



House Journal

THIRD REGULAR SESSION, 2009

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5th Day

Tuesday, February 3, 2009

The House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature convened its Fifth Day, Third Regular Session on Tuesday, February 3, 2009 at 9:43 a.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

A moment of silence was observed.

The Clerk called the roll and seventeen members were present. Representatives Aldan and Salas was absent and excused.

ADOPTION OF JOURNALS

NONE

INTRODUCTION OF BILLS

H. B. NO. 16-218: A Bill for an Act to amend 9 CMC § 8210(a) increasing fines to deter motorists from driving without the mandatory liability insurance; and for other purposes.

Offered by: Rep. David M. Apatang

Referred to: Committee on Judiciary and Governmental Operations

Representative Apatang: Mr. Speaker, this is an urgent bill whichever Committee you refer it to I ask that they act on this bill immediately because we are having problems with vehicles running on the highways without insurance. Thank you.

Speaker Arnold Palacios: I will make sure that the Committee that I assign the bill to try to see if they can work this expeditiously.

H. B. NO. 16-219: A Bill for an Act to designate Lau Lau Bay as a boat launching site to facilitate quicker response times for emergencies located on the eastern coastline of Saipan; and for other purposes.

Offered by: Rep. Joseph P. Deleon Guerrero

Referred to: Committee on Natural Resources

Representative Deleon Guerrero: Just a little footnote, Mr. Speaker that this bill was introduced in the last Legislature it had passed the House and went on to die in the Senate. I wonder if we can ask the Committee to either fast track it. Thank you, Mr. Speaker.

INTRODUCTION OF RESOLUTIONS

H. R. NO. 16-73: A House Resolution requesting Governor Benigno R. Fitial to reconsider his decision and award the Public School System with the grant for the renovation of dilapidated buildings at the Gregorio T. Camacho Elementary School.

Offered by: Rep. Ray N. Yumul and one other.

H. R. NO. 16-74: A House Resolution to create a Special Investigative Committee for the purpose of investigating allegations against Lieutenant Governor Timothy P. Villagomez and presenting a report of findings and recommendations to the House of Representatives as to whether cause exists for impeachment.

Offered by: Rep. Christina M. Sablan

Representative Sablan: I would like to ask that you place this on the Calendar for action.

Speaker Arnold Palacios: Thank you. The resolutions that have been introduced this morning are hereby placed on the Resolution Calendar.

Representative Babauta: Privilege, Mr. Speaker.

Speaker Arnold Palacios: Under privilege I recognized, Representative Babauta.

Representative Babauta: Thank you, Mr. Speaker before we move forward I request the Chair and the members to recognize the presence of our distinguished community members who are sitting in the gallery this morning, Dr. Aldan and some of the nurses from the Commonwealth Health Center. Thank you, and welcome.

Speaker Arnold Palacios: Thank you, Representative Babauta.

MESSAGES FROM THE GOVERNOR

GOV. COMM. 16-319: (1/30/09) Executive Order 2009-01 - Declaration of State of Disaster Emergency: CUC's Imminent Generation Failure and the need to Provide Immediate Reliable Power during Repairs (Continuation #6).

Speaker Arnold Palacios: Although there is none on the Agenda I believe the latest extension of the Declaration of State of Disaster Emergency by the Governor would be available to you if it is not yet available to you we will potentially taking that up in the next session. Okay, the Agenda has been updated many times so we do have that communication on the Agenda. Representative Benavente, recognized.

Representative Benavente: Thank you, Mr. Speaker. On GOV. COMM. 16-319, Mr. Speaker, even we here, in the Legislature have acted on and actually have passed a bill and has become law that would allow the Governor to privatize or initiate the privatization certainly not, the entire utilities but at least the much needed power generation under the Commonwealth Utilities Corporation ("CUC"). He continues to declare this disaster emergency which we all question in the first place, but yet has not taken any action at all that we have heard of with regards to moving forward in the privatization of the power generation. Mr. Speaker, the continued repair of the old engines in Power Plant I really translate to repairing engines that will continue to use expensive diesel. We have seen

in our meetings with the Guam Power Authority (“GPA”) and our visits to Guam that there is an opportunity for the Commonwealth of the Northern Mariana Islands (“CNMI”) or at least Saipan to look at power generation engines that use the cheaper heavy fuel oil, but yet this Governor continues to declare the State of Emergency, continues to repair and spend millions of dollars in what we would refer to as gas guzzlers or in this case using expensive diesel. I am not sure, I comment on it right now without offering a recommendation or an answer to the problems, except that we need as legislators here, to push somehow that effort forward in the privatization. I know that the cost of the utilities rates seems to have gone down with the reduction in fuel cost and maybe it has kind of quieted people down with regards to the expensive utilities that we have been paying several months ago, but as I have said many times before, Mr. Speaker, that cost is one thing, reliability is almost as great of an importance as the cost. Because reliability cost the community the opportunities for investment and that is where I believe we need to act on immediately and that is to move forward privatize power generation so we can have that reliability and then of course bring those generators in that uses heavy fuel oil or cheaper fuel. Thank you.

Speaker Arnold Palacios: Thank you. Representative Hofschneider, recognized.

Representative Hofschneider: Thank you, Mr. Speaker. I think it was just a week ago or last week that a copy from the United States came in and presented alternative energy and that is one of those remedies that would put us in a better position in the long term rather than to look at it and repair or purchase new power plants based on fossil fuel. The independence of energy at an affordable and reliable is within our reach in terms of renewable and alternative energy. The stipulation in the Governor’s Declaration of Disaster now brings another twist to the emergency declaration as a result of the Environmental Protection Agency (“EPA”) lawsuit that is now in effect affecting sewer and water system within “CUC”, so that is a new twist. Under Public Law 4-47 which is the enabling law of “CUC” these entities are to be treated separately and internally controls and regulations and administration are separate. Now, it behooves one to think that the continued use of declaration of emergency is a means to keep the patient alive. We have tried after overriding that veto in establishing Privatization Act for the Commonwealth, we have tried to work with “CUC” and in fact we did come out with a proposed amendment that is a compromise between the need of “CUC” in getting engage and moving forward with privatizing the power generation side. But I see on the Calendar, that it has been taken off for some odd reason without explanation on the floor that is one concern. The other concern, Mr. Speaker, that it has been sitting on the Calendar for more than four weeks and it just sort of struck me dumfounded that “CUC” never came back and said, well we like this and we do not like this or we are supporting the proposed amendment so I do not know what the game is. There is millions of dollars sitting within our reach to institute immediate repair of our existing facility so that we get our power generation our engines repaired. Now, since the time Aggreko came on board with the approval of the Legislature and engaging that under a contract, six months has gone by and there is no plans submitted to the Legislature only through indirect implications of the lack of attention to the rebuilding or rehabilitation of our existing engines. Is this somewhat of a red flag that we may be visiting Aggreko again? What is it, Mr. Speaker and members that provide hesitation or is the hesitation for the Administration to reach over the Interior Department and US Congress to allow for redirecting those millions of dollars to be put into the rehabilitation of our engines. I still do not have that answer for the last six months. We have a non-voting delegate who is in the position to assist us he is more than able to do that. But I think that the lack of planning in terms of how to approach power generation is the underlying and underpinning problem faced with the Interior Department in agreeing to release that money. I think that the usage of the Declaration of Disaster of Emergency is to keep everybody at bay. I would like to get an

answer, Mr. Speaker, what happened to that amendment? Did you get a communication that it was not acceptable by “CUC” that it was taken off the calendar?

Speaker Arnold Palacios: The short answer to that is, no.

Representative Hofschneider: No, it was taken off? Or no---

Speaker Arnold Palacios: No, I never got an answer back from “CUC”.

Representative Hofschneider: So may I ask then the next question, why was it omitted on the Calendar?

Speaker Arnold Palacios: Floor Leader Camacho, recognized. Was it ever on the Calendar?

Representative Hofschneider: Yes.

Floor Leader Camacho: I apologize, Mr. Speaker, what bill Representative Hofschneider---I lost track somewhere about four minutes ago.

Speaker Arnold Palacios: Short recess.

The House recessed at 10:06 a.m.

RECESS

The House reconvened at 10:06 a.m.

Speaker Arnold Palacios: We are back to plenary session. If you may recall in this particular issue I wrote a letter to the Executive Director of “CUC”, to my dismay and disappointed that the Director has yet to come back with a simple response. The letter that I sent at the request of this body two emergency declarations ago was not responded to. I have asked the Chairperson, Representative Hocog of Public Utilities, Transportation and Communications (“PUTC”) to contact the Executive Director so that we can bring in him and to give us a briefing on the idea of what is going on, especially with the power generation system, what is the plan. Because nobody knows what the plans are. I know that they have just hired an Engineer supposedly on island. We also heard that and received copies of the letter from the Director of “OIA” (Office of Insular Affairs) Mr. Pula of the approval of the \$3.8 million request for the rehabilitation of the Power Plant, other than that I believe we are left in the dark as to what the timeline is. I know that at some point even maybe today we are only running at 8 megawatts in the main Power Plant. We continue to have Disaster Emergency Declaration issued every thirty one days. We have to provide for transparency and information to the public. It is like we are waiting for the next shoe to fall. Recent newspaper articles have indicated that we are heading to the six months extension of Aggreko. I remember the long deliberations in this Chamber when we were rolling up our sleeves in trying to assist on this particular issue that a lot of reservations and concerns were expressed about the need for an immediate repair and plan. Representative Reyes, recognized.

Representative Reyes: Thank you, Mr. Speaker. If I can count correctly, I believe this is the eighth Declaration of Emergency for “CUC”. Mr. Speaker, I have been talking to colleague, Representative Dela Cruz earlier, “CUC” also mandated by law to have at least 10% in alternative

energy as of December, but we have not heard from them. Mr. Speaker, it appears that after all these Declaration of Emergencies something could have been produced or some sort of an update of as to where exactly we are with “CUC” right now and you said it yourself. I was digging this not so long ago the power distribution of “CUC” they have sixty six employees producing 8 megawatts, I found out Aggreko is producing 15 megawatts with about five or six employees, Telesource is producing 20 megawatts and they got three employees somehow, it is a little bit I do not know I cannot figure it out just to produce 8 megawatts and you got sixty six employed with the power distribution and the others just does not add up. So I would appreciate, Mr. Speaker if the Chairman for “PUTC” request for an immediate update as to where are we with the utilities company here because if we are not to be informed of what is going on we might as well start discussing about extending Aggreko or as Representative Benavente said, do something about alternative energy and we got to act fast because we do not have that other resources. Thank you.

Representative Benavente: Privilege, Mr. Speaker.

Speaker Arnold Palacios: Under Privilege, I recognize Representative Benavente.

Representative Benavente: Mr. Speaker, we have some very important people in the gallery with very important responsibilities and I would like to recommend to the House and I know we had invited them over to talk with us on a certain matter. I think that we should go ahead and skip the Agenda and proceed to that matter and entertain that so that these important people who have very important responsibilities can go back to those responsibilities.

Speaker Arnold Palacios: Thank you for that. Because there are members that were raising their hands and you started this discussion and it is a very big issue in the community but let me ask Representatives Yumul, Dela Cruz, Hocog, and Sablan if they do not mind if we come back to this issue at a later date. Okay there is no objection so we will move onto the other items and come back to this later. Floor Leader, if we are going to discuss this particular legislation with the people that are here I believe we need to move onto the Bill Calendar? Am I correct?

