



House Journal

SECOND REGULAR SESSION, 2008

**ADOPTED:
June 30, 2009**

Fourth Day

Wednesday, September 10, 2008

The House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature convened its Fourth Day, Second Regular Session on Wednesday, September 10, 2008, at 9:49 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.

I ask at this time to remember those who have perished in the 9/11 attack, tomorrow is 9/11; and I ask that you remember them in your prayers.

A moment of silence was observed.

The Clerk called the roll and fourteen members were present six members absent. Representative Aldan will be arriving here shortly. Representative Reyes, Representative Hofschneider, and Representative Santos, were absent and excused.

ADOPTION OF JOURNALS

NONE

INTRODUCTION OF BILLS

Speaker Arnold Palacios: Before, I proceed, I would like to welcome a former colleague, former Representative Andrew Salas. Welcome to the House. Let the record reflect that, Representative Benavente is present. Representative Stanley Torres.

Representative Stanley Torres: I yield.

Speaker Arnold Palacios: Representative Apatang.

Representative Apatang: Thank you, Mr. Speaker. I have an unnumbered bill to repeal and reenact Title 2, Division 1, Chapter 6, Article 2, of the Commonwealth Code in regards to the Managaha Island Landing fee and for other purposes. Mr. Speaker, if there is no objection, I would like to ask if we could place this on the Calendar for today's action.

There was "no objection" on the floor.

H. B. No. 16-150: To repeal and re-enact Title 2, Division 1, Chapter 6, Article 2 of the Commonwealth Code in regards to the Managaha Island Landing Fee; and for other purposes. (Rep. David M. Apatang)

Speaker Arnold Palacios: Floor Leader, take note of that bill, and we can take the question up when we get the Bill Calendar. Are there any other bills for introduction? Floor Leader.

Floor Leader Camacho: I apologize, Mr. Speaker, I will yield, to Representative Stanley Torres.

Speaker Arnold Palacios: Representative Stanley Torres.

H. B. No. 16-149: To suspend subsection 8662(a) of Section 2 of Public Law No. 15-23, as amended by Public Law 15-87, for a period of two years; and for other purposes. (Rep. Stanley T. McGinnis Torres +2)

Representative Stanley Torres: I request that we place this on today's calendar for action. Thank you.

Speaker Arnold Palacios: Again, I will ask the Floor Leader, to take note of these House Bills we could take up the question. Are there any more bills?

House Legislative Initiatives:

H. L. I. NO. 16-17: To amend Article III, Section 21 of the Constitution of the Northern Mariana Islands to hold members of governmental boards and commissions, who are receiving compensation, personally liable for a breach of their fiduciary duty, gross neglect, or intentional abuse of their position. (Rep. Joseph N. Camacho)

Speaker Arnold Palacios: Vice Speaker Deleon Guerrero.

H. L. I. NO. 16-17: To amend Article XI, Section 5(g) of the NMI Constitution to authorize the Department of Public Lands to reserve twenty percent of its operational expense to pay and satisfy land compensation claims; and for other purposes. (Rep. Joseph P. Deleon Guerrero)

Representative Deleon Guerrero: Mr. Speaker, if any member wishes to co-sponsor, I would like to pass it around now. Thank you.

Speaker Arnold Palacios: Are there any more legislations? Ready.

INTRODUCTION OF RESOLUTIONS

Speaker Arnold Palacios: Representative Tebuteb, recognized.

Representative Tebuteb: Thank you, Mr. Speaker. I have unnumbered House Joint Resolution to respectfully inform the President of the United States that on behalf of the people of the Commonwealth of the Northern Mariana Islands that the Sixteenth Commonwealth Legislature strongly opposes the creation of the Northern Island National Monument. And if there is no objection, I would like to introduce this as committee of the whole.

Speaker Arnold Palacios: I will allow the members who would like to co-sponsor the legislation to do so. Clerk, let the record reflect that, Representative Aldan is present. Are there any more resolutions? Representative Aldan.

Representative Aldan: Thank you, Mr. Speaker. If I may, and with the indulgence of the members, can we go back to the Introduction of Bills.

There was “no objection” on the floor to return to the Introduction of Bills of the Order of Business.

Speaker Arnold Palacios: Under Introduction of Bills, I recognize Representative Aldan, proceed.

Representative Aldan: Mr. Speaker, I have an unnumbered House Bill. A Bill for an Act to appropriate \$62,540.00 from the local license fees collected from the poker slot machine for the Second Senatorial District; and for other purposes.

Speaker Arnold Palacios: We are now back to House Resolutions. Representative Benavente.

Representative Benavente: Mr. Speaker, just for the information for the members and upon request and requesting the members to be allowed later on in the day, if possible, if we should be able to finalize this House Joint Resolution with regards to the “Special Visa Waiver Program”, that we are currently putting together. We are hoping to get it out today I know that time is of the essence on this matter, it is critical that we act on it as quickly as possible. But, we also realize along with MVA (Marianas Visitors Authority) and other individuals who are putting this together that we need to make it as strong as possible. So we are taking the time to do that and I hope that before the end of our session we can go back to the Resolution Calendar and maybe introduce that resolution. Thank you.

Speaker Arnold Palacios: That is well noted. Thank you, for that update on that particular issue, Representative Benavente. Are there any more resolutions? Representative Aldan, recognized.

Representative Aldan: Thank you, Mr. Speaker. I have an unnumbered resolution. A Resolution to recognize and congratulate Ms. Marisa D. Untalan for being selected by the Junior Statesmen Foundation as the CNMI representative at the United States Democratic and Republican National Conventions.

Speaker Arnold Palacios: Are there any more resolutions? Ready.

MESSAGES FROM THE GOVERNOR

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

Gov. COMM. 16-175: (8/27/07) Informing the House that he signed into law H. B. NO. 16-142, HD2 (CUC Foreign National Hiring Exemption). [Became **Public Law 16-14**]

Gov. COMM. 16-176: (8/29/08) Certification of a vacant position for the Board of Professional Licensing.

Gov. COMM. 16-177: (9/2/08) Regarding PL 110-229 and Section 902 talks.

Gov. COMM. 16-178: (9/3/08) Executive Order 08-12 - Termination of State of Disaster Emergency: CPA's Approach of Technical Default on \$20M Indenture.

Gov. COMM. 16-179: (9/4/08) Executive Order 08-13 – Declaration of State of Disaster Emergency: CUC's Imminent Generation Failure and the need to Provide Immediate Reliable Power during Repairs.

Gov. COMM. 16-180: (9/5/08) Informing the House that he signed into law S. B. NO. 16-13, SD3, HS1, HD1 (To forbear, in certain instances, the collection of educational financial assistance liability). [Became **Public Law 16-15**]

Gov. COMM. 16-181: (9/5/08) Informing the House that he signed into law H. L. B. NO. 16-10, S1, D1 (To appropriate \$4,752,000 from revenues collected from SLL 11-2 for FY'09). [Became *Saipan Local Law 16-4*]

Gov. COMM. 16-182: (9/5/08) Informing the House that he signed into law H. B. NO. 16-16, S1, D1 (To appropriate funds from SLL 13-4). [Became *Saipan Local Law 16-5*]

Gov. COMM. 16-183: (9/5/08) Certification of vacant positions at the Department of Public Health.

Gov. COMM. 16-184: (9/5/08) Certification for an annual salary in excess of \$50,000 for Dr. Jeanolivia Dean Grant.

Gov. COMM. 16-185: (9/5/08) Certification for an annual salary in excess of \$50,000 for Dr. Timothy Taylor.

Gov. COMM. 16-186: (9/5/08) Certification for an annual salary in excess of \$50,000 for Dr. Hazel Christine Brown.

Gov. COMM. 16-187: (9/7/08) Executive Order 2008-14 - Declaration of a State of Disaster Emergency: Water System Pollutants; Public Emergency; Closure of Certain Public Schools.

Gov. COMM. 16-188: (9/9/08) Executive Order 2008-15 - Rescinding the Declaration of a State of Disaster Emergency in Executive Order 2008-14.

GOV. COMM. 16-189: (9/9/08) Informing the House that he signed into law H. B. NO. 16-113 (To name the baseball field in Rota the Joaquin Mesngon Ogo Baseball Field). [Became **Public Law 16-16**]

Speaker Arnold Palacios: Representative Babauta.

Representative Babauta: Just a short comment on GOV. COMM. 16-181, since we are having problems with one of our scholarship offices, primarily in the Third Senatorial District, I would like to applaud the author for coming up with the language under the expenditure of funds appropriated to SHEFA (Saipan Higher Education Financial Aide). Thank you, Mr. Speaker.

Speaker Arnold Palacios: Thank you.

Representative Hofschneider: Privilege, Mr. Speaker.

Speaker Arnold Palacios: Under privilege, Representative Hofschneider.

Representative Hofschneider: For the record, Mr. Speaker, I am present.

