



House Journal

FOURTH SPECIAL SESSION, 2006

ADOPTED: July 28, 2006

First Day

July 28, 2006

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its First Day, Fourth Special Session on July 28, 2006, at 2:27 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.

Speaker Babauta: Quite some time ago, we had the late Olympia Saralu who joined us in this Chamber as the Speaker of the House for that particular session. Let us remember her in our prayers too. Thank you.

A moment of silence was observed.

The Clerk called the roll and seventeen members were present. Vice Speaker Justo S. Quitugua was absent.

Speaker Babauta: A quorum is duly established for today's special session. Vice Speaker Quitugua is in our neighboring island of Rota attending to an immediate family illness. He is excused. Representative Torres do you have any Resolution to present today?

Rep. Torres: It has been requested for a delay, Mr. Speaker.

Speaker Babauta: We will have session the whole week next week except for Monday. So whenever you are ready, please inform my office. Thank you. I recognize the Floor Leader for the adoption of Journals.

ADOPTION OF JOURNALS

Floor Leader Florencio Deleon Guerrero moved for the adoption of the First and Second Day, Second Session and the First Day, Third Special Session 2006 Journals; the motion was seconded.

1st Day (05/19/06), Second Special Session 2006
2nd Day (05/22/06), Second Special Session 2006
1st Day (6/12/06), Third Special Session 2006

There was no discussion and the motion to adopt the First and Second Day, Second Session and the First Day, Third Special Session 2006 Journals was carried by voice vote.

Speaker Babauta: Again, as traditionally practiced, anyone that is not content with the languages of the Journal, please make corrections with our Clerk. Thank you. Introduction of Bills.

INTRODUCTION OF BILLS

H. B. No. 15-150: A Bill for an Act to increase the registration fees for vehicles and operator's license fees by amending 9 CMC §§ 2101 and 2201; to increase the boat numbering fees of vessels by amending 3 CMC § 5432; and for other purposes.

Offered by: Rep. Francisco S. Dela Cruz
Referred to: Committee on Ways and Means

H. B. No. 15-151: A Bill for an Act to amend 2 CMC §§ 4831, 4841, and 4842 respecting the Historic Preservation Office; and for other purposes.

Offered by: Rep. Jacinta M. Kaipat
Referred to: Committee on Natural Resources

H. B. No. 15-152: A Bill for an Act to prohibit sham adoptions intended to circumvent immigration laws by amending 8 CMC §§ 1404, 1406, and 1418; and for other purposes.

Offered by: Rep. Ramon A. Tebuteb and three others
Referred to: Committee on Judiciary and Governmental Operations

H. B. No. 15-153: A Bill for an Act to amend 4 CMC § 2103 by giving the Marianas Visitors Authority the authority to regulate tour operators and tour guides; and for other purposes.

Offered by: Rep. Ramon A. Tebuteb and four others
Referred to: Committee on Commerce and Tourism

H. B. No. 15-154: A Bill for an Act to To amend 6 CMC § 2256(A)(8); and for other purposes.

Offered by: Rep. Justo S. Quitugua

H. B. No. 15-155: A Bill for an Act to amend 4 CMC §§ 1402(c) and (d), excise tax exemption for renewable energy products and products bearing the ENERGY STAR rating; and for other purposes.

Offered by: Rep. Justo S. Quitugua

H. B. No. 15-156: A Bill for an Act to repeal 2 CMC §§ 4486 & 4498 and amend 2 CMC § 4497; and for other purposes.

Offered by: Rep. Justo S. Quitugua

H. B. No. 15-157: A Bill for an Act to authorize the Governor to reprogram all fund balances of completed, closed, and inactive CIP Projects funded by 702 Covenant Funds through legislative appropriations prior to Fiscal Year 2004; and for other purposes.

Offered by: Rep. Justo S. Quitugua

H. B. NO. 15-158: A Bill for an Act to make appropriations for the operations and activities of the Government of the Commonwealth of the Northern Mariana Islands, its agencies, instrumentalities, and independent programs, and to provide budget authority for government corporations for Fiscal Year 2007; and for other purposes.

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

H. B. NO. 15-159: A Bill for an Act to impose a moratorium on Government hiring for positions that are funded by the general fund; and for other purposes.

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

H. B. NO. 15-160: A Bill for an Act to amend 3 CMC § 1311 to change the general qualifications of the members of the Northern Marianas College's Board of Regents (BOR); to amend 3 CMC § 1316 to provide for improved financial oversight of the Northern Marianas College (NMC), which will maintain fiscal stability for students' well-being and accreditation reasons; and for other purposes.

Offered by: Rep. Stanley T. McGinnis Torres and eleven others

H. B. NO. 15-161: A Bill for an Act re-appropriate the sum of \$870,335.00 from the remaining fund balances from Capital Improvement Projects that have been completed; and for other purposes.

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

Referred to: Committee on Ways and Means

H. L. I. NO. 15-5: A House Legislative Initiative to amend Article IV of the Commonwealth Constitution so as to establish a commission on judicial conduct and to establish that written opinions and decisions of the CNMI Superior Court and Supreme Court be issued within one year of submission of the case for opinion or decision.

Offered by: Rep. Ramon A. Tebuteb and one other

Referred to: Committee on Judiciary and Governmental Operations

H. L. B. NO. 15-34: A Local Bill for an Act to establish a Tinian Identification Card Program; and for other purposes.

Offered by: Rep. Edwin P. Aldan

H. L. B. NO. 15-35: A Local Appropriation Bill for an Act to appropriate \$40,000 from the Tinian local poker fees; and for other purposes.

Offered by: Rep. Edwin P. Aldan

H. L. B. No: 15-36: A Local Appropriation Bill for an Act for the Second Senatorial District to appropriate \$5,000.00 from the local license fees collected for pachinko slot machines and poker machines for the Second Senatorial District; and for other purposes.

Offered by: Rep. Edwin P. Aldan

H. L. B. NO. 15-37: A Local Appropriation Bill for an Act to appropriate the sum of \$60,000.00 collected pursuant to Saipan Local Law 11-2, as amended; and for other purposes.

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

H. L. B. NO. 15-38: A Local Appropriation Bill for an Act to appropriate the sum of \$740,000.00 collected pursuant to Saipan Local Law 11-2, as amended; and for other purposes.

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

INTRODUCTION OF RESOLUTIONS

HSE. COMM. RES. NO. 15-12: A House Commemorative Resolution to recognize Miss Shequita L. Bennett for being crowned the 2005 Miss Marianas Universe and wish her the best of luck as she represents the CNMI in the 2006 Miss Universe competition.

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

HSE. COMM. RES. NO. 15-13: To recognize and congratulate Rita Hocog Inos, Ed. D. for her accomplishments as the Commissioner of Education of the Commonwealth of the Northern Mariana Islands Public School System.

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

H. R. NO. 15-58: A House Resolution to recognize and commend Mr. Toshinori Chinen for his success as a business entrepreneur doing business in the Commonwealth for over 30 years and for his contributions to the community.

Offered by: Rep. Francisco S. Dela Cruz and seventeen others

H. R. NO. 15-59: A House Resolution to commend members of the CNMI Coral Reef Initiative Program for being recognized by representatives from the Environmental protection Agency (EPA Region IX for their hard work and outstanding efforts in implementing various projects for the preservation and protection of the CNMI's coral reefs and for being recognized by the National Oceanic and Atmospheric Administration (NOAA) for the CNMI's efforts in the restoration of watersheds.

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

H. R. NO. 15-60: A House Resolution requesting the Governor to issue a proclamation honoring the historic visit by Emperor Akihito and Empress Michiko to the CNMI, in particular to the island of

Saipan, on June 27 to June 28, 2005, to pray for the war dead in the Pacific, and to commemorate such momentous occasion by designating the dates June 27 to June 28 as an annual recognition of this historic visit by the imperial couple.

Offered by: Rep. Oscar M. Babauta and seventeen others

H. R. NO. 15-61: A House Resolution requesting the Division of Fish and Wildlife, the Division of Environmental Quality, and the Coastal Resources Management Office to collaborate their efforts to conduct a comprehensive study and make recommendations based on their findings regarding the environmental impact of the military vessels anchoring at or near the coral reefs of Saipan.

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

H. J. R. NO. 15-8: A House Joint Resolution to authorize the Commonwealth of the Northern Mariana Islands, through its Governor, to submit to the U. S. Department of Housing and Urban Development, the Action Plan for the Community Development Block Grant Application No. B-06-ST69-0001; the HOME Investment Partnership Grant Application No. M-06-ST69-0203; and, the Emergency Shelter Grant Application No. S-06-DC69-0001; to receive the funds requested therein, and to assume all responsibilities that may be imposed by the U. S. Department of Housing and Urban Development Block Grant, HOME Investment Partnership Program, and the Emergency Shelter Grant Programs.

Offered by: Rep. Oscar M. Babauta

The Chair recognized Representative Joseph P. Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker. I do not have a Resolution to introduce, but if I am not out of order and with the indulgence of the members, I would like to offer a motion to recall from the Senate, H. B. No. 15-143, the rebate suspension bill for reconsideration.

Speaker Babauta: Representative Deleon Guerrero, can we do that under Bill Calendar?

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker.

Speaker Babauta: Thank you for your understanding. We will leave all Communications under item 5, 6, 7, 10 and item number 12 and we will take this up on Tuesday's Session, Wednesday and Thursday so that we may go right into the Resolution and Bill Calendar. I hereby now call for a short recess to allow the Floor Leader to itemize the Resolution and the Bill that would be disposed this afternoon. Short recess.

The House recessed at 2:48 p.m.

RECESS

The House reconvened at 3:12 p.m.

Speaker Babauta: We are back to our plenary session. We will move down to item number 15 under Resolution Calendar.

MESSAGES FROM THE GOVERNOR

Gov. COMM. 15-112: (6/2/06) – Certification of vacant position for Property Book Specialist (restructured) at the Emergency Management Office.

Gov. COMM. 15-113: (6/8/06) – Certification of vacant for Assistant Probation Officer at the CNMI Superior Court.

Gov. COMM. 15-114: (6/8/06) – Certification of vacant positions for Nursing Assistant (2), Dental Assistant III, Assistant Public Health Administrator at the Department of Public Health, Rota.

Gov. COMM. 15-115: (6/16/06) – Informing the House that he signed into law S. B. NO. 15-47, HD1, Retirement Defined Contribution Plan. [Became **Public Law No. 15-13**]

Gov. COMM. 15-116: (6/16/06) – Informing the House that he signed into law H. B. NO. 15-135, which would extend the date to fully fund the Retirement Fund. [Became **Public Law No. 15-14**]

Gov. COMM. 15-117: (6/16/06) - Informing the House that he signed into law H. B. NO. 15-137, HD2 (Employer Retirement Contribution Suspension). [Became **Public Law No. 15-15**]

Gov. COMM. 15-118: (6/20/06) – Informing the House that he signed into law S. B. NO. 15-20, SS1, reducing the minimum investment required of foreign retirees. [Became **Public Law No. 15-16**]

Gov. COMM. 15-119: (6/20/06) – Informing the House that he signed into law S. B. NO. 15-31, SD1 amending the Entry and Deportation Act to regulate the provision of services offered to consumers wishing to change their residency, immigration, or naturalization status. [Became **Public Law No. 15-17**]

Gov. COMM. 15-120: (6/20/06) – Informing the House that he signed into law S. B. NO. 15-32, SD1, to provide a definition and punishment for the unauthorized practice of law. [Became **Public Law No. 15-18**]

Gov. COMM. 15-121: (6/21/06) – Certification of vacant position for Physician (Internal Medicine) at the Department of Public Health.

