



House Journal

Seventh Special Session, 2007

Adopted:
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First Day

July 5, 2007

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its First Day, Seventh Special Session on Monday, July 5, 2007, at 10:13 a.m. in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

A moment of silent prayer was observed.

The Clerk called the roll and fourteen members were present. Representatives Manuel A. Tenorio and Stanley T. Torres came in late. The Floor Leader, Representative Florencio T. Deleon Guerrero and Representative Crispin M. Ogo are excused.

Speaker Babauta: Without objection, I would like to appoint Chairman Lizama to be the Acting Floor Leader pro tem.

There was no objection.

Speaker Babauta: So ordered.

ADOPTION OF JOURNALS

None

INTRODUCTION OF BILLS

None

INTRODUCTION OF RESOLUTIONS

H. R. No. 15-135: A House Resolution To request the Commonwealth Utilities Corporation to separate the power, water, and waste water utility services in its billing system and to allow customers to reconnect water services upon payment of water charges and reconnection fees.

Offered by: Rep. Francisco S. Dela Cruz and seventeen others

MESSAGES FROM THE GOVERNOR

None

SENATE COMMUNICATIONS

None

HOUSE COMMUNICATIONS

Speaker Babauta: May I ask the members to include the memorandum from the Speaker's Office dated July 5th, 2007 addressing the members at the request of the Saipan Chamber of Commerce Chairman and members inviting all the House members. With that, I write you to encourage your participation on July 11th, Wednesday at 11:30 p.m. Be reminded that this is an invitation function. Therefore, the fee is duly waived for the Chamber's session. This session will be at the Fiesta Resort. If you are unable to participate, I humbly request that you inform the Saipan Chamber of Commerce Office because I assume that they go by head count. I sincerely appreciate your cooperation. Any more under item number 7? I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. I hope that I am not out of order, but since we are under House Communications, perhaps, I should just make a – I would like to call attention, and we all have concerns about the issues regarding the Kagman Farm Plots. It seems that there have been continuous issues with the infrastructure with the way it is being run with the regulation that is in place. I would like to ask, Mr. Speaker, if we can have the Committee on Natural Resources to look into this particular issue. The last thing we want to do is to have the Kagman Farm Plot collapsed in its entirety. The other day, I saw a picture of a bunch of heavy equipments, tractors, at our Department of Agriculture that are basically inoperable. These are equipments that provided services to our farmers in Kagman. It is beginning to be a cause for concern, and I would like to encourage the Committee on Natural Resources, Mr. Speaker, through your instruction to perhaps call in the Department of Lands and Natural Resources/Division of Agriculture, and the Farmers Association that are in Kagman, the Soil Water Conservation District, as well as the Department of Public Lands to look into these issues, and resolve – if an oversight hearing is what we need to have in order to improve and resolve some of these issues, I think we need to take that step. Thank you, Mr. Speaker.

Speaker Babauta: We all know that during the previous last 2 to 3 sessions, we passed a Resolution regarding the water situation in the Kagman Farm Plot. It is very astonishing to learn that another situation popped out regarding our farmers at the Kagman plots. Chairman Aldan, for record purposes, I humbly request your assistance and your Committee members to immediately invite the director of Agriculture and whoever are responsible concerning all these issues from irrigation to equipment availability, and we need to find out and assess what is happening, and if those information are allegedly implied by the Minority Leader is right. Please report that out in our next session. An official memorandum will be forthcoming to your Committee this morning. I sincerely appreciate, Mr. Chairman your full attention to this matter. I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Can I add on to Representative Palacios' concern?

Speaker Babauta: Proceed.

Rep. Joseph Deleon Guerrero: One of the issues – I do not know if you also pointed this out – that Secretary of DLNR should investigate the issue of the ghost employers. Meaning, there are a lot of

farm plots down there – these farm plots are intended for locals, for agricultural, but what has been happening is that there had been an abused of these lots where the people that are supposed to use it for farming had subleased it out, and it is really the Chinese that are running the farm lots, and not the locals. Although it is very hard to catch them because on paper, the records show that these lots are being issued to locals, but in reality, the people that are actually farming the lots are the ones you see at the roadside. It is the roadside vendors that are using these lots for their own business, and I ask that you include that for the Secretary of DLNR to investigate that matter as well, and to revoke those permits if they can prove that these lots have been subleased and are not being used by the local farmers. Thank you, Mr. Speaker.

Speaker Babauta: Thank you for sharing that information, Representative Deleon Guerrero.

Rep. Tenorio: Privilege, Mr. Speaker.

Speaker Babauta: Chairman Aldan, please include that information.

Speaker Babauta: State your point, Representative Tenorio.

Rep. Tenorio: Thank you. I just want to the record to show that I am here, Mr. Speaker.

Speaker Babauta: I have indicated your presence.

Rep. Tenorio: Also, on the same subject, I thought that I introduced a Resolution last session for the Secretary of DLNR to look into the Kagman problem? I think that it is very clear on what the intent is on that Resolution. Thank you.

Speaker Babauta: I made a note on that, Representative Tenorio. I recognize Representative Torres.

Rep. Torres: Thank you, Mr. Speaker. I would like the Chair to recognize my present also.

Speaker Babauta: It has been done.

Rep. Torres: Thank you, and Mr. Speaker, with the indulgence with the members to go back to Introduction of Bills.

There was no objection.

INTRODUCTION OF BILLS

H. B. NO. 15-280: A House Bill for an Act to repeal Public Law 15-24 and Public Law 15-27 in their entireties; and for other purposes.

Offered by: Rep. Stanley T. Torres and seven others

Rep. Torres: I would like to ask that we place this bill on today's Calendar.

Rep. Waki: Objection, Mr. Speaker.

Speaker Babauta: State your objection, Chairman Waki.

Rep. Waki: Mr. Speaker, as we have said before, every time we introduce a bill to be voted on the same day introduced, it does not give us enough time to either ourselves as members as well as the Committee to look over the actual intent of the particular bill and its probable problems that it may caused just if we passed it without first looking into the actual seriousness of an issue that a member wants to bring out. Here, you want to repeal Public Laws based on a finding which is six sentences long. We need to review this, and maybe ask the Governor why these were hired, or whatever particular reason is, and I do not believe that it is in our best interest to repeal laws. This is exactly what investors have been complaining about, particularly with the Legislature – we pass laws and repeal laws like we change our underwear. This is not a very good way to show investors and people that have invested here on how we do business on this island. I mean, if we have an issue, let us look at it properly. We will have the Committee review it, have the legal counsel’s look into probability the legality, but to just introduce it and pass it because the political will allows it is “wrong.” This is not how we look at the best interest of our people as well as our business community. We are here to do what is in the best interest for the future of the CNMI. Things that we do here like this shows that we do not even have time to discuss the ramifications. We only want to pass it. Why, because we can. It does not mean that we have a real basis for our findings. We can just write up a bill and pass it, and just because there are enough people to vote for. It does not mean that we had already looked at the ramifications, positive or negative. Even in the continent of the United States, they have time to review it, argue about it before you vote on it. This is not what I call good business sense, and we have been doing this a lot lately. I do not know if a lot of you had really gone out to talk to some of the people, investors, and other people, on your ideas, but just to bring one persons idea on the floor to say that he does not like something and then let us vote on it so that way we affect the whole CNMI – I think that is wrong.

Speaker Babauta: Let me just intervene here for a second. The motion is for placement, and I would like to entertain that motion, and if there is discussion to be heard on the bill, we will do that when the time arises. Okay.

Rep. Waki: Okay, Mr. Speaker.

The Chair recognized Chairwoman Kaipat.

Rep. Kaipat: Mr. Speaker, I agree wholeheartedly with what my colleague said. This is a pretty thick bill, and...it is actually one page, but we all had agreed that we would refer these bills to the Committee and have them work on them. We have been neglecting that, and we end up wasting more time on the floor debating and doing the actual Committee work on the floor. I think that we need to stop it, and go back to what we all had agreed to what the rules call for, and act more responsibly in these. We are repealing laws, and I am just not comfortable in even debating about this without having the time to sit down and research this, and see how we all feel about it so that I can possibly engage in some kind of intelligent debate about this. I recognized that most of you have been in office a lot longer than I have been, and maybe this is nothing to you, but it is not nothing to me. I would just like to respectfully request that we not entertain this, but refer it instead to Committee, and have the Committee work on it, and if it needs to be expedited, then let the

Committee work on it in an expedited manner. But I just do not feel that we should act on it today. Thank you.

Speaker Babauta: Let me ask the mover if he can humbly accept to this request. I will appoint a Special Committee for this purpose immediately after the session.

Rep. Torres: Mr. Speaker, I am just asking for the support of the members to Calendar this bill for today's session.

Speaker Babauta: The motion has been seconded, so we need to dispose of this motion. Ready. Okay. The motion to place on the Calendar has been moved and seconded, let me call for a roll call for placement. Clerk, call the roll.