Speaker Arnold Palacios: Clerk, please take note of that, welcome. Are there any other comments under Governor's Communications? Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker. I have been disturbed, as I have always have been, by the latest series of Declarations of States of Disaster Emergency. I am just wondering if there is a record so far of the number of States of Disaster that have been declared, at least since the 15th Legislature relating to CUC. Because there have been at least in this 16th Legislature, it seems to be a new one every week and it has clearly disrupted the Public School System and other public services, most recently. And I am particularly concerned with GOV. COMM. 16-179, I think this is the one that he suspends regulations with which CUC would have to comply in order to install the Aggreko generators. Now, the Governor's powers only go so far. I understand he has powers to declare States of Emergency and to justify that, but he does not have the power to suspend federal regulations. And I am fearful, Mr. Speaker, that we may have yet another mess on our hands with federal regulatory agencies, particularly, with the Environmental Protection Agency. And I think that this bares close scrutiny by the members of the Legislature. Is there any by the House Standing Committee on PUTC (PUBLIC UTILITIES, TRANSPORTATION & COMMUNICATIONS COMMITTEE)?

Speaker Arnold Palacios: Thank you, for those comments. I believe every member is also mindful and concern, as I have. For the record, I came out on the paper expressing my concerns and as Chair of this House, I am having the latest Disaster Declaration looked at by our legal counsels with my concerns. So, I will be officially expressing some of the Houses' concerns in that communication which perhaps, I will share when a letter or a communication to the Governor is ready to be transmitted. Proceed, Representative Sablan.

Representative Sablan: Thank you. I think that the other issue that is raised, as a concern for me is, at least with respect to the Governor's latest decision to suspend regulations because we know in the Aggreko contract it very clearly states that it shall be CUC and the CNMI Government that will be

responsible for permitting requirements. And this contract certainly, came as no surprise to the Administration, and they have known for months, that permit requirements had to be met by CUC. And so, to pass an Executive Order at the very last day just before the Aggreko generators are about to be brought up on line. All that means to me is that they have done no planning, no preparation and they have not done their due diligence. And so, I worry about what this means for the future. Thank you.

Speaker Arnold Palacios: Thank you. For your information and for the members, when we knew that the temporary power through Aggreko was imminent, I had communicated with the Director of the Division of Environmental Quality (DEQ) and asked him to make sure he is in communication with CUC, to ensure that the air quality regulations are abided by and that we will have ample time. I am also concern, but I believe it was last Friday, I was informed that the CUC and Aggreko were going to start up one of the engines for DEQ to get an air quality sample. But unfortunately, that was postponed because the Executive Director of CUC was very sick, so that did not go through. But you are correct, and I think that everybody is mindful that the EPA regulations and our own DEQ air quality control has to be met to the extent. I will be very surprised, if these new engines does not meet those requirements but it warrants monitoring and it warrants us to request information from our own DEQ office. Representative Ralph Torres.

Representative Ralph Torres: Just a question, regarding the CUC. Are there any updates from the Governor regarding Public Law 16-2, the monthly report as to the revenue being reprogrammed? For my understanding, Public Law 16-2 which supposedly there was going to be a monthly report by the Executive Branch as to where they reprogrammed the funds to.

Speaker Arnold Palacios: I believe there was a report. It was sent out to all the members on this. It was actually a letter to Representative Sablan, from the Department of Finance and it was courtesy copied to all members of the House. So it does reflect and reported how much funds were reprogrammed and where they went to. Are there any more? Representative Salas.

Representative Salas: Mr. Speaker, I just wanted to say, that I guess by the 12th or the 16th we are supposed to be having no more load shedding on our power. I really just hope that having that does not mean that we will have to end up paying a lot more on our rates. I know that the Executive Director, Tony Muna had indicated that it is rate neutral, but I am really just hoping our constituents and all of us are not faced with higher power rates in the future. Thank you.

Speaker Arnold Palacios: We are all hopeful of that, and in fact, I expect the rates to go down because the cost of oil has gone down. So I believe that we should be seeing some reduction in the fuel surcharge.

Representative Salas: I just say that because, of my concern that CUC are having problems paying PMIC, Telesource, and even for fuel. I am just concern how they are going to pay the \$504,000 a month. Although, Mr. Muna, has indicated of course, yes, they have the money to pay for it, again I am just saying I am very concerned. Thank you.

Speaker Arnold Palacios: Thank you. Are there anymore under Governor's Communication? Ready?

SENATE COMMUNICATIONS

NONE

HOUSE COMMUNICATIONS

HSE. COMM. 16-68: (9/5/08) From Representative Santos, JGO Chair, appointing two new members to serve on the committee.

Speaker Arnold Palacios: Representative Sablan.

Representative Sablan: Just a comment on the bill that was introduced earlier this morning, House Bill 16-149, proposing to suspend the LEEDS certification requirements in Public Law 15-87. I just wanted to inform the members that I did have the opportunity to speak to the President of the Guam Chapter of the American Institute for Architects. I was just trying to get a better understanding of how complicated the LEEDS certification process really is, and he said that it is not all. There is the \$400.00 fee for taking the exam and purchasing the materials, and those are indicated in the bill itself. But the actual in terms of the length of time it should reasonably take DPW to be able to certify its professionals, then you do not have to be by the way, a licensed engineer or architect to be a LEEDS certified professional. He said, it should be about five weeks, which is about the time it took him.

Speaker Arnold Palacios: Do you have any written communication?

Representative Sablan: I asked him if he would be able to provide that for us. He actually offered to come down to give the members a presentation, because he said, while there would be these initial upfront fees test taking and so forth, really you just need one person on staff presently. You do not have to hire someone else to study the materials for five weeks and pay the fees and then DPW would be able to comply. So I just wanted to point out to the members, that this requirement has been on the books for over a year and so the problem is, that DPW has sat on its hand and not done anything about it. But there is no reason for us to suspend for two years requirements that would really save the CNMI money in the long run.

Speaker Arnold Palacios: Thank you, for that communication, and perhaps you may want to discuss that at length when we do get to the Bill Calendar and decide whether we are going to take up the legislation in the Calendar or not. Representative Stanley Torres.

Representative Stanley Torres: Thank you, Mr. Speaker. Just responding to Representative Sablan's comments. Just so that the members expect under discussion on the bill on the Bill Calendar, it does not sound so simple. Representative Sablan, made it too simple saying, that there is no need for that. Then why did the Attorney General made it so serious that they rejected the contract that was supposed to start the government project, if that is just a simple way. That is a very serious concern that I have. Thank you.

Speaker Arnold Palacios: Yes, let us leave the issue until we do get into the particular legislation. I think it warrants discussion, but at this point of time, I think we should move on to the other Agenda Items until we get to the particular legislation.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

NONE

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

NONE

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT./AGCY. COMM. 16-47: (9/2/08) From Labor Deputy Secretary Cinta M. Kaipat on the impacts of PL 110-229 on revenues for the Labor Department.

DEPT./AGCY. COMM. 16-48: (8/27/08) From Public Lands Secretary John Del Rosario, Jr. to Representative Dela Cruz providing a list of land compensation claimants as requested.

Speaker Arnold Palacios: Representative Apatang.

Representative Apatang: Thank you, Mr. Speaker. Just on DEPT./AGCY. COMM. 16-48, I was looking over the list here and I see some names here that have already been compensated. I think this list is not complete. I know that there are other people were supposed to be on the list, but are not on the list. So maybe we should go back to DPL (Department of Public Lands) and ask for a complete and updated list of all those people that are pending land compensation. Thank you.

Speaker Arnold Palacios: Thank you. Representative Dela Cruz.

Representative Dela Cruz: Thank you, Mr. Speaker. I agree with Representative Apatang. I am sure that this list needs to be verified, and reverified. As you can see, I just received this letter yesterday to my office and this is a response after writing two prior letters to get information. It appears though that there are still incomplete information with this letter and report that DPL had furnished my office and that, just by glancing through, the listing here it does not include judgments through the Courts Civil Cases. Yes, there is a need to verify this with DPL, so that we may get a clear picture of what is there. Thank you, Mr. Speaker.

Speaker Arnold Palacios: Thank you. Perhaps the Chair on Natural Resources can also communicate with Representative Dela Cruz and perhaps clarifying this communication and talking with DPL. Thank you. Before we move on, Representative Aldan introduced House Bill 16-151, should that be House Local Bill?

Representative Aldan: No, Mr. Speaker, we decided to put it as a House Bill.

Speaker Arnold Palacios: You decided to take your chances with 19 other members from the First and Third Senatorial District, alright that is fine with me. (LAUGHTER) Representative Aldan.

Representative Aldan: Can we put it on the Bill Calendar?

Speaker Arnold Palacios: You really want to take the chance on that (LAUGHTER) I will consider that request and have the Floor Leader note that when we get to the Bill Calendar we can discuss whether it merits being on the Bill Calendar for today.

OTHER COMMUNICATIONS

MISC. COMM. 16-45: (9/2/08) From Mr. Ignacio V. Cabrera, Chair, Friend of the Monument, regarding the proposed National Marine Monument.