Floor Leader Camacho: That is correct, Mr. Speaker.

Speaker Arnold Palacios: Okay, if there is no objection we will skip the Agenda Item’s and move on directly to the Bill Calendar.

There was “no objection” raised on the floor.

HOUSE COMMUNICATIONS

HSE. COMM. 16-99: Letter from Representative Sablan to the Honorable John C. Cruden, Acting Assistant Attorney General (Environment & Natural Resources Division) U.S. Department of Justice, regarding United States v. Commonwealth Utilities Corporation and the Commonwealth of the Northern Mariana Islands, D.J. Ref. 90-5-1-1-08471.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

NONE

COMMUNICATIONS FROM THE NMI DELEGATE

NONE

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT./AGCY. COMM. 16-72: (1/29/09) From NMI Retirement Fund Administrator Mark Aguon regarding noncompliance with actuarially determined rate and health care.

DEPT./AGCY. COMM. 16-73: (1/28/09) From NMC Regent Chair Charles Cepeda and President Carmen Fernandez submitting NMC's Budget request for FY 2010.

DEPT./AGCY. COMM. 16-74: (1/30/09) From NMC President Carmen Fernandez submitting the FY 2008 Annual Report for the Human Resources and Business development programs. [*Copy of Report posted on the Legislature's network*].

DEPT./AGCY. COMM. 16-75: (2/2/09) From Public Auditor Michael Pai enclosing a copy of OPA's the FY 2010 Budget submission. [*Copy of Report posted on the Legislature's network*].

OTHER COMMUNICATIONS

NONE

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

NONE

UNFINISHED BUSINESS

NONE

BILL CALENDAR

Speaker Arnold Palacios: Floor Leader Camacho, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. So that we can follow procedure and perhaps I can move for the bill and then move to the committee of the whole.

There was "no objection" raised.

Floor Leader Camacho: Mr. Speaker, a motion to pass on First and Final Reading S. B. No. 16-44, CS1.

The motion was seconded.

S. B. No. 16-44, CS1: To amend Public Law 14-62; and for other purposes.

Speaker Arnold Palacios: Discussion on the motion. Floor Leader Camacho, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to rise to the committee of the whole to entertain some comments from our audience.

The motion was seconded.

Speaker Arnold Palacios: Discussion on the motion to rise to resolve into Committee of the Whole to hear testimonies from some of the members of the public that are here. Ready.

The motion was carried by voice vote.

The House dissolved into the Committee of the Whole at 10:08 a.m.

COMMITTEE OF THE WHOLE

The House reconvened at in plenary session at 12:41 a.m.

Speaker Arnold Palacios: We are back to plenary session. We had a very long discussion on this particular issue. If there is no objection to go to lunch and come back and take up the issue. Floor Leader Camacho, do we need to withdraw that motion? Can we then have a motion to recess until 1:30 p.m. and then further deliberate on S. B. No. 16-44.

Floor Leader Camacho: Mr. Speaker, a motion to recess for lunch until 1:30 p.m. this afternoon.

The motion was seconded and there being no discussions the motion was carried by voice vote.

The House recessed at 11:41a.m.

RECESS

The House reconvened at 1:48 p.m.

Speaker Arnold Palacios: We are back to plenary session. Floor Leader Camacho, I believe we are under discussion am I correct?

Floor Leader Camacho: That is correct, Mr. Speaker. The last standing motion was a motion to pass on First and Final Reading.

Speaker Arnold Palacios: Are there any further discussion? Representative Quitugua, recognized.

Representative Quitugua: Mr. Speaker, on page three, line 17, to delete (Section 4) in its entirety and renumber the sections.

The motion was seconded.

S. B. No. 16-44, CS1 page three, line 17:

Section 4. Amendment. Section 2305(b) of Public Law 14-62 is amended as follows:

“(b) The Governor shall appoint members to serve on the Board. Any appointment to fill a position shall be made prior to expiration of the term of the current member. A person appointed shall become a member of the Board on the first day following the appointment expiration date. Appointees to unexpired portions of full terms shall become members of the Board on the day following such appointment. Each term of office shall expire at midnight on the last day of the term of the appointment or at midnight on the date on which any vacancy occurs. Members may be removed pursuant to section 21 of article 3 of the N.M.I. Constitution. ~~In the event that a member’s term has expired and no replacement appointment has been made, that member shall continue to serve as a Board member until a replacement has been appointed or the current member has been reappointed.~~”

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

Representative Deleon Guerrero: Actually it is a clarification. On page three, on Section 4, starts with the current language in Public Law 14-62 and it includes the underlined amendment. Is the mover proposing that the amendment be deleted or the entire section and why?

Speaker Arnold Palacios: Representative Quitugua, recognized.

Representative Quitugua: Thank you, Mr. Speaker. Mr. Speaker, if I move to remove the amendment then the entire section is moot because this is an existing language in the statute. So there is no need to include this section when there is no amendment being made in this particular section. The reason why I would like to delete the underline amendment this is a standard language in an appointment, Mr. Speaker, and this has been abused and takes away the authority of the Legislature in examining and reconfirming if Boards needs to be confirmed. I will give one example Mr. Speaker, the same language is in Public Law 13-28 I believe and some of the Board members are like perpetual Board members. They were appointed we confirmed, they were never reappointed, and even after the audit that the Public Auditor had submitted on Saipan Higher Education Financial Assistance (“SHEFA”) we cannot change the Board because the appointing authority took advantage of this same language in the law and as of now does not want to reappoint the present members or appoint new Board members. So this language here is---

Speaker Arnold Palacios: I think you have provided sufficient clarification. Representative Deleon Guerrero, continue.

Representative Deleon Guerrero: So that I understand it. He is not proposing to delete (Section 2305 (b) of Public Law 14-62) only the amended section is what he is proposing.

Speaker Arnold I. Palacios: On line 26 starting with the word “In” and all the underline.

Representative Deleon Guerrero: So clarified.

Representative Quitugua: Mr. Speaker, this section here is moot already we removed the underline because it is an existing statute there is no need to repeat the existing statute.

Representative Ray N. Yumul: Mr. Speaker, point of clarification.

Speaker Arnold I. Palacios: State your point, Representative Yumul.

Representative Yumul: The legislation is not a reenactment so it is just an amendment to existing laws. So by the movers motion to remove the amended section does not remove it from law. Thank you.

Speaker Arnold I. Palacios: Let me get that clarified. We can take this out of this legislation because it is already an existing statute and renumber it. Representative Sablan, recognized.

Representative Sablan: Could I just ask perhaps the Health, Education, and Welfare Chair (“HEW”) or members can clarify this. There must have been a reason I would assume for the amendment having been offered in the first place to be included in this bill and if there is some problem that is

existing now that this particular section is attempting to resolve and if so what is that problem and would that problem remain if we take out this section completely.

Speaker Arnold I. Palacios: Representative Quitugua, recognized.

Representative Quitugua: Again, Mr. Speaker this sentence on line 26 “In the event that a member’s term has expired...” the appointing authority usually just does not reappoint or appoint new members. They just let the first appointed members serve as many years so long as it is not reappointed or appointed. Even if there is no problem, for example these Board members were consented by the Senate. The Senate cannot change any of these members even if they are not performing well with their jobs because they are not being reappointed.

Speaker Arnold I. Palacios: I understand your concerns. Representative Benavente, recognized.

Representative Diego T. Benavente: Thank you, Mr. Speaker. Not too long ago we had to act and change an existing law on this appointment issue because at the time this was for the Board of Elections. There were some qualification issues and for several weeks that there was no quorum. So that is the problem that I think this would resolved is we do not want create this situation where for some reason like the Governor faced during the appointment of the members of the Election Commission the term of that person expired and then they were left without a quorum. So as a policy call then from us is that a good decision or not. I understand where Representative Quitugua is coming from, but I would think that this does not stop the Governor from making an appointment and replacing this person because all it says is that once the Governor has made an appointment then of course this person’s term expires. So I would think that this is a necessary thing given that just not too long ago we were dealt with that situation. Thank you.

Speaker Arnold I. Palacios: Vice Speaker, recognized.

Representative Deleon Guerrero: Yes, actually Representative Benavente touched on the issue and I think the question that Representative Sablan is asking was why this amendment. I think it is to ensure that the Board will not be left without a quorum as Representative Benavente stated so that the need to licensed and provide oversight to nurses and nurse practitioners there is that the process is not impeded for lack of a quorum.

Speaker Arnold I. Palacios: Representative Quitugua, recognized.

Representative Quitugua: Mr. Speaker, that is a bad policy. It is the responsibility of the Governor to appoint so he should appoint or reappoint. Leaving this in there is condoning the irresponsible act of the appointing authority.

Speaker Arnold I. Palacios: Representative Babauta, recognized.

Representative Babauta: Mr. Speaker, I am the mover’s intention but may I ask the mover if there is any inconsistency that happened to any Board that we do not know about asides from the Election Commission.

Speaker Arnold I. Palacios: Representative Quitugua, recognized.

Representative Quitugua: Mr. Speaker, we did some evaluation with “SHEFA” and the Public Auditor came out with a strong recommendation and we cannot even change the composition of the board of “SHEFA” because the appointing authority is taking advantage of this same sentence in the existing “SHEFA” statute. That is why some of the Board members of “SHEFA” are like perpetual since I came in here in 2004 and they are supposed to serve two years they are still serving until now without reappointment.

Speaker Arnold I. Palacios: Ready. I think everybody is clear vote your conscience.

There was a division on the floor for the adoption of the oral floor amendment offered by Representative Quitugua the Speaker called for the roll.

The Clerk called the roll on the motion to adopt the oral floor amendment offered by Representative Quitugua on S. B. No. 16-44, CS1:

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

Speaker Arnold I. Palacios: By a vote of thirteen “no” the amendment motion offered is hereby defeated. Floor Leader Camacho, recognized.

Floor Leader Camacho: Ready on the main motion.

Speaker Arnold I. Palacios: Representative Dela Cruz, recognized.

Representative Dela Cruz: Mr. Speaker, are we still under discussion?

Speaker Arnold I. Palacios: Proceed, Representative Dela Cruz.

Representative Dela Cruz: Just a simple oral amendment. On page four, line 1, after the word “appointed” to insert “and filled” and it continues on with “or the current member has been reappointed...”. They can be appointed but if they chose not to accept the appointment then it just basically continues on without any member or new member.

The motion was seconded.

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

Representative Sablan: Just so that it is clear and both grammatically and in substance can we just clarify that I guess as a subsidiary motion to that it reads “until a replacement has been appointed and the position filled”. Would that be acceptable?

Speaker Arnold I. Palacios: Representative Dela Cruz, do you want to restate that motion?

Representative Dela Cruz: Okay so on line 1, it basically reads, “has been appointed and filled---

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

The House recessed at 2:03 p.m.

RECESS

The House reconvened at 2:03 p.m.

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

The motion to adopt the oral floor amendment offered by Representative Dela Cruz was carried by voice vote.

Speaker Arnold I. Palacios: Vice Speaker, recognized.

