



House Journal

SECOND REGULAR SESSION, 2008

**ADOPTED:
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1st Day

Monday, August 18, 2008

The House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature convened in its First Day, Second Regular Session on Monday, August 18, 2008, at 1:46 p.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

A moment of silence was observed.

The Clerk called the roll and sixteen members were present. Representatives Edwin P. Aldan, Joseph C. Reyes, Rosemond B. Santos, and Ray N. Yumul were absent and excused for the day's session.

ADOPTION OF JOURNALS

NONE

INTRODUCTION OF BILLS

H. B. NO. 16-138: To transfer the administrative functions of the Worker's Compensation Law to the Department of Commerce by amending the Worker's Compensation Law; and for other purposes.

Offered by: Rep. Joseph N. Camacho

Referred to: Committee on Health, Education, and Welfare

H. B. NO. 16-139: To transfer the administrative functions of the Government Life and Health Insurance Program to the Department of Finance by amending the Northern Mariana Islands Retirement Fund Act; and for other purposes.

Offered by: Rep. Joseph N. Camacho

Referred to: Committee on Health, Education, and Welfare

H. B. NO. 16-140: To repeal and reenact 5 CMC to provide for a modernization and update of the CNMI Uniform Commercial Code; and for other purposes.

Offered by: Rep. Joseph N. Camacho

Referred to: Committee on Commerce and Tourism

H. B. NO. 16-141: To provide for the management and maintenance of public cemeteries in the Commonwealth; and for other purposes.

Offered by: Rep. Joseph N. Camacho

Referred to: Committee on Health, Education, and Welfare

H. B. NO. 16-142: To amend 3 CMC § 4972(b)(5) as established by Public Law 15-108; and for other purposes.

Offered by: Rep. Joseph P. Deleon Guerrero and four others

Vice Speaker Deleon Guerrero: Mr. Speaker, if there is no objection from the members, may I ask that we put this on the Bill Calendar.

Speaker Arnold Palacios: I will have you justify that when we get to the Bill Calendar.

Vice Speaker Deleon Guerrero: Certainly, thank you.

H. B. NO. 16-143: To amend 1 CMC § 3305; and for other purposes.

Offered by: Rep. Stanley T. McGinnis Torres

H. B. NO. 16-144: To amend 1 CMC § 1604 reorganizing the Composition of the CNMI Youth Congress, and moving the Election date in order to allow ample time for student registration and other necessities; and for other purposes.

Offered by: Rep. Ralph DLG. Torres

Representative Ralph Torres: Without objection, can we place this bill on today's Calendar.

Speaker Arnold Palacios: When we get to the Bill Calendar, please remind the Chair so that you can justify that request. I now recognize Representative Babauta.

Representative Babauta: Mr. Speaker, I introduce prefiled H. L. B. NO. 16-20, and, with the permission of Representative Aldan, I also wish to introduce prefiled H. L. B. NO. 16-21 on behalf of Representative Aldan and people of Tinian H. L. B. NO. 16-21. Thank you.

H. L. B. NO. 16-20: A Local Appropriation for the Third Senatorial District to reappropriate \$15,000 from Saipan Local Law 15-12, section 2(c); and for other purposes. (*First Appearance*)

Offered by: Rep. Oscar M. Babauta

H. L. B. NO. 16-21: A Local Appropriation Bill for an Act for the Second Senatorial District to appropriate \$11,000.00 from the Developer Infrastructure Tax collected in the Second Senatorial District; and for other purposes. (*First Appearance*)

Offered by: Rep. Edwin P. Aldan

INTRODUCTION OF RESOLUTIONS

H. R. NO. 16-38: Respectfully requesting the Secretary of Public Works to include Kannat Tabla road under the Territorial Transportation Improvement Plan (TTIP) and for other purposes.

Offered by: Rep. David M. Apatang and one other

H. R. NO. 16-39: Respectfully requesting the Honorable Benigno R. Fitial, Governor of the Commonwealth of the Northern Mariana Islands, and Mr. Diego B. Songsong, Secretary of the Department of Public Works to reserve at least \$650,000.00 (PE) from the Federal Highway Funds for Fiscal Year 2009, \$2,975,000.00 for Fiscal Year 2010, and \$2,975,000.00 for Fiscal Year 2011 for the A & E design and construction of roads and drainage from Capitol Hill to Mt. Tapochau and

Chalan Galaide to Navy Hill and lateral roads, including right of way acquisition and for other purposes.

Offered by: Rep. Stanley T. McGinnis Torres and one other

H. R. NO. 16-40: Respectfully requesting the Secretary of the Department of Public Works to authorize the reprogramming and change order of Precinct III various road paving projects to include the unpaved road at the Coastal Drive in Sadog Tasi and other secondary roads affected by the redistricting and for other purposes.

Offered by: Rep. Stanley T. McGinnis Torres and one other

H. J. R. NO. 16-8: To authorize the Commonwealth of the Northern Mariana Islands, through its Governor, to submit to the U. S. Department of Housing and Urban Development, the Action Plan for the Community Development Block Grant Application No. B-08-ST69-0001; the HOME Investment Partnership Grant Application No. M-08-ST69-0203; and, the Emergency Shelter Grant Application No. S-08-DC69-0001; to receive the funds requested therein, and to assume all responsibilities that may be imposed by the U. S. Department of Housing and Urban Community Development Block Grant, HOME Investment Partnership Program, and the Emergency Shelter Grant Programs.

Offered by: Rep. Arnold I. Palacios and sixteen others

MESSAGES FROM THE GOVERNOR

GOV. COMM. 16-154: (7/30/08) Informing the House that he signed into law H. L. B. NO. 16-13, D1 (To appropriate \$102,000 from the local license fees (RLL 14-7) for the First Senatorial District). [Became *Rota Local Law 16-3*]

GOV. COMM. 16-155: (8/1/08) Informing the House that he signed into law S. B. NO. 16-38, SD1 (To amend the PUC Act to permit CUC to procure power without approval of the PUC). [Became **Public Law 16-9**]

GOV. COMM. 16-156: (8/1/08) Executive Order 2008-10 – Declaration of a State of Disaster Emergency: CUC's Imminent Generation Failure and the Need to Provide Immediate Reliable Power during Repairs.

GOV. COMM. 16-157: (8/6/08) Certification of vacant position at the Department of Community and Cultural Affairs-Rota.

GOV. COMM. 16-158: (8/6/08) Certification of vacant positions at the Department of Finance.

GOV. COMM. 16-159: (8/8/08) Informing the House that he signed into law H. L. B. NO. 16-12, D1 (Appropriating \$18,500.00 from local license fees for the Second Senatorial District). *Became Tinian Local Law 16-3.*

GOV. COMM. 16-160: (8/8/08) Informing the House that he disapproved H. B. NO. 16-30, D1 (To provide for flexibility, parity and accountability in the compensation paid to licensed professionals employment by the government). [Deadline: 11/6/08]

GOV. COMM. 16-161: (8/11/08) Certification of vacant position at the Attorney General's Office.

GOV. COMM. 16-162: (8/11/08) Certifications for vacant position and salary cap waiver for Dr. Jeffrey M. Nasir.

GOV. COMM. 16-163: (8/13/08) Executive Order 2008-11 – Declaration of a State of Disaster Emergency: CPA's Approach of Technical Default of \$20M Indenture.

GOV. COMM. 16-164: (8/15/08) Informing the House that he signed into law H. B. NO. 16-105 (To appropriate \$291,210.00 for PSS classrooms repair and renovation and parking lot paving activities.) [Became **Public Law 16-10**]

GOV. COMM. 16-165: (8/15/08) Informing the House that he signed into law H. B. NO. 16-106 (To reappropriate \$1,877.19 for Small Claims No. 07-0939 and \$10,213.00 for WSR maintenance and repair) [Became **Public Law 16-11**]

GOV. COMM. 16-166: (8/15/08) Informing the House that he signed into law H. B. NO. 16-107, HD1 (To appropriate \$20,000.00 from the Developer's Tax and reappropriate \$31,620.00 from certain local laws for San Vicente Elementary School Kindergarten classrooms) [Became **Public Law 16-12**]

GOV. COMM. 16-167: (8/15/08) Informing the House that he disapproved S. B. NO. 16-16, HD1 (re Deputy Secretary for DPL).

