



House Journal

Adopted:
January 9, 2008

1st Day

Tenth Special Session

Monday, December 3, 2007

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its First Day, Tenth Special Session on Monday, December 3, 2007, at 10:30 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.

Speaker Babauta: We welcome back our Floor Leader. I understand he will be departing at the latter part of this month and he probably would not be showing up for the duration of his term of office, and that is the reason why I ask that he participates as much as possible.

The Clerk called the roll and fifteen members were present. Representatives Martin B. Ada, Edwin P. Aldan came in late; Representative Crispin M. Ogo was excused.

Speaker Babauta: I had a miscommunication with Representative Ogo yesterday. I was anticipating on having this session this afternoon, but after talking with some of the members, I understand that there is a funeral taking place at two o'clock this afternoon that is why I decided to go back to the 10:00 a.m. schedule. Representatives Ada and Aldan will be coming in shortly.

ADOPTION OF JOURNALS

Floor Leader Florencio Deleon Guerrero moved for the adoption of the First, Second, Third, Fourth and Fifth Day Journals for the Fourth Regular Session and the motion was seconded.

- 1st Day, Fourth Regular Session Journal- August 17, 2007
- 2nd Day, Fourth Regular Session Journal - August 21, 2007
- 3rd Day, Fourth Regular Session Journal - August 31, 2007
- 4th Day, Fourth Regular Session Journal - September 13, 2007
- 5th Day, Fourth Regular Session Journal - October 3, 2007

Speaker Babauta: Again, I will allow members to make corrections on their statements on any of the journals.

There was no discussion and the House Journals were adopted by voice vote.

INTRODUCTION OF BILLS

H. B. No. 15-76: A Local Bill for an Act for the Third Senatorial District to amend Section 2(e) of Saipan Local Law No. 15-12 to appropriate \$490,000.00 for the acquisition and land compensation of Lot 364-R/W; and for other purposes.

Offered by: Representative Arnold I. Palacios and five others

INTRODUCTION OF RESOLUTIONS

House Commemorative Resolutions:

H. COMM. RES. NO. 15-99: A House Commemorative Resolution to recognize and congratulate Reo Nakamura Arriola for being selected as the Dandan Elementary School 2008 Teacher of the Year.

Offered by: Representative Justo S. Quitugua and seventeen others

H. COMM. RES. NO. 15-100: A House Commemorative Resolution to recognize Adela Kapileo for being selected as the Koblerville Elementary School 2008 Teacher of the Year.

Offered by: Representative Justo S. Quitugua and seventeen others

H. COMM. RES. NO. 15-101: A House Commemorative Resolution to recognize and congratulate Ms. Liberty A. Rabauliman for being selected as the CNMI Public School System Central Office 2008 Support Staff of the Year.

Offered by: Representative Justo S. Quitugua and seventeen others

H. COMM. RES. NO. 15-102: A House Commemorative Resolution to recognize and congratulate Andrew James Golden for being selected as the Public School System 2008 Teacher of the Year.

Offered by: Representative Justo S. Quitugua and seventeen others

H. COMM. RES. NO. 15-103: A House Commemorative Resolution to recognize and congratulate Ms. Alicia C. Manglona for being selected as the PSS Central Office, Curriculum Instruction and Assessment, 2008 Support Staff of the Year.

Offered by: Representative Justo S. Quitugua and seventeen others

H. COMM. RES. NO. 15-104: A House Commemorative Resolution to recognize and congratulate Mr. Ryan Calvo for being selected as the PSS Central Office, Division of Administration, 2008 Support Staff of the Year.

Offered by: Representative Justo S. Quitugua and seventeen others

House Resolutions:

H. R. NO. 15-217: A House Resolution to recognize and honor the Honorable Tommy E. Remengesau, Jr., President of the Republic of Palau, for his efforts in protecting the natural environment and for being named as one of Time Magazine's Heroes of the Environment.

Offered by: Representative Candido B. Taman and seventeen others

H. R. NO. 15-218: A House Resolution requesting that Governor Benigno R. Fitial not to bluff and truly terminate most of his overpaid and inefficient staff members and needless special advisors and consultants.

Offered by: Representative Stanley T. Torres and seven others

H. R. NO. 15-219: A House Resolution condemning Ron Hodges for behavior unbecoming of a Public School System teacher and for his unnecessary and inflammatory language to cause possible damage to the people and the tourist of the CNMI.

Offered by: Representative Stanley T. Torres and eight others

H. R. No. 15-220: A House Commemorative Resolution conveying the sincere condolences and sympathy of the House of Representatives of the Fifteen Northern Marianas Commonwealth Legislature to the bereaved family of the late Honorable David Aldan Indalecio on his untimely passing and paying tribute for his contribution to the community.

Offered by: Representative Manuel A. Tenorio and seventeen others

Speaker Babauta: Before we continue, most of us have probably received a letter from the LB Director, Deputy Director and the staff who are working towards the inaugural activities. Let us take a brief recess.

The House recessed 10:40 a.m.

RECESS

The House reconvened 10:42 a.m.

Speaker Babauta: We are back to our plenary session and we move down to Messages from the Governor.

MESSAGES FROM THE GOVERNOR

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*] (*Calendared*)

Gov. COMM. 15-351: (10/17/07) Informing the House that he disapproved S. B. NO. 15-14 (re Waiver of work experience for certain Civil Service positions). [Deadline: 12/18/07] (*Calendared*)

Gov. COMM. 15-353: (10/19/07) Informing the House that he disapproved S. B. NO. 15-1 (re Educational Financial Assistance Liability). [Deadline: 12/18/07] (*Calendared*)

Gov. COMM. 15-363: (10/23/07) Informing the House that he disapproved H. B. NO. 15-39, HS1, SS1 (To regulate disconnection and reconnection of utility services by CUC.) [Deadline: 12/22/07] (*Calendared*)

Gov. COMM. 15-365: (10/23/07) Informing the House that he disapproved H. B. NO. 15-264 (To require periodic desk audits of the CNMI Government). [Deadline: 12/22/07] (*Calendared*)

Gov. COMM. 15-385: (11/7/07) Informing the House that the signed into law H. B. NO. 15-281, HD1 (To amend the Medical Practice Act). [Became **Public Law 15-105**]

Gov. COMM. 15-386: (11/8/07) Certification of vacant position at the Tinian Mayor's Office.

Gov. COMM. 15-387: (11/8/07) Certification of vacant positions at the Department of Public Safety.

Gov. COMM. 15-388: (11/8/07) Informing the House that he disapproved H. B. NO. 15-293 (To require CUC to separate the billing for water, power, and sewer). [*Deadline: 1/7/08*]

Gov. COMM. 15-389: (11/8/07) Informing the House that he signed into law H. B. NO. 15-300, HD1 (To appropriate from Tobacco funds for the Transitional Living Center and the Community Guidance Center). [Became **Public Law 15-106**]

Gov. COMM. 15-390: (11/8/07) Informing the House that he signed into law H. B. NO. 15-301 (Providing PSS with additional funding for textbooks). [Became **Public Law 15-107**]

Gov. COMM. 15-391: (11/8/07) Informing the House that he signed into law H. B. NO. 15-38, CS2, HD8, SD2 the Commonwealth Employment Act. [Became **Public Law 15-108**]

Gov. COMM. 15-392: (11/9/07) Informing the House that he signed into law H. B. NO. 15-195, HS1, HD2 (To reestablish the Postsecondary Education Program Scholarship and establish the Medical School Professional Scholarship). [Became **Public Law 15-109**]

Gov. COMM. 15-393: (11/9/07) Informing the House that he signed into law H. B. NO. 15-296, HD1 (To appropriate revenues from the Tobacco funds for LIHEAP). [Became **Public Law 15-110**]

Gov. COMM. 15-394: (11/14/07) Certification of vacant positions at the Department of Public Safety.

