



House Journal

SECOND REGULAR SESSION, 2008

Ninth Day

Thursday, October 16, 2008

The House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature convened in its Ninth Day, Second Regular Session on Thursday, October 16, 2008, at 1:42 p.m., in the House Chamber on Capitol Hill, Saipan.

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

A moment of silence was observed.

The Clerk called the roll and sixteen members were present; Representatives Joseph C. Reyes, Ramon A. Tebuteb, and Ray N. Yumul came in late. Representative Heinz S. Hofschneider was absent and excused.

Speaker Arnold I. Palacios: Representative Hofschneider is excused. I believe Representatives Ramon A. Tebuteb and Joseph C. Reyes will be coming in shortly. Let the record show that Representative Yumul is now present, so we have 17 members present for today's session.

ADOPTION OF JOURNALS

Floor Leader Camacho moved for the adoption of the Eighth Day, First Regular Session, First Day, First Special Session, Second Day, First Special Session, First Day, Second Special Session, and Second Day, Second Special Session Journals and was seconded.

8th Day, First Regular Session (3/27/08)
1st Day, First Special Session (4/2/08)
2nd Day, First Special Session (4/3/08)
1st Day, Second Special Session (4/16/08)
2nd Day, Second Special Session (4/24/08)

There was no discussion, and the motion to adopt the Journals was carried by voice vote.

Speaker Arnold I. Palacios: The motion is carried. I will give the members a few days or a week at the most to review these Journals and make changes if necessary.

Representative Benavente: Privilege.

Speaker Arnold I. Palacios: State your privilege.

Representative Benavente: Mr. Speaker, earlier you had given the authority to the members to make necessary correction, but I believe the understanding is that those corrections are limited to typos and grammars only.

Speaker Arnold I. Palacios: Yes.

Representative Benavente: Thank you.

Speaker Arnold I. Palacios: Thank you for that reminder.

INTRODUCTION OF BILLS

H. B. NO. 16-177: A Bill for an Act to impose a temporary moratorium on the issuance, extension, renewal, and modification of qualifying certificates; to add a new § 50225 to Chapter 13 of Division 5 of Title 4 of the Commonwealth Code, relative to creating a qualifying certificate assessment workgroup; and for other purposes.

Offered by: Representative David M. Apatang
Referred to: Committee on Commerce and Tourism

H. B. NO. 16-178: A Bill for an Act to repeal and replace Title 6, Division 5, Chapters 1 and 2 and create a comprehensive juvenile justice system that will protect the community, hold the juvenile accountable for his or her actions, and assist the juvenile in developing skills to become a contributing member of a diverse community; to establish a system for the appointment and regulation of guardians *ad litem* to support juveniles and the community at large; and for other purposes.

Offered by: Representative Joseph N. Camacho
Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 16-179: A Bill for an Act to amend and repeal certain sections of Public Law 15-46, the Probation Reform Act of 2006; and for other purposes.

Offered by: Representative Rosemond B. Santos
Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 16-180: A Bill for an Act to amend 3 CMC § 5421 by adding a new section (d) and to amend 3 CMC § 5432 by adding a new Section (c); and for other purposes.

Offered by: Representative Joseph C. Reyes
Referred to: Committee on Public Utilities, Transportation, and Communications

INTRODUCTION OF RESOLUTIONS

H. RES. NO. 16-55: A House Resolution approving the appointment of Mr. Michael Do Sun Pai for the position of Public Auditor for the Office of the Public Auditor.

Offered by: Representative Rosemond B. Santos

H. RES. NO. 16-56: A House Resolution to express sincere and heartfelt condolences to the family of the late United States Army Staff Sergeant Julian A. Mangloña for his distinguished service in the United States Armed Forces and a Sergeant at the Department of Public Safety.

Offered by: Representative Edwin P. Aldan and nineteen others

H. RES. NO. 16-57: A House Resolution commending the Northern Marianas College on working diligently in addressing concerns under the “Show Cause Accreditation” status given by the Western Association Schools and Colleges.

Offered by: Representative Ralph DLG. Torres

H. RES. NO. 16-58: A House Resolution respectfully requesting the U.S. Department of Justice for a full investigation and disclosure of the incident regarding the details of the United States Drug Enforcement Administration involvement in an embarrassing episode in searching of Chinese Tourist at the Francisco C. Ada Saipan International Airport on October 4th, 2008.

Offered by: Representative Stanley T. McGinnis Torres

H. J. R. NO. 16-18: A House Joint Resolution to recognize the contributions of substance abuse treatment providers and support the proclamation of September 2008 as the Substance Abuse Prevention, Treatment, and Recovery Awareness Month, also referred to as “SAPtember & Recovery” in the Commonwealth of the Northern Mariana Islands.

Offered by: Representative Ralph DLG. Torres

The Chair recognized Representative Sablan.

Representative Sablan: Representative Torres said that this is a prefiled Resolution, and I do not know if I have the most updated.

Representative Torres: It is an unnumbered.

Representative Sablan: I am sorry. Thank you.

MESSAGES FROM THE GOVERNOR

GOV. COMM. 16-213: (10/3/08) Informing the House that pursuant the Legislature’s override, H. B. NO. 16-77 became **Public Law 16-17.**)

GOV. COMM. 16-219: (10/7/08) Certification for vacant positions at the Office of the Governor.

GOV. COMM. 16-220: (10/7/08) Certification for vacant positions at the Department of Public Health-Rota.

GOV. COMM. 16-221: (10/7/08) Certification for a vacant position at the Office of Programs and Legislative Review, Office of the Governor.

GOV. COMM. 16-222: (10/7/08) Certification for vacant positions at the Office of the Attorney General.

GOV. COMM. 16-223: (10/7/08) Certification for an annual salary in excess of \$50,000 for Dr. Yervant Arzoumanian.

GOV. COMM. 16-224: (10/7/08) Certification for a vacant position at the Department of Public Health-CHC.

GOV. COMM. 16-225: (10/7/08) Informing the House that he signed into law H. L. B. NO. 16-17, (To appropriation \$16,000 for the transition of students from the NMC Tinian Campus to the Saipan Campus and for computer equipment). [*Became Tinian Local Law 16-4.*]

GOV. COMM. 16-226: (10/7/08) Informing the House that he signed into law H. L. B. NO. 16-21 (To appropriate \$11,000 for the Tinian Fire Station Roll-up Door/Exhaust Vents Project). [*Became Tinian Local Law 16-5*]

GOV. COMM. 16-227: (10/9/08) Certification for a vacant position at the Department of Finance.

GOV. COMM. 16-228: (10/9/08) In support of H. B. NO. 16-68 and H. B. NO. 16-69 and requesting the legislature's early action on the two legislations.

GOV. COMM. 16-229: (10/9/08) Informing the House that he disapproved S. B. NO. 16-37 (Reserving certain areas on Tinian for homestead and commercial purposes.) [*Deadline: 12/9/08*]

GOV. COMM. 16-230: (10/10/08) Certification for an annual salary in excess of \$50,000 for Mr. James R. Stump.

The Chair recognized the Vice Speaker.

Vice Speaker Deleon Guerrero: Mr. Speaker, with regards to GOV. COMM. 16-228, I just want to ask the status of those two bills, H. B. NO. 16-68 and H. B. NO. 16-69 whether they are still in the House.

The Chair recognized Representative Torres.

Representative Torres: We actually have a Standing Committee Report on that being worked on, it is just that we did not have enough time to finish the report.

Speaker Arnold I. Palacios: The answer to your question then is "yes", they are still in the House. The Committee asked the Chair to put those two legislations on a fast track and the Committee to consider them.

Representative Torres: Mr. Speaker, the meeting has been done, but we are still waiting for the standing committee report from the Legislative Bureau.

Speaker Arnold I. Palacios: Okay. Let us move down to Department's Communications.

SENATE COMMUNICATIONS

None

HOUSE COMMUNICATIONS

The Chair recognized Representative Sablan.

Representative Sablan: I want to submit for the record a letter that was delivered to the Governor's Office today regarding the lawsuit against federalization. It has already been distributed to the members. It is in everyone's boxes, but I wanted to give this to the Clerk for the record.

There was no objection.

Speaker Arnold I. Palacios: Without objection, we will include that in today's House Communication. Representative Sablan, I do not have a copy of it, but will you give us a brief summary.

Representative Sablan: It is a request for information from the Governor on the lawsuit that has been filed, and specifically asking for contracts related to the lawsuit as well as documents related to any payments that have been made to date, and where the funding is coming from, the source of the funding whether it is private or public, and if it has been public funding, then to identify where the public funds were reprogrammed from. It is also asking for clarification on the role of the Attorney General on the lawsuit since he has not been a signatory to the lawsuit, in my understanding, to any of the contracts that were related to it including with the contract with Jennex and Block. Finally, the media reported that there was an update that was provided by Mr. Howard Willens on the status of the lawsuit, and if there was a presentation or minutes from that meeting, I requested copies of that as well. Thank you.

Speaker Arnold I. Palacios: Again just to remind you that the letters have been distributed to the members.

Representative Sablan: And actually just another on a different note, Mr. Speaker.

Speaker Arnold I. Palacios: Proceed.

