



# House Journal

## FOURTH REGULAR SESSION, 2007

Adopted:  
January 9, 2008

Sixth Day

Tuesday, October 16, 2007

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its Sixth Day, Fourth Regular Session on Tuesday, October 16, 2007, at 10:25 a.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

A moment of silence was observed.

The Clerk called the roll and fifteen members were present. Representatives Martin B. Ada and Stanley T. Torres came in late; Representative Florencio T. Deleon Guerrero was excused.

Representative Jesus SN. Lizama was appointed Floor Leader Pro Tempore.

### ADOPTION OF JOURNALS

None

### INTRODUCTION OF BILLS

H. B. NO. 15-313: A Bill for an Act to assist the Commonwealth Utilities Corporation (“CUC”) in the procurement of services in an open and expedited process in order to address the Commonwealth’s power crisis and reduce power rates; to allow and encourage the CUC to engage the private sector to partner with the Commonwealth to secure reliable utility services at affordable rates; to provide for a one step review by the Public Utilities Commission (“PUC”); and for other purposes.

Offered by: Representative Francisco S. Dela Cruz

Rep. Dela Cruz: Mr. Speaker, I would like to place H. B. NO. 15-313 on today’s Bill Calendar for First Reading.

There was no objection; H. B. NO. 15-313 was placed on the Bill Calendar.

H. L. B. NO. 15-74: A Local Bill for an Act for the First Senatorial District to appropriate \$80,000.00 from the local license fees collected for pachinko slot machines and poker machines in the First Senatorial District; and for other purposes.

Offered by: Representative Crispin M. Ogo

Rep. Ogo: Mr. Speaker, this is to augment the lodging and transitional expenses for Rota NMC students affected by the suspension of NMC's academic degree and certificate program at the Rota NMC Campus.

Speaker Babauta: May I ask in the future, that the members please submit attachments to all these local appropriations be it from the first, second or third senatorial district so that everyone will know what we are appropriating. If possible, Representative Ogo, can you procure one today and submit for tomorrow's session.

Vice Speaker Quitugua: Just a recommendation on the House Local Bill, since the event has been completed, that the language on line 10 probably ought to be changed.

Speaker Babauta: The author could probably change that during tomorrow's session.

Rep. Tebuteb: Besides the date that has already expired on the conference, I think we may have not resolved the issue on the Typhoon Pongsona vendors that should have been paid by somebody.

Speaker Babauta: We will continue to dwell on these issues and we hope the Representative Ogo can enlighten this Body if not today, then tomorrow on the Pongsona issues.

### INTRODUCTION OF RESOLUTIONS

H. R. NO. 15-153: A House Resolution to request that the Department of Public Lands to disapprove Saipan Triple Star Recycling, Inc.'s request to lease public lands situated in Puerto Rico and Lower Base, Saipan, and to terminate any existing public land lease with Saipan Triple Star Recycling, Inc.

Offered by: Representative Ray N. Yumul and one other

H. J. R. NO. 15-38: A House Joint Resolution to express the support of the CNMI Legislature for Resolution No. 80 of the Legislature of Guam; and for other purposes.

Offered by: Representative Absalon V. Waki, Jr.

Rep. Waki: Mr. Speaker, if there is no objection, I would like to introduce H. R. NO. 15-38 as a Committee of the Whole.

Rep. Taman: Objection, Mr. Speaker.

Speaker Babauta: We will allow the further discussion on the objection under Item 14.

### MESSAGES FROM THE GOVERNOR

GOV. COMM. 15-327: (10/2/07) From Acting Governor Villagomez informing the House that he signed into law H. B. NO. 15-178, HD1 (Uniform Partnership Act). [Became **Public Law 15-88**]

GOV. COMM. 15-328: (10/2/07) From Acting Governor Villagomez informing the House that he signed into law S. B. NO. 15-95 (To amend PL 9-1 appropriating \$4,021,275 for Tinian High School utilities infrastructure). [Became **Public Law 15-89**]

GOV. COMM. 15-329: (10/2/07) From Acting Governor Villagomez informing the House that he signed into law S. B. NO. 15-90, SD1 (Marine Reserve Area on Tinian from Southwest Carolinas Point to Puntan Diablo). [Became **Public Law 15-90**]

GOV. COMM. 15-330: (10/2/07) From Acting Governor Villagomez informing the House that he signed into law S. B. NO. 15-97 (Amending the Local Law Act regarding the regulation and sale of alcoholic beverages in each respective senatorial district). [Became **Public Law 15-91**]

GOV. COMM. 15-331: (10/2/07) From Acting Governor Villagomez informing the House that he signed into law H. B. NO. 15-192, SD1 (To restore the prioritization of land compensation claims). [Became **Public Law 15-92**]

GOV. COMM. 15-332: (10/11/07) Certification of two vacant positions for the Division of Revenue and Taxation, Department of Finance.

GOV. COMM. 15-333: (10/11/07) Certification of two vacant positions for the Department of Corrections.

GOV. COMM. 15-334: (10/11/07) Certification of one vacant position for the Tinian Health Center and 11 for the Tinian Mayor's Office.

GOV. COMM. 15-335: (10/11/07) Certification of one vacant position for the Rota Health Center, one for the Rota Fire Division and 12 for the Rota Mayor's Office.

GOV. COMM. 15-336: (10/5/07) Informing the House that he disapproved H. B. NO. 15-42 (Require Legislative approval of CIP / Compact Impact Funds). [*Deadline 12/5/07*]

GOV. COMM. 15-337: (10/11/07) Certification for an Administrative Assistant for the Office of Special Assistant for Administration.

Rep. Palacios: Mr. Speaker, if look at GOV. COMM. 13-332, GOV. COMM. 15-333, GOV. COMM. 15-334, and GOV. COMM. 15-335, one gets the impression that the government is not broke. We have seen in the newspaper the Special Assistant for the Office of Management and Budget (OMB) expressing concern that the legislature must enact the holiday pay suspension for government employees or else they are going to institute the termination of 432 government employees. Yet at the same time, we are seeing certifications for vacant positions of which some, in my humble opinion, are not essential. I can understand a position in the health services area, but if you look at these communications, you will find that over half of them are really political hires. It is very difficult to find words on how to express this kind of stuff. On one end we are saying if you do not pass this legislation because of the economic environment that we are in, we are going to terminate 400 employees. Yet, here are certifications for more employees. It contradicts the very fiber of these arguments that we are given. That is all, Mr. Speaker.

The Chair recognized Representative Ogo.

Rep. Ogo: Earlier today, after reviewing the vacant positions, I contacted the Rota Mayor's Offices' Chief of Staff, Mr. Crispin Ayuyu, to question all these vacancies for community worker, summer trainees, and mayor's assistants. The response was many of these community workers and mayor's

assistants are diverted out to the departments because a lot of the positions in the departments are not filled out because of reasons in the departments. A lot of the Rota Mayor's Offices' staff are being transferred out to departments to assist, so these are not people out there brush cutting. They're out there working in the departments, Mr. Speaker. I just want to set the record straight that I did call the Mayor's Office because even I want to know what is going on. Just for your information.

