



House Journal

SECOND REGULAR SESSION, 2006

Third Day

August 8, 2006

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its Third Day, Second Regular Session on August 8, 2006, at 10:12 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 sixteen members were present. Representatives Martin B. Ada and Crispin M. Ogo were absent.

Speaker Babauta: Clerk, take note that Representative Ada is in the building. He should be coming in a few minutes. Representative Ogo is duly excused due to illness. Quorum has been established for this morning's session. At this time, I wish to officially, on behalf of the members of the House, I wish to welcome the employees of our Commonwealth Ports Authority headed by our Acting Director, Mr. Celis, our Crash Fire Rescue Chief, Mr. Stanley Torres, along with Mr. Hilgen and employees. At this time I would call for a very short recess to allow Representative Seman and I urge the members to join him up here on the floor to present a Resolution to our Commonwealth Ports Authority employees. Short recess.

The House recessed at 10:14 a.m.

RECESS

The House reconvened at 10:21 a.m.

Speaker Babauta: We are back to our plenary session and we move down to the Adoption of Journals. I recognize the Floor Leader.

ADOPTION OF JOURNALS

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

1st Day (07/28/06), Fourth Special Session 2006

1st Day (08/01/06), Second Regular Session 2006

Speaker Babauta: Discussion. As usual again, we will allow members to correct any technical aspects of the Journals. Let us make this a practice. I recognize Representative Torres.

Rep. Torres: Mr. Speaker, just one small correction under Miscellaneous on August 1st on page 22. Just to add “un” on the first line to “palatable”. It should read “unpalatable”. That is it, Mr. Speaker.

Speaker Babauta: Clerk, please take note and add “un” to complete the word.

Rep. Torres: If the word “un” is not there then my speech is neutral. No effect.

Speaker Babauta: Thank you, Representative Torres.

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

INTRODUCTION OF BILLS

H. B. NO. 15-163: A Bill for an Act to amend 1 CMC § 1606(B); and for other purposes.

Offered by: Rep. Justo S. Quitugua

H. B. NO. 15-164: A Bill for an Act to regulate recycling businesses operating in the Commonwealth; and for other purposes.

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

H. B. NO. 15-165: A Bill for an Act to amend the Weapons Control Act to promote and allow resort developments offering target ranges for competitive rifle competition, and skeet shooting; and for other purposes.

Offered by: Rep. Ray N. Yumul and six others
Referred to: Committee on Commerce and Tourism

H. B. NO. 15-166: A Bill for an Act to raise the minimum wage and eliminate certain statutory requirements imposed on employers; and for other purposes.

Offered by: Rep. Joseph P. Deleon Guerrero and six others
Referred to: Committee on Ways and Means

H. B. NO. 15-167: A Bill for an Act to amend 3 CMC § 4437 to require nonresident workers to exit the Commonwealth periodically before re-employment in the Commonwealth; and for other purposes.

Offered by: Rep. Manuel A. Tenorio and four others
Referred to: Committee on Judiciary and Governmental Operations

H. B. No. 15-168: A Bill for an Act to repeal Public Law 9-71 and Public Law 11-74; to enact a new and effective Resident Workers Fair Compensation Act as Chapter 5 of Title 4, Division 9, of the Commonwealth Code; to amend 4 CMC § 4413; and for other purposes.

Offered by: Rep. Manuel A. Tenorio and two others
Referred to: Committee on Judiciary and Governmental Operations

H. L. B. No. 15-40: A Local Appropriation Bill for an Act for the Third Senatorial District to appropriate the sum of \$250,000 from fees collected pursuant to Saipan Local Law 11-2, as amended, for the purchase of a hyperbaric chamber and a spiral CT scanner for the Commonwealth Health Center; and for other purposes.

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

INTRODUCTION OF RESOLUTIONS

None

MESSAGES FROM THE GOVERNOR

None

SENATE COMMUNICATIONS

The Chair recognized the Floor Leader.

Floor Leader Florencio Deleon Guerrero: Thank you, Mr. Speaker, I move to accept SEN. COMM. 15-78.

SEN. COMM. 15-78: (8/2/06) Transmitting a certified copy of S. R. NO. 15-19, entitled, “A Senate Resolution expressing the Senate’s deepest condolences to the family of the late Honorable Daniel Tudela Muña and great appreciation for his dedicated service to the government and people of the Commonwealth”, which was adopted by the Senate on July 28, 2006. (For info)

The motion to accept SEN. COMM. 15-78 was carried by voice vote.

