



House Journal

SECOND REGULAR SESSION, 2008

**ADOPTED:
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Third Day

Wednesday, August 27, 2008

The House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature convened its Third Day, Second Regular Session on Wednesday, August 27, 2008, at 10:04 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 fifteen members were present five members absent. Representative Aldan, Representative Reyes, Representative Tebuteb, and Representative Yumul, were absent and excused.

ADOPTION OF JOURNALS

NONE

INTRODUCTION OF BILLS

H. B. No. 16-147: To mandate notification when a juvenile is taken into custody and require the presence of a parent, guardian, or attorney when a juvenile is interrogated; and for other purposes. (Rep. Joseph N. Camacho)

H. B. No. 16-148: To amend 7 CMC 3101(a) to mandate when a jury is impanel to hear all felonies and misdemeanors charges; and for other purposes (Rep. Joseph N. Camacho)

MESSAGES FROM THE GOVERNOR

Gov. COMM. 16-172: (8/22/08) Requesting the Legislature to allow CUC to hire skilled foreign workers.

Gov. COMM. 16-173: (8/25/08) Informing the House that he signed into law H. B. NO. 16-112, HD2, SD2 (re Election of Delegate to the US House of Representatives). [Became **Public Law 16-13**]

Gov. COMM. 16-174: (8/26/08) Clarification of Emergency Directive eliminating PUC pre-review of generating contracts.

Speaker Arnold Palacios: Representative Sablan.

Representative Sablan: Thank you. I just received Gov. Comm. 16-174 and I was trying to review it thoroughly this morning, but I would like to know if his response to the inquiry of yourself and the Senate President was satisfactory to you. If he clarified to your satisfaction, his Emergency Declaration.

Speaker Arnold Palacios: I received that communication yesterday. Allow me a few more days. I went through it and there is so much other issues within the letter itself that I had a hard time going back and forth whether, indeed the letter was satisfactory. Allow me until the next session to brief with the President because the letter that we sent to the Governor was a joint letter I do not want to speak for the Senate President himself, so I would have to sit down with the Senate President and go through that rather lengthy letter from the Governor. With that I would ask that Clerk to leave this on the Calendar for the next session. Representative Sablan, you still have the floor.

Representative Sablan: Thank you, Mr. Speaker. I just wanted to state for the record from what I have been able to absorb from the Governor's Communication. I am alarmed at the blame that he places on PUC when they were simply doing their jobs expressing concerns about this contract. And I would disagree just on face value with the Governor's contention that they have no right to review contracts unless and until rates would be raised. But how else would they ascertain whether or not contracts would impact rates. They would have to be able to review them first.

Speaker Arnold Palacios: I do agree with you that, there were other, like I said, peripheral issues that were raised. One of which is the PUC's role and what the Governor's take on it. But as I said the peripheral issues on the blame put aside, I want to get to the meat whether he indeed meets our inquiry. Your statement is well noted. Representative Apatang.

Representative Apatang: I yield.

Speaker Arnold Palacios: Okay. Are there anymore? Representative Hocog.

Representative Hocog: If there is no objection, Mr. Speaker, could we go back to Introduction of Resolutions.

There was "no objection" on the floor to go back to Introduction of Resolutions.

INTRODUCTION OF RESOLUTIONS

Speaker Arnold Palacios: Please proceed, Representative Hocog.

Representative Hocog: Thank you, Mr. Speaker. Introducing House Concurrent Resolution No. 16-2, To approve revenues and resources of the Commonwealth of the Northern Mariana Islands, as identified pursuant to Article III, Section 9(a) of the Constitution, as amended, and 1 CMC, Division 7, for Fiscal Year 2009, beginning October 1, 2008, and ending on September 30, 2009. The resolution is being circulated for members' signatures.

Speaker Arnold Palacios: Thank you.

Representative Hocog: And if there is no objection to place it on today's Resolution Calendar.

Several members voiced "no objection", and Representative Sablan "objected" to motion for the placement of H. C. R. No. 16-2 on the Resolution Calendar.

Speaker Arnold Palacios: Before you state your objection I will go ahead and order that H. C. R. No. 16-2 be on the Resolution Calendar, but I would...Representative Hocog.

Representative Hocog: I withdraw my motion for the placement of H. C. R. No. 16-2, on the Resolution Calendar.

Speaker Arnold Palacios: Okay, the Chairman withdrew his motion. We will not pass this today I would hope that we would leave it until the next session. So that everyone would have access to the Resolution.

Representative Babauta: Point of Clarification.

Speaker Arnold Palacios: Before I recognize that let me just...

Representative Babauta: Mr. Speaker, there is no harm in placing.

Speaker Arnold Palacios: Yes, there is no harm really.

Representative Babauta: At the same time allow the members to review its context.

Speaker Arnold Palacios: That is really what my intent. It was to place it on the Calendar and not necessarily take it up, just like with the other Resolutions.

Representative Babauta: So move, Mr. Speaker.

The motion was seconded, to place H. C. R. No. 16-2 on the Resolution Calendar.

Speaker Arnold Palacios: Representative Sablan, I will assure you that I will not put that onto a vote. We will leave it on the Calendar and I would also ask that the Committee have the Legislative staff submit for attachment the Communications from the Governor and the Department of Finance declaring the resources that is specific to this. Representative Quitugua.

Representative Quitugua: Thank you, Mr. Speaker. Mr. Speaker, so that everybody will have ample time in reviewing H. C. R. No. 16-2, I encourage everyone to look at the submission of the 2009 Budget from the Governor because all the information is there. So that when the H. C. R. No. 16-2 comes up on the floor everybody will have a pretty good picture of what this Concurrent Resolution is all about. And also I would recommend that this Concurrent Resolution at least be looked at by the Ways and Means Committee before we bring it up to the floor for full discussion. Thank you.

Speaker Arnold Palacios: Representative Hocog, do you want to comment on that?

Representative Hocog: I do not know, I did recall my motion.

Speaker Arnold Palacios: No, but they are at least making statements, at least with Representative Quitugua.

Representative Hocog: Of course, Mr. Speaker, that should be done. I just want to make the members excited that we do have something before us to consider. But first of all an attachment of the Concurrent Resolution will be thereof attached to the main Resolution. But if the members do not want to discuss this today, I recall my motion and I will meet with my Committee. Thank you.

Speaker Arnold Palacios: Okay. The motion has been recalled so we are not discussing placing it into today's...

Representative Benavente: Point of clarification.

Speaker Arnold Palacios: State your point.

Representative Benavente: Mr. Speaker, it was Representative Babauta who had so move that the Resolution be placed and it was seconded. So if this motion is going to be withdrawn then it has to be done so by Representative Babauta.

Speaker Arnold Palacios: So we have two motions. One motion is to place on the calendar. And the other one is withdrawing. Are there any further discussions on the motion by Representative Babauta. Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker. I do not think it would a bad idea at all for us to at least discuss this Concurrent Resolution. I was just worried about voting on it right away. If the Ways and Means Committee is prepared to give us, I suppose, a justification of the Concurrent Resolution and information about how they have gone about verifying the Governor's anticipated revenues and recommended expenditures then I think this would be a good time to discuss that. I would be also interested in hearing from the Committee whether or not the discrepancies that I know the Fiscal Affairs Committee in the Senate identified in the Governor's Budget if those have been corrected at all. If there is a corrected version of the Governor's Budget that we should be reviewing at this time.

Speaker Arnold Palacios: Representative Apatang.

