



House Journal  
THIRD REGULAR SESSION, 2009

Adopted:  
August 13, 2009

7<sup>th</sup> Day

Friday, February 13, 2009

The House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature convened its Seventh Day, Third Regular Session on Friday, February 13, 2009, at 1:37 p.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

A moment of silence was observed.

The Clerk called the roll and fifteen members were present. Representatives Edwin P. Aldan and Victor B. Hocog came in late; Representatives David M. Apatang, Edward T. Salas and Rosemond B. Santos were absent and excused for the day's session.

Speaker Arnold Palacios: We have established a quorum for today's session. Let the record reflect that Representative Salas and Santos are excused for today's session.

Representative Hofschneider: Privilege.

Speaker Arnold Palacios: State your privilege.

Representative Hofschneider: There are a lot of empty seats. Is this because we are taking up the override?

Speaker Arnold Palacios: Possibly. Representative Apatang will be coming in shortly.

Representative Babauta: Privilege.

Speaker Arnold Palacios: State your privilege.

Representative Babauta: Thank you, Mr. Speaker. Representative Aldan just called me and he is on his way up.

Speaker Arnold Palacios: Okay. Before we move on with our Agenda, as you all know I sent out a memo to the members regarding the presentation of the Draft Environment Impact Statement by the Department of the Navy. Personnel from the Navy will be here at 2:30 this afternoon to give us this presentation, so I would call for a Committee of the Whole to receive this presentation. I believe it will take about an hour. In the meantime, we will proceed with our session until they arrive. We now move on with our Agenda.

## ADOPTION OF JOURNALS

NONE

## INTRODUCTION OF BILLS

H. B. NO. 16-222: A Bill for and Act to repeal Public Law 15-42 in its entirety; and for other purposes.

Offered by: Representative Diego T. Benavente

Referred to: Committee on Judiciary and Governmental Operations

## INTRODUCTION OF RESOLUTIONS

H. R. NO. 16-75: A House Resolution requesting CNMI Delegate Gregorio C. Sablan to advocate the application of the Federal Unemployment Compensation Act and its benefits to the residents of the Commonwealth.

Offered by: Representative Justo S. Quitugua

Representative Quitugua: Mr. Speaker, copies of the resolution will be passed out later. The resolution is requesting our Washington Delegate to advocate the application of the Federal Unemployment Compensation Act and its benefits to the residents of the Commonwealth. Anyone is welcome to cosponsor the resolution.

Speaker Arnold Palacios: Would you like to request that the resolution be placed on today's Order of Business.

Representative Quitugua: So requested, Mr. Speaker.

Speaker Arnold Palacios: So ordered, H. R. NO. 16-75 is placed on the Resolution Calendar. We move on to Messages from the Governor.

## MESSAGES FROM THE GOVERNOR

Gov. COMM. 16-321: (2/3/09) Certification for an annual salary in excess of \$50,000 for Dr. Michael Koning.

Gov. COMM. 16-322: (2/3/09) Certification for an annual salary in excess of \$50,000 for Dr. Michael Hart.

Gov. COMM. 16-323: (2/10/09) Informing the House that he disapproved H. B. NO. 16-213, HD5, the Appropriations and Budget Authority Act of 2009. [Deadline: 4/11/09]

Gov. COMM. 16-324: (2/11/09) Informing the House that he disapproved H. B. NO. 16-206 (To authorize DPL to pay for land compensation judgments). [Deadline: 4/12/09]

Speaker Arnold Palacios: Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. In reference to GOV. COMM. 16-324 informing the House that he disapproved H. B. NO. 16-206, a motion to override the Governor's veto.

The motion was seconded.

Speaker Arnold Palacios: There is a motion on the floor to override the Governor's veto of H. B. NO. 16-206 reference GOV. COMM. 16-324 and it has been seconded. Discussion o the motion.

Several members voiced, "ready".

Speaker Arnold Palacios: Represtnative Sablan, recognized.

Representative Sablan: Thank you, Mr. Speaker. In regards to the Governor's veto message, I would like to request advice from our legal counsel as to the constitutional issues that the governor cites in justifying his veto of H. B. NO. 16-206. He specifically referenced the fundamental policies of the Marianas Public Lands Corporation as enumerated in the Constitution and says at the end of the page that land compensation payments are not allowable expenses under that section of the Constitution. And if that were the case, I would imagine that P.L. 15-2 would also be in conflict if it is not in fact unconstitutional since it does authorize DPL to use the same operational funds for liability and other operational expenses of public lands.

