



# House Journal

## THIRD REGULAR SESSION, 2009

**Adopted:  
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4th Day

Tuesday, January 27, 2009

The House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature convened its Fourth Day, Third Regular Session on Tuesday, January 27, 2009, at 9:41 a.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

Speaker Arnold Palacios: I would like to ask that we keep our former President of the Senate and the former Mayor of Tinian, the Honorable Joaquin G. Adriano and the Honorable Vicente M. Mangloña, respectively, in your prayers this morning.

A moment of silence was observed. (A moment of silence was also observed for the late Honorable Joaquin G. Adriano and the late Honorable Vicente Manglona.)

The Clerk called the roll and fourteen members were present. Representatives Rosemond B. Santos, Stanley T. Torres, and Ray N. Yumul came in late; Representatives Francisco S. Dela Cruz, Christina M. Sablan, and Edward T. Salas were absent and excused for the day's session.

### ADOPTION OF JOURNALS

None

### INTRODUCTION OF BILLS

H. B. NO. 16-216: A Bill for an Act to amend 4 CMC § 4363(a); and for other purposes.

Offered by: Representative Joseph C. Reyes

Referred to: Committee on Ways and Means

H. B. NO. 16-217: A Bill for an Act to repeal and reenact 4 CMC § 5611(d); and for other purposes.

Offered by: Representative David M. Apatang and one other

Referred to: Committee on Ways and Means

Speaker Arnold Palacios: What kind of bill is that?

Representative Apatang: An enhancement bill.

Speaker Arnold Palacios: What are you enhancing?

Representative Apatang: Revenues.

Speaker Arnold Palacios: I think you have a lot of those already.

### **INTRODUCTION OF RESOLUTIONS**

Speaker Arnold Palacios: Representative Benavente, recognized.

Representative Benavente: Mr. Speaker, before I officially introduce the commemorative resolution, I would like to ask that we just make the necessary corrections so that we do not have to run new copies for everyone. The resolution that we presented during yesterday's funeral was actually presented in the form of a House Joint Commemorative Resolution and the number would be 16-22. So, if you make that correction – the former Speaker is looking at me like what did you do – and while I believe that this is the first time in history that we would have passed a joint commemorative resolution, we actually did so with the blessing of the President of the Senate. Therefore, the commemorative resolution that I would be introducing is in the form of A House Joint Commemorative Resolution.

There was no objection and the prefiled H. COMM. RES. 16-69 was withdrawn, reassigned and numbered as:

H. J. R. NO. 16-22: A House Joint Commemorative Resolution conveying the sincere condolences and sympathy of the House of Representatives and the Senate of the Sixteenth Northern Marianas Commonwealth Legislature to the bereaved family of the late Honorable Gregorio Villagomez De Leon Guerrero, on the occasion of his untimely passing and paying tribute to his services to the people of the Commonwealth and fond memory.

Offered by: Representative Diego T. Benavente and eleven others

Speaker Arnold Palacios: I received a call over the weekend from the Senate President requesting that we make the prefiled House commemorative resolution a joint commemorative resolution, so that is the reason for the necessary changes. Representative Aldan.

Representative Aldan: If I may, Mr. Speaker, can I make request with respect to the numbering. I would like to request that H. R. NO. 16-71 be for Mr. Manglona and H. R. NO. 16-72 for Mr. Adriano so that the time of their passing would be in the order.

Speaker Arnold Palacios: Clerk, please take note.

Representative Aldan: Also, Mr. Speaker, to be introduced by the Committee of the Whole.

There was no objection from the floor, and the numbers for the resolutions were reassigned by the Clerk and indicated as introduced by the Committee of the Whole.

H. R. NO. 16-71: A House Resolution conveying the sincere condolences and sympathy of the House of Representatives to the bereaved family of the late Honorable Vicente Muña Mangloña on the occasion of his untimely passing and to pay fond tribute to his memory. Offered by:

Referred to: Representative Edwin P. Aldan and eighteen others

H. R. NO. 16-72: A House Resolution conveying the sincere condolences and sympathy of the House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature to the

bereaved family of the late Honorable Joaquin G. Adriano, on the occasion of his untimely passing and paying tribute to his services to the people of the Commonwealth and fond memory.

Offered by: Representative Edwin P. Aldan and eighteen others

Speaker Arnold Palacios: Representative Aldan, could you give us some information particularly on former Senator Adriano's funeral services.

Representative Aldan: Mr. Speaker, I spoke to the late Senate President's son yesterday and according to him, the plan now is to send the body of the late Senate President to Tinian on Thursday afternoon. At the same time, he is also considering sending the body on the first flight Friday morning so that when the body arrives in Tinian it will be taken directly to San Jose Church.

Speaker Arnold Palacios: What time is the service?

Representative Aldan: I have not seen any schedule, but mass usually starts at eleven o'clock in the morning. Presentations or any kind of award that would be given to the family usually starts at 10:00 a.m. The body will be taken to the church at 7:00 a.m.

Speaker Arnold Palacios: Okay. Representative Hocog.

Representative Hocog: Mr. Speaker, if I may add on to the concern whether Representative Aldan is aware of any memorial from the municipality to be given to the two former public officials?

Representative Aldan: As of today, I have not received any official message. I have been trying to communicate with the Mayor of Tinian because he is the Chief Executive for our Island of Tinian so he has to make that call. As I understand, there will be a police escort for the late Senator Adriano, but I do not know of a municipal funeral service.

Speaker Arnold Palacios: Thank you. Representative Hocog.

Representative Hocog: The reason I asked is if there were to be a municipal funeral service given in honor of the two former leaders, the members of the House may absorb their account on official business. If not, then I ask that they pay their own way if they want to attend to the funeral services. Thank you.

Speaker Arnold Palacios: Representative Aldan.

Representative Aldan: Mr. Speaker, I will encourage, if anyone is coming to Tinian, to join me in presenting the Resolution. I will make update before closing of business today. I will make sure that my secretary contacts your staff as to what is going to happen tomorrow and Friday.

Speaker Arnold Palacios: Thank you, because some of us are intending to attend the funeral services, so I would certainly appreciate as much information on the schedules for the services. Representative Babauta, recognized.

Representative Babauta: Mr. Speaker, since you have assigned me earlier to appear on your behalf, I encourage all House members to participate in the presentation of the Resolutions. Thank you.

Speaker Arnold Palacios: Clerk, please take note that Representative Santos is now present. We move on to Messages from the Governor.

### **MESSAGES FROM THE GOVERNOR**

GOV. COMM. 16-315: (1/13/09) Certification for vacant position at the Department of Public Health.

GOV. COMM. 16-316: (1/23/09) Certification for a vacant position at the office of the 12<sup>th</sup> Tinian Municipal Council.

GOV. COMM. 16-317: (1/23/09) Certification for vacant positions at the Department of Public Health.

GOV. COMM. 16-318: (1/23/09) Certification for vacant positions at the Superior Court.

There was no discussion under this Item of the Agenda.