Gov. COMM. 15-395: (11/14/07) Certification of vacant positions within the Department of Public Safety.

Gov. COMM. 15-396: (11/14/07) Certification of vacant positions within the Department of Public Safety.

Gov. COMM. 15-397: (11/14/07) Certification of vacant positions at the Department of Public Health.

Gov. COMM. 15-398: (11/16/07) From Acting Governor Villagomez informing the House that he signed into law H. B. NO. 15-309 (To appropriate \$500,000 to fund various programs and projects in the Second Senatorial District). [Became **Public Law 15-111**]

Gov. COMM. 15-399: (11/19/07) Certification of vacant positions at the Department of Public Health.

Gov. COMM. 15-400: (11/19/07) Certification for a Tinian Case Manager within the Office of the Workforce Investment Agency.

Gov. COMM. 15-401: (11/19/07) Certification for an Assistant Probation Officer at the Office of Adult Probation.

Gov. COMM. 15-402: (11/19/07) Certification for an Administrative Officer at the Department of Public Safety.

GOV. COMM. 15-403: (11/19/07) Certification for an annual salary in excess of \$50,000.00 for Dr. Willie Gutowski.

GOV. COMM. 15-404: (11/19/07) Certification for an annual salary in excess of \$50,000.00 for Dr. Ruben Arafiles.

GOV. COMM. 15-405: (11/19/07) Certification for an annual salary in excess of \$50,000.00 for Dr. Carl Daigle.

GOV. COMM. 15-406: (11/21/07) Certification of a vacant position at the Department of Public Health.

GOV. COMM. 15-407: (11/21/07) Providing a copy of Mr. Kyle L. Calabrese's Resume', Statement of Financial Interest, and Drug Test Receipt.

GOV. COMM. 15-408: (11/23/07) Informing the House that he signed into law S. B. NO. 15-105 (Renaming Rota West Harbor Seaport as the "Thomas C. Mendiola Commercial Port"). [Became **Public Law 15-112**]

Speaker Babauta: I just received several communications from the Governor late last Friday, I think there were four bills signed into laws, and some include the Statutory Liens, the Anti-Loitering Act, and the amendment for the Parole Board. We will include those in tomorrow's session. I now recognize the Minority Leader.

Rep. Palacios: Mr. Speaker, I move to override the Governor's veto of H. B. NO. 15-42 under GOV. COMM. 15-336.

The motion was seconded.

GOV. COMM. 15-336: (10/5/07) Informing the House that he disapproved **H. B. NO. 15-42**, entitled, "An Act to require legislative approval for the funding of any capital improvement project from federal financial assistance received pursuant to the Covenant or pursuant to the Impact Aid for the Compact of Free Association or through a special appropriation."

Speaker Babauta: The motion has been seconded. Discussion on that motion? Ready? This communication has been on the Calendar for quite sometime. I would like to inform the members that Representative Aldan will be coming in late and will be introducing a bill to amend Public Law 15-95 and this has to do with the local procurement bidding preference. Such amendment was recommended by the federal program coordinators so as not to jeopardize the Community Development Block Grants (CBDG). There is a CBDG program that cannot move now because there is a provision that is being disapproved by the Federal Branch.

The clerk called the roll on the motion to override the Governor's veto of H. B. NO. 15-42.

(Representative Ada took his seat in the Chamber at 10:47 a.m.)

Rep. Martin B. Ada	yes
Rep. Edwin P. Aldan	absent (excused)
Rep. Francisco S. Dela Cruz	yes

Rep. Florencio T. Deleon Guerrero	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	no
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	absent (excused)
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	no
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 14 “yes,” H. B. NO. 15-42 is hereby overridden by the House. Anymore discussion? I recognize Representative Joe Deleon Guerrero.

Rep. J. Deleon Guerrero: Mr. Speaker, I would also make a move to override the vote of H. B. NO. 15-39, HS1, SS1 under GOV. COMM. 15-363 and H. B. NO. 15-293 under GOV. COMM. 15-388.

The motion was seconded.

GOV. COMM. 15-363: (10/23/07) Informing the House that he disapproved **H. B. NO. 15-39, HS1, SS1** (An Act to regulate the disconnection and reconnection of utility services by the Commonwealth Utilities Corporation; and for other purposes.).

Speaker Babauta: Discussion on the motion. Ready? Clerk, please call the roll on H. B. NO. 15-39, HS1, SS1 first.

The clerk called the roll on the motion to override the Governor’s veto of H. B. NO. 15-39, HS1, SS1.

Rep. Martin B. Ada	yes
Rep. Edwin P. Aldan	absent (excused)
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	absent (excused)
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	abstained
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 15 “yes,” GOV. COMM. 15-363 is hereby reversed by the House. Clerk, call the roll on GOV. COMM. 15-388.

GOV. COMM. 15-388: 11/8/07) Informing the House that he disapproved **H. B. No. 15-293** (An Act to amend 4 CMC § 8143 to require CUC to bill water, power, and sewer separately; and for other purposes.).

The clerk called the roll on the motion to override the Governor's veto of H. B. No. 15-293.

Rep. Martin B. Ada	yes
Rep. Edwin P. Aldan	absent (excused)
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	absent (excused)
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	no
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 15 "yes," H. B. NO. 15-293 is hereby overridden by the House. I now recognize Representative Dela Cruz. I ask the members to support the Chairman of PUTC to recall a bill from the Governor. I think there is a technical problem. I believe the Senate has done so last session.

Rep. Dela Cruz: Thank you, Mr. Speaker, I offer a motion to recall for reconsideration H. B. NO. 15-307, HD1 this is the CUC-CDA Write-off Act.

The motion was seconded.

H. B. No. 15-307, HD1: AN ACT TO REPEAL AND REENACT SECTION 2 OF PUBLIC LAW NO. 15-12; AND FOR OTHER PURPOSES.

Speaker Babauta: Discussion.

Rep. J. Deleon Guerrero: Mr. Speaker, so that we can understand the purpose of the recall, can we ask the mover to brief us.

Rep. Dela Cruz: Basically, one of the things is that there was an amendment inserted into the legislation and that was to return 50% of the \$45.5 Million to CDA. The idea is to try and get with CDA to see whether they may be able to sell shares for CUC out to the public, in other words an option to have a public cooperative in place. That was one of the issues for consideration.

Rep. J. Deleon Guerrero: So to clarify – you would like to remove that amendment which would allow for share to be sold by CDA, is that what is preventing CDA from doing that?

Rep. Dela Cruz: Basically, we have not had an audience with CDA and I also asked for H. B. NO. 15-313, which is the performance management contract. That is something that might hinder the ability for CUC to enter into such a performance management contract for a private company to run and manage CUC. These are all consideration that would have to be looked at.

Rep. J. Deleon Guerrero: Let us go for it.

There was no further discussion, and the motion to recall H. B. NO. 15-307, HD1 from the Governor's Desk was carried by voice vote.

Speaker Babauta: The motion is carried. Clerk, take note that the majority of the House members echoed a yes vote. For record purposes, Chairman Aldan is now duly present. I now recognize the Vice Speaker.

(Rep. Aldan took his seat in the chamber at 10:55 a.m.)

Vice Speaker Quitugua: Mr. Speaker, we have been providing higher education funds for our people to go out and obtain their college degrees. However, our employment regulations under the Civil Service Commission hamper the employment of these students when they return due to lack of work experience. With that, Mr. Speaker, I move and call for an override of S. B. NO. 15-14 under GOV. COMM. 15-351.

The motion was seconded.