The Clerk called the roll on the motion to place H. B. NO. 15-280 on today's Bill Calendar:

| | |
|-----------------------------------|---------|
| Rep. Martin B. Ada | yes |
| Rep. Edwin P. Aldan | no |
| Rep. Francisco S. Dela Cruz | yes |
| Rep. Florencio T. Deleon Guerrero | excused |
| Rep. Joseph P. Deleon Guerrero | yes |
| Rep. Jacinta M. Kaipat | no |
| Rep. Jesus SN. Lizama | no |
| Rep. Crispin M. Ogo | excused |
| Rep. Arnold I. Palacios | yes |
| Rep. Justo S. Quitugua | yes |
| Rep. Benjamin B. Seman | yes |
| Rep. Candido B. Taman | yes |
| Rep. Ramon A. Tebuteb | yes |
| Rep. Manuel A. Tenorio | yes |
| Rep. Stanley T. Torres | yes |
| Rep. Absalon V. Waki, Jr. | no |
| Rep. Ray N. Yumul | yes |
| Rep. Oscar M. Babauta | no |

Speaker Babauta: By a vote of 11 "yes", H. B. NO. 15-180 is hereby placed on today's Calendar for action. Any more on item number 3? Ready. Without objection, we will go right back to our item number 12.

Rep. Torres: Privilege, Mr. Speaker.

Speaker Babauta: Under privilege, Representative Torres.

Rep. Torres: Mr. Speaker, can we go back to item number 7.

There was no objection.

HOUSE COMMUNICATIONS

The Chair recognized Representative Torres.

Rep. Torres: Mr. Speaker, this is not mentioned in the Calendar, but my letter to you on May 14th, regarding the petition to intervene the – of DPS Commissioner Rebecca Warfield. I have not heard from you yet on what transpired about the petition of the Police Officers against the DPS Commissioner.

Speaker Babauta: Let me acknowledge the proper Chairperson that I had delegated that responsibility to look into your request, Chairwoman Kaipat.

Rep. Kaipat: Mr. Speaker and fellow members, as was instructed, investigation is ongoing into this matter, and I would prefer that we wait until the investigation is completed before I submit a report to this body. Thank you.

Speaker Babauta: I hope that you understand the ongoing investigation.

Rep. Torres: Thank you, Mr. Speaker.

Speaker Babauta: Thank you for understanding. Before we move on, I would like to recognize the presence in the galleria of Councilman Angel Hocog, and of course our former House of Representative and now Executive Director for the Election Commission, Mr. Greg Sablan, and the distinguished members from the Board of Parole. Welcome. Without objection, we will go down to item number 12.

There was no objection.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

OTHER COMMUNICATIONS

None

REPORTS OF STANDING COMMITTEES

S. C. R. NO. 15-70: Reporting on **H. L. I. NO. 15-6** entitled, “To amend Article XI of the Constitution of the Northern Mariana Islands to change the term permitted for the transfer of a leasehold interest in public lands, and to clarify issues with respect to renewals of existing leases.” *Your Committee on Natural Resources recommends passage of the bill in the form of H. L. I. No. 15-6, HDI.*

S. C. R. NO. 15-71: Reporting on **H. L. I. NO. 15-7** entitled, “To amend Article XII Section 3 of the Constitution of the Northern Mariana Islands to change the term permitted for the transfer of a

leasehold interest in private lands, and to clarify issues with respect to renewals of existing leases.”
Your Committee on Natural Resources recommends passage of the bill in the form of H. L. I. No. 15-7, HDI.

The Chair recognized the Acting Floor Leader pro tem.

Acting Floor Leader Lizama: Thank you, Mr. Speaker, we have two Standing Committee Reports, S. C. R. NO. 15-70 reporting on H. L. I. NO. 15-6 and S. C. R. NO. 15-71 reporting on H. L. I. NO. 15-7. I move for the suspension motion to suspend pertinent rules to place the two bills on today’s Bill Calendar for action.

The motion was seconded.

Rep. Joseph Deleon Guerrero: Clarification, Mr. Speaker.

Speaker Babauta: State your point of clarification, Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: We are under Standing Committee Report, Mr. Speaker.

Speaker Babauta: Suspension motion for placement.

Rep. Joseph Deleon Guerrero: Did we move for suspension for placement?

Speaker Babauta: Yes, for placement under item number 12 to place it for adoption.

Rep. Joseph Deleon Guerrero: The Initiatives on the Calendar, correct?

Speaker Babauta: That goes later on after adopting the Committee Reports first.

Rep. Joseph Deleon Guerrero: So adoption for passage of Committee Reports?

Speaker Babauta: The motion is for placement on item number 12 which is under Standing Committee Reports.

Rep. Joseph Deleon Guerrero: Thank you for clarifying.

There being no further discussion, the suspension motion to place S. C. R. NO. 15-70 and S. C. R. NO. 15-71 was carried by voice vote.

Speaker Babauta: The motion is carried. Floor Leader, motion for adoption.

Acting Floor Leader Lizama: So moved...

Rep. Joseph Deleon Guerrero: Mr. Speaker, before he makes that motion...

Speaker Babauta: Recognized, Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: This was just passed out about 5 minutes ago. I just want to have a short recess to review the Committee Reports before he makes a motion for passage.

Speaker Babauta: Any objection?

There was no objection.

Speaker Babauta: We will take a 5 minute recess.

The House recessed at 10:38 a.m.

RECESS

The House reconvened at 10:53 a.m.

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

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the adoption of S. C. R. NO. 15-70 and S. C. R. NO. 15-71.

The adoption motion was seconded.

Speaker Babauta: Discussion. I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker. It is good that Representative Waki pointed out earlier the issue about allowing Committees to do their part. I want to raise an issue about the House Rules also about 24 hour notice on Committee Reports, Mr. Speaker. It has only been 24 minutes so far since the Committee Reports were passed out. There are several important issues here regarding these Committee Reports, especially with regards to the Initiative amending Article XII. As some of you may be aware, there was an Initiative that was introduced by Senator Tom Villagomez, which requires that any Initiative to be voted on dealing with Article XII be voted on only by Northern Marianas Descent. That Initiative was passed. Currently, however, the Election Commission does not have any listing of who the NMI voters are. I understand that Public Lands had initiated a roster. As I understand it right now, the list only includes about 1,000 registered voters, which is no where near complete. If this Initiative is passed by the Legislature, how can the Election Commission be required to mandate that law that is in the Constitution right now?

Speaker Babauta: Representative Guerrero, may I ask clarification from you...was that Initiative ratified by the people during the last election?

Rep. Joseph Deleon Guerrero: Yes. Maybe not last, but 6 years ago...it is now in the Constitution, Mr. Speaker, but not any of the prior administration or this current one has given the Election Commission the support in terms of resources to comply with that mandate of the Constitution. If we place this before the ballot, I do not see how anyone can expect the Election Commission to be able to comply with that. And secondly, normally Initiatives should have been passed already, and already in the hands of the Election Commission. We did pass a bill. I understand that the Senate also passed it to give funding to the Election Commission for public education of Initiatives, but

funding is just one thing, time is also of essence here. We are just now going to act on this, the Senate has yet to act on it, and I do not see how the Election Commission can fully educate the public on these Initiatives. It is July now already. We are really kind of asking too much, and these Initiatives should have been passed at least three months ago in order for public education to be effective. So for these two reasons, Mr. Speaker, I would like to ask the members to reconsider passage of these Initiatives at this time. It is nearly impossible to do it. The Article XI Initiative is not going to be an issue here, but the other Standing Committee Report No. 15-71 to amend Article XII is going to be an issue. Thank you.

Speaker Babauta: Let me ask the counsel – let me have a brief or a basic recommendation in passing this Initiative, or adopting this Committee Report, and eventually passing this Initiative versus what the analysis of the provision that we were just reading – would this impede or prohibit the Legislature from doing it?

Legal Counsel Rosemond Santos: *No. I just think that it would place a great burden on the Election Commission on how to determine on who the voters are, and if they have any listing of such voters, and that is still a question that is being debated between the Attorney General's Office of who the eligible voters are to amend Article XII.*

Speaker Babauta: Only on Article XII?

Legal Counsel Rosemond Santos: *Right, because with the amendment in 1997, it limited it to indigenous peoples, or persons NMI Descent defined in Article XII.*

Speaker Babauta: And what does that definition implies to?

Legal Counsel Rosemond B. Santos: *You have to be a registered voter, and you also have to be a Northern Marianas Descent as described in Article XII, Section 4.*

Speaker Babauta: Would you kindly read the complete legal sentence of that particular provision?

Legal Counsel Rosemond B. Santos: *This is Article XVIII of the Constitution, Section 5 I, in the case of a proposed amendment to Article XII of this Constitution, the word "voters" as used in subsection 5 (a) above shall be limited to eligible voters under Article XII who are also persons of NMI Descent as described in Article XII, Section 4, and the term "votes cast" as used in Subsection 5 (b) shall mean the votes cast by such voters. And if you go back to Article XII, Section 4, it goes back to the definition of Northern Marianas Descent.*

The Chair recognized Chairman Waki.