Representative Sablan: At our last session, we adopted H. J. R. NO. 16-16 relating to the request from the House that NMC not transfer its FCC license for public radio station outside of the CNMI, and I recently was contacted by the President of Public Radio Advisory Board, they along with NMC Regents are very concerned about this Joint Resolution because apparently there are some misinformation, and while the intent of course was noble and everybody shares our interest in maintaining our FCC license within the CNMI, apparently, there were several problems with the resolution. One is that it suggests that if NMC cannot afford to maintain the public radio station that the station be shutdown. I guess the FCC Rules and Regulation do not allow for even temporary shutdown of radio stations. We lose the license if they do that. The other concern was that the Resolution asks that the license not be transferred outside of the CNMI, but what I have discovered is that the license that they are proposing to transfer, is going to a non-profit institution that is based on Guam, but they also have an office on Saipan, and they are licensed to do business on Saipan. They said that under FCC Rules and Regulations, it is Saipan that is licensed and that we do not even stand to lose the license at this point. They are concern now that the Joint Resolution could cause some panic with the FCC, and also, cause serious concerns with the non-profit institution that is looking to assume responsibility over the radio station. I wanted to ask the members if we would consider recalling that Joint Resolution from the Senate, and then inviting the members to speak with us.

Speaker Arnold I. Palacios: I thank you for those information and those concerns that were expressed by the college. I will call up the NMC President and ask her to write me a formal letter

about that. I think that the Joint Resolution expressed concerns over its transfer and because of the potential or the uncertainty surrounding the transfer of the license. I think that what we did at that time was appropriate and reasonable, and that is why we did a Joint Resolution. We can contact the Senate and from there clarify the issue through the NMC President or a representative from the NMC President's Office to clarify with the Senate so that if that Joint Resolution needs to be filed in the Senate, we will go ahead and do that. But, certainly we need some more clarification on this particular issue. I think Representative Hofschneider and others were concern that it was being transferred, we did not know about this, and I think that the word communication was lacking. I can call the NMC President and talk to her about it so we can discuss the issue further along with the Senate.

Representative Sablan: If I may also recommend, Mr. Speaker, that you contact Mr. Bud White. He is the President of the Public Radio Station Advisory Board, and I got this information from him as well as from other members of that board. Thank you.

Speaker Arnold I. Palacios: Okay. Thank you for that information. Let us move on.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT. /AGCY. COMM. 16-54: (10/2/08) From Chairman Juan T. Guerrero, NMIRF Trustees, requesting the House's urgent action on S. L. I. NO. 16-10, H. B. NO. 16-138, and H. B. NO. 16-139.

There was no discussion.

OTHER COMMUNICATIONS

MISC. COMM. 16-52: (10/10/08) From LB Deputy Director Glenna SP Reyes informing the members of the legislature about the 11th Youth Congress installation ceremonies.

Speaker Arnold I. Palacios: Please take a note that Eleventh Youth Congress' Inauguration will be this Saturday. I believe the communication would give you the specifics. We also have Inaugural Mass tomorrow evening. I urge all members to try to make it to these ceremonies especially Saturday morning. Let me recognize Representative Hocog.

Representative Hocog: In addition with that, Mr. Speaker, I would also like to remind the members for the in-kind solicitation of a minimum of \$5.00 each member to furnish the offering of the Mass for the Youth Congress. So I urge each member to please get your \$5.00 out and give it to Chairwoman Rosemond Santos. That is the minimum, but if you want to go above, that is accepted too. Thank you.

Speaker Arnold I. Palacios: For those of you that have not already done so, please find it in your heart. I recognize Representative Babauta.

Representative Babauta: Thank you, Mr. Speaker. That was a good gesture on the part of Acting Chairman of Ways and Means. Since we have the Chairman for Ways and Means back, I think it would be nice to have the two gentlemen cough up the House's share. They are the bankers.

Speaker Arnold I. Palacios: Are you talking about the House Chairman for Ways and Means?

Representative Babauta: Yes.

Speaker Arnold I. Palacios: Let us move down to Standing Committee Reports.

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor leader Camacho: Mr. Speaker, motion for the adoption of S. C. R. NO. 16-46 reporting on the GOV. COMM. 16-151.

The motion was seconded.

S. C. R. NO. 16-46: Reporting on the GOV. COMM. 16-151 on the appointment of Mr. Michael Do Sun Pai for the position of Public Auditor. *Your Committee on Judiciary and Governmental Operations recommends that Mr. Pai's appointment be confirmed.*

Speaker Arnold I. Palacios: Discussion. I recognize Representative Yumul.

Representative Yumul: Thank you, Mr. Speaker. With regards to the Standing Committee Report, I have a question in regards to Mr. Mike Pai's statement of financial interest versus his bio-data. On the schedule (a), page 1 of 4, positions held outside of the CNMI government, he lists Chong's Corporation and Saipan Sunset Cruise, Inc., but if you move over to his bio-data, he lists in addition to Chong's Corporation and Saipan Sunset Cruise, Inc., Plexes International Inc, and Universal Air Supply, Inc. as having shares and is a director from 2006 to present. This might be overlooked or if he had divested himself of the interest, it is not reflected in these documents.

The Chair recognized Representative Benavente.

Representative Benavente: I think that is the same question that the Vice President asked yesterday, but if you look at the schedule and continue the reading, it actually describes the firm in which you had received at least \$2,500.00, and his response to that was that he did not get any compensation for those two companies.

The Chair recognized the Vice Speaker.

Vice Speaker Deleon Guerrero: Thank you, Mr. Speaker. I do not know if this could answer that, but perhaps because the two businesses that Representative Yumul is referring to is incorporated outside of the CNMI. The Universal Air Supply is I believe on Guam and Plexes is in Minnesota.

The Chair recognized Representative Yumul.

Representative Yumul: I think the law and the policy in place for the Public Auditor is very strict. I remembered the former Public Auditor himself mentioned that he had to divest himself of any interest that includes any type of activities because if these entities are operating in some capacity within the CNMI, then it would be something of interest. I am pretty sure this is just a simple statement by him, if his upon acceptance of the auditor position and swear him in and he divest his interest in all of these concerns, then that pretty much puts an end to that question that I am posing. But it is just that it was not answered, and I am trying to read it here. It is not a big issue. I think he comes with good background. I read that the persons that were called in to testify are trustworthy, and I just do not want any issue arising from this that may tarnish his good name. That is pretty much it, Mr. Speaker.

The Chair recognized Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker. Actually, he was asked that question several times and the response that he gave was that, on a couple of those businesses, he had already decided that upon confirmation, he would have to divest or remove himself from those operations. He is currently working, discussing with legal counsels for the other companies which are family owned to see what the status is, or what if any conflict of interest may be there. I am sure, knowing Mr. Pai, that if there was a conflict of interest, he will divest himself in that as well. Thank you.

The Chair recognized Representative Babauta.

Representative Babauta: My colleague already answered that for me already.

The Chair recognized Representative Sablan.

Representative Sablan: I just wanted to add to that in addition to Mr. Pai indicating to the members of the Committee yesterday and the general public who were present, that he was willing to divest himself upon confirmation if that would be required. He also said that they were looking at if he would not necessarily have to divest himself from the family business that he would recuse himself from any decisions involving that particular corporation. Thank you.

The Chair recognized Representative Torres.

Representative Stanley T. McGinnis Torres: Thank you, Mr. Speaker. You know, if all those discussions – I for one, I am very satisfied that Mr. Mike Pai put it in his financial interest form. At least he is honest and he put all in the required form document, and saying that he would recuse himself. At least I am satisfied that he is honest to put it all in writing unlike other members of the Commission that did not want to include even simple information. Thank you.

There being no further discussion, S. C. R. NO. 16-46 was carried by voice vote.

Speaker Arnold I. Palacios: The motion is carried. S. C. R. NO. 16-46 is hereby adopted by the House. Let me recognize Representative Tebuteb.

Representative Tebuteb: Thank you, Mr. Speaker. I was going to submit this during the Miscellaneous, but since we have adopted S. C. R. NO. 16-39 relative to Article XII, the Committee continues to receive inputs from our community. I respectfully now submit for your reference so that you vote your consciences. Thank you.

Speaker Arnold I. Palacios: Can you explain what that document is?

Representative Tebuteb: This is relative to Article XII from former Justice Jose S. Dela Cruz. He had submitted comments earlier on this specific Initiative. He has some fairly good input that I think would warrant everyone's attention.

Speaker Arnold I. Palacios: I will allow that to be submitted to every member. I believe we adopted S. C. R. NO. 16-39 so that would be perhaps an attachment. If there is no objection, I would like to include that in the supporting document...[End of Tape 1, Side A]...[Beginning of Tape 1, Side B]...let us move down to Resolution Calendar. Before we proceed, I would like to ask...

Representative Babauta: Point of information.

Speaker Arnold I. Palacios: State your point of information.

Representative Babauta: The adoption of S. C. R. NO. 16-46, that is all, right?

Speaker Arnold I. Palacios: We have a Resolution to basically confirm the nomination formally.

Representative Babauta: Okay. Thank you, Mr. Speaker.

Speaker Arnold I. Palacios: Before we go to the Resolution Calendar, I would like to call for a short recess.

The House recessed at 2:14 p.m.

RECESS

The House reconvened at 2:35 p.m.

Speaker Arnold I. Palacios: We are back to our plenary session.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

Floor Leader Camacho: Mr. Speaker, a motion to adopt H. R. NO. 16-56.

The motion was seconded.