Speaker Arnold Palacios: Representative Babauta.

Representative Babauta: Who is, and if anyone of the members know Global Ocean Legacy? This is on MISC. COMM. 16-45---

Discussions were not recorded.

REPORTS OF STANDING COMMITTEES

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 House recessed at 10:18 a.m.

RECESS

The House reconvened at 10:19 a.m.

Speaker Arnold Palacios: Before we went on recess, Representative Hofschneider had the floor. Representative Hofschneider, recognized.

Representative Hofschneider: Mr. Speaker, having cleared that concern---

Discussions were not recorded.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

NONE

UNFINISHED BUSINESS

NONE

RESOLUTION CALENDAR

This part of the discussions was not recorded.

The discussion on H. C. R. No. 16-2, were being made but was not recorded before the House went into recess at 10:23 a.m.

The motion was made for the adoption of H. C. R. No. 16-2, and was seconded.

H. C. R. No. 16-2: A House Concurrent Resolution to approve the 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 on October 1, 2008, and ending on September 30, 2009.

The House recessed at 10:23 a.m.

RECESS

The House reconvened at 10:31 a.m.

Speaker Arnold Palacios: We are back to our session. When we went on recess, the Chairman had the floor. Chairman Hocog, continue.

Representative Hocog: Thank you, Mr. Speaker. The question asked by Representative Salas, it is true the Administration had already absorbed the \$2. Million. However, that \$2.0 million that was used is a result from Public Law 16-2, however, I just made sure yesterday that the required outside fund source of \$3.0 million has not yet been used. So I believe the \$2.0 million that Representative Salas is alluding is true that it is suspended under Public Law 16-2, but the outside general fund sources are still intact for next fiscal year.

Speaker Arnold Palacios: Thank you. Representative Hofschneider.

Representative Hofschneider: Yes, Mr. Speaker, again I want to emphasis that the constitutional process is really to provide for a ceiling through a concurrent resolution the budget detail is a legislative matter that we can in fact, now conform to the budget ceiling set by this resolution or whatever the amount that we pass today under Public Law 16-2. In short, the concerns being raised as I hear about shortfalls and deficits, is principally derived or attributed to an expenditure ceiling that is far beyond the resources available as the economic condition falters the government collects less, but the expenditure level continues to maintain itself or in fact increased. So what the budget process in the constitution calls for, is for us to provide a ceiling first, and that is by way of the Governor sending to the Legislature and advise or a statement of total resources available for the following year expenditure. How we spend that money whatever the ceiling is --- (*End of Tape 1 Side A*) in the absence of any legislation would increase the identified amount of \$169.5 million by the Governor. We have no other choice but to stay within equal to or less than \$169.5 million, which the \$156 million has taken those obligations that we have in fact committed such as the bond that we had secured over the years. Having said that, Mr. Speaker, what we need to do is, look at the realistic attainment of \$156.7 million. Whether that would be realized within the fiscal year, but I think that to ask questions relevant to the

budget detail in the concurrent resolution I think we should confine ourselves to the availability resources and that would be consistent with the debate on the floor on the total revenue as identified by the Governor. And if we have other means that has not been identified by the Governor's submission such as, reducing rebate, which is not in the Governor's submission, which will in fact increase the identified revenue. If the feeling of this body is to maintain the level of expenditure today and not create any deficit, is this body ready, in fact for a tax increase, which is contrary to good economic principles. So you have two other options, and there are other options that I may offer in the deliberation, but I rest for now, Mr. Speaker.

Speaker Arnold Palacios: Thank you. Let me recognize Representative Sablan for the third time.

Representative Sablan: Actually, I think, I still had the floor. I asked a question, members answered.

Speaker Arnold Palacios: Go ahead, I am going to recognize you.

Representative Sablan: Alright, thank you, Mr. Speaker. First, I do take issue, Mr. Speaker, and members, with the statement that has been made, that we are at no position to question or to even validate the Governor's projections for the year. If we have reason to believe that his projections might be erroneous, and particularly, if his projections are overestimated and if they assume the passage of certain pieces of legislation that have not yet been passed, then we absolutely should request a revised budget and update some validation and have public meetings with agencies and as well as the Secretary of Finance that is our duty, as members of the House. Second, this is an issue that was raised with last attempt to pass concurrent resolution and that is, that I do believe that the Planning and Budgeting Act is quite clear about what should be included in a concurrent resolution. And Section 201 from the Act, requires that all available sources of income and revenues shall be identified and total anticipated financial resources and expenditures of the Commonwealth shall also be included. And this House Concurrent Resolution identifies resources that may be outdated and on top of that it does not estimate expenditures either. And I am very concerned about this Mr. Speaker, and I would like to know and perhaps we can get legal clarification here, what is the necessity of identifying resources when we do not have an estimate of what our expenditure should be. And in the absence of an approved and detailed budget, can the Governor begin spending within the ceiling that we set and suppose that ceiling is off, suppose he overestimated and we spend more than what we actually have.

Speaker Arnold Palacios: Representative Hocog.

Representative Hocog: Let me yield to Representative Hofschneider.

Speaker Arnold Palacios: Representative Hofschneider.

Representative Hofschneider: First, Mr. Speaker, I do not think anyone in this floor made an impression, with all due respect, that we cannot question the resources sent over by the Governor, I did not hear that. The previous Speaker made a statement disallowing questioning the Governor's submission. What we are questioning is the ceiling, what should we give him back. Having known yourself and have received budget packages by the Governor, every individual, you should have good guesstimate, what the expenditure ceiling should be. Now, there is a two-step tango in the budget process and I keep hearing the two being synonymously the same, no, it is not. The Constitution calls

that you have to provide through a concurrent resolution, the ceiling. She asked a very important question, can the Governor, spend without the detailed budget having both Houses of the Legislature passing a concurrent resolution, the answer is, absolutely yes. He does not need the budget detail from us. All he needs is the concurrent resolution setting the ceiling for the following fiscal year and it is of to the races. Our job is to be on top of things, that when we pass the concurrent resolution we pass a budget detailing the expenditure the “dos and don’ts” through the administrative provisions provided. That is, provided in our Constitution and in the Planning and Budgeting Act. If we want to restrict him from expenditures, specific expenditure or general restriction then we should include it in the budget process. The resources identification is for all intent and purposes setting the ceiling of expenditure for the following fiscal year. So I do not want to give the impression to my colleague that we cannot question the merit or the credibility of the numbers being provided by us. We can question it in fact, we can question it to the point that we can reduce the amount if we do not feel confident about it, or increase it if we are ready to provide for revenue generating legislations that the Governor failed to submit. By doing so, we are staying within the confines of the Constitution of the Legislative authority to go beyond the Governor’s identification or to go with a lesser expenditure plan for the following fiscal year inspite of the amount being more, identified by the Governor. We can pass a ceiling that is less. And this is where we question whether the Governor’s numbers are accurate and attainable.

Speaker Arnold Palacios: Representative Hocog.

Representative Hocog: I guess we are talking the same, but a different way of saying it. Mr. Speaker, this is a concurrent resolution that the House received from the Executive Branch. And I believe the spending level is far less than this fiscal year. And I guess a detailed process of this concurrent resolution will be shown on the outlays of the budget worksheet. To ensure also that the committee does its job to balance the identified resources versus the expenditure. So with this, Mr. Speaker, maybe those questions that have been put out can be again reiterated during the actual budget appropriation bill when it comes to the floor. As for now, I cannot say that I will increase the resources because I am in no position to identify such resources other than to work with what was submitted officially by the Executive Branch for the Legislature to act on it. And with that, Mr. Speaker, I move to end discussion and let us move forward.

Speaker Arnold Palacios: Would you like to please yield to that, Representative Apatang wants to debate in he has been waiting.

Representative Apatang: I just have a question, Mr. Speaker, what is the current budget ceiling, at this time the continuing appropriation?

Speaker Arnold Palacios: I think it is \$163 million.

Representative Apatang: So with this appropriation here, the resolution that will reduce the expenditure.

Representative Hocog: Substantially reduce, Representative Apatang.

Speaker Arnold Palacios: The motion is to end debate and call for the question. Do I hear a second.

The motion was seconded.

Speaker Arnold Palacios: The question is for the adoption of H. C. R. No. 16-2 which was seconded and carried by voice vote. Representative Sablan.

Representative Sablan: May I request, that the record showed that I voted, “no”.

Speaker Arnold Palacios: Clerk, please note that Representative Sablan voted “no”. Floor Leader.

Floor Leader Camacho: Thank you, M. Speaker. A motion to adopt H. J. R. No, 16-13, referencing the PEW Monument.

The motion was seconded.

H. J. R. NO. 16-13: TO RESPECTFULLY INFORM THE PRESIDENT OF THE UNITED STATES THAT ON BEHALF OF THE PEOPLE OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS THAT THE SIXTEENTH COMMONWEALTH LEGISLATURE STRONGLY OPPOSES THE CREATION OF A NORTHERN ISLANDS NATIONAL MONUMENT.