The Chair recognized Representative Hocog.

Representative Hocog: Mr. Speaker, on the particular message from the Governor regarding GOV. COMM. 16-156 reference to the state of emergency, today, Mr. Speaker, at ten o'clock this morning your Committee on Public Utilities, Transportation and Communications together with the Senate PUTC Committee jointly requested the presence of the executive director to apprise the committees with what the state of emergency declaration meant. It was noted during the discussion earlier this morning that the declaration in itself is intended to satisfy Public Law 16-9. The question that was asked earlier in that to support the Governor's state of emergency to facilitate the power crisis, particularly on island of Saipan is, without question, a necessity to declare in order to satisfy P.L. 16-9. However, your Chairman on the House PUTC Committee raised a question regarding the stage and the limitation of the state of emergency declaration that perhaps not only the House members, but the members in the community raised regarding how far the state of emergency will aim. Looking at the meager resources that we have for Fiscal Year 2009, I am greatly concern particularly on Directive No. 2 which states that the Governor may utilize all available resources of the Commonwealth as reasonably necessary to cope with the disaster emergency of the Commonwealth. I was hoping that it will only tailor to the emergency of the CUC's power crisis at this stage. I felt relieved when a recommendation was made to the Speaker of the House and the President of the Senate to jointly write a letter to the Governor to ensure that the extension of this disaster is limited to only satisfy P.L. 16-9 and nothing else. With that, Mr. Speaker, I also urge you to work with the Senate President and initiate such communication to the Governor so that we can rest the unanswered state of emergency to the rest of the members as well as the concerned public. There is no doubt, Mr. Speaker and members, that CUC needs utmost assistance at this point in time to facilitate the power crisis on the island of Saipan. With that, I applaud the Vice Speaker and Vice

Chairman of the PUTC Committee for introducing a legislation that will exactly take care of what CUC needs to expedite the work on the power generators. Today, Mr. Speaker, we have guests in the Gallery, the Executive Director and staff from the power plant that will perhaps provide the members insight of what is taking place or their findings of the present conditions of our engines. If there is no objection from the members, I would like to recognize and probably request for a short recess to allow the CUC Executive Director and his mechanics to present to the members what we are experiencing with our power generation. If there is no objection, Mr. Speaker, I will request for a short recess before I continue.

Speaker Arnold Palacios: Would it be not more appropriate if we get to the Bill Calendar because that is where the crux of the issue is?

Representative Hocog: The reason why I ask, Mr. Speaker, is because these people are very well much needed down at the Power Plant in case something goes wrong. I would like to get through with it so that we do not have to make them stay here until such time that we get to the Bill Calendar. I think this is the time to have them explain to us the situation so that they can go back and make sure that our lights are not out before the end of the session.

Speaker Arnold Palacios: Thank you. That is a commendable recommendation. Before I make a decision on that, let me recognize Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker. I just want to suggest that instead of going into recess, perhaps we could just go into Committee of the Whole and accept the testimonies from our guests in the Gallery.

Speaker Arnold Palacios: So, is there any objection to having our guests from CUC join us whether it be during recess or in the Committee of the Whole. Okay, Floor Leader, can we have a motion to go into Committee of the Whole.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to resolve into the Committee of the Whole to receive statements and comments from CUC.

The motion was seconded and carried by voice vote.

The House resolved into the Committee of the Whole at 2:00 p.m..

COMMITTEE OF THE WHOLE

The House returned to Plenary Session at 3:20 p.m.

Speaker Arnold Palacios: We are back in plenary session.

Representative Salas: Mr. Speaker, can we have a short recess?

Speaker Arnold Palacios: Short recess.

The House recessed at 3:20 p.m.

RECESS

The House reconvened at 3:25 p.m.

Speaker Arnold Palacios: We are back in session. Any further comment on Governor's Communication? If none, we move on to Senate Communications.

SENATE COMMUNICATIONS

SEN. COMM. 16-61: (7/31/08) Returning H. B. NO. 16-112, HD2 (To provide for the election of Delegate to the U.S. House of Representatives and for other purposes) which was passed by the Senate with amendments on July 31, 2008, in the form of **H. B. NO. 16-112, HD2, SD2**. [For action on Senate amendments]

SEN. COMM. 16-62: (7/31/08) Returning H. J. R. NO. 16-12, (Request the assistance of the Department of the Interior in consolidating and directing Federal Grants for the CNMI to the CUC for the purpose of rehabilitation power plants in the CNMI) which was adopted by the Senate without amendment on July 31, 2008. [For info]

SEN. COMM. 16-63: (8/4/08) Returning H. B. NO. 16-25, (To require the advice and consent of the Senate to the Medical Professional Licensing Board) which was passed by the Senate with amendments on July 31, 2008, in the form of **H. B. NO. 16-25, HD2, SS1**. [For action on Senate amendments]

SEN. COMM. 16-64: (8/4/08) Returning H. L. I. NO. 16-11, HD2 (To prohibit the withdrawal of any funds from the General Fund except by appropriations made by law), which was passed by the Senate without amendment on July 31, 2008. [For info]

SEN. COMM. 16-65: (8/4/08) Transmitting a certified copy of S. R. NO. 16-21, entitled: "A Senate Resolution acknowledging receipt of and approving Executive Order 08-09 and respectfully urging the Commonwealth Utilities Corporation to take any needed action consistent with the laws of the Commonwealth to ensure the reliable and affordable provision of electrical service to the Commonwealth." [For info]

SEN. COMM. 16-66: (8/6/08) Transmitting S. B. NO. 16-37, entitled, "To reserve public land in the areas known as Chalan Famalao'an and Piña areas on the island of Tinian for agricultural homestead and commercial uses; and for other purposes," which was passed by the Senate on July 31, 2008. [For action]

SEN. COMM. 16-67: (8/12/08) Transmitting a certified copy of S. R. NO. 16-20 entitled: "A Senate Resolution requesting the immediate release and disbursement of all grants and scholarship checks for fall 2008 recipients by the CNMI Scholarship Office and the Saipan Higher Education Financial Assistant Program (SHEFA), for on-island and off-island students," which was adopted by the Senate . [For info]

Speaker Arnold Palacios: I recognize the Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. In the interest of saving time, I move to place H. B. NO. 16-112, HD2, SD2 as well as H. B. NO. 16-25, HD2, SS1 on the Bill Calendar.

The motion was seconded.

Speaker Arnold Palacios: Discussion on the motion? Ready?

Several members voiced “ready,” and the motion to place H. B. NO. 16-112, HD2, SD2 and H. B. NO. 16-25, HD2, SS1 on the Bill Calendar was carried by voice vote.

Speaker Arnold Palacios: The motion carries and H. B. NO. 16-112 and H. B. NO. 16-25 as amended by the Senate are hereby placed on the Bill Calendar. Any further discussion on any of the Senate Communications? If none, we move to House Communication.

HOUSE COMMUNICATIONS

HSE. COMM. 16-59: (7/8/08) From Representative Yumul informing the Speaker and the SNILD Chair about his off-island training and order of involuntary call-up to active duty.

HSE. COMM. 16-60: (8/4/08) From Representative Reyes informing the Speaker that he will be off-island during the period of August 6-19, 2008.

HSE. COMM. 16-61: (8/7/08) From Representative Quitugua requesting the Speaker to be excused for session during the period of August 11-15, 2008.

HSE. COMM. 16-62: (8/14/08) From Representative Tebuteb informing the Speaker that he will be off-island during the period of August 18-September 1, 2008.

HSE. COMM. 16-63: (8/14/08) From Representative Santos requesting to be excused from the House Session scheduled on 8/18/08.

Speaker Arnold Palacios: Representative Sablan, recognized.

Representative Sablan: Mr. Speaker, I just submitted to the clerk three communications. One is a compilation of comments that I have received from retirees and active government employees on S. B. NO. 16-36 the proportionate pension bill. I want to submit that to the Special Panel as well as to the other members for review. The second is a compilation of articles and other documents that chronicle the history of the NMI Retirement Fund. It was actually requested by economist Bill Stewart that that also be submitted for the record and be kept in the legislative archives for member review. The third is communication with respect to S. C. R. NO. 16-36 dissenting with the findings and recommendation of the report on H. B. NO. 16-86 that is also being submitted for the members’ review.