H. R. NO. 16-56: A House Resolution to express sincere and heartfelt condolences to the family of the late United States Army Staff Sergeant Julian A. Mangloña for his distinguished service in the United States Armed Forces and a Sergeant at the Department of Public Safety.

Speaker Arnold I. Palacios: The motion on the floor is to adopt H. R. NO. 16-56, and it has been seconded. Discussion. I recognize Representative Dela Cruz.

Representative Dela Cruz: I have just have a clarification here. On the name itself, his second name is Francis so it should state “Julian Francis A. Mangloña on all where it is present.

Speaker Arnold I. Palacios: Clerk, could you please take note of that. Further discussion, and I recognize Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker. I am just looking over the Resolution right now, but it is my understanding that the late Staff Sergeant Mangloña is currently with the Criminal Investigation Division here at the Department of Public Safety. Is that mentioned? At least for the record at this time, Mr. Speaker, I just want that reflection and I yield.

The Chair recognized Representative Aldan.

Representative Aldan: Mr. Speaker, he is currently assigned under the Criminal Investigation Division here in Saipan, but his status comes out from the Department of Public Safety for Tinian. He is employed at the Department of Public Safety, Tinian, but he is assigned to the Criminal Investigation Division here on Saipan.

Speaker Arnold I. Palacios: Thank you for that. I recognize Representative Babauta.

Representative Babauta: Is it wise to add the Resident Director of the Department of Public Safety on Tinian also. I recommend that all these things be considered technical.

The Chair recognized Representative Aldan.

Representative Aldan: Mr. Speaker, under line 19, page 1, I stand to be corrected by colleague Yumul, the Army Force Presidential Unit Citation, does that have to be in there? I think that citation goes to the Unit, and would it be okay to put it in here also?

Representative Babauta: Yes, he is part of that Unit also.

The Chair recognized Representative Torres.

Representative Torres: I am just trying to clear out some of the documents that are incomplete.

The Chair recognized Representative Yumul.

Representative Yumul: Thank you, Mr. Speaker. I have an amendment on line 18, after the word, “reserve medal”, to insert, “with “M Device” which denotes that the Armed Forces Reserve Medal which was bestowed to the late Staff Sergeant was mobilized hence the “M device”. Second is, NCO needs to be spelled out as Non-Commission Officer Professional Development Medal for those that do not understand. On line 20, right after the word “unit citation,” insert “Army Achievement

Medal.” However, if there is no objection to remove “Army Achievement Medal Fourth Award” and to move it up right after “Army Commendation Medal.”

The Chair recognized Representative Babauta.

Representative Babauta: Mr. Speaker, so that we do not prolonged on the grieving resolution from the author, without objection to the members, we will allow the author and Chairman Yumul to work with the Clerk on this.

Speaker Arnold I. Palacios: Even if there was an objection, the Chair will order that.

Representative Babauta: Thank you, Mr. Speaker.

Speaker Arnold I. Palacios: Representative Yumul and Representative Aldan, immediately after session, please get together with the Clerk to make those necessary changes are incorporated. I recognize Representative Sablan.

Representative Sablan: Just one more minor technical amendment to offer on line 21, it should read, “Representatives express their sincere and heartfelt condolences.” Thank you.

There being no further discussion, H. R. NO. 16-56 was seconded and carried by voice vote.

Speaker Arnold I. Palacios: The motion is carried. I recognize the Floor Leader.

Floor Leader Camacho: Mr. Speaker, motion to adopt H. R. NO. 16-55, and I would like to request that we do a roll call vote on this.

The motion was seconded.

H. R. NO. 16-55: A House Resolution approving the appointment of Mr. Michael Do Sun Pai for the position of Public Auditor for the Office of the Public Auditor.

Speaker Arnold I. Palacios: There is a motion to adopt H. R. NO. 16-55 and has been seconded. This is approving the appointment of Mr. Michael Do Sun Pai for the position of Public Auditor of the Commonwealth. Are there are any discussion?

Several members voiced, “ready.”

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

The Clerk called the roll on the motion to adopt H. R. NO. 16-55 with the following results:

Representative Edwin P. Aldan	yes
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	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold I. Palacios: With a vote of 19 “yes”, H. R. NO. 16-55 is hereby adopted by the House and the appointment of Mr. Michael Pai to the Office of the Public Auditor is hereby confirmed by the House of Representatives. I recognize the Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. I move to adopt H. J. R. NO. 16-18 in reference to Substance Abuse Awareness Month.

The motion was seconded.

H. J. R. NO. 16-18: A HOUSE JOINT RESOLUTION TO RECOGNIZE THE CONTRIBUTIONS OF SUBSTANCE ABUSE TREATMENT PROVIDERS AND SUPPORT THE PROCLAMATION OF SEPTEMBER 2008 AS THE SUBSTANCE ABUSE PREVENTION, TREATMENT, AND RECOVERY AWARENESS MONTH, ALSO REFERRED TO AS “SAPTEMBER & RECOVERY” IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Speaker Arnold I. Palacios: The motion has been seconded. Before I call for discussions, I believe the copies are still being made so are there any discussion on the motion? Let me recognized Representative Hocog.

Representative Hocog: Mr. Speaker, I do not have the said Resolution so therefore, I could not discuss anything.

Speaker Arnold I. Palacios: I was about to take care of that problem. Representative Ralph Torres, you are the author, you want to explain the Joint Resolution so we can have discussions?

Representative Torres: During the month of September, CGC department held a month of awareness, and actually, it was the first time that they included the recovery awareness, and they call it “SAPTEMBER” because of September. Basically, the month of September was Substance Abuse Prevention Treatment and Recovery Awareness and they did numerous community functions just to do awareness of Drugs and Alcohol. They actually had some testimonials during the conferences on successful recovery experiences. It is an outreach to promote the prevention of alcohol and tobacco in the Commonwealth.

Speaker Arnold I. Palacios: Thank you. It is basically the resolving clauses recognizing the contribution of substance abuse treatment providers and support, substance abuse preventions, and awareness month. Any further discussion, and I recognize Representative Sablan.

Representative Sablan: Just a minor technical amendment. For line 12, it should read, “Prevention and Treatment Work.” That is all.

Speaker Arnold I. Palacios: Is there any objection to make this as Committee as a Whole?

Representative Torres: No objection, Mr. Speaker.

There being no further discussion, the motion to adopt H. J. R. NO. 16-18 was carried by voice vote.

Speaker Arnold I. Palacios: The motion is carried. H. J. R. NO. 16-18 is hereby adopted. Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker, motion to adopt H. R. NO. 16-57.

The motion was seconded.

H. R. NO. 15-57: A HOUSE RESOLUTION COMMENDING THE NORTHERN MARIANAS COLLEGE ON WORKING DILIGENTLY IN ADDRESSING CONCERNS UNDER THE “SHOW CAUSE ACCREDITATION” STATUS GIVEN BY THE WESTERN ASSOCIATION SCHOOLS AND COLLEGES.

Speaker Arnold I. Palacios: Discussion on the motion.

Representative Sablan: Mr. Speaker, could we have a short recess to read the Resolution since we just got it?

Speaker Arnold I. Palacios: Short recess.

The House recessed at 2:48 p.m.

RECESS

The House reconvened at 2:50 p.m.

Speaker Arnold I. Palacios: We are back to our plenary session. Representative Sablan, you have a question?

Representative Sablan: Thank you, Mr. Speaker. I guess some more minor amendments to offer. On line 5, I want to suggest that we say, “provide the best quality and most meaningful” so insert the word, “most”, and on line 13, correct the spelling for the word, “instrumental”, and then on line 4, to correct the word, “colleges” and turn that to “college.” Finally, on the “Be it Resolved” clause, line 8 to strike the word, “the” before Dr. Carmen Fernandez’s name, and on line 10 on the same paragraph, to cross out, “beyond what is expected” and insert, “diligently”, and then on line 11, “from WASC and to eventually achieve full accreditation.”

The oral floor amendment offered by Representative Sablan was seconded.

Speaker Arnold I. Palacios: Any discussion on the oral floor amendment offered by Representative Sablan. I recognize Representative Salas.

Representative Salas: Thank you, Mr. Speaker. This is also a minor – on line 15 on the second page, it says, “NMC Board of Reg”, I think it should read, “NMC Board of Regents.”

Speaker Arnold I. Palacios: We will add that to the typo amendments. Ready on the amendments?

There being no further discussion, the oral floor amendment offered by Representative Sablan was carried by voice vote.

Speaker Arnold I. Palacios: The motion is carried. Ready for the question?

The motion to adopt H. R. NO. 16-57, HD1 was carried by voice vote.

Speaker Arnold I. Palacios: The motion is carried. H. R. NO. 16-57, HD1 is hereby adopted.

Floor Leader Camacho: Mr. Speaker, motion to adopt H. R. NO. 16-58.

The motion was seconded.

H. R. NO. 16-58: A House Resolution respectfully requesting the U.S. Department of Justice for a full investigation and disclosure of the incident regarding the details of the United States Drug Enforcement Administration involvement in an embarrassing episode in searching of Chinese Tourist at the Francisco C. Ada Saipan International Airport on October 4th, 2008.