Speaker Arnold Palacios: Discussion on the motion.

Representative Hofschneider: Privilege, Mr. Speaker.

Speaker Arnold Palacios: Before I recognize anybody, Representative Hofschneider.

Representative Hofschneider: Thank you, Mr. Speaker. Sometimes, Mr. Speaker, in each, and every one of us political career, we are called upon to make decisions that do not confine itself or conform itself to what is being politically correct. But, in your God given individual ability, we have to conclude one way or the other. And this PEW issue has come to be extremely divisive in our community all for a simple problem that I see. From the very beginning, it lacks the most important in educating the people. Because if the people want it, who are we to stop the people that elected us into this office, we serve the people, we do not serve ourselves and I think it goes beyond saying. So number one problem with PEW, and we who oppose it share a common failure that is articulating, why do you not like, why do you not support it, and on the other end of the spectrum, why does PEW continue to advocate the monument other then the posterity reason given generally. Posterity is that, the world we live in is beginning to deplete in terms of every resources available. Now, Mr. Speaker, one of the things that have come to learn in sixteen years here in the Legislature is, if you do not put your signature on a piece of paper that is acted on by the body, it is viewed as your opposing it, that is not necessarily true. The general idea of creating a monument is worthy of this Commonwealth grasping on the idea and taking a serious consideration and serious look at the general concept of creating a monument up there. Whether you call it, a monument or a conservation area or marine park they are all in the same. What I oppose with the PEW and I have shared this personally with the individuals that have come to my office and have given them my personally feeling of what the people want. Simply put, PEW the national monument up in Northern Islands would work if what they have given the American Indians the rights to those resources, is given us, the people, it will work, it will work for us. Because one has to consider a few things, who are we as people of the Northern Marianas

historically and tradition, traditionally way of living. In the Constitution, if you refer to the Preamble of the CNMI and the precepts governing the creation of the Commonwealth of the Northern Marianas in political union, there is a section where it maintains---stop pointing at the time when this is an issue that is important, Mr. Floor Leader. If you want to inject and stop me then do it so.

Floor Leader Camacho: Mr. Speaker, point of order.

Representative Hofschneider: May I continue, Mr. Speaker.

Vice Speaker Deleon Guerrero: Since this is a very sensitive issue, like Representative Hofschneider said it is very divisive amongst our community I think we should all be allowed to voice out. Because I am acting Speaker, I will allow an extra five minutes for every member.

Representative Benavente: Privilege.

Vice Speaker Deleon Guerrero: State your privilege, Representative Benavente.

Representative Benavente: Mr. Speaker, we have already been told that the power will be out by 12 o'clock. We have twenty members in this House, I believe and I ask the members to allow the opportunity for all the rest of the members to speak. Representative Hofschneider, can come back if he has the chance for a second time to complete his discussion. But by allowing more than ten minutes we are now cutting into other member's time if we know the power is going to be turned off. So I object to that request, Mr. Speaker.

Representative Hofschneider: Mr. Speaker, may I finish?

Vice Speaker Deleon Guerrero: Go ahead and wrap up you will get another chance.

Representative Hofschneider: Simply put, Mr. Speaker, this has no political connotation, PEW. It is about identification of who we are. It is about fighting for the right thing in preserving certain cultural and traditional values that others that did not live here, has never lived here may never feel the pulse in their blood, I do, do not stand up for the wrong reason, all I am asking is for PEW to consider. The Managaha Sanctuary is now a jewel, I fought for eight years on this floor to get it, and two Governors vetoed it now look what it has done it educated the people about the value of diminishing stocks of local fish. We cannot continue to advocate millions of dollars on public health issue about eat healthy, live healthy all process food is being consumed. If PEW is going to work then let it be included in this resolution, Mr. Speaker, and members. Give us what the American Indians have been given, under the Federal Act. We become the custodian, the enforcers of that monument, simply put. But to outright reject it without no meritous debate or argument inserted in the resolution. There are many things before your eyes that are disappearing. The culture and traditional practice of local medicine, the Flora and the Fauna the Federal law has taken away the traditional value of consuming fruit bats, green sea turtles to confine ourselves and conform to the greater good of preserving species, while we consume spam, corn beef, process food, that is all Mr. Speaker.

Vice Speaker Deleon Guerrero: Thank you, Representative Hofschneider. Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker. You know, Mr. Speaker, when the federal government decided to take over the control of minimum wage I can say that a majority of our people in our community stood up in support of that action. And I know it was because of this reason and this reason is, that they just did not see the willingness of the Commonwealth leadership to make that change. When the federal government took over the control of Immigration, I can say there was a majority of members of the community that stoop in support of that action by the federal government. Because once again, they felt that there was a lack of willingness and able of the leadership to make the necessary changes that has been requested for many years. But in this case, Mr. Speaker, when the federal government is attempting to take over one third of the entire Commonwealth, not just ocean but land, the people are objecting to it. I know that majority of our people, the grassroots people, and the people that I meet at the rosaries in the villages they are opposed to it. Because they in fact, have said, that we have the ability to make those types of decision and we have shown that. I have always commended the author, Representative Hofschneider, of the bill that created the sanctuary at Managaha. And we did that for other places in the Commonwealth including, Bird Island the Forbidden Island and those islands up North. We have been able to show our ability to do this and that is why our people, Mr. Speaker continue to object to this additional federalization or more importantly additional laws of control within our islands here in the Commonwealth. I realize, Mr. Speaker, that we lost in court when we argued that we control the 200 EEZ (Exclusive Economic Zone) but I have not heard any real message that we have given up that fight. There is no attempt to now go to the United States Congress and say, as our rights please give us then the 3 miles that every member of the United States and the Coastal States and Territories have control of. And so even if they argue the fact and the point that it is the Federal Governments anyway. There are those of us that continue to argue that and more importantly, Mr. Speaker, the 3 miles that I was referring to, at least 3 miles that we have the right to, we do. And by allowing this monument it will take away that opportunity to own the 3 mile coastal water controls. And again, more importantly, take away our opportunity to control those islands because it would have then change the rules that we have presently, that is under our control. I oppose this and I support the resolution because it is what I feel, and people that I represent wants. And there is no doubt in my mind, Mr. Speaker, that is the sentiment of the people. Thank you.

Vice Speaker Deleon Guerrero: Thank you, Representative Benavente. Representative Sablan, did you raise your hand, you are hereby recognized.

Representative Sablan: Thank you, Mr. Speaker. First, I want to clarify a comment that Representative Benavente made, which is that the proposed marine monument would also involve a unilateral takeover of the islands themselves, and that is inaccurate. The federal government cannot unilaterally takeover our land, that is public land it belongs to the people of the CNMI, it is protected already under the Constitution as we have noted many times before and the Covenant prohibits that we would have to agree to it. Now, Representative Benavente has also acknowledged that we do not presently control the EEZ surrounding our islands. And sure, I suppose we could continue to pursue legal action to be able to one day control that area or at least the 3 mile zone. But if there is a proposal on the table now to share management of those waters with the federal government and protection of those waters and those resources then why should we not at least consider it. Now, I know that there are members who personally oppose the monument and believe that they are representing the majority of their constituents, and there are members who personally also support it, or at least would be willing to consider it. I am one of those members and even I am willing to put this issue out in a formal way and an official way in a form of a public hearing to our people and let us hear directly from the people. At

our recent Joint Federal Relations Committee, I asked that we take this issue up at our next meeting and I asked that we consider having public hearings on Saipan, Tinian, and Rota get it on the record what is the sentiment of the people, the people who would come out and submit testimony oral or written on where they stand on the issue or how would they like their elected representatives to meet with and discuss this proposal with the federal officials who are coming to the CNMI this month. We are expecting visits from NOAA (National Oceanic and Atmospheric Administration) officials and representatives from the Council for Environmental Quality to do a federal assessment that we at least some of us anyway actually requested. So---

Representative Apatang: Point of information, Mr. Speaker.

Vice Speaker Deleon Guerrero: State your point, Representative Apatang.

Representative Apatang: Mr. Speaker, I think the issue here is that the federal government is not taking over the land itself, but they are trying to takeover the water surrounding the area that is the issue.

Representative Sablan: Well, the issue actually is if any of the members have read the reports that have been provided to us, the proposal does not include the islands. And it is very consistent, they note that the islands are already protected under CNMI jurisdiction and they note that their not under the current proposal for the marine monument, and even if they were they cannot just unilaterally do that, we would have to consent to that. I would oppose that myself, but I am not opposed to a proposal to co-manage waters that we presently do not even control.

Representative Tebuteb: Clarification, Mr. Speaker.

Vices Speaker Deleon Guerrero: Representative Tebuteb, recognized.

Representative Tebuteb: There was a suggestion made by Representative Sablan about a proposal. Is there a proposal from the federal government?

Vice Speaker Deleon Guerrero: Representative Sablan, recognized.