Speaker Arnold Palacios: Thank you. Those will become House communications. As to the first communication regarding the NMI Retirement Fund, Clerk, please note that that will go straight to the Special Committee on S. B. NO. 16-36. The Chair of that Special Committee is the Vice Speaker. It will not hurt if the second communication is also provided to this Special Committee.

Communications submitted by Representative Sablan were numbered and entered into the House records as HSE. COMM. 16-64, HSE. COMM. 16-65, and MISC. COMM. 16-42.

HSE. COMM. 16-64: (8/18/08) From Representative Sablan providing the Special Committee on S. B. NO. 16-36, SD2, HD1 a compilation of comments from members of the Retirement Fund.

HSE. COMM. 16-65: (8/18/08) From Representative Sablan with regards to S. C. R. NO. 16-36 on H. B. NO. 16-86.

Representative Sablan: Actually, Mr. Speaker, that has already been given to the members. It was placed in their boxes for their review.

Speaker Arnold Palacios: Let me clarify -- since this is an official communication that is now being submitted to the House, the Chair will exercise its privilege and say it goes to the Special Committee.

Representative Sablan: Okay.

Speaker Arnold Palacios: So, it is just to make it official. As far as the other report regarding H. B. NO. 16-36, certainly that would be made available to all the members.

Vice Speaker Deleon Guerrero: Which communication are you referring to, the Retirement Fund?

Speaker Arnold Palacios: The second communication as an official communication of the House is a compilation of articles.

Vice Speaker Deleon Guerrero: The reason I am asking, Mr. Speaker, is because there is also a communication from the Retirement Fund commenting on the bill and I wanted to ask if we should include that as communication. I have copies and I will have it distributed now.

Speaker Arnold Palacios: Thank you. If you look under Other Communications, there is a communication from our House legal counsel regarding my instruction to look into the emergency declaration. So we will take that up if anyone would like to take that up at our next session. On agenda Item 12, I ask for the indulgence of all the members that we not entertain these two standing committee reports at this point in time. On the first one, S. C. R. NO. 16-36 to which Representative Sablan was referring to, I was asked by the Chair of the JGO Committee to defer any action on this report until she is present at the next session.

Representative Stanley Torres: Mr. Speaker, can we go ahead and adopt the report?

Speaker Arnold Palacios: I would like to give the courtesy to the Chairperson. She took the time to call me long distance to specifically request that we defer action until she is present. In the interest of time, we will move on to the Bill Calendar, if there is no objection.

There was no objection from the Floor.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

NONE

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

NONE

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT./AGCY. COMM. 16-42: (8/13/08) From CPA Acting Executive Director Lee Cabrera submitting the Fourth Interim Bond Indenture Compliance Report.

DEPT./AGCY. COMM. 16-43: (8/14/08) From NMIRF Chair Juan T. Guerrero requesting to meet with the Executive and Legislative branches to discuss its interest investing in CUC.

There was no discussion under this item.

OTHER COMMUNICATIONS

MISC. COMM. 16-40: (7/31/08) From Mr. Michael C. Sammartino, Independence Bank, thanking the Speaker for arranging a meeting for the Bank to address the legislature.

MISC. COMM. 16-41: (8/18/08) From House Legal Counsel Jose A. Bermudes providing legal opinion requested by the Speaker with regards to EO 2008-10.

MISC. COMM. 16-42: (3/10/08) From Mr. William H. Stewart to Representative Sablan providing a compilation on document with respect to the NMI Retirement Fund. (*Submitted by Representative Sablan and entered into the House Records*)

There was no discussion under this item.

REPORTS OF STANDING COMMITTEES

S. C. R. NO. 16-36: Reporting on **H. B. NO. 16-86**, entitled: “To amend the Commonwealth Entry and Deportation Act (3 CMC § 4301 *et seq.*) to create the immigration category of “Resident Foreign National,” and for other purposes.” *Your Committee on Committee on Judiciary and Governmental Operations recommends that the House file the bill.*

S. C. R. NO. 16-37: Reporting on **H. L. I. NO. 16-5**, entitled: “To amend section 4 of Article X of Constitution of the Northern Mariana Islands.” *Your Committee on Natural Resources recommends that the House file the legislative initiative.*

No action was taken on the two committee reports.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

NONE

UNFINISHED BUSINESS

NONE

RESOLUTION CALENDAR

H. J. R. NO. 16-11: A House Joint Resolution authorizing the Public School System (PSS), on behalf of the Government of the Commonwealth of the Northern Mariana Islands, to incur a public debt up to \$20,000,000.00 (Twenty Million U.S. Dollars) for the financing of the construction of a gymnasium at Saipan Southern High School, Kagman High School, Hopwood Jr. High School, Rota High School, and Tinian Jr./Sr. High School; and classroom renovation and other Capital Improvement Projects by the Public School System, by affirmative vote of two-thirds of the members in each house of the Legislature pursuant to Article X section 3 of the Commonwealth Constitution

No action was taken on H. J. R. NO. 16-11.

BILL CALENDAR

Speaker Arnold Palacios: We are now under Bill Calendar. Floor Leader, would you like a short recess, or are you ready?

Floor Leader Camacho: Ready, Mr. Speaker. In order to comply with the House Rules, I move to suspend House Rules to place H. B. NO. 16-142 on the Calendar.

The motion was seconded and carried by voice vote.

Speaker Arnold Palacios: The motion carries. Floor Leader, recognized.

Floor Leader Camacho: Mr. Speaker, a motion to place H. B. NO. 16-142 on the Bill Calendar.

The motion was seconded and carried by voice vote.

Speaker Arnold Palacios: The motion carries and H. B. NO. 16-142 is placed on the Bill Calendar. There is a request from Representative Ralph Torres on H. B. NO. 16-144.

Floor Leader Camacho: Mr. Speaker, in the interest of time, I know that H. B. NO. 16-142 is urgent, and with the indulgence of the Chair we can always go back to entertain a motion for H. B. NO. 16-144. But if we can proceed on H. B. NO. 16-142.

Speaker Arnold Palacios: Is that okay, Representative Torres.

Representative Ralph Torres: Let us just place it real quick.

Speaker Arnold Palacios: This is a reorganization of the Youth Congress, so I will give Representative Ralph Torres a minute to justify his request.

Representative Ralph Torres: Thank you, Mr. Speaker. For the most part, H. B. NO. 16-144 is to extend the Youth Congress Election a month later because of the schools resumed a month late. It is a request from the Youth Congress. Otherwise when they resume classes on the 8th of September, they only have a week before the actual election date. So, this bill is to push it back a month.

Speaker Arnold Palacios: Okay. Floor Leader, a motion to place H. B. NO. 16-144 on the Calendar.

Floor Leader Camacho: Mr. Speaker, since I was very specific in the suspension of the Rules, I move to suspend pertinent Rules in order to place bills on the Calendar.

Speaker Arnold Palacios: Bills?

Floor Leader Camacho: Bills.

Speaker Arnold Palacios: Which bills?

Floor Leader Camacho: H. B. NO. 16-144, I believe, and H. B. NO. 16-143.

Speaker Arnold Palacios: Okay. The motion to is to suspend rules so that H. B. NO. 16-144 and H. B. NO. 16-143 are placed on today's calendar.

The motion was seconded and carried by voice vote.

Speaker Arnold Palacios: The motion carries. Floor Leader.

Floor Leader Camacho: Thank you, again, Mr. Speaker. A motion to place H. B. NO. 16-143 and H. B. NO. 16-144 on the Bill Calendar.

The motion was seconded and carried by voice vote.

Speaker Arnold Palacios: The motion carries, H. B. NO. 16-144 and H. B. NO. 16-143 are placed on the Bill Calendar. I recognize the Floor Leader for the first bill.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to pass H. B. NO. 16-142 reference to CUC employees on First and Final Reading.

The motion was seconded.

H. B. NO. 16-142: A BILL FOR AN ACT TO AMEND 3 CMC § 4972(b)(5) AS ESTABLISHED BY PUBLIC LAW 15-108; AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: The motion for the passage of H. B. NO. 16-142 on First and Final Reading has been seconded. The floor is open for discussion. I recognize Representative Hofschneider.

