



# House Journal

## SECOND REGULAR SESSION, 2006

Second Day

August 2, 2006

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its Second Day, Second Regular Session on August 2, 2006, at 9:27 a.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

A moment of silence was observed.

The Clerk called the roll and thirteen members were present. Representatives Martin B. Ada, Florencio T. Deleon Guerrero, Justo S. Quitugua, Benjamin B. Seman and Ray Yumul were absent.

Speaker Babauta: For the record, please mark the Vice Speaker, Representative Seman and Yumul are present. They are in the building. The Floor Leader is soon to arrive, and Chairman Ada is also running late this morning. At any rate, without objection, I would like to appoint Chairman Lizama as the Floor Leader pro tem this morning until the arrival of our Floor Leader.

There was no objection.

### **ADOPTION OF JOURNALS**

None

### **INTRODUCTION OF BILLS**

None

### **INTRODUCTION OF RESOLUTIONS**

None

### **MESSAGES FROM THE GOVERNOR**

GOV. COMM. 15-138: (7/26/06) Certification of salary waiver exemption for Dr. Jennifer C. Albers-Linden (OB/GYN).

GOV. COMM. 15-139: (7/26/06) Certification of vacant position for a Physician (OB/GYN) at the Commonwealth Health Center.

There was no discussion.

Speaker Babauta: Any comment from the members before we proceed to item number 16, Bill Calendar? I recognize Representative Torres.

Rep. Torres: Just a short announcement, if I may.

Speaker Babauta: Okay under item number 7.

### **SENATE COMMUNICATIONS**

None

### **HOUSE COMMUNICATIONS**

The Chair recognized Representative Torres.

Rep. Torres: Thank you. Mr. Speaker, my court case versus the Governor has been rescheduled for August 15 instead of tomorrow.

Speaker Babauta: Would you care to enlighten the members as to the rescheduling, Representative Torres.

Rep. Torres: That is from the court order rescheduling. It is beyond my control.

Speaker Babauta: So noted. Members, please note that the case is on August 15<sup>th</sup> at 9:00 a.m.

Rep. Torres: Judge Govendo will preside.

Speaker Babauta: Thank you, Representative Torres for the information. Before we move on, I would like to remind the members again that tomorrow morning the American Samoa Delegates to the Political Status Commission will start and I have issued a memo yesterday inviting all the members to participate. It starts at 8:00 a.m. at the Governor Pedro P. Tenorio Multi-purpose Building. They will be here for two days. Clerk, for the record, please note that Chairman Martin Ada is present this morning and Chairman Yumul is also present. Chairman Ada, before we move on, are you prepared to substitute the Resolution this morning.

Rep. Ada: We got in touch with Herbert and he will be calling us within an hour for the update. Thank you.

Speaker Babauta: Thank you. We now move down to Bill Calendar.

### **COMMUNICATIONS FROM THE JUDICIAL BRANCH**

None

### **COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE**

None

**COMMUNICATIONS FROM DEPARTMENTS & AGENCIES**

None

**OTHER COMMUNICATIONS**

None

**REPORTS OF STANDING COMMITTEES**

None

**REPORTS OF SPECIAL AND CONFERENCE COMMITTEES**

None

**UNFINISHED BUSINESS**

None

**RESOLUTION CALENDAR**

None

**BILL CALENDAR**

The Chair recognized the Floor Leader Pro Tem, Representative Lizama.

Floor Leader Pro Tem Lizama: Thank you, Mr. Speaker. I move for the adoption motion on S. C. R. No. 15-33 reporting on S. B. No. 15-06, SD1.

Speaker Babauta: Clarification on the motion. It is for the passage of S. B. No. 15-06, SD1.

The motion was seconded.

**S. B. No. 15-06, SD1:** A BILL FOR AN ACT 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.

Speaker Babauta: Discussion. I recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, I have a written floor amendment to offer. The copies are being circulated.

*“Amendment to S. B. No. 15-06, SD1, HD1”*

§ 8442. WAIVED SALARIES.

