



## House Journal

### Eighth Special Session, 2007

**Adopted:**  
August 21, 2007

**First Day**

**July 24, 2007**

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its First Day, Eighth Special Session on Tuesday, July 24, 2007, at 10:15 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 fifteen members were present. Representative Martin B. Ada came in late. Representatives Crispin M. Ogo and Absalon V. Waki, Jr., are excused.

#### **ADOPTION OF JOURNALS**

Floor Leader Florencio T. Deleon Guerrero moved for the adoption of the Second Day, Fourth Special Session, First Day, Fifth Special Session, First Day and Second Day, Sixth Special Session 2007 Journals; the motion was seconded.

2<sup>nd</sup> Day, Fourth Special Session, 2007 (05/16/07)

1<sup>st</sup> Day, Fifth Special Session, 2007 (05/29/07)

1<sup>st</sup> Day, Sixth Special Session, 2007 (06/22/07)

2<sup>nd</sup> Day, Sixth Special Session, 2007 (06/25/07)

There was no discussion and the motion to adopt the Second Day, Fourth Special Session, First Day, Fifth Special Session, First Day and Second Day, Sixth Special Session 2007 Journals were carried by voice vote.

Speaker Babauta: The motion is carried. Before we move on, Chairman Aldan, any result as a result of our last session – the members' concerns with respect with the Kagman issue.

Rep. Aldan: Yes, Mr. Speaker, I scheduled a meeting. It went out last Friday to meet with the respective agencies on Thursday. It was supposedly for today, but we were discussing that we were going to have a session today.

Speaker Babauta: Kindly apprise the members of those issues after the meeting. Let us move down to item number 3 under Introduction of Bills.

## **INTRODUCTION OF BILLS**

H. B. NO. 15-283: A Bill for an Act to create a task force within the Department of Commerce for the purpose of investigating video rental stores doing business in the Commonwealth.

Offered by: Rep. Martin B. Ada and two others

H. B. NO. 15-284: A Bill for an Act to repeal and reenact Public Law 15-69 to allow employees of the Commonwealth Government to apply for sick leave to attend to immediate family members; and for other purposes.

Offered by: Rep. Justo S. Quitugua and seventeen others

H. B. NO. 15-285: A Bill for an Act to amend 3 CMC §4434; and for other purposes.

Offered by: Rep. Oscar M. Babauta

H. B. NO. 15-286: A Bill for an Act to amend 4 CMC §1103; to repeal and re-enact 4 CMC §1503; to repeal and re-enact 4 CMC §1505; and for Other Purposes.

Offered by: Rep. Oscar M. Babauta

H. B. NO. 15-287: A Bill for an Act to provide a tax incentive for individuals and businesses that purchase renewable energy devices by amending the Revenue and Taxation Act of 1982; and for other purposes.

Offered by: Rep. Joseph P. Deleon Guerrero

H. L. I. NO. 15-20: A House Legislative Initiative to amend Article XII, Section 3 of the Constitution of the Northern Mariana Islands to change the term permitted for the transfer of lease hold interest in private lands and to clarify issues with respect to renewals of existing leases.

Offered by: Rep. Francisco S. Dela Cruz

H. L. B. NO.15-69: A Local Appropriation Bill for an Act for the Third Senatorial District to amend Section 2(d)(1) of Saipan Local Law 15-12; and for other purposes.

Offered by: Rep. Oscar M. Babauta

H. L. B. NO. 15-70: A Local Bill for an Act for the Second Senatorial District to amend Tinian Local Law 15-3; and for other purposes.

Offered by: Rep. Edwin P. Aldan

## **INTRODUCTION OF RESOLUTIONS**

H. R. No. 15-138: A House Resolution to recognize and congratulate the Kagman Little Aztecs Baseball Team for the outstanding performance during the 2007 Saipan Little League Baseball Season.

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

H. R. No. 15-139: A House Resolution requesting that Governor Benigno R. Fitial terminate his Attorney General, Matthew Gregory, for action unbecoming a government official.

Offered by: Rep. Stanley T. McGinnis Torres

H. J. R. NO. 15-26: A House Joint Resolution To approve the request of the Executive Branch to hire employees certified as very critical to the delivery of essential services under Public Law 15-28 as amended by Public Law 15-71, Section 2(d)(1)(C).

Offered by: Rep. Oscar M. Babauta

H. J. R. NO. 15-27: A House Joint Resolution to provide a blanket authorization approving the hiring of any employee for position certified by either Presiding Officer as as very critical to the deliver of essential services by a member of the Legislature until September 30, 2007.

Offered by: Rep. Oscar M. Babauta

### MESSAGES FROM THE GOVERNOR

Gov. COMM. 15-273: (7/6/07) Informing the House that he signed into law H. B. No. 15-20, HS1, SD1 (Account for fixed assets and capital goods for the Legislative Branch). [Became **Public Law 15-72**]

Gov. COMM. 15-274: (7/6/07) Informing the House that he signed into law H. L. B. No. 15-55, SNILD 1, (Renaming certain roads). [Became *Saipan Local Law 15-20*]

Gov. COMM. 15-275: (7/6/07) Informing the House that he signed into law H. L. B. No. 15-52 (Renaming Chamolinian Dr. to LCpl. Adam Emul Road) into *Saipan Local Law 15-21*]

Gov. COMM. 15-276: (7/6/07) Informing the House that he disapproved H. B. No. 15-22, HD1 (the Scholarship Office Efficiency Act of 2006). [Deadline 9/4/07]

Gov. COMM. 15-277: (7/9/07) Certification of vacant positions within the Office of the Attorney General, Division of Immigration.

Gov. COMM. 15-278: (7/12/07) Supplemental list of exemptions from PL 15-24.

Gov. COMM. 15-279: (7/16/07) Informing the House that he disapproved H. B. No. 15-259, HD1 (To appropriate \$54,000 from the Second Senatorial District Solid Waste Management Fund). [Deadline 9/14/07]

Gov. COMM. 15-280: (7/18/07) From Lt. Governor Villagomez informing the House that he signed H. B. NO. 15-262 (To appropriate \$50,000 from SLL 15-12, § 2(f)). [Became **Public Law 15-73**]

Gov. COMM. 15-281: (7/17/07) From Lt. Governor Villagomez informing the House that he signed H. L. B. NO. 15-57, D1 (Tinian and Aguiguan Municipal Park Rangers Act of 2007). [Became *Tinian Local Law 15-8*]

Gov. COMM. 15-282: (7/20/07) Informing the House that he signed into law H. B. NO. 15-69, HS1, (Penalize theft of utility services). [Became **Public Law 15-74**]

Gov. COMM. 15-283: (7/23/07) From Lt. Governor Villagomez submitting a list of vacant positions for approval by joint resolution.

The Chair recognized Representative Seman.

Rep. Seman: Thank you, Mr. Speaker. This is in reference to Gov. COMM. 15-276. I would like to move to override the Governor's veto on H. B. NO. 15-22.

The motion was seconded.

Speaker Babauta: Discussion on the motion to override Gov. COMM. 15-276.

Several members voiced, "ready."

Speaker Babauta: Clerk, call the roll.

The Clerk called the roll on the motion to override the Governor's veto on H. B. NO. 15-22, HD1:

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

Speaker Babauta: By a unanimous consent of the House, Gov. COMM. 15-276 passes the House. Anymore? I recognize Chairman Aldan.

Rep. Aldan: Mr. Speaker, while we are at it, I move to override the Governor's veto under GOV. COMM. 15-279 on H. B. NO. 15-259, HD1.

The motion was seconded.

Speaker Babauta: Discussion on the override. I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. I am always supportive of the Second Senatorial Districts appropriation particularly for Solid Waste issue. I am wondering if my good colleague can give us a brief synopsis of what this issue is all about, and why the Administration deems necessary to veto it. Again, I would most likely support this, but I want him to validate my vote to override by giving me just a brief explanation. Thank you.

The Chair recognized Chairman Aldan.

Rep. Aldan: Thank you, Mr. Speaker. According to the vetoed message, I understand that it stated that this money is not enough to construct the landfill. The \$54,000.00 is not to construct the landfill, but to move the project, because this project has been sitting at Department of Public Works for over six years, Mr. Speaker. We are taking this money out to hire the professional people to move the environmental impact assessment, the architectural design, and all those stuff. It has been sitting at the DPW for the longest time, Mr. Speaker. This is just half of what the professional services is called for. The remaining half, as you know, we passed it from the House, and that came out from the Poker Fee. So, I do understand what the Lieutenant Governor is saying, but this is not to put together with the \$5.2 Million that is required. It is merely a funding that we need in order to kick off the project. This Legislature approved MRDC, and we have to commit ourselves to that agreement. We have an agreement with them that we will move the project. Now, if we see some agencies that are not doing their job as far as relocating the dump – the Delegation when we met, we decided to take another route, and hire a professional service to move the project.

Speaker Babauta: So what you are saying in essence is you need to spend a small amount of money to bring in a big amount of money?

Rep. Aldan: That is right, Mr. Speaker. And also, based on the negotiation with some of the professional services, they will provide over a Million dollars of funds to move this project, if not before the end of this contract, he will return the money on whatever is given to him.

The Chair recognized the Minority Leader.

Rep. Palacios: That is a sufficient explanation that I need. Thank you.

The Chair recognized Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. I also do support the intent of the appropriation. I am just wondering about the relocation. Where is the potential relocation of this? I know that it is sighted in the Purpose and the Findings as to where the present location is, but is there a potential possible site that may have been identified already?

The Chair recognized Chairman Aldan.

Rep. Aldan: There are two areas. One has been identified by the Public Lands, and that area cannot be called as a landfill because it is within the radius of the water table for the only major water table supply for our village. The other solid landfill is located up north within the Military Zone, the returned lease back. That is still under negotiation with the task force committee that was set up between the Military, DPL, the Governor’s Office, and the Mayor’s Office. We will be meeting I believe in August or September to finalize the turn over of those two lands which is the solid waste and the waste water up north next to Voice of America. We understand – I believe what we decided was to have that land that was identified by DPL as transit station for now, and have a recycling company come in and run that area in Marpo. But as far as solid waste landfill, we are still working with the Military in trying to get that partial of land, but we need to move to at least bring that dump out from that area, and put it where it is designated now.

Speaker Babauta: Ready.

Several members voiced, “ready.”

The Chair recognized Chairman Ada.

Rep. Ada: Thank you, Mr. Speaker. Yes, I also support the move to override. You know, a little bit of money that can hire professional services to start the planning stage of this relocation of the landfill is very important. We always promote environmental awareness and they have the Airport right next to the dump, and I think that it is about time – once the Airport is finished, I guess the tourist coming in would not be impressed with the dump right next to the Airport. I do support this, and if we were to wait for another couple of Hundred Thousand again, this \$54,000.00 might not be there anymore. So I do support this, Mr. Speaker.

Speaker Babauta: Ready. Clerk, call the roll.

The Clerk called the roll on the motion to override the Governor’s veto on H. B. No. 15-259, HD1:

Rep. Martin B. Ada	yes
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	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.	excused
Rep. Ray N. Yumul	absent during voting

Rep. Oscar M. Babauta

yes

Speaker Babauta: By a vote of 15 “yes”, GOV. COMM. 15-279 is hereby overridden by the House. Any objection to consider Representative Yumul’s vote as “yes”?

There was no objection.

Speaker Babauta: Clerk, take note, the Chair would allow Representative Yumul to cast his vote as “yes.” So by a total vote of 16 “yes”, again, GOV. COMM. 15-279 is hereby overridden by the House. I recognize Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. This is in reference to GOV. COMM. 15-283. Also, your House Joint Resolution No. 15-26 is just supporting this request. My curiosity here, Mr. Speaker, is I think Public Law 15-71 establishes a public employment and salary moratorium that went in effect. I would like to know, Mr. Speaker, as to what is the fiscal impact of this government on all these positions that are now approving, or in the process of approving? You have the Department of Labor with three positions, but there is no salary structure, and CUC with a whole bunch of positions there...they are supposed to be vacant positions so there are a lot of people that were not hired, or a lot of people that were fired? I want to know a little about these requests before we even get into it, and also the fiscal impact. We are in a very severe austerity measure right now, Mr. Speaker, and here we go again hiring people like crazy. I do not know. Perhaps they have reasons that these are critical positions and that is the term that they use to provide the necessary government services. At the same time, however critical they are, I think it is the right of this Legislature to find out what are our fiscal responsibility and how would this affect the government in general. Thank you.

Speaker Babauta: Seeing the letters of the respective agencies that have submitted their request pursuant to Public Law 15-71, I understand that the request from Labor is to fill the positions which are vacant positions – these are WIA trained employees for a year – so there are funds for those positions that have been requested. Under the other communication from CUC is reflecting some of the positions that have been caught in the middle of Public Law 15-71, and some who had also vacated all these positions that is necessary. That is the reason why the Executive Branch submitted those request to be filled.

Rep. Tenorio: I guess my question is half answered to the other half – what is the fiscal impact on the – or how are we looking at, Mr. Speaker. Is this going to increase the cost of CUC? Are we going to be paying additional .01 penny the next month...all I am asking is what are we looking at in terms of dollars and cents? That is all I am asking.

Speaker Babauta: That I do not have an answer presently, but...

Rep. Tenorio: And we are approving something that we do not even know?

Speaker Babauta: Let me recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker. I think Public Law 15-71 was the revised 2007 Budget that was authored by our Vice Speaker or Representative Palacios, and I believe that we included provisions there that required the Legislature’s approval for new hires. I think what this

is, is in compliance with that, but we raised this issue in the past. I think that one other request from the Executive Branch where we – I think it was the author Representative Palacios that asked questions about the justification, and I think it was pointed out during the discussion that we were not very specific in how we wanted the justification, and because the bill was ambiguous or rather not very specific, that is what we are getting from the Administration. So, while I understand your concern, especially in light of the high cost with our electrical rates, and I also understand that CUC had raised the number of employees to 30, and I believe, Mr. Speaker, that this is – what came out in the news is separate from this, or this is in addition?

Speaker Babauta: My plain reading primarily towards the closing of the executive director's letter to the administration for exemption is, some of those are in the process, or they were in the process that were caught by Public Law 15-71, and to some extent also, filling in of vital vacated positions. That is how I read it.

Rep. Joseph Deleon Guerrero: I also understand that CUC is justifying this because some of these positions are required by federal agencies such as EPA that these positions are critical for the grants that they receive.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Mr. Speaker, in a situation like this normally you would refer this to the Committee on Ways and Means because they are the ones handling that. Another impact on this, Mr. Speaker, I am reading it – all these new hires are going to go to the Defined Contribution so they are building up their – over there while ignoring the existing Defined Benefit Program at the Retirement. This has impacted on the Retirement Program, so I am concerned about all of these because we do not know what we are looking at, or does anybody know how much we are looking at in terms of dollars and cents that we are going to be paying these people? The last time we looked at the budget for CUC, the average budget there for salary is about \$40,000.00 to \$43,000.00 dollars, and that is for every employee divided by the number of employees, and I think Representative Tebuteb has it on record that is about over \$40,000.00 sum dollars, but still, I am curious as to what are we spending. You have people out there screaming and they have enough of this crap. So what are we looking at? We are looking at positions that we do not know, we do not have the fiscal impact of CUC, and eventually the fiscal impact on the people paying for CUC. We want to know as responsible legislator that we are approving something that is there, that will not be hampered to our consumers. I am glad that they are following Public Law 15-71 because they now have to request through a Joint Resolution to fill up these positions. That is all I am asking. I do not need to elaborate on that. If anybody has the answer, I will be glad to...

Speaker Babauta: I will be glad to find that out immediately for you.

Rep. Tenorio: Earlier, Mr. Speaker, you asked that we address and approve this today, but I do not think that we should haste into approving this without even knowing what we are getting into. That is all. Thank you.

The Chair recognized Chairman Ada.

Rep. Ada: Thank you, Mr. Speaker. I noticed that the cover letter by the Executive Director for CUC, the last couple of lines says that these positions are identified by federal agencies as being critical to CUC. Now, out of the 20 positions, I would say the quality of water would be working the supervisor, laboratory supervisor, and the technician would be in that positions, and I believe that would be a needed position there, but looking at the others, people are screaming out there left to right, and they would find you wherever you are, even if you are at home, they would call you and say, do something about CUC because we are all dying up there. We are virtually working for power right now, and we make power our priority rather than food. That is what we are experiencing right now. Everybody is still leaving the island because they cannot afford to stay here because of the increase in power at CUC. If it was really a gradual one, I guess, people would feel the impact a little bit less, and they would adjust to it eventually, but my goodness. I will be supporting a couple of these positions that are needed here that is really vital, but the rest – we still have the public hearing, Mr. Speaker, on August 6<sup>th</sup>.

Speaker Babauta: That is the Senate.

Rep. Ada: We still need to...

Speaker Babauta: That is what I learned from the media.

Rep. Ada: I guess we really need to find out what is happening here because I...

Speaker Babauta: I welcome the members to participate.

Rep. Ada: Thank you, Mr. Speaker.