Representative Apatang: Thank you, Mr. Speaker. I think discussing the Resolution today is not appropriate. I think we should refer it back to the Committee. So that the Committee can sit down and review the resources here because this is just coming from the Chairman. The Committee has not met to discuss the resources here. So we need to refer this to the Committee and review the Resolution. So then maybe in the next session we can report out the actual resources. We have not met with the Secretary of Finance. Thank you.

Speaker Arnold Palacios: Representative Babauta.

Representative Babauta: I looked at the clock it is now 10:15 a.m. and my personal opinion is too early for this session again to be discombobulated with respect to the motion. So I would like to clarify with the mover, of this Resolution, what is Representative Hocog's wishes. If I may Mr. Speaker, that be allow to do so.

Speaker Arnold Palacios: Proceed.

Representative Babauta: Chairman Hocog, what is your opinion, your desire?

Representative Hocog: I thought that I would bring excitement into this session, but I guess after listening to the convenience of the members I would ask you, Representative Babauta, to withdraw your subsidiary motion and that my main motion can be entertain? Thank you, Minority Leader.

Speaker Arnold Palacios: Proceed, Representative Babauta.

Representative Babauta: Mr. Speaker, without objection from the members I hereby withdraw my motion.

There was "no objection" on the floor.

Speaker Arnold Palacios: The motion is hereby withdrawn. The Concurrent Resolution goes back to the purview of the Ways and Means Committee. As Representative Quitugua had stated, the resources declaration here is based upon the budget submission by the Executive Branch. The resource portion of it is the part that is relevant to this, the expenditure part is not. This is just a resolution to declare the resources. So I believe that everyone was furnished with a couple of big binders by the Administration so you all should have that, the basic information is in there. And I will defer to the Chairman to call the Committee to discuss the Concurrent Resolution itself. So this Resolution will go back to the Ways and Means Committee. Representative Sablan.

H. C. R. NO. 16-2: TO APPROVE REVENUES AND RESOURCES OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, AS IDENTIFIED PURSUANT TO ARTICLE III, SECTION 9(A) OF THE CONSTITUTION, AS AMENDED, AND 1 CMC, DIVISION 7, FOR FISCAL YEAR 2009, BEGINNING OCTOBER 1, 2008, AND ENDING ON SEPTEMBER 30, 2009.

Referred to: Committee on Ways and Means.

Representative Sablan: Just one more clarification. If I remember correctly the Governor's Budget submission also assumed that the Legislature would pass certain revenue generating bills. And I know that some of those fees have already been raised in Public Law 16-2, but I noted in the papers the other day that the Governor was also pushing to raise Business License Fees, as well, I think, I cannot remember correctly, if that was included in his budget submission. But that certainly should be considered, I think, in any Concurrent Resolution verifying revenues for the year.

Speaker Arnold Palacios: Thank you. Your points are well noted. Ready. Are there anymore resolutions? Before we went back to the Introduction of Resolutions we were at the Senate Communications. Ready.

SENATE COMMUNICATIONS

SEN. COMM. 16-68: Returning H. B. NO. 16-142, HD2 (CUC Foreign National Worker Hiring Exemption), which was passed by the Senate without amendment on August 22, 2008. [Before the Governor].

SEN. COMM. 16-69: (8/25/08) Returning H. J. R. No. 16-7, requesting the US Department of Justice to appoint a US Attorney, US Marshal, and a Probation Officer to the CNMI and construction of a new federal courthouse, which was adopted by the Senate without amendment on August 22, 2008. [For info]

SEN. COMM. 16-70: (8/25/08) Informing the House that the Senate overrode the Governor's veto of S. B. NO. 16-16, HD1 (re. Amending the Public Lands Act by establishing a deputy secretary for DPL in the First and Second Senatorial Districts). [For info]

There was no discussion under this item of the Agenda.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

NONE

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

NONE

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT./AGCY. COMM. 16-45: (8/8/08) From Commerce Secretary James Santos inviting the Speaker to the First Annual Business Forum.

There was no discussion under this item of the Agenda.

OTHER COMMUNICATIONS

None

REPORTS OF STANDING COMMITTEES

Speaker Arnold Palacios: I asked the Floor Leader and I hope that nobody objects that any action on S. C. R. No. 16-39, be deferred primarily because of the Chairman of Natural Resources is not here and as well as the author. So I would like to defer any action on this.

There was "no objection" raised on the floor.

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.*

The motion to defer action to S. C. R. NO. 16-37 until the next has been carried by voice vote.

Speaker Arnold Palacios: Representative Stanley Torres.

Representative Stanley Torres: Can I request that we go back to House Communication?

There was “no objection” raised on the floor to go back to Item No. 7, House Communications.

HOUSE COMMUNICATIONS

Speaker Arnold Palacios: Proceed Representative Stanley Torres.

Representative Stanley Torres: I have a document here from the Department of Public Works that was brought to my attention. The Assistant Attorney General rejecting the contracts that the Department of Public Works, TSD, intends to renovate, and extend some extension. I do not know why the Attorney General rejects this, only because the LEED Standard did not pass. And it is a little mind boggling that the Assistant Attorney General recommends an individual to do the job. Can we ask the Secretary of the Department of Public Works to clarify this document because it is very interesting and I find it ironic that the Assistant Attorney General recommending a person to be given the project, is it a personal relationship? I find it very conflicting.

Speaker Arnold Palacios: Thank you, Representative Stanley Torres.

Representative Stanley Torres: May I submit this as a House Communication.

Speaker Arnold Palacios: Yes. Would you like to take the lead on this and schedule a meeting with the Secretary of the Department of Public Works so you and I can sit down with them and clarify this issue for the members?

Representative Stanley Torres: So you are designating this Special Committee Project?

Speaker Arnold Palacios: Special Community Project for you and me.

Representative Stanley Torres: One man Committee.

Speaker Arnold Palacios: Okay. Short recess.

The House recessed at 10:23 a.m.

RECESS

The House reconvened at 10:23 a.m.

Speaker Arnold Palacios: We are back to our session. And we were under House Communications. Before I recognize Representative Hocog. Representative Stanley Torres, please advise me of the date that we will be meeting with the Secretary of the Department of Public Works and ask that the Director of TSD also be present in this meeting. Continue, Representative Stanley Torres.

Representative Stanley Torres: I do not understand or I do not know why that none of us in this House brought up something in the paper last week. I am confused that the Attorney General amends the Gambling Rules. Is there anybody that wants to and please do not give this to me because I cannot meet with the Attorney General. (LAUGHTER) Maybe take this as committee as a whole. Is there any explanation why the Attorney General increasing the Gambling activity?

Speaker Arnold Palacios: I was reading that too and I thought that was odd but let me recognize Representative Salas.

Representative Salas: Thank you, Mr. Speaker. I think the reason behind the amendment is to ensure, I guess, the Non-Profit Organizations that when they have a charitable purposes that the proceeds actually goes back to the community. And this was brought up by one of the Non-Profit Organizations, the Rotary Club of Saipan because a lot of the amendments is really going to affect the way the Rotary Club of Saipan has conducted its Las Vegas Night and basically they are putting a lot of prohibitions. And one of the prohibitions that they have is to disallow any type of compensation when you have these gambling exemptions activities. As you know the Rotary Club of Saipan relies on the Las Vegas Night for most of its revenue funding for the projects that they do in the community. And the biggest thing that we do is allow a raffle of cash prizes and basically this particular amendment would prohibit that. Since then the Rotary Club of Saipan's Board of Directors, the President and so forth has met with Attorney General Matthew Gregory, and we have addressed our concerns and they are looking into and possibly amending some of the amendments.

Speaker Arnold Palacios: Thank you. Representative Babauta.