(A) ALL SALARIES OF ELECTED OFFICIALS THAT ARE WAIVED UNDER THE PROVISIONS OF THIS CHAPTER SHALL HEREBY BE REAPPROPRIATED AND TRANSFERRED TO A SCHOLARSHIP TRUST ACCOUNT AND FUNDS FROM SAID ACCOUNT MAY BE SPENT FOR

*SCHOLARSHIP PURPOSES ONLY, WITHOUT FURTHER APPROPRIATION, AND WITHOUT FISCAL YEAR LIMITATION.*

*(B) ALL SALARIES OF NON-ELECTED EMPLOYEES THAT ARE WAIVED UNDER THE PROVISIONS OF THIS CHAPTER SHALL BE REMITTED TO THE RETIREMENT FUND QUARTERLY TO SATISFY THE GOVERNMENT EMPLOYER CONTRIBUTIONS. THE SECRETARY OF FINANCE SHALL BE RESPONSIBLE FOR TRANSMITTING THE FUNDS IN A TIMELY MANNER TO THE RETIREMENT FUND.*

Speaker Babauta: While we are waiting for the copies, the Chair wishes to acknowledge the presence in the gallery, the former Chief Justice of our CNMI Supreme Court, the Honorable Jose Dela Cruz and I also welcome the members of the Commonwealth Telecommunication Corporation Board of Directors and distinguished members of our Attorney General's Office. Thank you for coming. Discussion on the written oral floor amendment introduced by the Vice Speaker? I recognize Representative Yumul.

Rep. Yumul: I just want to ask the Vice Speaker, the way I read this is that, if a government employee normally makes \$30,000.00 per annum, that means that according to the floor amendment, the quarterly sum of \$7,500.00 would go towards the government/employer contributions in general? Or would Finance just remit the employers contribution due for that particular employee within a given quarterly period?

The Chair recognized the Vice Speaker.

Vice Speaker Quitugua: Just the salary of the employee. If for example, I am a retiree and I am hired to...The Senate Bill is saying that, if you are a retiree and you are going to be hired as the Secretary of Public Works, that would allow you to either receive the Secretary's salary or keep your pension from the Fund. So this amendment is saying that, if you decide as a retiree to keep your pension then your salary should go to the Retirement Fund.

Rep. Yumul: That is my question. Let us say their pension is greater than the \$54,000.00 a year salary for Secretary of Public Work...that entire \$54,000.00 then becomes the employer or the government's contribution for that employee?

Vice Speaker Quitugua: The entire salary.

Rep. Yumul: Thank you.

The Chair recognized Representative Seman.

Rep. Seman: Just several concerns on the bill, Mr. Speaker.

Speaker Babauta: You want to dispose first of the amendment?

Rep. Seman: I do have a concern on the amendment. There are several positions that are budgeted for a certain amount. Meaning, budgeted for lets say a nursing that was budgeted for \$40,000.00 and technically this employees is receiving a pension in the amount of \$55,000.00. How do we determine that employee or that FTE salary of \$45,000.00 that should go to the Retirement Fund if

in case, let us say, this specific employee did not fulfill his/her responsibility of renewing or updating her CME and maybe is not technically eligible to be hired back as a professional nurse IV or III and is working as a capacity of a nursing assistant because that person did not pass the NCLEX. But because her services are needed on the floor receiving Retirement pension at \$50,000.00, how could we determine that the entire \$45,000.00 for that FTE goes directly to the Retirement Fund? I think there should be a determination factor of whether or not the equal amount of that position should go to the Retirement Fund and the remaining should be kept, because not all retirees would stay beyond. If I were receiving a pension of \$50,000.00 and my services are needed, and six months down the line, I would find an employment with the private sector that will pay me more than what I getting, I would vacate that position. Technically, the department would not be able to fill that position because that salary had been already transmitted or remitted to the Retirement.

Speaker Babauta: Well, technically, just to remind the members that presently the program allows for a sixty-day double dipping regardless of what position under the CNMI Government that is required of that retiree to perform. I see your concern and to answer you, I would recognize the Vice Speaker.