Representative Sablan: Well they are coming this month as I have noted, to do an assessment. They are doing assessments now of over sites as well for marine monuments. They are coming in to talk to us, government to government.

Vice Speaker Deleon Guerrero: Representative Benavente, do you need to clarify a point?

Representative Benavente: Yes, under clarification, Mr. Speaker.

Vice Speaker Deleon Guerrero: State your point, Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker. Just to clarify, I realized the federal cannot takeover the land the three different islands that are up there, but by controlling the waters surrounding the islands it restricts our opportunity for use of that land just as it restricts Hawaiians from using the

islands in the northern part, that is how I was trying to explain. Am I wrong, Representative Sablan with that?

Vice Speaker Deleon Guerrero: Representative Sablan.

Representative Sablan: I think the inaccuracy there, is the point that access to the islands, access to the waters and the particular requirement for managing and protecting the monument in the Hawaiian Islands was negotiated also, government to government between the State of Hawaii and the federal government. And so, if we are so concern about access to the land itself that is something they are coming to hear what our concerns are. I do not see the wisdom in prematurely opposing this particularly, when if it is the belief of the members that the majority of the people strongly oppose that then would this not lend credibility to that position if we had public hearings and gave people the opportunity to say so on the record. While I recognize that---

Vice Speaker Deleon Guerrero: Representative Sablan.

Representative Sablan: I am wrapping up now...

Vice Speaker Deleon Guerrero: No, we are going to change the tape so if you could hold on. (*End of Tape 1 Side B*) Representative Sablan you can wrap up now.

Representative Sablan: Thank you. I just wanted to close by reiterating my strong belief that we really have nothing to lose by devoting three days for public hearings. One day on each of our islands to ask our people, really what they think about the proposal or what their concerns would be, what factors we should take into consideration when these federal officials come to meet with us. Rather than adopting this resolution today, I think we should take it to the people. And I would like to ask that you appoint a special committee to do just that to conduct public hearings on all three islands and give our people the opportunity to express their sentiments on the record.

Vice Speaker Deleon Guerrero: Thank you, Representative Sablan. Speaker Arnold Palacios.

Speaker Arnold Palacios: I believe Representative Hocog has been raising his hands.

Vice Speaker Deleon Guerrero: Go ahead, Representative Hocog.

Representative Hocog: *Si Yu'us Ma'ase, Mr. Vice Speaker. Esta buenti i Speaker o'son para fatachung guenao hulu nai. Lao finenina Mr. Speaker artis di bai chule i satgi para bai hu kuentosi esti i dibision i gurupu pot esti i PEW. Pot i guaha dibision dangkulo guini na asunto pot esti i PEW. Malago yo Mr. Speaker na antes di bai hu tutuhon mona hu guiguifi mohon na i miembru u masedi yan u ma'suspendi i Rule V, Section V antes di bai u tutuhon kumentos.*

Vice Speaker Deleon Guerrero: *Sina una klaru hafa enao na Rule?*

Representative Hocog: *Guiya enao Mr. Speaker i para u meta'yo gi satgi para bai kuentos yan sina ma ekstendi masaha potkumenus dies miyas mona. Esta yo Mr. Speaker ha ke'ke' na'i yo i chetno kinibatde para bai u kuentos mona. Sa gi katda maolek para ta elabrah i asuntu nai presisu yan*

impottante na para ta komprende ma inturompe hao gi duranten i kuentos'mo mona yan ina fatsu i hinasomu ni para un po'lo i uttimo sinangan mu anai sina kabales gi telehenti na mañera i miembru uma komprende hafa na ta ko'kontra yan hafa na ta suppotta. Yangin esti Mr. Speaker na asuntu nai impottante na para guaha estigui sa ti checho minagof esti checho hinasso yan para u ma afekta i lina'la Marianas or po in braseha fottuna i Marianas. Ya Yangin ti nahong yo tiempo para bai u kuentos Mr. Speaker ti impottante para bai hu kuentosi i miembru ki limitaha karera yan ti monhayan i karera'hu mona. Pues ma'mamaisen yo Mr. Speaker ko sina ma suspendi i Rule V, Section V?

Vice Speaker Deleon Guerrero: *Representative Hocog nu ti pot para bai...*

Representative Hofschneider: Point of clarification, Mr. Speaker.

Vice Speaker Deleon Guerrero: State your point, Representative Hofschneider.

Representative Hofschneider: He just wasted five minutes with that eloquent anthology (LAUGHTER) of the Rules. I think, Mr. Speaker, you have been quiet accommodating and assured Representative Hocog that he can now deliberate and given the ten...

Vice Speaker Deleon Guerrero: I have no objection to that, the only problem here I believe Representative Benavente stated is, that we are possibly facing a power outage at 12 o'clock. And so it would be prudent on the Speaker's part to ensure that as many members get to throw in their two cents and then you can add the other two and half cents.

Representative Benavente: Point of information, Mr. Speaker.

Vice Speaker Deleon Guerrero: State your point, Representative Benavente.

Representative Benavente: *Kon respetu guato gas Representative Hocog, lao, ti nesisario lorkue na para un alok na makpo' ha i opottunadat-ña po kuentos pat hayi guiya-hita. Enao na Rule ha ga'gagao po ma suspendi gina'gagao na dies minutus hu mana'i katda miembru po kuentos. Yangin ti man munayan hit ni kuentos'ta nu Mr. Speaker taya gi Rule mo prohibit na para ta kontinua iyo'ta session esta ki man'monahyan todu ta sangan lao taya ta ga'gagao na at least para pago na ha'ani u ma na'i opottunadat todudu i miembru ni man'malago kumentos yan ko sina tafan adomididi'ha para pago, Si Yu'us Ma'ase.*

Vice Speaker Deleon Guerrero: Go ahead and proceed Representative Hocog we will allow five minutes per member until every member has a chance and then we can go a second round.

Representative Hocog: *Guiya na enao Mr. Speaker ilek hu i apatang i titanosu para bai na kompledu hafa para i sinang'hu nai ya ha dirogah i kobales na intension para i otimo ni palabraku. Sininbatgo Mr. Speaker, bai hu kunsigi gi ilo i minutu na un na'i yo pago. Fine'nina Mr. Speaker esti i PEW nai ni guahu mismo ti u komprende kabales hafa i motibu na para u akachayi i Marianas chomule' i guina'haña gi fuenkasña para po na'asetbi yan para u pattang fina'toña ma'usaña nai miso natibo. Dinanchi si Representative Hofschneider nai iyo i fino'ña yangin guaha mon kampo ni para u fan man'na'i i natibo guini gi tano'ta Marianas chalan ni para po fan ma'to guato yangin sa'kasu na ma'chule esti buenti maolek'ha enao. Sigundo ti hu komprende Mr. Speaker, hayi gai intension esti kao*

esti na resolution i para ta pasa gi pago na ha'ani kao u ma apreba pat ti ma'apreba hayi ma'gahit gai sinenti esti i para ta apreba pot para ta kontra? Fine'nina taya nai u hungok Mr. Speaker man'matto kabales na representanti para u enfueta sa i guinifi minalago para u ma'kondena para u ma'chule ya ma manumento i tres na islas gi sa'kattan Notri Marianas. Taya u li'e'li'e yan u hu'hungok puru'ru ha siha lobitista man gaigi ni man i en sanhaya, haya, luchan yan kattan ya ti ta tungo hafa kabales kumekeleña PEW Monument ni para u ma'chule. Sigundo yangin taya esta Mr. Speaker, rason ko ta kontra pot pa ta fatpot ya potkasi menos i presidenti gi estados unidos gi mina'lagona gi fuetsaña na u para u fitma esti ya para u polu esti komo magahit na monumento hafa mohon na ti sina hit man a'akomprendi ya ta chule gina'na ni para u guaha lakkue satbasion para i tataota yan benifisio para i gobientnamento gi bandan salape. Yangin i kontra ni para ta chogue pago na ha'ani gi esti na resolasion taya fondasioña yangin matto guato i boss i leaders i man'mañanti man magas ginen esti na isla pues hinasoko Mr. Speaker na impontante na u guaha todú hit fan man'ganna. Esti gui iyo illek'hu Mr. Speaker i kombeniente anai ma establisi i chomogui i Covenant siha ni ma negosio nai Mr. Speaker ko ma'li'e esti gi tutuhon na ma'ma'lai na indukto? Esti gui pago na hita ayo siha na benifisio i le'lekta i man magasta gi alacha ni ma negosio i Commonwealth yan i Covenant na para ta gosai i mina'gof self-government. I le'lekhu Mr. Speaker na kalan hit pago uno na mannok na kada dia ma'diskuatisa pidasu pot pidasu esti ki makalamokko hao yan ni hafa guini hamo. Guiya esti i tombolo mona tombolo tati saka lakareha ta la saputura Mr. Speaker esti gi siempre Marianas po otimoña. Si Yu'us Ma'ase.

Vice Speaker Deleon Guerrero: Thank you. Representative Arnold Palacios.