Speaker Arnold I. Palacios: Discussion on the Resolution. I recognize Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker. Having had the benefit of really just a few minutes to look this over, I just want to say that I am very uncomfortable adopting this Resolution at this point. I do think that it was well within the rights of the Drug Enforcement Agency to conduct the searches that they did, for the Customs Officers to do the searches that they did, they may have acted on information that we are not aware of. The statement here that there was multiple fondling of private parts – I find that highly inappropriate. We have no confirmation that in fact that had happened. I heard conflicting information about pat downs and that it was perfectly professional and conducted within the guidelines of the Drug Enforcement Agency. I do think that something like this should be verified and that we should at least contact the DEA and find out what happened, and then decide what to do from there. I like to recommend, Mr. Speaker, that this be referred to Committee.

The Chair recognized Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker. I will not disagree with the need to at least have the Department of Justice review what had happened, but I would agree that some of the words used in clauses are way out of line in this case. When I was Lieutenant Governor, I worked hard to bring the China Market and give the current situation with the garment industry practically gone, the tourism industry becomes very critical and important. And recently adopted a Joint Resolution requesting that we be granted a special visa waiver for the China and Russia market, and there was no question as to what happened. It did put a black eye on that effort on that market, especially the China Market. With my experience with working with DEA during the time I served as Lieutenant Governor is that, this agency – as a matter of fact, I would complain often and ask why are they

getting down and making all these arrest even though there are some information that they could have arrest people, but they work to the point where they do not do anything until they could confirm a conviction. That is just how specific and how they work. Given that, the information that we are receiving right now, there is starting to be an increase in the use of “ice” in our community once again, and that some of these information that we are receiving might be coming from China. I think that we should not lose that concern on how we deal with the “ice” or the drug problems that is affecting our community, and that we should be there to support DEA and all the Law Enforcement in helping us rid of the ice problems that we are faced with right now here in the Commonwealth. So we need to handle this with a little bit more care. I would say that we need the Drug Enforcement Agency and the Federal Agency to continue to assist us, and we cannot go way out of line on the Resolution or our statements to the Department of Justice. I would agree, Mr. Speaker, that we should request for some oversight or investigation, I think that we need to do it at a better manner, so I would like to ask that refer this to the Committee. Thank you.

Speaker Arnold I. Palacios: Representative Stanley Torres, would you be amendable to the Chair referring this to the Committee on Federal and Foreign Relations so that they can at least sit down with you and familiarize some of the language and find out more.

Representative Stanley T. McGinnis Torres: Mr. Speaker, are we willing to bring back the hundred and forty seven tourist from China to be interviewed in this Chamber? I think that is the best way to do it.

Speaker Arnold I. Palacios: I do not think that we need to do that. I think that both Representative Sablan and Representative Benavente are agreeing of the fiasco situation that had happened. What we need to do is to make sure that even the Resolution are stated in a more diplomatic way of putting it, and even finding more, and even perhaps talking more with the DEA to get a lot more information on it. Let me recognize Representative Salas.

Representative Salas: Mr. Speaker, I just want to mention that I believe that the Governor is currently addressing this issue, and I believe they are making some contacts, and I do not know if we should interfere in that. I understand what Representative Stanley Torres is saying because I know that it does give us a black eye on our tourism industry, especially since this was an inaugural flight, but I believe that the Governor has already expressed his concerns, and he is taking action on the matter.

The Chair recognized Representative Hocog.

Representative Hocog: Mr. Speaker, I would like to also ask the author of the Resolution regarding this “Whereas” here, from line 7 to line 9. If this is true, Mr. Speaker, there is no other better way to express it because we are requesting the Justice Department, and I believe that it is in their bound to understand why this is being said in this Resolution, and to think the wording of this if it is a real thing is – we are not being truthful of this Resolution as well. Maybe if the author can confirm the incident of what really happened in this “Whereas”, I do not see the need to change that. We will just leave it as it is. Thank you.

The Chair recognized Representative Babauta.

Representative Babauta: Thank you, Mr. Speaker. I rise in support of this Resolution. One, as I understand two days ago, the Chinese Consulate out of Los Angeles officially filed a complaint with

the Commonwealth Government requesting a full detailed explanation and investigation as to what had transpired on that early morning at the airport. We all know that the CNMI Government is responsible presently, and is still responsible for the ports of entry. This is the duty of our trained Customs Personnel. We also knew there was an MOU executed between these two agencies, the CNMI Customs and the DEA, but for some reason, something went wrong with the application of that early morning searches. So I guess we need to rectify this. And as Representative Benavente earlier stated, we have to work diligently to execute this ADS thing with the Government of China so that we can continue to increase the number of tourism into the Commonwealth. Mr. Speaker, if some of us do not agree with the wording, I guess this is what the author have learned from the first experienced of those people or primarily from our local Customs Officials who were engaged together with the DEA Personnel. Mr. Speaker, I object in referring this to the Committee. Thank you.

The Chair recognized the Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. I too rise to defend our author and push that we should adopt this or at least act on it today. My experience in my younger skinny days as a police officer and also as a prosecutor and defense counsel, when you are dealing with Federal Government especially with DEA, everything is about standard operating procedure. Now, searching people at the airport randomly, that is part of the procedure. But 147 people out of 187 – that is over 75%, that means that if 10 people are walking down that hallway, only 8 of them were systematically taken off the line. That is not random. Anybody who has ever driven by a DUI Checkpoint knows. Police Officers stand there and they watch cars go by, and they just count randomly. The other procedure as alluded in this is that they were operating on a ____, now, these two ideas are mutually consistent with each other. You cannot say, well, we have to ____, Joe Camacho who is coming down, the heavy said guy wearing a blue shirt. You stand there and you watch for a heavy guy wearing a blue shirt and you take him off the line. Obviously, that is not what happened here. So there are a lot of questions, and the members of this House are asking for those answers. I support that we act on this Resolution. Thank you, Mr. Speaker.

The Chair recognized Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker. In this day and age, particularly when we are going on international trips, we expect to be subject to some level of search, and it is not unusual to have every passenger searched in some places. Recently, myself, I was traveling from Bali to Guam last year, and every single passenger were searched and patted down, and that is within the rights once again of Airport Security Personnel. In this case, the Drug Enforcement Agency and the Customs officers to do their jobs. As Representative Benavente had said, we have a drug problem here, and we should support the efforts of our Law Enforcement Officers whether they are federal or local to crack down on that problem which is plaguing our community. I am concerned by the language that is used in this Resolution because I fear that there may be based on rumors that are unfounded. Is there proof that 147 customers were inappropriately groped, essentially what we are talking about or alleging that they were assaulted. Is that really an expression that this House wants to make? I noted with interest that the language comes almost verbatim from a personal website that was recently raised to my attention by the MVA Marketing Director, exactly those words, “fondling of their private parts.” So is this really where the information coming from, a blog? I think that it would be imprudent of us, Mr. Speaker and members, to proceed on such an inflammatory Resolution without having personally contacted the DEA, without having even talked to the people on that plane, without talking to MVA. Perhaps, we could also talk to the Marketing Director and

ask him where he got his information. Otherwise, this is a Resolution that is premised on a rumor. And I would like to appeal to the members to allow this Resolution to be referred to the Committee and allow the Committee to do its work of their finding whether or not there is substance to the claims that are made. Thank you.

Representative Babauta: Point of clarification, Mr. Speaker.

The Chair recognized Representative Babauta.

Representative Babauta: Mr. Speaker, this is not a rumor itself. When this transpired, the whole media in the Commonwealth carried it, including Marianas CableVision or KSPN. It was on the air. Are we alluding that KSPN too lied to the Commonwealth residents about what happened at the airport. If that is the reason, we would like to invite the TV station, but, Mr. Speaker, the Resolution in itself is calling so that we do not continue to get black-eyed as a result of this. That is my clarification, thank you.

Speaker Arnold I. Palacios: Before I recognize anyone, Representative Babauta, you can continue beyond the clarification because you are heading to something that is very important, and that is the issue that needs to be weighed.

Representative Babauta: Mr. Speaker, I do not know how best to explain this, but as the Floor Leader articulated, I have been subjected for inspection in San Francisco, Narita, Los Angeles, Washington, and Japan, but these are random inspections. But to summon 75% of those passengers knowing that we just – we were proud to have those passengers here as a result of those hard work that were put forth by those officials that were involved in promoting the Commonwealth in other Asian Countries. It is okay if it is the 5th or the 7th flight, but my God, the Inaugural Flight? As I told you and the members, I understand the Chinese Consulate had already sent its official complaint to the Commonwealth Government. Probably, you and the Senate President would be receiving those complaints soon. I was told yesterday about it. I commend Mr. Blalock for also being furious about this incident. So we are saying that this is all maybe about rumors? Mr. Speaker, I fault our own enforcement personnel who have allowed these people to engage in this practice. They should have a limited procedure for this type of practice, Mr. Speaker. Thank you.

The Chair recognized the Vice Speaker.

Vice Speaker Deleon Guerrero: Thank you, Mr. Speaker. The intent of the Resolution is prompted by very legitimate concern. There was one issue that was raised by our Floor Leader that is very legitimate issue here, but it is not reflected in the Resolution, and that is, perhaps where standard operating procedures were violated and are not followed. I think that is a real issue that perhaps needs to be – if we are asking the Department of Justice to investigate, to raise that issue, to ask them to find out if those procedures were followed. Since it is not in this Resolution, Mr. Speaker, I do not have a problem about this going to a Committee and to put this type of language in the “Whereas” clauses here and any other legitimate concerns that may be raised by this body. Thank you.