The Chair recognized Chairman Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. First of all, I just want to say that I do agree with colleague Tenorio, and colleague Ada on the issue. As the Chairman of PUTC, I will write to CUC and inquire on the fiscal impact of these job categories. As you know, the lower house, and I have taken the liberty to say this before, we have had some legislations directly in reference to CUC issues here. I believe we have about five or six legislations, one of them being H. B. No. 15-193 that the Senate had struck down, and immediately the Minority Leader had reintroduced. These are legislations that we need right now. We have done basically everything that we can to tell the people out there that we are doing something. We have these legislations, and they are up at the Senate. Mr. Speaker, I would request that you write to the President of the Senate, and request that they begin to entertain these legislations as soon as possible. The people out there are saying that the rates are too high. We have legislations that will fix that, that would lower the rates. The people are complaining about security deposits, and why are they being billed two months worth of security deposits. The people are complaining about asking for promissory notes to pay back and to extend the terms of the promissory notes. CUC is saying that these are all within our policies and regulations. You know, Mr. Speaker, ever since all of us came into this 15<sup>th</sup> Legislature, we knew what the problem was, the management of CUC was not performing, therefore, the engines basically dilapidated. The people are paying for fuel that is being burned by inefficient engines. We are basically throwing money away on fuel. We have these legislations, we passed it in this House, and we ask the Senate to do likewise. As far as the fiscal impact of these new hires for CUC, I would

request the executive director to provide the numbers. As you know awhile back, I had written a letter to OPA requesting a desk audit for CUC, because I saw the wages of CUC's personnel. They were quite high to be honest with you. The OPA came back and said it was the Office of Personnel Management. I inquired OPM, and I was told that I would have to request for this information or the desk audit from the Governor or the Administration. You know, seeing that the Public Utilities Commission is not in place, we as legislators should be the Public Utilities Commission right now. We are the ones. We have to make this decision right now, and if you ask me, yes, we have done about all we can with all these legislations that would relieve the people of the Commonwealth of the exorbitant fees that they are paying to CUC. We ask you Mr. Speaker, to write a letter a letter to the President of the Senate and to expedite those legislations in their Chamber as soon as possible. Thank you.

Speaker Babauta: On the same note, Chairman Dela Cruz, two days ago, I wrote you a memorandum on those Commissioners that were appointed and reappointed. Can I kindly ask that you expedite the process of those nominees so that once and for all we can have a Commission also...

Rep. Dela Cruz: Yes, Mr. Speaker. I just want to also inform you...

Speaker Babauta: You may not need to wait for other nominees to be submitted. We can start cranking out those names, and report your findings or Committees findings to the entire House so that we can vote on it.

Rep. Dela Cruz: Yes, Mr. Speaker. And I would just like to inform you and the members that yes I did received the re-nomination of the three individuals, and I had also received the documents for Mr. Efrain Camacho. Quite surprisingly, Mr. Efrain Camacho had also submitted his drug test results. The other nominees have not. So that is still kind of places us under our quandary right now where we have not received that one portion of information that the Committee can deliberate on. Thank you, Mr. Speaker.

Speaker Babauta: Is there anything in the PUC law that prohibits your from conducting any public hearing on the nominees prior to receiving drug test results, or can you do that while you await the drug test result?

Rep. Dela Cruz: Mr. Speaker, that is something that I had asked our legal counsel. Unfortunately, she is away on vacation, but I would be getting with our legal counsel, Catlett on that issue.

Speaker Babauta: Or otherwise, you prefer to wait for everything?

Rep. Dela Cruz: Yes, Mr. Speaker.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. I was just going to say that maybe when I was making a comment on this issue that it should be referred to the Chairman of PUTC instead of the Ways and Means because that is where it belongs.

Speaker Babauta: Yes.

Rep. Tenorio: I hope my good Chairman could take up on this.

Speaker Babauta: He had already expressed that sentiment that he will be inquiring to submit the fiscal portion of your concern.

Rep. Tenorio: Since you brought up the issue on the board, Mr. Speaker, I was a little concern that the Administration may just go ahead with the privatization despite the fact that we still have an half \*\*\* board that we should fill.

Speaker Babauta: It is not even filled yet.

Rep. Tenorio: I think that we should take position on this...

Speaker Babauta: That is why...

Rep. Tenorio:...the legal concerns that is surrounding us. That is not going to be very...

Speaker Babauta: That is the reason why I continue to impress upon the Chair to expedite the public hearing in his Committee so that we may move on once and for all with this Commission. I recognize Chairwoman Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. I just want to comment on this whole drug testing issue. As a member of PUTC, I want to have all the information before me, before I make any type of decision. When you apply for a job and you take a drug test, it is also, your hiring is conditioned upon passing a drug test. Otherwise, why would we even require a drug test if we would just go ahead and do our work and approve someone without waiting for the results. It would just be ridiculous. So I would definitely want to urge all the nominees to have those, or have the Administration forward the information as soon as possible so that the PUTC Committee can act expeditiously with all the information before it. We have had a recent incident where we would have to go back and reexamine the qualification of an applicant that was already approved in the past because again, the Committee that was tasked to do its job did not do it properly. Let us take any shortcuts. Let us do our jobs right. Let us make sure that all the results of the drug tests are submitted in to the PUTC Committee Chair before we hold any types of approval of these nominations. Thank you.

Speaker Babauta: Thank you. Chairman Dela Cruz, have you in contact with any of the nominees as far as the...

Rep. Dela Cruz: No, Mr. Speaker. I have been in contact with the Administration on the subject matter of the drug test results. Although, I have not heard or received the documents from them.

Rep. Taman: Privilege, Mr. Speaker.

Speaker Babauta: State your privilege.

Rep. Taman: Mr. Speaker, I am kind of lost. I do not know where we are in our Order of Business right now.

Speaker Babauta: Actually, we are discussing GOV. COMM. NO. 15-283. It has to deal with the overall issues of CUC as it pertains to its operation. I recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, on the same Communication from the Governor, the communication from the Secretary of Labor is only requesting for three positions to be filled. However, on the Communication from the Acting Governor to the Presiding Officers of the Legislature, two more positions are added, and that brings it up to six people that would eventually be hired or seven. I am wondering whether whose request the Legislature should honor, whether it be the Governor's request or the Secretary who submits the listing to the Administration. Thank you, Mr. Speaker.

Speaker Babauta: Thank you for your keen observation. Let me recognize Chairwoman Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. I would think that the Secretary of Labor would – since he is the person who is in charge of that particular department would know best as to what their particular needs are. I know that when I worked at the Department of Labor, there were quite a few investigators there...**[End of Tape 1, Side A]**

Rep. Kaipat:...**[Beginning of Tape, Side B]**...part of the effort here is to not only hire replacements, but to make sure that they have the needed staff. I think we are making a really big push to make sure that we get our labor problems in order, and I think that they had really made a significant step in the right direction. I would hope that we can support them to get the staff that they need in these critical positions. Thank you.

Speaker Babauta: I noticed that three of them – I assumed that these are the WIA programs which says trainees. So it could be – Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. In the last session when we had one of the first request for approval of positions that is required under Public Law 15-71, I remembered asking the Chair draft or send a communication to the Governor basically giving sort of a threshold in terms of justification so that we can clearly see whether these positions – and make a decision, whether these positions are indeed essential. This is the same concern that is being raised here today, because those explanations, and proper justifications are absent in some of these request, it leaves us basically blindly looking at these positions without the necessary information to make a decision whether to grant these or not. Granted, the request from the Department of Labor is a lot more definitive to me than the other ones. I commend the Department of Labor for even explaining as to what these positions are, and why he believes these are essential. Unfortunately, we have had other requests that are not as detailed or as informative as to what they entail. That is why we have all these questions and the need for some information. Perhaps, we need to clarify these issues to the Executive Branch or to the Office of the Governor to at least give a minimum explanation and justification as to why we need a trades assistant, why we need a trades technician. I can see a deputy director for water and waste water. Chief financial officer is one of those long outstanding vacant position that is hampering CUC, but without those explanation, we cannot really make an

informal decision, and I think that is what the members are asking for. As far as the Labor Department's request, I am pretty informed as to what it is that...

Speaker Babauta: We should model that, Minority Leader.

Rep. Palacios: Yes, and perhaps the Chair needs to ask the Special Assistant for the Administration to come up with some sort of a format/threshold at least the minimum threshold that we can take a look at so we can expeditiously make our decisions on this, rather than questioning them for specific...for all practical purposes, the request from CUC be probably legitimate. But absent that explanation and justification kind of put us in a position or bad situation to make a decision. I believe that we need to set up a system where the members are well informed as to what it is that we are approving in view of the tight budget that we have. In fact, we put this in the revised 2007 budget as a way of cost containment measure. At the same time, we seem to be just going through this motion of approving these things without any thought to the original intent of the provision. So I believe that we need to communicate this properly to the Administration, Mr. Speaker. Thank you.

Speaker Babauta: Thank you. The Chair would immediately write a letter after the session to the Administration, and hopefully they can model the Department of Labor's letter in requesting for exemption, you know making it formative for the other agencies to follow with a basic explanation as to why we need to fill those positions. Thank you for your concerns on those issue. Any more comment under the Governor's Communication.

Rep. Ada: Privilege, Mr. Speaker.

Speaker Babauta: Under privilege, Representative Ada.

Rep. Ada: I would like to request that GOV. COMM. NO. 15-283 be placed on today's Calendar.

Speaker Babauta: I would not cite you for out of order, but once we get back to the Bill Calendar, I would request that you be considered. I recognize the Minority Leader.

Rep. Palacios: Mr. Speaker, just for the record, I talked to the Deputy Secretary for DCCA who is present today, it is also their request that we include a request for certifications also of several key positions. I have a copy of their request to the Governor. Unfortunately, it has not been certified by the Governor as required. My question here is, can we include DCCA in this House Joint Resolution absent the certification from the Governor? Perhaps the legal counsel can...

Speaker Babauta: Counsel Catlett, can you answer the Minority Leader's request?

Legal Counsel Ian Catlett: *No. The Governor needs to certify that it is critical to the delivery of services.*

Rep. Palacios: Thank you. I would like to ask the Deputy Secretary then to urge the Governor to get this certified before we can act on it. Unfortunately, if we can do that, I was willing to amend the Joint Resolution so that we can put them in.

Speaker Babauta: I was also alluding to that aspect that – I recalled now that there is a section there that the Governor or the Administration needs to certify it, right? Mr. Deputy Secretary, if I were you, why do you not just walk over while we continue to deliberate, and have the Administration certify this right away to the Presiding Officers so once we get to the proper item, the House will consider your request. Thank you, Minority Leader. Any more on item number 5. Let me recognize again the Minority Leader.

Rep. Palacios: I just spoke to the Deputy Secretary, and he said that they are awaiting for that right now as we speak. So perhaps we can defer action on this and see whether we can get it in a few minutes.

Speaker Babauta: Well, we can continue to discuss the other items, and probably by the time we come down to the Resolution Calendar, it should be ready.

Rep. Palacios: Thank you, Mr. Speaker.

Speaker Babauta: Let us move down to item number 7.

## **SENATE COMMUNICATIONS**

None

## **HOUSE COMMUNICATIONS**

The Chair recognized Chairwoman Kaipat.

Rep. Kaipat: I would like to ask the indulgence of the members. My members, last Thursday, July 12<sup>th</sup>, the Saipan Chamber of Commerce invited all the lawmakers to attend the Memorial Service of H. B. NO.15-38. As you know, we had debated this bill extensively on this floor. It took well over a year for this bill to come to the floor. Many people in the community as well as members of the Labor Task Force, and the JGO Committee worked very hard to make sure that we arrived at a good compromise, given all the competing interest, making sure that we are not putting forth a bill that only advocates for one special interest group. I feel very proud of the work that we all did. I do not recall ever working so hard on any one bill. The House Legal Counsel, Ian Catlett worked very hard on this bill, Antonette Villagomez also pitched in and also helped, and so many others, House and Senate who also cared enough to attend the Task Force meetings to be able to contribute, and after we managed to put this Task Force together and worked on this bill, which I might point out that the Federal Ombudsman, Jim Benedetto was also part of this, as well as the Saipan Chamber of Commerce, Alex Sablan who is also a member of this Task Force, and other private attorneys as well as the Department of Labor had been involved. And after very careful work on this piece of legislation, as you recalled, we actually invited the House and Senate members and we put together a slight presentation to bring all the members up to speed on where we stand with all the proposed amendments, we did take a lot of those input into consideration, implemented them in the bill. We also held a public hearing in this Chamber, and invited the community to come and give their input. I was also invited by SHRM to go to PIC and to face my critics about this bill. We gave them a slight presentation, and we answered their questions. Prior to the public hearing, I know that not everyone may be aware of this, but this Committee, the members of the Task Force, has been very receptive in working with members of this Committee and the community including HANMI,

Chamber of Commerce, and anyone else who wanted to comment on this bill. And prior to the public hearing, we received an invitation by the Saipan Chamber of Commerce to meet with them, and we did meet with them to address their concerns. They expressed to us that they wanted to make sure that we knew what those concerns were so that they would not have to come to the public hearing and air those concerns here. As it turned out, they went back on their word, and they still showed up at the public hearing and trashed the bill, and Lynn Knight, the President of HANMI, asked the Committee to wait until the job study report came out. We did. We waited for that report to come out, and it was implemented within one week into the regulations. There was a lot of things that were said in the public hearing that was also submitted in writing, and we did take those concerns under consideration, and after the public hearing, we still went ahead and met with them, and worked with them, and made a lot of concessions. I was promised that as a result of their renegeing on their word to not come to the public hearing and trashed the bill the way they did, that I would be given a letter of support, and that letter of support was the same letter that I had transmitted with my email to all the members dated July 12<sup>th</sup>. That was the day of the Chamber meeting, and as I explained in that email, I expressed that I did not plan to go to the Chamber meeting because I felt that was a big insult not only to me, but to all the Committee members, the Task Force members, and every person who had in good faith spend well over a year to work on this bill, and to have a public hearing to take comments and incorporate them, and to continue to be attacked in public, and then to have the audacity to have the wrong forum and invite us there so they could stand up there and tell us how bad the Labor Reform Bill is. The reason why I am asking for your indulgence today is because when I transmitted my explanation to all of you and to the Senate members, I attached with that explanation a draft copy that was drafted by Maya Kara, and that draft letter was supposed to be the letter that was promised to be given to me as a letter of support. Yet, it is very interesting because even though they drafted this letter of support that said all these great things about this bill, and acknowledged all the good faith effort that the Committee did to work with the Chamber and HANMI, yet, whenever they came out publicly, you could not even find a single good thing – they cannot even find a single good thing to say about this bill, and my frustration my members in this, is the fact that there was so much one sided reporting of this bill, even by the local media. I am not saying that all of them have been one sided. One newspaper in particular, the Variety boycotted everything I send them. They would not print it, and that to me, is not free press. That to me is a very bias press. Why do we not put all the information out and let the people decide for themselves. There are so much confusion that was being spread about this bill and how bad it is. Nothing good was being put out there. I tried my best to get some information out by email, and to talk to people, and I even put it on my BLOG, but most people read the newspapers, and that is what points out the danger in this, is that in reality, we really do not have free press. I want to point out that at least where the Tribune is concerned, they printed my latest letter, and I am very grateful for that. The thing that I wanted to point out is that in sharing the draft letter, it was a no way my attempt to embarrass Maya Kara, but it was necessary for me to exposed the hypocrisy that has been stifling and strangling good legislation. Why was the Chamber playing both sides? They were able to recognize all the good things that the Committee had done to accommodate the tourism industry, but yet, when they come out publicly, they would say only negative things. We have to understand that as elected officials, we cannot legislate in a vacuum. We have to represent all of our constituents. We cannot just be Representatives of the business sector. We have to look at all the competing interest, and I am proud of this bill. I am proud of all of you who have recognized a good bill when you see it. I would like to say that I wholeheartedly disagree with the email that Maya Kara disseminated to everyone attacking me personally about sharing this draft letter. I recognized that they were going to come back and say that the draft letter was not an official communication from

the Chamber of Commerce, but they reneged on the official letter that I was promised, but the draft letter, I assured you, it was seen by Juan Pan Guerrero. He saw this letter. But for Maya to send this letter out and accused me of trying to discredit the Chamber because I am politically embarrassed by the Chamber's failure to support my bill is such a gross exaggeration. What have I got to be embarrassed about politically? Embarrassed? This bill passed in the House. Thanks to all of you. I did my part. We all did our part. We all acted responsibly, and then she accuses me of not having the courage of my convictions to show up and face my critics. Why would I show up at the Chamber forum? I faced them in these halls, in this Chamber when we held the public hearing. I went to the PIC and face my so-called critics at the Society of Human Resources meeting. I stood up, and I answered the questions, where was she? She was here when we held the public hearing here, and for her to accuse me of being a coward, and for Juan Pan to come out publicly and say that we are all cowards because we refused to participate in the hypocrisy. Why would we want to waste our time doing that? I appreciate the support from you members who have expressed to me that you were outraged by this game playing. We do not have the luxury to play games. Last time I looked, people were suffering, and the Chamber, the same group of people who contributed to the ridiculous laws that we have here, by pressuring the Legislature to amend our laws, and who gets blamed for that? The people get blamed for that. It is our people that suffer. Do you think that the outside world cares that it is one group – when they attack and they give the CNMI a black eye, all of us are painted with that broad stroke. So I think it is ridiculous of these people to just look at what is in front of them and say that is the only picture that is important. We all need to bare in mind, as I said that all of us who are sitting up here, and have the privilege to sit in these chairs were put in here by business people as well as the average guy on the street. We should not forget that we represent all the voices, not just one segment. Unless they start saying that I do not support the business community, nothing could be farther from the truth, but the thing is that, we have to balance. As a parent, you have to balance the wants and needs of your family. We are given this privilege to sit here and weigh the scales and balance things out. And yes, it would be a lot easier for the business community if we just gave them everything that they want, but is that necessarily the right thing to do? I do not think so. So I continue to invite the business community to work with the Legislature and make sure that we all survive together. There are confusions out there as to where I stand in terms of nonresident workers or foreign national workers. I worked as a reformer Labor Hearing Officer for many years before I came here. Nobody here has seen what I saw, and when I sat down to draft this bill up, I made sure that the loopholes that allowed for a lot of our labor problems, allowed for the circumvention of our laws, the loopholes were closed. There is so much that is written up about victimizations of foreign national workers here in the Commonwealth, and yet, there is hardly any balance about the victimization of the Commonwealth itself and the people. You should go down and take a look at the files and see how many scams, how many jobs have not gone to our people because they have not been advertised or other people who are taking businesses away from their employers, because they are operating illegal businesses on the side. There are so many things that are ongoing, sponsorships. Every time you see a group of people complaining, their employer has abandoned them, they had hung around for months and not report it. Why? If you are supposed to be employed in a legitimate employment, why wait so many months to complain, and get relieved? Yet, when the headlines come out, it is always – the people, the same people who perpetrate the same scams are portrait as victims. Well, I am here to say that we need to do a better job with speaking up for the Commonwealth. I am sick and tired of the label that has been placed on our people that we are untrainable, that we are lazy, and that we are unemployable. I object that. As I said, with the proper training of our people, I believe that we can overcome a lot of these problems, and put our people to work. Again members, I thank you for your patience and indulgence.

