



House Journal

Adopted:
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3rd Day

Tenth Special Session

Wednesday, December 5, 2007

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its Third Day, Tenth Special Session on Wednesday, December 5, 2007, at 8:48 a.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

A moment of silence was observed.

The Clerk called the roll and fourteen members were present. Representatives Martin B. Ada, Stanley T. Torres came in late. Representatives Manuel A. Tenorio and Absalon V. Waki, Jr. were absent and excused for the day's session.

Speaker Babauta: Clerk, take note that Representative is in the building. I recognize the Minority Leader on the whereabouts of Representative Torres.

Rep. Palacios: He will be in soon.

ADOPTION OF JOURNALS

None

INTRODUCTION OF BILLS

None

INTRODUCTION OF RESOLUTIONS

None

MESSAGES FROM THE GOVERNOR

None

Speaker Babauta: Without objection, I request that we go straight down to the Bill Calendar so that we may allow two representatives whom have humbly heed the request of the House. Representative Seman is due to give a presentation at 9:30 and Representative Kaipat will be boarding her flight at 10:30 a.m. and I ask that we give them the consideration this morning and that we expedite our legislative process.

There was no objection from the Floor; the House went down to Item 16, Bill Calendar.

BILL CALENDAR

Speaker Babauta: I now recognize the Floor Leader.

Floor Leader F. Deleon Guerrero: I so move, Mr. Speaker, for the passage of H. B. NO. 15-322, HS1 on its Final Reading.

The motion was seconded.

H. B. No. 15-322, HS1: A Bill for an Act to amend 6 CMC, Article 2, to exempt the operation of Texas Hold'em and other limited card games and Video Lottery Terminal (VLTs) from the gambling prohibition; to amend 4 CMC, Chapter 5, to impose a new gaming tax; to require the payment of new license fees for the new entertainment activities; to provide for the licensing of poker machines on a calendar year basis; to require the installation of a centralized monitoring system for all poker machines; and for other purposes.

Speaker Babauta: The motion has been seconded and I recognize Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. I offer a written floor amendment, which has been distributed to the members.

Several members seconded the motion.

The amendment will include a new subsection to Section 11 of H. B. NO. 15-322, HS1, as follows:

“(b) That shall be called the “Title IV-Senior Food Meal Nutrition Program (SFMNP)” into which shall be deposited a portion of the fees collected pursuant to this act as local matching funds required under the SFMNP, but not to exceed twenty five percent (25%) of the total program cost, and which funds are hereby continuously appropriated and available for expenditure as local matching funds for the SFMNP.”

Speaker Babauta: I recognize Representative Tebuteb to explain the floor amendment.

Rep. Tebuteb: Thank you, Mr. Speaker. The amendment is on page 7. This is will include a matching fund for a federal grant for half a million dollars that the Federal Government that the CNMI needs to make a commitment for. This will basically be on an annual basis. This is to avail our senior citizens the power to purchase local produces. There are certain requirements that go with it and if the members have a question, this is basically for our commitment to the grant.

Speaker Babauta: I understand that is a very vibrant new program that is offered to our *man amko*'. Does that cover the entire CNMI?

Rep. Tebuteb: Absolutely, Mr. Speaker.

Speaker Babauta: Very good. That is a good gesture on your part.

Rep. Tebuteb: Part of the requirement is that it will also allow the local producers to go through a certification process so that they will be able to avail the voucher system provided to our senior citizens who are eligible.

Rep. Yumul: Mr. Speaker, is this a new program or is this an existing program that we have been budgeting for? Is there a particular reason why we cannot deal with this through other revenue bills or in the general appropriation bill? I am in support of the proposed amendment, but this is the first time I have ever come across this so I am curious.

Speaker Babauta: It is similar to other programs that we want to secure funding so that in the event the general fund fails to do so, we would have already locked in a separate account.

Rep. Yumul: Have we funded for this in prior years?

Speaker Babauta: This is a new program that will benefit the *man amko*' individually having a voucher issued to them so that they can avail themselves at the *Sabalu* Market and the Tuesday Market.

Rep. Palacios: Mr. Speaker, this is a federally funded program similar to the Food Stamp Program we had years ago where we requested that certain percentage of that voucher program be set aside for locally grown produces, fish and the likes. This is the type of program that we are trying to set up with the senior citizens' nutrition program. This amendment would set aside funding to match the federal funds for this program.

There was no further discussion, and the amendment offered by Representative Tebuteb to H. B. NO. 15-322, HS1 was carried by voice vote.

Speaker Babauta: We continue to discuss H. B. NO. 15-322, HS1, HD1.

Rep. Taman: Mr. Speaker, I have an oral floor amendment to offer. Can I request for a short recess so I can consult with Representative Dela Cruz.

Speaker Babauta:

The House recessed at 8:55 a.m.

RECESS

The House reconvened at 8:48 a.m.

Speaker Babauta: We are back to our plenary session, and I humbly request that we allow our gentlewoman and our gentleman to be out of here by 9:30 a.m. I appreciate your kind consideration. Ready. We continue to discuss H. B. NO. 15-322, HS1, HD1. I recognize Representative Taman.

Rep. Taman: Thank you, Mr. Speaker. Upon consultation with Representative Dela Cruz, I hereby withdraw my intent for an oral floor amendment. Thank you.

Speaker Babauta: Thank you for your consideration and your understanding. Ready. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-322, HS1, HD1 on First and Final Reading.

Rep. Martin B. Ada	yes
Rep. Edwin P. Aldan	no
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes

Rep. Ogo: If I may, Mr. Speaker and members, after considering Rota's most recent decision during the 2007 Election in accepting the Rota Casino Act, I am very happy to support the idea of having casino on the island of Rota and I will be defeating my purpose of having the people of Rota to have casino on Rota and to do so would be supporting this H. B. No. 15-322, HS1, HD1. It puts me in a position to think really that now that we are trying to grow in the island of Rota here I am trying to accept this decision. My vote is no, thank you.

Rep. Crispin M. Ogo	no *
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	absent (excused)
Rep. Stanley T. Torres	absent (during voting)
Rep. Absalon V. Waki, Jr.	absent (excused)

Rep. Yumul: For the senior citizens on all three islands, my vote is yes.

Rep. Ray N. Yumul	yes
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Speaker Babauta: What is the count?

The clerk announced that 12 members voted "yes" two members, two voted "no"; three members were absent.

The clerk announced that the Chair requested for the tally and has not cast his vote.

Speaker Babauta: I have not cast my vote. Where is Representative Torres? Let us have a short recess.

The House recessed at 9:03 a.m.

RECESS

(Representative Seman left his seat in the Chamber and was excused for the rest of the day's session.)

The House reconvened at 9:17 a.m.

Speaker Babauta: We are back to our plenary session. We will continue with the voting and I recognize Representative Ogo.