Speaker Arnold Palacios: Represtnative Sablan has asked for clarification from the Legal Counsel. Representative Hofschneider, would you like to extend on that clarification before I ask the legal counsel to take up the question?

Representative Hofschneider: The only time I am a lawyer is during a session. I have immunity. We all become lawyers, but, Mr. Speaker, recently the action of the Federal Court to mandate and impound money, revenue, or income of DPL to pay for an adjudicated case that went to the court for land compensation. If in fact providing authorization is unconstitutional as the veto message purports that it is, then the Federal Court will not see that to be an overreaching of state jurisdiction and particularly the Covenant because it cites Article XII, and Article XII and Article XI enjoins revenues belonging to the people prescribed under Article XI on all dispositions and management of public lands further prescribing the responsibilities of land surveying, land use plan, homestead developments. By way of that, they have historically used money to divvy up or survey public land that they have accomplished over the years in exchanging land for land. The difference here is compensating those land takings that have been adjudicated or have gone to court and the court clearly states that the CNMI having taken this property must then compensate those individuals. Having said that, Mr. Speaker, further by the stretch of imagination, if you will – and this a question posed to the legal counsel – in the citation or the paraphrasing of the constitutional language that they rest their argument that it is unconstitutional reads verbatim from the Constitution, as cited on page 1 of the veto message: "... shall receive all moneys from the public lands except those from lands in which freehold interest has been transferred to another agency of government pursuant to section 5(b), and shall transfer these moneys after the end of the fiscal year to the Marianas Public Land Trust except that the corporation shall retain the amount necessary to meet reasonable expenses of administration and management, land surveying, homestead development, *and any other expenses*", with emphasis, "reasonably necessary for the accomplishment of its functions." Now, reasonably necessary for the accomplishment of its functions – land exchange is a function. In fact we have for more than a decade been executing and accomplishing land exchanges and any other expenses. Did the Constitution confine it as not being not permissible that the legislature authorizes for the use of income derived from all public lands. That is a question, Mr. Speaker, to the legal counsel. More importantly, Mr. Speaker, that regardless of the mechanism of income that we in the government settle, eminent domain is a clause in the Constitution in that if you execute passively – in the lingo of the legal community, there is no such thing as passive land taking – when you take away private property in eminent domain proceedings, you must be ready to pay fairly and justly. How that is paid through incomes derived from public land income or general sources income from

taxations and others that the CNMI raises, it does not rise to that, Mr. Speaker. It confines itself to the responsibility of DPL. The fundamental policies of DPL and the predecessor of MPLC is still alive.

Representative Babauta: May I also ask to extend the extended?

Speaker Arnold Palacios: The extension of the question is going to continue.

Representative Babauta: I will be the last, Mr. Speaker.

Speaker Arnold Palacios: Okay, make sure that it does not convolute the whole issue.

Representative Babauta: Thank you, Mr. Speaker. As we all know, different views of different counsels can add to not necessarily a disruptive discussion, but who knows, maybe we will all agree to the conclusion. I just want to add if our counsel can also look into the entire section 5. Article XI, Section 5 stipulates the fundamental policies and that is the only extension I wanted to add to both Representative Sablan's and Representative Hofsneider's concerns. Thank you.

Speaker Arnold Palacios: Legal counsel, I know that you have a protracted question and I ask that we do this one step at a time.

Legal Counsel Jeffrey Warfield: Yes, Mr. Speaker, but I guess at the heart of the matter is the issue raised by Representative Hofsneider and the language that was cited in Section 5(g) specifically the catch off phrase that was used referencing "and any other expenses reasonably related for the accomplishment of its functions." It is my legal opinion that to authorize to pay for those judgments which certainly fall under that language of "any other reasonable expenses necessary for the accomplishment of its functions". I do not know if that is satisfactory, but I do not know that the analysis needs to go much further than that.

Speaker Arnold Palacios: Any further discussion?

Representative Sablan: A follow up on that – in Public Law 15-2 which I believe was signed into law by this present governor, the Department of Public Lands in the existing language of that law is already authorized to settle debt, liabilities, obligations and operational expenses out of this operation's fund bank account. It seemed to me that even the amendment that is being proposed in H. B. NO. 16-206 might not have even been necessary to say specifically that land compensation judgments are included in this authorization. But could I get that clarification from the legal counsel – that land compensation judgments are also debts, liabilities, or obligations under existing law anyways.

Legal Counsel Jeffrey Warfield: Judgments would fit that definition; however, I am trying to find a specific section in Public Law 15-2 you are referring to.

Speaker Arnold Palacios: Short recess.