Representative Babauta: Gambling, yes. I always make my sentiment of the issue of revenue generation, Mr. Speaker, publicized. I understand in line with Representative Salas, I also heard as a result of the initial pass Liberation activity, last July, and those were included to prohibit operations of such activity. And I understand that there was addition to the regulation to allow a limited gaming for the Liberation purposes, but further more I think they identified some of those games to be authorized, but with respect to the revenues I think it is going to go to the General Fund instead of the Mayor's office for sister city. Thank you.

Speaker Arnold Palacios: Thank you. Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker. Casino and gambling is still under the Constitution, illegal, unless authorized by law. I think as it is spelled out by Representative Salas and Representative Babauta, there is an existing statute that allows for a Non-Profit Organization such as, the Rotary event, the July 4th celebrations, and others, whether it is the Bingo or Batu, or Cockfighting, which is authorized by law and those are further governed by the regulations. And what the Attorney General is doing was make those changes. I think if some of us are concern that somehow the Attorney General is promulgating new regulations or changing any of the existing statute that restricts casino,

which it is not the case. It is just a matter of amending existing statute as authorized by law or amending the regulations as currently authorized by law. It does not mean, which I would think, which that was the concern raised Representative Stanley Torres, that we are now allowing casino. It does not. Thank you.

Speaker Arnold Palacios: Thank you. That is well clarified because it is basically not an expansion of the activities, it is basically to strengthen the regulations. I believe there were some past abuses during the Liberation activities where licenses or permits were given out for activities like, dice or whatever. And I think there were some abuses within the confine of that law allowing for gambling of Non-Profit Organizations. It is basically strengthening and clarifying some of the legalities by putting in more regulations. Representative Salas, for the last comments.

Representative Salas: Just real quick. Another thing that the regulation, if enacted, would allow the Department of Finance to actually issue poker chips and which would be utilized only during the games. And then they would also use manpower from the Department of Finance, which would be charged to the Organization that is actually running it. So that was a concern for us because primarily the Rotary is a Non-Profit Organization with volunteers doing these works without being compensated. And now we have to pay the Department of Finance which we do not even know how much. That is just another thing.

Speaker Arnold Palacios: Thank you. Are there anymore comments on the House Communications? Representative Hocog.

Representative Hocog: The most recent House Communication that was submitted by Representative Stanley Torres, I wish to share my concerns on that. While the Attorney General provide a good ruling for returning contracts but this Public Law that was created by the 15th Legislature continuously fails to comply to with such. And I take to notice that even the Attorney General in the past, knowingly the effect of this law, has continuously signed off on contracts despite the fact of the violation of law. And now that the Attorney General has a source of contracting an individual that will take care of this is so mindful about the contract signature. And yesterday the Rota Legislative Delegation did call the Secretary of the Department of Public Works and the TSD personnel regarding this matter that it will affect definitely each project with its design measure. And unless DPW does have an individual certified to do the LEED contractual services that the project will move forward. As of today all project for design are in a standstill mode. But what irks me here Mr. Speaker is that the Attorney General now notices the non-compliance of Public Law 15-87. It is a good law, but I am concern why the Attorney General continuously in the past two years sign A&E contracts and just now decided to start returning contracts that are completed for his review back to TSD. And we had asked the Secretary of the Department of Public Works to see if any of his staff can expeditiously take a course to be a certified LEED contractual personnel within the TSD. So that is just to answer the assignment that you have provided Representative Stanley Torres.

Speaker Arnold Palacios: Thank you, Representative Hocog.

Representative Babauta: Under privilege, Mr. Speaker.

Speaker Arnold Palacios: State your privilege, Representative Babauta.

Representative Babauta: Mr. Speaker, we are beginning to be confused here again. In as much as all my colleagues across the chamber want to dwell on that particular issue. Can we have a short recess and get copies so that we may follow this caution of Chairman Hocog and Chairman Stanley Torres, Mr. Speaker.

Speaker Arnold Palacios: I will allow the copies to be made and be given to the members. The letter is very self-explanatory so the issue is going to be with us continuously. Once Representative Stanley Torres schedules the meeting I will notify the members if they want to partake in the discussions with the Department of Public Works and TSD on this particular issue. I would like to move on with our Agenda because we have to finish before 12 noon today. Okay. With that (*End of Tape 1 Side A*) Floor Leader.

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.

H. C. R. No. 16-2: A HOUSE CONCURRENT RESOLUTION TO APPROVE REVENUES AND RESOURCES OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, AS IDENTIFIED PURSUANT TO ARTICLE III, SECTION 9(A) OF THE CONSTITUTION, AS AMENDED, AND 1 CMC, DIVISION 7, FOR FISCAL YEAR 2009, BEGINNING OCTOBER 1, 2008, AND ENDING ON SEPTEMBER 30, 2009.

Referred to: Committee on Ways and Means.

There was no discussion under this item of the Agenda.

BILL CALENDAR

Speaker Arnold Palacios: Floor Leader.

Floor Leader Camacho: Mr. Speaker, a motion for passage on First and Final Reading S. B. No.16-37 in reference to homestead on Tinian.

The motion was seconded.

S. B. NO. 16-37: A BILL FOR AN ACT TO RESERVE PUBLIC LAND IN THE AREAS KNOWN AS CHALAN FAMALAO'AN AND PINA AREAS ON THE ISLAND OF TINIAN FOR AGRICULTURAL HOMESTEADS AND COMMERCIAL USES, AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: The motion to pass S. B. 16-37 has been seconded. This is basically reserving Public Lands on Tinian for homestead purposes and commercial uses. Discussion on the motion? Representative Babauta.

Representative Babauta: Mr. Speaker, we all know probably that the abundance of Public Land on Tinian is established, but I failed to see the rationale of extending further the Agricultural Homestead Lots. For one, I would like to find out how many of those recipients of the one hectare have already developed and how many have not. Because in our Third Senatorial District a lot of our local people are hanging on the line awaiting for such issuance of Agricultural Homesteads Lots or even for that matter the Agricultural Waiver Act. I plea, with the members here to also allow my bill to move on out of this House so that we may also appease those land owners or once upon a time land owners that have farmed and plot those parcels of land and now they are being told to evict or move. So in the absence of data that this Senate Bill is seeking to satisfy, I am not convinced to support this bill, Mr. Speaker. Thank you.

Speaker Arnold Palacios: Thank you. Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker. Just following up also on Representative Babauta's concerns. I have not noted any committee report coming out of the Senate and or any comments solicited for that matter from the Department of Public Lands and just virtue of the fact that our Natural Resources Chairman is not here at this time and our Representative from Tinian is not here at this time. I would like to request from the members that we defer action on this bill until we get more information to address Representative Babauta's concerns and as well as the concerns from other members.

Speaker Arnold Palacios: Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker. As Acting Chairman of the Committee on Natural Resources, and while I am not going to talk about anything because, in fact the Committee has not taken up this legislation. I do want to say that I have always taken the position that issues of public lands or private lands or any lands for that matter in the different Senatorial Districts, should be given at least the courtesy of the Leadership and the people of that Senatorial District. And I have taken on position on many of the different land issues that have come before the Legislature. I think it is only right that we respect the leadership of Tinian to decide on the issues of all their lands there. We respect the leadership of Rota on land issues that face them and the same reasons that we would think that we would like to be given the respect to make the decisions on land that affect Saipan. Further, Mr. Speaker, this proposed legislation is proposing to reserve certain areas. It does not propose to give it to any individuals or assign it to any individuals. It proposes to reserve it to allow the people of Tinian to further benefit in the Agricultural Homestead Program which, really is something that the people of Tinian has done for many years. I am not saying that they all should be farmers but that they have been very successful. The lands and several of the property, what is left of it, anyway which is one third of the whole island because we ended up assigning two thirds of it to the military, but what is left of it are very prime properties for agricultural. And I think that supporting the idea of reserving some of these

properties for that purpose and respecting the decisions by the leadership of that Senatorial District should be and given that two thirds of their island they do not own or at least do not control at this time, that we give the people of Tinian the opportunity to further benefit on what land is left for them. Thank you.