### **SENATE COMMUNICATIONS**

NONE

### **HOUSE COMMUNICATIONS**

HSE. COMM. 16-98: (1/23/09) From Representative Dela Cruz informing the Speaker that he will be off-island from January 26 thru January 30, 2009.

The Chair recognized Representative Hofschneider.

Representative Hofschneider: I do not know, Mr. Speaker, whether the House communication that I want to submit my comment on today's front page regarding the land compensation bill that I introduced and we passed and the Senate passed with no amendments and is now before the Governor. In today's paper, the Secretary of the Department of Public Lands (DPL) is quoted as recommending the bill to be vetoed. In quote—in no uncertain terms, I must respectfully urge you to veto this legislation as it is unconstitutional. First of all, Mr. Speaker, I think the only licensed individual in the Commonwealth to render legal opinions would be licensed lawyers. We may, here, take advantage of the immunity on the floor and appear to have rendered our own legal opinion, however, not licensed. Be it as it may, I would like to point out a few things. If the contention of the current Secretary of Public Lands is consistent, then I bring back the fact that for many years since the inception of the Marianas Public Lands Corporation, initially created in the Constitution to deal with appropriate management and disposition of all public lands on behalf of the people. Second, land compensation or land exchange appropriated termed has been going on for more than two decades. And because of the diminishing land holdings on behalf of the people of the Northern Marianas, monetary land compensation came to being. As a result, either appropriations or otherwise, a bond for instance that we have undertaken in the previous legislature for Forty Million Dollars to settle long standing land takings. Now, the objection of settling land taking is delineated in existing public law which categorized priorities—those that were taken during the war and were inadequately or never returned to the rightful owner must be settled through real estate land compensation or if the person, family or the heirs decide to opt to settle for monetary compensation then that is the route. There are two ways to settle land compensation and it has been going on. Recently, those people who have been frustrated to the point that they have taken their cases to

court. The courts, either the Federal Court of the Superior Court of the CNMI has adjudicated them, rendered an opinion that they ought to be paid. In recent by the federal court, more specifically, forfeiture of assets was mandated after an adjudicated case of land compensation left unattended. So the court intervened and said your asset is taken and pays these people – forcefully. Unless, I am reading it differently or misreading it, the letter from the Secretary of Public Lands to the Honorable Timothy P. Villagomez, Acting Governor, paraphrased letter-for-letter, word-for-word the provision in the constitution and that the corporation shall retain the amount necessary to meet reasonable expenses of administration, management, land surveying, homestead development, *and any other expenses* reasonably necessary for the accomplishment of its function. [Emphasis added] What are those functions? If the argument, Mr. Speaker and members, is that the functions from the very beginning include land compensation or land exchanges, then I rest my case. But there are now long-standing precedents. So the bill that went and is now sitting before the Governor for consideration only limits itself to adjudicated cases, using income or resources of DPL to settle those adjudicated cases. I think that the letter also went to the extent of political satire or editorializing it, more specifically--as DPL is limited to funding itself and the MPLT any legislative attempt to add additional obligations such as land compensation in an attempt to avoid tough political choices is unconstitutional. I do not recall reading anywhere in the Constitution under Article XI or Article XII purporting to politicize decisions to pay people for land taking. I am referring to eminent domain. When you take people's land, you must justly compensate. This is land taking, this is eminent domain and that is why I suspect that the court has forfeited income of DPL. Thank you, Mr. Speaker.

Speaker Arnold Palacios: Thank you. We will see what the Governor's action is on that particular legislation. If it is vetoed and comes back to the privy of the legislature, then we could discuss that issue at length again. I recognize Representative Quitugua.

Representative Quitugua: Thank you, Mr. Speaker. This comment is in reference to the problem at GTC (Gregorio T. Camacho) Elementary School in San Roque with regards its repair needs. I think it has been out on the paper and on cable. Mr. Speaker, I went to GTC Elementary School when GTC was under the management of a different principal. I even went to Tanapag Elementary School. I asked for the schools' needs such as renovations, additional classrooms and whatnot. The principal then at GTC told me her priority which is to connect the restroom facilities to the sewer line. We appropriated One Hundred Thousand Dollars and they have connected the restroom facilities to the CUC sewer line. Never at that time did they mention anything about dilapidated classrooms. At Tanapag Elementary School, the principal did not mention anything but asked if the parking lot could be paved because it is creating many problems such as dust and mud. We appropriated Fifty Thousand Dollars and they did pave the parking lot. Recently, under Public Law 16-10 we appropriated over Two Hundred Ninety-One Thousand Dollars for repairs of classrooms for the Public School System (PSS). I have no idea whether PSS has taken any action to use the money or not, but this money is available for use by all the schools. This money came from the available interest generated from the PSS Bond money. The Bond has been paid up. When we appropriated this money, the Bank of New York said that they could not give us the remaining balance that might be available other than Two Hundred Ninety-One Thousand, Two Hundred and Ten Dollars. Under this public law, we gave PSS the flexibility to use all the money generated as a result of this Bond. There should be more than Two Hundred Ninety-One Thousand Dollars available now. This money can be used to assist GTC Elementary School with its classroom renovations. I am going to mention this so that we all know that we are not ignoring the schools. We have also appropriated over Fifty Thousand Dollars for San Vicente Elementary School to help them with their dilapidated Kindergarten classrooms. We have appropriated some money for William S. Reyes Elementary

School. I have even looked at the local laws that we have enacted. There are monies appropriated to PSS which PSS have not taken action. We appropriated Seven Hundred Thousand Dollars for Garapan Elementary School two or three years ago for additional classrooms when the Marianas Islands Housing Authority (MIHA) decided to give an ultimatum to the school to no longer use the housing as classrooms. We have not seen any action. There is an appropriation of Ten Thousand Dollars for classroom renovation for Koblerville Elementary School. The money has been there for years. It has not been touched. Mr. Speaker, I bring this up because the issue of dilapidated classrooms at GTC Elementary School came out to the public, and I want the public to know that we have given PSS money that can be used to repair or renovate the classrooms not only to GTC Elementary School, but also for all the schools. Very recently, this legislature enacted a legislation to pave the parking areas of Koblerville Elementary School because that is what the principal requested assistance with. Kagman High School also asked if we could pave the student parking area. We did, we appropriated the money. Mr. Speaker, I will say that PSS knows about these appropriations because right after the bills were enacted, I have written to the PSS Commissioner. Every single appropriation measure for PSS that got signed into law, I write to the PSS Commissioner advising the Commissioner that the legislature has appropriated a certain amount of money for certain activities of PSS and to please tell the PSS CIP Coordinator to take action and use the money. I have not seen much action in terms of these appropriations from PSS, Mr. Speaker. Thank you.

Speaker Arnold I. Palacios: I Recognize Representative Babauta.

Representative Babauta: Mr. Speaker, I would recommend to the House Standing Committee on Health, Education, and Welfare to open an official dialogue with the management of PSS. I ask that the Committee report to the House whether or not those appropriated funds as mentioned by Representative Quitugua have been activated. I think this would allude to the fact that it would be dragging us as members of this House by ignoring the Public School System's request. So we need to clarify the cloudy issue with respect to CIP matters. Thank you.

