to market their produce. I was not here in the Fourteenth Legislature and I do not know what happened, so I would like clarification as to what transpired. Thank you.

Rep. Tebuteb: This particular building is not part of the Fishing Market project. The Fishing Market project is at the northern end or part of the property but this particular project is with the

Marianas Public Lands Authority (MPLA). So it is in the authority of the Marianas Public Lands Authority to say yes, or no to whatever intentions we all have.

Speaker Babauta: Absolutely. I now recognize Representative Ada.

Rep. Ada: I think you are lucky today, Representative Tebuteb, because a former Department of Public Works (DPW) official was telling me that the Fishing Market that was authored by Representative Palacios needs another 5,000 square meters, so just a point of advice to check with DPW and find out more if that is really the case right now. You might want to check that out before committing more of that area.

Rep. Tebuteb: Thank you for the advice. The building that I am talking about is specifically a property that MPLA has authority over. The lot where the Fishing Market project is now, the MPLA **has designated part of this property to the Department of Lands and Natural Resources (DLNR) and DPW is part of that project coordinator for the Fishing Market.**

Rep. Ada: On another note regarding tourism, for the years that I have been a member of the Tourism Committee, and the trips that I have gone to and in familiarization with MVA as to what they are doing and what we are trying to do with the Tourism Industry here, expanding that area is very, very critical. As you may know the area across the Hyatt and Dai Ichi is a very small place for tourists to come and enjoy their stay, especially tourists from the Asian countries. Expanding that area with the revitalization that we have right now will really entice tourists to come here. Thank you.

Speaker Babauta: Are we ready to vote on the motion to adopt H. R. No. 15-02, H. R. No. 15-03 and H. R. No. 15-04, which are going to be introduced by the Committee of the Whole?

There was no further discussion and the motion to adopt H. R. No. 15-2, H. R. No. 15-3 and H. R. No. 15-4 was carried by voice vote.

Speaker Babauta: H. R. No. 15-2, H. R. No. 15-3, and H. R. No. 15-4 are hereby adopted. I would like to welcome back the media of the Commonwealth. Thank you for being here.

BILL CALENDAR

The Floor Leader moved for the suspension of Rule VII, Section 9, Rule VIII, Sections 9, 10, and 11 for the placement and passage of H. B. No. 15-33.

The motion to suspend the House Rules was seconded and carried by voice vote.

Speaker Babauta: I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Mr. Speaker, before we entertain a motion for passage, can I ask for a short recess so we can go back and look at some of the provisions of the statute that are included in here. The bill references provisions of the Commonwealth Code and that we do not have access to right now.

Speaker Babauta: Short recess.

The House recessed at 3:01 p.m.

RECESS

The House reconvened at 3:13 p.m.

Speaker Babauta: The House shall reconvene. I now recognize the Floor Leader for the passage of H. B. No. 15-33.

The Floor Leader moved for the passage of H. B. No. 15-33 on First and Final Reading, and the motion was seconded.

H. B. NO. 15-33: A BILL FOR AN ACT TO AUTHORIZE THE GOVERNOR REPROGRAMMING AUTHORITY PRIOR TO THE ENACTMENT OF A COMPREHENSIVE APPROPRIATIONS ACT FOR FISCAL YEAR 2006; AND FOR OTHER PURPOSES.

Speaker Babauta: The floor is open for discussion, and I recognize Representative Palacios.

Rep. Palacios: Thank you, Mr. Speaker. I would like to offer an oral floor amendment on page 2, line 3, after the word “fund”, to insert “and funds appropriated under all local laws”. I so move.

The motion to amend offered by Representative Arnold Palacios was seconded.

Speaker Babauta: Discussion on the floor amendment. I recognize Representative Waki.

Rep. Waki: Can we ask the legal counsel if that is an appropriate amendment?

Legal Counsel Jose Bermudes: *It is fine.*

Rep. Waki: Thank you.

The oral floor amendment offered by Representative Palacios to H. B. NO. 15-33 was seconded and carried by voice vote.