Speaker Arnold Palacios: Representative Quitugua.

Representative Quitugua: Thank you, Mr. Speaker. Mr. Speaker, when we were conducting the public hearing on Tinian during the 15th Legislature regarding the MRDC Land Lease. A number of Tinian residents that came up to testify are really concerned about the continuous lease out of Public Lands and they are still waiting on homesteading from the Department of Public Lands. And a number of them really would like to see that the Agricultural Homestead Program be reinstated so that they can have the opportunity to have agricultural homestead for subsistence purposes. And with the economic situation that we are facing today, I think all the more, families would really want to do some subsistence in farming. And I for one when I was sitting and listening to the people I really felt that they it really meant a lot to them what they are asking for, which is the Agricultural Homestead Program. So I can see their wishes they were supporting MRDC, but at the same time they are saying, give us also some opportunities with the remaining land that we have to help us with our families. Thank you, Mr. Speaker.

Speaker Arnold Palacios: Representative Hocog.

Representative Hocog: In line with the comments that was delivered by Representative Benavente and Representative Quitugua, I also rise to respect the desire of the Second Senatorial District to reserve portions of their public lands for future agricultural homestead or be converted in the future for residential homesteads. And that is why Mr. Speaker, the House and the Senate, supports the bill that require the Municipality of Rota and Tinian to have a Deputy Secretary for Public Lands for that fact that a public land exchange process in the past was being rampantly exchanged without the knowledge of the island leaders. And thereby, Mr. Speaker, I rise to support this bill to reserve the proposed designated public land on Tinian for the future agriculture or residential homestead. We understand the scarcity of lands in Tinian as population growth and I think that developing the relationship and trust between island leaders on a different municipal level, Mr. Speaker, is the right direction for this House to seriously consider. There are leaders that know their municipality better than us that are not from there. There are leaders that felt the public demand and concern and not us here and therefore Mr. Speaker, by forking this relationship with the needs of the municipality can bring leadership closer together and eliminate original sentiments amongst the CNMI as a whole. Thank you, Mr. Speaker.

Speaker Arnold Palacios: Representative Salas.

Representative Salas: I yield.

Speaker Arnold Palacios: Representative Ralph Torres.

Representative Ralph Torres: Thank you, Mr. Speaker. I personally think that with this preservation I have absolutely no objection. We have a movement right now that is trying to preserve the three Northern Islands. We are so concerned about trying to preserve the islands north of us, and yet we have

this bill that is simply asking to preserve some lands for the people of Tinian. I personally think and just looking at the bill again that is a hefty hectare for homestead. Although is the amount of land mass that they are requesting is more than what is needed then that is a different issue. But for this, I personally think that we should at the minimum, consider it, and move forward. Thank you.

Speaker Arnold Palacios: Thank you. Representative Raymond Palacios.

Representative Raymond Palacios: Thank you, Mr. Speaker. As we recall we did override the Governor's veto regarding the Department of Pubic Lands responsibility and that to make sure that they address these concerns to the municipality's Mayor. I believe that before we really act on this bill is do you think that we also need to get a written opinion from DPL since they are the agency responsible with public lands and as well as the Mayor's office of each municipality. Right now we do not really have any proof or evidence or data that will really support these findings. In order for me to act on this bill I believe we need those data information and a written opinion from DPL as well as from the Mayor's of each municipality. Thank you, Mr. Speaker.

Speaker Arnold Palacios: Representative Deleon Guerrero.

Representative Deleon Guerrero: Mr. Speaker, can I yield first to Representative Babauta.

Representative Babauta: I guess I have...

Speaker Arnold Palacios: I am going around giving members a chance.

Representative Babauta: Right. But our Vice Speaker has not had the opportunity to. So I would...

Speaker Arnold Palacios: He had graciously yielded to you.

Representative Babauta: Thank you, my Vice Speaker. When my assistant Minority Leader, Representative Quitugua articulated on the subject Mr. Speaker, and so did Chairman Hocog, my brother from the South, I felt and begin to feel the convincing approach in order for this legislation to move. And Representative Hocog hit it on the nail rightly so when he mentioned the original desire of the Commonwealth and that is explicitly written in Article XI, Mr. Speaker, of the Constitution, that the Public Lands belong collectively to the people of the Commonwealth. So we have to address this seriously. It is unfortunate that my distinguished colleague from Tinian, Representative Aldan is not around to defend the actions of his Senate colleagues, but I wonder how many in Tinian have already produced crops in the past decade and have transverse in between the Commonwealth for that matter to the South, the island of Guam. But be it as it may be, Mr. Speaker, I have witnessed Rota for that matter in selling crops to the Navy in Guam, and to other commercial establishments many decades ago. But I would rest my case for now and give the benefit of the doubt for our brothers and sisters in Tinian with respect to this issuance for that matter, reservations of public land hoping that we will not buy back these public lands for commercial purposes again in the future. Thank you, Mr. Speaker.

Speaker Arnold Palacios: Representative Deleon Guerrero.

Representative Deleon Guerrero: Thank you, Mr. Speaker, for so graciously allowing my good colleague to speak first. For those of us that have been to Tinian and Rota you would probably realize that job opportunities are far and scarce that often times residents there tend to fall back to agriculture as a means for not only subsistence but also for their economic livelihood and unlike Saipan where we could go and look for jobs almost in the private sectors and a lot of places. In those two islands sometimes government jobs are hard to come by, it is very competitive and private jobs are even harder to find. And so I think the leadership of Tinian in introducing this bill is really trying to find ways to create opportunities to allow people to live and I think we should respect that. Representative Hocog pointed that public lands if some of us members are waiting to hear from them (DPL) about their comments on this bill often times bypass the leadership of those islands. And they do land exchanges and also do things that are not even consistent with the will of the people. So I think that in this case having this bill introduced by the members of the Senate from Tinian reflect the will of the people. And I think we should respect that as Representative Benavente had just stated. Furthermore, you probably read in the paper a few days ago, that in Tinian they are embarking on agriculture as an industry they are opening up which I am not sure if it is a co-op or a market place to allow for people to sell their produce. So I do not think any of us in Saipan are in any position to second guess what the leadership of Tinian intends and I think we should support them rightly, just like they have supported our intentions here in the Third Senatorial District. Thank you, Mr. Speaker.

Speaker Arnold Palacios: Before I recognize Representative Sablan, may I ask the Vice Speaker to come up to the podium so I could weigh in on this issue.

Representative Deleon Guerrero: I did see Representative Sablan raising her hands but in line with the Speaker on how he allows members who have not spoken, so I recognize the Speaker.

Speaker Arnold Palacios: I will yield to Representative Sablan.

Representative Sablan: I would also graciously yield to my Speaker.

Representative Deleon Guerrero: You are so gracious. Please proceed Speaker Arnold Palacios.