Representative Deleon Guerrero: Thank you, Mr. Speaker. In line with the concerns that were raised earlier about Commonwealth of the Northern Mariana Islands (“CNMI”) Nursing Board having some level of accountability to hire organization. I have passed around a floor amendment which would be on page four it would add a new “Section 6” which amends Section 2306(e) of Public Law 14-62 and the underlined Section is basically the amendment to that existing section of the law and right now the current law allows for membership in national organizations and it will read “to include but not be limited to the National Councils of State Boards of Nursing” which is the body that regulates Nursing Boards state wide and by the way the “CNMI” currently is a member of that organization but we wanted to include language that specify which Board they shall be accountable to. It reads on “that develop and regulate the National Nursing Licensure Examinations and exclusively promote the improvement of the legal standards of the practice of nursing for the protection of the public health, safety and welfare” and then you have that additional amendment that states “and follow nationally recognized guidelines for oversight of nurses and nurse practitioners”. So it is to address the concerns that were raised earlier to ensure that there would be even though we are currently members we wanted to ensure that it is provided by law.

The motion was seconded.

Speaker Arnold I. Palacios: Representative Benavente, recognized.

Representative Benavente: Mr. Speaker, I guess this would be in a form of a written floor amendment rather than an oral floor amendment and since it is lengthy. If I am not mistaken a written floor amendment requires a signature.

Speaker Arnold I. Palacios: Short recess.

The House recessed at 2:05 p.m.

RECESS

The House reconvened at 2:06 p.m.

Speaker Arnold I. Palacios: I will take it as a oral floor amendment the Vice Speaker was good enough to go further and even word it so that will give the Clerk less work in trying to remember what it is. Is everyone clear with the amendment? Discussion.

Several members voice “ready”.

Speaker Arnold I. Palacios: I recognized Representative Benavente.

Representative Benavente: Mr. Speaker, without having to go back into committee of the whole and once again listen to the folks that are here I understand that there is in fact an objection to the proposed language I do not know the details. I wonder if any of the members here could explain the objection. Thank you.

Speaker Arnold I. Palacios: Let me refer that question to the mover. Vice Speaker, recognized.

Representative Deleon Guerrero: Before proposing this amendment we did sit down with the ladies that are seated at the back the nurses and nurse practitioners. We did bounce this off of them and I would not say that there was an objection I would say that they felt that it is already in statute but they did not object to having language that would be redundant if you will, or be more specific. It does not take away anything from the current law it adds language that clarifies which organization and their concerns were that it would be delayed. That was their big concern because if we amend it, it would have to go back to the Senate to act on the amendment, but since there was already an amendment that was made this thing would not delay it any further it still has to go back to the Senate and they would have to act on Representative Dela Cruz’s amendment. So, no I do not feel they objected to it.

Speaker Arnold I. Palacios: Before I recognize any body else I would like to take this privilege to recognize our former Governor Froilan Tenorio in the gallery. Governor Tenorio, please stand up to be recognized. Are there any further discussion? Representative Babauta, recognized.

Representative Babauta: I was going to actually raise a point of observation. Just so that we understand, Mr. Speaker and I assume that the mover this is a technical part if there is no objection from the members if we could allow the Legal Counsel and the Clerk to work out the complete section of the new “Section 7” that became “Section 8”. So without objection I humbly request the Chair from the members to allow. On the new page four of five since the Saving Clause is only towards one sentence so we would allow the Clerk to fix it.

There was no objection on the floor raised.

Speaker Arnold I. Palacios: Yes, so instead an existing page four of four the Clerk recognizes the issues that have been raised and go ahead and work that out so instead of page four of four it would be now page five of five with the continuation of the Savings Clause. Okay, point well taken. Are there any further discussions on the amendment? Representative Yumul, recognized.

Representative Yumul: Yes, just to state that the association had indicated to me that they do collect funds to operate and now being required to be a member of the National Council of State Boards of Nursing would not require any additional funding for that they can cover that under their own existing program which is basically Public Law 14-62. Thank you.

Speaker Arnold I. Palacios: Representative Sablan, recognized.

Representative Sablan: On the amendment. Just for the sake of consistency because the bill pertains to Advance Practice Registered Nurses to include Nurse Practitioners, Nurses anesthetists, Nurse Midwives, and Clinical Nurse Specialists. Can I ask the mover of the amendment to consider amending his amendment on lines 15 and 16 on page four and just clarify that it should be Nurses and Advance Practice Registered Nurses so it is consistent?

Speaker Arnold I. Palacios: So where would you insert those?

Representative Sablan: Just on lines 15 and 16 oversight of nurses and advance practice registered nurses because that is the language we used in the bill. The definition of advance practice registered nurse includes nurse practitioners.

Speaker Arnold I. Palacios: Okay those are included. Clerk, put that in that is part of the amendment motion offered by the Vice Speaker. Is there any further discussion on the amendment?

Several members voiced ready. There being no further discussion on the amendment motion was carried by voice vote.

Speaker Arnold I. Palacios: We are back to the main motion. Ready.

Several members voiced “ready”.

Speaker Arnold I. Palacios: We are now discussing S. B. No. 16-44, CS1, HD2, I recognize Representative Hocog.

Representative Hocog: Thank you, Mr. Speaker. I just want to say that earlier before the amendment was emplaced “KSPN” have caught me on my way out for lunch and interviewed me regarding the proposed legislation. Fortunately, enough I did mentioned that I am not supporting this legislation. But let me just say my point, Mr. Speaker why I have taken that stand on not supporting the legislation as what it was originally introduced under Committee Substitute 1 (“CS1”) and I hope that by doing this the whole legislative body’s rating will not deteriorate more as a failure than an accomplishment. I believe the bill in its original form, Mr. Speaker, I questioned myself whether this particular legislation provides enhancement or discouragement to individuals who are pursuing the medical field and allowing such in its initial stage. I also like to air my concerns that we do have a lot of doctors serving the hospital and if this legislation will be an enhancement for their---most of the part they have been taking their lovely vacation and not tending to the needs of the patients in making prescription and diagnostic evaluation and thus nurse

practitioners will do the job for these doctors who are certified to diagnose patients. I guess we should further look into the dollar amount that we have been paying these medical professions. Secondly, Mr. Speaker allowing this to happen I am very concerned in the First and Second Senatorial District that probably this will go unchecked and without providing real medical physicians to be in placed under the respective municipality without this amendment I feel that the law has provided the nurse practitioners to provide prescriptions to patients and probably do diagnostic to certain patients. But what if a municipality will not be provided with a real doctor who can really diagnose patients with different illnesses other than the nurse practitioners scope of work, how do we deal with such? This is probably better off with the amendment that was just introduced and adopted, but I am very concerned Mr. Speaker, will the municipality of Tinian be left without a medical doctor and how long would the municipality of the island of Tinian will not have a doctor because we do have a legislation that a nurse practitioner can very well take care of providing prescription and diagnostic test or evaluation to patients coming into the clinic. I am very concerned about this. As is today, Rota has two doctors the community itself are not satisfied with the performance of those doctors. People have been diagnosed and given the wrong medication. What more are we trying to do? Maybe this legislation is doing the right thing, but is this legislation providing it the right way? Will this legislation provide enhancement to students who has envisioned to pursue the medical field to become a medical doctor or rather a cutthroat ambition and rather than pursuing eight to ten years of becoming a real medical doctor that can diagnose sickness and prescribe good medications, maybe we are telling our students or these individuals to cutthroat the road of hard work. But if it is to satisfy a municipality that has not been taught of providing medical doctors God help us all in the future and I just ask that we be careful of what we wish for with this legislation. Thank you.

Speaker Arnold I. Palacios: Representative Hofschneider, recognized.

Representative Hofschneider: Thank you, Mr. Speaker. I thought that I heard in the committee as a whole that there is that room for collaborative management, but since I walk back and talk to the three principal sitting at the back it is obvious that---(*End of Tape 3, side A*)

(*Start of Tape 3, side B*)

Representative Hofschneider: shall be within the context of collaborative management with a supervising physician. I was trying to offer in removing “supervising” and just leave the language “advance practicing nursing category shall be within the context of collaborative management”. I spoke to a lot of physicians both within the Commonwealth Health Center (“CHC”) and practicing outside in the private sector and they overwhelmingly welcome this intent to the extent that there has to be a collaborative between physicians. One of the things that they raised is the fact that an attending physician if this goes without this amendment has only about 10% rule of looking at the diagnoses provided by an advanced practicing nurse. That is under federal law that the Health Insurance Portability and Accountability Act (“HIPAA”) governs that. So in the event that there is a collaborative effort they work together knowing that the inadequacies more than knowing the capability is more important for a collaborative partnership with a physician so that they augment or assist the advance practicing nurse that is not to limit in essence and I offer that but they rejected this idea. So it leaves me no room but to air my concerns that as it is written taking out completely the collaborative part of that with any physician at all is opening a potential liability both on the physician side because if a physician is emplaced in Tinian for instance and a practicing nurse heard this law removes the malpractice on that physician completely putting the onus on the advance practicing nurse. Now, this is not good policy in the sense that you should take a chance on the life

of a person. I think we should not fear knowledge, we should welcome knowledge to the extent that it is bridled that we protect both the advance practicing nurse, physicians themselves, more importantly the patients that we serve because the objective is to reach out and serve them better. Having said that Mr. Speaker, and members if my proposal is to reinstate the advance practicing nurse category shall be within the context of collaborative management with a physician and removing supervising. If that is not acceptable then I am sorry my vote is no on this bill I will not subject an open ended liability because we have to bring into context the government's indemnity. When you are working for the government you are covered under one indemnity, but this go beyond the scope of just government employees, government nurses it goes also into the private sector and they do not have a means of securing themselves in the event they heard there is a potential for multimillion dollar lawsuit. So how do we fix this? I think we should not rush we have to protect both public advance practicing nurses and in the private sector. If the wimp of this body is to pass this then I rest Mr. Speaker, because I do not want to delve into endless examples of what can go wrong in terms of medical cases that are used commonly to point out. Thank you.

Speaker Arnold I. Palacios: Thank you. Representative Benavente, recognized.

Representative Benavente: Thank you, Mr. Speaker. I sat and listened very carefully during the committee of the whole because I knew from the very beginning that we were about to make a policy decision that is a very critical and sensitive because it has to do with public health in our community. I asked questions where I could be assured we are not putting or jeopardizing the quality healthcare in our community by supporting this proposal and in the three times that I asked that question in my own feelings anyway, I feel assured that since it is being done throughout the country and with a doctor sitting in front of us affirming that it does not jeopardize the quality healthcare. At this time, Mr. Speaker I can say, that I am ready to support this legislation. Thank you.

Speaker Arnold I. Palacios: Are there any more discussions? Representative Sablan, recognized.

Representative Sablan: Thank you, Mr. Speaker. I would also like to express my support for this bill. Like everyone else I was listening very carefully to the testimonies that were provided by individuals in support as well in opposition to this bill. And I have also read extensively the materials that had been provided on the nurse practitioner profession and looked at examples that have been offered by other States. I have to say that I take issue with any suggestion that granting a grader level of autonomy to our nurse practitioners would have any eroding effect of the quality of healthcare here or any where. I think that this bill intends and will help accomplish improvements at the primary care infrastructure of the "CNMI" and as the nurse practitioners who testified today have assured us that there are already proper mechanisms in placed that regulate the profession that ensure the quality of healthcare that is provided to our community. If there are problems that extends beyond the scope of practice of any of the nurses or nurse practitioners here they already and do refer those cases to physicians to doctors with more specialized experience and training and as they should and they will continue to do so after this bill is signed into law if it passes today. Also just as a final thought to say that we should recognize the extensive training and the professionalism of our nurse practitioners and in doing so I would hope that this would encourage our young students to look at this profession as something that they should consider for themselves for the sake of their community. And if they want to go into medicine more power to them we need more doctors, nurses, and nurse practitioners this is part of improving the whole system of healthcare here not about eroding it at all. Thank you.

