



House Journal

SECOND REGULAR SESSION, 2006

Eighth Day

August 18, 2006

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its Eighth Day, Second Regular Session on Friday, August 18, 2006, at 9:28 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 silent prayer was observed.

The Clerk called the roll and fifteen members were present. Representatives Florencio T. Deleon Guerrero and Candido B. Taman are excused, and Representative Francisco S. Dela Cruz came in late.

ADOPTION OF JOURNALS

None

INTRODUCTION OF BILLS

None

INTRODUCTION OF RESOLUTIONS

H. R. NO. 15-67: A House Resolution encouraging the Executive Branch to include in the request for proposals for independent power producers language that will give preference to established CNMI companies who are currently engaged in the power generation business.

Introduced by: Rep. Ramon A. Tebuteb and seventeen others

MESSAGES FROM THE GOVERNOR

None

SENATE COMMUNICATIONS

The Chair recognized Acting Floor Leader Lizama.

Acting Floor Leader Lizama: Thank you, Mr. Speaker, I move to accept SEN. COMM. 15-85, SEN. COMM. 15-86, SEN. COMM. 15-87 and SEN. COMM. 15-88.

SEN. COMM. 15-85: (8/16/06) Transmitting a certified copy of S. R. NO. 15-21, SD1, entitled, “A Senate Resolution encouraging the Executive Branch to include the Request for Proposals for Independent Power Producers language that will give preference to established CNMI companies who are currently engaged in power generation business.” [For info]

SEN. COMM. 15-86: (8/17/06) Informing the House that the Senate accepted the House amendments to S. B. NO. 15-51, SD2, HS2, HD3, SS1, HS3 (Government Austerity Holiday). [For info]

SEN. COMM. 15-87: (8/17/06) Returning H. B. NO. 15-17 (Motor Scooter Act of 2006), which was passed by the Senate *without amendment* on August 17, 2006. [For info]

SEN. COMM. 15-88: (8/17/06) Returning H. B. NO. 15-155 (Renewable Energy Products/ENERGY STAR Rating) which was passed by the Senate *without amendment* on August 17, 2006. [For info]

The Chair recognized the Minority Leader.

Rep. Palacios: Just a clarification, Mr. Speaker.

Speaker Babauta: Continue.

Rep. Palacios: Now that we pass H. B. NO. 15-155 and it has been passed by the Senate...I supported this bill wholeheartedly, however, after looking at it after we voted on it, perhaps there is a need to expand the exemption or the tax relief that we are going to give these type of products that they bring in because Energy Star is a U.S. EPA rating. We need to be mindful that there are products from Japan that are also advanced technology of energy savings that we need to perhaps look to include in this. I do not know how we would do that to make sure that they are certified, but there are products out of Japan, China and Korea that are products that are geared for energy efficiency. I know that there are products out there in the Commonwealth that are being imported from these countries that do not have the certified EPA rating because they are not U.S. products. I am not sure whether if we could go back and amend this bill and go back up, but it is something that we really need to consider also to encompass other products coming out of other developed countries aside from the United States.

Speaker Babauta: What we would probably do is allow the bill to have it signed and approved, and once that is taken care of, we will come right back and insert an amendment to that pertinent provision so that we can allow. You are absolutely correct. Not only Japan but companies that are producing as a result of the WTO have moved to China, manufacturers of energy efficiency items. I think we should probably open it globally to the extent that it would not impede commerce – big companies that are importing these materials or otherwise energy efficient gadgets. I recognize Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. Just to add on to what Representative Palacios is alluding to. The issue here really is that the United States certifies these energy saving equipment because for one primary reason, it was imported into the United, the company that manufactured it wanted to have an edge in sales so they submit the product for testing and certification just like the United Laboratories (UL listing) is the same process. Fortunately, the CNMI is too small jurisdiction to have an in house certificating agency that can certify these products as meeting low energy output and the like. We could easily look into the international standards and adopt sort of a certification process where if you meet that international agencies rating then it can be allowed into the CNMI, under this House Bill, should it be pass into law for low import tax, rebates and the like. If we were to go this route then the approving authority should be for example, the Commonwealth Utilities Corporation. They would have to set some sort of in house lab to test the product that it meets what the manufacturer claims it meets in terms of energy efficiency. On this note, Mr. Speaker, it is something to look at. In the future, if this bill becomes law that we can either have CUC be the spearheading authority or a combination of other agencies to be a certifying body or we can just piggy back on international standards. We would have to of course ensure that these international standards are safe and reliable. Thank you, Mr. Speaker.

The Chair recognized the Minority Leader.

Rep. Palacios: I think Representative Yumul is correct and that we should have an agency that Revenue and Tax can go to rely whether these equipments actually are energy efficient. We have an Office of Energy here under the Department of Public Works. Perhaps we can begin to think how we are going to provide them with a frame work of guidelines on what products are indeed energy efficient.

Speaker Babauta: I am sure that they have the list, but I would assume that it could be a U.S. recognize. However, the concern of the members would be to allow for other foreign energy efficient gadgets. I am pretty sure that our Energy Office can get those information.

Rep. Palacios: Let us be clear about it. Japan produces some really efficient solar panel.

Speaker Babauta: I agree.

Rep. Palacios: They are really forefront in some of these technological development and we have to take a look at that.

Speaker Babauta: Vice Speaker, I would probably add, if the bill is signed into law, we can come back immediately, amend it and include probably a respective agency.

Vice Speaker Quitugua: One of the reasons, Mr. Speaker, why I included the Energy Star as mentioned earlier, it is approved by the Federal and that is the product that the Energy Office is promoting at this time. So probably we need to come up with a different bill designating an agency to evaluate other products other than Energy Star that might be energy efficient for the consumers.

Speaker Babauta: Can you also include reviewing...I am not sure whether vehicle is allowed in that bill, but I understand that there is a hybrid already in the CNMI.

Vice Speaker Quitugua: That is already in the statute. Vehicles that do not meet the U.S. standard cannot come into the CNMI.

The Chair recognized Representative Waki.

