



House Journal

SECOND REGULAR SESSION, 2006

Twelfth Day

September 26, 2006

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its Twelfth Day, Second Regular Session on September 26, 2006, at 1:55 p.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

A moment of silence was observed.

The Clerk called the roll and sixteen members were present. Representatives Arnold I. Palacios and Absalon V. Waki, Jr. are excused.

ADOPTION OF JOURNALS

Floor Leader Florencio Deleon Guerrero moved for the adoption of the Seventh, Eighth, and Ninth Day Second Regular Session 2006 Journals; the motion was seconded.

7th Day, Second Regular Session (8/17/06)

8th Day, Second Regular Session (8/18/06)

9th Day, Second Regular Session (8/22/06)

Speaker Babauta: Discussion.

There being no discussion, the Seventh, Eighth, and Ninth Day, Second Regular Session 2006 Journals were adopted.

INTRODUCTION OF BILLS

H. B. No. 15-182: A Bill for an Act to extend the privilege of hiring non-resident workers with special skills and qualifications within the Department of Public Works; and for other purposes.

Offered by: Rep. Justo S. Quitugua

H. B. No. 15-183: A Bill for an Act to amend 2 CMC § 5601; and for other purposes.

Offered by: Rep. Justo S. Quitugua

H. L. B. NO. 15-47: A Local Bill for an Act for the Third Senatorial District to rename San Ignacio Drive road in Talafofo, Saipan, to Herman Drive; and for other purposes.

Offered by: Rep. Justo S. Quitugua

H. L. B. NO. 15-48: A Local Appropriation Bill for an Act for the Third Senatorial District to appropriate \$2,000,000.00 million dollars to the Marianas Visitors Authority from the fees generated under Public Law 11-64, as amended by Public Law 13-16.

Offered by: Rep. Ray N. Yumul and Rep. Justo S. Quitugua

H. L. B. NO. 15-49: A Local Appropriations Bill for an Act to appropriate \$60,000.00 from the First Senatorial District Poker Fees for a passenger van for the Rota Liaison Office and subsistence for Rota patients; and for other purposes.

Offered by: Rep. Crispin M. Ogo

INTRODUCTION OF RESOLUTIONS

HSE. COMM. RES. NO. 15-14: A House Commemorative Resolution to commend and congratulate the Commonwealth Health Center Volunteers Association on its 20th Anniversary this September 2006 and to honor the Association for its commitment to providing quality health care for the people of the Commonwealth.

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

HSE. COMM. RES. NO. 15-15: A House Commemorative Resolution to honor Marine Corporal Guy Louis Gabaldon for his valiant and heroic deeds in Saipan during World War II and to express profound grief and sadness at the passing of an individual greatly loved and admired by the people of the Commonwealth of the Northern Mariana Islands.

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

HSE. COMM. RES. NO. 15-16: A House Commemorative Resolution recognizing Mr. Antonio V. Deleon Guerrero's 24 years of service to the Northern Marianas College and the Commonwealth of the Northern Mariana Islands.

Offered by: Rep. Justo S. Quitugua

H. R. NO. 15-71: A House Resolution to urge the Honorable Governor Benigno R. Fitial to proceed with the construction phase of the Garapan Water Quality Restoration Project.

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

MESSAGES FROM THE GOVERNOR

GOV. COMM. 15-152: (9/14/06) Certification of vacant positions for Mental Health Counselor and Physician Assistant at the Tinian Health Center.

GOV. COMM. 15-153: (9/14/06) Certification of vacant position for Social Worker at the Department of Community and Cultural Affairs, Rota.

GOV. COMM. 15-154: (9/14/06) Certification of vacant position for Electrical Plan Reviewer, Architect, Highway Engineer II (2), Chief of Plans Examiner/Engineer III at the Department of Public Works.

GOV. COMM. 15-155: (9/15/06) Informing the House that he approved H. B. No. 15-176 (To amend §§ 2 and 4 of PL 15-24). Became **Public Law No. 15-27**.

GOV. COMM. 15-156: (9/15/06) Informing the House that he approved H. B. No. 15-158, HD3, SS1, CCS1 (Appropriations and Budget Authority Act for 2007). Became **Public Law No. 15-28**.

GOV. COMM. 15-157: (9/15/06) Informing the House that he approved H. L. B. No. 15-29 (Increase Poker & Pachinko Licensing Fees for Tinian). Became **Tinian Local Law No. 15-1**.

There was no discussion.

SENATE COMMUNICATIONS

The Chair recognized Floor Leader Florencio T. Deleon Guerrero.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, to accept all Senate Communications, however, we have SEN. COMM. 15-93 and SEN. COMM. 15-100 to place on today's Calendar for action, and SEN. COMM. 15-96 and SEN. COMM. 15-98 to refer to the Committee.

SEN. COMM. 15-89: (9/5/06) Returning H. B. NO. 15-11, HS1 (Office of Grants Assistance), which was passed by the Senate *without amendment* on September 1, 2006. [For info]

SEN. COMM. 15-90: (9/5/06) Returning H. B. NO. 15-43, HS1, HD1 (Boards and Commissions Reform Act), which was passed by the Senate *without amendment* on September 1, 2006. [For info]

SEN. COMM. 15-91: (9/5/06) Returning H. B. NO. 15-86 (PSS Commissioner Expenditure Authority of CIP funds), which was passed by the Senate *without amendment* on September 1, 2006. [For info]

SEN. COMM. 15-92: (9/5/06) Returning H. B. NO. 15-161, HS1, HD1 (Reappropriating \$546,325 for Dandan Elementary parking, Koblerville room renovation), which was passed by the Senate *without amendment* on September 1, 2006. [For info]

SEN. COMM. 15-93: (9/5/06) Returning H. B. NO. 15-164, HD1 (Recycling Reporting Act of 2006), which was passed by the Senate on September 1, 2006, in the form of **H. B. NO. 15-164, HD1, SD1**. [*For action on Senate amendments*]

SEN. COMM. 15-94: (9/5/06) Returning H. B. NO. 15-169 (\$797,000 for Garapan Elementary School & Oleai Headstart), which was passed by the Senate *without amendment* on September 1, 2006. [For info]

SEN. COMM. 15-95: (9/5/06) Returning H. B. NO. 15-176 (To amend PL 15-24), which was passed by the Senate *without amendment* on September 1, 2006. [For info]

SEN. COMM. 15-96: (9/5/06) Transmitting for House action S. L. I. NO. 15-4, SD1, entitled, "To propose a constitutional amendment to Article XII Section 3 of the CNMI Constitution to change the term permanently and long-term interests in real property," Which was passed by the Senate on September 1, 2006. [For action]