Rep. Ogo: Thank you, Mr. Speaker. After further analysis of the substantial benefit of H. B. No. 15-322, HS1, HD1 knowingly that this bill itself will at least address over \$20 Million for the CNMI, I would like to withdraw my "no" vote and cast a "yes" vote. Thank you, Mr. Speaker.

Rep. Crispin M. Ogo	no *
Rep. Oscar M. Babauta	yes

The Clerk announced the final tally of 14 members voting “yes”, one member voting “no”; three members absent.

Speaker Babauta: By a vote of 14 “yes”, H. B. NO. 15-322, HS1, HD1 passes the House on Second and Final Reading. I ask the humble members if we can go back to Item 7.

There was no objection and the House went back to Item 7, House Communications.

HOUSE COMMUNICATIONS

(Representative Torres took his seat at 9:25 a.m.)

The Chair recognized Representative Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker, and honorable members, I beg you indulgence. Before we move on I want to address an underlying concern. Over the past three weeks we have heard a number of voices criticizing Public Law 15-108, the Labor Act that we in the House passed unanimously on two occasions. I want the record to be very clear, P.L. 15-108 is a very good law and the regulation that will support it are very good regulations. We were burdened by an outdated labor law enacted in 1983. That law had defects that permitted large scale evasion by foreign workers who want to stay in the Commonwealth. They want to stay here because this is a good place to live and work. But we never created any *right* on the part of foreign workers to stay here. We offered them a *permit* to come here and work under a one-year contract. The goal of any government is to survive as a self-governing entity and to prosper as a people. Government leaders at any point in time must craft a durable strategy to accomplish these two goals. In order to survive as a self-governing entity, we entered into the Covenant, which guarantees us maximum self-government. In order to prosper as a people, we have a long-standing preference for the employment of our own citizens. It is to our citizens that we as legislators owe our first duty. When we enacted P.L. 15-108, we carried out that duty. We require that every employer who has five or more employees meet a 20% requirement for participation by citizens in the workforce, increasing to 30% in five years. We provided that the Secretary of Labor may require every business, no matter what its size, to employ at least one citizen employee. We provided that any citizen who is qualified for a job and is turned down in favor of a foreign worker may file a complaint with the Labor Department. And we required that our citizens be compensated fairly with respect to benefits provided by their employers to foreign workers. Just as important, we protected our citizens from the unfair competition from foreign workers who come here and abuse the privilege we have granted them to work in the Commonwealth. None of these protections are violations of anyone's civil rights. We provided that if you are a tourist, and you work illegally and are cheated by your employer, you cannot come to the Labor Department with your complaint. You have to go to a court with your complaint.—That is not a violation of civil rights. We provided that if you violate our laws and engage in an illegal sponsorship by paying application fees or renewal fees, a hearing officer may decide that you are no longer qualified to work in the Commonwealth. —That is not a violation of civil rights. We set conditions for periodic exit of each foreign worker so our citizens can have a fair chance at jobs for which they are qualified -jobs that otherwise would be filled on a long-term basis by foreign workers. —That is not a violation of civil rights. We set conditions for transfers so that foreign workers do not disappear into the underground economy. —That is not a violation of civil rights. We required that a foreign worker who has a complaint against an employer must come forward within six months and file that complaint.—A six months statute of limitations is not a violation of civil rights. There are quite a few shorter statutes of limitations in the Commonwealth and elsewhere in the U.S. We require that a foreign worker leave the Commonwealth within 15 days after the contract is completed if there is no renewal or transfer.—That is not a violation of civil rights. And we provide that if a foreign worker hasn't filed a claim by the time of termination of the contract, they can stay for only

30 more days to do that.—That is not a violation of civil rights either. There are many situations in the States where someone is required to meet a 30-day filing deadline. We required that if a foreign worker wants to stay in the Commonwealth to pursue a case or complaint, that he or she must get permission from a hearing officer or a court.—That is not a violation of civil rights. Too many foreign workers disappear into the underground once they know that they must return home. They are breaking our laws, and there is good reason for the Commonwealth to have the protection of supervision from a hearing officer or a court. In enacting P.L. 15-108, we spent a lot of time studying all the legal issues from many perspectives. The critics are wrong. There aren't any violations of civil rights here. After P.L. 15-108 has been in operation for six months, you'll see what an improvement it is over the old ways we did things. And you'll also see that no one's rights have been violated in any way. That's really what is motivating all the commotion now. When the law has been in effect for six months, there won't be any question about any of this. So our critics attack now, before any experience has been accumulated, and urge you to think that something is wrong with the law. I urge you not to be defensive about this. P.L. 15-108 is a very good law. It passes muster on every constitutional ground. It is modeled after the best guest worker laws we could find in New Zealand and elsewhere. We did a good job for our citizens and that's something we can ALL be proud of. Mr. Speaker, let me just say a few words about this whole Ron Hodges incident with his spit in the soup letter. There have been people coming out defending Mr. Hodges' right to free speech. There is no question there that nobody is denying Mr. Hodges' right to free speech. But free speech comes with responsibility and what your role is in the community. That attached in itself responsibility. I know that my colleagues in this house have been resoundingly criticized for coming out with a resolution reacting to Mr. Hodges' ridiculous speech and I know that there are certain critics out there in the community who have said that this is not worthy of the legislators' attention that somehow they are the only taxpayers. We, too, are taxpayers. And the time that it took to put together that resolution is time well spent. When a teacher in this community comes out and exhorts the type of communication to the school children to go out and graffiti this place like you have never seen graffiti on American soil that is something to sit up and take notice of. Beautify CNMI volunteers and many good people in the community including the hard working foreign national workers have gone out and volunteered their own time to paint over graffiti. And shame of Mr. Hodges for abusing that privilege and to say that this is just satire. English is not -- it may not be our first tongue, it may not be our first language but we are not stupid. And I for one am very disappointed in those, including the teachers in the community who have stood up and defended this type of speech. I equate this to yelling fire in a crowded theatre. When you say to the people who cool for tourist "spit in the soup", that is not something, that is not spoofing anything, that is not funny. You know, at least in America these types of things happen and it is all too easy to have it happen here without us even knowing. Is that really something that they want to encourage that all of us would not want to a restaurant and eat because we are thinking perhaps they know that I am a lawmaker, and who knows what is happening in the kitchen. Do they want us not to spend any money? Do they want us not to allow these businesses to thrive so that they can continue to employ our workers?—I do not think so. This is an emotional time, this is a very crucial time, and there is a lot of foreign national worker who are embolden by these people who think that they are being funny. Well, Mr. Hodges is not a comedian. He should stick to teaching and he should take his role as a teacher in the community very seriously. That will be akin to the DPS Commissioner coming out and saying, go out and shoot someone and later on say, oh it is a joke. This is no spook and I resent those who really insult our intelligence by insisting that Mr. Hodges' letter is satire. There is nothing satirical about that letter that exhorted people to anarchy. I am fully aware that there is a so called unity march coming up on Friday and I hope I am wrong because I read something written somewhere in there where among the list of things that people are gathering and spray paint as being one of the items on that this. I hope I am wrong, I hope the *Marianas Variety* is wrong in reporting it, but this is not laughing matter. Nobody is laughing. We have every right to speak about this issue and to speak out loudly and say that Mr. Hodges stepped over the line and

