House Journal

FOURTH SPECIAL SESSION, 2008

Adopted: January 12, 2009

2nd Day **Friday, May 23, 2008**

The House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature convened its Second Day, Fourth Special Session on Friday, May 23, 2008, at 10:13 a.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 fourteen members were present. Representatives Edwin P. Aldan, David M. Apatang, Joseph P. Deleon Guerrero, and Stanley T. Torres came in late; Representatives Rosemond B. Santos and Ralph DLG. Torres were absent and excused.

Speaker Palacios: The House established a session for this morning's session. Representatives Aldan, Apatang, Deleon Guerrero and Stanley Torres will be coming in a little late; Representatives Santos and Ralph Torres are hereby excused for today's session.

INTRODUCTION OF BILLS AND INITIATIVES

H. B. NO. 16-104: A Bill for an Act to reduce government spending on personnel and provide savings to the Northern Mariana Islands Retirement Fund, and for other purposes.
Offered by: Rep. Joseph C. Reyes
Referred to: Committee on Ways and Means

H. B. NO. 16-105: A Bill for an Act to appropriate $291,210.00 from the Public School System CIP General Obligation Bond with the Bank of New York Trust Company, N.A., and further appropriate any fund balance available at the closure to the indenture trust agreement to finance the Public School System classroom repairs and renovations and parking lot paving activities; and for other purposes.
Offered by: Rep. Justo S. Quitugua and three others

H. B. NO. 16-106: A Bill for an Act to appropriate $1,877.19 from Saipan Local Law 14-31 for the payment of Small Claims No. 07-0939 and to reappropriate $10,213.00 from Saipan Local Law 14-30 for the repairs and maintenance of William S. Reyes Elementary School.
Offered by: Rep. Justo S. Quitugua and three others

H. B. NO. 16-107: A Bill for an Act to appropriate $20,000 from the Developer's Tax Fund collection, Third Senatorial District; to reappropriate $3,000 from Saipan Local Law 15-10;

to reappropriate $10,000 from Saipan Local Law 15-12; to reappropriate $10,000 from Saipan Local Law 15-28; and to reappropriate the funds balance in the amount of $31,479.00 from the completed and closed local projects to fund the replacements of the dilapidated kindergarten classrooms at San Vicente Elementary School; and for other purposes.

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

Representative Quitugua: Mr. Speaker, due to the urgency of the needs of the schools, I am requesting the support of the members to place H. B. NO. 16-105 and H. B. NO. 16-106 on the Bill Calendar for passage.

Speaker Arnold Palacios: We will consider that when we get to the Bill Calendar.

H. B. NO. 16-108: A Bill for an Act to amend 3 CMC §§ 5514 and 5121(c) to restrict the application of disaster emergencies.

Offered by: Rep. Joseph N. Camacho

H. B. NO. 16-109: A Bill for an Act to establish Military Family Relief Fund; and for other purposes.

Offered by: Rep. Joseph C. Reyes and five others

Referred to: Committee on Health, Education, and Welfare

Representative Reyes: Mr. Speaker, I would also like to request to place H. B. NO. 16-109 on the Bill Calendar.

Speaker Arnold Palacios: We will also consider that under Bill Calendar. Floor Leader, please take note of all this.

H. L. B. NO. 16-16: A Local Bill for an Act for the Third Senatorial District to appropriate $20,000 from the Developer's Tax Fund collection, Third Senatorial District; to reappropriate $3,000 from Saipan Local Law 15-10; to reappropriate $10,000 from Saipan Local Law 15-12; to reappropriate $10,000 from Saipan Local Law 15-28; and to reappropriate $31,479.00 from the completed and closed local projects to fund the replacements of the dilapidated kindergarten classrooms at San Vicente Elementary School; and for other purposes.

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

[*First Appearance]*

INTRODUCTION OF RESOLUTIONS

H. R. NO. 16-18: A House Resolution to request the Department of Finance to disburse taxpayers' economic stimulus rebate checks accordingly without withholding any amount due to the Commonwealth Government for tax arrears.

Offered by: Rep. Ray N. Yumul and one other

H. R. NO. 16-19: A House Resolution to recognize and commend Mr. Michael von Siebenthal, General Manager of the Hyatt Regency Saipan, for his professional accomplishments and active involvement in the community and to wish him the best of luck in his new position at the Grand Hyatt Hotel in Fukuoka, Japan.

Offered by: Representative Edward T. Salas and nineteen others

H. R. NO. 16-20 ~~[H. COMM. RES. NO. 16-3]~~: A House ~~Commemorative~~ Resolution to recognize Sam Nepaial for his outstanding participation in the CNMI Teen Talk program and for his commitment to being a positive role model for his peers.

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

H. R. NO. 16-21 ~~H. COMM. RES. NO. 16-4~~: A House ~~Commemorative~~ Resolution to recognize Rachel Reyes for her outstanding participation in the CNMI Teen Talk program and for her commitment to being a positive role model for her peers.

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

H. R. NO. 16-22 ~~H. COMM. RES. NO. 16-5~~: A House ~~Commemorative~~ Resolution to recognize Sean Santos for his outstanding participation in the CNMI Teen Talk program and for his commitment to being a positive role model for his peers.

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

H. R. NO. 16-23 ~~H. COMM. RES. NO. 16-6~~: A House ~~Commemorative~~ Resolution to recognize Ashley Roberto for her outstanding participation in the CNMI Teen Talk program and for her commitment to being a positive role model for her peers.

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

H. R. NO. 16-24 ~~H. COMM. RES. NO. 16-7~~: A House ~~Commemorative~~ Resolution to recognize Jyzzlequine Fejeran for her outstanding participation in the CNMI Teen Talk program and for her commitment to being a positive role model for her peers.

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

H. R. NO. 16-25 ~~H. COMM. RES. NO. 16-8~~: A House ~~Commemorative~~ Resolution to recognize Ann Ermitanio for her outstanding participation in the CNMI Teen Talk program and for her commitment to being a positive role model for her peers.

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

H. R. NO. 16-26 ~~H. COMM. RES. NO. 16-9~~: A House ~~Commemorative~~ Resolution conveying sincere condolences and sympathy to the bereaved family of the late Specialist Joe Gogue Charfauros Jr. of the United States Army on the occasion of his untimely passing and paying tribute to his fond memory.

Offered by: Rep. Victor B. Hocog and nineteen others

H. J. R. NO. 16-5: A House Joint Resolution to disapprove Executive Order No. 08-05, Re-Organization Plan No. 02 of 2008, pertaining to the Commonwealth Ports Authority pursuant to Article III, Section 15 of the Constitution of the Northern Mariana Islands; to urge the Governor to remove the members of the CPA Board of Directors for cause and to appoint new members to the board to carry out the action plan implemented by the CPA Acting Executive Director of May 14, 2008.

Offered by: Rep. Victor B. Hocog and eight others

Representative Hocog: I wish, Mr. Speaker, to place H. J. R. NO. 16-5 on today's Resolution Calendar.

Speaker Arnold Palacios: The Chair orders that all resolutions are placed on the Resolution Calendar for disposition.

There was no objection.

MESSAGES FROM THE GOVERNOR

GOV. COMM. 16-106: (5/16/08) Returning H. B. NO. 16-11, the Divers Safety First Act of 2008, pursuant to House action recalling it on May 15, 2008.

GOV. COMM. 16-107: (5/16/08) Informing the House that he signed into law H. L. B. NO. 16-1, S1, D2 (To repeal and reenact Section 2(3) of Saipan Local Law 16-5 and to reappropriate lapsed funds under Saipan Local Law 14-11; and for other purposes) into *Saipan Local Law 16-1*.

GOV. COMM. 16-108: (5/16/08) Informing the House that he signed into law H. L. B. NO. 16-2, S1, D1 (To reappropriate $90,200.00 from the FY 2007 lapsed funds collected pursuant to Saipan Local Law 11-2 for the settlement of judgment in *Jose Ch. Camacho v. CNMI Department of Public Works, et al,* Civil Action No. 04-0220E; and for other purposes) into *Saipan Local Law 16-2.*

GOV. COMM. 16-109: (5/16/08) Certification of vacant positions at the Department of Public Lands.

GOV. COMM. 16-110: (5/19/08) Certification of vacant positions at the Office of Personnel Management.

GOV. COMM. 16-111: (5/20/08) Certification of vacant position at the Department of Public Safety-Tinian.

GOV. COMM. 16-112: (5/21/08) Certification of vacant position at the Office of Personnel Management.

GOV. COMM. 16-113: (5/19/08) Certification of vacant positions at the Department of Public Safety.

The Chair recognized the Floor Leader.

Floor Leader Camacho: Mr. Speaker, GOV. COMM. 16-106 in reference to H. B. NO. 16-11, the Diver's Safety First Act of 2008, I move to place on today's Bill Calendar.

The motion was seconded and carried by voice vote. H. B. NO. 16-11 was placed on the Bill Calendar for reconsideration.

Speaker Arnold Palacios: If there are no further comments under Messages from the Governor, we will move down to House Communications.

SENATE COMMUNICATIONS

NONE

HOUSE COMMUNICATIONS

HSE. COMM. 16-49: (5/20/08) From Representative Hocog, PUTC Chair, appointing Vice Speaker Deleon Guerrero as Vice Chair.

(Representative Stanley Torres took his seat in the Chamber at 10:20 a.m.)
(Representative Aldan took his seat in the Chamber at 10:21 a.m.)

The Chair recognized Representative Hocog.

