



House Journal

THIRD REGULAR SESSION, 2007

Adopted:
March 16, 2007

Fourth Day

February 20, 2007

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its Fourth Day, Third Regular Session on Tuesday, February 20, 2007, at 1:40 p.m. in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

A moment of silent prayer was observed.

The Clerk called the roll and fourteen members were present. Representative Absalon Waki, Jr. was excused. Representatives Joseph P. Deleon Guerrero, Benjamin B. Seman, and Stanley T. Torres came in late.

ADOPTION OF JOURNALS

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

1st Day (12/14/06), Sixth Special Session 2006
2nd Day (12/19/06), Sixth Special Session 2006

There was no discussion and the motion to adopt all the Session Journals was carried by voice vote.

Speaker Babauta: The motion is carried.

Floor Leader Florencio Deleon Guerrero moved to resolve into the Committee of the Whole for the presentation of a resolution, was seconded and carried by voice vote.

Speaker Babauta: The motion is carried.

The House went into Committee of the Whole at 1:45 p.m.

COMMITTEE OF THE WHOLE

The House returned to plenary session at 1:58 p.m.

Speaker Babauta: We are back to our plenary session.

INTRODUCTION OF BILLS

H. B. NO. 15-221: A Bill for an Act to amend the Northern Mariana Islands Retirement Fund Act to improve its fiscal solvency; and for other purposes.

Offered by: Rep. Arnold I. Palacios and one other
Referred to: Committee on Health, Education and Welfare

H. B. NO. 15-222: A Bill for an Act to authorize the Northern Marianas College to enter into a commercial loan agreement for the sum of \$250,000 and to secure the loan with its cash deposits; and for other purposes.

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

H. B. NO. 15-223: A Bill for an Act to provide for the regulation and control of the operation of gambling enterprises in the Third Senatorial District; and for other purposes.

Offered by: Rep. Jesus SN. Lizama and two others
Referred to: Committee on Ways and Means

H. B. NO. 15-224: A Bill for an Act to amend 3 CMC § 4363(e) as created by Public Law 13-49 Section 2; and for other purposes.

Offered by: Rep. Justo S. Quitugua

H. B. NO. 15-225: A Bill for an Act to amend Public Law 12-18 to provide for a Gubernatorial Runoff Election; and for other purposes.

Offered by: Rep. Justo S. Quitugua
Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-226: A Bill for an Act to amend Chapter 1 of Division 3 of Title 2 of the Commonwealth Code; and for other purposes.

Offered by: Rep. Ray N. Yumul
Referred to: Committee on Health, Education and Welfare

H. B. NO. 15-227: A Bill for an Act to amend 4 CMC § 4303(q) and § 4332(b); and for other purposes.

Offered by: Rep. Ray N. Yumul

H. B. NO. 15-228: A Bill for an Act to vest the expenditure authority of all funds appropriated for capital improvement projects of the Commonwealth Ports Authority, including funds appropriated

pursuant to Public Law Nos. 11-78, 11-89, 12-23, and 12-6, with the Chairman of the CPA Board Directors or his designee.

Offered by: Rep. Ray N. Yumul

H. B. No. 15-229: A Bill for an Act to repeal and reenact Chapter 2, Division 1, Title 3 of the Commonwealth Code pertaining to the Chamorro-Carolinian Language Policy Commission; and for other purposes.

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

H. B. No. 15-230: A Bill for an Act to regulate the use of nets for fishing; and for other purposes.

Offered by: Rep. Candido B. Taman
Referred to: Committee on Natural Resources

H. B. No. 15-231: A Bill for an Act to prohibit the NMI Retirement Fund from paying less than the full pension to retirees; and for other purposes.

Offered by: Rep. Justo S. Quitugua

H. B. No. 15-232: A Bill for an Act to amend 3 CMC § 4437(h) to clarify that the privilege of nonresident workers owning a business is limited to those nonresident worker owned businesses that were established on or before July 28, 1987, and to require nonresident worker business owners to change their status to foreign investors; and for other purposes.

Offered by: Rep. Arnold I. Palacios and three others
Referred to: Committee on Commerce and Tourism

H. B. No. 15-233: A Bill for an Act to grant hybrid-electric vehicle dealers and consumers tax relief.

Offered by: Rep. Ramon A. Tebuteb and three others
Referred to: Committee on Public Utilities, Transportation and Communications

H. L. I. No. 15-9: A House Legislative Initiative to amend Article II, Section 3(a) and (b) of the Constitution of the Northern Mariana Islands.

Offered by: Rep. Crispin M. Ogo
Referred to: Committee on Judiciary and Governmental Operations

H. L. I. No. 15-10: A House Legislative Initiative to amend Article VI, Section 6(a) of the Constitution of the Northern Mariana Islands.

Offered by: Rep. Crispin M. Ogo
Referred to: Committee on Judiciary and Governmental Operations

H. L. I. No. 15-11: A House Legislative Initiative to amend Article II, Section 15(a) and (b) of the Constitution of the Northern Mariana Islands.

Offered by: Rep. Crispin M. Ogo

Referred to: Committee on Judiciary and Governmental Operations

H. L. I. No. 15-12: A House Legislative Initiative to amend Article VI, Section 2(b) of the Constitution of the Northern Mariana Islands.

Offered by: Rep. Crispin M. Ogo

Referred to: Committee on Judiciary and Governmental Operations

H. L. I. No. 15-13: A House Legislative Initiative to amend Article III, Section 4 of the Constitution of the Northern Mariana Islands.

Offered by: Rep. Crispin M. Ogo

Referred to: Committee on Judiciary and Governmental Operations

H. L. I. No. 15-14: A House Legislative Initiative to amend Article IV, Section 5 of the Constitution of the Commonwealth of the Northern Mariana Islands to authorize the election of the chief justice and presiding judge by a majority of the justices and judges, respectively.

Offered by: Rep. Ray N. Yumul

Referred to: Committee on Judiciary and Governmental Operations

H. L. I. No. 15-15: A House Legislative Initiative to amend Article VI of the Constitution of the Northern Mariana Islands to abolish the municipal councils of Rota, Tinian and Aguiguan, and Saipan and the Northern Islands.

Offered by: Rep. Candido B. Taman

Referred to: Committee on Judiciary and Governmental Operations

H. L. I. No. 15-16: A House Legislative Initiative to amend Article III, Section 4 of the Constitution of the Northern Mariana Islands to require a runoff election for governor and lieutenant governor if no candidates receive a majority of the votes cast for that office in a general election.

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

Referred to: Committee on Judiciary and Governmental Operations

H. L. I. No. 15-17: A House Legislative Initiative to amend Article VI, Section 2 (b) of the Constitution of the Northern Mariana Islands to require a runoff election for mayor if no candidate receives a majority of the votes cast for that office in a general election.

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

Referred to: Committee on Judiciary and Governmental Operations

H. L. I. NO. 15-18: A House Legislative Initiative to amend Article V, Section 1 of the Constitution of the Northern Mariana Islands to require a runoff election for the resident representative to the United States if no candidate receives a majority of the votes cast for that office in a general election.

Offered by: Rep. Arnold I. Palacios and four others
Referred to: Committee on Judiciary and Governmental Operations

H. L. I. NO. 15-19: A House Legislative Initiative to amend Sections 10 and 16 of Article II of the Constitution of the Northern Mariana Islands to re-structure the compensation of members and to reduce the operating budget of both houses of the Legislature.

Offered by: Rep. Ray N. Yumul
Referred to: Committee on Judiciary and Governmental Operations

The Chair recognized Representative Dela Cruz.

Rep. Dela Cruz: Mr. Speaker, if I am not out of order, I have requested H. L. I. NO. 15-8 to be recalled from the Committee on Judiciary and Governmental Operation, our good Chairwoman has graciously approved that request.

Speaker Babauta: I have a copy of that. So do you mind, when we go down to the Bill Calendar, we will make a proper motion for that.

Rep. Dela Cruz: Thank you, Mr. Speaker.

H. L. B. NO. 15-52: A House Local Bill to rename the “Chamolinian Drive” located in the village of Tanapag to the “Cpl. Adam Emul Road”, in honor of the late lance Corporal Adam Quitugua Emul of the United States Marine Corps, for making the courageous and ultimate sacrifice while unselfishly serving in our mother country’s fight to liberate the people of Iraq and defend freedom in Operation Iraqi Freedom.

Offered by: Rep. Candido B. Taman

H. L. B. NO. 15-53: A Local Appropriation Bill for an Act for the Third Senatorial District to appropriate the sum of \$60,000 from fees collected pursuant to Saipan Local Law 11-2, as amended, for the purchase of 500 student desks for Marianas High School; and for other purposes.