Speaker Babauta: Is there any other discussion on H. B. NO. 15-33 as amended? I recognize Representative Palacios.

Rep. Palacios: Thank you, Mr. Speaker. This is a very critical piece of legislation. I have a general idea that because of the dire straits of the CNMI government’s finances is why we are entertaining this legislation today. I do not question the intent of the legislation but I would like to request the Executive Branch, particularly the Department of Finance, to please give us at least a summary or general idea of what exactly we are facing to the most expedient date. Give us some numbers as to the status of our finances. I hope that with this reprogramming authority that we are going to give to the Governor would at least get us over the hump to the next fiscal year. Thank you.

Speaker Babauta: Thank you. If I may add, I will send out a letter to the Secretary of Finance and it would include the Office of Management and Budget so that the entire membership would avail themselves with the fiscal conditions of the Commonwealth. I humbly thank you for that suggestion. I would definitely issue a memorandum advising the members of the date and time once it is set. I hope they will heed to this request. As a policymaker, I strongly believe that we need to be aware of the fiscal conditions of our government. I recognize Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. I understand the Minority Leader's concerns, even I am concerned, but I would just like to inform the members that in just a few weeks we will start to see the collection of the first quarter's revenues and this is a very critical piece of legislation that needs to go forward. It does seem very precarious that we are giving the Governor the full authority but based on the briefing that he had given us with the presence of the Acting Secretary of Finance, the Attorney General, and the Special Assistant for Management and Budget, they are very concerned, and we share their concerns. The last time this type of legislation had come around was in 1983 and that is a long time ago. We need to do this for the betterment of the Commonwealth because we need the Governor to fully assess exactly where we stand. He has even put out a memorandum suspending all new hires for sixty days because he too is concerned. I feel that he is genuine with that and the members of the House should basically follow through and provide him what he needs to bring the government back on track. I do know that he will provide in the most expedient manner a summary of our financial condition as soon as the taxes due the CNMI start to come in the next few weeks. Thank you, Mr. Speaker.

Speaker Babauta: Thank you. Ready for the question?

Several members voiced, "Ready".

Speaker Babauta: We are now voting on the passage of H. B. NO. 15-33, HD1. Before recognize the Roll call, I want to recognize Representative Tenorio.

Rep. Tenorio: Mr. Speaker, on the same subject, I am just curious. I think we are doing this because of the urgency especially with the problem with the Commonwealth Utilities Corporation (CUC) that we have now. I just want to add that perhaps it would be proper if the House requests CUC to come and try to give us an assessment of what is going on. I understand there are a lot of appropriation bills out already so we have to look at what we have installed with CUC before we start acting on those bills. I just want to request if we could have people from CUC come here and let us know what is going on with CUC. Thank you.

Speaker Babauta: Your concern is noted, Representative Tenorio. I understand that the Chairman of Public Utilities, Transportation and Communications (PUTC) had an informal meeting with CUC management yesterday. So I will recognize the Chairman under Miscellaneous Business to give us an insight of the meeting that transpired. I understand the Chairman was apprised of the situation of CUC. We will now be voting for the passage of H. B. No. 15-33, House Draft 1 on First and Final Reading.

The vote on the motion to pass H. B. No. 15-33, HD1 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	yes
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: H. B. No. 15-33, HD1 unanimously passes the House on First and Final Reading. I thank the members for your understanding on this important piece of legislation so that our government can move on and help primarily our employees and retirees who are presently accommodated. I recognize Representative Torres.

Rep. Torres: With the consent of the majority, can we agree that names of all the eighteen members will show in the bill when transmitted to the Governor since everybody voted “yes”? I would like to see all the names on the transmittal.

No one objected.

Speaker Babauta: There being no objection, Representative Torres, I would also like to include my name. Clerk, please take note that H. B. NO. 15-33, HD1, should be transmitted to the Senate and the Governor reflecting that it is sponsored by the Committee of the Whole of the Fifteenth House of Representatives. Thank you, Clerk.

