



# House Journal

## FOURTH REGULAR SESSION, 2009

5<sup>th</sup> Day

September 23, 2009

The House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature convened its Fifth Day, Fourth Regular Session on September 23, 2009, at 1:20 p.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Arnold I. Palacios, Speaker of the House, presided.

A moment of silence was observed.

The Clerk called the roll and fifteen members were present. Representatives Edwin P. Aldan, Joseph N. Camacho, Victor B. Hocog, Heinz S. Hofschneider and Christina M. Sablan were absent and excused.

### ADOPTION OF JOURNALS

NONE

### INTRODUCTION OF BILLS

Speaker Arnold I. Palacios: Representative Stanley Torres, recognized.

Representative McGinnis Torres: Mr. Speaker, may I say a few words before I introduce my bill.

Speaker Arnold I. Palacios: Please.

Representative Stanley Torres: From here on out I authorize you and the Clerk to call me instead of Representative Torres because there are two Torres' here. Can I give you the authorization to call me McGinnis Torres?

Speaker Arnold I. Palacios: How do you like to be called?

Representative Stanley Torres: Representative McGinnis Torres, official. Thank you.

H. B. NO. 16-278: A Bill for an Act to repeal and re-enact the CNMI Youth Congress Act; and for other purposes.

Offered by: Representative McGinnis T. Torres

Referred to: Committee on Health Education and Welfare

Speaker Arnold I. Palacios: Thank you. Are there any other bills to be introduced this afternoon? None.

Speaker Arnold I. Palacios: Representative McGinnis Torres, recognized.

Representative Stanley Torres: Thank you. The bill that I just introduced – the Youth Congress Act I like to ask that it be placed on today’s Calendar for action.

Speaker Arnold I. Palacios: Let us get to the Bill Calendar first and remind us to make that request so we can discuss it. Okay. What is the number of that House Bill? House Bill No. 16-278.

**INTRODUCTION OF RESOLUTIONS**

NONE

**MESSAGES FROM THE GOVERNOR**

NONE

**SENATE COMMUNICATIONS**

NONE

**HOUSE COMMUNICATIONS**

NONE

**COMMUNICATIONS FROM THE JUDICIAL BRANCH**

NONE

**COMMUNICATIONS FROM THE NMI DELEGATE**

NONE

**COMMUNICATIONS FROM DEPARTMENTS & AGENCIES**

NONE

*The House recessed at 1:35 p.m.*

*RECESS*

*The House reconvened at 1:35 p.m.*

Speaker Arnold I. Palacios: If there is no objection I would like to go back to the Introduction of Resolution.

There were no objections raised on the floor.

**INTRODUCTION OF RESOLUTIONS**

Speaker Arnold I. Palacios: I would like to introduce House Resolution No. 16-100. This is basically the same as House Joint Resolution No. 16-30. And I order that this be placed on today’s Resolution Calendar for discussion.

H. R. NO. 16-100: A House Resolution to support the development and implementation of a Beach Road Corridor Improvement Project in the Commonwealth of the Northern Mariana Islands, and the American Recovery and Reinvestment Act of 2009

Offered by: Representative Arnold I. Palacios

**OTHER COMMUNICATIONS**

NONE

**REPORTS OF STANDING COMMITTEES**

NONE

**REPORTS OF SPECIAL AND CONFERENCE COMMITTEES**

NONE

**UNFINISHED BUSINESS**

NONE

**RESOLUTION CALENDAR**

Speaker Arnold I. Palacios: Floor Leader, recognized.

Representative Benavente: Thank you, Mr. Speaker. I move to adopt House Resolution No. 16-6, HD1.

The motion was seconded.

H. R. NO. 16-6, HD1: A HOUSE RESOLUTION RECOGNIZING THE NEED TO ASSIST THE DISABLED CITIZENS OF OUR ISLANDS IN THEIR PARKING NEEDS AT THE FRONT OF THE LEGISLATURE. [S. C. R. NO. 16-116]

Speaker Arnold I. Palacios: The motion is for the adoption of H. R. No. 16-6, HD1 and has been seconded, discussion on the motion. Ready. Short recess.

*The House recessed at 1:38 p.m.*

*RECESS*

*The House reconvened at 1:39 p.m.*

Speaker Arnold I. Palacios: We are back to plenary session. Are there any discussions? Representative Yumul, recognized.

Representative Yumul: Thank you, Mr. Speaker. I just have a question on page 1, lines 11 and 12 as to whether the Legislative Bureau Director can actually have staffing in large the parking if that is appropriate or just to engage in a reputable company to do the work. I am not sure if we have any body in the Bureau that can actually do the construction work that is one of the concerns. Second, is that on line 5 and 6 where it says “*WHEREAS, this inadequate parking area could be construed as the Legislature being in non-compliance to local and federal law; and*” maybe we need to also

identify that there is handicap parking in the rear that would mean that we would have two up front and then one in the rear. Whether it is in compliance or not I do not know – it is one building so even if the rear is primarily for the Senate it is handicapped accessible. So if we are going to do this resolution we might as well do it direct and also ask the Bureau Director to also erect a sign stating that there is also an available...

Speaker Arnold I. Palacios: I think what we should do is to go ahead and do this. The Senate has to also be accessed so therefore the rear of the building is the Senate parking as we all know – the front of the building is the House parking. If you are a handicap on a wheelchair access the back of the Senate going into the House you will have a hard time accessing it.

Representative Yumul: Right, and again the whole point is and I know we are trying to address the House side but it is one building so we might as well just say to the Director address all handicapped parking accessibility and leave it at that.

Speaker Arnold I. Palacios: Short recess.

*The House recessed at 1:41 p.m.*

*RECESS*

*The House reconvened at 1:42 p.m.*

Speaker Arnold I. Palacios: We are back to our plenary session. Are there any more discussions? Representative McGinnis Torres, recognized.

Representative McGinnis Torres: Thank you, Mr. Speaker. While we are on the resolution I think that there is a need to table that for a while because I just realize that the newly installed glass doors in the hallway are not disabled accessible it is anti-disable doors – one way only. You know there is a threshold that might be bumpy for the wheelchairs. I do not see any reason to act on it when the interior of the building is not accessible.

Speaker Arnold I. Palacios: Let me say this – I do not know, but this certainly is your resolution. Representative Babauta, recognized.

Representative Babauta: I want to help, a subsidiary motion to move back to Committee.

The motion was seconded.

Speaker Arnold I. Palacios: Okay. There is a subsidiary motion that has been made by Representative Babauta to move this resolution back to the Committee and was seconded, discussion.

There being no discussion on the subsidiary motion to recommit House Resolution No. 16-6, HD1 and was carried by voice vote.