Speaker Arnold Palacios: I appreciate your recommendation. I was going to instruct the Committee after members have had the chance to make comments. Representative Hofschneider.

Representative Hofschneider: I believe, Mr. Speaker, this is about the community block grant application through the Northern Marianas Housing Corporation (NMHC). The issue here is obvious. There is lack of communication between the granting agency and the Governor's final approval. What I have been told was it went through the process of application, and being considered and awarded by the board and when it got to the Governor, he opted to give it to the soccer stadium. That is the argument—they went through the process of applying and the rug was pulled underneath the school. So, there is lack of communication as to the granting agency, the Administration and PSS in coordinating what is to be applied and how those grants are to be applied. It leaves a lot of very bad relationship because the school has in fact adjusted its hours to accommodate an early summer session so that the contractor can move in and do the repairs. If it is in fact that PSS is not attentive to those appropriations then something is terribly wrong in terms of accessing those funds that Representative Quitugua enumerated. The point is this is a Community Development Block Grant (CDBG) application that has been pulled from underneath at the last moment. Thank you.

Speaker Arnold Palacios: Thank you. The real issue is the classrooms for the children. And whether it is through appropriations that we have done over the past years, even during this Legislature,

through CDBG, or through local appropriations, I think somebody has to step up. I believe it is the CIP Coordinator of PSS to begin utilization of these funds. Representative Ralph Torres.

Representative Ralph Torres: Thank you, Mr. Speaker. I did talk to the Principal of GTC Elementary School regarding the soccer field agenda with the Governor. In fact, they went on their own to apply for a CDBG grant in the amount of \$540,000 but the Board decided to increase it to \$800,000 because it is necessary to repair the dilapidated classrooms. When it got to the governor, he vetoed it and redirected the funds to the soccer field. I am in the midst in talking with the principal to see what we can do to request the Governor if the funds can be transferred. On another note, I have asked the Commissioner of PSS to list the CIP and funding that are projected for the schools. (*End of Tape 1, side A*) (*Start of Tape 1, side B*) ...topic that they are concern of why they are not moving. I have requested that information to be provided.

Speaker Arnold Palacios: Let me recognize Representative Quitugua because I think he wants to make some clarifications.

Representative Quitugua: Thank you, Mr. Speaker. The grant application is the issue, and it came down to the parents. I received a call from one of the parents in San Roque asking what we are doing that we are not providing funding for the school to renovate the classrooms. That is one of the reasons I brought up this concern, because it has come down to the parents and it is no longer an issue of CDBG. The issue now is – what are we doing.

Speaker Arnold Palacios: I certainly appreciate that clarification. Before we move on, I would like to ask the Committee on Health, Education, and Welfare Chair to call in the committee – Representative Quitugua, please involve yourself – and look into not just the GTC Elementary School concern, but the schools overall. Look at the appropriations that we have made. To his credit, Representative Quitugua initiated many appropriations over the past three legislatures for the schools that most of us have supported. Look at that and see what the status is on those projects. I remember fighting for funds for Garapan Elementary School because of the fact that it was overcrowded. NMHC was kicking them out of the low-cost housing and we needed to construct additional classrooms. I am very concern that that project has not really moved forward also. If NMHC pulls the rug from them, we will end up getting the blame. I recognize Representative Aldan.

Representative Aldan: Mr. Speaker, Tinian also has two major projects that we appropriated funds for in the 15<sup>th</sup> Legislature and it is still pending. We met with the CIP Coordinator but it is the same reasons that we have been discussing for three years rewind. I remember the legislature amending the law to amend a definition to include the word “electrical” so that project can move. One million two hundred thousand dollars is still laying around for the Tinian schools. Rota also, I remember Representative Ogo introduced an appropriation for roofing for the Sinapalo school. Representative Hocog brought us to the school and it has not been done yet. The tin roofing is still rusting away. I urge the HEW Chairman to bring in the CIP Coordinator and the Commissioner for PSS and let us move these projects. They keep barking at us, we give them money and yet they never use the money.

Speaker Arnold Palacios: I think I know where this conversation is going. Representative Ralph Torres.

Representative Ralph Torres: I just want to let Rota and Tinian know that I have also requested for information in my inquiry for CIP listing and funding. So, the committee is also taking that into consideration.

Speaker Arnold Palacios: Representative Yumul.

Representative Yumul: Thank you, Mr. Speaker. On that same note, this was an issue during our last session when we debated the issue with Representative Hocog that he gets last minute notice that if you do not give money right now there is going to be CIP money that is going yanked. We are not being informed. We do not want to micro manage, but we are reaching this point where we are given information at the very last minute and if we do not scramble to provide additional funding, we are going to lose the entire amount. It is astonishing to hear from everyone's personal perspective on what the real issue is. I think there is a systemic problem.

Speaker Arnold Palacios: Let me make further recommendation on top of the initial recommendation that Committee on Health, Education, and Welfare take into consideration. Representative Yumul, are you a member of that committee?

Representative Yumul: Yes.

Speaker Arnold Palacios: So please coordinate and look at all the existing CIP funding whether it is from the respective local delegations or 702 funds for PSS and try to get to the bottom of this. You have to bring PSS folks in and see where the problems are. Representative Reyes.

Representative Reyes: Mr. Speaker, I do not know if I read you correctly, but I was about to suggest that if we are to do this for the Public School System, perhaps we can do things for all CIP funding for the Department of Public Works and all, so that we can be updated as to where these projects stand.

Speaker Arnold Palacios: I think we need to put finality. Representative Yumul, we need a status report. It is overdue. Representative Benavente, recognized.

Representative Benavente: Thank you, Mr. Speaker. This comment would be more of bringing something to your attention as well as the members' attention and I think even the legal counsel to assist us with this matter. Mr. Hartman came from Homeland Security. He was actually the first person that informed us when he learned that under the present federalization law, there is a provision that says that even if you have a valid permit as a nonresident worker or other forms of permits from the CNMI government that if you leave the CNMI after the implementation, whether it is June 1<sup>st</sup> or an extended period that that permit will be void and you can no longer use that to return to the Commonwealth. Mr. Speaker, I believe that to some that might be a reasonable attrition method in the reduction of the nonresident workers in the Commonwealth. But, if you think about it, it is very, very unreasonable when it comes to putting the concerns that we would have on human beings, Mr. Speaker. These individuals are human beings. They are not just nonresident workers. They are people. And, it is unreasonable to the CNMI government where we as a government allow and grant this permit but gets yanked by the Federal Government. It is unreasonable for the business community that employs these individuals because of the need for those workers. Because, if they were not needed, they will not be here in the first place. I guess, and to make it short, Mr. Speaker, and I know that after my statement you are going to say that you as the Chairman of the Federal and Foreign Relations Committee do something about it. But I mentioned that because I would like to