GOV. COMM. 15-351: (10/17/07) Informing the House that he disapproved **S. B. NO. 15-14** (To amend 1 CMC § 8117(i) of the Commonwealth Civil Service Act to provide that the Civil Service Commission shall amend the Civil Service Rules and Regulations to remove any and all provisions requiring that persons seeking to be certified as eligible for a civil service position have prior work experience if such persons possess a Bachelor's, Masters, or Doctoral degree, in a field of expertise related to the civil service position for which the person has applied).

Speaker Babauta: Before we go into discussion, let us take a brief recess.

The House recessed at 10:56 a.m.

RECESS

The House reconvened at 10: 57 a.m.

Speaker Babauta: We are back to our session and the motion as offered by the Vice Speaker has been seconded. Are we ready? Clerk, call the roll.

The clerk called the roll on the motion to override the Governor's veto of S. B. NO. 15-14.

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	absent (excused)
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	yes
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a vote of 17 “yes,” GOV. COMM. 15-351 is hereby reversed by this house.

Rep. Tenorio: Privilege, Mr. Speaker.

Speaker Babauta: Recognized.

Rep. Tenorio: Mr. Speaker, I was out very briefly and I understand that there was a recall made by Representative Dela Cruz. I just want for the record to show that I support that.

Speaker Babauta: I indicated that the House, for record purposes, fully supported that because we had a voice vote.

SENATE COMMUNICATIONS

Floor Leader Florencio Deleon Guerrero moved for the acceptance of all the Senate communications, was seconded and carried by voice vote.

SEN. COMM. 15-297: (11/14/07) Informing the House that the Senate overrode the Governor’s veto of H. B. NO. 15-293. [For info]

SEN. COMM. 15-298: (11/14/07) Informing the House that the Senate overrode the Governor’s veto of H. B. NO. 15-42 (Require legislative approval of CIP and Compact Impact Funds). [For info]

SEN. COMM. 15-299: (11/14/07) Returning H. B. No. 15-298, HD1 (To amend the Commonwealth Public Utilities Commission Act) which was passed by the Senate *with amendments* on November 13, 2007 in the form of **H. B. No. 15-298, HD1, SD2**. [For action on Senate amendments]

SEN. COMM. 300: (11/14/07) Returning H. B. No. 15-305 (To appropriate \$50,000 for the Youth Basketball Association) which was passed by the Senate *with amendments* on November 13, 2007 in the form of **H. B. No. 15-305, SD1**. [For action on Senate amendments]

SEN. COMM. 15-301: (11/14/07) Returning H. B. No. 15-308, HD1 (To amend PL 15-78) which was passed by the Senate without amendments on November 13, 2007. [Before the Governor]

SEN. COMM. 15-302: (11/14/07) Returning H. B. NO. 15-324 (To enable the Joeten-Kiyu Public Library to receive cash contributions under the Education Tax Credit) which was passed by the Senate without amendment on November 13, 2007. [Before the Governor]

SEN. COMM. 15-303: (11/15/07) Informing the House that the Senate's failed to override the Governor's veto of S. B. NO. 15-1 (To forgive educational financial assistance liability of returning college students who cannot find employment). [For info]

SEN. COMM. 15-304: (11/14/07) Transmitting for S. B. NO. 15-15, entitled, "To require insurance coverage for individuals with diabetes in the Commonwealth; and for other purposes," which was passed by the Senate on November 13, 2007. [**For action**]

SEN. COMM. 15-305: (11/14/07) Informing the House that the Senate accepted the House amendments to S. B. NO. 15-100, HS1, HD2 (To criminalize the taking of rays from the CNMI waters; to criminalize the feeding of sharks without a permit). [For info]

SEN. COMM. 15-306: (11/14/07) Transmitting S. B. NO. 15-104, SD1, entitled, "To amend 10 CMC § 3319 to provide stricter penalties for those that do not comply with the curfew law; and for other purposes," which was passed by the Senate on November 13, 2007. [**For action**]

SEN. COMM. 15-307: (11/15/07) Transmitting a certified copy of H. R. NO. 15-52, entitled, "A Senate Resolution conveying the sincere condolences and sympathy of the Senate, the Fifteenth Northern Marianas Commonwealth Legislature, to the bereaved family of the late Honorable Antonio Reyes Unpingco on the occasion of his untimely passing," which was adopted by the Senate. [For info]

Floor Leader F. Deleon Guerrero: I move for the passage of H. B. NO. 15-298, HD1, SD2 (SEN. COMM. 15-299), H. B. NO. 15-305, SD1 (SEN. COMM. 15-300).

The motion was seconded.

H. B. No. 15-298, HD1, SD2: TO AMEND THE COMMONWEALTH PUBLIC UTILITIES COMMISSION ACT OF 2006, AND FOR OTHER PURPOSES.

H. B. No. 15-305, SD1: TO APPROPRIATE \$50,000.00 FOR THE A&E DESIGN OF A GYMNASIUM FOR THE NORTHERN YOUTH BASKETBALL ASSOCIATION; TO RE-APPROPRIATE \$500,000 UNDER PL 13-48 FOR PROJECTS IN THE FIRST SENATORIAL DISTRICT; AND FOR OTHER PURPOSES.

The Chair recognized Representative Dela Cruz.

Rep. Dela Cruz: Mr. Speaker, with reference to H. B. NO. 15-298, I am a bit disappointed in that this amendment had to be made; but, I have given it a lot of thought. Based on the amendment, this is basically to have the Senate and only the Senate be the certifying body of nominees for the Public Utilities Commission. I am disappointed because the last nominees that were given to the House and the Senate for Public Utilities Commissioners, I felt that the Senate had erred greatly in their duties to follow the laws. The language in Public Law 15-35 specifically states the conditions and qualifications for one to become a member, for one to become a commissioner. Unfortunately those nominees were (...*End of Tape 1, side A; Beginning of side B*). I want to give credit to the Public

Utilities, Transportation, and Communications (PUTC) Committee of the lower house for identifying those errors that were made. Unfortunately, I would not have any problems with this amendment if the Senate had done due diligence on their part for those individuals. All three nominees were unqualified based on P.L. 15-35 and still there were confirmed by the Senate. While I do agree that by looking at the Senate, they are the certifying body for most, if not all, of the commissions and boards. Although I feel that the Public Utilities Commission is a very broad commission. The duties and responsibilities are enormous. As I said, after thinking about this for a while maybe in a way we are setting a precedent for the lower house to also become a certification body. I would like to bring this out so that maybe the Senate can begin to seriously look at the laws that we have in the Commonwealth and not to bring haste to the confirmation process. With that, Mr. Speaker, I am willing to forego the amendment and have the Senate be the sole certifying body, but I also want to send a message that duties of the Senate should be followed to the teeth if at all possible.

Rep. Yumul: Point of clarification.

Speaker Babauta: State your point.

Rep. Yumul: Is the Chairman then voting to reject the Senate amendment?

Speaker Babauta: No he is alluding into accepting the Senate amendment, and I can only ask that we support the Chairman's contention. Is that point well-clarified?

Rep. Yumul: Yes, thank you.

Rep. Palacios: Mr. Speaker, let me also offer the same sentiment I have with the Chairman of PUTC. Had the members mainly, Representative Kaipat, Guerrero, and Waki not taken a look at this closely, I think we would have also approved, certified, and confirmed members of that commission who are plainly ineligible to serve under the existing statute. It was bothersome, Mr. Speaker, and I also have a grave reservation that we may be relinquishing something that we have seen successful. As stated, the Public Utilities Commission is one of the most important, and will play a very, very important role in the Commonwealth with the CUC's power rates, the rate setting authority granted to this commission, and with the privatization issue. This commission will play a very important role in the next five years and beyond. I am not sure what the Senate's intent, but it is very clear – and I do not want to point fingers – but we actually averted a major fiasco in the formation of the commission of a major infrastructure in the Commonwealth. I am not sure how I am going to vote, I just wanted to echo the same sentiments that the PUTC Chairman stated regarding this particular issue. Thank you.