Gov. COMM. 15-122: (6/22/06) – Certification for annual salary in excess of \$50,000 for Dr. Divya Sharma.

Gov. COMM. 15-123: Informing the House that he signed into law H. L. B. NO. 15-28, D1, First Senatorial District Poker & Pachinko Fees Appropriation (\$104,703.00). [Became **Rota Local Law 15-2**]

Gov. COMM. 15-124: (6/26/06) Informing the House that he (Acting Governor Pete Reyes) signed into law S. B. NO. 15-44, subjecting the Legislative Bureau to the Open Government Act. [Became **Public Law No. 15-19**]

Gov. COMM. 15-125: (6/27/06) Informing the House that he (Acting Governor Pete Reyes) signed into law S. B. NO. 15-46, to allow persons not of NMI-descent to obtain permanent or long-term interests in condominiums. [Became **Public Law No. 15-20**]

Gov. COMM. 15-126: (7/3/06) Informing the House that he vetoed H. B. NO. 15-83, HD1 which would reappropriate \$1.4 Million from the Puerto Rico Dump Closure funding to the Public School System for Garapan and Kagman schools.

Gov. COMM. 15-127: (7/3/06) Informing the House that he vetoed S. B. NO. 15-26, SD1 to exempt mid-level practitioners from the salary cap.

Gov. COMM. 15-128: (7/5/05) Informing the House that he signed H. L. B. NO. 15-8, SNILD2 appropriating \$650,000 from the Managaha Landing Fees. [Became **Saipan Local Law No. 15-5**]

Gov. COMM. 15-129: (7/5/06) Informing the House that he signed H. L. B. NO. 15-12, SNILD3 repealing and reenacting § 4(3) of SLL 14-23 and reappropriating \$50,000 from SLL 14-11, §3(b)(1). [Became **Saipan Local Law No. 15-6**]

Gov. COMM. 15-130: (7/5/05) Certification of vacant position for Legislative Affairs at the Saipan Mayor's Office.

Gov. COMM. 15-131: (7/5/06) Certification of vacant positions for Police Captain (2), Police Lieutenant (4), Police Sergeant (4), Police Officer I (22) and Firefighter (10) at the Department of Public Safety.

Gov. COMM. 15-132: (7/10/06) Certification of vacant positions for Labor Law Certification Technician I, Labor Law Certification Worker III and Chinese Translator at the Department of Labor.

Gov. COMM. 15-133: (7/12/06) Certification of vacant position for Eligibility Worker II at the Department of Public Health.

Gov. COMM. 15-134: (7/18/06) Informing the House that he (Acting Governor Tim Villagomez) signed into law H. L. B. NO. 15-25, SNILD1 (To rename a street in Capitol Hill to "Norita Lane" and to name the CHC dialysis expansion building as "Dr. Jose T. Villagomez Center for Public Health and Dialysis"). Became **Saipan Local Law No. 15-7**.

Gov. COMM. 15-135: (7/18/06) Informing the House that he (Acting Governor Tim Villagomez) signed into law H. L. B. NO. 15-15, SNILD2 (To appropriate \$100,000 for the construction of Jersey Barriers/Guardrails at Chalan Pale Arnold Road (1,000 feet curve) in Lower Base). Became **Saipan Local Law No. 15-8**.

Gov. COMM. 15-136: (7/24/06) Informing the House that he vetoed S. B. NO. 15-41, SD1 (To repeal the Public Employee Legal Defense and Indemnification Act, 7 CMC §§ 2301-2307 (Public Law 5-12, as amended by Public Law 9-68), and to amend the Government Liability Act to provide for dismissal and/or representation of the Commonwealth employees in court actions; to clarify the extent of Government Tort Liability; and for other purposes.

Gov. COMM. 15-137: (7/24/06) Informing the House that he vetoed S. B. NO. 15-45, SD1, HD2 (Relating to the mining permit granted in 1995 to JG Sablan Rock Quarry, Inc.

There was no discussion.

SENATE COMMUNICATIONS

SEN. COMM. 15-61: (6/15/06) Returning H. B. NO. 15-83, HD1, (CIP for Garapan & Kagman Schools) which was passed by the Senate without amendment on June 15, 2006. (For info)

SEN. COMM. 15-62: (6/15/06) Returning H. B. NO. 15-135 (Extend Date to fully fund the Retirement Fund), which was passed by the Senate without amendment on June 15, 2006. (For info)

SEN. COMM. 15-63: (6/15/06) Returning H. B. NO. 15-137, HD2 (Retirement Contribution (Employer) Suspension), which was passed by the Senate without amendment on June 15, 2006. (For info)

SEN. COMM. 15-64: (6/15/06) Informing the House that the Senate accepted the House amendments to S. B. NO. 15-45, SD1, HD2 (Amendment and Clarification of Public Law 15-2, re mining permit fees) in its 1st Day, Fourth Special Session on June 15, 2006. (For info)

SEN. COMM. 15-65: (6/15/06) Transmitting a certified copy of S. J. R. NO. 15-8 commending the Honorable Daniel Akaka. (For info)

SEN. COMM. 15-66: (6/15/06) Transmitting a certified copy of S. J. R. NO. 15-9, commending the Honorable Jeff Bingaman. (For info)

SEN. COMM. 15-67: (6/15/06) Transmitting a certified copy of S. J. R. NO. 15-10, commending the Honorable Pete Domenici. (For info)

SEN. COMM. 15-68: (6/15/06) Transmitting a certified copy of S. J. R. NO. 15-11, commending the Honorable Lisa Murkowski. (For info)

SEN. COMM. 15-69: (6/16/06) Informing the House that the Senate accepted the House amendments to S. B. NO. 15-47, HD1 (Retirement Defined Contribution Plan) in its 1st Day, Fourth Special Session on June 15, 2006. (For info)

SEN. COMM. 15-70: (7/14/06) Returning H. B. NO. 15-144 (Alternative Energy) which was passed by the Senate without amendment on July 13, 2006. (Before the Governor)

SEN. COMM. 15-71: (7/14/06) Returning H. B. NO. 15-12, HD1 (Mandatory Driver's Education) which was passed by the Senate without amendment on July 13, 2006. (Before the Governor)

SEN. COMM. 15-72: (7/14/06) Informing the House that the Senate accepted the House amendments to S. B. NO. 15-38, SS1, HD1 (Renewable Energy) on July 13, 2006. (For info)

SEN. COMM. 15-73: (7/14/06) Transmitting for House action S. B. NO. 15-51, SD2, entitled, "To establish government austerity holidays within the Commonwealth; and for other purposes," which was passed by the Senate on July 13, 2006. (For action)

SEN. COMM. 15-74: (7/28/06) Informing the House that the Senate overrode the Governor's veto of S. B. NO. 15-45, SD1, HD2, (Mining Permit) on July 28, 2006. (For info)

SEN. COMM. 15-75: (7/28/06) Informing the House that the Senate overrode the Governor's veto of S. B. NO. 15-41, SD1, (Government Tort Liability) on July 28, 2006. (For info)

There was no discussion.

HOUSE COMMUNICATIONS

HSE. COMM. 15-6: (7/19/06) From the Speaker directing the Chairmen of W&M and PUT&C Committees to jointly review H. B. NO. 15-132.

There was no discussion.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT. & AGENCY COMM. 15-18: (6/12/06) From Ms. Linda Cabrera (SAPLR) acknowledging receipt of H. C. R. NO. 15-1.

DEPT. & AGENCY COMM. 15-19: (6/12/06) From Ms. Linda T. Cabrera (SAPLR) acknowledging receipt of Joint Session Resolution No. 15-2.

DEPT. & AGENCY COMM. 15-20: (6/16/06) From Ms. Linda T. Cabrera (SAPLR) acknowledging receipt of HSE. COMM. RES. NO. 15-3 thru HSE. COMM. RES. NO. 15-11.

DEPT. & AGENCY COMM. 15-21: (6/19/06) From Ms. Linda T. Cabrera (SAPLR) acknowledging receipt of H. R. NO. 15-56.

DEPT. & AGENCY COMM. 15-22: (6/19/06) From Ms. Linda T. Cabrera (SAPLR) acknowledging receipt of S. J. R. NO. 15-8 thru S. J. R. NO. 15-11.

DEPT. & AGENCY COMM. 15-23: (6/22/06) From Ms. Linda T. Cabrera (SAPLR) acknowledging receipt of H. R. NO. 15-55 and H. R. NO. 15-57.

There was no discussion.

OTHER COMMUNICATIONS

None

REPORTS OF STANDING COMMITTEES

S. C. R. No. 15-29: Reporting on H. B. NO. 15-17, entitled, “To regulate the ownership and operation of motorcycles, motor scooters, and mopeds; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends passage of the bill as substituted.*

S. C. R. No. 15-30: Reporting on H. B. NO. 15-14, entitled, “To protect drivers, pedestrians, and law enforcement officials in the Commonwealth by establish safe limits on motor vehicle window tinting.” *Your Committee on Judiciary and Governmental Operations recommends passage of the bill as amended.*

S. C. R. No. 15-31: Reporting on H. B. NO. 15-43, entitled, “To reform the rate of compensation for members of boards and commissions; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends passage of the bill as amended.*

S. C. R. No. 15-32: Reporting on H. B. NO. 15-114, entitled, “To mandate the Secretary of the Department of Public Works to utilize Federal Highway Administration Grants towards the design and construction of guardrails and other highway improvements along a portion of Chalan Pale Arnold, known as 1000 Curve Road; and for other purposes.” *Your Committee on Public Utilities, Transportation, and Communications recommends passage of the bill without amendment.*

S. C. R. No. 15-33: Reporting on S. B. NO. 15-6, SD1, entitled, “To give a CNMI Government retiree who is subsequently re-employed with the government the option to waive their salary and instead continue receiving their retirement benefits; and for other purposes. *Your Committee on Judiciary and Governmental Operation recommends passage of the bill as amended.*

S. C. R. No. 15-34: Reporting on H. B. NO. 15-55, entitled, “To create a Public Utilities, Telecommunications, and Services Commission by repealing the ‘Commonwealth Telecommunications Act’ in its entirety and by amending 4 CMC, Div. 8 to add a new Chapter 3, Section 8301, et seq., to be designated as the ‘Public Utilities, Telecommunications, and Services Commission Act’ and for other purposes.” *Your Committee on Public Utilities, Transportation, and Communication recommends passage of the bill as substituted.*

There was no discussion.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for suspension motion under House Rule, Section 9, 10 and 11 for the placement of HSE. COMM. RES. NO. 15-12, HSE. COMM. RES. NO.15-13, H. R. NO. 15-58, H. R. NO. 15-59, H. R. NO. 15-60, H. R. NO. 15-61 and H. J. R. NO. 15-8.

The motion to suspend pertinent House Rules for the adoption of HSE. COMM. RES. NO. 15-12, HSE. COMM. RES. NO.15-13, H. R. NO. 15-58, H. R. NO. 15-59, H. R. NO. 15-60, H. R. NO. 15-61 and H. J. R. NO. 15-8 on the Calendar was seconded and carried by voice vote.

Speaker Babauta: The motion carries. I recognize the Floor Leader.

Acting Floor Leader Lizama: Mr. Speaker, I move for the adoption of HSE. COMM. RES. NO. 15-12, HSE. COMM. RES. NO.15-13, H. R. NO. 15-58, H. R. NO. 15-59, H. R. NO. 15-60, H. R. NO. 15-61 and H. J. R. NO. 15-8.