Rep. Waki: Thank you, Mr. Speaker. Once a bill is passed into law, we can just ask the Energy Office if they could maybe send a letter to all the different hardware stores asking them if they have products that they feel have some energy saving abilities, they could turn that into the Energy Office and they could probably review it. Then based on that information, they can recommend to the Legislature to add on certain other products and in that way, these companies could probably advertise it properly and say that you can get a tax credit if you were to purchase these items, approved by the CNMI Energy Office. So we can do it within our basic frame work especially if it is just local tax breaks that we can get, and I think it could be done internally with the Energy Office. It is just a matter of the vendors turning in information that the Energy Office needs to review on the products that they sell such as airconditioners, toshiba's and the Chinese ones. If they are saying that they are energy efficient, they have to prove to the Energy Office that it is such and that if the Energy Office approves it, we can always add it and amend it to the bill. Thank you.

Speaker Babauta: That is a good recommendation. However, since you Chair the Committee on Federal and Foreign Relations, you will be advisable and recommendable. If you can monitor the bill if it becomes law, please work closely with the Energy Office and the other members and see if we can include those concerns and amend the bill.

Rep. Waki: Thank you, Mr. Speaker. I will get back to the members after the bill is passed into law. Thank you.

Speaker Babauta: Thank you for accepting the assignment. Ready.

Several members voiced, "ready."

The motion to accept SEN. COMM. 15-85, SEN. COMM. 15-86, SEN. COMM. 15-87 and SEN. COMM. 15-88 was carried by voice vote.

Speaker Babauta: The motion carries.

HOUSE COMMUNICATIONS

Speaker Babauta: Before I recognize anyone, I would just like to inform the members that the Legislative Bureau Director has issued a Memorandum yesterday concerning the upcoming Youth Congress Election. As you all are aware that the Precinct Election for the Youth Congress is normally handled and supervised by a member of the House from those respective precincts. The meeting of the members our staffs will take place on Monday at 10:00 a.m. If some of you are not available on that time, you can send your senior staff to attend this meeting. It is very important that we coordinate, cooperate and support our Youth Congress Office in the upcoming Youth Congress election, which will happen on September 18, 2006.

Acting Floor Leader Lizama: Clarification, Mr. Speaker.

Speaker Babauta: State your point of clarification, Mr. Floor Leader.

Acting Floor Leader Lizama: Are we still having a session on Monday?

Speaker Babauta: No. Since Precinct I and III are large, you decide amongst yourselves who will be...what we have two in Precinct III or what? I think it is only one. Officially, I am delegating the responsibility to Representative Lizama for Precinct II. Thank you, Chairman Lizama for accepting the assignment. I recognize Representative Tebuteb.

Rep. Tebuteb: Not so much that it is in the House Communication, but Representative Dela Cruz issued a Memo yesterday in regards to CUC, since he is not here, I am just wondering if anybody from the PUTC members – I know that CUC is in a very critical situation ever since to date, and I was encouraged to attend and participate.

Speaker Babauta: Is that for today, Representative Tebuteb?

Rep. Tebuteb: It is rescheduled to next Friday. According to the letter, the CUC Executive Director had prior commitments and I would think that it is important that those prior commitments are honored at the same time; these meetings that were set and rescheduled for the House should also be more honored.

Speaker Babauta: Representative Waki, do you have any information?

Rep. Waki: Actually no. The Chairman has been working and communicating with CUC and it is unfortunate that they were not able to meet with us. I think they are trying to finalize the RFP that is supposedly for privatization. As of this day, I do not know how that is going and I know that the Chairman is probably trying to follow up with it. They have though confirmed for next Friday at 9:00 a.m. to meet with the members of the House and hopefully they will have more input to give us in referenced to the RFP and whatever else is going on.

Speaker Babauta: Can the members of the PUTC Committee inform the Chair that we need to continue the dialogue and for that matter for CUC not to postpone it any further so that we may apiece our concerns with respect to the CUC operations. So this will happen on the 25th, am I correct?

Rep. Waki: That is correct. We will speak with the Chairman again.

Speaker Babauta: The Chairman will be coming in late. He had a last minute serious illness in the family member. Any other Communication under item number 7? I recognize Representative Waki.

Rep. Waki: Thank you, Mr. Speaker. Just to let you know that on Monday, there is also WIA presentation at the Charlie's Cabaret at the PIC. I think there is a Region 9 Representative that is going to be speaking in reference to basically labor issues. I think this is very important to the CNMI that we have somebody coming out here and working with the WIA because that matter is, we are trying to get our people from being unemployed to employed. I think that we can learn quite

a bit from the Region 9 Representative. If anything to the members, if you do not get the invitation, I am happy that Congresswoman Kaipat told me about it because I did not get a personal invitation, but I think this is kind of an important issue to look into. Thank you.

The Chair recognized the Minority Leader.

Rep. Palacios: I appreciate that certainly. It is very important that I am going to ask perhaps the appointee from the House to represent the Legislature in WIA – do we have one?

Speaker Babauta: Will you yield to Chairwoman Kaipat?

Rep. Palacios: She is our Representative right?

Speaker Babauta: Right.

Rep. Palacios: It is very important and I was thinking about attending it, but I think we ought to ask WIA to come over to the Legislature and brief us of that whole program. Sometimes when we go out to a presentation outside of the purview of the House of Congress, sometimes we...I am pretty sure there are going to be a lot of people that are going to be invited and so we tend to give courtesy to other people to ask and engage in the discussions. This is a very important matter and the issues that are going to be discussed are of great concerns to us too. Maybe we ought to officially invite them to give us an audience in the House while they are here.

The Chair recognized Representative Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. I will work on that and contact Edith Guerrero from the WIA Office and see what we can work out with the visitors that will be here next week and see if they can fit that into their schedule. As Representative Waki iterated before, there is going to be a scheduled presentation on Monday and I will be happy to forward the emailed information that was sent to me to all of you. I hope that you will all make time to come and attend that presentation. Thank you.

Speaker Babauta: Ready? Representative Ogo, yesterday, there was a concern raised with the issue about appropriation. Do you happen to have that report with you or probably a verbal report? Several members expressed concerns about the appropriation that happened the last time concerning Typhoon Pongsona. Do you have the report with you?

Rep. Ogo: Not right now, Mr. Speaker.

Speaker Babauta: Let me just be very brief. Are all those vendors been satisfied already as you mentioned?

Rep. Ogo: Mr. Speaker, let me just go back to what I had mentioned yesterday. The amount that was provided was utilized to procure heavy equipment parts for those heavy equipment at the Tatachog dumpsite. So they prioritized the parts of the heavy equipment. The vendors have not been paid. The total of debt is about \$45,000.00 and we only appropriated \$50,000.00.

Speaker Babauta: How many vendors to be exact and how much is the dollar value owed to these vendors?