Rep. Waki: Mr. Speaker, I echo the concerns that Representative Dela Cruz as well as what the Minority Leader mentioned. I really do not understand – originally the bill was brought to the Floor on the qualification of members to the commission, and that was the only reason why we brought it back. Now, the Senate in their infinite wisdom wants to change something that we all agreed on in the first place when the original bill was passed. Why do we come back when we only wanted to make changes on the qualification of the commission and now there are making other amendments? What is wrong with having both houses having a say so in this commission. I think it is probably high time that there is more that just the Senate considering certain appointments, especially to an important agency such as the PUC. I do not understand the deliberation. What would be their reason in wanting to change it? I feel we should keep it as it was with both houses. Really, without any real

reasoning why they are changing it, I just feel there is an underlying issue that the Senate wants to discuss with us, and I am not sure what it is. I always worry that Saipan is held hostage all the time in the Senate by Tinian and Rota on certain issues and I feel that this could be a particular issue in the future. So, Mr. Speaker, I am not sure what my colleagues in the House are thinking at this time, but at this point in time I would like make an amendment to the Senate's amendment, if I am not out of order.

Speaker Babauta: Before we do that, let me recognize the principle executor of this legislation, Mr. Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, I stand to be corrected by the legal counsel but I believe the House is given by the CNMI Constitution as the only body to have the power of the purse. The Senate is given by the Constitution as the only body to give the advice and consent of appointees. So I do not want to second guess the Senate's reasoning for deleting the House under this amendment, but I think they are looking at the Constitution that they are the only body that is given to do the advise and consent of appointees. I just want to point that out because I believe that is in the CNMI Constitution. With regards to the Public Auditor, if we probably bring back the issue of the public auditor to the legislature, the Senate might strike it out too. Thank you, Mr. Speaker.

Speaker Babauta: It looks like the sentiments so far expressed calls for a rejection of the Senate amendments.

Rep. J. Deleon Guerrero: Mr. Speaker, Representative Waki asked if we could make an amendment, but our part here is to either accept or reject the amendment.

Speaker Babauta: Parliamentary-wise, we can do either one; but, I think it is only appropriate that we reject the amendments and go into conference. As Representative Waki stated earlier, we do not know what the Senate's sentiment in injecting the amendment as we see it today. So, it is up to the House now.

Vice Speaker Quitugua: Mr. Speaker, can we ask the legal counsel whether the Senate is the only body authorize to give advice and consent of appointees?

House Counsel Ian Catlett: Thank you, Mr. Speaker. You are correct that the origin of revenues bills is in Article 2, Section 5, only the House can introduce revenue bills. There is no provision that I can find, and I will look further after I give the comment, but there is no limiting provision in the Constitution about appointments. I think that is the traditional way of doing it. They are the traditional body that confirms governor's appointments. If I do find it, I will let you know, but I do not see a specific provision on that, but that is the way the US Congress function and in most states as well. So it would not be unconstitutional to have the House also approve.

Rep. J. Deleon Guerrero: Mr. Speaker, I know we are discussing SEN. COMM. 15-299, but because the Floor Leader made a motion for passage of both SEN. COMM. 15-299 and SEN. COMM. 15-300, I want to request that we restrict any motion for passage to SEN. COMM. 15-299, because I have comments to make on SEN. COMM. 15-300.

(The Speaker stepped out the Chamber and Vice Speaker Quitugua chaired the Floor.)

Vice Speaker Quitugua: I also agree with that and I was wondering when the Floor Leader made the motion. That is my suggestion later on to separate the two from the main motion. Mr. Floor Leader,

can you make a subsidiary motion at this time to separate the two bills and move for SEN. COMM. 15-299 so that we can move on with the discussion.

Floor Leader F. Deleon Guerrero: As it is at this time, everybody agrees, so I offer a subsidiary motion for the passage of SEN. COMM. 15-299 reference H. B. NO. 15-298.

Vice Speaker Quitugua: Any further discussion?

Rep. Taman: Representative Waki was wondering why the Senate came out with this amendment. I would like to wonder too, but I think I have an idea why. The Senate was negligent during the process and they do not want to show everyone their negligence so now they are going to amend this and put the authority back solely to the Senate and take us out of this process. Thank you.

Vice Speaker Quitugua: I think the legal counsel has further comments to make. Ian.

House Counsel Ian Catlett: Just to give you an answer, in the Constitution it goes by the office – the Attorney General clearly is with the advise and consent of the Senate, the heads of executive department are Senate only, the Public Auditor is both houses, so there is really no iron clad rule and since the commission is not covered in the Constitution, you would be able to put the House in as well.

Vice Speaker Quitugua: Thank you, Ian. Any further discussion on SEN. COMM. 15-299. Ready?

Rep. Yumul: Clarification, are we moving to vote yea or nay, or are we going to send it to a conference committee?

Vice Speaker Quitugua: Nobody has made a motion to reject the Senate amendment.

Rep. Dela Cruz: Motion to reject the Senate amendment, Mr. Vice Speaker.

The motion was seconded by several others.

Rep. Palacios: Point of order. The Floor Leader already made the motion to accept the Senate amendments. So it is the same motion, vice versa basically, so all you have to do is vote the other way -- if you want to reject then vote “no.”

Vice Speaker Quitugua: Okay, Clerk, call the roll on the motion.

The Clerk called the roll on the motion to accept the Senate amendments to H. B. NO. 15-298, HD1, SD2.

Rep. Martin B. Ada	no
Rep. Edwin P. Aldan	no
Rep. Francisco S. Dela Cruz	no
Rep. Florencio T. Deleon Guerrero	no
Rep. Joseph P. Deleon Guerrero	no
Rep. Jacinta M. Kaipat	no
Rep. Jesus SN. Lizama	no
Rep. Crispin M. Ogo	absent (excused)
Rep. Arnold I. Palacios	no
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	no
Rep. Candido B. Taman	no

Rep. Ramon A. Tebuteb	no
Rep. Manuel A. Tenorio	no
Rep. Stanley T. Torres	no
Rep. Absalon V. Waki, Jr.	no
Rep. Ray N. Yumul	no

(At this time, the Speaker stepped into the Chamber and took his seat.)

Speaker Babauta: What is the subsidiary motion?

Vice Speaker Quitugua: The motion is to either accept or reject the Senate amendments on SEN. COMM. 15-299.

Speaker Babauta: Then I guess the consensus of the House is for rejection, correct?

Vice Speaker Quitugua: Yes.

Speaker Babauta: Okay, so I will vote no and appoint a conference committee.

Rep. Oscar M. Babauta	no
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Speaker Babauta: SEN. COMM. 15-299 reference H. B. NO. 15-298, HD1, HD2 is hereby rejected by this House. I officially appoint PUTC Chairman Dela Cruz, Vice Speaker Quitugua, and Representative Joe Guerrero to the Conference Committee. We now continue with SEN. COMM. 15-300. The main motion still stands.

Rep. J. Deleon Guerrero: There was a subsidiary motion is to separate.

Speaker Babauta: And so the main motion still stands, and I recognize Representative Joe Deleon Guerrero.