The motion was seconded.

HSE. COMM. RES. NO. 15-12: A House Commemorative Resolution to recognize Miss Shequita L. Bennett for being crowned the 2005 Miss Marianas Universe and wish her the best of luck as she represents the CNMI in the 2006 Miss Universe competition.

HSE. COMM. RES. NO. 15-13: To recognize and congratulate Rita Hocog Inos, Ed. D. for her accomplishments as the Commissioner of Education of the Commonwealth of the Northern Mariana Islands Public School System.

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H. J. R. NO. 15-8: A House Joint Resolution to authorize the Commonwealth of the Northern Mariana Islands, through its Governor, to submit to the U. S. Department of Housing and Urban Development, the Action Plan for the Community Development Block Grant Application No. B-06-ST69-0001; the HOME Investment Partnership Grant Application No. M-06-ST69-0203; and, the Emergency Shelter Grant Application No. S-06-DC69-0001; to receive the funds requested therein, and to assume all responsibilities that may be imposed by the U. S. Department of Housing and Urban Development Block Grant, HOME Investment Partnership Program, and the Emergency Shelter Grant Programs.

Speaker Babauta: Discussion on any of the Resolutions? I recognize Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. Just a note on H. R. NO. 15-58 that the Candy Store of Mr. Toshinori Chinen is actually a manufacturing plant. Maybe the author of the bill can consider amending the Resolution to include such mention, perhaps starting on line 8, instead of Candy Store, to place, “manufacturing and retail.”

Speaker Babauta: May I ask that you proceed with that amendment on the floor, Representative Yumul.

Rep. Yumul: I so move, Mr. Speaker.

Speaker Babauta: Is everybody clear on the oral floor amendment offered by Representative Yumul? Repeat that amendment, Representative Yumul.

Rep. Yumul: It is only fitting, Mr. Speaker, that we recognize this Resolution whereas Mr. Toshinori Chinen actually made his mark in the manufacturing of Ice Candy locally known as Ice keki. The Resolution has no mention of it and I would like to make a floor amendment to include that on line number 8, page 1, instead of “Candy Store” to include, “Candy Manufacturing and Retail Store.”

The floor amendment offered by Representative Yumul was seconded and carried by voice vote.

Speaker Babauta: The motion carries. We continue to discuss H. R. NO. 15-58 as amended and I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. I would like to comment on H. R. NO. 15-61. This is a Resolution requesting several divisions and offices particularly regulatory offices of our government to conduct a comprehensive environmental studies of the areas where Military vessels are anchored out beyond our lagoon. I do agree with this type of study. In fact, I believe that when I was at the Department of Natural Resources, we had in fact required the Department of Navy and the Department of Defense to have an environmental impact study done. But in view of the fact that the Federal Government has now the jurisdiction over all waters surrounding the islands of the Commonwealth, I think we need to consider perhaps ensuring that this regulatory agencies notify their counterparts in the Federal agencies so that we can do these studies and not run a foul of any regulatory disputes or what not if we do these studies. Thank you, Mr. Speaker.

Speaker Babauta: Just to clarify on that statement or rather the intent of the Resolution is, I assume that the author, Representative Tenorio is probably just expressing within the purview of the CNMI government which is three miles. Is that close enough to where the MPS are anchored? Let me acknowledge the author, Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. I think the Minority Leader has a point. If I am not mistaken, he did some studies before, but this is just a follow up because before we had two vessels and now we have a lot of vessels dropping their anchors all over the place. Whether or not the ocean belongs to the Federal Government, I think it is within our responsibility to be concern of the potential negative impact of the reefs and they just cannot do whatever they want out there. It is only proper that whoever the agencies that are responsible should be monitoring these activities. If I am not mistaken, they did have a buoy mooring anchoring in Tinian at one time established for this purpose. With that kind of system, you do not have the damage that you do as oppose to anchoring with the chain dropping down to the ocean floor. I agree with him. I think we should notify the respective agencies here to collaborate and work with their corresponding agencies in the Federal Government.

Speaker Babauta: I do not mean to debate up here, but I just want to make all the members aware that most of these agencies are receiving federal grants and therefore, I tent to agree with Representative Tenorio's assessment with respect to indulging these agencies to engage their services and expertise in monitoring those vessels. However, I would also hint to the Minority Leader's concern where we need to effectuate the Resolution by incorporating the real federal agencies where the grant comes from. In the case of Fish and Wildlife, it should be the Washington Office. Am I correct, Minority Leader?

Rep. Palacios: I think we can go ahead and pass the Resolution and I will sit down with Representative Tenorio and go through the listing of the Federal agencies. There is NOAA, U.S. Fish and Wildlife, Environmental Protection Agency of the Federal Government (EPA), and Coastal Zone Management Office in Washington D.C. These are the federal regulatory agencies and we participate in all of them and we have to have these federal consistencies.

The Chair recognized Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. Along the line with what is mentioned. If you look at H. R. NO. 15-59 on the Presidential Order, this also compliments the concerns that the Minority Leader has brought up and as you have mentioned that it is really not about debating the issue more than just

trying to look for the betterment of what the Coral Reef Initiative Program is all about and of course with the Presidential Order, am sure we are in order. Thank you, Mr. Speaker.

The Chair recognized Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. Regarding H. R. NO. 15-61, my only question to the author of the bill is, do we have any solid facts or hard evidence that basically states that these ships are damaging the coral reefs starting on line 15. We seem to be making a bold statement by claiming that the Military vessels continue to damage limited and endangered coral reefs, so I would like to know if there is any hard evidence or underwater photographs of these damaging anchors and chains so that we are not overstepping ourselves by making a wild accusation. Thank you, Mr. Speaker.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. I am glad you brought that up. There was a study conducted by Fish and Wildlife. They did confirm and there was a substantial damage on the coral reef not from the ship itself but by the anchored chain when they drop it.

Rep. Yumul: Can we then, Mr. Speaker, sight that report in this Resolution or at least bring a notice that there was a preliminary study done so that we can add more to this Resolution.

Speaker Babauta: Let me ask the Minority Leader because he has more background on these issues. There was a NOAA recently that went up inclusive of the Northern parts of the island and around Saipan, Tinian and Rota. Does anyone know about that study and does it include the underwater surface and not only the fish?

Rep. Palacios: They did, Mr. Speaker. Those are basically archipelagic studies of our waters and they do surveys primarily to look at the population dynamics and some of the large ecosystems in our – banks. It was not focused on that particular area where this Resolution is alluding to. That study is generally for the whole archipelago and not the environmental impact that it has or the ships have. Let me assure Representative Yumul that I also agree with him but all federal agencies regardless of whether the Department of Defense have to go through what is called an IPA, which is a federal requirement for environmental assessment of any activities of any federal – that they have to do. I am pretty sure that the Department of Defense would agree. Maybe they have done this already. They have to do this periodically because this is a anchoring system that they do and if there is an impact, they would probably would have to mitigate it. They do this on a continual basis and perhaps our Department of Natural Resources and our Division of Environmental Quality could further look into this issue. I agree with this and I do not think that it is controversial at all. We should just adopt it and have our agencies take it from there. I am pretty sure that they maintain a good report and working relationship with their federal counterpart. Thank you.

Speaker Babauta: So you are saying that there is no need for potential amendments as of this time? It is understood that we will work with the lead agencies of the federal government. I recognize Representative Tenorio.

Rep. Tenorio: Mr. Speaker, I will look into the report and provide a copy to Congressman Yumul, but there was one that was conducted and I know because I did the Resolution several years back. So I will provide that copy as soon as I receive it. Thank you.

The Chair recognized Representative Palacios.

Rep. Palacios: Let me just make the amendment to make everybody satisfy here. On line 15 on page 1, after the word vessels, strike out the word, “continue to damage” and insert, “maybe damaging.” This would then subsequently necessitate the study.

Speaker Babauta: In other words, to compel. Is everybody clear on the oral amendment?

The oral floor amendment offered by Representative Palacios was seconded and carried by voice vote.

Speaker Babauta: The motion carries. We continue to discuss the Resolutions and I recognize Representative Tebuteb.

Rep. Tebuteb: Very minor spelling, Mr. Speaker.

Speaker Babauta: Consider it a computer error.

Rep. Tebuteb: Under HSE. COMM. RES. NO. 15-13. On page 2, line 15. There is a big difference between ADA and ADI. Please replace “ADA” to “ADI.”

Speaker Babauta: That was when the power was off. Is that understood? Any other discussion on the Resolutions?

There was no further discussion and all the Resolutions on the Calendar was carried by voice vote.

Speaker Babauta: The motion carries. I recognize the Floor Leader for the Bill Calendar.

BILL CALENDAR

Floor Leader Florencio Deleon Guerrero: I move, Mr. Speaker, to suspend Pertinent Rules for placement on today’s Calendar for consideration on H. B. NO. 15-154, H. B. NO. 15-155, H. B. NO. 15-156, H. B. NO. 15-157 and H. B. NO. 15-158.

The suspension motion was seconded and carried by voice vote.

Speaker Babauta: The motion carries. Passage motion, Floor Leader.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the passage on First and Final Reading, H. B. NO. 15-158.

The motion was seconded.

H. B. No. 15-158: A BILL FOR AN ACT TO MAKE APPROPRIATIONS FOR THE OPERATIONS AND ACTIVITIES OF THE GOVERNMENT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, ITS AGENCIES, INSTRUMENTALITIES, AND INDEPENDENT PROGRAMS, AND TO PROVIDE BUDGET AUTHORITY FOR GOVERNMENT CORPORATIONS FOR FISCAL YEAR 2007; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. I recognize Representative Ogo.

Rep. Ogo: Thank you, Mr. Speaker. I just want to take this opportunity to share to the members. Of course over a month period of deliberating together with Fiscal Affairs Committee, we came up with the number in front of us and I am proud that with the minimal amount that our government will operating on, I am very much proud with the Administration's submission. Let me just share three departments that is very much essential for the CNMI. We have the Public School System, Department of Public Health and the Department of Public Safety. Let me share to the members that Public Law 13-24 which is the current budget that we are operating on, on Public School System, we have \$33,933,340. However, the Governor submitted a \$39,000,872.00 and that is an increase of \$2,077,532.00 for Public School System. So that is a great increase for PSS. The second most essential service that we provide, Mr. Speaker, and member, under the Department of Public Health, \$36,960,736. I am very proud to say that the Governor's submission is \$40,636,712 and that is an increase of \$3,665,976. Another great submission that the Governor presented is for Public Safety. On Public Law 13-24, the budget was \$10,796,482 and the Governor submitted a budget of \$11,828,562 an increase of \$1,032,081. So I just want to share that to the members that the essential services basically have increases and that is great for our CNMI. Mr. Speaker, that is what I want to present now for the benefit of this budget's presentation for this fiscal year.

Speaker Babauta: Thank you, Representative Ogo. I also acknowledge your openness to share the process with the other members of the House. Any other highlight? You may continue.

Rep. Ogo: Mr. Speaker, just an oversight on the numbers. I have an amendment on the worksheet on page 5 under Public School System.

Speaker Babauta: Just make sure that Public Law 13-24 does not amend otherwise it would decrease.

Rep. Ogo: Under Public School System, under operation, we are just going to move \$4 Million over to Personnel. So the number should read under personnel, \$34,197,158 and for Operation it should read, \$4,803,714.

Speaker Babauta: Take it slowly so that everyone understands.

Rep. Palacios: Mr. Speaker, if we are going to start making an amendment, we should just amend it already.

Speaker Babauta: Right.