SEN. COMM. 15-97: (9/5/06) Informing the House that the Senate accepted the Senate amendments to S. B. NO. 15-6, SD1 (Government Retiree Re-employment) on September 1, 2006. [For info]

SEN. COMM. 15-98: (9/5/06) Transmitting for House Action S. B. NO. 15-58, SS1, entitled, "To waive the two-year prior nursing experience for nonresident workers who have completed the nursing education program at the Northern Marianas College so they can be hired as nurses in the Department of Public Health; and for other purposes," which was passed by the Senate on September 1, 2006. [*For action*]

SEN. COMM. 15-99: (9/6/06) Informing the House that the Senate filed H. B. NO. 15-141, HD2 (U.S. Postal Service and U. S. International Broadcasting Bureau public land lease) on September 1, 2006. [For info]

SEN. COMM. 15-100: (9/6/06) Returning H. B. NO. 15-157 (Reprogramming of fund balances of CIP projects prior to FY '04), which was passed by the Senate on September 1, 2006 in the form of **H. B. NO. 15-157, SD2**. [*For action on the Senate amendments*]

SEN. COMM. 15-101: (9/11/06) Transmitting a certified copy of S. R. NO. 15-22, A Senate Resolution commending Ms. Shequita L. Bennett as 2005 Miss Marianas Universe and for proudly representing CNMI in the 2006 Miss Universe Pageant, Which was adopted by the Senate on September 1, 2006. [For info]

SEN. COMM. 15-102: (9/11/06) Transmitting a certified copy of S. R. NO. 15-23, A Senate Resolution to congratulate the CNMI Little League All-Start Team for representing the Pacific region in the 60th Little League Baseball World Series in Williamsport, Pennsylvania", which was adopted by the Senate on September 1, 2006.. [For info]

SEN. COMM. 15-103: (9/12/06) Informing the House that the Senate filed H. B. NO. 15-61, (To give the youth Congress Speaker authority to appoint a member of the Youth Congress to board and commissions) on September 1, 2006. [For info]

The motion to accept all the Senate Communications with the exception of SEN. COMM. 15-93 and SEN. COMM. 15-100 to be placed on the Calendar and SEN. COMM. 15-96 and SEN. COMM. 15-98 to be referred to the respective Committee was carried by voice vote.

Speaker Babauta: The motion carries. .

HOUSE COMMUNICATIONS

The Chair recognized Representative Torres.

HSE. COMM. 15-13: (9/26/06) Copy of a letter from Representative Stanley T. McGinnis Torres to the Honorable President George W. Bush and Deputy Assistant Secretary David B. Cohen.

HSE. COMM. 15-14: (9/25/06) Copy of a letter from Representative Stanley T. McGinnis Torres addressed to Lt. Governor, the Honorable Timothy P. Villagomez regarding the Commonwealth Utilities Corporation.

HSE. COMM. 15-15: (9/26/06) Copy of a letter from Representative Stanley T. McGinnis Torres to the Deputy Attorney General Gregory Baka regarding follow-up request on 9/13/06 letter on CPA/Mobil/Shell Leases.

HSE. COMM. 15-16: (9/26/06) Copy of a letter from Representative Kaipat inviting the members to join in the signing of the Proclamation and other Beautify CNMI events.

Rep. Torres: Mr. Speaker, I have HSE. COMM. 15-13 regarding a letter to David Cohen of my letter for tracking my letter to the President of the United States in regards to our power generation need in the Marianas. I also have HSE. COMM. 15-14, regarding the Commonwealth Utilities Corporation addressed to the Lieutenant Governor rebutting his radio talk and newspaper statement, and I have HSE. COMM. 15-15, a letter addressed to the Deputy Attorney General Baka regarding his statement in the newspaper and being an unethical official of the Commonwealth government. I stand ready to answer any question from the members if there are any.

Speaker Babauta: Just to clarify, Representative Torres, HSE. COMM. 15-13, your original letter is addressed to President George Bush?

Rep. Torres: My prior letter, Mr. Speaker, dated August 4th, calling the attention of the President of the United States to see a feasibility or make a feasibility study in giving us a portable if not a big nuclear power plant so that people would be relieved from paying the high excessive power bills in the CNMI. I wrote a letter to Mr. Cohen to monitor the movement of that request through his office.

Speaker Babauta: Thank you. Representative Aldan, can you enlighten the members of the recent reply from the Department of Defense regarding the Military Propositioning ships.

Rep. Aldan: Thank you, Mr. Speaker. Just today, I received this letter from the Department of Navy. It is a letter from the previous Resolution submitted by Representative Tenorio. The letter came from Captain DJ O'meara. He is residing in Washington, D.C. I send out this letter since last part of August and the response just came today. He wrote on the letter that he has forwarded our

attention to COMNAVMAR, and the individual that we should contact is Mr. Anthony Hoover. This afternoon, I tried calling his office and no one was answering. I send an email also and I am just waiting for his respond. However, in this letter from Mr. O'meara, he stated that he has given the information to Mr. Hoover to look into the request from Representative Tenorio.

Speaker Babauta: Perhaps, a copy of the Resolution shall be in order and be forwarded to that particular office that is directed to you.

Rep. Aldan: He is not under EPA. He is under COMNAVMAR.

Speaker Babauta: Okay so a copy of the Resolution should be in order and be attached to that reply and either email it or fax it to that office so that Mr. Hoover knows what we are trying to fix out here primarily those ships that are anchored out there. I recognize Representative Torres.

Rep. Torres: Mr. Speaker, I think there are about six or eight people from the Mainland that were here two weeks ago touring the area in the propositioning ships. Is that matter being brought up to that attention too?

The Chair recognized Representative Aldan.

Rep. Aldan: The earlier information that you were telling me regarding the Resolution, I did furnish the Resolution to Mr. O'meara. According to him, he gave a copy of the Resolution to Mr. Hoover. Earlier, I was inquiring in your office if there are any groups that came to visit the Legislature regarding this, because as you were aware, I was off-island for two weeks, and I just heard from Representative Tenorio that there couple of people that came to the Legislature and looking into this matter.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Mr. Speaker, if you recalled, they did have some kind of a gathering here, kind of a secretive and I was hoping that there would be some news from the media out of the propositioning vessels that was held at the Aqua Resort. It was just last week. It was not open to the public so there was no opportunity to engage...

Speaker Babauta: Was it really closed?