Rep. Palacios: I certainly understand my colleague's urge to clarify. For me, there is no need for clarification. The issue is before us -- we will be entertaining or looking at a senate communication regarding holiday pay suspension and if we do not pass that bill the word out on the street is that they are going to terminate 432 employees. That is the crux. You make this connection. You look at that. While we are threatening people out there that are already on the job and on the backside, we are saying we need to hire these people. For all intents and purposes, we are going to hire these people and are we going to fire them in December? I appreciate the effort to clarify that and to me, the need to haul the rope, if you may, and to continue hiring other than for really essential services such as, public safety, public health and educational purposes, I think we need to walk the walk, if you may.

Speaker Babauta: Let us not debate back and forth on various communications other than just make simple comments that need to be addressed by the respective committees or individual members. We are still on Item 5.

Rep. Palacios: Mr. Speaker, on another issue on the Governor's Communication, I want to ask for a procedural question. On Governor's Communication 15-336, the governor disapproved H. B. NO. 15-42, which is the legislative oversight or approval of CIP or Compact Impact Funds and while I am not ready to make arguments to attempt to override this disapproval or this veto, I would like to ask that we keep this on the calendar and not accept it at this time. I ask for your technical procedural advice, Mr. Speaker, as to how do we do that? Could we leave it?

Speaker Babauta: Very simple. I will allow the Floor Leader for a subsidiary motion exempting GOV. COMM. 15-336.

The Floor Leader offered a motion to leave GOV. COMM. 15-336 on the Order of Business, was seconded and carried by voice vote.

Rep. Tenorio: Mr. Speaker, going back to GOV. COMM. 15-334 and various communications relative to employment, I am just curious -- can we refuse this? What action can we take? Is this just for information purposes only?

Speaker Babauta: The opening paragraph clarifies that. The law stipulates that the governor only needs to certify such to the presiding the officers of the legislature to which the presiding officers make copies available to all the members.

Rep. Tenorio: And that is the procedure?

Speaker Babauta: That is the present law, apparently, since 10<sup>th</sup> Congress.

Rep. Tenorio: I just have a few questions, Mr. Speaker, if I may.

Speaker Babauta: Proceed.

Rep. Tenorio: I just wonder if all these vacant positions are the ones that have been advertised on the newspaper that if they fire so many, they will hire some people and put them in. Are they doing this in advance of removing people in the future if we do not act on their demands? You have here 12 vacant positions for Tinian and 14 for Rota. At a time like this, Mr. Speaker, I am just curious if they are filling those positions now that eventually be affected by the budget. So what are these positions?

Speaker Babauta: These are the positions that we allowed under PL 15-28 as amended by PL 15-71. These are presently budgeted and accounted for pursuant to those budgetary acts. There are no new positions other than what the total numbers that we have. In essence, it is saying that these positions are available and needed in this continuing resolution time. So in essence, they are vacant. For whatever reasons they are vacant, we do not know whether they are caused by retirement or resignation. These positions are funded under PL 15-28 as amended by PL 15-71. These are not new positions.

Rep. Tenorio: Yes, I understand that, Mr. Speaker, but in line of the Minority Leader's argument why are we filling these positions if we actually anticipate that are going to have a shortfall in the budget. I mean, eventually, you have to screen out some candidates or employees. So, we are filling positions and what happens later on? Are we going to be removing other positions? If we do not comply, *kulan man ma aminasa-hit nai, Mr. Speaker. Ilek-niha estague na bai en pe'lo halom este i austerity, komu ti en che'gue este, bai en fire etyo – taimanu ha' ma cho'gue gi fine'nina saying that they are going to remove 1,400 employees if we do not pass their budget, if we do not pass their demand. Hafa este na kulasi, kulan man hugagandu-hit nui salape i publiku. Komu ma go'te mohon este siha na posision ya ma atan ya later on ni u ma fill este siha na positions, sa' siempre guaha ta na'fansuha. Politika este, Mr. Speaker, ni dangkuku ya ha afefekta i nila'la' taotao. Ti para ta sigi ha' umatan i certifications na mauleg ha' esta ya ta na'hanao ha', ni hafa na argument. Gi magahet debi ta na'fanhalom ya ta atan kao man prisisu este siha na posision. There has to be a public hearing. We are looking at the 2008 budget, ya esta man ma'atataka hit sa' taya ni hafa bidada-ta. Este ha' i nigapña ni man manana'e hit nui budget.*

Speaker Babauta: Your Speaker intends to do just that. We are going start bringing these people in.

Rep. Tenorio: *Lao ta sasangan este, Mr. Speaker, because this is happening in reality. Atan ha' este kuantu ta'lo gi next session para ta li'e. Hinasoku na gef impotante gi magahit ni para tafan ali'e lao hassu ha este ilek-mu certification este, parahafa este, hafa para un cho'gue? Komu gaige nai process, yanggen guaha ya machocho'gue i che'cho guine gi budget ya ta agang este i agencies halom siña un faisen kao prisisu este sa we are going run short of money. Pues hafa para ta cho'gue, u ma a'yek hayi malago-niha ya u ma na fanhalom.*

Speaker Babauta: I know one thing for sure and that is the certification comes from the Executive Branch and not from the Legislative Branch, Representative Tenorio. I share your frustration and your concern and we will deal with that effectively.

Rep. Tenorio: Mr. Speaker, *ti hu gef tuñgo este i effective dealing, ta li'e ha.* We see what is happening, Mr. Speaker. We are not blind.

Speaker Babauta: Well, you know...

Rep. Tenorio: And so we allow this thing to go through...

Speaker Babauta: Please, be mindful that this is not your Speaker's doing. The way you deliberated, Representative Tenorio, you are impressing upon yourself that I made those vacancy certifications. I do not. They do and what we are deliberating now is how best to tackle these issues and hopefully, someone can come up with an amendment and repeal that law.

Rep. Tenorio: Mr. Speaker, with all due respect, I have nothing against you.

Speaker Babauta: Thank you for clarifying that and I hope that video took that part of your statement.

Rep. Tenorio: I am just concerned that we are kind of forced into a situation where eventually it is going to hit us back because we have not even approved the budget and we are looking at a deficit budget. We already got the warning in advance that we are going to be removing some people if we do not take certain actions, and I do not like that. It is like a threat.

Speaker Babauta: One thing we have to understand, we have our work cut out for us and we do not have to just bend and kneel to anything that we are requested of.

Rep. Tenorio: Thank you, Mr. Speaker. That is what I wanted to hear.

Speaker Babauta: I always took upon myself that I give each and everyone of you an equal opportunity to dwell with legislative issues confronting not only the executive branch but the entire CNMI and I hope you understand that. I have nothing to hide and nothing to cover.