see us, the community and the leaders here in the Commonwealth stand together on this issue. If you remember in one of our meetings with Congressman Kilili, he said that he would take anything to Congress and to the Federal Government that we are united on. And I would think that this is one of those issues where we can bring the Administration, the Governor himself, the business community, the people here in the Commonwealth, and the Senate and take a strong stand on this matter. It might need an amendment to the existing federalization law, but if it did, then something needs to be done, Mr. Speaker, because we cannot treat people, human beings, that way that if these individuals were to have to leave during the time of their permit because of a death in the family or because of a sickness, or something happens with their loved ones whether it is in China or in the Philippines or Korea or any place else where these nonresident workers come from, then we should not – and I really don't think that the United States Government and its leaders if they realize that it is a very unreasonable requirement that they will continue to allow this requirement. So I bring that to the attention of the members. I ask the legal counsel, without objection on the floor and with your direction, Mr. Speaker, to start with an initial draft of a resolution requesting our congressman, Congressman Kilili as well as the Homeland Security if there is anyway possible to reconsider that provision. Thank you.

Speaker Arnold Palacios: And not just reconsider, but also further clarify that issue because I think when we were having that meeting with Mr. Hartman it kind of just caught us by surprise. So, I would ask the legal counsel – legal counsel, could you please sit down with Representative Benavente? He was here during the meeting and I think he can give you the details and see where we can proceed from there. In fact, even an official letter probably to Mr. Hartman and the Congressional Delegate from the CNMI to call his attention to this particular issue. Representative Hocog, on the same issue.

Representative Hocog: Yes, on the same issue. The Chairman of the Federal and Foreign Relations Committee really put out a good note on the federalization issue. You know, Mr. Speaker, way back the CNMI and its people have been accused of inhumanity. I guess the federal government is just eating up their own words of what they are planning to do to the residents, the nonresidents, and the NMI as a whole. They do care about the exodus of nonresident workers not coming back when then are out on vacation after January 1<sup>st</sup>. But I never hear anything, Mr. Speaker, from the federal side as to what have they been doing on the millions of illegal Mexicans in California. And, I think they should clean their turf first before they really impose difficulties and hardship to the CNMI people and the islands. We are talking about humanity. Are they being humane, there is no means for consideration despite the fact that they want even the immediate relatives (IR's), the people that are doing business that are not residents out within the next two years? What are they going to do after these people leave us? Mr. Speaker, I would not make mention anything if I had known that there are investors or business people from the United States, any part of the United States, that have risked their investment opportunity in the NMI to build our economic base. None. And the reason, Mr. Speaker, is that the distance of promoting the NMI from the American people is too great a distance. The hardship for them to bring and build a mega-hotel or mega-mall is impossible for them to come. And even this consideration regarding the status of these business, the Asian businesses that are present they even think of having them to leave within the next two years, even the people that are married to local people are going to be out of here in the next two years. Now, to do and get your permanent resident status, being an IR is another complex process that probably there would be a roadblock. So I guess what we are trying to do is see if the federal government can ease the pain that is forthcoming. Maybe it will be a good recommendation that both the House and the Senate along with the Executive Branch air this through a joint resolution to the newly elected President of the United States for any consideration in his Department of Homeland Security, and maybe that

would change. You know, it is time for a change, a new day, a new beginning for the whole American people. Thank you.

Speaker Arnold Palacios: Thank you. There are certainly valid considerations that I have to make and then sit down with the Senate President and the Chair of the FFR. Representative Camacho.

Floor Leader Camacho: Thank you, Mr. Speaker. Not necessarily in line with the mayor-elect of Rota, but I would like to at least state certain things that the 111<sup>th</sup> Congress was sworn in on January 6 and the President was sworn in on January 20<sup>th</sup> and soon after that various department secretaries are quickly being confirmed by the U.S. Senate and that is only four days ago. I have been in communication with Congressman Kilili and they are in fact working very hard. The details of which he asked me if I could, for the moment, not make them public in order to continue to discuss certain things without turning certain people into agraffe and allowing people to work with him in certain committees in the US Congress. I am not a member of the federal relations committee, but if they are going to draft a resolution, I am willing to put my two cents in it.

Speaker Arnold Palacios: Certainly, and I think Representative Benavente has a valid point in that this Body is part of this government and I am glad to hear that the Congressman Sablan (“Kilili”) is doing something about this. It is important that we reiterate our official position and I think that is the recommendation by the Chairman. Thank you.

Floor Leader Camacho: Mr. Speaker, I totally understand that and that is why I am willing to work with the committee, if possible. We want our position to be strong, firm at the same time we do not need to turn people who are in support of us by using inflammatory language and whatnot.

Speaker Arnold Palacios: Certainly not. I recognize Representative Reyes.

Representative Reyes: In line with that, I do not know how this would be perceived or received--I know that the CNMI Government cannot grant US citizenship or US permanent resident and whatnot. Perhaps the legal counsel can check on this—if we grant some of these people CNMI permanent status the chances are I do not know how the US Government will look into that. If we grant CNMI permanent resident status, it is worth looking into and I ask the legal counsel to look into that.

Speaker Arnold Palacios: Thank you for that comment. Representative Yumul.

Representative Yumul: Thank you, Mr. Speaker. Since we are on the topic of the Federal Government and its relationship with the CNMI, as many of you are aware President Obama has signed the decree to close down Guantanamo Bay as a detention facility. It was not too long ago that the CNMI namely Tinian held foreign citizens seeking to enter Guam illegally but were caught off the Guam waters. They were brought to Tinian and most were processed and repatriated. A few were allowed asylum. We do not have any detail, because it was kept confidential. But, under P.L. 110-229 most especially the section that is most readable under HR 3079 which applies to asylum, the CNMI will still administer the asylum, of course, under the scrutiny of Homeland Security and the Secretary of State to ensure of our compliance. I think it will be a good starting point to look at a dialogue as military planners look to how and where they can move some of these detainees. Maybe we can offer our services once again. I would like to mention that. Thank you, Mr. Speaker.

Representative Hocog: Mr. Speaker, I would like to urge the Committee on Commerce and Tourism Chairman, I believe he is also charged with labor—Mr. Speaker, we have a situation today where hundreds of documents for nonresident worker permit renewals are put on hold. Workers are beginning to wonder where they are at and how their renewals would be treated. I know of a couple of workers who submitted their renewal documents three months ago, the expiration date being yesterday. There is no notification whatsoever as to their status. So, by having those documents before the authorities, how do we consider these people now residing on the island—are they illegal? So, Mr. Speaker, we need to follow up with the labor department at this point in time because it is going to cause a big problem if they are going to do this at one given time. I ask the chair of that committee to look into the status of those permits for renewal that are pending and nearing expiration in the hands of the Department of Labor.

Speaker Arnold Palacios: Thank you. That would actually be the Committee on Judiciary and Governmental Operations. Representative Stanley Torres.

