



House Journal

FOURTH REGULAR SESSION, 2007

Fifth Day

October 3, 2007

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its Fifth Day, Fourth Regular Session on October 3, 2007, at 1:55 p.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

Speaker Babauta: May I ask all of you to pray for the late Sister Remedios Castro.

A moment of silence was observed.

The Clerk called the roll and all sixteen members were present; Representatives Crispin M. Ogo and Absalon V. Waki, Jr. were excused.

Speaker Babauta: Representative's Waki and Ogo are duly excused for today's session and without objection I would like to ask the indulgence of the members to appoint Representative Lizama to be the Floor Leader Pro Tem as requested by our Floor Leader.

There was no objection from the Floor.

Speaker Babauta: So ordered and thank you very much. Before we move on and on behalf of the members, I would like to welcome to the House Chamber our distinguish people from our community and government officials who are here this afternoon.

ADOPTION OF JOURNALS

None

INTRODUCTION OF BILLS

H. B. No. 15-303: A Bill for an Act to amend Public Law 15-36 as amended by Public Law 15-55; and for other purposes.

Offered by: Rep. Justo S. Quitugua

H. B. No. 15-304: A Bill for an Act to amend Public Law 15-22; and for other purposes.

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

H. B. No. 15-305: A Bill for an Act to appropriate \$50,000.00 for the A&E design of a gymnasium for the Northern Youth Basketball Association; and for other purposes.

Offered by: Rep. Ramon A. Tebuteb and fifteen others

Rep. Tebuteb: Mr. Speaker, I would like to introduce H. B. No. 15-305 by the Committee of the Whole and also request that it be calendared.

There was no objection.

H. B. NO. 15-306: A Bill for an Act to appropriate \$4,712,736.00 from the interest income earned by the Public School System's CIP General Obligation Bond with the Bank of New York Trust Company, N.A. for the Public School System.

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

Vice Speaker Quitugua: Mr. Speaker, I would like to request that H. B. No. 15-304 and H. B. No. 15-306 be placed on today's Bill Calendar.

There was no objection from the Floor.

Speaker Babauta: So ordered.

H. B. NO. 15-307: A Bill for an Act to repeal and reenact Section 2 of Public Law 15-12; and for other purposes.

Offered by: Rep. Francisco Dela Cruz

Rep. Dela Cruz: Mr. Speaker, I would also like H. B. NO. 15-307 to be placed on the Calendar for action, if there is no objection from the members.

There was no objection raised.

H. B. NO. 15-308: A Bill for an Act to amend Public Law 11-78; and for other purposes.

Offered by: Rep. Edwin Aldan

H. B. NO. 15-309: A Bill for an Act to reappropriate \$500,000 to fund various programs and projects in the Second Senatorial District; and for other purposes.

Offered by: Rep. Edwin Aldan

Rep. Aldan: Mr. Speaker, if I may, can I request for the two bills I just introduced to be calendared?

There was no objection.

Speaker Babauta: There being no objection from your colleagues, so ordered.

H. B. NO. 15-310: A Bill for an Act to require all tourism related businesses to post in a conspicuous place their respective prices for all services and activities offered.

Offered by: Rep. Ray Yumul

Rep. Yumul: Mr. Speaker, since we are on a roll here, I would like to request that H. B. NO. 15-310 be placed on today's Bill Calendar for action.

H. B. NO. 15-311: A Bill for an Act to amend 1 CMC § 8314 to require that board members of the Northern Mariana Islands Retirement Fund be retirees; and for other purposes.

Offered by: Rep. Joseph Deleon Guerrero

Rep. J. Deleon Guerrero: Mr. Speaker, following along and with your generosity, Mr. Speaker, I ask for your indulgence to have this Calendared.

There was no objection.

H. B. NO. 15-312: A Bill for an Act to provide for the conservation of fisheries in the Commonwealth of the Northern Mariana Islands, and for other purposes, known as the Northern Mariana Islands Fisheries Act of 2007; and for other purposes.

Offered by: Rep. Arnold Palacios+3

H. L. B. NO. 15-72: A Local Bill for an Act for an Act to name the unnamed road adjacent to Gloria Drive in Navy Hill, Saipan as “Basilio Lane.”

Offered by: Rep. Justo S. Quitugua and one other

H. L. B. NO. 15-73: A Local Appropriation Bill for an Act to appropriate the sum of \$149,217.00 from the local license fees collected for pachinko slot machines and poker machines in the Second Senatorial District; and for other purposes.

Offered by: Rep. Aldan

Speaker Babauta: We will have a brief recess to allow Representative Taman to present a Resolution to a recipient, Mr. Lino Olopai, who is present in the Gallery.

The House recessed at 2:07 p.m.

RECESS

The House reconvened at 2:14 p.m.

INTRODUCTION OF RESOLUTIONS

H. R. NO. 15-152: A House Resolution endorsing the findings of the 1st Carolinian Language Symposium on the urgent need to maintain and preserve the indigenous Carolinian language and encouraging the CNMI government to take immediate action on this regard.

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

H. J. R. NO. 15-37: A House Joint Resolution to encourage the Commonwealth Development Authority to assume guaranteed commercial loans made to CNMI commercial borrowers from private institutions, and for other purposes.

Offered by: Rep. Ramon A. Tebuteb and fifteen others

At the request of members, H. R. NO. 15-152 and H. J. R. NO. 15-37 were introduced by the Committee of the Whole of the members present.

MESSAGES FROM THE GOVERNOR

Gov. COMM. 15-312: (9/5/07) Certification of vacant positions within the Executive Branch for legislative approval in accordance with PL 15-71.

Gov. COMM. 15-313: (9/13/07) Informing the House that he disapproved H. B. NO. 15-53, HS1 HD2, SD1, CCS1 (Promote Local Business – Bidding Preference). [Deadline: 11/13/07]

Gov. COMM. 15-314: (9/14/07) Informing the House that he disapproved H. B. NO. 15-246, HD1 SD3 (Est. Electric Charges and Rates for CUC). [Deadline: 11/13/07]

Gov. COMM. 15-315: (9/18/07) Informing the House that he signed into law S. B. NO. 15-99, SD1 (Compensation of Licensed Professionals). [Became **Public Law 15-81**]

Gov. COMM. 15-316: (9/18/07) Informing the House that he signed into law S. B. NO. 15-101 (Extend employment of nonresident workers at the Department of Public Health). [Became **Public Law 15-82**]

Gov. COMM. 15-317: (9/19/07) Informing the House that he signed into law H. B. NO. 15-288, HD1 (Waive Exemption fee charged by the Department of Labor for hiring nonresident workers by new major developments). [Became **Public Law 15-83**]

Gov. COMM. 15-318: (9/19/07) Informing the House that he signed into law S. B. NO. 15-13, SD1 (regarding Executive Appointments). [Became **Public Law 15-84**]

Gov. COMM. 15-319: (9/20/07) Informing the House that he signed into law H. B. NO. 15-275 (Amending the Regulated Loan Act of 2000). [Became **Public Law 15-85**]

Gov. COMM. 15-320: (9/26/07) Certification of vacant positions at the Department of Corrections for legislative approval pursuant to PL 15-71.

Gov. COMM. 15-321: (9/26/07) Informing the House that he disapproved H. B. NO. 15-244, HD1 (To require the Commonwealth Utilities Corporation to establish a one year payment plan for residential consumers with outstanding balances). [Deadline: 11/26/07]

Gov. COMM. 15-322: (9/26/07) Informing the House that he disapproved H. B. NO. 15-229, HD1 (To repeal and reenact Chapter 2, Division 1 of Title 3 of the Commonwealth Code pertaining to the Chamorro-Carolinian Language Policy Commission). [Deadline: 11/26/07]

Gov. COMM. 15-323: (9/26/07) Informing the House that he signed into law H. B. NO. 15-258 (To amend 1 CMC § 7407, pertaining to restriction on government paid travel). [Became **Public Law 15-86**]

Gov. COMM. 15-324: (9/26/07) Informing the House that he signed into law H. B. NO. 15-263, HS1 (To amend certain sections of PL 15-23 pertaining to renewable energy). [Became **Public Law 15-87**]

Gov. COMM. 15-325: (9/26/07) Informing the House that he disapproved H. B. NO. 15-277 (To authorize Class I Members of the Retirement Fund with fifteen years of actual service contributions to the Retirement Fund to withdraw their contributions). [Deadline: 11/26/07]

Gov. COMM. 15-326: (9/26/07) Informing the House that he disapproved S. B. NO. 15-89, HD1 (To amend the Commonwealth Code to offer job protection to volunteer members of the emergency service agencies who respond to certain disasters and emergencies). [Deadline 11/26/07]

Speaker Babauta: I now recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. Mr. Speaker, I move to reject Gov. Comm. 15-314, relating to H.B. 15-246, HD1, SD3, informing the House that the Governor has disapproved H. B. NO. 15-246, HD1, SD3 and move for an override.

Several members seconded the motion.

Gov. COMM. 15-314: (9/14/07) Informing the House that he disapproved *H. B. No. 15-246, HD1, SD3* (Est. Electric Charges and Rates for CUC).

Speaker Babauta: The motion on the floor is to override the Governor's veto on Gov. Comm. No. 15-314, informing the House of its disapproval H. B. NO. 15-246, HD1, SD3 and has been seconded. Discussion on the motion.

Several members voiced ready.