Vice Speaker Quitugua: The amendment allows the remittance of funds. If the employee is there, and decides to keep the pension and decides to leave government, then that salary remains with the government. In other words, the government will not continue to remit the salary if the employee is no longer there. During the time the employee is there, that is the time they will be remitting the money to the Retirement Fund. The system now in the Retirement Fund is that, you have a choice. There is a statute that you have a choice to either keep your pension, and most of the employees that return to the government keep their pension if it is higher than their salary. The salary at the present situation remains with the department. Although you are a retiree hired to fill a position, the salary remains there and they are not going to hire another person because you are occupying the position already, except that your salary is being paid by the Retirement Fund. So this bill is saying that, and the amendment is saying that, if you fill that position and you are being paid by the Retirement Fund, the salary for that position will go to the Retirement Fund to satisfy the many millions of dollars that we owe the Retirement Fund. Then when you vacate the position, that money should remain with the department.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Mr. Speaker, this will offset the unfunded liability of the government right? Not the suspension but the \$125 Million?

Vice Speaker Quitugua: Everything.

The Chair recognized Representative Palacios.

Rep. Palacios: Thank you, Mr. Speaker. This is such a short legislation, but it raises a lot more question than what appears on this two pages. Add to that is the proposed amendment. It is always my thought that this kind of legislation would save the government money, but if we are going to continue to have the options of the employee and mind you, this is not just the elected officials or secretary level where you have the advice and consent of the Senate. That is automatic in the

Constitution or in Law that allows them to come back to government services. This allows every other position that has retire and if we are going to do this, what it would actually do is, it adds on to the cost because on the one side, we are saying, there are valuable human resources out there that have retired and want to come back to government service. So right now, either they go in and get paid the salary and they forego the benefits. This would allow them to have the benefits and forego their salary, but with this amendment, we will continue to have the Retirement Fund draw out their retirement benefit and the central government actually paying up the salary also. It does not go to the person, it goes to the Retirement Fund, and to me, it is almost defeating the whole purpose of allowing retirees to go back into government service. Originally, I think the bill allows for a retiree to make that choice and in essence, if he waives his salary, it is like a retiree coming back to the government almost voluntarily. But if we inject this amendment, it will still cost the government that salary or that position because it will just come around. In essence, what I am saying or what I am reading is that, it will end up defeating the original intent of this legislation. The legislation says that, you take your benefit and waive your salary and that would save the government money, but with this amendment, and maybe I am reading wrong, but with this amendment, it mandates that the salary that is appropriated for such position that a retiree is going to take over is going to be transferred over to the Retirement Fund. So it is costing the central government not only the position but the FTE. Perhaps we should just say, if you are a retiree and you want to help, you have that option. Keep your retirement benefit and waive your salary and come back and help.

The Chair recognized the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, regardless whether we give the Retirement the waived salary or not, the government is still spends. This is not a saving. By waiving your salary, you are not saving the government. Just like us here, Mr. Speaker, the current statute says that if you are a retiree and you are elected into public office, you have the option to keep your pension or salary goes to the Scholarship Office. So we are not saving. What the Senate Bill is saying is that let us be fair to everybody and not only elected officials. Let us be fair to all retirees who want to come back to the government so that they can also decide whether they want to keep their higher pension over the lower salary, but still the government is not going to save. The government is still going to use that salary that is budgeted. They can restructure the position, they can reprogram the money, and the amendment is saying that, because we owe the Retirement Fund so much money, and this saving should go to the Retirement. It is only fair because the Retirement Fund is paying for your salary and you are doing the government what you are hired to do. So it is only fair to start paying the Retirement Fund of the money that we owe the Retirement Fund over the years.

Speaker Babauta: Just to further clarify the amendment, you are saying, because under Public Law 10-88, which is the original law that required and where granted only to elected offices that had the options to waive your salary and give it to the Scholarship Program. Now, you are saying on the amendment would allow not only public officials or public offices but other government employees that would come back would either go to the Scholarship or to Medical Referral. Your amendment is saying...