Speaker Arnold I. Palacios: Floor Leader Camacho, recognized.

Floor Leader Camacho: Mr. Speaker, I believe my points were already touched upon by Representative Benavente and Representative Sablan. I am ready to vote.

Speaker Arnold I. Palacios: Representative Yumul, recognized.

Representative Yumul: Thank you, Mr. Speaker. Going back to the committee of the whole I did ask that question about the collaborative management of patients between what we are intending to do with physicians. According to Mrs. Long she did say that there is collaborative communication between the physicians and the nurses however, Representative Hofschneider did bring up a very good point with regards on page two lines 10 through 15 and I would like to know from the Chairman whether we need to restore this back or do we leave it as amended.

Representative Hofschneider: Point of clarification, Mr. Speaker.

Speaker Arnold I. Palacios: State your point, Representative Hofschneider.

Representative Hofschneider: I think that is the meat of the legislation and I personally want to see that the nursing profession advances and we should not fear that the knowledge that they possess to help the community. But Mr. Speaker, the collaborative portion of that is the key to safeguard both them and the physician.

Speaker Arnold I. Palacios: Vice Speaker, recognized.

Representative Deleon Guerrero: Thank you, Mr. Speaker. I do not really intend to answer that because after we resolved into the committee of the whole I did personally spoke with Mrs. Long and I think her response answers that concern and they have no choice but to consult and collaborate with supervising physicians. Their scope of practice limits them to just that what they are trained and qualified to handle. If they go beyond that then they themselves would be subjecting themselves to possibly being barred by the Board or punished or sanctioned. So that should speak for itself I do not think that anybody would want to put themselves in that position. I think more importantly we should be mindful that prior to this bill that really it was the Medical Professional Board that licenses doctors that was providing oversight for the nurses and because that was providing oversight to the doctors was their primary responsibility very little oversight was done to the nurses. So what we are doing is allowing for that to happen to have a Board of Nursing review, license, and provide oversight to nurses. So we are going forward and we are going one step further we are requiring that the Board itself be regulated by a National body even though they are doing it we are providing it by law. So I urge the members to please support this bill I think it is a step in the right direction and that is it. Thank you.

Speaker Arnold I. Palacios: Ready?

Several members voiced “ready”.

Speaker Arnold I. Palacios: For the last I recognize the Vice Chairman of “HEW” Representative Apatang who has been very patient and I thank you.

Representative Apatang: Thank you, Mr. Speaker. *Todu hit siha guini man gaigi gi tiempon trust territory. Mr. Speaker, kumo ta atan tatte iyota siha na eksperiansia gi tiempo trust territory yan antis hit ta fan Commonwealth meggaiña ha iyota siha na physician gi hulo man ekskuelan Fiji and they became doctors iyota medics gi hulo became physician assistants yan man maolek ha. Maseha aspirina ma na'na'i hao "apc" amot para kalentura kada matto hao man bisita gi espitat man ma na'na'i hao "apc" lao man maolek hit ha mona. Esti ha bida'data gi kada sakkan man halom hit guini na guma ta encourage i famgu'on'ta para hu fan ekskuela nursing yan ta sponsor legislation para i scholarship for nursing. Pago ni man gaigi esti siha los prohimus na famagu'on man gaigi gi iyota Commonwealth man hanao man ekskuela man matto tatte yan man ready esta para hu ma presenta i tiningo-niha gi publiku i Commonwealth ottru iyota decision. Maseha shortcut lao man ma eduka ayugue' na chalan ma ta-tiyi. Guaha chalan dokto, guaha chalan nurse, guaha chalan advance nurse practitioners pues kada career nai guaha chalan-ña. Pues esti gui na profession ni man gaigi esti siha pues mala ya ta na'i chansa ya ma aprueba hafa tiningo-niha sa guaha iyoña degree lokkue man liable gi cho'cho niha sa ti ma chule iyo na cho'cho kumo ti ma tungo hafa para hu ma cho'gue. Parehu ha yan mechanic, guaha na mechanic hu eyak ha gi papa satge loa humoyong-ña gaigi na man repe'pair kareta gas Joeten Motors or gui Triple J yan maolek ha sa guaha through experience. Ta taitai todou ha esti siha na dokumento man ma na'i hit yan bula na States u ma preba esti yan taya prublema pues maila Mr. Speaker yan ta fan ayuda esti siha na los prohimus ta na'i ni esti na puesto gina'gao-niha yan ta li'e mona. Iyota fine'nina na concern hu tungo ha na lawsuit yan ayo siha lao enao gui mas hu fisen ko guaha iyon miyo nu assurance ni esta siha na ma assure ham na guaha iyoña liability insurance ni para u fan practice. Si Yu'us Ma'ase.*

Speaker Arnold I. Palacios: I recognize Representative Hocog for the last one.

Representative Hocog: Thank you, Mr. Speaker. *Maila yan bai hu sangni si Congressman Apatang na i finoña ti taya kontra pot profession i emfetmera anai para hu chule' edukasion ti enao kuestiona guini Mr. Speaker lachi si Congressman Apatang para hu alok na hagu lao kao un uttot talo i chalan mu pat taimanu un para un na kada'da hao. I punto guini Mr. Speaker ile'lek-hu nai kao dinanche esti para ta cho'gue yangin dinanche nai Mr. Speaker pues na siguru nai na taya u inafekta gi despues esti na cho'cho'. Ti ilek-hu Mr. Speaker na hu discredit esti siha na profession hu encourage lao i punto guenao i'le'lek-hu kao ta na'na'i megahit kabales ayo siha na opisinat i man malago para u maloffan gui i taimanu ilek-ña si Dr. Aldan guini gi egga'an. Ko ginen Trust Territory sa guahu lokkue siña hu prescribe hao kumo malinek ulu. Lao ko dinanche nai na prescription para hu na'i hamyo? Enao gui hu ke'ke sangni hamyo.*

Speaker Arnold I. Palacios: What is the point of information, Representative Apatang?

Representative Apatang: *Bai hu na klaru na taya hu sangni na lachi i fino'-ña, todou ha man gai purview para ta sangan hafa para ta sangan. Hu sa'sangan hafa i sinenteku yan hafa ile'lek-hu ni para hu supotta esti siha los prohimus na famagu'on.*

Speaker Arnold I. Palacios: Okay. Representative Hofschneider, recognized.

Representative Hofschneider: I just need some clarification. I just need to make certain that just give me a nod from the three of you in the back, Bertha, Arlene. It is in fact that you do not want the language that I pointed out to be included "collaborative management" that is what you want out. You have a problem with putting the language back in. Will it hurt to put it in law? So that the Doctors know that you have to collaborate with them.

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

The House recessed at 2:39 p.m.

RECESS

The House reconvened at 2:42 p.m.

Speaker Arnold I. Palacios: We are back to session and for the last time for a short comment, I recognize Representative Stanley Torres.

Representative Stanley Torres: I do not know if I caught the person that was sitting in here this morning. Is he a real Doctor an (“MD”) Medical Doctor or a physician assistant? I did not catch---

Representative Hofschneider: He is a family practitioner who has not taken the Board.

Representative Stanley Torres: Okay that is satisfied. So he is not a real doctor.

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

The Clerk called the roll on the motion to S. B. NO. 16-44, CS1, HD1 on First and Final Reading.

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

Representative Stanley Torres: May I just say something?

Speaker Arnold I. Palacios: I will allow you thirty seconds.

Representative Stanley Torres: With the confirmation this morning we had a Board certified Doctor and a non-certified Board Doctor. In the absence of the title---

Speaker Arnold I. Palacios: He is a Board certified.

Representative Stanley Torres: I thought the answer was that he is not a Board certified.

Speaker Arnold I. Palacios: He is a Board certified.

Representative Stanley Torres: Board certified?

Representative Stanley T. McGinnis Torres	abstain
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold I. Palacios: With sixteen members voting “yes” S. B. No. 16-44, CS1, HD2 hereby passes the House on First and Final Reading. The Chair will take a three minute recess.

The House recessed at 2:48 p.m.

RECESS

The House reconvened at 2:55 p.m.

Speaker Arnold I. Palacios: We are back to our session. Before we proceed forward with our Agenda I wish to remind all of you that we have a Joint Session tomorrow at ten o'clock. I believe the materials have been passed out the Joint Session Committee Report and Resolution. Whether or not the Resolution will be or we will continue with deliberation it remains to be seen because I myself had a very time to review it. Mr. Chairman, do you want to justify the need to have a Joint Session tomorrow?

Representative Tebuteb: The Committee did their part already Mr. Speaker so what we did is filed it on Thursday and then we are hoping that at least the members who have ample time on the necessary documents that was prefiled which was last Friday.

Speaker Arnold I. Palacios: It was my understanding that you also scheduled for the investors to be here and perhaps answer some questions that may arise out of the discussion part of this Joint Session.

Representative Tebuteb: Correct.

Speaker Arnold I. Palacios: Okay. So we have a Joint Session tomorrow. Representative Sablan, recognized.

Representative Sablan: Can I just clarify? Does the approval of this lease require a Joint Session?

Speaker Arnold I. Palacios: Yes.

Representative Sablan: It does, okay.

Speaker Arnold I. Palacios: Floor Leader Camacho, recognized.

Floor Leader Camacho: Mr. Speaker, I believe there were some questions in regards to Senate Bill No. 16-9. I would like to make a motion to reconsider our action and recall the bill back to the Bill Calendar.

The motion was seconded.

Speaker Arnold I. Palacios: Discussion on the motion. Vice Speaker, recognized.

Representative Deleon Guerrero: Mr. Speaker, just so we understand what is S. B. NO. 16-9?

Speaker Arnold I. Palacios: That is the judgment. Let me refer that question to Representative Yumul Chairman of the Committee.

Representative Yumul: Thank you, Mr. Speaker. There was an issue with the bill itself. The Senate had acted on S. B. No. 16-9, SD1 but the whole time we have been working on S. B. No. 16-9. The

Legislative Assistant and the House Legal Counsel and of course I will take some of the blame on that we basically deliberated on the wrong legislation. If we left it then technically we basically restored back the original language but since the Senate had legally transmit to us a Committee Draft 1 then we are calling it back so we can send it back to committee so that we can look at the new languages that was put in.

Speaker Arnold I. Palacios: Representative Apatang, recognized. *End of Tape 3, side B.*

Start of Tape 4, side A.

Representative Apatang: We passed something that we are not supposed to entertain and I even signed that report.

Speaker Arnold I. Palacios: Chairman Yumul, thank you for saying that you take some part of the blame, but actually I was hoping that you will take all the blame.

Representative Yumul: I can take the Bureau's blame too.

Speaker Arnold I. Palacios: The motion was to recall. We had acted on the wrong piece of legislation. The original version was S. B. No. 16-9 we acted on that. Apparently, what the Senate acted on was a substitute on that bill if I am not mistaken. We were not aware or truly an inadvertent oversight the Committee reported on the original version. I recognize you Representative Yumul. I hope the next time you do not interrupt the Chair.

