



# House Journal

## THIRD REGULAR SESSION, 2007

**Adopted:**  
February 21, 2007

**First Day**

**January 24, 2007**

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its First Day, Third Regular Session on Wednesday, January 24, 2007, at 10:16 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 all eighteen members were present.

### **ADOPTION OF JOURNALS**

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

15<sup>th</sup> Day (10/10/06), Second Regular Session 2006

1<sup>st</sup> Day (11/24/06), Fifth Special Session 2006

2<sup>nd</sup> Day (11/27/06), Fifth Special Session 2006

3<sup>rd</sup> Day (11/28/06), Fifth Special Session 2006

Speaker Babauta: Discussion. Again, as usual we will continue to allow members correct whatever comments that are inconsistent with your statement with the House Clerk.

There being no discussion, the motion to adopt the Fifteenth Day, Second Regular and the First Day, Second Day, and Third Day Fifth Special Session 2006 Journals were carried by voice vote.

### **INTRODUCTION OF BILLS**

H. B. No. 15-208: A Bill for an Act to amend 1 CMC § 2603 (d) to delete “vocational rehabilitation” as a duty of the Department of Public Health; and for other purposes.

Introduced by: Rep. Oscar M. Babauta

Referred to: Committee on Health, Education and Welfare

H. B. NO. 15-209: A Bill for an Act to establish financial standards and obligations for adults serving as guardians of minor children; and for other purposes.

Introduced by: Rep. Justo S. Quitugua and three others  
Referred to: Committee on Health, Education and Welfare

H. B. NO. 15-210: A Bill for an Act to repeal Public Law 15-24 and Public Law 15-27.

Introduced by: Rep. Arnold I. Palacios and six others  
Referred to: Committee on Judiciary & Governmental Operations

H. B. NO. 15-211: A Bill for an Act to suspend the application of the excise tax for foodstuff pursuant to 4 CMC § 1402 (a)(2); and for other purposes.

Introduced by: Rep. Arnold I. Palacios and two others  
Referred to: Committee on Ways and Means

H. B. NO. 15-212: A Bill for an Act to repeal Public Law 15-15.

Introduced by: Rep. Stanley T. Torres and one other  
Referred to: Committee on Judiciary & Governmental Operations

H. B. NO. 15-213: A Bill for an Act to amend Section 503 of Public Law to add subsection (c) for the payment of Civil Action No. 04-0220E (Judgment against the Government) and for other purposes.

Introduced by: Rep. Benjamin B. Seman and two others  
Referred to: Committee on Ways and Means

H. B. NO. 15-214: A Bill for an Act to regulate the land exchange program and for other purposes.

Introduced by: Rep. Ramon A. Tebuteb and five others  
Referred to: Committee on Natural Resources

H. B. NO. 15-215: A Bill for an Act to repeal and re-enact Public Law 3-26 pertaining to the Chamorro/Carolinian Language Policy Commission; and for other purposes.

Introduced by: Rep. Candido B. Taman and one other  
Referred to: Committee on Health, Education and Welfare

H. B. NO. 15-216: A Bill for an Act to amend 3 CMC § 4366 to provide a monitoring system to ensure that persons entering into marriage are not doing so for purposes of obtaining a labor or immigration benefit.

Introduced by: Rep. Manuel A. Tenorio and three others  
Referred to: Committee on Judiciary & Governmental Operations

H. L. I. NO. 15-8: A House Legislative Initiative to amend Article III, Section 11 of the Constitution of the Commonwealth of the Northern Mariana Islands to authorize the election of an Attorney General; and for other purposes.

Introduced by: Rep. Francisco S. Dela Cruz and one other

Speaker Babauta: May I remind the respective Chairpersons of the Committee...I know that some of you are working on Initiatives, but be mindful of the timeframe for the Initiatives to be placed on the election ballot, and also the timeframe where we ask members of the Legislature authorize the Election Commission to be the sole authority in conducting public education on those Initiatives. So please be mindful of that because we have given that statutory provision to the Commission so let us work and get those Initiatives out if they require to be on this year's election.

Rep. Torres: I am very happy that my colleague from Precinct III have initiated and introduced the Initiative for our Attorney General. I thank him for his interest wholeheartedly, and I hope that because time is of the essence, I ask the indulgence the members to take action today.

Speaker Babauta: Representative Torres, I know that you are one of the proponents as long as I remember and I do not think that there is any negative bearing from the members that this Initiative be taken expediently. I am sure you are alluding to be one of the major sponsors and so as the majority of the members that are present this morning...are willing to support this. I would like to request again the indulgence, as I stated earlier, I humbly ask the Committee Chairs to work on those Initiatives that require the attention of the House so that we can speed up the process. Not to mention, but the law that was created giving the Commission ample time to do the public education and this is very essential to our people. So it is only fair that we do this expediently. Thank you. I recognize Representative Dela Cruz.

Rep. Dela Cruz: Just privilege, Mr. Speaker. I would like to introduce it as a Committee as a Whole.

Speaker Babauta: Any objection.

There was no objection.

Speaker Babauta: Clerk, take note of that. I recognize the Minority Leader.

Rep. Palacios: Just on that issue, Mr. Speaker. I think my good colleague, Representative Torres is actually elated or actually flattered that another colleague from Precinct III has taken on the issue for an elected A.G., an issue that has gotten into a lot of controversy and trouble in the past and potentially in the future over this issue. He was expressing that he was very flattered and he thanks our colleague.

Speaker Babauta: Again, in retrospect with respect to that Initiative, there is also a bill that is pending in the House that would generally stir discussion on how best we can handle the situation right now with respect to our status between the CNMI and the Federal Government. So, to the Committee that has to do with initial discussion on the future political status, take a look at that bill, and if it warrants that the House needs action on it, let us put it out for a vote. As you all know, we

are nearing to the end of our political marriage with our Nations Capitol. There are a lot of interests that have been expressed. Not necessarily by us the Legislature, but also the Committee. Take a look at that bill. I guess that was authored by Representative Torres. Any more bills? I recognize Representative Torres.

Rep. Torres: Are you referring to my bill on the Second Marianas Political Status Commission?

Speaker Babauta: I think that was it. Yes.

Rep. Torres: Thank you. I am keeping that in mind.

Speaker Babauta: Let us move on to introduction of Resolution.

### **INTRODUCTION OF RESOLUTIONS**

Hse. Comm. Res. NO. 15-86: A House Commemorative Resolution to recognize and commend Dr. Daisaku Ikeda and Mrs. Kaneko Ikeda for their collective efforts in promoting humanistic education, peace, friendship and intercultural understanding through their untiring guidance, strong support and unwavering leadership of the Soka Gakkai International here in the Pacific, Asia and around the world.

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

H. R. NO. 15-85: A House Resolution to recognize and commend the participants of the successful CNMI Troops-to-Teachers Program.

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

H. R. NO. 15-86: A House Resolution recognizing and Honoring Mr. Pedro Arriola Tenorio for his untiring commitment to public service and his unselfish contributions towards the betterment of his community.

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

H. R. NO. 15-87: A House Resolution to urge the Department of Labor to remain vigilant in their efforts to ensure existing Labor Statutes are followed.

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

H. J. R. NO. 15-15: A House Joint Resolution to urge the Honorable Governor Benigno R. Fitial to act immediately on the Memorandum of Understanding between the Commonwealth of the Northern Mariana Islands and the U. S. Geological Survey regarding cooperation on volcano monitoring in the Northern Mariana Islands.

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

Rep. Kaipat: Mr. Speaker, if I may. For most of you who are not familiar with this program, this provides for an opportunity for returning troops to work on getting their college degree and work towards full fledged teachers. They work as student-teachers in some of our public schools, and this is a program actually started in the States. It is a Federal program and the Program Director; Jerry Willis adapted this to our local needs here. A lot of our soldiers are still working on getting a college education while the others in the States are actually working on more advance degrees. This actually garnered the attention of the Federals and the Military, and they are looking at the CNMI as a pilot program for this. So it is really quite an accomplishment.

## MESSAGES FROM THE GOVERNOR

GOV. COMM. 15-186: (12/19/06) – From Acting Governor Villagomez forwarding Mr. Michael Sablan’s Resume’, Statement of Financial Interest, and Drug Test Receipt.

GOV. COMM. 15-187: (12/22/06) From Acting Governor Villagomez informing the House that he signed into law H. B. NO. 15-191, HD2 “The PUC Amendments Act of 2006.” [Became **Public Law No. 15-40**]

GOV. COMM. 15-188: (12/29/06) – From the Governor informing the House that he signed into law H. L. B. NO. 15-34 (Tinian ID Card Program Act of 2006). [Became *Tinian Local Law No. 15-2*]

GOV. COMM. 15-189: (12/29/06) – From the Governor informing the House that he signed into law H. L. B. NO. 15-36, D1 (To appropriate \$10,000 for Tinian Dialysis & Cancer Patients Subsistence Allowances). [Became *Tinian Local Law No. 15-3*]

GOV. COMM. 15-190: (1/5/07) Submitting an annual report for fiscal year ending September 30, 2006.

GOV. COMM. 15-191: (1/11/07) Informing the House that he signed into law H. B. NO. 15-183, HD1 (re Seaweed Moratorium). [Became **Public Law No. 15-41**]

GOV. COMM. 15-192: (1/11/07) Informing the House that he signed into law H. B. NO. 15-87, HD1, SD1 (Commonwealth Comprehensive Infrastructure Plan Task Force). [Became **Public Law No. 15-42**]

GOV. COMM. 15-193: (1/14/07) Informing the house that he signed into law H. B. NO. 15-67, HS1 (Commonwealth Aquaculture Development Act of 2006). [Became **Public Law No. 15-43**]

GOV. COMM. 15-194: (1/18/06) Informing the House that he signed into law S. L. B. NO. 15-1 (To designate the Tinian Mayor’s Office administrative authority over the Tinian San Jose Village Cemetery). [Became *Tinian Local Law No. 15-4*]

GOV. COMM. 15-195: (1/16/07) Certification of vacant position for Physician (Emergency Medicine) at the Department of Public Health.

Gov. Comm. 15-196: (1/16/07) Certification of annual salary in excess of \$50,000 for Dr. Donald L. Bader.

Gov. COMM. 15-197: (1/16/07) Certification of vacant position for Physician (Emergency Medicine) at the Department of Public Health.

Gov. COMM. 15-198: (1/16/07) Certification of annual salary in excess of \$50,000 for Dr. Ala Eldin Taha.

The Chair recognized Representative Ada.

Rep. Ada: Thank you, Mr. Speaker. I would just like to express my gratitude to this body and the Senate along with the Administration for signing the bill into Law.

Speaker Babauta: Can you be more specific as to what Communication you are referring to.

Rep. Ada: I am sorry, Mr. Speaker, it is under Gov. COMM. NO. 15-193 regarding the Commonwealth Aquaculture Development Act of 2006. We are working closely with NMC CREES right now Department of Land and Natural Resources to get this program continually going. Thank you.

Speaker Babauta: Ready. I recognize Representative Torres.