Speaker Babauta: Are you sure? I just want to remind all of you about the message of the Administration. So be mindful when we deliberate on the budget that we need to look for an extra seven to eight million dollars to pay for the shortfall of the fuel. I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. Mr. Speaker, let me say a few words on this. I am mindful of the Governor's message, although I do not necessarily agree with everything in the message, I am also mindful that there is going to be some financial impact that we in the House of Representatives must work towards resolving. Mr. Speaker, just as the Department of Public Health, the Public School System, and the Department of Public Safety are essential services to the community of the Commonwealth, Mr. Speaker and colleagues, basic utilities are essential to every citizen of the Commonwealth, it is an essential service, and it is incumbent on the government to provide this essential service. I believe that the rate that our Commonwealth residents are shouldering is getting to the point where they cannot shoulder these costs by themselves. Several of my colleagues and I are already looking at potential resources outside of the General Fund to come up with a proposal in the next session. As you all know on October 1, there was a public notice of the Commonwealth Utilities Corporation schedule of electrical charges and rates for the month of October. These rates have now risen again to twenty-four cents (\$0.24) for the first 500 kilowatt hours for residential consumers, twenty-nine point four cents (\$0.294) for the second 500 to 1000 kilowatt hours, thirty-one point four cents (\$0.314) for anything over a thousand kilowatts. This, I believe, is beyond what our residents cannot shoulder anymore. As you all know, colleagues, a lot of families are without utilities. This is a health risk and I do not believe to elaborate on that and that is why and in spite being mindful of the Governor's message I believe that this is the most reasonable and that it is the right thing to do for our people. Thank you.

Speaker Babauta: I recognize Representative Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. You know I would be remiss if I did not comment on this particular Governor's Communication. But I would also like to point out that the people of the Commonwealth have been subjected to these exorbitant rates and we all understand the increase on the price of fuel but a lot of us do not see the other side of this picture and that is the people have been subjected to pay for fuel needlessly because of the inefficiencies of the engines that CUC operates. We are paying the price for these engines at CUC that are inefficient at best. The Governor's comment on his veto message is to treat everyone fairly residential, and commercial. But I also see that this is not treating everyone fairly and that commercial users are also residential users. They live in houses or apartments and they pay the residential fees. And therefore I believe that we have a solution in the future, I have introduced H.B. 15-307, to relieve CUC on their debt with CDA. This would give CUC some breathing room a way to go out and enter into the bond market or through a lending institution, and therefore procure efficient engines so that we may continue to have rates that are non-exorbitant for our people of the Commonwealth. Thank you, Mr. Speaker.

Speaker Babauta: Thank you. Before we move on may I ask the cooperation of the members in the gallery to please turn off your cell phones or put them on silent mode so that it would not disturb the proceedings of this session, thank you. I recognize Representative Kaipat.

Rep. Kaipat: Thank you Mr. Speaker. There is no doubt that this is a very critical, and emotional, with all those bills really gets you here in the heart. Yesterday we have spent the whole morning in a joint session with Senate grappling with short term and long term solutions to our CUC problems. And I am very optimistic that this body can work together to come up with better solutions and do away our attempts at band-aid solutions. And I think these band-aid solutions have a tendency to crop up because we are desperate to meet the needs of our constituents who are suffering out there. I am mindful of the Governor's message, but it is very difficult to come in and talk to our constituents day in and day out and have them express their concerns of disconnection notices and the quality of life that they are suffering. And it is this kind of dilemma I find myself unfortunately in this position of not necessarily wanting to contribute to a band-aid solution but I just cannot in good conscience turn a deaf ear and many cries out there for some relief. And I just hope that we can if we should succeed in overriding this bill that we continue to work together, reach across the aisle in good faith (*End of Tape 1, side a...Beginning side b*) ...the problems at CUC once and for all. Thank you.

Speaker Babauta: Thank you, I recognize Representative Taman.

Rep. Taman: Thank you, Mr. Speaker. A lot of our brothers and sisters have already left the island because of all these hardships they have gone through in particular the problems related to CUC. Mr. Speaker and colleagues, if we cannot bring home our dear friends who left the islands, the least we can do right now is to try to prevent the ones who are still on island from leaving. And these are some of the measures that will provide relief to prevent our people from leaving the island. I am very much mindful of the Governor's veto message, the amount of money that the Governor stated in his veto message is not that easy to cuff up but we will, and I am very optimistic that we will find a way to replenish. I like to cross the bridge, but I like to get to the bridge first then figure out how to cross it. Thank you.

Speaker Babauta: Thank you. Ready. Before I acknowledge the call let me recognize the presence of the former Speaker of the House of Representatives Pedro R. Deleon Guerrero and former Representative Apatang in the Gallery, thank you for joining us today.

Several members voiced “ready.”

The Clerk called the roll on the motion to override the Governor’s veto on H. B. NO. 15-246, HD1, SD3.

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 (absent)
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 (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of sixteen “yes” the House has overridden the Governor’s disapproval of H. B. NO. 15-246, HD1, SD2. I recognize Representative Dela Cruz.

Rep. Dela Cruz: Mr. Speaker, if I am not out of order I move to reject GOV. COMM. 15-321.

Several members seconded the motion.

Speaker Babauta: To clarify that motion – to override the Governor’s veto of H. B. NO. 15-244, HD1 under GOV. COMM. 15-321. Is that your request?

Rep. Dela Cruz: Yes, Mr. Speaker.

GOV. COMM. 15-321: (9/26/07) Informing the House that he disapproved *H. B. No. 15-244, HD1* (To require the Commonwealth Utilities Corporation to establish a one year payment plan for residential consumers with outstanding balances).

Speaker Babauta: Discussion on the motion. I recognize Representative Yumul.

Rep. Yumul: I would like to state that GOV. COMM. 13-321, is disapproving H. B. NO. 15-244, HD1 and his comments that he had indicated about the residential customers versus commercial customers are not really well-established. We do know for a fact, according to the Vice Speaker who spoke to me earlier that it has been in practice that CUC gives commercial customers interest on

their deposit if they request for that deposit to be paid back. I do not know of any residential consumer that has ever received interest back on their deposits.

Speaker Babauta: The banking law requires that a certain amount of interest be returned to your savings.

Rep. Yumul: The main intent of H. B. NO. 15-244 is really simple. It is to allow the customers to have a little more leeway in paying back their debts. The bill does nothing more than to allow CUC the option, and it is clearly stated in the bill that CUC may give up to one year repayment. We are not telling them they should or shall do it. If they have an existing plan with the customer, then it is between CUC and that customer to hammer out the details. And if a customer is already a bad paying customer and they do not agree to the terms of their payment plans CUC can revoke.

Speaker Babauta: You are talking about the arrear rates right? Delinquency?

Rep. Yumul: Right. If a customer is already not in good faith with CUC and they cannot follow the terms of their agreement, CUC is not required to give them up to one year repayment plan. The purpose here is to help those good paying customers the ability to spread out their repayment of a debt over a period not to exceed one year. As we all know a lot of customers had filed a protest with CUC and a decision was made and now they have thousands of dollars in debt to CUC and CUC says you have thirty days to pay. I think that is at this time unreasonable and that it is not unreasonable for us to allow CUC the opportunity to give up to one year at their discretion based on their rules and regulations. Thank you.

Speaker Babauta: Thank you. I recognize Representative Torres.

Rep. Torres: Just to add to Representative Yumul's statement, the present policy of CUC is three months at a maximum, so we are only asking them to expand the three months to one year right, Representative Yumul? Thank you very much.

Speaker Babauta: You say the present policy is ninety days.

Rep. Torres: That is why they disapproved my...that is why I took them to court because they would not allow me to pay within the ninety days.

Speaker Babauta: I would probably ask you to refrain from voting because you have a case law presented in court.

Rep. Yumul: Mr. Speaker, the thirty days is cited directly on the second paragraph of the Governor's Communication. Whether it is thirty or ninety days I leave that up to you to figure out. Thank you.

Speaker Babauta: Thank you. I recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, I think the incidences is beginning to increase where CUC does estimates on the billing, or they change the water meter to smart meter, or they change an old meter to a new meter and then all of a sudden the bills they put out is five times more than their previous billings. This bill will help these customers work out the payment plan and also gives an opportunity to CUC to really go back and study why such a billing has gone from two hundred in the

previous billing before they change the meter and then all of the sudden seven hundred when they put in a new electric meter. I just heard yesterday a customer whose old water meter was changed to a smart meter and after that when the bill came out he got a one thousand dollar (\$1,000.00) water billing. So having this window will also give CUC the opportunity to go back to see where the problem is so they can come to a mutual settlement with customer and their billing. Thank you.

Speaker Babauta: Let me ask you Vice Speaker, whose idea, was that putting the smart meter or a regular meter?

Vice Speaker Quitugua: I think that was the project of the Water Task Force, Mr. Speaker, during the previous Administration.

Speaker Babauta: Okay, so clarified. Ready. I recognize Representative Ada.

Rep. Ada: Mr. Speaker, this is just a clarification for the people in the gallery also on the billing. This three months that they have right now which is called the promissory notes once this passes both houses and becomes law then this basically takes away this three months and stretches it to one year?

Speaker Babauta: Not necessarily, it is similar to when you loan from Bank of Guam you can ask for six months extension because you got laid off.

Rep. Ada: So the promissory notes that are usually to help other people and that has been applied to me will still be in effect?