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

H. L. B. NO. 15-54: A Local Bill for an Act to offer as alternate land compensation of private properties taken for public purposes lands in the northern islands; and for other purposes.

Offered by: Rep. Ray N. Yumul

H. L. B. NO. 15-55: A Local Bill for an Act for the Third Senatorial District to rename an existing unnamed road and to rename other roadways; and for other purposes.

Offered by: Rep. Joseph P. Deleon Guerrero and one other

H. L. B. NO. 15-56: A Local Appropriation Bill for an Act for the Second Senatorial District to appropriate the sum of \$235,283.00 from the local license fees collected for pachinko slot machines and poker machines and from the Developer Infrastructure Tax funds in the Second Senatorial District; and for other purposes.

Offered by: Rep. Edwin P. Aldan

H. L. B. NO. 15-57: A Local Bill for an Act to establish a Municipal Park Rangers Division within the Office of the Mayor of Tinian and Aguiguan; and for other purposes.

Offered by: Rep. Edwin P. Aldan

INTRODUCTION OF RESOLUTIONS

Hse. Comm. Res. NO. 15-87: A House Resolution to mourn the passing of President Gerald R. Ford, 38th President of the United States of America, and to remember the exemplary service and dedication to his country, and to express heartfelt condolences to Mrs. Betty Ford and the family.

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

HSE. COMM. RES. NO. 15-88: A House Resolution to convey sincere condolences and sympathy to the bereaved family of the late Lorenzo Atalig Hocog, on his untimely passing and to pay tribute for his services to the Commonwealth and most especially to the people of Rota.

Offered by: Rep. Crispin M. Ogo and seventeen others

HSE. COMM. RES. NO. 15-89: A House Resolution to express sincere and heartfelt condolences to the family of the late Lance Corporal Adam Quitugua Emul of the United States Marine Corps, for making the courageous and ultimate sacrifice in our nation's struggle to bring peace to the people of Iraq.

Offered by: Rep. Candido B. Taman and seventeen others

HSE. COMM. RES. NO. 15-90: A House Resolution to express sincere condolences to the family of the late Captain Vicente Manglona Concepcion and to pay tribute to his pioneering efforts in promoting and developing the diving industry in the Commonwealth and for his selfless acts of generosity and kindness to the people of the Commonwealth.

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

H. R. NO. 15-89: A House Resolution to recognize and commend Mr. Joaquin L. Flores Jr., owner of Freedom Air, for his acts of generosity and kindness to the people of Rota.

Offered by: Rep. Crispin M. Ogo and seventeen others

H. R. NO. 15-90: A House Resolution to congratulate Mr. Ricardo Songao Taimanao on the occasion of his retirement from the Commonwealth of the Northern Mariana Islands police force and to express appreciation for his faithful service.

Offered by: Rep. Crispin M. Ogo and seventeen others

H. R. NO. 15-91: A House Resolution to express sincere and heartfelt condolences to the family of the late U.S. Army Corporal Lee Roy Apatang Camacho, for making the courageous and ultimate sacrifice in our nation's struggle to bring peace to the people of Iraq.

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

H. R. NO. 15-92: A House Resolution to recognize and congratulate Sister Mary Louise on her Golden Jubilee of Religious Profession as a Member of the Order of the Mercedarian Missionaries of Berriz.

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

H. J. R. NO. 15-17: A House Joint Resolution to respectfully request and authorized the Office of the Governor to provide funding for the development of a right of way manual for use by the Department of Public Works in obtaining highway construction grants from the U.S. Department of Transportation.

Offered by: Rep. Crispin M. Ogo

MESSAGES FROM THE GOVERNOR

Gov. COMM. 15-200 – [1/27/07] – Informing the House that he signed S. B. NO. 15-58, SS1, HD1 (To waive the 2 years nursing experience for nonresident nurses who have completed the nursing education at NMC) [Became **Public Law No. 15-45**].

Gov. COMM. 15-201 – [1/29/07] – Informing the House that he signed H. B. NO. 15-31, HS1, SD1 (Probation Reform Act) [Became **Public Law No. 15-46**].

Gov. COMM. 15-202 – [2/6/07] – Informing the House that he signed H. L. B. NO. 15-37, S1, SNILD3, (To reappropriate \$293,608.00 from SLL 14-11, 3(b)(1) as amended by SLL 14-22) [**Saipan Local Law 15-16**]

Gov. COMM. 15-203 – [2/6/07] – Informing the House that he signed H. L. B. NO. 15-50, D2, (To appropriate \$85,000 from the local lincense fees collected for pachinko slot machines and poker machines in the First Senatorial District) [**Rota Local Law No. 15-4**].

Gov. COMM. 15-204 – [1/31/07] – Transmitting Executive Order 2007-008 with regards to the Commonwealth Council for Arts and Culture.

Gov. COMM. 15-205 – [2/15/07] – Informing the House that he signed H. L B. No. 15-4 (To rename “Garapan Street” to “Jesus T. Attao Road”) Became **Saipan Local Law No. 15-17**.

Speaker Babauta: Before I recognize anyone, I would like to refer GOV. COMM. 15-204 to the Committee on Judiciary and Governmental Operations for further review. Ready.

SENATE COMMUNICATIONS

SEN. COMM. 15-143: (2/1/07) Transmitting for House action S. B. NO. 15-76, “To amend the Northern Mariana Islands Retirement Fund Act to improve its fiscal solvency, to subject to referendum any changes that by law increase benefits offered under the defined benefit plan of the Northern Mariana Islands Retirement Fund Act; and for other purposes,” which was passed by the Senate on January 31, 2007. [For action]

SEN. COMM. 15-144: (2/1/07) Returning H. B. NO. 15-190 (To rename the Retirement Fund Building “Governor Lorenzo I. De Leon Guerrero Retirement Fund Building”), which was passed by the Senate without amendment on January 31, 2007. [For info]

SEN. COMM. 15-145: (2/1/07) Transmitting for House action S. L. I. NO. 15-12, SD1, “To amend Article XI of the Constitution of the Northern Mariana Islands to extend the term permitted for a leasehold interest in public lands,” which was passed by the Senate on January 31, 2007. [For action]

The Chair recognized the Floor Leader.

Floor Leader Florencio Deleon Guerrero: So move Mr. Speaker to accept all the Senate Communications that appear on today’s Order of Business.

Speaker Babauta: To clarify the motion is to accept all the Senate Communications on today’s Order of Business, and the Chair would refer those to the respective Committee for proper maintenance.

The motion was seconded and carried by voice vote.

Speaker Babauta: The motion is carried.

HOUSE COMMUNICATIONS

The Chair recognized the Minority Leader.

Rep. Palacios: Mr. Speaker, I have a copy of a House Communication. It is a communication from Representative Torres to the Speaker of the House and the Senate President regarding a memo. I am not sure why this was not put in today’s Order of Business. I would like to...

Speaker Babauta: Well, if there is no objection, I received Representative Torres’ memo with respect to his inquiry or rather so-called allegations. It never occurred to me that since he copied all

the members and of course including the Senate members, I understand that the Senate President have replied to our colleague. If there is no objection, I would like to include that as an official communication from the Representative.

Rep. Palacios: Thank you, Mr. Speaker.

Speaker Babauta: I would be engaging the appropriate committee to look into that memorandum with the attachment. I thank Representative Torres for his foresight in getting a cloudy issue unclouded. Clerk, please take note that the memo that was mentioned by the Minority Leader be incorporated as part of the House Communication for today's Order of Business.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT. & AGENCY COMM. 15-49: (2/5/07) From Chairman Henry Hofschneider, Zoning Board, submitting the Board's expenditure of funds appropriated under SLL 15-4 and SLL 15-5.

DEPT. & AGENCY COMM. 15-50: (2/8/07) From Chairman Henry Hofschneider, Zoning Board, submitting the Boards Annual Report to the Legislature.

Speaker Babauta: Any comment? If I may, may I ask who has already taken the initiative under DEPT. & AGENCY COMM. 15-49? Anyone from the members? Did anyone take the initiative to introduce the attached...? Recognized, Representative Dela Cruz?

Rep. Dela Cruz: Mr. Speaker, yes. I have been working on a draft bill which was submitted by the Zoning Board Committee. There are some amendments that they still would like to introduce.

Speaker Babauta: But this would be in the form of a House local Bill, right?

Rep. Dela Cruz: Yes, Mr. Speaker.