Representative Stanley Torres: Just for information, I think the reason for holding the permits for renewal at the Department of Labor is most, if not all, employees are submitting their own documentations without the employers. My wife was there a couple of times and she saw numbers of employees turning in their documentations. Where are the employers of those people? That is probably the case.

Speaker Arnold Palacios: Let me ask the Chair of the Committee on Judiciary and Governmental Operations to contact the Department of Labor on those concerns.

Representative Stanley Torres: May I continue on another matter, Mr. Speaker.

Speaker Arnold Palacios: continue.

Representative Stanley Torres: This is another concern that I think we should look at. Two weeks ago, I saw in one issue of the newspaper about eight houses that are to be auctioned by several banks, people who have mortgage loans, their homes are being auctioned. I counted eight families that are going to be displaced. Last week, I counted another nine families that are to be foreclosed by our own NMHC--our own government agency. Is there any avenue to help these people to lighten up their obligations instead of just taking them out from their homes and putting their homes up for sale? It is an alarming number. If you add the notices in both newspapers there are about nineteen homes that are for sale—nineteen families that are going to be homeless.

Speaker Arnold Palacios: Thank you for that information. That is a great concern that we should consider. Let me take that under consideration and I will give instruction accordingly or even personally take that. Short recess.

*The House recessed at 10:44 a.m.*

*RECESS*

*The House reconvened at 10:51 a.m.*

Speaker Arnold Palacios: Without objection, I would like to go straight from House Communications to Resolution Calendar. I ask that we leave the standing committee reports on the Calendar until next session. Representative Hofschneider.

Representative Hofschneider: Mr. Speaker, with indulgence of the members, I would like to comment on Item 11, Other Communications—short comment.

Speaker Arnold Palacios: Is there any objection?

Representative Hocog: Five minutes will do, Mr. Speaker.

Speaker Arnold Palacios: Okay. Is there any objection to straight to Resolution Calendar from there?

There was no objection from the floor.

### **COMMUNICATIONS FROM THE JUDICIAL BRANCH**

JUD. BR. COMM. 16-11: (1/15/09) From Presiding Judge Robert Naraja certifying that the position of Records Assistant is vacant and must be filled.

JUD. BR. COMM. 16-12: (1/15/09) From Presiding Judge Robert Naraja certifying that the position of Computer Operator I is vacant and must be filled.

There was no discussion under this Item.

### **COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE**

None

### **COMMUNICATIONS FROM DEPARTMENTS & AGENCIES**

None

### **OTHER COMMUNICATIONS**

MISC. COMM. 16-59: (1/23/09) From SCC President James T. Arenovski urging the House to reject H. B. NO. 16-201.

Speaker Arnold Palacios: I recognize Representative Hofschneider.

Representative Hofschneider: Thank you, the members are generous that they gave me thirty minutes of short time.

Speaker Arnold Palacios: Five minutes.

Representative Hofschneider: Thank you. Mr. Speaker, I am in receipt of the Saipan Chamber of Commerce's position on H. B. NO. 16-201, which is the severance package. In summary, I quote the Chamber: "we do not understand how any elected official could contemplate a program that would cost our government an unnecessary and significant amount of money as this bill would." First of all, I would like to start by saying, I am appalled and quite disappointed that they would editorialize a bill costing and purporting to cost the government millions of dollars when they, the Chamber of

Commerce, have not any waves at all about the misapplication of resources that the administration has done for many years, the last three years specifically. I do not know which brilliant philosopher said, put your money where your mouth is. Be it as it may, simple analysis is required here. Class I under normal application for pension gets 50% of their salary based on the three highest, minus 3% for every year that they do not reach the age of 62. Class II gets 58% straight across the board. Assuming a person is qualified and wants to retire under Class I at \$20,000 per annum. Fifty percent would be ten thousand dollars pension. And if he or she is fifty years old, that will be twelve years short of sixty-two multiplied by 36%. So fifty percent straight pension, minus thirty-six percent would be fourteen percent pension. Did the Saipan Chamber of Commerce analyze that? Fourteen percent of twenty thousand dollars is what?—help me out here—fourteen percent of twenty thousand dollars is what? Boy, did I miss my math. The concept – maybe this is where the conception of understanding the bill begins to fall apart with the Saipan Chamber of Commerce who analyzed it. This government is bloated. It cannot afford the payroll cost as it is. I am proposing that a minimum of five million dollars be the target through passive attrition inciting people to retire buying those two years if they have eighteen years of service to qualify. If giving them forty thousand dollars in bonus is the argument, I would like to hear a recommendation by the Saipan Chamber of Commerce what is the most appropriate enticement for people to get off government payroll. As it is, the CNMI government employees have not gotten their within-grade increase (WGI) of five percent for the last fourteen years. That is why people continue to sit on their civil service position or exempted service position because they are anticipating increasing their pension. And by the way, there is more in terms of number who are ready to retire of people earning twenty-eight thousand dollars per annum or less. The significant impact of the retirement is from people who earn a hundred thousand dollars and more. Did the Saipan Chamber of Commerce turn a blind eye on that? Mr. Speaker, if this bill is going to cost money, the money that I am proposing to take is from the cover over tax from the last event receiving twenty-two million dollars. Nobody knows where it went. This last receipt of seventeen million dollars is from outside source, this is from reimbursement on the cover over of taxes. I am saying to the Administration ...*(End of Tape 1, side B). (Start of Tape 2, side A)* ...the focus of the Saipan Chamber of Commerce is the misapplication of resources and not fulfilling the Administration's obligation to the Retirement Fund. Moreover, the fiduciary of the Board of Trustees of the Retirement Fund is question. Complicity.

Speaker Arnold Palacios: Representative Hofschneider, I think you are becoming very detail and not on the bill.

Representative Hofschneider: Lastly, Mr. Speaker, I think that we can all work together. We have ideas and we are searching deep down in our hearts and in our minds—in the confines of our small mindedness. But whoever said, it is common sense to take a method a try it. If it fails, admit it frankly and try another. But above all, try something. We need enthusiasm and imagination; not pessimists, not political spokesman. Thank you.

Speaker Arnold Palacios: That bill is no the Bill Calendar so I suspect that we will have a very lengthy deliberation on that. We now move to the Resolution Calendar.