Speaker Babauta: The motion carries.

HOUSE COMMUNICATIONS

None

COMMUNICATIONS FROM THE JUDICIAL BRANCH

JUD. BR. COMM. 15-1: (8/4/06) From Acting Chief Justice Alex Castro submitting the Judiciary’s Proposed Fee Changes for the Legislature’s consideration. (*Deadline: 10/6/06*)

The Chair recognized Representative Torres.

Rep. Torres: Mr. Speaker, I think that we should reject the Communication from the Judiciary at this time. I am reviewing the lists of fees that are proposed and I find it a little bit troubling because I think the increase is significant and we have to study it more carefully. We should be meeting with the Judiciary people to come to an agreement with these increase. I think that we should send a message that we oppose it at this time until a review from both parties.

Speaker Babauta: Just so that dark clouds would not impair our vision and desire here in the Chamber, without objection, I would like to refer this Communication to a proper Committee to look at it and hopefully come back with a report. Continue, Representative Torres.

Rep. Torres: My concern is that if sixty days expires without any rejection message, it will be in effect.

Speaker Babauta: That is noted. I would definitely request the Committee Chair to indulge dialogue with our Judiciary Branch with respect to the Communication. I recognize Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. Along the line with the Committee that you would refer this, I would assume be Ways and Means?

Speaker Babauta: I would definitely assign that to the Judiciary and Governmental Operations Committee.

Rep. Tebuteb: Mr. Speaker, the reason why I brought that up is because there is a legislation with the Committee on the vital statistics, and part of that legislation also incorporates one part of this Communication specifically on page 4, number 39. That was partly addressed in that particular legislation that is with the Committee on HEW. Thank you, Mr. Speaker.

The Chair recognized Representative Kaipat.

Rep. Kaipat: I do not have anything specific to add, I am just saying that JGO will be more than happy to work with the Court on this, and the Committee will report back. Thank you.

Speaker Babauta: Chairwoman, would you also take into consideration the comment made by Representative Tebuteb as it applies to the Judicial Communication with respect to a pending bill with HEW.

Rep. Kaipat: No problem, Mr. Speaker.

Speaker Babauta: Any other comment?

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

The Chair recognized the Floor Leader.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the adoption of H. R. NO. 15-62.

The motion was seconded.

H. R. NO. 15-62, HS1: A House Resolution to convey sincere condolences to the family of the late Honorable Daniel Tudela Muna on his passing and paying tribute to his contribution.

Speaker Babauta: Discussion. Does everyone have a copy? Short recess.

The House recessed at 10:34 a.m.

RECESS

The House reconvened at 10:50 a.m.

Speaker Babauta: We are back to our plenary session. We are still discussing H. R. NO. 15-62.

Rep. Ada: Mr. Speaker, we have a minor amendment to the title of the Resolution.

Speaker Babauta: Proceed.

Rep. Ada: The amendment is on the heading. It would read, "To convey sincere condolences to the bereaved family of the late Honorable Daniel Tudela Muna and to pay tribute for his contributions to the political development of the Commonwealth of the Northern Mariana Islands."

The amendment offered by Chairman Ada was seconded and carried by voice vote.

Speaker Babauta: The motion carries. H. R. NO. 15-62, HS1, HD1 is hereby adopted Committee as a Whole.

Rep. Tenorio: Mr. Speaker, can we go back under House Communication.

Speaker Babauta: Without objection, we will go back to item number 7.

HOUSE COMMUNICATIONS

The Chair recognized Representative Tenorio.

Rep. Tenorio: This is in regards to H. R. NO. 15-61. As you recalled, your honor ordered me to get some facts on this and report to the House. I received some power point presentation from the Division of Fish and Wildlife on several surveys that were made on 2003 and even in 2004. Sorry about the poor copies. It has to be colored for you to see a clear picture of the actual impact and damages on the coral reef. If you just read the recommendation on the last part. It says that one of the recommendations is to promote a permanent mooring system which would minimize further damage to the benthic environment, thereby allowing recovery of coral reef habitant. So there are damages now and have been occurring everyday that the ships are there with their anchoring system. That is exactly what I wanted to point out. We know that this is sensitive where the military is involved, but I think that we should not lose focus on the importance also of our reef environment and that is the reason I authored the Resolution. There should be a follow-up on this. That is my communication, Mr. Speaker. Like I said again, the copies that I distributed are poor. If you want to see the colored report, you are welcome to see my copy here. Thank you.