Speaker Babauta: Definitely. Nothing is forgiven in this bill it just allow the consumer to expand their repayment ability from ninety days to maybe six months like Representative Torres' has mentioned earlier or hundred and twenty days for that matter.

Rep. Ada: For clarity purposes and I would like to make a point here that promissory notes for your information used to be three times a year per customer. I was there about four months ago and now I think it is down to one promissory note per customer per year. So you have to get a clarification on that when you go there and try to fix something.

Speaker Babauta: It is similar to the banks. The banks normally give you one time per year so if you are strike one, then you strikeout and you are going to be foreclosed. Ready.

Several members voiced "Ready".

The Clerk called the roll on the motion to override the Governor's Veto of House Bill H. B. NO. No. 15-244, 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 (absent)
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 (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of sixteen “yes,” the motion to override the Governor’s veto of H. B. NO. 15-244, HD1 under GOV. COMM. 15-321 passes the House. I recognize Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. This override is getting contagious (laughter). Mr. Speaker I have a comment reference to GOV. COMM. 15-313, this is in reference to H. B. NO. 15-53, HS1, HD2, SD1, CCS1, An Act to promote businesses owned by United States citizens by amending 1 CMC § 7404 of the Planning and Budgeting Act of 1983; and for other purposes. This as you know, Mr. Speaker, passed both houses recently and we have gone through extensive debate on this issue ending up in a Conference Committee with the Senate and a report being submitted and passed by both houses. Mr. Speaker, I move to override Governor’s veto on H. B. NO. 15-53, HS1, HD2, SD1, CCS1.

Several members seconded the motion.

Gov. COMM. 15-313: (9/13/07) Informing the House that he disapproved *H. B. No. 15-53, HS1 HD2, SD1, CCS1* (Promote Local Business – Bidding Preference).

Speaker Babauta: Discussion on the motion offered by Representative Tenorio.

Several members voiced “ready.”

The Clerk called the roll on the motion to override the Governor’s veto of H. B. NO. 15-244, HS1, HD2, SD1, CCS1:

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
<u>Rep. Kaipat</u> : I agree with the Governor’s justification so I am going to vote “no.”	
Rep. Jacinta M. Kaipat	no
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	excused (absent)
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

Gov. COMM. 15-325: (9/26/07) Informing the House that he disapproved *H. B. No. 15-277* (To authorize Class I Members of the Retirement Fund with fifteen years of actual service contributions to the Retirement Fund to withdraw their contributions).

Speaker Babauta: Discussion. Clerk, call the roll.

The Clerk called the roll on the motion to override the Governor's veto of H. B. No. 15-277.

Rep. Martin B. Ada	yes
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	no
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	excused (absent)
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 (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	abstain

Speaker Babauta: By a vote of fourteen "yes" the motion to override H. B. NO. 15-277 under Gov. COMM. 15-325 passes the House. Representative Tenorio.

Rep. Tenorio: Thank you Mr. Speaker. In reference to Governor's Communication 15-324 I want to commend the Governor for signing this particular bill H. B. NO. 15-263, HS1, pertaining to renewable energy. I think it is about time to get this thing in the books so that we can proceed with our CUC business. Thank you.

Speaker Babauta: That is a good bill and I congratulate you. Representative Torres.

Rep. Torres: I move to override S. B. No. 15-89, HD1 reference to Gov. COMM.15-326.

The motion was seconded.

Gov. COMM. 15-326: (9/26/07) Informing the House that he disapproved *S. B. No. 15-89, HD1* (To amend the Commonwealth Code to offer job protection to volunteer members of the emergency service agencies who respond to certain disasters and emergencies).

Speaker Babauta: Discussion. Clerk, call the roll.

The Clerk called the roll on the motion to override the Governor's Veto of S. B. NO.15-89, HD1.

Rep. Martin B. Ada	yes
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	no
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	excused (absent)
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 (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of fifteen “yes” the Governor’s veto of S. B. NO. 15-89, HD1 under GOV. COMM. is hereby reversed by the House. Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. This is in reference to GOV. COMM. 15-300 reporting on H. B. NO. 15-273, I know we had last brought up the question on an override and it failed to pass by one vote. I would like to ask that the House reconsider that and bring the question back and I ask the members to cast their votes once more so that we could once and for all dispose of this House Bill.

Several members seconded the motion.

Speaker Babauta: Let me ask the mover and the author of that communication -- do you have copies? We all know that the communication was rejected awhile ago, if we would want to take a short recess and get those copies out. That is the privatization. Okay, the House will take a short break.

The House recessed at 2:51 p.m.

RECESS

The House reconvened at 3:03 p.m.

Speaker Babauta: We are back to our plenary session and we continue to discuss the motion offered by Representative Yumul to recall Governor’s Communication 15-300, disapproving H.B. 15-273. This bill was rejected during the last session by the House so we will continue to discuss the motion to reconsider and place on today’s Order of Business.

There being no discussion, the motion to reconsider the House’s action on GOV. COMM. 15-300, disapproving H. B. NO. 15-273 was seconded and carried by voice vote.

Speaker Babauta: We are still on Item No. 5 and GOV. COMM. 15-300, disapproving H.B. 15-300 is now officially on today’s calendar. Any discussion. I recognize Representative Yumul.

Rep. Yumul: Thank you. In regards to GOV. COMM. 15-300 disapproving H. B. NO. 15-273, I move to override the veto.

Several members seconded the motion.

GOV. COMM. 15-300: (8/17/07) From Acting Governor Villagomez informing the House that he disapproved *H. B. NO. 15-273* (Amending the PUC Act regarding privatization, rates, and fees)

Speaker Babauta: Discussion. Clerk, call the roll.

The Clerk called the roll on the motion to override the Governor's Veto of H. B. NO. 15-273:

Rep. Martin B. Ada	abstained
Rep. Edwin P. Aldan	abstained
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	no
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	no
Rep. Jesus SN. Lizama	no
Rep. Crispin M. Ogo	excused (absent)
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	abstained
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 (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	no

Speaker Babauta: By a vote of nine "yes" Governor's Communication 15-300 continues to fail the override. I recognize Representative Yumul.

Rep. Yumul: This is the second time that this bill has failed to pass through override. I will not support any attempts to resurrect this bill from this point forward. Thank you.

Speaker Babauta: Thank you for your keen observation. You know well that the third try would probably be an immediate death. Thank you.

SENATE COMMUNICATIONS

SEN. COMM. 15-262: (10/1/07) Transmitting a certified copy of S. J. R. NO. 15-22 (Approval of vacant positions at PSS). [For info]

SEN. COMM. 15-263: (10/1/07) Transmitting a certified copy of S. J. R. NO. 15-23 (Approval of vacant positions at CUC). [For info]

Speaker Babauta: I recognize the Floor Leader.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move to accept SEN. COMM. 15-262 and SEN. COMM. 15-263.

The motion to accept the Senate Communications was seconded and carried by voice vote.

HOUSE COMMUNICATIONS

Speaker Babauta: I now recognize Representative Tenorio.

Rep. Tenorio: I have a House Communication in a form of a letter dated September 28, 2007, to the Secretary of the Department of Labor. I want to include this, Mr. Speaker, if I may under the House Communications. Thank you.

Speaker Babauta: So ordered. Clerk, take note and please include that as part of today's session. I recognize Vice Speaker.

HSE. COMM. 15-47: From Representative Tenorio to Secretary Gil San Nicolas regarding the promulgation of regulations to enforce the provisions of PL 9-71.

Vice Speaker Quitugua: Mr. Speaker, I would like to congratulate your staff Mike Evangelista for successfully passing the Bar. And we should be really proud that one of our local ambitious attorneys is now licensed to practice in the CNMI.

Speaker Babauta: I thank all of you for applauding and continue to applaud our fellow local attorney to pursue that special skill that now he has rightfully and legally achieved. Representative Kaipat.

Rep. Kaipat: Mr. Speaker is Mike here? I beg the member's indulgence to invite Mike in.

Several members voice "no objection".

Speaker Babauta: Mike will be leaving the office soon to pursue what he has studied. I doubt whether he will venture into the private sector but I personally I asked him to try the courtroom put his foot in the Chamber. Mike, come on in. On behalf of the Fifteenth House members we humbly congratulate your achievement for passing the CNMI Bar. We are proud of you.

Mr. Michael Evangelista: *Thank you very much.*

Rep. Kaipat: Speaker if I may, eight years ago when I was working as a staffer for Senator Villagomez, Mike worked for the LB and he helped us out. Mike came to me one day and said he wanted to go off and pursue a Master's Degree and I proceeded to convince him to go on to Law School instead. And he went off and I always prayed that he would not be cursing me as he was going through Law School, but my heart swells. I want to congratulate you (Mike), my friend, on passing the Bar and achieving your success, we are all tremendously proud of you. Congratulations.

Speaker Babauta: When is your Oath of Office?

Mr. Michael Evangelista: *I have not heard from the secretary.*

Speaker Babauta: Congratulations, again, from all of us and please extend that to your family.

Mr. Michael Evangelista: *Thank you very much.*

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT./AGCY. COMM. 15-77: (9/13/07) From Ms. Linda T. Cabrera (SAPLR), acknowledging receipt of H. R. NO. 15-145.