that is why we are still talking about this letter today. It is not just a regular letter to the editor, this stepped over the line. And I defend your right and every one else's right to free speech, but free speech is not just for those who are friends of Ron Hodges, that applies to us lawmakers. And yes, we are public servants, but it does not mean that we are also not taxpayers. We do our pay our fair share of taxes as well. So, I would like to speak, use my nickel of the tax I pay to say to Ron Hodges, if that is all you can come up with, then zip it. We do not need that kind of advice. Thank you my colleagues.

Speaker Babauta: Thank you, Representative Kaipat. I would like to thank you on behalf of the members and also to Representative Seman to heeding to the Chair's request to be present for today's session. I wish you a good trip and a successful one today and hopefully you come back soon so that we can continue on our Fiscal Year 2008 budget. I sincerely appreciate your presence. Clerk, please take note that Representative Torres is duly present and without objection, I would like to allow Representative Torres to cast his vote on H. B. NO. 15-322, HS1, HD1. I now recognize Representative Torres.

Rep. Torres: Mr. Speaker, before I cast my vote, I rise to salute my colleague, Representative Cinta Kaipat for standing beside me. I now ...*(End of Tape 1, side A). (Beginning side B)* ... HD1, "yes" for passage.

(For record purposes, Representative Stanley T. Torres cast a "yes" vote.)

Speaker Babauta: Clerk, take note that Representative Torres voted "yes" in favor of H. B. NO. 15-322, HS1, HD1. The total vote record now would be 15-1. Thank you, Representative Torres.

Rep. Torres: May I hear the tally, Mr. Speaker?

The Clerk announced the voting tally for H. B. NO. 15-322, HS1, HD1: 15 voted yes; one voted "no"; two members absent (excused).

Speaker Babauta: Thank you, and with the indulgence of the members, I would now like to excuse Representative Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. Before I go I would like to submit my statement as an official record.

Speaker Babauta: Thank you, clerk, please number that communication, and enter that as part of the official records.

Representative Kaipat's prepared statement with regards to Public Law 15-108 was recorded and numbered as HSE. COMM. 15-55.

Rep. Taman: Mr. Speaker, in line with what Representative Kaipat has stated, I would like to put it this way – that when *Lapulapu* assassinated Magellan he became a national hero in the Philippines. When Chief Hurao and Chief Mata'pang killed Father San *Victores* the native Chamorros of Guam were very proud. Why?—because they did so to protect their people and their land. Today, they honor San *Victores* and they have forgotten about *Mata'pang* and *Hurao*. No one can tell me not to chew betel nut anywhere in this island, but I can certainly appreciate if they say Mr. Taman, you can chew responsibly. No one is telling Mr. Hodges that he can not say all the things that he said

because that is his right under the constitution, but he needs to make some public statements responsibly. He has insulted us and I will not tolerate that. With regards to Public Law 15-108, Representative Kaipat embraced that so dearly. She spent practically all the minutes of her life when she was with the Labor Department. She knows the problems and she became so passionate that God knows she probably has numerous nightmares. But she did something to protect our island. Why is it that every time we do something to protect our islands we are labeled: racists, prejudice, and the things we do are said to be unconstitutional. We have been accommodating for almost 30 years. I think it is right that we do things for our own good. Representative Kaipat, we are going to be looking for new endeavors and I pray to God that we still do what our passions dictate us to do. Thank you very much.

Speaker Babauta: Before I allow Representative Kaipat to leave – I do not want to drag her longer than what I committed to her, can we go back to Item 6 so that we can dispose of that one piece of legislation. That is an appropriation measure requiring 14 votes. It should be a very immediate amendment.

There was no objection and the House went back to Item 6, Senate communications.

SENATE COMMUNICATIONS

SEN. COMM. 15-300: (11/14/07) Returning H. B. NO. 15-305 (To appropriate \$50,000 for the Youth Basketball Association) which was passed by the Senate *with amendments* on November 13, 2007 in the form of **H. B. NO. 15-305, SD1**. [For reconsideration]

The Chair recognized Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. I would like to ask this August Body to reconsider our action on SEN. COMM. 15-300 relative to H. B. NO. 15-305, SD1.

The motion was seconded and the motion to reconsider the House's action rejecting the Senate amendments made to H. B. NO. 15-305, SD1 was carried by voice vote.

Speaker Babauta:: I now recognize Representative Joe Deleon Guerrero for discussion on the bill.

Rep. J. Deleon Guerrero: Thank you, Mr. Speaker. I offer a motion to delete Section 3 in its entirety and to renumber the sections accordingly.

The motion was seconded.

Rep. Ogo: Mr. Speaker, after review the said amendment for the deletion of Section 3, I realize that the program has been partly funded and there is no reason why we should give more funds for the direct flights coming from Japan to Rota, at the same time that flight schedule has been cancelled, so I do not see any problem of deleting that Section. Thank you.

The motion to amendment H. B. NO. 15-305, SD1 as offered by Representative Joseph Deleon Guerrero was carried by voice vote.

Speaker Babauta: The motion is carried. Representative Deleon Guerrero.

Rep. J. Deleon Guerrero: Mr. Speaker, I do not know if I should make a subsidiary motion, but I left out to amend that portion on the title as well so that it reflects the original intent of the bill.

Speaker Babauta: We will consider that as technical and we will allow the clerk and the legal counsel to work on that.

There being no further discussion, the clerk call the roll on the motion to repass H. B. NO. 15-305, SD1, HD1.

Rep. Martin B. Ada	yes
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	absent (excused)
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	absent (excused)
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	absent (excused)
Rep. Ray N. Yumul	(out of the Chamber)

Speaker Babauta: Sergeant-at-Arms, please locate Representative Yumul. One minute recess.

The House recessed at 9:40 a.m.

RECESS

(Representative Kaipat was excused for the rest of the day's session)

The House reconvened at 9:40 a.m.

Speaker Babauta: We are now back to our session. Representative Yumul, we are now voting on H. B. NO. 15-305, SD1, HD1, basically the Senate amendment made.

Rep. Yumul: I am sorry, Mr. Speaker, I had to leave the Floor because I did not have a copy of H. B. NO. 15-305, SD1 in front of me. So can I get a clarification on what the bill is now?