The Chair recognized Representative Palacios.

Rep. Palacios: Thank you, Mr. Speaker. These are some basic baseline data on what is happening. What I believe we need to do and to request is to have the Division of Fish and Wildlife and Coastal Resources Management and DEQ further study as is required or requested by the Resolution and make recommendations. It is useless to do studies and research of impact area without making the recommendations as to what type of mitigation we may want to see done. We must be mindful that the Court's have basically raised our jurisdiction in these areas, at least for now, but that still does not completely take away their requirements of any federal agency to make sure that certain environmental impacts are either mitigated or eliminated. So we need to ask that the author of the Resolution further discuss this issue with the local agencies to see whether we can move beyond the study of the impact and make whatever recommendations that we have to make. If we have those, perhaps this body can even submit it to the Federal Government as an official position of this body. Thank you, Mr. Speaker.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. Yes, I think we should move even further perhaps even involve the Ports Authority because what can be done, Mr. Speaker, is to do a feasibility study or maybe a cost analysis study on how much it would cost the government to do an actual mooring buoy out there. I have seen in other areas, not only here, but in many places in the Far East. The ships are anchored to the mooring buoys and with that system, you do not damage drop your anchor. You know, we talked to the Military and they say that it cost a lot of money, but that is a lot of money not knowing exactly how much it cost, but I am sure that the Ports Authority, DFW and the

appropriate agencies might come up with a joint venture study or a joint work on how to address these problem. Recently, they were even thinking of moving the ships around. So the more you move around with your anchor using the same anchoring system, you are going to destroy a lot of our coral reefs. That should be a big concern to all of us. Although the question of jurisdiction is still pretty much in the air, as far as I am concern, we still have the opportunity to get back some of the jurisdiction over certain miles. If we cannot resolve that problem then perhaps the jurisdiction of where the current areas where these ships are anchored would come back to the CNMI Government. But I am looking more into perhaps the Ports Authority or even with the Fish and Wildlife to come up with some figures of how much it actually costs to do a mooring buoy anchorage system as oppose to the current system. Thank you.

Speaker Babauta: Thank you for providing the members of the House the assessment report by DFW. I recognize Representative Aldan.

Rep. Aldan: Mr. Speaker, the concern that was brought up by Representative Tenorio...can we let the Committee come up with a letter addressing it to whoever is in charge with these ships, and if it would be possible for them to come up with the figures for developing a plan to put down the mooring. You were right that these ships were supposed to be in Tinian. Before they came in, they had the mooring buoys installed in Tinian and remembered they installed four of those. The place where they installed the mooring buoys are deeper than this water out here. The figure is not an issue here. The thing is that they are destroying the environment every time they dip that anchor down. I recommend that the Natural Resources Committee should send out a letter and we will find out who is in charge with these ships and we will hear from them. We will report then back to the House on Representative Tenorio's issue.

Speaker Babauta: I would also recommend that you engage Representative Tenorio's participation on whatever deliberation you want to do with your Committee with respect to this issue. On the same note, I would recommend that you get a hold of someone in Guam and see what type of assessment also or what type of procedure that Guam has been following with respect to the mooring of the MPS ships. I know that they have a couple of ships out there too. I recognize Representative Palacios.

Rep. Palacios: I saw in the paper last week that they were going to have some sort of seminar on the preposition ships. I think that the Committee will be well served if we attend that seminar and make contacts with those people who are involve in this.

Speaker Babauta: I think that was in yesterday's paper. Chairman Aldan, can you take a look at that article and see if you can get a hold of any of the representatives here and you might probably contact our Commonwealth Ports Authority. They might have information with respect to that conference. I urge you and all the members to participate if they can allow us to come in. I assume this is the annual or every five years review of those ships. It is something that has to do with the operations out here in the Pacific. I recognize Representative Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. Perhaps an invitation to the Senate members would also be in order. They are equivalent of Natural Resources, SNILD and the House Natural Resources Committee members will be participating in this but, whatever it is that we do down here, it would fall short of our goal if the Senate does not follow through. So it would be good to invite them.