H. R. NO. 16-6, HD1: A HOUSE RESOLUTION RECOGNIZING THE NEED TO ASSIST THE DISABLED CITIZENS OF OUR ISLANDS IN THEIR PARKING NEEDS AT THE FRONT OF THE LEGISLATURE. [S. C. R. NO. 16-116] (*RECOMMIT*)

Speaker Arnold I. Palacios: At the request of the author of House Resolution No. 16-94, Floor Leader we will leave this resolution on the Calendar for now. Floor Leader, recognized.

Representative Benavente: Thank you, Mr. Speaker. I now move for the adoption of H. R. NO. 16-100.

The motion was seconded.

H. R. NO. 16-100: A HOUSE RESOLUTION TO SUPPORT THE DEVELOPMENT AND IMPLEMENTATION OF A BEACH ROAD CORRIDOR IMPROVEMENT PROJECT IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, AND THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

Speaker Arnold I. Palacios: The motion is for the adoption of H. R. No. 16-100 and was seconded, discussion on the motion. Ready.

There being no discussion the motion to adopt H. R. No. 16-100 was carried by voice vote.

Speaker Arnold I. Palacios: If you take note on your Agenda H. J. R. No. 16-30 it became H. R. No. 16-100 okay.

Representative Salas: Was there any change to it?

Speaker Arnold I. Palacios: Yes, just for consistency from it being a joint resolution in any reference and involving Senate side those were taken out and correct technically by the Clerk. Representative Yumul, recognized.

Representative Yumul: Thank you. I remembered yesterday Representative Raymond Palacios introduced House Resolution No. 16-99 to honor Command Sergeant Major Richard S. Basa, has that been tabled or did we adopt that?

Speaker Arnold I. Palacios: That was adopted yesterday.

Representative Yumul: Thank you.

*H. J. R. NO. 16-30: A HOUSE JOINT RESOLUTION TO SUPPORT THE DEVELOPMENT AND IMPLEMENTATION OF A BEACH ROAD CORRIDOR IMPROVEMENT PROJECT IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, AND THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. (WITHDRAWN)*

*H. R. NO. 16-94: A HOUSE RESOLUTION RECOGNIZING AND COMMENDING DR. VICENTE SABLAN ALDAN FOR HIS ACHIEVEMENTS AND COMMUNITY SERVICE TO THE PEOPLE OF THE COMMONWEALTH AND FOR HIS SUCCESS AT THE SAIPAN HEALTH CLINIC AND THE SAINT JUDE RENAL CARE FACILITY. (NO ACTION TAKEN LEFT ON RC)*

## **BILL CALENDAR**

Speaker Arnold I. Palacios: We are down in the Bill Calendar. Floor Leader, can we entertain the motion to place Representative McGinnis Torres's bill, House Bill No. 16-278.

Representative Benavente: Mr. Speaker, if I may. I realize and looking at the proposed legislation, that it is a repeal and reenact and does not really show what amendments we are changing in the present Youth Congress Statute being an important and thriving body for this community and I do not think that we should rush through it. I would like for the body to at least have the Committee

look at this and discuss it and get some input from the Youth Congress themselves on this legislation before we even place it on the Calendar. So I would object to the placement of the legislation.

Speaker Arnold I. Palacios: Representative Yumul, recognized.

Representative Yumul: After this issue, Mr. Speaker.

Speaker Arnold I. Palacios: Representative McGinnis Torres, I think that is a valid concern – the legislation unfortunately, did not indicate where the changes are being made from the existing statute which we are repealing and so I will order that this legislation be assigned to Health Education and Welfare (HEW).

Representative McGinnis Torres: May I say something?

Speaker Arnold I. Palacios: Yes.

Representative Stanley Torres: I think my bill was reviewed by the Legal Counsel and I am not sure why that it is not marked or be...

Speaker Arnold I. Palacios: Short recess.

*The House recessed at 1:49 p.m.*

*RECESS*

*The House reconvened at 1:50 p.m.*

Speaker Arnold I. Palacios: Chairman on HEW you will take on this issue. Representative McGinnis Torres, recognized.

Representative Stanley Torres: Mr. Speaker, to expedite can I then withdraw my bill and have the Legal Counsel reconstruct the bill? So that everybody gets to see what has been knocked out of the bill.

The motion was seconded.

Speaker Arnold I. Palacios: Okay. Certainly we can do that. Representative Santos, recognized.

Representative Santos: Mr. Speaker, I think the most appropriate procedure is to refer it to the Committee and Representative McGinnis Torres's is asking is actually Committee work. And we really need to get the Youth Congress involved – I mean this body has been ongoing for 10 – 11 years and they really need to be part of this process.

Speaker Arnold I. Palacios: Okay, that is a very valid suggestion. Representative Salas, recognized.

Representative Salas: Mr. Speaker, I also support that it be referred back to the Committee, but at least with a deadline so that we can expedite the legislation.

Speaker Arnold I. Palacios: Representative Babauta, recognized.

Representative Babauta: Mr. Speaker, I think next month is the Youth Congress Election I think this bill should probably be effective next school year.

Speaker Arnold I. Palacios: Okay. You are right. It is so noted. Chairman on HEW, Representative Ralph Torres, you have another project on your hands an urgent project.

Representative Ralph Torres: Thank you, Mr. Speaker. The Committee is looking forward to working on it.

Speaker Arnold I. Palacios: Representative Yumul, recognized.

Representative Yumul: Thank you, Mr. Speaker. Earlier we had just passed House Resolution No. 16-100 concerning the corridor retro project – I would like to move that we also recall House Bill No. 16-97 which is a bill to establish a CNMI Office of Transit Authority within the Office of the Governor. This bill has been also asked by the Washington Delegate Representative Sablan that it be entertained so that we can officially have an office to handle transportation needs of the Commonwealth into the future. So if there is no objection to recall from the Committee on PUTC.

Speaker Arnold I. Palacios: Representative Yumul, can the Chair ask you to hold off on that idea until next week – we will have a session next week. Let us first try to clean up the Bill Calendar because we keep on adding on to it. And some of these have been sitting here – but I agree with you. I hope that PUTC would have come up with a Committee Report for this particular legislation – I believe it was assigned to PUTC. Representative Salas, recognized.

Representative Salas: Yes, Mr. Speaker since we are talking about PUTC I also have a bill that I want recalled and I did speak with the Chairman about this but he did not really say anything and obviously he is off island and he does not have a Vice Chairman. But I have a bill that has been sitting there since March of 2008 and I would like to ask for it to be recalled. I did pass out copies to all the members and if we could please place it on the Calendar, but not necessarily debate on it today as I am actually waiting for more information. It is House Bill No. 16-65.