Representative Hofschneider: Thank you, Mr. Speaker. It is unfortunate that we are being asked to do the same thing over and over and over and that is to exempt. There seems to be a pattern of the lack of willingness from both the legislature and the educational institution or the employer's themselves, be it government or public or private to really invest in making sure that the human resources, whether it is in accounting or mechanical, and is really invested in our community and in our people. Unfortunately, I have to vote because of the predicament. But it seems that you cannot avoid but ask yourself who is pulling the bull before the cart, or is it I pulling the cart and the bull. It just gives you a very bad stomachache. There is a very good example in place and that is the Teacher Academy. I keep repeating it hoping that we come to our senses as a community, but unfortunately the reliance on the most accessible and inexhaustible resources outside the Commonwealth is a very addicting aphrodisiac not to pay attention to our own local people and bring out the capacity from within the Commonwealth. I heard that twelve employees would be a very good stepping point. But realistically, are we going to come back and amend an amendment to the amendment? I think we have been resting on those laurels of insisting that we pay attention to our local pool of resources, our local kids, sending them off to vocational or appropriate training or bringing an instructor on island and working alongside down at the power plant, public works, or wherever in the private section and ensuring that this legislature gets up and takes the bull by the horn and start a certification process. We just argued about Pellegrino's endeavor, giving them money when it is in fact a private endeavor. We are the weak. But I think the most unfortunate thing I am going to say on the Floor is, there is a silver lining to the Federal takeover. It forces us to realize that after 25 years of relying on nonresident workers, we realize that we need to take charge of our own affairs. Who

knows, after the regulation has been promulgated to implement the federal law to takeover immigration, this may be a moot issue and we will find ourselves having to deal with reality. In the meantime what do we do? These are really just repeated Voodoo medicine to say the least. And if Voodoo medicine is going to help relief some of the hardships and problems down at CUC, then I am willing to give it another try. But I can honestly go on record and say that this will be the last time. Thank you.

Speaker Arnold Palacios: Representative Apatang, recognized.

Representative Apatang: Thank you, Mr. Speaker, I would like to make an oral floor amendment. On page 1 line 16 after “professional employees” inserted “in technical or trade areas”.

The motion was seconded.

Speaker Arnold Palacios: Is everybody clear with the proposed amendment? Short recess.

The House recessed at 3:45 p.m.

RECESS

The House reconvened at 3:46 p.m.

Speaker Arnold Palacios: We are back to our session. A motion offered by Representative Apatang has been seconded. Discussion on that motion?

Representative Sablan: Can I have that clarified? What is the amendment exactly? So, it is professional employee in the technical and trade areas?

Representative Apatang: Yes.

Representative Sablan: Okay. What is the difference between technical and tradesmen? Is there a difference? How about just technical tradesmen?

Speaker Arnold Palacios: I recognize Representative Benavente.

Representative Benavente: (Inaudible - microphone off)

Speaker Arnold Palacios: Yes, we are in session. Representative Sablan, you still have the floor.

Representative Sablan: Maybe we could get assistance from our legal counsel to clean it up so there is no confusion. I do not understand what the difference is myself between technical and trades and I agree with Representative Hofschneider that professional employees cover all of that. So I do not understand the necessity.

Speaker Arnold Palacios: Short recess.

The House recessed at 3:50 p.m.

RECESS

The House reconvened at 3:55 p.m.

Speaker Arnold Palacios: We are back in session and we are still on the amendment offered by Representative Apatang. Is there any further discussion? The legal counsel said that the amendment is fine.

There being no further discussion, the motion to amend as offered by Representative Apatang to H. B. NO. 16-142 was carried by voice vote.

Speaker Arnold Palacios: The motion is carried. Are you ready for the main question? Representative Sablan?

Representative Sablan: Could we get the authors of the bill to explain to us what the necessity is of mandating that CUC shall not hire more than twelve employees. We just heard from the executive director that they are likely to need more than that. Is that not something that we should consider now rather than coming back and amending it again.

Vice Speaker Deleon Guerrero: It was raised to the executive director why not just increase it to thirty-three. But I think the executive director, as he explained to us, is taking a more cautious approach at this. He is getting a professional engineer to look at the structure of the power plant. He is getting an engineer to do an assessment of what needs to be done and based on that to develop an organizational structure which will determine what positions will be needed. From there, he would have a more accurate picture of not only how many employees will be needed exactly, but what kind of employees will be needed. And he said that will be forthcoming. But at this time, to allow for relief, they are asking for the minimum and this is the minimum. Should we go beyond and not wait for the assessment?--Personally, I think it is more prudent that we get an assessment and then we can decide from there. That is my personal opinion.

Representative Benavente: Maybe another way to respond to that is, Mr. Speaker, is it for the same policy step that we took to eliminate the hiring of nonresident workers in the government agencies to allow the opportunity of our local people to get those jobs. By not opening it up for as many as they want, we are providing some kind of a requirement for this agency, specifically on CUC, to use, hire and train local people that may be necessary beyond the twelve. So I think with the statement offered by the Vice Speaker that he is asking for twelve, we want to limit it to that and if they should need anymore that they train and hire local people to fill those positions. Thank you.

Speaker Arnold Palacios: I have a question. We are requesting for an addition of twelve. We have seven professional engineers now in existence allowing them to hire direct. Am I correct, Vice Speaker?

Vice Speaker Deleon Guerrero: Mr. Speaker, CUC has nonresident workers currently on board that are subject to PLs 15-103 and 15-108 whose contracts will expire September 30th next month.

Speaker Arnold Palacios: What is the number, seven, I believe?

Vice Speaker Deleon Guerrero: I believe. Vin is one of them; I do not know how many others.

Speaker Arnold Palacios: Let me raise a concern because line 18 is very specific and that it limits not to exceed twelve employees. Whether those employees are now under the employ of CUC, does that include the ones that are already on board? It is very unclear here so we might want to clarify that issue. Representative Hofschneider.

Representative Hofschneider: My impression from the executive director is that this is in addition to the seven. I had him say that three times.

Speaker Arnold Palacios: I just want to make sure for the record. The legal counsel raised this particular point. In the clear reading of this, it does not say that it is in addition to the seven existing employees under the employ of CUC and that twelve additional slots are hereby authorized.

Vice Speaker Deleon Guerrero: Mr. Speaker, I asked the counsel if the existing employees will also be extended to 2010. I believe the first language here on line 15, “engineers, professionals” and now includes “technical and trades” may be exempted is that language that covers them. In addition to that, it says “and”, and CUC may contract an additional twelve.

Speaker Arnold Palacios: Alright, that is fine. I am just raising that issue because might come back and say the twelve includes the seven existing employees. But, I find confidence that that is the case. I recognize Representative Salas.

Representative Salas: Mr. Speaker, I too question that and because I am not really clear on that, I would like to offer an oral amendment on the floor.

Speaker Arnold Palacios: Please proceed.

Representative Salas: On line 19, immediately after the word “shall” I would like to insert the words “initially be twelve employees and shall not exceed twenty-four employees; provided that of the additional twelve employees, they are hired only on as needed basis.”

The motion was seconded.

Speaker Arnold Palacios: Discussion on the motion. Representative Salas, recognized.

Representative Salas: Mr. Speaker, for clarity and the reason that I do not want this body to come back and amend this law, that is why I am putting in this amendment.

Speaker Arnold Palacios: I recognize Representative Dela Cruz.

Representative Dela Cruz: Thank you, Mr. Speaker. I also had the intention of putting in an amendment such as what Representative Salas had stated. But I think at it stands, it is ill-conceived to even think that we should be looking at twenty-four or even thirty-three. The executive director is very clear in that the engineer will make that assessment. The question of whether we are coming back again and increasing the number, is it relevant at this time? The executive director is asking for twelve. Whether this is inclusive of the seven engineers or not is not the issue. The issue right now is twelve. And if this engineer that comes in says we need more than twelve, then we can come back. But if he does not, then I assume we can get and I believe we should hire our local people. The twelve is to relief the workers at the CUC power plant right now. That is the issue. It is not about whether we put in twenty-four or thirty-three, or more. That would be decided on by the engineer. I

believe as it stand right now, we should let this stay until such time that we hear word from CUC and their engineer that is coming on board. That is all, Mr. Speaker, thank you.

The Chair recognized Representative Benavente.