*The House recessed at 1:52 p.m.*

**RECESS**

*The House reconvened at 1:54 p.m.*

Speaker Arnold Palacios: We are back in session. Legal counsel, do you want to answer the query?

Legal Counsel Jeffrey Warfield: I believe the question was whether this new bill is even necessary given the language of Public Law 15-2. It is my opinion that the judgments referenced in the current bill would be covered by the language in Section 103(c)(3) specifying all debts, liabilities, obligations, and operational expenses of the department shall be paid from the DPL operations funds bank account. Again, one thing I wanted to point out that has not really been referenced, the bill that was vetoed only authorizes, it does not appropriated, so I do not know that – it gets back to the constitutionality question, it is an authorization. It is not an actual appropriation. But at any rate, under existing law, I believe they are already allowed to make those payments from the accounts.

Speaker Arnold Palacios: Representative Sablan?

Representative Sablan: I yield.

Speaker Arnold Palacios: Okay, Representative Hofsneider.

Representative Hofsneider: If that logic is correct or we follow that and we give the benefit of the doubt to that logic that it goes without saying that the existing PL 15-2 is sufficient to allow for payment of obligations and liabilities, then in fact the logic rises to a higher level of question and that is—in the appropriateness of this legislation to authorize, then the question is asked, did PL 15-2 and any previous law after the dissolution of MPLC and moved under executive function as called for under the Constitution require appropriation for DPL? If that is the logic that we are conforming to that this authorization is illegal or unconstitutional and still being consistent with PL 15-2 that all incomes can be used to settle liabilities and obligations, then I pose the most cardinal question. Does is require appropriation? Because if I subscribe to the veto message, then I agree we cannot legislate. We cannot dictate DPL through the appropriation measure.

Speaker Arnold Palacios: Legal counsel, are you clear with the question?

Legal Counsel Jeffrey Warfield: Is the question –

Representative Hofsneider: If this vetoed bill is consistent with P.L. 15-2, and that is this bill is not necessary because P.L. 15-2 provides for that, and the Administration has taken the view that we cannot infringe in the constitutional of DPL further, then P.L. 15-2 is moot, it is unconstitutional to begin with. Therefore, any appropriation action by the legislature is unconstitutional.

Legal Counsel Jeffrey Warfield: You are saying if you follow the logic of the veto message.

Representative Hofsneider: Exactly.

Legal Counsel Jeffrey Warfield: If you follow that logic, then yes.

Speaker Arnold Palacios: Alright, are we ready for the question? Representative Hocog, recognized.

Representative Hocog: Thank you, Mr. Speaker. First of all, I would like to register my presence.

Speaker Arnold Palacios: You have been recognized.

Representative Hocog: I failed to hear you mention that I am here. Are we ready to vote? And what was the motion?

Speaker Arnold Palacios: The motion is to override the Governor's veto of H. B. No. 16-206.

Representative Hocog: I second the override.

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

The Clerk called the roll on the motion to override the Governor's veto of H. B. No. 16-206, reference GOV. COMM. 16-324 which resulted as follows:

Representative Edwin P. Aldan	yes
Representative David M. Apatang	absent (excused)
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	yes
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	yes
Representative Heinz S. Hofschneider	yes
Representative Raymond 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	absent (excused)
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of seventeen, "yes" the motion to override the Governor's veto of H. B. No. 16-206 hereby passes the House. Representative Hofschneider, recognized.

Representative Hofschneider: Mr. Speaker, did the Senate override this measure?

Speaker Arnold Palacios: Not yet.

Representative Hofschneider: Then I reserve my comment.

Speaker Arnold Palacios: Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. I know that we had a discussion but it was brought to my attention that a vetoed message must be laid immediately before the members. With that, I move override the Governor's veto of H. B. No. 16-213, HD5 the Budget Act of 2009.

The motion was seconded.

Speaker Arnold Palacios: Before I recognize the motion, I call for a short recess.

*The House recessed at 2:01 p.m.*

**RECESS**

*The House reconvened at 2:05 p.m.*

Speaker Arnold Palacios: We are back in session. There is a motion on the floor, and the motion has been seconded to override the Governor's veto of H. B. No. 16-213, reference to GOV. COMM. 16-323. Discussion on the motion. Representative Hofsneider, recognized.

Representative Hofsneider: Representative Benavente raised an important parliamentary procedure and I want it to reflect for the record. If not specifically mentioned in our House Rules even *Mason's* mentioned that there are multiple opportunities not to exceed the time limit provided in considering an override for a vetoed legislation. If that is the case, then I want to go on record that if the attempt for an override fails today, it does not mean parliamentary speaking that a single action puts a final nail on the coffin, because it does not and it will not. We can always resurrect and reconsider the action of the body.