Rep. Torres: Mr. Speaker, in reference to Gov. COMM. NO. 15-194, this is in regards to the Senate Local Bill NO. 15-1. Can we ask the legal counsel if the Local Delegation can mandate the Public Lands?

Speaker Babauta: If there is no objection, we would allow the counsel to respond to Representative Torres' request? Any objection?

There was no objection.

Speaker Babauta: So ordered. Counsel, can you just briefly go through Gov. COMM. NO. 15-194.

Legal Counsel Ian Catlett: *Thank you, Mr. Speaker. The Bill has essentially two parts. One is conveying the actual part and the other one is the Administration of the cemetery. I do not see any problem with Section 3, which is the Administration of the cemetery. Section 2, is the actual conveyance and it does indicate a free hold interest, which means that the land is going now to Tinian.*

Rep. Torres: My concern is whether the superior bill can be override by a Local Bill?

Legal Counsel Ian Catlett: *That is a good question. It would seem that it is a constitutional question and also a statutory question which are superior to local laws, but it has been now approved so that adds another twist to it. I cannot answer directly, but it is a conveyance to Tinian by the Tinian Local Delegation.*

Rep. Torres: Since this is a public land and it is a CNMI matter, here we are...I do not know what the Attorney General did to advise the Governor that it is a constitutional matter. Maybe this mandate or require his attention to pass the Initiative today.

Speaker Babauta: I guess you have a valid point, Representative Torres. We might probably request the counsel to look into the formation of the cemetery that was created here in Saipan primarily the public cemetery that was created several years ago, and see how or what provisions of that statute that is contradicting this local law. It is a very sound question that is raised by Representative Torres with respect to a Delegation authority over a CNMI statutory imposition of that particular local law. Counsel, please take note of that so that we can get together after the session. I recognize Representative Tebuteb.

Rep. Tebuteb: On that note, Mr. Speaker, it would be good also to allow the counsel to look at the Department and Agency Communication NO. 15-47 from the Attorney General to Chairmen Aldan and Dela Cruz regarding the CPA liquidation cargo storage facilities lease.

Speaker Babauta: Once we get to item 5, we will go through that and include. I included that in the Communication this morning. Any more under item 5? Representative Torres, I guess it is our mutual consent of the House and the counsel to take a look at that issue. You have raised a valid point. I recognize Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. Just clarification on GOV. COMM. NO. 15-195 through GOV. COMM. NO. 15-198 on all these certifications of vacant positions, for the purpose of retirement benefits, if they are hired, are they hired as new hire or what?

Speaker Babauta: Are you talking about the positions?

Rep. Tenorio: Yes.

Speaker Babauta: They are new hired as appropriated under the present budget. They are not new hire in a sense of FTE's. Remember that the Legislature have capped through the budgetary process.

Rep. Tenorio: I guess the question is for the purpose of retirement benefits whether they go under the define benefit or they go to define contribution or remain under the define benefit program.

Speaker Babauta: If my recollection serve me well, they go under the define contribution, right? The new Law that became effective January 2007. I understand the Retirement Fund have already found a third party that are reviewing. So those new hires would actually fall under this program.

Rep. Tenorio: Thank you.

The Chair recognized the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. Actually, Mr. Speaker, I wanted to make a comment on the issue that was raised by Representative Torres. I want to make a statement for the record. I do not believe that we have any problems with the designation for a public cemetery nor do we have a problem with the administration provision of it. I think the question is whether it should be a local

bill or a CNMI wide bill, and I am in support of that. If need be, my colleague from the Second Senatorial District can introduce that and can introduce that and make it a Commonwealth wide.

Speaker Babauta: That is the reason why I ask the counsel to open up a dialogue with the administration whether or not this is proper, and to take a look at the prior law that the Legislature had enacted creating a public cemetery in the Third Senatorial District. I recognize Chairman Aldan.

Rep. Aldan: Just to shed some light on this cemetery. This cemetery has been operated for so long just like Chalan Kanoa by the church. However, when it comes to the maintenance and cleaning, it is carried over by the Municipality, either the Delegation or the Mayor's Office. That is why during our meeting, we discussed that it is better to give it to the Mayor. I share the concern of Representative Torres. For me, it should have gone through a Legislative Bill and not as a Local Bill. But because of the urgency, part of this land is occupied by NMC, that is why Section 2 of the Conveyance, it states that Public Land should conduct a survey of the above land. There is a conflict part of the headstones because it is on NMC property right now. At the same time, we would appreciate Public Lands to survey around those headstones because if NMC at any time says that is our property, we would have to close the cemetery. This cemetery is not surveyed to my understanding.

Speaker Babauta: I guess your task now is not necessarily only the legal concern that was raised by the members, but again, the physical and geographical issue. If you can apprise the members at a later time...is the local government cognizant as a result of the enactment of this legislation into law...are they cognizant that the area becomes now a public cemetery?

Rep. Aldan: Yes, Mr. Speaker. The Mayor's Office is in support of this one, Mr. Speaker.

Speaker Babauta: But any denominations can utilize that?

Rep. Aldan: Yes, Mr. Speaker.

Speaker Babauta: So you are aware of that?

Rep. Aldan: Yes.

Speaker Babauta: Alright. Any more? I recognize Representative Torres.

Rep. Torres: Just to comment on that statement. This matter would have been easier if the Tinian Delegation request it by Resolution to Public Lands to designate so that it is legal. It is as simple as that.

Speaker Babauta: Are they correspondent between the local government and the office of Public Lands?

Rep. Aldan: I believe, Mr. Speaker, there was a discussion between Senator Hofschneider and DPL as to how they were to approach it. I have no idea that it was going to be introduced as a Local Bill, but...

Speaker Babauta: Okay. However, perhaps, please keep the members apprised and Legal Counsel, please take note on the points that were raised by Representative Torres. Ready.

There being no further discussion, the Chair moved to down to item number 6 under Senate Communications.

## SENATE COMMUNICATIONS

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

SEN. COMM. 15-125: (12/21/06) - Returning H. B. NO. 15-191, HD2 (PUC Amendments Act), which was passed by the Senate without amendments on December 21, 2006. [For info]

SEN. COMM. 15-126: (12/22/06) - Returning H. B. NO. 15-7, HS1 (CNMI Roadways Innovative Financing Act of 2006), which was passed by the Senate with amendments on December 21 2006, in the form of **H. B. NO. 15-7, HS1, SD1**. [*For action on Senate amendments*]

SEN. COMM. 15-127: (12/22/06) - Returning H. B. NO. 15-53, HS1, HD2 (To promote local procurement), which was passed by the Senate with amendments on December 21, 2006, in the form of **H. B. NO. 15-53, HS1, HD2, SD1**. [*For action on Senate amendments*]

SEN. COMM. 15-128: (12/22/06) - Returning H. B. NO. 15-175, HD1 (Animal Protection Act of 2007), which was passed by the Senate with amendments on December 21, 2006, in the form of **H. B. NO. 15-175, HD1, SS1**. [*For action on Senate amendments*]

SEN. COMM. 15-129: (12/22/06) - Transmitting for House action S. B. NO. 15-43, SS1, "To amend the Medical Practice Act (3 CMC § 2201 et seq.) to provide for the licensing of foreign doctors; to promote the establishment of retirement communities in the Commonwealth; and for other purposes," which was passed by the Senate on December 31, 2006. [*For action*]

SEN. COMM. 15-130: (12/22/06) - Transmitting of House action S. B. NO. 15-66, "To enact legislation for the effective implementation of Public Law 15-20; and for other purposes," which was passed by the Senate on December 21, 2006. [*For action*]

SEN. COMM. 15-131: (12/22/06) - Informing the House that the Senate accepted the House amendments to S. B. NO. 15-58, SS1 (Waiver for hiring Nonresident Nurses) on December 21, 2006. [For info]

SEN. COMM. 15-132: (12/22/06) - Transmitting for House action S. B. NO. 15-65, SD1 "To amend 3 CMC § 4434 (b)(5); and for other purposes," which was passed by the Senate on December 21, 2006. [*For action*]

SEN. COMM. 15-133: (12/22/06) - Transmitting for House action S. B. NO. 15-61, "To correct certain errors and inconsistencies in the Public Laws of the Commonwealth; and for other purposes," which was passed by the Senate on December 21, 2006. [*For action*]

SEN. COMM. 15-134: (12/22/06) - Transmitting for House action S. B. NO. 15-59, SD1, “To amend the Northern Mariana Islands Retirement Fund Act to improve its fiscal solvency, to subject to referendum any changes that by law increases benefits offered under the defined benefit plan of the Northern Marina Islands Retirement Fund Act; and for other purposes,” which was passed by the Senate on December 21, 2006. [*For action*]

SEN. COMM. 15-135: (12/22/06) - Returning H. L. I. NO. 15-1, “To amend Article XV, Section 2(a) of the Constitution of the Northern Mariana Islands,” which was passed by the Senate on December 21, 2006. [*For info*]

SEN. COMM. 15-136: (1/8/07) – Transmitting a certified copy of S. R. NO. 15-31, entitled, “A Senate Resolution to recognize, commend, and express the Commonwealth’s gratitude to Dr. & Mrs. Daisaku Ikeda for their outstanding contributions and dedication to the advancement of education, improvement of intercultural and awareness, international understanding, and global peace,” which was adopted by the Senate on December 21, 2006. [*For info*]

SEN. COMM. 15-137: (1/18/07) – Returning H. B. NO. 15-15, HS1, HD1, the Vital Statistics Act of 2006, which was passed by the Senate without amendment on January 18, 2007. [*Will go to Governor*]

SEN. COMM. 15-138: (1/18/07) – Transmitting for House action S. B. NO. 15-71, entitled, “To change the title of the head of the Department of Corrections from Secretary to Commissioner; and for other purposes,” which was passed by the Senate on January 18, 2007. [*For action*]

SEN. COMM. 15-139: (1/19/07) – Transmitting for House action S. B. NO. 15-70, SD1, entitled, “To exempt renewal applicants from the mandatory firearms safety education class; and for other purposes,” which was passed by the Senate on January 18, 2007. [*For action*]

SEN. COMM. 15-140: (1/19/07) – Transmitting for House action S. B. NO. 15-73, SD2, entitled, “To rename ‘Microl Beach Drive’ to ‘Gov. Larry DL. Guerrero Drive’ in honor of former Governor Lorenzo I. Deleon Guerrero’s commitment and dedication to public service in the Northern Mariana Islands; and for other purposes,” which was passed by the Senate on January 18, 2007. [*For action*]

SEN. COMM. 15-141: (1/19/07) – Transmitting for House action S. B. NO. 15-74, SD1, entitled, “To rename ‘Beach Road’ to ‘Bishop Thomas A. Camacho Rd’ in honor of Bishop Tomas Aguon Camacho for the development of the inner qualities and external conditions needed for the creation of a more peaceful, just and sustainable society; and for other purposes,” which was passed by the Senate on January 18, 2007.