Rep. Tenorio: It was closed to the public and it also says that on the paper, and I was thinking that perhaps my good colleague, the Chairman of Natural Resources would sneak into their meeting, but I was not able to locate him. I do not recall any representative coming here to invite or fill us in on their meeting for that matter. It would have been a good opportunity to sneak in a copy of the Resolution that was adopted here on the propositioning ships.

Rep. Aldan: Mr. Speaker, I apologize because as you know, I did inform you that I was going to be off-island for two weeks.

Speaker Babauta: But please, provide a copy to the members of that particular letter and follow up with the Resolution and either fax it or email it to that office. I recognize Representative Torres.

Rep. Torres: Are those ships out there anchored outside of the 3 mile limit or?

Speaker Babauta: I think it is within the 3 mile.

Rep. Torres: So is the 3 miles officially ours or still questionable?

Speaker Babauta: That depends as a friend of ours once said, depends for you. But anyway, this is very touchy issue and a little bit tricky because when agencies of our local government or Commonwealth government applies for federal grants primarily DEQ, DFW, and CRM, they use the so-called 200 mile EEZ quote to entice the grantor to approve those federal grants. So in any form of grants that deals with our natural resources, primarily the sea, they always inject the 200 miles EEZ. The Commonwealth as you all are aware is granted 200 mile EEZ. So that is how they justify their grants. I do not know, but I hope that we continue to retain what we have, but I am sure that some of those ships are probably within the 3 mile. Continue, Representative Torres.

Rep. Torres: That is why and I want to reiterate again. That is why we need to focus our attention and seriously look into my bill to go into the Second Northern Mariana Island Status Commission so that we can rectify that issue. That is the major part of revisiting the Status or the Covenant for that matter.

The Chair recognized Representative Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. I have a memorandum and an invitation to my colleagues in the House and Senate, and to the staffs. Beautify CNMI is launching its – unveiling the official logo that has been officially submitted, on Friday, September 29, at 8:30 a.m. at the American Memorial Park at the Marianas Memorial. Along with the unveiling of the new Beautify CNMI logo, we will also be recognizing National Public Lands Day. That is why we are going to have a proclamation signing. Also, there were 20 Litter Control Officers who recently completed their training and they will be graduating that morning also. They will be presented with their badges and their official enforcement shirts. We will also be announcing the start of the Beautify CNMI Island eyesore photo. There will be more information on that as well as announcing the plans for the MVA Adopt-a-Road and DEQ Adopt-a-Beach program. We will also have our Beautify CNMI's 1020 on 10/20 campaign, which is an ambitious plan to recruit a thousand twenty volunteers for our CNMI wide island clean up on October 20, 2006. It would be great if you could make some time to join us that morning for an hour. Thank you.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Mr. Speaker, under House Communication, you probably remembered when the constituent came in wanting to find out what happened to the ABE funding for the college. I understand...when we get to that agenda.

Speaker Babauta: Before we go into that, again, the Chairwoman is respectfully requesting our presence Friday morning at the American Memorial Park, and that is where the contest would be unveiled. The Beautification Task Force is also requesting your humble contributions. I assume most likely water for future trash-a-thons, and trash bags.

Rep. Kaipat: Thank you, Mr. Speaker.

Speaker Babauta: We congratulate you for spearheading this project in conjunction with the other non-profit organizations that are working along the roads off Saipan.

Rep. Kaipat: Thank you. I would like to take this opportunity to formally invite my colleagues to also join Beautify CNMI and adopt roads. We will have some locations where we want to make it as convenient as possible for you. We will unveil the maps that morning and would like to invite all of you to also join us in adopting certain areas to take care of. I must say, Mr. Speaker, that we have been very happy with the community's involvement because it has been a truly successful partnership between the volunteer organizations and the community along with the schools who are coming out and joining. There are church groups, local non-profit and governmental agencies who are working together in partnership. It has been very successful and we all have an interest in beautifying our islands. We all deserve to live in a clean and beautiful environment. So I know that even though I am one of the people out in the forefront, I share your interest and your desire in enhancing the beauty of our islands. I welcome you all. Thank you.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Mr. Speaker, I want to commend my colleague from Precinct I for the hard and dedicated work in keeping our island clean and beautiful. In addition, Mr. Speaker, as you suggested, I will be donating 5 cases of cold water on this day.

Speaker Babauta: That would be 5 from you, 5 from Representative Deleon Guerreoro and 5 from Seman.

Rep. Tenorio: From all of Precinct I, Mr. Speaker. They can borrow from me, Mr. Speaker.

Speaker Babauta: You may continue, Minority Leader.

Rep. Tenorio: As you know, Mrs. McPhetres, the former President of NMC was here earlier, and she has a concern on the Adult Basic Education program, (ABE). I think the funds are in jeopardy and being moved to PSS. She wants us to bring it to the attention of the Committee on Education and see what can be done to look into the matter and see if something could be done of the ABE as this is a continuing program at the College. From my understanding, there are over three hundred students involved in this program and the funding is in jeopardy of being transferred to PSS for whatever reason. The key person responsible is Mr. Dan Nielson, and from my understanding, Mrs. McPhetres mentioned that the Governor had written OIA to give that money to PSS. So I would kindly request the Chairman of Education to please look into this matter and report it to the House.

Speaker Babauta: Thank you. I would like to request Chairman Lizama and the Vice Speaker being the most qualified member to speak on education to look into this matter. I understand that the ABE is a continuing Adult program created by Public Law 4-34 that authorizes the college to administer because the primary education is from 6 to 16, Vice Speaker.

Vice Speaker Quitugua: 6 to 16 is the mandatory age at PSS.

Speaker Babauta: After that is?

Vice Speaker Quitugua: Beyond 16, actually PSS is not obligated to enroll them at any of the Public High Schools.

Speaker Babauta: So, Mr. Chairman, can you get together with the Vice Speaker and get a dialogue with Mr. Nelson and see what is boiling with respect to the Adult Basic Education program, why are the grants being reprogrammed to PSS.

Rep. Lizama: I am taking a note of that, Mr. Speaker.

Speaker Babauta: We will now move down to item number 10.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

OTHER COMMUNICATIONS

None

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the adoption of S. C. R. No. 15-37, reporting on H. B. No. 15-21, S. C. R. No. 15-38 reporting on H. B. No. 15-73, S. C. R. No. 15-39 reporting on H. B. No. 15-108, S. C. R. No. 15-40 reporting on H. B. No. 15-126 and S. C. R. No. 15-41 reporting on H. B. No. 15-31.

