



# House Journal

## THIRD REGULAR SESSION, 2009

**Adopted:  
August 13, 2009**

**10th Day**

**Wednesday, March 4, 2009**

The House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature convened its Tenth Day, Third Regular Session on Wednesday, March 4, 2009, at 2:00 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 eighteen members were present. Representative Stanley T. Torres came in late; and, Representative David M. Apatang was absent and excused for the day's session.

### **ADOPTION OF JOURNALS**

NONE

### **INTRODUCTION OF BILLS**

H. B. NO. 16-230: A Bill for an Act to amend Title 6, Section 2223 to provide the Department of Public Safety with the authority to dispose of all firearms within its custody and to require DPS to promulgate and regulations for the fair and safe disposition of all firearms within its custody; and for other purposes.

Offered by: Representative Ramon A. Tebuteb

Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 16-231: A Bill for an Act to authorize the Northern Marianas Housing Corporation, to engage financing institutions or government agencies in loan or asset management services for a fee by adding a new section 10603 to Title 4, Division 10, Chapter 6 of the Commonwealth Code.

Offered by: Representative Victor B. Hocog

Referred to: Committee on Commerce and Tourism

H. L. B. NO. 16-29: A Local Appropriation Act for the Second Senatorial District to appropriate \$10,000.00 from the local license fees collected for pachinko sot machines and poker machines in the Second Senatorial District; and for other purposes. [*First Appearance*]

Offered by: Representative Edwin P. Aldan

## INTRODUCTION OF RESOLUTIONS

H. J. R. NO. 16-25: A House Joint Resolution expressing congratulations to Asiana Airlines for being selected as the Airline of the Year for 2009 by Penton Media's Air Transport World and our appreciation for Asiana Airlines' continued commitment and support of the Commonwealth of the Northern Mariana Islands Travel Industry.

Offered by: Rep. Diego T. Benavente and fourteen others

## MESSAGES FROM THE GOVERNOR

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. 16-330: (2/25/09) Certification of vacant position at the Department of Commerce.

GOV. COMM. 16-331: (2/25/09) Certification for an annual salary in excess of \$50,000 for Dr. Florian Braig.

GOV. COMM. 16-332: (2/26/09) Certification for an annual salary in excess of \$50,000 for Dr. Larry B. Hocog.

GOV. COMM. 16-333: (2/26/09) Certification for an annual salary in excess of \$50,000 for Dr. Gregory Kotheimer.

GOV. COMM. 16-334: (2/27/09) From Acting Governor Villagomez informing the House that he disapproved H. B. NO. 16-4, HD4, (the CNMI Government and Public Deposit Safety Act of 2008). [*Deadline: 4/28/09*]

GOV. COMM. 16-335: (2/27/09) Certification of vacant positions at the Department of Corrections.

GOV. COMM. 16-336: (3/1/09) Executive Order 2009-02 - Declaration of State of Disaster Emergency: CUC's Imminent Generation Failure and the need to Provide Immediate Reliable Power during Repairs (Continuation #7).

Speaker Arnold Palacios: I recognize the Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. In reference to GOV. COMM. 16-323 on H. B. NO. 16-213, House Draft 5, the Appropriations and Budget Act of 2009, I move to override the Governor's veto.

Several others seconded the motion.

Speaker Arnold Palacios: The motion is to override the Governor's veto of H. B. NO. 16-213, HD5 and it has been seconded. Discussion on the motion. Ready? Clerk, please call the roll.

The Clerk called the roll on the motion to override the Governor's veto of H. B. NO. 16-213, HD5, with the following result:

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	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	abstained
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of twelve “yes”, six “no”, one absent and one abstention, the motion to override the Governor’s veto of H. B. NO. 16-213, HD5 hereby fails to pass the House. Floor Leader.

Floor Leader Camacho: Thank you again, Mr. Speaker. In reference to GOV. COMM. 16-334 on H. B. NO. 16-4, House Draft 4 that is the Government Deposit and Public Safety Act of 2008, a motion to override the Governor’s veto.

The motion was seconded.

Speaker Arnold Palacios: The motion is to override the Governor’s veto on H. B. NO. 16-4, HD4 reference GOV. COMM. 16-334. Discussion on the motion. Representative Sablan.

Representative Sablan: Thank you. Before we move on to override the Governor’s veto for that bill, would it be out of order to ask the members who voted against the override of the last and perhaps the most important agenda item, why they voted against the override.

Speaker Arnold Palacios: It is out of order. You can go back to that after we dispose of this motion. Discussion on the motion to override the Governor’s veto on H. B. NO. 16-4, HD4. Vice Speaker, recognized.

Vice Speaker Deleon Guerrero: Thank you, Mr. Speaker. For those of you who have read the communication from the Lt. Governor citing the reasons that he had for vetoing this bill, I would like to make clear and I think even the committee report and the record on the discussions that were made that this bill did not intend in any way to affect the funds that are currently held and invested by either the Retirement Fund or Marianas Public Land Trust (“MPLT”). It is intended for those autonomous agencies that are currently depositing their funds in local banks. That is the intention, and I want to state that for the record, Mr. Speaker.

Speaker Arnold Palacios: Any further discussion? Let us take a short recess.

*The House recessed at 2:10 p.m.*

*RECESS*

*The House reconvened at 2:20 p.m.*

Speaker Arnold Palacios: We are back to our session. Before we went on recess, we were under the discussion on the motion to override the Governor's veto of H. B. NO. 16-4, HD4. Further discussion. I recognize Representative Hofschneider.

Representative Hofschneider: Thank you, Mr. Speaker. In as much as there are a few banks on island that are non-FDIC compliant and we in fact have to have a level playing field for all banks to operate, the fact of the matter is we have messed up historically. We have huge accounts that were locked in at the Bank of Saipan and had to go to court for our own money, MPLT and MPLA or the Department of Public Lands in the amount of over eight million dollars that took several years for return of those monies that have been deposited. I think in this occasion, Mr. Speaker and members, it is fitting that a dollar-for-dollar security if they are non-FDIC is a minimal requirement that we need to protect not only government accounts but large accounts that exceed a hundred thousand dollars. I urge the members to support this override, especially in the midst of a lot of the lending institution in the United States are going underwater and are receiving federal bailouts whereas we tend to be more conservative in the approach of unsecured and secured mortgages here in the Commonwealth. Maybe it is only a matter of time for us to get the flu. But, be it as it may, I think, Mr. Speaker and members, at a minimum, it is our responsibility to protect those deposits that are in banks that are not FDIC approved that exceed one hundred thousand dollars. Thank you.

Speaker Arnold Palacios: Representative Sablan, recognized.

Representative Sablan: Thank you, Mr. Speaker. I like many of the members here supported this bill and continue to support the intent of the bill. But, I want to ask if perhaps we could hold off overriding the Governor's veto today just so that we can cover our bases and talk to the Retirement Fund and MPLT since those two agencies are mentioned as possibly being adversely affected by this bill if we do go ahead with the override. Again, in the interest of covering our bases and doing our due diligence and maybe taking into consideration factors that may not have been considered before, I would like to suggest to hold off on the override and get these agencies in and get their comments on the veto message.

Vice Speaker Deleon Guerrero: Mr. Speaker, I do not have an objection to that if that is what the members want. As I mentioned earlier, it was not the intent of this bill to affect agencies whose funds are invested in the international markets. If you read the bill, you will see that there are regulations that will set forth the criteria for bank references. And those are intended for local banks. I do not know of any funds for MPLT or the Retirement Fund that are being invested in local banks, and that was never the intent of this bill. But, I will go ahead with the wishes of the majority if that is what they want.