The Chair recognized Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker. Once again, as I said earlier, I would agree that a Resolution is called for, and that we should send this Resolution, but there are languages in

this Resolution that, again, is uncalled for. One of the biggest problems that we have is that a lot has been said already, but yet the source of information so far is the media and the blog. There is no formal information from the DEA or from the local Customs Officers, or the travel agency that got affected or even the travelers themselves. Mr. Speaker, even when we are talking about standard operating procedures and whether that is what happened, or whether there was an actual raid which was probably what happened, the information that we have gotten from these sources that I mentioned earlier does say that there seems to be or someone from DEA that said that it was a standard operating procedure, or standard operating procedure for inspecting passengers from incoming flights, or was that standard operating procedure from a raid that was conducted. Those are some of the things that we need to clearly understand before we start talking and saying things that we are saying through this Resolution because standard operating procedure for even inspection or in a raid for travelers does include a cavity check, and that cavity check is actually – there is a procedure, it is not fondling of private parts. It is called cavity check. I would dare anybody who would accuse a Law Enforcement Officer with – am sure several other people witnessing this as it happens, that instead of doing a cavity search, they are actually fondling them. We cannot be officially from this body making that kind of statement knowing that it cannot be true. I for one would say that this cannot be true. When I first learned about this, and I learned that 147 out of 180 passengers were checked, and if in fact this was a raid as a result of a tip, as I mentioned the way the DEA – they will not go on this unless they guarantee this bust. It makes me wonder. If they had searched the 147 passengers, would they have found 100 pounds of ice? We need to think about that as well. Once again, Mr. Speaker, some of the words in here – if we want to pass this today, let us make the amendments and the changes, but I think it would be a lot better that we wait for real information before we continue to act on rumors or blog website. Thank you.

The Chair recognized the Floor Leader.

Floor Leader Camacho: Mr. Speaker, two points. If you really understand the role of Homeland Security, they search you as you are boarding the plane, not as you are exiting the plane. The Drug Enforcement Agency can search you as you are checking in and as you are checking out, but you have to follow procedures, and one of the standard procedures is, if you pick up the phone and you call the DEA, they are going to tell you, I am very sorry but we cannot come in and investigate. That is why we are asking the head of the Department of Justice so that they can go through the official channels and say what went wrong because my gut feeling is, somebody either did not follow procedure, or did not have a reliable informant. Either way, something went wrong, and we are asking the head of the Department of Justice to look into it. At some point, we have to act on it, and I move to end debate so we can vote on this Resolution.

Speaker Arnold I. Palacios: Floor Leader, I am going to recognize Representative Hocog. I actually have a list up here and he would be the last on this.

Representative Hocog: If I may inject myself at this time.

Speaker Arnold I. Palacios: Yes, you have the authority to do so.

Representative Hocog: And the third point, Mr. Speaker, you know the – what went on that Resolution as we try to expedite the Resolution to be hand carried to Washington D.C. to be part of the negotiation discussion, to include the Chinese and the Russian from the waiver. You know what happened with that Resolution? We even pass a Resolution without the documentations. Number two, the Senate passed that Resolution not knowing that the House have passed that Resolution, and

to further delay this, that will definitely put some concerns with the Market that we are trying to bring about. Further delay of this Resolution will ensure that we do not care less, and this Resolution that we are talking and encouraging the waiver for the Chinese and Russian was created by this House, and now that we want to protect this Resolution, we are shying away of not passing this concern for such investigation. I believe, Mr. Speaker, why would this happen on the very eve when Resolution is flying to Washington D.C. I mean, one, it is the Inaugural flight, and doing that random, if it is a crackdown on ice, did they find any? None. Had that Resolution is being introduced today, I will not support that too, because it does not mean anything. If we are not going to go and further enhance our desire to bring tourists from China and Russia, then let us act on this, Mr. Speaker, and if it requires changing some of the wordings, let us have a recess and change it so we can expedite this Resolution. This is a concern for the benefit of the Commonwealth, and we do not want those people that experience this pad down to be out there to be out there in the community spreading all the bad experience they had in the Commonwealth. I do not know, Mr. Speaker. Damage has been done and if we are not going to do anything expediently, this damage would definitely grow more toward our disadvantage to the Commonwealth. Thank you.

Speaker Arnold I. Palacios: Let us take a short recess here.

The House recessed at 3:23 p.m.

RECESS

The House reconvened at 3:35 p.m.

Speaker Arnold I. Palacios: We are back to our plenary session. I recognize Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker. I would like to offer an oral floor amendment, and that oral floor amendment is just to delete line item 7 through 9 “Whereas” clauses.

The oral floor amendment offered by Representative Benavente was seconded.

Speaker Arnold I. Palacios: The motion is to delete on page 1, line 7 through 9 in its entirety. It has been seconded. Discussion on the motion, Representative Torres.

Representative Stanley T. McGinnis Torres: Mr. Speaker, if that is what the good Representative wants, then might as well just ignore the Resolution. There is no *sustansia*. There is no substance. There is no base to ask for an investigation.

The Chair recognized Representative Hocog.

Representative Hocog: I would tend to agree with the oral amendment by Representative Benavente. The first “Whereas” will take care of those irregularities.

The Chair recognized Representative Babauta.

Representative Babauta: On the amendment, Mr. Speaker, and I agree with the author. For one reason is because the “Whereas” clause on line 7 to 9 is publicly reported by the local papers and KSPN 2. So although it does not say fondling, but they did mention touching of private parts, I

guess we need to compromise on the word “fondling” and maybe insert what the newspaper and KSPN 2 reported as “touching private parts.”

The oral amendment offered was seconded by the Floor Leader.

Representative Sablan: Thank you, Mr. Speaker. If we are going to base the allegations that we are making in this Resolution on media reports, then I think that it is worthwhile to also note that in the media, it was reported that there may have been contraband items found after all on that plane, including a suitcase full of illegal prescription drugs, which will directly contradict the claim that is being made in this Resolution. Mr. Speaker, if we could possibly be wrong about that, then what else could we possibly be wrong about? We could be wrong about the allegation basically of sexual assault. That is what we are accusing the Federal DEA of. We are accusing them of that, we will be accusing them of violating their own search procedures, their own standard operating procedures, we are accusing them of causing extreme embarrassment, discomfort, fear and perverse violation to the tourist. We are almost implying actually on line 20 that they lied about a tip – when you put that in quotes that implies that we think that it might not be true. I really think, Mr. Speaker, it would not hurt for us to do a little bit more research and a little bit more investigation as to what went on. I agree with the need to do an inquiry. We should verify whether or not violations occurred, but if they did not and we end up making these baseless allegations, it reflects extremely poorly on this House. Once again, I would like to reiterate the motion that I made earlier, please let us refer this to the Committee and we will do our diligent inquiry into the matter.

Speaker Arnold I. Palacios: Representative Sablan, we are entertaining one motion to amend first, okay.

Representative Sablan: Alright.

The Chair recognized the Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. Again, if you do not understand the procedure, that is why you say, illegal prescription drugs. The standard for FDA is very different from China and Hong Kong. So some medications are not authorized because you do not get a prescription, and those are confiscated when you enter into the CNMI. It not because there is anything illegal about it in a sense that they are controlled substance, but because you do not get a prescription, Customs and Immigration agents confiscate those at the airport.

Representative Sablan: Clarification, Mr. Speaker.

Speaker Arnold I. Palacios: Proceed.

Representative Sablan: I was not saying that they were in fact drugs found. I was saying that we do not know that there were drugs not found. I am also not saying that the standard operating procedures were not followed or they were followed. The fact is that we do not know that. That is not what we are asking, we are saying that these were irregular search procedures.

Speaker Arnold I. Palacios: Let us get back to the amendment motion. I recognize Representative Benavente.

Representative Benavente: Mr. Speaker, I would disagree that removing the “Whereas” clause would remove the meaning or substance of the Resolution. The rest of the “Whereas” clauses provide enough concerns and statements to raise in order for us to request the Department of Justice to make this investigation. I can read the “Whereas” clauses in which will justify the need for a request for such investigation, but we just cannot include a statement such as line item 7 “Whereas” clause. That is just way out of line. It is not true and it is definitely once again way out of line for this body or for me to be apart of making this statement.

Speaker Arnold I. Palacios: I think I believe we had enough on this debate on this particular amendment motion. I think everybody expressed their concerns about it – we are ready to vote on the amendment.

Speaker Arnold I. Palacios: Clerk, call the roll.

The clerk called the roll on the oral floor amendment offered by Representative Benavente on H. R. NO. 15-86:

Representative Edwin P. Aldan	yes
Representative David M. Apatang	no
Representative Oscar M. Babauta	no
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	no
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	yes
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	no
<i>(Rep. R. Palacios: I will vote “yes” for the amendment, but I think if we stop where the “persons”, I think I would have supported it, where it says, “Whereas passengers aboard flight”, so we are singling out “for full body searches”. Body searches were done to include without notice on searches of the persons, you know, I would support it. I think the only problem is the “fondling” part, so I would vote “no” on the amendment)</i>	
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	no
Representative Ralph DLG. Torres	no
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	no
Speaker Arnold I. Palacios	yes

Speaker Arnold I. Palacios: By a vote of 12 “yes”, the oral floor amendment offered on H. R. NO. 16-86 is hereby adopted. Back to our main motion.

Representative Sablan: Mr. Speaker, I would like to offer other amendments.