Rep. Waki: Thank you, Mr. Speaker. That is a good point that Representative Guerrero did bring up. I know that this maybe a little bit awkward, but we do have the executive director for the Election Commission here, and if it would not be too much ask if we can just get of a bit of a clarification on maybe how far – this particular Initiative would do if it where to be passed and put on this year's election. Do we know how many people actually would be able to vote on it, if that would not be too much to ask?

Speaker Babauta: That is a good recommendation.

There was no objection.

Acting Floor Leader Jesus SN. Lizama moved to resolve into the Committee of the Whole to invite the Executive Director of the Election Commission; was seconded and carried by voice vote.

Speaker Babauta: The motion is carried.

The House went into Committee of the Whole at 11:01 a.m.

COMMITTEE OF THE WHOLE

The House returned to plenary session at 12:08 a.m.

Speaker Babauta: At this time, the Speaker would like to recess this House for lunch. We will come back at 1:30 p.m.

The House recessed for lunch at 12:08 p.m.

RECESS

The House reconvened at 1:46 p.m.

Speaker Babauta: We are back to our plenary session. We left off with the discussion on the Committee Reports. Any more discussion. I recognize the Minority Leader.

Rep. Palacios: Mr. Speaker, this issue is a – I know that each of us fully understand the implications of this particular issue. It is land alienation issue – is contained even in our Covenant in Article 805 of our Covenant. It is very specific, and that it gives us 25 years, until such time that 25 years after the Trusteeship Agreement ends, that is when we can tinker, that is when we can change it. In fact, this is one of the most important provisions in our Covenant, and that to illustrate the importance of it to the local indigenous or Northern Marianas Descent, even the United States Congress in approving the Covenant recognizes the value of this provision, and it is only one of four provisions of the Covenant that may not be changed unilaterally by the U.S. Congress. Today we see the immigration issues being changed and taken away by the Federal Government through the proposed legislation on immigration. They have taken away the minimum wage already. There are only four provisions of this Covenant that the U.S. Congress cannot touch without our consent. I am not sure what the other two are, but the other one is determination of this agreement must be mutually agreed upon. The land alienation issue is another of this provision that the United States Congress cannot touch and change by itself, which shows the gravity, and the importance of this provision. In reading the Covenant, I believe that it means, we are not to tinker with it until 25 years after the Trusteeship Agreement has been terminated. We have four years remaining on this issue. It is spelled in Section 805 of our Covenant, and further articulated in the analysis of the Covenant. I know that many of us have seen this type of legislations come in and go since the 9th Legislature. We continue to tinker with it. The argument today is based on economics that is being presented.

Well, this is the same argument back in the mid 90's when the economy was at its peak. So really, there are forces out there that have been, and continue to attempt to change this for us. You see, if one looks at – if the Committee looked at the history of land alienations, the courts have – this issue have come as far as in front of the courts many times in many different forms. *Lao fitmi i desision i kotti* on these particular issues. The Article XII – if you look into the code, you would have numerous case laws on this particular issue. So this is nothing new. It is being attempted when the economy was at its peak, and it is now being attempted blaming the economy for it. I want to make that point. It is something really that we need to – the fundamental issue that we have to look at and feel, specifically, Mr. Speaker, on H. L. I. NO. 15-6, which is the public lands, dealing with Article XI. I find it almost ridiculous and outrageous that we are even attempting to delete or repeal the fundamental policy which gives the legislative body oversight power of public land leases beyond 25 years, and of public land leases over 5 hectares. What you would have in essence is you would have one person, one department taken into its hands the power to dispose of public lands, and I do not think that we and even the people of the Commonwealth should allow this. It will be a dereliction of our duties to allow this provision, this repealer to go through. This to me is very objectionable. There is a fundamental reason why the Legislature was given that oversight provision, because it guards against the abuses. I would like to allow other members, Mr. Speaker, so I yield for now, but I just want to point out that this particular part of the Initiative is fundamentally objectionable as far as I am concern.

Speaker Babauta: Let us deliberate on the Committee Report and reserve our concern on the bill – that is legitimate...

Rep. Palacios:...[Microphone off...inaudible]

Speaker Babauta: I see that it also appears on the Committee Report. We will continue to deliberate on the Committee Reports. Any other member? Are we ready for the Committee Report? I recognize Chairman Waki.

Rep. Waki: Thank you, Mr. Speaker. It is interesting that Representative Palacios is talking about the Committee Report, and how the Committee have had this particular Initiatives since September of last year, which he is a member of this Committee. I am just wondering – has it ever been discussed or has he been in any meetings? I am not a member of that particular committee, but if you are talking about the Committee Report, and based on the committee – and it is interesting of course he has not signed the Committee Report, but I am just saying that the report is based on committee meetings that may have occurred. So I am just wondering in the last nine months, has he been neglecting duties to look over this particular Initiative, and bring up these particular issues to the committee which he is apart of and discuss it. Here we are bringing it out today, nine months, after the fact, and a committee member having disagreements with it.

Rep. Palacios: May I, Mr. Speaker?

Rep. Waki: Let me finish, please. This has been held up for so many ridiculous reasons, and like we mentioned earlier, this has nothing to do with the alienation rights. It has to do with just the ability for property owners on Article XII to allow for extension which may be economically beneficial to the families who owns these properties if they want to renegotiate, which right now is a very difficult thing because there is not that many leases for private lands going on at this particular time. So, I do

not understand the logic, and you know, whether this particular Initiative passes or not, it is not my point. It was brought up because there was concerns that economically we have a situation, but for us to put on the table that the rights of people voting, that is not the issue in this particular Initiative. Please, let us get back to what this Initiative is, and...

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

Speaker Babauta: State your point.

Rep. Palacios: Let me point out, Mr. Speaker. First of all, my colleague asked me if I had been involved in this, believe me, I am have been involved in this issue since the first day I stepped into this body. I have dealt with this in the 13th Legislature as the Chairman of the Natural Resources, I have dealt with it in the 14th Legislature, and I have dealt with it as a member. I am a committee member. The fact that my name is not – I did not sign this tells you that I do not agree with the Committee Report and its recommendation. We have discussed this issue. For your information, this is being – with the monumental issue that we are facing on land alienation issues and public lands, and what this proposal is attempting to do is a paramount important to the people of the Commonwealth. That is how I see it. It is not one of the statutes that we are changing today and amending tomorrow. The implications and the ramifications of such has a long lasting effect of the people of the Commonwealth. I have from the very beginning, and let it be known to our good Chairman, and other members of this Committee how I feel about this. I am telling you that I have participated in every committee meetings of the Committee of Natural Resources, particularly on this issue. So do I know what is in the Committee Report? Of course I do. Do I agree with the Committee Report? Of course not. That is why I did not sign it. It is as simple as that. Further, Mr. Speaker, if you look at the prescriptions of the law, of the Constitution, regarding land alienation issues, any changes in it – you cannot divorce one provision of it from the whole Article XII or Article XI issue. The issue that only NMD may vote on land issue is germane to the whole thing. If you change one word in Article XI and Article XII, that constitutional amendment kicks in. Even if it is about the term of the lease, or about any particular provisions of that, it does kick in. That has to be taken holistically. That is what it is, and that is why we have the executive director, that is why we have the assistant attorney general to provide some clearance and guidance to this body about these particular changes in the Constitution. We cannot divest ourselves of one part, and say, we are only dealing with that one part, and therefore, we do not need to meet the threshold as required in the Constitution. It has to. It is in the prescription.

Rep. Waki: May I finish, Mr. Speaker.

Rep. Palacios: Thank you.

Speaker Babauta: You may continue, Chairman Waki.

Rep. Waki: As he eloquently said in reference to the Election Commission and stuff, Mr. Speaker, we are under what we call – there is a Covenant Agreement, and supremacy to the United States Constitution explicitly says, and it is unfortunate as per the executive director that the findings of that particular case law in Hawaii was two months after the Initiative was passed. But there is case law in reference to similar voting rights in reference to indigenous related issues that when it comes to voting rights, the Supreme Court has spoken, and the Supreme Courts decision outweighs

whatever our legislative initiatives or ratify...look it up. That is point that I am trying to get across. Right now, what we are doing is, we are going to give the people an opportunity to vote on something which is an extension. It is not to give land rights to anybody to own anything. We will get to that at another time. This is basically lease, and remember, you are using local initiative that was passed and ratified, that is understandable, and though the attorney general have not made a legal opinion, the opinion is coming from the Supreme Court, and you go back to that particular case, and you said you have read it. Look at the case in itself.

Rep. Palacios: It has absolutely nothing in the voting rights.

Speaker Babauta: Let us have an order, please.