Vice Speaker Quitugua: My amendment is just simply adding on to the Senate Bill. The Senate Bill is proposing that any retiree who is reemployed by the government may have the option of keeping the pension or keeping the salary. So if the retiree is reemployed and decides to keep the pension, the salary for that position should go to the Retirement Fund.

Speaker Babauta: I assume that the members concern here now is on meeting the original intent of the Law, which is primarily the Scholarship Program.

Vice Speaker Quitugua: That is what the amendment says, none elected official. The elected official's waived salary will continue to go to the Scholarship Office.

Speaker Babauta: Now that is cleared. I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Is that...

Speaker Babauta: This is in addition to the elective office. It is saying that if you are required to come back to HPO in the future then whatever that pay level is, it goes to the Retirement Fund instead of...

Rep. Joseph Deleon Guerrero: If I am not mistaken, Section 8441 elected officials is struck out and the original language of elected officials has been struck out. Now it does not say non-elected officials. It says Commonwealth government retiree, which means even elected officials that have retired and are coming back is no longer going to the Scholarship. It changes everything. It does not distinguish between elected and non-elected.

Speaker Babauta: Without objection, can we ask our legal counsel to clarify the amendment. Any objection to allow the counsel to clarify this amendment?

There was no objection.

*Legal Counsel Ian Catlett: The Senate Bill was amended in the House Committee and that might be part of the confusion. Elected officials was changed to reemployed retirees. Waived Salary in Section 8442, that is unchanged which would mean that all elected officials would still go to the Scholarship account. There is inconsistency now between 8442 and the new 8441, which puts non-elected employees not to the Scholarship Fund but to the Retirement Fund. So that probably needs clarification that elected employees waived salaries would go to the Scholarship Fund and non-elected employees would go to the Retirement Fund under the amendment.*

Speaker Babauta: Is line 10 a typo under 8441? We have two 8441. Should it be 8443?

*Legal Counsel Ian Catlett: It should be 8441. That is just the two subheadings under Chapter 9 that are put in there indicating that 8442 is unchanged. Under Chapter 9, there are only two Sections of the Code which are 8441 and 8442. Section 8442 at this point is unchanged by this bill. There is a need of clarification between 8441 and 8442, saying that elected employees would go to the Scholarship Fund and non-elected employees would go to the Retirement Fund. That could be accomplished by an amendment.*

The Chair recognized Representative Yumul.

Rep. Yumul: My question, Mr. Speaker, is that it would basically make it consistent with the Chapter. So what the Senate Bill is attempting to do is create an entirely new Chapter. There is

going to be a lot of confusion. If we want everybody's salaries that are waived that is going to the Scholarship Fund, then I will go for this. But I think the Vice Speaker's point to give it to the Retirement Fund to reduce the unfunded liability is also noble. So now we have to decide, do we want to create a new Chapter or do we want to cut the Scholarship and then make everybody's salary to the Retirement Fund.

Vice Speaker Quitugua: I do not think that this amendment is going to cut the elected officials waived salary to the Scholarship Office.

Rep. Yumul: Right. But according to counsel, there is an inconsistency. So we need to make clarification here.

The Chair recognized Representative Seman.

Rep. Seman: I just wanted clarification. Do you know if there is any Law that would prevent a government agency from allowing a retiree to come in and volunteer?

Legal Counsel Ian Catlett: *It would depend on what the job specification is. There are some duties that cannot be done by a volunteer at this point. But if they want to come in and help in an office, I do not see anything.*

Rep. Seman: If these retirees are allowed to come in an volunteer, and they are qualified and certified to do so, there are loopholes for these retirees to be doing volunteer work and the agency will not have to obligate that FTE and salary. Therefore, there is no law that would mandate that agency to reprogram that money to the Retirement Fund because technically, this person is doing volunteer work and I think as a retiree earning more than the salary being offered, I would rather volunteer...

Speaker Babauta: Well, I hope that would not happen and allowed by the expenditure authority because recently, we just increased the Tort Law. We have to be reminded of that. Let us take a very short recess to iron out the difference so that we can dispose the amendment? Short recess.