Speaker Babauta: Thank you, Chairwoman. As the Speaker of this House, I continue to publicly express my support to each and every member. Whatever convictions that you have individually as you place your decision on any measures, as the Chair of this body, I continue to respect that authority that you impress upon any actions that every members makes, and that has been my bible since we got inaugurated. Let me recognize Representative Torres.

Rep. Torres: Mr. Speaker and members, I have extend my support to Chairwoman Kaipat earlier, but I decided to make it – for the record, I rise in support of my colleague, Representative Kaipat for her hard work, and a good job well done for the bill that we passed earlier on the Labor Bill. I stand against all the critics out there or anybody that criticize her work. Thank you, Representative Kaipat for the hard work.

The Chair recognized Representative Taman.

Rep. Taman: Thank you, Mr. Speaker. I really like the humor that Representative Kaipat put in her opening statement when she said that we were invited to attend the Memorial Service of H. B. NO. 15-38. I also like to say that we are about to be invited to participate in the resurrection of H. L. I. NO. 15-7. This is all about balancing the business interest and our community. We have catered to the business interest. We have accommodates them for the longest time, and where are our people right now? Everybody comes, they make their millions, and then they pack up and leave. Right now, we are arguing against each other – the Saipan Chamber of Commerce – our people that are supposed to represent not only the business interest, but what happen to the social impact of all these things, and I want to assure Representative Kaipat that if indeed that H. B. NO. 15-38 went under the ground; I will fight to resurrect that bill. Thank you.

The Chair recognized the Vice Speaker.

Vice Speaker Quitugua: Thank you, Mr. Speaker. Mr. Speaker, we are learning our lessons the hard way. The previous legislature enacted a law that grants a gradual increase in the minimum wage, and if that statute is still in the books, many of our locals will be employed in the private sectors, and we will not have the Federal Government come in and impose the minimum wage on us. There are several House bills were introduced to increase the minimum wage, however, there were oppositions from the private sectors and some agencies in our government. Those are indications that perhaps we need an outside agency like the federal government to come in and remind us of our obligations to ensure that our people are employed in the CNMI, and to ensure that gradual reduction of the nonresident work force would eventually, if not phase out, but would tremendously reduced. Mr. Speaker, the killing of the statute to gradually increase the minimum wage as a result of businesses lobbying in the legislature to kill that law because it is bad for business. Now, the federal government is saying, we will give it to you whether it is bad for business, or good for business, we had given you an opportunity to address those concerns, but you failed to address those concerns. Mr. Speaker, the enactment of Public Law 3-66 in my opinion, is one of the best laws that was enacted by the CNMI Legislature. The four years stay limit – everything was good and in order until the businesses again lobbied to repeal that section of Public Law 3-66, and opened the door for more nonresident workers. Again, the businesses come in and said, we want transfers of employees. The legislature again went ahead and amended Public Law 3-66, and allowed transfers of employees. Now, we are seeing problems that were created by amending those good provisions under Public

Law 3-66. Now, another hard lesson that we are going to learn here in the CNMI because the federal government is working in Washington D.C. to tell us that, you had many, many years of opportunity to take care of the Immigration problem, and you did not take that opportunity. We are doing it for you, and we will come to the CNMI and do the Immigration for you. Now the businesses do not like it. They would rather enjoy the open doors that are provided for them, but the federal government has been warning us that, do what you need to do to ensure that your people are protected, and do not become minorities on their own plan. Mr. Speaker, *na pinite esti sa ta nahi chansa i businesses para ufan mama' salape. Buente ti ta li'e esti anai ta nahi chansa, fino manamko, tana halom hao gi pettan kusina, malago-mu na para un hananao-ha halom gi apusentu ya para un chuli ha lokkue i apusentu. Estague pago manmasusedi guine gi tano-ta. Esta mampos bula taotao ni chumachanda hit guine nai taotao esti na lugat. Esta tisiña hit manma nahi chansa, eyu ha i manma sangangani hit, taimano ilekña si Representative Kaipat, man gagu hit na taotao guis. Lao yanggen ma atan tatti, anai ti ma bababa esti siha na pota, hita mas man brabu sa taya tana hahalom taotao hiyong. Un atan i mañaina-ta, man brabun taotao guis hit. Man la'la hit. Fino eyu i nai, Mr. Speaker, i research ilekña na businesses make government, and business break government. Pues guiya esti nai ni ta nahi chansa para u adulanta siha, ya ilek-ta na para u adilanta hit lokkue. Lao fana'an man lachi hit anai ta nahi siha mampos chansa sa pago ti hita man benefifisio. Meggai na taotao-ta esta man hanao yan guaha siha para ufan hanao sa esta ma siente na esta atrasao para ta aregla i tanota. Lao hita guine ni man gaige, ta chaggi taimano ni siña ta aregla i tanota ya tana adilanta i tanota. Lao i Federat ha tatitiyi hit, an tisiña in aregla hamyo, tisiña in aregla i gima miyo, bai in areglayi hamyo sa guaha Federat ni siña ha chogue hafa i tisiña ta chogue. Mr. Speaker, hu nanahi un dankulo na Si Yu'us Ma'ase todo i membron esti na guma sa in spite of the criticism ni man huhuyong ginen i business, ma li'e na uno ha ni mas dinanche na manera is to aregla iyota labor law. Eyague tasangangani i Federat ni man matu guine gi finenina na gurupo, tasangani siha na nahi ham chansa sa esta in areregla. Kadda un atan i testimony ni ma presinta gi U.S. Congress ilelekña na H. B. NO. 15-38. Nahi hami chansa sa kumo in pasa esti, estague para uninaregla. Pago, ni i Federat esta ti ma hongge hit, kao manmagahit i finota pat ti magagahit. Eyague ha iyota Governor na humano para Washington D.C. para ufan lobby lao i finaton niha guatu, ma aksepta sa manma kombida. Lao tatataitai i gaseta na ti manma ekungok hafa finaisen niniha. Esta ha i Federat ilek niha na, bai in nahi hamyo ni esti, ya bai inaregla i tano miyo sa esta i tiempo anaku. Ya en'lugat ni in aregla hamyo, mas man tai areglu hamyo. I Federat debi di ta atan, Mr. Speaker, manma asi ni taotao tano. Sigi ha di manma remind hit year after year na siempre hamyo man Minority i tano miyo. Train i taotao miyo, famaguon miyo, ya in reduce esti ginen hiyong siha na emplyao. Mr. Speaker, kulan dididi atrasao para ta aregla i guma-ta sa esta i Federat ti'u tulaika hinasoña na para u nahi hit para ta aregla talo i guma-ta talo un biahi. Mr. Speaker, guaha nai ha chu'ot yu yanggen hu hungok eyu gi san hiyong na man gagu hit na taotao guis. Tisiña hit manma train. Ti hu tungo' pot kao manma doru hit pat i man gagota na tisiña hit manma train. I ma' propose na federal legislation, ilelekña na para u...[End of Tape 1, Side B]*

Vice Speaker Quitugua:...**[Beginning of Tape 2, Side A]**...*i taotao hiyong guine giya Marianas. Ya hopefully, Mr. Speaker, i Administration u huyong lokkue ya u difendi esti na legislation sa guaha gi siha, meggai na provision ginen i Administration. Siha mu request na ta amenda eyu siha na provision kosaki siña ta aregla iyota labor yan immigration. Lao anai mattu ya duru manma criticize, ni uno malagu dumufiende eyu na bill. Hita ha guine gi legislature pot ni hita ha pumas. Mr. Speaker, ti hu tungo kao yanggen ma pass esti gi Senate, u atrasao pat sino yanggen ma pass siña ha nahi hit chansa i Federat para ta areglan maisa hit. Lao sigun gi hinananao-ña i Federat, kulan taya esta chansa para hita. Mr. Speaker, estague ileksion esti ni makakat ya i famaguon-ta*

*esti para u carry on. Kumo tita atan esti na ileksion, adahi na in the future u halom i Federat talo ya u halok, bai in take over iyon miyo Revenue and Taxation sa ti in aregregla hamyo, and we are going to impose IRS. Estague, Mr. Speaker, na hana faniente yu anai hu a'atan esti siha na Communication gi email yan i newspaper sa ta keke aregla, ta keke nahi oportunidad i taotao-ta guine giya Marianas lao kadda guaha minaolek ya ta laknos huyong, manma ataka hit. Hu tungo ha na todudu i membros guine na guma man pinete ni famaguon-ta yan i taotao-ta ya u nanahi hamyo dankulo na agradesimento yan Si Yu'us Ma'ase.*

Speaker Babauta: Thank you, Vice Speaker. Chairwoman Kaipat, would you care that email to the members at a later time.

Rep. Kaipat: Yes, Mr. Speaker.

The Chair recognized the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. I too, Mr. Speaker, I have been disturbed by the endless negative publicities, editorials, and opinions that we are being perpetrated or perpetuated out in our community regarding this Reform Legislation. Let me be clear, there are many people in our community – the average people, the average mother, average father, young graduates from high school that cannot find work. Their sentiments are reflected in this legislation. This is a keen, and it has been a pattern of our business community to begin to shape public policies that only serve their purpose at the expense of every member of this community. This has been a pattern for not a couple of years, but this has been a pattern for couple of decades since the inception of the Commonwealth. We had one of the biggest industry, a billion dollar industry in the Commonwealth that came into existence since the 80's. Somehow, those policies – that we were only getting \$80 Million dollars in revenue out of this \$1 Billion dollars industry a year. This is an annual income for this industry, why? We allowed this business community to shape the public policies of those pass. We made a big mistake on that. If I was to go back, I would have moved also for increase in User Fee. The 9<sup>th</sup> Legislature rolled back the minimum wage. This was at .25 cents a year annual increase, and we rolled it back at the – and urging, and the powers of our business community. Why? It was so that their bottom line would be protected. We allowed them to shape this public policy. We have attempted on many occasions since the 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, and even today in the 15<sup>th</sup> Legislature to deal with the minimum wage issue. Under a lot of pressure from our business, some say that we are some of the dumbest legislators because we are trying to rectify a bad situation. It took the U.S. Congress to do our job. Of course, our business community was again completely opposed to raising the minimum wage. H. B. NO. 15-38 includes a stay limit legislation of three years. Let me illustrate hypocrisy, because we are talking about that. For all nonresident workers, for the purpose basically is because we would not give away entitlements for permanent residencies or citizenship. Even the United States Government has that provision in its law. They were against that. Why, because it was inconvenient for them. Basically, it is inconvenient. We used to have this in our laws where every employee has to leave the CNMI every year, and then come back. But again, we were relented and allowed our business community to shape that public policy and abandoned that thought. They were opposed to this, and yet, they did not see the merits of it, and the reasoning for it, yet, when they went to Congress, they lobbied against the federalization of our immigration system sighting that they do not want to give these nonresident employees a better immigration status. That is hypocrisy in policy, and we have really allowed them to shape us. Yes, we are subjected to criticism, and I empathize with Chairwoman Kaipat for being subjected to such a

widespread criticism, sometimes uncalled for. It is really our obligation as elected officials to rise above these criticisms, and do what is good and what is right for the Commonwealth. I know that in so doing, sometimes we tend to fear the repercussion, but really, we should not be afraid of that, and if the political tide turns against us individually and collectively, and we get voted out of this office because we did the right thing, I think that when we leave, we leave with a clear conscience. That is all what we can ask of ourselves. Thank you, Mr. Speaker.

Speaker Babauta: It looks like we have a very good discussion on item number 7. I too would like to indulge a little bit, but in the interest of time, I would like to accommodate the staff of not only our staff in our office, but primarily the Bureau, but before we break for lunch, can I just request the indulgence of the members to place these items on the Calendar on suspension motion, and once we come back, we will start rolling the bills. Okay. Let us move down to item number 12.

#### **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. 15-72**: Reporting on **H. B. No. 15-274** entitled, "To limit greenhouse gas emissions; and for other purposes." *Your Committee on Health, Education and welfare recommends passage of the bill.*

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, for the suspension motion to suspend pertinent rules to place S. C. R. NO. 15 -72 on the Bill Calendar for action.

The suspension motion was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. Let us move down to item number 15.

#### **REPORTS OF SPECIAL AND CONFERENCE COMMITTEES**

None

#### **UNFINISHED BUSINESS**

None

## RESOLUTION CALENDAR

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, to suspend pertinent House rules for the placement and adoption of H. R. NO. 15-138, H. J. R. No. 15-26, H. J. R. No. 15-27.

The suspension motion was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. Now, let us move down to item number 16.

## BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Florencio Deleon Guerrero: So moved, Mr. Speaker, to suspend pertinent rules for the placement of H. B. NO. 15-283, H. B. NO. 15-284, H. B. NO. 15-285, H. B. NO. 15-286, H. B. NO. 15-287, H. B. NO. 15-274, and H. L. I. NO. 15-20.

The suspension motion was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. At this time, we will recess for lunch until 1:30 p.m.

The House recessed for lunch at 12:03 p.m.

## RECESS

The House reconvened at 1:55 p.m.

Speaker Babauta: We are back to our plenary session, without objection, can we go back to item number 3. Without objection, I want to appoint a temporary assignment for the Floor Leader pro tem.

There was no objection.

## INTRODUCTION OF BILLS

H. B. NO. 15-288: A Bill for an Act to waive the exemption fee charged by the Department of Labor for the hiring of new nonresident workers by new major tourist oriented developments; and for other purposes.

Offered by: Rep. Edwin P. Aldan

H. B. NO.15-289: A Bill for an Act to establish an advisory commission on land ownership in the Commonwealth; and for other purposes.

Offered by: Rep. Arnold I. Palacios

Speaker Babauta: We will go back to item number 12 under Reports of Standing Committee.

## REPORTS OF STANDING COMMITTEES

The Chair recognized the Acting Floor Leader.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the adoption of S. C. R. NO. 15-72 in referenced to H. B. NO. 15-274.

The adoption motion was seconded.

**S. C. R. NO. 15-72**: Reporting on **H. B. NO. 15-274** entitled, “To limit greenhouse gas emissions; and for other purposes.” *Your Committee on Health, Education and welfare recommends passage of the bill.*

Rep. Tenorio: Clarification, Mr. Speaker.

Speaker Babauta: State your point.

Rep. Tenorio: Mr. Speaker, if we adopt the Committee Report, are we not adopting the bill also?

Speaker Babauta: No.

Rep. Tenorio: I just want to clarify.

Speaker Babauta: It is only the Committee Report. The Bill will be deliberated under the Bill Calendar.

Rep. Tenorio: Thank you.

There being no further discussion, the motion to adopt S. C. R. NO. 15-72 was carried by voice vote.

Speaker Babauta: The motion is carried.

Rep. Tenorio: Clarification, Mr. Speaker.

Speaker Babauta: State your point.

Rep. Tenorio: Mr. Speaker, when you read the Committee Report, they recommend passage of the bill. So that means...

Speaker Babauta: It means that the House would look at the Bill Calendar and members still have the opportunity to further enhance...

Rep. Tenorio: The only reason why I ask is because on several occasions, when we did this, we are adopting also the bill. So I just want clarification, thank you.

Speaker Babauta: For the record, it will be finalized on the Bill Calendar.

Rep. Tenorio: It is not that I am against the bill or anything.

Speaker Babauta: I understand your point. Thank you.

### **RESOLUTION CALENDAR**

The Chair recognized the Floor Leader.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the adoption of H. R. NO. 15-138.

**H. R. NO. 15-138**: A House Resolution to recognize and congratulate the Kagman Little Aztecs Baseball Team for the outstanding performance during the 2007 Saipan Little League Baseball Season.

The adoption motion was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. Without objection, may I ask the members to place my letter to the Governor under House Communication?

There was no objection.

### **HOUSE COMMUNICATIONS**

HSE. COMM. NO. 15-36: Regarding vacant position of Representative Taman's office.

HSE. COMM. NO. 15-37: A letter from the Speaker of the House of Representative to the Governor.

HSE. COMM. NO. 15-38: From Representative Kaipat regarding H. B. NO. 15-38.

HSE. COMM. NO. 15-39: From Representative Yumul regarding the Office of the Public Auditor's decision.

Rep. Ada: Privilege, Mr. Speaker.

Speaker Babauta: Under privilege, I recognize Representative Ada.

Rep. Ada: Mr. Speaker, I also have a House Communication to the Governor.

Speaker Babauta: Can you have copies made available to the members.

Rep. Kaipat: Clarification, Mr. Speaker.

Speaker Babauta: State your point of clarification.

Rep. Kaipat: Earlier, the members requested copies of the communication, and can I also get a number.

Speaker Babauta: Without objection, we will allow the Communication that would be shared by Chairwoman Kaipat regarding the email communications as she explained under the House Communication.

There was no objection.

Speaker Babauta: So ordered. I now recognize the Minority Leader.

Rep. Palacios: Mr. Speaker, I also have a House Communication from several of the members...

Speaker Babauta: Yes.

Rep. Palacios: Has this been inserted for the record?

Speaker Babauta: Yes. In fact, I explained to Representative Torres this morning that the original was with the counsel drafting a letter for my signature to the administration. Clerk, take note that the memo from Representative Torres and the other concerned members of this House would be included in the Communication.

Rep. Torres: Mr. Speaker.