Rep. Waki: Mr. Speaker, we maybe – and this is how – when we try to educate our people on certain things, we take a particular issue as leases which still is under the rights of the public, the private land owner to decide whether they want to extend the lease or renegotiate the lease, or make it 75 years. It has really nothing to do with us changing “who has the rights to that particular land” – they can do whatever they want with it except sell it to non-indigenous individuals, and that is still in the law. We are not changing anything to that effect. This just gives an opportunity, and I am saying it again, an opportunity for our local indigenous land owners as well as the government to be able to renegotiate and extend a lease so that way there is more economic value towards the land owners as well as our government, which benefits our people. That is all it is. We can go on all day about indigenous rights of voting on – I mean, this is not the issue, and that will come in probably 2011 if we even have an initiative that would be brought up at that particular time. This is about where we are today, and what we may need to help us get through these difficult times. This is an option. All it is; is an option. The business community is asking for it. Many of the public is asking for it, and many of public do not want it because they do not understand what is going on because we have not allowed for education. They are only listening to people out there saying, this is bad, and it is not good. Well, let us have both sides of the table educate the people, and let the people on November 2nd decide. That is all it is. We had passed other Initiatives, and did they go through a Committee Report? No. Did we argue as much? Probably not, but we find that it is important. So all we are saying is, if you do not believe that this is something that you do not agree with, then I believe you know how you can vote. But the bottom line is, this is not about land alienation rights. This is about the ability for land owners both private and public owned land to be able to renegotiate and extend to a 75 years lease. Nothing more, nothing less. Thank you.

Rep. Joseph Deleon Guerrero: Point of clarification.

Speaker Babauta: Under point of clarification, may I kindly remind the members to stick to the germane point of clarification and not to elaborate further other than to the point, Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: I take it back then. Let me go ahead and touch on the Committee Report.

Speaker Babauta: I think that is a lot better.

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker. Representative Waki, you keep going back to this argument that we are not touching on the issue of land alienation, but regarding at least one of your Initiative dealing with Article XII, we did clarify earlier that the issue that was raised regarding voters that was passed as an Initiative – it is in our Constitution is relevant to the matter or your Initiative because – you can correct me if I am wrong counsel, it states that, only NMI Descent shall vote on matters pertaining to Article XII, not necessarily just to land alienation, which your Initiative does not cover. So there is some relevance there. Secondly, I would like to touch on H. L. I. NO. 15-6, and talk again about the comments that Representative Palacios made. First, is the issue on the fundamental policy being repealed – I think that the framers of our Constitution were very explicit in their intent. They made it a fundamental policy, and I believe that Representative Palacios is right that they included that provision to ensure that there is checks and balances, that there is safeguards against perhaps any Governor being able to dispose of public lands without checks and balances. I believe that it is further reinforced by the fact that they did not say that the Legislature by a simple majority shall approve the land lease. They did not say that the Legislature by 2/3's shall approve the land lease, but they said that the Legislature can approve it by ¾'s. That is about as strong as you can get. It wanted to make sure that there was very – anytime public lands are going to be disposed, it has to be concurred by 75 percent of not only the House, but both Houses of the Legislature. That is a very significant threshold that has to be met. So I think that we are making a big mistake by removing this Section of the Constitution. Secondly, with regards to extending public lands, I think that we here are making a decision for the future that may cost us. You know, we can make decisions. In Yap, they say that any time their governing body makes a decision, they think 5 generations ahead as to what this decision today, or how it would impact 5 generations of Yapese down the line. That is their threshold. They have considered that or are being mindful of that. Now public lands are being disposed at pennies per square meter. What we are in essence doing by approving this is allowing decisions or basically depriving future decision makers of making sound policy decisions regarding public lands. What happens if we approve this? Our Governor decides to lease a huge prime public land for pennies per square meter when a few years down the road the economy rebounds – they may be worth more. Why I ask are we so in a hurry to allow an additional 15 years? It used to be 40, and now we are going up to 55...why? What is the impetus – public land I am talking about? For economic development? At a time when we had nearly 3,000 young families asking for land to build their homes for their families, at a time when we are asking for open spaces for recreational areas, for parks, to improve our standard of living – I am sure all of us campaigned on trying to improve our standard of living, yet, here we are – I do not know. I would like to think that economic development is important, but protection of our very land resources, very limited land resources is equally important, and especially if you are going to do it in a manner that takes away the ability of the Legislature to safeguard, to provide that check and balance, if a decision like that is going to be done, it is a huge mistake on our part. I will yield to other members for now, but I can tell you right now, you probably know where I stand, as it is currently worded, I am not going to support this Initiative. Thank you.

Speaker Babauta: For the benefit of the members, I would allow debate for another 15 minutes then I will close the motion. I recognize the Vice Speaker.

Vice Speaker Quitugua: Thank you, Mr. Speaker. I have heard from businesses including community members on how the extension of the land leases will impact or not impact the businesses in the CNMI. Mr. Speaker, the situation of the businesses in the CNMI is beyond our control. It is not actually because of the 45 year lease or 55 year lease. The economic situation that

we are facing now is because of Japan Airlines moving out, the economic situation in Asia, other destinations that are more attractive than our destinations here for the tourist. It is not whether the land lease is 40 years or 55. If this is a real situation, then many of businesses would have come before they lease these properties or these lands to the Legislature to extend land leases. 40 years or 55 years, I believe is enough time for the businesses to recover their investments. The CNMI government, put a time limit on land leases are for several reasons; one is to make sure that the government still has the opportunity to reclaim these properties for public purposes, and extending public land to 75 years would lessen the opportunity of the government to recover public lands for public purposes. The other reason, Mr. Speaker, is that previous Administrators of public land have mentioned, and even the current Administrator of Public Land indicated that we need to protect these precious pieces of land because there are more of our children that would be needing homesteads for dwellings. The other reason, Mr. Speaker, which was brought up by the courts in several instances is that, extending the land lease beyond the current situation will make it impossible for the land owners and the government to reclaim the leased lands for their children and for public purpose. Mr. Speaker, I understand the economic situation in the CNMI, and I understand that it is not the limitation on the land lease that is causing all these economic situations that we are facing now. It is outside forces that is beyond our control. Another issue also, Mr. Speaker, that the public land lease is limited to the years that is currently in the Constitution is for the government to have another opportunity to lease these lands for other investors that are more profitable to the economic of the CNMI. I have yet, Mr. Speaker, to be convinced that extending the land lease to 75 years will revert our economic situation, and will improve the lives of the people here in the CNMI in a short time. So long as the outside forces beyond our control that controls our economic development here in the CNMI does not improve, even if we extend this land leases to 100 years or 99 years which was proposed in the 13th Legislature, I do not see in the near future any turn around in economic development here in the CNMI. I think extending it will deprive our local people from getting back their lands so that they can really – to more prosperous investors, and also for the government to reexamine the uses of these land leases at the end of the lease period. Thank you, Mr. Speaker.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. Just to touch a little on the comments articulated by the Vice Speaker. I could not agree more, Mr. Speaker. The reason for all these economic downfall or downward trend is I do not believe that it has to do substantially with our Article XII issue here, or the land leases. We have no control – the business community has no control on the field. The minimum wage was also a key issue that maybe people are moving out. The slowdown in tourism has nothing to do with the land alienation. It is just that tourism – there are lack of space by airlines or lack of seats coming into the CNMI. So we should concentrate on those areas that brings revenue to the Commonwealth. Who knows may be we will just do away with Article XII, if that is really the issue, but right now, I hear more local people talking about protection of their rights. I recalled in the 1st Constitutional Convention – the slogan was “*Protehi Marianas*” that was the slogan that we used, and that was exactly what we did. Also, this provision is in the Covenant. From what I understand, it is not that we ask for it, but I think that it was the United States Government insist that we put it in the Covenant, because they have seen other areas that have gone out of control in terms of land, and the Marianas is a very small piece of property actually for the United States. That is the very reason that we put this particular issue in the 1st Constitutional Convention in the Covenant under the assistance of the U.S. Delegation. Furthermore, I agree with my colleague, Representative Palacios – on the analysis of the Constitution, we challenged the plain terms of the Covenant,

Section 805, exempt from the U.S. Constitution requirements – on land alienation. The U.S. Congress was in its power to enact this exemption from the U.S. Constitutional requirements. So we are exempted. It goes on to say that the U.S. Congress was actually within its power in enacting Covenant Section 805 and 501 requiring the Commonwealth Government to regulate alienation or permanent and long-term interest in real property, so as to restrict the acquisition to persons of Northern Marianas Descent and so on. So the United States Government recognized this, and exempts us from their Constitution provision. That is why during the – challenge, it went to the Supreme Court and I think that the Supreme Court threw it out. That is very important. I would like to address your mentioning that there is actually no more or no less than changing the year from 55 years to 75 years. There is more than less on this one, but there is something that is very substantive, and that is you are changing the definition, the term “permanent and long term interest and real property.” You changed that definition. You are redefining that. So there is substantive change to this initiative. And what proof do we have that by changing it for another 25 years that the economy would improve and that it will not go the other way around, and that our people will not be alienated and move to other parts of the United States for better employment? I understand and I have heard people in business saying that this is a very huge obstacles as far as doing business here in the Marianas. I have heard them time and time again, but there are some business interest groups that are pushing this because perhaps their leases are coming up to termination very soon, and they cannot let it go or they stuck with it, but you know, doing business is no guarantee that it will be successful. I mean, you have 55 years in the first place to do business, and if you have no plan and you went ahead and invest \$10 to \$15 Million dollars, later on to find out that you do not have enough time, that is no excuse. That is no excuse to put the burden on the people on this island to make a decision whether to extend it for another 25 years. I think that the extension if any, if this is an extension, - it is not an extension solely, but it is changing the term “permanent and long term interest in real property.” We are just redefining that. I think that if the people of this island decided that it is the way to go, let it be, but we are in the process, and there are so many things that are still unclear now with the Constitution amendment on 11-1. That has become a question. But maybe you are right...[End of Tape 2, Side A]