Speaker Babauta: Okay, this is the bill that the House rejected the amendments on yesterday that has to do with the Northern Youth Basketball appropriation of \$50,000. The Senate injected half a million dollars appropriation for the promotional flights to Rota. So Representative Joe Deleon Guerrero offered an amendment that deleted the amendments from the Senate.

Rep. Yumul: What line items were deleted.

Speaker Babauta: Section 3 on page 2 in its entirety.

Rep. Yumul: What about lines 16 and 17 on page 2?

Speaker Babauta: It is also included.

Rep. Yumul: Page 3 line 9 is also removed?

Speaker Babauta: It should be to be consistent and with the consensus of the member allowing the legal counsel and the clerk to work out the technical aspects of the amendment.

Rep. Yumul: Okay, I am ready.

Speaker Babauta: You may cast your vote now.

Rep. Yumul: Yes.

Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 15 yes, H. B. NO. 15-305, SD1, HD1 repasses the House and will go to the Senate for action. I recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, I never lose faith with my colleagues in the House and I also never lose any sleep since I introduced H. B. NO. 15-322. I know that whenever we have a policy situation here in the House for the common good of the CNMI and its people, we always come together so that we can address that policy for the common good of our people. This is one of those examples: H. B. NO. 15-322, HS1, HD1, and I think my colleagues for their foresights for the future of our people and our Commonwealth as a whole. I respect the decision of our colleague from Tinian. I understand his position. I also thank Representative Ogo for looking at a bigger picture, which is the CNMI and reconsidering his vote to support this very important policy that we just make in this House today. Once again, I thank everybody for their support and I hope that our colleagues in the other house also see the importance of this legislation, this policy and give us their support. Thank you, Mr. Speaker.

Speaker Babauta: I recognize Representative Torres.

Rep. Torres: Privilege, I need to say a short speech.

Speaker Babauta: Can I allow Representative Tebuteb to introduce a local bill first under Item 3, Representative Torres.

Rep. Torres: Certainly.

Speaker Babauta: Thank you, we now go back to Item 3.

INTRODUCTION OF BILLS

H. L. B. NO. 15-77: A Local Bill for an Act by the Third Senatorial District to amend the Saipan Zoning Law by repealing and reenacting Chapter 5 of Division 3 of Title 10 and Saipan Local Law 15-22, and for other purposes.

Offered by: Representative Ramon A. Tebuteb and one other

Speaker Babauta: Representative Tebuteb, can you look for a similar bill in the Delegation Calendar so that we do not have to wait for the three appearances. If not let me know so that we can fulfill the three appearance requirement. And without objection we move down to Item 7.

HOUSE COMMUNICATIONS

The Chair recognized Representative Torres.

Rep. Torres: Mr. Speaker and members, I bid you for your listening attention. There is an issue that happened in the Attorney General's Office. The Assistant Attorney General by the name of Anthony Welch, if I am not mistaken, has been violating the immigration and labor laws, and especially the newly passed labor reform bill. He has been harboring an illegal Chinese woman in his home and he has been paying this overstaying person to act as his babysitter and home sitter. I understand last week or so ago that he has taken two days of administrative leave to work the paper of this woman to become a legal person without exiting the Commonwealth. I understand that he is trying to employ or trying to get this person to be hired under the Attorney General's Office as an undercover – is this the kind of attorney generals we have in the CNMI. They are cause of abuses and violations of our labor and immigration laws. I hope that the Attorney General is listening or being advised of my statement this morning. People that are supposed to be honest in their work are becoming liars, you know. I am sorry that I am ... this is emotional for me but I almost stood up at the last joint session that we had so that the senators would hear this too. I tried to keep my mouth, but it is getting to be intolerable. So I stand in front of your to take action against the Attorney General and his assistant, especially Anthony Welch and the Attorney General Matt Gregory himself. I hope that the Governor hears this and terminate these two individuals. Thank you.

Speaker Babauta: As Speaker of the Fifteenth House of Representatives, Representative Torres, I will not tolerate such allegation and I join the House members to condemn such action if ever occurs. Without objection, I would like to request since we have the Acting Governor's Chief Counsel here to inform the Acting Governor about the sentiments of this house, Ms. Kim, and let him know that the 15th House of Representatives are very concerned on the allegations made by Representative Torres this morning and we will not tolerate such an abuse of power either, because the legislature set policies supposedly to be enforced by the respective agencies of this CNMI Government. It is therefore our fervent hope that this shall be rectified soonest because I am pretty sure if things keep going as allegedly being stated by Representative Torres, we have no other course but to exercise this House's legislative authority and invoke its constitutional power to solve whatever problems we have within our government. I appreciate your communication to the Acting Governor and we can have any answer from the respective Chief Executives, we sincerely appreciate it. Thank you very much, Ms. Kim. We now move down to Item 16, Bill Calendar.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

OTHER COMMUNICATIONS

None

REPORTS OF STANDING COMMITTEES

None

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

H. R. No. 15-39, HS1: A House Resolution requesting that Governor Benigno R. Fitial terminate his attorney General, Matthew Gregory, for actions unbecoming of a government official. (*Calendared*)

BILL CALENDAR

H. B. No. 15-289: A Bill for an Act to establish an Advisory Commission on Land Ownership in the Commonwealth; and for other purposes. (*Passed First Reading 7/24/07*)

H. B. No. 15-291: A Bill for an Act to create the Second Marianas Political Status Commission; to authorize the appropriation of \$200,000 in advance funding for the administrative, operations and activities of the Commission; to authorize the appropriation of additional funds sufficient to carry out the work of the Commission; and for other purposes. (*Calendared*)

H. B. No. 15-320: A Bill for an Act to appropriate revenues from the Tobacco Control Fund; and for other purposes. (*Calendared*)

H. B. No. 15-322 HS1: A Bill for an Act to amend 6 CMC, Article 2, to exempt the operation of Texas Hold'em and other limited card games and Video Lottery Terminal (VLTs) from the gambling prohibition; to amend 4 CMC, Chapter 5, to impose a new gaming tax; to require the payment of new license fees for the new entertainment activities; to provide for the licensing of poker machines on a calendar year basis; to require the installation of centralized monitoring system for all poker machines; and for other purposes. (*For Final Reading*)

H. B. No. 15-325: A BILL FOR AN ACT TO APPROPRIATE THE SUM OF FIVE HUNDRED THOUSAND DOLLARS (\$400,000.00) TO BE USED AS START-UP FUNDS TO IMPLEMENT THE ROTA CASINO ACT OF 2007; AND FOR OTHER PURPOSES. (*Calendared*)

S. B. No. 15-15: A Bill for an Act to require insurance coverage for individuals with diabetes in the Commonwealth; and for other purposes. (*Calendared*)

S. B. No. 15-104, SD1: A Bill for an Act to amend 10 CMC § 3319 to provide stricter penalties for those that do not comply with the curfew law; and for other purposes. (*Calendared*)

S. B. No. 15-102: A Bill for an Act to impose an employer retirement contribution rate of eleven percent for employees funded by the General Fund; and for other purposes. (*Calendared*)

Speaker Babauta: I now recognize the Floor Leader for passage of H. B. NO. 15-325.