Speaker Arnold Palacios: Everybody is gracious. Thank you, Acting Speaker. You know, this Agricultural Homestead has been around for quite awhile. And from time to time the different Senatorial District request the Marianas Public Land Corporation, Marianas Public Land Authority, and now the Department of Public Lands to reserve, in fact, either through resolution or through local legislation through legislation that we have before us. But if those members that were in the 15th Legislature recall when MPLA was abolished in the 15th Legislature and more into so of a Department sort of Independent Autonomous Agency a quasi Autonomous Agency a major provision of that legislation which created the Department of Public Lands mandates the Department of Public Lands to put together a comprehensive land use plan for the Commonwealth inclusive of every Senatorial District. The failure of our MPLA and DPL to put together a comprehensive land use plan for the Commonwealth results in legislations from the different Senatorial Districts. These types of legislations where you would have leaders from Senatorial Districts beginning to carve out their own land use plan for their own constituencies in each of these islands. I am not basically oppose to this legislation because we have in fact in my tenure have reserved lands for residential homesteads and agricultural homesteads if I remember it correctly in the 15th Legislature we did the same thing for the

island of Rota. What I am trying to raise here is the need for our Committee on Natural Resources to impress upon the Department of Public Lands to finish with its mandate. Every Public Land Agency that have been or was created has been mandated to do this. And the failure continues to manifest itself in each Senatorial District carving out a land use of individual island land use plans and to appoint where even distinct precincts and the Third Senatorial Districts begin to reserve lands for particular usage on behalf of their constituencies. Had we had a land use plan which identified the most fertile lands on Tinian to set aside for Agricultural homesteads whether it is 1.5 hectare or 2.5 hectare as relevant to their population base and island needs we would not be having this debate. There are a lot of provisions in Public Law 15-2, and if you recall members that were here in the 15th Legislature that was a very controversial confrontational piece of legislation. But there were also good provisions in there that I believe had they been followed and implemented we would not be having this debate. So call upon our Committee on Natural Resources, the Vice Chairman Representative Benavente being present, to ask the Committee Chairman, Representative Tebuteb to please look into Public Law 15-2 and begin to address these issues not just for residential homesteads but also for conservation areas for recreational areas and other tourism industrial related purposes in each of these islands. Thank you.

Vice Speaker Deleon Guerrero: Are there any other? Representative Ralph Torres, I see you raising your hand, do you yield to Representative Sablan.

Representative Sablan: Thank you, Mr. Acting Speaker. Public Lands do not belong to the leaders of the CNMI, they belong to our people. And as such the disposition of public lands should rightly be put to the people at least for the opportunity to review the proposed disposition. Now the Department of Public Lands as I understand is mandated to conduct public hearings whenever there are public land leases that are...

Representative Ralph Torres: Point of clarification.

Vice Speaker Deleon Guerrero: State your point Representative Ralph Torres.

Representative Ralph Torres: I would like to ask Representative Sablan when you stated that it is owned by the people. Can you define “people” as to who is the people of the CNMI? Is it the indigent people, everyone? What do you mean “owned by the people”?

Representative Sablan: Who do we all represent as elected officials of the CNMI?

Representative Ralph Torres: Are you talking about....

Representative Sablan: Pursuant to the Constitution, public lands belong to the people of the CNMI. I think that is self-explanatory. May I continue?

Vice Speaker Deleon Guerrero: Are you satisfied Representative Ralph Torres? I believe what Representative Sablan was alluding to was the “Commonwealth people”. Continue Representative Sablan.

Representative Sablan: In any case, members, we have nothing to lose by putting out the question to the people of Tinian and the people of the Commonwealth what should be done with these particular areas that are being proposed for commercial and residential and agricultural homestead lots. One of

my concerns would be, and I know, that there is a pending Tinian Zoning Act, and I do not know how far they have come along with that initiative, but that is, in fact, a land use plan and we should ensure that there are no conflicts from the very beginning in the legislation that we are introducing in this 16th Legislature. I would also be concerned about this Legislature designating homesteads for people that have not been subject yet to proper review by say the Natural Resource agencies. I would hate for us to give homesteads to people where there are endangered species or are wetlands or other areas that are sensitive to development because we have not done our research. We have not allowed the appropriate agencies the stakeholders of the community as well to look at this proposal. We are offering an enormous track of land for farming, but do we even know the nature of the terrain or the quality of the soil? Are they even appropriate areas for agriculture? I am not at all oppose to land use planning or designated parcel of land for people to farm and make a living that way or to build their homes and raised their families there, that is not the issues. I think the issue could be that we are disposing of public lands in a responsible way and that we do not have to act on this today. They are not going to designate homesteads tomorrow and give away parcels of land tomorrow. This is something that we should take seriously, as Representative Babauta had said, public lands belong to the people of the Commonwealth. And we should do all our due diligence to make sure that we are managing them properly and in the best interest of all our people. Thank you.

Vice Speaker Deleon Guerrero: Representative Apatang.

Representative Apatang: Thank you, Mr. Speaker. I think we should give the desire of the leadership of Tinian what they are asking for. Because they know better, they know what is going on down in the island. We as Representatives from the Third Senatorial District stay around on Saipan. We do not know what is going on in the island of Tinian. So Mr. Speaker, let us support this bill before somebody comes in and decide to build another monument on Tinian. Thank you.

Vice Speaker Deleon Guerrero: Representative Dela Cruz.

Representative Dela Cruz: Thank you, Mr. Speaker. I was also a member of the Natural Resources during the 15th Legislature, and yes, Public Law 15-2 was very controversial in nature. And that it was basically a legislation that abolishes the MPLA into the new DPL. We had hearings in Rota and Tinian and as well as here. And the sentiment of the people of Tinian and one of the bigger sentiments was that the people were not privileged to be given homesteads. That was one of the biggest concerns that they raised. And so the legislation had to do with the abolishment of this entity, but yet we were something else, and that was a plea for these people to be given properties. I cannot say that...

Vice Speaker Deleon Guerrero: Representative Dela Cruz, could you please hold off for change of tape? (End of Tape 1 Side B)

Speaker Arnold Palacios: Continue Representative Dela Cruz.

Representative Dela Cruz: Thank you again, Mr. Speaker. I hope that by acting on this legislation today we all understand that we are not trying to micromanage DPL, this agency, rather, what we are doing is we are saying “yes reserve these parcels of property for homesteads, whether, for agricultural or homesteads”. I understand how Tinian is right now, I was there a few weeks ago. It is a little harder

to reside in Tinian than it is here. Of course, they have a better power plant down there than we do. But the cost of living is a lot higher. If we are to micromanage DPL and say this is what we want you to do then I do not think that would be in the best interest of the people of Tinian. Rather we must give DPL or any other agencies in the Commonwealth the benefit of the doubt to carry out this order or if this becomes public law to carry out the policies and regulations. Somebody had mentioned earlier that this might fall on the way side again well, are we to take the blame? It appears that everytime something happens in the Commonwealth we are going to take the blame. But we must all understand that we have all these agencies emplace to enforce regulations if they are not followed. A lot of people in Tinian are waiting for this, they have been waiting ever since the time of MPLC and MPLA and they are waiting up until now with DPL. I understand the concerns here it is to look at this and say, is this the best thing we can do for the Commonwealth. Again I go back and say, we have agencies and if we do not trust these agencies, then we should go after them. But not deprive the people down their in Tinian that are eligible to receive such properties. Public Lands are to be used for the indigenous people of the Commonwealth and yes, people is the indigenous people, because only the indigenous can own land within the Commonwealth. And again in as far as enforcement, we do not make enforcements, we have agencies to carry those out. I ask you, let us support this legislation that is all Mr. Speaker.

Speaker Arnold Palacios: Representative Sablan, we would have to wrap up these discussions soon.

Representative Sablan: I would just like to make a clarification, Mr. Speaker.

Speaker Arnold Palacios: Thank you. Proceed Representative Sablan.