Representative Hocog: I have two House communications, Mr. Speaker. I am advising the members that I have appointed Vice Speaker Deleon Guerrero to be a member of the PUTC Committee. In another communication, Mr. Speaker, I would like to report to the full House when the House PUTC Committee invited Mr. Tony Muña to explain to the Committee about the power rate increase in its meeting of Thursday, May 21, 2008. We have a new executive director, and as we all know within days of approval of Public Law 16-2, almost as soon as the Governor inked the legislation, Mr. Muña as the new Executive Director for CUC immediately announced the steep hike of power rates for residential customers. The reason the PUTC Committee called the Executive Director for CUC to discuss this is issue is the fact that a vast majority of the public were pointing fingers at the members of the legislative body for nonperformance in trying to assist with the anticipated rate that Mr. Muña had proposed that took effect on May 3rd. It is only fair that we inform the general public that the legislature has taken all possible means to alleviate the steep cost of fuel charge to the general public, and it is good to let them know that the legislature is trying their very best to ensure that the utility charges would not impose more burden to the welfare of its constituency. It is for that reason also that Mr. Muña appeared before the Committee and because of the sensitivity of the issue of rising utility rates beyond a level many consider exorbitant given the state of our economy, and the concern being that CUC simply cannot price out the basic necessities of everyday life – water, power and sewer services – beyond the ability of the less fortunate of our constituents earning very minimal to expend for their families' other basic necessities in life. The welfare of our citizens is at stake and we have a duty to ensure the protection of our people. As we can imagine, the members of PUTC looked forward to the meeting with the new executive director this past Wednesday. We had an open and frank discussion with Mr. Muña, and we reminded him that P.L. 16-2, which lifted the restriction on raising rates, contained a provision in that Nine Million Dollars will go to CUC perhaps for the purchase of fuel. It is also good to note, Mr. Speaker, that before the enactment of P.L. 16-2, it came to our attention that the Executive Branch has made payment in the amount of Three Million Dollars for the month of May. It will also be wise and prudent that we ask Mr. Muña for his favorable support in not charging our constituents for the month of May as fuel charges have already been paid. I would like to think that P.L. 16-2 which appropriated nine million dollars is still in tact, and we hope that our constituents will pay less for the next six months as a result of the anticipated revenues supposedly to pay for the fuel charges for Fiscal

Year 2008. Mr. Speaker and members, Mr. Muña admitted during the meeting that the additional funding for CUC--and we thank him for recognizing the House efforts by assuring the PUTC Committee and other members of the legislature that his structure will be adjusted accordingly to reflect that assistance. How the PUC exactly plans to adjust the rates is still unclear. Your Committee on Public Utilities, Transportation and Communications and the members will continue to monitor the situation on CUC rate setting policies and formulas and report back to this August Body. Our understanding when Mr. Muña left this Chamber is that he will publish and inform the general public that he will come up with a proposed rate that will ease the burden of those customers whose consumption are between 500 to 1,000 kilowatts. He proposes to provide an incentive for fuel credit. Perhaps your committee will continue to work with Mr. Muña to ensure that these consumers are given due credit if their electrical consumption amounts to 500 to 1,000 kilowatts. I spoke with Mr. Muña again yesterday and it is also good to know that the actual fuel incentive as he stated may be more than thirty percent. So I have asked him to please provide the members with his new figure. Thank you, Mr. Speaker, for the privilege.

Speaker Arnold Palacios: Thank you, Representative Hocog. I want to commend you and the members of the Committee on Public Utilities, Transportation, and Communications for calling and having a meeting with the CUC Executive Director. I want to also commend the members who were present during that meeting and expressed their thoughts and concerns. I think it bore some fruits, maybe not what everyone would like to see, but I think that the discussions were fruitful in that the Executive Director realized that the steep hike in the rates that is being proposed for May is beyond what was anticipated given the nine million dollars subsidy that we provided in Public Law 16-2. Representative Hofschneider.

Representative Hofschneider: Mr. Speaker, perhaps being the Presiding Officer of the House you can remind the Committee on Public Utilities, Transportation, and Communications that P.L. 16-2 is only for six months and they should be working on a permanent remedy. We can see that the impact is far reaching than just for residential consumers. It is interesting to note that because of the high rate of utility and the lack of economic activity in the Commonwealth, it has prompted some commodities, the most basic staples to have appreciated. The price for a sack of rice for instance has gone up from fifteen dollars to twenty-eight dollars. Just about all the staples have gone up significantly as a result of not only fuel but the lack of transportation and the lack of economic activity within the Commonwealth. If you put that together, you will see a shrinking economy at a rate. I do not think anyone is talking about continued closure of small businesses and that is going to aggravate the ability of the CNMI government to sustain a budget that has been submitted. Thank you.

Speaker Arnold Palacios: Clerk, please note that Representative Aldan and Representative Stanley Torres are present. I now recognize Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker. I would like to thank the Committee on Public Utilities, Transportation, and Communications Chairman for his report and for calling in the CUC Executive Director to brief us on the new rates. I had requested at this meeting with Mr. Muña a legal opinion on whether or not the decision to raise the rates in the middle of the billing cycle was in fact legal since my understanding of Public Law 16-2 was only pertaining to the 17.6 rate, but did not suspend Section 3, which prohibits changing rates in the middle of the

billing cycle. I would like to inquire as to whether or not there is a written legal opinion about that decision on CUC's part, or as what Representative Hofschneider indicated whether or not PUC is looking into the legality of that decision.

Speaker Arnold Palacios: I think the PUC Chair indicated that they are looking at the legality of that inquiry. Perhaps the House Legal Counsel can take a note of it and help the committee look at it from a legal standpoint and provide the answer from our end.

Representative Sablan: Mr. Speaker, if I may, the fuel subsidy under Public Law 16-2 to my knowledge does not specify that relief should only be given to the low-end users. I had asked Mr. Muna about this as well and he seems to think that this is a policy call that can be made by CUC with perhaps the concurrence of the legislature. I strongly believe that relief is deserved by everybody in the community. As Representative Hofschneider has said earlier as well, it benefits no one when business shutdown because they simply cannot afford to pay these exorbitant rates. Mr. Muna by the way basically acknowledged he could not justify since he has not had the time to wrap his mind around the financials of the agency yet. He said that verbatim at least twice, which to me raises question about how justified these rates are.

Speaker Arnold Palacios: That is a very good point. I was not able to attend that meeting, but I hope that the PUTC Committee pointed out that for all intents and purposes the fuel for the month of May has already been purchased and it was not purchased through CUC's coffer. It was purchased through the non-General Fund reprogramming that came out of P.L. 16-2. I think that is an issue that needs to be pointed out and the decision has to be made with that very important element taken in the consideration of the rate. I recognize Representative Hocog.

Representative Hocog: Mr. Speaker, to respond to the concern of Representative Sablan, I had also discussed that with Mr. Muna to include in his letter those questions raised by the committee members during the meeting. We pointed out that we need for him to submit his findings and the new rate for fuel incentive subsidy in the communication that he will be providing to the committee.

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

Representative Salas: Mr. Speaker, I just want to echo your sentiments and applaud my colleague for his committee's expediency in getting together the CUC Executive Director and address this really important issue. It has been long awaited and much needed relief for our people, and we are looking forward to seeing what that fuel credit is going to be. I understand this morning that the price of crude oil went up to a hundred and thirty-five dollars per barrel, so you know that that is going to do to our fuel pumps and all the other costs associated with fuel. It is a much needed relief and I can not wait to experience it.

Speaker Arnold Palacios: If there is no objection, I would like to move down to Resolution Calendar.

There was no objection from the Floor.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

NONE

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

WASH. REP. COMM. 16-5: (5/14/08) Submitting the revised budget for the Office for FY'09.

There was no discussion under this Item.

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT./AGCY. COMM. 16-28: (4/11/08) From Commissioner David M. Borja, PSS, submitting PSS' FY 2009 Budget Request Package.

There was no discussion under this Item.

OTHER COMMUNICATIONS

None

REPORTS OF STANDING COMMITTEES

S. C. R. NO. 16-14: Reporting on H. B. NO. 16-57 entitled, "To provide the Mayor of the Northern Islands with the authority to issue landing permits for the islands north of Saipan; and for other purposes." *Your Committee on Natural Resources recommends passage of the bill with amendments*.

S. C. R. NO. 16-15: Reporting on H. B. NO. 16-14, entitled, "To regulate the Land Exchange Program; and for other purposes." *Your Committee on Natural Resources recommends passage of the bill.*

S. C. R. NO. 16-16: Reporting on H. B. NO. 16-67, "To amend 8 CMC § 1202(a); and for other purposes." *Your Committee on Judiciary and Governmental Operations recommends that the House file the bill.*

There was no discussion under this Item.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

NONE

UNFINISHED BUSINESS

NONE

RESOLUTION CALENDAR

Speaker Arnold Palacios: I recognize the Floor Leader.

Floor Leader Camacho: Mr. Speaker, I move for the adoption of H. J. R. NO. 16-5 reference to the Commonwealth Ports Authority (CPA) and the executive orders.

The motion was seconded.

H. J. R. NO. 16-5: A HOUSE JOINT RESOLUTION TO DISAPPROVE EXECUTIVE ORDER NO. 08-05, RE-ORGANIZATION PLAN NO. 02 OF 2008, PERTAINING TO THE COMMONWEALTH DEVELOPMENT AUTHORITY *(SIC)* PURSUANT TO ARTICLE III, SECTION 15 OF THE CONSTITUTION OF THE NORTHERN MARIANA ISLANDS; TO URGE THE GOVERNOR TO REMOVE THE MEMBERS OF THE CPA BOARD OF DIRECTORS FOR CAUSE AND TO APPOINT NEW MEMBERS TO THE BOARD TO CARRY OUT THE ACTION PLAN IMPLEMENTED BY THE CPA ACTING EXECUTIVE DIRECTOR OF MAY 14, 2008.

Speaker Arnold Palacios: The motion to adopt H. J. R. NO. 16-5 has been seconded. The floor is open for discussion.

Representative Babauta: Point of clarification.

Speaker Arnold Palacios: State your point.

Representative Babauta: Was there a motion initiated to place H. J. R. NO. 16-5 on the Resolution on the Calendar?

Speaker Arnold Palacios: I ordered that all resolution introduced this morning will be placed on today's calendar.

Representative Babauta: Thank you.

Speaker Arnold Palacios: Is there any discussion on the motion? I recognize Representative Babauta.

Representative Babauta: Mr. Speaker, my short comment might be fruitless in terms of adopting the resolution, but I would like to reiterate my position on the previous House resolution that the House so eloquently objected to the executive orders. I have not availed myself with the in-depth financial issues involving CPA. And I only hope that whatever the outcome of this joint resolution to disapprove the governor's executive order would not give credence to CPA's issue at hand. One of them as was attributed earlier by the members including the presentation of the Board of Directors of CPA is the impending issuance of various technical letters and I am hoping that does not happen in the coming weeks and months so that the Administration and the CPA Board of Directors can once again sit down after the given number of 120 days stated in the executive order. Maybe on the 121st day this can be rectified.

Speaker Arnold Palacios: Hold on Representative Babauta, I think we need to pause for a change of tape. Short recess.

(End of Tape 1, side A) … (Beginning of side B)

The House recessed at 10:45 a.m.

RECESS

The House reconvened at 10:45 a.m.

Speaker Arnold Palacios: We are back our session. Please continue, Representative Babauta.

Representative Babauta: I must apologize for the Chamber's technical default with the recording system. Mr. Speaker, I would rest for now and allow other members to comment.