Speaker Arnold Palacios: If there is no objection, I believe there are statutes that allow the Retirement Fund and MPLT, the autonomous agencies that invest in securities and bonds to do that separately off island, so I do not believe that the reasoning that was mentioned in the veto message are relevant or as strong as they should be. The concerns are indeed protected and are authorized in

other statutes. In fact, I remember we just amended a law to allow Workman Compensation to invest in stocks rather than just in bonds and low yield securities. Representative Hofschneider.

Representative Hofschneider: Granted that the protection is needed, Mr. Speaker and members, keep in mind that it will cost a significant percentage. It costs money. If you lock in every dollar exceeding \$100,000.00, it will cost money for a borrower because you are not allowing the banks to go beyond the reasonable rate of return in turn of recapturing an extended loan, for instance, beyond a dollar face value. The prime rate today is below one percent. If you stop to think that the local banks here are charging an arm and a leg, it makes you wonder also where is that difference between the prime rate that is offered by the federal government and the consumer loan. So a couple of things come to mind and that is the cost of money for depositors to go and save their money in a private bank that is not FDIC insured for one. Two, higher risk of doing business here in the Commonwealth, a greater return of bankruptcy in other words. So when you deposit at dollar-for-dollar by securing it with U.S. treasury, you are not allowing the banks to offer that 10% risk factor, which is a national standard.

Speaker Arnold Palacios: So what is the wish of the body? Representative Sablan.

Representative Sablan: I am just noting that we have until April 28<sup>th</sup> to act on the override, and I do not think it is unreasonable to check with the Retirement Fund and MPLT. So I would like to make that motion to table the override.

Speaker Arnold Palacios: You do not have to make that motion. Your recommendation is well noted. Vice Speaker, would you want to wait for a later time to address this issue?

Vice Speaker Deleon Guerrero: Mr. Speaker, as I said, if it is the wish of the members, and Representative Sablan made a motion and I do not know if it was seconded, we can put it to vote.

Representative Salas: I will second it.

Speaker Arnold Palacios: There is a subsidiary motion on the floor to defer action and that motion has been seconded. Discussion on that motion? Are you ready for the question?

The motion to defer action the motion to override the Governor's veto of H. B. NO. 16-4, HD4 by voice vote indicated a division on the question and the Speaker instructed the Clerk to call the roll.

The Clerk called the roll to defer action on the motion to override the Governor's veto of H. B. NO. 16-4, HD4, with the following result:

Representative Edwin P. Aldan	no
Representative David M. Apatang	absent (excused)
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	no
Representative Joseph N. Camacho	no
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	no
Representative Victor B. Hocog	no
Representative Heinz S. Hofschneider	yes
Representative Raymond D. Palacios	no
Representative Justo S. Quitugua	yes

Representative Joseph C. Reyes	no
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	no
Representative Ramon A. Tebuteb	no
Representative Ralph DLG. Torres	no
Representative Stanley T. McGinnis Torres	no
Representative Ray N. Yumul	no
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of twelve “no”, the motion to defer action fails. We are now under discussion the main question and that is to override the Governor’s veto of H. B. NO. 16-4, HD4. Representative Yumul, recognized.

Representative Yumul: Thank you, Mr. Speaker. I just have a concern about the legislation. This would be to the legal counsel – whether or not this provision would affect the CNMI Government Credit Union bank because there are agencies that have deposited. In fact, if the members are not aware, the CNMI Credit Union is actually operating on a loss. They are losing about \$10,000 a month. The Retirement Fund brought up to the committee today that they have investments and they obviously cannot take it out because the Credit Union is insolvent. They are still operating, but they are working with existing clients making payments.

Speaker Arnold Palacios: The question is to the legal counsel. Let us take a short recess.

*The House recessed at 2:31 p.m.*

*RECESS*

*The House reconvened at 2:40 p.m.*

Speaker Arnold Palacios: We are back to our session. Representative Yumul, you raised a question and we went on recess. So, did you get the answer? Legal Counsel.

Legal Counsel Joseph Taijeron: Representative Yumul, you asked whether or not the government has any funds presently in the CNMI Credit Union as a question of fact as opposed to law, I would need to research that with the Credit Union and whatever authorized representative was privy to that information. Barring that, it is not a question of law and this particular bill, as the Vice Speaker as already stated, does not affect currently deposited funds. I hope that addresses you question.

Representative Yumul: Thank you. The question I have is in terms of agencies depositing monies in the Credit Union, would they be barred because they are not a bank. The legislation specifically states, institutions other than a bank. Is the Credit Union a bank or not?

Legal Counsel Joseph Taijeron: Page 1 line 12, if I read the whole thing it says: “Unless otherwise provided by law, no officer or employee of the Commonwealth Government or its agencies and public corporations shall deposit or cause to be deposited public funds in an institution other than a bank”, so ..

Speaker Arnold Palacios: The answer is yes.

Representative Yumul: Thank you.

Speaker Arnold Palacios: Any further discussion. Ready? Vice Speaker, recognized.

Vice Speaker Deleon Guerrero: *Mr. Speaker, guaha man mamamaisen kao siña ma hold off ya ta chek mas. Ya an man duda gañaku na uma hold kini uma defeat i passage i override. Yanggen ti man kontetentu i membrus pues siña ha' ta konsidera, kao manmauleg ha' i membrus un semana ya an man dañá' hit gi otro na session.*

Speaker Arnold Palacios: *Hagu gumo'gotte i putdet.*

Vice Speaker Deleon Guerrero: *Komu enao para u na'fan kunfotme i membru na taya ta nanna'na' guine ya para uma ina kabales, pues po'lu ya ta konsidera enao na request, Mr. Speaker. Lao pot fabot muñga na ta go'te este. Hu tungo' ha' na esta April 28 iyota deadline lao para hafa – baihu gagao i pinasensian i membru ni ma supotta yo' para ta act on this yan dispensasion ya ta reconsider ya ta sedi.*

Speaker Arnold Palacios: Representative Dela Cruz.

Representative Dela Cruz: Thank you, Mr. Speaker. I thank the author of the bill for deferring action until a later date. Personally, I vote yes to defer action earlier on this issue and that is mainly because I wanted to discuss the issue further and maybe get more comments from the respective agencies, commerce and so forth. But my biggest concern right now is to look at the situation. As we all know, federalization of immigration is upon us. I am deeply concerned that we might experience yet another cash overruns on our local banks. That has caused a lot of depression among customers, most especially customers of the banks. I do not want to see another cash overrun most especially government funds that are in those banks. That is basically the reason why I voted to defer acting on it as of now. I hope that within the time period that we are given do our due diligences. I am about ready to vote yes on this if we were to vote on it today, but I still feel that we need more time to look into this. Thank you, Mr. Speaker.

Speaker Arnold Palacios: So what is the pleasure of the members? The author is asking that we defer action. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. Based on the discussion and the request from the author of the bill, I would like to withdraw my motion to override the Governor's veto, if there is no objection.

There was no objection from the floor.

Speaker Arnold Palacios: Okay, the motion has been withdrawn. We will leave GOV. COMM. 16-334 on the Calendar. Any other statements, comments under Messages from the Governor? Representative Salas.

Representative Salas: Mr. Speaker, can we put a timetable on this so that we do not delay it further. Are we giving ourselves a week, two weeks?

Speaker Arnold Palacios: It will be taken up at the next session.

Representative Salas: Thank you, Mr. Speaker.

Speaker Arnold Palacios: Vice Speaker, could you see if you can clarify some of the questions? Ready. We move on to House Communications.