Speaker Babauta: Okay. I will seek dialogue with the Senate President, but once again, we need to be cognizant of the fact that this conference or meeting would be open to us and other community members. I am sure that Judge Wiseman is an active member of the Saipan Chamber of Commerce on the Military Affairs. So you might also seek his assistance and call his office to see if he has any vital information that he can share with you with respect to the MPS ships out there. I recognize Representative Torres.

Rep. Torres: Just to point something, while going through this package, I do not see anything mentioned on CRM in this MOU. The Commonwealth Ports Authority is part in a related subject, but I think the CPA's jurisdiction is from the harbor to the dock area and not beyond the harbor entrance or the reef. I am pretty sure that CRM has the rightful jurisdiction on this matter.

Speaker Babauta: I was just merely recommending and suggesting to check with CPA whether or not they have the information on the upcoming meeting or conference so to speak that the Minority Leader have mentioned earlier. I recognize Representative Taman.

Rep. Taman: Thank you, Mr. Speaker. The fact that we lost that submerged land issue in the Federal Court, I am thinking that the Federal Government has jurisdiction out there beyond the reef, and we must take note that in the event that we would like to pursue negotiating with the Federal Government with regards to all these issues, that we must be very careful because some of our leaders already have stood up and make public their support encouraging even some of us to accept the three nautical miles. So we have to be mindful of this. Thank you.

Speaker Babauta: If I may add, Chairman Waki, would you be kind enough to join hands with Chairman Aldan and see if we can tackle this issue. I recognize the Minority Leader.

Rep. Palacios: Just to kind of shed some comments on Representative Taman. Even if we do not have jurisdiction, this community still has the right to ask even the Federal Government that it complies with certain national environmental protection act clauses. We can ask them and they need to comply with it regardless of whether we have jurisdiction or not. Every federal agency has to comply. Thank you.

The Chair recognized Representative Waki.

Rep. Waki: Mr. Speaker, if anything, I have a working relationship with Congresswoman Madeleine Bordallo's office and if nothing else, we can find out and plus she does work very closely with the federal government and with the Military especially in Guam. I can go ahead and write her and get some information on basically what agreement they have with the Federal Government. I think Guam has a three mile submerged land, if I am not mistaken. I believe that the mooring of these ships, if we have the mooring stations, would be very helpful. If anything, I will communicate with Congressman Bordiallo's office and see what their agreement is.

Speaker Babauta: Thank you. Work closely with the Committee on Natural Resources, but the immediate question that needs to be answered is, whether or not as I mentioned earlier, there is an impending meeting with respect to the MPS. See if we can find out from Judge Wiseman or otherwise CPA if they have any information about that particular conference or meeting that is

taking place here, and ask them if members can participate as an observer only or to certain degree where you would be allow communicate the concerns of the House with respect to the pending Resolution that we are about to tackle. Any more on the coral reef?

Rep. Tenorio: Point of information, Mr. Speaker.

Speaker Babauta: State your point.

Rep. Tenorio: I am a member of the Natural Resources so I will definitely be joining them. Secondly, I chair the Committee on Natural Resources for the SNILD, so this is our jurisdiction out there. I will try to work very closely with Chairman Waki and get something resolved. Thank you.

The Chair recognized Representative Torres.

Rep. Torres: I decided to make this into a House Communication Message to the Governor and this is a statement from my office.

HSE. COMM. NO. 15-7: (08/08/06) Letter from Representative Stanley T. McGinnis Torres re: Puerto Rico seaport incident.

Speaker Babauta: Continue, Representative Torres.