Speaker Babauta: I recognize, Representative Torres.

Rep. Torres: May I correct that, Mr. Speaker. It is not from me. It is from the magnificent seven plus one minorities.

Speaker Babauta: To clarify further, it is officially solid five.

Rep. Torres: Mr. Speaker, I will be submitting later of my House Communication so that it will appear in the next session regarding retainer agreement from the Attorney General hiring Sean P. Lynch, a former assistant attorney general for two separate contracts, one for 180 days for a total of \$30,000.00 and an earlier contract for 90 days for about \$20,000.00 to do just what he is been doing. I understand that he is in Alaska now. I suspect that Mr. Lynch worked this out and wrote himself a scope of work so that he would get \$50,000.00 for a work of 5 months. Why do we not hire him back permanently and do this job? The other issue that I want to bring up – maybe some members would bring up the – any member who wants to back me up on this one? An employee of a former employee of CMS who became an investor here, and approving his employment himself – I guess it is a violation of our labor and investment rule. He incorporated his own company, and his sister is still employed by their company...

The Chair recognized the Minority Leader.

Rep. Palacios: That particular issue that Representative Torres is saying is an example of the circumvention that we continue to see of the nonresident workers owning businesses in the Commonwealth while they are also nonresident workers. I believe that the legislation is on the Calendar, and it is my hope that we get through to that piece of legislation, and take a look at it.

What Representative Torres is alluding to is an example of just how some of these nonresident workers are circumventing our laws.

Speaker Babauta: Representative Torres, you may submit that at a later time if you wish to indulge the members who are interested.

Rep. Torres: I have two more, Mr. Speaker.

Speaker Babauta: You may proceed.

Rep. Torres: Mr. Speaker, the other issue about the Assistant Attorney General Mike Neosperos. I am inquiring now whether he is hired to coordinate the legalization of marijuana here in the CNMI. It is in the Variety this morning that he coordinated – he is the contact person in the Attorney General. Another matter that concerns the DPS – a person by the name of Ella Terry, a 52 year old rumored and believed to be a niece or an aunt of the present DPS Commissioner, Rebecca Warfield who is hired in February for over \$30,000.00, and she is now in St. Louis, Missouri, attending a Highway Safety and Traffic Conference, but the funny thing is that she has 18 counts of traffic violation in her police record in her state and is good for conference. Why did Rebecca not send the patrol director or traffic director to attend such a conference? She only came on board like three months only and she was hired by the DPS Commissioner because she may be an aunt or a niece with all those funny police records. No wonder why the policemen are so demoralized to know that this person is hired for \$38,000.00 when they do not have money for the gas to patrol our villages, and not enough money to pay their over time. It is very dishearten to find out that a new – and she is not even a lawyer too. She is classified as a paralegal assistant. I suspect that she is the aunt of Rebecca because she is 55 years old, and Rebecca is only 32 years old.

Speaker Babauta: How do you know that?

Rep. Torres: I have her birth certificate, and the Commissioner's date of birth. She is born on 1970, and this girl was born on December 1955. So that makes it 30 years different, right? I am putting this in writing, Mr. Speaker.

Speaker Babauta: I am pretty much interested on the 18 traffic citations. I recognized Chairwoman Kaipat.

Rep. Kaipat: Perhaps, I might be able to offer some enlightenment on this particular hiring, because I did had an opportunity to meet with the Commissioner, and I also met Ms. Terry. For the record, you do not have to be a lawyer to be a paralegal, and that was what was explained to me that Ms. Terry's role is to be a legal assistant, and she is also working on helping DPS to regulate the driving school that we actually mandated them to have when we pass out driver's education. So she is helping the Commissioner to implement regulations, research them, and so her attending that traffic school is part of their effort to make sure that they come up with good laws and regulations that are necessary. That is my explanation on that.

Speaker Babauta: Let us not debate on the House Communication, but just share information. Let me recognize Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. I have two Communications. One is from Ms. Dianne Torres who is in Washington State. She is asking for help regarding her health insurance which is under the CNMI HPMR. They deducted her premiums, and when she had claims in Washington, they have not come and paid. She had spoken to Ms. Dolores Moore, who had told her that the checks have been promised, but that there is no money, and that she is requesting if we could figure out what is going on with HPMR, and if there is some way of providing assistance to this person. I would like to hand this letter off to someone who is appropriate in the area, maybe perhaps, HEW Chairman. My second one, Mr. Speaker, is from the Office of the Public Auditor. There is an appeal number BPA-052 in regards to the appeal of Telesource which eventually led to the cancellation of the RFP for the invitation to apply for prequalification and prequalification requirement proposals, basically, the privatization of the CNMI's power business pursuant to their order. I would like to make a motion to have this adopted. I believe – based on what I have been reading in the papers and the media is that Pamela Mathis and also the A.G. Matt Gregory are trying to poke holes in this thinking that they can avoid this decision or try to circumvent this decision. If there is no objection, I would like to have the members receive a copy of this, and then if we can act on it in whatever appropriate way such as an adoption or a resolution.

Speaker Babauta: Please provide the members copies of that so that we can figure out what is the best avenue to...

Rep. Torres: Point of clarification.

Speaker Babauta: State your point of clarification, Representative Torres.

Rep. Torres: Can you ask Representative Yumul to kindly repeat that part where he says about Pamela Mathis and the Attorney General is trying to circumvent the cancellation of the RFP?

Rep. Yumul: No, if I may, Mr. Speaker. From the news media that I read and watched on T.V., it would seem that CUC and the Attorney General's Office is taking this decision as an advisement of sorts, and they will come up with their own conclusions. I am weary about that type of statements being put out to the media that they are not taking this decision seriously.

Rep. Taman: Privilege, Mr. Speaker.

Speaker Babauta: State your privilege, Representative Taman.

Rep. Taman: That email that was addressed to Representative Kaipat, has it been passed around yet?

Speaker Babauta: Clerk, please have that passed, and number it under House Communication since we are receiving that from a member. Okay. Without objection, we will continue down to item number 15, but before that, let me just ask for a short recess.

The House recessed at 2:18 p.m.

**RECESS**

The House reconvened at 2:19 p.m.

Speaker Babauta: We are back to our plenary session, and we will continue our Agenda under item number 15.

## **RESOLUTION CALENDAR**

The Chair recognized the Floor Leader.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the adoption of H. J. R. No. 15-26.

**H. J. R. No. 15-26**: A House Joint Resolution to approve the request of the Executive Branch to hire employees certified as very critical to the delivery of essential services under Public Law 15-28 as amended by Public Law 15-71, Section 2(d)(1)(C).

Speaker Babauta: Discussion. Representative Yumul, recognized.

Rep. Yumul: Mr. Speaker, I know that we were discussing this earlier with the Governor's Communication on the request for hiring CUC, and also the Department of Labor, I am concerned about what the Vice Speaker was talking about with regards to the Department of Labor where the Secretary of Labor had only asked for 2 positions, I believe, but the other three positions were not asked for. So I would kindly like clarification on that. Second, the CUC request, I think we can see based on the information here that to comply with EPA, we are really looking at the laboratory technician and the laboratory supervisor, page 2, lines 4 and 5, and all the others are – I do not believe are part of that EPA mandate. My biggest concern with this is if it is going to impact CUC with regards to rates, and if we are going to see another rate increase. Otherwise, I do not have any objections to this resolution. Thank you.

Speaker Babauta: I guess not only EPA, but Representative Guerrero mentioned earlier about the O&M Agreement, but let me – I thought that we disposed of that issue with the Labor when Representative Kaipat mentioned something about those positions. Let me recognize Representative Kaipat or the Vice Speaker.

Rep. Yumul: Yes, my apologies, Mr. Speaker, I did not catch that one if it was a request.

Speaker Babauta: The issue was brought up earlier by Representative Tenorio so I allowed discussion on that particular communication. So if you want otherwise, you want to get an answer?

Rep. Yumul: Well, I believe that the Vice Speaker...

Speaker Babauta: He indicated the rationale – the departments request versus the submission of the Acting Governor to the Legislature. You want to yield for now?

Rep. Yumul: Yes, Mr. Speaker.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Mr. Speaker, I brought up the – when we were discussing this, I was concerned about the fiscal impact on the positions that are requested for. It was my understanding that we would refer this to the Chairman of the Committee on PUTC to look at this and follow it up by writing a letter to them. So what would be the affect of us approving this or adopting this Resolution without the further?

Speaker Babauta: I was under the impression that you wanted to get fiscal impact information with respect to the request that was made by those respective agencies. I verbally asked the Chair to do just that and get the dollar value of what you are requesting. I had the impression that this positions are presently budgeted, and as they indicated in the letter that they were in the midst of the papers being processed that were caught in between as a result of the enactment of Public Law 15-71. Also to the extend that they are required to comply with the O&M, and EPA Agreement. I do not know what that agreement is between CUC and its federal agencies. Continue, Representative Tenorio.

Rep. Tenorio: Still, Mr. Speaker, I was under the impression that we do not take action on this until we hear from the Chairman as to what are we looking at, or what are we getting ourselves into? I mean, it would be premature...

Speaker Babauta: The Chair would continue to assure you that you will get that fiscal impact information.

Rep. Tenorio: I understand, but do you not think that it is premature for us to act on this resolution not knowing what we are getting ourselves into.

Speaker Babauta: Well, the Minority Leader brought up a very good point at the earlier stage of our discussion with all these issues as a result of our actions on Public Law 15-71. We have given ourselves the authority to do just that which is – and I share the concern of the Minority Leader which is to write a letter to the administration basically to request a uniformity of exemptions on why, when and what these positions are needed for. So the Chair is crafting now a letter to the administration to have a uniformed exemption request to the legislature similar to what DOLI have indicated in their request.

Rep. Tenorio: That still does not answer my question, Mr. Speaker.

Speaker Babauta: I understand what you are alluding to...

Rep. Tenorio: We are approving the request of the...

Speaker Babauta:...as other request that we are did before.

Rep. Tenorio: But what are we approving when we do not even know what we are approving? That is exactly what I am trying to get at, and this is due as a result of Public Law 15-71, which we all agreed that it is important that the administration advise both Houses in terms of new hire. That is exactly what they are doing, and now we are approving something that we do not know. That is what I am saying. Does anybody know a labor enforcement trainee which needed 3 positions, and what is the budgeted amount? Do they know? You have over 20 positions – I am not against any of this, but I am merely saying, Mr. Speaker, let us be responsible for our action, and decide bills or

whatever resolutions with the information in front of us. If something so happens that this would impact the salary of CUC to an extent where they need to increase for another penny, are we acting responsibly?

Speaker Babauta: I do not think so.

Rep. Tenorio: Well, you do not know, and I do not know.

Speaker Babauta: I do not want to bring each member into something that would compel any agency to – let me just recognize the Minority Leader.

Rep. Tenorio: Can I just say something before I give up, Mr. Speaker.

Speaker Babauta: You may proceed.

Rep. Tenorio: I am merely saying that we enacted Public Law 15-71 for the reason that we want to know what is going on. Now, we are approving something which is exactly the contrary. That is my point. If this comes to a vote, I will vote no on this not because these people are requesting this in this manner, but because I do not know what I am voting for, simple as that. Thank you.

The Chair recognized the Minority Leader.

Rep. Palacios: You know, those points that Representative Tenorio is making are very valid points. During the discussions earlier, we pointed out that it is important that we are appraised of what these are in a much more detailed manner. As far as the Department of Labor, they actually laid out much more information to us in their letter attached. The Secretary of Labor actually gave us even the cost of these positions that they are trying to get approved. It is the Commonwealth Utilities Corporation's letter that is a little bit short of the necessary information that you required which are the fiscal impact, and the proper justification. So, I understand your position Representative Tenorio in terms of your vote if you are not going to vote to approve it, but I think that the Department of Labor met that justification. Thank you.

The Chair recognized Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker. Probably, I did not do a good job earlier today of trying to explain what is going on with Public Law 15-71.

Speaker Babauta: The Speaker listened carefully on your comment.

Rep. Joseph Deleon Guerrero: At this point of time, I can understand where Representative Tenorio is coming from, but at this point of time, we had already kind of agreed that the way we are going to remedy this situation – remedy the fact that when we included language in what is now Public Law 15-71, when we included language saying that any new hires would have to be approved by the Legislature, we were not clear...**[End of Tape 2, Side A]**

Rep. Joseph Deleon Guerrero:...**[Beginning of Tape 2, Side B]**...we said was that, the Legislature that they should submit a request and that we shall approve it. I think now, we have clarified that

through the recommendation of Representative Palacios to write a letter from the Speaker to the Governor to let them know exactly what it is that we would like to see. So, from this point forward, once that letter goes out, we should be getting consistent information in terms of what kind of justification we are asking for. For now, I do not think that we can blame either the executive branch or the agencies. Some of them did try to provide some justification. The Commonwealth Utilities Corporation did try to some extent. They said that some of these positions are critical from federal agencies stand in point. So they did try. We did not ask for a fiscal impact. So all I am asking I guess is that, the next time a request come in, yes, we should expect that they complete it with what we are asking for, but for now – if you look at even CUC, it does not – a lot of those positions are very specific and very technical. It does not look that these are political hires. They are very specific. Secondly, in terms of – would CUC raise their rates by one penny because they hired these new people, the only as I understand in terms of the electric rates, the only area that they can raise and allows for flexibility in raising rates is the fuel component of the electrical rates. The others are fixed rates. So if they hire new people, they stick it in there and raise up the rates. The only thing that fluctuates – I do not think that the rate system allows for that. They have to go through another promulgation of their regulation in order for them to do that, and with the formation of PUC, once these appointees are confirmed; it would further have to go through PUC for any rate increase. So as far as that is concerned, I do not think that it something that we should be worried about. Thank you.

The Chair recognized Representative Taman.

Rep. Taman: I will yield at this time, Mr. Speaker.

The Chair recognized the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, I do not know if some of the members recalled the Executive Director for CUC coming out on the cable regarding the question on why he needs to hire additional employees. His respond at that time was it is cost saving for the agency because they are spending more on overtime than as to hire a regular employee, or to fill the positions that are vacant. Thank you.

The Chair recognized Chairman Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. I just wanted to maybe put in an amendment to House Joint Resolution NO. 15-26. I share the sentiments of my other colleagues here, and as far as CUC goes, I will be writing a letter to the executive director requesting on the fiscal impact that this will create, but I would like to make an amendment to strike out everything from line 19 on the first page to line 17 on the second page until such time that this fiscal impact is received by this body. That is all, Mr. Speaker.

Speaker Babauta: The reason why the Chair took the liberty of introduction resolution is because an official request was made by the corporation itself and through – pursuant to Public Law 15-71, and the administration certifying the need for this. If these are to be omitted, then it is useless to pass this Joint Resolution otherwise.

Rep. Dela Cruz: Mr. Speaker, I just want to say that after hearing the comments from the other members, and as to whether this Resolution would actually increase rates in the new future, I am sorry to say, but I really do not know whether it will. Last year, there was a public hearing to make the increase rates permanent, and I remembered that I testified during that public hearing, and I remembered that Congressman Joseph Deleon Guerrero also testified against that rate increase to make permanent. What transpired after the public hearing was that CUC just went ahead, even with all the comments that were brought forth during that hearing, it was basically useless, and so I am a little weary right now. I understand the situation for CUC that they need the employees, but I am not too sure what the impact would be, if the impact would be another .01 cent increase in rates, I do not know. So until such time that I receive the information from CUC, then I will feel comfortable in voting for this Joint Resolution. Thank you, Mr. Speaker.

Speaker Babauta: I recognize your reservation on this, Mr. Chairman, and I respect that, but as Representative Deleon Guerrero earlier pointed out, we were not too clear in Public Law 15-71 on what we need or what we require of all exempting agencies and the administration. So I am hoping that my letter to the administration will clarify just that in the near future if there are any more request that would be submitted. I recognize Representative Taman.

Rep. Taman: Thank you, Mr. Speaker. Every one has got some very valid arguments here. We had deliberated on the Joint Resolution that we passed for NMC's request to certify certain positions. All these questions that were raised today were raised during that deliberation, but we went ahead and passed that Joint Resolution. Now, it seems like we are going to grant another request for the Department of Labor, and singling out CUC. Is it because of the utility rate? I think we are mixing all these things us; the rates, the fiscal impact, and who is to be certified, and what positions are to be certified. We have deliberated when we passed the bill that subsequently became Public Law 15-71. We had deliberated the fiscal impact aspect of that Public Law. We had given all the department and agencies – we cut their budgets until the end of FY 2007. I think that everyone knows their budgetary limitation, and they know their departments need, and that is why they are requesting for certifications. I do not know if I am putting my words correctly, but when these requests came in, it was requested because they need these essential positions. I think that it is unfair that we granted NMC their request and we are not grant CUC. Thank you, Mr. Speaker.

The Chair recognized Chairwoman Kaipat.

Rep. Kaipat: Mr. Speaker, I just want to say that I am listening to both sides of the debate, and everyone is concern about doing the right thing. It just seems to me that we need to help CUC out like all the other agencies, but it also behooves all of us to make sure that when we cast our votes that we secure that we are doing the right thing, and some of our members are concerned about that. I just think that in fairness that we should call them in, have them come in and justify their reasons for asking for these exemptions. If they satisfy the members then we should go ahead and approve it. That is all I want to say. Thank you.

Speaker Babauta: I do not want to repeat again what many members have said regarding Public Law 15-71. It is my hope that we understand what we have just delivered to the Governor's hands to approve. So likewise, as requested by several members, today, I will be issuing a letter to the administration outlining what the intent of that specific subsection of that law really is, and that is to explicitly justify each and every position as to why it is needed. I recognize Representative Ada.