The House recessed at 9:57 a.m.

## RECESS

The House reconvened at 10:12 a.m.

Speaker Babauta: We are back to our plenary session and I recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, subsidiary motion to withdraw the previous amendment and place the Senate Bill on First Reading so that we can work on the appropriate language to the amendment.

The motion was seconded and S. B. NO. 15-6, SD1, HD1, passed on First Reading only.

Speaker Babauta: The motion carries. Clerk, please take note that our Floor Leader is duly present this morning. I recognize the Minority Leader.

Rep. Palacios: If I am not out of order, Mr. Speaker, on Friday's session when I introduced H. B. NO. 15-159, I did not request or I failed to request that it be placed in the Bill Calendar.

Speaker Babauta: I noticed your request form was submitted but there was no motion made by the mover. So unless otherwise you want to do that motion this morning.

Rep. Palacios: I move, Mr. Speaker, to place H. B. NO. 15-159 on today's Order of Business.

There was no objection and the motion to place H. B. NO. 15-159 on today's Order of Business was carried by voice vote.

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

Rep. Taman: Mr. Speaker, I was just trying to track down the House Bill.

Speaker Babauta: Okay. I recognize Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. If no objection, I have a request to recall H. B. NO. 15-48 from Chairman of PUTC and Chairman Ada with Commerce and Tourism, and place this Bill on today's Calendar. I have a signed request.

Speaker Babauta: Is the request form approved?

Rep. Yumul: Yes it is.

There was no objection and the motion to recall H. B. NO. 15-48 was carried by voice vote.

Speaker Babauta: The motion carries. Any more request form? We would probably allow the Bureau to come up with an official designation of forms so we can utilize. I recognize the Floor Leader for the next bill.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the passage on First and Final Reading, H. B. NO. 15-55.

The motion was seconded.

**H. B. NO. 15-55:** A BILL FOR AN ACT 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.

Speaker Babauta: Discussion. I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. In light of the letter from the former Chief Justice Dela Cruz, and in light of the Attorney General's Office remarks or comments on this particular legislation, I think that the two Communications are significant and shed some significant lights on H. B. NO. 15-55. I believe that we need to probably exercise several options and that is to incorporate some of the comments made or the request made by Chief Justice Dela Cruz or go back and take a look at the legislation in light of the Attorney General's comments and remarks.

Speaker Babauta: Thank you. If no objection from the members, I would like to continue discussing this bill this morning. It is a very important piece of legislation and we will go into Committee as a Whole so that we may open since we have our guests here this morning. We have the full members of the Commonwealth Telecommunications Commissions, members from the Attorney General's Office and so as members of PTI. Any objection and I recognize Representative Torres.

Rep. Torres: Mr. Speaker, I just need to point out the remarks made by the Attorney General's Office. I think that these two pages of remarks is probably not official, in the absence of his signature and his letterhead. Is there any formality on this one? If not, then I think we should not accept as an official communication.

Speaker Babauta: Thank you for your observation, Representative Torres. We may probably deliberate and come up to a conclusion whether or not the open statement made by the office of the Attorney General is official. Any objection to go into Committee as a Whole? I recognize Representative Tenorio.

Rep. Tenorio: Mr. Speaker, just a comment, because we went through I do not know how many meetings with PTI and I think the Chairman did a good job in soliciting questions and comments. And why are these things coming out now at this stage of the game? It is very difficult for us to sit down here and try to undo what we did several months back, and with all do respect, I do not know what the Chairman wishes to do, but I think this should be either thrown back to the Committee and have these people come in and express there concerns. We have solicited for questions from them so the Committee can review and look at the bill that we are addressing. This is a very comprehensive bill. It has so many pages long and it has so much...