Rep. Ogo: On top of my head, Mr. Speaker, all together is \$45,000.00.

Speaker Babauta: I am trying to convince all the members primarily from the Third Senatorial District to address your needs in Rota so that we can once and for all remove those pending issues as a result of the typhoon. Perhaps if you are amendable to share that report, if not today, hopefully Monday, please share a copy to all the members. Is that too much to ask, Representative Ogo?

Rep. Ogo: I do not think so, Mr. Speaker. What I can do is just have the Resident Director write a letter to my office.

Speaker Babauta: Can we get those information from the Secretary of Finance?

Rep. Ogo: Probably, Mr. Speaker. I will work on it.

Speaker Babauta: We sincerely appreciate the effort. Thank you. Okay, we will move down to item number 15.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

REPORTS OF STANDING COMMITTEES

None

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

The Chair recognized the Acting Floor Leader.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the suspension under Rule IX, Section 8, 9, 10 and 11 for the placement of H. R. NO. 15-67.

The suspension motion was seconded and carried by voice vote

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

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the adoption of H. R. NO. 15-67.

The motion was seconded.

H. R. NO. 15-67: A House Resolution encouraging the Executive Branch to include in the request for proposals for independent power producers language that will give preference to established CNMI companies who are currently engaged in the power generation business.

Speaker Babauta: Discussion. I recognize Representative Waki.

Rep. Waki: Thank you, Mr. Speaker. Just a question to the author. House Resolution NO. 15-67 is kind of similar to the Senate Resolution NO. 15-21. I am just wondering. I was just going to say that maybe we should have made it a Joint Resolution. That is all I want to know, Mr. Speaker. Thank you.

The Chair recognized Representative Tebuteb.

Rep. Tebuteb: I was going offer it as a Committee as a Whole.

There was no objection and H. R. NO. 15-67, Committee as a Whole, was seconded and carried by a voice vote.

Speaker Babauta: The motion carries. H. R. NO. 15-67 is hereby adopted. This is the first Resolution since January that did not have any encroachment or lengthy discussion. We move down now to the Bill Calendar. Before I recognize the Floor Leader, I would like to recognize the Minority Leader.

Rep. Palacios: Mr. Speaker, if I am not out of order, I would like to ask that with the concurrence already with the Chairman of Ways and Means to request that we recall H. B. NO. 15-71 and place it on today's Bill Calendar.

The recall motion on H. B. NO. 15-71 was seconded and carried by voice vote.

Speaker Babauta: The motion carries. H. B. NO. 15-71 is hereby recalled from the Committee on Ways and Means and placed on today's Calendar. I recognize Representative Waki.

Rep. Waki: Thank you, Mr. Speaker. It really does not have to do with the recalled bill, but if I am not out of order, I would like to go back to Introduction of Resolution.

There was no objection.

INTRODUCTION OF RESOLUTIONS

H. J. R. No. 15-10: A House Joint Resolution to honor the heroic actions of Mariano Shiano, Ber Moses Terry, Justin Terry, Kurtis Terry, Kevin and Kyoko Deleon Guerrero in rescuing the victims of the Taga Air airplane crash on August 11, 2006.

Offered by: Rep. Absalon V. Waki, Jr. and seventeen others

Speaker Babauta: Without objection, we will sponsor that Resolution as a Committee of the Whole and place it on the Resolution Calendar for adoption and it is so ordered. Before we continue on to Bill Calendar, let us take a brief recess and we will wait for that Resolution to be circulated. Short recess.

The House recessed at 10:00 a.m.

RECESS

The House reconvened at 10:23 a.m.

Speaker Babauta: We are back to our plenary session and without objection we will go to item number 15 for the Resolution Calendar.

RESOLUTION CALENDAR

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the suspension of Rule IX, Section 8, 9, 10 and 11 for the placement of H. J. R. No. 15-10.

The suspension motion was seconded and carried by voice vote

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

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the adoption of H. J. R. No. 15-10.

The motion was seconded.

H. J. R. No. 15-10: A House Joint Resolution encouraging the Executive Branch to include in the request for proposals for independent power producers language that will give preference to established CNMI companies who are currently engaged in the power generation business.

Speaker Babauta: Discussion. I recognize Representative Waki.

Rep. Waki: Mr. Speaker, I would just like to make some small oral amendments on the Resolution.

Speaker Babauta: Proceed.

Rep. Waki: On the heading, after “Kurtis Terry,” please put the word “and” as well as line 5, and on page 2, line 4, same thing, add “and” after Kurtis Terry and on line 10. Without objection, there is just one other small oral amendment.

There was no objection.

Rep. Waki: On line 12, page 1, after the words arrival of, please cross out, “police officers and” and replace it with the word, “all” and after the word emergency on line 13, insert, “rescue.” That is all, Mr. Speaker.

Speaker Babauta: Discussion on the motion as offered by Representative Waki? I recognize Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. The oral floor amendment by Congressman Waki is good except that it is more appropriate if we separate the names. For example, Kevin and Kyoko Deleon Guerrero. I think it is only fitting that Kevin’s name should be separated and written out in its entirety. Other than that, alluding to Representative Ogo’s comment that they could be considered husband and wife...

Speaker Babauta: Are they?

Rep. Waki: Yes, Mr. Speaker.

Rep. Yumul: So if that is the case then...moving on to line 1. There is an actual time frame although we are listing it as early morning. On line 2, “seven-seater airplane crashed around the Upper Dandan area,” there should be a vicinity. I think that as written, it is too vague. Also, on line 15, “the lives of the two pilots”, maybe perhaps we should consider “passengers” instead of “five tourists.” Also, there is no mentioned of any of their training, example...because of their quick action...

Speaker Babauta: It looks like you are clarifying most of the general language. Can we dispose of the oral floor amendment first? We will get back to your concern right after.

Rep. Yumul: Now that I am aware that Kevin and Kyoko are husband and wife, I withdraw my motion to change that.

The oral amendment offered by Representative Waki was carried by voice vote.

Speaker Babauta: The motion carries. We will continue to discuss H. J. R. NO. 15-10, HD1. I recognize Representative Yumul.

Rep. Yumul: Continuing on, Mr. Speaker. We do not have any inclusion of a supervisor’s report. Usually the supervisors of these involved personnel will provide an after action report. They are usually very lengthy and very precise and in most cases are really attributing to the heroic deeds that they have done. We do not have that. Also, we do not have any mentions of the tower or radar personnel that actually triggered the event by calling in the rescue personnel.