Rep. Palacios: Because the bill is already an official legislation, so we have to make a motion to amend.

Rep. Ogo: I did that motion earlier, Mr. Speaker.

Speaker Babauta: Proceed.

Rep. Ogo: On page 5, to amend under H (4), under Operation, I want to take \$4 Million out of that operation and transfer it to Personnel. So it should read, under personnel, \$34,197,158 and under Operation it should read, \$4,803,714. That is the amendment, Mr. Speaker. Thank you.

Speaker Babauta: The base line is still the same.

Rep. Ogo: Yes, Mr. Speaker.

The oral floor amendment offered by Representative Ogo was seconded and carried by voice vote.

Speaker Babauta: We continue to discuss the Budget Bill and I recognize Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. I do like to first acknowledge and commend the members of Ways and Means. It would be fitting that I just ask the indulgence of the members as well as you, Mr. Speaker, if we could just allow us more time. I just got this Budget today and this is my first time to glance at it, and I am asking the indulgence of the members if you could allow us more time. I do have some specific questions on certain agencies and one in particular is the Department of Community and Cultural Affairs. Mindful that the author or the Vice Speaker is not here and it is relative to the Child Care Program or Licensing, and I believe that the Vice Speaker also have some information regarding to that particular area. Also under the Independent Programs, I also have a lot of questions. It would be good to also bring in the people that are affected relative to those agencies, Mr. Speaker. Thank you.

Speaker Babauta: Let me refer those issues to Chairman Ogo.

Rep. Ogo: Thank you, Mr. Speaker. Representative Tebuteb, I understand that the Vice Speaker is not available but there were discussions about the Child Care Licensing during the three weeks of deliberation. Representative Tebuteb, you were not present at that time when we were discussing that, but if you have any question, I can probably answer your question. Do you have anything? Mr. Speaker, we have to move on and we need to really tackle this Budget today and finish it. If you look at the content, chatta dididi ha. I mean, we can go through it and we could go two or three hours to work on this budget and pass it. I just want to ask the members that if you have any questions, we could have recess and talk about it, but we have been deliberating on this. The Minority Block has been provided ample time to participate during the discussion for the budget. The Minority Leader is always around, Representative Torres at times and even Representative Deleon Guerrero. We encouraged everybody to participate. So today is the time to look at the budget and try to pass it. If you have any questions about Child Licensing, we have discussed that, Mr. Speaker, and I am ready to answer about Child Licensing according to meetings that everybody had attended. Thank you.

The Chair recognized Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. I do have some questions about Child Licensing, but I do also had the opportunity to talk to the affected agencies on this particular issue and maybe if that is okay with the members, I would ask for a recess so that we can provide those or ask the appropriate agency if they could deliver those messages.

Speaker Babauta: Absolutely. Before I call a recess, let me recognize Representative Torres.

Rep. Torres: Mr. Speaker, there is a saying of “Save it for the rainy days.” Okay. I think that we need to call the Office of Management and Budget Special Assistant and I think that we need to put him under Oath. There is money floating around of \$13,410,690 and is put on save for the rainy days. Let us put them under Oath because I think that we are not been told truthful about what is being saved for a rainy day. Okay.

Speaker Babauta: I will take that under advisement, Representative Torres. I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. I just want to make a very short statement. I certainly appreciate being allowed to participate in Ways and Means. I have made all the effort that I can to attend the meeting. The Chairman has been gracious throughout those meetings, and I have asked that they extent an invitation to all the members regardless of your affiliation whether you are a senior citizen or whatever gender you are, you are welcome and I certainly appreciated it. It was really productive and some of the Minority members were present at one time or another and we had engaged ourselves with the Secretary of Finance and the Special Assistant for OMB throughout this process. One of the problems that I have today and with all do respect to my colleague, I expressed that feeling to him that I only got the final document this morning. I understand that I participated throughout the process, a month of process, and like I said, it was very valuable and thought I was engaging. My problem is that I do not have sufficient time to ensure that what we engaged in and what I thought was going to appear on H. B. NO. 15-158 is going to be in H. B. NO. 15-158. That is my problem. Let me give you a classic example. When we began the budget process, the first recommendation that I made and I was glad that Representative Kaipat was also very heavily behind that idea is that, since the Commonwealth has definitely a decrease in its revenue, we have gone from \$213 Million to \$193 Million, a 10% decrease right of the bat. There was no if, when, but or how. No magical thing but 10%. It was always my believe that if we had taken a 10% hit as a Commonwealth, as a government and as a community, that all branches of government that are funded by the general fund should share in that 10% decrease in revenue as a starting point. However, in doing some very rapid analysis and had some friends that are able to help me, I noticed, Mr. Speaker, that to my dismay and I think that if I reviewed this to Representative Kaipat’s dismay and Dela Cruz, that every branch of government inclusive of critical areas in our government are going to get cut to the tune of up to \$42% of the previous budget. The Legislative Branch for crying out loud is only going to get 1% decrease. I do not want to see this happen. For that reason, if we do not change this, we cannot go out and tell our people that the Legislative Branch’s budget is going to decrease itself at a proposed decreased of 1.14% while other Independent Programs are going to be cut close to over 200%. We need to rise up to the occasion and cut our budget accordingly. If the Northern Islands Mayor, the Office of the Mayor in Rota and Tinian and other Senatorial critical areas, that should be the starting point. Anything less than that, I think, is an embarrassment for us. We need to do that and that is where we should start. It is a simple formula.

Take 10% out of what is allocated to the Legislative Branch and then divide it down accordingly. We should cut ourselves accordingly and we need to do that and do it beyond 1%, Mr. Speaker. I did not even go far into looking at this budget, but I had thought that was what we are going to do. What came out in the proposal, Mr. Speaker, is not even close. We need to assess ourselves. We barely touched our own budget. I do not know. I would like to commit myself and offer whatever assistant I can to coming up with something that is a little bit more palatable. I want to have a budget passed too and we will. True to your word, Mr. Speaker, we will pass a budget out of the Fifteenth Legislature, but we need to sit down and really look at this and work on it and pass it next week. I ask for the weekend or a couple of days next week and we will have a session even everyday just to pass the budget. But we really need to look at the basics, Mr. Speaker. Thank you.

Speaker Babauta: Let me call a very short recess.

The House recessed at 3:52 p.m.

RECESS

The House reconvened at 4:17 p.m.

Speaker Babauta: We are back to our plenary session. I recognize Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. I would like to make a motion to amend the worksheet for the Fiscal Year 2007 under (4), Community and Cultural Affairs. Add a new subsection "(i)" for Child Care Licensing Program. Insert (2) under Full Time Employee ceiling. Under Personnel, add, \$31,324.00 and under Operation add, "\$12,808.00 with a total of \$44,132.00 and to reduce page 1, Section (d), subsection (d) under Operation by the equivalent amount. I so moved.

The Chair recognized Representative Tebuteb.

Rep. Tebuteb: Just for clarification. We are taking from Section (d) from the Administration certain amount and put it in DCCA's Child Care Program? What about PSS?

Rep. Yumul: Before I answer that, Mr. Speaker, if the Clerk can also take note to adjust the total's accordingly right below the new subsection.

Speaker Babauta: Correct. You might probably enlighten further on your amendment. Is that fine?

Rep. Yumul: Only that the subtotal's needed to be adjusted and also the grand total in the summary sheet.

Speaker Babauta: The subtotal of page 1 under the Summary Worksheet, D (1)(d), reduce it by \$44,132.00.

Rep. Yumul: In addition, we need to make changes in the subtotal on page 2.

Speaker Babauta: Ready for the amendment as offered by Representative Yumul?

Several members voiced, “ready.”

The oral floor amendment offered by Representative Yumul was seconded and carried by voice vote.

Speaker Babauta: The motion carries. I recognize Representative Waki.

Rep. Waki: Thank you very much, Mr. Speaker. Earlier, we heard from the Minority Leader about trying to bite the bullet by a certain percentage amount. After using different calculators, the Legislature, from Public Law 13-24, compared to the new 2007 Budget, is an 11% drop. We even checked the Judicial, based on Public Law 13-24, what their ceiling was and what they are now at and it is lower by 12.5%. The rest is basically under the purview of the Executive department and understandable that Public Health, Public School System and Department of Public Safety went up. So there are going to be programs that are going to get less. That is just the way the cookie crumbles basically. If we are short \$20 Million dollars, somebody is going to take cuts and we are all going to try to take the cuts the best we can. I know that we had deliberated and some of us have been in the meetings everyday and some come and gone, but in the last week, we have been meeting almost every single day, and I am sorry to say that I have not really seen the participation of my colleagues across as often as we would like. We tried to crunch the numbers so that way we could work with getting a budget that needs to be passed because if we do not, there is no appropriations that we can make to do anything within the next fiscal year. We would be in the same particular hole which is getting worse and worse and we know that with this budget, it is going to get worst before it gets better. It is unfortunate, but this is where we are and as much as we like the numbers to be better, we like everybody to have the programs and employees and everything else, it is just sad to say that it is not going to happen. We cannot please everybody all the time and that is just life. We have deliberated on these numbers and some of us had really got upset because everybody is trying to micro-manage numbers in so little divisions, but you cannot keep – you take from Peter to pay Paul. Peter is going to hurt but Peter will come later and say, how come you are hurting me to take care of Paul. You can never please everybody especially with a \$20 Million less to play with. Who is to say that we are going to have \$193 Million. We may have less. We do not even know, but we have to have something and we got to do something to be prudent in trying to do or put together our finances. I have looked at the numbers and the numbers do not lie. The numbers do not look good. The Governor has reprogramming authorities up to 25%, so for those people in the different departments, maybe after the first quarter, some people may find that they do not need as much and maybe the ones that need more, he can reappropriate to help those divisions. But the Legislature to nip pick and micro manage the Executive department, to me is just kind of like, certain boards that are micro managing executive directors. So I am looking at it and the numbers are not good. No matter how you switch it around and make it look, it just does not look good and it is unfortunate, but this is the reality. That is why I just say, we are all taking a cut and maybe we should take more of a cut and give it to some others, but if we had all just sat down and we were all supposed to, maybe we could have made other changes. Maybe we could have sacrificed. Maybe the Legislature could have sacrificed more, but we all decided and we have come to a point where this is about the best we are going to do and sooner or later, we are going to have to pass this budget because since 2003, we have not had a budget and the deficit keeps building and it has to stop. We will never get out of hole. There is no way. So we are going to be policy makers and suppose to do the right thing and I believe doing the right thing is passing a budget at \$193 Million and we allow the Governor to try to do what he can and we will do what we can to help. There is probably other funds out there

that are not part of the general fund. Maybe we can find those and see who has appropriating power and then maybe we can negotiate to move them around as needed, but right now, the pot looks at \$193 Million. I just wanted to put that in there and if we are still going to micro manage the Executive department, we are going to be here for another couple of months because it is still going to move from Peter to Paul. That is all it is going to do and nobody will be satisfied. I am sorry. Thank you.

The Chair recognized Representative Ogo.

Rep. Ogo: Mr. Speaker, just a short amendment on page 4. It is just an oversight.

Speaker Babauta: On which one?

Rep. Ogo: Page 4, letter (e)(6) on the worksheet. It is supposed to be 12, under the FTE, Mr. Speaker.

The oral floor amendment offered by Representative Ogo was seconded and carried by voice vote.