Speaker Arnold Palacios: I now recognize Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker. With the comments made by Representative Babauta, I feel it is necessary that we discuss and reasonably explain my support for the joint resolution. It is necessary, Mr. Speaker, because I do not agree with the Governor's intent or that there is a need for this executive order even though the executive order as issued is not clear as to whether it is a permanent change of Public Law 2-48 creating the autonomy of CPA or only a suspension of four to six months total. There are too many important reasons why CPA has to be an autonomous agency. These reasons where mentioned in previous sessions under discussion of the Governor's executive orders as well as the declaration of the state of disaster emergency. This is our action. It is to reject the Governor's decision to suspend or change Public Law 2-48. Mr. Speaker, because of the concerns raised by Representative Babauta, the previous discussions we have had with regards to the Governor's actions are in this joint resolution acknowledging the need to resolve the issue. One is the bond indenture requirement that CPA needs to fulfill based on the trustees' recommendations. It further acknowledges the fact that there is a problem board's inability to get together and resolve or confront the issues that CPA currently faces. We believe that the thirty days under the state of disaster emergency should be enough time for the Governor to remove those board members and make new appointments and let the Commonwealth Ports Authority continue to be run by a board rather than by this Administration. For the record, we acknowledge the fact that we support the Governor's decision as far as the implementation of the necessary requirements that this bond agreement through the Bank of Guam as trustees is requiring us to do. Those have actually been implemented based on the memos that we have seen from the Governor to the Acting Executive Director of CPA. So there are currently actions being taken under the state of disaster emergency declarations to resolve those issues. This resolution merely tells the Governor that we will not accept the suspension or the permanent change of Public Law 2-48 and within the thirty days that he has authority institute those proposals that are needed at CPA that he also remove the board of members, which we described in the resolution as him having cause to do so. And after the thirty days, the authority goes back to the board. Thank you.

The Chair recognized Representative Hofschneider.

Representative Hofschneider: Thank you, Mr. Speaker. Since the last attached document is a copy of a letter from the Bank of Guam, I would like to submit the original for the record of the

House. Mr. Speaker, we need to point out what we are attempting to do. There are three executive orders. EO 2008-03 was the initial executive order to reorganize CPA and bring it under the Governor's wing. Subsequent to EO 2008-03, EO 2008-04 and EO 2008-05 came to being. EO 2008-04 is the administrative directive in which the institution of an acting executive director, comptroller, and the directive mandate by the Acting Executive Director to move ahead with the proposed fees suggested both by CPA and the Bank of Guam as Trustees of the Bond Indenture ("Trustees") and that has been in place in a letter attached also dated May 19, 2008, from the Acting Executive Director, Mr. Lee Cabrera. In perspective, EO 2008-05 is the contentious executive order in which we view as an overblown use of authority in that financial insolvency is not described in the laws and the Constitution of the Commonwealth as being one of those that can be used to declare a state of emergency. Having said that, it is also important to point out, Mr. Speaker, that the public does not and will not condone and tolerate individuals who have volunteered, appointed by the governor and confirmed by the Senate to sit on public boards and commissions and in the end turn around and be in dereliction of duty and question of fiduciary in terms of subjecting the taxpayers and the federal government to a tune of twenty million dollars under the bond indenture. Some board members failed to attend the meetings required having repeated, documented, calls for a meeting to deal with the Trustee's request and the appropriate measures to be taken by the board of CPA. That prompted the next step which is now before us. Remedy given the Governor under the law is that he makes appointments to boards and commissions and he remove them. It is justified under the law to remove a confirmed and sitting board member having shown total disrespect for the fiduciary and responsibility of a board member. In this respect, it is the Commonwealth Ports Authority. We do not contest the need for the Governor to use the power given to him under the Constitution and laws of the Commonwealth .We do object as to the rationale, the misuse of executive power to the extent that the did not rectify the real problem. The real problem is to remove non-compliant board members and appoint new members. It is without a doubt that the both the House and the Senate stand ready to assist CPA including the Governor in meeting those objectives. For the information of the Body, as of yesterday at three o'clock, the Administration sent a request to all sitting board members to tender their resignations. Tendering your resignation does not constitute acceptance and removal. As in fact on record in the early days, the Governor advised all heads of key departments and board members to tender their resignations. At his discretion, he so chooses when to act in accepting any of those submitted resignations. Tony Guerrero, the former Executive Director for CUC was the first one of those removed by merely accepting an earlier submitted resignation. So this move made yesterday requesting all CPA Board Members to tender their resignations otherwise they will be terminated leaves a lot to be desired when in fact it was requested already in the earlier request to all heads of key departments, boards and commissions. Was CPA exempted from it?—If not, why the second call for all boards and commission members to tender their resignations. I think it is appropriate and we need to put a final closure to this executive order. What I fear a more daunting problem is if the Federal Aviation Administration (FAA) begins to be interested in the political interference of the Commonwealth Ports Authority. I think that the FAA has not shown any knee-jerk reaction for good reasons, but the longer we tolerate this interference through the use of executive power it may in fact create a more daunting problem for the Commonwealth Ports Authority. If the logic is the implementation of the new rate schedules, then it has been accomplished through Executive Order 2008-04, not EO 2008-05. There is logically no need for EO 2008-05. You need to remove the entire board and replace them with new ones who will be cognizant, hold a higher

standard of fiduciary, and in line with what this community and taxpayers are desirous of protecting their interest. God forbid that the execution of a technical default on a twenty million dollars bond undertaking in 1998 is called upon the Commonwealth. Inevitably the taxpayers of the Commonwealth would have to foot the bill for the remainder of the bond. With all due respect to the board members, it has nothing to do with personality, it has nothing to do with personal dislikes, it has nothing to do with political affiliation, it has everything to do with upholding fiduciary that is emplace in the law. We cannot tolerate people who have concluded that they are willing to help and sit on a board or commission and neglect the fundamentals of protecting public interests. Twenty million dollars is not a laughing matter, it goes far beyond that. It goes beyond the federal interest to continue helping the Commonwealth Ports Authority. With that, Mr. Speaker, I want to urge all the members that we do the right thing for the sake of the Commonwealth. Thank you.

(Vice Speaker Deleon Guerrero took his seat in the Chamber at 10:59 a.m.)

The Chair recognized Representative Reyes.

Representative Reyes: Thank you, Mr. Speaker; I support the resolution before us today. The bottom line, in my opinion, nothing has ever been called by the bond trustees with regards to the status of CPA. I was just asking Representative Dela Cruz about agencies of the government that are operated by a board and that so far, Public Lands, CUC, CPA have been dissolved and there is talk about dissolving CDA and I think even the Retirement Fund. MPLT may be next. So I do not know what is behind all this but so far three have been reorganized and probably one or two more in the making. Let us just say, it leaves you with a good question. Again, there has never been anything from the bond trustees saying that CPA is in trouble and that the bond has been called and what not. Personally, if it is the board, then you have to change the board but that does not warrant a state of emergency which has been declared by the Governor. We are lawmakers and perhaps each has a different interpretation of how the Constitution reads, but my interpretation tells me that it is not within the Governor's authority to do such. With that, thank you, Mr. Speaker and members.

Vice Speaker Deleon Guerrero: Privilege.

Speaker Arnold Palacios: State your privilege.

Vice Speaker Deleon Guerrero: Mr. Speaker, I am now present.

Speaker Arnold Palacios: For the record, Vice Speaker Deleon Guerrero is present. I now recognize Representative Sablan.

Representative Sablan: I have some lingering questions since the resolution that we adopted strongly objected to Executive Orders 2008-04 and 2008-05 are raised once again by this House joint resolution. It seems to be that the Governor's executive orders raised two questions. One is whether or not financial insolvency of an agency justifies a state of emergency declaration. The consensus of the House seems to be that financial insolvency does not justify a state of emergency declaration. Number two, whether or not the financial insolvency justifies

reorganization of the agency. Again, the consensus seems to be that it does not. Particularly since the Governor cited the inability of the board of the members to form a quorum and do what needs to be done for CPA. This joint resolution addresses one of those issues and rejects the reorganization plan that the Governor submitted under EO 2008-05 but does nothing about his power to declare a state of emergency in the first place. I would like to put the question and ask ourselves why we are not challenging more explicitly and directly his powers to declare a state of emergency. We do state in this joint resolution that his powers are limited to cases of invasions, civil disturbance, natural disasters –

Representative Benavente: Point of clarification, Mr. Speaker.

Speaker Arnold Palacios: State your point.

Representative Benavente: Mr. Speaker, the most that we can do as a body and we did this in the last session where we expressed our objection to the actions, even though we disagree with the governor on the state of disaster emergency declaration, it is limited to just that. On the other action or the executive order where he is changing existing statute, we do have the authority and the authority given to the legislature is exactly what we are doing right now. While I agree with Representative Sablan, really the only other action is to take the governor to court and that decision has been made by this body that we are not going to waste public taxpayers' money and time on this. The objection at this point is limited to the executive order amending Public Law 2-48.

Representative Sablan: Thank you, Representative Benavente, I was getting to that. I remember discussing our options in terms of challenging his state of emergency declaration and it is not clear to me that this would really cost taxpayers all that much. If this is the concern of the House that we do not believe that he has the authority to do this, if we believe that this is in fact a breach of the Constitution then that is something that we should absolutely take seriously and take it to court. How expensive can an injunction be? That is what I would like to know.

Speaker Arnold Palacios: Let point out something. In the Fifteenth Legislature, our illustrious Representative Torres did the same thing. He took the Governor to court and he ended up paying for it. One of the decisions of the court handed down was that it is within our powers to define what constitute an emergency disaster declaration. That is actually what the court told us. In short, even if we go back to court, the court will again tell us that it is within the power of the legislature to define that. In fact, H. B. NO. 16-108 introduced by Representative Camacho is an attempt to define that. We are on track with your thinking that we need to do something about it. I am afraid that by going back to court on this issue the court will tell us to go back and define it. But your point is very well taken and you are correct in raising those issues.

Representative Sablan: My final question, Mr. Speaker, is what would our plan of action be upon the expiration of the state of disaster emergency declaration if new board members are not appointed?

Representative Benavente: Mr. Speaker, once again, there is limited action that we can take. That is why it is important that pass in today's session as well H. B. NO. 16-108 further defining the

state of emergency so that we do not get into that situation where the thirty days expires and then he would re-declare for another thirty days because it is limited to a thirty-day action. This legislation would limit the power of the Governor by law. So the question is, what happens after thirty days?—we feel based on actions we have taken that the authority of the board comes back and the authority that the Governor has under this declaration is removed.

Representative Sablan: But we are asking the governor to remove all of the members of the board.

Speaker Arnold Palacios: Yes.

Representative Sablan: That is exactly my point. After thirty days you are saying that the board comes back, but if they are removed –

Speaker Arnold Palacios: Let me recognize Representative Hofschneider, because I think he has some insights on this.