Representative Yumul: My apologies Mr. Speaker. We isolated the issue the Bureau will now rectify that. When the Senate and likewise if the House transmits legislation over to the respective counterpart the original language is not to be worked with. The Legislative Assistant and the Legal Counsel will work with the Committees on the language that was adopted. So again it is a systemic issue that we are dealing with and I will take full responsibility. Thank you, Mr. Speaker.

Speaker Arnold I. Palacios: Thank you. Actually it is not systemic and it does not look like it. It is not widespread problem this is almost an isolated problem. Representative Babauta, recognized.

Representative Babauta: Can you run this by me again? We are saying that acted on S. B. No. 16-9 and reported it on a different form, is that what you are saying? Or is it something that we need to insert and we had forgotten or something that we needed to delete and we had forgotten. What is it?

Speaker Arnold I. Palacios: Let the Chair clarify that. I am going to call for a short recess.

The House recessed at 3:05 p.m.

RECESS

The House reconvened at 3:06 p.m.

Speaker Arnold I. Palacios: We are back to our session. Okay we are ready for the question.

Several members voiced "ready".

There being no further discussions the motion to recall and reconsider S. B. No. 16-9 was carried by voice vote.

Speaker Arnold I. Palacios: It will be referred by to the Committee on Ways and Means and hopefully report on the correct piece of legislation. Thank you. Representative Babauta, recognized.

Representative Babauta: That could have been silently maneuvered if you so allowed.

Speaker Arnold I. Palacios: Actually the Chair does not want to silently maneuver it. Floor Leader Camacho, recognized.

Floor Leader Camacho: Mr. Speaker, for the record and just so that some of the members are hyper cautious I would like to make a motion to refer S. B. No. 16-9 to Committee and I believe you had referred to that.

The motion was seconded and carried by voice vote.

Speaker Arnold I. Palacios: Mr. Chairman, once again you have that same legislation. Representative Dela Cruz, recognized.

Representative Dela Cruz: Mr. Speaker, if there is no objection can we go back to Line Item 3.

There was no objection raised.

Speaker Arnold I. Palacios: We are back to Introduction of Bills.

Introduction of Bills

Speaker Arnold Palacios: Please proceed Representative Dela Cruz.

H. L. I. NO. 16-23: A House Legislative Initiative amend Article III, Section 11 of the Constitution of the Commonwealth of the Northern Mariana Islands to authorize the election of an Attorney General; and for other purposes.

Offered by: Rep. Francisco S. Dela Cruz

Referred to: Committee on Judiciary Governmental and Operations

Representative Dela Cruz: This is introduced by myself and my good colleague Stanley Torres and we welcome each and every one of you to co-sponsor this worthy initiative. Thank you, Mr. Speaker.

Speaker Arnold I. Palacios: You have worked collaboratively with Representative Torres I like that.

Representative Dela Cruz: And if there is no objection can we place this on the Calendar it has been thoroughly discussed in the past.

There was no objection raised.

Speaker Arnold I. Palacios: Vice Speaker, recognized.

H. B. NO. 16-220: A Bill for an Act to amend the Northern Mariana Islands Election Law to provide for runoff election procedures and to allow for the counting of absentee ballots on Election Day; and for other purposes.

Offered by: Rep. Joseph P. Deleon Guerrero

Representative Deleon Guerrero: Mr. Speaker, time of essence here when the run-off initiative was passed it provided that the procedure for the run-off election shall be provide by law and it was never done and we are kind of running short of time right now. So if there is no objection from the members I would like to ask that it be considered being placed on the Calendar.

Speaker Arnold I. Palacios: Okay we will get to that question when we go back to the Bill Calendar. Ready, Floor Leader, recognized.

Floor Leader Camacho: Mr. Speaker, I apologize. Point of information on H. L. I. No. 16-23 to the author was there any significant change in regards to the text of the previous initiative that was defeated other than reintroducing the same text?

Speaker Arnold I. Palacios: Representative Dela Cruz, recognized.

Representative Dela Cruz: No, actually this is the original form as it was introduced and then of course we can make amendments as the time permits during deliberation.

Speaker Arnold I. Palacios: Okay so clarified. Floor Leader, we are back to the Bill Calendar the next piece of legislation please. When we went directly to the Bill Calendar it was because that the folks were here to expedite the piece of legislation and went ahead and deliberated on it while they were here. We suspended our statements on the Governor's Messages so without objection we will go back to the Governor's Messages and see if there is going to be any more discussions on that.

GOVERNOR'S COMMUNICATIONS

Speaker Arnold Palacios: Representative Yumul, recognized.

Representative Yumul: Thank you, Mr. Speaker. On Governor's Communication 16-319 I am concern here Mr. Speaker because in his declaration of emergency the Governor stated just over twelve points. However, his plan of action has no mention---in one part is the US Department of Justices' lawsuit that is outlined on page three paragraphs eight and this is a serious concern and that it might be used as a statement against the Commonwealth saying that we have no intention on dealing with that issue because we have no plan to execute the decree. It is not difficult to look beyond the Commonwealth and look into Guam with the Ordot Landfill. The receiver is asking for a million dollars a week to be taken directly from the General Fund account of the Government of Guam to facilitate the closure of that dump and since this declaration has no plan as to how to remedy this issue this is a very serious concern for me. Now, moving onto the other section on page two the concerns that are being outlined here are issues of daily operations where the Governor mentions Aggreko although the Aggreko installations is professionally manage events can occur which would require the attention of non-CUC personnel, what events I do not understand that. They have included a security pipe fitters and related personnel materials and supplies. Also others issues that may arise that would require rapid attention by "CUC" contractors. I do not know what that means. In the securing of such materials and supplies I think it is way too open and generalized

not befitting of an emergency. On page three, paragraphs six just after the second sentence it says, the island of Saipan lost power on January 10 when poorly maintained protective devices what does poorly maintain mean are we admitting that we cannot even maintain protective devices in a distribution system failed and a protective relays at Power Plant I busbar also failed thereby exposing the generators to a transient and then (,) it sounds like a run-off sentence causing the generator's own relays to trip. So again if we are going to take this plan of action and the causes as to why we need a plan of action it is already having an issue in of itself. Line number seven, I take great concern in this where it talks about sewage lines have been blocked by customers flushing grease and oil and "CUC" lacks the proper equipment to remove such blockages. It goes on to say, the transfers switches that keep the wastewater system pumps going are largely inoperable. Due to age, lack of maintenance or deliberate damage, that sounds like sabotage. Going on to talk about wastewaters this is the essence of the federal decree and we are admitting we cannot even begin to protect the systems. The point here is that I think we need to seriously need to sit down and break down this emergency declaration and bring these people forward, the Director of "CUC" and ask him these are very straight forward comments coming from the Governor himself and if Mr. Muña is not going to do anything about it then we have a serious problem. Thank you, Mr. Speaker.

Speaker Arnold I. Palacios: Thank you. Representative Quitugua, recognized.

Representative Justo S. Quitugua: Mr. Speaker, we have already spent a lot of time on this communication and we have two committees on PUTC in the House. So I recommend that you refer this specific communication to the specific committees and gather more information and perhaps can sit down with the Executive Director and find out more on what is going on with "CUC" and are we on another timeline for Aggreko renewal or what. I suggest, Mr. Speaker that you recommend this to the specific committee.

Speaker Arnold I. Palacios: Thank you. Representative Sablan, recognized.

Representative Sablan: Thank you, Mr. Speaker. I cannot help but notice that we go in circles every time the Governor declares a state of emergency on "CUC" and his list of reasons for why there is a state of emergency there grows longer with each Executive Order. This Legislature has repeatedly asked the Governor for a plan. "OIA" has asked for a plan. The people of the Commonwealth are crying out for a plan and all signs point to no progress. The latest financial audits they are not finalized yet as we are still awaiting "CUC's" response but they indicate insolvency. We have these stipulated orders they are mentioned in the declaration of disaster emergency the latest one and the requirements from "EPA" and the Department of Justice are numerous, they are complex they are likely to be costly and it is not clear where the money is going to come from or where the plan is going to come from for that matter. And we have been under a nearly continuous state of emergency since December 2007 and before that for that matter. There were a number of emergency declarations declared on "CUC" and they resulted in very if any progress. Some of the members earlier in the session talked about wanting to know what the plan is for rehabilitation. Well, there has been an "RFP" and it has been cancelled. Another member mentioned wanting to make the transition with renewable energy, well, that "RFP" was cancelled as well. And there are reports now that "CUC" is asking for an exemption from the statute that mandates renewable energy at least 10% beginning two months ago. And there continues to be violations of procurement laws, violations of federal and local laws to this day. It seems to me, Mr. Speaker and members that it is time that we take a step back and look at the whole picture of "CUC" and its twenty-two years of mismanagement that continue today and how much of our people are suffering as a result. There is a comment period on the stipulated orders that have been filed by the Department of Justice and "EPA" and the

deadline was January 31st and it has been extended for the member's information to February 5th. I have submitted a request to the Department of Justice formally asking that they consider moving for receivership and I would like to ask that the members consider the same and extend your support for this initiative. There is a real public health crisis that is going on as a result of continuing mismanagement and rather than go in circle every single time and ask for updates, beg for plans let us just take a step back and acknowledge that this might be beyond our resources and beyond the capacity of "CUC" to fix on their own. I would like to submit for the record, Mr. Speaker my letter to the Department of Justice. I have made copies and I would like to submit it to the Clerk as a House Communication.

Speaker Arnold I. Palacios: Next time you are instructed to give the Speaker an advance copy. Do not surprise him during sessions. Let us take a short recess.

The House recessed at 3:23 p.m.

RECESS

The House reconvened at 3:24 p.m.

Speaker Arnold I. Palacios: We are back to our session. I will take Representative Quitugua's recommendation also in consideration and sit down with the Chair of PUTC and even with the Saipan Delegation Chair and Committee Chair to see where we can take this. Take a step back and see where we can take it. Like I said, I have submitted very lengthy letters and resolutions have been introduced in this House and I think we need to consider all of our options in front of us and if we need to take a different tack at addressing this issue then we might have to do that. I appreciate your comments. It would be extremely unfortunate if we come to June and we are in a crisis again because partially because we did not do anything about it. So we move on to the next Agenda Item, Senate Communications.

SENATE COMMUNICATIONS

SEN. COMM. 16-121: (2/2/09) Returning H. B. NO. 16-4, HD4 (CNMI Government and Public Deposit Safety Act of 2008), which was passed by the Senate without amendment on January 30, 2009. [For info – Will go to Governor]

SEN. COMM. 16-122: (2/2/09) Returning H. B. NO. 16-215 (\$40,000 for the Anyuta Island Revetment Repair Project), which was passed by the Senate without amendment on January 30, 2009. [For info – Will go to Governor]

SEN. COMM. 16-123: (2/2/09) Returning H. J. R. NO. 16-22 (Express condolences to the bereaved family of the late Honorable Gregorio Villagomez De Leon Guerrero ("Lo Apa"), which was adopted by the Senate without amendment on January 30, 2009. [For info]

There was no discussions on this part of the Agenda.

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.*

Speaker Arnold I. Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to adopt S. C. R. NO. 16-69 reporting on S. L. I. NO. 16-10 recommendation for passage.

The motion was seconded.