Speaker Arnold Palacios: Any further discussion? The discussion is on the main issue, let us get into the procedures here. I recognize Representative Hofsneider.

Representative Hofsneider: *Ai, Mr. Speaker.* This is like going to the World Series and every time you do not like the outcome you repeat the game. Simply put, Mr. Speaker, that is why we have the Office of Management and Budget and the Department of Finance, so that the two can project. CNMI government budgeting is projections not finite. You do not collect and have it in the bank and then you appropriate. You project, you anticipate what you will collect for the entire fiscal year. That is the difference in government budgeting. Now, if projections are so much that it is in fact a moving target and we do not have the people in place to specifically get a hold of a ballpark figure of what the anticipated economy for the next fiscal year would be, then it is exactly why we are going through this exercise, and that is, it vacillates. I am not so worried about that. I am so worried about the gamesmanship that goes on. Gamesmanship in the fact that it is not a secret or an abrupt decision that Northwest Airlines, as cited in the veto message is going to pull out and reduce its aircraft capacity. Those are anticipated. So the projectors from OMB, Finance and MVA (Marianas Visitors Authority), all the agencies that are called for in preparation for a budget here must submit anticipatory conditions. It is either we are being lied to, or they are lying, or they just do not know how to project—one of the three. My assessment and my analysis, Mr. Speaker and members, is in the veto message, the governor cited several things. For instance on page 2: "Accepting this proposed budget translates to the following possible outcomes: a) accepting that at some point before the end of the fiscal year, the entire government must shutdown as it will have no resources to pay its employees b) employees will have payless paydays or c) departments must begin laying off employees to operate until the end of this fiscal year. As none of these options is desirable, it is imperative that the legislature pass legislation implementing austerity measures." Let us start with austerity measures. The Governor does not need the Legislature to enact and authorize austerity. Why?-Public Law 3-68 gives him that power today. What the political gamesmanship is that we are being sucked or duped into participating in a disastrous policy continually, meaning that he has hired over 400 employees and he is asking all of us in this branch to be part of the decision process and authorize by law an austerity measure that will take away from hardworking employees so that we can pay for those newly hired employees. That is what it means. Why?-Because under PL 3-68, it specifically states that at any given time that the revenue depreciates or dips down by \$300,000 or by three percent, the Secretary of Finance has to inform the legislature immediately and appropriate actions shall be taken thereafter. One, expenditure controls should be reduced either non-salary or non-personnel are the first to be controlled whenever the CNMI's revenues go down by three percent of the approved budget. Did they do that?-maybe. But the fact remains that the expenditure trend has been higher than the proposed budget in two consecutive attempts. Number three, the

power of the governor is granted in the Constitution and laws of the Commonwealth to exercise line item veto. Line item veto those inappropriate languages that he purports in his veto message has no business being inserted in the budget. For instance, if in fact is consistent with the constitution and he is right on page 2 beginning with the third paragraph: "First, section 604(b) of the measure requires the approval of house and senate presiding officers for any replacement hire in the government not covered by section 604(a). In essence, the house and senate presiding officers become the hiring authority for the Executive, Legislative and Judicial branches of the government. Sections 1 of Articles 11, 111, and IV of the NMI Constitution clearly separate the powers...". Separation of powers, by golly, exercise the line item veto and save the budget. After all, the crux of passing a budget is to set an expenditure ceiling, not expecting that any finite and finicky provision are to your liking. Exercise the line item veto, he did not. He vetoed the entire package. And how he is asking for an austerity measure—Mr. Speaker, if he is going to blackmail the entire government employees, by the three examples that I have read out in his veto message so that we succumb in giving him what he wants in austerity legislation, this is not a democratic society. This is communistic. Thank you.

Speaker Arnold Palacios: Representative Yumul.

Representative Yumul: Thank you, Mr. Speaker. I would also like to state for the record that on the last paragraph on page 2 talks about the loss of flights, I read this to be a generic reference that has not been officially brought to us via the Secretary of Finance, and that by this insertion without concurrence of the Secretary, this is just mere information at this point. The Secretary of Finance has not notified the legislative body that this would be an impact and therefore a reduction in revenue projection is in order. He has not done so and I would like to point that out for the record. I think the veto message speaks for itself. We have been very accommodating to the Governor. We sat down and worked with the Secretary of Finance and the Special Assistant for Administration. We have done what we can and we just need to move forward and take action. I will reserve the rest of my comments.