## SENATE COMMUNICATIONS

NONE

## HOUSE COMMUNICATIONS

Speaker Arnold Palacios: Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker. Just to go back to my earlier question following the vote on the override of the Governor's veto of the budget, I would like to ask the indulgence of my colleagues and ask for justification for why those of us who voted yes to the budget the first .... (*End of Tape 1, side A*) (*Start of side B*) ...continuing resolution and not having a budget for Fiscal Year 2009.

Speaker Arnold Palacios: I would recognize whoever wants to go first. Representative Babauta, you do not have to engage, you voted no.

Representative Babauta: No, because I have explained myself earlier. In fact, I did not vote for the budget and my comments are reflected in the journal. However, I would recommend, Mr. Speaker that we move on in the interest of time because we have pressing needs. I am sorry for my good colleague to my left, but to sincerely and fairly request members to spit out what they have to say, I do not think that is appropriate.

Speaker Arnold Palacios: Representative Babauta, she is in order and the members certainly do not have to explain their reasoning, but she does have the prerogative to ask.

Representative Babauta: Thank you.

Speaker Arnold Palacios: Any takers? I guess nobody wants to justify his or her no vote. Representative Sablan, you still have the floor.

Representative Sablan: Thank you. Just in response to Representative Babauta's comments that we have more pressing issues on the agenda. What is more important than having a budget for Fiscal Year 2009, or having a budget at all? That is our one job, our one constitutional obligation as legislators. So I am looking at this agenda and frankly, I do not see anything more important than having a budget. So I do not think it is out of order to ask for justification. I think that the members who voted against the override frankly owe it to the people, not just to us in this Chamber. You owe it to the people to explain why. I get questions everyday, I am sure the rest of do why we have not acted until now, why we dragged our feet for almost a whole month on overriding this veto when we voted overwhelmingly in favor of the budget the first time. So what is the reason? If you cannot explain why, then vote in favor of the override because we all stated for the record the first time around why we felt it necessary to have a budget in the first place. So, why are we changing our minds now.

Representative Babauta: Point of order, Mr. Speaker.

Speaker Arnold Palacios: State your point.

Representative Babauta: Mr. Speaker, I rise on behalf those individual members that voted against the override. Whether or not we have the same perception or reasoning and rationale why I did not vote and why they voted in the first place and why they voted against the override, I do not know. It is very hard to extract the emotions and feelings out of their own personal heart because they have different –

Speaker Arnold Palacios: Representative Babauta –

Representative Babauta: No, I am just trying to calmly –

Speaker Arnold Palacios: Order.

Representative Babauta: I am in order, Mr. Speaker.

Speaker Arnold Palacios: Representative Babauta, we get the point and that is why the members who voted no are not saying it, maybe they do not want to share why. And that is how it is. They would have to explain that or not explain it to anybody and that is their prerogative. They have to live with that decision. But, Representative Sablan is just trying to understand just as the public is trying to understand. If the members who voted no do not want to articulate why they voted no, then that is their prerogative too and we can move on.

Representative Babauta: Thank you.

Speaker Arnold Palacios: I guess you are not going to get an answer, Representative Sablan.

Representative Sablan: I guess not, but I wanted it to be stated for the record because we did not discuss this before we went on to vote. It should be stated for the record that the question was asked and that the only member who bothered to respond was the one who voted no to the budget in the first place.

Speaker Arnold Palacios: Thank you. Floor Leader, should we move on.

Floor Leader Camacho: I agree, Mr. Speaker, but if you allow me I would like to read a passage here from *Robert's Rules of Order*, the 10<sup>th</sup> Edition. With the indulgence of the members: The great lesson of democracy is to learn for the majority to give the minority a full free opportunity to present their side of the case and then for the minority having failed to win the majority to their view gracefully to submit and to recognize the action as that of the entire organization and cheerfully to assist in carrying it out until they can secure its repeal. I would like to move on to the Bill Calendar, Mr. Speaker.

Speaker Arnold Palacios: That was what Representative Sablan was trying and the prerogative of those who voted no was not to answer it. So, like you said, let us move on. Representative Sablan, we are still under House Communications and I hope this is on another issue.

Representative Sablan: Well I think the Floor Leader raises now by reading that passage from *Robert's Rules of Order*. It should be stated then that this was the opportunity for the minority to

articulate its views and why they took the position that they did. The vote that I took in favor of the override was actually the vote of the majority. So what is the position of the minority? This is the opportunity now to justify it.

Speaker Arnold Palacios: That is the end of that discussion. Representative Hocog.

Representative Hocog: I was about to ask who are the minority here in this Chamber.

Speaker Arnold Palacios: That is the end of that. I think that was a healthy point that was raised by Representative Sablan. Although she did not get her answer, she did place that issue for the record and Representative Babauta pointed out, but he failed, and the Floor Leader took time to give us an excerpt of *Robert's Rules of Order*. Next item on the Agenda.

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

JUD. BR. COMM. 16-13: (2/25/09) From Chief Justice Miguel Demapan informing the House of the passing of the Honorable Marty Taylor and providing information with regards to a Memorial Ceremony.

There was no discussion under this item of the Agenda.

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

None

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

DEPT./AGCY. COMM. 16-79: (2/24/09) From Saipan Zoning Board Chair Henry S. Hofschneider submitting the Zoning Board's Annual Report for FY 2008.

DEPT./AGCY. COMM. 16-80: (2/27/09) From CUC Executive Director Antonio S. Muña requesting the Chairs of the PUTC Committees of the Legislature to meet for a briefing on the status of Power Plant I Rehabilitation.

Speaker Arnold Palacios: For the members of the Committee on Public Utilities, Transportation, and Communications on DEPT./AGCY. COMM. 16-80, the Executive Director of CUC, Mr. Mona will be here to give his assessment report and status report of the ongoing rehabilitation of Power Plant 1. So, please be here. Every member of this body is invited. I recognize the Chair of the Committee, Representative Hocog.

Representative Hocog: You just said it, Mr. Speaker. I was about to invite. This meeting is not limited to the Committee and for the members who are willing to participate, they are more than welcome to come in.

Speaker Arnold Palacios: I think this is an important meeting, because, hopefully, we will see what the plan for rehabilitation or the plan comes September 13 or June when the Aggreko contract is supposed to expire. The meeting is for 1:30 p.m. tomorrow. Representative Yumul, recognized.

Representative Yumul: Thank you, Mr. Speaker. I would like to state for the record that it is because of this communication from CUC that I have held off making comments on GOV. COMM. 16-336,

but again my concerns are still being carried forward. It is basically the same from the last, so I sincerely hope that the Executive Director of CUC will shed light into their plan of action.

Speaker Arnold Palacios: Certainly and I urge you to be here at 1:30 tomorrow and you can raise those issues. Representative Sablan.

Representative Sablan: I am extremely sorry I would not be able to attend this meeting tomorrow. I have been looking forward to it, but I just got word today that I have a status conference at the court tomorrow for the Open Government Act position for mandamus that was filed regarding the Governor's lawsuit. That would be for the same time tomorrow. And while I am on the subject, could I request an update from Representative Yumul, the Committee on Ways and Means Chair. A few sessions back we endorsed the Committee's powers to subpoena all necessary documents from the Secretary of Finance, Bank of Guam, including documents that were related to the lawsuit and I would just like to ask if the Committee has acted on the powers that have been granted.