Vice Speaker Quitugua: Mr. Speaker, *taya nai man comment yo ni este certification sa' the statute is saying that all we have to do is receive it. Lao pa'go, Mr. Speaker, kulan ha estotba yo este sa i dos mayor iya Saipan yan i Northern Islands were told by the Office of Management and Budget that they cannot replace any position. Kulan ha na wonder yo sa' i mayors Northern Islands yan Saipan ti ma konsidera lao i mayors Luta yan Tinian are always given full consideration. Yahu, Mr. Speaker, na un relay este guatu gi governor ya u treat todo i mayors the same.* I just spoke to the Mayor of the Northern Islands *nigap-ña*, and they were asked to lay off people and they were asked not to fill any vacant position. Si Mayor Tudela *lokkue*, I will repeat, *ma sangani* and he even showed me the memo that the Office of Management and Budget will not certify hiring of a vacant positions although *man ma budget este gi* under PL 15-71. Pues este ha, Mr. Speaker, *kulan ha estotba yo i dos na mayor guine gi sankatan kulan ma chochonik papa' lao Rota and Tinian* when they ask, they get what they ask for. And I would like to, *bai hu sangani este dos good representatives from Rota and Tinian na komu mangaige este siha na empleao nai gi department ufan ma transfer guatu gi department*, rather than being under the respective mayor's office. *Yanggen gaige gi Public Works este na empleao giya Luta nai*, probably our Representative from Rota can ask the mayor, *basta polo este guatu gi Public Works ya parafa di u* continue under i office of the mayor *dipues u ma assign guatu gi department*. I think I that will agree *buenete mas nui taiguenao sa' hunggan mana'fachocho'chu. Lao etyo i para u ma hire nui mayor pues para u ma assign guato gi department kulan a'anok na it is too political i posision. Pues na'e lokkue chansa i lehislatura ya ta atan na hunggan magahet na impottante sa' gaige gi department. Pues enao ha', Mr. Speaker, i u fan ma treat todo i mayors parehu.*

Speaker Babauta: *Ti ta tuñgo lökkue nai, Vice Speaker, kao esta ma kappon salapeña enao na FTE (Full Time Equivalent) ya ti munahung sa' sesso hit lökkue nui sister city guine. Enague prublema-ta.*

Rep. Quitugua: *Mr. Speaker, lao pot pusision nai ta sasangan ya i pusision vacant.*

Speaker Babauta: *Lao ti ta tungo nai kao ma reprogram i iyoña FTEs dididi ya ti munahung enague na ti siña ma certify and that is the question we need to ask.*

Rep. Quitugua: *Mr. Speaker, guaha na biahe na i OMB ha mu reprogram.*

Speaker Babauta: *I would assume that primarily the Department of Finance. I am 100% sure that these are civil positions that are requested. Other than the respect mayors from Tinian and Rota, I'm not to sure what label they are in. Any more comment?*

Rep. J. Deleon Guerrero: *Point of clarification, Mr. Speaker, pot este siha i requests for certification. At what point does this request come over here? Does it first have to go through the normal process of certifying funds first at OMB before they send this over here? So, by the time it comes here, there are funds? Is that the proper procedure? Para baihu verify ha enao.*

Speaker Babauta: *1 CMC § 7204, which is required to certify those positions and that is certification of funding. Good example is on GOV. COMM. Nos. 15-332, 15-333, 15-334 where the Governor cited that section of the law, Representative Guerrero. That is the only requirement. First, to certify that funds are available, positions are available, and that is the time the certifying official notifies the presiding officers.*

Rep. J. Deleon Guerrero: *Muna' hu faisen, Mr. Speaker, sa pot ilek-mu na kao possibility na ma pacha etyo na FTE salapeña pot i travel to sister cities.*

Speaker Babauta: *Aside from elected offices like our local municipalities, the mayors' offices, I am sure that most of those FTEs are excepted service, in essence ungraded positions so the tendency of the local municipalities to reprogram funds to "all others" account, because we know that we cannot reprogram funds to "personnel" but you can reprogram personnel funds to "all others" to achieve whatever objective you are trying to achieve, be it for diesel fuel or heavy equipment parts, or for that matter even TAs (Travel Advances). So it happens, it does not have to be the present respective mayors, but both in the past and present. If I become mayor I would probably do the same thing, but I will not do that because it is not good practice.*

Rep. Aldan: *Mr. Speaker, dididi ha' na explanation as far as employment within the Second Senatorial District. Mr. Speaker, pago na momentu, ti hu tungo kao i Saipan Mayor's Office man asisisti gi bandan manpower guato gi departments ni man short.*

Speaker Babauta: *Limit ha' iyomu comment gi hafa na Governor's communication, sa' ti para ta dibati este siha other than to air our concerns. Munga ma litratu i otro na senatorial district para un kompara yan Tinian pat Luta, tampoku i Sankattan na Isla sa' ti todun man parehu iyon-niha operations.*

Rep. Aldan: *Mr. Speaker, this is in regards to the Vice Speaker's concern ni para u ma switch from Mayor's employee to Civil Service employee. One of the issues when we looked at that two years*

*ago anai gagaige ha' si Mayor Borja is we wanted to transfer lao bula nui etyo siha na posision gi Civil Service are getting paid higher than the employee under the Mayor's Office. Taiguihi i Civil Service na empliao ha risisibi \$26,000.00 lao i empliao gi Mayor's Office ni ha na' hanao guato ya ha na' fachochochu gi Department of Commerce is only receiving \$15,000. Pues makkat i transfer sa' komu para u chule' guato etyo na posision ni gi magahet para u chule' gi Civil Service, obligao i government na u nae nui etyo na apas i \$26,000. Pues i savings lakkue ma a'atan para i munisipat, so that is one of the reasons why guaha na empliao mana'fanhanao guato para u fan man ayuda para man risiben pappit pat man oppin tilifon. Guaha etyo i at a higher level, but I hope na ma komprende na guaha gi este siha na posision lakkue para man amko'. Este i sinko guine para i ofisinin man amko yan guaha lakkue para i Department of Public Health. A lot of our people quit and moved, so this is going take time para u mana'faloffan gi Civil Service.*

Speaker Babauta: I guess, Representative Aldan, most of the concerns are towards the implication of funding and not necessarily whether or not those employees are going to the Office of Aging. The overall concern here is fiscal prudence. Before we move on, Clerk, take note that the Honorable Martin Ada from Election District 1 is present and so as the Honorable Stanley Torres from Election District 3.

Rep. Palacios: Mr. Speaker, I would like to recommend that perhaps the Chair can send a letter to the governor expressing the sentiments and the concerns of the members of the House. In view of the millions and millions of shortfall that we are anticipating for 2008, these positions are going to be in the 2008 expenditure. We need to express our concern because we have not passed a budget and we are beginning to certify vacant position over and above what we have already. I believe a short letter to the governor expressing the House's concern is in order. Thank you.

Rep. Ogo: Mr. Speaker, I think we should introduce the hiring moratorium during tomorrow's session. We can just take the provision from PL 15-71.

Speaker Babauta: Mauleg na recommendation, lao ha tungo' ha i Administration i iyo-ta concerns.

## SENATE COMMUNICATIONS

SEN. COMM. 15-264 (10/9/07) Informing the House that the Senate overrode the Governor's veto of H. B. NO. 15-53, HS1, HD2, SD1, CCS1 (Local Bidding Preference) on October 4, 2007.

SEN. COMM. 15-265: (10/9/07) Informing the House that the Senate overrode the Governor's veto of H. B. NO. 15-229, HD1 (pertaining to the Chamorro-Carolinian Language Policy Commission) on October 4, 2007.

SEN. COMM. 15-266: (10/9/07) Informing the House that the Senate overrode the Governor's veto of H. B. NO. 15-244, HD1 (CUC one year payment plan) on October 4, 2007.