The motion to adopt S. C. R. No. 15-37, S. C. R. No. 15-38, S. C. R. No. 15-39, S. C. R. No. 15-40 and S. C. R. No. 15-41 was seconded and carried by voice vote.

Speaker Babauta: The motion carries.

S. C. R. No. 15-37: Reporting on H. B. N O. 15-32, entitled, "To mandate a new schedule of monetary assessments against individuals convicted of either a misdemeanor or felony charge(s) to be deposited into a Victim of Crime Assistance Revolving Fund; and for other purposes." *Your Committee on Judiciary and Governmental Operations recommends passage of the bill as amended.*

S. C. R. No. 15-38: Reporting on H. B. N O. 15-73, entitled, “To define conduct which constitutes identity theft and provide appropriate punishment.” *Your Committee on Judiciary and Governmental Operations recommends passage of the bill as amended.*

S. C. R. No. 15-39: Reporting on H. B. N O. 15-108, entitled, “To amend 1 CMC § 7402(a)(2); and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends passage of the bill as amended.*

S. C. R. No. 15-40: Reporting on H. B. N O. 15-126, entitled, “To amend the definition of ‘alien’ under Title 3 of the Commonwealth Code; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends passage of the bill without amendments.*

S. C. R. No. 15-41: Reporting on H. B. N O. 15-31, entitled, “To reform the laws governing probation and suspended imposition of sentence, to establish an adult diversion program in the Commonwealth; and for other purposes. *Your Committee on Judiciary and Governmental Operations recommends passage of the bill in the form of Committee Substitute 1.*

Speaker Babauta: Let us take a short recess to allow the Floor Leader to place those Resolutions on the Calendar. Short recess.

The House recessed at 2:28 p.m.

RECESS

The House reconvened at 2:29 p.m.

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 suspension for the placement of H. R. NO. 15-71, HSE COMM. RES. NO. 15-14, HSE. COMM. RES. NO. 15-15, and HSE. COMM. RES. NO. 15-16.

The suspension motion was seconded and carried by voice vote

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

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the adoption of all the Resolutions that appear on today's Resolution Calendar.

The motion was seconded and carried by voice vote.

HSE. COMM. RES. NO. 15-14: A House Commemorative Resolution to commend and congratulate the Commonwealth Health Center Volunteers Association on its 20th Anniversary this September 2006 and to honor the Association for its commitment to providing quality health care for the people of the Commonwealth.

HSE. COMM. RES. NO. 15-15: A House Commemorative Resolution to honor Marine Corporal Guy Louis Gabaldon for his valiant and heroic deeds in Saipan during World War II and to express profound grief and sadness at the passing of an individual greatly loved and admired by the people of the Commonwealth of the Northern Mariana Islands.

HSE. COMM. RES. NO. 15-16: A House Commemorative Resolution recognizing Mr. Antonio V. Deleon Guerrero's 24 years of service to the Northern Marianas College and the Commonwealth of the Northern Mariana Islands.

H. R. NO. 15-71: A House Resolution to urge the Honorable Governor Benigno R. Fitial to proceed with the construction phase of the Garapan Water Quality Restoration Project.

Speaker Babauta: All the Resolutions appearing on today's Calendar are hereby adopted. Short recess.

The House went into recess to hear testimonies with officials from the Department of Public Works.

The House recessed at 2:31 p.m.

RECESS

The House reconvened at 3:12 a.m.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, to suspend Pertinent House Rules for placement on today's Calendar, H. B. No. 15-164, HD1, SS1, H. B. No. 15-157, SD2, H. B. No. 15-182, H. B. No. 15-183 and H. B. No. 15-32, H. B. No. 15-73, H. B. No. 15-108, H. B. No. 15-126 and H. B. No. 15-31, CS1.

The suspension motion was seconded and carried by voice vote.

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

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the passage of H. B. No. 15-182.

The motion was seconded.

H. B. No. 15-182: A BILL FOR AN ACT TO EXTEND THE PRIVILEGE OF HIRING NON-RESIDENT WORKERS WITH SPECIAL SKILLS AND QUALIFICATIONS WITHIN THE DEPARTMENT OF PUBLIC WORKS; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. No. 15-182 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	yes
Rep. Arnold I. Palacios	excused
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.	excused
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 16 “yes”, H. B. No. 15-182 hereby passes the House on First and Final Reading. Floor Leader.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the passage of H. B. No. 15-31, CS1 under S. C. R. NO. 15-41.

The motion was seconded.

H. B. No. 15-31, CS1: A BILL FOR AN ACT TO REFORM THE LAWS GOVERNING PROBATION AND SUSPENDED IMPOSITION OF SENTENCE, TO ESTABLISH AN ADULT DIVERSION PROGRAM IN THE COMMONWEALTH; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. No. 15-31, HS1 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	yes
Rep. Arnold I. Palacios	excused
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.	excused
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 16 “yes”, H. B. NO. 15-31, HS1 passes the House on First and Final Reading. Floor Leader.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the passage on First and Final Reading H. B. NO. 15-164, HD1, SD1.

The motion was seconded.

H. B. NO. 15-164, HD1, SD1: A BILL FOR AN ACT TO REGULATE RECYCLING BUSINESSES OPERATING IN THE COMMONWEALTH; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-164, HD1, SD1 on First and Final Reading:

Rep. Martin B. Ada	yes
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	excused
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.	excused
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 16 “yes”, H. B. NO. 15-164, HD1, SD1 passes the House on First and Final Reading. Now the perpetrators should be very careful now in stealing wires, and storm drainage covers, and so as tin roofs or any aluminum cans that are collected by other people. They have to be very careful now with our stringent punishment under this bill. I recognize Representative Tenorio.

Rep. Tenorio: I am just wondering, when do we act on the bills that were under the Bill Calendar that has been there for some time, Mr. Speaker. We are now acting on the new communications but the other bills have been there for five several sessions.

Speaker Babauta: I thought, Representative Tenorio, that you are addressing our Minority Leader’s concern. So that is why I ask the Floor Leader to move these bills because you are the Acting Minority Leader and I understand that you have an official authority to act on behalf of him.

Rep. Tenorio: I do, Mr. Speaker, but there is nothing in writing on what to actually act on what bills to act on but anyway, I am just concern why and confused. I am looking at my Bill Calendar, and here we are acting on newly introduced bills and Senate Communications.