Representative Benavente: Mr. Speaker, for the same policy decision that the legislature over the previous years acted on to eliminate the need and the use of nonresident workers in those government agencies so that we allow our local people to step in and fill those positions, it is the same policy decision that we are limiting the number of nonresident workers that we are allowing CUC to hire in this proposed legislation. There has to be an incentive, as in the existing statute, that on the use of nonresident workers in government entities that would promote the need for training and the use of our own local citizens. Mr. Speaker, CUC is not asking for more than twelve. They are asking for twelve at this time. If there is a need for two or three more, or even seven more on the issue that you raised, then there is nothing wrong with coming back and granting them the seven. But presently, I would like for the members to support the intent of the existing statute that requires these agencies to train and make our locals qualify to fill those positions. Thank you.

The Chair recognized Representative Apatang.

Representative Apatang: Mr. Speaker, I too asked that question to the executive director. The only concern I have is that I did not know that there are seven engineers included in this twelve.

Speaker Arnold Palacios: It is seven plus the twelve.

Representative Apatang: Seven, plus the twelve?

Speaker Arnold Palacios: We have existing engineers already there.

Representative Apatang: But I thought they are included in the twelve? I just want to clarify that because if there are seven engineers included in the twelve then this bill is useless because we will then end up with only five mechanics. The intent of the bill is to supplement our local workforce working 24/7. That is why we have this bill, so that we can assist them so that they can rest, have some time off. Now, that is clarified that there are seven mechanics plus the twelve here, and they will be working along with our local mechanics, so I have no problem with that. Thank you.

Speaker Arnold Palacios: Representative Sablan, recognized.

Representative Sablan: The second part of that amendment can be ambiguous because it just says foreign national workers shall not exceed twelve. So the engineers who are presently working at CUC are foreign national workers, as you noted, and their contracts are expiring. It would not be that difficult for us to just call Tony Muna and ask him exactly what he needs so that we do not have to come back and correct any mistake. Can we just do that? Take a quick recess and call him?

Vice Speaker Deleon Guerrero: Let me answer that again, Mr. Speaker. The first part of the section and let me read it: “Engineers and professional employees in technical or trade areas may be exempted...” those are the existing employees that are nonresident workers. It allows for them to be exempted. Okay. The second part allows for direct hire of power plant mechanics and utility technicians not to exceed twelve employees. The third part, which I think is the most important is, this exemption shall expire on September 30, 2010. This exemption includes the first and the second.

The first says engineers may be exempted. So it includes both, existing nonresident and it includes the new twelve employees.

Representative Babauta: Point of order.

Speaker Arnold Palacios: Recognized.

Representative Babauta: Can we go back to the standing motion of Representative Salas.

Speaker Arnold Palacios: That is what we are discussing basically. Let me ask the legal counsel because he has very pertinent and very relevant information from Mr. Muna himself. He wrote a note to the legal counsel that drafted the bill.

House Legal Counsel Joe Bermudes: I understand the Vice Speaker's statement and in reading the bill, it is not clear as to your interpretation. I got a note from Antonette that is coming from Mr. Muna and it says, CUC bill has a cap of twelve employees for nonresident workers, so this means seven, which are the current, plus five equals twelve. Therefore, they need to add more to go up to nineteen if they want an additional twelve now.

Vice Speaker Deleon Guerrero: Mr. Speaker, may I request for a short recess.

Speaker Arnold Palacios: Short recess.

The House recessed at 4:05 p.m.

RECESS

The House reconvened at 4:07 p.m.

Speaker Arnold Palacios: We are back in session and we were entertaining the motion to amend offered by Representative Salas. I now recognize Representative Salas.

Representative Salas: Mr. Speaker, I would like to withdraw my motion to amend.

Speaker Arnold Palacios: Is there any objection?

There was no objection from the Floor.

Speaker Arnold Palacios: There being no objection, the amendment motion offered by Representative Salas is hereby withdrawn. Representative Salas, recognized.

Representative Salas: Mr. Speaker, I offer an amendment on line 19, right after the word "exceed" to strikeout "seventeen "17" and insert "nineteen (19)".

The motion was seconded.

Speaker Arnold Palacios: Discussion. Representative Sablan.

Representative Sablan: This is a very technical amendment. Because in the statute it is specifically defined, can we just also -- I guess it is a subsidiary amendment -- change that to foreign national worker. It now says "national foreign". It is specifically defined in the statute.

Speaker Arnold Palacios: Legal counsel, please make sure that the “foreign” comes before the “national.” I recognize Representative Benavente.

Representative Benavente: Mr. Speaker, during the Committee of the Whole when we had the opportunity to discuss the issue with the executive director, one of my questions was will the twelve additional employees create any kind of an impact, an increase in the present rate, which is something that we need to concern ourselves, and he had said that it will not. Now we are changing it to nineteen. I realized now that the seven may have been there already. If the intent earlier by the executive director to present to us the number twelve additional employees would have included the seven, then adding seven more on top of the twelve will then provide for an impact on the rate for CUC that our constituents are currently paying. If it is something that we have heard from the executive director himself that he is going to need nineteen instead of twelve then that is something that we need to step forward and step up to the plate and support something necessary. But, I do not know how we can go from just thirty minutes ago and almost an hour worth of discussion and not identify the situation, a very critical situation that should have been discussed while he was here. That is all I have to say. Thank you.

Speaker Arnold Palacios: Any further comment? If none, we will vote on the amendment offered by Representative Salas.

The motion to amend H. B. NO. 16-142, HD1 as offered by Representative Salas was carried by voice vote.

Speaker Arnold Palacios: We are back to the main motion. I recognize Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker. Another amendment that I would like to offer for the members’ consideration is to allow the exemption to expire in 2011, which as Representative Hofschneider was noting earlier. The effective date of U.S. Public Law 110-229 provides for a transition period that ends in 2011 at which point all of this might be moot. So the argument could be made that if we had a resident foreign national status we would not even have to argue about how many people we will allow CUC to hire for their needs, but I would like to offer an amendment to change that.

Speaker Arnold Palacios: Can you clarify your amendment?

Representative Sablan: Strikeout “2010” on line 5, page 2 and make that “2011”.

Speaker Arnold Palacios: Representative Sablan is offering an amendment to change the year 2010 to 2011. Do I hear a second to that motion?

The motion was seconded by Representative Salas.

Speaker Arnold Palacios: The motion has been seconded. Discussion on the motion. I recognize Representative Benavente.

Representative Benavente: I will not repeat myself, but for the record, the statement that I made earlier on the incentives necessary to hire local people, the same argument goes in this case. Thank you.

The Chair recognized Representative Babauta.

Representative Babauta: I am concern on the timing of the sunset clause because the five-year comes into play on June 2011.

Speaker Arnold Palacios: Correct.

Representative Babauta: But this is intended to expire of September 2011. That is what the amendment is alluding to, correct?

Representative Santos: Oh, then we should change that.

Speaker Arnold Palacios: I think there is a maximum. We can only nonresident workers for two years. Am I correct? If you give them an exemption, they will not go into a contract. Let us say that they would immediately hire these folks for two years. It will be more than a two-year contract.

There being no further discussion, the motion to amend H. B. NO. 16-142, HD2 as offered by Representative Sablan was defeated by the raising of hands.

Speaker Arnold Palacios: It is very clear that the motion is defeated. We are back to the main motion. Are you ready for the question?

Several member voice “ready.”

The Clerk called the roll on the motion to pass H. B. NO. 16-142, HD2 on First and Final Reading:

Representative Edwin P. Aldan	absent (excused)
Representative David M. Apatang	yes
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	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	absent (excused)
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	absent (excused)
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	absent (excused)
Speaker Arnold I. Palacios	yes

Speaker Palacios: By a vote sixteen “yes,” H. B. NO. 16-142, House Draft 2 hereby passes the House on First and Final Reading. I recognize the Floor Leader for one more bill.

Floor Leader Camacho: Mr. Speaker, a motion to pass on Final Reading H. B. NO. 16-112, HD2, SD2 reference to the delegation bill.

The motion was seconded.

H. B. NO. 16-112, HD2, SD2: A BILL FOR AN ACT TO PROVIDE FOR THE ELECTION OF DELEGATE TO THE U.S. HOUSE OF REPRESENTATIVES AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: The motion to pass H. B. NO. 16-112, House Draft 2, Senate Draft 2 as transmitted under SEN. COMM. 16-61 has been seconded. Discussion.