Speaker Babauta: The motion carries. I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Thank you. Mr. Speaker, members and most especially our Chairman, we are not trying to be an obstruction here, but there are things that need to be looked at carefully. The drafts that have been coming up as you guys were meeting, we have been looking at that even though we may not have been here and each draft as it comes out changes and evolves until now that we have the final figure. I am trying to do a comparative analysis between the different changes and now that you have the final draft here today is not a – do not expect a one day review and for us to be meticulous in our view. With all due respect to Congressman Waki, there are other issues here like things that do not match up. You have increases in FTE's in a particular division, yet, the funding has gone down. How does that work? You have a bigger issue right now that we need to look at and that is Chapter 6 of the budget, it requires that utility charges for each department shall be paid from the public funds appropriated by this Act to all those respective departments. Now, that is good and I support that. However, there have been changes that have occurred. Just last week, we have the latest rate increase from CUC changing the rates from .16 to .19.5 and now it is at .30 cents per kilowatt for government. Was that taken into consideration? This is at least .11 cents increase per kilowatt for the agencies. If we expect the agencies to shoulder those cost, have we budgeted at least adequate funding for them to meet that, because if not, and we go ahead and approve this budget, those agencies are going to come out eating from their funding which they are supposed to use for their essential services to pay for utilities. Has that been taken into consideration? Even reprogramming authority will not be enough to cover those costs. So, I know it is in here and I know that you have adjusted it, but we looked at least one agency and that is the Judicial Branch, and it looks like what was earmarked for their utilities is based on the previous consumption. As a matter of fact, what was earmarked is less than what their utility needs are and now we have an additional .11 cents per kilowatt increased. They are not going to be able to pay for this and that is just one agency. All we ask is that we look at these things further and make sure that we do not end up passing a bill into law that would cripple agencies and end up hurting them rather than helping them. We understand the need to cut cost, but we also have a responsibility here to

ensure that we look at what their actual needs are and try to meet those needs accordingly. Thank you.

Speaker Babauta: Let me just recognize those members that have not spoken yet. I now recognize Representative Tenorio.

Rep. Tenorio: Mr. Speaker, ngaian esti magahit due? Mampos hit man inalulula. Lao kao debi ha na ta pasa esti pago ya taya tiempo para pumalu ni pago ma resisibi este ni para uma atan. Ta komprende ha na guaha siha committees ni man meet on a daily basis, lao ti todū hit man mafatu lokue. Hagas ha guaha various report ni i Chairman ha gagagao ginen i department ya ti manma nanahi siha report. Pues ayu na rason na delay nai i process. Lao hafa na nesisario na para ta pasa esti pago ya hafa na tisina ta atan maseha over the weekend ya Lunes ta fan danna ya ta iron out esti siha na problema, taimano ha ha mentiona si Congressman Guerrero. Yangin magahit eyu, pues dankulo esti na problema para humuyonga sa yangin uno manma under budget i utility payment, on the contrary kumahulo i presuin i utility pues teniki guaha dankulo na problema para i CUC talo. Hugagagao, Mr. Speaker, consideration yan i members yangin sina ya ta ina esti maseha over the weekend ya ta fan meet gi Monday or Tuesday ya ta finalize esti. We have to be responsible in delivering this. With all due respect, Mr. Speaker, to the good work of the Committee, I understand a lot of work was done in both Houses on this budget, but I think that if we still have the time to digest it and give some time for those members that have not had the opportunity to look at the budget, perhaps Tuesday we can get together and pass it. I for one would like to see a budget that is reasonable and balance that reflects our expenses and revenues at this time. Ta tungo ha na i konimia ti gos maulek pues eyu na dankulo i over \$20 Million na cut. Lao gi mismo tiempo, Mr. Speaker, we have to be reasonable and we have to look at the agencies ni man inafekta sa guaha lokue siha guini ni manafan suha. They are totally taken out. Enao ha, Mr. Speaker.

The Chair recognized Representative Seman.

Rep. Seman: Thank you, Mr. Speaker. I have in front of me a worksheet from Public Law 13-24 and then I have a comparative analysis that was presented by the Ways and Means Committee, and when you look at the total cut for the Legislative Branch is 1.14% and that is the figure that Congressman Palacios is sighting. But when I compare Public Law 13-24 figure which is a continuing resolution amount that is budgeted to Legislative Branch, yes, it comes up to 10%. That is the question that we need to impose to our Chairman for Ways and Means. Where did we get this figure of 1.14%? But even if we do not have to ask that question right now, I believed that having been presented the document, the actual bill this morning or this afternoon, but I believe that I will not be able to make my decision regardless of the so-called many discussions that we are going to have this afternoon. I need time to sit down and review thoroughly what has been presented to me by the committee. I am getting confused because there are different figures that are in front of me and now we have a final draft of the comparative analysis that states different numbers. So I would ask the indulgence of the members that we at least be given time because I will not vote on this bill today. I am sorry.

Speaker Babauta: Once again, even if we postpone this session or actions on the budget until September 30, there is no way we can adjust this figures for any other ways other than probably reduce some more based on the needs of the agencies. I see the concerns of everybody. Each one of us have one way or another wanted to improve vital services in the government and I understand that

because we acknowledge the financial conditions primarily on the recent reduction of the budget level for Public Law 13-24. It is not that we are rushing this, it is just that we need to set a cap beyond 2006 and prior to the ending of this Fiscal Year so that the Administration would realize that we have already set a spending limit prior to October 1st, knowing that they have to have some sense of savings or rather constraint in dealing with the remainder of the Fiscal Year. That is the purpose and let me ask the Minority Leader to continue.

Rep. Palacios: Let me clarify. The budget process, Mr. Speaker, is a process whereby you look at priorities. We are not going to try to micro manage. We look at priorities and that is why we are elected for. We engaged the Department of Finance and we engaged the Governor's Office, and we had a very productive meeting and they presented us with a worksheet that they believe they want to propose. We have deviated from that in what is now being proposed under H. B. No. 15-158 from what the Governor is asking. Let me say this. I do not know what calculator is Representative Waki is using but it is 1%. From Public Law 13-24, we had \$8.1 Million dollars, under H. B. No. 15-158, we are looking at \$8 Million dollars and that is \$92,000.00 at 1%. 10% is \$900,000.00. It is not 10% but 1%. But never mind that. The Department of Labor are experiencing a hell a lot of load with all the issues of labor problems and with the closing down of a lot of companies. We are cutting them at 41% of their budget. Their all others is practically nothing.

Speaker Babauta: Representative Palacios, may I just interject for a minute. We need to change the tape.

Rep. Palacios: Okay.

Speaker Babauta: You may continue.

Rep. Palacios: Thank you. There are numerous programs, Mr. Speaker, that are going to get a lot of cuts. I agree. Nobody will escape except four agencies and that is, the Department of Public Health, the Public School System, the Department of Public Safety and Corrections because of the consent decree that we face and this budget reflects that. The problem with this budget is that there are also priority areas that we need to take a look at. The Governor's Finance Secretary and Special Assistant for OMB were here and they presented us with a proposed budget fairly detailed and we have deviated from that in the Executive Branch. I hope that we find it in our hearts to cut our own budget. The Executive Branch is cutting itself by 42%. We are cutting the Judiciary where a lot of crimes are now being presented and faced with a lot of these issues and we are cutting them by 14% and on and on. We need to work on this and sixty days is what we have or thirty days is what we have. We can work on this and come up with something a little bit more reasonable by next week. The clock is ticking and I want to see a budget come out of the Fifteenth Legislature. There is no question about that and that is why I have decided to take up the Chairman of Ways and Means invitation and work with him on behalf of the Minority block, but to expect me also to give a blessing...in fact, when these documents were being finalized, Mr. Speaker, all of a sudden, I was not being invited to these meetings. But that is okay. My trust is there but allow me and give me a reasonable time to review what was finalized and I do not think it is unreasonable to ask that we take this over the weekend and we have problems, we sit down and make recommendations by Monday and finalize it and look at it on Tuesday's session. I think that is reasonable. I do not want to be accused of trying to delay this budget. This budget does not have to be approved today. It could be approved tomorrow and we are still in the deadline. The Executive Branch was given three months

and we went through the process with them for three months. The Minority block is not trying to block this thing. I know that some of the members of this Committee are probably not really fully aware of what is in this paper or this budget proposal. I do not think that holding off for three or four days is unreasonable. Thank you.

The Chair recognized Representative Taman.

Rep. Taman: Thank you, Mr. Speaker. We have a history of running this government FY after FY under Continuing Resolution and as a member of this Fifteenth Legislature, I do not want to leave this legacy of not passing another budget. I am all for this and I am very optimistic that we will pass this budget. Just like what the Minority Leader had said, give us at least over the weekend to look at this and come back and share with everyone. With all do respect to the Chairman of the Ways and Means, I appreciate all the hard work that he has done but there are eighteen members in this House that each one of them need to manifest their point of view with regards to this important document. Thank you very much.

The Chair recognized the Floor Leader.

Floor Leader Florencio Deleon Guerrero: Thank you, Mr. Speaker. As everybody had mentioned everything in regards to this legislation, I think it is obvious that given the chance as everyone had spoken, I think we should ask the Chairman if we can table this legislation for this coming week.

Speaker Babauta: The question of holding the budget because the Senate primarily waiting for the House to act on this, I understand that they will be coming back either Monday or Tuesday to receive the budget. If it need be, let us continue to deliberate on this issue and come to a conclusion, Floor Leader.

Floor Leader Florencio Deleon Guerrero: Thank you, Mr. Speaker, but as I mentioned, we have heard almost everybody here speaking up. We have a different of opinion in regards to the figures and for myself, I have not seen the last year or the previous budget as everybody had mentioned possibly due from my illness this past month. According to the Chairman, he does not want to wait until the following week so by all means let us move for adoption and election.

Speaker Babauta: I understand your comment, Floor Leader. Let me just recognize Representative Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. I do not think it is unreasonable to allow the Minority members to review this over the weekend and have us get together on Monday. We have to review this and be comfortable and vote our conscience and not rush this. I understand the need to push this along, but we need to have everyone aboard and you all have to know what you are voting for and feel confident that what you are doing is the right thing. I just do not think that it is unreasonable to have the weekend to look this over and get together on Monday and have a debate and vote on it. That is what I would like to urge this body to do. I am sorry for my colleagues who would want to push this forward, but I just feel that in the interest of fairness to you and fairness to our people, it is important that we take the time to do this. That is all, Mr. Speaker.

Speaker Babauta: Thank you, for your sentiment. I recognize Representative Ada.

Rep. Ada: Thank you, Mr. Speaker. I would be the third person to say...because I believe that members of the Minority Leader are not trying to hold this back. It is very reasonable that we review it over the weekend and act on this by Tuesday and Wednesday. Thank you.

Rep. Torres: Is that a motion?

The Chair recognized Representative Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. I also would like to say that a few more days is not too much to ask for. I am agreeable to holding this off until either Monday or Tuesday to give time for the Minority members to look at this worksheet.

The Chair recognized Representative Aldan.

Rep. Aldan: If we are discussing about the subject of giving time for each member, I believe, Mr. Speaker, you and the President came out in the newspaper and said that we are going to lock ourselves in and do this budget and finish it. Let us do it now. Why wait for Tuesday. The papers are here and we can discuss it right now. That is all, Mr. Speaker.

The Chair re recognized Representative Torres.

Rep. Torres: Mr. Speaker, if I may be allowed to call a motion to defer this until Monday or Tuesday?