Representative Yumul: Mr. Speaker, the Committee on Ways and Means has not acted with respect to subpoena authority or subpoenaing any entity or persons. At this time, information that is pertinent to critical issues confronting the budget, retirement, and the austerity is paramount at this time. Of course, as a public servant and chairman for everybody in this body, if there is an official request from anyone of my committee, I do not have any objection pursuing it so long as there is concurrence with the other members. Thank you.

Speaker Arnold Palacios: Perhaps, Representative Sablan, that is another option you may consider. Go to the committee. Let me for the record state that you are not going to be here tomorrow, you are very interested in the meeting with CUC. Representative Yumul has been recording the proceedings of our sessions. I am going to instruct that Representative Yumul's office record the proceedings of that meeting tomorrow as a courtesy to the House for allowing you and your camera to be here in every session. We can have that recorded and made available to Representative Sablan if that is not too much to ask of you. That brings you to another question, Representative Babauta.

Representative Babauta: Thank you, Mr. Speaker, for reminding me. I heretofore officially request the Speaker to request my good Chairman Yumul to provide my office with a the copy of the video recordings since January 2008, so I can also look at it once in a while. Thank you.

Representative Yumul: Mr. Speaker, just for the members understanding in the way the tapings are done, when the taping is ongoing, the video camera records on to a hard disk. After the session, the hard disk is downloaded and burnt to a DVD. The longer the session, the more DVDs are generated. It is raw footage meaning, if the person behind the camera is not quick enough to press the pause button when the Speaker declares a recess there are going to be some communications that will be recorded. I had this dilemma when I was attempting to provide copies to Marianas Cablevision (MCV).

Speaker Arnold Palacios: Representative Yumul, what you are saying is that Representative Babauta should provide you with DVD.

Representative Yumul: My goal, Mr. Speaker, was simple. I asked the Director of the Legislative Bureau if she could make a computer hard drive available. I have no issues downloading the content onto a server and having everyone copy directly. Again, just remember that it is raw so it would not be in sync with the journals.

Speaker Arnold Palacios: That is okay. We will let Representative Babauta decide whether he wants the raw footage or the filtered footage.

Representative Babauta: Correct. Thank you.

Speaker Arnold Palacios: Okay, let us move on.

### **OTHER COMMUNICATIONS**

MISC. COMM. 16-63: (2/24/09) From PDI President Yoichi Matsumura inviting the Speaker to Micronesian Repatriation Association (MRA) of Okinawa activities scheduled for May.

MISC. COMM. 16-64: (2/26/09) From PIDB President Aren Palik to the PIDB Board of Governors regarding their April Board of Directors Meeting on Saipan.

MISC. COMM. 16-65: (2/26/09) From SCC President James T. Arenovski to Rep. Reyes commenting on H. B. NO. 16-210.

MISC. COMM. 16-66: (2/27/09) From SCC President James T. Arenovski to Rep. Yumul commenting on H. B. NO. 16-217.

Speaker Arnold Palacios: Representative Yumul.

Representative Yumul: Thank you, Mr. Speaker. I was going to provide to the members a document that came to me from Mr. Joseph Santos, President of St. Michael's Medical Response. If there is not objection, I do not mind providing this as a communication to the members, or if it is not necessary, I can just pass it out.

Speaker Arnold Palacios: Provide that document to the Clerk to be numbered and then passed out to the members.

Representative Yumul: Thank you, Mr. Speaker.

The communication was received by the Clerk and made part of the House records.

MISC. COMM. 16-67: (3/3/09) From Mr. Joseph C. Santos, President, St. Michael's Medical Response commenting on H. B. NO. 16-111, HD1.

Speaker Arnold Palacios: Is that all, Representative Yumul?

Representative Yumul: Yes.

Speaker Arnold Palacios: We move on to Reports of Standing Committees.

### **REPORTS OF STANDING COMMITTEES**

S. C. R. NO. 16-76: Reporting on **H. B. NO. 16-179**, entitled, "To amend and repeal certain sections of Public Law 15-46, the Probation Reform Act of 2006; and for other purposes". *Your*

*Committee on Judiciary and Governmental Operations recommends passage of the bill in the form of H. B. NO. 16-179, HD1.*

Speaker Arnold Palacios: Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to adopt S. C. R. NO. 16-76 reporting on H. B. NO. 16-179.

The motion was seconded and carried by voice vote, without discussion.

Speaker Arnold Palacios: The motion carries and S. C. R. NO. 16-76 is hereby adopted by the House.

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

None

### **UNFINISHED BUSINESS**

None

### **RESOLUTION CALENDAR**

Speaker Arnold Palacios: Floor Leader.

Floor Leader Camacho: Thank you, again, Mr. Speaker. A motion to adopt H. R. NO. 16-77 in reference to MPLT home loan portfolio.

The motion was seconded.

**H. R. NO. 16-77:** A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE MARIANAS PUBLIC LAND TRUST AND ITS TRUSTEES FOR THEIR PROACTIVE EFFORTS IN ASSISTING BORROWERS IN ITS MPLT HOME LOAN PORTFOLIO, AS AN ECONOMICALLY TARGETED INVESTMENT, IN PASSING MPLT RESOLUTION 09-01 AFFORDING DEBT RELIEF TO THE BORROWERS IN THE PROGRAM.

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

Representative Sablan: Thank you. As I recalled our last session, it is my understanding that we had referred this resolution to the Special Committee on Housing that was created. If not, an official request to the committee was laid on the table so that the committee can take up its review while we were meeting with the housing corporation.

Speaker Arnold Palacios: You are correct. Floor Leader, can we wait for the committee to give us a response. We are not ready, a motion to withdraw.

Floor Leader Camacho: Mr. Speaker, based on the discussion by Representative Sablan and to allow the Committee to finish their report, I withdraw the motion to adopt H. R. NO. 16-77 if there is no objection from the members.

There was no objection from the floor.

Speaker Arnold Palacios: There being no objection, the motion is withdrawn.

Floor Leader Camacho: Thank you, Mr. Speaker. Mr. Speaker, I move for the adoption of H. J. R. NO. 16-24 in reference to H.R. 934 pending before U. S. Congress.

The motion was seconded.

**H. J. R. NO. 16-24:** A HOUSE JOINT RESOLUTION TO SUPPORT AND ADVOCATE THE PASSAGE OF H.R. 934 NOW PENDING BEFORE THE 111<sup>TH</sup> UNITED STATES CONGRESS, AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: I recognize Representative Tebuteb under discussion.

Representative Tebuteb: Thank you, Mr. Speaker. I have no objection to the resolution. As you may recall, Congressman Sablan (“Kilili”) was here and provided us some briefings on some of the things that he has done and continues to do in Washington. One is this particular bill, H.R. 934. In fact, during the briefing there were a few of us, but during the discussion of H.R. 934 I believe it came down to about five House members and we were given very good reasons. From my understanding from Congressman Kilili’s explanation is that this is an attempt for us to sort of ride the train along with other territories such as, the Virgin Islands, Guam and American Samoa. I posed a question to the good Congressman on the application of the laws relative to the three territories as he was trying to explain and I have yet to comprehend really the different applications of the three-mile submerged land law that applies to the three different territories. The application of laws to American Samoa is not necessarily the same as those to the Virgin Islands or Guam and vice versa. I posed that question and I was wondering if anybody can explain a little bit, maybe if not one or two, the difference between the three trains – American Samoa, Virgin Islands, and Guam – that the CNMI is trying to ride on.

Speaker Arnold Palacios: Representative Babauta.

Representative Babauta: My clarification is alluding to Representative Sablan’s comment about the Resolution being deferred.