Rep. Torres: Once upon a time on July 25, 2006, a 20-foot container from Bangkok, Thailand arrived at our Puerto Rico seaport belonging to a lady from Thailand. It contained potting vases and a variety of other merchandise. The Lady came to claim her merchandise through the Quarantine and Custom officials, and requested that her merchandise be unloaded. The Custom and Quarantine officials told her to bring her own manpower to unload her merchandise. She insisted that the officials should unload her things from the container, because she doesn't have the manpower to do it herself. The officials then opened the container and found spiders and other pests. They decided to immediately seal the container. The lady then called her boyfriend that the officials are not going to help her unload and sealed her merchandise. Her boyfriend came down to the seaport and told the officials that they had to help her to unload her merchandise because they are paid to do that job and to unload the containers. However, the officials told him that they are not there to unload cargo but they are inspectors and not stevedores. The boyfriend of the lady then asked the officials; "Do you know who I am?! The one official told him: "No, I don't know who you are, and I don't care to know who you are!" The lady's boyfriend then called the Director of Customs and Quarantine and the on-site officials were removed and replaced by a supervisor and a release of the infested merchandise took place or happened. But the officials had to reseal the container because they found several more pests. Furthermore, the lady had to pay only \$67.00 dollars in excise taxes for the entire container's contents. This raises the question "Was the merchandise valued less than its worth to lower the cost of paying the proper CNMI tax?" It is very troubling that a top CNMI official interfered in this matter and almost caused a calamity of unwelcome foreign pests. Although some pests probably entered into the CNMI illegally, right in front of the lady's boyfriend, who just happens to be the chief enforcer of our Commonwealth laws. Mr. Speaker, the boyfriend in question is the CNMI Attorney General, Mr. Matthew Gregory. Thank you.

Speaker Babauta: Sergeant-at-arms, please retrieve that communication from Representative Torres and make copies for the members as an official House Communication. I would urge each and every one of you not to debate on the Communication. If you want to clarify, I would allow that. I recognize Representative Tenorio.

Rep. Tenorio: I am just curious, Mr. Speaker. Did they release the contents of the container? Was it released?

Rep. Torres: Part of it. I was told that it has been resealed. The information that I had was that they killed the spider and classified that the spider is not a quarantineable animal.

Speaker Babauta: Chairman Aldan, follow through with the Communication, whether or not the spider is quarantineable, and see what happens? You can make a verbal report on the next session for the House members. Thank you, Representative Torres. Because of our two members that I assume have medical appointments sometime today, I will go back to Bill Calendar. Let me call for a two minute recess.

The House recessed at 11:22 a.m.

RECESS

The House reconvened at 11:25 a.m.

Speaker Babauta: We are back to our session and before I recognize the Floor Leader, I want to recognize Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. If no objection, I would like to recall H. B. NO. 15-161. I introduced this bill at the last session. I wish to recall that and replace it with a Substitute version, Mr. Speaker, for today's action.

Speaker Babauta: What bill is that?

Rep. Tenorio: H. B. NO. 15-161. Mr. Speaker, it is on the Calendar.

Speaker Babauta: Short recess.

The House recessed at 11:26 a.m.

RECESS

The House reconvened at 11:27 a.m.

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

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, to suspend pertinent rules for placement on today's Calendar, H. B. NO. 15-163 and H. B. NO. 15-164.

The motion was seconded.

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

Rep. Tenorio: Mr. Speaker, I think I am in order this time. I have a request here for a recall on H. B. NO. 15-053, H. B. NO. 15-080 and H. B. NO. 15-117. Mr. Speaker, this has been with the Committee since February of this year and that is the reason why I am recalling the bills. The Chairman had already approved the recall. So moved, Mr. Speaker.

The motion to recall and placement of H. B. NO. 15-053, H. B. NO. 15-080 and H. B. NO. 15-117 on the Calendar was seconded and carried by voice vote.

Speaker Babauta: The motion carries. Does everyone have copies of this bill? We will go ahead and accept the motion to recall and I would recommend to the Floor Leader to just place it on the Calendar until such time that copies are provided to the members. Floor Leader, you may continue.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the passage on First and Final Reading, H. B. NO. 15-87.

The motion was seconded.

H. B. NO. 15-87, HD1: A BILL FOR AN ACT TO CREATE A MULTI-GOVERNMENT AGENCY AND COMMUNITY TASK FORCE TO DEVELOP AND IMPLEMENT A COMMONWEALTH COMPREHENSIVE INFRASTRUCTURE PLAN; AND FOR OTHER PURPOSES.

Speaker Babauta: I see this is House Draft one...has this been...Short recess, please.

The House recessed at 11:33 a.m.

RECESS

The House reconvened at 11:34 a.m.

Speaker Babauta: We are back to our plenary session. For clarification purposes, we are now discussing, H. B. NO. 15-87, HD1. Ready.

Several members voiced, "ready."