Rep. Tenorio:...[Beginning of Tape 2, Side B]...this particular problem that we are facing now. If you can convince me that this is the way or this has the exact relevance to what we are discussing now, and you have documents to show to this body, maybe you can share that information with us. In the mean time, in the absence, and it is still cloudy – the A.G. has not come up with any decision, and you have heard from the Executive Director of the Board of Election that he will resign if this thing is passed. I mean, for very obvious reasons, yet, we are still pushing it. So there is so many dirt in this mud or so muddy, it is like the blind leading the blind, in terms of the various issues that have been brought up so far, and I am not voting to extend or to change the term “permanent and long term interest in real property.” My conscience will not let me do it. I would rather see that this be giving the public the opportunity. Mr. Speaker, thank you.

Rep. Waki: Point of clarification.

Speaker Babauta: State your point, Chairman Waki.

Rep. Waki: I am glad that you mentioned about voting because we are not voting to implement this, but we are voting it to allow the people to get the education necessary to make a vote on November 2nd. That is all it is. We do not pass this because of the fact that we want to...

Rep. Palacios: Privilege, Mr. Speaker.

Speaker Babauta: State your privilege.

Rep. Palacios: Mr. Speaker, I think that my good Representative, my friend, Representative Waki is going around in circle on this. It is a Legislative Initiative – when you give it to the people – as a lower threshold and a regular Constitutional Convention ratification. The proponents – those that asked you to do this, my friend, do not have the courage to take this directly to the people. That is why they are going through the legislative initiative because once we pass it here, it is a simple 50 plus 1, whereas, if it goes out to the public, they are required to have 2/3's of two Senatorial Districts approving this. It is a matter of threshold. It is a strategy by the strategic economic development council. Simple.

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

Speaker Babauta: You may continue on your point of clarification, and...

Rep. Waki: I will finish it up very quickly. If anything, the point of clarification that I was trying to make is, the need for education, and the government has the obligation to educate people if the proponents of wanting to bring this out – and you said it before that it was brought up many times before, so it is not only once, but over the last few Legislatures. The idea is, if one side wants to give their pro's on why this should be passed, well, the government has an obligation to show what are the pro's and con's if this would have been passed. That is what we need to do. Education can only be given once we give a question that is going to be on the ballot. That is all it is. We allow for the question to be asked, and that the education can be started. But in the mean time, everybody is just getting here say that it is not good – why do we not just make sure that anybody who wants to educate the people on this side of the table or that side of table, let us bring it out so that it is out there for them to help people to understand it better.

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

Speaker Babauta: Point of order from the Chair. Let us have a diplomatic afternoon, please. Under privilege, I recognize Representative Tenorio.

Rep. Tenorio: Mr. Speaker, I am hearing a point of clarification to my statement or what is he trying to do? Educate us? Mr. Speaker, he talks about educating people. This process alone is something else.

Speaker Babauta: I assume he is alluding to...

Rep. Tenorio: I know, but he is saying that if we vote it here – you know what, if we vote it here and pass it, do you know what kind of message that is to the public? If 100% of this legislature voted on this, do you know what kind of message is that to the public?

Speaker Babauta: I do not think that 100% of these members would vote.

Rep. Tenorio: I am telling you now that it is not going to pass because it takes $\frac{3}{4}$, but I am saying would you know what kind of message that is saying to the public?

Speaker Babauta: Of course.

Rep. Tenorio:...you are just saying that the public are ignorant. You mentioned that in your statement, and you said that they do not know what they are doing...

Speaker Babauta: Let me recognize those that have not debated on the bill itself.

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

Speaker Babauta: State your point clarification.

Rep. Palacios: It is true that the public on this paramount issue have to be well informed of what is going on. Let me point out that when the 13th Legislature made a proposal to do this, SEDC at its own funding, used its own funding to go out and take the polls of the community. In order to prove to the Legislature that the community is in support of changing this – you know what happened in the poll? It backfired. Seventy percent of the people said, do not touch it. 64% of the young people – those below 25 years said, do not touch it. In the 14th Legislature, Dr. McPhetres class asked to do the polling for them, and again, most of those that were at the poll at that time were young people below 35 years of age, and they said, do not tinker with it. Let it come to our time 2011 and the people of the Commonwealth will decide on it. So really, these people are not ignorant. They are fairly educated. These are college kids that answered some of these polls. These are our kids going to college. They are probably as more educated than we are trying to make this decision today.

The Chair recognized Representative Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. First of all, I would like to echo the sentiments also of my good colleague, Representative Tenorio. He mentioned about not being able to foresee what would come out if this initiative was ever passed by either this House or the public out there, and I would just like to put in my two cents. I know I am apart of this committee and we came out with the Committee Report, and I believe there was an oversight on our part in regards to Article XI, Section 5 (c), but in any case, if we brought this to deliberate on the bill itself, I would be more than happy to make some amendments to this Article XI, Section 5 (c), and basically that amendment would be not to repeal this Section, but rather amend it. I also agree with the author Congressman Waki that this is not about land alienation, but this is about increasing the lease term on Initiative 15-6 of public lands, and 15-7 on private lands, but I just would like to say that if we do come to deliberating on specifically Initiative 15-6, I would move to make amendments on Section 5 (c). Thank you, Mr. Speaker.

Speaker Babauta: Any more deliberation before I close this debate. For the last time, I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker. You know, everything you have seen so far about thresholds points in one direction. One is that this is one of the most critical issues or decisions that any legislature would have to make, and that is policies regarding the disposition of

public lands. Everything you see in terms of how many votes it acquires from the Legislature just to pass an Initiative – let me tell what is happening here. The Legislature is being used as a vehicle to lower the threshold, nothing more, and nothing less by people with interest. I understand that at one time when they – the initial public lands lease to a certain developer, they were interested to push for an extension, and I believe it was the Second Constitutional Convention that approved the 15 year extension from 25 to 40 years. As soon as that decision was made, I would not say names, but a certain developer who had a lease of public land, the following week, they sold it. I believe that the very same people are behind this move again, although I would not name any names. But if it is so important to the economic livelihood of this Commonwealth, as Representative Palacios said, why can they not bring it to the people? Why do they have to use this body? What we are basically deciding today on this issue will basically reduce the threshold for the votes when this thing goes to the people from 2/3's of 2 out of 3 Election Districts to 50% plus one. That is what we are doing here, and that is a tremendous burden and responsibility that is being put on our shoulders right now. We are basically reducing that threshold. So think twice, or think three times. If it is about economic importance, economic development – the Committee Report, read it. On the third paragraph it says, “the Committee further finds that the revitalization of major investment projects in the Commonwealth will possibly occur if the term permitted for the transfer of lease hold interest in private lands is extended.” That is for private land, but the findings, the way they word it, “will possibly occur”, even the Committee is not convinced that it will occur. And you are asking me to vote on something that may possibly not occur? Excuse me!

Speaker Babauta: That is for you to decide.

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker.

The Chair recognized Representative Taman.

Rep. Taman: I do not know if anyone has ever tried to read the minds of the framers of this Constitution.

Speaker Babauta: We have one in the Chamber.

Rep. Taman: I do believe that those number of years that were put in that particular provision or maybe intended by the framers for some special reasons, and if we cannot read the minds of these framers, perhaps maybe we can resort to the analysis of the Constitution. But I believe that the Vice Speaker kind of suspect it that maybe the framers of the Constitution intended for the public land to be at that number of years so that the government can still have the opportunity to come back and use it for further public purposes, or lease it to a more profitable investors. I believe that when it comes to the private land, I think the framers are thinking about the generations to come to give them the opportunity that after they graduate from a very high level of college degrees, they will come back and make more sound judgment and decision for their future. You know, we have been too accommodative for too long. Where are we right now? We are left with a lot of rubbish. Thank you.

Speaker Babauta: I love that debate. It is very short. I recognize Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. I was going to close, Mr. Speaker, but...

Speaker Babauta: Please proceed and close.