Representative Hofschneider: If you look at how clever they did the executive order, had one executive order included the declaration in itself it would pose a tactical problem for us to be here today rejecting EO 2008-05, because you can not move away from a single executive order that included the declaration of disaster. The tactical mistake in my opinion when issuing two separate executive orders independent of EO 2008-05, that allows us to question the merit of using the executive order power to reorganize CPA. It is affirmed in the *Marianas Visitors Bureau v. the Commonwealth* cited in EO 2008-03 as a case law that gives and acknowledges the power of the governor to reorganize the government. That is not the question. The question is the need for a quasi-reorganization which is supported by the suspension of the board and bringing CPA under the Executive Branch. That is a questionable act of the use of executive power to reorganize the government. Having said that, if you look at EO 2008-04--answering I guess Representative Sablan's fear is what if the governor does not appoint appropriately on time. If you look at EO 2008-04 he has given the authority to the acting executive director. So technically, CPA will function without a board and will continue to function appropriately without the board. It is a tremendous onus on the acting executive director in spite of the absence of a board; nonetheless, CPA will continue to function until they see fit to appoint. As Representative Benavente stated, we can only urge the governor to immediately appoint new board members. So it does not incapacitate the Commonwealth Ports Authority one bit. It may in fact be contrary to Public Law 2-48 which states that CPA be governed by a board. But in the absence of the board, the acting executive director is given that authority to run CPA under EO 2008-04.

Representative Sablan: When the state of emergency declaration expires though, does the acting director retain the power that he has to run the agency. Can we get a response from our legal counsel?

Vice Speaker Deleon Guerrero: Short recess.

The House recessed at 11:15 a.m.

RECESS

The House reconvened at 11:26 a.m.

Speaker Arnold Palacios: We are back in session and I recognize Representative Raymond Palacios.

Representative Raymond Palacios: I have two questions because all I have been hearing is *our authority, their authority*. I really do not care about power because in when I ran for office, I stated in my platform that one of my goals is to work closely with the Administration. I know that the purpose of the declaration, if I am not mistaken, is with regards to the CPA revenue bond indenture. First question, has this body inquired from the Administration what plans are in stored to assist CPA in addressing this matter. The other question is, this joint resolution is asking for the removal of all board members – is that right? It also mentions about the inability to meet a quorum. The way I read *inability to get a quorum* is some members are showing up. Representative Hofschneider mentioned earlier to remove those that are not committed. So my question is we talking about removing all board members? What about those who are committed and are doing their part?

Speaker Arnold Palacios: Let me try to clarify.

Representative Hofschneider: Let me answer that.

Speaker Arnold Palacios: The second question?

Representative Hofschneider: The first question.

Speaker Arnold Palacios: Okay, I recognize Representative Hofschneider.

Representative Hofschneider: The answer to his first question is in EO 2008-04. That is exactly what his concern is and they have dealt that. EO 2008-04 is the directive to implement the rates which is the Administration's plan to fulfill and prevent the default from being executed by the Bank of Guam. So EO 2008-04 has satisfied that and that is why we are not touching that executive order.

Representative Reyes: Mr. Speaker, earlier I said something about having a guessing game with the Administration as to what it is trying to do. In my opinion of why we are in this situation is because of the …. (*End of Tape 1 side B) (Start of Tape 2 side A*) …I do not know if the Administration has any plans –

Speaker Arnold Palacios: Representative Reyes –

Representative Reyes: I understand, Mr. Speaker.

Speaker Arnold Palacios: I understand your sentiment. We need to wrap this discussion up and I recognize Representative Quitugua.

Representative Quitugua: Just to answer Representative Palacios' second question whether all the members of the board are going to be removed or not. The joint resolution is not calling for *all* members; it just says *members* for cause. So if the governor finds that only three members are not showing up, then those are the members that will probably be removed for cause. So it is up to the Governor.

Speaker Arnold Palacios: Thank you. Are you ready for the question? The motion is to adopt H. J. R. NO. 16-5.

Representative Dela Cruz: Mr. Speaker, excuse me.

Speaker Arnold Palacios: Representative Dela Cruz, you are recognized.

Representative Dela Cruz: Before we vote on this, I want to make some clarifications on the resolution.

Speaker Arnold Palacios: Please proceed.

Representative Dela Cruz: It appears that we might also be trying to disapprove the reorganization of the Commonwealth Development Authority as stated in the resolution under the "Resolved" section.

Speaker Arnold Palacios: Let me clarify – that is a typo. So please correct any reference to Commonwealth Development Authority and replace it with Commonwealth Ports Authority.

Representative Dela Cruz: Thank you, Mr. Speaker.

Representative Babauta: Point of information.

Speaker Arnold Palacios: State your point.

Representative Babauta: Mr. Speaker, since this joint resolution will have the full force and effect of law, I recommend that a roll call be taken on the vote.

Speaker Arnold Palacios: Thank you. Are you ready for the question?

Several members voiced "ready."

Speaker Arnold Palacios: Clerk, please call the roll.

The Clerk called the roll on the motion to adopt H. J. R. NO. 16-5 on First and Final Reading:

Representative Edwin P. Aldan	yes

Representative David M. Apatang	absent (during voting)
Representative Oscar M. Babauta	no
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	yes
Representative Francisco S. Dela Cruz	no
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	yes
Representative Heinz S. Hofschneider	yes
Representative Raymond D. Palacios	no
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	excused (absent)
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	excused (absent)

Representative Stanley Torres: Mr. Speaker, may I ask a question to the legal counsel?

Speaker Arnold Palacios: I will allow it.

Representative Stanley Torres: Since my case in a related issue is in the resolution, am I in conflict to participate and vote?

Speaker Arnold Palacios: Legal counsel, please respond.

Legal Counsel Ian Catlett: No, it is not related to the facts of this case. It is a similar legal issue but it is not related to the facts of this case.

Representative Stanley Torres: When the dissolution of the CUC Board took place, my case is referred in the power of the governor enacting that a CUC Advisory Board is in order. And that is where I am with my case with CUC.

Legal Counsel Ian Catlett: It is similar tot this case, it is the same legal question, but it is much unrelated to this case and there is no interest that you would have that would conflict you.

Representative Stanley Torres: Thank you. Mr. Speaker, I will abstain from voting.

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

Speaker Palacios: By a vote of thirteen "yes," H. J. R. NO. 16-5 is hereby adopted the House. I recognize the Floor Leader.

Floor Leader Camacho: Mr. Speaker, I know we are under Resolution Calendar but the information from the Senate is that they are waiting for this matter.

Speaker Arnold Palacios: Thank you. We have to transmit this joint resolution and H. B. NO. 16-11 to the Senate because they are meeting at this time. So if there is no objection we will move on to the Bill Calendar.

Several members voiced “no objection.” The House went down to Bill Calendar.

BILL CALENDAR

Speaker Arnold Palacios: We are now under Bill Calendar, and I recognize the Floor Leader.

Floor Leader Camacho: Mr. Speaker, information from the Senate is also for the transmittal of H. B. NO. 16-108, regarding the definition of state of emergency. So the record is clear, Mr. Speaker, I move to suspend the Rules to place H. B. NO. 16-108 on the Bill Calendar.

The motion was seconded and carried by voice vote.

Speaker Arnold Palacios: The motion is carried.

Floor Leader Camacho: Mr. Speaker, I now move to place H. B. NO. 16-108 on the Bill Calendar.

The motion was seconded and there being no discussion, H. B. NO. 16-108 was placed on the calendar.

Speaker Arnold Palacios: Floor Leader, recognized.

Floor Leader Camacho: Mr. Speaker, I move to reconsider H. B. NO. 16-11 reference to the Safe Diving Act.

The motion was seconded.

Speaker Arnold Palacios: The motion on the floor is to reconsider our action on H. B. NO. 16-11. I recognize Representative Tebuteb under discussion on the motion.

Representative Tebuteb: Thank you, Mr. Speaker. I am sure everybody has in front of them a substitute of the bill. I offer a motion to substitute H. B. NO. 16-11.

The motion was seconded.

Representative Benavente: Points of clarification and order, Mr. Speaker.

Speaker Arnold Palacios: State your point.

Representative Benavente: On the motion, we would have to adopt the motion to reconsider first before we move on with the passage. The motion is in order but we need to adopt that motion.

Speaker Arnold Palacios: The motion is to reconsider our action on H. B. NO. 16-11 and it has been seconded. Are you ready for the question?

Several members voiced ready and the motion to reconsider the House action on H. B. NO. 16-11 was carried by voice vote.

The Chair recognized the Floor Leader.

Floor Leader Camacho: Mr. Speaker, I now move for the passage of H. B. NO. 16-11.

The motion was seconded.

H. B. NO. 16-11: AN ACT TO AMEND THE SAFE DIVING ACT OF 1990, TO ALLOW THE DEPARTMENT OF PUBLIC SAFETY ENFORCEMENT AUTHORITY AND STRENGTHEN ENFORCEMENT OF SAFE DIVING ACT.

Speaker Arnold Palacios: I now recognize Representative Tebuteb.

Representative Tebuteb: Thank you, Mr. Speaker; I have a substitute for H. B. NO. 16-11 and all the members have a copy. I so move to amend.

Seconded by Representative Babauta.

H. B. NO. 16-11, HS1 as offered by Representative Tebuteb reads:

"TO AMEND THE SAFE DIVING ACT OF 1990 TO GIVE THE DEPARTMENT OF PUBLIC SAFETY ENFORCEMENT AUTHORITY IN ORDER TO STRENGTHEN ENFORCEMENT OF THE SAFE DIVING ACT, AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short title. This Act may be cited as the "Divers Safety First Act of 2008."

Section 2. Purpose. The primary purpose of this Act is to strengthen the Safe Diving Act of 1990 by enlisting the enforcement and technical assistance of the Department of Public Safety. This Act authorizes DPS to issue citations to those who operate businesses for scuba instruction or scuba diving tours without meeting or maintaining the requirements established by law. DPS may also work in conjunction with the Department of Finance and the Department of Lands and Natural Resources to assess the level of difficulty of each dive site throughout the Commonwealth and set forth pertinent restrictions to ensure the safety of divers.

Section 3. Amendments.

(a) 1 CMC §2504 is amended by adding a new subsection (k) to read as follows:

"§2504. Department of Public Safety; duties and responsibilities.

(k) to enforce the Safe Diving Act of 1990, as amended."

(b) 3 CMC §5603(a) which defines the term "certified" is amended by inserting the following phrase after the word "organization": "approved by the Department of Finance by regulation in consultation with the Department of Public Safety."

(c) *Technical Amendments.*

(1) 3 CMC §§5606(d) and 5607(d) are amended by replacing references to the "Department of Commerce and Labor" with the "Department of Finance."

(2) 3 CMC §5611 is amended by striking out the word "director" and inserting the words "Secretary of Finance."

Section 4. Regulation and enforcement. The Department of Public Safety, in consultation with the Department of Finance, shall promulgate regulations for the implementation

of its responsibilities under Section 3(a) of this Act. Such regulations may include violations and corresponding civil penalties.