SEN. COMM. 15-267: (10/9/07) Informing the House that the Senate overrode the Governor's veto of H. B. NO. 15-246, HD1, SD2 (CUC Electric charges and rates) on October 4, 2007.

SEN. COMM. 15-268: (10/9/07) Informing the House that the Senate overrode the Governor's veto of H. B. NO. 15-277 (Allow NMIRF Class I members with 15 years to withdraw their contributions) on October 4, 2007.

SEN. COMM. 15-269: (10/9/07) Informing the House that the Senate overrode the Governor's veto of S. B. NO. 15-89, HD1 (Job protection for emergency volunteer members) on October 4, 2007.

SEN. COMM. 15-270: (10/9/07) Transmitting S. B. NO. 15-102: To implement alternative fiscal austerity measures within the Commonwealth and impose an employer retirement contribution rate of eleven percent; and for other purposes," which was passed by the Senate on October 4, 2007. [For action]

SEN. COMM. 15-271: (10/9/07) Returning H. B. NO. 15-134 (re Commonwealth Anti-Loitering Statute) which was passed by the Senate *without amendment* on October 4, 2007. [For info – Will go to Governor]

SEN. COMM. 15-272: (10/9/07) Returning H. B. NO. 15-136 (Clarify the offense of resisting arrest) which was passed by the Senate *without amendment* on October 4, 2007. [For info – Will go to Governor]

SEN. COMM. 15-273: (10/9/07) Returning H. B. NO. 15-179, HS1 (Statutory Liens) which was passed by the Senate *without amendment* on October 4, 2007. [For info – Will go to Governor]

SEN. COMM. 15-274: (10/9/07) Returning H. B. NO. 15-195, HS1, HD2 (Postsecondary Teacher Education Program Scholarship and Medical School Professional Scholarship) which was passed by the Senate *without amendment* on October 4, 2007. [For info – Will go to Governor]

SEN. COMM. 15-275: (10/9/07) Returning H. B. NO. 15-261, HS1 (Late Vicente M. Concepcion Monument at the Grotto) which was passed by the Senate *without amendment* on October 4, 2007. [For info – Will go to Governor]

SEN. COMM. 15-276: (10/9/07) Returning H. B. NO. 15-271, HD1 (Amend the Alcoholic Beverage Control Act) which was passed by the Senate *without amendment* on October 4, 2007. [For info – Will go to Governor]

SEN. COMM. 15-277: (10/9/07) Returning H. B. NO. 15-281, HD1 (Health Care Professional Licensing Act), which was passed by the Senate *without amendment* on October 4, 2007. [For info – Will go to Governor]

SEN. COMM. 15-278: (10/9/07) Returning H. B. NO. 15-284 (Amend PL 15-69 to allow family members to apply for Sick Leave to attend to sick family members) which was passed by the Senate *without amendment* on October 4, 2007. [For info – Will go to Governor]

SEN. COMM. 15-279: (10/9/07) Returning H. B. NO. 15-285 (Extend the CUC's Nonresident Worker Hiring Exemption to 2008) which was passed by the Senate *with amendment* on October 4, 2007, in the form of **H. B. NO. 15-285, SS1**. [For *action on Senate amendments*]

SEN. COMM. 15-280: (10/9/07) Returning H. B. NO. 15-296, HD1 (Appropriate from Tobacco Control Fund to LIHEAP) which was passed by the Senate *without amendment* on October 4, 2007. [For info – Will go to Governor]

SEN. COMM. 15-281: (10/9/07) Returning H. B. NO. 15-300, HD1 (Appropriate \$40k for Community Guidance Center; \$20k for Transitional Living Center from Tobacco Control Fund) which was passed by the Senate *without amendment* on October 4, 2007. [For info – Will go to Governor]

SEN. COMM. 15-282: (10/9/07) Returning H. B. NO. 15-301 (PSS Textbook Fund) which was passed by the Senate *without amendment* on October 4, 2007. [For info – Will go to Governor]

The Chair recognize the Floor Leader Pro Tem.

Floor Leader Pro Tem Lizama: Thank you, Mr. Speaker. I move to accept all Senate communication appearing under Item 6.

The motion was seconded and carried by voice vote.

The Chair recognized the Minority Leader.

Rep. Palacios: Mr. Speaker, I was looking at Senate communications and this has to do with the Commonwealth Utilities Corporation (CUC) issue. Are we going to accept or perhaps discuss it today?

Speaker Babauta: Yes.

Rep. Palacios: Thank you, Mr. Speaker.

Speaker Babauta: We can dispose of that right now under Senate Communications because that is a House Bill that the Senate amended, unless a majority of the members wants to reject the amendments.

Rep. Palacios: That is my concern, Mr. Speaker. SEN. COMM. 15-279, I think, warrants more discussion. This is your bill, H. B. NO. 15-285. I think that it requires that we look at the amendments to a certain extent, maybe look at the whole issue.

Speaker Babauta: I recognize then the Floor Leader for a motion to reject so that we can go into conference and deliberate on the issue on a broader perspective. Is that the wish of the House?

Floor Leader Pro Tem Lizama: Mr. Speaker, I move to refer SEN. COMM. 15-270.

Speaker Babauta: I guess the Floor Leader is alluding to SEN. COMM. 15-279 for rejection of the Senate amendments made on H. B. NO. 15-285 in the form of Senate Substitute 1. Correct?—The motion is for rejection.

Floor Leader Pro Tem Lizama: That is the motion, Mr. Speaker.

The motion was seconded.

SEN. COMM. 15-279: (10/9/07) Returning H. B. NO. 15-285 (Extend the CUC's Nonresident Worker Hiring Exemption to 2008) which was passed by the Senate *with amendment* on October 4, 2007, in the form of **H. B. NO. 15-285, SS1**. [For *action on Senate amendments*]

Speaker Babauta: Discussion on the motion.

Rep. J. Deleon Guerrero: Mr. Speaker, last night Marianas Cablevision (MCV) aired CUC, regarding the problems on CUC. The three engines are currently operating and their reason for the rolling blackouts is the lack of qualified technical employees. They said that apparently some of their nonresident engineers or technicians were standing by and they were fortunate that they were around. They were able to come in on a Sunday to alleviate and work on the problems. If we are going to reject the amendments, we are going to be exacerbating the problem at CUC.

Speaker Babauta: I share your observation, Representative Guerrero. I also noted on the same newscast that the figure 8 is not sufficient to tackle whatever mechanical or engineering needs of the power plant and that is the reason I am more leaning towards addressing this issue in conference and hopefully we can address at least half of what CUC is attaining now as far as skilled workers is concerned with respect to the repair of the power generation system.

Rep. Palacios: Mr. Speaker, I want to pass on this and hold discussions until we deliberate on it, but now that discussions are being generated, it is true, Mr. Speaker, and I do not believe that the legislature wants to take the risk of CUC not having the proper expertise to run the power plant. At the same time, the request was for 20. The legislation cuts it down to eight and certainly this issue requires more deliberation and even bringing in our people from CUC and finding out exactly what these positions are. Are they engineers, mechanics, specialized fields? We need more information. If we can do that today, let us do it today. Let us call in CUC and ask if this amendment is adequate to meet their needs. If not, then what is and to what extent? There are a lot of different issues. This exemption issue has been in the books for seven congresses. Every two years, we come back to this. Is this something that perhaps we need to give a longer period of time and really and honestly put together a program that would realistically address this and have our people trained, put together a program specifically for CUC and have them trained or are we just going to be coming back next year or the following year when the next congress comes in and do the same thing. It is also ironic that a lot of these things usually happen around the time that these exemptions are expiring.