Rep. Ada: Thank you, Mr. Speaker. It is not that I am really against everything here. When you see the list on CUC under trades assistant and trades technician, at a time like this, I think the CUC Director should also consider the austerity that everybody is going through, and are abiding with. When you have a purchasing technician and then a purchasing supervisor, do you really need the technician when you can consolidate that position and just hire the supervisor, a laboratory technician and a supervisor, accounting technician and a specialist? I think that the specialist can do the work of the technician. This is all Mr. Speaker that we are trying to do here. This is my opinion. I am pretty sure that the director can do a better job than this in terms of austerity. Thank you.

Rep. Tenorio: Clarification, Mr. Speaker.

Speaker Babauta: State your point of clarification, Representative Tenorio.

Rep. Tenorio: Mr. Speaker, for the last time, I just wanted to clarify my position on this. It appears that some people misunderstood what I am after. I am not against the request per say. I do not know what those people need, but obviously, they need tradesmen, meter reader, and that is their business. I am not against that. I am in support of that. All I am merely saying is that perhaps Public Law 15-71 is not so clear – it says here that it established a public employment salary moratorium and went into effect when this thing was passed, maybe it is our fault that we did not clarify this. I do not think that writing a letter to the Governor is going to solve this. We should amend that public law if it is defective. Number two, all I am merely saying is because of our situation here, if they do things like this, we should have the fiscal impact like what this gentleman from the Department of Labor did. This I agree because we know what we are getting into. This other one, we do not know what we are getting into, and Congressman Ada is right, but if they say that they need it – we do not want to micromanage these people, but we are saying that yes, tell us what you need and how much it will cost us. This is just the point that I am trying to clarify. I am not against this. I appreciate and respect their request, but there is more to it then just this request, and I think that it behooves us go a little bit deeper. Maybe we should follow Representative Kaipat’s suggestion. Thank you.

Speaker Babauta: Thank you. Let me just assure you again that the Chair is very clear on your concern, and it is with that reason that I verbally request before we took our lunch break that Chairman Dela Cruz get that information. I recognize Chairman Dela Cruz.

Rep. Dela Cruz: I just wanted to point out and clarify to my good colleague, Representative Taman, that NMC and the Labor does not charge us for power and water, CUC does, and that is why I am a little critical of this, and that I am not too comfortable to go ahead and give them all these employees, and then later on find out that we are going to have a .01 cent increase, or .02 cents increase. I just wanted to point out the difference. NMC and Labor are totally different, and I hope that you can understand the situation. It seems everybody the topic of CUC is always there, and before we go any further and grant something to them, we want to at least get some information from them that this would not distract or change the rates that we presently are paying. That is all, Mr. Speaker.

Speaker Babauta: Ready.

There being no further discussion, H. J. R. NO. 15-26 was called by a voice vote with a division on the floor.

Speaker Babauta: Clerk, call the roll.

The Clerk called the roll on the motion to pass H. J. R. NO. 15-26 on First and Final Reading:

Rep. Martin B. Ada	no
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	no
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	yes
Rep. Justo S. Quitugua	yes
Mr. Speaker, it is my hope that allowing CUC to hire these positions will bring about to an efficient and effective services to its customers, so I vote “yes.”	
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	no
Mr. Speaker, I wish somebody would supply us with the fiscal impact. At this time my vote will be “no.”	
Rep. Stanley T. Torres	abstained
Rep. Absalon V. Waki, Jr.	excused
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 11 “yes”, H. J. R. NO. 15-26 is hereby adopted by the House.

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

Speaker Babauta: State your point, Representative Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Regarding the votes, was it eleven “yes”?

Speaker Babauta: Right.

Rep. Joseph Deleon Guerrero: Okay. Thank you.

The Chair recognized the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. The concerns illustrated the need. We cannot underscore the need to get the proper justification, and because – if what we are doing here is the formality, then it is of no value. So we really need to emphasize to the administration that they next time that we get these requests, we need justification inclusive of fiscal impacts from the requesting agencies before we can even entertain these requests. Thank you.

Speaker Babauta: Thank you. I ask the members that while we continue to discuss on legislative issues to allow for at least 10 to 15 minutes of time then I will share that letter officially, and would be placed under Communication as an indication of the members' concern to basically clarify the exemptions in granting legislative approval. Thank you. I recognize the Floor Leader.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the adoption of H. J. R. No. 15-27.

The motion was seconded.

**H. J. R. No. 15-27:** A HOUSE JOINT RESOLUTION TO PROVIDE A BLANKET AUTHORIZATION APPROVING THE HIRING OF ANY EMPLOYEE FOR POSITION CERTIFIED BY EITHER PRESIDING OFFICER AS AS VERY CRITICAL TO THE DELIVER OF ESSENTIAL SERVICES BY A MEMBER OF THE LEGISLATURE UNTIL SEPTEMBER 30, 2007.

Speaker Babauta: Discussion. I recognize the Vice Speaker.

Vice Speaker Quitugua: Minor amendment, Mr. Speaker. On the Title to delete the words, "blanket", and also on the second line delete "one of the word "as" words. It is repeated. Also on line 10 at the end of line 10, strike out, "a" and at the beginning of line 11, strike out the word, "blanket." Thank you, Mr. Speaker.

There being no discussion, the oral floor amendment offered by the Vice Speaker was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. Let me recognize Representative Yumul.

Rep. Yumul: Just to add on to the Vice Speaker's amendment, on line 15, there is also the word, "blanket."

Speaker Babauta: Clerk, take note of that. Wherever it appears, please delete it. Okay. Let me recognize the Minority Leader.

Rep. Palacios: Mr. Speaker, I do not think that we need this. Seriously, considering that we are two months out before the end of the fiscal year. I think that each member could survive without one or two. If we really need to get an essential staff then perhaps it should just go through a contractual independent contract. I am not sure...

Speaker Babauta: Minority Leader, I think I share your concern, but going through an independent contract would be higher than a direct hire under every members' office in a lower bracket. Because there are some request made by some members that I feel that as a Presiding Officer, and being part of Public Law 15-71, I feel obligated and I am obligated pursuant to that statute that was enacted to authorize this House and the Senate who needs immediate assistance in their offices. So I hope that all of you understand the needs of each respective member. I appreciate your support within our members here in the House and the Senate. Ready.

There being no further discussion, H. J. R. No. 15-27, HD1 was adopted by a voice vote.

Speaker Babauta: H. J. R. NO. 15-27, HD1 is hereby adopted. We will move down now to item number 16.

## **BILL CALENDAR**

The Chair recognized the Floor Leader.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for subsidiary motion to include H. B. NO. 15-288 and H. B. NO. 15-289 on today's Bill Calendar for action.

The subsidiary motion was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. Let me recognize the Minority Leader.

Rep. Palacios: Mr. Speaker, on H. B. NO. 15-289, although we asked that it be put on the Calendar, I would like to ask that the Committee on JGO take a look at this...

Speaker Babauta: If you prefer, we could just put it on First Reading, and allow the Committee Chair to look at the bill.

Rep. Palacios: I would like the JGO Committee to take a look at this bill. Certainly, it is a proposal that warrants wide ranging views and input from all members, and so, while I appreciate the Acting Floor Leader's putting on the Calendar, I would also like to have the JGO Committee to take a look at it, and see if it warrants for expansion to this particular legislation. Thank you.

Speaker Babauta: If you prefer, we can allow it under First Reading, so that we can allow our Chairwoman and the Committee to look at it.

There was no objection.

Speaker Babauta: Let me recognize Chairwoman Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. I have no objection to that, and also, I would like to request that H. B. NO. 15-288 also be referred to JGO. This warrants a careful review, and I had a discussion earlier with Representative Aldan, and it was my understanding that I would be given an opportunity to do my research into this bill. I am surprised that it was introduced for action today, and I would respectfully request that this bill be referred to JGO Committee for a more thorough review. Thank you.

The Chair recognized Chairman Aldan.

Rep. Aldan: First Reading, Mr. Speaker...

Speaker Babauta: Same likewise with H. B. NO.15-289. We will allow for First Reading only so that we can allow the Chairwoman and the Committee to look into the pertinent regulation of DOLI on the exemption, because I know that the \$500.00 fee was never in the books, and it was

promulgated through the rules and regulation as a result of the vast unemployment of foreign workers two years ago. Continue, Floor Leader.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the passage of H. B. NO. 15-284 on First and Final Reading.

The motion was seconded.

**H. B. No. 15-284:** A BILL FOR AN ACT TO REPEAL AND REENACT PUBLIC LAW 15-69 TO ALLOW EMPLOYEES OF THE COMMONWEALTH GOVERNMENT TO APPLY FOR SICK LEAVE TO ATTEND TO IMMEDIATE FAMILY MEMBERS; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. This is a bill that was rectified as a result of OPM's communication to the Office of the Speaker about the convoluted provision that cannot be implemented. So the Vice Speaker took the liberty of amending the present law that would further clarify the intent of that specific Public Law. I recognize Representative Yumul.

Rep. Yumul: Thank you. My question with regards to this bill – as I go through the provisions of the bill itself that talks about the addition of Article 2, and renumbering the others, I came across the Sick Leave Bank, and I would like to know from the author if there is going to be a conflict with this with regards to Sick Leave Bank, or how would you differentiate the two if it is not? My concern is that under Sick Leave Bank, employees of the Commonwealth government may donate up to a certain percentage of their sick leave to this bank, and that other employees may draw off from it. My concern is on the extended sick leave – if someone was able to – let us just say that if someone with bad intention tries to take out sick leave and use it for other means, would that be an issue? Also, my understanding from the Minority Leader is that, sick leave expires on an annual basis, so how would this affect that? I may be mistaken, but I am not thoroughly familiar with this.

The Chair recognized Representative Seman.

Rep. Seman: Just for clarification, Mr. Speaker. Any government employee having excess number of annual leave whether it be over 360 hours, anything over that goes to sick leave. There is no expiration for sick leave. It stays within your record for computation of service for retirement purpose. But anyone who has a sick leave is allowed to apply until that person exhausted that sick leave. The Sick Leave Bank – nobody can apply for that unless you exhaust your personal sick leave. I believe that in order for you to apply for sick leave from the Sick Leave Bank, there has to be a physician certification that you are practically sick to apply for that, but this bill only pertains to what you can take so that you can take care of someone else in the family who is sick.

Rep. Yumul: And this Sick Leave Bank would not apply?

Speaker Babauta: No. The intent of the bill – the original law that we have overrode, was to allow individual family members to apply their sick leave to care for a sick immediate family member. This has nothing to do with the Sick Leave Bank. The Sick Leave Bank is a different program, and that clarification is coming down from the Senate as I understand in due time. Let me recognize the author.

Vice Speaker Quitugua: The main purpose of this bill is to make sure that this sick leave authorization is clear. The OPM Director is asking us if we can make it clear so that they can effectively and efficiently administer these kinds of sick leave requests. So if you look at the bill, you have to have a medical statement attesting that you need to take your sick leave to attend to a sick family, and the sick leave that you will be taking is from your accumulated sick leave. This is to clearly differentiate from what Representative Seman mentioned earlier from the Sick Leave Bank. So with this bill, I think that it is to the satisfaction of the OPM Director so that she can promulgate the rules that is asked for in a none tedious manner. Thank you, Mr. Speaker.

The Chair recognized Representative Yumul.

Rep. Yumul: With that note, Mr. Speaker, the certified medical statement on page 2, line 1, what if this person is gone to see one of our *Suruhanu or Suruhana*, would that be an issue? I think it may be. Second is, we are defining sick as in “sick”, and I am assuming they are under the weather, or some kind of an ailment, but how would this apply to a spouse who is pregnant and is going through deliver, and a government employee wants to take this program and apply it? I think that is going to be an issue also.

The Chair recognized the Vice Speaker.

Vice Speaker Quitugua: I do not think that is going to be an issue, Mr. Speaker, just so long as the medical attending physician certifies that the spouse needs to attend to the pregnant wife.

Rep. Yumul: I think on line 19, page 1, the word “sick” maybe we need to upgrade that word to be more encompassing.

Speaker Babauta: As I understand, the legislation as requested by our OPM Director – since this bill became law, portion of that provision, she wanted to clarify because there was an overlapping provision on the same subsection or the present statute.

Rep. Yumul: On line number 4, page 1, we are repealing in its entirety the Public Law. So we are not portioning. If legal counsel thinks that it is all encompassing then I am fine. I am ready.

The Chair recognized the House Legal Counsel.

Legal Counsel Ian Catlett: *The “sick” is defined by the attending physician.*

Rep. Yumul: To include pregnancies and birth giving.

Legal Counsel Ian Catlett: *If the employee is needed to care, then that phrase, “needed to care” comes directly from Federal Law. They use that same phrase in the Family Medical Leave Act.*

Rep. Yumul: Okay. I am ready.

The Chair recognized Chairman Ada.

Rep. Ada: Thank you, Mr. Speaker. There is just one little thing on line 17 after the word, “parent”, it could be your step or your natural? I just want to tinker with that to make sure.

The Chair recognized the House Legal Counsel.

Legal Counsel Ian Catlett: *I could put parent whether natural or adoptive. That still would handle step parent and legal parent. I do not know.*

Speaker Babauta: Does common law spouse qualify for this?

Legal Counsel Ian Catlett: *No, there is no common law marriage in the CNMI. That is why it is not in there.*

The Chair recognized Chairman Ada.

Rep. Ada: Thank you, Mr. Speaker. I just want to make sure that we do not get tangled into any legality in the definitions here. Thank you.

The Chair recognized Chairman Yumul.

Rep. Yumul: I just recalled. The CNMI Superior Court has been using in their Court Decrees a definition of “*Poksai*”, and I think Chairman Ada was trying to clarify that if the government employee was raised by people that are not common law to him – maybe the definition of “*poksai*”...

Speaker Babauta: That opinion was penned as a result of...

Rep. Yumul: Would this apply to them also?

Speaker Babauta:...the traditional which is traditional issue on land matters...**[End of Tape 2, Side B]**

Speaker Babauta:...**[Beginning of Tape 3, Side A]**...immediate family for that matter. So it is used in the context of – Representative Taman, recognized.

Rep. Taman: Thank you, Mr. Speaker. Some people are fortunate. You know when you get sick and healed, and they go home, what happens to those that did not make it and they die? Really. Do we end the sick leave when the family member dies, because traditionally, we have eighteen days of Rosary. What is the implication of this...

Speaker Babauta: It will be transferred to Compassionate Leave.

Rep. Taman: Compassionate Leave – I forgot about that, thank you.

The Chair recognized Chairman Ada.

Rep. Ada:...**[Inaudible...Microphone off]**

Speaker Babauta: Six days. Alright, any more discussion. Ready.

Several members voiced, “ready.”

Speaker Babauta: Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-284, 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	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.	excused
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 15 “yes”, H. B. NO. 15-284 passes the House on First and Final Reading. Continue, Floor Leader.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the passage on H. B. NO. 15-285 on First and Final Reading.

The motion was seconded.

**H. B. NO. 15-285:** A BILL FOR AN ACT TO AMEND 3 CMC §4434; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. I recognize Representative Yumul.

Rep. Yumul: Thank you. My question is on page 1, line 13, the words, “This subsection shall expire September 30, 2008.” I am concern – will we have this subsection off the books after September 30, 2008?

Speaker Babauta: Correct.

Rep. Yumul: So after 2008, subsection 4434 will be no longer in existence?

Speaker Babauta: Subsection 4434 (i)1(d), correct.

Rep. Yumul: So that is the intent?

Speaker Babauta: Yes.

Rep. Yumul: That we do not want this subsection in existence. It will be removed from the law?

Speaker Babauta: Correct.

Rep. Yumul: I would like to ask why?

Speaker Babauta: So that we can continue to bring those mechanics from the State of Arizona to work with our power plant. These are engine mechanics, primarily the diesel. Let me recognize Chairman Yumul.

Rep. Yumul: My concern is that, would this allow CUC then to have an open employment with nonresidents for any category?

Speaker Babauta: No.

Rep. Yumul: Okay. Ready.

The Chair recognized Chairman Ada.

Rep. Ada: Thank you, Mr. Speaker. My concern here is from the states...if the engineers from the states, maybe the counsel can clarify this – if you have a U.S. valid passport, and you are from the U.S., you come here and stay here for 45 days, you are considered a resident.

Speaker Babauta: For purpose of voting, yes.

Rep. Ada: That is only for purpose of voting?

Speaker Babauta: Yes.

Rep. Ada: Not for work?

Speaker Babauta: Not for work.

Rep. Ada: No further question your honor. Thank you.

Speaker Babauta: Ready. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-285 on First and Final Reading:

Rep. Martin B. Ada	yes
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	abstained
Rep. Florencio T. Deleon Guerrero	excused
Rep. Joseph P. Deleon Guerrero	no

Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	excused
Rep. Arnold I. Palacios	abstained
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	yes

We continue to experience difficulties in paying our power bills. These rates are not only attributed to the high cost of fuel, but it is also attributed to some of the deficiencies in our generators, and the personnel who are attending to these deficiencies. The basic reason for this is to allow CUC to have these personnel try to contribute to the deficiencies of the CUC. Therefore, my vote is “yes.”

Rep. Ramon A. Tebuteb	no
Rep. Manuel A. Tenorio	abstained

Mr. Speaker, if there was more discussion on this, I would really want to get into the need for getting engineers and for contracting manpower services for CUC, and since in the absence of discussions, Mr. Speaker, my vote on this will “abstained.”

Rep. Stanley T. Torres	no
Rep. Absalon V. Waki, Jr.	excused
Rep. Ray N. Yumul	abstained
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 8 “yes”, H. B. NO. 15-285 passes the House on First and Final Reading. I recognize Representative Torres.

Rep. Torres: Mr. Speaker, with the indulgence of the members, I would like to ask that we go Introduction of Resolution, please.

There was no objection.

### INTRODUCTION OF RESOLUTIONS

H. R. NO. 15-139: A House Resolution requesting that Governor Benigno R. Fitial terminate his Attorney General, Matthew Gregory, for action unbecoming a government official.