SEN. COMM. 15-142: (1/22/07) – Transmitting a certified copy of S. R. NO. 15-32, entitled, “Conveying the sincere condolences and sympathy of the Senate of the Fifteenth Northern Marianas Legislature to the bereaved family of the late Luis Hocog Manglona, on the occasion of his untimely passing and paying tribute to his services to the people of the Commonwealth and fond memory,” which was adopted by the Senate on January 18, 2007. [*For info*]

The Chair recognized the Floor Leader.

Floor Leader Deleon Guerrero: So moved, Mr. Speaker, to reject SEN. COMM. 15-127 and SEN. COMM. 15-128 and accept all other Senate Communications that appear on today's Calendar.

The motion to reject SEN. COMM. 15-127 and SEN. COMM. 15-128 and the acceptance of all other Senate Communications was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. SEN. COMM. 15-127 and SEN. COMM. 15-128 are hereby rejected by the House. The Chair will appoint immediately a conference committee to engage. I recognize Representative Tenorio.

Rep. Tenorio: Mr. Speaker, I beg the indulgence of the Speaker to include me in the conference committee on SEN. COMM. 15-127.

Speaker Babauta: The Chair will graciously remember, Representative Tenorio. I recognize Representative Yumul.

Rep. Yumul: Mr. Speaker, I just wanted to know if I am already out of order if I were to request one other Senate Communication to be rejected.

Speaker Babauta: Let us dispose of this motion then I would recognize you for a subsidiary motion to include the Communication that you are interested in. Okay. I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. I would like to request that H. B. NO. 15-7 reference to SEN. COMM. NO. 15-126 be referred to the appropriate Committee for further discussion on the amendment rather than putting it out in the Calendar for today. Thank you.

Speaker Babauta: Alright, Floor Leader, take note on the communication that is requested by the Minority Leader to be referred to a Committee. Okay. I recognize the Vice Speaker.

Vice Speaker Quitugua: Just clarification on SEN. COMM. NO. 15-126. The motion was to refer it to the Committee and not rejecting it?

Speaker Babauta: Let me clarify this. The Minority Leader...because we have accepted the Communications, and the next proper motion would be for the Floor Leader to place those Communications that require the attention of the House pursuant to Rule IX, Section 15 of our House Rules. However, the Minority Leader requested the indulgence of the members if that particular Communication can be referred to a Committee for appropriate actions, and hopefully changes would occur. I recognize the Minority Leader.

Rep. Palacios: Just to clarify that request, Mr. Speaker. There were some amendments to the legislation and it is fairly straight forward amendment, but in looking at the amendment, I am the author of the legislation and I want to be assured that there are no potential consequences as a result of that amendment and it just takes out some of the approved projects that were already approved by the Federal Highway in striking out those projects in the legislation. I want to make sure that we do not go back to square one and re-negotiate again what roadways are going to be paved. I do not want to do that, and I do not think the Legislature wants to do that because this is Federal Highway

Funds and if we continue to go back and forth on this projects – I just want to delay it and discuss it with our colleagues from the Senate and if there is a consensus as to the agreement and the amendment, then we can move forward. Thank you.

Speaker Babauta: I hope that you understand what the Minority Leader is trying to allude to. He just wants to get a commitment that the amendment would not jeopardize what was intended on the House version. So we would give it some time with the Committee so that we have an official commitment from our counterpart that the amendment would not be as a result of deleting or those projects would not be hampered in the future. I recognize Representative Aldan.

Rep. Aldan: Thank you, Mr. Speaker. I am just wondering what Committee this bill would go to? Also, just to comment in regards to Tinian...[inaudible]...route and drainage improvement. That project has been there for almost 7 years, and it never even had a groundbreaking.

Speaker Babauta: That is the reason why we need to clarify this because those have been...

Rep. Aldan: Those has been...

Speaker Babauta: Yes, those have been officially recognized by the grantor, in this case the FHA.

Rep. Aldan: I just want to make sure as to what Congressman Palacios stated earlier, and that is that we do not want to go back again and find out and...

Speaker Babauta: That is the reason why I kind of endorse that issue because I note that it was deleted from the list. I am going to request the Minority Leader and the Chairman of Ways and Means to work with the respective Delegation this week. If not today, then tomorrow, we can probably bring back the Communication.

Rep. Tenorio: Clarification, Mr. Speaker.

Speaker Babauta: State your point, Representative Tenorio.

Rep. Tenorio: Mr. Speaker, I just want clarification in this case, and if this case has been brought to the Committee, and if there was necessary action that needs to be done to amend? Can it be done in the Committee or does it have to go back to Conference?

Speaker Babauta: It can be done in the Committee.

Rep. Tenorio: And be accepted by...?

Speaker Babauta: We call that volleyball or ping pong.

Rep. Tenorio: Mr. Speaker.

Speaker Babauta: Short recess.

The House recessed at 10:56 a.m.

## RECESS

The House reconvened at 11:12 a.m.

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

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, as requested to refer SEN. COMM. 15-126, SEN. COMM. 15-129, SEN. COMM. 15-139, SEN. COMM. 15-140 and SEN. COMM. 15-141 to the respective Committee.

The motion to refer SEN. COMM. 15-126, SEN. COMM. 15-129, SEN. COMM. 15-139, SEN. COMM. 15-140 and SEN. COMM. 15-141 to the respective Committee was seconded and carried by voice vote.

Speaker Babauta: Continue, Floor Leader.

Floor Leader Florencio Deleon Guerrero: Mr. Speaker, I thought we already had a motion to accept all Communication? Are we referring the others to be calendared?

Speaker Babauta: There are several communications that need to be placed on the Calendar. Short recess.

The House recessed at 11:15 a.m.

## RECESS

The House reconvened at 11:16 a.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 placement and suspension under Rule IX, Section 15 to place SEN. COMM. 15-130, SEN. COMM. 15-132, SEN. COMM. 15-133, SEN. COMM. 15-134 and SEN. COMM. 15-138 on today's Calendar.

The placement motion was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. Any Communication under item number 7?

## HOUSE COMMUNICATIONS

The Chair recognized the Minority Leader.

Rep. Palacios: Mr. Speaker, I want to ask the indulgence for the Chair...I have a letter here that I sent up to the Senate President just this morning, Mr. Speaker, and I do not have time to request for your approval, but let me pass it out to the members.

Speaker Babauta: Can we have those copies available so that we can follow your...

Rep. Palacios: Mr. Speaker, the gist of the letter is to request and call his attention to the House Bill that we passed regarding the CUC rates. That is a very time sensitive legislation that I believe we all agreed. We need to address it or take a vote on it. Thank you.

Speaker Babauta: Thank you. I am sure that you have been reminded of the context...**[tape cut off]**

Rep. Torres:...our Governor for communicating with us in reference to GOV. COMM. NO. 195, GOV. COMM. NO. 196, GOV. COMM. NO. 197 and GOV. COMM. NO. 15-198. Those are certification of position in over the cap. I certainly appreciate from the Governor for providing us this Communications, but for some reason, I like to say that I am not satisfied because other matters regarding certifications or vacancy positions have been filled without the proper communication to this House. Somehow I appreciate the four communications from the Governor. Thank you.

Speaker Babauta: Just that we do not confuse the Clerk, Representative Torres is injecting that as a verbal communication under item number 7 reflecting GOV. COMM. NO. 195, GOV. COMM. NO. 196, GOV. COMM. NO. 197 and GOV. COMM. NO. 15-198, which has to deal with certifications of vacant positions and salary. Thank you, Representative Torres. Let us move down to item number 10.

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

None

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

None

#### **COMMUNICATIONS FROM DEPARTMENTS & AGENCIES**

DEPT. & AGENCY COMM. 15-44: (12/22/06) From Ms. Linda T. Cabrera (SAPLR) acknowledging receipt of H. R. NO. 15-82.

DEPT. & AGENCY COMM. 15-45: (12/14/06) From Mr. Mametto M. Ayuyu, Board Secretary, transmitting a copy of the Board of Parole resolution extending appreciation to Mr. Antonio G. Adriano.

DEPT. & AGENCY COMM. 15-46: (12/14/06) From Mr. Mametto M. Ayuyu, Board Secretary, transmitting a copy of the Board of Parole resolution extending appreciation to Congresswoman Cinta Kaipat.

DEPT. & AGENCY COMM. 15-47: (1/3/07) From Attorney General Matthew Gregory to Chairmen Aldan and Dela Cruz regarding the CPA liquid cargo storage facility leases.

DEPT. & AGENCY COMM. 15-48: (1/17/07) From Mr. Mark Aguon, NMIRF Administrator, regarding allotment for NMIRF COLA recipients.

Speaker Babauta: Someone earlier was alluding to a Memorandum that was requested by the Standing Committee Chairs of Natural Resources and PUTC regarding the CPA, MOBIL, and SHELL issue. Representative Tebuteb.

Rep. Tebuteb: It is relative to the issue that we talked about on the Tinian Cemetery. I was just referring that it could be taken into consideration, Mr. Speaker.

Speaker Babauta: Okay, the relevancy of the issue...

Rep. Tebuteb: Yes. It is related.

Speaker Babauta: So noted. Thank you for the clarification.

There being no further discussion, the Chair moved down to the item number 11.

### **OTHER COMMUNICATIONS**

MISC. COMM. NO. 15-10: (1/17/07) From Mr. Philip J. Flores, President of Bank Pacific enclosing a copy of their SOS in response to H. R. NO. 15-78 regarding debt relief.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. For the record, I want to thank the Bank Pacific President, Mr. Flores for doing service to this community in reference to our request and requisition of the Resolution. I understand that this program is only up to January 2007 and I hope that other lending institutions will do like wise and extend their services to our people who are badly affected.

Speaker Babauta: I have spoken to two other managers of the distinguished lending institutions here in the CNMI primarily here in Saipan, and this is prior to the Holidays, not necessarily silently, but they just do not want to impress upon...primarily, they do not want to get into the political arena as far as legislative issues are concerned. However, they have assured me that all of them especially the FDIC members have this program where individuals coming in for an extension of their financial dealings with the bank. Normally, the two gentlemen have indicated that majority of the time those have been extended to their clients in difficult times. However that may be the case as a standard position for them, I am glad that at least one entity acknowledged the importance through an official letter to the Speaker and the members of the House. I thank the author for moving that Resolution. I recognize Representative Torres.

Rep. Torres: I have to defer to you.

Speaker Babauta: Unless we have a different value.

Rep. Torres: Yes. They are not coming out right openly and maybe in honesty. I have not been invited to talk about reducing their rates. As a matter of fact they have increased their rates. I like to go back to Congressman Tenorio's issue that maybe he should reintroduce another Resolution for the extension of that service to the people. I know that the only customers that have been entertained are the people who have walked into the bank. I like to ask the bank to communicate and get in

touch with their customers and offer such help through personal contact. They should go and contact them outside their banks. Thank you.