Section 5. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 5. Savings clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

Section 6. Effective date. This Act shall take effect upon its approval by the Governor or becoming law without such approval."

Speaker Arnold Palacios: Representative Tebuteb has offered a substitute. Representative Hofschneider, recognized.

Representative Hofschneider: Mr. Speaker, can the author tell us what the changes are for the record?

Representative Tebuteb: Mr. Speaker, the changes are basically on line 8. On the original bill, we had the Department of Commerce and now we have the Department of Finance. After conferring with the Administration on the technical aspect, it was suggested through their legal counsel that line 12 should be subsection "(i)" instead of "(k)", but after thoroughly checking with the House Legal Counsel, our action was correct in that it was supposed to be "(k)". There are amendments subsequent to Section 2504. So the new change is only on line 16 and I am going to read Section 5603(a). "(a) 'Certified' means a person who has been licensed by a national or international dive organization." The substitute would now insert after the word "organization," "approved by the Department of Finance by regulation in consultation with the Department of Public Safety." Line 19, Section 3(c) is basically technical amendments indicated on the second page on lines 1 thru 3.

Speaker Arnold Palacios: Is that clarified?

Representative Sablan: Actually, Mr. Speaker, one more clarification. Could we just state for the record also why the Department of Finance is the more appropriate agency? That is not entirely clear to me.

Representative Tebuteb: Again it is explicit on line 1 of the second page. We are just following what is in existence.

Representative Sablan: The original bill says the Department of Commerce.

Representative Tebuteb: Right.

Representative Sablan: So I am wondering why we are changing it to the Department of Finance. The Department of Commerce made sense to me when we reviewed this bill.

Representative Tebuteb: It used to be the policy submitting to the Safe Diving Act to be under the Department of Commerce, but now it is not based on the subsection. It is just technical.

Representative Sablan: Okay.

Representative Tebuteb: It is just to be consistent.

Speaker Arnold Palacios: Are you ready on the motion to pass the H. B. NO. 16-11 in the form of a substitute? Clerk, call the roll.

There was no further discussion and clerk called the roll on the motion to repass H. B. NO. 16-11, HS1:

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

Speaker Palacios: By a vote of seventeen "yes," H. B. NO. 16-11, HS1 hereby passes the House on First and Final Reading.

Floor Leader Camacho: Mr. Speaker, I move for the passage of H. B. NO. 16-108 in First and Final Reading.

The motion was seconded.

H. B. NO. 16-108: A BILL FOR AN ACT TO AMEND 3 CMC §§ 5514 AND 5121(C) TO RESTRICT THE APPLICATION OF DISASTER EMERGENCIES; AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: The motion on the floor is for the passage of H. B. NO. 16-108. I recognize Representative Babauta for discussion on the motion.

Representative Babauta: I would probably recommend to the Floor Leader inject a suspension motion so that we are allowed to make potential amendments to the bill.

Floor Leader Camacho: I believe I did that in the beginning, Mr. Speaker.

Representative Babauta: I did not recall, Mr. Speaker. May I continue?

Speaker Arnold Palacios: You may continue.

Representative Babauta: Thank you. Mr. Speaker, H. B. NO. 16-108 is a noble intent as the author rightly put it under the finding and purpose of the bill. Let me just caution the members about having to pass such a bill. There are different crisis that occur. For instance, the Commonwealth Utilities Corporation has to do with materials and the financial aspects of the emergency. So unless we want to strictly adhere to the spirit of this legislation, I find it very disturbing for the future, Mr. Speaker. I doubt that any chief executive would ever untangle such call for a disaster in the event that we have one in the future that tie in the material facts and the financial facts. I humbly request that we refrain or maybe put this on First Reading and see if we can come up with an amicable recommendation on how best to handle this. We have different states of emergency not only in the Commonwealth, but it happens elsewhere. So I humbly beg the Floor Leader to suspend discussion and put it only on First Reading until we can come up with an amicable language that we address potential emergencies today, tomorrow, two years from now, or maybe five years from now rather than coming back and amending the law because it restricts us from acting otherwise. Thank you, Mr. Speaker.

Representative Benavente: Mr. Speaker, I understand where Representative Babauta is coming from and that was the first thought I had when I saw page two, lines 21 and 22 and with the experience I had at the Administration. However, it is clear to me that the proposal is merely to limit the governor's authority to those provisions prescribed in the constitution and this particular statute. For example, the first concern that I would have is what happens to CUC. The first situation with CUC is the fact that they are having this financial crisis. But the constitution and this statute would allow the governor that authority to declare an emergency because that impact actually extends towards a major crisis. For example if there is no water and power in this community, there will be some health issues that will come as a result. In this case and where I feel this is necessary is when an agency such as CPA or the retirement system for that matter were to run into this financial crisis and there is really is not state of disaster issue. That is what we are saying in trying to limit the governor's authority. The concerns raised by Representative Babauta is the concern that I had when I saw this, but I think the constitutional provision and of this particular statute does allow the governor that continued authority. Thank you.

Speaker Arnold Palacios: I am going to ask that members limit their deliberations. We need to transmit some legislation up to the Senate immediately. I will call for a short recess.

The House recessed at 11:44 a.m.

RECESS

The House reconvened at 11:50 a.m.

Speaker Arnold Palacios: We are back in session. Before we continue, I would like to recognize the presence of Representative Apatang. I recognize Representative Hofschneider.

Representative Hofschneider: Mr. Speaker, and with all due respect to the Floor Leader, I would like to offer a subsidiary motion to place H. B. NO. 16-108 on First Reading. I would like to offer some amendments that I would like to talk to Floor Leader about.

The motion was seconded by Representative Babauta.

Speaker Arnold Palacios: Floor Leader?

Floor Leader Camacho: Thank you, Mr. Speaker. Respectfully we had a meeting with the Senate President and members of the Leadership and the Senate are presently convening in their session and they are waiting for this bill. If the Senate should amend it, obviously they will send it back here. The bill is very clear whether we want to limit the powers of the governor in regards to financial crisis or financial hardship as a matter of policy. If Representative Hofschneider wishes to make an amendment, he is welcome to make that motion at this time.

Representative Hofschneider: Mr. Speaker, without rebutting that remark he has an advantage that he is a studied student of law and I am not. So I could not in fact offer an amendment readily. Be it as it may, I think the motion will be defeated nonetheless, but since it is Friday, here is food for thought – if this language goes through, here is the scenario: CUC now is under the control of the Governor, and if financial condition is not to be included in the declaration of a disaster emergency and they have to make choices within CUC and they start off severely rationing water and the function of the sewer treatment and sewage begins to pop out from San Roque, Tanapag, Sadog Tasi, Garapan, Susupe, Chalan Kanoa which are all in the low lying areas, Mr. Speaker, this language does not constitute of giving the governor the authority to move money to deal with that situation timely and appropriately. Unless he has another interpretation of this language, I rest, Mr. Speaker.

Floor Leader Camacho: Thank you, Mr. Speaker. I did not hear a motion to amend to exclude the utilities corporation in regard to financial hardship, but if I understand that correctly, if CUC is out of money, the pumps are backed up and sewage is spilling out and people are getting sick, I believe there is language already present in the definition. If you refer to page two of H. B. NO. 16-108, lines 7, 8, and 9 there is language in place in the statute that allows for matters of welfare, calamity, typhoon, mandate -- if somebody were to blow up the Nauru Building or destroy the pumps and sewage is spilling out, and the governor may marshal the resources of the Commonwealth in order to address those calamities. We are talking about financial hardship here. Thank you, Mr. Speaker.

Representative Hofschneider: Mr. Speaker, that is exactly my point in the example that I gave the Floor Leader. Everybody knows that CUC is facing a financial crisis. And because CUC is in a financial crisis right now, the inclusion of the language preempts the governor even with the permissive language or intent in a local disaster emergency. If you read in context, “or manmade

cause except for government financial crisis or hardship." CUC is just that. After the enactment of this law, he cannot therefore declare a state of disaster emergency for CUC to be relieved.

Representative Benavente: Mr. Speaker, first of all the reason why we are trying to pass this on First and Final Reading is because of the current situation we are facing which is the state of disaster declaration that the Governor has issued on the Commonwealth Ports Authority. I do not want to repeat myself, but the provision in the language the way I read it is that the financial crisis is limited to the financial crisis. The provision goes on to say that this emergency disaster includes, but not limited to typhoons, tornados, storms, oil spills, and water contamination, and all the other threats that this community would face. Maybe we can ask for our counsel's opinion, but what we are saying is that the intent of this legislation is to limit the authority of the governor if the issue is only a financial crisis. In the example raised by Representative Hofschneider in the situation of CUC, yes, there is no question that the financial crisis would create that problem for a shutdown in power or a shutdown in water distribution, but I believe the statute and the constitutional provision continue to allow the governor to declare that state of emergency.

Representative Babauta: Point of information.

Representative Benavente: Let us get the legal counsel's opinion.

Speaker Arnold Palacios: Let me ask the counsel for an opinion. We will go into a short recess. Everybody stay where you are.

The House recessed at 12:00 p.m.

RECESS

The House reconvened at 12:05 p.m.

Speaker Arnold Palacios: We are back in session. The mover and the author want to continue on and fight the battle. Is there any further discussion?

Several members voiced "ready."

Representative Salas: Is somebody going to offer an amendment?

Representative Sablan: Was there not a motion on the floor?

Speaker Arnold Palacios: The motion was to pass on First and Final Reading. During the discussions, some members asked that the author to consider putting it on First Reading only, and the other believes that he wants it voted as is.

Representative Babauta: That being said, Mr. Speaker, I now move for passage on First Reading only.

The motion was seconded by Representative Sablan.

Speaker Arnold Palacios: The motion is for passage of H. B. NO. 16-108 on First Reading and it has been seconded.

At the call of the vote by voice the Chair acknowledged a division of the question.

Speaker Arnold Palacios: There is division on the floor. Clerk, please call the roll on the subsidiary motion to pass H. B. NO. 16-108 on First Reading.

The Clerk called the roll on the motion to pass H. B. NO. 16-108 on First Reading:

Representative Edwin P. Aldan	yes
Representative David M. Apatang	no
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	no
Representative Joseph N. Camacho	no
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	no
Representative Victor B. Hocog	no
Representative Heinz S. Hofschneider	yes
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	no
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	excused (absent)
Representative Ramon A. Tebuteb	no
Representative Ralph DLG. Torres	excused (absent)
Representative Stanley T. McGinnis Torres	no
Representative Ray N. Yumul	no
Speaker Arnold I. Palacios	no

Speaker Palacios: By a vote of eight "yes," and nine "no," the motion to pass H. B. NO. 16-108 on First Reading is hereby defeated. Are you reading for the question to pass H. B. NO. 16-108 on First and Final Reading? Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 16-108 on First and Final Reading:

Representative Edwin P. Aldan	no
Representative David M. Apatang	yes

Representative Babauta: Mr. Speaker, because of the underlying reasons, I would have to vote no.