Speaker Babauta: It is an unfortunate coincidence.

Rep. Palacios: Mr. Speaker, I do not know, it is very coincidental, too coincidental. But the fact of the matter is we need to address this issue holistically. Is it really realistic to expect CUC to have a resident mechanic to replace some of these specialized fields by next year? If not, then what would be a realistic timeline? That is the real issue. Or, is it even realistic?

Speaker Babauta: Mr. Minority Leader, let us dispose of the motion and an appointment to the conference committee will be made.

Rep. Dela Cruz: Mr. Speaker, can I comment? I was raising my hand earlier.

Speaker Babauta: My humble apology, you may continue.

Rep. Dela Cruz: Actually the initial request from CUC was for 20. If you look at the attachment to the bill, this is aside from the manpower services. If we look at the last page, this basically states what these positions are and for which department. There are seven positions here and it gives out the names of the nonresident workers that would be hired directly by CUC. On the division, number one is Mr. Poquiz, he is an IT engineer with EDP (Electronic Data Processing) this is at the

computer section at CUC. The rest basically all fall under the power generation division, and one for the water division and that would be a senior engineer. So all in all we are looking at seven direct hires for nonresident workers and 20 was cut down to eight on the manpower services for a total of 15. I also viewed the newscast that was aired yesterday in regards to these positions where a lot of these people were called in because the local residents that are within the power plant were not enough to satisfy the needs that CUC faces with their generating plants. So amendment basically here is to ensure and extend the contracts of these nonresident employees as well as the contract for the manpower services up to September 2008 with conditions that local employees are trained somewhat in the power generation division. As you know and we can probably all agree that there have been trainings given to the local employees at CUC. I also know that some of them decided to move on to other divisions within CUC. So that makes it quite hard to retain these employees within the divisions. Nonetheless, we have a situation right now and it needs to be addressed. I have said this before, if we are to assist our people, the consumers of CUC, I think it is only fitting that we also assist CUC in some ways and this is one of the main assistance that we can provide them, and I hope we can deliberate some more and come to a conclusion today on this issue, Mr. Speaker and members of this house. Thank you very much, Mr. Speaker.

There was no further discussion, and the motion to reject the Senate amendments to H. B. No. 15-285 in the form of Senate Substitute 1 carried by voice vote.

Speaker Babauta: The motion carries. At this point in time, I officially on the Floor of the House, hereby appoint Representative Frank Dela Cruz to head the conferees, and the members are Representative Martin Ada and the Minority Leader, Representative Arnold Palacios. I would immediately inform the Senate President to appoint Senate conferees so that we may expediently act on the Bill. Anymore comment on any of the Senate communications.

Vice Speaker Quitugua: Mr. Speaker, clarification on SEN. COMM. 15-270. Is your intent to refer this particular communication to the committee?

Speaker Babauta: The chair will refer that to the committee for an immediate solution.

Vice Speaker Quitugua: Okay, thank you.

Speaker Babauta: Minority Leader, you were out when I made the appointment to the conference committee. I appointed a three-member conferees: Representative Dela Cruz, the Minority Leader and Representative Ada to immediately engage with the Senate. I will be sending a memo to the Senate President to do likewise.

Rep. Palacios: I would like to appoint (inaudible).

Speaker Babauta: The Chair objects to the subsidiary appointment.

Rep. Palacios: Thank you for the flattery, Mr. Speaker.

Speaker Babauta: I know you will do just great. I sincerely appreciate your contribution to this conference, Mr. Minority Leader. May I ask the indulgence of the House to – go down to the Resolution Calendar first before --

Rep. Yumul: The slide show is directly related to my resolution, so I want to put that up on the board first for the members to digest.

Speaker Babauta: Okay, any objection? If none, we continue on Item 7.

### **HOUSE COMMUNICATIONS**

Speaker Babauta: We will take a brief recess.

The House recessed at 10:55 a.m.

### **RECESS**

The House reconvened 11:07 a.m.

Speaker Babauta: Representative Yumul submitted a CD-ROM of the slide show presentation, Clerk, please include that as a communication of the House.

Representative Yumul's communication was numbered and included as part of the House records.

H. COMM. RES. NO. 15-48: A CD-ROM submitted by Representative Yumul that contains pictures of the Customs investigation on Triple Star Recycling Center.

### **COMMUNICATIONS FROM THE JUDICIAL BRANCH**

None

### **COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE**

None

### **COMMUNICATIONS FROM DEPARTMENTS & AGENCIES**

None

### **OTHER COMMUNICATIONS**

None

### **REPORTS OF STANDING COMMITTEES**

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

None

### **UNFINISHED BUSINESS**

None

## RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Pro Tem Lizama moved for the suspension of pertinent House rules to place and adopt H. R. NO. 15-153 and H. J. R. NO. 15-38 on the day's Resolution Calendar, was seconded and carried by voice vote.

The Chair recognized the Floor Leader.

Floor Leader Pro Tem Lizama: I now move for the adoption of H. J. R. NO. 15-38.

The motion was seconded.

**H. J. R. NO. 15-38:** A HOUSE JOINT RESOLUTION TO EXPRESS THE SUPPORT OF THE CNMI LEGISLATURE FOR RESOLUTION NO. 80 OF THE LEGISLATURE OF GUAM; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion.

Rep. Tenorio: Mr. Speaker, I thought there was an objection to this resolution.

Speaker Babauta: Yes, the objection is called upon the sponsorship. If you wish to co-sponsor please check with the Clerk and sign your name.

Rep. Tenorio: No, I do not wish to cosponsor, Mr. Speaker.

Speaker Babauta: Okay, so this is on a voluntary basis, so whoever wishes to sponsor the resolution, please proceed to the Clerk. You may continue, Representative Tenorio.

Rep. Tenorio: Mr. Speaker, I just browsed through the resolution, and I just wonder if the author can very briefly give us the gist of the resolution from Guam because I think it impacted not only the CNMI but also the FAS (Freely Associated States). This resolution may seemingly address problems in Saipan and Guam because of the immigration status on the federalization of immigration, but it does impact other areas that we might have to be careful. We have to look at the resolution more carefully and perhaps refer it to the committee. I have no objection, Mr. Speaker, in supporting the resolution. It does not interfere with our own self-government and in the future, you never know Guam may ask for reciprocal arrangement. I know that we are very close to Guam and what they do affect us. They have the military there and we might have to go and ask for assistance, but this resolution is not only limited to the people of Guam, but it will also the people of the CNMI, the Federated States of Micronesia and also the nonimmigrant status that the US Government is attempting to implement. Because I am not too familiar with the resolution, Mr. Speaker, I just read it and I would be very careful in how we handle this. I suggest that we refer this to the committee and let the committee deliberate on that before they report it back to the House. I so move.

Speaker Babauta: Before I acknowledge that, on page 2 line 15, please correct the name "Pete" in lieu of "Pet", it should be Pete Domenici.