Speaker Babauta: Can you just take note and make sure you review the enabling statute that created the Saipan Zoning Law just to make sure because it was questioned at one time about the legality of the former Governor re-implementing it. So please make sure that everything is in order.

Rep. Dela Cruz: Yes, Mr. Speaker.

Speaker Babauta: Any more comment on item number 10.

OTHER COMMUNICATIONS

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

UNFINISHED BUSINESS

None

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. 15-50**, **S. C. R. NO. 15-51**, and **S. C. R. NO. 15-52**.

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.

S. C. R. NO. 15-50: Reporting on H. B. NO. 15-69, entitled, "To criminalize theft of utility services by adding a new section 1609 to Chapter 1, Part 2, Division 1 of Title 6 of the Commonwealth Code; and for other purposes. *Your Committee on Public Utilities, Transportation, and Communications recommends passage in the form of a substitute attached hereto.*

S. C. R. NO. 15-51: Reporting on H. B. NO. 15-208, entitled, "To amend 1 CMC § 2603(d) to delete 'vocational rehabilitation' as a duty of the Department of Public Health; and for other purposes." *Your Committee on Health, Education, and Welfare recommends passage of the bill without amendment.*

S. C. R. NO. 15-52: Reporting on H. B. NO. 15-133, entitled, "To authorize nonrefundable tax credits for contractors, designers, and material suppliers for work performed on the development and construction of a Saipan International Raceway; and for other purposes." *Your Committee on Ways and Means recommends passage of the bill without amendment.*

Speaker Babauta: Discussion. I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. I want to reference S. C. R. NO. 15-52.

Speaker Babauta: Proceed.

Rep. Palacios: This is to authorize of nonrefundable tax credit for contractors, designers, etc. for the International Raceway. Mr. Speaker, I do not have any substantial problem with the intent of this legislation. I do have a technical and perhaps a procedural problem with it, and that I do not believe that the Committee had really considered the content of the legislation, and that is why I want to

point out that my signature is not on the report. Certainly, the legislation is a commendable legislation, and let me repeat again, it is not the purpose and the intent of this legislation that I am raising issues with. It is the procedural issue that we have a problem with. When we have a Committee Report, a substantial legislation of this nature, I think it is appropriate that we try to communicate with each other. I know that there are issues similar and procedures that we have done in the past, but this is a significant piece of legislation that has some bearing on cost and revenue of the Commonwealth and requires what I believe careful consideration, not just from this body, but from our Department of Finance, our planning and budget who plan for this government. Any revenue that we give away, whether it is expenditure or tax, it needs to be consolidated and incorporated into the budget, a potential impact of our expenditure planning. That is the procedural issue that I have. I will defer to the Bill Calendar when this bill comes up for discussion, but I wanted to clarify as to why my name is not on the Report.

Speaker Babauta: I was actually going to recommend that when it comes to the Bill Calendar, we will debate and weigh the merits of the bill if it needs to be amended and to be consistent with other revenue and taxation laws of our Commonwealth. I recognize Representative Ada.

Rep. Ada: Thank you, Mr. Speaker. As we all know, our colleague from Rota had a death in the family in the past month, and I did urge him every week to try to come up with the Committee Report. However, last week, he did signed the Committee Report and the solicitation for comments from him to the affected agencies such as DPL, AGO, MRA, MASA and the presidents that were affected, event he Secretary of Finance, DPS have been given the bill itself. Mr. Speaker, when we mention about the issue on losing revenues, we did four to five years ago passed the Qualifying Certificate, and Representative Palacios' concern is very valid to look at the impact of the loss of revenues. Now, on the other hand, both MASA and MRA that have merged to what is called now, the Commonwealth Racing Federation have joined forces to help our youth, to help develop programs and necessary facilities that the whole Commonwealth really deserved.

Rep. Palacios: Point of clarification, Mr. Speaker.

Speaker Babauta: State your point.

Rep. Palacios: I do not believe that I am trying in any way go against the legislation. Like I said, we will get to that when we get to the Bill Calendar. What I am alluding to is the procedural...

Speaker Babauta: Parliamentary procedural of the Committee...

Rep. Palacios:...technicalities of the committee, and I am trying to explain why my name was not on that Committee Report. That is all. We can debate here later on about the Qualifying Certificates and the government revenues, but we are just looking at the Committee Report.

The Chair recognized Representative Ada.

Rep. Ada: Thank you, Mr. Speaker. That being said, if there is no objection, I would like to place this Committee Report on the Calendar and adopt it on First Reading, Mr. Speaker.

Speaker Babauta: It could be passed, but what the Minority Leader was alluding to is, when it comes to debate under the Bill Calendar, we will decide whether to pass it on First Reading or pass it with amendments. I hope that is cleared.

Rep. Ada: Thank you.

Speaker Babauta: Any more. I recognize Representative Tebuteb.

Rep. Tebuteb: Just a small clarification.

Speaker Babauta: State your point.

Rep. Tebuteb: On the Committee Report under Cost Benefit under Section (d)...

Speaker Babauta: Which Committee Report?

Rep. Tebuteb: We are talking about S. C. R. NO. 15-52, where it says that the project will not cost the Commonwealth Government any actual funds except in the form of the tax credit, which is about \$3 Million. Further it says...and this is what I need clarification on. The last sentence says, "Any cost derived from this tax credit would be outweighed by the many benefits." I mean, we all could probably guess and come up with all kinds of calculation, but I think it would be much prudent on the Committee to also qualify what that word, "outweighed" means just so that we will be more specific on the cost versus just the \$3 Million.

Speaker Babauta: And probably add the entry fee and concessions.

Rep. Tebuteb: It is just a clarification.

Speaker Babauta: Thank you for sharing that. Any more on the other Committee Reports.

There being no further discussion, all the Standing Committee Reports were adopted and carried by voice vote.

Speaker Babauta: The motion is carried. I recognize Representative Yumul.

Rep. Yumul: Mr. Speaker, if no objection, I would like to request that we go back to item number 7 under House Communication and submit for the record my February 1st letter to informing you and the members, and the public at large about the Washington hearings that people can go on line on www.capitalhearings.org to listen to the live testimonies, and also how to go back to review prior testimonials in archives.

Speaker Babauta: Any objection to going back to item number 7.

There was no objection.

Speaker Babauta: So ordered. You are now officially recognized to present that to the Clerk.

HOUSE COMMUNICATIONS

Rep. Yumul: Thank you, Mr. Speaker. The Sergeant-at-arms can take this letter dated February 1st and add it to the record. Also, Mr. Speaker, if no objection, I would like to go to item number 10...

Speaker Babauta: One moment please. Clerk, take note and include that also as Chairman Yumul's Communication to the House. I thank you Representative Yumul for sharing the website not only to the members but I guess many people benefited from you. Representative Yumul, under item number 10 you say?

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

The Chair recognized Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. I would like to know for the record basically if EMO has provided any communications to us about the recent volcanic activity that had happened over the weekend, because I am really concerned as to what is happening. I even got off the phone with the Northern Islands Mayor this morning, and he mentioned of no advisories to him on the ash that had come down from up north. I did my own basic research and I even came across four earthquake activities. One on February 14th at a 4.3 magnitude, 235 miles NW of Farallon de pajaros. On Sunday, February 18, a 4.8 magnitude earthquake, 150 miles NW of Farallon de pajaros, and also there was an earthquake Saturday, February 17th of a 4.9 which was 225 SW of Rota and another one yesterday, 265 miles WSW of Rota at 5.3 magnitude. I am wondering where are the advisories and why they were not coming out. I think EMO has a systemic problem that we need to address, Mr. Speaker. A lot of people that are allergic and in some cases have asthma, and when they are not warned of certain activities such as the ash in the air, it could be adversely affected in terms of health. I went online to EMO's website and they have four listed goals. One is to improve effectiveness and efficiency of the CNMI Government in responding to and providing assistance to residents of the Commonwealth, recover from natural and manmade disasters. Goal number two, representing the Governor and coordinating with Federal entities such as FEMA, SBA and ARC in providing recovery assistance to Commonwealth residents after a natural or declared emergency. Three, upgrading the responds capabilities of all the CNMI government entities in regards to emergencies whether natural or manmade, which is vital and rendering assistance to residents of the Commonwealth, and number 4, organizing a massive government responds to the incident and ensuring the accomplishment and type of assistance needed which is critical. Nothing in here, Mr. Speaker, that talks of providing critical information to the public at large by any means necessary such as transmittal to the media, radio, and television or paper about these activities. I think it is really vital that we are abreast of the information. I am even surprised that the Legislature has not even been given this information.