Representative Benavente: Mr. Speaker, first of all, the House did pass the bill and it went up to the Senate. The Senate made amendments, one of which I would like to explain and that amendment is changing the term regular election as referred in the bill to special election. The reason why the Senate found it necessary to do that, Mr. Speaker, is that the NMI Constitution actually requires that any election other than the prescribed general regular election of the first Saturday in November is called a special election. This is pretty clear in the NMI Constitution and the analysis of the Constitution. So I realize that at the time when we were deliberating on the bill, there was the hope that by referring it to a regular election, we would allow initiatives -- there was a legislative that I introduced and, of course, other possible popular initiatives -- that may be taken up on that date. But, given the requirements in the Constitution, I believe that the Senate acted properly. The requirement for initiatives to be pushed through for the people to vote on is in the Constitution and it does say that an initiative petition shall be submitted to the voters at the next regular general election that is held at least ninety days when the date of the petition was submitted. Again, as I mentioned earlier, a regular election as opposed to a special election is clearly defined in the Constitution and in the analysis of the Constitution.

Representative Babauta: Point of clarification.

Speaker Arnold Palacios: State your point.

Representative Babauta: So Representative Benavente is alluding that if we are to pass this bill this afternoon, this bill will conform as a special election? May I ask the counsel what is the conforming amendment under 110-229 as far as the language that explicitly instructed the Commonwealth to provide for an election?

House Legal Counsel Joe Bermudes: I am going to have to say that I cannot answer that unless I look at the specific law.

Speaker Arnold Palacios: Short recess.

The House recessed at 4:12 p.m.

RECESS

The House reconvened at 4:20 p.m.

The House recessed at 4:35 p.m.

RECESS

The House reconvened at 4:57 p.m.

(A portion of the session proceeding was not recorded after recess.)

Speaker Arnold Palacios: Order please. I am going to allow Representative Sablan her five minutes. If nobody wants to take their five minutes, we will go straight to taking a vote.

Representative Babauta: Point of order, Mr. Speaker. Let me yield to Representative Sablan.

Speaker Arnold Palacios: Thank you.

Representative Babauta: I had the floor.

Speaker Arnold Palacios: Representative Sablan, you already lost thirty seconds. Please proceed.

Representative Sablan: Alright. I think that there is an argument to be made that is it is not even necessary for us to define this delegation election as a regular general or special, or other, for the purposes of this bill. There is a pending question. It will be appealed to the Commonwealth Elections Commission. It may go to the court. But, the federal delegation election, the law that made that possible had, of course, no bearing whether or not initiatives should be placed on the ballot. So I do not think that the verdict is all that clear as Representative Benavente has said that this is in fact a special election. Not all attorneys agree on that. And so until we can get the courts to make a determination and listen to both argument, I think it would be wrong, to say the least, for this body to make kind of movement to preclude popular or legislative initiatives when the question still remains to be answered. If Representative Benavente went through some arguments for why this should be considered as a special election, there are other arguments for why it could be a regular general election. The federal law describes it as a general election. The NMI Constitution describes only general and other elections, but I have seen legal arguments that say that the fact that it is an “other” election does not necessarily mean it is a special election. Special elections are normally to fill vacancies in public offices. Therefore, for times outside of when you would have a regular general election in *Black’s Law Dictionary* the words “regular” and “general” are used interchangeably. Regular means it happens every two years. It happens on a regular basis and that is exactly what this election would be. General election means it will happen, but like I said, the two are used interchangeably. So there are arguments to be made for both sides and I think it will be inappropriate for this body to make a decision at this point about what type of election it could be when the constitutional question remains to be answered, and it could be appealed to the courts. So, if there is a way to draft this bill and leave it unanswered with the expectation that that will be eventually be answered by the court, then I would like to make that amendment.

Representative Benavente: Ready on the motion to end debate. Representative Salas, recognized.

Representative Salas: I ask for an opinion from our legal counsel.

Speaker Arnold Palacios: Hold on. Representative Sablan, you mentioned that there is an appeal to the Commonwealth Elections Commission. This is actually an implementation for the election of the Washington delegate and it has nothing to do with any initiative. It was an effort to try to include the

initiatives. There is still a need. This is a special election in that it is happening outside of the regular general election that we have. So it is a need because this is a new office that is established for us.

Representative Sablan: But it is not a special election because it will happen every two years from now until eternity. So there is nothing special about it. It is regular general election. Look at *Black's Law Dictionary*.

Speaker Arnold Palacios: I guess we will not agree to it. There is a pending motion and members are telling me that I am completely out of order. Thank you, again, Representative Hocog. Three members have already moved to end debate.

Representative Sablan: Mr. Speaker, you are not out of order if you allow for debate to take place.

Speaker Arnold Palacios: Representative Sablan, you, and I are becoming to be out of order. The motion, under the Rules, is undebatable. So you and I have to comply with those Rules and you and I have to move on.

Representative Sablan: Where in the Rules say that motions to end debate are undebatable? I can appeal to the members of this House, right? And you would need a majority.

Speaker Arnold Palacios: Representative Sablan, you have been appealing and we are becoming out of order. So we are going to end debate and vote on this and hope that you will be successful in the appeal to the Commonwealth Elections Commission regarding these initiatives. I will now end debate and call for the question. Clerk, please call the roll on the motion for the passage of H. B. NO. 16-112, HD2, SD2 on Final Reading.

The Clerk called the roll on the motion to pass H. B. NO. 16-112, HD2, SD2 on Final Reading thereby accepting the Senate amendments:

Representative Edwin P. Aldan	absent (excused)
Representative David M. Apatang	yes

Representative Babauta: Mr. Speaker, I will continue to insist and argue on the merit of P.L. 110-229.

Representative Oscar M. Babauta	no
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 Hofschneider: Even tough I co-sponsored the bill, I vote no.

Representative Heinz S. Hofschneider	no
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	absent (excused)
Representative Christina M. Sablan	no
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	absent (excused)
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes

Representative Ray N. Yumul
Speaker Arnold I. Palacios

absent (excused)
yes

Speaker Palacios: By a vote of thirteen “yes,” H. B. NO. 16-112, HD2, SD2 hereby passes the House on Final Reading. Representative Babauta, recognized.

Representative Babauta: Can I request the Chair to issue a request in plain reading of P.L. 110-229 as far as election is concerned that applies to the Commonwealth. Respectfully and preferably on the paragraph that begins, pursuant to Commonwealth laws.

Speaker Arnold Palacios: Okay. Legal counsel, please consider that. I recognize Representative Hofschneider.

Representative Hofschneider: There is a purpose of legal counsels to ink their signatures on the last page of every bill. There is a reason and there is a purpose that consistent with the laws and Constitution of the Commonwealth that such legislation being proposed is legally sufficient. The original language, as introduced and passed by the House, is sufficient. So let us not dilly-dally around that.

Speaker Arnold Palacios: Okay. Representative Ralph Torres.

Representative Ralph Torres: Mr. Speaker, if we are not going to entertain anymore bills, can we go back to Item 3, Introduction of Bills.

Speaker Arnold Palacios: We have one more bill. H. B. NO. 16-9. I recognize Representative Hocog.

Representative Hocog: Are we going backwards, top to bottom, or bottom to top? Where are we heading to?

Speaker Arnold Palacios: I will ask the Floor Leader.

Representative Hocog: Thank you.

Speaker Arnold Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to pass H. B. NO. 16-102 reference to the Tobacco Control Fund on First and Final Reading.

The motion was seconded.

H. B. NO. 16-102: A BILL FOR AN ACT TO APPROPRIATE THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) FROM THE TOBACCO CONTROL FUND PURSUANT TO PUBLIC LAW 13-38 BEGINNING FISCAL YEAR 2009 FOR THE PUBLIC SCHOOL SYSTEM COORDINATED SCHOOL HEALTH EDUCATION PROGRAM; AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: The motion to pass H. B. NO. 16-102 has been seconded. Discussion on the motion. I recognize Representative Sablan.

Representative Sablan: Can we get some clarification from the authors of the bill that the money is in fact available for appropriation? Has that been verified?

Representative Quitugua: Mr. Speaker, this is identified by the Governor when he submitted the 2009 Budget.