Rep. Palacios: Mr. Speaker, I would like to express certain concerns. I certainly welcome the Guam resolution in terms of its concerns for the Commonwealth and its position on this very sensitive

issue. One of the issues that have surfaced very recently and it is contained in the resolution itself, both in H. J. R. NO. 15-38 and in the Guam Legislature's resolution is its mention of the US Government Accountability Office (GAO) report we believe should be conducted. I am in full support of that, there is no question. We have to ask to US Congress that every time they extend certain policies to the Commonwealth and to other territorial areas, this needs to be considered. But, you know, in recent news reports on KSPN there was a report that our government is not cooperating with the GAO folks that are doing the studies for this particular issue. If we are going to hinge our argument that such study needs to be done to assess the potential impacts of this legislation, then we also need to ensure that we provide all the information required and requested for by the GAO. It is very disconcerting to hear in the news that our government is not cooperating, or that these individuals who were here for a couple of weeks were not able to get as much information as they really need to give a full, honest assessment of the situation because we are making the argument that there are going to be some negative impacts. It behooves us that we assist in every way possible to give them the information that they need. It was really disconcerting news to hear that some of these individuals who were on island to help us in this assessment left disappointed because they were not able to get the information. How can we make an argument that this is going to make a negative impact when we are not forthcoming with the information that they need to make these assessments and evaluations. That is certainly a concern and I hope that the Legislature and the Administration would be more forthcoming. Are we afraid to provide information that will eventually give the opposite recommendation?—We should not be. That is a point that I want to make on this particular issue, Mr. Speaker, because if we are going to hinge all our arguments on the need for an evaluation, then we need to provide the means for such evaluation. Thank you.

Speaker Babauta: Before I recognize Representative Kaipat, it is interesting to learn that Mr. Alan Stayman who is the Senior Staff Director of the Senate Energy and Resources Committee -- I also learned from that KSPN newscast that he is recently a member of the GAO. I am afraid that those allegations as claimed by Mr. Stayman were not proven because no GAO member that arrived in the CNMI otherwise did so in writing that they were not given any cooperation. As I understood and gathered from the Administration, Mr. Stayman wanted to shortcut the process and just get whatever information that these people have not minding the fact that the GAO have not consummated its report yet. So in essence, Mr. Stayman wanted a shortcut of doing away with a S. 1674 and that is the point that I want to clarify with all of you. The allegations that the CNMI was not cooperative did not come from the GAO, but from Mr. Stayman himself.

Rep. Kaipat: Thank you, Mr. Speaker. I do share the concerns by the Minority Leader about the need to insure that we cooperative fully and we dispel any kind of impression that we are trying to hide anything. So when I saw the news on KSPN about our alleged lack of cooperation, I made an inquiry to the Administration because that is a source of concern and I was happy to hear that on the contrary, we have been very responsive to the requests of the GAO. I will be happy to share with the Minority Leader or any member on the private communication that I received that assured me that we actually were acting in compliance with the request and that the impression that the CNMI is somehow digging in their heels and making the information unattainable is false. I do not know if the Minority Leader had the chance to see the media report where the governor came out to dispel this myth and actually urged everyone to cooperate fully in providing the information. I also understand that information that they were seeking, which is the LIIDS information, that such information is provided to them even though it was not available at the time that they were seeking the information while they were here on island. So, I think that we should definitely support the idea of transparency and making sure that we do not give an impression that we are trying to hide

anything. This study is very important. I for one support our waiting for the study to be completed before any kind of federalization legislation is pushed forward. I also want to speak up on behalf of the CNMI and say that we are fully cooperating in providing the information and perhaps maybe it is not necessarily to Mr. Stayman's liking and to his timetable. But to say that we are not cooperating is just not true at all. Thank you.

Rep. Palacios: I certainly appreciate the clarification. The point is that I hope that we are aware that this type of argument may come back at us, this type of allegation may come back at us and so that we make all agencies aware that is a critical study that we insist on before we agree to this federalization. It is one of the biggest arguments that we have, but we should make every effort to dispel allegations of non-transparency on our part on this particular issue. Thank you.

Rep. Kaipat: Again, it would seem quite contradictory since the governor is the one pushing for that study to be completed to begin with to all of a sudden not want to cooperate. Again, I do not believe that that is the case. I have looked into this allegation and I am assured that that is absolutely not the case. If there is solid proof that the Commonwealth is not cooperating fully, then they should come up with that, show it to us, at least the legislature if they do not want to show it to the administration, but they should not just be idling in Washington, DC and lobbying over these allegations. Come up with the verified proof that we are trying to impede this study. I for one will do my part as I am sure you all will help to make sure that that impediment is removed. Thank you.

Rep. Waki: Mr. Speaker, the whole point of this joint resolution is just the concern not only for us, but also for Guam of the possible non-immigrant status. Right now, Guam with the military build up -- the Marine build-up -- their families, support staff for the bases and the construction phase the amount of people they are anticipating within the next 10 year is about 40,000 people which is about a quarter of their actual population at this point in time. So what they are fearful of is all this military build up is going to be mostly in the bases but people are going to be coming to Guam to work for the construction which will impact the local infrastructure. That is what they are fearful of. We have approximately so many thousands of people that, if given nonimmigrant status, they can move to Guam without getting the Federal Government to realize the impact. Right now, they are not anticipating any federal funding assistance for the local community or local infrastructure. This is what we would like to make sure that is addressed. The GAO is very important. When Lt. Governor Villagomez, Senate Vice President Pete Reyes and myself testified at the particular public hearing in Guam recently on this particular resolution, it was nothing more to confirm that we are in agreement that there is going to be an impact and that the impact studies should be done before legislation is passed. As we reiterated there, this is nothing more than a request anyway. The resolution is just a request for the Federal Government to not slam dunk this so quickly but to make sure they get all the facts, the figures together before they make a decision to impact not only us but also our neighboring island of Guam. So their resolution on page 6 starting from line 22, all they are saying is on behalf of the people of Guam, let us hereby petition Guam's Delegate to request the United States Government Accountability Office to cause a careful study and report on the expected impact passage of H.R. 3079 and S. 1634 or any other similar or like measure or proposal will have on both Guam and the Commonwealth of the Northern Mariana Islands. So really all it is, is just making sure that the t's are crossed and the i's are dotted before they make a decision that will impact people that are 3500 miles away from Washington, DC. That is really all it is. If they are going to pass it, as we all know even with our covenant agreement, they will pass it if they want to. We are just saying, review what possible impacts will happen and make those considerations before you pass the final version. The joint resolution is just to support Guam's request for them to do what we have been requesting, to do the GAO study. From what we have heard, when the GAO team left,

there were still some information that was not completed. But as per the Governor's speech which was given by the Lt. Governor in Guam, by the time they got back to Washington, DC there were supposedly hundreds of pages of additional information that they could not collect while there were here because it was not finalized that were transmitted over. Based on that, we have not really heard back from GAO saying that they do not have the information. I believe that Representatives Palacios and Kaipat are correct. We need to make sure that they get all the information on a timely basis because who knows when these bills are going to be passed. They may be passed in the next month, but as long as they have the information necessary to make the most intelligent decision possible in ways of the Federal immigration takeover. That is really all it is. We may not have any real say so at the end, but at least factual information is there in what possible adverse impacts will occur if the bills passed in present form. So I ask the members here to please consider the resolution. As we all know this is not a mandate, this is just a request to review everything carefully before making a decision. I thank you for your support.