Speaker Arnold Palacios: Representative Yumul, I have one question. On the second page on the fifth paragraph, that has to do with the Compact Impact Fund. Is there validity to that issue? Do you want to take a short recess?

Representative Yumul: A few seconds.

Speaker Arnold Palacios: Short recess.

*The House recessed at 2:18 p.m.*

*RECESS*

*The House reconvened at 2:19 p.m.*

*(The recording after recess started with Representative Sablan holding the floor.)*

Representative Sablan: ...did not implement the distribution that he had recommended to us from the very beginning and did not notify us of any change as he should have. And so, if the Governor's reasoning for vetoing the measure really at the end of the day hold no water. It did not really follow logic. I would like to ask each of us in this body what our rationales would be for not overriding his veto at this time especially in light of the extensive and grueling work of negotiation, debate,

deliberation, countless conference committee meetings, several versions of this budget bill. Finally this last time around all but one of our members in this Body voted to support this budget. What would be reasoning now for hesitating to override. Word on the street, Mr. Speaker and members is that favors are being offered to members in exchange for their support of the Governor's veto their vote against the override. I think that if there are members now who have changed their minds, that we owe it to our constituents to justify why and to proof to them that it is not because favors are being offered or because suddenly new compelling reasons have arisen for us to have changed our minds after all the work that have gone into this budget. With that, Mr. Speaker, I would like urge the members to support the override of this veto. We can afford to continue with uncontrolled hiring and unrestricted spending. We have runaway spending going around at this time and it certainly does not do anything service to our people. Thank you.

Speaker Arnold Palacios: Thank you. Representative Quitugua, I am sorry, you were out when I was going to call on you to deliberate. Do you still want to weigh in the discussion.

Representative Quitugua: Thank you, Mr. Speaker. Mr. Speaker, during the deliberation of the budget I pointed out exactly that the provision of Section 601(b) clearly calls for and is subject to a veto. Representative Hofsneider acknowledged that it is unconstitutional and the Governor should have just item vetoed it. Mr. Speaker, when we passed the austerity measure in the 15<sup>th</sup> Legislature, we did not include the elected officials, the judges and the justices because it is unconstitutional to include them in the austerity measure. Then Justice Castro came out in the newspaper saying that we cannot force them to violate the constitution voluntarily. So, I voted for the bill and I had a discussion with the Speaker. I said I will vote for the bill, but if the Governor vetoes it, I will not vote for the override unless that provision is taken out of the bill. That was my communication with the Speaker when this budget was on the floor.

Speaker Arnold Palacios: Where is your reference, Representative Quitugua?

Representative Quitugua: The third paragraph on the hiring. Mr. Speaker, if we really want to freeze hiring, let us just freeze hiring, period. If we do not want any more hiring, we should have it in the bill that there should be no more hiring.

Speaker Arnold Palacios: Representative Benavente, recognized.

Representative Benavente: Mr. Speaker, just to clarify Representative Quitugua's statement. By passing this budget we will have a mechanism to restrict certain hiring. The provision that he is referring to would only happen during a continuing resolution if and when this particular budget ends. So I just want to clarify that. I believe it would be a misrepresentation.

Representative Hofsneider: Just so Representative Quitugua would eventually vote yes on the override, let me point this out – if in fact that section is the hinge that determines that he is going to support the override or not, Mr. Speaker, it goes without saying that anything legislatively that this body, the House and the Senate, passes and it goes against the grain of the constitution, it is moot. It would not be applicable. So, one, rest assured that if that is the impediment, and the constitution reigns over the statute—then it goes without saying that that is not applicable to the Judicial Branch's concern. Number two, it is interesting why the Governor did not exercise the line item veto authority. He inserted this so that there is defensible reason for members not to vote for the override.

Speaker Arnold Palacios: Before we continue discussions, our guests from the Department of the Navy are here. I would like to ask the indulgence if we can suspend further discussions so that we

can receive our guests. So, without objection, we will suspend discussion and we will go into the Committee of the Whole. Floor Leader.

Floor Leader Camacho: Mr. Speaker, motion to resolve into the Committee of the Whole in order to receive our guests.

The motion was seconded and carried by voice vote.

*The House dissolved into the Committee of the Whole at 2:30 p.m.*

**COMMITTEE OF THE WHOLE**

*The House returned to plenary session at 3:44 p.m.*

Speaker Arnold Palacios: We are back to our plenary session. We were discussing the veto message from the Governor with reference to the budget. We now go into further discussion. I recognize Representative Dela Cruz.