Floor Leader F. Deleon Guerrero: I so move, Mr. Speaker, for the passage of H. B. NO. 15-325.

The motion was seconded.

H. B. No. 15-325: A BILL FOR AN ACT TO APPROPRIATE THE SUM OF FIVE HUNDRED THOUSAND DOLLARS (\$400,000.00) TO BE USED AS START-UP FUNDS TO IMPLEMENT THE ROTA CASINO ACT OF 2007; AND FOR OTHER PURPOSES.

Speaker Babauta: I recognize Representative Aldan under discussion.

Rep. Aldan: Mr. Speaker, I would like to offer an amendment to H. B. No. 15-325.

The motion was seconded.

Representative Aldan's amendment reads in part:

Section 1. Findings and Purpose. The Legislature finds that the Commonwealth from time to time receives critical U.S. federal grants and assistance for capital improvements and procurement of goods and services. The use or disposition of these funds are governed by and large by applicable U.S. laws and regulations that may conflict with the Commonwealth's local bidder preference laws and regulations. The purpose of this act is to include United States permanent residents and any state or territory of the United States in the local bidder preference law, and to exempt capital improvements and procurement of goods and services funded in whole or in part with federal funds from the local bidder preference laws and regulations of the Commonwealth upon certification by a federal agency that such preference law conflicts with federal regulations.

Section 2. Amendment. 1 CMC §7404, as amended by Section 2 of Public Law 15-95, is further amended to add a new subsection (i) to read as follows:

“(c) In contracting for capital improvements, public works, or procurement of goods or services involving a contract amount of \$500,000 or less, a Commonwealth agency shall award a bidder or proposer who is a United States Citizen or permanent resident and who, for three years prior to submitting a bid or proposal, continuously possessed a valid Commonwealth business license and whose business headquarter is located in the Commonwealth, or any state or territory of the United States. In the event that no such business qualified under this section submits a bid or proposal, a Commonwealth agency may award a bidder or proposer who is otherwise qualified under the particular solicitation but is not a United States citizen or permanent resident.”

Section 3. Amendment. 1 CMC §7404, as amended by Section 2 of Public Law 15-95, is further amended to add a new subsection (i) to read as follows:

“(i) No provision of this section shall apply to capital improvements or procurement of goods or services funded, in whole or in part, by grants or funds from an agency of the government of the United States upon certification by the agency that this section conflicts with such agency's regulations.”

Section 4. Global Amendment. Any reference to the phrase “public works” that appears in 1 CMC § 7404 is hereby deleted.

Speaker Babauta: The motion to amendment has been seconded. I recognize the Minority Leader.

Rep. Palacios: Mr. Speaker, I want to get a bearing from the good representative that this is okay with NMHC, HUD, FHA and other agencies.

Rep. Palacios: Mr. Speaker, I would like to refer that question to the legal counsel because worked with the agencies on this.

Speaker Babauta: We will allow the House legal counsel to enlighten the members, without objection. Ms. Villagomez, you may proceed.

Legal Counsel Antonette R. Villagomez: Per your request, Mr. Speaker, I did contact HUD yesterday and I discussed the issue and the bill and I also communicated with Mr. Sasamoto from NMHC. Basically what Mr. Baka said was the email that he sent to Mr. Sasamoto regarding the HUD issue was that his intent in that email was to try and convince HUD to go ahead and accept our new law as a policy decision, but he said that he

understands that if worst comes to worst, then we have to go to court to force HUD to give us the federal money that we were promised that we would lose. And then I sent him a copy of H. B. NO. 15-325 and asked him to take a look at it and I discussed the amendments with him over the phone. He said that he is fine with the amendments, but recommended that we not issue a blanket exemption for all federal funds like the Vice Speaker recommended yesterday. So on page 2 on line 9, I added "upon certification by the agency that this section conflicts with such agency's regulations". So only those Federal agencies that have a problem with our law would be exempted, but if other agencies do not have a problem then the local preference law would apply. He also recommended that we added permanent residents to the U.S. citizenship exemption because we do treat U.S. permanent resident for the most part like U.S. citizens, I just reviewed the new labor law, and it includes U.S. permanent residents and U.S. citizens. So he was suggesting that we include permanent resident in the citizenship exemption to clarify the issue and to prevent any question or problem in the future. So that was also added. That is consistent with CNMI law already. We have the FSM, Palau and the Marshalls citizens who are treated as permanent residents and are entitled to a lot of the same benefits that U.S. citizens are entitled to today. Another amendment is on the headquarters provision. Right now, we are requiring that U.S. citizens be headquartered in the CNMI and the geographic preference was a big issue yesterday. So in order to remove that problem, "or any state or territory of the United States" was also added to make clear that any U.S. citizen headquartered here on in any state or territory like Guam or any of the fifty states would be qualified to apply under this local preference provision. That is just to mitigate any further problems. But, again, any CNMI agency that receives federal funds that has a problem with our law would be exempted upon certification by the federal agency that our law conflicts with their regulations.

Rep. Palacios: So clarified, Mr. Speaker. Thank you.

Rep. J. Deleon Guerrero: Mr. Speaker, as I read the amendment "upon certification by the agency that this section conflicts with such agency's regulations" I am assuming that the word agency refers to a federal agency.

Legal Counsel Antonette R. Villagomez: Right, if you go up it talks about the agency of the Government of the United States.

Rep. J. Deleon Guerrero: Can we consider the NMHC as the agency certifying that this does not conflict with its grantor agencies' regulations? Is that acceptable?

Legal Counsel Antonette R. Villagomez: Yes, basically it would be NMHC certifying that the Federal agency has stated – when I say certification, it means stated by letter or some kind of written form that our law conflicts with our regulations.

Rep. J. Deleon Guerrero: Okay, thank you.

Rep. Aldan: Mr. Speaker, there are typos that needs to be corrected, on page 1 line 4 after "funds" remove "are" and insert "is"; line 6 after "residents" insert "and citizens"; and on line 19 change "headquarter" to "headquarters" just add an "s".

Rep. Yumul: Point of clarification. Headquarter means the main office.

Speaker Babauta: Short recess.

The House recessed at 10:07 a.m.

RECESS

The House reconvened at 10:11 a.m.

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

Rep. Aldan: Mr. Speaker, I would like to withdraw my motion to amend certain sections.

The motion was seconded and carried by voice vote.