Rep. Tebuteb: Everything expressed so far should really be taken into consideration, but I need a little clarification on Guam Resolution 80 itself. Of course this is to express support of the resolution to conduct studies and whatever impacts and also requesting the United Nations Missions. I am trying to grasp what the Decolonization of the expression of the people of Guam has to do with the expression of the support of the CNMI Legislature to this resolution. Could I have some clarification.

Speaker Babauta: What was the clarification, Representative Tebuteb?

Rep. Tebuteb: On line 8, page 1 of H. J. R. NO. 15-38. This is a good resolution. I am just trying to grasp what the other contents in support of Guam Resolution 80 entails for the CNMI to express their support.

Rep. Waki: Representative Tebuteb, your question is starting on "...requesting that the United States Mission to the United Nations advise the United Nations Committee on Decolonization of the expressions of the People of Guam..." is that what you are asking about? The people of Guam have been working on some sort of self-determination; they have been wanting either commonwealth, statehood and when we were at the hearing and they were saying if the Commonwealth with its covenant agreement with the United States does not even have real negotiating powers where the United States can actually just about slam dunk in reference to federal immigration control on the CNMI. When they decide for any political status they are looking at – they are right now what we call an unincorporated territory. They are saying they are not even incorporated, they are unincorporated. And then they are part of what they call an Organic Act. They consider the word "organic" in the definition in the dictionary as being like plants and animals. So they are saying that they are like third rate citizens of the United States and they are saying that if they are looking for a different political status the commonwealth is a consideration they have had, but if the CNMI can be told what to do, so to speak, given with the Covenant agreement, what more Guam right now is being slam dunked with the military. They have no say so, they are just being told we are going to send people over there and not worry about the impacts. So they are looking at the United Nations to kind of intervene to make sure that there is some sort of reciprocating communication that will not just allow the United States to consistently come in and just slam dunk on their island too. And they are saying that if they can do that with us with our covenant agreement, what more Guam. So they are sort of asking for some kind of a voice in the United Nations to speak with the United States for support.

Rep. Tebuteb: I am with the understanding that the CNMI is not a member of the United Nations, but Guam is. Is that correct?

Speaker Babauta: We have been represented by an Ambassador to the United Nations, Ambassador Bolton.

Rep. Tebuteb: Is he still in the United Nations.

Speaker Babauta: Yes.

Rep. Tenorio: Mr. Speaker, I am in full support of the study, do not get me wrong. What bothers me is the tone of the resolution from Guam. That is basically what we are doing, adopting the resolution in support of that resolution proposed by the Guam Legislature. Mr. Speaker, all my career in the legislature, I opposed federal takeover from the very beginning as you know because I want to see self-government take hold of this place. But that has been for many years already, Mr. Speaker, we are looking at 30 years. You have to go back in time and look at the Covenant that we negotiated. Unfortunately maybe this is one of the provisions that we should not have given to the US, but we did. It seems to me that that before the takeover, they have given us all the opportunities to come in with our side of the argument as to what do we see fit for us in both the Senate and House bills at one time. We give them our peace. We say we want this and that done as part of the resolution that is being addressed in the US Senate. It not like they have not given us the opportunity to say our peace. We did and we continue to do that. About the study, I guess I would like to see how the final bills by the US Congress affect us in our economy, our political and social aspects of life here in the CNMI because it concerns us. The fact of the matter is, Mr. Speaker, and we have said our peace, and to me it sounds like continued delay not that it is not alright to disagree with whatever the US Congress is doing, but it is like we are taken from one step to another to delay the implementation of the Covenant. I do not know whether you want to be an American or what, maybe we should look at the political status bill that Representative Torres introduced.

Speaker Babauta: Let us try to pass that today or tomorrow.

Rep. Tenorio: That is your view, but we have to be serious about these things because I think that is one of the reasons why Guam is very careful about the military build up. There are economic considerations. There are worried that they are going to be overwhelmed by outsiders. We worry here too. We have reportedly 8,000 aliens here that might be eligible for the nonimmigrant status. I am worried about that. I am concerned about that, but these are issues that we have to take up with the US Congress. I do not know, I cannot see the light from what the resolution from the Guam Legislature is trying to get us into. Our problem is with the US Congress and I think we try to address that. The Governor is on one side, we have mixed emotions, mixed opinions about whether or not we should let federalization takeover. The fact of the matter is, we negotiated this in the Covenant already. What we want is get our two pieces in and work with the Federal Government or maybe you do not need the Federal Government's money and we should just tell them to pack up and leave. I mean, you can't have your cake and eat it too. You have to give and take. This is a serious resolution and it is not to be taken very lightly because it does affect us here, of course it affects the people of Guam. There is some mention about the Federated States of Micronesia and how it affects them and also the people that will be given the nonimmigrant status. So I would be very careful. I have no objection to wait for the study, but I have objections to wholeheartedly --

Speaker Babauta: Let me ask the members – what are the procedures now as far as immigration is concern as far as independent nations like Belau, FSM and the Marshall . Are we allowed to freely travel into those areas? No?

Rep. Seman: We are required to have a US passport.

Speaker Babauta: We are required to have a US passport? So how is a CNMI citizen by virtue of immigration status having a US passport ... (End of Tape 1, side B) (Beginning Tape 2, side A) ... only one line for non-FSM? But you need to clear immigration?

Rep. Seman: Everybody.

Speaker Babauta: Okay. Let me recognize Chairman Dela Cruz. I am going to allow a five-minute discussion. We will go into recess. I broke my own words so I will not break it any further.

Rep. Dela Cruz: Mr. Speaker, the concern earlier as to whether GAO was provided with data that they have requested. Apparently they are saying that they did not get the data from LIIDS, the Labor and Immigration ID System. After watching the newscast, there was another area where the GAO was also requesting that they be given access to LIIDS and that was another area that came out from the report. Mr. Speaker, the Administration is saying that they have provided the information, the data to GAO. I think it is only fitting that you as the Presiding Officer of this house write to GAO, write to the Administration so that we may be able to find out whether this data had been given. As far as accessing the LIIDS that is something that we would probably look into. I know that the local immigration system here does not have access to immigration data from the Federal Government, but I think it is only proper that maybe you as the Presiding Officer of this Body can write to GAO and from there we can see whether the request had been properly addressed. That is all, Mr. Speaker.

Speaker Babauta: I can only assume that it is not complete because as a result of the President's letter two weeks ago to GAO, I do not think any staff of GAO ventured to Tinian or Rota for that matter to assess completely. So I understand they will be returning for more information. Are we ready?

The motion to adopt H. R. NO. 15-38 was carried by voice vote.

Speaker Babauta: The motion carries. Floor Leader, you may continue.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the adoption of H. R. NO. 15-153.

The motion was seconded.

**H. R. NO. 15-153**: A HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC LANDS TO DISAPPROVE SAIPAN TRIPLE STAR RECYCLING INCORPORATION'S REQUEST TO LEASE CERTAIN PUBLIC LANDS SITUATED IN PUERTO RICO AND LOWER BASE.