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.*

Speaker Arnold I. Palacios: The motion is for adoption only, if we adopt this it will be on the Bill Calendar, discussion on the motion. Ready.

Several member voiced ready and there being no discussion the motion to adopt S. C. R. NO. 16-69 was carried by voice vote.

Speaker Arnold I. Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, again Mr. Speaker. A motion to adopt S. C. R. NO. 16-71 reporting on H. B. NO. 16-139 recommendation for passage.

The motion was seconded.

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.*

Speaker Arnold I. Palacios: Discussion on the motion. Before I call for the vote last week we had the Retirement Fund folks here this is one of those legislation that is very straight forward. Ready.

Several members voiced ready and there being no discussion the motion to adopt S. C. R. NO. 16-71 was carried by voice vote.

Speaker Arnold I. Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to adopt S. C. R. NO. 16-72 reporting on H. B. NO. 16-111 recommendation for passage.

The motion was seconded.

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.*

Speaker Arnold I. Palacios: Discussion on the motion. Ready.

Several members voiced ready and being no discussion the motion to adopt S. C. R. NO. 16-72 was carried by voice vote.

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

The House recessed at 3:27 p.m.

RECESS

The House reconvened at 3:29 p.m.

Speaker Arnold I. Palacios: We are back to plenary session. Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to adopt S. C. R. NO. 16-73 reporting on H. B. NO. 16-138 recommendation for passage.

The motion was seconded.

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.*

Speaker Arnold I. Palacios: Discussion on the motion. Ready. Representative Benavente, recognized.

Representative Benavente: Mr. Speaker I realize that this proposed legislation is also recommending for its passage that the Retirement felt necessary. But I was looking over the committee report and wondering whether we take into consideration how much more money we are going to need to provide the Department of Commerce in this case and of course the others to be able to continue the program and what would happen to the employees that are currently under the Retirement Fund and whether that savings translates to those employees that are managing this programs being transferred as well. I would like to raise that issue of concern and may be that would be better discussed during the deliberation of the bill in the Bill Calendar but I do not know if the Committee and in this case the Committee had consider that and asked question during the deliberation if not then will just wait until the Bill Calendar.

Speaker Arnold I. Palacios: Committee Chair?

Representative Ralph Torres: I think it is best if we just leave it until we get to the Calendar.

Speaker Arnold I. Palacios: I take that the Committee indeed did not really look into those issues. Okay we will figure it out when we get there. Representative Reyes, recognized.

Representative Reyes: Mr. Speaker, I am part of the committee and I signed the committee report. I do have a lot to offer if and when the bill is placed on the Calendar and one of that is his concerns and likewise we should be very concerned about the funding of the so called Government Workers Compensation program. So I will wait until the bill is calendar.

Speaker Arnold I. Palacios: You are indeed in the position to make those recommendations. Ready.

Several members voiced ready and the motion to adopt S. C. R. NO. 16-73 was carried by voice vote.

Speaker Arnold I. Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to adopt S. C. R. NO. 16-74 reporting on H. B. NO. 16-175 recommends passage.

The motion was seconded.

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, HS1.*

Speaker Arnold I. Palacios: Discussion on the motion. Ready.

Several members voiced ready and there being no discussions the motion to adopt S. C. R. NO. 16-74 was carried by voice vote.

Speaker Arnold I. Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to adopt S. C. R. NO. 16-75 reporting on H. B. NO. 16-166 recommends passage.

The motion was seconded.

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.*

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

Representative Hofschneider: Good bill. Ready.

Speaker Arnold I. Palacios: Ready.

Several members voiced ready and there being no further discussions the motion to adopt S. C. R. NO. 16-75 was carried by voice vote.

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

The House recessed at 3:33 p.m.

RECESS

The House reconvened at 3:33 p.m.

RESOLUTION CALENDAR

H. R. NO. 16-73: A House Resolution requesting Governor Benigno R. Fitial to reconsider his decision and award the Public School System with the grant for the renovation of dilapidated buildings at the Gregorio T. Camacho Elementary School.

H. R. NO. 16-74: A House Resolution to create a Special Investigative Committee for the purpose of investigating allegations against Lieutenant Governor Timothy P. Villagomez and presenting a report of findings and recommendations to the House of Representatives as to whether cause exists for impeachment.

Speaker Arnold I. Palacios: We are back to plenary session. We are under the Resolution Calendar and we have two resolutions. Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to adopt H. R. NO. 16-73 in to the "G.T.C." Elementary School.

The motion was seconded.

H. R. NO. 16-73: A House Resolution requesting Governor Benigno R. Fitial to reconsider his decision and award the Public School System with the grant for the renovation of dilapidated buildings at the Gregorio T. Camacho Elementary School.

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

Representative Apatang: Thank you, Mr. Speaker. I have been reading the daily newspapers the Marianas Variety and the Saipan Tribune and this issue has been ongoing since almost two weeks. I believe the Housing and the Administration is already working on this issue. I do not think that we need to add an additional issue to this one what ever the problem is at the soccer field. Mr. Speaker, I that we move this resolution to the committee.

The motion was seconded.

Speaker Arnold I. Palacios: Representative Sablan, recognized.

Representative Sablan: Thank you. Just to add to Representative Apatang's comments. I also have been following up on this story as it has been reported in the media and I really think at this point do not have enough information about the issue. There have been mixed information on the one hand the Administration is saying that they do not even have the authority to reprogram those particular funds and that it is not an issue and then we saw again that they are working on a resolution to funds that are missing or might not even be missing we are not even sure about that. But I think it would be premature to act on this maybe also just reactionary without having all the information about whether there is in fact an issue that would warrant this resolution from the House. So I would like to second the motion to refer this to Committee while we look into the matter further.

Speaker Arnold I. Palacios: Before we that motion to refer this let us further discuss the merits of the resolution and the procedures.

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

Speaker Arnold I. Palacios: State your point.

Representative Deleon Guerrero: Mr. Speaker, we have touched on this issue in our last session and Representative Quitugua talked extensively about it and the Chairman of the Health, Education and Welfare had pointed out that he was currently looking into the matter if I am not mistaken and perhaps we should give them that opportunity to look into the matter. That is the latest I have recalled.

Speaker Arnold I. Palacios: Thank you, for that information. It seems that when I give our critical assignments out to some of the Chairmen when the leave the doors at the end of the day we forget about the assignments. In fact, I appreciate Representative Yumul's effort on this resolution because it does resonate in the community that you have a school with dilapidated termite infested classrooms that we need to act on immediately but I have yet get back a report at least of the efforts of the two Chairs about my assignment. So I really hope that we can get that information as soon as possible before the end of the week. Let me ask Representative Ralph Torres if he has any information.

Representative Ralph Torres: Mr. Speaker and members, I did more research into it and there are some misinformation and some information that are inaccurate as to where the grant went to, how much was received and whether or not the Governor actually did see the grant on his table or not. So there are mix information as to how far the grant actually went. So I am now getting clarification both on the “CDBG” grant and also the Governor himself and I will have the report by Friday.

Speaker Arnold I. Palacios: Thank you very much. Representative Benavente, recognized.

Representative Benavente: Thank you, Mr. Speaker. I guess like most of us we have receive more of our information from through the media and I for one would comment on something that I read on the media since we have not really receive any real clear information. But one thing I remembered specifically on the Governor’s Public Information Officer (“PIO”) when this issue came out was that the Governor did not decide whether the soccer field was more of a priority than the classroom. The comment that the PIO had mentioned at the time was that there was funds for the classrooms and therefore took that money for the soccer field. Everybody is looking at me like I am misinformed too but my point is that if in fact there is all these misinformation then I would agree we better send this back to the committee and let the committee clear this because knowing the Community Development Block Grant (“CDBG”) money and where it properly is spent for versus having available Capitol Improvement Programs (“CIP”) for classroom repairs those are issues that the Administration is of course has the authority to manage over. And if the Administration for example says I have the \$63,000.00 or whatever it is for the repairs in “CIP” for Public School Systems (“PSS”) why take that “CDBG” money and spend on there when we can take that money and spend it on something else. We should not be and I understand the resolution is mainly requesting, but I think we better get a real clear answer before we make this decision. Thank you.

Speaker Arnold I. Palacios: That is exactly what I assigned. I asked that one, when Representative Quitugua indicated that they should be some 702 funds appropriated for classrooms, there should be some 702 funds and even Developer’s Tax Funds that we have over the past years appropriated to “PSS” for purposes like this. What happened to those could those be reprogrammed to attend to the urgency of the “GTC” Elementary School. Also to look at and sit down with the Northern Marianas Housing Corporations and find out what are the procedures are and what had happened to the “CDBG” grants. I do have a first hand experience with “CDBG” grants and it was not a pleasant experience. I had a \$700,000.00 “CDBG” grant that was yanked and the rug was pulled from the project it is very similar to this issue with “GTC”. But be that as it may, I hope that the Committee Chair could sit down with the folks over at the Northern Marianas Housing Corporation and find out more about this. Representative Hofschneider, recognized.

Representative Hofschneider: Thank you. I move, Mr. Speaker that H. R. NO. 16-73 is referred to “HEW”.

The motion was seconded.

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

Representative Yumul: Thank you, Mr. Speaker. I would prefer that it stayed on the Calendar since the Chairman of “HEW” says that he would have a report out by Friday, I think we can wait until Friday then.

There was no objection raised on the floor.

Speaker Arnold I. Palacios: Okay, please withdraw your motion, Representative Hofschneider.

Representative Hofschneider: I withdraw my motion, Mr. Speaker.

Speaker Arnold I. Palacios: Floor Leader, where are we? So we will leave the resolution on the Calendar, okay.

Floor Leader Camacho: For the record, Mr. Speaker I will make a motion to lay that motion to adopt.

Speaker Arnold I. Palacios: Okay.

Floor Leader Camacho: Mr. Speaker, for the record a motion to lay on the table H. R. NO. 16-73.

The motion was seconded and carried by voice vote.

Speaker Arnold I. Palacios: Floor Leader, next resolution.

Floor Leader Camacho: Mr. Speaker, a motion to adopt H. R. NO. 16-74 in reference to the Lt. Governor.

The motion was seconded.

Speaker Arnold I. Palacios: Discussion on the motion.

Representative Stanley Torres: Mr. Speaker, I called for an objection before it was seconded.

Speaker Arnold I. Palacios: Short recess.

The House recessed at 3:45 p.m.

RECESS

The House reconvened at 3:55 p.m.

Speaker Arnold I. Palacios: We are back to plenary session. I took a short recess to confer with the Legal Counsel and three former Speakers. I will recognize that the motion for adoption of H. R. NO. 16-74 has been moved and seconded and we are now under discussion. I recognize, Representative Stanley Torres because he raised an objection. Please proceed.

Representative Stanley Torres: So I am overruled? Is that what he is saying?

Speaker Arnold I. Palacios: No, you are not overruled. You raised an objection but the procedure is that unless there is no second the motion dies, but the motion was seconded by Representative Babauta, and you objected after the motion was seconded. So the motion stands and now we go into discussions. So we are under discussion so please state your objection to the resolution.

Representative Stanley Torres: Discussion of my objection, is that correct?

Speaker Arnold I. Palacios: Yes.