Representative Oscar M. Babauta	no
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	yes
Representative Francisco S. Dela Cruz	no
Representative Joseph P. Deleon Guerrero	yes

Representative Hocog: Mr. Speaker, because of compelling reasons, I vote yes.

Representative Victor B. Hocog	yes

Representative Hofschneider: I really want to vote for Representative Joe Camacho's bill, but, no.

Representative Heinz S. Hofschneider	no
Representative Raymond D. Palacios	no
Representative Justo S. Quitugua	no
Representative Joseph C. Reyes	yes (*End of Tape 2, side A*)
Representative Christina M. Sablan	no
Representative Edward T. Salas	no
Representative Rosemond B. Santos	excused (absent) (*Start of Tape 2, side B*)
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	excused (absent0
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Palacios: By a vote of ten "yes," eight "no," H. B. NO. 16-108 hereby passes the House on First and Final Reading. I recognize Representative Yumul.

Representative Yumul: Mr. Speaker, if there is not objection, can we return to Introduction of Bills?

Several members voiced, "no objection."

Speaker Arnold Palacios: Without objection, we move back to Introduction of Bill and allow Representative Yumul to introduce his legislation.

PREFILED AND INTRODUCTION OF BILLS

Representative Yumul: Thank you, Mr. Speaker. I would like to officially introduce prefiled H. B. NO. 16-110 to establish a CNMI Veterans Cemetery by law.

H. B. NO. 16-110: A Bill for an Act to OFFICIALLY ESTABLISH A CNMI Veterans Cemetery; and for other purposes.
Offered by: Rep. Ray N. Yumul and two others
Referred to:

Speaker Arnold Palacios: We now move down to Resolution Calendar.

RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Camacho: Mr. Speaker, because House Commemorative Resolutions 16-3 thru 16-8 refer to the same group, Teen Talk, I move for their adoption.

The motion was seconded.

H. R. NO. 16-19: A House Resolution to recognize and commend Mr. Michael von Siebenthal, General Manager of the Hyatt Regency Saipan, for his professional accomplishments and active involvement in the community and to wish him the best of luck in his new position at the Grand Hyatt Hotel in Fukuoka, Japan.

H. COMM. RES. NO. 16-3: A House Commemorative Resolution to recognize Sam Nepaial for his outstanding participation in the CNMI Teen Talk program and for his commitment to being a positive role model for his peers.

H. COMM. RES. NO. 16-4: A House Commemorative Resolution to recognize Rachel Reyes for her outstanding participation in the CNMI Teen Talk program and for her commitment to being a positive role model for her peers.

H. COMM. RES. NO. 16-5: A House Commemorative Resolution to recognize Sean Santos for his outstanding participation in the CNMI Teen Talk program and for his commitment to being a positive role model for his peers.

H. COMM. RES. NO. 16-6: A House Commemorative Resolution to recognize Ashley Roberto for her outstanding participation in the CNMI Teen Talk program and for her commitment to being a positive role model for her peers.

H. COMM. RES. NO. 16-7: A House Commemorative Resolution to recognize Jyzzlequine Fejeran for her outstanding participation in the CNMI Teen Talk program and for her commitment to being a positive role model for her peers.

H. COMM. RES. NO. 16-8: A House Commemorative Resolution to recognize Ann Ermitanio for her outstanding participation in the CNMI Teen Talk program and for her commitment to being a positive role model for her peers.

Speaker Arnold Palacios: The motion is to adopt H. COMM. RES. NO. 16-3 thru H. COMM. RES. NO. 16-8. The Floor is open for discussion and I recognize Representative Benavente.

Representative Benavente: Mr. Speaker, I just asked the question to the author if these resolutions had been presented already. I remember the challenges in the past in trying to get a session together to adopt resolutions before an event so that we can make presentations. I believe, pursuant to the House Rules, commemorative resolutions are only for the sole reason of adopting them after the resolutions are presented given that a majority of the members at least sign off on the resolution. So it would be out of order to adopt these as "commemorative resolutions" since they have not been presented.

Representative Quitugua: I have no objection, Mr. Speaker, in change them to House resolutions. This was done in the form of commemorative resolutions in anticipation that they are going to be presented this weekend, because I did not know we were having a session today.

Speaker Arnold Palacios: Is there any objection to changing H. COMM. RES. NO. 16-3 thru 16-8 into House resolutions? We should also extend that to H. COMM. RES. NO. 16-9.

Representative Yumul: Mr. Speaker we are going to have the clerk to give us the correct numbers because commemorative resolutions are numbered differently from House resolutions.

Speaker Arnold Palacios: We will allow the clerk to renumber these commemorative resolutions to the appropriate sequence now under House resolutions. Is there any objection to that?

There was no objection from the Floor. For record purposes, H. COMM. RES. NO. 16-3, H. R. NO. 16-4, H. R. NO. 16-5, H. R. NO. 16-6, H. R. NO. 16-7, and H. R. NO. 16-8 were renumbered as H. R. NO. 16-20, H. R. NO. 16-21, H. R. NO. 16-22, H. R. NO. 16-23, H. R. NO. 16-24, H. R. NO. 16-25, respectively.

Speaker Arnold Palacios: Short recess.

The House recessed at 12:48 p.m.

RECESS

The House reconvened at 12:50 p.m.

Speaker Arnold Palacios: We are back in session and I recognize the Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. To clarify our record, I restate my motion to adopt H. R. NO. 16-20, H. R. NO. 16-21, H. R. NO. 16-22, H. R. NO. 16-23, H. R. NO. 16-24 and H. R. NO. 16-25 in reference to the Teen Talk program.

The motion was seconded.

H. R. NO. 16-20 ~~[H. COMM. RES. NO. 16-3]~~: A HOUSE ~~COMMEMORATIVE~~ RESOLUTION TO RECOGNIZE SAM NEPAIAL FOR HIS OUTSTANDING PARTICIPATION IN THE CNMI TEEN TALK PROGRAM AND FOR HIS COMMITMENT TO BEING A POSITIVE ROLE MODEL FOR HIS PEERS.

H. R. NO. 16-21 ~~H. COMM. RES. NO. 16-4~~: A HOUSE ~~COMMEMORATIVE~~ RESOLUTION TO RECOGNIZE RACHEL REYES FOR HER OUTSTANDING PARTICIPATION IN THE CNMI TEEN TALK PROGRAM AND FOR HER COMMITMENT TO BEING A POSITIVE ROLE MODEL FOR HER PEERS.

H. R. NO. 16-22 ~~H. COMM. RES. NO. 16-5~~: A HOUSE ~~COMMEMORATIVE~~ RESOLUTION TO RECOGNIZE SEAN SANTOS FOR HIS OUTSTANDING PARTICIPATION IN THE CNMI TEEN TALK PROGRAM AND FOR HIS COMMITMENT TO BEING A POSITIVE ROLE MODEL FOR HIS PEERS.

H. R. NO. 16-23 ~~H. COMM. RES. NO. 16-6~~: A HOUSE ~~COMMEMORATIVE~~ RESOLUTION TO RECOGNIZE ASHLEY ROBERTO FOR HER OUTSTANDING PARTICIPATION IN THE CNMI TEEN TALK PROGRAM AND FOR HER COMMITMENT TO BEING A POSITIVE ROLE MODEL FOR HER PEERS.

H. R. NO. 16-24 ~~H. COMM. RES. NO. 16-7~~: A HOUSE ~~COMMEMORATIVE~~ RESOLUTION TO RECOGNIZE JYZZLEQUINE FEJERAN FOR HER OUTSTANDING PARTICIPATION IN THE CNMI TEEN TALK PROGRAM AND FOR HER COMMITMENT TO BEING A POSITIVE ROLE MODEL FOR HER PEERS.

H. R. NO. 16-25 ~~H. COMM. RES. NO. 16-8~~: A HOUSE ~~COMMEMORATIVE~~ RESOLUTION TO RECOGNIZE ANN ERMITANIO FOR HER OUTSTANDING PARTICIPATION IN THE CNMI TEEN TALK PROGRAM AND FOR HER COMMITMENT TO BEING A POSITIVE ROLE MODEL FOR HER PEERS.

There being no discussion, the motion to adopt H. R. NO. 16-20, H. R. NO. 16-21, H. R. NO. 16-22, H. R. NO. 16-23, H. R. NO. 16-24, H. R. NO. 16-25 was carried by voice vote.

Speaker Arnold Palacios: The motion is carried, H. R. NO. 16-20 thru H. R. NO. 16-25 are hereby adopted. I recognize the Floor Leader.

Floor Leader Camacho: Mr. Speaker, I move for the adoption of H. R. NO. 16-25 extending condolences to the family of Specialist Joe Charfauros.

H. R. NO. 16-26 ~~H. COMM. RES. NO. 16-9~~: A HOUSE ~~COMMEMORATIVE~~ RESOLUTION CONVEYING SINCERE CONDOLENCES AND SYMPATHY TO THE BEREAVED FAMILY OF THE LATE SPECIALIST JOE GOGUE CHARFAUROS JR. OF THE UNITED STATES ARMY ON THE OCCASION OF HIS UNTIMELY PASSING AND PAYING TRIBUTE TO HIS FOND MEMORY.

There was not discussion on H. R. NO. 16-26 and the motion to adopt was carried by voice vote.

Speaker Arnold Palacios: The motion carries. H. R. NO. 16-26 is hereby adopted.

Floor Leader Camacho: Mr. Speaker, a motion to adopt H. R. NO. 16-18 reference to tax stimulus rebate checks.

The motion was seconded.

H. R. NO. 16-18: A HOUSE RESOLUTION TO REQUEST THE DEPARTMENT OF FINANCE TO DISBURSE TAXPAYERS' ECONOMIC STIMULUS REBATE CHECKS ACCORDINGLY WITHOUT WITHHOLDING ANY AMOUNT DUE TO THE COMMONWEALTH GOVERNMENT FOR TAX ARREARS.

Speaker Arnold Palacios: The Floor is open for discussion on the motion. I recognize Representative Babauta.

Representative Babauta: Thank you, Mr. Speaker. Mr. Speaker, do we in fact have reported documentation that says that the Department of Finance is going to withhold stimulus tax

rebates. Mr. Speaker, I hate to put innocent members in adopting this resolution knowing for a fact that it is not happening. Do we have such document?

Speaker Arnold Palacios: That is a very legitimate question.

Representative Babauta: Mr. Speaker, if we are to continue adopting resolutions based on hearsay, primarily from the media, as the saying goes, we are questioning our own ignorance. So, I humbly ask the Floor Leader and the author to withdraw this resolution.