DEPT./AGCY. COMM. 15-78: (9/4/07) From Ms. Linda T. Cabrera (SAPLR), acknowledging receipt of H.L.I. No. 15-3, HD1, H. R. NO. 15-143 and H. R. NO. 15-144.

DEPT. /AGCY. COMM. 15-79: (9/14/07) From Ms. Linda T. Cabrera (SAPLR), acknowledging receipt of H. R. NO. 15-148 thru H. R. NO. 15-151.

There was no discussion under this item.

OTHER COMMUNICATIONS

None

REPORTS OF STANDING COMMITTEES

S. C. R. NO. 15-76: Reporting on HSE. COMM. 15-45 regarding the shortage of physicians at the Commonwealth Health Center.

S. C. R. NO. 15-77: Reporting on H. B. NO. 15-281: To amend the Medical Practice Act of 1982 by repealing and reenacting sections of Chapter 12 of Division 2 of Title 1, and Chapter 2 of Division 2 of Title 3 of the Commonwealth Code. *Your Committee on Health, Education, and Welfare recommends passage in the form of **H. B. No. 15-281, HD1.***

S. C. R. NO. 15-78: Reporting on H. B. NO. 15-6: To create in the Office of the Governor a Council of Economic Advisors. *Your Committee on Judiciary and Governmental Operations recommends that the House **file** the bill.*

S. C. R. NO. 15-79: Reporting on H. B. NO. 15-23: To require the CNMI Superior Court to compensate jury panelists for actual attendance during jury selection. *Your Committee on Judiciary and Governmental Operations recommends that the House **file** the bill.*

S. C. R. NO. 15-80: Reporting on H. B. NO. 15-56: To create a multi-agency and community task force to undertake and/or oversee the completion of a comprehensive feasibility impact study, environmental impact study, and any other study deemed necessary by the task force prior to the extraction of pozzolan and/or other valuable mineral(s) on Pagan in the Northern Islands; to

temporarily prohibit any person(s), company/companies, organization(s), or other entities from engaging in any pozzolan-extraction activities or any other type of mining activities on Pagan until such time that the multi-agency and community task force is created and completes its duties and responsibilities as mandated by this act; and for other purposes. *Your Committee on Judiciary and Governmental Operations recommends that the House file the bill.*

S. C. R. NO. 15-81: Reporting on H. B. NO. 15-65: To amend 3 CMC § 4343 to enable the Attorney General to impose penalties and conditions on those aliens who are offered an opportunity to voluntarily depart the Commonwealth, in lieu of facing deportation proceedings; and for other purposes. *Your Committee on Judiciary and Governmental Operations recommends that the House file the bill.*

S. C. R. NO. 15-82: Reporting on H. B. NO. 15-82: To establish a Saipan and Northern Islands Liberation Day Association; and for other purposes. *Your Committee on Judiciary and Governmental Operations recommends that the House file the bill.*

S. C. R. NO. 15-83: Reporting on H. B. NO. 15-91: To amend parts of 1 CMC § 6101 *et seq.*, and for other purposes. *Your Committee on Judiciary and Governmental Operations recommends that the House file the bill.*

S. C. R. NO. 15-84: Reporting on H. B. NO. 15-210: To repeal Public Law 15-24 and Public Law 15-27. *Your Committee on Judiciary and Governmental Operations recommends that the House file the bill.*

S. C. R. NO. 15-85: Reporting on H. B. NO. 15-212: To repeal Public Law 15-15. *Your Committee on Judiciary and Governmental Operations recommends that the House file the bill.*

S. C. R. NO. 15-86: Reporting on H. B. NO. 15-225: To amend Public Law 12-18 to provide for a gubernatorial runoff election; and for other purposes. *Your Committee on Judiciary and Governmental Operations recommends that the House file the bill.*

S. C. R. NO. 15-87: Reporting on H. L. I. NO. 15-5: To amend Article IV of the Commonwealth Constitution so as to establish a commission on judicial conduct and to establish that written opinions and decision of the CNMI Superior Court and Supreme Court be issued within one year of submission of the case for opinion or decision. *Your Committee on Judiciary and Governmental Operations recommends that the House file the initiative.*

S. C. R. NO. 15-88: Reporting on H. L. I. NO. 15-9: To amend Article II, Section 3(a) and (b) of the Constitution of the Northern Mariana Islands. *Your Committee on Judiciary and Governmental Operations recommends that the House file the initiative.*

S. C. R. NO. 15-89: Reporting on H. L. I. NO. 15-10: To amend Article VI, Section 6(a) of the Constitution of the Northern Mariana Islands. *Your Committee on Judiciary and Governmental Operations recommends that the House file the initiative.*

S. C. R. NO. 15-90: Reporting on H. L. I. NO. 15-11: To amend Article II, Section 16(a) and (b) of the Constitution of the Northern Mariana Islands. *Your Committee on Judiciary and Governmental Operations recommends that the House file the initiative.*

S. C. R. NO. 15-91: Reporting on H. L. I. NO. 15-12: To amend Article VI, Section 2(b) of the Constitution of the Northern Mariana Islands. *Your Committee on Judiciary and Governmental Operations recommends that the House file the initiative.*

S. C. R. NO. 15-92: Reporting on H. L. I. NO. 15-13: To amend Article III, Section 4 of the Constitution of the Northern Mariana Islands. *Your Committee on Judiciary and Governmental Operations recommends that the House file the Initiative.*

S. C. R. NO. 15-93: Reporting on H. L. I. NO. 15-18: To amend Article V, Section 1 of the Constitution of the Northern Mariana Islands to require a runoff election for the resident representative to the United States of no candidate receives a majority of the votes cast for that office in a general election. *Your Committee on Judiciary and Governmental Operations recommends that the House file the initiative.*

S. C. R. NO. 15-94: Reporting on H. L. I. NO. 15-17: To amend Article VI, Section 2(b) of the Constitution of the Northern Mariana Islands to require a runoff election for mayor if no candidate receives a majority of the votes cast for that office in a general election. *Your Committee on Judiciary and Governmental Operations recommends that the House file the initiative.*

S. C. R. NO. 15-95: Reporting on H. L. I. NO. 15-19: To amend Sections 10 and 16 of Article II of the Constitution of the Northern Mariana Islands to restructure the compensation of members and to reduce the operating budget of both houses of the Legislature. *Your Committee on Judiciary and Governmental Operations recommends that the House file the initiative.*

S. C. R. NO. 15-96: Reporting on S. B. NO. 15-3: to amend the Commonwealth Code to require the Office of the Attorney General to state on the record its reasons for dismissing charges of Operating While Intoxicated; and for other purposes. *Your Committee on Judiciary and Governmental Operations recommends that the House file the bill.*

S. C. R. NO. 15-97: Reporting on. *Your Committee on Judiciary and Governmental Operations recommends that the House file the bill.*

Speaker Babauta: I now recognize Floor Leader.

Floor Leader Pro Tem Lizama: Thank you, Mr. Speaker. Mr. Speaker, we have twenty-two Standing Committee Reports. I move to suspend pertinent rules for the adoption motion of S.C. R. 15-76 through 15-97.

Several members seconded the motion.

Speaker Babauta: Discussion on any of those Committee Reports. I recognize Representative Tenorio.

Rep. Tenorio: I yield, Mr. Speaker.

There was no discussion on any of the committee reports and the motion to adopt S. C. R. NO. 15-76 through S. C. R. NO. 15-97 carried by voice vote.

Speaker Babauta: Continue, Floor Leader.

Floor Leader Pro Tem Lizama: Mr. Speaker I move to suspend pertinent rules to place on today's bill calendar, S.C.R. 15-77 and S.C.R. 15-97.

Several members seconded the motion.

There being no discussion the motion to place H. B. No. 15-281, HD1 (S. C. R. No. 15-77) and H. B. No.15-302, HS1 (S. C. R. No. 15-97) on the day's Bill Calendar for consideration was carried by voice vote.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

Speaker Babauta: I recognize the Floor Leader.

Floor Leader Pro Tem Lizama: Thank you, Mr. Speaker. Mr. Speaker, I move to suspend pertinent rules to place H. R. NO. 15-37 and H. R. NO. 15-152.

Several members seconded and the motion was carried by voice vote.

Speaker Babauta: Continue, Floor Leader, with the adoption motion.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move to adopt H. J. R. NO. 15-37.

Several members seconded the motion.

Speaker Babauta: Discussion on the motion. Representative Torres.

Rep. Torres: I just would like to say that H. J. R. NO. 15-37 is introduced as the Committee of the Whole.

Speaker Babauta: The author has explicitly emphasized that during the introduction and also the Chair had recognized it as the Committee of the Whole.

Rep. Torres: That is just verification, Mr. Speaker, thank you.

Speaker Babauta: That is clarified. Ready.

There was no discussion on the motion and the motion to adopt H. J. R. NO. 15-37 was carried by voice vote.

Speaker Babauta: Continue Floor Leader.

Floor Leader Pro Tem Lizama: Thank you, Mr. Speaker, I move to adopt H. R. NO. 15-152.

Several members seconded the motion; there being no discussion, the motion to adopt H. R. NO. 15-152 by voice vote.

BILL CALENDAR

Speaker Babauta: Floor Leader, suspension motion.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move to suspend pertinent rules to place H. B. NO. 15-281, HD1 in reference to S. C. R. NO. 15-77, H. B. NO. 15-304, H. B. NO. 15-306, H. B. NO. 15-302, HS1 in reference to S. C. R. NO. 15-97, H. B. NO. 15-307, H. B. NO. 15-308, H. B. NO. 15-309, H. B. NO. 15-310, and H. B. NO. 15-311.