Speaker Arnold Palacios: Thank you. The fact that famers of our Constitution so fit to include areas in the Marianas Archipelago and set them aside for conservation is a testament to our indigenous identification and our indigenous practice of setting aside resources for future generations. The fact that you see some of the most beautiful pictures of the Northern Marianas that is now being proposed as a marine monument. Some of the pristine areas in the Pacific is a testament, my colleagues, the Commonwealth people, are managing their resources. There is no one in this world that should have more passion to their resources than us in the Northern Marianas. We should have more passion to preserving our resources. And to those individuals that have been in the Legislature that have through legislation set aside be it Tinian Marine Sanctuary, the Sa'sanhaya Marine Sanctuary, the Managaha Marine Sanctuary and others in the three southernmost island, is a testament that we as stewards see the need to preserve this. Let me say this, nobody has and should have exclusive rights to tell us, the people of the Commonwealth, how to preserve and conserve. I believe that the community's resentment to these proposals is the lack of consensus being brought in front of the people. All of the sudden, this proposal surfaced, and it surfaced after the Northwestern Hawaiian Islands Marine Sanctuary. The Ocean's Legacy that is the goals of the PEW Foundation is very commendable but I believe that before any and my personal opposition to this proposal has nothing to do with the conservation issues. I have worked in numerous regulatory agencies that are in conservation and preservation management of resources. The fact that all of a sudden this surfaced with a proposal to take a one third swap of our oceans without taking it to the community and pushing it to have President Bush before he leaves office designate that pursuant to a law which gives him unilateral decision, I believe, it is practically an insult. Mind you the proposed marine monument would prohibit you, and I and every citizen of this Commonwealth from accessing waters inside the PEW without permission, that is, I believe, where the communities concern is. Today you can access as a tourist, as a fisherman, as a scientist, and as an autobahn or a bird watcher or whatever you are. There is a clear lacking

community support for this. I believe, because of the lack of chance for our community to know what this is all about and it is because we are working on a timeline there has been a big push in the community for this to convince us that this is the best thing that has happened to us and will happen to us since bread and butter. I will yield for now.

Vice Speaker Deleon Guerrero: Thank you, Mr. Speaker. First, I will recognize Representative Ralph Torres, who has been raising his hands for a long time now, then Representative Salas.

Representative Ralph Torres: Thank you, Mr. Speaker. I would like to address some of the concerns that I have and personally experienced just last week. It actually bothered me that on Thursday night, Street Market, when I took my family and I was walking with my two-year-old son I saw this woman walking around with a petition who was for the monument, I have no problem with that. My problem was she was telling this ten and eleven year old boys and girls to sign the petition because it is good for you. And when I started asking questions about the monument she could not answer my questions. She told me to hold on saying she is not here to debate or to argue let me get someone to answer your questions. I am not asking questions that you already know if you are walking around with a petition trying to entice these ten or eleven-year-old kids to sign the petition, then at a minimal know what you are making who ever that you having sign the petition. And that is very troubling for me to have these signatures go out and then now have the PEW monument go out and claim that they have ten thousand signatures and how many are those are ten year old kids that has walked by the street market, sabulu market or by the streets. That is misleading information, that is very wrong, and it should stop. Whether you are for the monument or against, that application is very wrong, and should not be accepted. And frankly, Mr. Speaker, I personally believe that before anything moves getting this information by the PEW Monument to come in and say this is fact, this is what it is, this is what the people want. You have to give an opportunity for everyone else to make their peace. Thank you very much.

Vice Speaker Deleon Guerrero: Thank you, Representative Ralph Torres. Proceed Representative Salas.

Representative Salas: Thank you, Mr. Speaker. I actually prepared a House Communication and I will like to enter this as such after I finish reading it.

Vice Speaker Deleon Guerrero: So noted. Continue.

Representative Salas: Mr. Speaker and colleagues, I am prompted to write to you on behalf of our many CNMI constituents who favor a dialogue with the federal government about the proposal for marine monument in our Northernmost waters. The support working with the federal government on the assessment of the idea and how it might affect our islands and our economy. Last week President Bush asked his federal agencies to assess the cultural, scientific and historic resources of three areas of the Pacific. He wanted them to explore the need for additional conservation measures and offer him options to protect the resources of these areas. One of the areas he asked his agencies to assess was the northernmost waters of the CNMI. Whether we agree or not this assessment is set in motion and will go forward. We need to participate as partners with the federal government or sadly future decisions might be made without our participation. It is only through engagement with the federal government to hear the pros and cons that we can decide whether or not they we are in favor of this idea. There are so

many reasons to support the creation of a marine monument. I would like to focus on four principal benefits. They are one, the opportunities for our tourism industry, two, the opportunities for marine research, three, the opportunities for conserving our marine environment, and four, opportunities for our children. First, I would like to address the opportunities a Marine National Monument might offer our struggling tourism industry. Already newspapers world wide are talking about this potential monument. CNMI has been identified in each of these articles and favorably mentioned. If the monument proposal goes forward the marine monument will be the second largest in the world and media attention will continue. The marine monument will bring in federal funds devoted in managing the monument including boats needed for transportation, a visitor's center to educate and entertain our children and visitors and perhaps even constructing the largest aquarium in Asia and the Pacific. A preliminary economic study estimates that a monument could provide hundreds of new jobs, many of them federally funded. It could also generate millions of dollars in spending on our islands and attract thousands of additional tourists every year. This is something that we need to discuss with the federal government as the assessment proceeds, but we have to support that assessment. Second, Mr. Speaker, the opportunity to become a world class marine research destination. Our northern waters are home to an extreme marine environment, including portions of the deepest trench in the planet, the Marianas Trench. Some of the undersea features are unique on the globe. With the right facilities, the unusual biology and geology of our waters have the potential to attract marine researchers from around the world. This is something we need to discuss with the federal government as the assessment proceeds. Third, a monument will highlight the CNMI as a world leader in conservation. We would instantly become leaders in Palau President Tommy E. Remengesau Jr's 2005 Micronesia Challenge. As you may know, President Remengesau challenged the leaders of CNMI, Guam, Federated States of Micronesia and Republic of the Marshalls to join him in committing to effectively conserve at least 30% of the non-shore marine resources, and 20% of forest resources by the year 2020. All of the leaders agreed and the Micronesia Challenge was on. Already, we are proud and stand tall knowing that our Constitution protects our northernmost islands. Why not also actively manage the surrounding waters for the benefit of our future generations? By engaging the federal government in conservation, we can play an active role in how these waters are managed. However, the reason I encourage you not to shut the door on this opportunity before even knowing any details, is for our youth. We are blessed with a remarkable marine environment, yet today our children know little about what lies off our shore. Travel to the northern waters is very expensive, takes days and does not happen often. A monument will offer an increase in transportation to the northern islands - possibly for class trips. The monument will have staff to help educate our kids about our waters, and to produce science curriculum materials. The opportunities for exciting our kids and instilling pride in our islands are limitless. A marine monument could provide us with the resources to educate people from around the world about our ocean heritage. International researchers could work with members of our college community on projects that could benefit not only the CNMI but also others around the globe. We could pave the way for a new generation of marine biologists, biologists that did not come from other parts of the world, but came from our very own islands. Local biologists who would then share with the world our knowledge and ocean heritage. Mr. Speaker and colleagues, I ask you, why shut off a dialogue with the federal government before it starts? Why not instead advocate for something like a world-class marine research center right here on our islands? Why not advocate for a beautiful new visitor center? Why not advocate for many other possibilities. In short, Mr. Speaker and colleagues, these opportunities are at least worth discussing. The federal key players will be here in a few short weeks, let us work together, talk to them and tell them what we want for our islands and not shut the door before this process starts. In closing I would like to also encourage the Chairman and the Committee of the United States and

Foreign Relations to conduct public hearing on all three islands so that our people can decide whether or not a monument should be pursued. Thank you.

Vice Speaker Deleon Guerrero: Are there any other members that have not spoken who would like to say their peace? Representative Tebuteb.

Representative Tebuteb: Thank you, Mr. Speaker. There has been a lot said, and they all sound valid. I am looking at the letter on MISC. COMM. 16-45 by the Chairman of Friends of the Monument. I totally agree with his comment on the first paragraph, as you know and I quote “that this issue is complex and emotional”, I could not agree more. Let me just go back a little bit of what has transpired with our islands. Our people and our history has been very rich to the extent that the first foreigners that came to our shores credit us with the “Islas Delos Drones” the islands of thieves in the name of God. When the Germans came, they said they came for gold. They wanted to do some economic prosperity for our people. When the Japanese came, they came for glory. Again almost for the same reasons, now the Americans, I am proud to be an American, they called us the “Islands of abusers”. That is implied and that we cannot manage ourselves let alone our resources. Some of the proponents are very vocal and I credit them for that to the extent that some of my conversations with the man’amko that were visited that they are going to sign this knowing that this is a very good proposal. You have to also remember, that the Northern Islands a long time ago, provided us with our Copra Economy. The man’amko that I am talking about were told that if you sign this it is good for and so they did not knowing the full story of what they have signed or what they are signing. Somebody mentioned that there is a proposal and somebody mentioned that this proposal with or without that and I quote “it is going to forward with opportunities” we all know that, it is a policy call. What I think will and may happen is that there is a timeline with the Bush Administration before he leaves office. And the timeline seems to be controversial with what the Friends of the Monument said as I quoted earlier that it is complex and emotional. So with this complex and emotional issue, can we do it in the next few months? Thank you, Mr. Speaker.