Representative Stanley Torres: Thank you, Mr. Speaker. The reason I had raised an objection to the adoption of the resolution is that I have here a set of documents of the Lt. Governor's first superseding indictment. I think in Layman's word is the first amended indictment signed by two Prosecutors of the United States Attorney's Office dated January 25th and filed by the Clerk of the US District Court. I only have five copies of this indictment and I submitted to the House for official record. Mr. Speaker, the reason for the resolution calls for a proposed creation of the investigating committee and the instruction to come back within 90 days. I say 90 days may be too late and moot. So if the House move to overrule my objection I say let us vote on the issue and get it over with. To wait for 90 days for the proposed committee report is too long and again maybe moot. I move now to override now and we fast track the case to the Senate and let the Senate decide. That is my reason for objecting. Thank you.

Speaker Arnold I. Palacios: Thank you. Are there any further discussion? Representative Sablan, recognized.

Representative Sablan: I just wanted to get clarification from Representative Stanley Torres. The objection is that the 90 days is likely to be too long and if we were to shorten it or just move forward and vote to impeach then you would be in favor of either of those actions. Either to shorten it or to outright impeach today, is that what you are saying?

Speaker Arnold I. Palacios: Go ahead Representative Stanley Torres.

Representative Stanley Torres: There is two statements I made, Representative Sablan. If I am overruled by this House of my objection that we should consider the resolution, I say, maybe let us move it and vote for it to impeach now. Why wait 90 days. It may be too long and it would be moot. Because the case is about halfway maybe the trial will begin first part of next month and this investigative body will be still---it is fruitless and a waist of time.

Speaker Arnold I. Palacios: Let me clarify that. It will be a waste of time for us to set up a committee and have it do investigative work and come back in 90 days. Proceed, Representative Stanley Torres.

Representative Stanley Torres: We may be charge with the Federal Agencies of obstruction of justice and I do not want to hear that from any federal agent to tell me that I am obstructing justice.

Speaker Arnold I. Palacios: Okay. Let me recognize the Vice Speaker.

Representative Deleon Guerrero: Mr. Speaker, while I do not contest the fact that this body is granted with the authority by the Constitution to conduct impeachment proceedings. My concerns is that this special investigative committee will be empowered to compel attendance and testimony of persons by subpoenas, the production of papers and documents and other evidence by subpoenas and because there is an ongoing Judicial case that there may by a possibility that the evidence we subpoena may be used at a later point during the Judicial proceedings and we may hurt the process we could potentially biased members especially jurors if this thing were to come out in the media and be reported things like that. I do know if it could lead to a mistrial because we have interfered

with the judicial process. I wanted to ask the Legal Counsel the potential. Is there a potential for that to happen before I vote on this resolution?

Speaker Arnold I. Palacios: Yes, go ahead Legal Counsel.

LC J. Taijeron: Mr. Vice Speaker, the answer to your question is, yes. There is always the potential. You have to I believe look at the probabilities because the probability of interfering and obstructing needs to be weighed against the probability of doing nothing and the potential to do nothing. So the answer to your question is, yes you could interfere, you could possible obstruct but I do not seriously if you are asking me what the probability is that is a different question I will stop now.

Speaker Arnold I. Palacios: Representative Reyes, recognized.

Representative Reyes: Thank you, Mr. Speaker. *Guaha kuestion-hu yangin election nai yan man bota hit* I do not know if there is a law and perhaps I would like to ask the Legal Counsel. If we vote let us say on a gubernatorial election when we put the candidates name for Governor together with the Lt. Governor does that mean we are voting for him too or the vacancy only for governorship and the Lt. Governor is pretty much chosen by the Governor? So the question is in other words as an example like Governor Fitial, right, he won the election and Tim is with him but are we really voting for Tim also and is that impeachable? I am not so sure the election law?

Speaker Arnold I. Palacios: Legal Counsel.

LC J. Taijeron: I would have to look at that specifically but I would believe we vote for a ticket not for one Governor and not for one Lt. Governor.

Representative Reyes: A ticket of two.

LC J. Taijeron: Correct. I believe I am correct but without looking at it specifically I will have that caveat.

Speaker Arnold I. Palacios: Please proceed, Representative Reyes you still have the floor.

Representative Reyes: Mr. Speaker, I do not like the resolution because I do not like to interfere with the process right now when we all know it is before the courts and that is where it belongs I do not think we should add in politics into this process. Thank you.

Speaker Arnold I. Palacios: Representative Sablan, recognized.

Representative Sablan: Thank you, Mr. Speaker. I would just like to respond to some of the concerns that have been raised about this resolution. I would like to emphasize that the intent is really to begin a process of a formal legislative investigation we are empowered to do under the Constitution. And very serious allegations have been raised against the Lt. Governor as we all know and it is our responsibility as legislators to at the very least look into the matter. Now, the intent of the resolution obviously would not be to interfere with the judicial process that has taken place and it should not. This would be conducted and should be conducted independently of the criminal proceedings that will take place regardless of anything that we do. I should also add that it is not just the criminal charges that we might be interested in looking into but also maybe ethical issues that are raised by the allegations that might not technically be illegal but we should consider as a matter of upholding the integrity of the public office of the Lt. Governor. As of the issue of 90 days being too long, obviously if there is to be a special investigative committee created as a result of this

resolution the committee does not have wait 90 days to act. That was really based on the standard that is established in our own House Rules as to how much time committees are generally given to look into an issue and report back to the body. I would like to note just looking at the example of the State of Illinois in regards to the impeachment of their Governor, Blagojevich. Their House Resolution gave the General Assembly up to the end of their term to come back and report back to the body as to whether or not there is cause for impeachment. And I think that for our purposes up to the end of our term is definitely waiting too long, but 90 days should be reasonable. And if it is too long and I would submit that this is an urgent enough and serious enough matter for us not wait 90 days then the special investigative committee can and should act sooner. I would like to emphasize we are not presuming guilt. We are saying that we want to investigate that we take this seriously enough and we take the concerns of our constituents seriously enough to act in their interest. Thank you.

Speaker Arnold I. Palacios: Thank you. Representative Babauta, recognized.

Representative Babauta: Thank you, Mr. Speaker. I applaud Representative Sablan for having the will to execute a resolution, but whether or not the Blagojevich is similar to what we confronted with presently, that we do not know. We do not know whether or not Illinois's constitution is the same as the "CNMI". Now, I raise this question. What constitutes commission of felony, corruption, neglect of guilty, is it conviction or is it just an allegation? Mr. Speaker, taking this undertaking as request by the resolution is of great magnitude in itself. Do we have the resources in the House? Does the Legislative Bureau have the proper human resources and financial resources to augment or otherwise help in the investigative portion? I have seen oversights investigations in this House for many years and I can tell you that it is a humongous task putting together loads of documents. It requires outside professionalism, who knows maybe this committee would require additional funds to engage private investigators, private attorneys, whether or not these people can substantiate the will of the investigative committee and those are serious and big questions that we need to ask ourselves. It is something and I ask the members to seriously consider in looking at every element of this resolution, the ramification of it. Mr. Speaker, *gi finon i manamko nahong ha esta i taotao ma'ha'aga hafa na para ta sigi-hit ha tu-mokcha para ta deskuatisa i malago'ta. Esta gaigi gi kanai hustisia esti hafa mas ta ga'gagao? Let the process work its way. Ti ile'lekta na why are we interfering we are not interfering in a sense as the call of this resolution lao given the fact na esta esti ongoing. I kustumbre-ta nai esta i taotao nahong ma-sapetña sensiaña nai man ma'chu'chu'ot korason-niha esta siha na los prohimus pago hafa na para ta fandaña yan para ta fan luñot mas pa'pa i taotao. Ta respeta i hafa esta na masusedi sa un Yu'us guaaha gi tano un hustisia lakkue guaaha. Enao ha Mr. Speaker so let us vote our conscious on this issue.*

Speaker Arnold I. Palacios: Representative Apatang, recognized.

Representative Apatang: Thank you, Mr. Speaker. I just do not think that this is the right time to act on this resolution. This issue has been ongoing in the federal court for months already let the course take itself the time will come where the court system will decide what the outcome is going to be. Mr. Speaker, we got better things to do than to create an investigative committee to look into this matter, somebody is doing it already. I think we should create an investigative committee to find solutions to our economic problems where we can find money to address our financial problems that is the committee we need to create. Let us stop looking into things that will waste our time. Somebody else is doing this now why duplicate it. If we were to follow what is happening in the States it is a waste of time. Mr. Speaker, I think we should just vote on this resolution. Kill this resolution throw it in the trashcan because as far as I am concern it is a waste of time. Thank you.

Speaker Arnold I. Palacios: Representative Yumul, did you have your hands raised? You did not. I have a list.

Representative Yumul: If you have a list then it is my turn then---

Speaker Arnold I. Palacios: If you want to yield, it is certainly your prerogative. ---(*End of Tape 4, Side B*)

(*Start of Tape 5, Side A*)

Speaker Arnold I. Palacios: Representative Benavente, recognized.

Representative Benavente: On section 19 under impeachment it states the Governor and the Lt. Governor are subject to impeachment as provided in NMI Constitution which is the other part where it talks about the process. In subsection 8 of this constitution for treason, commission of a felony, corruption or neglect of duty. It does not say, Mr. Speaker, that it is alleged to have committed treason, alleged to have committed a felony, alleged to have committed corruption or alleged to have neglected duty. I think that while it is clear and listening to the proceedings of Governor Blagojevich that the State of Illinois' constitution clearly allows the Legislative Branch to impeach the Governor for those allegations and they did so. Because as I follow as clear that the criminal proceeding is one thing the political proceeding is another. I am merely raising the point that I do think that we have the authority to continue with the proceeding given that the Lt. Governor has not been convicted of a felony, has not been convicted of corruption, and has not been convicted of neglect of duty. I raise that at this point, thank you.

Representative Sablan: Point of clarification, Mr. Speaker.

Speaker Arnold I. Palacios: State your point.

Representative Sablan: And perhaps our Legal Counsel could also offer clarification, but my reading of that section in the constitution is not that there should be a conviction but a finding by this body that there has been the commission of a felony. It does not mean that there needs to be a criminal conviction in court this is like I have said earlier completely independent process. Perhaps our Legal Counsel could confirm that.

Speaker Arnold I. Palacios: Okay. Legal Counsel, let me give you two minutes to look at the constitution.

The House recessed at 4:18 p.m.

RECESS

The House reconvened at 4:33 p.m.

Speaker Arnold I. Palacios: We are back to plenary session. We are discussing the motion to adopt H. R. NO. 16-74. Are there any further discussions? Before we went on recess there was a question that was posed to the Legal Counsel I called for a short recess to have him look into it. Legal Counsel, could you provide some information.

LC J. Taijeron: Just to restate the question to make sure we are on the same page. Is the issue just to confirm whether or not commission is equal to conviction? If that is the case then my brief legal research says, no, that is not the case. A conviction in a federal court requires proof beyond a reasonable doubt and a jury. In contrast the word commission is not conviction obviously. And commission of a felony was also tied to commission of treason, and tied to commission of corruption, commission of neglect of duty or one could argue that commission of a felony is only one phrase commission only applies to felony. There is various interpretations the best I can do right now to assist you is to say that this body can convene a impeachment proceeding in the absence of a conviction in a federal court and concurrently with the federal case and that it would not legally be prohibited from doing so. We have the constitutional power to do an impeachment proceeding to convene one, pursuant to our constitution in the "CNMI" and nothing that the federal government has said or done including this case against Lt. Governor will in any way impede that ability and that power. So I do not believe a conviction in the federal court of any kind is necessary to begin impeachment proceedings, but the resolution does not intend to start impeachment proceedings but just to convene an investigative committee which I clearly is legal and proper.