Several members seconded the motion and was carried by voice vote

Speaker Babauta: Floor Leader, you may proceed with the first bill.

Floor Leader Pro Tem Lizama: Thank you, Mr. Speaker. I move for the passage on First and Final Reading H. B. NO. 15-281, HD1.

H. B. No. 15-281, HD1: A BILL FOR AN ACT TO AMEND THE MEDICAL PRACTICE ACT OF 1982 BY REPEALING AND REENACTING SECTIONS OF CHAPTER 12 OF DIVISION 2 OF TITLE 1, AND CHAPTER 2 OF DIVISION 2 OF TITLE 3 OF THE COMMONWEALTH CODE; AND FOR OTHER PURPOSES.

Several members seconded the motion. There being no discussion the Speaker asked the clerk to call roll.

The Clerk called the roll for the passage on First and Final Reading H. B. NO. 15-281, 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 (absent)
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 (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of sixteen “yes” H. B. NO. 15-281, HD1 passes the House on First and Final Reading. And Clerk can I kindly request that this bill expedited to the Senate to be taken up on tomorrow’s session of the Senate. Thank you. Floor Leader, continue.

Floor Leader Pro Tem Lizama: Mr. Speaker, without objection I would like to offer a motion to include H. B. NO. 15-305 on today’s bill calendar for action.

Several members seconded the motion. There being no discussion the motion to place H. B. NO. 15-305 on the day’s calendar for action was carried by voice vote.

Speaker Babauta: Continue, Floor Leader.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the passage motion for H. B. NO. 15-304 on First and Final Reading.

H. B. NO. 15-304: A BILL FOR AN ACT TO AMEND PUBLIC LAW 15-22, AND FOR OTHER PURPOSES.

Several members seconded the motion.

Speaker Babauta: Under discussion, I recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, I would like to make some amendments to the bill.

Speaker Babauta: You may proceed.

Vice Speaker Quitugua: On page 1, of H. B. NO. 15-304, line 10, after the word “services” strikeout the words “to spay”, and on line 11, “and neuter the dog population”. So the sentence would read starting on line 9, “The second part of the amendment will permit the Department of Lands and Natural Resources to contract for short term veterinary services by extending the coverage of the act to veterinary professionals as well.”

Representative Kaipat seconded.

Speaker Babauta: The oral floor amendment has been seconded. Under discussion, you may continue, Mr. Vice Speaker.

Vice Speaker Quitugua: Just to clarify, Mr. Speaker, this bill is as a result of HSE. COMM. 15-15 that was submitted by Representative Seman. The Speaker tasked the Committee on HEW to meet with the Secretary of DPH and as a result of that meeting, the Standing Committee Report is included on the calendar and this is the accompanying bill. Thank you.

Speaker Babauta: Thank you, and if I may I would like to extend appreciation to both you and the Chair of the HEW committee for expediently addressing the concerns raised by Representative Seman two weeks ago on that particular letter.

There was no further discussion and the motion to adopt the oral floor amendment offered by the Vice Speaker was carried by voice vote.

Speaker Babauta: We continue to discuss H. B. NO. 15-304, HD1. I recognize Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. I am curious, Mr. Speaker, who is our current Veterinarian practicing now or is there any at the Department of Lands and Natural Resources that does the veterinary services? Dr. Dela Cruz? But we still are allowing short term contracts other than the services provided now. Okay. Thank you.

Speaker Babauta: Chairwoman Kaipat.

Rep. Kaipat: For your information, Dr. Dela Cruz, sat in on this meeting and gave his consent to designee, just so you understand.

Speaker Babauta: Thank you for the information. Ready. Clerk, call the roll on H. B. NO. 15-304, HD1.

The Clerk called the roll for the passage on First and Final Reading H. B. NO. 15-304, 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 (absent)
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 (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of sixteen “yes” H. B. NO. 15-304, HD1 passes the House on First and Final Reading.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the passage of H. B. NO. 15-305 on First and Final Reading.

H. B. NO. 15-305: A BILL FOR AN ACT TO APPROPRIATE \$50,000.00 FOR THE A&E DESIGN OF A GYMNASIUM FOR THE NORTHERN YOUTH BASKETBALL ASSOCIATION; AND FOR OTHER PURPOSES.

Several members seconded the motion and there being no discussion the Speaker asked the Clerk to call roll.

The Clerk called the roll for the passage on First and Final Reading H. B. NO. 15-305.

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 (absent)
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 (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of sixteen “yes” H. B. NO. 15-305 passes the House on First and Final Reading.

Floor Leader Pro Tem Lizama: Mr. Speaker, I now move for the passage of H. B. NO. 15-306 on First and Final Reading.

H. B. No. 15-306: A BILL FOR AN ACT TO APPROPRIATE \$4,712,736.00 FROM THE INTEREST INCOME EARNED BY THE PUBLIC SCHOOL SYSTEM’S CIP GENERAL OBLIGATION BOND WITH THE BANK OF NEW YORK TRUST COMPANY, N.A. FOR THE PUBLIC SCHOOL SYSTEM.

Several members seconded motion.

Speaker Babauta: Discussion on the motion. Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker. I want to ask the author about the itemized appropriation that is here for the various schools. Was that a result of his meeting with the Public School System (PSS)?

Speaker Babauta: To respond, I recognize the Vice Speaker.

Vice Speaker Quitugua: First, I looked at their seven-year plan that was submitted to the House and I picked out their priorities. I then sent the bill to the Commissioner of Education for comments and he submitted his recommended listing. We met on Monday to go over the bill. And as a result, we came to the agreement that this bill should be funded this way. On subsection (d) with regards to the Tinian Elementary School entrance and exit of paving of roads, that is a request by Senator Jude Hofschneider. The rest are all recommended by the Commissioner of Education including the CIP Coordinator David Loan.

Rep. Joseph Deleon Guerrero: Mr. Speaker, the reason I asked I am not sure if this would cover the problems that is plaguing our only temporary school and I am referring to Dandan Elementary School -- the only school that was really designed and constructed to last six years. And right now it is beyond that life span already. It is also included in the PSS CIP Master Plan. And the last figure I

saw roughly six million to fund a permanent facility. Right now, it is infested with termites. It was never designed to be permanent. So that was the one thing I have been trying to get from PSS. Are you serious in your efforts to construct the permanent facility for that school? Not only is enrollment growing but the school continues to fall apart. You have in classrooms that have chalk boards that collapse as the teachers writes on it because a lot of it is made out of wood. So I look at your bill and I see on line 6, page 2, the bulk of it, \$3.3 million would go towards the replacement of the dilapidated, temporary classrooms. So I am assuming that this would include Dandan Elementary School although the permanent for Dandan Elementary School is a separate item on the Seven-year Master Plan. So will it include?

Vice Speaker Quitugua: Yes, it includes all the schools that have temporary dilapidated classrooms. In addition, Mr. Speaker, I discussed with the Commissioner to make an effort with his CIP Plan to write and meet with the Governor to get additional funds for CIP for the schools from the \$11 million. So they are going to be preparing that and I even asked him if he can give us the letter so we can prepare a resolution supporting their request for the share of the \$11 million for the CIP. One of the reasons why we agreed to lump this together is that if we are specific on the schools and the breakdowns and when they bid and it is not enough they would have to come back and ask us to reappropriate again because it is not enough for that school or the another school. So the understanding here is that the Commissioner will decide on the replacement of the temporary classrooms. The Commissioner also mentioned Dandan Elementary School and San Vicente Kindergarten classrooms. I agreed with him to put everything together so it can be flexible and so that he can prioritize the most needs at this time.

Speaker Babauta: Did he also mention the ten units at William S. Reyes (WSR) Elementary School or not? I hope he does mention that because I saw it on the list.

Vice Speaker Quitugua: I wish we could provide more and that is why I suggested that he makes an effort with his CIP Coordinator to see the Governor so that the Governor can share some of the \$11 million to PSS.

Speaker Babauta: I will recommend to the Chair and yourself, Mr. Vice Speaker, and bring this message to the Commissioner that you and I and the Chairman of HEW at one point in time visited to the San Vicente Elementary School and saw some classrooms which are almost to the ground. So make sure that is included.

Vice Speaker Quitugua: Mr. Speaker, he had mentioned that briefly, that the Administration of San Vicente Elementary School informed him that the Speaker already found the money to replace the dilapidated classrooms (Laughter).

Speaker Babauta: I got that from Representative Guerrero's pet project. You still have the floor Representative Joseph Deleon Guerrero.

Rep. J Deleon Guerrero: Thank you, Mr. Speaker. I want to ask that perhaps we can include a provision here requiring the Commissioner to report the status of the funds to the Legislature once construction is going. I see you have a section here saying that the funds shall be nonlapsing and not subject to fiscal year limitation and that he can reprogram the funds provided that the projects under this section are completed. We want to have some understanding how much the projects are going to

cost. To me he should use all of it towards CIP type of projects and not reprogram it to operations or other.

Vice Speaker Quitugua: The bill does not allow him to reprogram for anything else. On line 22, it says “the funds shall not be reprogrammed for any other purposes other than the intended purpose of this Act”. So this is all CIP’s so he cannot use it for anything else. But, Mr. Speaker, I agree with Representative Joseph Deleon Guerrero to include reporting requirement.