Speaker Arnold I. Palacios: Who is the Vice Chairman of PUTC? Alright those two legislations would be considered to be placed onto the Calendar in our next session. Okay. Eve, could you remind me about that? Let us get on to passing the bills. Floor Leader, recognized.

Representative Benavente: Thank you, Mr. Speaker. I now move for the passage on First and Final Reading H. B. NO. 16-254.

The motion was seconded.

H. B. NO. 16-254: TO AMEND 1 CMC SECTION 8314(A) TO PROVIDE FOR ADDITIONAL EIGHTH TRUSTEE TO THE BOARD OF TRUSTEES OF THE RETIREMENT FUND; AND FOR OTHER PURPOSES. [S. C. R. NO. 16-102]

Speaker Arnold I. Palacios: The motion is for the passage of H. B. No. 16-254 and has been seconded, discussion on the motion. This is to put additional Trustee on the Retirement Fund. Representative Reyes, recognized.

Representative Reyes: Mr. Speaker, I admire the author for coming up with such legislation, but we have to be mindful that putting another member on the Board of Trustees at the Retirement Fund given the state of the financial situation that it is at is going to cost additional money. A Trustee has to go through extensive training in knowing what to do. I just thought that I add that as a precaution because it is not going to help them much perhaps rather than just having more money to put out for training and compensation and etcetera. I just thought I add that to the journal.

Speaker Arnold I. Palacios: Vice Speaker, recognized.

Representative Deleon Guerrero: Mr. Speaker, I wanted to comment on it and by the way Representative McGinnis Torres is the author. I support the intent of the bill, Mr. Speaker, the caution that I have is that it makes the number an even number and as we all know even number Boards often times gets deadlock in their decision making. I do support that we do have a member be representing the Association of Retired People, perhaps if we can amend it and reduce it down to seven but still have the person representing CARP in there as a way to move this bill forward – if there is no objection from the members. We can discuss and debate on it and ultimately vote on it. So if I am not out of order, Mr. Speaker, I would like to offer a oral floor amendment. I guess it would start on the title...

Speaker Arnold I. Palacios: Short recess.

*The House recessed at 1:58 p.m.*

*RECESS*

*The House reconvened at 2:05 p.m.*

Speaker Arnold I. Palacios: We back to our plenary session. Floor Leader, recognized.

Representative Benavente: Thank you, Mr. Speaker. If there is no objection on the floor I would like at this time withdraw my motion for the passage of H. B. No. 16-254.

There were no objections raised on the floor.

Speaker Arnold I. Palacios: Floor Leader, recognized.

Representative Benavente: Thank you, Mr. Speaker. At this time I would like to move for the passage on First and Final Reading H. B. NO. 16-157.

The motion was seconded.

H. B. NO. 16-157: TO ESTABLISH AN INCOMPETENCY DETERMINATION ACT; AND FOR OTHER PURPOSES. [S. C. R. NO. 16-105]

Speaker Arnold I. Palacios: The motion is for the passage on First and Final Reading H. B. No. 16-157 and has been seconded, discussion on the motion. Clerk, please call the roll.

There being no discussions on H. B. No. 16-157 the Clerk called the roll.

The Clerk called the roll on the motion to H. B. NO. 16-157, on First and Final Reading.

Representative Edwin P. Aldan	absent (excused)
Representative David M. Apatang	yes
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	absent (excused)
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	absent (during voting)
Representative Christina M. Sablan	absent (excused)
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of fourteen “yes”, H. B. No. 16-157 hereby passes the House on First and Final Reading. Short recess.

*The House recessed at 2:08 p.m.*

*RECESS*

*The House reconvened at 2:10 p.m.*

Speaker Arnold I. Palacios: We are back to plenary session, I now recognize the Floor Leader.

Representative Benavente: Thank you, Mr. Speaker. I now move for the passage on First and Final Reading H. B. NO. 16-116.

The motion was seconded.

H. B. NO. 16-116: TO ESTABLISH STANDARD GUIDELINES FOR EMPLOYEES ON MILITARY LEAVE PURSUANT TO THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT, CHAPTER 43 OF TITLE 38 U.S.C.; AND FOR OTHER PURPOSES. [S. C. R. NO. 16-108]

Speaker Arnold I. Palacios: The motion is for the passage of H. B. No. 16-116 and has been seconded, discussion on the motion. Clerk, please call the roll.

There being no discussions on H. B. No. 16-116 the Clerk called the roll.

The Clerk called the roll on the motion to H. B. NO. 16-116 on First and Final Reading.

Representative Edwin P. Aldan	absent (excused)
Representative David M. Apatang	yes
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes

Representative Joseph N. Camacho	absent (excused)
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	absent (excused)
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of fifteen “yes”, H. B. No. 16-116 hereby passes the House on First and Final Reading. Floor Leader, recognized.

Representative Benavente: Mr. Speaker, before we act on the next legislation I have no objection in allowing the author of the previous legislation that we had acted on to vote. Because he is the author of that legislation and I would not have any objection – unless other members have objections then we will move on.

Speaker Arnold I. Palacios: Clerk, please note that Representative Reyes voted “yes” on H. B. No. 16-157. Floor Leader, recognized.

Representative Benavente: Thank you, Mr. Speaker. I now move for the passage on First and Final Reading H. B. NO. 16-238.

The motion was seconded.

H. B. NO. 16-238: TO AMEND 4 CMC § 50144(B) INCREASING FINES TO DETER RETAILERS FROM SELLING TOBACCO PRODUCTS TO MINORS; AND FOR OTHER PURPOSES. [S. C. R. NO. 16-109]

Speaker Arnold I. Palacios: The motion is for the passage of H. B. No. 16-238 and has been seconded, discussion on the motion. Ready.

There being no discussion the Clerk called the roll.

The Clerk called the roll on the motion to H. B. NO. 16-238 on First and Final Reading.

Representative Edwin P. Aldan	absent (excused)
Representative David M. Apatang	yes
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	absent (excused)
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes

Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	absent (excused)
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

*(End of Tape one Side A)*  
*(Beginning of Tape one, Side B)*

Speaker Arnold Palacios: By a vote of fifteen “yes”, H. B. No. 16-238 hereby passes the House on First and Final Reading. Floor Leader, recognized.

Representative Benavente: Thank you, Mr. Speaker. I now move for the passage on First and Final Reading S. B. No. 16-27, SS1, HS1

The motion was seconded.