Speaker Babauta: Thank you for sharing that concern or that point of view. I do not think this Legislature...can we have a little bit of order. I do not think this Legislature would intentionally impose something on our private entities primarily with banks with big corporate citizens. So it is a matter of a “wake-up” on their standard operating procedure because many of our people are in dire need of assistance, and one of them is extending their loans. Unless there is a personal experience that Representative Torres encountered, I am sure the majority out there continue to avail themselves with the program. I recognize Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. You were so fast, I had to...can we go back to the Department and Agency Communication particularly DEPT. & AGENCY COMM. 15-48?

Speaker Babauta: Let me just yield to Representative Tenorio on the same subject.

Rep. Tenorio: Thank you, Mr. Speaker. This is just a short clarification from my Chairman of Natural Resources. He related to me that there was a communication from Admiral or some Military Personnel in Guam regarding the harsh Resolution on the Propositioning Vessels addressed to me. I thought perhaps it was proper that either I get a copy of that. I just want to ask my colleague as to whatever happened to the report. Should the members get a copy of that through House Communication? Thank you.

The Chair recognized Chairman Aldan.

Rep. Aldan: Representative Tenorio, let me verify it with my Secretary if they gave a copy to your Secretary because I did inform them to give you a copy to you.

Rep. Tenorio: I personally went to your office, you were out, and I ask for a copy. I mean, it does not have to go that far basically, but I never received the communication. So I apologize if it was sent to me, but I thought it would be proper that it goes into the House if this communication involves a Resolution that we all passed, for the record. Thank you.

Speaker Babauta: Chairman Aldan, can you make sure that Representative Tenorio has a copy of that communication.

Rep. Aldan: I will follow that up, Mr. Speaker.

Speaker Babauta: I understand that PTI has a shortage and probably it did not get through. Anyway, before I recognize Representative Tebuteb, just be mindful that the letter from the Minority Leader to the Senate President should be House Communication NO. 15-21. Please take a note on that. Without objection, we would go back to item number 10.

There was no objection.

## COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

The Chair recognized Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. In reference to DEPT. & AGENCY COMM. 15-48, of course, it is only incumbent upon us to look at this matter. Maybe it is more of a question than on actions that we need take through the Ways and Means Committee. There are two words that kind a pop up to me, and the first page under Class I and Class II members on the second paragraph and to the next sentence. You go to the next page on the next paragraph, where if this special annuities, it will cost the increase. I guess the question is; what directions could be taken to assist and alleviate the Retirement Fund on this COLA and the special benefits for a Governor and Lieutenant Governor. Maybe the Ways and Means Committee could abreast us so that we can put in our two senses and see how we can rectify this issue.

Speaker Babauta: I remembered vividly well that when we were working with the budget that this is a consorted effort because I recalled that the Minority Leader was very involved with our 2007 budget, and this is one of the items that where pinched a little bit just to satisfy the other programs. So the original submission by the administration was actually higher that what we had appropriated, but it is a policy call that us the members made and supporting the Ways and Means' final report or version, and this is what happened. I would request the Standing Committee Chairman Ogo to immediately seek a dialogue with the Administrator and sit down with him and see how best we can solve these issues before the end of the Fiscal Year and see if we can find some solutions. I understand that there was an appropriation for the Special Annuity too, but was...because that was a full warn before the 2007 was enacted into law. That one again was an initial appropriation that was submitted by the Administration, but the Legislature again pinched a little to satisfy other programs that were requested and are in dire need. I hope that is qualified, however the case may be, Chairman Ogo, please kindly take a dialogue with Mr. Aguon of the Board of Trustees or the Retirement Board. Any more under item number 10? I recognize the Vice Speaker.

Vice Speaker Quitugua: Just clarification, Mr. Speaker, on Mr. Aguon's letter.

Speaker Babauta: Proceed.

Vice Speaker Quitugua: I think Mr. Aguon's letter on the Special Annuities for Governors and Lieutenant Governors...he is asking the President and you, Mr. Speaker, to see how can Finance remit this amount because they have not receive it yet. He is asking you and the President to assist them in having Finance release the appropriation to the Retirement Fund. Now, on the first letter, he is saying that what we appropriated under the budget is not enough for the retirees who are Class I and Class II members.

Speaker Babauta: Okay. I am sorry. I am misled because the two letters where stapled together. I thought we were solely speaking on one subject, but like I said, the Special Annuity also was incorporated. I know it was short because the House supported an idea of reducing it a little bit to satisfy the other. So it has been a practice of...not to mention our own dilemma internally. I will continue to task the Committee on Ways and Means to see what best solution we can accommodate our retirees. I recognize the Minority Leader.

Rep. Palacios: Taking on the Vice Speaker's concern, the first letter in reference to the annual cost of living allowance, we have in the Calendar, Mr. Speaker, a legislation that has been sitting there authored by Representative Torres requiring that we need these taxes. You were probably apart of this law for...

Speaker Babauta: That was you.

Rep. Palacios:...in the Ninth Legislature.

Speaker Babauta: But you amended it.

Rep. Palacios: No. It is the hotel occupancy tax and alcoholic container tax for the Retirement Fund.

Speaker Babauta: Let us take a look at that on today's Calendar and we will deliberate. If it warrants the approval of the House then so be it. We will support it. Any more on item number 10? I would recommend that we dispose of the Resolutions and break for lunch so that we can have our LB Staff and employees go for lunch because I know that we will have a long day. Hopefully we can get out of here by 4:00 p.m. Short recess.

The House recessed at 11:39 a.m.

## **RECESS**

The House reconvened at 11:44 a.m.

Speaker Babauta: We are back to our plenary session. We will go down to Resolution Calendar and come back in the afternoon to continue on item number 12 if that is okay. It sounds like a good plan. So without objection, we will go down to item number 15 under Resolution Calendar and I recognize the Floor Leader for the placement of those Resolutions on today's Order of Business.

## **UNFINISHED BUSINESS**

None

## **RESOLUTION CALENDAR**

The Chair recognized the Floor Leader.

Floor Leader Deleon Guerrero: Mr. Speaker, I move for the suspension of pertinent rules for the placement of H. R. NO. 15-85, H. R. NO. 15-86, H. R. NO. 15-87 and HSE. COMM. RES. 15-86.

The placement motion was seconded and carried by voice vote.

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

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the adoption of H. R. NO. 15-85, H. R. NO. 15-86, H. R. NO. 15-87 and HSE. COMM. RES. 15-86.

The motion was seconded.

**H. R. No. 15-85:** A House Resolution to recognize and commend the participants of the successful CNMI Troops-to-Teachers Program.

**H. R. No. 15-86:** A House Resolution recognizing and Honoring Mr. Pedro Arriola Tenorio for his untiring commitment to public service and his unselfish contributions towards the betterment of his community.

**H. R. No. 15-87:** A House Resolution to urge the Department of Labor to remain vigilant in their efforts to ensure existing Labor Statutes are followed.

**Hse. Comm. Res. No. 15-86:** A House Commemorative Resolution to recognize and commend Dr. Daisaku Ikeda and Mrs. Kaneko Ikeda for their collective efforts in promoting humanistic education, peace, friendship and intercultural understanding through their untiring guidance, strong support and unwavering leadership of the Soka Gakkai International here in the Pacific, Asia and around the world.

Speaker Babauta: Discussion on any of the Resolutions.

There being no discussion, H. R. No. 15-85, H. R. No. 15-86, H. R. No. 15-87 and HSE. COMM. RES. NO. 15-86 was carried by voice vote.

Speaker Babauta: The motion is carried. Floor Leader, proper motion for H. J. R. NO. 15-15.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, to refer H. J. R. NO. 15-15 to Committee.

Speaker Babauta: The motion is to refer H. J. R. NO. 15-15 as agreed upon with the author.

The motion to defer action and refer H. J. R. NO. 15-15 to the Committee was seconded but there was a Division on the floor by Representative Tebuteb.

Speaker Babauta: There is a Division on the floor, but I would allow Representative Tebuteb to indulge.

Rep. Tebuteb: Mr. Speaker, I am not sure where it came from, but since you probably garnered that, maybe just a short explanation then on the status as you have requested that it goes to the Committee. Maybe it would be accurate to go ahead and provide us the status.

Speaker Babauta: I guess the accurate request is to inform the members about our private discussion. Briefly, I ask the author, Representative Tebuteb and seek his humble cooperation with respect to his Joint Resolution. I verified earlier this morning because I knew that there was something to that affect regarding the Resolution, and that is the reason why Representative Tebuteb have initiated a Joint Resolution to the Administration in particular our Emergency Management Office. As you all remembered, in early part of 2006, a similar or relative Resolution was

introduced by Chairwoman Kaipat and was endorsed unanimously, but all of us in supporting the U.S.G.S. or volcanology, remember that we had a short presentation made by Dr. Quick, and as a result of that presentation, we all agreed then that such a project shall be undertaken. I verified this morning and I was officially informed by Mr. Guerrero from EMO that the final draft is in the hands of the attorneys. Hopefully by the end of the day or tomorrow, it should be on the Governor's desk for his signature, and that is granting approval and in agreement with the volcanology program so that the equipments and what research that would be done in the Northern Islands can be achieved in less time and in expedient manner. That is the reason why I ask Representative Tebuteb to hold on to his Resolution until we see some actions by the end of the week or next week. Is that amicable to you?

Rep. Tebuteb: I do remember you asking me that and I do not remember what my response was. Although, I know that I was not very keen to agreeing to hold or refer this matter to the Committee. What this Joint Resolution does is basically to...I was a little bit kind not to put strong words in there, but just to use simple words such as, "urge". What it does really is that we do not want to delay and we do not want to delay the momentum that U.S.G.S. in reference to the MOU that is required from the CNMI. Basically what the CNMI Government has done for the past six months is playing with Russian roulette when we are talking about the monitoring system, and not only the early warning system, but it also has economic impact that could be very beneficial to the CNMI as well as the region in our area. Since that is already on floor that we will refer it to the Committee, I guess, since there is a Division on the floor, I will allow that to see what the Division on the floor is.

Speaker Babauta: I understand that we brought the motion up and it is just that I do not want to enlighten the members of our private discussion, and primarily your response, but earlier, I was humbled by your gesture in allowing the process to move on expediently. I would say that my explanation and your acknowledgment of the process was well deserved to be acknowledged. That is reason why I officially acknowledged that the Resolution be referred to Committee temporarily so that we may allow the process to move on expediently. We all know that we are all supporting the project in itself. Please be assured of that because I took part in that in the earlier stage. Continue, Representative Tebuteb.

Rep. Tebuteb: I would assume or I am now getting a message from you that if not today then that process for the MOU will be finished tomorrow. I know...

Speaker Babauta: The review.

Rep. Tebuteb: I understand. This MOU was given to the Lieutenant Governor last spring and to date, it is very difficult to comprehend the delay on this matter. The momentum may have a great impact if we do not continue the momentum, and I will again urge, Mr. Speaker...are you saying that maybe tomorrow if not today that MOU will be finished?

Speaker Babauta: As I understand from the Director of the Emergency Management Office, it is executed. It is just a matter of legally reviewing the language in the MOU. When that is done, as I take it from the Director, it will be transferred to the Governor's desk for his signature. Both sides are reviewing the context of the MOU right now.