Rep. Tebuteb: A lot has been said. This is a very fundamental and very sensitive issue, and we all know that. One of the thing that Representative Deleon Guerrero was alluding to in the findings, there are other words besides “will possibly occur.” There is also “which might benefit.” A lot has really been said, and I appreciate the Committees hard work, and most especially and only part two or the committee findings in paragraph two, alluding to Section 805 focusing on the cultural and tradition of the people. That is one good point that I agree on with the findings. The A.G. and the Board of Election were also here this morning and shared quite a lot of information that we should and we must consider before we cast our vote, inclusive of the definition of NMD. Is it really just Carolinian and or Chamorro? Even the U.S. Constitution has been very specific on the definition to identify the Native American people. They are not Indians. So it is not about 55 years, it is not really about 75 years that we are going to vote on, but what we are going to vote on is about the committee report, and with all due respect, it is a little bit of a flawed committee report. I move that we do not vote on this issue. Thank you, Mr. Speaker.

Speaker Babauta: Thank you. There being no other discussion, I would now like to recognize to put this into a voice vote. Okay. The motion on the floor was to adopt S. C. R. No. 15-70 and...Chairwoman Kaipat.

Rep. Kaipat: Mr. Speaker, if I am not out of order here, but perhaps a compromise can be reached here, and this be referred to Committee and have the Committee conduct a public hearing on this matter. Let us bring it out to the public as they are saying. Let the public come and attend the hearing, and invite SEDC and whoever else to come out and explain it and educate the public.

Speaker Babauta: Is that your recommendation, Chairwoman?

Rep. Kaipat: That would be my recommendation, Mr. Speaker.

Speaker Babauta: Let me ask by consensus, what is the wish of this body? Do you want to vote on the Committee Report today or defer action as recommended by the Chairwoman?

Rep. Joseph Deleon Guerrero: We can vote on the Committee Report, Mr. Speaker.

Speaker Babauta: Just to inform you that by voting “no” on the Committee Report, meaning, the entire issue is dead including the bill, okay?

Rep. Joseph Deleon Guerrero: Point of clarification.

Speaker Babauta: State your point, Representative Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Mr. Speaker, can I ask the counsel a question?

Speaker Babauta: Proceed.

Rep. Joseph Deleon Guerrero: Under this wording, and if I may read it, “A leasehold interest in public land shall not exceed 55 years. Holders of leasehold interest in public land under this Section may negotiate with lessor’s for the termination of existing leases and enter into new leases for term not to exceed 55 years. My question is, if there is a lease for public land today – if this thing passes, at that date that it is passed, the government renegotiate through the developer, at that point of time, the land has been leased for 50 years already, they terminate the lease, they are allowed to lease for additional 55 years, would that allow the developer to have the lease for a total of 95 years? Yes or no.

Legal Counsel Rosemond B. Santos: *Yes.*

Rep. Joseph Deleon Guerrero: So, if a developer, at the point that this thing passes and renegotiates, and has completed almost 55 years, they can get it for about 110 years? With this extension, with this language?

Legal Counsel Rosemond B. Santos: *Yes. It is a whole new lease under this amendment. So if they had it for 30 years, and they come into a new agreement, and you agree under this amendment, they could have it for another 55 years and a total of 85 years.*

Rep. Joseph Deleon Guerrero: Oh my God. Minus well give it away. Thank you.

The Chair recognized Representative Yumul.

Rep. Yumul: On that page 2, line 7, the last paragraph on the bill...

Speaker Babauta: Can we only indulge ourselves on the Committee Report?

Rep. Yumul: Okay, Mr. Speaker. I withdraw.

Speaker Babauta: Thank you. Any more discussion on the Committee Reports? Are we ready to take a vote?

Several members voiced, “ready.”

Speaker Babauta: The motion on the floor is for the adoption of the S. C. R. NO. 15-70 and S. C. R. NO. 15-71.

There being no further discussion, S. C. R. NO. 15-70 and S. C. R. NO. 15-71 through a voice vote indicated a Division on the floor.

Speaker Babauta: The motion to adopt S. C. R. NO. 15-70 and S. C. R. NO. 15-71 is hereby defeated. The “Nays” have it. I recognize the importance of this measure. Let us move down to item number 15.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

Acting Floor Leader Lizama: So moved, Mr. Speaker, to suspend pertinent House rules for the placement and adoption of H. R. No. 15-135.

The suspension motion was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. Adoption motion, Floor Leader.

Acting Floor Leader Lizama: So moved, Mr. Speaker for the adoption of H. R. NO. 15-135.

The adoption motion was seconded.

H. R. NO. 15-135: A House Resolution To request the Commonwealth Utilities Corporation to separate the power, water, and waste water utility services in its billing system and to allow customers to reconnect water services upon payment of water charges and reconnection fees.

Speaker Babauta: Discussion on the adoption motion, and I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. I am in support of this resolution. Having said that, I am wondering why we – perhaps we should also consider putting this resolution in the form of a bill. I know we had a fairly lengthy discussion with CUC on this issue, and the Chairman brought that up during those meeting that we had. I understand that they are going to put it in their regulations, but perhaps my recommendation is that when we adopt this, perhaps the Chairman or the author could consider putting this into statute as consistent with the intent of this resolution. Thank you.

Speaker Babauta: I am sure that the author would take that under advisement. He probably felt that a resolution would probably resolve the discussion that transpired several weeks ago. I recognize Chairman Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. Actually, this last week that I had spoken with the Executive Director, and according to him, they are in the process right now of promulgating emergency regulations pertaining to this same issue, and this resolution basically would come as a message from this House. I have been assured that this emergency regulation is being processed right now by their legal counsel. So with that, I hold them to their efforts in bringing forth that emergency regulation. Thank you, Mr. Speaker.

Speaker Babauta: On that same note, can you find out from the Executive Director how would it deal with the – you know the Fox News commentator on the global oil market – last week, they had made a public announcement live that the crude oil would not decrease in the next year or so. So can you find out from the Executive Director how would he handle that if the crude oil continues to escalate?

Rep. Dela Cruz: Yes, Mr. Speaker.

Speaker Babauta: Just so that we can prepare ourselves financially to shoulder the cost of the oil. I know that we all need power. Any more discussion on the resolution? Ready.

There being no further discussion, the motion to adopt H. R. NO. 15-135 was carried by voice vote.

Speaker Babauta: The motion is carried. We will continue down to item number 16, and I recognize the Floor Leader for the first bill.

BILL CALENDAR

The Chair recognized the Acting Floor Leader.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the passage on Final Reading, H. L. I. NO. 15-15.

The motion was seconded.

H. L. I. No. 15-15: A BILL FOR AN ACT TO AMEND ARTICLE VI OF THE CONSTITUTION OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS TO ABOLISH THE MUNICIPAL COUNCILS OF ROTA, TINIAN AND AGUIGUAN, AND SAIPAN AND THE NORTHERN ISLANDS.

Speaker Babauta: Discussion on Initiative. We understand that we had dealt too much on this in the last session, and I am sure that all of you are ready to place your vote. Any more discussion, and I recognize Chairman Aldan.

Rep. Aldan: Thank you, Mr. Speaker. I believe in the last session, you asked our legal counsel to verify the legal outcome of us acting on this Initiative in regards to the Initiative that was passed in Tinian.

Speaker Babauta: Counsel, did we find any issues regarding this Initiative as it pertains to the Tinian Gaming Commission Initiative where the local Municipal Council of Tinian have been empowered by the local people of Tinian to address local matters?

Legal Counsel Rosemond B. Santos: *Mr. Speaker, I am sorry, but I was not here in the last session.*

Speaker Babauta: Who would that be?

Legal Counsel Rosemond B. Santos: *That would be House Legal Counsel Antonette R. Villagomez, Mr. Speaker.*

Speaker Babauta: Okay, let us have two minute recess.

The House recessed at 3:01 p.m.

RECESS

The House reconvened at 3:10 p.m.

Speaker Babauta: We are back to our plenary session, and in the last session, there was an issue brought up primarily by the Second Senatorial District with respect to the Local Initiative regarding the Municipal Council's legislative authority on local matters. I recognize the Counsel.

Legal Counsel Antonette R. Villagomez: *Thank you, Mr. Speaker. Basically, I looked at the Initiative No. 15-15, and I looked at the Tinian Casino Gaming Law too, and it does provide that the Commissioner's of the Gaming Commission be confirmed by the Tinian Municipal Council, but I do not think that is a problem. What we could do is just add in the Transition Section of the Initiative on page 4, we could just add a phrase there to say, "all functions of the Municipal Council shall be transferred to the Local Delegation." That way the Local Delegation would carry out the functions of the Municipal Council on whatever functions that they had, and we do not need to – it would not affect the continuity of the Tinian Gaming Commission, and basically the appointments and confirmations of the Commissioners as well as the resident directors. I believe that is one of the council's functions so you just have to transfer whatever functions of the Municipal Council to the Local Delegation, and they will address them. That way, there would be no gap in the duties, or all the duties of the Municipal Council would still be carried on even after they are gone.*

Speaker Babauta: What would happen to the funding and its present employees?