## REPORTS OF STANDING COMMITTEES

S. C. R. NO. 16-69: Reporting on **S. L. I. NO. 16-10**, entitled, “To amend Article X of the Constitution of the Commonwealth of the Northern Mariana Islands by amending Section 7 to require the reduction of government employment and to add a new section 10 to authority the

Commonwealth to issue pension obligation bonds; and for other purposes.” *Your Committee on Ways and Means recommends that the House pass initiative in the form of S. L. I. NO. 16-10, HSI.*

S. C. R. NO. 16-71: Reporting on **H. B. NO. 16-139**, entitled, “To transfer the administrative functions of the Government Life and Health Insurance Program to the Department of Finance by amending the Northern Mariana Islands Retirement Fund Act; and for other purposes. *Your Committee on Health, Education, and Welfare recommends passage in its current form.*

S. C. R. NO. 16-72: Reporting on **H. B. NO. 16-111**, entitled, “To authorize the Department of Public Health to regulate Private Ambulance Services, compliance and response time, and for other purposes.” *Your Committee on Health, Education, and Welfare recommends passage of the bill in the form of H. B. NO. 16-111, HD1.*

S. C. R. NO. 16-73: Reporting on **H. B. NO. 16-138**, entitled, “To transfer administrative functions of the Worker’s Compensation Law to the Department of Commerce by amending the Worker’s Compensation Law; and for other purposes.” *Your Committee on Health, Education, and Welfare recommends passage of the bill in its current form.*

S. C. R. NO. 16-74: Reporting on **H. B. NO. 16-175**, entitled, “To amend 1 CMC adding a new subsection creating the Military Family Leave Act of the Commonwealth; and for other purposes.” *Your Committee on Health, Education, and Welfare recommends passage of the bill in the form of H. B. NO. 16-175, HSI.*

S. C. R. NO. 16-75: Reporting on **H. B. NO. 16-166**, entitled, “To prohibit the use of non-compostable plastic bags at stores within the CNMI; and for other purposes.” *Your Committee on Natural Resources recommends passage of the bill in the form of H. B. NO. 16-166, HSI.*

There was no action taken on the committee reports.

## **REPORTS OF SPECIAL AND CONFERENCE COMMITTEES**

None

## **UNFINISHED BUSINESS**

None

## **RESOLUTION CALENDAR**

Speaker Arnold Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. I move to adopt H. J. R. NO. 16-22, a commemorative resolution to the late Honorable Gregorio De Leon Guerrero.

The motion was seconded.

H. J. R. NO. 16-22: A HOUSE JOINT COMMEMORATIVE RESOLUTION CONVEYING THE SINCERE CONDOLENCES AND SYMPATHY OF THE HOUSE OF REPRESENTATIVES OF THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE TO THE BEREAVED FAMILY OF THE LATE HONORABLE GREGORIO VILLAGOMEZ DE LEON GUERRERO, ON THE OCCASION OF HIS UNTIMELY

PASSING AND PAYING TRIBUTE TO HIS SERVICES TO THE PEOPLE OF THE COMMONWEALTH AND FOND MEMORY.

Speaker Arnold Palacios: Represtnative Benavente.

Representative Benavente: Once, again, Mr. Speaker, to ask the members that the corrections are made and that wherever “House of Representatives” appear in the resolution to add “and the Senate”. Thank you.

There was no discussion and the motion to adopt H. J. R. NO. 16-22 was carried by voice vote.

Speaker Arnold Palacios: The motion carries and the legislation is adopted. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to adopt H. R. NO. 16-72 in reference to the late Honorable Joaquin G. Adriano.

The motion was seconded.

H. R. NO. 16-72: A HOUSE RESOLUTION CONVEYING THE SINCERE CONDOLENCES AND SYMPATHY OF THE HOUSE OF REPRESENTATIVES OF THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE TO THE BEREAVED FAMILY OF THE LATE HONORABLE JOAQUIN G. ADRIANO, ON THE OCCASION OF HIS UNTIMELY PASSING AND PAYING TRIBUTE TO HIS SERVICES TO THE PEOPLE OF THE COMMONWEALTH AND FOND MEMORY.

Speaker Arnold Palacios: Discussion. Represtnative Babauta.

Representative Babauta: Mr. Speaker, on page 2, line 4 that should appear as Roman numeral six, as a result of the recent redistricting of the election districts.

Speaker Arnold Palacios: Short recess.

*The House recessed at 11:01 a.m.*

*RECESS*

*The House reconvened at 11:02 a.m.*

Speaker Arnold Palacios: Representative Babauta, you still have the floor.

Representative Babauta: On page 2, line 21, I move strikeout the word “unlike”.

Speaker Arnold Palacios: Do you want to consider that in a form of a motion?

Representative Babauta: Just a technical correction, if there is no objection from the members.

There was no objection from the floor.

Speaker Arnold Palacios: Clerk, can you please correct those. Ready for the question?

There was no further discussion and the motion to adopt H. R. NO. 16-72 was carried by voice vote.

Speaker Arnold Palacios: The motion carries and H. R. NO. 16-72 is hereby adopted. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to adopt H. R. NO. 16-71 in reference to the late Honorable Vicente Manglona.

The motion was seconded.

H. R. NO. 16-71: A HOUSE RESOLUTION CONVEYING THE SINCERE CONDOLENCES AND SYMPATHY OF THE HOUSE OF REPRESENTATIVES TO THE BEREAVED FAMILY OF THE LATE HONORABLE VICENTE MUÑA MANGLOÑA ON THE OCCASION OF HIS UNTIMELY PASSING AND TO PAY FOND TRIBUTE TO HIS MEMORY.

There was no discussion, and the motion to adopt H. R. NO. 16-71 was carried by voice vote.

Speaker Arnold Palacios: The motion carries. H. R. NO. 16-71 is hereby adopted. We move on to the Bill Calendar.

## **BILL CALENDAR**

Speaker Arnold Palacios: Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to pass H. B. NO. 16-199 on First and Final Reading in reference to AAFES.

The motion was seconded.

H. B. NO. 16-199: A BILL FOR AN ACT TO AMEND TITLE 4, DIVISION 5, CHAPTER 5, BY ADDING A NEW SECTION 5569 AND AMENDING SECTION 5593 TO CRIMINALIZE THE SALE AND/OR RESALE OF PRODUCTS PURCHASED OR OBTAINED FROM THE ARMY AND AIR FORCE EXCHANGE SERVICES (“AAFES”) AND TO AUTHORIZE THE COMMONWEALTH OF DEPARTMENT OF COMMERCE, DIVISION OF ALCOHOL BEVERAGE AND TOBACCO CONTROL, THE DEPARTMENT OF PUBLIC SAFETY AND THE OFFICE OF THE ATTORNEY GENERAL TO ENFORCE AND PROSECUTE VIOLATIONS OF THIS ACT; AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: Discussion on the motion. Representative Apatang, this is your bill. Could you give us a summary.

Representative Apatang: Thank you, Mr. Speaker. The reason I introduced this bill is there have been many concerns from the community with regards to items being bought at the AAFES and resold at small stores in the communities. This bill would prevent that. This would criminalize the act of those persons selling or persons receiving items bought from AAFES. They are depriving the other honest businesses. AAFES (“Exchange”) is only for those individuals who have privileges to purchase items there for their service in the military, retired or active, and their dependants. These are the people that will create problems for those who have the privilege to purchase from this store. Mr. Speaker, a case of beer at the Exchange is \$21.50. It costs more than that at the stores. A lot of

people purchase beer at the Exchange for their friends or families. If you purchase beer from the Exchange and take it to the store and it is resold, you are depriving the beer distributors here, MidPac, Budweiser, from selling their products. You are competing with them. AAFES is not paying taxes in the Commonwealth. The other companies are paying taxes. So those are the reasons why I proposed this bill—to stop those activities outside. We need to do it fast. I hope that those people who are taking advantage of AAFES should stop that practice quickly, because they are jeopardizing the privileges of others who patronize the AAFES here on Saipan. This is the main reason why the Chamber of Commerce objects for the commissary to come here every three months. People go there and purchase in truckloads. They buy for somebody else, when they should only buy for themselves and their immediate families. You can do that, but not for resale. That is black-market. So, Mr. Speaker, I ask the members to support this bill. We need to put a stop to this issue and support our local businesses.