Speaker Arnold Palacios: I would like to recognize the author of the resolution.

Representative Yumul: Thank you, Mr. Speaker. This resolution is what it is. It is a resolution that will encourage the Department of Finance to release rebate stimulus payments and to not withhold those payments. The concern was because other jurisdictions are attempting to create a situation where rebate stimulus payouts would be withheld. We are merely requesting that the Secretary of the Department of Finance not withhold payments. Of course, it is within his purview to hold back payments. The people need these rebates as soon as possible. We are not telling him not to do it through his authority and to think of the people. The concerns are growing and the Secretary has not made any comment in support of giving out one hundred percent of the rebate. Again, it is merely requesting that he provide this stimulus to the people.

Representative Babauta: Mr. Speaker, I would strongly assume that the Secretary would not make a comment as requested by the author or some of the members because of the fact that the federal law that provides this program does not infringe upon the share of the CNMI that garnishment should be in place. We have a different tax system from Guam and if Representative Yumul is alluding to Guam's scenario, it is a different view here in the CNMI. As I understood, the stimulus is coming at the end of next week and this should be moot. Let us try not to induce the members to adopt a resolution with something that is not going to happen or is not even happening.

Speaker Arnold Palacios: I think the author's concern is to ensure.

Representative Babauta: I humbly ask my delegate to withdraw this resolution.

Speaker Arnold Palacios: He is your congressman from Election District 3. Let me recognize Representative Benavente on the issue.

Representative Benavente: Thank you, Mr. Speaker. My understanding is that the only garnishment would be on the federal law on "Dead Beat Dads." I understand that there would be deductions for Dead Beat Dads. But at this time, I am declaring a conflict of interest as this resolution would benefit me financially because I do owe back taxes that I am paying on. So I declare a conflict on this proposal.

Representative Hocog: I guess the author, Mr. Speaker, is doing nothing more that take preventive measures rather than make corrective measures. That is just plain and simple.

Speaker Arnold Palacios: We all know the intent of the author and that is only to ensure. It has happened in the past where tax rebates, tax refunds are garnished. But you never know. As Representative Hocog said, it is preventive. To me, if he has the authority to garnish your tax rebate because of your failure to pay something else, I think that is a fair public policy. But it is the author's intent to try to get the money to the taxpayers fully in tact as a stimulus. I recognize Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker. I share the same concern that the Minority Leader has expressed. I do worry that this resolution would really rumor mongering on our part. I am particularly concern about line ten where it has said that it has been reported. I have not seen any such report and I would like to know who has been – if there is no official documentation, no statement coming from the Department of Finance that they would do this then I do not see a reason for this resolution. I understand the sentiment of some representatives that this is a preventative measure, but again, if it just based on rumor or hearsay, I do not believe it is appropriate as an official expression of the House. If we could also get an opinion from our legal counsel, Mr. Speaker, if the Department of Finance can even carryout the garnishment of wages if it is a federally granted rebate. It is not even clear to me that this is an issue at all.

Speaker Arnold Palacios: Let me accommodate the representative's request and allow the legal counsel to give us some guidance.

House Counsel Ian Catlett: Thank you, Mr. Speaker. I can not answer that on the spot, I am sorry. I would have to look at the stimulus law.

Speaker Arnold Palacios: I recognize Representative Apatang for further discussion.

Representative Apatang: Thank you, Mr. Speaker. I think the author is just planning, making sure that the stimulus checks are not garnished. So he is doing prior planning and we do not blame him for do so. He is concern about his constituents. Thank you.

Speaker Arnold Palacios: I now recognize Representative Dela Cruz.

Representative Dela Cruz: Thank you, Mr. Speaker. I have simple question to the author and that is whether the CNMI Government is indeed in receipt of sixteen million dollars stimulus funds? I have been asked by quite a few individuals in the community when is the stimulus fund going to come to us and when will it be disbursed. All I can say to them is from what I hear coming from the CNMI Department of Finance it will be out by the end of May. That is all I know and I want clarification whether the sixteen million dollars with actually within the CNMI government coffers at this time.

Speaker Arnold Palacios: May I ask the author to respond?

Representative Yumul: Mr. Speaker, the funds have been received by the Department of Finance. It is placed in a special account that it cannot even generate interest as it sits pending disbursement. To answer Representative Sablan's comments whether we are preempting, we are asking him if he decides to withhold for whatever reasons, such as garnishment and the like, then

there is nothing we can do. That is a function of his office. That is his authority. This resolution is merely asking that he not do that and it will be moot if he does move ahead and attempt to garnish and withhold the stimulus payout to the people. With respect to Representative Babauta's concern with the checks supposedly to be paid out at the end of the Month, time is short, so this is why I am asking that we act on it today.

Representative Babauta: Clarification, Mr. Speaker.

Speaker Arnold Palacios: You are recognized.

Representative Babauta: I will continue to invoke my point of clarification in this Chamber. I cannot over emphasize although many of us may say that this resolution is a simple resolution requesting the Department of Finance not to garnish, but do we know?—can we question ourselves if we know for a fact that we have a report that says that the Department of Finance is garnishing the federal stimulus rebate checks? Let me be clear, Representative Yumul, the intent of the resolution is noble, but we have to clarify some of the provision of this resolution. You are putting something in the Secretary's mouth or you are giving him something to do without him wanting to do so. How can someone inject something that is not even a recorded incident? For some of the members who are ignorant of line ten or line twelve of the resolution – excuse my preferred language – but …

Speaker Arnold Palacios: This is the first time I have ever seen you so animated and passionate about an issue.

Representative Babauta: *Hafa na para ta na' halom este ni ti ma susesedi. Maila ya ta na'para este na resolution. Esta ta akukusa i taotao ni ti ha chocho'gue.*

Representative Yumul: Mr. Speaker, point of clarification – we are not accusing him of anything.

Representative Babauta: You are in fact –

Speaker Arnold Palacios: Order, order. Representative Yumul, you are out of order. Let us cool off. I recognize Representative Hocog.

Representative Hocog: Mr. Speaker, I would like to see this on record.

Speaker Arnold Palacios: We are on record. Let me ask because I know that some members are very passionate about their position on this. Let us just communicate the passion in a civil manner and in decorum. Thank you. I recognize Representative Babauta.

Representative Babauta: Thank you very much. It does not have to come to this extent. What I am trying to express to the members, Mr. Speaker, is asking the members to adopt this resolution knowing that it is not happening and it is not going to happen. That is my point of concern—how do we know?

Speaker Arnold Palacios: Your points are well taken and I think everybody understands them. Let me now ask our good Representative Yumul who is the author to articulate in a very civil manner his passion and his intention on this resolution.

Representative Yumul: Mr. Speaker, the intent here is simple. We want full access to the stimulus rebate checks that is to be released. It is for those who are going to pay their utility billing, it is for those who will use the money for whatever benefits them the most. We are just asking the Department of Finance that we would like for this to go out. Again, the Secretary has the authority.

Speaker Arnold Palacios: So you are basically requesting the Secretary of the Department of Finance if he decides to exercise his authority to consider not doing it. Is that what you are trying to say?

Representative Yumul: On lines 13 through 15 –

Speaker Arnold Palacios: Let me ask because the good Representative Babauta also inquired – do we have any inkling or any information that there is a possibility of any garnishment of the tax stimulus checks.

Representative Yumul: There was talk of it, Mr. Speaker. Unfortunately, the Secretary of Finance is off-island and we cannot get it from him. He has made no comments. He has not contacted my office and this is why this resolution was prompted.

Representative Salas: Mr. Speaker, just because we are not really certain whether or not there is going to be garnishment, I would like to offer an amendment to remove lines 10 through 12.

The motion was seconded.

Speaker Arnold Palacios: The motion is to delete lines 10 through 12 on page one. That seems to be the point of contention. Is there any discussion on the motion? Ready?

There was not discussion and the motion to amend H. R. NO. 16-18 as offered by Representative Salas was carried by voice vote.

Speaker Arnold Palacios: The motion carries and lines 10 through 12 on page one of H. R. NO. 16-18 are hereby deleted. I recognize Representative Sablan.

Representative Sablan: Mr. Speaker, a final point that still is not clear in addition to none of the members not knowing whether or not the Secretary of the Department of Finance even intends to garnish wages is the issue of whether or not he even can. In light of that, and the legal counsel also responded that he cannot answer that right of the bat, I would also like to ask that we postpone voting on this. Since this is an official expression of the House, we should make sure we have accurate information before us before we vote.

Speaker Arnold Palacios: I do not disagree with you at the same time it has happened in the past where the Department of Finance or in fact CUC has garnished and have been taken to court. We do not know what some directors or secretaries would do sometimes and like it was said, it is basically a preventive measure. It is a request. It does not even stop him. I recognize the Vice Speaker.

Vice Speaker Deleon Guerrero: Mr. Speaker, the fact remains that if the Secretary of the Department of Finance has the authority for federal obligations that a taxpayer owes, or Dead Beat Dads, or for whatever the law calls for, then that is what the law calls for. Why should we even try to jump in? These are federal funds and if a federal law says that there shall be garnishment, then what can we do. We are spending a lot of time for something that is really beyond us. I rest my case.

Speaker Arnold Palacios: We are back to the main question.

Several members voiced, "ready."

The Chair declared a division of the question when voice vote was called and requested the Clerk to call the roll.

The Clerk called the roll on the motion to adopt H. R. NO. 16-18, HD1 on First and Final Reading:

Representative Edwin P. Aldan	no
Representative David M. Apatang	absent (during voting)
Representative Oscar M. Babauta	no
Representative Diego T. Benavente	conflict of interest
Representative Joseph N. Camacho	yes
Representative Francisco S. Dela Cruz	no
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	conflict of interest
Representative Heinz S. Hofschneider	no
Representative Raymond D. Palacios	no
Representative Justo S. Quitugua	conflict of interest
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	no
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	excused (absent)
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	excused (absent)
Representative Stanley T. McGinnis Torres	no (Statement inaudible)
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

(*End of Tape 2, side B)*
(Start of Tape 3, side A)

Speaker Palacios: By a vote of seven "yes," seven "no," H. R. NO. 16-18, HD1 fails to be adopted the House.

Floor Leader Camacho: Mr. Speaker, I move to recess subject to the call the Chair.

Speaker Arnold Palacios: Before I entertain that motion, I recognize Representative Benavente.

Representative Benavente: Mr. Speaker, I recommend and urge members to adopt H. R. NO. 16-19 for Mr. Michael von Siebenthal. He is leaving tonight.

Representative Salas: No it has been moved to the thirtieth. Mr. Floor Leader, it is a resolution and I do not think there is going to be any debate.

Floor Leader Camacho: Mr. Speaker, I renew my motion to recess.

Speaker Arnold Palacios: Short recess.