Speaker Babauta: Let me clarify this with you. Where did you get your information about the earthquakes?

Rep. Yumul: These are all available online under the USGS websites.

Speaker Babauta: Okay.

Rep. Yumul: I am pretty sure that EMO has the same access, but it is more meaningful if EMO puts the information out so that we know that they are monitoring and are concerned about the issues, because even if we were to do this individual, we do not know what steps may or may not take place. Even the good Congressman Tebuteb's Resolution encouraging the government to have the USGS put seismic monitoring equipment...

Speaker Babauta: Do we know if that MOU have been executed already? Does anyone know? Because I task the Chairman, and apparently, I asked him to let me know, but he left without the answer...

Rep. Yumul: So, Mr. Speaker, basically, I think there is a bugging of information that I believe EMO is waiting for authority from the Governor, and I think it is very important to reiterate that the Governor is not a geologist, not a seismologist or even a volcanologist. He is not even the weather man. If the information needs to go out, it should go out, but if the Governor needs to declare a State of Emergency saying that...

Speaker Babauta: None of us even fall under that category.

Rep. Yumul: Exactly. But if the people needs to be removed from low lying areas or be told to stay indoors, that is when the Governor should take action, but when it is just advisories of any magnitude, I think it is very critical for EMO to just automatically put it out and let the people decide for themselves what to do with that information.

Speaker Babauta: Without objection from the members, Representative Yumul, the Chair now wishes to engage your services and Chair the Special Committee on Northern Islands issue on volcano.

Rep. Yumul: Thank you, Mr. Speaker.

Speaker Babauta: Get those information out and what are the standard SOP and to what extend the administration is normally required to disseminate information to the public...I recognize Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. On the note that Representative Yumul had mentioned, I am glad that one of us is also into geology and I was hoping as you had promised, and earlier, you mentioned that unless it is not a controversial resolution, and Representative Yumul mentioned of my Resolution, but because of our good working relationship, Mr. Speaker, I had allowed and that we will continue with what we need to do. I gather that because of the DC trip, I was hoping that it would also resolve some of the issues in that resolution. I am not sure if there was already an update but as you had just mentioned there has not any.

Speaker Babauta: We would dispose of it today.

Rep. Tebuteb: Thank you, Mr. Speaker.

Speaker Babauta: Thank you for your patience. Any more under item number 10? I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Mr. Speaker, you have just assigned Representative Yumul to look into this matter. I too share Representative Yumul's concerns with regards to advisories here whether it is for the volcanic haze or tsunami alerts. There does seem to be perhaps a systemic problem as he had mentioned, and I was going to ask if we can perhaps assign the relevant committee to consult with our Office of EMO, and let us inquire as far as how do they get the data's and how they disseminate them out. It is almost common nowadays with the internet that people do not even rely on advisories from EMO. They just go straight to either USGS or the NOAA website to get accurate and most especially updated information. I think that there is less confidence on the government in terms of providing accurate and updated information. I wanted to ask, rather than just asking Representative Yumul who is with the Commerce to refer this matter to a more relevant Committee for...I do not want to say, oversight, but rather at least to inquire.

Speaker Babauta: Well, since colleague Yumul has a lot of time in his hands, that is the reason why without the objection of the members, I would like to request that he take the initiative not only because he is not only elected by the people of the Northern Islands, but also, I think it is appropriate for him in Precinct III that he is closer to home. Representative Yumul, just find out the pertinent information so that you can share that with us at the next session. I recognize Representative Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. I just want to remind the members that there was a letter that came from EMO to Representative Dela Cruz in response to the Committee's concerns about tsunami warnings. I am not sure if all the members received copies of that memo. Did anyone get a copy of that? That would answer perhaps some of your questions as to what procedure the EMO is following. I did meet briefly with EMO, and I did speak to them about that, and they did express concerns about...and there is a procedure that they have to follow in terms of like when they do give an all clear and whether the warning is still up. Unfortunately, as they were saying, now that we have access to modern technology, people are actually giving out other information that is bypassing that office. Anyway, that is all that I wanted to add, and that there is a letter from them that is responding to some of our concerns. I share the concern about making sure that we have timely warnings of activities. Thank you.

Speaker Babauta: The overall issue I guess had to do with communication. So I guess there was a communication breakdown as far as public dissemination is concerned. To shorten this, I ask that Representative Yumul be given a chance to find out this week if we can whether we have any SOP or any relevant information pertinent to the issue that are raised by some of the members. Okay. I recognize the Minority Leader.

Rep. Palacios: Mr. Speaker, if there is no objection from my fellow members, Mr. Speaker, I would like to ask that H. L. I. NO. 15-16, the Gubernatorial Run-off be put on today's Calendar, if there is no objection. It is a very simple and straight forward Legislative Initiative that I believe each and every one of us can make a very well and informed decision on.

Speaker Babauta: I understand, but then we have other offices that needs to be in a run-off...

Rep. Palacios: I believe this is the most important one.

Speaker Babauta: And that includes your seat and my seat. So...Really. I make it a point to the members the other day that all Initiative including that of Chairman Ogo, in as much as I love to support you on this request, it is equally important that we recognize the founding fathers of our Constitution so that we can deliberate this in the Committee expediently. I understand your concern about this Initiative being placed out on the ballot and most importantly for public education, but I would urge the Committee to work expediently because some of these Initiatives are equally important. Issues like this are important to me because I always think that the Constitution unlike the Covenant is a supreme authority of our land. So I love to give a high respect to those people that have actually initiated these provisions in our Constitution. Whether we like it or not, at the end, let us support and vote for it, but I ask the indulgence of the members to consider the Initiative changes through a very deep deliberations. When the Committee decides to do it within the Committee, I would respect that.

Rep. Palacios: Thank you. I agree with that and we would work diligently with the Chair to get this out of the Committee or not, but I will work with you.

Speaker Babauta: In as much as we can have a concrete support by the Committee, whatever the Committee desires of any Initiative, I would support whatever the Committee recommends. Thank you. Short recess.

The House recessed at 2:50 p.m.

RECESS

The House reconvened at 3:06 p.m.

Speaker Babauta: We are back to our plenary session. We are now under item number 15 under Resolution Calendar.

RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Florencio Deleon Guerrero: Thank you, Mr. Speaker. I move to suspend pertinent rules for the placement and adoption for the following Resolutions, Hse. Comm. Res. NO. 15-87 through Hse. Comm. Res. NO. 15-91, H. R. NO. 15-89 through H. R. NO. 15-91 and H. J. R. NO. 15-17.

The motion was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. I recognize Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. On Hse. Comm. Res. NO. 15-91, I wish to change that to a H. R. NO. 15-92, because they are both 91 and the title should also read as a House Resolution instead of House Commemorative Resolution.

Speaker Babauta: Okay. We will consider that as a technical amendment. Floor Leader, when you make the proper motion for adoption, would you remove Hse. Comm. Res. No. 15-91 and include H. R. No. 15-92 in lieu of.

Rep. Tenorio: So moved, Mr. Speaker.

Speaker Babauta: No need for a motion. We will consider that as a typo. Clerk, is that clear? Thank you. Floor Leader, adoption motion.

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

HSE. COMM. RES. NO. 15-87: A House Resolution to mourn the passing of President Gerald R. Ford, 38th President of the United States of America, and to remember the exemplary service and dedication to his country, and to express heartfelt condolences to Mrs. Betty Ford and the family.

HSE. COMM. RES. NO. 15-88: A House Resolution to convey sincere condolences and sympathy to the bereaved family of the late Lorenzo Atalig Hocog, on his untimely passing and to pay tribute for his services to the Commonwealth and most especially to the people of Rota.

HSE. COMM. RES. NO. 15-89: A House Resolution to express sincere and heartfelt condolences to the family of the late Lance Corporal Adam Quitugua Emul of the United States Marine Corps, for making the courageous and ultimate sacrifice in our nation's struggle to bring peace to the people of Iraq.

HSE. COMM. RES. NO. 15-90: A House Resolution to express sincere condolences to the family of the late Captain Vicente Manglona Concepcion and to pay tribute to his pioneering efforts in promoting and developing the diving industry in the Commonwealth and for his selfless acts of generosity and kindness to the people of the Commonwealth.

H. R. NO. 15-89: A House Resolution to recognize and commend Mr. Joaquin L. Flores Jr., owner of Freedom Air, for his acts of generosity and kindness to the people of Rota.