Speaker Babauta: Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-87, HD1 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	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	excused
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	yes
Rep. Ray N. Yumul	yes

Mr. Speaker, just for the record, the Governor recently assembled a fourteen member committee for the sole purpose of the Japanese Tourism market and I am worried that this bill may be fruitless. The Governor might state that he will veto the bill in that he has the sole discretion in creating task forces from within his administration. So just as a caution that this bill might not be necessary but my vote is, yes anyway.

Rep. Oscar M. Babauta	yes
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Speaker Babauta: H. B. NO. 15-87, HD1 passes the House on First and Final Reading. Floor Leader, continue.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the passage on Final Reading, H. B. NO. 15-67.

The motion was seconded.

H. B. No. 15-67: A BILL FOR AN ACT TO MANDATE THAT THE NORTHERN MARIANAS COLLEGE COOPERATIVE RESEARCH EXTENSION AND EDUCATION SERVICE SHALL BE THE COMMONWEALTH'S LEAD AUTHORITY TO ESTABLISH A COMMONWEALTH AQUACULTURE DEVELOPMENT PROGRAM; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. I recognize Representative Ada for the Substitute.

Rep. Ada: Thank you, Mr. Speaker. I would like to offer a Substitute.

Speaker Babauta: I understand copies have been made available to all the members in the form of H. B. NO. 15-67, HS1. I recognize the Minority Leader on the substitute.

Rep. Palacios: I know that the Committee on Natural Resources met on this and I believed at the time we came to a consensus of what to do. I just saw this substitute. I am going to trust you that the substitute contains all the issues that we discussed in that meeting, Representative Ada.

Rep. Ada: Thank you, Minority Leader for trusting me. Yes, you were there, and I really appreciate your input at that meeting being very experienced in this area. Thank you.

Speaker Babauta: Further discussion on the House Substitute?

Several members voiced, “ready.”

Speaker Babauta: I recognize Representative Yumul.

Rep. Yumul: Mr. Speaker, I am just concern on the cost if there is going to be an unfunded liability. If you turn to page 3, subsection 103, line 2. It calls for establishing of a plan but yet, the bill calls for a program. Maybe I am reading this wrong but...

Speaker Babauta: Are you referring to Section 103 under coordination of aquaculture activities?

Rep. Yumul: Yes, Mr. Speaker.

The Chair recognized Representative Ada.

Rep. Ada: Mr. Speaker, no. They have this grant every year after year and as a matter of fact, they had this program ongoing before we even did the bill. So there is no cost to this thing.

Speaker Babauta: To further strengthen the provision, I recognize the Minority Leader.

Rep. Palacios: Mr. Speaker, he is correct. This is not going to cost us. Actually we sat down with NMC-CREES at that meeting and the conclusion of that meeting was that, it is not going to cost us an extra penny.

The Chair recognized Representative Tebuteb.

Rep. Tebuteb: Mr. Speaker, that being said, how much would it cost anyway? I mean, it will not cost us anything but how much really does it cost for the plan?

The Chair recognized the Minority Leader.

Rep. Palacios: Well, the legislation calls for not a physical infrastructure plan. It is just documentations or frame work of documents of the program itself and in essence, the NMC-CREES has already a program. Initially, the legislation basically was trying to take the program and placed it at DLNR, and after discussing this issue, the intent of the legislation, I think that it was agreed upon that it is best left at NMC-CREES because they have a frame work, an aquaculture plan frame work in place. It is not going to cost us anything. They already have the plan and the issue here is to have other agencies coordinate and collaborate with NMC-CREES as the lead agency for aquaculture planning programs.

The Chair recognized Representative Torres.

Rep. Torres: Thank you, Mr. Speaker. Again being said, the plan shall include building and operating a facility in the Commonwealth. Referring to colleague Tebuteb, there is going to be a building and operating a facility. It is going to cost and money is involved.

Speaker Babauta: Let me recognize the Minority Leader to clarify those provisions.

Rep. Palacios: I know that was part of the issues within a frame work plan, but the original and the intent of the legislation is where to place and who amongst the CNMI agency would take the lead. That is the intent of this legislation. It was not whether we are going to build an aquaculture tanks and facilities. That is not the issue at this point in time. The issue is where to place this responsibility and which agency. Within that frame work if NMC-CREES is going to be the one, then in collaboration with the other agencies, they will put together a plan if the plan would necessitate such facilities. It is not limited to just putting together the NMC programs or extension programs to aquaculture farms here. Part of that would be, if there is a need to put together a facility then it would fall under the purview of NMC-CREES and other agencies.