Speaker Arnold Palacios: If I recall, we deferred action on this particular issue because we have scheduled a meeting with Congressman Kilili the next day. And since he is the author of Bill H.R. 934 we deferred action to get his input on the Resolution. Representative Sablan.

Representative Sablan: Just to provide further clarification to that, we deferred action – and part because we were meeting with Congressman Sablan who is the author of that particular Bill in question, also because we wanted to have the opportunity to more carefully review both his Bill and do some comparison. And it was my understanding that it had been referred to the Committee on United States and Foreign Relations, and that would be one of the issues we will be taking up at the Committee meeting next week. But just to do a comparative review of what the territories are actually enjoying and then decide what to recommend to the body in terms of the position that we take on Congressman Sablan’s Bill. I guess I would like to ask the Committee be given time because there were some questions that came up during recess, and we did not really have the opportunity when Congressman Sablan was here because he had five other subjects that he wanted to discuss with us to go through the details of his proposal and existing rights that are granted to the territories that we are now at this time asking for. So I would like to ask that we as a Committee have more

time and I would defer to my Chairman, of course, of Committee on United States and Foreign Relations, but I think that this does deserve greater scrutiny before we come up with a statement from the Legislature.

The Chair recognized Representative Benavente.

Representative Benavente: I want to begin by trying to respond to the question that was offered by Representative Tebuteb. You are asking how the three insular areas are different from the other areas. Is that the question?

Representative Tebuteb: From my understanding in Congressman Sablan's explanation is that the intent for introducing this legislation in the U.S. Congress is so that we also avail this three mile submerged land benefit. However, in the application of the law in that particular Bill that he introduced, there is an application of laws that applies to three territorial states, Virgin Islands, American Samoa, and Guam. However, there are exceptions, and within that, certain laws apply to the Guam, but it does not necessarily the same applicable law that applies to American Samoa. So there are not in the same note or same train.

Representative Benavente: I do not think that is the case. I as a Speaker many years ago appeared before Congressional Committee and at that time Representative Elton Gallegly introduced a bill that would grant us this three-mile control. The way it was done is that it amended the current law that gave American Samoa, Guam and the Virgin Islands that control, and the language of the law that I testified on was just to include the CNMI with the three. So I am not sure that there is a difference between the four versus the difference between the coastal states or for that matter, Puerto Rico, Florida and Texas. I yield at this time.

The Chair recognized Representative Tebuteb.

Representative Tebuteb: I do not mean to delay this Resolution, but I am looking at the Bill that is introduced by Congressman Sablan, and in Section 7 "consistent application" that is what I am talking about. It is intended to be applied on a consistent manner to Guam, Virgin Islands, American Samoa and the Commonwealth except to the extent that there is a specific and express exception in this Act regarding its application to one or more of this territories. That is what I am trying to understand here.

The Chair recognized Representative Benavente.

Representative Benavente: Mr. Speaker, I cannot respond to that particular question. I would like to comment though, but at this time, since Representative Tebuteb still has the floor, I yield my time to respond.

The Chair recognized Representative Sablan.

Representative Sablan: But that was one of the questions that are still lingering after our meeting with Congressman Sablan. I had come away with the impression that the Federal Relations Committee would examine the language of our Resolution as well as the language of Congressman Sablan's legislation, and come back with a report to the Committee. Perhaps, the Committee on Natural Resources as well be interested in examining what exactly we are expressing our support for.

The Chair recognized Representative Dela Cruz.

Representative Dela Cruz: Thank you, Mr. Speaker. I do not intent to give the answer, but I believe that Representative Tebuteb raised a good point. One of the items that he mentioned was the exemption for the CNMI as compared to the three other U.S. territories. I believe that the exemption might have to do with the designation of the three northern most islands. The other exemption would probably be the military protective areas – the ten-mile around those areas in the Northern Islands. So with the exemption, I believe that is what is being intended if the CNMI where to be given a three-mile EEZ versus the three-mile given to the other U.S. jurisdictions or territories.

The Chair recognized Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker. My comments would be that we should support the Resolution. We do not have to go back to the history because we spend a lot of money and a lot of time on all the different arguments of whether we control two hundred or nine miles. I really believe that even though there are some of us who may want to continue to argue that, and there should be no problem of doing that, currently, the pressing matter is the situation where there are certainties with the CNMI's ability to control what we have established in laws, in regulations, in managing our important resource within the three miles, and that supporting and getting this control would help the CNMI in the long run. I try to think of the question that was raised by Representative Tebuteb on the specifics, and I think that is like a saving clause rather than a real situation difference. I do not think that Congressman Sablan or Congress would allow some oversight in having something different from what is being.... (*End of Tape 1, Side B*) (*Beginning of Tape 2, Side A*) ...in those three territories. I really do not feel and I do not think that it is necessary that we delay this any further. I am sure that Congressman Sablan, if we were to call him up would say, just hurry up, pass that Resolution, and help me move this through Congress. Thank you.

The Chair recognized Representative Hocog.

Representative Hocog: Sharing the same concern with Representative Benavente, I guess that is very correct, Mr. Speaker, that referring this Resolution to the committee maybe we will not need this Resolution to help Congressman Sablan express the Northern Marianas Legislature's concern in supporting the three-mile zone. I believe the Bill is really progressing within the subcommittee and ready for passage. Any delay in adopting this Resolution would perhaps end in futility. I guess we just have to accept what Congressman Kilihi had informed us that he is starting with the three-mile zone, and as he starts to connect himself with the members of the U.S. Congress, he can probably expand this in the future. I see no need for this House Joint Resolution to be referred back to the committee. Otherwise, we would not need to act on this Joint Resolution a week from today. Thank you.

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

*The House recessed at 3:34 p.m.*

*RECESS*

*The House reconvened at 3:36 p.m.*

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

Representative Reyes: Thank you, Mr. Speaker. When Congressman Sablan was here, he was asking us to help him with his Bill, H.R. 934, which he has introduced with the U.S. Congress. I admired the author of this Resolution whoever that is. Mr. Speaker, to me to act on this Resolution is critical and it is urgent, and this is to show support to our first elected member of Congress in the United States. Right now the fact is, we do not know anything because as you may know with the courts ruling, we do not have anything. The idea here is just to get into the front door with the three-mile to get us going, and let Congressman Sablan work thereafter for any additional mileage that we can add on. But right now, this is just to get us inside. Thank you.

The Chair recognized Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker and members, for your indulgence. I am one of the co-sponsors to this Resolution. I support in general the intent of Congressman Sablan's legislation. My primary concern had been number one, there had not been at the time that we got copy, a signature for legal sufficiency, and I was not sure that this resolution had been reviewed by a legal counsel to ensure that what is stated in our Resolution is in fact consistent with what is being asked for in Congressman Sablan's Bill. It has become clear to me during the recess that since then the legal counsel has reviewed it and he has confirmed that it is consistent, and so now that my concerns have been addressed I am ready to vote. I do support H.R. 934.

The Chair recognized Representative Salas.

Representative Salas: Mr. Speaker, before we vote and this is not to debate on the merits of the Resolution, but I would just like to offer an amendment to add two people specifically, Representative Madeleine Bordallo and Representative Jeff Flake to be included in the certified copies, please. Is that technical? This is on page 2, after "Honorable Gregorio C. Sablan" please add the co-sponsors of H.R. 934, "Representative Madeleine Bordallo and Representative Jeff Flake." I think that it is appropriate that they be included.

Speaker Arnold I. Palacios: I would allow the clerk to make those changes. I recognize Representative Tebuteb.