H. R. NO. 15-90: A House Resolution to congratulate Mr. Ricardo Songao Taimanao on the occasion of his retirement from the Commonwealth of the Northern Mariana Islands police force and to express appreciation for his faithful service.

H. R. NO. 15-91: A House Resolution to express sincere and heartfelt condolences to the family of the late U.S. Army Corporal Lee Roy Apatang Camacho, for making the courageous and ultimate sacrifice in our nation's struggle to bring peace to the people of Iraq.

H. R. NO. 15-92: A House Resolution to recognize and congratulate Sister Mary Louise on her Golden Jubilee of Religious Profession as a Member of the Order of the Mercedarian Missionaries of Berriz.

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 U. S. Geological Survey regarding cooperation on volcano monitoring in the Northern Mariana Islands.

H. J. R. No. 15-17: A House Joint Resolution to respectfully request and authorized the Office of the Governor to provide funding for the development of a right of way manual for use by the Department of Public Works in obtaining highway construction grants from the U.S. Department of Transportation.

Speaker Babauta: Discussion on any of the Resolutions? I recognize the Minority Leader.

Rep. Palacios: Let me yield to my colleague first, Mr. Speaker.

The Chair recognized Representative Torres.

Rep. Torres: Mr. Speaker, with the indulgence of the members, could we have all the Resolutions be from the Committee of the Whole.

Speaker Babauta: Any objection.

There was no objection.

Speaker Babauta: So ordered. All the Resolutions as it appears on today's Order of Business would be reflected from the Committee of the Whole. Any more discussion? I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. I reference H. J. R. NO. 15-17, which is to request and authorize the Office of the Governor to provide funding for the development of a right of way manual, etc...this seems to me as almost a casual, very ambiguous Resolution. I have a lot of question regarding this Resolution, one, is to respectfully request the Governor...Mr. Speaker, the Governor and the Executive Branch is almost overwhelmed with expenditures and revenues. We can certainly do that. It is one way of basically passing the buck to the Governor to find money for this project. I have no question of the value of doing these projects themselves, but we need to also begin to take our responsibilities and identify the funding for the Governor. It is the responsibility of this House to do just that for the government. Secondly, Mr. Speaker, the Resolution does not tell us how much is needed. How much do we need to do this production and publication of the manual? Thirdly, I do not understand what it is that we are trying to do here? What is this manual? It says that DPW would like to seek Federal Highway Construction Grants/Funds from the United States Department of Transportation. I thought we are getting Federal Grants for highways. Perhaps, this is something different. I am not sure what it is. When we do a comprehensive manual that is going to be approved by a Federal Agency, meaning, federal criterion, I believe there is more to this than just putting the manual together, because when you put a manual together that is going to need federal standards, that means that there is going to be a commitment from our part. I do not know whether there has been a draft or a final draft that has been done. It is unfortunate that the Department of Public Works personnel have gone, but I just want to express some concerns over this Resolution. Again, it is a Resolution and none binding. The Governor would say, well guys, please...

Speaker Babauta:...show me the money. To respond to the Minority Leaders concern, I recognize Chairman Ogo.

Rep. Ogo: Thank you, Mr. Speaker. Let me just...

Speaker Babauta: By the way, is this manual amendable annually?

Rep. Ogo: That is what I am about to explain on the history of the production of this Resolution. Two weeks ago, I was in a meeting with the Secretary of Public Works together with the Deputy that was present today. I was hopeful that he would have stayed back to really give more detailed information of this Resolution. However, let me try my best to briefly discuss about the questions that our good Representative Palacios had brought up. According to the Deputy Director, Mr. Songsong, the previous administration have tried to come up with this Right of Way Manual through the Attorney General, however, we probably know that the A.G.'s office was probably swamped with other issues, and this is not one of the priority in their case. So the intention of the Public Works is to have some sort of funding to have someone contracted to take a look at a manual, which is recognized in page 1, line 18 to 19, as an example of how to draft this manual, but we need to contract somebody to do that. Now, if we are going to assign the Attorney General's Office again during this administration, if they can commit one individual to go through this and establish a manual, that would be great, but we cannot move on unless we finally stick to this issue and once and for all have our own Right of Way Manual. The cost of this manual depends on the contracting company. If they put an RFP out, it is up to...I do not have no idea on that amount, but the cost benefit of this manual is...if you look at page 1, line 1 to 4, the reason that came about was the so many years of Rota's Route 100. For over three to four years of discussing Rota's Route 100, the bottom line is that we need to acquire these lands in order to proceed with the project in Rota, and the CNMI Government cannot afford to compensate land owners on that route. However, discussion came about that with this Right of Way Manual, the Federal Government or the U.S. Department of Transportation under Federal Highway Construction Grant money, we can purchase and acquire these land. So this is one reason that opted me to put this Resolution out and have the Governor reprogram funds if any to accommodate this issue. So this would not only benefit Route 100 in Rota, but also benefit other routes here on Saipan, which earlier, the Speaker mentioned that there are other issues. Basically, we are looking at one way to compensate land owners here in the CNMI through this grant. Thank you.

Speaker Babauta: Let me ask you this. Is Route 100 already been designated as a public highway, primary or secondary?

Rep. Ogo: Yes, Mr. Speaker. It has been designated. It is funded through Federal Highway Program. However, the Federal Highway Administration basically told us that we cannot proceed with that project without the acquisition of those lands. But in this Right of Way Manual, Mr. Speaker, according to TSD, we can if we ever have a Right of Way Manual.

Speaker Babauta: What would this manual contain of? Is it a certified...

Rep. Ogo: It would be guidelines on how to apply for Federal Grants. I was hoping that DPW would stay behind to really explain to all of us the actual meaning of that.

Speaker Babauta: I personally excused them. I told them that if there is anything that is sort of serious concern to the members that we will give them a call. I recognize the Minority Leader.

Rep. Palacios: I think that then generates more question in my mind than it clarifies because what has happened in Route 100...I mean, there has been a substantial funding over our highway funds and come to find out that we cannot really move on with it because of the lack of acquisition of these properties. For that reason, that is why the project is in a state of limbo and that we do not have the proper title to these properties which we have already allocated highway funds to. It seems to me that there would be involvement particularly from the Attorney General's Office, and we cannot contract something out of this nature. It has to be under the legal confines of this government because it would be a legal commitment of our government to follow those guidelines. I am not going to be involved in something like that. I am pretty sure that the Attorney General's Office one way or another, sooner or later, will have to involve itself whether it contracts this out or does it in house, it will involve itself because it involves a legal commitment of our government to a set of rules and that we are going to put in a manual that we will sign off and that it would be acceptable to the Highway Funds. So, that is all I want to say. I just want to raise those concerns, Mr. Speaker. I wish I know how much it is that we need to come up with so that we can point the Governor and probably come up with an alternative funding for the Governor to take a look at rather than just dumping this on his lap. Thank you.

Speaker Babauta: I also agree with you. I recognize Representative Torres.

Rep. Torres: Mr. Speaker, I would like to ask the author, does Public Work know that there is a National Manual or a National Code in reference for this project like electrical and fire code? We got that in place in our books because we adopted that as a Commonwealth, but what about National Highway and Right of Way specification and whatever you have?

The Chair recognized Chairman Ogo.

Rep. Ogo: Thank you, Mr. Speaker. It is a very good suggestion that Representative Torres has brought up. That is why going back to Representative Palacios' suggestion on having the Attorney General involved in this. However, the proposal is to have someone do this and make it more easier and simpler for the A.G.'s to review, and at the same time confer with the intention of that Right of Way Manual. That is simply the intention of this Resolution and that is to expedite it. The whole idea here is that, let us expedite it and once and for all do this Manual whether it is copied from a National Right of Way Manual. However, we just need to do it, and we cannot just assign the Attorney General to get on this issue and we will give them one month to do that. I still fairly feel, Mr. Speaker, that having someone to really pay attention to this and have it contracted out will be an easier way. I agree with Representative Palacios of getting the Attorney General involved in reviewing it so that the Legislature or the proper agency can adopt this manual. Thank you, Mr. Speaker.

The Chair recognized the Vice Speaker.