Speaker Babauta: It has been moved and seconded for the adoption of H. R. NO. 15-153. Clerk, take note to transmit this immediately after adoption to the proper agency for serious consideration so that we may achieve the intended goal of stopping the thief or thieves on copper wire. Under discussion, I recognize Representative Tenorio.

Rep. Tenorio: This is a request to terminate existing public land lease for this company. I have no objection with the resolution itself to try to protect our interest, but we are already assuming that the guy is guilty. Normally, you do not. A person is innocent until proven guilty and this is the other way around. Are we insinuating that these people are guilty and therefore we have to terminate their existing public land lease?

Speaker Babauta: Let us have the author answer to that. We saw the slides to that. I recognize Representative Yumul to respond to Representative Tenorio's concern.

Rep. Yumul: Thank you, Mr. Speaker. I was actually getting ready to offer a floor amendment to remove that section on the title and also on page 3, line 4. I move to remove from the title of the House Resolution "and to terminate any existing public land lease with Saipan Triple Start, Inc." and anywhere it appears on the Resolution. There is another one page 3, line 4 and to have everything corrected accordingly to continue the flow of the resolution. The only thing that this resolution will be asking to do is any ongoing negotiations with leases should be stopped at this time since there are just negotiations.

The motion was seconded.

Speaker Babauta: Discussion on the motion to amend by Representative Yumul.

Rep. Kaipat: Clarification, Mr. Speaker, because Representative Tenorio is absolutely correct in bringing up the fact that we are approving this resolution but I distinctly heard say that this matter is still under investigation. I do support the idea of encouraging the Department of Public Lands (DPL) to hold off in any kind of lease negotiations at least until this matter is resolved. I am sure that this will go to the courts.

Rep. Yumul: Right, and that is why the House resolution aims to just have the Department of Public Lands not move forward with any ongoing negotiation until this is cleared up. The section "to terminate any existing" is not really the intent since they are still allegations. However, the information that we received through the photos that have been given to me are really clear. This company does not want to follow the law, it does not want to encourage people to follow the law. At this time, if we allow DPL to continue in negotiating public land leases with this company, it may be entangled in legal mess should this company be forced out of business, it will have exiting contracts and the whole works. Also, it is not in the resolution, but the area of 11,000 square meters situated in Puerto Rico on page 1 line 4, this is actually the area that encompasses the lands north of the Army Reserve facility all the way past Wushin Corporation. I do not think we want to have a recycling facility set up shop there so all our tourist could see and smell. Again, that is not included in the resolution because I think we have enough information to at least tell DPL to just hold off and let us have the Division of Customs continue to investigate the issues before them. If we do not, DPL can even consummate an agreement by the end of the week.

Rep. Palacios: So where is on the amendment, is it on the heading? Does it say, to request that the Department of Public Lands cease all negotiations with Saipan Triple Star--

Rep. Yumul: I see that on line 1, I have not be able to catch that and if the Minority Leader wants to make that amendment, it is fine by me.

Speaker Babauta: We are presently discussing your oral amendment, Representative Yumul, so let us stick to that.

Rep. Yumul: My amendment is to remove “and to terminate any existing lease with Saipan Triple Star, Inc..”

Rep. Palacios: So that is basically only on the heading, right?

Speaker Babauta: Representative Yumul, can you clarify your amendment one more time beginning on the heading?

Rep. Yumul: Mr. Speaker, my oral amendment is to remove on the title “and to terminate any existing public land lease with Saipan Triple Star Recycling, Inc.” and on page 3, line 4.

Speaker Babauta: Okay, we are still under discussion. Let me recognize Representative Torres.

Rep. Torres: I think I am accurate or safe enough to say that this company initially wanted to lease the Solid Builders area, the 11,000 square meters, but I think they changed their minds and got interested to have DPL push out Jack Villagomez Guerrero, the son of the former governor who used to be in that compound between the L&T Garment and the Procurement and Supply facilities. So instead of getting the area where Solid Builders is at, they wanted to move down to Lower Base. That is another concern that I have. DPL is harassing Mr. Guerrero to vacate when he requested for three weeks or thirty days time to clear his inventory out of the area. Somehow this company went in there and took several items, a container van that belongs to the Guerrero family and moved it to the As Lito area because he was told that DPL gave it to him. I am concerned about that. I am also very concerned about this company because this is the company that purchased the stolen brass plaque, the one stolen from the American Memorial Park in Asan, Guam. A rumor that I am still looking into the accuracy of is the alleged oil or toxic dumping at its present location in the As Perdido area. They dug the ground and poured their waste, toxic oil and battery liquid and they backfilled with excess corals and put a concrete slab over it. I am going to have to convince DEQ to borrow the CUC augur truck to drill and sample the ground under the concrete slab and if found to be toxic, I think they should just terminate and leave the island.

Speaker Babauta: Whose property are they leasing in As Perdido?

Rep. Torres: I am not sure yet, but I am still researching.

Rep. Kaipat: Mr. Speaker, it is very clear that investigation and all these allegations that are flying around have not be completed and I am just concerned about whether passing this type of resolution is going to jeopardize this investigation in any kind of way. No doubt, I am alarmed about what Representative Torres is saying and it adheres looking into by the appropriate agencies, but I am just wondering if perhaps a private letter would go to DPL rather than this very public resolution. If the allegations are true, they deserve to have the book thrown at them, but I do not want to be part of any kind of process where it would jeopardize the investigation and give them a chance, that we go out of this. So I am wondering if we are a bit premature in passing something like this and have it be a public document. Those are my concerns that I wanted to share.

Rep. Yumul: Mr. Speaker, if I am not out of line, I would like to make an additional amendment to my original amendment.

Speaker Babauta: Let us dispose of the original amendment first.

There was no further discussion and the amendment offered by Representative Yumul to H. R. NO. 15-153 carried by voice vote.

Speaker Babauta: We continue to discuss H. R. NO. 15-153, House Draft 1.

Rep. Yumul: Mr. Speaker, I would like to offer an other amendment on the title to strikeout the word “disapprove” and insert “suspend all negotiations with” and likewise on page 3, in line 3.

Rep. Torres: Mr. Speaker, may I ask the mover of the amendment to add after “Saipan Triple Star Recycling, Inc.” insert “and its officers Wagon Xy Xiong, Su-Ching Huang, and Jin An Wei”.

Speaker Babauta: What page are you referring to?

Rep. Torres: I am adding the names after every “Saipan Triple Star”.

Speaker Babauta: Short recess.

The House recessed at 11:58 a.m.

### MISCELLANEOUS BUSINESS

None

### ADJOURNMENT

The House stood recessed at 11:58 a.m. until Wednesday, October 17, 2007 at 10:00 a.m.

Respectfully submitted,

Evelyn C. Fleming  
House Clerk

### APPEARANCE OF LOCAL BILLS

#### First Appearance of a local bill is the day of introduction

#### SECOND APPEARANCE

H. L. B. NO. 15-72: To name the unmanned road adjacent to Gloria Drive in Navy Hill, Saipan as “Basilio Lane.” (Rep. Justo S. Quitugua +1)

H. L. B. NO. 15-73: 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. (Rep. Edwin P. Aldan)

THIRD APPEARANCE: NONE