Representative Sablan: For me, the issue is not whether or not we should give homesteads to the people of Tinian who have been asking for homesteads for such a long time as members and as this bill have noted that is really not the issue. The issue is whether or not we have taken the time to determine whether or not these areas that are being proposed are in fact, appropriate for homestead.

Floor Leader Camacho: Point of Order, Mr. Speaker.

Speaker Arnold Palacios: State your point.

Floor Leader Camacho: Is it my understanding that Representative Sablan is asking for a clarification or she is speaking for the third time on the issue.

Speaker Arnold Palacios: Clarification. Please wrap up your clarification, Representative Sablan.

Representative Sablan: Thank you. The issue is not that. The issue is whether or not we have done our due diligence and that is something that I think it should be clarified here. Homesteading takes planning and it takes review. I have mentioned about environmental issues I mentioned even looking at the terrain and asking the people if there might be better areas for homesteads.

Representative Benavente: Point of clarification.

Speaker Arnold Palacios: Okay, I think she is done. I think she did ask those questions. So the questions are basically whether or not anyone has look into this. Go ahead Representative Benavente.

Representative Benavente: Once again, Mr. Speaker, the proposed legislation is to reserve these properties, it is not proposed to give the properties. I think that their concerns as far as the permitting processes that are going to be necessary would happen upon when the time comes to distribute these properties. This bill is merely putting away property, protect these properties against any exchanges or any commercial building so that it goes to the people of Tinian for agriculture.

Representative Sablan: Point of clarification.

Speaker Arnold Palacios: Proceed, Representative Sablan.

Representative Sablan: This does not protect against commercial development. It is quite broadly worded that this huge area of land “shall be reserved for commercial or other purposes” and then next that is “shall be designated for agriculture or residential homestead lots”. So we are not protecting land here...

Speaker Arnold Palacios: Representative Sablan, it does...

Representative Hocog: Privilege, Mr. Speaker.

Speaker Arnold Palacios: Before I recognize that, the purpose of this bill is to reserve for certain purposes, and that is, agricultural, residential, and commercial, those are the three purposes. Representative Hocog, recognized.

Representative Hocog: Mr. Speaker, to simplify the issue here, I will go back again, to a defense that the Senate Bill that was vetoed by the Governor, will ensure the leadership also of not exchanging public lands versus private lands without the knowledge of that leadership, so it will not distort the future planning that is of compelling interest to the people of Tinian or for that matter to the CNMI. And that is the reason why that bill that the Governor vetoed that we overrode will secure that. So I move to end debate.

The motion to end debate was seconded.

Speaker Arnold Palacios: The motion to end debate is not debatable.

The motion to end debate was carried by voice vote.

Speaker Arnold Palacios: We move to the previous question, Clerk call the roll please.

The Clerk called the roll on the motion to pass S. B. NO. 16-37, 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 Palacios: Mr. Speaker, can you allow me one minute.

Speaker Arnold Palacios: I will allow you, Representative Raymond Palacios.

Representative Raymond Palacios: Like I said, I do not object the intentions of this bill. I wholeheartedly agree that we respect each municipality's wishes, but like I said earlier DPL is the designated agency in regards to this matter. I was going to ask, but, it was voted to end debate, whether the Municipality of Tinian has brought these concerns up with DPL in the first place. Because if not then I am very concern because bypassing DPL we are actually allowing a loophole in the law that we can bypass any other agencies that are responsible to handle those matters. I am just concern whether they have brought this up because if they have not, I think that is the appropriate route that they should take first. But as I said, I support the reserving of land and I support the people of Tinian, but I just wish in the first place that we should have addressed these concerns with DPL first prior to acting. My vote is yes.

Representative Raymond Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	absent (excused)
Representative Christina M. Sablan	no
Representative Edward T. Salas	no
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	absent (excused)
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	absent (excused)
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of 13 "yes," S. B. NO. 16-37, passes the House on First and Final Reading. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to pass on First and Final Reading H. B. No. 16-144 referencing to Youth Congress.

The motion was seconded.

H. B. NO. 16-144: A BILL FOR AN ACT 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.

Speaker Arnold Palacios: Discussion on the motion? Ready? Representative Sablan, recognized.

Representative Sablan: Thank you. I would like to ask the author of the bill to, I suppose, justify why we are doing this, reorganizing the Youth Congress.

Speaker Arnold Palacios: Thank you. Representative Ralph Torres I will allow you to explain.

Representative Ralph Torres: On the Senate changing it down to three to one, the rationale for it is because of the low turnout rate of voters in the precinct level. So instead of giving three on the precinct level, they are requesting that we put that back to school where the voter populations are at. Over 95% of voters are at school. Thank you.

Speaker Arnold Palacios: Representative Quitugua.

Representative Quitugua: For additional information, Mr. Speaker. This legislation was recommended by the Youth Congress.

Speaker Arnold Palacios: Representative Salas.

Representative Salas: Just clarification on page 1. Does that mean that for, let us say, for each participating private and public high school with more than three hundred students, so obviously they are going to have one automatically then when they reach three hundred it is another Senator, and then if it is six hundred, there will be another Senator. So every increment of three hundred?

Speaker Arnold Palacios: Representative Ralph Deleon Guerrero.

Representative Ralph Torres: Yes.

Representative Salas: Okay. Then also on page 2, on line 6, Mr. Speaker, I believe Election District 7 should be included also.

Speaker Arnold Palacios: Okay. Clarified. Representative Sablan.

Representative Sablan: Thank you. I would also like to ask if this bill would incur any additional cost and how might this impact the budget that we set aside for Youth Congress? And if the Committee is also considering cost cutting measures for fiscal year 2009 that would affect the Youth Congress?

Speaker Arnold Palacios: Representative Ralph Torres.

Representative Ralph Torres: I do not see any cost increase in this. The only thing here basically is instead of putting three Senators in precinct we are actually shifting it over to the school representation. So in terms of cutting measures there is nothing there to increase that. And the other thing here that the Youth Congress is requesting is to allow them to have their election a month later after the opening date of the school now that the Governor is requesting two more weeks that will extend it to whatever the date is. Thank you.

Speaker Arnold Palacios: The proposal for the Youth Congress budget will remain as it is on the 2009 budget. Thank you. Ready. Representative Ralph Torres.

Representative Ralph Torres: I guess in the budget with the Youth Congress that will be entertained during our discussions for the budget for 2009.

Speaker Arnold Palacios: It is primarily, I believe the Legislative Bureau has proposed that it will stay at the same level of funding. Proceed for the last time, Representative Sablan.

Representative Sablan: Thank you. Just taking into account our dwindling resources and the parts of the Government that we can afford to cut I think we should consider cutting Youth Congress and allowing the schools to take this up as an extra curricular activity like they do now with many other activities. Thank you.

Speaker Arnold Palacios: Thank you. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 16-144, 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 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	yes
Representative Ramon A. Tebuteb	absent (excused)
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	absent (excused)
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of 15 “yes,” H. B. NO. 16-144, passes the House on First and Final Reading. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to pass on First and Final Reading H. B. No. 16-25, HD2, SS1, reference to the Medical Licensing Board.

The motion was seconded.

H. B. No. 16-25, HD2, SS1: A BILL FOR AN ACT TO REQUIRE THE ADVICE AND CONSENT OF THE SENATE FOR APPOINTEES TO THE MEDICAL PROFESSIONAL LICENSING BOARD; AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: Discussion on the motion? Representative Sablan.

Representative Sablan: Thank you. Just looking at the amendment that the Senate had just added to this bill. Does this mean that there shall be all new members appointed within 120 days from the effective date of the Act? That everyone’s term shall expire and we start over?