Vice Speaker Quitugua: Thank you, Mr. Speaker. It seems like there is going to be a quite good information that will be coming out as a result of this Resolution. May I recommend that this Resolution be deferred to the Ways and Means, and provide the necessary added information so that

the language of the Resolution be more of a binding Resolution rather than having the Governor come up with the cost that it might not be enough. The Department of Public Works should have some idea as to the estimate of how much the Manual should cost. Probably, Mr. Speaker, if the Committee on Ways and Means can take a look at this, too, and instead ask the Governor to assist the Department of Public Works. With this manual they can apply for additional funds from the Federal Government as a result of the development of this manual. The CNMI is getting 10% from the Federal Highway Grant, and that is a guarantee already, so what Public Works is trying to say is that, there are additional Federal Highway Funds that they can tap and apply for, but the requirement is to have our own manual in order to qualify. I think the Administration can assist and Public Works should come up with this one, because as is, we do not even know how much it cost. The Attorney General's Office could even look at some of the Right of Way Manuals that they have in the States and probably tailor it to fit our situation here.

The Chair recognized Representative Ada.

Rep. Ada: Thank you, Mr. Speaker. I have a suggestion that might not be favorable to DPW, but a suggestion to painlessly reprogram quarterly funds from DPW for the production of this manual. It goes to them anyways...

Speaker Babauta: And that is the main concern here and that is how much can we painlessly reprogram?

Rep. Ada: Yes, Mr. Speaker. That is a very good point. I guess the Office of the Governor and DPW can work together and co-share.

The Chair recognized Representative Ogo.

Rep. Ogo: Thank you, Mr. Speaker. I tend to agree with the Vice Speaker. First of all, if you did not release DPW, we would have get those answers, Mr. Speaker. I am amendable to put this on First Reading, and we can provide you on the amount tomorrow. I believe we have another session tomorrow?

Speaker Babauta: That is yet to be determined in a few minutes. I was going to also recommend to you to indulge the OMB Office because they receive constant various grants listing for territories and states that are qualified to apply. So look at those grant programs that are being furnished to the Office of Management and Budget and see whether that particular issue is in that particular grant. Floor Leader, can you make a subsidiary motion to exclude H. J. R. NO. 15-17 on First Reading only.

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

The motion to exclude H. J. R. NO. 15-17 from the main motion and pass it on First Reading only was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. Back to the main motion for the adoption of the rest of the Resolution. Any other discussion. I recognize Representative Tebuteb.

Rep. Tebuteb: I am trying to get bearing, Mr. Speaker, but did you mention that we are also going to pass H. J. R. No. 15-15?

Speaker Babauta: Yes. It has been on the Calendar so...

Rep. Tebuteb: This is the MOU on the USGS that you had just assigned to Representative Yumul...

Speaker Babauta: The assignment that I gave Representative Yumul is to find out the SOP and all the concerns that were raised by some members with respect to the dissemination of information, and of course, we can also include this and find out if that particular MOU has been executed. But I was told that it is with the Governor and ready for signature. I asked Chairman Waki last week to find out whether or not that MOU has been executed already.

Rep. Tebuteb: Maybe at this point, Mr. Speaker, if I may...

Speaker Babauta: You want to also put it on First Reading?

Rep. Tebuteb: Just for information purposes that maybe the Administration or the Governor's Office just need to verify whether the information that I got is already a fact.

Speaker Babauta: Do you have that information already, Representative Tebuteb?

Rep. Tebuteb: Well, I have not certified it yet, but I understand that the funding for 208 with respect to this particular issue is that the CNMI received zero.

Speaker Babauta: Say that again?

Rep. Tebuteb: The information that I gathered from USGS is that the Presidential submission for the budget excludes the CNMI. So it is zero.

The Chair recognized the Minority Leader.

Rep. Palacios: Regardless, Mr. Speaker, I think we should just pass this Joint Resolution. It is basically to urge the Governor to immediately do this whether or not we can find some funds later on from USGS...

Speaker Babauta: Right.

Rep. Palacios:...maybe we should just pass it and I agree.

Speaker Babauta: The whole intent here is consistent with the original Resolution that we adopted in the Fourteenth Legislature supporting the MOU. So it is consistent. It is just a matter of just making sure that we agree to what we have supported before. I recognize Representative Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. When I introduced that Resolution, that was at a time when I believe that they were putting together a package for Iraq and also for Katrina, and we were urging them to also add in funding for here. That is what we send off. I did speak with EMO recently as I

mentioned little while ago, and Greg is actually asking for support for the same thing because he did indicate that we did not get it. So the information that you received is accurate. I just want you to know that he did approach me and asking for some support so I am working with EMO on that to get another Resolution and another request. I am just waiting for him to provide me with the names who I am supposed to write to. If it is a Joint Resolution then obviously all of you will be included on there. Okay.

Speaker Babauta: Of course, because we will still be here. So colleague, at your disposal, compromise and what...at least we have something. Please by all means, as the Floor Leader says, expedite that.

There being no further discussion, the motion adopt all the Resolution excluding H. J. R. NO. 15-17 were adopted and carried by voice vote.

Speaker Babauta: The motion is carried. I would like to ask if we can just terminate at 4:00 p.m.? Floor Leader, under Bill Calendar.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, to suspend pertinent rules for the placement on today's Calendar for consideration, H. B. NO. 15-222, H. B. NO. 15-228, H. B. NO. 15-224, H. B. NO. 15-227, H. B. NO. 15-231, H. B. NO. 15-69, HS1, H. B. NO. 15-208, and H. B. NO. 15-133.

The suspension motion was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. I recognize Representative Tenorio.

Rep. Tenorio: Mr. Speaker, at this time, I would like to recall, H. B. NO. 15-59 from the Committee. I have the concurrence from the Chair. H. B. NO. 15-59 was introduced just a little over a year ago. This bill has to do with the Northern Marianas Election Law for run-off which is a hot issue.

There being no objection, H. B. NO. 15-59 was recalled and placed on the Calendar.

Speaker Babauta: Any more recall? I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker. Similarly, I also request the same motion for a recall of H. L. I. NO. 15-4. I also have sought and gained the concurrence of the Chairwoman.

Speaker Babauta: Any other recall? I recognize Representative Dela Cruz.

Rep. Dela Cruz: Yes, Mr. Speaker, I am sure everyone has a copy of H. L. I. NO. 15-8. It is also a recall from the Committee on JGO. The Chairwoman of JGO has granted me that recall, and if there is no objection, I would also place that on today's Calendar.

There being no objection, H. L. I. NO. 15-4 and H. L. I. NO. 15-8 were recalled and placed on the Calendar.

Speaker Babauta: The motion is carried. I recognize Representative Tenorio.

Rep. Tenorio: Mr. Speaker, that includes my House Bill, right?

Speaker Babauta: I assume that we have disposed of that already.

Rep. Tenorio: Thank you.

Speaker Babauta: That is H. B. NO. 15-59, right?

Rep. Tenorio: Yes, Mr. Speaker.

Speaker Babauta: Okay. Floor Leader, subsidiary motion.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker for the placement of H. B. NO. 15-59, H. L. I. NO. 15-4 and H. B. NO. 15-8 on today's Bill Calendar.

The suspension motion to place H. B. NO. 15-59, H. L. I. NO. 15-4 and H. B. NO. 15-8 on today's Bill Calendar was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. Proceed with the first bill.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the passage on First and Final Reading H. B. NO. 15-222.

The motion was seconded.

H. B. NO. 15-222: A BILL FOR AN ACT TO AUTHORIZE THE NORTHERN MARIANAS COLLEGE TO ENTER INTO A COMMERCIAL LOAN AGREEMENT FOR THE SUM OF \$250,000 AND TO SECURE THE LOAN WITH ITS CASH DEPOSITS; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion.

Rep. Tenorio: Privilege, Mr. Speaker.

Speaker Babauta: Under privilege, I recognize Representative Tenorio.

Rep. Tenorio: Mr. Speaker, if I recalled correctly when we left last session, we were still under discussion on H. B. NO. 15-196. I do not know why we are deviating from that.

Speaker Babauta: I have verified with our Clerk, and that is what I thought to, but apparently there was a motion that was made for First Reading only until the next session.

Rep. Tenorio: No, Mr. Speaker, H. B. NO. 15-196 has been on the book for First Reading since last year. We were doing it on First and Final Reading, Mr. Speaker, but we left because of your emergency call.

Speaker Babauta: Yes, I understand. That is what I was clarifying with the Clerk. Clerk, can you...short recess.

The House recessed at 3:43 p.m.

RECESS

The House reconvened at 3:44 p.m.

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

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, to withdraw the main motion.

The withdraw motion was seconded.

Speaker Babauta: If no objection from the members, we will continue to discuss H. B. NO. 15-196.

There was no objection.

Speaker Babauta: You may continue, Representative Tenorio.

Rep. Tenorio: Mr. Speaker, I beg the indulgence of the members to wait for our Minority Leader because he was at that time speaking on the bill.