Speaker Babauta: Are you ready to make that amendment?

Vice Speaker Quitugua: If the legal counsel can come up with one and incorporate it in here.

Speaker Babauta: Let me just call a short recess.

The House recessed at 1:51 p.m.

RECESS

The House reconvened at 1:58 p.m.

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

Vice Speaker Quitugua: Mr. Speaker I believe the legal counsel has the amendment recommended by Representative J Deleon Guerrero already.

The amendment offered by Representative Quitugua on page 2, line 17 to add a new sentence at the end of Section 2 of H.B. 15-306, reads:

“PSS shall submit a status report on the expenditures of the funds appropriated by this act every six months to the presiding officers of the Legislature.”

Several members seconded, there being no discussion, the oral floor amendment offered by Vice Speaker Quitugua was carried by voice vote.

Speaker Babauta: We continue to discuss H. B. NO. 15-306, HD1. I recognize the Minority Leader.

Rep. Palacios: Thank you, Mr. Speaker. I do not have any problem with this appropriation legislation, but I would like to expand the purpose on line 6, page . If you look at it, it is limited to classroom renovations and replacements. I think we ought to expand that to include other facilities such as libraries. If the library facility is dilapidated or needs renovation, I think, we should give that additional flexibility, because this one basically is only limited to classrooms. Like for example cafeterias and walkways for example if they need be. Let me offer a oral floor amendment, on line 8, after the word “schools” put a coma add the sentence “and repairs of other school facilities”.

Speaker Babauta: Will you be more explicit because they might end up repairing their Central office.

Rep. Palacios: “school facilities”. That is correct.

(b) \$3,312,736.00 for the replacement of dilapidated, temporary classrooms and for classroom renovations including electrical upgrades and repairs, plumbing upgrades and repairs, in the schools and repair other school facilities.

Several members seconded, there being no discussion the oral floor amendment offered by Representative Palacios was adopted by voice vote.

Speaker Babauta: We continue to discuss H. B. NO. 15-306, HD2. I recognize Representative Dela Cruz.

Rep. Dela Cruz: Mr. Speaker on the same line and on line 8, after “replacements” I would like to add in “and repairs”. I noticed that this is only for replacements of air conditioners but not to fund repairs of air conditioners, and subsequently Representative Palacios’ amendment.

(b) \$3,312,736.00 for the replacement of dilapidated, temporary classrooms and for classroom renovations including electrical upgrades and repairs, plumbing upgrades and repairs, and air conditioner replacements and repairs in the schools and repair other school facilities.

Several members seconded, and there being no discussion the motion to adopt the oral floor amendment offered by Representative Dela Cruz was carried by voice vote.

Speaker Babauta: We continue to discuss H. B. NO. 15-306, HD3, I recognize Representative Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. I am glad that we are basically left this language general because I know that San Vicente Elementary School has suffered a lot of problems with their facility and I am sure that they are not alone. So I hope that they would manage this so that they prioritize because there is a lot of infrastructure that needs to fix but I hope that they prioritize this funding so that the most dangerous buildings get immediate attention. I am in full support of this going to all the buildings that needs to be repaired. Thank you.

Speaker Babauta: Representative Yumul.

Rep. Yumul: Thank you Mr. Speaker. I am concerned about page 2, line14, which read: “In the event that the actual interest income earned does not meet the appropriated amount in this Act, the Commissioner of Education shall reduce the allocation under Section 2(b) accordingly.” Line 6, Section 2(b) gets to be reduced and out of all three subsections I think Section 2(b) is one of the most critical one. I believe Representative Ada came across this conversation in a village meeting when he was asked the question “which is more important the gymnasium or more classrooms” so since some of the issues were brought up in Kagman Town Hall meeting I would like to ask him if this is in line of those concerns. I do not have any issues with the bill I just want to clarify whether the priorities with classrooms or with gymnasiums and parking lots.

Speaker Babauta: Okay. Let us treat this as a legislative debate and not a forum. Representative Ada.

Rep. Ada: Thank you, Mr. Speaker. Well I guess when you are not sure about the actual interest income to be earned and you look at all the sections a, b, c, d, and the amounts that is where you really -- it is not about preference of classrooms over gymnasiums or gymnasiums over classrooms. But if this does not come through then you have to go to the highest number of appropriations and in

this particular scenario it is subsection (b). Now when you say which is more important, my common sense tells me classrooms are more important than gymnasiums. However, that was not really the question during the forum, the question at the forum by the Chairman of the Board was “why couldn’t we use CDBG”. I said the Community Development Block Grant (“CDBG”) proposals have been all lined up and when we have something available here for PSS specifically and is just for PSS then we should go for it rather than wait for CDBG to come along. And thank you, Mr. Vice Speaker, for this. It is a plus for the people of Kagman.

Speaker Babauta: So your answer is correct, line item 6. I recognize the Minority Leader.

Rep. Palacios: To Representative Ada -- what exactly did Chairman of PSS say that we should find funding from CDBG for PSS facilities? That the impression I got.

Rep. Ada: For the gymnasium. He was specifically saying why can’t we tap CDBG money for the gymnasium instead of tapping into the PSS.

Rep. Palacios: I do not know whether you responded to that question, but perhaps the next time you see him maybe you can extend my response to that question. It is PSS, not the Legislature as a body, who should apply for CDBG. If he is recommending that the Commonwealth use the CDBG money then it is incumbent on the Board of Education to put together a grant proposal to the Community Development Block Grant because that is their obligation. They are the ones that qualify as an organization, as a body, the Legislature does not qualify as a body to apply for such grants. This is in their infrastructure development plan. If it is not a priority then they should put it way down, but we are acting on their plan. So, next time you see our honorable Chairman of BOE please extend my message to him. Thank you.

Speaker Babauta: Please extend the message.

Rep. Ada: There was not a problem it is just that he was trying to clarify, so I gave him a copy of this before it was created by the Fifteenth Legislature.

Speaker Babauta: Clerk, call the roll.

The Clerk called the roll for the passage on First and Final Reading H. B. No. 15-306, HD3:

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 (absent)
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 (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of sixteen “yes” H. B. NO. 15-306, HD3 passes the House on First and Final Reading. I recognize the Minority Leader.

Rep. Palacios: Mr. Speaker, I would like to ask the indulgence of the members if we can go back to Item No. 3.

Several members voiced no objection.

INTRODUCTION OF BILLS

Speaker Babauta: I recognize the Minority Leader under Item No. 3.

Rep. Palacios: Thank you, Mr. Speaker, I have an unnumbered House Bill to introduce. And I invite other members to co-sponsor the legislation.

H. B. NO. 15-312: A Bill for an Act to provide for the conservation of fisheries in the Commonwealth of the Northern Mariana Islands, and for other purposes, known as the Northern Mariana Islands Fisheries Act of 2007; and for other purposes.

Offered by: Representative Arnold I. Palacios

Speaker Babauta: Thank you Minority Leader. We now go down to Item No. 16

BILL CALENDAR

Speaker Babauta: I recognize the Floor Leader Pro Tem.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the motion of H. B. NO. 15-307 on First and Final Reading.

H. B. NO. 15-307: A BILL FOR AN ACT TO REPEAL AND REENACT SECTION 2 OF PUBLIC LAW NO. 15-12; AND FOR OTHER PURPOSES.

Several members seconded the motion.

Speaker Babauta: Discussion. I recognize the Minority Leader.

Rep. Palacios: I have a floor amendment, Mr. Speaker.

Speaker Babauta: Proceed.

Rep. Palacios: On page 2, line 21, of H.B. 15-307, after the word “section” add the following sentence, “however in the event that the power generation system for the CNMI is privatized and controlled by an independent power producer 50% (fifty percent) of the principal amount of \$45,500,000.00 (forty five million five hundred) shall be paid by the independent power producer to the Commonwealth Utilities Corporation and such payment shall be reserved and used for Capitol Improvement Projects for power distribution, water, and sewer system.” I so move, Mr. Speaker.

Several members seconded.

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

Rep. J. Deleon Guerrero: I would like to ask the author, this is only in the event that it is privatized through an IPP. Correct?

Speaker Babauta: Correct.

Rep. J. Deleon Guerrero: Would this apply if it is through a BOT (Build, Operate and Transfer)?

Rep. Palacios: No. The BOT will be financed by the power producer and they will operate it, and eventually that facility after a certain number of years will be transferred back CUC. But if they privatize the existing power generation plan because the funds were used for that power plant. In the event that we privatize the power generation system down here.

Rep. J. Deleon Guerrero: Can an IPP be a BOT at the same time?

Rep. Palacios: You can but not necessarily for the whole system. If you notice in Guam they have different power plants, some are controlled and owned by GPA. Some were built by an independent power producer (IPP) that then sell directly to GPA grid.

Rep. J. Deleon Guerrero: I think you see where I am getting at here. And the caution that I am trying to say is that perhaps can we reword it in such a way that if the utility is privatized that this would apply. That way it does not matter whether it is a BOT or an IPP or whatever means of privatization that it will still kick in. I am in support of your amendment I am just trying to cover the entire basis. Because you use very specific words and I am not thoroughly familiar with whether that IPP is a catchall term.