Speaker Babauta: Well, I ask the members to prioritize these bills because recently, the media reports are very broad with respect to CUC wires being cut off and other things that have been stolen from people’s homes and businesses so that we may ask the Governor to right away sign this bill into Law so that once and for all, we punish the thieves that sell for profit. I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Mr. Speaker, if there is no objection from the members, on behalf of the real Minority Leader, I would like to request that a bill be withdrawn from the Committee on Commerce and Tourism Committee and be placed on today’s Order of Business. It was requested and concurred by Chairman Ada. If I am not mistaken the withdrawal – H. B. NO. 15-179, and I have a House Substitute to offer.

Speaker Babauta: Chairman Ada, is that a fact?

Rep. Ada: Yes, Mr. Speaker.

Speaker Babauta: Okay. So ordered. H. B. NO. 15-179 is hereby recalled from your Committee. Continue, Floor Leader.

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

Speaker Babauta: State your privilege.

Floor Leader Florencio Deleon Guerrero: On Representative Tenorio’s concern, I would like to let him know that if he has patience, I got all the patience all day.

Speaker Babauta: Proceed.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the passage on First and Final Reading, H. B. NO. 15-157, SD2.

The motion was seconded.

H. B. No. 15-179, SD2: A BILL FOR AN ACT TO AUTHORIZE THE GOVERNOR TO REPROGRAM ALL FUND BALANCES OF COMPLETED AND CLOSED CIP PROJECTS FUNDED BY 702 COVENANT FUNDS THROUGH LEGISLATIVE APPROPRIATIONS PRIOR TO FISCAL YEAR 2004; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-157, SD2 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	yes
Rep. Arnold I. Palacios	excused
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

Privilege, Mr. Speaker.

Speaker Babauta: State your privilege.

Rep. Tenorio: There was not even a chance to even comment on this bill, and that is exactly what I am talking about where we adopt this today and put it on First and Final Reading. We are actually – the Governor to reprogram all fund balances or completed and closed CIP project. We have in the past been passing revenue bills on CIP...how far in does that affect those bills – the Governor going to be rejecting all the bills that we have passed for CIP projects? I think we should have a list of all the fund balances and the bills that will be affected because this is a swipe across the board hundred percent reprogramming authority for CIP projects so we do not know exactly what bills or programs that have been affected. I could be wrong, but...

Speaker Babauta: You want to cast your vote, Representative Tenorio.

Rep. Tenorio: It is too late to comment on my...but...

Speaker Babauta: The bill has passed through the House once and we are just accepting the Senate Communication.

Rep. Tenorio: I just want to make sure that the action that we took in the past is not being just completely obliterated from this bill.

Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	excused
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 16 “yes”, H. B. NO. 15-157, SD2 is hereby accepted by the House. Next bill, Floor Leader.

Rep. Torres: Mr. Speaker.

Speaker Babauta: Under privilege, I recognize Representative Torres.

Rep. Torres: Mr. Speaker, by unanimous consent, I would like to ask the indulgence of the members to consider my “Purple Heart” bill, if we can pass H. B. NO. 15-142? It is in the Bill Calendar.

Speaker Babauta: May I recognize the Floor Leader to make that proper motion.

Floor Leader Florencio Deleon Guerrero: Mr. Speaker, can we go to a short recess.

The House recessed at 3:29 p.m.

RECESS

The House reconvened at 3:37 p.m.

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

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the passage on First and Final Reading, H. B. NO. 15-142.

The motion was seconded.

H. B. NO. 15-142: A BILL FOR AN ACT TO ALLOW EXEMPTIONS FROM PAYING VEHICLE REGISTRATION FEES FOR CONGRESSIONAL MEDAL OF HONOR AND/OR PURPLE HEART RECIPIENTS.

Speaker Babauta: Discussion on the motion. I recognize Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. As I review the bill that allows the exemption for paying vehicle registration fees, I do applaud the intent of the mover. I myself is a co-signor of the bill, however, H. B. NO. 15-129 of which I am actually preparing a Committee Report to pass on the next session, which seeks to establish a CNMI Veteran’s cemetery, the Funding that will be collected from the Veteran’s license plate will be used to fund the cemetery. The then Governor Juan Babauta signed an assurance with the Department of Veteran’s Affairs that assures that the cemetery would be maintained in accordance with the National Cemetery Administration Standard. We will pay for the bill to maintain and operate, and right now, because of the shortage of revenues that the government is to receive, I am afraid that we might not even come up with needed funding to operate the cemetery. The cemetery is scheduled to be commissioned next month and it is in the best interest of the CNMI this time to ensure that we properly fund the cemetery by taking the fees from Veteran’s license plates and paying for it. The Federal Government had given us \$1.6 Million for the construction of the cemetery, and it is really a magnificent cemetery other than the other in Guam and in Hawaii. So there is really only three cemeteries that would be in existence from our region, and if we are to start providing license plates to Veterans, of course, there is a restriction that states that only Purple Heart recipients and Medal of Honor would receive the plates, but still it is going to impact the funding for the cemetery so much so we might even have to increase the license plate fees for the Veteran’s plates just to cover these expenses. So if a Purple Heart recipients’ average age was 25, he would probably live for another 40 years that means 40 years of not being

charged for a license plate. On top of that if he/she is a co-signor of other vehicles, those vehicles are also entitled. Should the recipient pass away, the spouse is entitled to carry on until that spouse passes away and then returns the plates within sixty days. That is the way I read the bill and I stand to be corrected on that. While it is important to recognize Purple Heart recipients and Medal of Honor recipients, I think in the best interest of every member of Military both present as reservists and active duty as retirees, I think they all need to be recognized together as a whole and not to elevate anyone over the other, because again, if we were to look at the Military Medal system, there are also recipients such as the Silver Star that are noteworthy. Even Meritorious Service Medals, and I know of few, the members of the hundred Battalion received those units. Even Joint Service Medals are very hard to receive these types of medals. They are also awarded to some of our members because of the extraordinary work that we did in Iraq, which entails a lot of top secret activities. So I would like to ask the mover of the bill if he could consider the State Cemetery that we will commission next month. Maybe we can do some more worthy for the Purple Heart Recipients by creating a special monument for them. I think that would be suitable. Thank you, Mr. Speaker.

Speaker Babauta: I have a clarification to ask here. On page 1 of the bill, Counsel, are we allowed or could a State or County is allowed to utilize an official Federal Insignia?

Legal Counsel Ian Catlett: *Do you mean, if it would be the same as what the actual medals look like? Is that what...*

Speaker Babauta: Line 15 says, “which shall have inscribed with the words insignia of the Congressional Medal of Honor and/or Purple Heart.”