Speaker Arnold I. Palacios: Proceed.

Representative Sablan: On line 2, if we could cross out “highly irregular”. On line 10, cross out “highly irregular”, and I would like to cross out lines 12 and 13 that has yet to be verified. On line

14, cross everything from “an” all the way to “it” on line 15. It would read, “These searches caused extreme embarrassment, discomfort, fear, and feeling of”, cross out “perverse” on line 16, and on line 18, cross out “harsh” and “rationale”. Cross out lines 20 and 21 in their entirety. On page 2, cross out lines 1 and 2. On line 3, cross out “has been” and replace it with “may have been”. Line 6, cross out “demands” and replace it with “request”. Correct the grammar for “lead” and replace it with “led”. On line 9, replace “demand” with “request”. That will be my amendment.

Speaker Arnold I. Palacios: Everybody followed the amendment?

Representative Sablan: I will be happy to repeat it.

Speaker Arnold I. Palacios: I followed it. Ready. Discussion. I recognize Representative Babauta.

Representative Babauta: First of all, Mr. Speaker, I worked for an airline company for approximately 15 years, both at the old airport in Koblerville and now the new Airport at the Isley Field. To me, Mr. Speaker, the phrase “highly irregular” – it is so highly irregular. I have never witnessed in my career in the airline industry more than 10 passengers set aside. Maybe one or two, or three at the most, but the 147 passengers, this is very highly irregular. This is the gist of this Resolution, might as well, Mr. Speaker, if the author does not mind making a motion and file this resolution. Thank you.

Several members voiced, “ready.”

Speaker Arnold I. Palacios: Some of the amendments are appropriate I think, but we are ready?

Representative Sablan: Well, Mr. Speaker, I could explain if we are still in discussion, why I think – this does not got the intent of the Resolution.

Speaker Arnold I. Palacios: Let me have you articulate why you are trying to make these amendments and why you feel they are necessary.

Representative Sablan: Thank you. It is my understanding that the intent of the Resolution which I support would be to do an inquiry of what exactly transpired on October 4th with these tourists. I have no objection to that. What I am asking that we consider is removing language that assumes before any inquiry has been done that standard operating procedures were violated, that the tourists were sexually assaulted, that a DEA spokesman may have lied, that civil rights were violated. I feel that if we remove the language that I suggested that we remove and replace it with the language that I feel is unnecessarily inflammatory; we would still preserve the main intent of the Resolution which is to ask for inquiry and disclosure of the details. And if anything has been does turn out to be highly irregular and appropriate, and possibly even illegal, then the actions that we or the Department of Justice take from there will be come more clear. But at this point, we are asking for an inquiry, and I do not believe that any of the amendment that I had proposed would...[End of Tape 2, Side A]

Speaker Arnold I. Palacios:...[Beginning of Tape 2, Side B]...You know you are responsible for this. Representative Torres, recognized.

Representative Stanley T. McGinnis Torres: I highly conceit to Representative Benavente’s amendment, and I am ready to vote for the adoption of this Resolution.

Speaker Arnold I. Palacios: But we are voting on Representative Sablan’s amendments. Ready.

The oral floor amendment offered by Representative Sablan was rejected by a voice vote.

Speaker Arnold I. Palacios: The amendment motion is hereby defeated. Let me recognize Representative Quitugua.

Representative Quitugua: Mr. Speaker, I think we should take into consideration the grammatical errors that she pointed out.

Speaker Arnold I. Palacios: I will allow the legal counsel – counsel, I think she made some technical amendments, and I think we should make those, if there is no objection.

There being no further discussion, the adoption of H. R. NO. 16-86 was carried by a voice vote with one “nay” by Representative Sablan.

Representative Sablan: Mr. Speaker, may I request that the record will show that I voted “no” to this Resolution.

Speaker Arnold I. Palacios: The record will show that. There are some languages in here that we could have – let me share my thoughts. It is gone, it is done, but I also believe that we could have waited another session, and we could have probably have a much stronger language in a more diplomatic manner and have the same message and strength that we are trying to send to the Department of Justice had we given it time. It is the consensus of the members to proceed as it is within. It would have been better I think if we had reworded and not restructure the message the Resolution.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Camacho: Mr. Speaker, motion to adopt H. B. NO. 16-149 on First and Final Reading.

The motion was seconded.

H. B. NO. 16-149: A BILL FOR AN ACT TO SUSPEND SUBSECTION 8662(A) OF SECTION 2 OF PUBLIC LAW NO. 15-23, AS AMENDED BY PUBLIC LAW NO. 15-87, FOR A PERIOD OF TWO YEARS; AND FOR OTHER PURPOSES.

Speaker Arnold I. Palacios: Discussion. I recognize Representative Benavente.

Representative Benavente: Mr. Speaker, at this time when energy is of great consideration given the lack of and the expensive utilities that we are faced with right now, I do not agree that we should suspend the existing requirement for public building. I think that we need to do all we can to support this effort so that any requirement for creating a more efficient energy saving system in any building is something that we support. So at this time, Mr. Speaker, I ask the members to not support this. We have had discussions with individuals that could possibly get certification to provide the needs of Public Works to be able to certify some of these projects, and I think that is

what we need to do, to support that effort. I do not think that we should build one public structure without the requirement of being called for in this existing statute, Mr. Speaker. Thank you.

The Chair recognized Representative Babauta.

Representative Babauta: Thank you, Mr. Speaker. I guess the bill warrants, not guess, but I strongly recommend that this body supports this measure because presently, I do not know if any of these congressional members have any projects in their district. I for one and Congressman Palacios – they had to suspend the project for the last three months because of this very law. Mr. Speaker, we are not saying that we do not want to support this, we are merely saying that let us suspend this provision so that we have our own people be trained at Public Works and be certified as LEEDS inspector. Now, having the clue from Representative Benavente alluding to the fact of hiring one individual, this would be an added cost to the already priced project. So, if our projects do not have the \$50,000.00 on top of what has been bid out, how in the world are we going to finish again, knowing that we do not have the LEEDS certified inspector. We are going to pay a private individual to certify this. All we are asking, Mr. Speaker, as I was assured by DPW yesterday that two of their people would be certified by the end of the year, or who knows maybe the end of January next year. Mr. Speaker, we are only asking for a 24 months suspension so that the government project can continue to move on. We are not saying that we do not support the energy sufficient facilities. We do, because even I turn off the main breaker at the house when no one is home. That is the purpose of this. It is to allow our engineers at the Department of Public Works to be certified, Mr. Speaker. Thank you. Please vote, “yes.”

The Chair recognized Representative Torres.

Representative Torres: Mr. Speaker, we may not need to suspend this for the whole two years, we could probably come back and say, activate it when we have these people down at Public Works certified as LEEDS inspectors. The reason why we need to suspend this is because the Attorney General refuses to certify contracts or to sign contracts that are not LEEDS certified. That is the purpose of this, because the Attorney General has its own agenda, and because the Assistant Attorney General refused to sign the contract that has already been negotiated, bid out and accepted. That would put the project in jeopardy.

Representative Sablan: Clarification, Mr. Speaker.

Speaker Arnold I. Palacios: I must be slow today, or you guys are really fast on these discussions. Let me recognize the senior member, Representative Apatang.

Representative Apatang: Thank you, Mr. Speaker. Actually, this bill came about because of the problem with some Public Works projects. One of the projects is their renovation of the building that they are trying to relocate into. The contract had been processed until it got to the Attorney General’s Office, and they refused to process it because of this particular statute. There are other projects in our precincts that are on hold because of this particular statute. Now, what we need to do is actually just suspend this for two years so the projects can move on until some individuals from the Department of Public Works can be certified and go to Guam. There is only one person on Guam that is certified on this thing. So we need to get some of our people here at Public Works to be certified, and they need money to do that. We need to send them to Guam for training, or bring this guy over here for training, but we still have to pay. Now, this is one of the copycat thing that happened, “green stuff”. Whenever something comes up, the United States would want to copy it

right away and initiate it here. There is no study. Who is qualified in Public Works to do this? What they should have done is actually get somebody certified down there before they implement this statute. Now we are suffering because everything is on hold. Nothing can move. So, Mr. Speaker, I encourage everybody to please support this bill. We really need to get these projects going. They are on hold. Now, if you do not have any project, then you need to find one, but we have projects that we need to accomplish and finish. Thank you.

The Chair recognized Representative Sablan.

Representative Sablan: Thank you. Mr. Speaker and members, the value of a LEEDS certified also known as green building really cannot be estimated. As Representative Benavente had already mentioned, LEED certified building do result in tremendous energy savings, but also in tremendous water savings, they result in working environments that are generally more pleasant, and improved moral and productivity among employees. They result in more efficient use of materials and other resources that are utilized in the construction of a building, and in the long term there are up front cost for getting a LEED certified professional, but they are nominal. It is \$400.00, and you do not have to go to Guam, you can actually take the test online. So the savings in the long run in the government are really something that we should not ignore, and to suspend it a critical requirement in the law that would save the government money and result in just a better working environment for employees, I think will be short sighted to say the least, particularly when the solution which will be complaints is really not that complicated. I would like to note for the record that DPW had two years since this law was enacted to comply with the law, and really, it is not a time consuming requirement. It is my understanding that to obtain a LEED accreditation takes approximately a month of study then you can take the test online. It is not costly as I have already noted. It is just that they have not come around to following the law, and I do not think that we should reward their lack of diligence and their failure to comply. I do not think that we should reward that, and if anything, we should hold their feet to the fire and ask them why are they not implementing something that would save this government money in a time of serious crisis, and by the way, a time of a really serious energy crisis. The other point that I would like to make is that it is not necessary as some members have stated to suspend projects because there is no LEED accredited professional at the Department of Public Works. There are professionals in the region who are LEED accredited, who could be contracted out to do these reviews, and again, it would not be costly if we are doing this on a project by project basis. There are not that many buildings that we are looking at constructing. So, we are not really looking at exorbitant cost. What we should be looking at is what we will save in the long run for the CNMI if we keep the law as it is and demand that the Department of Public Works follow it. Thank you.