Offered by: Rep. Stanley T. McGinnis Torres and three others

Rep. Torres: Mr. Speaker, I am introducing it with an attachment, and it is open to be sponsored as Committee as a Whole.

Speaker Babauta: Let us have at least two minutes recess so that we can make copies. Short recess.

The House recessed at 3:25 p.m.

### RECESS

The House reconvened at 3:36 p.m.

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

## BILL CALENDAR

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the passage of H. B. NO. 15-286 on First and Final Reading.

The motion was seconded.

**H. B. NO. 15-286:** A BILL FOR AN ACT TO AMEND 4 CMC §1103; TO REPEAL AND RE-ENACT 4 CMC §1503; TO REPEAL AND RE-ENACT 4 CMC §1505; AND FOR OTHER PURPOSES.

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

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker. The findings are clear that this bill intends to update...

Speaker Babauta: Correct.

Rep. Joseph Deleon Guerrero:...just to reflect the technological developments. I want to ask if Section 3 proposes any changes in terms of the various fees that are imposed on the machines. I do not see any underlining here.

Speaker Babauta: Let me assure my colleague again that the fees remain intact. It is just repealing and reenacting to be also consistent with the qualification to which Law Revision has, and over the years have inject some of those amendments on those prior laws that were found under the findings and purpose, but the fees remain the same.

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker. That is on Section 3 and Section 4; ensuring that there are no changes in the fee structure?

Speaker Babauta: Correct.

Rep. Joseph Deleon Guerrero: Secondly, are there any changes significant or substantive changes rather than just the terminology?

Speaker Babauta: No.

Rep. Joseph Deleon Guerrero: Okay. Third, Representative Yumul has a question...

The Chair recognized Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. I do not see in here the cherry master or the cherry machine. I believe there are a lot of concerns about it.

Speaker Babauta: That would be accomplished in this bill.

Rep. Yumul: Okay. Ready.

Speaker Babauta: Aside from the one that was vetoed, Vice Speaker injected a provision here that reinstate that 10% for the Public School System. That is the only changes there that he had it a rider on this bill. Let me recognize Representative Tenorio.

Rep. Tenorio: Mr. Speaker, we are not changing anything...[inaudible...microphone off]

Speaker Babauta: I will assure you again that the Chair would never fool my colleagues as far as substantial changes are concern.

Rep. Tenorio:...[inaudible...microphone off]

Speaker Babauta: Never the less, but I volunteered to appease your concern.

Rep. Tenorio: I am just curious if there are any fiscal impact again on the...

Speaker Babauta: It will rise.

Rep. Tenorio: By how much?

Speaker Babauta: By several hundred thousand. You want to yield to Chairman Aldan, Representative Tenorio.

Rep. Tenorio: Yes, Mr. Speaker.

The Chair recognized Chairman Aldan.

Rep. Aldan: Thank you, Mr. Speaker. I got a question under Section 3, § 1503 (g). Public Law 13-33 – can I have what it is? Is that the quarterly installment?

Speaker Babauta: The one time payment.

Rep. Aldan: So we are going back to quarterly?

Speaker Babauta: No. In other words, we are just reemphasizing what was stipulated in Public Law 13-13 that was amended by 15-8.

Rep. Aldan: So this is correct the way it is?

Speaker Babauta: Yes.

Rep. Aldan: The provisions of Public Law 13-33 shall be for the duration of license fee?

Speaker Babauta: Correct. What in essence it is saying is when that machine expires and you are to renew next month, you will only pay a one time fee.

Rep. Aldan: I think that is not what it is saying here.

Speaker Babauta: Let me allow the counsel to answer you.

Legal Counsel Ian Catlett: *Thank you, Mr. Speaker. On that day, the law was changed, but as you see in the findings section, these particular sections have been amended so many times. That is why we did the full repealer and reenactment, and just try to do another underlining job. On that day, the law was changed to require a full payment up front, but if you have a machine prior to that day, you will fall under whatever law was before that day. It is saying that if you paid quarterly, then you can still renew that – you can still renew on that permit quarterly, and you do not have to pay at all the date the law passes. So that protects the people that had the machine, and were paying quarterly, and it does not force them to put the rest up until they apply for their next permit. The next permit then would have to be up front.*

Speaker Babauta: That is precisely what it is. Ready. I recognize Representative Tenorio.

Rep. Tenorio: This Technical Education Program Fund – this 10% is something new.

Speaker Babauta: That has been in the books. Let me recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, this provision is in Public Law 14-54, which authorizes the Public School System to establish a Technical Education Program and earmarking 10% from the taxes to fund the program.

Rep. Tenorio: Do we have that program in operation now?

Vice Speaker Quitugua: The Public School System is in the process of putting the program together.

Rep. Tenorio: I thought this was since Public Law 14-54?

Vice Speaker Quitugua: This is in 2005.

Rep. Tenorio: So we have been collecting 10% since 2005 for the Technical Education Program that is not in...

Vice Speaker Quitugua: No. Finance has not remitted any of these until the program is in place.

Speaker Babauta: It is repeated because it is in the books, but it is being reemphasize again. That is why...

Rep. Tenorio: So where did the 10% go if Finance...

Speaker Babauta: It goes to the program, and until the program is officially kicked off then that is the time Finance will remit that 10% to the Technical Education Program.

Rep. Tenorio: So if that is the case, Mr. Speaker, I am just curious how much is in the Fund now for the Technical Education Program from 2005?

Speaker Babauta: Vice Speaker, do you have that information?

Vice Speaker Quitugua: I do not know, Mr. Speaker, but the 10% varies depending on how much taxes are collected. If it is less this year, then the 10% will be less, and if it is more, then it will be more.

Rep. Tenorio: So they have not collected any? That is my question.

Vice Speaker Quitugua: No. My understanding is that Finance has not remitted the 10% to PSS, and because it has not, this 10% still goes to the General Fund. Does that answer your question, Representative Tenorio?

Rep. Tenorio: Okay. Thank you, Mr. Speaker.

Speaker Babauta: In education related issue, I put my assurance on the Vice Speaker. I recognize Chairman Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. I just want to get some clarification. I understand the Technical Education Program for PSS – the question that I have is on the procurement of student desks and classroom supplies. If this was since the 14<sup>th</sup> Legislature, and in the past we had Marianas High School screaming requesting for student desks and so forth, if this was established back in the 14<sup>th</sup> Legislature, should there not be funds already set aside for these particular purposes whether it be for Technical Education Program, or the student desks?

Speaker Babauta: This new section is really a new provision that was recently vetoed by the Governor several months ago. So the Vice Speaker reinstated the same section in this bill in the hope that – is this section that was vetoed by the Governor?

Vice Speaker Quitugua: Yes, this is the bill that we passed here in the House and the Senate, and I think that the Acting Governor vetoed it because of the word, “operator.” In his vetoed message, he vetoed it because he does not – it is not clear whether the operator is the player or the operator is the owner. That is the...

Speaker Babauta: So this is clarified now. I think the concern that was raised by Chairman Dela Cruz was this section incorporated in Public Law 14-54. Was this a prior law?

Vice Speaker Quitugua: No, this is the bill that was vetoed. If it is sign into law then PSS should be getting the 10%.

Speaker Babauta: So this is a new provision.

Vice Speaker Quitugua:...but since it was vetoed, it never became law. So PSS never got anything.

Rep. Dela Cruz: Okay. I will yield for now.

The Chair recognized Representative Deleon Guerrero.

Rep. Joseph Deleon Guerrero: You mean to say this is a rider? This is a new...

Speaker Babauta: No. The Vice Speaker added the same provision with the same clarification from the vetoed message that the Administration vetoed several months ago.

Rep. Joseph Deleon Guerrero: I thought he reintroduced that same bill and clarified the word operator.

Speaker Babauta: You did?

Vice Speaker Quitugua: Yes.

Rep. Joseph Deleon Guerrero: So why redoing it again?

Vice Speaker Quitugua: Mr. Speaker, the reintroduction is at the Senate, and if the Senate likes this bill better than the single bill and they pass it, then it is there.

Rep. Palacios: It is a rider.

Vice Speaker Quitugua: It is a rider in a way.

Rep. Joseph Deleon Guerrero: So with that answer, Mr. Speaker, I want to ask again. Are there any substantive changes rather than just clarifying what was previously in the books because this rider is a substantive change in my definition?

Speaker Babauta: Let me assure my Representative that there is no substantial changes whatsoever as far – primarily as far as the fees are concern.

Rep. Joseph Deleon Guerrero: It is okay because I supported that bill, and I will just let this one go. Thank you.

Speaker Babauta: I appreciate your concern and your humble support. Let me recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, just a technical correction on page 4.

Speaker Babauta: Continue.

Vice Speaker Quitugua: On line 9, change the number “2007” to “2006”, because the law was signed on April 26, 2006.

Speaker Babauta: Correct. Consider that technical amendment, or typographical. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-286 on First and Final Reading:

Rep. Martin B. Ada  
Rep. Edwin P. Aldan

yes  
abstained

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

Speaker Babauta: By a vote of 14 “yes”, H. B. NO. 15-286 passes the House on First and Final Reading.

Rep. Torres: Privilege, Mr. Speaker.

Speaker Babauta: I recognize under privilege, Representative Torres.

Rep. Torres: Mr. Speaker, may I ask that we go back to item 15 under Resolution Calendar.

There was no objection.

## **RESOLUTION CALENDAR**

The Chair recognized Representative Torres.

Rep. Torres: Thank you, Mr. Speaker. With the unanimous consent of the members, I move to place H. R. NO. 15-139 on the Resolution Calendar for adoption on today’s session.

Speaker Babauta: Floor Leader, proper motion.

Rep. Torres: Mr. Speaker, can I continue?

Speaker Babauta: Continue, Representative Torres.

Rep. Torres: I honestly asked the four members to join me in this Resolution for Committee as a Whole.

Speaker Babauta: I will tell you what...we will place it, and we will try to finish the Calendar, and then we will come back to – that is the commitment of the Chair. Floor Leader, placement motion of H. R. NO. 15-139.

Acting Floor Leader Lizama: I so moved, Mr. Speaker.

The subsidiary motion was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. We will continue under item number 16, Floor Leader.

## BILL CALENDAR

The Chair recognized the Floor Leader.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the passage of H. B. NO.15-274 on First and Final Reading.

The motion was seconded.

**H. B. No. 15-274:** A BILL FOR AN ACT TO LIMIT GREENHOUSE GAS EMISSIONS, AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. Let me recognize the author.

Rep. Kaipat: Thank you, Mr. Speaker. Just a typo on the first page, line 2, where it says “United Nations to advice” it should be with an “s” instead of a “c” “advise”. That is really the only technical amendment.

Speaker Babauta: Okay. Consider that as a typographical error. Ready. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-274 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	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.	excused
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 15 “yes”, H. B. NO. 15-274 passes the House on First and Final Reading. Continue, Floor Leader.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the passage of H. B. NO. 15-167 on First and Final Reading.

The motion was seconded.

**H. B. No. 15-167:** A BILL FOR AN ACT TO AMEND 3 CMC § 4437 TO REQUIRE NONRESIDENT WORKERS TO EXIT THE COMMONWEALTH PERIODICALLY BEFORE RE-EMPLOYMENT IN THE COMMONWEALTH; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. No. 15-167 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	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.	excused
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 15 “yes”, H. B. NO. 15-167 passes the House on First and Final Reading. Continue, Floor Leader.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the passage of H. B. NO. 15-283 on First and Final Reading.

The motion was seconded.

**H. B. No. 15-283:** A BILL FOR AN ACT TO CREATE A TASK FORCE WITHIN THE DEPARTMENT OF COMMERCE FOR THE PURPOSE OF INVESTIGATING VIDEO RENTAL STORES DOING BUSINESS IN THE COMMONWEALTH.

Speaker Babauta: Discussion. Let me recognize Representative Ada.

Rep. Ada: I would just like to apprise the members of this pirating of DVD’s that is still going on. This again has been brought to my attention by one of the Video Shop that has been tracking, and we have evidence that there are about 11 Video Shops that are producing – even before they arrive in the Commonwealth the pirating duplicates. Others would duplicate in countless numbers of an original DVD, and would sell the duplicates. There is already an identified an owner whose housing

a duplicating machine already. I met with the Secretary, and he is 101% in support of this, and they will be doing it. Thank you.

Speaker Babauta: Let me ask you, was there ever a complaint filed with the Federal Agency primarily the Justice Department regarding this?

Rep. Ada: That is why I am withholding back the information that I have because we are presenting this on a higher level with the Secretary, and we will be meeting possibly with the FBI on this matter.

Speaker Babauta: Because I do not want the members to – I am sure that the members are in support of this legislation, but I do not want the members to go into any Video Shop to rent video when that particular Video Shop is pirating that particular video. Let me recognize Representative Deleon Guerrero.

Rep. Joseph Deleon Guerrero: I just want to ask – normally a complaint such as this would be channeled through the Consumer Protection Division of the Attorney General's Office, and I know that your bill proposes that the Task Force report illegal activities to the A.G., but is it not that an agency already is tasked with that responsibility of investigating these type of matter?

The Chair recognized Representative Ada.

Rep. Ada: Way back in the 12<sup>th</sup> Legislature when I came in, this was brought to my attention. I even approached a lawyer whom was well versed in these types of schemes, and we introduced a bill that had to do with the pirating of videos, and it looks like – we thought that by writing a letter to the Attorney General that they would carry on this issue. We did that part, however, nothing was ever done, or not even a respond was given back to us. Now, this same people are the same ones – we would think that it would be the Asian vendors, but not anymore. There are a couple that are non-Asians video stores that are doing this, and this is escalating to a level where you outdo the other person who is sincerely selling their videos in a legal way. By communicating with the Secretary of Commerce, I will be meeting with him next week on this issue, and we will be presenting this formally to the Attorney General, and then possibly to the FBI. Thank you.

The Chair recognized Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. It sounds like – I think this is an appropriate bill, and it sounds like the good author is in support of the Resolution that Representative Torres had just introduced on the Attorney General. I am also interested in lieu of what is in the findings on Public Law 14-22 – has there been any acts of forgery, and how many acts of forgery and counterfeit on private labels that you may or you may have encountered in this proposed legislation?

Rep. Ada: Yes.

Rep. Tebuteb: How many?

Rep. Ada: Remember back with the Duty Free with the name brands that were confiscated by the Customs in a large amount, and there was a big bust about three years ago? I am pretty sure that it is

happening up to this point in time in terms of the other products. It continues to happen to a point that we really do need a task force to periodically check based on a reasonable doubt on a certain vendor, but this one is targeting on the pirating of CD's, based on Private Level Protection Act.

Rep. Tebuteb: It is good to create this task force, and it sounds like, yes, we do need to do this legislation to create a task force. So there is an absence of task force, although we had established through Public Law 14-22 to remedy those issues that are identified, and up to now, we had yet to identify – I guess my question is, do we really need this bill? What has the Attorney General or the Consumer Protection Act, or has there been any case that is solved in the courts?

Rep. Ada: I guess you have to come up with another task force to address the other merchandise or items, or if you want to amend the bill to create all merchandise, or items being sold...

Speaker Babauta: Okay. Logically, I guess what it really intends to do is creating something out of the department, but only for specific purposes, and that is only to monitor and investigate video piracy. Let me recognize the Minority Leader.

Rep. Palacios: I am kind of lost here. I am trying to figure out what it is that we are trying to do. There is a piracy law that prohibits the activities that this task force is going to investigate. So it seems to me that we are just trying to get an investigative body to do this work. Is that what...?

The Chair recognized Representative Ada.

Rep. Ada: Based on Representative Tebuteb's point, and is well taken, I guess what he is trying to allude to is about the other products. So I am offering or opening the floor for an all purpose...

Rep. Palacios: My question is, are we trying to get a task force to investigate video stores piracy? Is that what we are trying to do here?

Rep. Ada: The magnitude of the problem here is to the point where this thing continues to surface. Every time we pass a law out...

Speaker Babauta: Chairman Ada, let me just interject for few seconds. The Minority Leader was asking – does this bill intends to create a task force just for that purpose?

Rep. Ada: Yes.

Speaker Babauta: That is his concern.

Rep. Palacios: So there seems to be a lot of these going on. Why are creating a task force to do this? The Department of Commerce can request the Attorney General based on some of its findings to prosecute these people. What are we waiting for? I fully support this. Please do not misunderstand me, and we should have a body that investigates this, and monitor these activities. Apparently, there is not even one, am I correct on that? The Attorney General section does not do its job. Is that what I am gathering, and there is a need to put sort of a task force within the Department of Commerce to do the enforcement on monitoring on these activities? Is that what this purposes is?

Rep. Ada: Yes, Minority Leader.

Rep. Palacios: Perhaps also, Mr. Speaker, maybe I can recommend to the author that you write to the Attorney General's Office, or even have a Resolution telling him to enforce this law, because there seem to be a rampant abuse or violation out there.

Speaker Babauta: That is a good recommendation.

Rep. Ada: You know, since I started here, we have been pushing for this, Secretaries after Secretaries, Attorney General after Attorney General's, and it is so sad to see that we are lawmakers here. They basically defy the law and ignore us, and we are trying our best, and if they are responding for so many years, we have to step up the campaign here and do something about it. I believe that also other departments like the Department of Finance that you all see everyday. Are we really just going to sit back here? It is getting...

Rep. Palacios: I am concern too. What we need to do is to take this to the next level, and I hope that we take it to the next level for prosecutions. I hope that after the task force makes its report that the A.G. prosecutes these people.

Speaker Babauta: Otherwise, recommends for prosecution.

Rep. Ada: Minority Leader, this task force would actually help them because I believe that the Attorney General's Office right now are not capable of having their own task force going out there to investigate this issue. I believe that the Department of Commerce should initiate and sort of work hand in hand. Thank you.