Representative Dela Cruz: Mr. Speaker, a motion to lay this on the table.

The motion was seconded.

Speaker Arnold Palacios: The motion is to lay the issue on the calendar perhaps till next session and it has been seconded. Ready?

The motion to lay the motion to override the Governor's veto of H. B. No. 16-213, HD5 on the table by voice vote indicated a division on the question and the Speaker requested for a call of the roll.

The Clerk called the roll to lay on the table the motion to override the Governor's veto of H. B. No. 16-213, HD5, which resulted as follows:

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

Speaker Arnold Palacios: By a vote of ten, “yes”, the motion to lay on the table the motion to override the Governor’s veto hereby passes. We will be taking up this same issue and it will remain in the Calendar perhaps for the next session or two.

Representative Babauta: Clarification, Mr. Speaker.

Speaker Arnold Palacios: State you clarification.

Representative Babauta: Can I ask the Floor Leader with regards to the Rules, since we will be taking this up at the next session this would be the first reading of this message. Am I correct?

Floor Leader Camacho: If I may, Mr. Speaker, pursuant to the House Rules, there is really just one reading for a veto override. However, the House can lay it on the table, defer, or send it to committee once we immediately lay it before the members, and members have voted to keep it on the calendar until some future time.

Speaker Arnold Palacios: Representative Hocog.

Representative Hocog: Thank you, Mr. Speaker, for shortcircuiting the action for the members to act on the override issue. If I may, can we go back to Item 3, of our agenda.

There was no objection from the floor and the House went to Item 3.

### **INTRODUCTION OF BILLS**

H. B. NO. 16-223: A Bill for and Act to implement austerity Fridays and unpaid legal holidays; to reduce the employers’ contribution for members of the Northern Mariana Islands Retirement Fund defined benefit plan from 18% to 11%; to provide full reprogramming authority to all expenditure authorities; and for other purposes.

Offered by: Rep. Victor B. Hocog (By Request)

Referred to: Committee on Ways and Means

Representative Hocog: This is introduced by request.

Speaker Arnold Palacios: Introduced by request, let me immediately assign that to the Committee on Ways and Means. Please give it all the attention it deserves. I believe some members requested that we recess because they have a flight to catch. Floor Leader, adjournment.

### **SENATE COMMUNICATIONS**

SEN. COMM. 16-124: (2/9/09) Transmitting a certified copy of Senate Commemorative Resolution No. 16-3, “Conveying the sincere condolences and sympathy of the Senate of the Sixteenth Northern Marianas Commonwealth Legislature to the bereaved family of the late Honorable Joaquin G. Adriano on the occasion of his untimely passing and paying tribute to his fond memory,” which was adopted by the Senate on January 30, 2009. [For info]

SEN. COMM. 16-125: (2/11/09) Returning H. J. R. No. 16-23 (Delay Implementation of Immigration Regulations) which was adopted by the Senate without amendment on February 11, 2009. [For info]

SEN. COMM. 16-126: (2/11/09) Returning H. B. NO. 6-149, HD1 (Suspend LEED Standards for one year) which was passed by the Senate without amendment on February 11, 2009. [For info-  
Will go to Governor]

SEN. COMM. 16-127: (2/11/09) Informing the House that the Senate overrode the Governor's veto of H. B. NO. 16-213, HD5, the Appropriations and Budget Authority Act of 2009," on February 11, 2009. [For info]

SEN. COMM. 16-128: (2/11/09) Informing the House that the Senate accepted the House amendments to S. B. NO. 16-44, CS1, HD2 (Nurse Practice Act Amendment) on February 11, 2009. [For info]

*There was no discussion on this Item of the Agenda.*

#### **HOUSE COMMUNICATIONS**

NONE

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

NONE

#### **COMMUNICATIONS FROM THE NMI DELEGATE**

NONE

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

NONE

#### **OTHER COMMUNICATIONS**

MISC. COMM. 16-61: (1/5/09) From APIL Secretariat Walden KC. Weilbacher transmitting Resolutions adopted during the 49<sup>th</sup> Board of Directors Meeting. [*Attachments on the legislature's network.*]

*There was no discussion on this Item of the Agenda.*

#### **REPORTS OF STANDING COMMITTEES**

NONE

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

NONE

#### **UNFINISHED BUSINESS**

NONE

#### **RESOLUTION CALENDAR**

H. R. NO. 16-75: A House Resolution requesting CNMI Delegate Gregorio C. Sablan to advocate the application of the Federal Unemployment Compensation Act and its benefits to the residents of the Commonwealth.