Speaker Arnold Palacios: Further discussion. Are you ready for the question? If none, clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 16-102 on First and Final Reading:

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

Speaker Palacios: By a vote of fifteen “yes,” H. B. NO. 16-102 hereby passes the House on First and Final Reading. Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to pass H. B. NO. 16-9, House Substitute 1 on First and Final Reading reference to S. C. R. NO. 16-30.

The motion was seconded.

H. B. NO. 16-9, HS1: A BILL FOR AN ACT TO ESTABLISH A PUBLIC CORPORATION FOR THE HEALTHCARE AND RELATED PUBLIC HEALTH SERVICES KNOWN AS THE COMMONWEALTH HEALTHCARE CORPORATIONS; TO AMEND 1 CMC §§ 7103(n) AND 8131(a) TO REPEAL AND REENACT 3 CMC § 2411; TO REPEAL 3 CMC § 2412; AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: The motion has been made and seconded for the passage of H. B. NO. 16-9, HS1. Discussion on the motion. Representative Hofschneider.

Representative Hofschneider: Mr. Speaker, I want to thank the Chairman of the Committee on Health, Education, and Welfare. The committee report in the section by section analysis is thorough

and very explicit in terms of justifying each section of the bill. It is very self-explanatory. Thank you.

Speaker Arnold Palacios: I want to commend the Chairman for impressing the author with the committee report. Representative Salas, recognized.

Representative Salas: I just wanted to add that we did work very hard on this bill. A lot of public hearings were held, and the committee did deliberate along with the legal counsel and I want to thank the legal counsel and the legislative assistant for their assistance in redrafting this bill.

Speaker Arnold Palacios: Any further comment? If none, clerk, call the roll on the motion to pass H. B. NO. 16-9, HS1.

The Clerk called the roll on the motion to pass H. B. NO. 16-9, HS1 on First and Final Reading:

Representative Edwin P. Aldan	absent (excused)
Representative David M. Apatang	yes
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	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	absent (excused)
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	absent (excused)
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	absent (excused)
Speaker Arnold I. Palacios	yes

Speaker Palacios: By a vote of sixteen “yes,” H. B. NO. 16-9, HS1 hereby passes the House on First and Final Reading. Floor Leader, recognized.

Floor Leader Camacho: Mr. Speaker, with the indulgence of the members, there is one very simple bill that we can dispense of at this time. A motion to pass H. B. NO. 16-115 reference to payment on internet at CUC on First and Final Reading.

The motion was seconded.

H. B. NO. 16-115: A BILL FOR AN ACT TO AMEND 4 CMC § 8141 BY ADDING A NEW SUBSECTION (j) TO REQUIRE CUC TO ESTABLISH INTERNET PAYMENT SERVICE ON ITS INTERNET WEBSITE FOR CUSTOMERS AND TO PUBLISH ITS REGULATIONS AND ALL PUBLIC NOTICES INCLUDING UTILITY RATES AND OUTAGES ON THE CUC WEBSITE IN A TIMELY MANNER; AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: A motion has been made and seconded for the passage of H. B. NO. 16-115 on First and Final Reading. Discussion on the motion. I recognize Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker. I would like to hear from the author of the bill. I know this bill was recalled from committee, so there is not committee report. I am curious to find out if CUC is even equipped to establish internet payment service and what the cost will be for providing such a service. Thank you.

The Chair recognized Representative Dela Cruz.

Representative Dela Cruz: Thank you, Mr. Speaker. As we all know, DPS right now is in the process or rather have almost completed their new website that would cater to payments for motor vehicle registration and so forth. In as far as the amount to bring this service up, I have spoken with the executive director recently after I had introduced the legislation. They are more than willing to get somebody on this project right away, such as their IT department. Basically whatever amount DPS would be paying, and I believe it is somewhere it is somewhere between \$500 and \$700 per month on the upkeep, maintenance, up to the minute changes and so forth, that would basically be the rates that CUC would be looking at. The real concern that we have and why this bill came about is so that it would not only relief customers that are able to pay via credit cards online, but will also relief the lines at CUC. It would relieve the customer representative employees at CUC. So, it is something that is positive. To be honest with you, it really does not take to legislate something like this. I did not have to introduce this. CUC could have taken it upon itself to provide this service for the people thereby relieving the paying public as well as their own personnel at CUC. I hope that answers Representative Sablan.

The Chair recognized Representative Sablan.

Representative Sablan: Mr. Speaker, Representative Dela Cruz actually raised the next point that I was going to make. That is exactly the fact that we should not have to legislate something like this. I worry about not just the credibility of CUC. It is not a secret, their billing department is very questionable right now and they are going through all kinds of problems and I would just worry about adding another layer of difficulty into dealing with them. But if they are in fact willing to do it as Representative Dela Cruz has said, and that it should not be a problem, and that they are already updating their website, then I do not see the necessity for mandating this. It is something that they should do if they can do it. And if they cannot, and if it will incur additional cost that they cannot absorb at this time, then maybe we should think twice about passing this bill.

The Chair recognized Representative Dela Cruz.

Representative Dela Cruz: Mr. Speaker, I would like to respond that earlier we passed legislation to have additional foreign national workers of nineteen. Now if we are saying that if CUC do can that, look at their concerns, look at their problems and say we need these people because it is going to help the corporation, do we need to legislate something like that? This is basically the same. I think that sometimes we have to push somebody to do things, and this is what this legislation tends to do -- to push them to offer this service. It appears that they are not doing it. If they are doing it then we do not need to introduce legislation such as this.

The Chair recognized Representative Sablan.

Representative Sablan: I completely agree with utilizing technology to make lives easier for ratepayers. That is not my worry about this bill. It is what I imagine would happen after we mandate CUC to do this is that there might be another sole source contract to procure this software which is something similar that happened, I think it was with CPA, and they ended up not being able to use the software. I feel like I know that the appearance of this bill is that it should be simple and straightforward, but given the state of CUC and the complete lack of credibility and confidence that consumers have especially in the billing department, I would worry about mandating something like this when we do not know that they even have the capacity, the technical know-how or the integrity, I mean, I hate to say it, to implement a program like this that should be straightforward anywhere else, but nothing is ever straightforward with CUC.

The Chair recognized Representative Dela Cruz.

Representative Dela Cruz: I am not quite sure whether anyone in this room knows whether DPS's internet website was sole sourced. I do not know, does anyone know? If it was, then I would like to find out. It appears nobody is complaining about DPS except that it will be an additional positive service for customers. Customers that need to re-register their vehicles, or renew their driver's license and stuff, that is something positive. Now, we are basically that this will be sole sourced to family and friends. I do not know. The gist of the legislation is to provide something beneficial to both CUC and the people. I would not mind paying online and save gas going up Dandan or to the banks.

The Chair recognized Representative Hocog.

Representative Hocog: Mr. Speaker, I think we should start teaching ourselves and allow ourselves to put a little trust on CUC after all the things that we have given CUC. To question again the merit of whether CUC will sole source, that is their problem. If they get caught for sole sourcing or not putting out a request for proposal for a project, that is their problem. I believe, Mr. Speaker, we should start allowing ourselves to put confidence back on what we have already sweat so many millions of dollars that we awarded CUC. We just approved another employment opportunity. And to still question the integrity of the Corporation, I think we should begin to teach ourselves to restore confidence back to the agency. Thank you.

The Chair recognized Representative Sablan.

Representative Sablan: Mr. Speaker, I would like to move to just lay this on the table or a week, two weeks.

Speaker Arnold Palacios: There is a motion on the floor by Representative Sablan to defer action for a week. Do I hear a second?

The motion was seconded.

Speaker Arnold Palacios: The motion has been seconded by Representative Hofschneider. Discussion.

Representative Hofschneider: Mr. Speaker, one of the things that we need to be reminded of is, with all due respect to Representative Sablan, will it hurt the consumer?--because that is your objective. Will it enhance the delivery of services by CUC to the customers and the public? That is your

bottom line consideration for this bill. What is the cost benefit? Is it going to be a significant cost in delivering such a service, is it minimal cost? Who is to pay for it? Are the businesses better served with an internet payment scheme or system? Laying it on the table will not hurt or take away anything, but may I ask Representative Sablan to specifically point out her concerns. If it is a cost benefit issue, then specifically ask CUC so that we can move on with this issue. If it is an issue of not having enough time for ourselves in discussion with CUC, then that is an internal business that we need to deal with. I respect that the majority has to come down and decide on whether we pursue or not is pushing this bill out. But in the end, ask yourself -- procedurally, what are you looking for? The most important is the consideration to the consumers. You are legislating on behalf of the people out there that are consuming services from CUC.