The Chair recognized Chairman Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. I just want to say that I agree with the Minority Leader's assessment that there is an agency to take this to the next level, and prosecute if need be, and that agency is the Attorney General's Office. This sort of problems that we face based on Congressman Ada's bill is basically the responsibility of the Consumer Protection Council situated over at the Attorney General's Office. Unfortunately, as it stands right now, we do not have a Consumer Council in the A.G.'s Office. I do not know if you remember a week or so ago, where a patient was given an expired medication, and he went up to the Attorney General's Office to see the Consumer Council, and he was advised that there is none, and I believe, and I am not sure, but I believe that there is a litigation situation going on right now. If the Attorney General was indeed the body to investigate and prosecute if necessary, then they are tasked to do that. My question is why are they not? But like I earlier mentioned, there is no Consumer Council to look into this, although I do not believe that the other Assistant Attorney General's cannot...**[End of Tape 3, Side A]**

Rep. Dela Cruz:...**[Beginning of Tape 3, Side B]**...position or role. Thank you, Mr. Speaker.

The Chair recognized Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker. I am not opposing your bill, Representative Ada, it is just that sometimes, I think Representative Kaipat alluded to this at one time when she

made a very forceful argument about our problems here in the Commonwealth. We have sufficient laws in place. Our problem has always been enforcement, and here is a perfect case in point where the laws are in place, and we are now almost giving an additional responsibility to certain department without any mention of funding to help them without giving them enforcement powers, or even maybe investigative powers. Should we do that, or should we perhaps through a Resolution – I think a Resolution in this case would be a good way of stating the sentiment of the House that this is a very important issue, and that we would like to request that the Attorney General’s Office investigate these matters and prosecute them. If that pose vacant now, then fill it so that they can do their jobs, but I do not know if this route would be an effective route, or even be a prudent route where you are imposing an additional responsibility on an agency that really has their work cut out for them. If the author still feels that this is the route that he would like to go, I would like to encourage him that we ask the Attorney General to enforce the laws because we cannot keep creating laws to remedy problems with enforcement. If we continue to do that, we will have redundant laws that really have no effects. Thank you.

Speaker Babauta: I would also recommend, Chairman Ada that aside from passing this bill, you might probably in the next session, follow up with a resolution, maybe a forceful message that we need to impress upon the executor of these laws to adhere to the spirit of what the Legislature have enacted today, in the future, and in the past. Under discussion, let me recognize Representative Taman.

Rep. Taman: Thank you, Mr. Speaker. My ability to support my family is rather very uncertain at this point in time, come January 9<sup>th</sup>, I do not know if I would have a job because of some political reasons, and I do not know if I should go back to recording again. I have been a victim of pirating for the longest time, and I am in total support of the intent of this bill. However, if it needs to be routed and done through a resolution, I will still support it, but once and for all, we have to stop this. It hurts me. I have seen some secretaries in their office open up their computer and burn my C.D., and these things have to stop. Thank you.

The Chair recognized Chairwoman Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. I agree wholeheartedly with the sentiments expressed about piracy, and the need to enforce the laws. The Copyright Law is in place. It is recognized everywhere. It is here, but it is just lack of enforcement, and that is the problem when we keep enacting laws that we continue to put layer upon layer, and the next thing you know, everything is so confused because we have got so many laws. I do support my colleague in his intent to encourage the creation of – if it needs to be that a resolution be introduced to call for the creation of a task force to do that, I think that would be the avenue, and I would happily support that. I also agree with Representative Taman about the piracy issue with the recording because I am also part of that, and I also have been victimized with that same thing. I will give you an example of – when we were asked, my brother Gus and I were asked to compose the theme song for the Micronesian Games, and I thought that since the Commonwealth needed money that we would go further and help by recording the song and selling it so that we could help donate 100% of the proceeds, we even borrowed money to do that. After we recorded the song, and we did give copies to the organizing committee, a member of that committee actually was seen making copies of that song. So this is really a serious thing for us here in the Commonwealth to recognize the fact that piracy happens all the time around us. It is nothing unique, it is also something that happens internationally, but we are

also losing a lot of money because of it, and we need to respect it, and the only way that we can respect it is to start enforcing the law, and start prosecuting people who are violating this Copyright Law. I share your concern about the lack of - the Assistant Attorney General to look out for the consumers, and I would hope that a strong Resolution urging the Administration with the Legislature's support in hiring the Assistant Attorney General to make sure that the public is protected. I believe that would be a good resolution, and I would wholeheartedly support it. Thank you.

The Chair recognized Representative Torres.

Rep. Torres: Thank you, Mr. Speaker. I do not know whether we are wasting our time discussing that bill here. I guess it is all up to, who is the Attorney General. That is why my Resolution needs to be adopted today so that whoever would be the next Attorney General would take this seriously. Thank you.

Speaker Babauta: Thank you. Ready. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-283 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	no
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	excused
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	excused
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
I wish we could put some funds to assist the Task Force, but my vote is, "yes."	
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	excused
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 13 "yes", H. B. NO. 15-283 passes the House on First and Final Reading. Floor Leader, next bill.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the passage on First and Final Reading, H. B. NO. 15-287.

The motion was seconded.

**H. B. No. 15-287:** A BILL FOR AN ACT TO PROVIDE A TAX INCENTIVE FOR INDIVIDUALS AND BUSINESSES THAT PURCHASE RENEWABLE ENERGY DEVICES BY AMENDING THE REVENUE AND TAXATION ACT OF 1982; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-287 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	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	excused
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Mr. Speaker, since we did not discuss this bill, I want to commend my good colleague here from Precinct I for helping out with the alternative energy by giving more incentives. My vote is, " <i>Hunggan</i> ."	
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	excused
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 14 "yes", H. B. NO. 15-287 passes the House on First and Final Reading. Floor Leader, recognized.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for the passage on First and Final Reading, H. L. I. No. 15-20.

The motion was seconded.

**H. L. I. No. 15-20:** A HOUSE LEGISLATIVE INITIATIVE TO AMEND ARTICLE XII, SECTION 3 OF THE CONSTITUTION OF THE NORTHERN MARIANA ISLANDS TO CHANGE THE TERM PERMITTED FOR THE TRANSFER OF LEASE HOLD INTEREST IN PRIVATE LANDS AND TO CLARIFY ISSUES WITH RESPECTIVE TO RENEWALS OF EXISTING LEASES.

Speaker Babauta: Discussion. Let me recognize Representative Tebuteb. Before I acknowledge Representative Tebuteb, I just want to again inform the members to allow for a shorter discussion. We have been through this exercise before, but I would allow every member to participate, and I sincerely appreciate your cooperation on the time. Continue, Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. I will yield to that request to make it very short, Mr. Speaker.

Speaker Babauta: Continue.

Rep. Tebuteb: I acknowledge my good colleague's intention on the Legislative Initiative. I saw some of the proponents on this matter. There are more to this than meets the eye. I have also made some public comments on this issue referenced to letters submitted to the press, "Dear Editor" from Mr. Ricky Delgado, the President and CEO of PTI, and I addressed that in a letter also to the Editor in July 20<sup>th</sup> in response to some of his concerns, and what he had raised. Of course, he raised some legitimate points, and we have also discussed at length with our Board of Election, Mr. Sablan was here as well as the Assistant Attorney General, Mr. Baka. We had extensively discussed the issue at hand, and of course those were two issues. One is the Article XI, and Article XII combined. This one is in particular only on Article XII. This is on private properties. You have to also be conscience and make sure that before we even vote on this issue that we really analyze and digest what private land means. There are various definitions of private lands from agricultural private lands, or private lands from agricultural to other private lands such as – and what have we. Again, like you requested, Mr. Speaker, I will make it short, and I will use an example of a lease agreement on private property. I have here a lease agreement between two parties, and this lease agreement is from a Mr. Selepeo and a Mr. Kam Chen, and this is a 40 year lease agreement from October 1986 to 2026. It is a 40 year lease agreement, and this lease agreement was consumed during the boom period. If you are just doing some minor calculation, their agreement is – the first payment, the investor was supposed to pay or paid \$100.00 on that day and thereafter on a monthly basis, \$50.00 dollars. That is about \$600.00 a year. These are just examples of some issues that confront our people on this Article XII matters. I think that it is very critical and incumbent upon all of us to make sure that there are policies in place before we allow these matters to go to the public. These policies are basically to make sure that we have a very clear and maybe some sort of a bench mark that addresses the educational part, or the comprehensive part of the whole matter to all people involved. It is a very contentious issue, and I am that we had voted on this before, someone had also suggested a resurrection, and probably to some extent, I am not sure what other definition, but I will just make it short, Mr. Speaker, and I will allow other members. Thank you.

The Chair recognized Representative Joseph Deleon Guerrero.

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

Speaker Babauta: Continue.

Rep. Joseph Deleon Guerrero: What would be the number of votes cast in favor to pass this Initiative? We have 14 members right now, and the Initiative requires 3/4's, correct? So I calculated that would mean...

Legal Counsel Ian Catlett: *I calculated that as 11 votes right now. It is actually 10.5, but you have to go a full vote obviously. So it is 3/4's of the members present and voting.*

Speaker Babauta: Mathematically, it is 10.5, carried over to the next level 11. Let me recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. As you have stated, Mr. Speaker, we have deliberated on this issue extensively couple of weeks ago. Let me just make some key points. This is a very sensitive issue. We see it in our community. We have disagreements with even our brothers and sisters, relatives, family members, friends when we discussed this particular issue. There are

deferring views on the particular issues especially now with the economic predicaments that we are in. It is exacerbated, and become more sensitive. One of the key elements that we must be very careful of is the threshold issue that we need to consider. Article XII and land alienation issue has been embedded in our Covenant in our Constitutions both the amended Constitution with the amendments was overwhelmingly approved and ratified by an overwhelming majority, not a simple majority of the votes cast. The issue that confronts us today – in a legislative initiative would be a simple majority of the people ratifying it. This is not just about the process of allowing our people to vote. We are given the obligation to safeguard public interest. The arguments that are being presented out in the public today about this issue is that, why do we not allow them to, why are we denying the people to vote? We are not denying the people to vote. This is voting on the particular issue as we are called for as elected leaders. It is our obligation and our people will ratify it, and they may agree or disagree with our decision. That is the basic fundamental of the process that we go through. One of the biggest concerns that we have in the past deliberation is the opinion of the Attorney General to allow for anyone who is eligible to vote, to vote on this issue. Imagine a new teacher or a new individual coming on to our shores 90 days prior to an election helping us decide on this issue that would have an implication, a life long implication for us and the future of this Commonwealth. That is a very significant point. We have in our Constitution that referenced that requires only those of Northern Marianas Descent to decide on land issues. In the past session, we had the Executive Director of the Board of Election stated that he would not execute that provision of the Constitution. That is very disturbing. That is one of the most disturbing issues that surrounds this, and puts a completely different dynamics to how we approach this. I say that the Attorney General and the Board of Election must by law and by principal execute our Constitution, and if somebody wants to challenge that, then let them challenge it. We cannot ignore the contents of our Constitution and the prescriptions of our Constitution because we are afraid that if somebody challenges it, we are going to lose in court. That is nonsense to me, and that is not how we should approach an issue of this importance. This is a very important issue. Let us not discount it. As we go forward, I believe that it is important that we make an informed decision because this issue will have a lasting implication of our lives, and the lives and identity of our people. There is certainly a benefit to doing and to approving this proposal, but let us also not deny of the potential, social, economic, and political implication that it comes. So to me, it is better to air on the side of caution than to make a reckless and regrettable decision on this issue. Thank you, Mr. Speaker.

The Chair recognized Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. My question centers around the Covenant, in particular, Article VIII, Section 805 of the Covenant which states that – I will read the entire section verbatim. It says, “except that’s otherwise provided in this Article, and notwithstanding the other provisions of this Covenant or those provisions of the Constitution, Treaties or Laws of the United States applicable to the Northern Mariana Islands, the government of the Northern Mariana Islands in view of the importance of the ownership of land for the culture and traditions of the people of the Northern Mariana Islands, and in order to protect them against exploitation, and to promote their economic advancement and self sufficiency: (a), will until 25 years after the termination of the trusteeship agreement and may thereafter regulate the alienation of permanent and long term interest in real properties so as to restrict the acquisition of such interest of Northern Marianas Descent, (b), may regulate the extent to which a person may own or hold land which is now public land.” My question is, are we violating a section of the Covenant if we were to entertain this Legislative Initiative before this 25 year anniversary?

Speaker Babauta: I guess that should be clarified with our legal counsel.

Legal Counsel Ian Catlett: *No. You are just changing the lease term by this Initiative. You are still restricting alienation particularly in free hold interest. There still be no free hold interest transferred. All these would do is to extend the leasehold transfer period. You are correct, we will restrict it until 2011. After 2011, we may restrict it, but this would still restrict it to NMD for free holds, and it is only extending the lease period for leaseholds.*

Rep. Yumul: The second question that I have concerns a legislative initiative in particular the new amendment that talks about, holders of a leasehold interest under this section may negotiate with lesser for the termination of existing leases, and an entry into a new. I take that to mean a brand spanking new lease for a term not to exceed 75 years. So, will this – if there is an existing lease that is set to expire 30 years from now, can they attach this 75 year lease to the end of the existing lease, or they must terminate the current lease in its entirety, and then rewrite a brand new 75 years should both parties be?

Legal Counsel Ian Catlett: *They could do either. They could terminate only by agreement. They could terminate tomorrow, the day after this passes, and have a 75 year new lease, or they could wait until the end of the 75 year of their current lease which would be up to 55 years, and then do a 75 year lease. The restriction is to protect people from perpetual leases that are very hard to end, not unless you do it by an agreement, but the way it is written, you would be able to get a new 75 year lease.*

Rep. Yumul: I think you just hit the hammer on the nail when you said that they can wait until the end of that 40 year lease, and then write a brand new 75 year lease. That means that this is pretty much perpetual. If I were to agree to vote for this, I think that we need to include some sort of language that would separate the two. So you either get a new 75 year lease, or you keep your existing one, and then at the end of that lease, time is up. That is the way I read leases as currently written, unless I am mistaken.

Legal Counsel Ian Catlett: *Well that would have the effect of telling the owner of the land that they are not allowed to lease to the party again, and then it would take away their – there is really no reason to do that. The period of years is to protect the people so that it is something – if the lease does not work out, they are at least locked in for that period, and at the end of that period, they can always say no, but this would allow them to also say yes. It gives them the option at the end of the lease period.*

Rep. Yumul: With our existing Article XII, if we were to fast forward to a full 55 year lease term – we jump into a time machine if you will, so we are now in the year of the first 55 year full term contract that is set to expire, would that party assuming a new wonder drugs have been in place, or in the case of corporations which are perpetual, can they write a brand new 55 year lease at the end of that first 55 year lease under the current Constitution?

Legal Counsel Ian Catlett: *I would say, yes.*

Rep. Yumul: Okay. I will yield for now, Mr. Speaker.

The Chair recognized Chairwoman Kaipat.

Rep. Kaipat: Mr. Speaker, I find this as very disturbing that – originally, when I was sitting in on those SEDC discussions, that they were proposing increasing this to 75 years. Meaning that we had 55, and they want to increase it up to 75 years, and now, we are talking about expending 55 years and then getting into another 75 year term. When are our kids ever getting these lands? This is circumvention as far as I am concerned. It is a fancy way of tiptoeing around it, but the way I look at it, it is a violation.

The Chair recognized Chairman Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. I do agree that this is a very sensitive issue. The intent of this Initiative is basically so that any existing leasehold on private property, if and when the landlord and the lessee consult and agree upon a new 75 year lease, and that existing lease, however old it may be, whether it has been consummated for 20 to 30 years would be terminated, and a new lease starting from year 0 to year 75 would go in effect. Of course, after consultation and agreement between both parties. One of the things that we look at, and I understand the sentiments, but right now, we are at a juncture here in our Commonwealth, a juncture that has an economy that is down on its knees, and really, I have no answer to where we can find the remedy or the shot to stimulate our economy. Our economy is going down the tubes. Who knows, next year, revenue generation, we might hit \$140 Million or a \$120 Million. We do not know. I know that this body sometimes has to make the bold and tough decisions, and I do agree that this is one of them. It is a very tough decision to make, but I believe that if we are not giving away the land, fee simple, and if we can try to rejuvenate our economy – and if we do not really see other options or alternatives to turn our economy around, then I see this as the first stage on trying to recover from the dough drums of this economy. This would be the first stage for discussion purposes. If this Initiative should pass, there would still be two extra steps to go through or stages, and that would be through the referendum or the votes of the public, and if that does become possible, then whatever language in here still has to be agreed upon by the landowners and the lessee's. I understand that we have discussed this prior where we have heard that a survey has been made by the NMC, and the survey reported that Article XII should not be touched. I respect that, but I also question the timing of that survey. Was that survey before or after the fact that Japan Airlines pulled out? Was that survey before or after the fact that we saw these garment factories closing down? Like I said, our economy is on its knees right now. If there was any other options that we can look at and say, you know, our economy will bounce back, and if I see such a sign or even a twinkle of light at the end of the tunnel, then I will forego this Initiative, but to be honest with you, I do not see a blink of light anywhere right now. I do not see it. I respect everyone's decision. I know that this is going to be a hard and tough decision, but we are facing a big problem in our Commonwealth, and if we chose to just say, we are staying with the status quo then I will respect that also. I just want to reiterate that the intent of this Initiative is not to compound the existing balance of leaseholds, but rather to terminate those leaseholds and enter into new. That is the intent here. That is the intent of this Initiative. We talked about our kids growing up, and right now, our kids are in a state where it is really hard for them. It is really hard for us to provide the necessities of our kids. I know full well that this is very tough. It is tough for me also. I think about it almost everyday, every night, and I ask myself, what can we do? When we had the initial 55 year leases in our Commonwealth, did we come out and say, that is too long, or is that too short? At this stage, we have a bigger situation, and do I think that if ever this

pushes through, will this help our economy? I think it will. I very much think it will. We are here to make the decisions no matter how tough it is, and we are going to make it. I just want to say that I respect all the sentiments. We can wait until 2011 to get this topic out on the table, as well as fee simple topics of both Article XI and XII. As I stated before, I do not want to dwell on Article XI. I do not want to go into – that is a different animal all by itself, but I see that we need to work on our economy, and I see that this is one way of helping. Thank you, Mr. Speaker.