Rep. Tebuteb: Just to let you know that my conversation with EMO, when I ask them on the status of the MOU last month, they were not aware of what MOU I was referring to. So as a result of that, the House Joint Resolution came about, and if it is going to the Committee, I guess, it will stay there.

Speaker Babauta: Not necessarily, Representative Tebuteb. I understand the ramification of the points being raised...for one that I am really cognizant of it, it is the importance of getting the MOU out soon is the mere fact that Congress would soon work on the Federal budget. So we need to expedite that process so that the program could be included in this fiscal year for the Federal budget to take advantage of it. You want to yield to the Minority Leader.

Rep. Tebuteb: Yes, for now.

Speaker Babauta: Thank you. I recognize now the Minority Leader.

Rep. Palacios: Mr. Speaker, may I make a recommendation, rather than placing in the Committee or any Committee for that matter?

Speaker Babauta: Go ahead.

Rep. Palacios: Let us put it on the Resolution Calendar. I am sure and if I hear it correctly, you intent to have session in the next few days...

Speaker Babauta: Yes.

Rep. Palacios: So perhaps in the next day or so we can get more accurate information from the attorney general's...

Speaker Babauta: We have done that before...

Rep. Palacios:...and see what process to take.

Speaker Babauta: I do not think that is too much to ask, placing it until such time we have a clear indication about the issue on the program. So without objection, Floor Leader, please offer a subsidiary motion to place it on today's Calendar for First Reading.

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

The subsidiary motion to place H. J. R. NO. 15-15 on First Reading was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. It is time for lunch and the Chair would like to request the members to break for lunch and allow our LB Staff...

Rep. Ada: Privilege, Mr. Speaker.

Speaker Babauta: Under Privilege, Representative Ada.

Rep. Ada: Should we continue in the afternoon to include the Standing Committee Reports?

Speaker Babauta: If my recollection served me well, we understand each other that we will come back in the afternoon and go back to item number 12, under Standing Committee Reports.

Rep. Ada: No further contest.

Speaker Babauta: I will take that under advisement. Floor Leader, short recess for lunch.

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

Speaker Babauta: The House stands recess for lunch until 1:30 p.m.

The House recessed at 12:00 p.m.

### RECESS

The House reconvened at 2:00 p.m.

The Chair recognized the Floor Leader under Standing Committee.

### REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Florencio Deleon Guerrero: Mr. Speaker, to suspend pertinent rules for the placement of **S. C. R. No. 15-49**.

The motion was seconded.

Speaker Babauta: The motion is carried. I recognize the Floor Leader for a motion to adopt the Committee Reports.

The motion was seconded and carried by voice vote.

**S. C. R. No. 15-48**: Reporting on H. B. NO. 15-186, entitled, "To amend Title 1, Division 8 Part 2, Chapter 5 of the Commonwealth Code to place a limit on the amount of annual leave a government employee may accumulate; and for other purposes." *Your Committee on Health, Education, and Welfare recommends passage of the bill in the form of a substitute.*

**S. C. R. No. 15-49**: Reporting on H. B. NO. 15-120, entitled, "To require all scuba dive shop operators to impose a \$1.00 surcharge per customer who avails of the services provided by the operators; and for other purposes." *Your Committee on Commerce and Tourism recommends passage of the bill in the form of Draft 1.*

Speaker Babauta: The motion is carried. Since we have already disposed of the Resolution under item number 15, we will move down to item number 16. I recognize the Floor Leader.

## **BILL CALENDAR**

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, to place H. B. NO. 15-186 and H. B. NO. 15-120 on today's Bill Calendar.

The motion was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. You may proceed, Floor Leader, with the first bill.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the passage on First and Final Reading, H. B. No. 15-149, CS1.

The motion was seconded.

**H. B. No. 15-149, CS1**: A BILL FOR AN ACT TO AMEND PARTS OF 1 CMC 6101 ET SEQ., AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. I recognize Chairman Ogo.

Rep. Ogo: Mr. Speaker, I hope I am not out of order here, but I have a floor amendment before us. I had already passed it out.

Speaker Babauta: Have you passed that out?

Rep. Ogo: Yes, a written floor amendment on H. B. No. 15-149.

Speaker Babauta: Proceed.

Rep. Ogo: On Section 3, the amendment is on page 35 to read as follows: 1 CMC § 8245 (i) is repealed and enacted to read as follows: Any Commonwealth government employee may take leave or absence or may continue to work in the employees current position upon certification of the employees candidacy for the Board of Election. Thank you, Mr. Speaker.

The motion was seconded.

Speaker Babauta: Is everybody clear on the written floor amendment?

Rep. Torres: Point of order, Mr. Speaker.

Speaker Babauta: State your point, Representative Torres.

Rep. Torres: I am looking for page 35, but the page says, 27 of 27.

Rep. Ogo: Mr. Speaker, if I may?

Speaker Babauta: Continue.

Rep. Ogo: It seems like everyone has page 27, so let me just glance to that. I have a copy here, Mr. Speaker, that states page 35.

Speaker Babauta: Short recess.

The House recessed at 2:06 p.m.

## **RECESS**

The House reconvened at 2:11 p.m.

Speaker Babauta: The House shall reconvene, and I recognize Representative Ogo.

Rep. Ogo: Thank you, Mr. Speaker. I move to make a floor amendment, Mr. Speaker, to add a new Section 4, amending 1 CMC § 8241(i), repeal and reenacted to read as follow: Any Commonwealth Government employee may take leave of absence or may continue to work in the employees current position upon certification of the employees' candidacy by the Board of Election. Thank you.

The written floor amendment was seconded.

Speaker Babauta: Discussion. I recognize Representative Yumul.

Rep. Yumul: Clarification.

Speaker Babauta: State your point.

Rep. Yumul: Is he introducing a new subsection 3 and renaming the rest accordingly or is he creating a new subsection 4?

Speaker Babauta: A new section 4 and renaming section 3 to section 4 and renumber accordingly.

Rep. Yumul: Thank you.

Speaker Babauta: Ready. I recognize Representative Seman.

Rep. Seman: Thank you, Mr. Speaker. The way I read this, the main reason why the original intent of requiring a candidate who works for the government to take leave of absence after being certified is to avoid politicking in the office. I am concern because in many cases, a government agency head usually are the ones that seek to run for office, and being a department head, that will give that opportunity for the candidate to influence his employees within the workforce. In allowing the certified candidate to continue working would make that person campaign or do politics during working hours. So I have reservations with this amendment.

Speaker Babauta: Point of view taken. Chairman Ogo, any rationality on this?

Rep. Ogo: Mr. Speaker, I understand where Representative Seman is coming from, but we all know that we have ethics when we are at work, and we all understand that when we are supposed to do our job according to what our responsibility, politicking is not part of that. I have not seen or heard anyone being sued for that purpose. There is no record at this time to verify that a person that is running for the previous in our history of the CNMI government being sued for that person alone. The opportunity to provide members of the community to go out there and seek public office, knowingly, that they are not financially capable to provide for their campaigning. I feel for these people. I know that some of you in this Chamber probably have experienced running with little funds and this would really put out those good and honest people that really want to serve the community, and knowingly that they have the guts and the feeling to run however are financially strapped. I am just giving an opportunity for our people to go out there and serve, because I know some good candidates from the island of Rota that would really love to run this coming election, however, their bills are too much and they cannot afford to take that 45 days leave. I am just pointing out something that I felt our community and hopefully the members in this House can recognized. There are others out there that would really like to run for office, but their financial status is not to par with the majorities that are running. Thank you.

The Chair recognized Representative kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. I agree with you wholeheartedly, Representative Ogo. I am one of those people who are affected by this. We all know as he pointed out that politicking on the job is really...we know that campaign season is here, but we know what we are supposed to do and what not to do and I do understand your point, Representative Seman. But the point of the matter is that we are trying to level the plain field here. It is really not fair for those who would want to avail themselves the opportunity to run to be denied. I think about the families that really suffer because the person who is the provider is not given that opportunity to remain employed. So for me, checks and balance, you can always report. Someone who is acting inappropriately whether they are in a bosses' position or subordinate or the same level with you, there is always the Public Auditor to monitor those situation. People are always calling up the Public Auditor, but at the same time, politicians are not told that they have to not work for the same period of time, and we all know that campaigning is coming up. So let us be fair about the process and observe good judgment and do not politic when you are not suppose to politic, and if you see someone abusing it then report them. It is as simple as that. Thank you.

Speaker Babauta: Let me just point out some observation that I make here in the podium with respect to the bill before we continue to move on illegally and voting on the bill. May I ask where page 24 went? Oh, okay. What caught my eyes on this is the filing fee and I do not see anything from the Senate and the House. We almost ran away with a free of charge. Anyway so noted. Thank you. I recognize Representative Waki.

Rep. Waki: Thank you, Mr. Speaker. I personally feel the same as Representatives Kaipat and Ogo, and I do understand what Representative Seman was saying. I also, when I was running after being certified, I had to take leave, and the position that I was at, I was not making all that much money. It was a good thing that I had some leave time, but two and half months from the time of certification is a long time to be without a job, and most private industry workers are not released from work. I think that the playing field should be even out. Incumbent legislators are not told to step down, and

everybody would say that the most politicking comes from the politicians and not the employees, but we penalize the government employees and not those that are constitutionally protected. I think the playing field should be fair and that we do have ethics laws and we do have the Office of Public Auditor. I think we have the controls in place that could watch over it, and I know that people would be glad to turn in people who feel that they are politicking on working hours. I support the bill because of the fact that it was financially draining when I ran, and I could feel for those people who would like to run, but unfortunately, they cannot because of the fact that they are government employees. So I would ask our colleagues here to just consider that and we would just allow the government controls to kind of dictate how we basically hold ourselves during that particular time. Thank you.

Speaker Babauta: In essence, you are saying that we are fortunate?

Rep. Waki: Yes.

The Chair recognized Chairman Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. I just want to add my two senses also as per this bill, and correct me if I am wrong, but we see elected officials such as the Governor and the Lieutenant Governor and the Washington Representative, and I am not sure whether they are made to leave their post after certification. I think it is a matter of being ethical on the job in any government agency, and so I must agree with the sentiments of Congressman Waki and Representative Kaipat on the bill itself. I think we are all old enough to do what is right even after being certified. Thank you, Mr. Speaker.