Speaker Babauta: I understand. Let me recognize our Chairman who had diligently worked with the piece of legislation, H. B. NO. 15-55 and get his desire on the discussion of the legislation this morning. Chairman Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. First of all, I would like to welcome PTI, the A.G.'s Office, members of CTC to the Chairman. It has been a long and arduous process for the Committee of PUTC on this particular bill. It is quite a lengthy bill if I may add. There have been comments made by PTI as well as CTC. In fact, we had meetings with CTC and PTI. We had looked at the comments from PTI and we had pretty much looked at the comments carefully and I can say that we pretty much addressed these comments. One example is the 2.5% regulatory fees. This is all in the bill. It comes down to 1.5%. It states that it shall not be more than 1.5%. With the new PUC, if this bill is enacted into law, it does not necessarily mean that the regulatory fee should be set at 1.5%. It could be lower and that would be the decision of the new PUC and that provides that they look at the budget that they will need to run the Public Utilities Commission. There were also other suggestions

from PTI such as Section 8354, Subsection (e) and we had also addressed those. If I may just have a few seconds to look that over...

Speaker Babauta: Continue, Mr. Chairman. I ask the members' humble cooperation to allow our Chairman to explain portions if not all what the Committee has done and what transpired as a result of the Committee's work on the bill.

Rep. Dela Cruz: Mr. Speaker, Section 8354, Subsection (e) on page 43, we had some discussions with other members of the committee and because of the conflict that this would have from the transition, Section 4 on page 49, we have decided to delete Section 8354 Subsection (e) in its entirety. As far as the concern as to government public utilities, that has been addressed on page 49, starting on line 20. Public Utilities for the government will be regulated under this bill. So these are some of the concerns that PTI had brought up. We had just received some comments from the Attorney General's Office as somewhat an opposing view on this particular bill and I am not quite sure what this comment is leading to, but for example on the bold lettered sentence here, the bill would allow for inter-island toll charges because it throws the CTC Act. On page 49, the transition merely brings CTC on to a new commission which is public utilities. On line 7, on page 49 (b), it states that all orders, decision, rules, regulations, certificates, franchises, contracts, guidelines, practices and procedures of the CTC shall continue in full force and effect unless expressly changed, repealed or abrogated by legislation or act of the PUC. The PUC shall make such administrative changes as are necessary to conform these to the PUC's practices and procedures. So what basically in essence, this is saying is that, the duties, powers and authority previously vested in CTC will automatically...[end of tape 1 side a]

[beginning of tape 1 side b]

Rep. Dela Cruz:...we can have...

Speaker Babauta: Mr. Chairman, my apology, but without objection from the members, we will allow to go into Committee as a Whole motion so that we may indulge also the services of our legal counsel as you continue to sail through those explanation.

There was no objection and Floor Leader Deleon Guerrero moved to resolve into the Committee of the Whole for the discussion of H. B. NO. 15-55 was seconded and carried by voice vote.

Speaker Fitial: Motion carries.

The House dissolved into the Committee of the Whole at 10:28 a.m.

### COMMITTEE OF THE WHOLE

The House returned to plenary session at 11:23 a.m.

Speaker Babauta: We are back to our plenary session and I recognize Representative Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. I recommend that H. B. NO. 15-55 be placed for First Reading only until further discussions from the Committee.

The motion was seconded.

Speaker Babauta: Discussion on the motion. I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. I would just like to ask the Chairman before we vote. I know that the 2.5 franchise fee is an issue and it has been raised by PTI. Perhaps the Committee in the interim that we voted this to put it on First Reading only, I would like to get some information regarding the 2.5 franchise fee. How much the Commonwealth generates from it perhaps in the next time that we deliberate on this legislation...what is the present amount that is been generated by this franchise fee and how many companies are paying this fee today? And, what this fee is being used for by CTC if we actually have a budget that CTC adheres to for the usage of this? I would like to make that request and maybe we can get it later on.

Rep. Dela Cruz: Actually, we do have a operating expenditure worksheet from the CTC and the total amount for the operating expenditure is \$386,429.00 and I can furnish all the members a copy of this. By looking at the collections of CTC...

Speaker Babauta: Chairman Dela Cruz, I guess the Minority Leader is only requesting perhaps in the next session if you can avail those copies...

Rep. Dela Cruz: Yes, Mr. Speaker. We will provide the information to all the members.