Rep. J. Deleon Guerrero: Thank you, Mr. Speaker. Mr. Speaker, we initially approved this House Bill for the intended purpose. When it went to the Senate there was an amendment which included Section 3. One of the main reasons, as I understand it, for including this amendment is to provide some funding to promote the new charter flights to Rota. While I support the intent of the Senate, there were some concerns what were raised in discussing the matter with the Marianas Visitors Authority (MVA) primarily on page 3 where it provides \$400,000 of the interest income to go towards promoting new charter flights and existing flights and routes and providers to the Rota International Airport. We saw that “providers to the Rota International Airport” may or may not really be relevant to promoting charter flights and that is one concern. The second concern is that if they want to use it for promotional purposes or incentives that perhaps the expenditure authority should be with MVA rather than the delegation. Lastly, Mr. Speaker, because this is an issue that this funding source comes from P.L. 13-48 which should be CIP purposes, I would like to ask the legal counsel whether using such funds for promotional programs is consistent with the original intent of that law.

House Legal Counsel Ian Catlett: Mr. Speaker, I am looking at P.L. 13-48 which was passed in April of 2003 and that does appropriate interest income out of a CIP account. To answer the question, promoting an air charter arrangement is not a CIP program or activity, I can not say for sure whether interest on the account, I would have to look into that a little further but it is at least fair to say that it is not, P.L. 13-48 did not envision non-CIPs of the money just from reading it. So this would not be entirely consistent with P.L. 13-48.

Vice Speaker Quitugua: Mr. Speaker, if we recall, and I stand corrected, all appropriations must be done through a bill, not through a resolution. I think there is a statute that clarifies that and that was signed into law during this legislature. On page 3, line 5 it says “shall be appropriated by Rota Delegation Resolution,” which is contrary to the constitution when it comes to appropriation of funds. Thank you.

Speaker Babauta: For the benefit of some of the members, normally on the enabling statutes Commonwealth-wide there exists that languages of this nature are injected for the purposes of the respective delegations. There also exists where the Saipan Delegation also appropriates in the past through delegation resolutions. However, you are correct one might challenge the legality of those policies that have been set. We do not know, so I tend to be convinced that the language of this nature might be improper. Perhaps a better way of saying is maybe appropriated by the respective senatorial delegation rather than putting the word “resolution”. So it is up for discussion.

Vice Speaker Quitugua: Mr. Speaker, in the Fourteenth Legislature we enacted a legislation to appropriate funds from the developer’s tax through a resolution. Later on our Legal Counsel Joe Bermudes advised us that that is unconstitutional in that all appropriations must be done through a bill form. Then we enacted a legislation, and it was signed into law that all appropriations must be done through a bill form.

Rep. J. Deleon Guerrero: The Vice Speaker is correct, Mr. Speaker. I just want to point out that it is kind of unfortunate that they put this rider in there. The original intent of Representative Tebuteb which is to earmark these funds to A&E design of a gymnasium and there are some time constraints here. By rejecting this amendment, we may be delaying the original intent and they are waiting for these funds. I believe it is already past due. At the same I do not know if we should proceed when there are at least two legal problems with amendment. If possible, if it is the wish of the members to reject this for the purposes stated that we expedite the conference, Mr. Speaker.

Speaker Babauta: I would recommend to the House that we suspend discussion and leave this communication on the Order of Business so that we may indulge some of the members’ assistance on this. If we can further review the original statute that provides for this bond and also concerned of Representative Tebuteb’s original intent, if we can do research today and continue the session tomorrow and if need be and everything is legal, then we will probably pass it tomorrow accepting the version as it is. What is the wish of the House?

Rep. Palacios: I think that is a more appropriate approach to this. I also want to have our legal counsel give us a clarification whether these funds, which are CIP generated interests, could be used for non-CIP projects that is one. Secondly, whether indeed we or the respective senatorial delegations are barred from appropriating funds by a delegation resolution. Those are two critical components that need to be looked at. I believe we can proceed from there but without those two, I think we are on slippery slope here.

Speaker Babauta: Any objection to suspending discussion and leaving the pertinent communication on the Calendar? May I ask Representative Aldan to spearhead this project with the assistance of the legal counsel and the author, Representative Tebuteb to see if we can come to an amicable solution to the dilemma. I recognize the Floor Leader to offer a subsidiary motion to retain SEN. COMM. 15-300 on the Agenda.

Floor Leader F. Deleon Guerrero: I so move, Mr. Speaker.

The motion was seconded and carried by voice vote.

Speaker Babauta: I now recognize the Floor Leader.

Floor Leader F. Deleon Guerrero: I move to place SEN. COMM. 15-304 in reference to S. B. NO. 15-15 and SEN. COMM. 15-306 in reference to S. B. NO. 15-104, SD1 on the Calendar.

The motion was seconded and the motion to place S. B. NO. 15-15 and S. B. NO. 15-104, SD1 on the day's Bill Calendar was carried by voice vote.

Speaker Babauta: SEN. COMM. 15-304 and SEN. COMM. 15-306 will be placed on the Calendar for the House's consideration. With the indulgence of the members, can we go back to Item 3 to allow Representative Aldan to introduce the bill?

There was no objection raised.

INTRODUCTION OF BILLS

H. B. No. 15-325: A Bill for an Act to amend Public Law 15-95 to exempt federally funded capital improvements and procurement of goods and services from the Local Bidder Preference Law of the Commonwealth; and for other purposes.

Offered by: Representative Edwin P. Aldan

Rep. Aldan: With the indulgence of the members, I would like to request to place H. B. NO. 15-325 on the Calendar.

There was no objection raised.

Speaker Babauta: So ordered. We now move down to Item 7.

HOUSE COMMUNICATIONS

HSE. COMM. 15-52: A letter from Rep. Taman to the Mr. Greg Cruz, Taotao Tano Assn., concerning electrical fees and rates.

HSE. COMM. 15-53: A letter to the editor from Rep. Taman on the subject: Taotao Tano, H. B. NO. 15-246 and PL 15-94 Deception.

Speaker Babauta: I recognize Representative Torres.

Rep. Torres: Thank you, Mr. Speaker, a privilege speech for me and for the listening of the members. Mr. Speaker and honorable members: I am concerned that a nasty letter that was directed towards us as public representatives has received the sympathy of a few writers to the editor. I am concerned that maybe these writers did not really read the letter of Ron Hodges, nor did they read the resolution that was pre-filed, in which it responded to language directed towards members of this body and other local representatives. To refresh the memories of this honorable body, I will repeat the opening words of Ron Hodges' letter of November 13, 2007: "Ruth Tighe says only Wendy Doromal and Tina Sablan are doing their fair share voicing support for decency in the commonwealth. I could not agree more and pledge to conspire and wreak vengeance on bigotry in