Rep. Palacios: I think in the line of inquiry that you have it is kind of hard to require that an IPP who is going to build and operate a facility and then eventually after the term of the IPP expires transfer it back to the Commonwealth, I do not believe it is reasonable for the Commonwealth to insist that they pay \$22 million for building their own facility. Now I believe it will be reasonable because the Commonwealth spent up to \$50 million on our power plant for those engines and that if an IPP were to come in to the power plant and takeover that facility that becomes an asset for 25 years. That is why the amendment would insist if that facility the money that we invested 50% should go back to CUC for power distribution system and water and sewer system.

Speaker Babauta: Let me see whether I can convince you--what the Minority Leader is trying to achieve is that he is citing the write off section of that statute. And it happened that he was alluding to the present system of what we have now. The BOT is a separate program that would allow for an investor that would finance a newly establish power system, finance, build, and operate otherwise. I would agree with the Minority Leader that the BOT cannot avail itself with this particular paragraph. And he was referring to a company that would be interested in rebuilding the facility otherwise down by Lower Base and other power plant engines that CUC has invested in.

Rep. Palacios: Just look at it, if we are going to have an IPP for example, insist that they come in and have the option for a Build, Operate, and Transfer at a different location other than the existing power plant and right off the bat they insist that they got to pay \$22 and a half million. I do not think that we will have a taker on that, because they are already in a \$22 million hole just for an agreement. Now because CUC expend this loan to buy and purchase new generators that are in the facility, now an IPP would come in and it most likely will rehabilitate those engines and those engines that we bought out of that \$50 million are assets that we want some of for distribution systems, water and sewer. So that is why it has that specific connection to that specific project.

Rep. J. Deleon Guerrero: Representative Palacios just clarified that an IPP can also do a BOT. If that is the case, this IPP gets a contract can also build, operate and then transfer and would be subject to the restrictions of your amendment and is that what you want?

Rep. Palacios: Run that by me again, I did not understand?

Rep. J. Deleon Guerrero: Mr. Speaker, short recess.

Speaker Babauta: Short recess.

The House recessed at 4:12 p.m.

RECESS

The House reconvened at 4:15 p.m.

Speaker Babauta: We are back to our preliminary session and we continue to discuss the floor amendment offered by the Minority Leader. Ready.

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

Speaker Babauta: And we continue to discuss H. B. NO. 15-307, HD1. Under discussion, I recognize Representative Tenorio.

Rep. Tenorio: I just received an amendment that is all scratched up.

Speaker Babauta: That is where the Minority Leader extracted his amendment to H. B. NO. 15-307. He is just sharing the former language at the same time offered to return it back to CUC for---

Rep. Tenorio: My eyes cannot follow this and put them in perspective, Mr. Speaker, it is just a mess as far as I am concern.

Speaker Babauta: Minority Leader, this would be a warning please make sure that the next oral amendment is clean.

Rep. Palacios: So noted, Mr. Speaker.

Speaker Babauta: Thank you. I recognize Chairman Yumul.

Rep. Yumul: Can we have the Clerk read the adopted amendment just for clarification.

Speaker Babauta: For clarification, proceed.

Representative Palacios' amendment reads:

However, in the event that the existing power generation system for the island of Saipan is privatized and controlled by an independent power producer, fifty percent of the principal amount of \$45,500,000.00 shall be paid by the independent power producer to the Commonwealth Utilities Corporation. Such payment shall be reserved and used for capital improvement projects for the CUC's power distribution, water and sewer systems."

Rep. Yumul: Mr. Speaker, my question is concerning Power Plant IV because that is technically being run by an Independent Power Producer. I hate for this amendment to turn around CUC starts demanding that they pay 50% of \$45,500,000.00 because they are an IPP, unless are we excluding them. It needs to be clarified because again we are trying to make changes here even on the amendment we are giving past and current Board members and employees release from liability but yet we have this one on Saipan and now that it is even mentioned "Island of Saipan" so it is going to be a big confusion and I would hate for the Saipan's only IPP to be troubled.

Speaker Babauta: Unless the present IPP and you are talking about the one on the hill right, unless they also come in and submit a proposal for the remainder of what is owned by CUC.

Rep. Yumul: Saipan power generation system is one.

Speaker Babauta: I know but that is already in progress. Minority Leader.

Rep. Palacios: Just to clarify that let me make a technical correction it should be Power Plant I. Okay. "*The island of Saipan, Power Plant I*".

Speaker Babauta: Take note include the word after the word "Saipan", include "Power Plant I and II". Alright we will consider that technical. Any objection?

Several members voiced "no objection".

The amendment as clarified now reads:

However, in the event that the existing power generation system for the island of Saipan's Power Plant I and II are privatized and controlled by an independent power producer, fifty percent of the principal amount of \$45,500,000.00 shall be paid by the independent power producer to the Commonwealth Utilities Corporation. Such payment shall be reserved and used for capital improvement projects for the CUC's power distribution, water and sewer systems."

Speaker Babauta: Are we ready?

Several members voiced ready.

Speaker Babauta: Clerk, call the roll on H. B. No. 15-307, HD1.

The Clerk called the roll for the passage on First and Final Reading H. B. No. 15-307, 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 (absent)
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 (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of sixteen “yes” H. B. NO. 15-307, HD1 passes the House on First and Final Reading. I recognize the Minority Leader.

Rep. Palacios: I would like to ask the author if he would like this to be Committee of the Whole.

Rep. Dela Cruz: No objection.

Speaker Babauta: So ordered. House Clerk, please take note that this will be Committee of the Whole on H. B. NO. 15-307, HD1. Floor Leader, the next bill.

Floor Leader: Thank you, Mr. Speaker. I move for the passage motion on First and Final Reading H.B. 15-308.

Several members seconded the motion.

H. B. NO. 15-308: A BILL FOR AN ACT TO AMEND PUBLIC LAW 11-78; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion. Ready. Clerk, call the roll.

The Clerk called the roll for the passage on First and Final Reading H.B. 15-308:

Rep. Martin B. Ada	yes
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio Deleon Guerrero	yes

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

Speaker Babauta: State your point Minority Leader.

Rep. Palacios: I apologize, Mr. Speaker. I am not sure whether this would in effect if we pass it and the Senate passes it and it becomes law and I will defer this question to you Mr. Speaker, would this become a problem because is there an existing law that all CIP projects shall be under the expenditure authority of DPW and so therefore, Mr. Speaker I think we need to amend this to put a notwithstanding clause here in somewhere just to be on the safe side.

Speaker Babauta: Right. Public Law 11-78 the section that Chairman Aldan is trying to amend is the portion for the Second Senatorial District. And that is a good recommendation. Can you assist our distinguished delegate from Tinian with that, Minority Leader?

Rep. Palacios: Mr. Speaker, can we stop the voting of this so that we can revote on this. Is that fine?

Speaker Babauta: Sure. The Chair will rule otherwise.

Rep. Palacios: Let me recommend that we amend this and the amendment will be on page 1, line 9, (b) insert the word “Notwithstanding any provisions of law to the contrary” then “the expenditure authority for projects in the Second Senatorial District shall be with the Mayor of Tinian”. I so move.

Several members seconded.

“(b) Notwithstanding any provision of law to the contrary, Expenditure authority for projects in the second senatorial district, but not including PSS, CUC, and CPA projects, shall be the Mayor.”

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

Rep. J. Deleon Guerrero: Mr. Speaker, I am just concern about that there is a reason why the expenditure authority usually lies with the Department of Public Works and that is as the expenditure authority is also the contracting officer. And they have the expertise to manage contracts to oversee any construction and development, architectural and design. And what you are doing now in effect is allowing the Mayor to be the contracting officer. Does the Mayor have that kind of expertise or capabilities in his staff? While I support the intent, I am trying to air with caution here to make sure and especially as you know CIP projects that requires expertise that it will not fall through the cracks that problems in terms of the management of the contract does not happen and especially in terms of liability. How is this going to work out? Is there going to be some coordinated effort or an MOU between the Mayor’s office and the Department of Public Works for that type of expertise for DPW to oversee that? I just wonder. We kind of rushed through this and I did not really give much thought but I am concerned.

Speaker Babauta: The intent of the amendment to Public Law 11-78 is to expedite the process, however, the technical aspects of those projects still falls within the purview of DPW and that includes the Building Code itself. The technical the engineers are charge pursuant to law to oversee CNMI government projects, be it locally funded or federally funded. So I guess the intent is to expedite the movement of the CIP.

Rep. J. Deleon Guerrero: Let me give you a scenario, Mr. Speaker and to my good colleague Chairman Aldan. Often times a lot of the schedule of payments is depending upon the deliverables. Now if you have the expenditure authority which is the Mayor signing off to expedite at the same

time his staff that is overseeing the deliverables whether it is acceptable or not you may find yourself in a situation where either the contractor is going to be frustrated or we are going to be left deliverables that may be substandard. That is just a caution I am trying to raise here.

Speaker Babauta: You have raised a pretty good point here. The responsibility will still be retained by our CIP Coordinator. The overall emphasis of this bill is actually to have the Mayor move them as quickly as possible. He might probably be experiencing many delays, so since most of the CIP funds are allowable under the law for a 10% administrative cost that could be utilized to fund out A&E and CM for that matter. And let us give them the benefit of the doubt. Chairman Aldan.