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

Floor Leader Camacho: Thank you, Mr. Speaker. I did my homework I went out to my constituents and I sat down at the rosary, the novena, the barbeque, and the Sunday picnic, and I did my best to explain what I understood what this PEW Monument is intended to do and after while, the story kept repeating itself I will give you an example. My grandmother, who I love very dearly, never did a day in formal education. I told her mom they want to take three of the islands and the water surrounding it and to preserve it, she said, who does the islands and the waters belong to, I said, right now it belongs to us, so she said, so why then are you going to give them and I said, oh because they want to make it protected, and she said, are we doing anything to damage now, I said, no. And that kind of story repeated itself when I visited my aunts and uncles, my cousins, my neighbors and friends. And this sense of intellectual arrogance that I see in the newspaper that just because you went to school and you wrote a letter to the editor that somehow your voice sounds that you should have more value. You have a voice, that is what you get ---(*End of Tape 2 Side A*) And they spoke to me and I feel very comfortable saying that the vast majority of the constituents in Precinct IV oppose this PEW Monument. Thank you, very much, Mr. Speaker.

Speaker Arnold Palacios: Vice Speaker Deleon Guerrero, recognized.

Representative Deleon Guerrero: Thank you, Mr. Speaker. Let me get my time correct before I start, Mr. Floor Leader you can start the clock. I too, have gone out and discussed this issue extensively not only with family members but as many members in our community just so I know that I am not overstepping the decision I make is consistent with the opinion of our people. And it is and I do not have to say I think most of you have heard the same message and that is, a no. Now, I have heard and listened to your various discussions about this and the proponents of this proposal also says do not close the door let us consult with, let us meet with the assessment and let us see what we may get out of this. And I am not going to debate on the merits of the proposal but I think we have to be clear that to me this is a two step approach. The first is to ask ourselves, should we agree to this proposal or not. And if the answer is yes we should, then we can take the step of deciding what we want to have on this consultation table, what we want to get out of it. But if the answer is no, then I do not think we should go to any second step, the answer is no, it is clearly no. Now, I have read all the various, I do not want to use the word propaganda, this site which obviously has many potential for the scientific community, it is the only volcanic archipelago in the Micronesia, it is a hot spot of microbial-diversity, and it is the only place in the world with monstrous active volcanoes. And so you ask yourself the question, like the Floor Leader said, is it threatened and if it is, by whom. Are we somehow threatening the biodiversity of these hotspots? Are we doing something adverse to it, which would warrant the protection that is being proposed I could not find any answer? That we are, and if we are as Representative Benavente said, I think the CNMI has clearly demonstrated that we can institute protections that we have shown when we have been overfishing our reefs that we can create sanctuaries so that we do not overharvest. So that we do protect it and allow our children to be able to see and enjoy those resources. Again so you ask protect it from whom, protect the marine resources from overfishing as stated in one of the emails that the world's marine resources are dwindling and therefore we should protect these resources. When I read that, I see that the other nations who have fishing fleets are overharvesting so we want to protect these resources from other countries overharvesting. But when the protective measures if these areas are declared a sanctuary or a monument, who does it protect it from, from us. We are the ones that would be regulated from access, from fishing. And this comment about well let us get it on the table and we can talk to them and tell them what we want, I tend to disagree. There are certain things if we do go to this next step and the agency that would be responsible and in this case if I am not mistaken it is an agency under NOAA probably the sanctuary's division of NOAA. There are certain federal mandates that they have to follow and it is non-negotiable. They would not allow commercial mining, and I asked the question to PEW supporters. We have found there are new discoveries in the ocean beds a new mineral called, methanhydrate which could potentially---

Speaker Arnold Palacios: Mr. Vice Speaker, we need to wrap it up.

Representative Deleon Guerrero: Okay so let me go to my main points, as I wrap up. The bottom line is to give up one third of our waters in perpetuity for us to be able to be permitted is you know this initiative did not come to our people. None of our people came out and said we need to have a monument that did not come from within. What is preventing federal agencies from creating programs like this today? What is preventing NOAA from setting up a program in partnership? Why do we have to give up our control of our waters? Why? Ask yourselves that. I will yield for now Mr. Speaker. And my last point is, for myself there is an ulterior motive here and it has to do with the President of the United States who is clearly not the best environmental steward President in history of the United

States. And now that he is leaving he is going to leave behind a positive legacy to wash his hands and say, I did something positive for the environment, I protected someone else's ocean. Thank you.

Speaker Arnold Palacios: Representative Raymond Palacios, recognized.

Representative Raymond Palacios: Thank you, Mr. Speaker. I am just going to talk about in regards to its preservation. I am really concern whether the information that PEW is disseminating out to the public is genuine or what Representative Ralph Torres said, is misleading. Because I believe, these islands have been there for thousands of years but I never heard regarding its abuses or destruction. Its distance and isolation alone contributed to its preservation. The argument that we need to preserve it for our future generation I just do not buy that. Like I said these islands are under preservation for thousands of years and they are still there. It was never an issue until PEW surfaced. I mean, I may be rude but my great, great, great grandfather, my great great grandfather, my great grandfather, my parents, myself, and I could speculate that my son has and will never step foot or even fly over those islands, that it why it is already preserved. The scientific study was the initial that really brought this PEW over to our islands here. If their initial intent was, to create or establish programs that would benefit CNMI in the first place then I would be open to a dialogue. I have read many letters to the editor young children writing and sometimes I wonder whether they are being coached or being fed with misleading information. But if we are talking about preservation, I am 100% certain that it is already preserved there is no need to establish marine monument it is already there. Thank you, Mr. Speaker.

Speaker Arnold Palacios: Thank you. We need to wrap these discussions up, Representative Sablan.

Representative Sablan: I will keep this very brief, Mr. Speaker. But I do have a motion I would like to make for the members consideration. First, I just wanted to clarify the PEW monument is a misnomer, PEW is the name of the charitable trust that has been of course advocating for our consideration of this monument. But it is not accurate to call it the PEW or the PEW Monument. Second, Representative Deleon Guerrero's comments on the two-pronged approach that we should be taking on this monument, I feel are rather incomplete. We should not be starting with the question, should we accept the proposal or not. We should be starting with the question what is the proposal. Just as the members here have taken issue with uninformed decisions that are being made by the proponents of the monument so to do I take issue with uninformed decisions that are being made by the opponents. I have heard some rather wild allegations that have been made and some understandable inaccuracies that have also been stated. I believe strongly that this joint resolution represents an uninformed decision on our part. Mr. Speaker, you criticize the PEW charitable trust representative for not taking this proposal to the community and for not listening to the sentiments of the people and making an effort a consensus around some type of position on the monument proposal. And I think though is rather unfair because they have done quite a bit to take this proposal to the community even when we were not listening. And that if anything that criticism would be more accurately leveled at us. Why would we not be the ones going to the community in an official way formally. Sure, let us talk to our family members and friends but let us go beyond our circles and take this in a formal way to their constituents on all three islands. And so with that Mr. Speaker, I would like to move and request that you appoint a special committee to really take this up seriously before we vote on any resolution, whether in favor or against. I think this merits the controversy that sensitivity and the strong positions on both sides, merits exactly that and we should have public hearings.

Speaker Arnold Palacios: There is still a motion on the floor. Representative Hofschneider.

Representative Hofschneider: Again I go back to my opening statement earlier Mr. Speaker, that one of the basic failure of both sides is really where are the details. It is in the details that matters. I go on record that if this approach is simply what I heard today that whether we like it or not there is no latitude for negotiations on what we want. Representative Deleon Guerrero pointed out what I have been trying to echo on both sides and that is, if for posterity reason then at a minimum or at the most in fact the people must partake in it. And that is, what the American Indians have been given should be extended. That is the only way that this can be supported by the public because there are many ill feelings right now. The EEZ have been stripped away from the Commonwealth, we never gave that in the negotiation, no document leads to it that we have forego our rights to the EEZ. The submerged land have been taken away by losing in court, we have never had any negotiations in the beginning of the Commonwealth Covenant about foregoing our rights to the EEZ and to the submerged land. What we have been given is a three-mile coastal right, so anything outside the Feds can do what they want. We were sleeping on the wheel to say the least on that issue. So my point Mr. Speaker and members is, and I have given my position to PEW that this idea should be given an opportunity that we can develop. I think I hear the main argument is, we are foregoing our control over the waters, and land is not an issue for the record. If you restrict the water access, you restrict the land. That is the indirect implication of this monument. So at a minimum, if PEW and the federal side see no accommodation for posterity only I am not supporting it. I have echoed my feelings and my contention about this. Do not kill this chance, this is a great opportunity for us. Forget PEW forget whoever is going to go down in history, whether President Bush or the next President. It is what we need to do as people here. WESTPAC can in fact allow long liners to come into our territorial waters without our willingness. So on one hand we are supporting exploitation, on the other hand we are going against some means of conservation. I think the bottom line is the approach to our people. This is the fundamental failure of the people that came here proposing this idea, from the beginning and us we failed also to communicate to the people. What it can in fact enrich us, not money wise, we need to be more proactive in communicating with our people. Fishing, some of us do fish, and Representative Benavente has in the past in fact, has experienced in history in terms of operating a market. It is a difficult life but the balance is you want to keep the people from being healthy and less on processed foods, these are the issues, we need to partake in the resources and the only way that we can achieve this goal of preserving that specific area is at a minimum request. What the American Indians have been given let us have it and we will support it. But to outrightly oppose this through this resolution Mr. Speaker, I cannot in my good conscience I cannot support. Thank you.