Speaker Arnold Palacios: Short recess.

The House recessed at 11:30 a.m.

RECESS

The House reconvened at 11:33 a.m.

Speaker Arnold Palacios: We are back to our session. When we went into recess, Representative Hocog and Representative Babauta had clarified, so for the record I recognize Representative Hocog.

Representative Hocog: Yes, for the record, Mr. Speaker, the amendment does not say that automatically upon the Governor endorsing his signature that these present serving Professional Medical Board members will be out of their authority. They will continue to serve the 120 days until the Governor reappoints them, reinstates them back, renominates them and plus the additional members as required by this legislation.

Speaker Arnold Palacios: Representative Babauta.

Representative Babauta: Thank you, Mr. Speaker. Just a short one. Because the prior composition of the Board or rather the appointees are not normally or rather for that matter does not fall in the purview of the consent as traditionally other Boards and Commission. So given this amendment this would allow this Administration to appointment while the present composition of the Professional Licensing Board continues to remain. Whether or not the Governor will appoint the same that we do not know because he is the appointing authority pursuant to H. B. No. 16-25, substituted by the Senate. So presently the amendment is fine in conformance of the duties and responsibility while the Senate conducts a hearing with the present Board members that are appointed or new Board members that would be appointed. Thank you, Mr. Speaker.

Speaker Arnold Palacios: Thank you. So that basically clarifies your questions right, Representative Sablan?

Representative Sablan: Well, sort of, it raises another concern.

Speaker Arnold Palacios: Proceed Representative Sablan.

Representative Sablan: So this would prohibit the current members on the Board from serving 120 days from the effective date this Act. Now, the new concern that I feel at this time is, just looking at the Governor's track record in appointing people to Boards and it is not a very good track record. And I mean we have gone through three emergency declarations with CPA and how long did it take for a quorum to be formed at PUC, and there is a Public Lands Advisory Board that was created back in the 15th Legislature and no members have been appointed to that. Same with an Advisory Board to CUC no members have been appointed to that, how long did we wait for the replacement for Judge Lizama, and what about OPA, up to the eleventh hour we had no idea who the new Public Auditor will be. And that is not including the time it takes the Senate to confirm new members. I feel that we can do a better

job at this transition. I have no objection at this time to require the advice and consent of the Senate, but I would worry about crippling the Medical Professional Licensing Board if the Governor does not appoint a quorum so they can act and do their business. How would we address that if he does not appoint members on time?

Speaker Arnold Palacios: Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker. I understand the concerns being raised by Representative Sablan. But the policy call that we are proposing that change in policy under this proposal the Legislature is taking to require those serving as members of the Board that they be confirmed by the Senate. This provision is necessary to implement that or else they may continue on the present Board members not being confirmed by the Senate may continue and not require or not implement the policy change that the Legislature has decided. So it is necessary. Whether or not the Governor, willing, able, or to appoint within 120 days that is really going to be up to the Administration. I would think that the Governor would have the same concerns as far as making sure that we do not cripple the Board and its functions and the necessary responsibilities that they have. And at this point 120 days which is a total of four months, I believe is ample time to allow the Governor to make this change. Thank you.

Speaker Arnold Palacios: Representative Sablan, I will allow you one more...

Floor Leader Camacho: Point of Order, Mr. Speaker. Representative Sablan is going to speak again for the third time on the issue.

Speaker Arnold Palacios: She made an inquiry and it is just on that inquiry. Representative Sablan.

Representative Sablan: In terms of a transition, would it not make more sense to allow that the current members' terms to expire as they should and then the Governor can appoint new members to replace them and comply with the advice and consent requirement of this bill. Would that make more sense rather than requiring all the members to step down within 120 days and hoping that the Governor will appoint new members on time.

Speaker Arnold Palacios: Alright. Do you want to answer for the last time, Representative Hocog? You are recognized, Representative Hocog.

Representative Hocog: I do not know, Mr. Speaker, whether how long we can continue not to put faith in the system. And as a simple example, the Governor did not fail his mandates when the Legislature asked him to appoint back the CPA Board Directors (Commonwealth Ports Authority). The Governor had done so and I believe that the ample time provided in this legislation for the Governor to appoint within the next four months after this legislation becomes law, is enough time for the Governor to have candidates to appoint before the expiration of the 120 days. And I guess we should just, you know, Mr. Speaker, allow ourselves to believe and move forward by working together in compliance with the mandate of the statute created by the this Legislature. Thank you.

Speaker Arnold Palacios: Representative Sablan, let me say this. I know that you are very passionate when you debate and when you, deliberate, but please, wait to be recognized. I accept your apologies

but please try to be consciences on that. I recognize again, and Representative Sablan has requested a recess. How long of a recess you are requesting, Representative Sablan.

Representative Sablan: I think that would depend on how long the legal counsel...a very short amendment, but to allow members terms to expire and then have the Governor appoint...

Representative Hocog: Privilege, Mr. Speaker.

Speaker Arnold Palacios: State your privilege.

Representative Hocog: Mr. Speaker, we have time before the power goes out.

Speaker Arnold Palacios: Yes.

Representative Hocog: I guess the bill is very self-explanatory, Mr. Speaker, and to go for another amendment...

Representative Sablan: Point of order, Mr. Speaker.

Representative Hocog: Representative Sablan, please, have the courage I am speaking! And ask privilege to the Speaker before you speak when I am talking...

Representative Sablan: And I certainly have the right to raise a point...

Representative Hocog: Now you have to ask permission before you talk.

Speaker Arnold Palacios: Order, please, Representative Sablan, you need to be recognized before you begin speaking. That has been an issue here. And I have been very patient and I do not want to go to a situation where I have to go to the Rules to sanction anybody that is speaking out of order anymore. But please, Representative Sablan, wait until you are recognize before you begin speaking. Continue, Representative Hocog.

Representative Hocog: Mr. Speaker, I this point of time I move to end debate.

The motion to end debate was seconded and was carried by voice vote.

Speaker Arnold Palacios: For the previous question, Clerk call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 16-25, HD2, SS1, 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 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	yes
Representative Ramon A. Tebuteb	absent (excused)
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	absent (excused)
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of 14 “yes,” H. B. NO. 16-25, HD2, SS1, passes the House on First and Final Reading.

Representative Babauta: Privilege, Mr. Speaker.

Speaker Arnold Palacios: Please state your privilege.

Representative Babauta: Mr. Speaker, I humbly appeal to the members of this House. I know that on certain issue we become emotional at certain time. I wish to reiterate upon ourselves the importance of this august body the Parliamentary Procedure and I urge that we take extra precautionary measure in addressing the Speaker in a decorum manner. So with that Mr. Speaker, again I remind the members and the Floor Leader to be cognizant of the motions being offered and let us have a democratic parliamentary exercise in this House Chamber. Thank you, Mr. Speaker.

Speaker Arnold Palacios: Thank you, Representative Babauta for that recommendation. Let me say this, there are time where I struggle because when we go through these long deliberations over particular issues sometimes we continue to go round and round. I do not mind that at all, but I think that I believe we need at the very least recognize the procedures of deliberation on the floor. Sometimes we deviate from that and I allow a little bit of deviation I do not try to impose a an order such that it becomes very inflexible, but I just ask, one, that we be patient with each other and the other one, that you be recognized and recognize the Rules of Order and Deliberations. I know that sometimes we become very passionate about our positions but deliberations cannot really move forward if we become almost belligerent. I am going to start to be forced to really impose this Rule. Before you jump out of your shoes, please be recognized first, and that goes to every member. Okay. Representative Babauta.