Speaker Babauta: I appreciate it. Thank you. Any more discussion on the motion to defer action and pass H. B. NO. 15-55 on First Reading only.

There being no further discussion, H. B. NO. 15-55 passed on First Reading only.

Speaker Babauta: Floor Leader, motion for recess until Friday morning at 9:00 a.m.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for recess subject to the call...

Speaker Babauta: Before I recognize that motion, I recognize Representative Torres.

Rep. Torres: Thank you, Mr. Speaker, for allowing me for a few moments. I have a message to the House. Since we are going to be listening to the American Samoa Delegation in their search for their future Political Status, can I be permitted to do some deliberation tomorrow and tell the American Samoa that we are also thinking of our future Political Status in the Marianas?

Speaker Babauta: Representative Torres, the way I read the Memorandum from our Bureau Director, it is an invitation to the members to participate on their open forum dialogue in their search of a better political goal or shall I say a better political life in American Samoa. So yes, the members would be accorded the opportunity tomorrow. I have designated the Chairman of Federal and Foreign Relations to appear on the welcoming statement on behalf of the Speaker. Just to let you

know that the Governor had summoned me and the President to appear before him to answer your deeds.

Rep. Torres: May I suggest that the Chairman would present a copy of our House Bill to the Delegation just for informational purposes.

Speaker Babauta: Chairman Waki, please take note on that and you may share that House Bill that is on the Calendar in search of new economic pasture. I recognize Representative Taman.

Rep. Taman: Mr. Speaker, I think it is premature for us to present that bill on that forum. We have not deliberated on that bill yet. Perhaps maybe the Chairman on Federal Relations can just note that to our distinguished guests. I am afraid that there might be some confusion later on if we share those kind of things.

Speaker Babauta: I am not in defense of Representative Torres, but just so that the members are aware that anything that is filed with our Clerk is a public property and that every individual in the Commonwealth and whoever can avail themselves to copies subject to a request through our House Clerk. Again, I humbly ask that Representative Torres be accorded tomorrow the opportunity to express his intended proposed legislation as to why we need such legislation. I recognize Representative Tenorio.

Rep. Tenorio: Not on American Samoa, Mr. Speaker, but on Miscellaneous.

### **MISCELLANEOUS BUSINESS**

The Chair recognized Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. I am just curious. I understand that the budget is still in the Senate and is being carefully scrutinized. In relation to this, Mr. Speaker, I am also very curious that whatever happened to...because we have not received any report from the Governor on his uses of the funds like the \$20 Million on the cut of our budget and under Section 7403 of the Planning and Budgeting Act, under the emergency power, if I may just read.

Speaker Babauta: Please proceed.

Rep. Tenorio: In part, it says that the Governor shall as soon as practical transmit to the Legislature a report describing in detail the emergency, which requires exercise of such authority, and the measures been taking to deal with this emergency and a financial plan for meeting the costs of this measures and so forth. I just wonder if you had received any such report in detail because I have not seen any and it has passed the 60 days already and we are already into the budget now and we have not receive anything. Are we getting one in due time?

Speaker Babauta: The latest that I received that was shared to all of you was the first report that was declared when the Administration took over or rather came in. That was the only one. I can continue to verify that, but as we are aware, the Executive Order 2006-03 or 02 took effect 60 days ago. So that in essence kills the emergency and since CUC is now presently under the umbrella of

DPW as a separate entity of the government, but be assured that I will look into that matter and get back to you sooner.

Rep. Tenorio: It is not to me, Mr. Speaker, but the House.

Speaker Babauta: To you of course and to all the members of the House. I will do so. Thank you very much for your observation and concern. I recognize Representative Yumul.

Rep. Yumul: Mr. Speaker, just a request. I have a Joint Resolution that is being printed out that just came to me from CPA. I know some of the members here are also given copies. It is regarding the US Department of State Open Skies Agreement and if there is no objection, it is going to take me five minutes to get the resolution ready and passed to the members. The Commonwealth Ports Authority is waiting for the Joint Resolution so that they can have their DC attorney's take action to basically bring it up in Washington.