*There was no discussion on this Item of the Agenda.*

## BILL CALENDAR

H. B. NO. 16-12, HS2: To repeal and reenact Title 4, Chapter 10, as amended by Public Law 15-16; repeal and reenact 3 CMC § 4303(q)(10); amend 3 CMC § 4331(k) as established by P.L. 15-16; and for other purposes. [See *S. C. R. NO. 16-52*]

H. B. NO. 16-76, HS1: To amend 2 CMC § 7181; and for other purposes. [See *S. C. R. NO. 16-59*]

H. B. NO. 16-201: To establish a government service severance package for employees funded by the General Fund with at least eighteen years of government service; and for other purposes.

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

H. B. NO. 16-184: To provide for greater control and regulation on the hiring, training and licensing of security guards; and for other purposes.

H. B. NO. 16-195: To amend 4 CMC § 1103(aa) to include in the definition of wholesalers a seller of bulk motor fuel; and for other purposes.

S. B. NO. 16-49: To amend 1 CMC, Division 8, § 8245(c); and for other purposes. [See *SEN. COMM. 16-120*]

H. L. I. NO. 16-8: To amend Article XII of the Constitution of the Northern Mariana Islands by adding a new Section 7 to allow each senatorial district to amend or repeal the restrictions on alienation of land with respect to its senatorial district [See *S. C. R. NO. 16-60, Subst. I*]

S. B. NO. 16-22, SS1, SD1, HS1: To amend parts of 1 CMC 6101 et seq., the Northern Mariana Islands Election Law; and for other purposes. [See *S. C. R. NO. 16-70*]

H. B. NO. 16-167: To amend 1 CMC § 8222 regarding housing for key government officials; and for other purposes.

S. L. I. NO. 16-10, HS1: 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. [See *S. C. R. No. 16-69*]

H. B. NO. 16-139: 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. [See *S. C. R. No. 16-71*]

H. B. NO. 16-111, HD1: To authorize the Department of Public Safety, Fire Division, Office of EMS to regulate private ambulance services, compliance and response time, and for other purposes. [See *S. C. R. No. 16-72*]

H. B. NO. 16-138: 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. [See *S. C. R. No. 16-73*]

H. B. NO. 16-175, HS1: To amend 1 CMC adding a new subsection creating the Military Family Leave Act of the Commonwealth; and for other purposes. [See *S. C. R. No. 16-74*]

H. B. NO. 16-166, HS1: To assess a fee on plastic checkout bags distributed in the Commonwealth; and for other purposes. [See *S. C. R. No. 16-75*]

H. B. NO. 16-191: To amend 1 CMC § 7403 and 1 CMC §§ 5101-5143; and for other purposes. (Commonwealth Emergency Relief Act ("CERA").)

H. B. NO. 16-212: To amend Section 7402(d) of Title 1 of the Commonwealth Code pertaining to the hiring of employees during a period of continuing appropriations; and for other purposes.

*There was no discussion on this Item of the Agenda.*

**ANNOUNCEMENT**

NONE

**MISCELLANEOUS BUSINESS**

NONE

**ADJOURNMENT**

Speaker Arnold Palacios: Before we recess, let me recognize the good Representative Stanley Torres.

Representative Stanley Torres: Thank you, Mr. Speaker. This is about the situation at the Northern Marianas College. I thought that it is getting to a normal stage, but after reading the article in the *Saipan Tribune* yesterday and the letter from the WASC, it is bothersome. The WASC is instructing President Fernandez to be transparent and in other words – to keep the public and the students informed of the reports. I did not know that there are three reports from the NMC to WASC. I have never seen any one of them until I read it in the papers. Have any of us received any report since October last year? I am feeling that there may be a demonstration or petition against the NMC president for her ouster before her term ends this coming May. Is there anybody who can give me an update about the College.

Representative Hocog: I guess, Mr. Speaker...Floor Leader, can you recognize me. The Speaker and the Vice Speaker are busy at the moment.

Floor Leader Camacho: You are recognized Representative Hocog.

Representative Hocog: I think, Representative Torres, the Chairman of the Committee on Health, Education, and Welfare can very well explain the situation.

Representative Ralph Torres: There is a report from NMC that was given to WASC. I think they waited for a month and then they furnished a copy. If you would like to have a copy of that I would be very happy to provide you.

Speaker Arnold Palacios: Representative Hocog.