The Chair recognized Representative Waki.

Rep. Waki: Mr. Speaker, in reference to the comments that Representative Yumul had mentioned. We have quite a bit of detail on the accident report. We have been collaborating with the

Governor's Office. We have a presentation to be given on Wednesday of next week by the Governor. We wanted to make sure that the Legislature is prepared to give a Resolution at the same time to the rescuers. It is kind of timely to input all the detailed information of everything that happened would make this Resolution to lengthy. We know that the rescuers...we have details, but to consistently put into detail the Resolution to thank just the individuals that were there to assist before the rescuers or the government rescue personnel showed up would just be too detailed. So we allowed the Legislative Assistant to take all these information and try to condense it to as general as possible to make sure that we have the Resolution ready for presentation. We all did speak with the Japanese victims with the help of an interpreter Sunday evening, and they wanted to make sure that this was done to thank especially these people that came first as soon as possible. They were hoping that it would be done before they would all leave this island, and the last schedule is leaving today. So they would like to see the government thank these people as soon as possible and that is the reason why we did not go into actual intricate detail because of the timeliness of this thing to be done. They want to even see the media reports to be sent to them in Japan to know that the government did thank these people timely. So I am sorry if it is not in a detailed manner, but the idea was to make sure that they were recognized for their heroic effort and not to worry about all the minor...

Speaker Babauta: It is very clear now that the intent is focusing on the voluntary services of those residents of that area. Be mindful that we do have an official rescue services in our government and that is what they are there for, unlike our Good Samaritans. Thank you.

Rep. Yumul: Mr. Speaker, it was just brought to my attention that these personnel are actual private citizens, and this is part of the problem when a person such as myself, I am not familiar with these people, I read this Resolution and I do not know whether they are rescue personnel or private citizens. So perhaps, maybe we can make a mention that these people are private citizens acting in their own capacity as Good Samaritans. I think that would alleviate all the questions, because I was under the assumption that these were personnel on duty and were the first responders to the crash.

Speaker Babauta: These are formerly District I residents that moved up to Dandan.

Rep. Yumul: If Representative Waki can just make a floor amendment to mention that these are actual local private citizens acting as Good Samaritans and went far beyond the call of what a normal person would be expected to do.

Speaker Babauta: Where do you recommend to inserting that?

Rep. Yumul: I leave it up to Representative Waki.

Rep. Waki: Actually, it is a very good idea and thank you for clearing that up. What we will do, if there is no objection, we have the Legislative Assistant who is with us today in the gallery...

Speaker Babauta: Without objection, we will allow the Clerk, the Counsel and the Legislative Assistant, Francine Sablan to rewrite and clarify that these are private citizens in our community.

Rep. Yumul: In fact, Mr. Speaker, we should include recommendations that the Governor give these individual persons a Good Samaritan award. I think the Governor has that authority to give those...

Rep. Waki: I think he is going to do just that.

Speaker Babauta: Thank you, Representative Yumul, and would you follow up on that please? I recognize Representative Torres.

Rep. Torres: Just to add, I am pretty sure that they are all private citizens except for one off-duty Fireman, Kevin Deleon Guerrero. He is a DPS Fireman.

Speaker Babauta: But he is still a private citizen at that time, right?

Rep. Torres: Off duty call.

Speaker Babauta: That is right. I recognize the Vice Speaker.

Vice Speaker Quitugua: To also include the owners of the Taga Air.

The Chair recognized Representative Aldan.

Rep. Aldan: Mr. Speaker, I was about to state that for an amendment to include Tinian Taga Air Charters.

Speaker Babauta: Okay. That would be taken under the context. Without objection again, I will allow the Clerk, Counsel and Francine Sablan to add those. I recognize Representative Kaipat.

Rep. Kaipat: Mr. Speaker, since we are adding in who should receive copies of this, perhaps since the victims were concern and wanted to make sure that these individuals were recognized, perhaps a copy of the Resolution be forwarded on to them just to give them a piece of mind that their request was honored.

Speaker Babauta: Okay. So ordered for copies also to the victims, and since you are the Chairman for Foreign Relations, Representative Waki, please make sure that all these concerns are addressed. Any more recommendation to be added before we move on.

There being no further discussion, H. J. R. NO. 15-10, HD1 was adopted through a voice vote.

Speaker Babauta: The motion carries. H. J. R. NO. 15-10, HD1 is hereby adopted. Bill Calendar.

BILL CALENDAR

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the suspension of Rule IX, Section 8, 9, 10 and 11 for placement on the Bill Calendar, H. B. NO. 15-71.

The suspension motion was seconded and carried by voice vote.

Speaker Babauta: The motion carries.

Acting Floor Leader Lizama: Mr. Speaker, passage motion on H. B. No. 15-164.

The motion was seconded.

H. B. No. 15-164: A BILL FOR AN ACT TO REGULATE RECYCLING BUSINESSES OPERATING IN THE COMMONWEALTH; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion on the motion, and I recognize Representative Waki.

Rep. Waki: Mr. Speaker, if I am not out of order, I would like to just make a written floor amendment. On page 4, line 16, Subsection 51303. Insert (e) and it will state, "All transactions shall be videotaped by closed circuit camera or other video recording device. There shall be no audio recording of transactions. The signature form endorsed by the seller pursuant to § 51303 (c) shall contain the following phrase: "THIS TRANSACTION IS BEING VIDEO RECORDED." Recordings of transactions shall be preserved by the recycler for six months following the transaction." The second amendment under Subsection 51306(b) on page 5, line 18. Strike out the word, "misdemeanor" and insert, "felony." Also on page 5, line 19, strike out, "(1) year" and insert, "(2) years", and strike out, "\$1,000.00" and insert, "\$2,000.00"

The written floor amendment offered by Representative Waki was seconded.

Speaker Babauta: Let me just clarify from the Counsel. Is \$1,000.00 on the earlier amendment on page 5 consistent with the felony?

Legal Counsel Joe Bermudes: *I am not sure. I need to take a look at it, Mr. Speaker.*

Speaker Babauta: Since we are just clarifying the rationale on the Misdemeanor and Felony, because there is a set guidance to impose a Misdemeanor...is it \$1,000.00 below or \$500.00?

Rep. Waki: Mr. Speaker, we had Ian Catlett review this before I made the changes and that is why we had to change Misdemeanor to Felony to be consistent with the amount of dollar.