the CNMI until our feeble-minded, crooked, shameless, public representatives see the futility of enslaving half of our adult population and get down on their knees (something they do have some expertise in) and surrender on the subject of slavery in the commonwealth.” Is this satire and is Ron Hodges, an honorable public school teacher, just kidding around with us public representatives? I say No! It is not satire. It is straight talk and I, for one, will not tolerate this attack on this House or any other local public representative. Even though I have difference with some of my House colleagues, I will not tolerate someone calling them feeble-minded, crooked, and shameless. And I will not tolerate anyone calling us slave owners. Parents of public school students have expressed their anger toward MHS teacher Ron Hodges for his spit in the soup letter. The House Resolution states that Ron Hodges has his right to Freedom of Speech, but again, I will not tolerate his bashing of local people as being feeble-minded, crooked, and shameless. Granted there have been problems with contract workers, as evidenced everywhere in the world, including our own United States of America, but to say that all the blame and insults belong to us in the CNMI is crap. How many Filipinos, Chinese, and other foreign recruiters have tricked and robbed their own people? How many hundreds, maybe thousands of contract workers have gone underground and taken advantage of the system? To Donald Cohen, a MHS U.S. History teacher, Attorney/CNMI Court Judge Pro Tem Jan Mack, Kenneth H. O’Harnett, MHS Biology teacher, William “Bill” Weiss, Physician’s Assistant at Marianas Medical Center, Efrain F. Camacho and Tina M.E. Sablan, Representative-elect, you scream about freedom of speech, but why do you condemn us when we have the right to object to someone attacking us. Frankly speaking, Ron Hodges spit in my face with his words, a threat to our economic rival, unbecoming of an honorable schoolteacher, a disrespectful, irresponsible and arrogant individual who looked down on our brown necks as if we are all inferior to his defiling intellect, and his words are fighting words to someone who has spent a lifetime trying to afford everyone here in the CNMI a right to live and work under conditions that are always changing and are subject to future change when necessary. Again, to Tina M.E. Sablan and Efrain F. Camacho, you tax money spent preparing the resolution against Ron Hodges is well spent in response to my 1200 voters’ call to stand up and defend our Chamorro and Carolinian value to respect and be respected. It has been a while since the discovery of the Marianas by Magallanes, de Cabron, Pendeho Ladron. Once again to Tina M.E. Sablan and Efrain Camacho, I cherish my Chamorro custom and culture value of respect to anyone or anybody and to stand up in defiance for respect to my people from any intruder, I regret that you two chose otherwise. Freedom of Speech is very important, and I have been a subject of criticism many times in the past and I do accept constructive criticism. However, even though I admit I am not perfect, I will never accept someone calling me feeble-minded, shameless and crooked. Never. Cabrones de Tontos. Prebahao.

Speaker Babauta: May you share that speech to the members, Representative Torres.

Representative Torres’ privilege speech was entered as HSE. COMM. 15-54.

Rep. Yumul: Mr. Speaker, I am really concerned right now with regards to the November 19 publication of the Commonwealth Register starting on page 27,158 regarding the emergency adoption and implementation of CUC rates. I went over the public law and also the emergency regulations. It is really clear that CUC is attempting to establish rates contrary to public law that have been duly put into existence. CUC at this point may be circumventing a public law. I do not know of any adoption of regulations that can circumvent law that has been put into place by this body. Public Law 15-94 states and it is clear, any proposed change to electric charges and rates by CUC or any privately owned or operated public utility shall be reviewed and approved by the Commonwealth Public Utilities Commission before promulgation. So, I am clueless right now as to where CUC has that authority. Even 1 CMC 9104(a) talks about prior to adoption, an amendment or

repeal of any regulation that the agency shall go into a series of events that also include the concurrence of the governor in terms of emergency promulgation of rules. But again, nowhere in this code does it read that regulations will circumvent and supercede law. I am really concerned at this point that if left uncontested we basically allow a line agency to override public law. I think we need to move forward under two options: either the Chairman of the PUTC Committee calls CUC in and conduct an oversight with regards to this emergency adoption of regulations; or, we establish a special committee to do such activity. The public at large at this time, in most respect, do not even have funds to challenge this issue in court. I think we need to take the next step if anything to protect the sanctity and authority of this legislative body. I will not allow this Legislature to have its public laws overruled by regulations. Thank you, Mr. Speaker.

Rep. Palacios: Representative Yumul must have gotten an eavesdropping device in my office because I intended to raise this particular issue, Mr. Speaker. I wrote a letter to the Governor on this particular issue and I believe I provided a copy to the members of the House. It was transmitted on November 16th of this year and I have yet to receive an answer. I wrote the letter to the Governor basically because he concurs with the rulemaking. I wrote this letter after consulting with our legal counsel to make sure that the letter has basis to question the authority of CUC and in fact, as Representative Yumul has stated, to impose a true and emergency rulemaking process to re-impose CUC rates. I have yet to receive a response from the Governor, nor from the Commonwealth Utilities Corporation. Perhaps, Mr. Speaker, as Representative Yumul recommended, I believe that this house needs to take the bull by the horn and specifically contest to CUC of what I believe is an illegal act on its part by re-imposing through regulations a rate that has been set by statute. I do not believe that even by going through an emergency process that the CUC rate as being imposed today is legal. By so doing, not only is it circumventing or imposing rates that I believe are illegal, it also exposes this same corporation to legal and litigation which may in the end cost it more money for the same silly mistakes that we see recurring within this corporation. I ask, Mr. Speaker, that the Speaker himself, the Chairwoman of the Judiciary and Governmental Operations Committee, and the Chairman of the Public Utilities, Transportation, and Communications Committee jointly write a strong letter expressing our position on this particular issue and to warn CUC of the potential litigations that might occur if they do not comply with P.L. 15-94. I believe that we should take immediate action on this and take a position as a body. Thank you, Mr. Speaker.

Speaker Babauta: I actually thinking, when Representative Yumul was making a comment, to allow Chairman Dela Cruz, and now with your recommendation, we will allow the Chair of JGO to first review the emergency regulations on the citation of those actions that were taken by CUC and were approved by the Governor and analyze it with our legal counsel so that we can formulize an official House complaint to our CUC.

Rep. Tenorio: Mr. Speaker, I am not sure if I am in order, but I just wanted clarification on H. B. No. 15-325. Are we going to be taking that up today?

Speaker Babauta: Representative Aldan requested for it to be calendared. So we will consider it, if not today maybe tomorrow.

Rep. Tenorio: Mr. Speaker, because I will not be here tomorrow, I have some documents here relative to this particular bill and I would like to share it for the record.

Speaker Babauta: Would you like to give it to the Chair and I will share it with the entire members.

Rep. Tenorio: Yes.

Speaker Babauta: I will make sure that everyone gets a copy. Representative Taman.

Rep. Taman: Mr. Speaker, I would like to refer to the subject that Representative Yumul and the Minority Leader have spoken about. Mr. Speaker, *bula na taotao nina'fanchaflek nui este i emergency regulation ni ha propose i CUC para u promulgate. Ti hu tuñgo kao esta munhayan ma ma promulgate este siha na regulations, lao mampos dangkulu na diskonsuelo i mensahi ni maffattu magi gi talaña-hu. I taotao pa'go na mumento man inkubukao ya esta ma kuestiotion kao taya esta baliña i kongresu, kao taya esta baliña i lai man ma fatitinas ya maulegña basta ta huchom i Gima Kongresista ya po'lu ya katdakuat na agency u cho'gue ha' i minalago'ña. Dangkulu este na disonru, Mr. Speaker, ya hu gef agradesi yanggen magahet na i iyomu leadership ha chule' este na issue osino tafanmata'chong yan i CUC pat hafa na manera ni siña ta cho'gue este ya ta na'guaha mauleg na kinomprende. Si Yu'us ma'ase.*

Rep. Yumul: Mr. Speaker, if I am not out of order, I would like to make a motion that upon concurrence of the majority of the members that should the Chairman of PUTC and the Chairwoman of JGO have legal standing to pursue this through a judicial recourse that they be granted that authority so that we do not waste time on the issue since the next CUC billing cycle will be coming up shortly. Time is of the essence and I think it is proper to give them that authority to take it straight to court if they deem it necessary.

Speaker Babauta: The Chair would review their findings immediately, and I ask them to expediently look at those issues and then, definitely, we will have to engage the full house.

Rep. Yumul: Thank you, Mr. Speaker.

Speaker Babauta: Your concern is well-noted.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

JUD. BR. COMM. 15-3: 10/29/07) From Chief Justice Demapan certifying the position Deputy Marshall Intern at the Supreme Court in accordance with 1 CMC 7204(d).

JUD. BR. COMM. 15-4: (1127/07) From Acting Presiding Judge certifying the position of Law Clerk at the Superior Court in accordance with 1 CMC 7204(d).

There was no discussion under this item.