Legal Counsel Antonette R. Villagomez: *Again, the bill says that the present employees shall be transferred to the Mayor's Office. So again, under the Initiative right now, that is what it states, that the employees shall be transferred to the Mayor's Office. As far as the budget, that is again up to the House members to decide whether to give that budget to the Mayor's Office or give the Delegation a separate budget to carry out its local duties. We do not know. It is up to you guys, but as far as the budget, it is a policy call. So if the next budget – if the Municipal Council does not exist anymore, you just take that money and put it wherever you want to put it.*

Speaker Babauta: Is everyone satisfied with the explanation?

Legal Counsel Antonette R. Villagomez: *I would suggest that somebody would make an amendment to say in the Transition Section 3 that, "all the duties and responsibilities of the Municipal Council shall be transferred to the Delegation." That is the only thing that is missing.*

Speaker Babauta: That is the recommendation of our legal counsel. Any one would like to volunteer to take that amendment? Let me recognize Chairman Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. This is not on where the money should be placed, but going back to the original Initiative, one of the issues that this Initiative tries to do is basically to say that in order to implement government cut backs on spending, that these Council's should be abolished, but on the Transition it states that the remaining staff of the Council's shall be transferred to the Mayor's Office. Now, the question lies now as to whether the Mayor's of each Senatorial District will come back and say, the savings of \$740,000.00 must be put back into the Mayor's accounts, and for that reason, as far as saving money, this Initiative does not do it. I failed to see

how we can save money if we are to have that same amount of money transferred to the Mayor's Office of each Senatorial District. That is all I wanted to point out, Mr. Speaker.

Speaker Babauta: I can only assume Chairman that transferring those amount including the FTE's probably a negotiated contract at a lesser price, and in that, you would see a saving on the personnel cost. I recognize Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. Perhaps, Mr. Speaker, because an Initiative and the changes that is recommended by our legal counsel as well as what we had talked about in our last session on this issue, maybe we will continue to put it on Second Reading and see – I think the Third Senatorial District will have no problems with those changes and what have we, but maybe we allow time for the First and Second Senatorial District to really consume the changes recommended and take it from there.

The Chair recognized Chairwoman Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. We are discussing Legislative Initiatives here which are time sensitive, and as was mentioned before, if the intent here is to abolish to save the government at a time where we really do not have any money, then it should be done right. The fact that we are just going to transfer, we are going to abolish the Municipal Council and just transfer employees and not cut down on any budget is just a – to me, it is a joke. Why even bother? Where is the savings in this? I think that we should make an amendment to this Initiative, and see that my good colleague, Representative Palacios is anxious to make that amendment. Thank you.

The Chair recognized the Minority Leader.

Rep. Palacios: Thank you, Mr. Acting Speaker. If you can see over here, I already scratched that since the last session. So with that, I would like to make an amendment to H. L. I. NO. 15-15. On page 4, "Transition", please delete lines 1, 2, 3, 4 in its entirety, and renumber it accordingly. Thank you.

Acting Speaker Justo Quitugua: I will clarify that amendment. The amendment from the Minority Leader on page 4 is to strike out Section 3 in its entirety and renumber. That means that there will be no section 4. Section 4 will become Section 3, and the amendment has been seconded. Discussion on the amendment, and I recognize Representative Tenorio.

Rep. Tenorio: Thank you, Acting Speaker. If you delete that in its entirety from lines 1 through 4, what do we do with the present employees?

Acting Speaker Justo Quitugua: Let me give you this respond. I believe that the contracts of the Municipal Council employees expire as the term of the Councils expire. I think that is how the contracts are...

Rep. Tenorio: You only believe in that? I mean, seriously, what are you going to do with the existing employees? You just cannot say you have no boss; therefore, you do not have a work. Are we that irresponsible to pass an Initiative like this and say well, I am sorry we just have to close the office and so you go home?

Acting Speaker Justo Quitugua: May I refer that to the mover of the amendment.

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

Speaker Babauta: State your point.

Rep. Aldan: I believe that the employees of the Council are civil service employees.

Rep. Tenorio: Okay.

Rep. Aldan: They are not contract employees.

Rep. Tenorio: Okay. That explains it.

Speaker Babauta: We will continue to discuss the amendment.

Vice Speaker Quitugua: Mr. Speaker, if the Council's employees are civil service, the Mayor's employees are not civil service. So we are transferring civil service employees to a non-civil service office, and what is going to happen to these employees?

Rep. Tenorio: That is my question.

The Chair recognized the Minority Leader.

Rep. Palacios: There is in our Civil Service Code Provisions that if an office, be it a department, division, or whatever it is, ceased to exist, and within that office, employees are under civil service, then the government is obligated under statute to place these employees in other departments including to the point where they have, and they can bump off non-civil service employees. So if these employees are civil service, then they are protected. They will be placed to a point where even if there is an existing position that needs to be accommodated of these civil service employees. Those employees in there will be bumped off.

The Chair recognized the Vice Speaker.

Vice Speaker Quitugua: For the benefit of the Speaker, the Minority Leader made an amendment to delete Section 3 of the Initiative on page 4, and renumber accordingly.

Speaker Babauta: Is that under discussion?

Vice Speaker Quitugua: That is what we are discussing, Mr. Speaker.

Speaker Babauta: Any more discussion on the oral amendment offered by the Minority Leader. I recognize Representative Tenorio.

Rep. Tenorio: I will yield, Mr. Speaker, to Chairman Aldan.

Rep. Aldan: Thank you, Mr. Speaker. So let us say, if we go through this election, and we have Council members running for office and they win the election, what is going to happen because under the transition, it reflects that they should serve their office, but you are deleting that section.

The Chair recognized the Minority Leader.

Rep. Palacios: If we put this on the ballot in the next election, the Municipal Councils still exist so we will also at the same time have an election for Municipal Council. What happens then is that those Councils will continue to exist until 2009. That is when this – if it is ratified by the people, that is when this will kick in. That means that after 2009, there will be no more election of the Municipal Council.

Speaker Babauta: Correct.

Rep. Palacios: Because that is the time...

Speaker Babauta: Let me ask the counsel – if that pertinent provision as offered by the Minority Leader is amended and removed, how would – are there other pertinent statutes that allows for those employees to be protected primarily the civil service employees?

Legal Counsel Antonette R. Villagomez: *Well, if they are civil service employees –they do already have protection under the law. I have not seen this specific provision that Representative Palacios mentioned, but I would recommend that – to make – so that we avoid any confusion, we make it clear in the substitute on what is going to happen, and rather than deleting the entire “Transition Section”, I would recommend that we just clarify it to say that, “number 1, all duties and responsibilities of the Municipal Council shall be transferred to the Local Delegation of each respective island, and that the remaining staff of the Municipal Council shall be transferred to other government offices.” Just to make it clear on what is going to happen to them, and then the mechanics will start after that. The Office of Personnel and Management would have to step in and start the process, but just to make it clear, if our concern is that they are not left hanging, we can put in the “Transition Section” on what will happen to the employees.*

Speaker Babauta: Counsel, we have to be careful on the words, “other government offices” because we are in fact infringing on other branches of the other government offices where we have the executor of those branches pursuant to the Constitution. I think we need to rephrase this to the extent that it would reflect local level, instead of Commonwealth wide.

Legal Counsel Antonette R. Villagomez: *That is fine to say, other local government offices, or...[End of Tape 2, Side B]*

Rep. Palacios:...[**Beginning of Tape 3, Side A**]...and we can entertain it. I will willingly withdraw my motion.

Speaker Babauta: Better yet, short recess.

The House recessed at 3:26 p.m.

RECESS

The House reconvened at 3:40 p.m.

Speaker Babauta: We are back to our plenary session, and for clarity, I would now recognize the Minority Leader to clarify his amendment.

Rep. Palacios: Thank you, Mr. Speaker. With that, I want to let the record show that have withdrawn my original amendment, and offer this written amendment that has been passed out. On “Section 3. Transition. Upon ratification of this Legislative Initiative, the duly elected municipal council members council members at that time shall complete their terms of office. After such terms of office is completed, the functions, duties and responsibilities of the municipal council of each respective island shall be transferred to each respective local delegation and the remaining staff of the municipal council of each respective island shall be transferred to local government offices ~~the Mayor’s Office~~ of each respective island. I so moved, Mr. Speaker.

There being no discussion, the written amendment offered by the Minority Leader was seconded and carried by a voice vote.

Speaker Babauta: The motion is carried. We will continue to discuss, H. L. I. NO. 15-15, HD1. Please be reminded that this will be $\frac{3}{4}$ vote, members present and voting. Clerk, call the roll.

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

| | |
|-----------------------------------|----------------------|
| Rep. Martin B. Ada | no |
| Rep. Edwin P. Aldan | no |
| Rep. Francisco S. Dela Cruz | yes |
| Rep. Florencio T. Deleon Guerrero | excused |
| Rep. Joseph P. Deleon Guerrero | absent during voting |
| Rep. Jacinta M. Kaipat | yes |
| Rep. Jesus SN. Lizama | yes |
| Rep. Crispin M. Ogo | excused |
| 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 | abstained |
| Rep. Stanley T. Torres | yes |
| Rep. Absalon V. Waki, Jr. | yes |
| Rep. Ray N. Yumul | present |
| Rep. Oscar M. Babauta | no |

Speaker Babauta: By a vote of 10 “yes”, H. L. I. NO. 15-15, HD1 passes the House on Second and Final Reading. Floor Leader, next bill.