The Chair recognized the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. I remember that I had to yield because of emergency. It has been quite a while so my train of thoughts have faded, but I wanted to basically support the author's thoughts on this and to urge the members to consider the alternative. I know that we had a very long deliberation on the austerity holidays. Some of which are very contentious remarks and statements were made during that debate. From that, we know that anything new or any alternative to that is like going back and revisiting all the contentious remarks that we have made over that legislation. But I urge all of you to take a look at the merits of Representative Tenorio's alternative fiscal austerity measures. I believe that when we last left off, he has also made some efforts to continue to find tuned his representation or his numerical representation, and perhaps he could elaborate more on that. One of the key aspects that he has is the austerity holidays...it is a cost saving by cutting down the hours of salaried employees of this government. This is the just the government employees whose household income are affected. Representative Tenorio's proposal would basically do away with the austerity holiday, but take into consideration and incorporate the existing holidays. I believe we have 14 holidays in the books that we pay. That would take care I believe half of the austerity holidays, and the other portion of the savings that he is proposing would be to consider reducing the rebates across the board for everybody. Of course, those individuals in the lower income bracket would not be affected whether you are in the private or public sector. That

would insulate those individuals that are barely making it from being affected by this measure. I believe that one of the reasoning is that the decrease in public revenue should be shared across the board not just by public sector employees, but by all sector of our community. That means that the business sector, less tax rebate, those that are working in the private sector and those that are also working in the public sector. It is certainly to me a much more equitable alternative in general. Perhaps the good Representative could elaborate more on the numbers if there are any questions. Thank you, Mr. Speaker.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. Thank you, Minority Leader, for your excellent presentation. Mr. Speaker, I had the opportunity to visit some members and actually sit down with them to show them the fiscal impact on the employees on both, the gains for those who are on the average making up to \$20,000.00. If a single person makes that amount, under PL 15-24 scenario as compare to H. B. NO. 15-196, the tax or rather the savings would be \$1,556.00 per annum. That is for a single person making \$20,000.00, and the rebate is a small difference between the new scenario and the old scenario which is about \$154.00. But those who are married at \$20,000.00, they pay zero rebate. So their gain as compared to Public Law 15-24, a total of almost \$1,500.00 back to their salary that could be used to pay for the electricity. For all those employees who have constitutionally protected salaries, such as the Legislature, the Judges and the Governor, etc., they will be paying on the rebate side as their contribution to subsidizing the government.

Speaker Babauta: Let me just clarify this...the Legislature has never been a constitutional salaried position.

Rep. Tenorio: You are protected. You are not paying the 10%, aren't you?

Speaker Babauta: We are given by the Salary Wage Commission...

Rep. Tenorio: Be that you may...

Speaker Babauta: The salaried positions are that of the Judicial Branch.

Rep. Tenorio: Be that it may, Mr. Speaker, and thank you for the clarification. The Legislature is not paying a penny now, and I do not think that it is fair. I do not think that the people who are getting deducted 10% from their salaries who are making \$10,000.00, \$12,000.00, \$14,000.00 is fair at all. They are the ones subsidizing the government now while we over here have to rely on the volunteer. I have not volunteered. Have you volunteered, Mr. Speaker? But what we are trying to create here, Mr. Speaker, is to make it equitable to spread the cost of subsidizing this government to everybody who is a wage earner. Under the present law, P.L. 15-24, the private sector are not affected by the 10% cut, but they are getting the same benefits from the government services as every single employee. Those people that have a single family or couples making \$20,000.00 each have to fork out \$4,000.00 in reduction of their salary, resulting on our people leaving the island. You go on Beach Road and see how many cars are on sale. In last week's papers, there is a 10% increase in the NAP Program, directly attributed to this PL 15-24. What other signs, Mr. Speaker, are we waiting for? Our people are leaving and abandoning the island for better living. We cannot afford anymore to have these poor employees subsidize everybody. They cannot. This week, Mr.

Speaker, we here at the Legislature have three working days only, and we have not done anything. There are lots of work that this Legislature has to do because of our current situation, but we cannot do it in most case because of the austerity holidays. How many times do we have to skip Friday's and we are not contributing to save the government? We are not. Are we just going to sit back and let those 4,000 employees take care of us? No. I think that is wrong, Mr. Speaker. You know the reasons why. Some people have asked us, why did you vote, but you know the reason. I do not have to reiterate the problem that we went through when we went ahead and adopt PL 15-24. We were held hostage. Mr. Speaker, I do not know how else to convince the members. I am sorry I had never had the chance to visit everybody, but I sat down with a few to show them the scenarios of the wage earnings and the savings that these people who are paying the 10% now will get. You are just shifting some of the responsibilities almost on an equal basis to both private and public employees. There is absolutely no reason again to penalize these poor people. Even me, I have to cut my bills into half because I cannot afford it, I am having problems. I am not paying the 10% reduction, but I am willing to go ahead and pay the difference in the rebate because being single, I will be spending more money than a lot of members here that are married. You know we have had bills introduced before completely get rid of the rebate for good reasons that this government cannot afford it anymore. How many more people are going to be lay-off? Every other day you read in the paper, we are doing this, we are planning this, we are not going to have enough money, we are going to have to institute some cost cutting measures, and who are you going to target? It has to be the employees. You want to cut the number of people. Why is that necessary? We never hear anything mentioned about revenue generating bills to bring money to the Commonwealth. We do not. We only hear cutting down employees and cutting their salary, and cutting them some more. The people are leaving this island. Mr. Speaker and fellow members, I tried to explain the purpose of this bill in my statement, and I hope that you people read it, but you do not even have to read it to be convinced, you can see the signs. We have to ask the bank to forgive those people and give them a chance or give them a break because some cannot afford to pay anymore. The minute we touch their pocket books...the salary you do not touch, the rebate is something else considered and this government needs that money too from the rebate. This is a savings for the government too, Mr. Speaker, on the revenue side. We are losing important holidays every time we delay the passage of this bill. There are two holidays that are already gone. Each holiday, the government forks out half a million dollars, that is why each day that we delay this, our people who are paying now for your benefit and my benefit, and everybody's benefit here, are going to continue to suffer. Think about it, if this was coming out of your pocket book. Ask them to volunteer their 10%? It is not going to happen, Mr. Speaker. There are too many exemptions with PL 15-24. I wish they exempt those janitors because it is important for the students' health, but no, they exempt others for whatever reasons. People making high salaries are being exempted. There is no justice in this, Mr. Speaker, and I for one would not continue to tolerate having to see a family of 6 making \$22,000.00 a year cut down by \$2,200.00 and having to pay for food, education, shelter, clothing and for CUC, which keeps going up. Prices of commodities and other products at the stores, Mr. Speaker, continue to go up and have not decreased. It is quite the contrary, everything has gone up. If you want it cold, you have to pay extra. Unfortunately, we have little fresh product out here. Everything comes in frozen and we have to pay for that added commodity. The shipping lines are not reducing their freight rates. Their freight rates went up because they have to refrigerate those cargoes. The Fuel went up. It is something that is not your fault, it is something that it is not the government's fault, it is something that is not our fault, so why penalize a handful of employees to pay for them. Why penalize them to pay by taking 10% off their salaries to pay for the fuel increase while we sit down here forgive what is less for our people. Mr. Speaker, I am a little emotional because I cannot see our people suffer.

Speaker Babauta: No. No. The legislation that you introduced is of course emotional to you, being sympathetic to constituents as they come barging in to our offices is understandable. Believe me, I understand where you are coming from. Let me just clarify this. The 5 remaining holidays that is shown on the bill, is that equal to the number of austerity Friday's at the result of savings?

Rep. Tenorio: Mr. Speaker, as you know we started...this bill was supposed to be introduced as early as December. We had this in the making and we did some work on it. To answer your question, no.

Speaker Babauta: No.

Rep. Tenorio: There are supposed to be seven holidays. Well, the government wants to save \$13 Million dollars as you know. They could not do that because with all the exemptions and all the other things. So they said, we will do \$6.5 or \$7 Million. The 7 holidays at half a million dollars each will give you \$3.5 Million, and the savings on the rebate will give you just about the same. So it is a balancing equation, Mr. Speaker.

Speaker Babauta: You are aware that we take into consideration the austerity on FY 2007, right?

Rep. Tenorio: My understanding is that this will file until April in 2007 unless otherwise amended.

Speaker Babauta: But the budget includes the austerity measure that we put into place. It is part of the projected...

Rep. Tenorio: That is what they say, but I have not seen that at all.

Speaker Babauta: Chairman, I recalled asking you to follow up on that for the first quarter result.