Legal Counsel Ian Catlett: *Well, just to answer that quickly, I do not know one hundred percent, but I have seen States that do put the reproduction of the Medal on their license plate, and that is a State plate not Federal.*

Speaker Babauta: I just wan to clarify that because we do not want to impose something that is against the Federal Law using a patent of a Federal Law. I recognize Representative Torres.

Rep. Torres: I would like to extend my good Congressman Yumul’s comment, but...

Speaker Babauta: Proceed.

Rep. Torres: But I am sorry that I have to disagree with his deliberation. Purple Heart is only given on two occasions if you are in the Military, and I hate to say that, I am not trying to defer all other recipient of other medals. Purple Heart is either you are “dead” in the battle zone and come home in a box or you come home limping because you are injured. That is why it is very unique. You get shot and you are dead or you get shot and live to be disabled for the rest of your life, and that is the only purpose of the Purple Heart. I do not know if there is another reason for giving a Purple Heart.

Speaker Babauta: Do we have active members or any instances where a wounded member returns to duty?

Rep. Torres: Yes, there is two that I know. They came home...

Speaker Babauta: So it is not necessarily incapacitated right?

Rep. Torres: There are two and everybody knows that one of them who came back is the daughter of former Congressman Manny Sablan, and Justin Pangelinan, I think. He came home crippled, he is permanently braised with medal in his body. So those are the Purple Heart recipient. I do not know of any other, but only during the battle.

The Chair recognized Representative Ada.

Rep. Ada: I think the greatest sacrifice a man can give is his life to his brothers. We all felt this when they were going couple of years ago. At that Solemn Mass where we send our soldiers from here thinking only about one thing, whether they are coming back in a box or coming back safely. To me that is the greatest sacrifice anybody could give. People are going to talk out there about giving exemptions to our hero's who have fought for our freedom. That is all my comment, Mr. Speaker. Thank you.

The Chair recognized Representative Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. While I agree with the intent of the bill here, as you know, I also have a bill and it is very opposite to this bill here. Basically my bill deals with raising registration fees and fees for the Department of Motor Vehicles, and I know at this time, our people are having a hard time trying to basically live. Like I said, I do agree with the intent of the bill here, and I praise the men and women of the Military, but I feel that maybe we are just a little bit going over board. We were naming streets, roads, and now we are giving away license plates, and take nothing away from it. These are all very honorable gestures that we can put forth. But I think by putting in a proper Resolution, a proper acknowledgment, to our men and women in the Military, I think at this time that would suffice. Like I said, I have that bill and right now, I am thinking about filing that bill because right now, it is hard, but when we start giving away things, giving away something...the Department of Motor Vehicles is hurting right now. I do not know how they can afford these special plates. They charge the public the request for special plates additional amounts of money on top of the regular fees that they have pay for a regular license plate, and this is taking too much of a toll for the government itself. That is all, Mr. Speaker.

The Chair recognized Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. I think the issue that we are looking at is the question of what does it mean to receive a Purple Heart, and I just want the members to understand that a Purple Heart Award is...of course, ranks above most of the medals that a soldier can receive in service to the Military...however, Purple Heart is given to a person who had sustained or received injuries. The injuries can be wounds, it could also be concussion type where there are no visible wounds, but because of the proximity to a blast, they receive some sort of concussion injury. Now the thing about Purple Heart is that when soldiers such as myself that had gone to Iraq, we have no intention of going into Iraq to come out with a Purple Heart. That is the last Medal that is on our minds. We just want to come home safe and intact. Everyday that I have been out on patrols, I could be standing anywhere, and without any warning, I could have received shrapnel or rounds of bullets. You just do not know who will receive injuries. There is also the degree of the injured person that

receives the wounds – a fierce fire fight receiving multiple wounds is considered one award. You do not get an award for every wound on your body, it is just one. So it is awarded, and it is ranked very high, but make no mistake, no one wants to be glorified to the extreme where we thanked God that we return and some of us did not...the members that were on patrol that day, that morning when Staff Sergeant Lieto and Corporal Jack were killed in action, they did not receive Purple Hearts. They were in the vicinity, they watched the explosion and they assisted in the recovery and the CPR from the time of the incident all the way to the time that they brought the body to the base. They did not receive any special awards for that. It was mentioned honorably in a lot of the reports, but again, the intent was not glorified. Staff Sergeant Lieto...I really do not want to put this on the record, but he spend multiple hours in the emergency room in Ballad fighting for his life, and he eventually succumb to death, but we -- to elevate that any greatly over Corporal Jack. We feel for the loss. We will always be forever – to them for their ultimate sacrifice, just like any other Purple Heart recipient that...

Speaker Babauta: So those two did not receive Purple Heart?

Rep. Yumul: Yes, they did, but they were given the award posthumously, but again, the whole point of what I am trying to say here is that there are different degrees of receiving Purple Hearts. There is not a real classification just as long as medical doctors certify that you received wounds on the battle field. There are even awards such as the Combat Infantry Badge and the Combat Action Badge for being in a firefight, although you were not injured, you did not receive a Purple Heart, but you did receive these two very worthwhile awards. So maybe we should even consider that. The whole point here, Mr. Speaker, is that we should not elevate an award to the extreme – they know what they have done for our Country. We know what they have done for our Country, and like Congressman Dela Cruz has mentioned, is that we have already recognize that, we have given them the honors, respect and deserving of their service. But again, my issue here is with the Veteran's Cemetery. It is going to cost the CNMI a lot of money, and I think that deserves critical funds which are to come from the Veteran's plates. Twenty Five Dollars for the Veteran's plates is extremely low. You are not charged \$25.00, on top of another \$25.00 to receive the plate, it is just one fee. Receiving a Veteran plate is like getting a regular license plate. The only difference is that you have to show proof that you are a Veteran. So even \$25.00 is extremely low and I know of a lot of members that have served and are willing to pay the additional fees just to ensure that the State Cemetery is fully funded and capable of operations. Thank you.

Speaker Babauta: Aside from the Purple Heart plates as you alluded to, in regards to the cemetery, are the Veterans that are to be buried there charged?

Rep. Yumul: They will not pay a fee if they are a service member that has been honorably discharged. I believe that if you are a Veteran of 20 years of service or greater, the Military will provide you a casket. If you are a short-term term of service member such as a 2 or 4 year commitment, you will pay for the casket, however, the plot is provided at no charge. The burial is provided at no charge. The State will pay for that and then lastly if you had received wounds in combat but have been discharged and should you die from that wounds years later, the Military will pay for everything.