S. B. NO. 16-27, SS1, HS1: TO REQUIRE ALL CONTRACTORS TO BE LICENSED IN THE CNMI; AND FOR OTHER PURPOSES.[S. C. R. NO. 16-113]

Speaker Arnold I. Palacios: The motion has been seconded, discussion on the motion.

There being no discussion the Clerk called the roll.

The Clerk called the roll on the motion to S. B. NO. 16-27, SS1, HS1 on First and Final Reading.

Representative Edwin P. Aldan	absent (excused)
Representative David M. Apatang	yes
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	absent (excused)
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	absent (excused)
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes

Representative McGinnis Torres: *Question, Mr. Speaker. Ti moot esti na bill kumo yangin mahlom i federalization, November 28.*

Speaker Arnold I. Palacios: *Ahi.*

Representative Stanley Torres: *Because definitely they would be licensed before they even open up their door right?*

Speaker Arnold I. Palacios: No. This is not just a simple business license requirement. This is a license to be a contractor. So there are two different. The federalization issue that you are talking about is just the business license. So I think this is a requirement that if you are going to be a contractor there are certain threshold and minimum requirement that they would have to meet before you get that license. Okay.

Representative McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of fifteen “yes”, S. B. No. 16-27, SS1, HS1 hereby passes the House on First and Final Reading. The Chair will take a one minute recess.

*The House recessed at 2:16 p.m.*

*RECESS*

*The House reconvened at 2:29 p.m.*

Speaker Arnold I. Palacios: We are back to plenary session I recognize the Floor Leader.

Representative Benavente: Thank you, Mr. Speaker. I now move for the passage of H. B. No. 16-178, HD1.

The motion was seconded.

H. B. NO. 16-178, HD1: TO REPEAL AND REPLACE TITLE 6, DIVISION 5, CHAPTERS 1 AND 2 AND CREATE A COMPREHENSIVE JUVENILE JUSTICE SYSTEM THAT WILL PROTECT THE COMMUNITY, HOLD THE JUVENILE ACCOUNTABLE FOR HIS OR HER ACTIONS, AND ASSIST THE JUVENILE IN DEVELOPING SKILLS TO BECOME A CONTRIBUTING MEMBER OF A DIVERSE COMMUNITY; TO ESTABLISH A SYSTEM FOR THE APPOINTMENT AND REGULATION OF GUARDIANS AD LITEM TO SUPPORT JUVENILES AND THE COMMUNITY AT LARGE; AND FOR OTHER PURPOSES. [SEE S. C. R. NO. 16-92]

Speaker Arnold I. Palacios: The motion is for the passage of H. B. No. 16-178, HD1 and has been seconded, discussion on the motion. Ready. Representative Salas, recognized.

Representative Salas: If I am not mistaken the Attorney General (AG) had requested that we defer action on this legislation so that he can make some comments on the bill – the newly appointed AG.

Speaker Arnold I. Palacios: Well the motion has been made, so let us just discuss the bill itself and the issue you are raising. Representative Santos, is this your Committee assignment?

Representative Santos: Yes, Mr. Speaker and it has been extensively discussed within several Committee meetings throughout the Sixteenth Legislature and we did receive several comments most of them were very supportive and we did incorporate some of the issues in the bill and I just want to remind the members that this was a Juvenile Justice Taskforce that was created several years ago and the Taskforce worked on this bill for approximately four years and Patrick can correct me on this if I am mistaken in any parts of my presentation or my remarks. And the Juvenile Justice Taskforce was comprised of several Departments and Agencies including the Attorney General’s Office, the Public Defender’s Office, the Superior Court itself, the Family Court and the Public School System – I think after several years of tackling the issues and debating upon themselves as a

Juvenile Justice Taskforce and as a Committee within the Legislature the bill is ready and right for vote and I hope that everyone supports the bill.

Speaker Arnold I. Palacios: Representative Salas, recognized.

Representative Salas: Oh – Mr. Speaker I am in support of the bill it is just that I think that if the body turns the request over to the AG then that is fine, but that is their prerogative but I am just relaying a message there is actually another bill that he has asked to be deferred and that is House Bill 16-230 in addition to House Bill No. 16-178 so he can at least make some comments. But as far as House Bill No. 16-178 I understand what Representative Santos is saying and in fact I am in support of it but it is just a request from the AG.

Speaker Arnold I. Palacios: Thank you. Floor Leader, recognized.

Representative Benavente: Mr. Speaker, as a member of the Committee and was involved in the Public Hearing and in the many deliberations in Committee meetings and with the organizations and individuals I can say that there was one issue in the proposed legislation in which of course understandably the Attorney General’s Office disagreed with the Public Defender on one issue. And if we do not move on we are going to continue to see this disagreement between the prosecution and defense on this matter. So I think that after hearing both sides of the argument the Committee took it and made the final decision on that matter and I too am a member of the Committee I feel that this important legislation needs to be passed and implemented. Thank you.

Speaker Arnold I. Palacios: On that note, certainly I do not think the door is closed on the Attorney General from commenting on the legislation – this will go to the Senate and certainly the Attorney General can submit their comments to the Senate. Ready. Clerk, please call the roll.

The Clerk called the roll on the motion to H. B. NO. 16-178, HD1 on First and Final Reading.

Representative Edwin P. Aldan	absent (excused)
Representative David M. Apatang	absent (during voting)
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	absent (excused)
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	absent (excused)
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of fourteen “yes”, H. B. No. 16-178, HD1 hereby passes the House on First and Final Reading. Floor Leader, recognized.

Representative Benavente: Thank you, Mr. Speaker. I now move for the passage on First and Final Reading S. B. No. 16-9, CS1, HD1.

The motion is seconded.

S. B. NO. 16-9, CS1, HD1: TO AMEND 1 CMC § 553(K) TO PROVIDE FOR A THREE PERCENT (3%) SIMPLE INTEREST RATE FOR OUTSTANDING OBLIGATIONS OF THE COMMONWEALTH; TO AMEND 7 CMC § 4101 GOVERNING THE AWARD OF PREJUDGMENT AND POST JUDGMENT INTEREST AGAINST THE COMMONWEALTH; TO AMEND 7 CMC § 101 CONCERNING PRE AND POST JUDGMENT INTEREST GENERALLY; TO CODIFY A POLICY CONCERNING THE PAYMENT OF TAX REBATES WITHOUT PENALTIES AND INTEREST; TO AMEND 7 CMC § 2205 REGARDING THE SOVEREIGN IMMUNITY OF THE COMMONWEALTH IN THE PAYMENT OF MONEY JUDGMENT; AND FOR OTHER PURPOSES. [S. C. R. NO. 16-114]

Speaker Arnold I. Palacios: The motion is for the passage of S. B. No. 16-9, CS1, HD1 and has been seconded, discussion on the motion. Representative Babauta, recognized.