Rep. Aldan: Mr. Speaker, to add to that that is our dilemma on Tinian. We have a seven year project that has been sitting there and we have been going with DPW for almost two years. Since I got in and they have not delivered to the point that we do not have any CM. We are not saying that they are not putting it as their priority but if we have it under the Mayor's Office I know and feel that the project is going to be pushed and move on with the project. I know that it will not be delayed like what is happening in DPW and I know that several other precincts here have the same problem with DPW. That is why we want to take that expenditure authority so that we can expedite whatever contracts or professional services that need to be decided. Of course it is going to go back to DPW in approving the final engineering and what not, but we want to have the project move along and if the Mayor does not have that expenditure authority it will get stuck with DPW and that is one reason why we decided to put that provision. Thank you.

Speaker Babauta: So clarified. Thank you. Are we ready for the amendment?

Several members voiced ready.

The floor amendment offered by Representative Palacios was adopted and carried by voice vote.

Speaker Babauta: The Chair will rule for a new voting of H. B. NO. 15-308, HD1. Clerk, continue.

The Clerk called the roll for the passage on First and Final Reading H. B. NO. 15-308, 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	abstained
Rep. Jacinta M. Kaipat	yes
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	excused (absent)
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 (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of fifteen “yes” H. B. No. 15-308, HD1 passes the House on First and Final Reading. Next bill Floor Leader.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the passage on First and Final Reading H.B. 15-309.

H. B. No. 15-309: A BILL FOR AN ACT TO REAPPROPRIATE \$500,000.00 TO FUND VARIOUS PROGRAMS AND PROJECTS IN THE SECOND SENATORIAL DISTRICT; AND FOR OTHER PURPOSES.

Several members seconded.

Speaker Babauta: Ready. Clerk, call the roll.

The Clerk called the roll for the passage on First and Final Reading H. B. No. 15-309:

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 (absent)
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 (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: Thank you by a vote of sixteen “yes” H. B. No. 15-309 passes the House on First and Final Reading. Next bill, Floor Leader.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the passage on First and Final Reading H. B. No. 15-310.

H. B. No. 15-310: A BILL FOR AN ACT TO REQUIRE ALL TOURISM RELATED BUSINESS TO POST IN A CONSPICUOUS PLACE THEIR RESPECTIVE PRICES FOR ALL SERVICES AND ACTIVITIES OFFERED.

Several members seconded.

Speaker Babauta: Discussion.

Several members voiced ready.

Speaker Babauta: Clerk call the roll.

The Clerk called the roll for the passage on First and Final Reading H. B. NO. 15-310:

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 (absent)
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	yes

Rep. Tebuteb: Mr. Speaker I actually have a question but you were so quickly.

Speaker Babauta: My humble apologies Representative Tebuteb.

Rep. Tebuteb: May I ask.

Speaker Babauta: Please.

Rep. Tebuteb: Just on Section 2, line 7 I am trying to grasp the definition of tourism related businesses. It seems like this may affect all businesses, is that about accurate?

Speaker Babauta: Chairman Yumul.

Rep. Yumul: Thank you Mr. Speaker. The Secretary of the Department of Commerce will promulgate rules and regulations. And I am pretty sure that once he promulgates the rules he will make that determination on which businesses are appropriate under the law. We do not want to start naming businesses and getting too technical, I think at this time it is best to leave up to the Secretary of the Department of Commerce. And on page 2, section 3, he can request the support and assistance of the Executive Director of the Marianas Visitors Authority to make that determination. So I am pretty sure that they will be able to figure that one out.

Speaker Babauta: For the record probably gift shops.

Rep. Yumul: Well the prices are already on the products in gift shops so there is no issue there since they are mostly labeled with pricing any way.

Speaker Babauta: Okay. Colleague Tebuteb.

Rep. Tebuteb: I guess that will be okay, Mr. Speaker, but you also have to enforce this. It will designate MVA to enforce this Act? I am trying to get the gist of it.

Rep. Yumul: No. On page 2, line 13, that the Secretary of the Department of Commerce or his designee may consult with or request the support and assistance of the Executive Director or his or her designee of MVA to enforce this. He does not have to do it, he does not have to request MVA, but the assistance is there and we are just putting it in language that it is available. It is a tool whether he decides to request MVA for assistance and enforcement is entirely up the Secretary, DOC has its own enforcement section and I do not see why there will be a problem for him.

Speaker Babauta: Continue, Clerk.

Rep. Ramon A. Tebuteb	yes
-----------------------	-----

Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	excused (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: Thank you by a vote of sixteen “yes” H. B. NO. 15-310 passes the House on First and Final Reading. Floor Leader, next bill.

Floor Leader Pro Tem Lizama: I move for the passage on First and Final Reading H. B. NO. 15-311.

H. B. NO. 15-311: A BILL FOR AN ACT TO AMEND 1 CMC § 8314 TO REQUIRE THAT BOARD MEMBERS OF THE NORTHERN MARIANA ISLANDS RETIREMENT FUND BE RETIREES; AND FOR OTHER PURPOSES.

Several members seconded, and there being no discussion the Speaker asked the Clerk to call the roll.

The Clerk called the roll for the passage on First and Final Reading H. B. NO.15-311:

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 (absent)
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 (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: Thank you by a vote of sixteen “yes” H. B. NO. 15-311 passes the House on First and Final Reading. Floor Leader.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the passage on First and Final Reading H. B. NO. 15-302, HS1.

Several members seconded.

Speaker Babauta: Discussion. Ready. Clerk, call the roll.

The Clerk called the roll for the passage on First and Final Reading H. B. NO. 15-302, HS1:

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 (absent)
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 (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of sixteen “yes” H. B. NO. 15-302, HS1 passes the House on First and Final Reading. Floor Leader.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move to recess subject to your call.

Speaker Babauta: Before I recognize that motion because the motion is undebatable, I recognize Representative Torres.

Rep. Torres: In line on with H. B. NO. 15-302, HS1 I was astounded to see in the newspaper this morning how genuine those copper wire been in the recyclers and ready to be shipped out. Those wires belong to CUC and other, it ranges number six all the way maybe to number four and two watts. Those are genuine wires that have been stolen. The owner of the recycling shop is not going to be shackled because the wire is all burnt out. Those are brand new wires; it has been burnt and he is trying to say that it is a clean copper wire. Baloney!

Speaker Babauta: I am glad they caught them. Representative Yumul.

Rep. Yumul: Mr. Speaker, if I may add, I have been briefed on the situation with the recent development on the copper wire inspection from the seaport. Of course I am really thankful that we were able to bring this type of issue forward. The people at the Division of Customs have worked tirelessly doing an exceptional job in ensuring that everything that is being shipped out that is going to be recycled is scrutinized. It is very difficult to ascertain the product origin of a recycled material. I myself have gone down to a couple of recycling plants it is basically a trash heap. When wires are all jumbled up and mixed with other wires it is nearly impossible to detect whether it is an item stolen or not. Just for the information for the members the Division of Customs currently is requesting the Governor’s office and the Secretary of Finance to send two of its officers down to Hong Kong. There is two containers that have left the port and because of this finding the request from the Division of Customs is to have two uniformed Custom Agents from the CNMI to intercept those containers that are now in route to Hong Kong and to have them scrutinized even more because of such a large find the copper wires itself was located in a container tied up in sacks. They were not separated properly they were basically intended to be hidden from view. Most honorable recyclers would either put the copper wires at the door or stacked visibly so when you peer inside it is there. I do not understand why this company went through great lengths to conceal the copper

wire. The Division of Customs does have an x-ray vehicle that when they drive right next to a container they can see right through it and even though you are standing on the other side of the containers they will see your silhouette, they will see your bone structure, that is how advanced technology that the Division of Customs has. So again I like to thank the people from the Division of Customs for doing such a great job in helping curb the trafficking of stolen goods. Just for everyone's understanding we still do not know the origin of some of the wires. It is going to take some time for the Attorney General's office and DPS to investigate. I am asking the good Congressman from Tinian if any of the constituents of his on Tinian know of any information if they are also victimized of thievery to please and try to give details to Customs or DPS so that they can expedite the investigation. Thank you.

Speaker Babauta: Chairman Ada.

Rep. Ada: You gave me homework during our last session the latest one when we were supposed to come up with that clearing house for copper wire before this, but anyway we are not alone. I have spoken with a couple of senior employees from the Power Division at CUC, and it is even worse in Hawaii because they go to the back side and steal from miles of away and they will even rip down the telephone poles and get the copper wire. Any way the reason why I have raised up my hand Mr. Speaker, is to invite everyone on Saturday, 2 p.m. at the Minatchom Atdao, the drag racers are inviting us for a presentation to try to convince us that controlled safe drag racing is better than the illegal ones that are going on right now. I have information every week that some guys are doing illegal drag racing and are betting by \$500 to a \$1000 per race. You know that revenue can turn into good hands. Guam right now if you go to the Yigo Park a truck or sedan load of people are charged \$5 to \$15 dollars just to go in and watch the show. Who says it is not good revenue for undeveloped lands. Thank you.

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENT

None

ADJOURNMENT

Speaker Babauta: The Chair now recognizes the recess motion and we are recessed until Tuesday, October 9, at 10 a.m.

The House adjourned at 4:51 p.m., until October 9, 2007, at 10:00 a.m.

Respectfully submitted,

Evelyn C. Fleming
House Clerk

APPEARANCE OF LOCAL BILLS

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

SECOND APPEARANCE: NONE

THIRD APPEARANCE: NONE