Representative Tebuteb: Thank you, Mr. Speaker, and I hope I will be the last to speak on this. I agree with Representative Reyes. It is very critical that we support the intent of our good Congressman Sablan. As you may know, February 25, 2009, was the public hearing in Washington, D.C. on this particular issue. On top of that, we also know that we have the National Monument that also gave us some degree of ownership with co-management with the Federal Government. As you may know also that the MIRC (Mariana Islands Range Complex) or the EIS (Environmental Impact Statement) that is being conducted by the military on FDM to extend ten miles were here, and part of my public statement during the MIRC public hearing – I had also requested that the military consider some the things and I would just run through it, if I may – I asked that although the U.S. Federal Supremacy Clause under the U.S. Constitution, Article 6, Clause 2, over ownership of land may prevail, I asked that they consider also Article 8, Section 801 with respect to the submerged land as an issue. That section is where the U.S. is a trustee over ownership. Although the U.S. and other nations did not sign the U.N. Convention on the Law of the Sea, I asked the military that they not compromise on the Presidential Proclamations of 1983 and 1988 that is Presidential

Proclamation 5030 and Presidential Proclamation 5928, respectively. Those Proclamations also requests for extension out beyond the three miles. So I am not saying that three miles is bad or what—what is wrong with one mile or ten miles. So if we own, according to the clause on the lease agreement of FDM, I asked the members for the MIRC to consider that and hopefully that would suffice to help the intent of our good U.S. Delegate, Congressman Sablan. I am not questioning why three miles and why not beyond the three miles. I am just questioning the merit of what the magic formula we are coming up with a certain number. Yes, we understand the continental shelf for all the coastal states relative to the three miles. Yes, we have the fifty miles on our three northern most islands on the National Monument, as a scientific base on coral lives, and now, we have the ten miles being proposed by the military. So, where are we in these areas? Thank you, Mr. Speaker.

Speaker Arnold I. Palacios: Ready for the question.

There being no further discussion, the motion to adopt H. J. R. NO. 16-24 was carried by voice vote.

Speaker Arnold I. Palacios: The motion is carried. You know, actually I introduced this Resolution in support of the efforts of our U.S. Congress. The U.S. House subcommittee that was tasked with this Bill by our U.S. Congressman already had their hearing, and probably going to be reporting out on the Bill to the full body of the U.S. Congress. Be that as it may, Clerk, please engross this in a timely manner so that we can send it. Let me recognize the Floor Leader, under Bill Calendar.

Floor Leader Camacho: Mr. Speaker, I believe we still have the Asiana Airline Resolution.

Speaker Arnold I. Palacios: That is correct.

Floor Leader Camacho: Mr. Speaker, motion to adopt H. J. R. NO. 16-25 in reference to Asiana Airlines.

The motion was seconded.

**H. J. R. NO. 16-25:** A HOUSE JOINT RESOLUTION EXPRESSING CONGRATULATIONS TO ASIANA AIRLINES FOR BEING SELECTED AS THE AIRLINE OF THE YEAR FOR 2009 BY PENTON MEDIA'S AIR TRANSPORT WORLD AND OUR APPRECIATION FOR ASIANA AIRLINES' CONTINUED COMMITMENT AND SUPPORT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS TRAVEL INDUSTRY.

Speaker Arnold I. Palacios: The motion has been made and seconded. Discussion? Representative Stanley Torres, recognized.

Representative Stanley T. McGinnis Torres: I would like the record to show that my name is on the Resolution.

Speaker Arnold I. Palacios: It will be Committee as a Whole. Is there a member that does not want their name put on this Resolution? Let me recognize Representative Sablan.

Representative Sablan: Thank you. Could I just request that the authors of the Resolution just give us some background on exactly what we are congratulating Asiana Airlines for?

The Chair recognized Representative Benavente.

Representative Benavente: Mr. Speaker, first of all, this was upon request. I was asked to introduce this Resolution. I was informed at an earlier date and I did not think of the idea, and it was the Marianas Visitor's Authority whom suggested and requested that we recognize Asiana Airlines for this achievement. It says, air transport world, which is an organization that rates airlines. I am not sure what services, but Asiana Airline was selected as the airline of the year for this particular process. That is as far as I can explain this, Mr. Speaker.

Speaker Arnold I. Palacios: Ready.

There being no further discussion, the motion to adopt H. R. NO. 16-25 was carried by voice vote.

Speaker Arnold I. Palacios: The motion is carried. Let us take a short recess.

*The House recessed at 3:37 p.m.*

*RECESS*

*The House reconvened at 3:47 p.m.*

Speaker Arnold I. Palacios: We are back to our plenary session, and I recognize the Floor Leader under Bill Calendar.

### **BILL CALENDAR**

Floor Leader Camacho: Mr. Speaker, motion to pass on First and Final Reading, H. B. NO. 16-212 in reference to hiring of employees.

The motion was seconded.

**H. B. NO. 16-212**: A BILL FOR AN ACT TO AMEND SECTION 7204(D) OF TITLE 1 OF THE COMMONWEALTH CODE PERTAINING TO THE HIRING OF EMPLOYEES DURING A PERIOD OF CONTINUING APPROPRIATIONS; AND FOR OTHER PURPOSES.

Speaker Arnold I. Palacios: The motion has been seconded. Discussion. Ready. Let me recognize Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker. Although I am deeply disappointed that we did not override the Governor's veto on the budget today, I think that if we act on this measure today to at least restrict hiring in the period of continuing resolution, which continues after today, then perhaps, we could do one small thing to stop the bleeding even if we have failed to do what we should have done. Thank you.

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

The Clerk called the roll on the motion to pass H. B. NO. 16-212 on First and Final Reading, with the following result:

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

Speaker Arnold Palacios: By a vote of sixteen “yes”, H .B. NO. 16-212 hereby passes the House on First and Final Reading. Would you guys like to attempt for another bill. Floor Leader, one more bill.

Floor Leader Camacho: Mr. Speaker, motion to pass on First and Final Reading, S. B. NO. 16-22, SS1, SD1, HS1 in referenced to Standing Committee Report No. 16-70.

The motion was seconded.

**S. B. NO. 16-22, SS1, SD1, HS1: A BILL FOR AN ACT 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]**

Speaker Arnold I. Palacios: The motion has been seconded. Discussion. Let me recognize the Vice Speaker.

Vice Speaker Deleon Guerrero: Thank you, Mr. Speaker. While I do not necessarily disagree with the intent of the bill, I just want to raise as a point of information that the intent of this Senate Bill is similar with the intent of the run-off bill that the House just recently passed. Both requested that absentee ballots be counted on Election Day, although this bill goes on to have other amendments which may or may not affect that bill. If I am not mistaken, I believe the run-off bill has become law. I think it was signed into law already and correct me if I am wrong. Anyway, what I was going to suggest is that – what we have is two similar bills that are going forward at the same time and perhaps this bill maybe referred to a Committee to ensure that it does not conflict with the other bill because they do have similar intents. This is just so we do not pass two bills that may possibly conflict. I just wanted to point that out for the members’ information, Mr. Speaker.

The Chair recognized Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker. I had the same concerns as the Vice Speaker, and concerns as well about the additional amendments that would be proposed under the Senate Bill that

do not necessarily have anything to do with absentee voting. I am specifically concerned about page 5, section 9 allowing ballots to be counted on local ballots in each senatorial district. I think the Election Commission has raised very serious concerns that we really need to take into account, not that it would be more costly, but that it leaves or creates additional room for error in the counting of ballots. And, if there is a great interest in each senatorial district in trying to have a preliminary result that there is a cheaper and free way of doing it, and that through exit polls, which is what other jurisdictions do. We do not need to have an official vote count in each Senatorial District separately, create room for error, take that back to Saipan and count again. I think that the Election Commission has raised concerns about it and that should be considered also in further Committee review. Thank you.