Representative Babauta: Ask the members to help me out in seconding the motion.

Speaker Arnold I. Palacios: Okay. Discussion on the motion. Ready. Clerk, please call the roll.

The Clerk called the roll on the motion to S. B. NO. 16-9, CS1, HD1 on First and Final Reading.

Representative Edwin P. Aldan	absent (excused)
Representative David M. Apatang	absent (during voting)
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	absent (excused)
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	absent (excused)
Representative Edward T. Salas	abstain
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	abstain
Representative Ralph DLG. Torres	abstain
Representative Stanley T. McGinnis Torres	abstain
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of ten “yes”, S. B. No. 16-9, CS1, HD1 hereby passes the House on First and Final Reading. Short recess.

*The House recessed at 2:38 p.m.*

*RECESS*

*The House reconvened at 2:39 p.m.*

Speaker Arnold I. Palacios: Floor Leader, recognized.

Representative Benavente: Thank you, Mr. Speaker. I now move for the passage on First and Final Reading H. B. No. 16-154, HS1.

The motion was seconded.

H. B. NO. 16-154, HS1: TO ESTABLISH A SPECIAL EDUCATION SCHOLARSHIP PROGRAM FOR STUDENTS PURSUING A POST-GRADUATE OR POST-BACCALAUREATE DEGREE IN SPECIAL EDUCATION; AND FOR OTHER PURPOSES. [S. C. R. NO. 16-115]

Speaker Arnold I. Palacios: The motion has been seconded, discussion on the motion. Ready.

There being no discussions the Speaker called upon the Clerk for the roll.

The Clerk called the roll on the motion to H. B. NO. 16-154 on First and Final Reading.

Representative Edwin P. Aldan	absent (excused)
Representative David M. Apatang	absent (during voting)
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	absent (excused)
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	absent (excused)
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of fourteen “yes”, H. B. No. 16-154, HS1 hereby passes the House on First and Final Reading. Short recess.

*The House recessed at 2:41 p.m.*

**RECESS**

*The House reconvened at 2:43 p.m.*

Speaker Arnold I. Palacios: We are back to plenary session and I recognize the Floor Leader, recognized.

Representative Benavente: Thank you, Mr. Speaker. I now move for the passage on First and Final Reading H. B. No. 16-122.

The motion was seconded.

H. B. NO. 16-122: TO REPEAL DIVISION 4 OF TITLE 1 OF THE COMMONWEALTH CODE; AND FOR OTHER PURPOSES. [S. C. R. NO. 16-110]

Speaker Arnold I. Palacios: The motion has been seconded. Ready. Clerk, please call the roll.

There being no discussions the Speaker called upon the Clerk for the roll.

The Clerk called the roll on the motion to H. B. NO. 16-122 on First and Final Reading.

Representative Edwin P. Aldan	absent (excused)
Representative David M. Apatang	absent (during voting)
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	absent (excused)
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	absent (absent excused)
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of fourteen “yes”, H. B. No. 16-122 hereby passes the House on First and Final Reading. Floor Leader, recognized.

Representative Benavente: Thank you, Mr. Speaker. I now move for the passage on First and Final Reading H. B. No. 16-235.

The motion was seconded.

H. B. NO. 16-235: A BILL TO AMEND 2 CMC § 7113(E)(3) REGARDING THE ERECTION OF TEMPORARY STRUCTURES USED FOR PUBLIC EVENTS; AND FOR OTHER PURPOSES.

Speaker Arnold I. Palacios: The motion has been seconded, and I now recognize Representative Reyes.

Representative Reyes: Mr. Speaker, I have filed House Draft 1 on House Bill No. 16-235 and I am sure everybody has a copy.

Speaker Arnold I. Palacios: Representative Reyes, is hereby submitting a amendment to the legislation. Representative Reyes, could you elaborate what the amendments are on the legislation?

Representative Reyes: Yes, Mr. Speaker. The amendment is actually shown on page 2, which are underlined and that is about it which reads as follows:

*Section 2. Amendment. Section 7113(e)(3) of Article 1, chapter 1, division 7 of title 2 of the CNMI Code is amended to read as follows:*

*“(3) Temporary structures such as reviewing stands, stages, canopies, outdoor kitchens and other miscellaneous structures used for;*

*(A) Public events of no more than one week’s duration are exempted from this code;*

*(B) ~~Such temporary structures for p~~Public events of longer duration may be erected with a special expedited permit from the building safety official; provided that if a public agency is the primary sponsor or organizer of the public event, then the public agency shall be;*

*(1) The sole applicant for the special expedited permit, regardless of the number and types of;*

*(A) Temporary structures to be erected; and*

*(B) Occupants or users thereof; and*

*(2) Shall be exempt from all fees imposed under this chapter-;*

*(C) ~~Such structures used for p~~Private purposes on private property are exempted from this code.*

This resulted from the mass confusion every year we have a so called Liberation Day whereby each and every renter of the space would have to get an occupancy permit individually and the structure is being built by the Mayor’s Office so by law right now requires them to get a so called occupancy permit and rather than having 32 vendors lining up to the Building Code to get a permit this is just to blanket it all and let the Mayor’s Office because after all they put the structures up themselves. So it has been a problem for many years and this is just trying to correct it. Thank you.

Speaker Arnold I. Palacios: Thank you.

Representative Yumul: I understand the intent here. The concern that I would have with that is if we have one for example the Mayor’s Office put in a permit for the construction of a series of vendor booths there is nothing wrong for the building permit – for the occupancy it is a little bit different because each occupant will have a different purpose - one will be selling food goods – cook, baked and another would be just clothing or souvenirs or toys. We need to understand that there is a difference between a building permit and an occupancy permit. Likewise, if the Mayor’s Office were to erect - construct the buildings and then the occupant comes in they tend to extend and put add-ons and that might be a hazard if it is not properly monitored. So I understand the rationale is to try to have one organizer to make one permit, but there needs to be an understanding that the reasons for public safety that is in placed today is for this type of activity is well justified because we do not want serious accidents to occur. Thank you.

Speaker Arnold I. Palacios: Representative Babauta, recognized.

Representative Babauta: Mr. Speaker, on *Section 3* can I get some clarification on line 29 “*it shall be transferable*” – transferable to whom and where?

Speaker Arnold I. Palacios: Okay. Let me get the author – he is submitting the amendments.