Speaker Babauta: The motion is carried, and we will allow the legal counsel to make those technical choice of language in the provision of the bill so that we may expedite this bill to the Senate this morning. Ready? Clerk, call the roll on H. B. NO. 15-325, House Draft 1.

The Clerk called the roll on the motion to pass H. B. NO. 15-325, HD1, which resulted as follows:

Rep. Martin B. Ada	absent (during voting)
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	absent (excused)
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	absent (during voting)
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	absent (excused)
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	absent (excused)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 13 yes, H. B. NO. 15-325 in the form of House Draft 1 passes the House on First and Final Reading. Before we move on, I would like to recognize the presence of the former Lieutenant Governor and former Speaker of the House, the Honorable Diego T. Benavente in the Gallery. Welcome. I will allow the House legal counsel to exit the Chamber for a while and work with Evelyn to transmit the bill to the Senate. I now recognize the Floor Leader.

Floor Leader F. Deleon Guerrero: I move, Mr. Speaker, for the passage of H. B. NO. 15-291 on First and Final Reading.

The motion was seconded.

H. B. NO. 15-291: A Bill for an Act to create the Second Marianas Political Status Commission; to authorize the appropriation of \$200,000 in advance funding for the administrative, operations and activities of the Commission; to authorize the appropriation of additional funds sufficient to carry out the work of the Commission; and for other purposes.

Rep. Yumul: Mr. Speaker, I have a question on page 5, line 10 where it states the right to meet in nonpublic executive sessions. Is that proper or constitutionally allowable, or should it be open meetings?

Speaker Babauta: Can you repeat, Representative Yumul?

The motion to reconsider H. B. NO. 15-325, HD1 was seconded and carried by voice vote.

H. B. No. 15-325, HD1: A BILL FOR AN ACT TO APPROPRIATE THE SUM OF FIVE HUNDRED THOUSAND DOLLARS (\$400,000.00) TO BE USED AS START-UP FUNDS TO IMPLEMENT THE ROTA CASINO ACT OF 2007; AND FOR OTHER PURPOSES.

Speaker Babauta: We are back to discussing H. B. NO. 15-325, HD1. I recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, after several shuffling on the amendments, I think we forgot to delete Section 4 on page 2 to be consistent with the new amendments on the Bill. Having Section 4 on the Bill therefore will exclude public works from the amendment. So to be consistent, I move to delete Section 4.

The motion was seconded and carried by voice vote.

Speaker Babauta: We continue to discuss H. B. NO. 15-325, HD2.

Rep. Palacios: Mr. Speaker, I think we need to renumber according, for the record.

Speaker Babauta: Yes, thank you. Clerk, renumber those accordingly pursuant to the amendment. Ready? Clerk, call the roll on H. B. NO. 15-325, HD2.

The clerk called the roll on the motion to pass H. B. NO. 5-325, HD2, on First and Final Reading.

Rep. Martin B. Ada	absent (during voting)
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	absent (excused)
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	absent (during voting)
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	absent (excused)
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	absent (excused)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: With a vote of 13 yes, H. B. NO. 15-325, HD2 passes the House for the last time. (*Note: Technical changes were noted as HD3 by the Clerk and the House Legal Counsel*). I now recognize the Floor Leader.

Floor Leader F. Deleon Guerrero: I move for the passage of S. B. NO. 15-102 in reference to SEN. COMM. 15-270.

The motion was seconded.

S. B. NO. 15-102: A BILL FOR AN ACT TO IMPOSE AN EMPLOYER RETIREMENT CONTRIBUTION RATE OF ELEVEN PERCENT FOR EMPLOYEES FUNDED BY THE GENERAL FUND; AND FOR OTHER PURPOSES.

Speaker Babauta: I recognize the Vice Speaker.

Vice Speaker Quitugua: Thank you, Mr. Speaker. I offer an amendment to delete the non-pay holidays from S. B. NO. 15-102 and to leave in only the sections pertaining to 11% retirement contribution by the employer. Mr. Speaker, I would like to make this clear to the members that even if we enact this legislation allowing only 11% for the employer to contribute to the NMI Retirement Fund, the government is still obligated to remit the remaining of the 36% required now by the NMI Retirement Fund. This amendment is only allowing the government to remit 11% but, again, it does not disallow the government to not pay up its share of 36% which is the remaining of the 11%. This is on the legal counsel researching on the Social Security Act, we can reduce the percentage as stated by the actuarial study, but the government is not excluded from paying the balance and the balance will become an unfunded liability of the government. So in that regard, I would like to submit the amendment, S. B. NO. 15-102, HS1. I have not passed out a copy of the amendment, so can we take a brief recess so that copies of the amendment can be made.

Speaker Babauta: Sure. Short recess.

The House recessed at 10:35 a.m.

RECESS

The House reconvened at 10:44 a.m.

Speaker Babauta: We are back to our plenary session, and the Vice Speaker has the floor.

Vice Speaker Quitugua: Mr. Speaker, I was just advised by our legal counsel that this amendment requires two-thirds votes of the members, therefore I am requesting that we just place it on the Bill Calendar and also to give the members some opportunity to read the amendments.

Speaker Babauta: Counselor, just to clarify – is it two-thirds of the members present and voting.

The legal counsel advised the Speaker that it is two-thirds of the members of the House.

Speaker Babauta: Is that a motion to introduce it as a substitute?

Vice Speaker Quitugua: It is a substitute, Mr. Speaker, and I so move.

Speaker Babauta: Is there a second to the introduction of the substitute measure?

The motion was seconded.

The amendment reads:

“A BILL FOR AN ACT

TO IMPOSE AN EMPLOYER RETIREMENT CONTRIBUTION RATE OF ELEVEN PERCENT FOR EMPLOYEES
FUNDED BY THE GENERAL FUND; AND FOR OTHER PURPOSES.

**BE IT ENACTED BY THE FIFTEENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE:**

Section 1. Findings and purpose. The Commonwealth Legislature finds that the suspension of employer retirement contribution payments under Public Law 15-15 expired on September 30, 2007. The Legislature finds that the current employer retirement contribution rate, as determined by an actuarial study, is 36.7%. Due to a drastic decrease in resources over the past 24 months, however, the CNMI Government can only afford to remit a reduced contribution rate of 11% for salaries paid from the General Fund. The difference between the 11% and 36.7% contribution will accrue as a liability to the government. The purpose of this Act is to meet the government's obligation to remit employer retirement contributions for employees funded by the General Fund while at the same time preserving diminished government resources.

It is the intent of the Legislature that this Act shall not be inconsistent with the Employee Retirement Income Security Act (ERISA, 29 U.S.C. §1001 et seq.), particularly with regard to the CNMI Defined Contribution plan established by Public Law 15-13. Any conflict in law should be resolved in favor of the federal statute.

Section 2. Employer retirement contribution.