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

Speaker Arnold I. Palacios: State your point.

Representative Deleon Guerrero: I would like the Legal Counsel to define what commission is. A commission of a felony, commission of treason, commission of neglect of duty, what does that mean?

Speaker Arnold I. Palacios: Legal Counsel, recognized.

LC J. Taijeron: I have been able to conduct a search and the word commission is not define in our constitution or in our code. The dictionary that you showed me it said it is to do an act. And I think if we were to say to do an act it begs the next question that is, by what standard. Is it beyond a reasonable doubt, beyond by a preponderance of the evidence which is civil or is it by rational basis which we think so.

Representative Deleon Guerrero: When we say to do an act is that similar to perform an act, to conduct an act, to do something.

LC J. Taijeron: I do not think it is complicated. I think the word commission means to do a felony. But the next question is more tricky which is, by what standard.

Speaker Arnold I. Palacios: Representative Yumul, do you have a question or do want to make a statement?

Representative Yumul: Thank you, Mr. Speaker. This goes to the concern and I know we had some debate about it when we were on recess because it was brought up with regards to the Governor of Illinois that the federal prosecutor tasked to that case had asked the federal court for an extension. There is currently no indictment that is filed. The State went on to impeach based on their constitution. Here we have a little bit of a reversal we have allegations presented to the court, they have a witness list, and they have one party that has plead guilty in part. So the paramount concern that I have is that we really need to be assured about what we are doing, obviously we cannot just go into this issue and stop halfway again. The resolution calls for a very high profile person, obviously the Lt. Governor of the Commonwealth to be investigated. I read in the papers that the investigation will be opened to the public. I do not know how that would affect potential jury pool for the Lt. Governor when his case before Judge Munson. Can he find an impartial body of jurors when we

have this issue going out and can this investigative committee keep its code of conduct if you will to the highest level, to keep it within that body and present a finding I do not know if that can be achievable. This deserves an enormous amount of debate amongst us members and to also collaborate with the attorneys of the Legislature. I have never in wildest would even imagine having this during my term here as a legislator. Representative Sablan placed it on the calendar I hope that she intends to ensure that we do not make a big publicity about this issue because this is very serious the Commonwealth's reputation is at stake and it will only be more problematic if we cannot, should we go this route live up to the expectations that we will be watched carefully and we will be probed directly and indirectly. And if we along the way start breaking down in secrecy or sworn secrecy that this committee supposed to and I would assume uphold we are just going to add more fuel to the fire as being talked of as a "CNMI" government that cannot hold that to its own. Thank you, Mr. Speaker.

Speaker Arnold I. Palacios: Representative Sablan, recognized.

Representative Sablan: Thank you, Mr. Speaker. I would like to make a suggestion then if members do not feel at this time ready to vote on this today we could lay it on the table and perhaps, Mr. Speaker you could assign one of the committees to first of all look into the issue of whether or not a special investigation is warranted at this time, but also in terms of the procedures that the committee should follow if there is going to be one, how much time the committee should be afforded in answer to Representative Torres' concerns, the commission of the committee, the scope of authority. These are all matters that are certainly worthy of consideration and more deliberation by this body and I would only ask that there be a definitely timeframe that the committee that you assign would have to respond back to this body. In addition to that I would like to just point out that it is not just the integrity of the Lt. Governor's office that is at stake here, it is also the integrity of this body. If we have not heard from our own people from our own community their disappointment with us at this late stage for having done nothing thus far as a body as their voice then we have not been listening. I would really like to ask if, Mr. Speaker you are going to assign this matter for further consideration to a committee that we also take the time ourselves as Representatives and as citizens of this community to search our own consciences so that we may make the best decisions on behalf of our people. Thank you.

Speaker Arnold I. Palacios: Thank you.

Representative Babauta: Point of clarification, Mr. Speaker.

Speaker Arnold I. Palacios: State your point.

Representative Babauta: Representative Sablan the way I heard it she is alluding to the Chair because it seems that most of the members will not probably support the resolution itself but alluding to the fact that a committee should handle this whether or not which committee. I sense that she wants this resolution to be delegated to a House Standing Committee, if I am correct.

Speaker Arnold I. Palacios: Representative Sablan.

Representative Sablan: I would like to answer that. What I am asking for is that this be laid on the table so that we may ourselves individually and perhaps one of our committees could do further research into the matter, but what I am asking is that there be a definite time frame, perhaps a week.

Speaker Arnold I. Palacios: Let me hear from the other members. Representative Apatang, recognized.

Representative Apatang: I am ready to vote on this resolution, Mr. Speaker. I do not want to waste my time in the committee I have other things to do, there are a lot of issues in the committee that we need to concentrate on. Like I said, this thing is ongoing issues already at the federal court let the process go through.

Speaker Arnold I. Palacios: Okay, I get your sense. Representative Hocog, recognized.

Representative Hocog: Yes, Mr. Speaker I guess Representative Sablan is not asking to expedite this resolution and I guess her request to lay it on the table and study the resolution and take it up the next time could perhaps be considered. Thank you.

Speaker Arnold I. Palacios: Representative Quitugua, recognized.

Representative Justo S. Quitugua: Thank you, Mr. Speaker. Mr. Speaker, since the author is calling for the resolution to be placed on the table I will support that and at the same time I recommend to the Speaker to refer the issue to Judiciary and Governmental Operations (“JGO”) and give us more feedback the next time we are going to pick up and vote on this resolution. Thank you.

Speaker Arnold I. Palacios: Representative Santos, recognized.

Representative Santos: Mr. Speaker, I appreciate the recommendation by Representative Quitugua, but as you may know “JGO” is already over swamped with bills and legislation and initiatives, but let me just add some of my thoughts on this resolution. If this committee does go through its formulation and I am going to reiterate everybody’s concern as far as impeding upon the ongoing federal case right now. If this committee is formed and we need to subpoena people we are basically duplicating what the federal court is doing and we are going to subpoena the same people, same documents and as Representative Babauta had raised we do not have the resources to conduct such mass of an investigation. I am not saying that I am condoning such behavior by any elected official you do not need to be a scientist to know that is wrong but in the list of things to do right now knowing that the federal court is already addressing this and it is probably duplicative it will be duplicative on our part to investigate. The investigation has already been done and apparently it is still continuing with new charges arising here and there.

Speaker Arnold I. Palacios: Representative Hocog, recognized.

Representative Hocog: I guess the request is by Representative Quitugua is that we lay this issue on the table and refer it to the committee and the committee will make a deliberation on what the resolutions status will be to report on in the next session whether they are going to go for it or not. The taskforce that will be created is not yet in placed until the resolution is passed. So I guess referring it to “JGO” and laying the matter on the table is not too much to ask. Thank you.

Speaker Arnold I. Palacios: Representative Santos, recognized.

Representative Santos: When you read the constitution Article II Section 8 of the impeachment process it says, that the House of Representatives may initiate an impeachment proceedings by the affirmative vote of two thirds of its members. Now, if you want to read this resolution as it is today

it may trigger this particular provision where we now ask ourselves, do we want to start the process. So we can answer the question today instead of having the committee act on it. That is a lot of political pressure on a committee on itself on top of everything else. Whatever the committee is that the Speaker decides to refer it to.

Speaker Arnold I. Palacios: Representative Hocog, recognized.

Representative Hocog: Well, maybe Mr. Speaker referring this to the committee as is probably the committee can come out with a more reasonable approach that can perhaps put out on the floor for consideration if the committee opted otherwise to come up with report supporting this resolution. To lower the tone of this resolution that will put the Commonwealth's image in a proper perspective. Thank you.

Speaker Arnold I. Palacios: Let the Chair take a short break and think about this. I will make a decision.

The House recessed at 4:50 p.m.

RECESS

The House reconvened at 4:52 p.m.

Speaker Arnold I. Palacios: We are back to plenary session. The question is whether to lay it on the table or we vote on it. There are some members that want to vote on it and are ready to vote on it. There are some members had asked that we lay it on the table and allow for them to think about it. There is also recommendation to refer it to committee, obviously the Chair of "JGO" is correct the committee is swamped with seventy-two pieces of legislations right now and they are trying to work up to finishing it. I think it is reasonable to lay this on the table for one session. It will allow for each of us to take a look at the resolution, seek whatever conscience you may seek whatever it is you seek in your heart about not the formulation of an investigative committee but the real issue itself. I think that if and when you do that I will allow for a couple of days perhaps on the next session or so to even vote on it. So do I have any objection to lay it on the table and have it on the next session?

There was no objection raised on the floor.

Speaker Arnold I. Palacios: Representative Santos, recognized.

Representative Santos: I am not objecting, Mr. Speaker but if you were to refer it to committee I would suggest Ways and Means since the membership is of all the Chairs and it also includes Rota and Tinian.

Speaker Arnold I. Palacios: I do not think we can do that to Ways and Means. We could create a committee consisting of all the members of the Standing Committees and the minority bloc and the two, but that is certainly a recommendation that the Chair can also consider in the next few days. Representative Yumul, recognized.

Representative Yumul: Thank you, Mr. Speaker. I think that it is kept in your custody. Thank you.

Speaker Arnold I. Palacios: I thought Representative Yumul, that you were one of those that voted to just put it on the calendar. We will lay it on the table. Are there any objections?

There was no objection raised on the floor.

Speaker Arnold I. Palacios: Floor Leader, do you want to withdraw the adoption motion and make the motion to lay on the table?

Floor Leader Camacho: Thank you, Mr. Speaker. No need to withdraw the motion we can motion to lay on the table until next session or so.

Speaker Arnold I. Palacios: Okay, the motion is to lay the resolution on the table has been made. Do I hear a second?

The motion was seconded. There being no discussions on the motion was carried by voice vote.

Speaker Arnold I. Palacios: Try to think about it and perhaps we will be ready to have it on our next House Session. Please be reminded that our Joint Session is at ten o'clock tomorrow in the House Chamber. Be here early. Please take the time to review the lease agreement and the resolution itself that we will be deliberating on tomorrow. Floor Leader, recognized.

Floor Leader Camacho: Mr. Speaker, no session on Thursday right? You had indicated at one time that you wanted to hold a session on Thursday but subject to the call.

Speaker Arnold I. Palacios: Can we maybe discuss that tomorrow because I think we have so much on our Calendar that we really need to work on. We just added eight more legislation onto the Bill Calendar and I would really like to move on those legislations. In fact I was already thinking that we need to begin on having three day session a week. Representative Hofschneider, recognized.

Representative Hofschneider: Mr. Speaker, for tomorrow I was looking over the package given to members on the Joint Session. I noticed the appraisal reported has been omitted or not submitted. May I request the official appraisal report done as required under the law for all land leases?

Speaker Arnold I. Palacios: Okay, we can certainly get that. Chair Tebuteb, hopefully we can get a copy from DPL.

ANNOUNCEMENT

NONE

ADJOURNMENT

Floor Leader Joseph N. Camacho moved to adjourn subject to the call of the Chair; it was seconded and carried by voice vote.

The House adjourned at 4:58 p.m., subject to the Call of the Chair.

Respectfully submitted,

Linda B. Muña Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

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

SECOND APPEARANCE: NONE

THIRD APPEARANCE: NONE