Representative Reyes: Thank you, Mr. Speaker. For clarification actually if *ABC Corporation* right now is having a restaurant so to speak and they rented a space a booth so to speak the present practice right now is that each and every person that is to be deployed there will pay another ten bucks for the same food handlers certificate that he has already and according to the regulations of

Public Health just because *ABC food stand* is in San Antonio that cannot be applied you would have to go down and get one because the place of the Liberation is in Garapan. So the idea here is that they can use the same although it is in a different area and they do not have to pay a fee. Thank you.

Speaker Arnold I. Palacios: How about Representative Yumul's concerns?

Representative Reyes: I guess I applied the wrong language, Mr. Speaker. This is not a building permit that I am talking about - I am talking about the building occupancy permit. Again the current statute and the Legal Counsel may correct me if I am wrong it does not allow temporary buildings for more than three days. The idea here is because the Liberation festival is an annual event that last for 30 days or better that is one. Number two – the Mayor's office rents out these booths and contracts it out to the vendors and they pay a fee of up to a \$1,000 or more for each and every booth – and these are temporary buildings. It is only fair that whoever builds these structures secures an occupancy permit. Now, as far Representative Yumul's concern about extending an additional to the building structure I think Public Works can and should step in and this is where they come in. But the idea here is to try to stop the confusion of all these vendors on an annual basis where each and every one of them have to apply for an occupancy permit and not to mention the Flame Tree Festival, the Taste of the Marianas they are all in breach of the statute. So this is addressing the situation to make it appropriate. Thank you.

Speaker Arnold I. Palacios: Thank you. Representative Yumul, you still have some concerns about it?

Representative Yumul: This is extending to Representative Babauta's concern on the transferable on page 2, line 28. We need to make sure that for this exemption I understand that a food handling certificate is given to a person who completes a required course is subjected to medical screening and their certificate should be mobile written, but under a sanitary permit that is where it is a little bit different where the Department of Public Health needs to go down and certify that the occupant that is going to vend meet certain standards because although their main business is certified and has all the licenses and certificates the new location also needs to be inspected. This is part of safety.

Speaker Arnold I. Palacios: Certainly, and I do not think the proposal is trying to circumvent that. A qualification of a food handling at *Joe's Bar and Grill* – if Joe decides to have a booth and have the same personnel that have been certified and has the health certification can have it down at the Liberation Day – that does not mean the Department of Sanitation or Public Health cannot inspect that facility outside of the main restaurant to make sure that – I do not think the proposal is trying to circumvent that.

Representative Yumul: Right. And the whole idea here is again to protect in this case the Mayor's Office – there is lawsuits pending and we do not want to put out to the public that we are trying to make it more easier but we just want to make sure that the Government is also protected. Thank you.

Speaker Arnold I. Palacios: I do not think the proposal is trying to do that I think it is trying to change the statute to accommodate that. Right now actually the Liberation Day should not be in existence for 30 days under the existing statute. Ready. Clerk, please call the roll.

The Clerk called the roll on the motion to H. B. NO. 16-235, HD1 on First and Final Reading.

Representative Edwin P. Aldan	absent (excused)
Representative David M. Apatang	absent (during voting)
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	absent (excused)
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	absent (excused)
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of fourteen “yes”, H. B. NO. 16-235, HD1 hereby passes the House on First and Final Reading. Floor Leader, recognized.

Representative Benavente: I now move for the passage on First and Final Reading H. L. I. No. 16-18, HD1.

The motion was seconded.

H. L. I. NO. 16-18, HD1: A HOUSE LEGISLATIVE INITIATIVE TO AMEND ARTICLE XI, SECTION 5(G) OF THE NMI CONSTITUTION TO AUTHORIZE THE DEPARTMENT OF PUBLIC LANDS TO USE UP TO TWENTY PERCENT OF ITS REVENUE TO PAY AND SATISFY LAND COMPENSATION CLAIMS; AND FOR OTHER PURPOSES.

Speaker Arnold I. Palacios: The motion has been seconded, discussion on the motion. Representative Salas, recognized.

Representative Salas: I would just like to know from the author obviously there is going to be in terms of the financial status – I mean it is obviously going to be affected by twenty percent can they afford to do this is their operation suffering. The intent is good, but I just need more discussion on it.

Speaker Arnold I. Palacios: Vice Speaker, recognized.

Representative Deleon Guerrero: Thank you, Representative Salas and that is a very valid point you made and it is for that reason that we met I believe three times with the Department of Public Lands (DPL) and then ended up amending the original wording so that instead of “*shall reserve twenty percent*” now it says “*shall reserve up to twenty percent to allow the Department of Public Lands*”. It gives the Department of Public Lands the flexibility to ensure that its needs in terms of its operation and personnel costs are met first and then and it may not even be 20% if 15% is all that can be reserve then that is the figure. The amendment that the Committee made to it gives it that flexibility because of that consideration.

Speaker Arnold I. Palacios: Continue, Representative Salas.

Representative Salas: So basically it is up to 20% provided that they have the financial resources.

Speaker Arnold I. Palacios: Okay. Representative Benavente, recognized.

Representative Benavente: And in addition to that it is also limited to twenty so that if there are funds beyond the twenty percent that a particular fund is the ones that would go to the Public Land Trust. It is still limited to a certain amount so that we are not taking all those funds – if those funds do become available. At this point in time from what we have learned it is not available. So we are hoping that in the future as rentals increase we will be able to take care of this consideration. But just one more thing, once again this and other legislations that we are discussing here are legislations that we had discussed in previous sessions and I have made comments on this legislation and just for the record to reflect that in passing this legislation there are comments that were made in other journals. Thank you. Representative Salas, recognized.

Representative Salas: I will yield.

*(End of Tape One, Side B)*

*The House recessed at 1:35 p.m.*

*RECESS*

*The House reconvened at 1:35 p.m.*

*(Beginning of Tape Two, Side A)*

Speaker Arnold I. Palacios: We are back to our plenary session, I now recognize the Vice Speaker.

Representative Deleon Guerrero: Thank you, Mr. Speaker. I think I know part of the confusion is the wording and because the Committee did amend the language we now need to amend the title. The title still says “*twenty percent of its operational expense*” I would like to offer an amendment to make it consistent with the wording of the amendment and say ~~“operational expense”~~ and include “*revenue*” to make it consistent with actual initiative language. And on page 2, line 17 it reads “*provided further that the Corporation shall be authorized to use*” rather than the word “*use*” can we strike that out and insert the word “*expend*” it is just a different terminology more consistent with the intent of the initiative.

The amendment motion was seconded.

Speaker Arnold I. Palacios: Is everybody clear with the amendment motion offered by the Vice Speaker and it has been seconded. Representative Ralph Torres, recognized.

Representative Ralph Torres: Thank you. On the title where it says “*the Department of Public Lands to reserve twenty percent*” I would like to see “*to reserve up to twenty percent*”. Because now...