Speaker Babauta: Okay so ordered. I recognize Representative Yumul on the amendment.

Rep. Yumul: Just a quick question on § 51303, why no other recording. Most new surveillance systems already incorporate sounds so it might be...

Speaker Babauta: It could be mute. To answer, Representative Yumul, I recognize Representative Waki.

Rep. Waki: There was a particular problem on recording of voice in reference to just making sure that transactions are...the legal counsel says that if you add in audio, it may be questioned like for privacy...the idea was just to make sure that what was presented as a transaction of the I.D.'s or the receipts given is done properly, and in case the copying of the I.D. does not come out clear, at least we have a clear picture of the individual, but there was a legal problem with audio as per the legal

counsel. That is why it stated basically that there should be no audio recording on transactions. There is a certain Privacy Act.

Speaker Babauta: Ready.

Rep. Yumul: If that is the case, maybe perhaps these transactions being video recorded should be rephrased to state that by entering this establishment, you agree to being videotaped. That way, they cannot say that I read the sign after I entered the establishment and I do not want to be videotaped, but it is too late because they had already been caught. It is just an issue. I like the amendment, but now it just got me thinking and I just want to get it cleared that we are not infringing on anyone's constitutional right of privacy that if this sign were placed deep inside the establishment and pretty much caught them red handed, they can argue that I was not given my rights or the warning sign prior to entering the establishment. If the legal counsel can just answer that question then...

Legal Counsel Joe Bermudes: I understand the concern but I do not think there is a privacy issue when...it is a business place – so when you entered and you are recorded, I can kind of agree with the audio because there may be other statements made that does not coincide with the business itself of selling or pawning. I do not think that there is a concern on the...right now there are a lot of businesses that have videotapes as you walk in the establishment. You have no privacy. I do not think that the amendment is necessary.

Speaker Babauta: Ready.

Several members voiced, “ready.”

There being no further discussion, the amendment offered by Representative Waki was carried by voice vote.

Speaker Babauta: The motion carries. We continue to discuss, H. B. No. 15-164, HD1. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. No. 15-164, 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	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	excused
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: By a vote of 16 “yes”, H. B. NO. 15-164, HD1 hereby passes the House on First and Final Reading. Next bill, Floor Leader.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the passage of H. B. NO. 15-163.

The motion was seconded.

H. B. No. 15-163: A BILL FOR AN ACT TO AMEND 1 CMC § 1606(B); AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-163 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	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	excused
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: By a vote of 16 “yes”, H. B. NO. 15-163 passes the House on First and Final Reading. I recognize the Floor Leader.

Acting Floor Leader Lizama: Thank you, Mr. Speaker. Passage motion on First and Final Reading H. B. NO. 15-170.

The motion was seconded.

H. B. No. 15-170: A BILL FOR AN ACT TO ESTABLISH A CNMI OFFICE OF TRANSIT AUTHORITY WITHIN THE OFFICE OF THE GOVERNOR; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. I recognize Representative Yumul.

Rep. Yumul: Mr. Speaker, I have a House Substitute to offer. Starting on page 2, line 16, Section 4, Limitation.

“Section 4. Limitation. The Commonwealth Office of Transit Authority shall apply for Federal Transit Administration grants to develop and establish a public transportation system in the Commonwealth; provided that such grant application shall not impair the Public School System’s ability to complete its bus fleet by utilizing certain FTA grants up to fiscal year 2007.”

“Section 5. Appropriation. The Legislature shall appropriate funds necessary to meet the twenty percent matching local fund requirement, if any, at such time that the Commonwealth is required to match federal funds.”

Speaker Babauta: In as commendable as possible, I know that this bill was passed in the 14th Legislature, but I cautioned again the members in...I am supporting the bill itself, but I cautioned the members as far as to continue to implore ways to create programs because of our financial conditions. We will probably get this funded hundred percent through federal funds. I recognize the Minority Leader.

Rep. Palacios: You hit it right on the nail, Mr. Speaker. We just have to be very mindful that a lot of programs that come forward usually have a requirement for some sort of a matching. There is no question over our support of this type of legislation to create a transit administration but we can also ask the grantor agency that can grant waiver of any matching. So we should try to ask for waiver. My question is the potential for...and I know that PSS kind of lobbied against the legislation after the last legislature because it might impede on their ability to get these funding for the buses. I know that there is nothing magical about 2007. PSS will continue to have needs beyond the year 2007. So am I to assume that at the year 2007, PSS will no longer be able to avail themselves to these sources of funding?

The Chair recognized Representative Yumul.

Rep. Yumul: The answer, Mr. Speaker, is no, absolutely not. According to PSS, Mr. Thornberg, I guess he is the Federal Grants Administrator, PSS has been applying for federal grants to replace its aging bus fleet, and they have applied for these grants to include fiscal year 2007. They have indicated that after 2007, that should be the final delivery of the new buses and they should be free of its buses. In other words, at least for about five to six years or beyond, these buses should take them that far. They just do not want this office to apply for grants and take those funds away from them. Also, just as a note, FTA has other grants statewide planning and research grants, rural and small urban development or grants, assistant grants...the list goes on. The purpose here is to create this office so that they can start to formulate the goal and objectives in establishing and implementing the viable transportation system for our Commonwealth. We are cognizant of PSS’ grant applications to replace their buses so we are just recognizing that we do not want the newly created Transit Office or Authority to impede on that. As far as appropriation, of course, we would rather see a hundred percent funding from the Federal Government, but this Section 5 appropriation answers the previous Governor’s concern to this bill. As we all know, this was previously submitted in the 14th Legislature and the only concern that the then Governor Babauta had was that there was no 20% matching. We do not know what 20% of whatever grant awards is going to be, so we just included this Section just to let the now Governor know that we are aware that it may cost us, but at this point, we want the office established and conducting itself to formulate these goals and objectives. If we do not then we will just hurt ourselves in the long run. It has been many, many years since we had a bus service. Tasi Tours, I believe and PDI was offering bus services so we

could actually even implement one and renegotiate with these companies to restart. The prices of fuel are increasing so it behooves us to reestablish transportation system within the Commonwealth. Thank you.

Speaker Babauta: Representative Yumul, what is the possibility of incorporating this office together with our Federal Highway Office at DPW? Since this is transportation issue, is it wise to incorporate this office under the Federal Highway Office?