MISCELLANEOUS BUSINESS

The Chair recognized the Chair for Public Utilities, Transportation, and Communications.

Chairman Dela Cruz: Thank you, Mr. Speaker. I, the Vice Chair of PUTC, Representative Waki, did have a meeting yesterday with Acting Secretary for the Department of Finance, Mr. Eloy Inos, and the Special Assistant for the Office of Management and Budget, Mr. Tony Muña. The situation right that we pretty much gathered yesterday is that CUC is in a very bad financial state. The good news is, it is not as bad as the government as a whole. But all in all, they are in dire need of funding right now just to keep up the power plant. We have talked about setting up more meetings with them. The time that we spent there was not enough to gather all the information and numbers. We did request for some pertinent information. I believe that information is going to be forwarded to the Office of Management and Budget as well as the Department of Finance to get a clear picture of the financial status. I had also requested that a copy be provided to the PUTC Committee so that the members of the PUTC Committee can take a look at those numbers and see what we can do. It is interesting to note that they are pretty much running their operation on a tight wire. Right now, it

seems they are operating day-by-day trying to make ends meet. But as far as the numbers, that information would be forthcoming. I hope to call up an audience with them to apprise us of their situation. But off-hand, I can just say that they are in deep financial straits right now and they are asking for help. With that said, until we have an audience with the members of the Board and the management of CUC then we can get a clearer picture.

Speaker Babauta: Thank you. If I may add, will you be humble enough to inform the entire House, aside from the PUTC Committee members, should you have a date set up for CUC personnel to have a presentation of their affairs. Please inform the members of the date and time so that everyone can participate. On the same note, I would also follow up with a letter for the financial state of our government. On the request by Representative Manny Tenorio for the state of CUC or conditions of our utility firm, please to share those information as soon as you receive them as practical as possible. I recognize Representative Palacios.

Rep. Palacios: I am wondering whether the Chairman of PUTC has organized the committee. I hope if and when he organizes the committee, that he immediately calls an audience with them, as you say, so that members of this House who are not members of the PUTC Committee could also participate and listen to the presentation in the very near future.

Speaker Babauta: Thank you. The PUTC Chairman continues to diligently organize not only the Committee but also his office. So bear with him because I gave him up to Friday. Hopefully, things can start moving by early next week as far as committee work is concern. Is there any other discussion under Miscellaneous Business?

Rep. Ada: Mr. Speaker, I would like to inform you that the Committee on Commerce and Tourism will be meeting on January 30, 2005 at 10:00 a.m. in my conference room. We will be passing out the list of committee membership.

The Chair recognized Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. Going back to CUC, I would like to advise some of the members that CUC might not even be ready to transact business if the Legislature is ready to give them advice or take action, because by counting the number of board members, I think they are short. One member's term expired late last year and the Governor withdrew the nomination on replacements, and one member just resigned this month. So my question really is, are they even able to transact because they do not have leadership right now other than the director. So that might be an encumbrance trying to expedite help to them. That is all, Mr. Speaker.

Speaker Babauta: Well, I am sure the management can have those presentations as to where we are or where we stand in terms of utility at this time. Does anyone know if all the board members resigned?

Rep. Yumul: My understanding is one female, who works for PTI, her term expired. Joe Torres resigned and one nominee from either Tinian or Rota was withdrawn.

Speaker Babauta: Again, I am sure that the top management can give us those presentations as soon as the Chairman...

Rep. Yumul: I believe they will be able to give us information but they will not be able to take any action because the board has to make the decision.

Speaker Babauta: That is what Representative Manny Tenorio wanted to have, information on where we stand in terms of operating our utility.

Rep. Yumul: I think the good Chairman needs to have an open dialogue with the Governor to see if he is going to replace or appoint board members, or if he is going to get direct control. [End of Tape 1, Side B)

ANNOUNCEMENTS

The House recessed at 3:37 p.m.

Respectfully submitted,

/s/

Victoria T. Guerrero
Assistant House Clerk
House of Representatives