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT./AGCY. COMM. 15-80: (Undated) From Ms. Linda T. Cabrera (SAPLR), acknowledging receipt of H. R. No. 15-154 thru H. R. No. 15-216.

There was no discussion under this item.

OTHER COMMUNICATIONS

None

REPORTS OF STANDING COMMITTEES

None

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

Floor Leader Florencio Deleon Guerrero moved for the suspension of pertinent House Rules to place H. COMM. RES. NO. 15-99 thru 15-104 and H. R. NO. 15-217 thru 15-220 on the day's Calendar, was seconded, and carried by voice vote.

Floor Leader F. Deleon Guerrero: Mr. Speaker, I move for the adoption of all the Resolution on today's Resolution Calendar.

The motion was seconded.

H. COMM. RES. NO. 15-99: A House Commemorative Resolution to recognize and congratulate Reo Nakamura Arriola for being selected as the Dandan Elementary School 2008 Teacher of the Year.

H. COMM. RES. NO. 15-100: A House Commemorative Resolution to recognize Adela Kapileo for being selected as the Koblerville Elementary School 2008 Teacher of the Year.

H. COMM. RES. NO. 15-101: A House Commemorative Resolution to recognize and congratulate Ms. Liberty A. Rabauliman for being selected as the CNMI Public School System Central Office 2008 Support Staff of the Year.

H. COMM. RES. NO. 15-102: A House Commemorative Resolution to recognize and congratulate Andrew James Golden for being selected as the Public School System 2008 Teacher of the Year.

H. COMM. RES. NO. 15-103: A House Commemorative Resolution to recognize and congratulate Ms. Alicia C. Manglona for being selected as the PSS Central Office, Curriculum Instruction and Assessment, 2008 Support Staff of the Year.

H. COMM. RES. NO. 15-104: A House Commemorative Resolution to recognize and congratulate Mr. Ryan Calvo for being selected as the PSS Central Office, Division of Administration, 2008 Support Staff of the Year.

H. R. NO. 15-217: A House Resolution to recognize and honor the Honorable Tommy E. Remengesau, Jr., President of the Republic of Palau, for his efforts in protecting the natural environment and for being named as one of Time Magazine's Heroes of the Environment.

H. R. NO. 15-218: A House Resolution requesting that Governor Benigno R. Fitial not to bluff and truly terminate most of his overpaid and inefficient staff members and needless special advisors and consultants.

H. R. NO. 15-219: A House Resolution condemning Ron Hodges for behavior unbecoming of a Public School System teacher and for his unnecessary and inflammatory language to cause possible damage to the people and the tourist of the CNMI.

H. R. NO. 15-220: A House Commemorative Resolution conveying the sincere condolences and sympathy of the House of Representatives of the Fifteen Northern Marianas Commonwealth Legislature to the bereaved family of the late Honorable David Aldan Indalecio on his untimely passing and paying tribute for his contribution to the community.

Speaker Babauta: To clarify the motion, it is to adopt H. COMM. RES. NO. 15-99 thru 15-104 and H. R. NO. 15-217 thru 15-220. Discussion on the motion any of those Resolutions. I recognize Representative Taman.

Rep. Taman: Mr. Speaker, come January 13 will be my last day here in this body and I was just thinking that maybe the Speaker would be generously to pay my ticket so I can present H. R. NO. 15-217 to the President of Palau. Thank you, Mr. Speaker.

Speaker Babauta: Let us meet after the session. Ready.

There being no further discussion, the motion to adopt H. COMM. RES. NO. 15-99, H. COMM. RES. NO. 15-100, H. COMM. RES. NO. 15-101, H. COMM. RES. NO. 15-102, H. COMM. RES. NO. 15-103, H. COMM. RES. NO. 15-104, H. R. NO. 15-217, H. R. NO. 15-218, H. R. NO. 15-219 and H. R. NO. 15-220 was carried by voice vote.

Speaker Babauta: All the Resolutions are hereby adopted by the House.

BILL CALENDAR

Speaker Babauta: I recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, if there is no objection, I would like to recall H. B. NO. 15-322 from the House and to be placed on today's Bill Calendar.

Speaker Babauta: This is the bill introduced by the Vice Speaker three weeks ago. It has to do with the limited tourism entertainment.

Rep. Yumul: Mr. Speaker, pursuant to House Rule, we need the chairman of the respective committee to concur to that.

Speaker Babauta: The said bill has not been referred to the committee. It is sitting on the Speaker's desk, so the motion is in order.

Rep. Yumul: Ready, Mr. Speaker.

The motion to recall H. B. NO. 15-322 from the House and place it on the day's Bill Calendar was carried by voice vote.

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

Rep. Kaipat: Thank you, Mr. Speaker, I would like to withdraw S. B. NO. 15-102 from the JGO Committee to be placed on today's Bill Calendar.

The motion was seconded.

Speaker Babauta: Discussion on the motion.

Rep. Kaipat: The Committee Chair approves.

Speaker Babauta: The Chairperson herself approves it.

Rep. J. Deleon Guerrero: Mr. Speaker, may I ask for the title of the bill?

Speaker Babauta: It is with regards to the 11% and the holiday pay. I think she will be introducing the substitute removing the issue on the holiday.

There motion to withdraw S. B. NO. 15-102 from the Committee on JGO was seconded and carried by voice vote.

Speaker Babauta: The motion is carried, S. B. NO. 15-102 is hereby placed on the Bill Calendar. I recognize the Floor Leader.

Floor Leader F. Deleon Guerrero: I move to suspend pertinent House Rules to place on today's Bill Calendar for action H. B. NO. 15-325.

The motion was seconded and carried by voice vote.

The Floor Leader moved for the suspension of Rule VII, Sections 9, 10, and 11 for the passage of H. B. NO. 15-322 and S. B. NO. 15-102, which was seconded and carried by voice vote.

Speaker Babauta: I recognize Representative Joe Deleon Guerrero.

Rep. J. Deleon Guerrero: Mr. Speaker, since we will be having a session tomorrow, can I ask that we refrain from getting into passage motions on these bills so we can attend the funeral today.

Speaker Babauta: I was looking at the clock and it is 12 noon already and also in consideration of our Legislative Bureau staff. But before we recess, I promised Representative Tenorio to give us a statement. Before that, I recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, I was going to pass out the substitute bill for H. B. NO. 15-322 so the members can have the opportunity to read it for tomorrow.

Speaker Babauta: Very good, that is a very admirable gesture. I think the proposed changes that the Chairwoman is making to S. B. NO. 15-102 is forthcoming just deleting the holiday and just going

through with the 11% and minor amendments with respect to the NMI Retirement Fund. May I know ask the indulgence of the members to allow Representative Tenorio to make a statement before we recess since he will be leaving tomorrow.

There was no objection.

Rep. Tenorio: Mr. Speaker, I handed the Sergeant-at-Arms some documents and letters to be distributed.

Speaker Babauta: I am sorry, I have it here.