Rep. Ogo: Mr. Speaker, I hope the members of the Ways and Means received that letter that I requested Finance to provide.

Speaker Babauta: Would you follow up on that?

Rep. Ogo: The letter has gone out upon your request, but I have not received any respond yet.

Rep. Tenorio: I am sorry if I offended anybody, but I do not mean to. I am just saying what my heart is dictating to me. So, Mr. Speaker, after going through this austerity measure, we have seen the results. You, I and everyone here am sure, you go around and just ask your employees if they are satisfied with their 10% reduction? They will tell you, are you crazy. They are not satisfied, but a lot of people do not even want to talk about it because they are working for the government and they are afraid that maybe removed of their complaint. So they keep quite. We are the voice of the people here, Mr. Speaker, that is why they come around and knock on our doors, and say, hey listen, this is a big problem, and let us try to resolve it. The intention of the Governor was okay because we are in deep Kimichi, Mr. Speaker. This government is broke, Mr. Speaker. How many times Governor Fitial says it is broke. So we want to chip in and help. There is nothing wrong with this intention, but there is imbalance in the way the legislation was crafted or inequity and that is all I

want. Let us give these people a break. We have a few more holidays, but still they will be happier to see some of their salary replaced than be deducted for the rest of the year. So I will just ask the members to please vote and when you do, please search your conscience, and if you are satisfied with PL 15-24, so be it, but I ask you to please consider this legislation. Thank you, Mr. Speaker and members.

Speaker Babauta: I ask that we get out of here at 4:00 p.m. Anyway, I want you to be considerate with the staff that we have on hand. I recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, I have some questions on the bill.

Speaker Babauta: Proceed.

Vice Speaker Quitugua: First, Mr. Speaker, it came out on Variety that the savings from the austerity is projected to reach \$15 Million dollars by the end of September 30, 2007, and the question that I have is, if we change the austerity holiday as proposed by H. B. NO. 15-196, will the government realize the same amount by the end of the fiscal year? That is one of my questions. There are two holidays indicated on the bill that have gone already, so we have only 5 legal holidays remaining. If we want to be fair to all the employees, we have to look at Section 4 also, and make sure that when we say that we do not want the janitors and other low income employees to have the reduction, we should look at that section. The other question that I have is, will the rebate reduction compensate for the loss of the two holidays? Those are my question, Mr. Speaker, and probably the author or anybody that is willing to answer maybe can answer those or clarify those at our next session. Thank you, Mr. Speaker.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. First of all, the \$15 Million dollars, if I am following the government's projection, the first projection was for \$13 Million dollars, they were going to do that with the 26 payroll, but once they start exempting people, the exemption would cut that projection down to the tune of \$6.5 to \$7 Million dollars. It is impossible for the government to save \$15 M or even \$13 M with all those exemptions. The Secretary of Finance came up in the paper that lucky if they can get \$6 Million dollars. So we zero in on the \$7 Million dollars as a base, otherwise, we could have put in more holidays, as each holiday that you do not pay saves about \$500,000.00. We do not want to increase the burden of the employees by increasing the number of Holidays. All we are doing here is meeting the government projection of \$6.5 Million. We have asked for actual figures, but with no luck. So to answer your question, it is no. They cannot get \$15 Million dollars. This \$15 Million saving is probably the retirement suspended payments. We are working on the same base, but the only addition is the reduction on the rebate. The government would save by not paying the rebate, but even if you do that, those employees who would now be paying the 10% under PL 15-24 will be paying roughly about 2.6% to 3% of their salary. I do not know exactly where you get your figure of \$15 Million dollars, but I suspect its coming from the retirement payment suspension.

The Chair recognized the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, the figure of \$15 Million came out on the newspaper on Marianas Variety reporting the projected austerity savings under PL 15-24. I have another question, Mr. Speaker.

Speaker Babauta: Proceed.

Vice Speaker Quitugua: On the holidays, will the judges, justices and the elected officials be not paid on these holidays? Or are they going to be exempted from these holidays?

Speaker Babauta: Let me try to answer that. Pursuant to my reading of the bill, those that are mandated through statute would be exempted, would not be paid rather. Those that are cited in the Constitution will continue to do so. However, I am concerned though that those that we plan to apply the holiday who would have to work on a holiday will still have to be paid time and a half, and that are the doctors, nurses, people from CUC or those that operate on 24 hours schedule such as the police officers and fire. So in this case, there is actually no exemption to these people.

Rep. Tenorio: They still have to work.

Speaker Babauta: Yes, the essential services.

Rep. Tenorio: Yes, but right now, Mr. Speaker, to tell you the truth, and be honest. I came here three times here on austerity Fridays and this place was dark as the lights were out. You will be scared to go in here. There is nobody here, no staff, because that is their holiday, right? But...

Speaker Babauta: I have seen your car before.

Rep. Tenorio: And we are supposed to be working but you cannot come in here and say that you really did your job because you cannot work comfortably under those condition. There are no staffs here, and if you need to do something, you cannot. The regular employees who are not paying into this, do they take their holidays on austerity holidays? I would think so.

Speaker Babauta: Which?

Rep. Tenorio: Those guys that are exempted and not paying into the system. So the government is losing money. There are some people that are exempted, right? Do they work on austerity holiday?

Speaker Babauta: Those that are exempted, they have too.

Rep. Tenorio: They work?

Speaker Babauta: They work.

Rep. Tenorio: Without staff? Take for instance; do they open the court on austerity holidays?

Speaker Babauta: The court does. Only the judges and a clerk, a bail...skeleton staff, because the court would have to render impartial services to its clients, they even come in the evening for arrest warrant or bail, but they do work.

Rep. Tenorio: What I am merely saying, Mr. Speaker, no matter how you cut the pie, I still feel deep in my heart and as a responsible citizen, everybody has to chip in this kind of situation. Absolutely, there should be no exception. We have nothing but bad news. Almost every other day, we read the newspaper and more bad news on the economy, dwindling revenue, etc.

Speaker Babauta: Representative Tenorio, may I kindly ask your indulgence to allow other members to express their point of view, please...

Rep. Tenorio: I am sorry, Mr. Speaker.

The Chair recognized the Vice Speaker.

Vice Speaker Quitugua: Thank you, Mr. Speaker. Probably by next session, the author can provide the information. In case that we adopt this and sign into law, will this compensate the savings of PL 15-24? And will the Legislature - the elected officials, the judges, contribute to not being paid also on holidays so that everybody must contribute to the savings. Forget about Constitutionally exempted and what not. If the intent is to make everybody contribute to the savings then the judges, the justices, the elected officials exempted or not from the Constitution shall also contribute the same as any other employee. Those are my two questions. Will the same result materialized as proposed on H. B. NO. 15-196 versus PL 15-24? Thank you, Mr. Speaker.

Speaker Babauta: I hope the author takes note on that. You do not have to answer it now.

Rep. Tenorio: Can I respond, Mr. Speaker. Are we going some place?

Speaker Babauta: Continue.

Rep. Tenorio: On the second question, the Judges will be paying on the rebate or contributing from the rebate. When I mention contribute, I never mention equal contribution or anything like that, but they will be contributing on the rebate side.

Vice Speaker Quitugua:...[inaudible...microphone off]...and on the rebate, the justices and the judges, and the elected officials only contribute on the rebate?

Rep. Tenorio: I do not know what you are getting at, but the whole purpose of this bill is to spread the contribution to the government to every wage earner.

Vice Speaker Quitugua: According to the bill, it says...that is why I said that we have to really...if we put a lot of emphasis, everybody must contribute. I mentioned on my first question to look at Section 4 because that section exempts the elected officials, the judges, and the justices...

Rep. Tenorio: I do not know if we are communicating, but we are talking about contribution, and the contribution does not necessarily have to be from the salaries. In this case, contribution will come from the rebate.

Speaker Babauta: Let us have order here.

Vice Speaker Quitugua: That is why I ask earlier, Mr. Speaker, will the elected officials, the judges and the justices be not paid on the legal holidays? If they are not going to be paid on legal holidays, then yes, they are contributing the same as other regular employees, but if they are going to be exempted on the legal holiday...

Speaker Babauta: Let us have a recess here.

The House recessed at 4:22 p.m. until 10:00 a.m. February 21, 2007.

MISCELLANEOUS

None

ANNOUNCEMENTS

None

The House adjourned at 4:22 p.m.

Respectfully submitted,

Vicky T. Guerrero, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

SECOND APPEARANCE

None

THIRD APPEARANCE:

None