Acting Floor Leader Lizama: Mr. Speaker, before I do that, if no objection, subsidiary motion to refer back to Committee the following House Bills, H. B. NO. 15-198, H. B. NO. 15-133 and H. B. NO. 15-268.

The motion to refer H. B. NO. 15-198, H. B. NO. 15-133 and H. B. NO. 15-268 back to the respective Committee was seconded and carried by voice vote.

Speaker Babauta: All those bills enumerated by the Floor Leader are hereby referred back to their respective Committees. I recognize the Minority Leader.

Rep. Palacios: Mr. Speaker, I would like to ask for the indulgence of the members to recall and put on today's Calendar, H. B. NO. 15-271. This was introduced during the last session, and the author, Representative Torres was not able to, or forgot to ask that it be placed on the Calendar.

There was no objection.

Rep. Palacios: The good Representative would be more than happy to discuss this when it comes up, just as long as it be put on the Calendar. Thank you.

Speaker Babauta: Which Committee is that? I believe it was referred to Commerce and Tourism?

Rep. Palacios: Yes, Mr. Speaker.

Speaker Babauta: Okay. There is a motion to recall on the floor.

There being no objection, the motion to recall H. B. NO. 15-271 was carried by a voice vote.

Speaker Babauta: The motion is carried. H. B. NO. 15-271 is hereby recalled and placed on today's Calendar for action. Floor Leader, next bill.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the passage of H. L. I. NO. 15-14 on Second and Final Reading.

The motion was seconded.

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.

Speaker Babauta: Discussion. I recognize Representative Torres.

Rep. Torres: Mr. Speaker, I do not have any problem with this Initiative, but my concern is that if this is ratified it will create a division in any of the court by dividing the judges into three or two, it may caused an in-house political...

Speaker Babauta: Let me try to acknowledge the author and see if he can pacify your concern. I recognize Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. At this time, I would like to defer to Representative Kaipat.

Rep. Kaipat: Mr. Speaker, this request came from the court. This is something that they are requesting. They believe that they would operate more efficiently if we actually put this on the ballot, and have it be passed. This is not something that we dreamed up ourselves. It came from them, and I think that we should give them that deference that they know how they operate, and if they believe that this would be more efficient then I think that we should support this. Thank you.

Speaker Babauta: If there is anyone that is in conflict with our third branch of government, I recommend that you do not cast your vote. I recognize Chairman Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. I wish that the Committee had taken the time – I do not know how long this has been in the Committee, but to take comments especially from the Judiciary. I read the bill, and it appears that there might be a slight hesitation on some judges and justices as to them – just in itself of the election itself. I wish we had some form of comments from the Judiciary. I am not sure whether this is – I do believe the Chairwoman, it is just that it is almost like S. B. NO. 15-87, the Board of Professional Licensing...I spoke to the Chairman of that board, and I expressed that I wanted to get an acknowledgement from the board members of DPL before I would vote on that particular piece of legislation, and it stands, I feel the same way about this Initiative. Thank you.

The Chair recognized Chairwoman Kaipat.

Rep. Kaipat: I would like to assure my colleague that I did meet the Judiciary on this. Actually it was the Presiding Judge himself who is actually in support of this now. He has got the position for life, but he wants to give his colleagues an opportunity to choose. So I just want to assure you that this is very much something that is supported by the Justices and Judges.

Speaker Babauta: In any occasion, our Judicial, other branch of government would normally request, but also in many occasions, our other branch of government would not publicly pronounced any idea that they would like to prove or otherwise enhance the court's system. So I agree with you. You may continue.

Rep. Kaipat: Mr. Speaker, the present system – the Governor actually appoints the Chief Justice and the Presiding Judge, and this is a system that the courts want to change. As it was explained to us, this will allow the other judges to sit in a role as presiding judge to try out a different system perhaps rather than this other system where once you are appointed, you are stuck. You either have to retire or you die in office. So if you happen to have a presiding judge or chief justice that everyone gets along with, and the system is great, then that is great, but if it does not work, then you are stuck. I believe it is a fair way, and most importantly, it is coming from them. They are asking us to help them improve this system. It is not us trying to force something on them. I hope that my colleagues will respect that. Thank you.

The Chair recognized Representative Torres.

Rep. Torres: With all due respect to Chairwoman Kaipat - I do not doubt the statement, but knowing the Presiding Judge is very humble, and I know that he is trying to accommodate some room for the other judges, but do we have any input from the individuals? There are five judges in the Superior court, and three justices in the Supreme Court. Maybe we should call them in and see where they

stand because I know that it will create a fraction in there. I do not want to see a division in the Superior Court or they are not working together because there – that is my concern. Maybe the Presiding Judge is feeling the pressure already that he just want to give it to whoever wins the election.

Speaker Babauta: Well, it looks like our other branch of government would also like to have some caucus themselves. It is up to us. This is a policy call that we need to address, and whether or not we will vote for it or no, it is a call that we need to address. I recognize the author.

Rep. Yumul: Thank you, Mr. Speaker. Just as a recap on the position of the Presiding and Chief other than the fact that they are the administrative officers of their respective – I do not want to say branch, but the purview – Chief Justice for the Supreme Court and then the Presiding Judge for the lower court is that it is truly administrative. There is no favoritism. There is no...points if you will. If a person is in the presiding position, it is just purely to manage the day to day operations. The Constitution actually vested the authority with the Chief Justice with regards to financial matters that is given to them from the Planning and Budgeting Act. Other than that, the judges for both the Supreme and the Superior Court are at the same level. They cast the same vote and adjudicate accordingly. Unless it is something unique that I am not aware of, I think this is pretty simple issue, and again, it still needs to be ratified by the voters and there is still another layer that this Initiative needs to go through. Thank you.

Speaker Babauta: Ready. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. L. I. NO. 15-14 on First and Final Reading:

| | |
|-----------------------------------|---------|
| Rep. Martin B. Ada | yes |
| Rep. Edwin P. Aldan | yes |
| Rep. Francisco S. Dela Cruz | yes |
| Rep. Florencio T. Deleon Guerrero | excused |
| Rep. Joseph P. Deleon Guerrero | yes |
| Rep. Jacinta M. Kaipat | yes |
| Rep. Jesus SN. Lizama | yes |
| Rep. Crispin M. Ogo | excused |
| Rep. Arnold I. Palacios | |
| Rep. Justo S. Quitugua | yes |
| Rep. Benjamin B. Seman | yes |
| Rep. Candido B. Taman | yes |
| Rep. Ramon A. Tebuteb | no |
| Rep. Manuel A. Tenorio | yes |
| Rep. Stanley T. Torres | no |
| Rep. Absalon V. Waki, Jr. | yes |
| Rep. Ray N. Yumul | |
| Rep. Oscar M. Babauta | yes |

Speaker Babauta: With a vote of 12 “yes”, H. L. I. NO. 15-14 passes the House on Final Reading.

Vice Speaker Quitugua: Clarification, Mr. Speaker.

Speaker Babauta: State your point.

Vice Speaker Quitugua: Can the author of the legislation refuse to vote on the legislation that he introduced?

Speaker Babauta: That is every members' prerogative, and I respect that. He might have his own reason.

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

Speaker Babauta: No, we are not.

Rep. Torres: Can I say something about that Initiative that we just passed?

Speaker Babauta: Please proceed.

Rep. Torres: What would happen if they elect a head judge, and then at the next election, he will not be retained in the following election, and he would only serve for two years if he get the nomination to be the presiding judge or the chief justice?

Speaker Babauta: I think there is a provision here that allows – is that annually or every two years...

Rep. Torres: Not every four years?

Speaker Babauta: They are requesting for a rotation of every two years.

Rep. Torres: I think that it is every four years.

Speaker Babauta: No, it is two years.

Rep. Torres: Three years for the Superior Court?

Speaker Babauta: Yes, I am sorry. Three years for the Superior Court, and four years for the Supreme Court.

Rep. Torres: Because this coming election there would be about three judges from the Superior Court up for retention...

Speaker Babauta: Is it three or two?

Rep. Torres: Three.

Speaker Babauta: So they will be following a staggered...

Rep. Torres: Judge Govendo, Manglona, and Naraja.

Speaker Babauta: Short recess.

The House recessed at 4:03 p.m.

RECESS

The House reconvened at 4:04 p.m.

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

Acting Floor Leader Lizama: So moved to recess, Mr. Speaker, subject to your call.

Speaker Babauta: Okay. The House stands recess until tomorrow morning at 9:00 a.m.

MISCELLANEOUS

None

ANNOUNCEMENTS

None

The House adjourned at 4:05 p.m.

Respectfully submitted,

Vicky T. Guerrero, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

Second appearance
None

Third Appearance:

H. L. B. NO. 15-68: A House Local Bill to appropriate \$485,000.00 from Managaha Landing Fees; and for other purposes