Representative Deleon Guerrero: To be consistent with the language, Mr. Speaker, if there is no objections from the members can we just include that as a subsidiary motion?

Speaker Arnold I. Palacios: Okay. Clerk, Legal Counsel. Are we ready for the amendment motion? Ready.

There being no further discussion the amendment offered by the Vice Speaker and the subsidiary motion offered by Representative Ralph Torres was carried by voice vote.

Speaker Arnold I. Palacios: It is now House Draft 2. Before we vote I would like to say that this actually authorizes MPLA and if I am not mistaken Public Law 15-2, puts the mandate back on the Legislature to budget DPL. So really, we can say up to twenty percent and accordingly effectuate that on the budget – Public Law 15-2 authorizes that if I am not mistaken.

Representative Benavente: Clarification, Mr. Speaker.

Speaker Arnold I. Palacios: Under clarification, Representative Benavente.

Representative Benavente: Mr. Speaker, we might need to hear from the Legal Counsel, but what we have talked about over the pass few years because for convenience purposes anyway we have heard the Attorney General's Office define the fundamental policies of Article XI as to whether they continue to exist and at this point I think that we have been told even with those legislation you are referring to – we have been told by the Department of Public Lands that it is unconstitutional and that particular fundamental policy of Article XI continues to exist and that is why we introduce this initiative.

Speaker Arnold I. Palacios: I raised those issues when we debated Public Law 15-2, basically abolishing MPLA. If you look at Public Law 15-2's legislative history even the authors those Legal Counsel that crafted Public Law 15-2 – Howard Willens, Diane Sizemore, and even our House Legal Counsel as well as the Attorney General – we have legislative records that is very specific that when given the authority under the Constitution that a certain time the Executive Branch could reorganize Public Land Authority from Autonomy to being a line Department that therefore a Trust should be separated from the other General Fund by the Department of Finance specifically for the operations, but that budget must be submitted to the Legislature and approved by the Legislature. I do not mean to argue that issue but I am just pointing that... Vice Speaker.

Representative Deleon Guerrero: Mr. Speaker, as a matter of fact during the Public Hearings that was held on this initiative that issue was brought up and actually recommended by members of the public that it should be budgeted. But when we look further into it and the Legal Counsels here can correct me I believe that the language in the Constitution is still there that – in order change that we need to do another initiative to amend the Constitution.

Speaker Arnold I. Palacios: I mean this is authorizing – if I am not mistaken the Constitution says the authority or the Public Lands...Department of Public Lands now may reserve part for administrative purposes, but the Legislature under Public Law 15-2 also has that and it does and it is required that it reserve a certain part of that money for administrative purposes that is why we are going through the budget process. But maybe this is not an issue this is a moot issue but I just wanted to bring that issue up that there might be a contradicting provisions of law and constitution as you pointed out, Representative Benavente. I recognize, Representative Benavente.

Representative Benavente: Just one more argument. The fact is that earlier this year or last time sometime we had introduced a legislation that required Public Lands to pay for a judgment and they refused to pay using the Constitution as the reason. And that is why I think that this is necessary in order for any funds to be used for the payment of Public Land.

Speaker Arnold I. Palacios: It is – I am not objecting to the initiative at all I am just saying that we can do that. It is ironic what you just have pointed out that when we passed this legislation mandating them to pay those judgments they balked, but when it went to the Federal Court they immediately paid. So basically the Court legislating – you know it could have been that we do need to take this to the Court at some point in time somebody needs to clarify this issue but be it as it may – Representative Salas, recognized.

Representative Salas: Mr. Speaker, do we know how much land compensation claims we have right now? Are we talking Millions of dollars?

Speaker Arnold I. Palacios: Well, it depends on who you ask.

Representative Salas: Okay, so basically if we are looking at twenty percent of their revenues what does that equate to – are we barely scratching the surface or but at least it is a start right.

Speaker Arnold I. Palacios: Yes, barely. Okay. Clerk, please call the roll.

The Clerk called the roll on the motion to H. L. I. NO. 16-18, HD2, on First and Final Reading.

Representative Edwin P. Aldan	absent (excused)
Representative David M. Apatang	absent (during voting)
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	absent (excused)
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	absent (excused)
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	absent (during voting)
Representative McGinnis Torres	absent (during voting)
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of twelve “yes”, H. L. I. NO. 16-18, HD2 hereby passes the House on First and Final Reading. Okay, we are done with the Bill Calendar today.

### **MISCELLANEOUS BUSINESS**

Speaker Arnold I. Palacios: You know under the Miscellaneous Business I wanted to ask the Chairman of HEW and unfortunately he is not present anymore in regards on the results of the

Public Hearing last night. I guess I am going to be comforted that I will read about it in tomorrow's paper. I know that participation was pretty good. Are any of the members of the Committee on HEW present, Representative Salas.

Representative Salas: It was actually almost all of the members were there except for Representative Edwin Aldan. And there was about forty attendees if I am not mistaken – just maybe a little bit more. And there were issues and concerns that were raised that are not really news to us it is something that we have heard before. But there were a lot of them that actually broke down in tears as they were giving their testimonies or their concerns. And this is a variety of not just Doctors, Nurses, and Therapists, but also from the Public and we had some Lawyers that were there. And basically the Chairman said that we will take all their concerns to heart and also alluded to the fact that we will be conducting the Oversight Hearing. That was something that was assured and a lot of the problems that were raised including at our meeting before dealt with the mismanagement and in particular the Acting Secretary right now – so there is a lot of displeasure and just a lot of concerns. There was an issue that was raised about salary and we had indicated to them that the Physician's salaries are not really a problem because even though there is a cap obviously they are exempted and we have been receiving a lot of request from the Doctors of salaries that exceeded the cap. So we were basically saying that should not really be an issue.

Speaker Arnold I. Palacios: Thank you, Representative Salas. I recognize Representative Quitugua.

Representative Quitugua: Yes, Mr. Speaker, the Public Hearing was very informative. There is new information that were brought up which we did not really know about, the shortage of staffing. The FTE's are there, but they could not fill it because they were told that there is no funding for the FTE's. What troubled me the most is after the session there was an employee of CHC told me that she was advised not to attend the Public Hearing or else her contract will not be renewed.

Speaker Arnold I. Palacios: Do you want to reiterate that so that it is clear on the record?

Representative Quitugua: After the Public Hearing, Mr. Speaker there was a staff from CHC that approached me and told me that she was advised not to attend the Public Hearing or else her contract will not be renewed, but she went ahead attended the Public Hearing because she had some concerns about the health care.