The Chair recognized Representative Taman.

Rep. Taman: Thank you, Mr. Speaker. I fully respect Representative Dela Cruz' comments, but for better or for worst, Mr. Speaker, what we are trying to do here is putting this constitutional amendment for the people to vote. We have not resolved that question with the Attorney General and the Board of Election as to who is actually entitled to vote on land issues here, and before we place this for the public to vote, we need to have a definite answer as to who should...**[End of Tape 3, Side B]**

Rep. Taman:...**[Beginning of Tape 4, Side A]**...that according to the Attorney General's opinion and advice that he would allow anybody who is qualified to vote in the CNMI to vote on this issue. We should refrain from touching this Article XII issue until such time that we resolve that question. You know my dear colleagues, what we should have been doing right now is trying to identify and set aside funds so that we can start educating our people in order for them to make sound decision to decide for their future come 2011. Already, we have been accused two weeks ago that we need to go and take economic courses because we defeated the two Initiatives during our last session. I do not think that we should get some economic lessons here. This is going to determine the well being of our people whether we improve our economy through this land issue – and for your information, I think that the Attorney General have already found some economic solution. We are already going into the business of Marijuana. Thank you, Mr. Speaker.

The Chair recognized Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker. I may have said everything during the prior discussion on this bill. I want to touch on- I am kind of looking beyond what is in front of us right now. Our actions today will in my opinion have long term impacts. I like you guys to consider about what those long term impacts would be. Outright, at face value, if you look at this Initiative and what it proposes to do is to allow for a current leasehold to be negotiated and terminated, and for new leases to be in place up to 75 years. Think about that. Again, existing leases, if they are terminated at their 54<sup>th</sup> year, and then renegotiated for an additional 75 years, that comes out to 139 years. If we use 20 years as one generation, that would come up to about 7 generations. So from the time that this property was leased to the time it will expire if this Initiative is adopted will mean that 7 generation of your children, great, great, great, great grandchildren may be able to get it back. Think about that. Fifty five years would allow for roughly two generations to be able to enjoy receiving and maybe renegotiating the lease. It is not such a long time for 55 years. That is two generation. The argument that I keep hearing is really economic. It is because of our economy. The potential economic gain, and I say the word "potential" because not even nobody can say with any certainty that there will be an economic gain. They say, there maybe an economic gain. We sacrifice this for seven generations on the basis that there maybe an economic gain. Think about it. During this time, if your children will not have access to land to build their homes, to raise their

children, to have farms, where would they go? Think about that. That is what they call, the long term adverse social impacts that our people could potentially face. That is what we are facing when you make your decision today. Second thing that I want you to think about is that while this maybe not involving free hold interest but just a lease, I think that the precedence that we make with our actions today, the precedence that it sets with Article XII could be used again down the road when decision makers who want to do away with Article XII – when they look back and they say, that decision makers decided to change it from 25 years to 40 years then they are deciding to move it to 55 to 75 years, and the same goes to private lands. You know what they will be saying, they will be saying that Article XII is not important. It is that our actions, the actions of leaders of the past have eroded the intent, the sacred intentions of our forefathers to preserve Article XII. We – our actions today are eroding those prior leaders' decisions. That is what it amounts too. Little by little, we are slowly cutting down the tree, the tree that is called Article XII so that its roots would not be deep, but its roots would not be solid, and when the time comes, that tree will be easy to topple. That is basically the long term effect of our actions today. Again, in the cost or in the name of economic prosperity, I echo the sentiment of Representative Palacios in that, the economic downturn is no – it is not because of Article XII. It is because of external factors. We have to come to grips with that reality, and if Article XII is not the cause of the downturn, then nor is it the remedy to change the economy around. Do not be fooled. I support the bill that we are going to be acting on next. I was hoping that we were going to act on it. The bill that Representative Palacios authored to create a Commission to study the issue of Article XII, to study it, to look at other jurisdictions that have had land alienation laws, to look at the effects of it, and to look at the different alternatives that we can offer our people. On one end of day, the spectrum, you have those that oppose any touching of Article XII, they say, no, do not touch it, do not do anything. Leave it alone. On the extreme, you have those that want to outright abolish it. This Commission, if it is in place and does its job, what it would do is not only educate our public, but would look at the various, the many alternatives in between, what various ways we can allow for people to have choices regarding Article XII. And in doing so, educate the public so that when time comes for them to decide, they will understand what the choices are. I think that would be an appropriate time for our people to make any decisions regarding Article XII. Let us look at the various possibilities that we can make, and then let them be educated about what those possibilities are. Until such time however, please let us think carefully about what the long term effects of our decision today will be. Lastly, again, I want to reiterate what I mentioned before, and that is if there is a movement to extend leasehold interest in private lands, let those proponents go through a popular initiative to amend the Constitution. Let us not take the easy way to change something – I cannot think of any other resource that this small island nation has than its land. Let the threshold be hard. Let them prove it to the people. Let the voting be passed by 2/3<sup>s</sup> and 2 out of 3 islands have to pass it. Let that be the threshold. Let us not tamper with it here. I do not know about you, but I feel that this is a move to shortcut the process to get a lower threshold for those special interests. Thank you.

The Chair recognized the Vice Speaker.

Vice Speaker Quitugua: I will be very short, Mr. Speaker. We had strike one when we repeal the minimum wage that should be increased gradually in the name of business and it is bad for business. Now we learned our lesson. Another strike that I think we are going to be on strike two – when we repeal the four years stay limit that is in Public Law 3-66, and we have more people than the people that are indigenous to this island. Here is another one in the name of business that we need to extend in the name of business, and I am anticipating, Mr. Speaker, that this would be strike three. At this

time, Mr. Speaker, I am afraid to put the future generation on strike three for the action that I am going to take this afternoon. Thank you.

The Chair recognized Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. I would just like to ask the author of the Initiative if it is not too much of a burden on him, since the Minority Leader did introduce a good House Bill that might shed some light on this Initiative, I would like to ask if he could consider sending the Initiative to the Committee and placing it on hold.

Speaker Babauta: I would assume that this would probably be the final round of these issues, and I think that the author wanted to put the issue to rest. Let me recognize Chairman Dela Cruz.

Rep. Dela Cruz: This is the second attempt. I would like to put it on the table for vote, and let it be as it may.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Mr. Speaker, *bai hu na kadada esti. Man bonito todo ayu siha i manma sangan, ya bula man touchy na issue siha. Lao esti na issue gi Article XII ta tungo ha na it is down to the heart ya me'ekungok hu gi ketkuet na manare ya guaha na biahi ni man agumento hami yan i mismo ha na Minority ya in a'atan hafa siha what are the alternatives. Umekungok ha yu guine gi i Chamber of Commerce pot iyoniha concern pot i ekonomia yan hafa taimanu ni siña ma pula esti na problema i baba'n i ekonomia. Uno na solution ni ma propoponi na esti i Article XII muna guaguaha dididi problema ya gi magahit dankulo dineda hu kumo esti ha na rason. Ya ta tungo ha na i kinalamtenta guine giya Marianas nai bula outside factors ya taya iyota control. Parehu ha pago yan i kumahulo i laña (oil) sa taya lañata guine. I baba'n i ekonimian Japan pat manu na area. Mana para i setbision airplane or ma utot i number of seats ha afekta hit guine. Sa hafa? I linalata guine gi dies, kinsi años malofan i tourism yan i garment. Ya todú esti i dos na ekonomia cha'cha baba ha. Hu mekungok hu, Mr. Speaker, sa guahu lokkue, bula taotao siha manmama dedesi nai, lao hu keke pesa esti kao magahit na yanggen malaknos esti huyong ya ma pasa ni taotao na para uma tulaika esti i tiempo ni para uma atkila i tano, na para umana la anaku from 55 years to 75 years. Kao magahit na u sinatba esti na probleman i ekonomia? I problemata pago ni ta fafana, dididi kulan ti ha gos kombinsi yu, Mr. Speaker. Ya hu atan lokkue na ti chagugu i tiempo, bula siha kuestion ni timanma sasatba tat kumo eyu i hayi para ufan bota guine gi esti na asunto, asunton tano. Hu tungo ha na guaha iyota Constitution ni ma pasa guine gi alacha, na taotao tano-hu siña manman bota guine pot asunton tano, lao ti enao iyoña opinion gi eyu i alacha si Mr. Baka na unconstitutional eyu na Constitution ya debi ha na todú ufan man bota. Uno debi di ta satba. Otro, fafata less than four years nai ni para u fattu i tiempo ni manma nahi pudet i taotaota tat kumo manu ginagagao gi Constitution 805 gi Covenant. Taimanu ha si Congressman Yumul ni ha sangan. It is one of the very basic fundamental provisions of the Covenant. I land alienation, nesisita ha – hanahi hit pudet i Amerikanu na para hita para ta deside ya buente ola mohon ya tita fan mañokñok nai between now and 2011. I am crossing my fingers ya ileleku na puedi ha man agoti hit kanai ya timanma ñokñok hit pot esti ha i asunton tano sa yanggen ta tatiyi gi magahit i hafa i gobietnota guine gi iyoña message pot i State of the Commonwealth, bula Mr. Speaker na investment para ufan halom. Pues nu ileku na ta nangga si Governor yan iyoña investors siha. Ti ha mensiona pot Article XII na debi na ta na suha ya para ta kombida halom esti na investors. Correct me if I am wrong, lao ti hu ungok*

enao ha mensiona na guaha dankulon impedimento pot esti i tano guine. Lao bulala investors para ufan halom. Ola' mohon ya i finenina na investor si kakaguates tinatiyi ni sapatu. Ti joke esti, Mr. Speaker sa ta angongoku na enague ilekna para una possible. Lao bula lokkue Mr. Speaker nu man gaige pago guine nu existing businesses na ma gegef atan para ufan taimanu i business niha yanggen pot siakasu na para ta tulaika esti i leasehold interest or extension of lease. Ma'lom hu na bula guine lokkue na business duru manmama tinas pupulu gi tanota nai yanggen ta chogue esti. Ma'atan esti kumo oportunitat para siha lokkue fuera di i man dankulo na business niha ufan manman bendi ya u fan hanao sa bula chumogue esti ya uno na hemplo pago ta dudulalak ha i Computer Land. Kanto million sa dididi ha ni ha fahan i tano ya ha biende ya malagu. Estague siha na klasen problema siña ta sietbe sa guaha na biahe ni hu agree as Congressman Torres nai hafa i A.G. Bidadaña. Gaige ha guine i resolution na ha fafana hit. Estague siha na problema – guaha talo guine gi alacha Tax ivasion. Man ngentos hit pot salape sa i mas dankulo guine na problema, let us face it, pupulu, Mr. Speaker. Fuenkas para i tano. Estague i mas dankulo guine na problema. Estague pago muna fan guiguife hit kao para ta biende i gima nai. Kao matto guenao chiña man meserableta nai ni para ta biendi i guinahata ni tatungo ha na bula famaguon man mamaila. Kumo un atan ya un atan lokkue i estorian niha gi otro siha na lugat gi Pacifico tat kumo Guam, Hawaii, Fiji, atan fan enao sa nesisita – hita ni man nuevo na gobietnamiento gi magahit, ileleku na we could learn from these people. Bula lokkue ginen Guam ilek niha na maolek iyon miyo Constitution. Gotte i tano miyo. We learned from their mistakes, and we do not want to repeat those mistakes. Ya makakat esti na decision yanggen gi un banda ilekña na kumo ti chumochu yu otro simana sen matai yu. Otro banda ilekmu lokkue na para un bendi lokkue i guinhamu ya sen matai hao ha. Manu giya dos para un tatiyi nai? Manu na decision para un fatinas. Ya estague pago i hemplo sa bula – ni man la hoben, ya ileku, hafa mohon decision miyo guine sa hamyo para in fatinas? Ya hu atan lokkue eyu i Public Land na man land bank hit para i famaguon-ta lao entre todo, Mr. Speaker, meggai eyu i ilekña na pot fabot protehi didi i tanota sa tarabia ti mafatu i...Siña ha malagu para Amerika ya ha bira gue tatti magi, lao yanggen ha biendi i guinahaña guine sumen saga ha giya Amerika nai. Dankulo esti na decision para ta fatinas. Kadda sakkan pago ma bring up esti nai. Lao entre guaho ha, Mr. Speaker, ta nangga fan i tiempo ni ginagagao ni Constitution sa we are still questionable pot i Section 805 kao tita kontradidisi eyu na provision gi Covenant. Among other things, Mr. Speaker, there are so many other factors that we have to look into and make more research before allowing this Initiative to go through. There are so much education that needs to go through our people, and I am sure that the three or four year time that we have now should give us ample time to educate our people on the value our land that for the past 20 years we have been protected on that from the land alienation on Article XII. I am a little more optimistic than some people that I still believe that the economy which we have today will eventually improve as we get together and try to work out amongst ourselves through savings, sacrifices, and hopefully, we do not have to go to the extend of alienating our land. I wish that we will leave that decision to our people when the time comes, and whatever they decide, we as leaders will abide by it. That is all, Mr. Speaker. Thank you.

Several members voiced, “ready.”

Speaker Babauta: To close this debate, let me recognize Representative Taman.

Rep. Taman: Mr. Speaker, eyu i Immigration Bill giya U.S. Senate ha propoponi lokkue nai na para u grant nu permanent residence status para eyu siha i nonresident workers guine giya Marianas. Uno na rason na meggai giya hita kumontra eyu, we are afraid of our political destiny in the

future yanggen manma grant esti siha na taotague ni enao na status. Yanggen ti ta resolve esti na question i hayi siña man bota guine gi asunton tano Marianas nai ya para ta sedi ha sigun gi opinion i Attorney General na para ufan manahi ya ufan man bota maseha hayi nai, pues parehu ha, malingo esta iyota political destiny guine na rason, so yanggen gi enao na rason pues nesesario na ta resolve enao na question gi Attorney General yan i Board of Election antes di ta pacha esti. Si Yu'us Ma'ase.

Speaker Babauta: Ready. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. L. I. NO. 15-2 on First and Final Reading:

Rep. Martin B. Ada	abstained
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	excused
Rep. Joseph P. Deleon Guerrero	no
Rep. Jacinta M. Kaipat	no
Rep. Jesus SN. Lizama	no
Rep. Crispin M. Ogo	excused
Rep. Arnold I. Palacios	no
Rep. Justo S. Quitugua	no
Rep. Benjamin B. Seman	excused
Rep. Candido B. Taman	no
Rep. Ramon A. Tebuteb	no
Rep. Manuel A. Tenorio	no
Rep. Stanley T. Torres	no

I would be making a cling if I say “yes”, but I am more to thinking of the people who have been - and taken advantaged, deprived of the land value at \$50.00 per month for the 40 years, I am voting “no.”

Rep. Absalon V. Waki, Jr.	excused
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Rep. Ray N. Yumul	no
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For the preservation of the Covenant most especially Section 805 of Article VIII, my vote is “no.”

Rep. Oscar M. Babauta	abstained
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Before I cast my vote, I would like to officially inform this House that presently, I am an executor of the estate of my Dad, and as such, I am abstaining from any vote of real or personal property that has to do with landlease be it public or private. So my vote will be “abstained.”

Rep. Tebuteb: Point of clarification, Mr. Speaker. I understand your point, but may I also ask the other abstainee to state the point of abstention?

Speaker Babauta: By a vote of 10 “no”, H. L. I. NO. 15-20 is hereby defeated. Floor Leader, First Reading on the two bills.

Acting Floor Leader Lizama: So moved, Mr. Speaker, for subsidiary motion on First Reading on H. B. NO. 15-289 and H. B. NO. 15-288.

The motion was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. Do we have some more bills? No. Let me recognize the Minority Leader.

Rep. Palacios: Mr. Speaker, can we dispose at least on First Reading on Representative Torres' Resolution.

Speaker Babauta: I have already disposed with my good colleague on First Reading only. It will be on the Calendar.

Rep. Palacios: Mr. Speaker, I have amendments to...

Speaker Babauta: This is a very, very...

Rep. Palacios: So the next time around we will make that amendment.

Speaker Babauta: Floor Leader, motion to recess.

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

Speaker Babauta: Okay. Let me just recognize Representative Kaipat.

#### MISCELLANEOUS

Rep. Kaipat: I received an email from Jerry Willis who is the Director of the Troops to Teachers Program, and she would like me to extend an invitation to all the members. They are going to be having an orientation on Friday, and they are going to be welcoming about 20 new members. They are asking us to appear. This is on the 27<sup>th</sup> of this month from 8:00 a.m. to 9:00 a.m. at the PREL building at MHS, and basically to participate on this new orientation just to show our support.

Speaker Babauta: That would be the Austerity Friday?

Rep. Kaipat: Yes. It would be the first building as you enter the campus. It is on the left.

Speaker Babauta: Members, the Chairwoman express that invitation to all of us who have the time. Please join her and Ms. Willis on Friday at 8:00 a.m. Please take note. Let me recognize Representative Tebuteb.

Rep. Tebuteb: Within that same area, the 40<sup>th</sup> Anniversary for the Headstart also on Saturday.

Speaker Babauta: Okay. There is a motion that is already offered by the Floor Leader for recess, undebatable. The House stands recess.

#### ANNOUNCEMENTS

None

The House adjourned at 5:35 p.m.

Respectfully submitted,

Vicky T. Guerrero, Journal Clerk  
House of Representatives

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**APPEARANCE OF LOCAL BILLS**

**Second appearance**  
None

**Third Appearance:**  
None