Speaker Arnold Palacios: Ready. It is your recommendation, you have not made it into a motion Representative Sablan.

Representative Sablan: Actually, I think I did make it a motion, but I so move that we...

Speaker Arnold Palacios: Let me address your recommendation. This is my understanding and when reading again this joint resolution. There is nothing here that says, that we do not want to preserve and conserve one-third, one-half or a whole EEZ, absolutely nothing. What this is opposing is the immediacy of the unilateral method that the Antiquity's Act gives to President Bush. And what I hear in terms of recommendation all across those are proposing this joint resolution and those that are

opposing it is the need to go out to our community. If this was the Northern Islands Marine Sanctuary, somehow is inked by President Bush tomorrow or next month what the people and what the community of the Commonwealth believes would be a moot issue. And that is really the crops of this. This joint resolution today, is a position today and it allows for the dialogue to see what is the best program. Yesterday, I have talked to Representative Tebuteb, who is the Chairman of the Natural Resources committee, when he shared with me that he was considering a joint resolution and I have asked him to consider through the committee or if necessary I will appoint a special committee, but I asked him through committee to consider taking this issue to our villages and asking the people. This joint resolution does not permanently or in perpetuity close the door to this proposal. The Antiquity's Act and the unilateral action of the President of the United States if that should occur is a perpetual action that even if 100% of our community is oppose to it there is no turning back. That is really the crock of this opposition. It is not that we should or we should not conserve these areas and so that recommendation I will consider and I believe this is not the end of this issue. Let me recognize the Vice Speaker. We need to really wrap this up.

Representative Deleon Guerrero: Mr. Speaker, because you have recognize the second round, I would like to throw what I failed to put in and it touches on a short thing on the Antiquity's Act. I am familiar with the Antiquity's Act having been working in Historic Preservation. By the way, the Antiquity's Act is really the grandfather of all historic preservation laws. But I take issue with the manner in which this is being used. The Antiquity's Act was created by Congress and gives the President of the United States the authority to create monuments and national historic landmarks for the proposes of protecting those historic districts, sites, landmarks that are threatened. I think it is an abuse of that Act where they use one word out of the Antiquity's Act, "scientific" as a loophole to create Marine Monuments such as what they did in Hawaii. It is an abuse of that Act that law because it was never intended for that purpose. It was intended for the President to do something about it when at the time Congress was not willing to pass historic preservation legislation. Since then there has been the National Historic Preservation Act of 1966 and amended in 1982. But I object to the way that Act is being used I think that this could possibly be challenged in the courts and there is no compelling evidence that these sites are being threatened for the President to invoke his authority under this Act. I think it is being used as a loophole and I think, like I said it could be challenged. Mr. Speaker, Hawaii has six years in their negotiating because this President right now is nearing the end of his term we have are now forced to the negotiating table. Give us some time to look at it I think we should hold hearings with the people but I think we should be given this arbitrary time that this assessment team is coming and they want to do it before the end of this President's term I think should not be the case. Let us look at it for a couple of years and then we can consider whether we want to come to the table.

Speaker Arnold Palacios: Thank you.

Representative Sablan: Point of information.

Speaker Arnold Palacios: State your point, Representative Sablan.

Representative Sablan: You stated earlier that this resolution really is not about shutting down the door and it is at the crocks of the resolution that the primary message is our objections to any unilateral designation. But, the Be It Resolve clause is the most important part of this resolution and all it says

that on behalf of our people the Sixteenth Legislature strongly opposes the creation of the monument. And so this is taking a position and this is closing the doors.

Speaker Arnold Palacios: We are taking the position that we oppose the designation of the monument under the Antiquity's Act. That is a unilateral position. Has anybody really talked with anyone from NOAA, from the Department of Interior, from the Department of Commerce? Has anybody been contacted by these cognizant agencies about this issue? I do not even know. Everybody is talking about they are coming next week. I am the Speaker of the House and I have yet to be given a courtesy letter requesting an audience with any member of this House. Who is coming? When are they coming, I do not know. Maybe the Director of the Division Fish and Wildlife can tell us. But if we do not act and state our position I think it will also give the impression that we are just rolling over and playing dead about this. But with that I will call for the vote on this particular issue. Representative Sablan your motion was not a motion I did not believe I heard a motion I believe I heard a recommendation and I will consider that recommendation to set the Committee on Natural Resources to go out and explore the issues of the Marine Monument or preserving conservation in the Northern Islands.

Representative Hocog: Point of order.

Speaker Arnold Palacios: State your point.

Representative Hocog: I ask again, Representative Sablan to be recognized before she can speak on the floor.

Speaker Arnold Palacios: Let me clarify. I have asked the Natural Resources Committee to consider before you even made that recommendation to consider taking this issue out to our community.

Representative Sablan: Point of clarification, Mr. Speaker.

Speaker Arnold Palacios: State your point.

Representative Sablan: Thank you. The motion that I was that I was making the idea the intent behind it is to create a special committee before we adopt any position one way or the other opposing or supporting that is the point of the motion.

Speaker Arnold Palacios: Let us go through the procedure then. Let us go through the motion of the motion. Do I hear a second to Representative Sablan's motion.

The motion was seconded.

Speaker Arnold Palacios: There is a motion on the floor to defer considering adopting this joint resolution to create a special committee to take this out to the community. Discussion. Ready. Floor Leader Camacho.

Floor Leader Camacho: Mr. Speaker, since you already tasked the Natural Resources committee I move that we end debate on this motion and take the vote.

The motion was defeated by voice vote.

Speaker Arnold Palacios: We are back to the main motion. Representative Apatang.

Representative Apatang: I think we debated enough on this House Joint Resolution. Even if we sit here all day and continue to argue this issue, therefore I move to end debate and vote on this resolution. Thank you.

Speaker Arnold Palacios: Okay. I will call for the question.

The motion to adopt H. J. R. NO. 16-13 was hereby adopted by the majority raised of hands.

Speaker Arnold Palacios: Before we move on we need to change the tape. (*End of tape 2 side B*)

The House recessed at 10:38 a.m.

RECESS

The House reconvened at 10:39 a.m.

Speaker Arnold Palacios: We are back to our session. I would like to wrap up this morning session. Representative Sablan.

Representative Sablan: Mr. Speaker, before we end on the vote I would like to request that I voted, no.

Speaker Arnold Palacios: The record did show.

BILL CALENDAR

MISCELLANEOUS BUSINESS

Speaker Arnold Palacios: Representative Stanley Torres you are recognized.

Representative Stanley Torres: Thank you, Mr. Speaker. I have two topics here. I passed the letter to the Attorney General this morning and I would like to have this inserted as a House Communication in regards to the AG Amends Gambling Rules. The other concern that I have regarding the article in last Sunday's Saipan Tribune, "Saipan's Water is safe salty but drinkable". I do not know if Mr. Derek Chamber of DEQ (Division of Environmental Quality) and Mr. Bruce Megar of CUC Water Division are drinking the water that we have on the island. Salty? I would like to ask him if he has been drinking the salty water. I feel insulted by the two gentlemen that the salty water is drinkable. *Chagi fan gomimen un sumahna yan li'e ko ti binela'hao*. Thank you.

Speaker Arnold Palacios: Thank you. The letter from Representative Stanley Torres to the Attorney General will be entered as a House Communication.

ANNOUNCEMENT

Speaker Arnold Palacios: Are there any announcement? Representative Benavente.

Representative Benavente: Because it is lunchtime, and the counsel is actually out we will not be able to get a copy of that resolution so we would have to wait until the next session.

Speaker Arnold Palacios: Well I think you may prefile that resolution. Representative Ralph Torres.

Representative Ralph Torres: I would like to acknowledge that we have one of the Representative's birthday tomorrow I would like to wish him a Happy Birthday.

ADJOURNMENT

Speaker Arnold Palacios: Floor Leader

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 12:21 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: NONE

THIRD 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)