The Chair recognized Representative Dela Cruz.

Rep. Dela Cruz: Just a comment, Mr. Speaker. I also received a copy of the Resolution from CPA. I just wanted to ask Congressman Yumul whether the petition has been signed by the Governor?

Rep. Yumul: Yes. I think it is appropriate if we resolve into the Committee of the Whole and endorse the Joint Resolution so that we can get it to the Senate, but...

Speaker Babauta: Did you say that the petition has been signed by the Governor?

Rep. Yumul: Yes.

Speaker Babauta: Is the petition available to the members?

Rep. Yumul: Can we have two minutes recess, Mr. Speaker?

Speaker Babauta: Let us do this correctly because the Chair might be cited contempt in the Rules. Floor Leader, can you withdraw the original motion for recess?

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker.

The motion to withdraw the motion for recess was seconded and carried by voice vote.

Speaker Babauta: The motion carries. We will take a short recess.

The House recessed at 11:34 a.m.

## **RECESS**

The House reconvened at 11:45 a.m.

Speaker Babauta: We are back to our plenary session and without objection, we will move back to the Introduction of Resolution under item number 4.

## INTRODUCTION OF RESOLUTIONS

H. J. R. NO. 15-9: A House Joint Resolution to request that the United States Department of Transportation grant the Petition for Expanded Air Services at Commonwealth International Airports filed by the Commonwealth of the Northern Mariana Islands, and to exercise its exemption authority to take actions necessary to promote increased U.S. and foreign air activity to and from the Commonwealth.

Offered by: Representative Yumul and seventeen others

The Chair recognized Representative Yumul.

Rep. Yumul: Mr. Speaker, I would like to submit this subject to technical and grammatical corrections since we are expediting this Resolution.

There was no objection.

Speaker Babauta: We will allow the Clerk and the Counsel to work on grammatical and technical aspect of the Resolution. We will move down to Resolution Calendar.

## RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the adoption and suspension of H. J. R. NO. 15-9.

The suspension motion was seconded and carried by voice vote.

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

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the adoption of H. J. R. NO. 15-9.

The motion was seconded.

**H. J. R. NO. 15-9**: A House Joint Resolution to request that the United States Department of Transportation grant the Petition for Expanded Air Services at Commonwealth International Airports filed by the Commonwealth of the Northern Mariana Islands, and to exercise its exemption authority to take actions necessary to promote increased U.S. and foreign air activity to and from the Commonwealth.

Speaker Babauta: Discussion.

Several members voiced, “ready.”

Speaker Babauta: Once again, as understood earlier, we allow the Clerk and the Counsel to work on the technical and grammatical language of the bill.

There being no discussion, H. J. R. NO. 15-09 was carried by voice vote.

Speaker Babauta: The motion carries. H. J. R. NO. 15-09 is hereby adopted. Floor Leader, motion for recess until Monday at 10:00 a.m.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker.

### **ANNOUNCEMENT**

None

### **ADJOURNMENT**

The House adjourned at 11:48 a.m.

Respectfully submitted,

Vicky T. Guerrero, Journal Clerk  
House of Representatives

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### **APPEARANCE OF LOCAL BILLS**

#### **First Appearance of a local bill is the day of introduction**

#### **SECOND APPEARANCE**

H. L. B. NO. 15-34: To establish a Tinian Identification Card Program; and for other purposes. (Rep. Edwin P. Aldan)

H. L. B. NO. 15-35: To appropriate \$40,000 from the Tinian local poker fees; and for other purposes. (Rep. Edwin P. Aldan)

H. L. B. NO. 15-36: 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. (Rep. Edwin P. Aldan)

H. B. NO. 15-37: To appropriate the sum of \$60,000 collected pursuant to Saipan Local Law 11-2, as amended; and for other purposes. (Rep. Arnold I. Palacios +2)

H. B. NO. 15-38: To appropriate the sum of \$740,000.00 collected pursuant to Saipan Local Law 11-2, as amended; and for other purposes. (Rep. Arnold I. Palacios +2)

#### **THIRD APPEARANCE:**

None