Representative Babauta: Mr. Speaker, we still have fifteen minutes, can we just go on and move on as much as I want to see this Calendar be erased, let us allot our time...

Speaker Arnold Palacios: Floor Leader, do we have a legislation here that is not going to be controversial that is going to take us beyond ten minutes to discuss?

Floor Leader Camacho: Mr. Speaker, H. B. No. 16-78, HD1.

Speaker Arnold Palacios: Okay. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to pass on First and Final Reading H. B. No. 16-78, HD1 in reference to DLNR---(End of Tape 2, Side A)---

The motion was seconded.

H. B. No. 16-78, HD1: A BILL FOR AN ACT TO AMEND PUBLIC LAW 15-22; AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: It has a Standing Committee Report so everybody should have a copy. The Standing Committee Report has been adopted. Discussion on the motion? Could I ask the author of the bill, Representative Quitugua, to give us a thirty second brief on what this legislation is about because it is very cryptic? Representative Quitugua, you are recognized.

Representative Quitugua: Thank you, Mr. Speaker. Mr. Speaker, during the 15th Legislature, the Secretary of Public Health and the Secretary of Lands and Natural Resources were here testifying on issues relating to their respective Departments and this issue came up. They requested that we amend the statute and include this amendment that is indicated under this legislation. So we introduced this in the 15th Legislature as per their request and it went up to the Senate I do not believe the Senate acted on it because I think the timing was pretty close to the end of the 15th Legislature. Thank you.

Speaker Arnold Palacios: Thank you. Let me add on to that. This was also a legislation that was called to our attention as necessary by the PAWS () when dealing with the stray dog population. When we have volunteer US certified Veterinarians willing to come to Saipan to volunteer their time for neutering and spaying stray dogs and cats and what not. They are volunteering their time and their professionalism to come but because of certain statutes which open them to liabilities they are not able to perform those volunteer services that they are offering. So with that the Secretary of Lands and Natural Resources who is a Veterinarian himself and the Department of Public Health had asked that we consider this legislation. Okay. Ready. Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. No. 16-78, HD1, 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 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	yes

Representative Ramon A. Tebuteb	absent (excused)
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	absent (excused)
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of 16 “yes,” H. B. NO. 16-78, HD1, passes the House on First and Final Reading. Floor Leader, motion to adjourn. Representative Sablan.

Representative Sablan: Before we adjourn, can we go over Miscellaneous?

Several members voiced “no objection”.

MISCELLANEOUS BUSINESS

Speaker Arnold Palacios: Okay, there is no objection. Can we make sure that we clear the place in five minutes. Representative Sablan.

Representative Sablan: Well I noted in the papers today that you said that we would be taking up the issue of litigation against the Federal Government as has been requested by the Administration. And we have not done that today. So I thought perhaps we are waiting for the Miscellaneous Business portion of the Agenda. But I, hopeful that the members did see through some of the spin and propaganda that we were being fed at yesterday’s presentation and that we would thoughtfully and carefully view the Governor’s proposal before we take any action that will result in expensive litigation that may not do any good for the Commonwealth. I did ask for two things and I wanted to reiterate that on the floor. I would like to know which public services would suffer as a result of this litigation, where Howard Willens estimated a cost of approximately half a million dollars, assuming that it goes as far as eight months, it might go longer if in fact we decide to pursue this. And I really think that we should weigh this very carefully against all the essential services that we are struggling at this time to provide for our people. Second, I would like to request, Mr. Speaker, if the members could obtain a copy of the power point presentation that was delivered yesterday. The power went out he was not able to finish the presentation and I think that I would really like the time to just go through each of the slides and see the slides that we missed. So if we could just request that of the Administration I would appreciate that.

Speaker Arnold Palacios: Thank you. Your points are well taken. And I have talked to other members who have raised concerns about this particular issue. Certainly, there is not going to be an immediate decision on this particular request of the Administration. In fact, I have not, to my knowledge received any formal request. The only request was for the presentation. And members want to clarify some of the issues and some members want to invite him back to further clarify because when the power went out it became chaotic. I also have my own personal view of this particular issue and I believe that as the Chair of this House, it is my thought would be to call not necessarily a session but a meeting of the House after we re-invite Mr. Willens to clarify some of the questions that still lingers in some of the members mind. Then we can begin to have a serious deliberation on this particular issue. Representative Sablan, you are correct, everyone is as concerned as you are regarding a lawsuit or a potential litigation that could drag on the particular issue. Particularly, with the Federal Government

what it entails and what are implications are going to be. So I will call on everyone for a meeting on this particular issue in the very near future. I will attempt to get a copy of the Power Point presentation. Before I recognize the Vice Speaker, let me first recognize Representative Benavente. We are running out of time.

Representative Benavente: Thank you, Mr. Speaker. I realize that and also under miscellaneous we really should not be debating and I will not debate the statements made by Representative Sablan, as a matter of fact, I totally agree with her statements. To the point that I want to further recommend that we not only call Mr. Willens back to answer a lot of the questions that we would have, but maybe invite someone who can argue the other side, who might be able to present us a different picture of options rather than spending over a half a million of dollars of tax payers money. There is got to be a cheaper way to resolve this because there are some real concerns raised by Mr. Willens, but I agree that I think there was a propaganda there was an attempt to not tell the whole picture here it is like lobbying justifications that need to fund this lawsuit and I do not think that we should. We should stop at that.

Speaker Arnold Palacios: It is called presentation to influence. Vice Speaker Deleon Guerrero.

Vice Speaker Deleon Guerrero: This is very short, Mr. Speaker. I was going to add that in addition to the request for the Power Point presentation to ask Mr. Willens if he has a copy of the GAO report, which I believe none of us have read or are privy to, if he can get a copy of that as well.

Speaker Arnold Palacios: Okay. With that, are there anymore on that particular issue? I will in the very near future schedule a revisit with Mr. Willens and schedule a meeting for the House to take a serious look at it and see where we are going to go with it. Representative Quitugua.

Representative Quitugua: Thank you, Mr. Speaker. I have noticed during several sessions that sessions are actually being interrupted due to our probably unconscious or not exactly knowing what are in our House Rules. And in not knowing in our House Rules we tend to give an additional burden to the Floor Leader, the Speaker, and some of the members to call out objections or out of order and it prolongs the sessions. I would just like to recommend that we all take our time to read the House Rules so in the future we can have a smoother and a more orderly debate during the sessions will prevent the and high blood pressure from arising during the debate. Thank you, Mr. Speaker.

Speaker Arnold Palacios: Thank you that is an advice well taken. I think everyone should heed to that. Representative Apatang.

Representative Apatang: Thank you. In line with that, whenever when the Speaker calls for a session at 9:30 a.m., we would like to see that all the members are here at 9:30 a.m. so we can start on time. The staffs are here waiting for the members to come in and the general public is waiting as well, so we need to set an example. Show up on time. Thank you.

ANNOUNCEMENT

NONE

ADJOURNMENT

Speaker Arnold Palacios: Okay with that, a motion to adjourn?

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

The motion was seconded and was carried by voice vote.

The House adjourned at 12:00 p.m., subject to the Call of the Chair.

Respectfully submitted,

Linda B. Muna
Assistant Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

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

SECOND APPEARANCE:

H. L. B. NO. 16-22: A Local Bill for an Act by the Third Senatorial District to authorize SHEFA financial assistance for students who have not obtained a high school diploma or its equivalent who are enrolled in a trade institution such as the Northern Marianas Trades Institute; amend 10 CMC § 3921(e) and § 3922; and for other purposes. (Rep. Justo S. Quitugua +2)

THIRD APPEARANCE:

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. (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. (Rep. Edwin P. Aldan)