Representative Hocog: Mr. Speaker and members, I would probably request the Committee on Health, Education, and Welfare to look seriously into the incident at the NMC. I believe there are factions that are dissatisfied with the President and there are factions that are more than satisfied with the operations of the College. I guess there is a power play that is beginning to exist that also involves the students. I will not take this very lightly that even the counselor is ordering the student body president to resign from his position, and I wonder if he has the authority to do that. So, I would like to ask the Committee on Health, Education, and Welfare Chairman to consider calling in the Board of Regents and the President of NMC and find out what is going on. It is a very surprising situation where the WASC gave the College to try to meet the show cause merit of retaining the accreditation, and there are faculties and maybe a Regent member involved in trying to taint the College's accreditation because of a possible position power play within the College. If this is going to develop and advance then, I think, the students and faculty working hard to retain NMC's accreditation will be disappointed and there will be chaos at NMC if this is not resolved immediately. Thank you.

Speaker Arnold Palacios: Representative Ralph Torres.

Representative Ralph Torres: Thank you, Mr. Speaker. The situation at NMC is a serious matter. When I was notified of some of the allegations about the President and the staff, and so as the student body president I wrote a letter requesting the NMC Board of Regents as well as the President to meet on a couple of issues. One issue is to address the show cause status and we have up to April 30<sup>th</sup>. The other issue is regarding the NMC President. Just bear in mind that there is a function that the Board of Regents have and the President serves under the pleasure of the Board. And I would like to remind the members here that if the President for whatever reason or allegations that NMC has, it should go through the Board first and not here through the legislature. Let us have the Board decide what route they would like to take on those concerns regarding the institution. I do not think we should be going in and try to micromanage or do some personal action. It would be best if it is left to the Board of Regents and let them decide what the institution calls for. I would be very happy to do whatever that is necessary for me to find out what is going on. Thank you.

Speaker Arnold Palacios: I believe that the issue rises to a point where perhaps we need to set up a meeting. The members are concern of what is happening, so please see if you can set up a meeting with the Board of Regents and let us know. I recognize Representative Raymond Palacios.

Representative Raymond Palacios: I know that we all have interest in our kids' activities and this is just for information. The Saipan Little League Baseball is going to be having their 2010 season opening this coming Sunday. So for those planning on running, this is an opportunity. Really, I am just extending an invitation for our kids. Let us support our children. Thank you.

Speaker Arnold Palacios: Now that you made the invitation, when is it?

Representative Raymond Palacios: Sunday.

Speaker Arnold Palacios: Sunday. What time?

Representative Raymond Palacios: I am not sure.

Speaker Arnold Palacios: Representative Ralph Torres, recognized.

Representative Ralph Torres: I would like to let the members know that the Chair of the Board of Regents is off-island that is the reason a date has not been scheduled.

Speaker Arnold Palacios: Okay. Let us know when you have set up a meeting. The last thing that we would like to see is to let this situation get out of hand and that will affect the accreditation. I think that is the biggest concern that the members are expressing. Are we ready to adjourn? Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker, I move to adjourn subject to the call of the Chair.

The motion was seconded

Speaker Arnold Palacios: Representative Benavente.

Representative Benavente: I am not sure discussion is allowed on a motion to adjourn, but if there is no objection --?

Members voiced “no objection”.

Representative Benavente: Thank you, my colleagues. You know, we this has been going on. We are scheduling sessions for half a day only and as we can see we are not getting to the Calendar section and it continues to pile. So, I ask the Speaker and the members that we have a full day of session next week so that we can take care of those important legislations on the Calendar.

Speaker Arnold Palacios: Hear, hear. That is what I intended to do. We are going to have a three full day sessions. Representative Quitugua.

Representative Quitugua: Mr. Speaker, thank you. Para i Miscellaneous Business este mohon lao, kao siña ta schedule i session lao not on Tuesday sa’ there are a few of us meeting with the Commissioner of Education on Tuesday.

Speaker Arnold Palacios: Representative Tebuteb.

Representative Tebuteb: Since we are talking about schedules, the Committee on Natural Resources has set up a meeting with counsels of the monument on Tuesday at nine in the morning.

Speaker Arnold Palacios: Alright, I will take those into consideration. Ready?

The motion to adjourn was carried by voice vote.

Speaker Arnold Palacios: The House hereby adjourns subject to the call of the Chair.

The House adjourned 4:11 p.m., subject to the call of the Chair.

Respectfully submitted,

Linda B. Muña, Journal Clerk  
House of Representatives

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#### APPEARANCE OF LOCAL BILLS

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

**SECOND APPEARANCE:** NONE

**THIRD APPEARANCE:** NONE