The Chair recognized Representative Taman.

Rep. Taman: I would like to thank, Representative Yumul for the enlightenment, and now I move to end debate, Mr. Speaker.

Speaker Babauta: Before I recognize that, I would recognize the author for the last time.

Rep. Torres: Thank you, Mr. Speaker, and with the indulgence of the members, I just want to point out something that may not be too many of this free plate. If I am correct, there is only one from Tinian, I do not know about Rota, and five from Saipan. The two are the posthumously that are no longer with us and three are still alive, so maybe about only 5 Purple Heart recipients.

Speaker Babauta: I must inform the members that I am going to be abstaining on this vote because an immediate family of mine would stand to benefit from this legislation. So I hope that you would understand that. The motion to end debate is undebatable unless you want to continue to inject more comments. I recognize the Chairwoman.

Rep. Kaipat: This is a sensitive issue and while I do understand the need to fund the cemetery, going to war representing your country, you are not just there for the Veteran's, you are there for everyone, for all of us, and it just seems to me like it is a small token of thank you. It is not too much to ask. It is not like we have a whole bunch of Purple Hearts coming back. I think it is in genius to distinguish between how someone gets it. The mere fact that they put on that uniform and put themselves in harms way. That should be enough. We are privileged, we are lucky that we get to wake up in our beds safe. We look at our families, we get in our cars and go to work, but there are many people who have missing family members, whose family members are still in harms way. Let us be a little bit more sensitive to that. It is not too much to ask that we recognize these fine men and women. No one ever intended to go off to war and get injured. That is the thing. It is a risk. But the fact of the matter is it happened, and some of them paid the ultimate sacrifice. If we need to fund the cemetery, let us expand it and take a percentage from everyone who owns a vehicle in the CNMI. We all owe every soldier whom put their lives on the line for us. Please let us all vote for this. Thank you.

Several members voiced, "ready."

Speaker Babauta: Thank you. I will now recognize the motion to end debate.

Vice Speaker Quitugua: Mr. Speaker, I have an amendment to the bill.

Speaker Babauta: How serious is that amendment, Vice Speaker?

Vice Speaker Quitugua: Mr. Speaker, I think we need to limit the number of plates that each recipient should have. If he has five cars, then all the five will be free for so many years. It says here that it is for the vehicle that he/she owns or co-owns. So if he co-owns four, and if there are five in the family and all have cars, the recipient can go there especially if he has his name on the registration and get all license plates free.

Speaker Babauta: So your intention is to limit to any one?

Vice Speaker Quitugua: No. My amendment is to limit to not more than two special plates.

Speaker Babauta: Not more than two?

Vice Speaker Quitugua: Yes.

Speaker Babauta: Okay. The Chair recognizes you officially now.

Vice Speaker Quitugua: Thank you, Mr. Speaker. On the bill itself on page 2, line 4, after the word, “recipient” put a comma “(,)” and add the words, “but not to exceed two special plates.”

The oral amendment offered by the Vice Speaker was seconded.

Rep. Torres: Clarification, Mr. Speaker.

Speaker Babauta: State your point of clarification.

Rep. Torres: Vice Speaker, I think it is self explanatory on line 3. It says that special plate maybe issue pursuant to subdivision (c) only for a vehicle owned or co-owned. So it is one of the two.

Speaker Babauta: I guess the mover is making it more clearer by inserting his amendment and that is to make it clear not to exceed not more than two.

Vice Speaker Quitugua: Yes, Mr. Speaker, but what if a recipient comes to the Motor Vehicle and says, I own this vehicle and I also co-own another vehicle.

Speaker Babauta: Okay. Discussion on the oral amendment and I recognize Representative Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. Pursuant to Public Law 14-18, this is a Law that requires that both front and rear of any vehicle should have a license plate. So if the Vice Speaker is saying that only two special plates, then it should only be on one car and not two sets. So on that motion, I wish to make a clarification.

Vice Speaker Quitugua: I yield to the Chairman for a subsidiary amendment, Mr. Speaker.

The Chair recognized Representative Dela Cruz.

Rep. Dela Cruz: Mr. Speaker, instead of saying, “but not to exceed two special plates” it should be worded, “but not to exceed two sets of special plates.”

The subsidiary amendment offered by Representative Dela Cruz was seconded.

Speaker Babauta: Short recess.

The House recessed at 4:10 p.m.

RECESS

The House reconvened at 4:12 p.m.

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

Vice Speaker Quitugua: Mr. Speaker, I would like to withdraw my motion and yield to Representative Dela Cruz. I will give him the wording for the amendment.

The Chair recognized Representative Dela Cruz.

Rep. Dela Cruz: Mr. Speaker, on page 2, line 4, after the word recipient, insert, “but shall not exceed two vehicles per recipient.”

The amendment offered by Representative Dela Cruz was seconded and carried by voice vote.

Speaker Babauta: The motion carries. I now close this debate.

Rep. Yumul: Mr. Speaker, before you do that, I think the intent of this bill according to the mover, is to give special recognition to Medal of Honor recipients and also Purple Heart. I would like to make a floor amendment to allow for an awardee who has been awarded the Purple Heart posthumously that the surviving spouse be at least given an opportunity to receive a plate for a short duration if it is not mentioned yet in the bill.

Speaker Babauta: Counsel, is subsection (f) clarifies his – can that provision accommodate Representative Yumul’s concern? Representative Dela Cruz?

Rep. Dela Cruz: I would just like to add on that this particular bill does not restrict just the sons and daughters of the CNMI who do have the Congressional Medal of Honor and Purple Heart. This does not restrict just the sons and daughters here. We have a lot of recipients aside from our Commonwealth that can easily come here and reside here, and apply for this. So we are starting to open the flood gates. That is all, Mr. Speaker.

Speaker Babauta: Okay. I recognize Representative Yumul for the amendment.

Rep. Yumul: Yes, Mr. Speaker, “Subsection (f) says that upon the death of a person issued,” this is clearly a point where the spouse cannot apply on behalf of the deceased, so I would like to make a special amendment, “(g) notwithstanding subsection 2104 (d) of the subsection, “spouses of recipients that have been awarded a Purple Heart, posthumously, may be allowed to apply for a limited time.”

Speaker Babauta: Please proceed with your amendment.

Rep. Yumul: Recess, Mr. Speaker.

Speaker Babauta: Short recess.

The House recessed at 4:15 p.m.

RECESS

The House reconvened at 4:27 p.m.