The Chair recognized Representative Hocog.

Representative Hocog: I do not necessarily have to agree with the comments made by Representative Sablan about there not being a need to count an election on the Island of Rota or Tinian because of expenses and the margin of error being higher. Many years ago, Mr. Speaker, the senatorial districts have been doing their counting in their respective municipality. I believe the author of the bill had many reasons why he inserted the section where ballots are to be tabulated upon closing at the respective municipality. Experiencing what had happened in the past elections, the service that that was provided was very unfair particularly the Municipality of Rota. In another note, the purpose of this is the expenses of chartering a flight and the waiting period for an aircraft to be in Rota to carry the ballots. No one has thought of what would happen if and should on the way, something happens to the aircraft, and are we going to do another Election because of the loss of those ballots that were being carried to Saipan? None of us can predict what is going to happen tomorrow. The Election Commission usually requires a board member to be present during the counting with the assistance from each political entity providing their tabulators free of charge, I believe. And, I see the need that the author of this particular bill highly noted and that is why the bill is crafted as such so that the people from the municipality that do not have an easy access on pre-election results will have an easy way of knowing their candidates, and I believe at the fastest time than to wait until the following morning to be waiting for any election result for that particular senatorial district. So I ask the members to consider this very important and needed service to provide the First Senatorial District the opportunity to know first hand their candidates during Election Day. Thank you.

The Chair recognized Representative Babauta.

Representative Babauta: While I note the intent of S. B. NO. 16-22 in the form of House Substitute One, I only have one concern and that is under Section 7 particularly under the present amendment of subsection 6209 of Public Law 12-18. May I ask the counsel, would this infringe on the privacy of individual having to mandate to publish all absentee voting lists of individuals in public places or website? Does this constitute invasion of privacy?

*House Legal Counsel Joe Taijeron: Subject to a provision of law that I am not aware of now and I am not aware of any privacy rights that would infringe upon by the publication of a list that gave notice to everyone, whether or not the person was in Rota, Tinian or Saipan or not. From personal experience, I know that lists are created and those lists are sometimes made available to the political parties to ensure that their constituents are registered or not registered, to verify whether their address are correct or not. This would be just the same thing but just for absentees. I am not aware of any provision in privacy that would apply to make this provision...*

Representative Babauta: May I ask further what is Section 6210 to 6211.

*House Legal Counsel Joe Taijeron: Let me have a moment and I will pull out it for you.*

Speaker Arnold I. Palacios: Short recess.

*The House recessed at 4:05 p.m.*

*RECESS*

*The House reconvened at 4:09 p.m.*

Speaker Arnold I. Palacios: We are back to our plenary session. Before we went on recess, Representative Babauta had the floor.

Representative Babauta: Thank you, Mr. Speaker. I would like to caution the members especially on page 4, Section 7 that purports to amend Section 6209 of the present law that primarily 1 CMC § 6210 – this is talking about confined voters be it ill for the past sixty days, or ill today and will be voting tomorrow. This is just for the record so that CEC will know that we aired this concern. If I may, on page 5, line 21. I would like to offer an oral amendment.

Speaker Arnold I. Palacios: Proceed.

Representative Babauta: To strike out the word “the” and insert the word “unofficial”. The paragraph would read, “If precincts are established, the Board of Election must publish unofficial precinct results.” That would take care of Tinian and Rota’s concern.

The oral amendment was seconded.

Speaker Arnold I. Palacios: Ready.

There being discussion, the oral floor amendment offered by Representative Babauta was carried by voice vote.

Speaker Arnold I. Palacios: The motion carried. Is there any further discussion? I recognize Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker. I was looking at the bill and it was actually introduced over a year ago on February 21, 2008. I was looking at the date of the Committee Report and it is on December 29, and my point is that this bill was reviewed by the Committee and the bill has been sitting on the Calendar now for couple of months, and I appreciate the amendment that was offered by Representative Babauta. I feel that there really is no need to send this back to the Committees unless the Chairs of the Committees feel that they can do something else with it. So, with that, I would like to say that unless we have an amendment to offer at this time, we should move on and act on this legislation whether you are in support or against it. Thank you.

The Chair recognized the Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. Since there is already an amendment and this will be going up to the Senate, I would like to direct the members to page 6 on line 10. The sentence starts out, “hand counting of local ballots is accept.... *(End of Tape 2, Side A) (Start of Tape 2, Side B)* ...provided that all the three senatorial districts must use the same method of counting.” The reason for this, Mr. Speaker, is whether you do by hand count or by mechanical, it does not matter, but the standard has to be same in all senatorial districts. I will leave that up to the Commonwealth Election Commission to decide whether they want to opt for hand counting or electronic, but the standard throughout the CNMI...

Speaker Arnold I. Palacios: Hold on. Let me get a second to that motion? Do I hear a second?

The motion was seconded.

Speaker Arnold I. Palacios: Floor Leader, do you want to repeat that?

Floor Leader Camacho: Sure, Mr. Speaker. On line 10, page 6, at the end of the word “means” strike out the period “(.)” and insert, “provided that the same standard of counting applies to all the three senatorial districts.”

Speaker Arnold I. Palacios: That motion has been seconded. Is there any discussion? Representative Babauta.

Representative Babauta: I just want to bring the mover to line 13 through 15. There is an exception there that gives credence to the Election Commission to waive. In essence, Mr. Speaker, the machines are all centrally located here. Meaning, the Third Senatorial District can utilize the tabulation machine whether or not the First and Second Senatorial Districts, might opt to use one or hand count. I think that we should leave it up to the Commission.

Floor Leader Camacho: I understand Representative Babauta’s concern to leave it up to the Commonwealth Election Commission, and I have no objection. I do not have an objection to counting the ballots in the respective senatorial district, but my concern is the standard has to be the same whether you do it by hand count or what. It has to be uniformed. If you do it by machine here on Saipan and you do it by hand count in Rota, there are little things that will be different in the way things are counted.

The Chair recognized Representative Santos.

Representative Santos: Thank you, Mr. Speaker. I think that when it comes to counting on Rota and Tinian, there should be a little bit of flexibility because there is only one machine on Saipan, and it is going to be hard to transport those machines to Rota and Tinian. We need to point out that Representative Babauta’s amendment was for unofficial results in those particular islands, and I think that it is also a check on our part when the ballots get here to ensure that the counts over there are done correctly, and any discrepancy may be addressed here as the final count for the official results.

The Chair recognized Representative Sablan.

Representative Sablan: I would like to draw the members’ attention to the comments that were received by the Election Commission on this bill with respect to Section 9. First, they say that they

do not have the funding for additional machines. So if we count ballots on Saipan with the machine which we do, then the amendment offered by the Floor Leader would require machines on Rota and Tinian. I agree that there is a very good justification for standards of counting being followed uniformly across the CNMI, but the fact of the matter is that the Election Commission has told us that they cannot afford that at this time. Second, they say that the amendment proposed by Section 9 creates a window of opportunity for results to be tampered with. Particularly since the standard for counting ballots now, if we really want to be consistent with counting our ballots all throughout the CNMI is that the Commission is present along with the Executive Director along with representatives from the Public Auditor's Office and Attorney General's Office, and they are saying that it would also be costly if we are going to do the same thing on Rota and Tinian. Of course that would be costly, but if we are not, and to go along with the amendment allowing for only one Commission member, not have the Executive Director who is the only person authorized to conduct an election present at the same time, then there again, we are creating window of opportunity for error and also for tampering. That should be a concern for everybody. There is also a concern about funding for separate ballots. That should be considered as well. I do not need to remind members that we do not even have a budget. So the question of raising the cost of operations for the Election Commission should be something that we take with all due consideration and seriousness. That is what that particular amendment would do. It will raise the costs of operation, create opportunities for error, and also, allow for un-uniform standards of counting ballots across the CNMI. Is that really a policy that we want to enact? I really think that this does deserve greater review especially considering the concerns of the Vice Speaker about the bill that we just passed that also pertains to absentee ballot. We should not be passing bills that do different things with the same statute. We should at least strive for consistency ourselves in the legislations that we pass.