Speaker Arnold Palacios: Is that an indirect revenue generating bill? Representative Stanley Torres, recognized.

Representative Stanley Torres: Thank you, Mr. Speaker. I am not opposing the bill, but after listening to my colleague Representative Apatang, I think it is also the AAFES' fault. Why do we not tell AAFES to stop doing the pallet sell? It encourages members who are qualified to buy in bulks. Where are those being stored? They get tempted to sell at the local stores for maybe half the price. So it is not only the members' fault, it is the store's fault for selling by pallets. That is all.

Speaker Arnold Palacios: Representative Babauta, recognized.

Representative Babauta: Thank you, Mr. Speaker. The present provision on page 2, Section 3 allows individuals to potentially barter or exchange goods other than sell or resale by the licensee. I guess we need to insert a provision that would prohibit such action, if the author were amenable to strengthen it further. Insert something to the effect that would prohibit an exchange of goods for something that is of equal value to the individual.

Speaker Arnold Palacios: Let us take a short recess.

*The House recessed at 11:12 a.m.*

*RECESS*

*The House reconvened at 11:13 a.m.*

*(Recording immediately after recess began with Representative Apatang holding the floor.)*

Representative Apatang: Thank you, Mr. Speaker. I think the language is very specific. As far as exchanging something, that is kind hard to proof. This is very specific and says that no person shall resell anything from AAFES.

Speaker Arnold Palacios: Further discussion, I recognize Representative Quitugua.

Representative Quitugua: Mr. Speaker, I think it is not in the legislation and I have seen this at political fundraising events where alcohol is being sold and I believe the alcohol was bought at the

Exchange. That should be prohibited, Mr. Speaker. That is just a recommendation to the author whether he is amenable to have the legal counsel include not only licensed stores but also political fundraising, campaigns.

Speaker Arnold Palacios: Legal counsel, can you clarify Section 3(a).

*Legal Counsel Jeffrey Warfield: Yes, Mr. Speaker. If you notice Section 3 under §5569(a) specifically references: A licensee, his agent or employee. §5569(b) is more generalized and says, no person, which goes outside the realm of a business and would include any individual, any private citizen as well.*

Speaker Arnold Palacios: Representative Quitugua, your concern is covered under Section 5569(b). Representative Apatang.

Representative Apatang: Mr. Speaker, for information, the public auditor did audit a complaint in regards to AAFES beer at political activities several years ago. That was clarified, and that has been resolved. So, the issue of people purchasing beer for political activities is in the books.

Speaker Arnold Palacios: Representative Reyes, recognized.

Representative Reyes: Mr. Speaker, I congratulate Representative Apatang for coming up with something like this, but for the members' information the US government regulation is pretty stiff when it comes to violations of such privileges. Members should know better because if they ever get caught, their privileges would be revoked. I have been down to the Alcoholic Beverage Control (ABC) office on occasions and yes, they have confiscated from stores AAFES products, but there is no penalty clause in place. This bill would put teeth into this and would discipline people further. I think it is a good bill. Thank you.

Speaker Arnold Palacios: Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. I have no problem with the general idea of the bill, but perhaps a look from the counsel with regards to Section 5569(b). When you say, no person shall resell any alcohol and we are referencing political donations, does it lose character when a case of beer is donated to you and unbeknownst to you, you are selling them as part of your campaign fundraiser or whatnot. I mean, you do not know when a gentleman comes in and says, hey, here is a case beer for you, and unbeknownst to you it was purchased at the AAFES store.

*Legal Counsel Jeffrey Warfield: The language in Section 5569(b) puts the onus on the person who is selling it to ask that question. It is pretty clear – simply selling it or reselling it would be a violation. There is no defense of, I didn't know. So if you are in possession of it, and it was obtained in any manner whatsoever—whether you bought it yourself, whether your relative bought it—if you are selling goods that in one way or another came from AAFES then you would be guilty of a criminal violation.*

Speaker Arnold Palacios: Ready? Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 176-199 on First and Final Reading 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 (excused) |
| Representative Joseph P. Deleon Guerrero  | yes              |
| Representative Victor B. Hocog            | yes              |
| Representative Heinz S. Hofschneider      | yes              |
| Representative Raymond D. Palacios        | yes              |
| Representative Justo S. Quitugua          | yes              |
| Representative Joseph C. Reyes            | yes              |
| Representative Christina M. Sablan        | absent (excused) |
| Representative Edward T. Salas            | absent (excused) |
| 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 Palacios: By a vote of seventeen yes, H. B. NO. 16-199 passes the House on First and Final Reading. Short recess.

*The House recessed at 11:29 a.m.*

*RECESS*

*The House reconvened at 11:29 a.m.*

Speaker Arnold Palacios: Floor Leader.

Floor Leader Camacho: Mr. Speaker, a motion for passage of S. B. NO. 16-9 in reference to judgment and interest.

The motion was seconded.

S. B. NO. 16-9: A BILL FOR AN ACT TO AMEND SECTION 4101 OF TITLE SEVEN OF THE COMMONWEALTH CODE RELATING TO THE COMPUTATION OF INTEREST ON JUDGMENTS; SPECIFICALLY TO ASSERT THE COMMONWEALTH’S SOVEREIGN IMMUNITY AS IT PERTAINS TO CLAIMS FOR POST-JUDGMENT INTEREST; AND FOR OTHER PURPOSES. [SEE S. C. R. NO. 16-58]

Speaker Arnold Palacios: Ready? Clerk, call the roll.

The Clerk called the roll on the motion to pass S. B. NO. 16-9 on First and Final Reading, 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 (excused) |
| Representative Joseph P. Deleon Guerrero | yes              |
| Representative Victor B. Hocog           | yes              |
| Representative Heinz S. Hofschneider     | yes              |
| Representative Raymond D. Palacios       | yes              |

|   |                  |
|---|------------------|
| Representative Justo S. Quitugua          | yes              |
| Representative Joseph C. Reyes            | yes              |
| Representative Christina M. Sablan        | absent (excused) |
| Representative Edward T. Salas            | absent (excused) |
| 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 Palacios: By a vote of seventeen “yes”, S. B. NO. 16-9 hereby passes the House on First and Final Reading. We have been at it for two hours. Let me ask that we recess until Thursday morning. Is that okay with everybody? Representative Tebuteb, recognized.

Representative Tebuteb: Mr. Speaker, the Committee on Natural Resources will meet on Thursday, and we are also meeting this afternoon at 1:30 p.m.