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

Rep. Yumul: Thank you, Mr. Speaker. I would like to make an oral floor amendment starting on page 2, line 3, to replace subsection (e) with the following: “Special plates may be issued pursuant to the subdivision (c) only for a vehicle owned or co-owned by a recipient or the surviving spouse of a recipient awarded posthumously, but in any case may not be issued for more than two vehicles per recipient or surviving spouse.” The second oral floor amendment is “subsection (g)” to be added in, “In the event that a surviving spouse of a recipient remarries, all benefits under this section shall be terminated and the surviving spouse shall return all special plates to the Bureau of Motor Vehicles within sixty days.” Thank you.

Speaker Babauta: Your amendment should be considered a subsidiary motion to amend the previous amended provision, okay. Discussion.

The subsidiary amendment offered by Representative Yumul was seconded and 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. 15-142, HD2 on First and Final Reading:

Rep. Martin B. Ada	yes
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	no
Rep. Florencio T. Deleon Guerrero	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	excused
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.	excused
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	abstained

Speaker Babauta: By a vote of 14 “yes”, H. B. NO. 15-142, HD2 hereby passes the House on First and Final Reading. Floor Leader.

Floor Leader Florencio Deleon Guerrero: Excuse me, Mr. Speaker; I thought you said we are going to hold off until tomorrow...

Speaker Babauta: Okay. Proceed.

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

Speaker Babauta: Can we have one more? Short recess.

The House recessed at 4:31 p.m.

RECESS

The House reconvened at 4:32 p.m.

Speaker Babauta: We are back to our plenary session. Before we go on recess, I recognize Representative Torres under Miscellaneous.

MISCELLANEOUS BUSINESS

Rep. Torres: Thank you, Mr. Speaker. The Attorney General's opinion is an official document refuting the Public Law 15-2, the creation of the Department of Public Land. I think it is proper and serious that this House should communicate with the Governor and request for a clarification of the rumored "rescinding of the Attorney General opinion" properly. Otherwise, if it is not done properly then that opinion would stick in the book and it will create other future controversial matters regarding Public Lands. Thank you.

Speaker Babauta: Representative Torres, are you asking the House to intervene on the assumption of a defunct legal opinion that was requested by then or rather Public Land Authority?

Rep. Torres: I am not asking the House to intervene. I am asking the House to request the Governor if it is going to be rescinded, then we appreciate rescinding in writing. Thank you.

Speaker Babauta: Do we know who request the rescission?

Rep. Torres: Is it not the Press Secretary an official of our government?

Speaker Babauta: He is an employee of the administrative branch, not the legislature.

Rep. Torres: But he is speaking for the Governor so many times.

Speaker Babauta: But he probably is the spokesman for the Governor, but unless we have a compelling interest in that rescission or otherwise a legal opinion that was issued at the request of one agency of the government. Continue, Representative Torres.

Rep. Torres: I am sorry, Mr. Speaker, I defer with you. I think that the Press Secretary, although he is an employee, but he speaks for the Governor. He is a recognized spokesman for the Governor and the administration for that matter.

Speaker Babauta: I understand. I would not officially request the Governor, but I can probably ask because those requests were not made between the legislature and the various affected offices which is the Attorney General and Public Lands. We can probably request a verification of Public Law 15-2 not necessarily the opinion in itself.

Rep. Torres: You said that unless it is a compelling interest, I think that the Legislature has a compelling interest because we passed that bill.

Speaker Babauta: Yes, we did.

Rep. Torres: And somebody came up and refuting it...Where is our integrity and the standing of this legislature? We pass a bill and then somebody would come in and say, we do not recognize, it is unconstitutional. Thank you.

Speaker Babauta: Now I see your point. I recognize Representative Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. Mr. Speaker, I believe Representative Torres just wants a confirmation as to whether or not the legal opinion was actually rescinded, and I will take it upon myself to contact the administration and get a definitive answer on that.

Speaker Babauta: Thank you very much and please inform the House.

Rep. Kaipat: I would do that. Mr. Speaker, also, members of JGO and other members of the Minority met with the Judiciary on the proposed fee hikes and I believe I send you a memo on that?

Speaker Babauta: Thank you very much.

Rep. Kaipat: And I am hoping that we can make that part of the House Communication for tomorrow so that members can also get a copy of that.

Speaker Babauta: So noted. Clerk, kindly take note on that.

Rep. Kaipat: Thank you, Mr. Speaker.

The Chair recognized the Minority Leader.

Rep. Tenorio: Thank you, Mr. Speaker. On the issue of that A.G.'s opinion, I recalled correctly bringing it up at the last session when that opinion was rescinded, and you mentioned something to the effect that it was not an official opinion, but you did comment on that.

Speaker Babauta: What I comment was I read it in the newspaper.

Rep. Tenorio: But there was an opinion that was – and we have copies of those opinion, and to that effect, I ask Ian to...

Speaker Babauta: Are you talking about the rescission or you are talking about the first opinion?

Rep. Tenorio: I am talking about the opinion that was supposed to be rescinded and...

Speaker Babauta: Yes, there was a concern that was brought up where members were asking whether or not that opinion was rescinded to which I replied that, I do not know because as Representative Torres stated earlier, I also read it in the paper.

Rep. Tenorio: Mr. Speaker, I did request the House to find out what is happening.

Speaker Babauta: Yes. The Chairwoman had volunteered to look into it.

Rep. Kaipat: I know there is confusion but let me have time to clear this up.

Rep. Tenorio: Thank you.

The Chair recognized the Vice Speaker.

Vice Speaker Quitugua: This is about opinion, but this is a House opinion, Mr. Speaker.

Speaker Babauta: State your opinion.

Vice Speaker Quitugua: I talked to our legal counsel earlier, and in the interest of our local vendors in reference to the local preference statute, how far that statute affects not only the government but the autonomous agencies. I am requesting our legal counsel to look at our existing local preference law and provide us some opinion as to whether autonomous agencies are also required to follow the law or autonomous agencies are not required to follow that local preference law. Thank you.

Speaker Babauta: Thank you. Any more opinions? Representative Torres, as earlier stated, our Chairwoman have volunteered to clarify. Floor Leader, motion to recess until tomorrow morning at 9:00 a.m.

Floor Leader Florencio Deleon Guerrero: Motion to recess, subject to the call of the Chair.

ANNOUNCEMENT

None

ADJOURNMENT

The House adjourned at 4:43 p.m.

Respectfully submitted,

Vicky T. Guerrero, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

First Appearance of a local bill is the day of introduction

SECOND APPEARANCE
None

THIRD APPEARANCE:
None