- (a) Notwithstanding 1 CMC §8362 or any other provision of law, employers of employees funded by the General Fund shall remit a retirement contribution of 11% of the total salary of the employee. Except as provided by law, employer retirement contributions under this section shall be deducted from the agency's personnel appropriations. The Secretary of Finance shall remit employer retirement contributions not later than the end of each quarter of the fiscal year. This section shall be retroactive to October 1, 2007.
- (b) Any difference between the actuarially calculated contribution rate and the sum remitted by the employer shall accrue as a liability for the government and shall not be excused or waived by this provision.
- (c) This section shall apply to salaries funded from the General Fund only. Employer retirement contributions for employees not funded by the General Fund, including but not limited to federally funded employees, employees of autonomous agencies, and employees of the Public School System, shall not be affected by this provision. Retirement contributions for those employees shall be made according to law.
- (d) The Northern Mariana Islands Retirement Fund (NMIRF) is authorized to liquidate assets held to cover any shortfall in retiree distributions.

Section 3. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Savings clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

Section 5. Effective date. This Act shall take effect upon its approval by the Governor or its becoming law without such approval."

Speaker Babauta: The Vice Speaker has already explained the substitute.

Vice Speaker Quitugua: Mr. Speaker, I move to place the House substitute on First Reading Only.

There was no further discussion and the motion to pass S. B. NO. 15-102, House Substitute 1 on First Reading was carried by voice vote.

Speaker Babauta: The motion carries, S. B. NO. 15-102, HS1 passes the House on First Reading only. Representative Joe Deleon Guerrero, you are recognized.

Rep. J. Deleon Guerrero: Mr. Speaker, if I am not out of order, I would like to offer an oral amendment to S. B. NO. 15-102, HS1.

Speaker Babauta: We may go back and reconsider our action – is there any objection.

The members voiced no objection.

Speaker Babauta: You may proceed, Representative Deleon Guerrero on further discussion of S. B. NO. 15-102, HS1.

Rep. J. Deleon Guerrero: Thank you, Mr. Speaker. I would like to offer an oral floor amendment to change the percentage of “11%” to “18%” wherever it appears. It is on the title, on lines 6, 7, and wherever it appears.

The motion was seconded, and the motion to amend S. B. NO. 15-102, HS1 was carried by voice vote.

Speaker Babauta: The motion is carried and we continue to discuss S. B. NO. 1-102, HS1, HD1. I recognize the Minority Leader.

Rep. Palacios: Mr. Speaker, this legislation has a very significant implication to the NMI Retirement Fund. Whether we like to admit that or not, it is. I believe the 15th Legislature would probably go down in history as the Legislature that basically raided the Fund. The first act that we did really to almost destabilize the Fund and we will see a long term effect of it is when we suspended the employer contribution for fiscal year 2007 and then we went in and tinkered with other issues regarding the Retirement Fund. We must be mindful that we have close to 4,000 members of this Fund. When we move the way from the social security system, the employees of government and members of what we call the Retirement Fund, we assured the Federal Government that we will protect annuities and pensions for members of this pension fund. The reason why we have over half a billion dollars in liabilities to the pension plan for our government employees is because we... (*End of Tape 2, side A ... Beginning side B*)... This is another attempt really and I know that because of the lack of funding or seemingly changes priorities in this government we have put this issue aside and say – well, let us just label it unfunded liability. But let us be mindful and I know that in the past year especially the Commonwealth Retirement Fund has liquidated a very significant amount of assets. They have even come out through actuarial studies and through their actuarial consultants have very clearly warned us that at the rate of liquidation, the NMI Retirement Fund will be bankrupt in 10 years. I do not really understand why we are looking at this so drastically and say 11%. We might as well just change our pension plan and go back to the social security system because this is what we are actually doing. We might as well pass a law and say there will be no more Northern Mariana Islands Retirement Fund and let us go back to the old social security system. I had the opportunity to sit in the Ways and Means Committee meeting with the Retirement Fund Board of Trustees and management staff regarding their budget for FY 2008, and I posed the question – Has the Retirement Fund ever sat down with the Administration to take a look at the rates that is being proposed at 11%? The clear answer to that question then was no. If we want to continue to inject these types of legislation into this system, just as they warned us we will bankrupt this system. There are now, I believe, over 2,000 retirees, survivors, and beneficiaries that are receiving. There will be 4,000 members retiring who have contributed to this pension system who will not be able to retire. There are in the past month members who have qualified to retire, but

have been turned away by the NMI Retirement Fund because of the legislations that we have passed. We have yet to seek audience with the Retirement Fund Board of Trustees to clarify this issue and see what we can do to ameliorate it. Here we are again today submitting to another proposal to continue and unfunded liability, unfunded liability that in most likelihood will not be paid by this government because we do not have the money to pay for it. Yesterday I was looking over the Agenda and in the Governor's Communications we have another six, seven or eight certifications for new positions. For every dollar we spend on new positions, the actuarial rate is 36 cents. We open up new positions yet we do not have the money to even pay for the fringe benefit that is in the law. I know that we are not going to entertain a vote on this issue today, but I think we need to take this home and think about it. I urge all of you to think about it because we have done just about everything that an organization and a legislating body can do to bankrupt this pension system. We gave the whole government other than the autonomous agencies that choose to continue contributing to the Fund, we have put a Retirement Contribution Holiday, as we called it – what a name, huh – holiday, which means that we did not pay our employer's contribution for 18 months. That is a liability right there. We are not going to put additional liability starting October 1 of this year retroactively. We really need to at the very least in considering this, call the trustees of this fund and seek audience with them so that if and when we make this decision, we will be informed as to the implications, the potential impact to the program. Thank you.

Speaker Babauta: Ready?

There being no further discussion the motion to pass H. B. NO. 15-102, HS1, HD1 on First Reading was carried by voice vote.

Floor Leader F. Deleon Guerrero: I now move Mr. Speaker, for the passage on First and Final Reading S. B. NO. 15-104, SD1, referring to SEN. COMM. 15-106.

The motion was seconded.

S. B. NO. 15-104, SD1: A BILL FOR AN ACT TO AMEND 10 CMC § 3319 TO PROVIDE STRICTER PENALTIES FOR THOSE THAT DO NOT COMPLY WITH THE CURFEW LAW; AND FOR OTHER PURPOSES.

Speaker Babauta: The motion has been seconded. I understand the CNMI Youth Congress passed a resolution requesting the Legislature to further improve the enforcement activity of that specific curfew law.

Rep. Taman: Mr. Speaker, looking at the words, "stricter penalties" I am assuming that when we enforce this stricter policies, there will probably be a number of imprisonment. My concern here is do we have adequate facilities at the present time. Can anybody answer that?

Speaker Babauta: I think the current facility is expandable to 458 beds, and an additional 100 plus at the Kagman center.