Representative Babauta: Point of clarification, Mr. Speaker.

Speaker Arnold I. Palacios: State your point.

Representative Babauta: You know, I beg to differ with my Minority member, but Mr. Speaker, this is an exorbitant projects. The school itself, the Public School System is enough. Now, we just try to figure out where to get the money for the Northern Marianas College's upgrade of one huge facility. Do we know how much a private contractor that is residing in the Commonwealth, or for that matter Guam would asses a half a million dollar project? Is that another \$20,000.00 to \$50,000.00 on top of that? I am not debating, but I am clarifying with her. We are not trying to reward failure, because this law was enacted when documentations were in process, and as a result of the enactment of this law, the certifying legal individual at the Attorney General's Office caught this provision and

mandates that such contract shall include this provision, when the contractor is already awarded the bid. That is the clarification that I am trying to allude to, and that is, I beg the members to support this suspension for this duration until we have our own local skill talented individuals at the Department of Public Works certified. Like I said, I am hearing it at the end of the year, or who knows maybe at the end of January of 2009.

Vice Speaker Deleon Guerrero: So clarified. Go ahead, Representative Benavente.

Representative Benavente: Mr. Speaker, Representative Sablan talked about what we should consider here. We really need to stop for a moment and think about that because if we are so concerned about the upfront cost that is going to be necessary in order for some of these projects to begin. Let us not forget that these buildings are going to be there for years, years, and years, and the savings that this requirement would provide for our community for our tax payers is going to be much more than this upfront cost that we are considering at this time, Mr. Speaker. Once again, with energy crisis and the cost of energy, we all know that the savings would be substantial if we were to provide for an energy efficient building especially in the government where the tax payers have to pay for that energy for that building. Mr. Speaker, for lack of better words, it will be irresponsible for us to remove to suspend this requirement for public building. Thank you.

The Chair recognized Representative Hocog.

Representative Hocog: I heard the argument by Representative Benavente, but Mr. Speaker, the law took effect two years ago, and the Attorney General continues to certify projects, and now at the peek of enhancement of all these developments, the Attorney General started returning all projects because he has a friend who got interest to apply for this contract. Come on, Mr. Speaker, let us not joke ourselves. If I have a contract, if I have a friend that I will be able to leave him because of this law that I will impose now to the Commonwealth government after two years of allowing himself certifying all these projects – the law is good and we are not questioning the law, we are questioning the time of need where these projects got to go, and this amendment is just for two years suspending to allow the Department of Public Works to have it's personnel certified. Now, we are saying to allow ourselves to suspend this law is bad, but we allow ourselves to suspend tax rebate? Come on, let us not play hide and seek here. I think all we are asking is to suspend this so that the projects can move on for the next two years, or whichever is faster when there is a Public Works certified LEEDS officer, then he can take course of the building inspection or whatever it required of the LEEDS responsibility. The law is okay. We just want to move these projects because they are all stuck. Thank you.

The Chair recognized Representative Dela Cruz.

Representative Dela Cruz: Thank you, Mr. Speaker. I know that there have been a lot of discussions on the issues here. I personally think that two years is not a lot of time to ask for until such time that a certified LEEDS personnel can be in Public Works. There are a lot of questions about energy efficiencies and the environment, and that goes well for new construction projects and so forth, but I think that we are forgetting something here. We are forgetting about the existing infrastructures and buildings that we have now. Why do we not look at that? If we are thinking about long term savings on energy and monies, let us look at the existing buildings that we have. Look at this building right here. How many lamps do we have here? These are all T.A. lamps using 40 watts per lamp, two per frame. They have energy efficient lamps, the T-12's. That would save 30 to 50 percent in energy costs. Our central air con's, are they efficient? I do not think so. What

will be a good idea to make it efficient? Why do we not have split air cons in each office for the members, so that when 30 or 40 percent of the members are not here, we will not be using that energy? We will be saving, but we turn on the air cons 24-7, twenty four hours a day. So it is wasted energy. Why do we not look at the present situation that we have. I am sure that the Department of Public Works would also want to put in their specification energy efficient electrical items as well as water items, and even without a lead certified person there. It is common sense. We are only asking for two years or even before the two years comes up if someone was certified. Again, I do not think that we are asking too much. It is going to cost a lot of money to hire an off-island certified leads person to come in. We can be in these projects and we can make it energy efficient while protecting the environment oat the same time. We can do that without that personnel, but we do not, and we have a law right now that requires that. We as Representatives have to act on the measure, and again, I do not think that two years is that long. Thank you, Mr. Speaker.

The Chair recognized the Vice Speaker.

Vice Speaker: Thank you, Mr. Speaker. I would like to offer an oral floor amendment on page 2, line 25 after word, “becomes law”, and perhaps the legal counsel can assist me in providing the proper language, but it would be, “Provided that this suspension shall be lifted upon certification of the Department of Public Works Personnel.”

Speaker Arnold I. Palacios: Short recess.

The House recessed at 4:15 p.m.

RECESS

The House reconvened at 4:19 p.m.

Speaker Arnold I. Palacios: We are back to our plenary session. Vice Speaker, can you restate your amendment?

Vice Speaker Deleon Guerrero: On page 2, line 24, on the word “two years”, strike that out and put “one year.” On line 25, after the word, “law” strike out the period “(.)” and insert, “or until the Department of Public Works obtains a LEED Certified Professional, whichever comes first.”

Speaker Arnold I. Palacios: Also, the heading should be one year, and on page 2, line 1. Are we clear with the amendment?

The oral floor amendment offered by the Vice Speaker was seconded was carried by voice vote.

Speaker Arnold I. Palacios: The motion is carried. Representative Sablan, recognized.

Representative Sablan: Just one more point for the members to consider that has not yet been made. At the last session or maybe the session before that, I did circulate a copy of a letter that was sent by the Governor to the Deputy Assistant for Energy Efficient and Renewable of the U.S. Department of Energy, it was dated July 23rd, and the Governor was requesting that the CNMI be included in the Department of Energy’s discussion for the International Partnership for energy development in island nations with the intent of course of expanding renewable energy and energy efficiency

opportunities in the Commonwealth, and pulling ourselves out of this energy crisis for the long term. I would just like to note that in the Partnership statement that was submitted to the Department of Energy which was attached to the letter, the Governor touted the CNMI's progressive energy laws, and one of the strands of our Energy Law was this requirement for LEED certification for all public buildings. This has been submitted now to the Department of Energy, they are reviewing our request to be included in this partnership, and it really undermines our credibility to change this law – just two years after it has been implemented knowing that it is not costly, or time consuming to obtain a LEED accredited professional for our Department of Public Works. So, I think that this is something that we should seriously consider before we act on this bill to amend once again our Renewable Energy Law. Thank you.

The Chair recognized Representative Yumul.

Representative Yumul: Thank you, Mr. Speaker. I do not have a big issue with this legislation if we can still allow for the construction of any new building or additions to buildings that they still must follow at least Section 8662 subsection b, which is to allow energy efficient equipment and supplies that meets the EPA energy standards including florescent lighting as mentioned by Representative Dela Cruz, and high efficiency air conditioning equipments, triple paint glasses and the like. If the issue of having a LEED silver rating is going to cost a substantial amount of delays in getting a certified person and then projects will be delayed, we should not then condone the constructing of buildings that are not energy efficient. I mean, even the Chief Justice he raises a big concern that although the Guma Hustisia is a very monumental building in its own right, he is deeply concerned that even for himself, the building is not efficient where they cannot utilize the natural wind in the area so that they can cut down on air conditioning cost. I will support this legislation, but only if we can get language put in here that the reduction in energy to the building must be met, meaning, the utilization of this energy efficient equipments and lighting.

Vice Speaker Deleon Guerrero: Point of clarification, Mr. Speaker.

Speaker Arnold I. Palacios: State your point.

Vice Speaker Deleon Guerrero: I thought I heard him say Section 8662 (b), is that correct, Representative Yumul?

Representative Yumul: Yes, Section 8662 (b) is for operation and maintenance requires high energy efficient equipment and supplies. We are suspending Section 8662 (a) for capital projects, but if we suspend Section 8662 (a), that means these buildings can be constructed with the old standards. It does not have to meet any kind of energy efficiency.

Speaker Arnold I. Palacios: We are not amending. We are just suspending the requirements to kick in this thing until Public Works...

Representative Yumul: If the legal counsel can at least look at this section then and make it clear to me.

Speaker Arnold I. Palacios: Short recess.

The House recessed at 4:29 p.m.

*RECESS**The House reconvened at 4:30 p.m.*

Speaker Arnold I. Palacios: We are back to our plenary session. Clerk, call the roll.