Rep. Yumul: I am not too familiar. I believe that DPW, although I am not intimately familiar with that office, I believe their main goal is to bring grant money in and manage the use of that money to repair the roads. This is actual transit authority that is separate from that. This aims to create a service to the people of the Commonwealth so by requiring DPW to become bus operator or a service might not be in their best interest.

Speaker Babauta: There used to be anyways many years ago. I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. I would like to offer an oral floor amendment on the substitute so that we may address the concern that I have. On line 20, page 2, after the year 2007, please add the following sentence. “and that the authority shall incorporate future needs of the Public School System in any public transportation policy or system it establishes.”

The oral floor amendment on the Substitute offered by the Minority Leader was seconded.

Speaker Babauta: Discussion. I recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, if I am not out of order, I would like to offer...[inaudible]

Speaker Babauta: You may proceed for the Subsidiary amendment on the same subject.

Vice Speaker Quitugua:...[inaudible/microphone off]...the words to 2007 and then follow with this oral amendment so we will not put a deadline for the Public School System.

Speaker Babauta: So can you reread the last sentence so that everybody understands.

Rep. Palacios: Mr. Speaker.

The Chair recognized the Minority Leader.

Rep. Palacios: Let me just incorporate so that we may have only one amendment.

Speaker Babauta: Please restate your oral floor amendment.

Rep. Palacios: Okay. On line 20, page 2, please strike out, “up to fiscal year 2007” and add, “and that the authority shall incorporate future needs of our Public School System in any public transportation system and policy it establishes.”

Speaker Babauta: Is everybody clear with that amendment? Ready.

Several members voiced, “ready.”

Vice Speaker Quitugua: Mr. Speaker.

Speaker Babauta: I recognize the Vice Speaker.

Vice Speaker Quitugua: On the same page on line 18, after the word, “shall”, insert the word, “prioritize”, and on line 19, before the word, “not” add the word “shall” to read “shall not impair the Public School System’s ability to complete its bus fleet, and after the word, “fleet” insert “needs” and then the rest of the sentence.

Speaker Babauta: Is everyone clear of the subsidiary motion as offered by the Vice Speaker. Discussion on both amendments, and I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: I am not quite clear on the word prioritize. The way it is worded right now it says, provided that such grant application shall prioritize and shall not impair the Public School System’s ability to complete its bus fleet needs and so on...I mean, shall prioritize what? I understand the part shall not impair the PSS’ ability, but is there any language that needs to be added into the prioritize?

Vice Speaker Quitugua:...[inaudible/microphone off]...

Speaker Babauta: Vice Speaker, can you turn on your microphone please because the session is being recorded.

Vice Speaker Quitugua: It is inferring to PSS’ bus fleet needs so that this office shall make it a priority for PSS to get their bus needs first before...

Rep. Joseph Deleon Guerrero: Okay. Can we ask the Clerk or the Counsel to...

Speaker Babauta: Without objection, we will allow the Counsel to...we are still discussing the oral amendment as offered by the Minority Leader and subsidiary amendment made by the Vice Speaker...we will take a brief recess so that the proper language is accommodated on that paragraph. Short recess.

The House recessed at 11:02 a.m.

RECESS

The House reconvened at 11:20 a.m.

Speaker Babauta: We are back to our plenary session and we are still discussing the oral amendment as offered by the Minority Leader, and subsidiary amendment offered by the Vice Speaker. I recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, if no objection, I would like to withdraw my amendment on the word, “prioritize” and “shall”, but keep the word, “needs.” Thank you.

The motion to withdrawal made by the Vice Speaker was seconded.

Speaker Babauta: Would you be kind enough to read the exact sentence, Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, on line 18 after the word, “Commonwealth; provided that such grant application shall not impair the Public School System’s ability to complete its bus fleet needs by utilizing certain FTA grants” followed by Representative Palacios’ amendment.

The oral floor amendment offered by the Minority Leader and the subsidiary amendment offered by the Vice Speaker were carried by voice vote.

Speaker Babauta: The motion carries. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-170, HS1, 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	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	excused
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: By a vote of 16 “yes”, H. B. NO. 15-170, HS1, HD1 hereby passes the House on First and Final Reading. Floor Leader, next bill.

Acting Floor Leader Lizama: Thank you, Mr. Speaker. If no objection, Subsidiary motion to withdraw H. B. NO. 15-92, HS1 under S. C. R. NO. 15-35 from the Calendar.

The motion was seconded.

Speaker Babauta: Without objection, motion is to refer back H. B. NO. 15-92 under S. C. R. NO. 15-35 for minor maintenance, any objection?

There was no objection.

Speaker Babauta: So ordered. H. B. NO. 15-92 is hereby referred back to the Committee on Commerce and Tourism. Floor Leader, next bill.

Acting Floor Leader Lizama: Passage motion on First and Final Reading, H. B. NO. 15-160.

The motion was seconded.

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.

Speaker Babauta: Discussion. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-160 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	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	abstained
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	excused
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: By a vote of 15 “yes”, H. B. NO. 15-160 passes the House on First and Final Reading. Floor Leader, next bill.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the passage on First and Final Reading, H. B. NO. 15-161.

The motion was seconded.

H. B. NO. 15-161: A BILL FOR AN ACT TO 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.

Speaker Babauta: Discussion. I recognize Representative Tenorio.

Rep. Tenorio: Mr. Speaker, if I am in order, I would like to move to substitute H. B. NO. 15-161 in the form of House Substitute One.

The motion was seconded.

H. B. NO. 15-161, HS1: A BILL FOR AN ACT TO RE-APPROPRIATE THE SUM OF \$546,325.00 FROM THE REMAINING FUND BALANCES FROM CAPITAL IMPROVEMENT PROJECTS THAT HAVE BEEN COMPLETED; AND FOR OTHER PURPOSES.

Speaker Babauta: Okay. Let us take a two minute recess.

The House recessed at 11:26 a.m.

RECESS

The House reconvened at 11:30 a.m.

Speaker Babauta: We are back to our plenary session, and we continue to discuss H. B. NO. 15-161, HS1 as offered by Representative Tenorio. I recognize the author.

Rep. Tenorio: Thank you, Mr. Speaker. There is a slight amendment that I would to include here in the substitute. On page 2, line 9. This is to be consistent with the current statute on the expenditure authority with the Commissioner. Cross out, “with the Secretary of the Department of Public Works in consultation with the Chairperson of the Board of the education”, and just insert, “This Act shall be...”