Rep. Taman: Mr. Speaker, when we talk about the facility in Kagman, we are talking about the juvenile violators.

Speaker Babauta: Correct.

Rep. Taman: But the curfew law does not only imply to juvenile violators, guardians and parents are very well contributions to this violation. Thank you very much.

Rep. Tebuteb: Mr. Speaker, I was actually going ask how we came out with the magic numbers of 30 days and not so much that, but on line 17 subsection (c). Why not 759 or 761? Has there been any assessment on the parents or guardians and what is that amount? Is the increase to 750 as stated in the bill because we never collected much, is it not enough, or is it too much? I am not sure.

Speaker Babauta: This falls within the misdemeanor, is that correct, counsel?

House Legal Counsel Antonette R. Villagomez: I worked with the Youth Congress too and this legislation is modeled after a legislation passed by the Youth Congress, so I believe it is the Youth Senators who chose these numbers. They determined that 30 days was enough and that the previous law was too lenient. They thought that paying \$250.00 was too easy and it will be better if the youth were to do 250 hours of community service. I can not tell you anything else other than that.

Rep. Yumul: I am looking at this legislation and this is a very interesting piece of work. Even on the parents' side which is on page 2, any parent who willfully or negligently allows such a minor to violate the provision of this chapter shall be fined not more than \$750.00 we might we be seeing the precursor to more child abuse charges from children alleging that parents are locking them in their homes. If we are going to work with this type of penalties, I believe even 250 hours of community service is a lot of time and I think that is more than enough punishment. The mere incident of having a minor out past curfew does not warrant jail time, even if it is a youth detention facility. Community service is more than sufficient. If these youth for example are engaged in illegal activities, there is existing law that will deal with the crime committed. I am really concern that just standing at the corner of a family's lot will land them a 30-day jail time. As we know in familial areas, or homestead areas where friends will visit one another at a neighbor's home and not knowing that time had passed, maybe to get home quickly and attempts to do so, they get seen by an officer out there, and they get arrested. That in itself is a very interesting situation. I am not entirely against the legislation, but I really think we need to get the comments of DYS at minimum and DPS and see if this is in line with what they want and what they are engaged in a daily basis. We do not have that information here, so may I recommend First Reading, Mr. Speaker.

Rep. J. Deleon Guerrero: First of all, regarding the comment Representative made I think the language here on line 15 which says "either willfully or negligently" I think that speaks for itself. It is either you allow them or you are negligent of your duty as a parent does allow for extenuating circumstance that a judge can consider in considering whether you are violating the law as a parent or guardian. But I would like to offer an oral floor amendment, Mr. Speaker.

Speaker Babauta: Proceed.

Rep. J. Deleon Guerrero: On page 1, line 13 after the word "and" insert "up to" so it also give a judge the discretion to decide whether the maximum of 250 hours of community service will be given or less depending on his judgment. So I offer that motion, Mr. Speaker. And the same goes on page 2, line 11, and wherever it appears so it reads in part "...for a period not to exceed 30 days ~~or a fine not to exceed \$250, or both,~~ and **up to** 250 hours of community service."

The motion was seconded and carried by voice vote.

Speaker Babauta: We continue to discuss S. B. NO. 15-104, SD1, HD1.

Rep. Ogo: Mr. Speaker, I would like to address this to the legal counsel under the Findings and Purpose section. Is it proper to use the words, “Youth Congress” or “the Legislature finds”.

Speaker Babauta: Because the bill came as a result of the Youth Congress officially in session requesting the legislature to enact the same language as it appears, it is therefor the finding and purpose of this act that the words “Youth Congress” should be inserted. They are part of our parliamentary process.

House Legal Counsel Antonette R. Villagomez: The author of the bill chose to use the language in the legislation that I alluded to earlier, and this if fine if you so choose to accept it.

Rep. Taman: Correct me if I am wrong, Mr. Speaker, this is a Senate bill and I have no problem seeing the Youth Congress there, but maybe we should spell out “the Legislature as recommended by the Youth Congress.

Speaker Babauta: Further recommendation.

Rep. Tebuteb: I think this bill is good, and it is okay the way it is written. It is only on the findings and purposes.

Rep. Torres: I agree with Representative Tebuteb. I believe there is no impediment just to leave it as is because I would like to see in the history of the legislature that the Youth Congress is participating. Leaving it the way it is in an indication of their participation.

Speaker Babauta: Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. This question lies in the customs and other observances that we as a community observe such as midnight mass, *belas* or funeral services. How does this affect those types of late night activities?

Speaker Babauta: Let be bring you back—10 CMC is with regards to local acts for the Third Senatorial District. Those concerns are addressed in sections in that particular law that you need to be accompanied to the movie theatre, to wedding parties, to *bela*, to midnight mass. So the law provides for that. Unless, as Representative Deleon Guerrero says –knowingly—then that will be considered in violation of law.

Representative Yumul: Ready.

Speaker Arnold Palacios: Ready. We will now be voting on S. B. NO. 15-104, Senate Draft 1, House Draft 1.

The Clerk called the roll on the motion to pass S. B. NO. 15-104, SD1, HD1 on First and Final Reading, which resulted as follows:

Rep. Martin B. Ada	absent (during voting)
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	yes

Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	absent (during voting)
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	absent (during voting)
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	excused
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	excused
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 13 “yes”, S. B. NO. 15-104, SD1, HD1 passes the House on First and Final Reading. I would like to recommend that we take a break and come back tomorrow morning at ten, so that we can continue to dispose of bill and also meet the Saipan Zoning Board’s request. Representative Ray Tebuteb.

Representative Tebuteb: Thank you, Mr. Speaker. Relative to the Saipan Zoning Board, I appreciate that and I would look into the request that you had mentioned earlier. Thank you.

Speaker Babauta: We will take one bill at a time if that is necessary.

MISCELLANEOUS BUSINESS

None

ADJOURNMENT

Speaker Babauta: Floor Leader, a motion to recess until tomorrow morning at ten.

Floor Leader Florencio T. Deleon Guerrero: I so moved, Mr. Speaker.

The motion was seconded by several others and carried by voice vote.

Speaker Babauta: The House stands recessed until tomorrow morning at 10:00 a.m.

The House adjourned at 11:15 p.m. and will reconvene on Thursday, December 6, 2007 at 10:00 a.m.

Respectfully submitted,

Evelyn C. Fleming
House Clerk

APPEARANCE OF LOCAL BILLS

FIRST APPEARANCE: First Appearance of a local bill is the day of introduction

SECOND APPEARANCE: NONE

THIRD APPEARANCE: H. B. NO. 15-76: To amend Section 2(e) of Saipan Local Law No. 15-12 to appropriate \$490,000.00 for the acquisition and land compensation of Lot 364-R/W; and for other purposes. (Rep. Arnold I. Palacios +5)