Speaker Babauta: Before I recognize that motion, the Chair would like to – I do not want to debate on the issue of passing a budget or not, but let me bring all of you to the issue of making a decision or rather voting for a policy whether you like it or not. There are on many occasions where bills that presented on the floor, there are also many occasions that not everybody want to digest it or otherwise make an implication of, let us have this bill table for couple of days so that we may digest. I guess the Budget Act is a very simple measure unlike the previous Budget Acts that constitute probably almost three quarter of an inch thick. There is nothing to appropriate further other than administer the best policy that this House can fund vital department and that would be Health, Safety of our people and of course the education of our children. Let me reiterate that we need to act expeditiously so that the Administration once and for all again know that there is a spending limit set by the Legislature. They have to be mindful that they cannot further reprogram funds when there is an official identification of \$193.4 that would not further exaggerate what we continue to see financially. So I ask the indulgence of the members to let us discuss this matter. Let us comprehend professionally and move on. That is my only request to all of you. If some do not agree on having this department more than that department then so be it. We just cannot have our own pie and eat it too. Financially, we are only given \$193 Million. I wish we have \$3 Million more to make it \$196 M so that we can cater to those less fortunate. However, pain is taking, this budget might apply to the agencies come October 1st. I would strongly argue and assume and strongly support whatever surpluses that this government can encounter after the first quarter pursuant to those legislation that we have enacted and become law that would realize some savings in the first and second quarterly. For the record, I urge this Administration to immediately report to the Legislature whatever funds that was realized beyond \$193 Million and will help those ailing agencies that are not incorporated

in H. B. NO. 15-158. That is all I ask of you. Let us consider this today. Thank you. I recognize Representative Ogo.

Rep. Ogo: For the last time, Mr. Speaker and to the members. I believe I was so involved on a daily basis with this budget. Let me give everyone a picture from the beginning. Before the Retirement Holiday, which is the suspension of the retirement contribution from the CNMI Government to the Retirement Fund, the initial budget that was submitted to the Legislature, let me give you an example for the First Senatorial District. Before the Retirement Holiday, the budget for the First Senatorial District was \$12,368,370.00. When that bill passed, every department in the CNMI were deducted from their contribution and suspended and what happened, and I believe the majority of you have received that second document that the OMB provided. So the \$12 Million that was supposed to be for the First Senatorial District after the reduction of the retirement holiday, the amount for the First Senatorial District, Mr. Speaker, went all the way down to \$11,071,599.00. If you look at the operation that is currently under the worksheet of H. B. NO. 15-158, in that operation, \$17 Million dollars is allocated into the operations for the entire CNMI government, \$17,793,964.00. Departments are provided within their operation for utilities. The \$21 Million suspension of the retirement contribution, that is the amount that is supposed to be used to pay for that \$17 Million. We have an excess of \$3.2 Million just in case someone decides to call up and say, I do not have enough money for utility. That is the excess amount out of the retirement contribution that is taken out of the actual budget that is presented to all of us before that retirement became law. So the picture here, Mr. Speaker, is there is \$17 Million for utility imbedded within the operation. So to answer Representative Deleon Guerrero's question, yes, \$17 Million is allocated into the operations of the departments under operation and that money is going to come from the retirement suspension which is \$21 Million. That information is provided to everyone. Mr. Speaker, to go back to Representative Palacios' issue about the Labor department, it is also included in the Governor's proposal that the amount that you see before us on H. B. NO. 15-158 worksheet is similar from the submission of the Governor after the retirement bill became law. So if you look at it, yes, there are changes but the changes came right after the retirement bill became law. Without that, we would be back to the original submission but because of the Retirement Holiday, every department got cut or went down because of extraction of that. So that is why we are really looking at a very minimal number right now. That Retirement Holiday is used to pay for utilities for the entire CNMI.

The Chair recognized Representative Waki.

Rep. Waki: Thank you, Mr. Speaker. We have heard from the members and that they want to hold off until Tuesday. Some members said to deliberate and just address the concerns from the Minority side and that is all understandable, but if I remembered correctly, a letter was send out to all Senate members, all House members to be avail themselves to assist in the budget process. Now, what priorities and if the budget is not a priority then fine, most of the people that actually worked on it were diligently to work on it. Now that the product is here, there are questions about it. If you had been at these meetings, you would know when the next meeting will be on and it is not that we are trying to hide the meeting. It is just that if the presence of all the members that were here, we would not have to be worrying about extending to review and as much as I pretty much argued in the deliberation of numbers and not have to micro manage and not to move money around, let the Governor decide what he wants to do with his lump-sum. If he makes a mess of it, that is his problem, as long as we legislate then we are fine. That being said, the numbers are here. We have worked together with the Fiscal Affairs and the members of the Senate, we have been talking with

the Executive Branch about these numbers and it is not like we have not been discussing this cooperatively. But those that were in the meetings deliberating, worked so hard. Changes should have been done already. We have come to this point to submit this. The Senate is okay with it. The Governor is waiting for it. He has a copy of it. The basic changes have not changed and it is still \$193,483. That is it. There is no other funds at this particular time. We should pass this budget and move on because we have other issues that we have to deal with and if we are going to keep dragging the budget, it may drag all the way to September because we are not always going to be happy with the numbers. It does not matter how you shift it around because that is all what you will be able to do just shift it around and somebody is going to be unhappy. My recommendation right now, Mr. Speaker, I call to end the debate and vote on the bill. Thank you.

Speaker Babauta: The motion to end the debate has been seconded and is undebatable. I will now like to recognize that motion to end the debate.

Rep. Joseph Deleon Guerrero: I have a question before we entertain that debate. You just said that we have \$17 Million to address the utility shortfall. I would like to know and please write this down because I want figures. What is the actual usage of the CNMI Government today, usage in terms of kilowatts? Based on that, what is the amount based on .16 cents per kilowatt hour or 19.5 cents the previous rate? I want to know what is the cumulative figure for the CNMI government's usage based on .30 cents per kilowatt hour? After that, I would like to know what the difference is between the two in terms of monetary figures by dollar and how it will be allocated. If you can assure me and give me the answer to these questions, I will follow along. Until such time, I do not think we are in any position to be passing the budget. This is our single most biggest responsibility. \$17 Million maybe nice, we may have \$3 Million supplemental, but is that sufficient to cover the rate increase that has just been implemented? Is it? Can anybody answer that?

Rep. Palacios: I will answer that. No.

Speaker Babauta: I guess similarly to Public Law 13-24, it does not pay anything at all in spite of the \$5 Million appropriation. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-158 on First and Final Reading:

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	no
Rep. Jacinta M. Kaipat	no
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	no
Rep. Justo S. Quitugua	excused
Rep. Benjamin B. Seman	no
Rep. Candido B. Taman	no
Rep. Ramon A. Tebuteb	no
Rep. Manuel A. Tenorio	no
Rep. Stanley T. Torres	no
Rep. Absalon V. Waki, Jr.	yes
Rep. Ray N. Yumul	abstained

Rep. Oscar M. Babauta

yes

Speaker Babauta: There is a tie vote on the floor and therefore, we would continue to discuss this budget. Let me just call a very short recess.

The House recessed at 5:15 p.m.

RECESS

The House reconvened at 5:49 p.m.

Speaker Babauta: We are back to our plenary session. Before we went into recess, the result of the budget bill was a tie and therefore, the question of passing the budget still remains on the floor. So with that, I will allow a few discussions again. I recognize Representative Ogo.

Rep. Ogo: Mr. Speaker, just a point of clarification.

Speaker Babauta: Proceed.

Rep. Ogo: Iyota House Bill should be Draft 3?

Speaker Babauta: We are going to amend and the final version would reflect on the summary and not the bill. Ready. The vote was tie so therefore we continue to discuss H. B. NO. 15-158. I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Point of clarification, Mr. Speaker.

Speaker Babauta: State your point.

Rep. Joseph Deleon Guerrero: Under our House Rule, if I am not mistaken, Article XI, Section 8, says that once the votes are cast and the Speaker acknowledges the vote, it is final. So what are we trying to do?

Speaker Babauta: The Speaker has not acknowledged. The Speaker only acknowledge the tie vote and I had made a subsequent statement that we will continue to discuss the bill as the vote is tied.

Rep. Joseph Deleon Guerrero: My understanding is that, a tie vote is not a passage.

Speaker Babauta: It is not a passage. That is the reason why the bill is still on the floor. It is not a passage and it is not a dead bill either, so it remains the property of the floor rather the House. I recognize the Minority Leader.

Rep. Palacios: That is a good point that Representative Deleon Guerrero brought up. I believe that you had acknowledged that it was a tie vote. It is not a passage.

Speaker Babauta: I never said it was a passage. I acknowledged that it was a tie vote, and therefore, the bill will continue to be discussed.

Rep. Palacios: Mr. Speaker, once a bill is on the floor for passage, it has to pass. If it is a tie vote, it fails to pass.

Speaker Babauta: It fails to pass and it is still alive.

Rep. Palacios: So then therefore it is defeated.

Speaker Babauta: I would recommend that a proper motion be made for consideration.

Rep. Joseph Deleon Guerrero: Mr. Speaker, if we are going to have to reconsider the same Section, change of vote says that, a member shall not vote or change its vote after the announcement of the result of the vote by the Speaker. You have already announced that it is a tie and therefore the bill has not passed and no member can change his/her vote since you have announced the result already.

Speaker Babauta: Of course, it has been acknowledged that no member may change his/her vote after the announcement was made, but there is no stopping the members to reconsider the House action.

Rep. Ogo: I move to reconsider, Mr. Speaker.

The motion to reconsider H. B. NO. 15-158 was seconded by Representative Waki.

Speaker Babauta: Can we have an order please. I recognize the Minority Leader.

Rep. Palacios: I want to apologize. Can we ask our legal counsel for guidance on this issue.

Speaker Babauta: Without objection, I recognize Legal Counsel Bermudes.

Legal Counsel Joe Bermudes: You are right that once a member changes after the announcement that is in the roll, but the announcement is 8-8-1, it did not pass the bill and it did not defeat the bill and the motion before the floor is for consideration on the same matter. That was seconded so go ahead and take the next step.

Rep. Joseph Deleon Guerrero: Question for the legal counsel.

Speaker Babauta: Proceed, Representative Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Reconsideration means that we are going to revote on the bill. In light of Section 8, it says that a member cannot change his vote after he has casted. Can we have reconsideration for people to change their vote?

Legal Counsel Joe Bermudes: That is not the motion on the floor. The motion is 8-8-1, the bill is not defeated, the bill is not adopted, and the motion to reconsider is to consider the bill again and then revote.

The Chair recognized Representative Palacios.

Rep. Palacios: Thank you, Mr. Speaker. Under this bill was a motion to pass. In order for a legislation to be passed, it has to be passed by the majority. We did not get majority so that means that the bill fails to pass. It did not pass. A legislation must have a majority vote to pass it. We did not get a majority vote.

Legal Counsel Joe Bermudes: *You are only partially correct. Yes, it did not pass and it did not get defeated either. So if you have nine “yes” eight “no”, that would have passed the budget. If you have 9 “no” and 8 “yes”, that would have defeated the bill. The motion before the floor – when the Speaker acknowledged the vote, he also said that the discussion will continue on the House Bill. So now, the motion on the floor is to reconsider and continue discussion then revote.*

Rep. Joseph Deleon Guerrero: Ai yaiyai. You are either pregnant or you are not pregnant. You cannot be half pregnant. Na klasi enao.

The Chair recognized Representative Palacios.

Rep. Palacios: I think the question is that, a bill failed to pass. To me, when a bill fails to pass, that means that it is disapproved. It did not pass. When we make a motion, listen to the word of the motion, “I move for the passage.” A tie vote is not a passage, Mr. Speaker. Let me make a recommendation. Let me throw this recommendation out. Again, renumber the bill, the same bill and give us the time to work on it and we will pass it by Tuesday or Wednesday, Mr. Speaker. That is all we are asking. We can go on with the technicalities.