Speaker Arnold Palacios: Is it possible to reschedule the committee meeting to Thursday afternoon?

Representative Tebuteb: Today, we are meeting in the afternoon, but on Thursday, our Senate counterpart is asking if we can have a joint meeting in the morning.

Speaker Arnold Palacios: Can we then consider a meeting for Thursday afternoon.

Representative Tebuteb: We will find out by this afternoon.

Speaker Arnold Palacios: Okay, we will recess until Thursday afternoon. Representative Santos, recognized.

Representative Santos: Mr. Speaker, the Committee on Judiciary and Governmental Operations has scheduled a meeting with DPS, the Mayor’s Office, and the Sanitation Office to address some issues Thursday afternoon. This is something that needs to be addressed immediately.

Speaker Arnold Palacios: Okay, so please clear your calendar for Monday afternoon.

Representative Santos: I would suggest Tuesday. Monday is a holiday in some parts of the world.

Speaker Arnold Palacios: Oh, professional development day. Okay, Thursday at 9:30 a.m.

Representative Hocog: Point of order.

Speaker Arnold Palacios: Order please.

Representative Hocog: Are we back in session.

Speaker Arnold Palacios: Yes.

Representative Hocog: Thank you.

Speaker Arnold Palacios: Miscellaneous Business.

### MISCELLANEOUS BUSINESS

Speaker Arnold Palacios: Representative Hocog, recognized.

Representative Hocog: I yield to Representative Tebuteb.

Speaker Arnold Palacios: Representative Tebuteb, recognized.

Representative Tebuteb: I know that we are getting closer to June and in regards to the status on the Aggreko contract. I would like to ask the committee to enlighten us at our next session.

Speaker Arnold Palacios: Thank you. Represtnative Hocog, recognized.

Representative Hocog: The request of Representative Tebuteb is well-taken, Mr. Speaker. If I may now have the privilege to make a short, good will comment today. Do you recognize me, Mr. Speaker.

Speaker Arnold Palacios: You are recognized. You have the floor.

Representative Hocog: Thank you, Mr. Speaker. On the early morning hours of January 24<sup>th</sup>, I had a very early good morning wake up hoping that I will make my day a good one for my evening sports activity. I was caught by surprise when one young lad came to me and said, “Congressman, don’t you know that that legislature have an “F” grade on their work.” I said, “oh yeah, son. I did not know that.” So I did not take that statement seriously. I thought he was just playing jokes with me. But as soon as he left, I took out my Blackberry™ and searched for the online edition of *Saipan Tribune*. And there it is—front page. I just wonder, Mr. Speaker, having the people grade our performance in the legislature, I do not believe that the whole body did not do anything right to the community and to the government. I just asked myself what criteria have been taken for such grading system. So, I said to myself, Mr. Speaker, from now on, I will never really work to do a job for the committee, and maybe it will be good to just filibuster the whole time in session and get an “A” grade. People who produced got an “F”, people that talk without any productivity have an “A”. Wow. So I just wonder, Mr. Speaker, how that grading system came to play, maybe it would be good, Mr. Speaker, to check the project of individual legislators as to how many legislations have been signed into law and maybe you can grade them accordingly, rather than just filibuster in the session and people do not really know what is going on here other than reading the newspaper or through the internet, and whatnot. The leadership and other members are at stake when things like this happen without proper criteria. Not only that we exceed the bound of our territory, we try to include the other part of this legislature, which is probably not a good way of having this grading system. And if we do have it, let us just stick to our house, and not exit this house. So, I do not know how other members feel – and my Floor Leader, how would he feel if I come out and say my Floor Leader deserves an “F” minus. For that purpose, how honest would I be to come out on a paper and tell a reporter that my Speaker is “F” or the whole leadership acquire an “F” grade, and probably all the members. This is a political year, Mr. Speaker, and I ask the members not to really be disturbed with this. There are no prudent criteria for anyone to grade an individual or the legislators other than just punching in what you believe and think. If you are not satisfied with any one legislator, of course, you can tap twenty times and give him an “F” grade. But if we are going to do this, I think

we should come out with a criteria and put it out, and let the public grade us accordingly, not just put out something from the air and for people to just make comments and they are not sincere in the way they put their thoughts together in providing the evaluation of the members of the 16<sup>th</sup> Legislature. But, I give credit to the Floor Leader for putting the website and maybe that is a wake up call for every one of us to start producing more productive legislation that will enhance the revenue of the CNMI. I hope that this idea will be discussed among the members of the 16<sup>th</sup> Legislature. Thank you.

Speaker Arnold Palacios: Thank you. Representative Reyes.

Representative Reyes: Thank you, Mr. Speaker. It has happened before and this is election year. I encourage everybody that we should work collectively in order for us to deliver that oath of office that we were sworn in to do last year. Things like this bother me, I have read things in the papers in the past and it bothers me in some ways. The only thing I ask – everyone is privileged to make a statement and be in the newspaper and whatnot – but if you want to talk to the newspaper and whatnot, speak for yourself. (*End of Tape 2, side A*) (*Start of Tape 2, side B*) ...so that we can get something down. We are now at a very critical stage where we are going to have to work together, otherwise our term will be up, and the ratings may be as published.

Speaker Arnold Palacios: Representative Raymond Palacios.

Representative Raymond Palacios: Thank you, Mr. Speaker. To console my colleague Representative Hocog, that those who voted “F” are probably those that did not support you at the last election. But, it is good data to base ourselves.

Speaker Arnold Palacios: Representative Stanley Torres.

Representative Stanley Torres: Mr. Speaker, looking at the two bills introduced this morning, I am referring to H. B. NO. 16-216 and H. B. NO. 16-217. Would the authors of these two bills provide the members at the next session of the current figures of the proposed changes in fees. H. B. NO. 16-216 is authored by Representative Reyes, and H. B. NO. 16-217 is authored by Representative Apatang. Please provide the members a copy showing the current figures.

Speaker Arnold Palacios: Representative Apatang.

Representative Apatang: Thank you, Mr. Speaker. Since I have introduced the bill, I would like to request the Committee on Ways and Means Chair to look at it, expedite it, and provide the information at the next session. Thank you.

Speaker Arnold Palacios: Thank you. Anymore thoughts or commentaries from the members? If none, Floor Leader, a motion to adjourn until Tuesday morning.

## **ANNOUNCEMENT**

NONE

## **ADJOURNMENT**

Floor Leader Camacho: Mr. Speaker, a motion to adjourn until next Tuesday at 9:30 in the morning.

The motion was seconded and carried by voice vote.

The House adjourned 11:35 a.m. and will reconvene on Tuesday, February 3<sup>rd</sup>, at 9:30 a.m.

Respectfully submitted,

Linda B. Muña, Journal Clerk  
House of Representatives

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**APPEARANCE OF LOCAL BILLS**

**FIRST APPEARANCE:** 1<sup>st</sup> Legislative appearance of a local bill is on the day it is introduced.

**SECOND APPEARANCE:** NONE

**THIRD APPEARANCE:** NONE