Speaker Arnold I. Palacios: I want to commend whoever that person is for being courageous enough to come forth. This is not a witch-hunt that we are after we are trying to figure out what it is that we need to do to alleviate the present problem and the situation at the Hospital. Representative Reyes, recognized.

Representative Reyes: Just to add on because I was also there and yes the crowd was about that many forty or better. One thing that Representative Salas had just said a lot of it has to do with mismanagement and all, but we also heard of some possible solutions that we can look into in addressing the problems. And one of that – that really struck me was Attorney Michael Dotts' recommendation of having these people to be insured for malpractice so to speak. And because if you have insurance not only that it will perhaps prevent liabilities against the Government, but the most important thing is so called objective review. In other words if you are insured with the insurance companies you are going to have to have an objective review every year such as to what complaints have you in the community or judgments have against you during the year of performance so to speak. So it is something that is worth looking into and I will be working with

Attorney Michael Dotts soon just to add more information on that so that we can try to put in some two cents to further straighten the situation. And there were some other proposals. Thank you.

Speaker Arnold I. Palacios: Thank you. Representative Raymond Palacios, recognized.

Representative Raymond Palacios: Thank you, Mr. Speaker. Yes, I was there as well and one of the issues that were brought up was that they were questioning the qualification of the Doctors at the Hospital. There are two reasons why, is because of the recent incidences because of the shortages of Physicians and the hiring of unqualified Doctors due to the salary offers that we are offering the mainland Doctors were also an issue. And also like Representative Salas mentioned the mismanagement that is also a problem whereas the Acting Secretary is not really praising the Doctors that are they are doing good job – tapping them on the back and things like that.

Speaker Arnold I. Palacios: Representative Dela Cruz, recognized.

Representative Dela Cruz: Thank you, Mr. Speaker. Although, I am not a member of HEW I believe this is the more reason why an Oversight should be undertaken by this Committee. Coercing, harassing employees not to show up at a Public Hearing we are not living in a third world country – we are living in the land of freedom and peace and that should never be the case. This is something and I would just like to add I have been visited also by an employee of CHC and he has informed me that although his job title is a Supply Worker he does work for the Dental Lab that is what he does. And I think it is high-time that we bring in CHC's management on this Oversight, Mr. Speaker. Thank you.

Speaker Arnold I. Palacios: Thank you. Representative Reyes, for the last time.

Representative Reyes: Mr. Speaker, just so that you all would know I was at the Hospital this morning and I took a picture of a sign there so that everybody knows – they close from 11:30 a.m. to 12:30 p.m. everyday so do not go there during lunch time for a check-up they are closed.

Speaker Arnold I. Palacios: Representative Yumul, recognized.

Representative Yumul: Thank you, Mr. Speaker. It is really ironic that Representatives David Apatang, Joseph Reyes, Joseph Deleon Guerrero, and myself at one time over our lives we have fought for this Nation's just so that people can have the right to be free of coercion of injustice and yet we see that here in our own backyard and I find that very insulting and appalling. I will offer the Committee on Ways and Means at the option of the Chairman of HEW that if he needs assistance in a financial audit of all contracts and to look at the root of how CHC has a systemic issue with regards to funding I will be more than glad to conduct that and I think we really need to put out to the Public at large that there is no tolerance for people who go out and instill fear in the minds of others and warning these people that if they come out and speak freely that they would be persecuted to the point of losing jobs and other types of harassment that is intolerable, Mr. Speaker. Thank you.

Speaker Arnold I. Palacios: Representative Salas, recognized.

Representative Salas: Just another comment. I think one of the people at the hearing last night alluded to the fact that the Public School System (PSS) has improved tremendously and if I am not mistaken Representative Quitugua basically told them that one of the reasons why that PSS is improving is the fact that any request or needs or whatever PSS people would come here and

basically demand for meetings and then they turn in their request and so forth and he alluded to the fact that nobody from CHC ever comes up here and talks with us about anything. So that was mentioned yesterday.

Speaker Arnold I. Palacios: Thank you. I did not mean to start a whole...Representative Raymond Palacios.

Representative Raymond Palacios: Mr. Speaker, one of the major issues that were brought up 90% of the time was the Political interference in terms of Political hiring of incompetent individuals to manage CHC. That was one of the major issues that were brought up that is really a factor here in the CNMI.

Speaker Arnold I. Palacios: I hope that the Hospital Corporation bill which is up at the Senate will be given due consideration under these circumstances that we face. Who is the Legal Counsel that was there?

Representative Salas: Antonette and Ian was there.

Speaker Arnold I. Palacios: Okay with that I will sit down with the Chairman of the Committee in this Public Hearings so that the House will convene the Committee to look into this particular issue in an expedient manner. Representative Santos, recognized.

Representative Santos: Mr. Speaker, as Chair of JGO I have offered my help to the Chair of HEW in tackling these issues with CHC, but in light what Representative Quitugua had shared with the Body today on such tactics of intimidation are basically illegal and I am willing to work with HEW and the Ways Means to look into these intimidations, coercion, or what not – I mean look around us you are looking at the red, white, and blue stripes and stars – you know last time I checked we live in a free country and we need to keep it that way.

Speaker Arnold I. Palacios: Yes, I think we need to take this further like I said unfortunately the Chairman of HEW is not here and we will have to convene maybe a special meeting of all the House members to see where we are going to take this because we cannot afford to drop the ball on this particular issue. Okay, with that Floor Leader, I will entertain a motion for adjournment.

## **ANNOUNCEMENT**

NONE

## **ADJOURNMENT**

Acting Floor Leader Diego T. Benavente moved to adjourn subject to the call of the Chair; it was seconded and carried by voice vote.

The House adjourned at 3:23 p.m., subject to the Call of the Chair.

Respectfully submitted,

Linda B. Muña, Journal Clerk  
House of Representatives

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### APPEARANCE OF LOCAL BILLS

**FIRST APPEARANCE:** 1<sup>st</sup> Legislative appearance of a local bill is on the day it is introduced.

**SECOND APPEARANCE:**

H. L. B. NO. 16-46: To amend the Saipan Zoning Law of 2009, 10 CMC § 3511; and for other purposes.  
(Rep. Rosemond B. Santos)

**THIRD APPEARANCE:**

H. L. B. NO. 16-44: A Local Bill Appropriation Bill for An Act for the First Senatorial District to appropriate \$10,000.00 from the local license fees collected from pachinko slot machines and poker machines in the First Senatorial District for the Rota Liaison Office; and for other purposes. (Rep. Victor B. Hocog)

H. L. B. NO. 16-45: A Local Bill for an Act to name an existing unnamed road; and for other purposes.  
(Rep. Joseph C. Reyes)