Rep. Joseph Deleon Guerrero: I second that.

The Chair recognized Representative Ogo.

Rep. Ogo: Mr. Speaker, I believe the motion to reconsider has been seconded and ready to end debate and ready to move for the question.

Speaker Babauta: Okay. The reconsideration motion is authorized under our House Rules. So therefore, I would acknowledge the reconsideration motion. The motion on the floor is to reconsider the actions under H. B. NO. 15-158.

Rep. Palacios: So the motion is just to reconsider.

Speaker Babauta: Yes. Ready.

The motion to reconsider H. B. NO. 15-158 had a division on the floor.

Speaker Babauta: Clerk, call the roll on the question for reconsideration.

The Clerk called the roll on the motion to reconsider H. B. NO. 15-158:

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	no
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	no
Rep. Justo S. Quitugua	excused
Rep. Benjamin B. Seman	no
Rep. Candido B. Taman	no
Rep. Ramon A. Tebuteb	no
Rep. Manuel A. Tenorio	no
Rep. Stanley T. Torres	no
Rep. Absalon V. Waki, Jr.	yes
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 10 “yes”, the motion to reconsider H. B. NO. 15-158 is hereby adopted. We are back to discussing H. B. NO. 15-158 and I recognize the Minority Leader.

Rep. Palacios: Mr. Speaker, could I ask for a one minute recess, please.

Speaker Babauta: So granted. Short recess.

The House recessed at 6:01 p.m.

RECESS

The House reconvened at 6:12 p.m.

Speaker Babauta: We are back into our plenary session. Before we went on recess, the motion to reconsider is affirmed and therefore, the discussion will continue on H. B. NO. 15-158. I recognize Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. There is a concern brought up by DCCA’s Secretary about the Division of Youth Services. There was a reduction in their operations and specifically personnel. We need to be reminded that, in fact, she is reminding me that DYS operates the Youth Detention Facility which is also covered under the Federal mandate for the prison system and that we have to house them and they are short funded. This might impact them and if we can consider the request for additional FTE’s. It would be very important for us the CNMI to show to the Federal Government that we can still continue to take care of our obligations. Thank you, Mr. Speaker.

Speaker Babauta: Thank you for your concern. I recognize Representative Ogo.

Rep. Ogo: Mr. Speaker, the amount that is showing before us is the number that the Executive Branch had provided us. I am not aware of this. The numbers basically are from the Executive Branch.

Speaker Babauta: I hope that the Governor and the Planning and Budgeting Office are very much aware of the request of Secretary Villagomez. For the record, the Governor to reprogram personnel cost if need be. At any rate, he has that under Public Law 3-68. I recognize Representative Waki.

Rep. Waki: Thank you, Mr. Speaker. At this time, I would like to call to end debate and that we go ahead and vote on the bill.

The Chair recognized Representative Palacios.

Rep. Palacios: Mr. Speaker, I would like to offer a written floor amendment.

Speaker Babauta: On the summary or the bill?

Rep. Palacios: On the administrative provision. On the bill itself.

Speaker Babauta: You may continue.

Rep. Palacios: Let me just read it and then you can decide whether we will make the copies.

Speaker Babauta: Okay.

Rep. Palacios: After Section 606, add a new "Section 607." "Special Provision on the suspension of government retirement contribution to the Retirement Fund pursuant to Public Law 15-15. Notwithstanding other provision of law to the contrary. All CNMI Government employees who are eligible to retire in FY 2006-FY 2007 respectively shall be exempted from Public Law 15-15 and shall receive full benefit upon retirement. Provided further that all unpaid retirement government contributions for all affected employers shall be treated as unfunded liability." What I am trying to do, Mr. Speaker, is that there are those individuals that are going to retire this year and perhaps next year, and since we suspended the Retirement Holiday, the Retirement Fund will most likely would not count this year and next year into their annuity. What this amendment is trying to do is to insert this language so that they will have the annuity for those years for that one and a half or eighteen months be counted and compute it in their annuity.

Speaker Babauta: Dollar wise...

Rep. Palacios: Yes. So moved, Mr. Speaker.

Speaker Babauta: May I acknowledge the Counsel if no objection.

Legal Counsel Joe Bermudes: There is a problem with the amendment because an appropriation bill is limited to one subject based on the Constitution. However, the Constitution says that it is the Legislature's responsibility, your duty and responsibility to follow the Constitution and if you do not, it is a funny language, but it says, it is not subject to Judicial review. So to follow the Constitution, that should not be in the appropriation bill. To do the irresponsible thing and not be reviewed by the Judicial, then that is the only way the amendment is going to go on the bill.

Rep. Palacios: So be it.

Speaker Babauta: I would probably recommend to the Minority Leader to hold that amendment and insert it on Tuesday's session under SEN. COMM. NO. 15-73 that is germane to the same issue. Can we do that, Minority Leader? Make it a rider.

Rep. Palacios: It is ironic, Mr. Speaker, that you are asking me to wait until Tuesday for my simple amendment and I have been asking you this whole afternoon to wait for Tuesday to pass this legislation, but I will wait for Tuesday and insert it wherever it is appropriate, Mr. Speaker.

Speaker Babauta: Thank you. I tend to take up the counsel's advice so that we are in par with our constitutional exercise duty.

Rep. Palacios: May I make further amendment, Mr. Speaker.

Speaker Babauta: For the record, the Minority Leader has withdrawn the oral amendment that he had made. Continue, Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. On page 5 of the bill, Section 502 under Legislative Budget. In accordance with Article II, Section 16(b) and (c), NMI Constitution, the following months are appropriated as follows: 1), each member shall receive \$155,000.00 for office related expenses...I would like to amend the amount and make it "\$120,000.00." 2), each Presiding Officer shall receive "\$200,000.00" to support the operations and activities of each House in accordance of the Rules. Such savings, Mr. Speaker, should go to the Division of Youth Services to accommodate some...

Speaker Babauta: Can you repeat the second portion.

Rep. Palacios: On number 2, of the same Section, Mr. Speaker, the number "\$360,000.00" please change the figure to "\$200,000.00."

Speaker Babauta: Let me just call for a short recess so that we may have the figure.

The House recessed at 6:22 p.m.

RECESS

The House reconvened at 6:24 p.m.

[tape cut off]

The floor amendment offered by Representative Arnold I. Palacios was defeated by a vote of 7 "yes" and 8 "no".

[beginning of tape]

Rep. Joseph Deleon Guerrero: I want to ask the author why there is no deficit reduction provision in this bill? We need to identify whether we should have a 1% or 2% deficit reduction provision to be consistent with the traditional practice of preparing Budget Legislations.

Rep. Ogo: I yield to the counsel for that question.

The Chair recognized Legal Counsel Bermudes.

Legal Counsel Joe Bermudes: *This appropriation bill does not change the Budget Act. The 1% is addressed in the Budget Act, so yes. You do not have to address here because it is in the Budget Act for 1% for deficit reduction. It is in the code.*

The Chair recognized Representative Palacios.

Rep. Palacios: Although it is in the Budget Act, therefore, the budget that we are proposing should be consistent with the Budget Act. It should reflect just like you reflected the personnel cost and all others and all instrumentalities that are funded under the general fund. We should identify within the budget because if we do not identify it, then the bottom line is there already. If we do not put the 2% in there, if you are going to apply the 2% to it, something is going to have to give. We did not identify it and that should be an item that is identified so you add the rest and come up to \$193 Million.

Legal Counsel Joe Bermudes: *Unless the Secretary of Finance is not going to follow the Law then he is not going to take out the 1%. It is like the OPA funding. It is in the Code and it is allotted for that. We can repeat it in here if you want but it is not necessary.*

Rep. Palacios: Can you find a provision where we can repeat it?

Legal Counsel Joe Bermudes: *We will just put it in the general provision and I will recite the language in the Code that exactly will say, 1% out of each department's budget, but we never identified dollar for dollar. It is in the law that 1% is 1%.*

Rep. Palacios: I believe that we should have done that to protect the...

Legal Counsel Joe Bermudes: *All I am saying is that we do not have to repeat it but we can repeat it. All I am saying is that we do not have to.*

Rep. Palacios: Let me ask this question. On top of the \$193 Million and everybody else's budget, what you are saying is that we need to take out 1% of that?

Legal Counsel Joe Bermudes: *The Secretary of Finance will automatically deduct 1%.*

Rep. Palacios: So therefore, we should all work 1% less.

Legal Counsel Joe Bermudes: *Yes.*

Rep. Palacios: Everybody has to.

Legal Counsel Joe Bermudes: *Yes.*

Rep. Palacios: Thank you.

Speaker Babauta: Ready. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-158 on First and Final Reading:

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	no
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	no
Rep. Justo S. Quitugua	excused
Rep. Benjamin B. Seman	no
Rep. Candido B. Taman	no
Rep. Ramon A. Tebuteb	no
Rep. Manuel A. Tenorio	no
Rep. Stanley T. Torres	no
Rep. Absalon V. Waki, Jr.	yes
Rep. Ray N. Yumul	yes

Mr. Speaker, I know this Budget Bill is a very important to the CNMI. The Governor did submit his budget request. We jumbled it around a little and I just hope that when we send this up to him, he does not blame us for not giving him exactly how he wanted it verbatim because we did make some changes, but in the best interest of the Commonwealth, we do need a budget, if not, we may Intel the Governor to overspend without limits.

Rep. Oscar M. Babauta	yes
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Speaker Babauta: By a vote of 10 “yes”, H. B. NO. 15-158, the Fiscal Year 2007 Budget hereby passes the House on First and Final Reading. I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker, I never really wrote the Governor on official basis. He had written me one letter, a very nice letter about a month ago. I think I will write him a letter and I will ask him to scrutinize the budget that we passed and to line item veto some of the things that we put in there that we should not have put in there. I think that when sat down with his two financial officers, they came and explained everything that he put in there, and I know that some of those numbers were taken out and put somewhere else that they are not supposed to put in. I know that it is going to affect the overall and some of these are critical areas. I do not think, unlike Representative Yumul, he said, we changed it a little bit, I do not think it is a little bit. I think we changed some items significantly. In fact, we added some items that should not be in the budget. So I hope that the Governor or even the Senate take a closer look at this budget that we passed. Thank you.

Speaker Babauta: I now recognize the Floor Leader.

Floor Leader Florencio Deleon Guerrero: Mr. Speaker, with respect to the visitors that we have here. I would ask that we make a Committee as a Whole so that we can visit back the GOV. COMM. NO. 15-137.

There was no objection.

Speaker Babauta: You are requesting to go back to the Communication?

Floor Leader Florencio Deleon Guerrero: Yes, Mr. Speaker.

Speaker Babauta: You want to get one more bill before we do that?

Floor Leader Florencio Deleon Guerrero: It makes no different anymore, Mr. Speaker. We are late and minus well get into one and get it going.

Speaker Babauta: Which is which? You want to pass one more bill or what?

Floor Leader Florencio Deleon Guerrero: As I mentioned, Mr. Speaker, if we can entertain GOV. COMM. NO. 15-137.

The motion was seconded.

Speaker Babauta: You are requesting to go back to item number 5?

Floor Leader Florencio Deleon Guerrero: Yes, Mr. Speaker.

Speaker Babauta: The Floor Leader has requested that we go back to item 5, Messages from the Governor.

The motion was objected by Representative Kaipat.

Speaker Babauta: State your objection.