Speaker Babauta: Short recess.

The House recessed at 11:31 a.m.

RECESS

The House reconvened at 11:33 a.m.

Speaker Babauta: We are back to our plenary session, and I continue to recognize Representative Tenorio for the oral amendment.

Rep. Tenorio: Thank you, Mr. Speaker. Again, Mr. Speaker, for the record, to be consistent with the existing statute of the expenditure authority for PSS, I move to amend on page 2, line 9 after the words “shall be” delete “the Secretary of the Department of Public Works in consultation with the Chairperson of the Board of education” and insert, “the Commissioner of Education.”

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

Speaker Babauta: The motion carries. We continue to discuss, H. B. NO. 15-161, HS1, HD1, and I recognize Representative Ogo.

Rep. Ogo: Thank you, Mr. Speaker. Yesterday, we had a very lengthy discussion about the Garapan Elementary School. The First Senatorial District was just requesting \$95,000.00. Mr. Speaker, and members of this House, looking at this bill, this is what exactly I was saying yesterday. We can sit here and find ways to appropriate or reappropriate funds for the much needed Garapan Elementary School. These are road projects, Mr. Speaker. If we are going to look at the priority of the Third Senatorial District, I strongly believe that the Garapan Elementary School is priority over the needs of these road projects. I just want to point that out exactly of what I was saying yesterday that we can find ways, and basically just to share and showcase that this is the exact subject that I am specifically saying that there are other ways to supplement Garapan Elementary. For Rota and Tinian, I was only asking \$150,000.00. Thank you.

Speaker Babauta: Thank you for that kind of observation. Are you alluding to Representative Tebuteb having to amend this bill to include Garapan Elementary School?

Rep. Ogo: No, Mr. Speaker.

Speaker Babauta: Oh you are just clarifying that under all these certain Public Law enumerated on page 1, Section 2, continuing on to page 2 are funds reappropriated out of the respective precinct within the Third Senatorial District. So what Representative Tenorio is trying to achieve here with his colleagues from Precinct I, is that these are left over funds from various projects that were -- and therefore, they want it to be reprogrammed to augment some of those shortfalls like the Dandan Elementary parking lot, the Koblerville repair and moving those left over funds to various road projects in their districts. If you look at Public Law 11-89, 12-3, 11-78, 11-111, these are original appropriations made for those areas, but the constructions have not finished and therefore, they reprogrammed it to other respective areas within San Vicente, Dandan, As Lito and Kagman. So I hope that is clarified. This is just within that particular assigned project. I recognize Representative Yumul.

Rep. Yumul: Mr. Speaker, I am in favor for the bill. Just a word of caution that we did passed a prior House Bill that gives the Governor the authority of reprogramming left over CIP Funds. I am just worried that it might get vetoed, but I will vote for this bill.

Speaker Babauta: Ready.

Several members voiced, "ready."

Speaker Babauta: Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-161, HS1, 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	excused

Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	excused
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 16 “yes”, H. B. NO. 15-161, HS1, HD1 passes the House on First and Final Reading. Floor Leader, next bill.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the passage on First and Final Reading, H. B. NO. 15-15, CS1 under S. C. R. NO. 15-36.

The motion was seconded.

H. B. No. 15-15, CS1: A BILL FOR AN ACT TO ADOPT THE “MODEL STATE VITAL STATISTICS ACT AND REGULATIONS REVISION” AS RECOMMENDED BY THE NATIONAL CENTER FOR HEALTH AND STATISTICS AND CENTERS OF DISEASE CONTROL TO ESTABLISH A UNIFORM SYSTEM FOR HANDLING RECORDS THAT SATISFY LEGAL REQUIREMENTS AS WELL AS MEET STATISTICAL AND RESEARCH NEEDS AT LOCAL, STATE, AND NATIONAL LEVELS.

Speaker Babauta: Discussion. I recognize Representative Kaipat.

Rep. Kaipat: Mr. Speaker, I was going to offer an amendment. I have not really looked at this bill yet to see where it is appropriate, but to require that payments of the hospital bills be completed before a copy of the birth certificate be issued.

Speaker Babauta: Please offer that amendment.

Rep. Kaipat: I am offering that amendment.

Speaker Babauta: What page?

Rep. Kaipat: Can we just have a short recess so I can take a look at this, Mr. Speaker.

Speaker Babauta: Okay. We will have a brief recess so that we allow our only woman in the Chamber look at the bill. It is very important for her that the vital statistics for the men are complied with. Short recess.

The House recessed at 11:42 a.m.

RECESS

The House reconvened at 11:50 a.m.

Speaker Babauta: We are back to our plenary session.

Vice Speaker Quitugua:...[beginning of tape 2 side a] If this legislation is enacted into law, then DPH becomes the sole agency that would issue birth certificates, death certificates, and so forth, right?

Speaker Babauta: That is what the bill intends to do.

Vice Speaker Quitugua: What about those issued by the court already?

Rep. Kaipat: They have to transfer it back.

Vice Speaker Quitugua: Are they going to be transferred to DPH?

Speaker Babauta: Would the author enlighten the concern of the Vice Speaker?

Rep. Tebuteb: Thank you, Mr. Speaker. Not necessarily and the straight answer would be no because it is already within the court system. What has transpired before, let us say yesterday, somebody delivered a baby, they go through the process of getting required information and certified by the Physician, that yes, this is a real life baby and so forth. So after they do those, then they send those information to the court. It would be basically the same with this process.

Vice Speaker Quitugua: At the present time, for example, you are applying for a passport, the passport office wants your birth certificate copy stamped by the court, pues esti na bill, if it becomes law, then esta ti nesesario i man inafekta lao para mona fan hanao guatu gi kotti to have their birth certificates stamped by the court.

Rep. Tebuteb: All these information thereafter if this becomes law, it will need to also go to the court for recording.

Vice Speaker Quitugua: Nesisita na uma record gui, lao i official birth certificate nai, is it going to come from DPH or the court?

Rep. Tebuteb: The official birth certificate is certified by the Physician and then it goes to the court and becomes a certified copy of the official birth certificate from the hospital. So it is still issued by the court.

Vice Speaker Quitugua: Okay.

The Chair recognized Representative Yumul.

Rep. Yumul: Mr. Speaker, I just have a concern. First is on page 3, the establishment of the office. The question is, how is this office going to be funded? We have not...

Speaker Babauta: What page are you?

Rep. Yumul: Page 3, under Section 4. Has funding been set aside for this office through the Department of Public Health?