Speaker Babauta: Thank you for your thoughts. I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. The Committee worked hard on this legislation. I signed out on the Committee Report, but certainly this amendment has got more of a far reaching effect than what we are trying to say here. I see it...and I certainly understand the points that my Chairperson and Representatives Waki and Dela Cruz are pointing out, but there are reasons behind why they did this because prior to the election laws, this was a requirement. You could still hold on to your position, but I see certain situations like a teacher of a High School; he has a captive audience with students and is very difficult...I can see your point where you say, let us all be ethical, and I agree with you. When I was working for the government and decided to run, I had to take leave of absence too and it was difficult not just for myself, but for my family too. So I certainly appreciate and fully understand having being there myself. There is a room for abuse in this where it is very difficult to prove any violation of politicking in the workplace. It is very difficult. If you are the boss, especially if the individual is a very shrewd, clever individual, there are a lot of ways to cover this. That is the problem that I have with this to completely say that you can continue to work in the position three months before election, and continue up to the election, I think is a little bit too far. I think maybe we should look at this and maybe come in and say, two months before the election or 45 days before the election, rather than 90 days. I think presently, it is for about three months. You get certified in August, if you are working in the government, you have to go on a leave of absence, and in some cases, three months an individual may not have enough annual leave to go on leave of absence to make up for those times that he is gone from his work. But in order to accommodate, I think we should change this and amend it and limit it to 45 days after the

certification or before the election. We have to compromise on this because I can see and I have seen people in positions that abuse it, and even after you call up OPA to make that complaint, by the time the complaint is addressed, the election is over. So we need to institute some sort of an ethical standards. I think 45 days after you have decided that you want to serve the public in a different capacity such as an elected office, I think you should start preparing yourself both financially and mentally and physically. That is just my two sense to this. We need to have some sort of a restriction too.

The Chair recognized Representative Torres.

Rep. Torres: In line with that, I believe in the appearance of impropriety and to permit a government worker to continue working is campaigning. It is a life campaigning and would you be permitting all government employees to be campaigning and get paid? That is a tax payer's money. The tax payers are subsidizing the candidate to permit them to continue working while he/she is actively campaigning. Period.

Speaker Babauta: I was waiting for that. Any more discussion on the amendment? I recognize Chairwoman Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. To say that we are the only public servants is not true. Everyone that works for the government serves the public. So it is just grains on me that we have this double standard, a politician can sit up here and work all the way up to the election time and not be touched...you can politic and cannot to touched and all that, and pretend that you are not is hypocritical. All I am saying is that if we level the plain field, we also give the opportunity to otherwise good candidates who want to serve the community, but their financial needs prevent them from doing so. Yes, it is nice to organize and arrange all your finances in advance, heck, not all of us can do that. Some of us are just living hand to mouth every week and cannot afford to be setting aside some extra funds. So all I am asking is fairness, one standard applied to everyone. Period.

Speaker Babauta: Let me just say a short refresher on this issue. The Election Reform Act under Public Law 12-18, it took five legislatures to enact this statutory reform. Over the years, the legislature have been trying to get this reform bills so that the Commission can have an independent abilities to execute election process, but in my experience in pushing this legislation in those years, has always met political obstacle. Some members at that time felt that it is going to hinder personally unto election and reelection bid. However, how difficult it is, we finally managed to get it out in the 12<sup>th</sup> Legislature, with the understanding that whatever reality would be faced in the future can be articulate and make the Election Reform Law much better. The imposition of the long time provisions of having to mandate an employee away from their duties as a government employee is a commendable recommendation, and I agree with the previous Speakers to persuade and remove the potential liability as far as the candidates themselves imposing, you know, a so to speak, campaigning during working hours, and that is a recommendation also by the OPA based on previous allegations and reports that are generated by the Office of the Public Auditor. So it is an important provision, but I see that it must be retained so that we do not want any future allegations again about employees campaigning during working hours, and that is the reason why a grace period was given and shorten to that specific provision of the Election Reform Act. I understand also the scenario that was explained by the mover of the written amendment which seldom do we hear this, but to me personally, I think this is totally unfair because the previous candidates have experienced

the same cause. There is one or maybe two of us in the Chamber that have gone through that and believe it or not, it is very hard. It boils down to the individual whether or not the potential candidate can afford it. I will tell you, this guy, other than losing an election, just went without a job for two years. That is very, very painful. However painful that be, I guess, we felt that the process should be given the ability to be independently away from any political affiliation or for that matter political season. It is an important provision that we like to continue to retain in the law. I recognize Chairman Aldan.

Rep. Aldan: Thank you, Mr. Speaker. Just to shed some light on this issue that we are talking about in reference to the amendment. I was also a victim of the existing law. When I was running at the Municipal Council, the law dictates 90 days prior to election when you are certified. First, I was...my notification letter came in and I was not advised that it was in, so I worked for two weeks after the notification, and the administrator officer from the office notified me that, I am sorry the notification letter came in and we did not realize that it was in. So I worked for two weeks for free. Then I started using my leave and did not have enough leave to go all the way for the next 90 days, and I applied for advance leave. After depleting the 120 hours, I have to go on leave without pay. I did that for two terms. Now, I am having a problem with my retirement because I am looking into my retirement as of last week and I still have to repay back those leave without pay. Thank you.

Speaker Babauta: Well, as far as your advance leave, you just have to pay for what is owed because you loan it in advance. There is a mechanism in the Retirement Fund that they have to account for every period that you are in. I do not know what was the exact mechanism, but it is part of being a candidate...one has to realize and reassess its desire. I recognize Chairman Ogo.

Rep. Ogo: Thank you, Mr. Speaker. I hope that this would be the last comment, but first of all, I want to acknowledge the Chair of the Committee that did this Committee Report together with her members for the hard work. That is why, Mr. Speaker, we are deliberating on the bill, because once we pass it, it will go to the Senate and hopefully it would make it to the Governor. I understand, Mr. Speaker, that for so many years, they have worked on the Election Reform Act, I understand that, I was part of the members of the Fourteenth Legislature when we voted for that Reform. However, there are new bloods in this Fifteenth Legislature that felt that others portions or provisions of this bill or the law itself must be amended. That is why we see this issue of good and honest people that wants to run for office not having the chance to do so for financial reasons, and one thing that came about is discussions of, Congressman, I would love to run for office, however, I cannot afford because I have bills, but if I continue to work, I can probably help my candidacy during any election. So that is the point, Mr. Speaker, that I see that this bill can assist those people. Now going through the thought of probably you might have a shrewd or a person that is very provocative during their working hours to try to influence employees or personnel from that department, that I cannot really see, Mr. Speaker. Why? Because a person that decides to run for office are honest and good people or citizens of the CNMI. I cannot see that someone that decides to run is going to be one person that is not going to be a good person for the CNMI. Like what Chairperson Kaipat mentioned that you can report these people. I do not see any report, Mr. Speaker, from OPA saying that there are previous actions from previous candidates that are working. I do not see that report. If I see that, I would probably compliment your comment earlier. Here we are deliberating on this issue whether we are going to allow these people who are going to run for office continue working. If I am not mistaken a month ago, I remembered watching CNN, and the U.S. Congress had to release themselves for two weeks to continue campaigning. Even in the national level, they have that

gesture. Us, for the past few years, during the Fourteenth Legislature, we are allowed to work. What is the difference between these people from the government employees...what makes them different to us? Like what Congressman Waki was saying, let us level the plain field. There is nothing wrong with allowing these people to continue working while running for office. Let there be a case, somebody sue somebody so we can see. Thank you.

Speaker Babauta: Thank you. First of all, let me clarify my comment with respect to the OPA's recommendation. My comment was originated from the work that was done over the years since the Eighth Legislature to which the former Congressman Jun Pan have originally authored this legislation, and it went through the Ninth, Tenth, Eleventh, and Twelfth. Over the years during the reform actions that the prior House have taken, the A.G. as well as the former members of the Election Commission, and the Public Auditor have worked together to craft this legislation and not necessarily the legislation that we are debating today. That language was there since Public Law 12-18 was enacted. That is how my comment is clarified. I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. In view of the strong sentiment from the mover for the amendment, and also because he alludes to the lack of information from the OPA's input, let me make a suggestion. Perhaps, he can hold off on this amendment, bring it back to the OPA, and we will sit down with the OPA, and move on with the rest of the legislation, and if indeed, there is a reason, we can come back and amend it so that we can allow this. This would generate a lot of discussion. So I think that with the interest of time...I remembered also listening and reading about the Election Reform Act that was never and continues to be put on hold because of controversial provisions that members haggle over, the OPA was very involved. I know that the OPA should know about these things because people do report to them. Let us clarify this. Let us get the input from the OPA about this particular section. Leave it out today, we will pass the legislation, and if there is a strong sentiment that we should put it in, we can introduce another legislation that would amend this law. Thank you, Mr. Speaker.

The Chair recognized Representative Taman.

Rep. Taman: Thank you, Mr. Speaker. If I understand the articulation of the author of this amendment, this amendment is inspired by the inability some perspective candidates financially to run their campaign, and with all do respect, if these individuals are not financially capable of running their campaign they can bow out. Thank you.

The Chair recognized Representative Seman.

Rep. Seman: Thank you, Mr. Speaker. Just in addition to the author. You know, the reason why we do not see any complaints filed against candidates is because they do take leave when they are out of the office, and we are opening a pandoras box where there will be more complaints or beginning of new complaints coming up, because I guarantee you that politics will happen in the office when you allow them to continue working while running for office. I took a drastic financial hardship, but I did not regret it because I chose to choose politics, and I will continue to appreciate the trail that I took in the interest of helping the people, but to avoid myself from engaging in politics in the office, I appreciate it myself taking that leave from my workplace and I do hope that it really does not happen. I think that once you do this that means that the Public Auditors Office will be bombarded by complaints from employees being harassed by their superiors. Thank you.

Speaker Babauta: Short recess.

The House recessed at 2:47 p.m.

## RECESS

The House reconvened at 3:14 p.m.

Speaker Babauta: We are back to our plenary session, and we continue to discuss the written amendment offered by Representative Ogo. I recognize Representative Ogo.

Rep. Ogo: Thank you, Mr. Speaker. I just want to go on record that the amendment that I offered briefly was...some of us felt that it should be looked into. The only thing that came to mind, Mr. Speaker, is that this bill is going to the upper House and eventually to the Governor...I just want to put in this floor amendment to accommodate those people that really wants to participate in the upcoming election. This is not to benefit certain individual, believe me. I heard it through out previous years, and I think it is time to put it out and have it ride on this Committee Substitute. With that, I humbly ask the members to vote on this, and if it does not go through, what is the use of coming back to it if nobody wants to have on the bill. There is nothing wrong in making this amendment ride on this bill. I mean, if we are going to the Senate and do the same thing and come down here and accept it, why not accept it now? I would rather go on a vote, Mr. Speaker, rather than withdraw my amendment. Thank you. Before you cast your vote, please think...if you experienced it once, others will experience it too because not everyone are fortunate enough to financially support themselves during the election.

Speaker Babauta: Of course, that is understandable. I am sure that the members recognize that objective that you are trying to achieve. The members are generally and are humbly recommending a diplomatic way of working this out instead of offering a piecemeal amendment...is to incorporate the three potential amendment that you are trying to insert into the bill that hopefully would convince you otherwise that the original provisions of the original law was intended for some purpose and not necessarily to strike financially the potential candidates. That is the basic tool of this Election Reform measure. I recognize Representative Torres.

Rep. Torres: Are we voting for his amendment first?

Speaker Babauta: I thought you wanted to deliberate on the amendment.