The House recessed at 12:58 p.m.

RECESS

The House reconvened at 1:02 p.m.

Speaker Arnold Palacios: We are back in session. Floor Leader, can you withdraw your motion to recess.

Floor Leader Camacho: Thank you, Mr. Speaker. Thank you for your counsel and advice, and to the other members, I respectfully withdraw my motion to go into adjournment at this time. If you allow me, I make a motion to adopt H. R. NO. 16-19.

The motion was seconded by several others.

H. R. NO. 16-19: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND MR. MICHAEL VON SIEBENTHAL, GENERAL MANAGER OF THE HYATT REGENCY SAIPAN, FOR HIS PROFESSIONAL ACCOMPLISHMENTS AND ACTIVE INVOLVEMENT IN THE COMMUNITY AND TO WISH HIM THE BEST OF LUCK IN HIS NEW POSITION AT THE GRAND HYATT HOTEL IN FUKUOKA, JAPAN.

Speaker Arnold Palacios: The floor is open for discussion on the motion. Representative Sablan?

Representative Sablan: Mr. Speaker, I think there is a technical error on line 4 – should it read the renovation of employee locker rooms rather than employer locker rooms.

Speaker Arnold Palacios: Okay, let us make those typo corrections.

Representative Babauta: Committee of the Whole, Mr. Speaker?

Speaker Arnold Palacios: Is there anyone here objecting to having this resolution be introduced by the Committee of the Whole.

There was no objection to having the resolution introduced by the Committee of the Whole, and the motion to adopt H. R. NO. 16-19 was carried by voice vote.

Speaker Arnold Palacios: H. R. NO. 16-19 is hereby adopted. Floor Leader, recognized.

Floor Leader Camacho: Mr. Speaker, a motion to recess subject to your call.

The motion was seconded.

Speaker Arnold Palacios: Let us go to Miscellaneous Business and Announcements first.

MISCELLANEOUS BUSINESS

Speaker Arnold Palacios: I recognize Representative Torres.

Representative Stanley Torres: Mr. Speaker, there was a conference in the Senate Chamber yesterday afternoon, and after hearing discussion that there was an email printout about the Pew Movement in the CNMI for the creation of the National Monument. This email was sent all over the world by the name of Scott Foster in Honolulu as a communication director to asking them to support or vote in favor of the monument here in the CNMI. Something disturbed me very much and I took it as an insult to the people of Saipan or the CNMI in general. There is a line here that says – forces of evil are already riving up their spin machines and this could change overnight. This statement is referred to the people who oppose the creation of the ocean monument, meaning some of us if not all. I am referring to the CNMI Legislature, both the Senate and the House. I come to a paragraph stating – stupidity by our elected officials. Governor Fitial wrote to President Bush saying no to a national marine monument in the Marianas Trench at Uracas, Maug, and Asuncion. Mr. Speaker, the Pew Charitable Trust project coordinator by the name of Jay Nelson has endorsed this communication acknowledging him and praising him for taking control of the media for disseminating the project here calling to force the issue to their favor. I am asking that the members of this house take a serious look at this communication and maybe we make some serious communication telling these people to please exit the CNMI and let us make our own decision. Thank you.

Speaker Arnold Palacios: Miscellaneous statements are undebatable. I recognize Representative Sablan.

Representative Sablan: Sure, but I would like to clarify some things along the same line. I was present at the meeting with the representatives Pew Charitable Trust and Mr. Aila from Hawaii. And that particular communication, I believe, was actually struck from the Senate's record because it was deemed to be rather in appropriate and it also was not clear that Mr. Scott Foster, whose name appears on that email – it was clear on the headline, the article titled "Stupidity by our elected officials," was not written by Mr. Foster. He was circulating blog sites that actually originate here or written by members of our own community who are upset with the resolution objecting to the marine monument proposal that was adopted. The forces of evil line were also clearly not attributed to Mr. Foster. I think it was just part of the email of communications that were gathered from our own community. I think there was a real misunderstanding about that from the members. The letter that was attached to it that was written by Mr. Jay Nelson to Mr.

Foster was commending him for his work in Hawaii, not in the CNMI and that really did not have anything to do with the emails that were attached. So that is just to clarify because I think it was perceived a being a very inflammatory piece of communication. It was struck for that reason and I do not think it really belongs in our records either.

Speaker Arnold Palacios: So clarified. Just for the record, Representative Tebuteb who is the Chair of the Committee on Natural Resources submitted a letter to Mr. Angello Villagomez, the spokesperson and contact person for Pew regarding the Northern Islands Marine Monument. Mr. Villagomez had requested a meeting with the House and I have asked the Chairman of the Committee on Natural Resources to initiate the meetings. Representative Tebuteb, you have submitted a letter to Mr. Villagomez for a meeting on Tuesday?

Representative Tebuteb: Yes.

Speaker Arnold Palacios: This issue of the Northern Islands Marine Monument has lingered in our community. There have been a lot of questions to a point where the debates are becoming to deteriorate from light to name callings and accusations in the letters to the editor in the editorial pages of the newspapers. To some extent, the members of this body have been criticized. Nothing is wrong with criticisms of positions that we take that is part of this job which is to be criticized on certain positions. However, I feel that the criticism is starting to degrade to a point where it is very unbecoming of some of the members of the community taking some of these positions. I believe that if we do have this meeting with the advocates of the Northern Islands Marine Monument, we could probably express our concerns about this issue. I know several members have expressed plainly and bluntly to me how disturbed they are with the strains of communications on this particular issue within this community. I know that the Vice Speaker yesterday was almost livid. He came into my office and I had to muster all my ability to calm him down and asked him to wait until we have an audience with advocates of this proposal. Representative Hocog.

Representative Hocog: Mr. Speaker, if that email that has been circulating is not coming from Mr. Scott Foster, I would probably ask if Representative Tina Sablan if it is privilege information, who might have written that from our local advocate for Pew.

Representative Sablan: I am sorry, are you asking me if I wrote those things?

Speaker Arnold Palacios: I think he is asking if you have any information who those blogs –

Representative Sablan: Oh no.

Speaker Arnold Palacios: All these degrading criticism come out from blog spots, from blogs, some are almost anonymous.

Representative Hocog: And the reason I ask if it is a privilege for her to inform the members who might these individuals from our local communities that perhaps wrote those derogatory labeling of the legislators. I applaud that Representative Sablan is very informative as to who this person might be. And because of that, if it is coming from advocates who are members of this

community, *ai*, Mr. Speaker, why would we waste our time sitting down with these people when we already know the voice of the people and that is they do not need this. So to provide additional time is a waste of my good chairman's time as well as of other members. So I do not know if Representative Sablan is even willing to even whisper to my ear or whisper to everybody's ear about who this individual may be.

Representative Sablan: Mr. Speaker, I think the hunger of the members is causing us to not think reasonably and to make unreasonable request of each other. I have no idea who anonymous bloggers are. They post anonymously so I do not have that information. But if you read the communication that Representative Torres is referring to earlier, it has the website. I encourage you to go on to all of those blog sites. You will see that these are people who live here. Some of them give their names, some do not. It does not really matter. These are the sentiments of other people in our community and they should be heard as well along with people with disagree with them too.

Vice Speaker Deleon Guerrero: Very short – yes, I did take offense to those statements, but more importantly, Mr. Speaker, I was very concern about the miscommunication that is going out. The statement that Representative Torres said about the forces of evil is preceded by statements that right now people in the community favor this proposal two-to-one. And I wonder … I really, really wonder. If that kind of information is being said, can I see the basis for that survey or poll? As Representative Hocog said, almost everybody I encounter is not supporting it. That was the basis for my decision when we voted on the resolution. If Pew would take that kind of statement and take that back to George W. Bush and say that the people two-to-one are in favor of it. It leads me to seriously question the kind of information that is being circulated.

Representative Hocog: One last thing, Mr. Speaker – because of all these concerns, I will be introducing a House legislative initiative regarding this monument.

Speaker Arnold Palacios: Thank you. I recognize Representative Stanley Torres for the last comment.

Representative Stanley Torres: I am not rebutting anybody's statement, but just so that you know exactly what I heard in a place where people gather and were discussing about this issue. I am going to pose this question to all of us – how would you feel hearing from four or five individuals discussing something about what is going on in the CNMI and you get a very loud statement – these f----- congressmen. I heard that and I turned around and said, I'm sorry, are you referring to just anybody because I am here, I heard what have been said. There were several individuals and I know who they are. This is not hearsay. I am saying this for the record that these people are supporters of the CNMI ocean monument. At a later date, maybe I would list their names out for your information.

Speaker Arnold Palacios: Thank you. I recognize Representative Tebuteb.

Representative Tebuteb: Thank you, Mr. Speaker. I move to recess subject to your call.

ANNOUNCEMENTS

None

ADJOURNMENT

Floor Leader Camacho: Mr. Speaker, let me make the formal motion -- a motion to adjourn subject to your call.

The motion has been seconded and carried by voice vote.

Speaker Arnold Palacios: The House is hereby adjourned subject to the call of the Chair.

The House adjourned at 1:10 p.m. subject to the call of the Chair.

Respectfully submitted,

Evelyn C. Fleming, House Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

FIRST APPEARANCE: 1st Appearance of a local bill is on the date of introduction.

SECOND APPEARANCE:

H. L. B. NO. 16-11: A Local Appropriation Bill for an Act for the Third Senatorial District to reappropriate the $75,000 from Saipan Local Law 15-12; and for other purposes. (Rep. Joseph C. Reyes)

H. L. B. NO. 16-12: A Local Appropriation Bill for an Act for the Second Senatorial District to appropriate $18,500.00 from the local license fees collected for pachinko slot machines and poker machines in the Second Senatorial District; and for other purposes. (Rep. Edwin P. Aldan)

H. L. B. NO. 16-13: A Local Appropriation Bill for an Act for the First Senatorial District to appropriate $21,000 from the local license fees collected pursuant to 10 CMC § 1901 (Rota Local Law 14-7); and for other purposes. (Rep. Victor B. Hocog)

H. L. B. NO. 16-14: A Local Appropriation Bill for an Act for the Third Senatorial District to reappropriate $242,056.00 from the FY 2007 lapse funds collected pursuant to Saipan Local Law 11-2 as amended for various roads paving in Precinct 1 and for other purposes. (Rep. David M. Apatang)

H. L. B. NO. 16-15: A Local Appropriation Bill for an Act for the Third Senatorial District to reappropriate $344,305.00 from Saipan Local Law 16-2 Sectoin2 d)(1) to Alu Drive for the Construction of the sewer collection line to the main sewer gravity line of CUC and for road improvement on Alu Drive in San Antonio area; and for other purposes. (Rep. David M. Apatang)

THIRD APPEARANCE: NONE