Speaker Babauta: Presently, there is an office that deals with vital statistics in a form of the child birth certificate and death certificates, and that is the only thing that I know of. It comes out of the hospital under the administration's office.

Rep. Yumul: So there would not be any new hires?

Speaker Babauta: I guess the provision is trying to make it official as an official office of health and vital statistics. At the same time, appointing an official registrar similarly to a clerk of court or the attorney general's registrar.

Rep. Yumul: My second question is on page 20, line number 10. It talks about when one hundred years have elapsed after the date of birth...my concern here is what if this person is still living? Are we basically going to say that his records are going to become available to the public? That would be an invasion of privacy.

Speaker Babauta: What page is that?

Rep. Yumul: Page 20, line number 10.

Speaker Babauta: This is putting a statutory or rather a statute of limitation.

Rep. Yumul: I am not trying to say that the CNMI people are living over the age of one hundred, but it may happen.

Speaker Babauta: I do not think this would impair any personal issues or rather produce public or private information after all these...

Rep. Yumul: My second is on the death especially if the person dies of a type of disease that the family does not want to be put out in the public such as AIDS or Leprosy.

Speaker Babauta: Well, we still have the provision in the Constitution of the right to privacy. The Constitution can overrule this certain provision of the law.

Rep. Yumul: Can we ask the legal counsel to comment on this section.

The Chair recognized the House Legal Counsel.

Legal Counsel Joe Bermudes: It sounds like it is a legitimate concern and I was thinking maybe it shall become available pursuant to the Open Government Act, and that would restrict certain information. I am just thinking out loud but it is right that some people may live longer than a hundred years.

The Chair recognized the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, the Privacy Act already has limitations in terms of dissemination of information even if it says here that it will become available to the public. I believe not everything will be made available. There are information there that will never be made available.

Rep. Yumul: Mr. Speaker, line number 12 says, shall become available to the public without restriction.

Speaker Babauta: Oh yes.

Vice Speaker Quitugua: Yes, Mr. Speaker, but the Privacy Act prevails over this one even if we said without restriction. The Privacy Act limits the information that shall be made public.

Rep. Yumul: We should just amend this Section. I am in favor of the bill, but I do not want this Section to become a question.

Speaker Babauta: Please continue with the oral amendment.

Rep. Yumul: Mr. Speaker, can we have the counsel just make the appropriate...

Speaker Babauta: One minute recess.

The House recessed at 11:59 a.m.

RECESS

The House reconvened at 12:01 p.m.

Speaker Babauta: We are back to our plenary session, and I recognize Representative Yumul on the oral amendment.

Rep. Yumul: Thank you, Mr. Speaker. I want to make an oral amendment on page 20, line number 12. After the word “public” insert, “to the extent it is consistent with existing federal and local privacy laws and” and continue with the existing paragraph.

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

Speaker Babauta: The motion carries. Ready for the question? We are now voting on H. B. NO. 15-15, CS1, HD1. Clerk, roll call.

The Clerk called the roll on the motion to pass H. B. NO. 15-15, HS1, HD1 on First and Final Reading:

Rep. Martin B. Ada	absent during voting
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes

Rep. Florencio T. Deleon Guerrero	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	excused
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 15 “yes”, H. B. No. 15-15, HS1, HD1 passes the House on First and Final Reading. Floor Leader.

Acting Floor Leader Lizama: Passage motion on First and Final Reading, H. B. No. 15-112.

The motion was seconded.

H. B. No. 15-112: A BILL FOR AN ACT TO AMEND PUBLIC LAW 12-61 GOVERNING THE DEPOSIT SECURITY REQUIRED OF FUNDS OF THE CNMI GOVERNMENT AND ITS VARIOUS AGENCIES, INCLUDING AUTONOMOUS ENTITIES; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. No. 15-112 on First and Final Reading:

Rep. Martin B. Ada	absent during voting
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	excused
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: By a vote of 15 “yes”, H. B. No. 15-112 hereby passes the House on First and Final Reading. We will recess until Tuesday at 2:00 p.m. We have a funeral on Tuesday morning at

the same the Youth Congress meeting on Monday. Before we acknowledge to recess, I would recognize Representative Kaipat.

Rep. Kaipat: Mr. Speaker, can we go back to House Communication under item number 7.

Speaker Babauta: Please proceed.

HOUSE COMMUNICATIONS

Rep. Kaipat: I just wanted to report on the request that was made earlier by the House members. I had written this letter requesting that the House -- an audience with the U. S. Department of Labor Region 6 to visit the House and dialogue with us. I had passed out a copy of my letter as well as the attachment and the itinerary for the visits next week. I just want to make sure that all the members are aware of their copies and are invited to this important function. As soon as we hear back from Ms. Edith Deleon Guerrero at WIA, I will alert the members as to when the officials can accommodate us. Thank you.

Speaker Babauta: Thank you for your prompt respond to the members. I recognize Represent Ogo.

Rep. Ogo: Under Announcement, Mr. Speaker.

MISCELLANEOUS

None

ANNOUNCEMENT

Rep. Ogo: We are supposed to have a 1:30 p.m. Conference Committee meeting today, but I will move that up to 3:00 p.m. just for the House Committee Members. I have scheduled with Fiscal Affairs for the Conference next week Tuesday. I had just realized that you called for a session on Tuesday. Can we move that up to Wednesday at least?

Speaker Babauta: The scheduled session will be at 2:00 p.m. I understand you and the Conference Committee are trying to meet in the morning?

Rep. Ogo: Yes, but if it extends up to the afternoon then we have to continue...the Fiscal Affairs Chairman cannot make it on Monday.

Speaker Babauta: Let me know...

Rep. Ogo: Ta reschedule i session para Wednesday, Mr. Speaker.

Speaker Babauta: You do not even know if you can finish it on Tuesday, the whole day. So that is a question still to be answered. I am sure that the issue that we discussed in the House with respect to the purpose of rejection is very minor and technical terms as far as language is concern. We will play it by ear. So the House stands recess until Tuesday afternoon at 2:00 p.m. Have a very good weekend.

The House adjourned at 12:10 p.m.

Respectfully submitted,

Vicky T. Guerrero, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

SECOND APPEARANCE

None

THIRD APPEARANCE:

H. L. B. NO. 15-45: To reappropriate \$50,000.00 from Saipan Local Law 14-31, Section 2(a); and for other purposes.