Rep. Torres: Just to clarify before I point out my concern. This bill is called H. B. NO. 15-149, CS1?

Speaker Babauta: Yes.

Rep. Torres: I am not sure if my copy is correct, but this one is showing CS1 on page 1 and the rest are blank. Do I have the correct copy?

Speaker Babauta: The rest of the pages should reflect CS1.

Rep. Torres: The Clerk said it is correct, so may I go to the next step?

Speaker Babauta: Continue.

Rep. Torres: Mr. Speaker, I am troubled to read that a felon conviction be allowed to register and vote or become a candidate? Anybody that is registered in the voters' registration cannot be denied becoming a candidate, unless, our Attorney General says otherwise.

Speaker Babauta: Whenever you are qualified to register, you are also qualified to run.

Rep. Torres: Correct. So...

Speaker Babauta: And that is the prevailing statute.

Rep. Torres: By allowing a felony convict to re-register upon his expiration of sentence...once a felony is a felony, right?

Speaker Babauta: There is a...

Rep. Torres: Unless pardoned by the Governor...

Speaker Babauta: What is the legal term for that, Ian? Those that have served their time both misdemeanor and felony...exonerated? Those whom actually exonerated through the court system are qualified to be registered and no longer has any...

Rep. Palacios: Complete their sentence.

Speaker Babauta: Yes.

Rep. Torres: So this is new?

Speaker Babauta: No. It has been there.

Rep. Palacios: It is the law.

Rep. Torres: Why then did they underline this then if it is...

Speaker Babauta: What page are you referring to?

Rep. Torres: Page 14 and 15, Mr. Speaker. I understand that an underline of the provision is new insertion.

Rep. Palacios: Mr. Speaker, let me try to explain that.

The Chair recognized the Minority Leader.

Rep. Palacios: He has to re-register to be able to get on the vote. Now, he may have been on the registration while he was serving, and then during that period that he could not vote, eventually his name will be out. When he serves his sentence completely including everything that the court has given him, then he has to re-register in order to vote. That is what this is trying to say.

Speaker Babauta: Is that clear to you, Representative Torres.

Rep. Torres: I guess I have no choice but to vote, no. You know, if we vote this to let this bill pass, we are opening the gate of anybody.

Rep. Palacios: It is not.

Rep. Torres: I thought that we are trying to...

The Chair recognized the Minority Leader.

Rep. Palacios: It is not necessarily letting them vote. It is actually their right to be able to vote. After an individual has served his sentence, that right automatically comes back. We are not allowing anything.

Speaker Babauta: I agree.

Rep. Palacios: We are not trying to do anything here. It is automatic. He has the right to vote if he wants to vote.

Speaker Babauta: What essentially happens during election season is that there is a certain time provided in the law that the Election Commission would request the list of persons that are incarcerated prior to Election Day, and these are automatically removed on the final listing of the election polling places. Therefore, when that happens, that person that did not vote as a result of that action in November and gets out in January, and is exonerated, and has completed his sentence, that person is qualified under the law to be re-registered again for the subsequent election. It has been there for several years now.

Rep. Tenorio: Clarification, Mr. Speaker.

Speaker Babauta: Recognized, Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. I am just curious as to what happen to a person that commits a felony and got pardon by the Governor? Does that have the same effect here?

Speaker Babauta: Yes, it does.

Rep. Tenorio: That is also in the Constitution, right?

Speaker Babauta: Right, under Article III. Before we deliberate further, I would like to remind you guys that there is a standing motion on the floor. Are we ready to vote on the written floor amendment offered by Representative Ogo?

There being no further discussion, the written floor amendment offered by Representative Ogo was carried by voice vote with a Division on the floor.

Speaker Babauta: The motion is carried. Unless, we want to take a vote, but I assume that having a good year is sufficient enough to carry that. May I first recognize Chairwoman Kaipat?

Rep. Kaipat: Thank you, Mr. Speaker. Representative Ogo, let me make this recommendation because it is important for us to sit down with the Director of the Election Commission as well as the Public Auditor, and we will work on your proposed amendments and entertain it right away. I will give you my word on that. Let us move this bill...it is important for us to take the time to get their feed back in that way we can push it through and if we can get it up to Senate for them to make the amendment, we will do that. Okay?

Speaker Babauta: Let me recognize our humble Chairman.

Rep. Ogo: I thought, Mr. Speaker that the voting is done already.

Speaker Babauta: It is done.

Rep. Ogo: I recognized what the Chairman had said, and I am glad that she mentioned that because when you refer that to her Committee, I will make sure that we accommodate it instantly.

Speaker Babauta: So noted. I recognize the Chairwoman.

Rep. Kaipat: Thank you, Mr. Speaker. I would like to see you submit in your written proposed amendment though in a bill form. Thank you.

Speaker Babauta: Okay. Are we ready for the main motion? I recognize Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. I know that I endorsed the Committee Report, but I do have some comments. My concern here actually starts on page 23, line 26. It talks about the recognized political party may not nominate more candidates in the number of vacancies in the Senate and in the House of Representatives. I am assuming that we are limited to eighteen members. The problem here is, we can already see that there is more candidates then there are seats in the case of political party, and by inserting this language, we might be basically authorizing the party to come up with some sort of a primary and that we need to pay for that.

Speaker Babauta: No. Not necessarily.

Rep. Yumul:...because of the limitation on the number of candidates to the seat.

The Chair recognized the Minority Leader.

Rep. Palacios: The Covenant Party cannot submit seven candidates in Precinct III. That is what it is saying. The Republic Party cannot submit eight candidates. You can submit six candidates.

Rep. Yumul: I understand what it is saying, but the point here that I am trying to make is that when you have more candidates than there are seats, then the voting public has a right to at least be given the opportunity to vote in a primary because they may feel that all of them are very well qualified, but by allowing a party to make the decision...and there is already comments coming out of for example the Republican Party Secretary, Mr. Rosario saying that they cannot afford a primary.

The Chair recognized the Minority Leader.

Rep. Palacios: It is up to the Party. Let us not try to put things...it is up to the Party as to how they figure out how many candidates, except that they can only submit the number that is available. How the Covenant Party figure out how they are going to put if they have ten potential good professional willing public servants, they have to figure out how to cut it down to six.

Speaker Babauta: Let me just put it this way, and probably the most recent...as all of us have been reading in the paper, as in the case with Precinct IV, we have more candidates in the GOP than seats required. In that case, the Republic Party or for that matter any party would have to hold its own primary. I do not think the Commonwealth government can ever afford conducting a primary for any party. Whoever wins that primary, the top two have to be nominated by the party as the official candidate of their choice. I share your observation on that and I hope that none of us hitches a ride on another party.

Rep. Torres: Mr. Speaker, are we on recess?

Speaker Babauta: No, we are on session.

Rep. Yumul: My second question here, Mr. Speaker, is on page 20, starting on line 13. It has to do with the absentee voting that on a regular schedule established by the Commission and ending on line 14, after the election. It basically talks about how or the mechanisms to go and pick up absentee votes. I am concern here that the 14<sup>th</sup> day, because the Constitution specifies under Article VII, Section 1, that the election should be held on the first Saturday of November of an odd number year. Fourteen days from that day is still a Saturday, and as we all know, the post office closes at 12 noon. So when we have this language that says, on a regular schedule established by the Commission and ending the fourteenth day after the election; that is at 12 midnight, if I read that properly. The concern here is that if the mail that normally would have been receive, let us say late afternoon from a flight because the package was delayed, may not even be allowed to be picked up because it would not be allowed to be picked up on a Monday.

Speaker Babauta: Yes. Unfortunately, the original statutes have implied that, but that is how the framers of this Reform, and was received very well by the Election Commission and so as the other legal offices that are working with this. So I guess 12 noon on that day is the cut off day, and election workers would have to pick that up by 12 noon and move it to wherever the counting place would be for tabulation. That has been the case for many years.

Rep. Yumul: With that, Mr. Speaker, I would like to make an oral floor amendment to insert the time 12 noon to be inserted.

Speaker Babauta: There is, I think on the prior page. I have seen here something to that effect.

Rep. Yumul: Page 18, line 27, but it says 4:30 p.m.

Speaker Babauta: That is the application for the absentee.

Rep. Yumul: My mistake. Strike that. Page 17, line 20, but I believe that is applied to sick or disabled voters.

Speaker Babauta: That is...one minute recess.

The House recessed at 3:35 p.m.

### RECESS

The House reconvened at 3:36 p.m.

Speaker Babauta: We are back to our plenary session. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-149, 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	excused
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	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	no
Rep. Absalon V. Waki, Jr.	yes
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 16 “yes”, H. B. NO. 15-149, HS1 passes the House on First and Final Reading. Continue, Floor Leader.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the passage on First and Final Reading, H. B. NO. 15-200.

**H. B. NO. 15-200**: A BILL FOR AN ACT TO PLACE A MORATORIUM ON THE SALE OF COPPER WIRE FOR ONE YEAR; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. I recognize Chairman Yumul.

Rep. Yumul: Thank you. I submit to the floor a House Substitute for consideration. I so moved.

Speaker Babauta: Any second? Representative Yumul has submitted a House Substitute and has been seconded. Discussion on the substitute? I recognize Representative Torres.

Rep. Torres: I would like to ask the author whether he consider inserting words there about initiating a bucket of all returning containers before entering the seaport, because once it enters the seaport, it becomes the Customs jurisdiction?

Rep. Yumul: The reason why the House Substitute was that after consultation with the legal counsel's from the Administration in consultation of course with DPS and the Division of Customs, DPS is basically just asking for a 45 day period so that they can conduct proper investigation. This substitute would basically mandate that as soon as a recycling facility receives an item, they must notify DPS to come down and survey, and they have 45 days to make a determination whether the items in question are of questionable origin, and if so, can...further investigations to include the seizing of the property for investigative matters. This amendment also allows Division of Customs in addition to conduct their own investigation so that if the shipper decides to reopen the doors at the port, and insert some last minute items, Customs will be the authority there to inspect. As we know, if the members here are not familiar with U.S. Customs, because of the 911 National Securities, each container must have a complete inventory. I mean, I am talking down to the last washer of what is in the container because of National Security issue. So if Customs feels that the shipper is not declaring the proper content to them, they can demand that the container be reopen and investigated. This is the most balance amendment that is being developed between the two agencies.

Speaker Babauta: Just to clarify. This is similar to Guam's law on recycled centers?

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

Speaker Babauta: Where it allows for a grace period for the recycle centers to ship it out, just in case the authorities have something to investigate.

Rep. Yumul: Absolutely.

The Chair recognized Chairwoman Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. This is just for clarification purposes. I would like to ask the author...I am looking at the language here that talks about waiting period, and you mentioned that the centers are required to report to DPS when they have...no? Is that not what you just said?

Rep. Yumul: That should be the original law because they have the logs so it behooves DPS to go down and check the daily...

Rep. Kaipat: So they are not required to receive the items, and on their own report it to DPS and DPS has to go and look at that? Is that you are saying?