Rep. Kaipat: Mr. Speaker, I believe that we are here long enough and we had already agreed that we would work on the budget and continue everything else next week.

Speaker Babauta: That is the very purpose that I ask earlier because I know that the budget is going to take us quite some time and I specifically ask for all your humble indulgence to go back directly to the Resolution and Bill Calendar. We will come back Tuesday where we will start our Regular Session and to use this forum, I would like to request that we come back Tuesday and start our Regular Session at 10:00 a.m. The Memo will be issued out on Monday morning. I appreciate your cooperation. The Calendar will remain the same as it is. It is just that we need to move on. I ask your indulgence that all the Communications will remain on the Calendar for action on Tuesday morning. The Clerk has taken a note on that.

Rep. Torres: Mr. Speaker, I think we can still do one more.

Speaker Babauta: Okay. I recognize the Floor Leader to go back to Bill Calendar.

The motion to go back to the Calendar was objected by Representatives Kaipat and Waki.

Floor Leader Florencio Deleon Guerrero: Mr. Speaker, if I may? How many objection does it have to be to go into a vote to consider an objection?

Speaker Babauta: Let us handle this diplomatically. The Floor Leader requested that we go back to the Messages of the Governor and I explained that reason of the call today and I ask your indulgence so that we may dispose of all the items on the Calendar Tuesday morning. No one seems to bulge and therefore, the request was made to go back again so that we may dispose of one bill on the Calendar. So with your indulgence, we will go back to the Bill Calendar and pass one more bill before we leave. Please take an official notice that the First Day, Second Regular Session will commence on Tuesday at 10:00 a.m. I recognize the Minority Leader.

Rep. Palacios: I would like to ask or even make a motion that instead of going to Bill Calendar that we go to the Governor's Communication. I think we can handle one more.

Speaker Babauta: Okay.

The motion to go back to item number 5 under Governor's Communication was seconded but there was a Division on the floor.

Speaker Babauta: Division on the floor. Clerk, call the roll.

The Clerk called the roll on the motion to go back to the Governor's Communications:

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	no
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	excused
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.	no
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 15 "yes" we are back to item number 5 under Governor's Communication and I wish to recognize any members wishing to comment on any of the Governor's Communication as presented to us today. I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. I move to override the Governor's veto relative to GOV. COMM. NO. 15-137 on S. B. NO. 15-45, SD1, HD2.

The motion was seconded.

Speaker Babauta: Discussion on the motion.

Rep. Kaipat: Privilege, Mr. Speaker.

Speaker Babauta: I recognize Chairwoman Kaipat.

Rep. Kaipat: Before we vote on this motion, I want to state for the record that I have no personal animosity towards John or Gloria Sablan despite what people may think. I look at this from the perspective of what it means for us to pass laws. What does it mean when we do not even enforce our laws? It means we do not respect our laws. Now I look at this from the perspective of the whole Commonwealth and what it stands to lose when the Legislature jumps in to rescue one company at the expense of the entire Commonwealth. It seems odd that, here I am from the Northern Islands, and I should be jumping for joy in supporting this. But, I cannot, in good conscience, support this when I know it comes at the expense of the entire Commonwealth. This is not a good deal. Now, I am looking at this from a business stand point. If you look at the joint venture agreement that this company entered into with another company that has not been recognized or formally accepted by the Commonwealth government, you will see who really comes out at the short end of the stick. I want John and Gloria to succeed. I want all of us to succeed, but let us stop this practice of only the privileged few getting the prize at the expense of everyone. I had hoped that my colleagues would at least give the task force a chance to do its work. There is nothing wrong with the task force wanting to bid this out to ensure that the Commonwealth has the opportunity to pick the best deal out there, including John Sablan's. We are not saying that this company cannot bid. As a matter of fact, I even invited Bridgecreek to bid. They did not want to because they wanted a shortcut. But at whose expense? When we voted, when my colleagues here voted on this bill, they were dazzled that \$50,000 a month would be given to PSS. We are so proud that we held on to one golden egg and, meanwhile, we're giving away the golden goose! Have you all done your homework? I have. I have spent years on this trying to save this resource for the Commonwealth. I have been talking to different people who have connections to Native American Tribes. It is my dream that we all join and work together. Why can't we have an indigenous company for the entire Commonwealth where we can explore this and make sure that if there is money to be made from this, that no one is left behind and that all of us get to benefit? But if you look at the deal as it is right now, I can tell you, my brothers and sisters, we are coming out at the short end of the stick. I do not know if you are all comfortable with that, but I certainly am not. I am not saying that JG Sablan ought to be excluded. Why do we need the Legislature to violate the Constitution and intrude into the Executive Branch's jurisdiction to resuscitate a permit? We have no business doing this! And what does that say? If we are so concerned about investors, what do you think we look like to them? We enter into a contract and if they do not perform under it, no problem. The Legislature can always come in and rescue it. That is the message that you are all giving out. That is the message. I have seen a lot of our people dying. I have seen a lot of our people suffering. There is no adequate medical referral program. If you allow most of this money to leave the Commonwealth--and this is the way that this deal is structured right now--where would you get the money to give PSS? Where is that money that you are going to give DPS? Where is the money that I had hoped that we could use to build our own state-of-the-art hospital so we can deal with this medical referral program that is inadequate? Our people are dying! Our people are dying. I'm not after this for any self interest. I am doing this because our people are dying and they need it. I've got an education. I don't have to stay here. I can go off and get a job somewhere and be satisfied, but I came home after I received my education

so I can help our people. It saddens me to see this happen. Total disregard of what the implications are. I ask you to please not override this veto. I ask you to let the process work. Let us bid this out the way we had intended it and may the best company be chosen by the Commonwealth. Heck, if you don't want me to be on that committee to have a hand in choosing the company, I don't have to be a part of that committee. But give the Commonwealth a chance. Give us a chance. Give our children a chance. Give our dying people a chance. Thank you.

Speaker Babauta: Any other member wishing to comment? I would like to remind the members that there is lengthy transmittal by the Governor and so that you also know, I believe there is present legal battle with the agency. I believe that the hearing had taken place already so whatever your outcome of the vote is, just take that into consideration that there is things going on between the JG Sablan and the Department of Public Land. I would like reiterate the issue at hand as to when we passed the Senate Bill and amended it in the House, that to certain extent the Chair would continue to refrain from voting on this issue because of obvious personal reasons. Any more comment? I recognize Representative Waki.

Rep. Waki: I would like to pretty much concur with Chairwoman Kaipat. I have nothing against John or Gloria. I have nothing against John doing a business in mining. I am sorry it did not work out for the last so many years. Things happen. He invested money and every company that would invest, sometimes that investment does not turn and make a profit. That is just business. Now, besides the legal problem that is going on between DPL and JG Sablan, there is also concerns about the independent audit that is being done for MPLA. From what we hear, it does not look very good. It is not in my good conscience to try to pass something that may have some very legal implications. We as a Legislature are policy makers. When do we do what we are supposed to do and they do what they are supposed to do? If we pass this, like we say, if there is a decision that maybe against JG Sablan, where does our law or where does our bill come in? It would have be null and void because the Judiciary would have to decide. That is the separation of powers. We cannot always say that it is everybody's business and if we are going to do it for JG, why do we not also do it for the garment factory? Why do we not do it for all the other companies that have closed down and left because they could not make it? Is that what we are here to do? Are we in the business to save businesses? I am sorry but I thought we were the government, trying to make laws, enforce laws and try to make sure that somebody does their job. And if they do not do their job, or they do their job right, we say, we are going to override their decision because that is our job? I am not sure if that is our job. I think we need to go back to our Constitution and find out what is our job. I am sorry, I am still trying to learn what our job is, because everyday I am trying to find out just which direction am I supposed to be going. One day somebody says, you can do this, another day, somebody says, you can do that. What is in the Constitution? What is the Law? Are we all lawyers? Sometimes the legal counsels tell us, no this cannot be done, and everybody says, no it can be done. Hello! Where does our separation of powers end? Or does it just continually override everything else. Shall we do it to the Judiciary? When they make a decision and say guilty, we say no they are not guilty? Is that how far we are going to go? I do not think that is our responsibility. That is all I am trying to get across here. We want to save the company from losing a permit. Who is to say that they cannot apply for another permit based on after the fact, because nobody is going to get a permit yet. We are still trying to figure out just what we have up there. That is why a task force was put together. It is unfortunate that we did not find out what was up there for the past fifteen years. Maybe we dropped the ball. Maybe John knew what was up there. Maybe he knows it is worth something and unfortunate things happened over the period of years, and it did not turn out to be what he expected.

Now, with a new investor, it is going to be better. Well, now that we know that we have a resource that they looked into and that they did not profit from, we need to look at it and see what the profit could be for the entire CNMI because a certain dollar for metric ton may not be a fair deal anymore. That was what, twelve, fourteen years ago? I am not saying that the product is worth any more right now, but we have not done our diligence to at least tell the people that this “is” what its worth and this deal, this permit, this amount of money that we are going to be getting for pozzolan is a fair deal. That is not too much to ask for. It is just to slow the process down. Things are trying to be rushed again. I guess that is what we are all supposed to be doing, just rush everything in. I am sorry. I guess it does not matter which side we are on, sometimes we just want to rush things. But do we look in our conscience, what is in the best interest? That would be the only reason why I would vote no, because not everything is actually on table for all of us to see. Maybe MPLA did not do their job and DPL is now trying to do their job. I am not going to tell them what to do because that is a separation of power and here we are telling them what they can and cannot do. I do not understand and because I do not understand it, I cannot in good conscience vote for it. So that is where I stand. Thank you.

The Chair recognized Representative Taman.

Rep. Taman: Mr. Speaker, I move to end debate.

The motion to end debate was seconded.

Speaker Babauta: Motion to end debate is undebatable. We would now go right into the question of voting to override the Governor’s veto on SEN. COMM. NO. 15-137 under S. B. NO. 15-45, SD1, HD2. Short recess.

The House recessed at 7:02 p.m.

RECESS

The House reconvened at 7:02 p.m.

Speaker Babauta: We are back into session. Now, I recognize the Clerk to call the roll.

The Clerk called the roll on the motion to override the Governor’s veto on S. B. NO. 15-45, SD1, HD2 on First and Final Reading:

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	no
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.	no
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	abstained

Speaker Babauta: By a vote of 14 “yes”, the House hereby overrides the Governor’s veto under SEN. COMM. NO. 15-137. I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: And while we are on Governor’s Communication, if there is no objection from the members, I would like to offer a motion to override the Governor’s veto on with reference to GOV. COMM. NO. 15-136, S. B. NO. 15-41, SD1.

The motion was seconded.

Speaker Babauta: Discussion on the motion. Did everyone get the chance to read the Governor’s Communication? Clerk, call the roll.

The Clerk called the roll on the motion to override the Governor’s veto on S. B. NO. 15-41, SD1 on First and Final Reading:

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	no
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.	no
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	no

Speaker Babauta: By a vote of 14 “yes”, GOV. COMM. NO. 15-136 hereby passes the House over written. Any more override? I recognize the Floor Leader.

Floor Leader Florencio Deleon Guerrero: Mr. Speaker, I move for recess subject to the call of the Chair.

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENT

Speaker Babauta: Just to put you on notice again that we will come back Tuesday morning at 10:00 a.m. for our Regular Session.

ADJOURNMENT

The House adjourned at 7:08 p.m.

Respectfully submitted,

Vicky T. Guerrero, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

First Appearance of a local bill is the day of introduction

SECOND APPEARANCE
None

THIRD APPEARANCE:
None