Rep. Tenorio: Can you have it copied? There are some opinions that are probably worthwhile reading before we discuss H. B. NO. 15-325. I understand what the bill is asking for but I am just curious and I would like to ask the author of this bill regarding the capital improvement, procurement of goods and services for grants and that federal grants be deleted from this provision. Let me read this, Mr. Speaker: “No provision of this section shall apply to capital improvements or procurement of goods or services funded, in whole or in part, by grants or funds from an agency of the government of the United States upon certification by the agency that this section conflicts with such agency’s regulations.” Where do we cut the grants when it comes to the CNMI from the Federal Government? Where is the authority or the jurisdiction? I think this particular provision will infringe on local government. When you have a mix of federal funds and local funds, how does this apply to the statute of local preference. Secondly, Mr. Speaker, this local preference has been in the books since 1983 if I am not mistaken and it takes just a particular amendment to get people to start looking at it, even though it has been there. Either somebody is not doing his job or trying to create something. My other concern is that this will be an infringement of local government. Where do we make our decision? Where do our public laws become effective if it in any way does not agree with federal statute? I understand there are probably some grants, so they claim that there are some federal projects that may be hampered because of that particular statute and I just want to make sure that the members read the implication of amending the present statute to include the implication of the Federal Government’s rights over the local government. Where do we fit in? And if we have a mixture of federal grants and local funding, how does that affect the project and where does it stand with respect to P.L. 15-95? There were several mini projects in the past that fall under the Planning and Budgeting Act of 1983, both federal and local, and I do not know why all of a sudden somebody brought this up. The local preference law is actually to encourage or improve our local business here. One of the purposes is to make sure – we are all concern about the funds exiting the CNMI and through the remittance and this is one law that will make sure that remittance is limited to the threshold that we put in the statute of half a million dollars for local preference or local citizens. I think that will help a lot in many of the projects and would help develop an industry that we do not have now. That is primarily the reason why I supported the statute. When it comes to federal funds, I am not sure whether the arguments – and you will see from the letter from Mr. Baka himself – that this does not conflict with the Federal Government Title 4 or Title 7 provision. So I want to make sure that everything is properly looked at in terms of the potential impact of P.L. 15-95. Perhaps the author might want to give us a little insight.

Speaker Babauta: There is one short paragraph mentioned by the Governor when he transmitted his disapproval to the Legislature. He made mention something about the 702 funding and that is one of the basic reasons that he disapproved the bill because of the consideration of us appropriating 702. Let me recognize the author.

Rep. Aldan: Thank you, Mr. Speaker. This bill was formulated with the discussions from heads of departments of the Department of Public Works (DPW), the Public School System (PSS), and the Northern Marianas Housing Corporation (NMHC). We found out that our project for a CBDG grant for an amphitheater got stuck because of P.L. 15-95. Based on what Mr. Joshua Sasamoto was telling us, the federal grantor will not release the funds because of implications from P.L. 15-95. I was not present during the meeting but this bill was drafted by our legal counsel here in the legislature based on the discussion with the affected agencies. If you want, we can call them in tomorrow and ask them to explain it to us. Even our Route 201 and 202 has something to do with this that Acting DPW Secretary Songsong told us that also got stuck. We are actually meeting with them this afternoon, but we can call them in tomorrow.

Rep. Tenorio: Mr. Speaker, that is why I am asking the question. This law has been in existence since 1983. We have gone through the process, we went through all the federal grants. The additional amendment that we put in P.L. 15-95 is the half a million dollars threshold for U.S. citizen companies. The rest are all the same. So is it that this provision is now in question. Let me just read some of Mr. Baka's reply to Mr. Sasamoto. It reads, partly P.L. 15-95 in no way violates Title 7 of the provision against national origin, discrimination and there are a lot of other things. P.L. 15-95 has neither the purpose nor effect of discriminating on the basis of national origin. It says, rather CNMI Public Law 15-95 implements and express federal law calling for economic development of the CNMI. The Government of the U.S. will assist the Government of the CNMI in its efforts to achieve a progressively higher standard of living for its people, and so on. It says, if HUD has legal authority to the contrary, they should provide it otherwise even the federal law under girding CNMI P.L. 15-95 HUD should reasonably be expected to cooperate in our enforcement of this law, particularly given egregious economic recession possibly a depression depending on financial metrics affecting the Commonwealth. My concern is, where is self-government? If the Federal Government gives us federal grants with strings attached all the time, this is probably the question that we have to ask ourselves. We are applying for all this federal this and federal that and then we say, okay, whatever it is, put a string attached on anything you give us. Where do we make this decision? What is the purpose of our local government? There are very basic fundamental questions here perhaps on the authority of the local government with respect to the Federal Government. We are still fighting with regards to the federalization issue and a lot of other issues come out and whose law applies when it comes to mixed funding. The statute has been in place since 1983 for heaven's sake, and those people have to realize that it is nothing new. The threshold of half a million dollars consists of mostly small projects and anything above that such as for the airport, the seaport and any other big project that involve capital improvement does not have a restriction. So that is my concern. Mr. Speaker, whoever looked at the CBDG because that is what probably what prompted this amendment seriously have to look at that and all the angles. I am not against the amendment. If it going to stop federal projects or federal grants, for heaven's sake, take it out; but think of the potential consequences that impact the original intent of the public law to promote the local industries here to grow. The U.S. citizen companies pay the minimum wage. I hate to use the word discrimination but one way of doing this is to use U.S. citizen companies. I think the Federal Government is the number one user of – they do not want anybody else to come in except U.S. citizens and it is supposed to be perfectly legal. I guess the constitution does not include U.S. citizen as a discriminatory factor. It is not in the constitution, you can not discriminate based on race, ethnicity, and the other things that the constitution list. So I am just bringing this up, and please read the communications because it goes further into potential problems. I would not be here tomorrow, Mr. Speaker, I just wanted to air my concerns.

Speaker Babauta: Ian, can you take note on the last email from the Federal Highway Administration and primarily focus on 23 C.F.R. This might probably have a compelling provision that might have something to do with our CNMI law.

Rep. Palacios: Mr. Speaker, I am reading all the correspondence and it seems like this has its policies within the agencies. I read Richelle's citation and it says, no procedural requirement shall be imposed by any state which will operation to discriminate the employment of labor from any other state possession or territory of the United States in the construction of federal aid project. I do not believe the statute that we passed discriminates against anybody from any state. I believe the operative issue here is companies owned by U.S. citizens. But, it requires and I think it is appropriate that our legal counsel take a look at this particular issue and give us much clarification. I know for a fact that in some instances a grantor agency restricts something of this nature, so perhaps we can language this legislation in such a way that allows or gives flexibility to allow for regulations or requirement of grantor agencies. Perhaps when our legal counsels sits down with NMHC, DPW and PSS to see what requirement and specific citations they have under the grantor agency's grant compliance documents they can give us so that we can craft the legislation accordingly. I think it requires a lot more discussions with the affected agencies, Mr. Speaker.

Speaker Babauta: To shorten discussion, I ask Representative Aldan, since you are also the Vice Chairman of the Committee on Ways and Means to seek a dialogue and see if you can bring these people in tomorrow and we will have an open dialogue with them availing ourselves the Committee of the Whole.

Rep. Dela Cruz: Mr. Speaker, this is the predicament that the skateboard park project faces at this time. NMHC which will be making the CBDG grant available to that project is also entangled with a Saipan local law in which we appropriated \$60,000 for the project. What I am getting from the Saipan Rotary Club, the overseers of the skateboard park is that P.L. 15-95 conflicts with the U.S. Federal Government as it pertains to those grants. So that is for information to the members.

Speaker Babauta: Okay, Representative Aldan, please make sure that these individuals are here tomorrow morning so that we may get some clarification. Again, take note that the photo session for the incoming members of the 16th Legislature for Precincts 3 and 4 is at 12:00 noon to 2:00 p.m. and at 2:30 p.m. to 4:30 p.m. today for Precincts 5, 6 and 7. I now recognize the Floor Leader for a motion to recess until tomorrow at 9:00 a.m.

MISCELLANEOUS BUSINESS

None

ADJOURNMENT

Floor Leader Florencio T. Deleon Guerrero moved to recess to the next day at nine o'clock in the morning; was seconded and carried by voice vote.

The House adjourned at 12:25 p.m. and will reconvene Tuesday, December 4, 2007 at 9:00 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:

H. L. B. NO. 15-75: To amend Saipan Local Law 15-12; and for other purposes. (Rep. Joseph P. Deleon Guerrero +7)