Rep. Yumul: Let me ask the original author of the original law.

The Chair recognized the Minority Leader.

Rep. Palacios: The recycling center must at all times retain records of all of their recycling materials that are bought. At any time that the Department of Public Safety or the Department of Commerce come down and inspect those they have to provide copies, and they can take those copies of the inventories that they have at any time.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Just a point of clarification, Mr. Speaker.

Speaker Babauta: Continue.

Rep. Tenorio: This recycled product is specific to copper or is it any recycled products?

Speaker Babauta: Well, as I understand from line 13, it says, no recycled product.

Rep. Tenorio: We should put the same restrictions on paper products, recycled paper products, recycled oil...what is the purpose of holding back let us say, recycled papers if we have to ship it out...you have a ship coming in...I cannot wait for 45 days...this is to some extent, I think, we are kind of a destruction to Commerce. I do not know if...

Speaker Babauta: I know that you do not like destruction of Commerce too. I believe in your...

Rep. Yumul: Mr. Speaker, believe it or not, we can ask Mr. Eric Cruz of ERRICO, and he will vouch that he has received copper products that he paid for, compacted it into nice brick cubes that weighs almost a kilo and then to have it stolen, and then show up at another facility being resold.

Speaker Babauta: Let us take a short recess.

The House recessed at 3:45 p.m.

## RECESS

The House reconvened at 4:14 p.m.

Speaker Babauta: We are back to our plenary session, and we are still discussing the substitute as offered by Representative Yumul. Ready, for the question?

There being no further discussion, the House Substitute offered by Representative Yumul was carried by voice vote.

Speaker Babauta: The motion is carried. I recognize the mover for the amendment on the substitute.

Rep. Yumul: Thank you, Mr. Speaker. I would like to make an oral floor amendment on line 13 to include the words after the word "product", insert, "as defined in subsection 51301 (c) and (e) shall be removed from the Commonwealth before 45 days.

Speaker Babauta: Is that clear?

Rep. Yumul: Just for the members, under § 51301 (c), recycled product means all types of scrap metal and excludes, aluminum cans, glass bottles, and paper products. Under § 51301 (e), scrap metal means all types of metals including iron steel, stainless steel, copper, aluminum, and zinc.

Speaker Babauta: Is that clear? Any second?

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

Speaker Babauta: The motion is carried. We will continue to discuss, H. B. NO. 15-200, HS1, HD1. I recognize Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. I hate to be critical, but I see some practical problems with this law. Just for the record, I like the bill, but you have to implement it and it is going to be difficult to implement this because it defeats the purposes. You are dealing with scrap metals...these are heavy stuff, and if these people come in and stuff in everyday, sometimes it takes two to three weeks or several months to stuff one container load of copper only, but you want to make it simple so that DPS can go there...and every time they inspect, they have to lock it up. Otherwise, if they do not do that, they can fill it up some more with contraband materials. You do not ask them on the fifth day, can you please remove those things out...can you imagine what kind of labor and equipment you need to use. The practicality of this bill...I was just pointing this out to Congressman Yumul, I just want to show this for the record because you will have practical problems. Later on, DPS would say, well, it is too late, the stuffs are in there and we do not have the logs and I want to suggest that perhaps you should put a provision here that DPS or the A.G. shall come up with the regulations to tell these guys, "you put all your container in one area; copper, zinc, aluminum or whatever, and make it simple to monitor." The whole purpose here is to monitor these things, but you want to make it easier also for the recycler or the owner of the products because these things are not easy to move around. I have dealt with scrap metals, and you need heavy equipment to move them and it costs money, time and energy. That is all I want to point out, Mr. Speaker. Thank you.

Speaker Babauta: I share your concern because I know that things might happen with respect to the new laws that we enacted here, however, in this case, perhaps the preponderance of evidence and definitely the burden of prove would have to rely upon the government. If it is necessary for them to request then they have to just prove it that there is sufficient evidence in that yard that warrants further investigation through a request of a search warrant. Again, this legislation would actually impose something upon the government to prove beyond a reasonable doubt. I recognize Representative Tebuteb.

Rep. Tebuteb: In line with the good Representative Tenorio had just mentioned, Public Law 13-64 was created and this is the comprehensive readiness and response system for emergency health threats including those caused by bio-terrorism. You are correct, Mr. Speaker, that this would also align all those concerns that the good Representative just raised.

Speaker Babauta: Thank you. Ready for the question.

Several members voiced, “ready.”

Speaker Babauta: Okay. We will now be voting on H. B. NO. 15-200, HS1, HD1. I am sorry. We need to dispose of the oral amendment offered by Representative Yumul.

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

Speaker Babauta: The motion is carried. Clerk, call the roll for H. B. No. 15-200, HS1, HD1.

The Clerk called the roll on the motion to pass H. B. NO. 15-200, 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	yes
Rep. Joseph P. Deleon Guerrero	excused
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	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	yes
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: With a vote of 17 “yes”, H. B. NO. 15-200, HS1, HD1, passes the House on First and Final Reading. I would like to request at this time that we recess until tomorrow morning at 9:00 a.m. because the policy of Legislative Bureau is that they do not get paid anything after 4:30 p.m. Your cooperation is humbly requested.

## MISCELLANEOUS

The Chair recognized Representative Yumul.

Rep. Yumul: I did put out some information to the media, but it was supposed to be for Miscellaneous today. It is really quick.

Speaker Babauta: Proceed.

Rep. Yumul: Thank you, Mr. Speaker, and members. Not too long ago, we had a Tsunami Warning that came in to the CNMI. The reports that was coming in, there was one report, number two had 0541 Zulu time, and for those that do not know Zulu time, just add plus 10 hours for our local time

here, which would mean 3:41 p.m. We received a Tsunami Warning and Watch was in effect, and the schedule arrival time based on the warning was at 0839 Zulu or 6:39 p.m. The problem here, Mr. Speaker, is that at 0723 Zulu time or about 5:23 p.m. local time, there was a Tsunami Warning and Watch cancellation. The problem that I want to bring up here is that EMO delayed the notification to the community.

Rep. Torres: Of the cancellation?

Rep. Yumul: Of the cancellation. The Department of Public Safety was still patrolling with their lights blaring passed 5:30 p.m. warning ever body to seek higher ground. I am concerned here that either EMO may be purposely delaying the notification of the cancellation because maybe perhaps they wanted overtime or for some other reasons that we do not know of yet, but what happened is that, at 6:00 p.m. all the restaurants and major businesses along Beach Road closed because of this warning, and when the cancellation was given out, it was at 7:00 p.m. All the major businesses like DFS, McDonald's, KFC, and even Jolibee did not reopen. There is a big concern here because of the loss revenue to the government, Mr. Speaker. I ask that the good Chairwoman of JGO to look into this matter. I have copies of the original bulletin that came out with the time. I will make this available to all the members for their reading and we need to sit down with EMO. If they feel that they should have additional time after a cancellation so that they can wind down their operation, I think that might be warranted, but to feel that a delay in putting out pertinent information such as this just to perpetuate an activity at EMO is not warranted. A lot of people that do not have transportation walked up to higher grounds.

Speaker Babauta: To cut it short because of our LB staff, Miscellaneous is undebatable. You may continue, Representative Torres.

Rep. Torres: In defense of the EMO people, I personally called EMO Office as to why the people started going down to their homes before 6:30 p.m., and they told me that there is a miscommunication somewhere. I told them that as a concerned citizen, I am waiting to hear on the radio and the television for the cancellation of the Tsunami Warning, and everybody on their own, they communicated through their cell phones that everything is okay, but EMO is not okay yet.

Speaker Babauta: One moment for a change of tape. You may continue...

Rep. Torres: The miscommunication is within maybe Hawaii or whoever is NOAA. I am not sure who is NOAA? Is that Guam? Is Guam controlling our emergency and not Hawaii?

Speaker Babauta: The monitor is I guess in Hawaii.

Rep. Torres: I would like to say that it is not EMO's fault. It is not entirely their fault. I am proud that we have an EMO for looking after our safety, but to hear that they take advantage of perpetuating for their overtime and whatnot.

Speaker Babauta: I assume also that the communication is the Tsunami itself.

Rep. Torres: I am proud to stand in defense of our EMO. Thank you.

The Chair recognized Representative Waki.

Rep. Waki: I got a call from EMO at about 6:20 p.m. I would not mention the name of the individual that called me to tell me to tell an individual who manages Power 99 to tell their people to cease and desist in telling the people that the Tsunami Warning is over. But we have been contacting Power 99 and trying to contact EMO since we found on CNN that there was a Tsunami Watch, and as of 6:20 p.m., Power 99 and the Rock never received any message from EMO. The D.J.'s have been trying to call every number they were given...it has been busy from the time they started calling after 2:00 p.m. I even verified if there was a fax from EMO to the radio station, because they were saying that there was no information. That person came back to me and said, you are right, we do not have any confirmation that we did, and we do not have confirmation that we did not. That is why the D.J.'s were getting calls from the people trying to find out what is going on because they could not even get through EMO. Then we ask that individual as to what number can the radio station call to find out information. They gave us the number and for the next thirty minutes, the phone was still busy.

Speaker Babauta: Anyway, since we agree to have the Chairwoman to look into that issue, we really need to cut short our concern and let the Committee pick up that concern. I recognize Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. Also in defense with EMO, there are already...[inaudible] in place...

The Chair recognized Representative Dela Cruz.

Rep. Dela Cruz: In line with the topic, I wrote a letter to Mr. Guerrero in regards to the January 13<sup>th</sup> incident. You can read it on page 4 of the Saipan Tribune today, but basically, I stated that they need to reassess their standard of operating procedures to make sure that all the players involved like the media and the government sector to disseminate information to the public.

The Chair recognized Representative Taman.

Rep. Taman: With all these problems we are encountering with the delivery of services in our government is the lack of oversight hearing...I do not know why we are so scared to bring in departments and agencies to conduct oversight hearing of their performance. Thank you.

Speaker Babauta: So noted, and I guess the Chairwoman have alluded the task ahead of her. Floor Leader, recognized.

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

Speaker Babauta: Congressman Torres, can we continue tomorrow morning?

Rep. Torres: Mr. Speaker, I would like to convey this message because Nace from the Governor's Office is here. Nace, are you still here?

Speaker Babauta: Nace, can you deliver that message?

Rep. Torres: Nace, can you ask the Attorney General when we are going to receive his legal opinion on the public land bill?

Speaker Babauta: Okay. Nace is making a note of that. Alright, the House stands recess until tomorrow morning at 9:00 a.m.

### **ANNOUNCEMENTS**

None

The House adjourned at 4:40 p.m.

Respectfully submitted,

Vicky T. Guerrero, Journal Clerk  
House of Representatives

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### **APPEARANCE OF LOCAL BILLS**

#### **SECOND APPEARANCE**

None

#### **THIRD APPEARANCE:**

H. L. B. NO. 15-51: To reappropriate \$50,000.000 From Saipan Local Law 15-12, Section 2(d); and for other purposes. (Rep. Jesus SN. Lizama)