Speaker Babauta: Thank you for the clarification. I assumed that NMC-CREES would be the lead agency to spearhead the program if anyone wishes to engage in aquaculture. Am I correct, Minority Leader? I recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, this bill is a very good bill. It will strengthen the opportunities for more federal grants with NMC in the area of aquaculture. So this bill would be looked at by the granting agency as a bill that they can look forward to an agency and not different agencies handling the issue of aquaculture. So this bill is really good and it is to the advantage of the CNMI getting more federal grants in this area.

The Chair recognized Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. I do support the intent of the bill and the title specifically says to mandate the Department of Lands and Natural Resources. On the other hand, we are getting information that it will coordinate this activity to allow NMC-CREES to be the lead agency to develop this plan. Again, I go back to the same concern on the cost, but I am fine as it is, Mr. Speaker.

Speaker Babauta: Thank you. The heading has been changed under the House Substitute so that should be in and should be consistent with all the changes made by the Committee. I recognize Representative Tenorio.

Rep. Tenorio: Point of information, Mr. Speaker.

Speaker Babauta: State your point.

Rep. Tenorio: This will fall under the Land Grant College right? But we do have a share of matching fund for this?

Rep. Joseph Deleon Guerrero: Hungan.

Rep. Tenorio: The reason why I ask is because someone brought up the issue of funding and I think it is appropriate to bring it up. This is a good program and there is no question about it. This would encourage a lot of locals to take advantage of the aquaculture, but a lot of these programs, if they are not properly funded, we do not know what is going to happen. That is all my concern.

The Chair recognized Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. One thing we did not address here is the property. I know that there was one talk of the Paupau Beach area for setting up this facility, not for this in particular, but when there was talk in the past about developing an aquaculture program...I think...

Speaker Babauta: Biology or Science program.

Rep. Yumul: In addition to that, the good Chairman Ada, brought some clams from Palau and deposit it into Nikko Hotel, although no mentioned of the Hotel, in terms of temporary facility, but it is just a question whether we should already include a designated property. Although it might be too early to discuss properties, I do not see why not.

Speaker Babauta: You are absolutely right. We are just trying to set up a conduit program and the facilities would probably come in a different manner but in the same approach.

Rep. Ada: Mr. Speaker, as we speak and deliberate right now, that facility is being built right next to the Nikko Hotel at the old Social Hall at Paupau. They are making it into a two-storey building and office for the Research and Development Educational purposes. There is quite an interesting snag that they are encountering right now and that they had found a graveyard at the site that they are digging at. But that being said, this program is actually far ahead than the bill that was supposed to be put up. This Bill would create an aquaculture development program and like the Vice Speaker says, it would open up more opportunity and strengthen the opportunity for NMC-CREES to get grants year after year. Thank you.

Speaker Babauta: Any more discussion. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-67, HD1 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	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	excused
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	yes
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: With a vote of 17 “yes”, H. B. NO. 15-67, HD1 passes the House on First and Final Reading. I recognize the Floor Leader.

Floor Leader Florencio Deleon Guerrero: Mr. Speaker, there is a consensus here that we move for recess subject to your call.

Speaker Babauta: I understand that your time is short to meet your medical appointment; therefore, the House stands recess until 1:30 p.m. on Thursday. Before, I recognize the Floor Leader's motion, I recognize the Vice Speaker.

Vice Speaker Quitugua: Reminder. Guaha siha Bills manma introdusi ya ilek-na i Speaker through a Memo that, all Bill should be signed by the legal counsel and every page should be initialed by the legal counsel. Guaha pago manma introdusi ya taya...

Speaker Babauta: Let us handle this diplomatically. Na siguru fan na all the bills that you guys want passed has the secured legal sufficiency so that we do not have to debate with our legal counsels in the chamber. Maila ya ta fan ayuda. Also the electronic copies, the Clerk is having a problem with copies from respective office. So please provide her or otherwise the bills would not move. Okay. The House stands recess until Thursday at 1:30 p.m.

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENT

None

ADJOURNMENT

The House adjourned at 12:50 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:

H. L. B. NO. 15-39: To amend 10 CMC §§ 3610 and 3617; and for other purposes. (Rep. Arnold I. Palacios)