The Chair recognized the Floor Leader.

Floor Leader Camacho: Mr. Speaker, H. B. NO. 16-115 has been sitting in the agenda. It has made several appearances on the Bill Calendar. Does it matter whether we wait one more session or a couple of more sessions? It seems that the bill is very straightforward. I ask the members, respectfully to Representative Sablan, that we vote down her motion to lay it on the table and let us move on to the main motion and pass this bill. Thank you.

Representative Sablan: Mr. Speaker, Representative Hofschneider asked a question of me and I feel that I should answer it for the record.

Speaker Arnold Palacios: Representative Sablan, I ask that you wait for me to recognize you.

Representative Sablan: Thank you. I am asking for recognition.

Speaker Arnold Palacios: Okay, you are hereby recognized.

Representative Sablan: Thank you. So Representative Hofschneider asked what would be the purpose of deferring this bill one more week. The real purpose would be unfortunately there is not committee report, unfortunately it was recalled and placed. I agree that this could be a very beneficial service, but there will a cost to everything and I would worry about the cost that could possibly be incurred from mandating that CUC establish a whole new service for the rate payers. We do not know what that will cost. There are all kinds of reasons for us to ask those questions and be perfectly justified in wanting answers. So I ask for a week, we do not lose anything. Just one week and then I can come back with an answer. Who knows, if it turns out to be more expensive, maybe the members might reconsider.

Speaker Arnold Palacios: Anymore discussion on the motion to lay on the table?

Several members voice “ready.” The motion to lay H. B. NO. 16-112 on the table for a week was defeated by voice vote.

Speaker Arnold Palacios: The motion is hereby defeated. Representative Hocog.

Representative Hocog: (Inaudible -- microphone off).

Speaker Arnold Palacios: Are you ready to vote? Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 16-115 on First and Final Reading:

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

Speaker Palacios: By a vote of fourteen “yes,” H. B. NO. 16-115 hereby passes the House on First and Final Reading.

MISCELLANEOUS BUSINESS

Speaker Arnold Palacios: I would like to ask standing committee chairs who have Senate bills assigned to them to please try your best to call your members and look at these Senate bills. I do not want another Senate resolution asking us to pass or consider their legislation. I now recognize Representative Apatang.

Representative Apatang: Thank you, Mr. Speaker. I would like to clarify something that came out on the newspaper last Friday with regards to a road in Precinct 1, or Lana Road. The appropriation for paving that road was actually made in the 14th Legislature by myself and continued in the 15th Congress. There are various road projects in Precinct 1 that were identified for paving and Lana Road was one of the roads identified. Last Friday, an article came out that Representative Benavente was said to have encouraged that the road be paved leading to his residence, which is wrong. It was erroneous. I was the one that appropriated that funding. As a matter of fact, Representative Benavente was not even residing in that area at the time. He was residing on the other side of the road which is now Precinct 2. He just relocated to that area this past year, I believe. So, I just want to get that straighten out so that Representative Benavente will not be accused of using his influence here in the House to get his road paved. And that is for the media and for everybody’s concern. Thank you.

Speaker Arnold Palacios: I now recognize Representative Ralph Torres.

Representative Ralph Torres: Can we go back to Item 3 for introduction of a bill?

Speaker Arnold Palacios: Without objection, we move to Item 3 to allow Representative Torres to introduce his bill.

There was no objection. The House went back to Item 3, Introduction of bills.

ANNOUNCEMENT

The Chair recognized Representative Torres to introduce his bill.

H. B. NO. 16-145: A Bill for an Act to mandate the Commonwealth government to prioritize and pay the retirement employer contributions of government employees who are eligible to retire; and for other purposes.

Offered by: Rep. Ralph DLG. Torres

Referred to: Committee on Ways and Means & Committee on Health, Education, and Welfare

The House went back to Item 17, Miscellaneous Business.

MISCELLANEOUS BUSINESS

The Chair recognized Sablan.

Representative Sablan: Thank you, Mr. Speaker. I wanted to get some clarification from you about what happened with the declaration of the state of disaster emergency that came out on August 1st. It baffles me that the House and the Senate could receive disaster declarations and that the members would not know anything about it for two weeks. Could you clarify for us how that happen?

Speaker Arnold Palacios: I can attempt to and perhaps even the circumstances surrounding it. First of all, any official communication that comes to the presiding officer, the presiding officer receives it, makes a copy and it is forwarded to the clerk's office. It is referred to as either a governor's communication, a departmental communication, wherever that communication comes from, it becomes the property of the legislature. I have no control. I am not tasked nor mandated to be the one disseminating this information to every member. That becomes the property of the legislature and it rightfully goes to the clerk, to the Legislative Bureau, for dissemination. It is my understanding under circumstances that we receive the communication about four o'clock in the afternoon of August 1st. I was on my way to Washington, DC the morning of the 2nd. So to be honest, I did not see it myself until I got back on island. The Vice Speaker was here. I am sure that he received it and sent it over to the clerk's office and it then becomes the property of the legislature and is disseminated to all members. Now, procedurally whether the clerk disseminated it on paper copy, I understand that I am fully aware that the clerk uploads it into the legislative website and is disseminated to every member through their legislative folders. It is on your legislative folder. Every member has a legislative folder and communications from the clerk. So in inquiring with our House Clerk, she had indicated that that was done. The paper copy of the communication was later disseminated. In fact I did not see it, like I said, until I got back myself. But that is the normal protocol for dissemination of communication whether it is from the governor's office; whether it is from the departments or whether it is from anywhere outside the government, if it has specific implications to all members, then it goes to the clerk's office.

Representative Sablan: So if I am understanding you correctly, there was a glitch in the paperwork processing of the legislature for state of disasters?

Speaker Arnold Palacios: Well, it is not. I encourage all of you to go into your legislative folders because a lot of the voluminous documents that are transmitted to each of us, whether status reports or immediate communications should in the folders that each of us in the legislature have. Why the paper document was not submitted to each member, I was not aware until I got back.

Representative Sablan: Final question, Mr. Speaker -- was the leadership aware when we were debating the bill that would become Public Law 16-9 that there would be an emergency declaration the very next day?

Speaker Arnold Palacios: No, but we had indicated and even the PUC members had indicated that there is a necessity under the requirement of PUC that such declaration be made specifically for the procurement of the temporary power as it refers to the PUC statute. Whether I was aware that it was going to be done, no, I was not aware that it was going to be done on that day. I recognize Representative Stanley Torres.

Representative Stanley Torres: Thank you, Mr. Speaker. I think I have the answer of the paperwork glitch. Due to the frequent closure of the Copy & Mailroom, the blackouts, it is becoming annoying or burdensome for the members. I beg that you appeal to former Speaker Babauta to lift his request for confidentiality that the door is open to authorized personnel in the Legislative Bureau. I always violate that sign whenever I need to go there. Thank you.

Speaker Arnold Palacios: Perhaps that is the explanation and it might be as simple as the inability for the clerk to get timely copying of documents. That is, I guess, as good an explanation as I can give. Thank you for that, Representative Torres.

ANNOUNCEMENT

NONE

ADJOURNMENT

Speaker Arnold Palacios: Floor Leader, I would recognize a motion to adjourn.

Floor Leader Camacho: Thank you, Mr. Speaker. I move to adjourn subject to the call of the Chair.

The motion was seconded and carried by voice vote.

The House adjourned 5:20 p.m.

Respectfully submitted,

Evelyn C. Fleming, House Clerk

APPEARANCE OF LOCAL BILLS

FIRST APPEARANCE: 1st Legislative appearance of a local bill is on the day it is introduced.

SECOND APPEARANCE: NONE

THIRD APPEARANCE:

H. L. B. NO. 16-19: To amend the Saipan Zoning Law by repealing Saipan Local Laws 15-29 and 15-22 and enacting the Saipan Zoning Law of 2008. (Rep. Ramon A. Tebuteb)