The clerk called the roll on the motion to pass H. B. NO. 16-149, HD1 with the following result:

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

Speaker Arnold I. Palacios: By a vote of 16 “yes”, H. B. NO. 16-149, HD1 passes the House on First and Final Reading. Floor Leader, I think we have time for one more none controversial.

Floor Leader Camacho: Mr. Speaker, motion to pass on First and Final Reading, H. B. NO. 16-126.

The motion was seconded.

H. B. NO. 16-126: A BILL FOR AN ACT TO ESTABLISH A POPULATION-BASED CANCER REGISTRY IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS; AND FOR OTHER PURPOSES.

Speaker Arnold I. Palacios: Discussion. Clerk, call the roll.

The clerk called the roll on the motion to pass H. B. NO. 16-126 with the following result:

Representative Edwin P. Aldan	yes
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	absent (excused)
Representative Raymond D. Palacios	yes

Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	abstained
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold I. Palacios: By a vote of 18 “yes”, H. B. NO. 16-126 passes the House on First and Final Reading.

Floor Leader Camacho: Mr. Speaker, since we are on a roll, I have a motion to pass on First and Final Reading, H. B. NO. 16-123.

The motion was seconded.

H. B. NO. 16-123: A BILL FOR AN ACT TO EXEMPT LARGE HOTELS, HOTEL RESORTS, AND GOLF RESORTS FROM THE PROHIBITION OF ALCOHOLIC BEVERAGE SALES ON ELECTION DAY; AND FOR OTHER PURPOSES.

Speaker Arnold I. Palacios: Discussion on the motion. Representative Reyes recognized.

Representative Reyes: Thank you, Mr. Speaker. I would like to offer a floor amendment. On page 1, Line 18 and Line 19, reduced the “200” down to “50” rooms only.

The oral floor amendment was seconded.

Speaker Arnold I. Palacios: Discussion on that motion, and I recognize the Vice Speaker.

Vice Speaker Deleon Guerrero: Mr. Speaker, if I am not out of order, can I offer a subsidiary amendment on the same line item?

Representative Reyes: No objection, Mr. Speaker.

Vice Speaker Deleon Guerrero: It is a very simple amendment. On line 19, after the word, “guest rooms,” insert, “airports.” So it would read, “Fifty or more guest rooms, airports, or golf course resorts.”

The subsidiary motion was seconded.

Representative Stanley T. McGinnis Torres: Point of information.

Speaker Arnold I. Palacios: Discussion. I recognize Representative Torres.

Representative Torres: Mr. Speaker, referring to Representative Deleon Guerrero’s motion, the airport, there is an outlet too at the open, and I think that it should be specifically mentioned as the airport holding room and not at the front concession, because that is open to the public. There are

two concession counters before you enter the holding room. Just reword it and put, “airport departure holding area.”

Speaker Arnold I. Palacios: Representative Yumul, please do not offer any more subsidiary motion.

Vice Speaker Deleon Guerrero: Mr. Speaker, I would like to restate it to read, “Airport departure holding areas.”

Representative Apatang: Clarification, Mr. Speaker.

Speaker Arnold I. Palacios: Do I hear a second to that motion?

The subsidiary motion was seconded.

Vice Speaker Deleon Guerrero: Mr. Speaker, if there is no objection, the Clerk can also make that amendment on the heading so that it is consistent.

The Chair recognized Representative Apatang.

Representative Apatang: Thank you, Mr. Speaker. There might be some problems here because at the main terminal there is a holding area, but if you go to a commuter airport, the restaurants are not in the holding area, it is outside the holding area. So I think there is a problem here. We cannot restrict those restaurants there.

Speaker Arnold I. Palacios: Further discussion on this subsidiary motion? Let me recognize Representative Yumul.

Representative Yumul: Mr. Speaker, first of all, the airports are far from the closest voting areas, and I do not think that someone would want to drive all the way to the airport just to drink or consume alcohol to go all the way back to the voting area. I think that even generalizing airport is sufficient. We are getting too technical here. Nobody had ever been arrested here in the last six years or drunken public-ness during an election period. I stand corrected. I think the Vice Speaker’s amendment as it stood originally is sufficient enough. The idea here is to generate sells. The Commonwealth Ports Authority is already hurting with revenues and this is another way for them to generate income. The subsidiary motion that I was going to make was, I think it is more proper to put airport on line...

Speaker Arnold I. Palacios: Short recess.

The House recessed at 4:41 p.m.

RECESS

The House reconvened at 4:47 p.m.

Speaker Arnold I. Palacios: We are back to our session. I recognize the Vice Speaker for your third attempt.

Vice Speaker Deleon Guerrero: Mr. Speaker, on line 18 it would read, “This section shall not apply to CNMI Airports, Hotels, or Hotel Resorts.” Strike out, “with 250 or more guests.” That amendment shall be reflected also on the heading.

Representative Babauta: Clarification, Mr. Speaker.

Speaker Arnold I. Palacios: State your point.

Representative Babauta: Did Chairman withdraw his original motion?

Speaker Arnold I. Palacios: No, this is a subsidiary.

Representative Babauta: Okay.

Several members voiced, “ready.”

Speaker Arnold I. Palacios: Before I call for the vote, I am going to inform – Representative Reyes, the Vice Speaker had offered a subsidiary amendment to your amendment. Your amendment was taking down from 250 to 50, and his new amendment, he took out the number completely, okay?

Representative Reyes: Okay.

There being no further discussion, the subsidiary motion offered by the Vice Speaker was amended and carried by voice vote.

Speaker Arnold I. Palacios: Representative Reyes, I need for you to withdraw your amendment. Short recess.

The House recessed at 4:49 p.m.

RECESS

The House reconvened at 4:49 p.m.

Speaker Arnold I. Palacios: We are back to our plenary session, and I recognize Representative Reyes.

Representative Reyes: Mr. Speaker, I withdraw my motion on the fifty rooms.

The motion to withdraw was seconded.

Representative Hocog: Point of clarification.

Speaker Arnold I. Palacios: State your point.

Representative Hocog: I do not believe that Representative Reyes has to withdraw his amendment. I think that the subsidiary motion takes care of the changes that he wants to do. So he does not have to withdraw any motion because the Vice Speaker’s subsidiary motion takes precedence over his motion.

Representative Benavente: Point of clarification.

The Chair recognized Representative Benavente.

Representative Benavente: Mr. Speaker, Representative Reyes made a floor amendment and when a subsidiary amendment is offered, it is proposing to amend that floor amendment that was offered by Representative Reyes. We adopt that amendment to the amendment, then we go back and adopt the amendment offered by Representative Reyes with the amendment. So at this time, *esta tinilaika*, the amendment made by the Vice Speaker had already amended the amendment that was offered, so now, we just need to adopt.

Speaker Arnold I. Palacios: So you are saying that we just have to make a motion of no motion, really?

Representative Benavente: We just need to adopt the amendment as amended.

Legal Counsel Antonette R. Villagomez: *The motion to amend has been adopted. This is the subsidiary motion to amend. So it automatically becomes part of the main motion. So what is the motion? Is it for passage?*

Representative Benavente: No, the main motion is the original floor amendment.

Speaker Arnold I. Palacios: Wait a minute. The main motion is to take down from 250 to 50. The Vice Speaker offered a subsidiary motion to take down 50 to 0.

Representative Quitugua: Mr. Speaker, to clarify everything, *u withdraw si Chairman Reyes iyona amendment, u withdraw si Vice Speaker iyona amendment*, and then make a new motion.

Speaker Arnold I. Palacios: We already adopted the subsidiary so what we need to do is we have to reconsider it again. Okay. I am sorry, Representative Reyes, your withdrawal is denied. Now, we are at the main motion.

There being no further discussion, the amendment offered by Representative Reyes was carried by voice vote.

Speaker Arnold I. Palacios: The motion is carried. Ready for the main motion. We are now voting H. B. NO. 16-123, HD1. Clerk, please call the roll.

The clerk called the roll on the motion to pass H. B. NO. 16-123, HD1 with the following result:

Representative Edwin P. Aldan	yes
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	absent (during voting)
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	yes

Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	abstained
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	absent (during voting)
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold I. Palacios: By a vote of 16 “yes”, H. B. NO. 16-123 hereby passes the House on First and Final Reading.

Representative Babauta: Privilege.

Speaker Arnold I. Palacios: That will be the last bill that we are going to entertain today. It is almost 5:00 p.m. Let me recognize the privilege, Representative Babauta.

Representative Babauta: Mr. Speaker, may I ask probably the Speaker and the members of that Committee that worked on that bill or the author to work with the Senate since the election is coming up on November 4th, I understand that the Senate is having a session tomorrow, if we can probably have them expedite.

Speaker Arnold I. Palacios: Clerk, would it be possible to transmit that tomorrow? Representative Santos, you may take the lead to check with the Senate. Alright. We will probably have a session again next Tuesday. Tomorrow we cannot have any activity in the House Chamber, the Legislative Bureau will be preparing the Chamber for the Inauguration for the Youth Congress on Saturday. I recognize the Floor Leader.

ANNOUNCEMENT

None

ADJOURNMENT

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

The motion was seconded and carried by voice vote.

Speaker Arnold I. Palacios: The House stands recessed subject to the call.

The House adjourned at 4:53 p.m.

Respectfully submitted,

Victoria Guerrero
Journal Clerk

APPEARANCE OF LOCAL BILLS

None