The Chair recognized Representative Hocog.

Representative Hocog: Mr. Speaker, over the years in the Legislature, they provide waiver in many instances in the law that waive Rota and Tinian for some specific applicability of law in the island of Saipan. I do not see any substantial hardship for a waiver to be in place in the Second and First Senatorial Districts, or maybe you just never learn or experience the agony of waiting and media or communication just shut out from your face. Have you guys experience that here? This is no more than providing the opportunity to these people who are anxiously, like in Saipan, waiting for the result through MCV's television services. We do not have that access. Now, allowing this simple amendment and what if also, Mr. Speaker, during the course of transporting these ballots to Saipan and anything could have gone wrong out there? Now, how do you address expenses?

Speaker Arnold I. Palacios: Representative Hocog, we are discussing the amendment offered by the Floor Leader.

Representative Hocog: Yes, but we are talking about cost, Mr. Speaker, as part of the amendment being justified.

Speaker Arnold I. Palacios: I see, okay.

Representative Hocog: I believe that I am in order in making this argument. All I am asking, Mr. Speaker, I believe that waiving or it could be very much officiated whatever Election result by hand count in Rota through the process of reentering into the machine provided here to be uniformed way of counting the result. That is all I am asking. Thank you.

The Chair recognized Representative Salas.

Representative Salas: I am trying to understand how the counting would take place. My colleague is saying that when they count the ballots, they are only going to be counting specifically the one that is going to be affecting Rota. Because if you look at the ballot, it also has – especially General Election, you got the Governor and so forth. So how is that going to affect? Are you guys just going to count what is locally? Or are you going to be counting the Gubernatorial?

Representative Hocog: The whole ballot.

Representative Salas: The whole ballot? So basically then, Rota would have preliminary results of the Gubernatorial race and so forth?

Representative Hocog: Yes, unofficial.

Representative Salas: Okay.

The Chair recognized the Floor Leader.

Floor Leader Camacho: Mr. Speaker, as I stated just so Representative Hocog can understand, I have no objection to count the ballots on Rota, but my point is, the standard has to be the same. If we want to do it hand count that is fine. If you want to reach a compromise for the ballots to be brought over here, I do not have any objection, but let us put it in the law that the six election districts have to be counted before any precinct here in Saipan so that the people of Rota can get their results long before the other precincts. Thank you.

Representative Babauta: Point of clarification, Mr. Speaker.

Speaker Arnold I. Palacios: State your point.

Representative Babauta: May I ask the counsel to clarify lines 13 through 15 on page 6.

Speaker Arnold I. Palacios: We are entertaining discussions on the amendment motion.

Representative Babauta: Okay. Ready on the amendment, Mr. Speaker.

The Chair recognized Representative Sablan.

Representative Sablan: I think that the Floor Leader posed a question about requiring ballots to be counted by...[inaudible microphone turned off].

Speaker Arnold I. Palacios: I think what the amendment will do is to standardize the vote counting whether it is by hand or machine, and whether it be by three of the Election Commissioners be present at each senatorial district.

Representative Sablan: So on that amendment, if the intent is to standardize the method of counting, then we should consider that the following sentence is in consistent with the amendment being offered because preliminary counts are not standard right now so we are creating an exception already by virtue by this amendment for Tinian and Rota. And then, second of all, counting with

only one Commission member present, and only one representative from OPA and the attorney general's office, and the Election Director not having to be there is also not standard. I would seriously urge the members to consider as a subsidiary motion deleting this particular amendment since it does raise issues not just about cost, but also about the policy for standardizing the methods in which we count ballots in the CNMI.

The Chair recognized Representative Dela Cruz.

Representative Dela Cruz: Thank you, Mr. Speaker. I believe the issue here is cost, and the cost of \$15,000.00 for every election, not just for the machine, but I believe the machine is a different cost all together. The amendment that Representative Camacho is trying to do is to purchase two additional machines.

Representative Benavente: Point of information, Mr. Speaker.

Speaker Arnold I. Palacios: State your point.

Representative Benavente: Or Clarification. Floor Leader's amendment is to have a uniformed system. That uniform system may be hand count all, or machine count all. So in this case, if we do not have two more machines, the next election, then we would have to hand count Saipan, which we have done for many, many years.

Speaker Arnold I. Palacios: So clarified. Representative Dela Cruz, you still have the floor.

Representative Dela Cruz: And I was about to get to that, Mr. Speaker. And that we are now going to be reverting back to hand counting in the Third Senatorial District because we chose uniformity. If we had funds to purchase two (2) additional machines at this time, why not since it is a lot faster than counting. But if the Third Senatorial District is to be brought back to hand counting while we have a machine on hand, it does not really make sense. And if uniformity is what I understand it to be, then if we are to utilize the counting machines, then it has to be utilized in Rota and Tinian, which requires personnel to man those machines from the vendor. Those are additional costs. I understand uniformity. If one Senatorial District decides to hand count it, everyone will be forced to hand count. Is that what we want? I do not think so. Mr. Speaker, I do not think that while the amendment is noble to the First and Second Senatorial, I do not believe that the Third should be going back in time. Even with the tabulating machine that we have during Election, they count from what 9:00 or 10:00 at night until morning, sometimes 8:00 or 9:00 in the morning. Imagine hand counting? It does not make sense, Mr. Speaker, and I urge not to support this amendment. Thank you, Mr. Speaker.

The Chair recognized Representative Reyes.

Representative Reyes: Thank you, Mr. Speaker. I think the more I hear about this debate, to me, it is more procedural. The Commonwealth Elections Commission does have policies, guidelines, and procedures as to what to do. How they count the ballots; I think I will leave it up to them. They know what they are doing. I do not think that we should make it into a law as to the point of how you count the ballots. The bottom line is, they are accountable for it and the intent of the legislation, Mr. Speaker, is just to have these ballots counted at each senatorial district. Representative Hocog came up with something very important to consider because what happens if we are not able or something may happen and the ballots did not come to Saipan if we do not allow this. He raised a

good question whether we are going to have another election, but I think this can be done through procedure established by the Commonwealth Elections Commission. Thank you.

The Chair recognized the Vice Speaker.

Vice Speaker Deleon Guerrero: Initially, as I was thinking about it, the amendment to standardize the tabulation of ballots sounded like smart practice, but I guess in this case, if you consider – Saipan is now using a machine and invested to have a mechanical counting machine because we have tens of thousands – at least 12,000 to be counted, so in the interest of time we invested in that. Rota and Tinian has roughly about 500 to 600 ballots to be counted. So the amendment here would either in effect, if we chose or the Commonwealth Election Commission chooses hand counting or the investment we made for that machine is in vain. Now, if we opted to go the opposite direction and have it mechanized then we stand to gain more cost again. I think that the current system to allow hand counting in Rota is okay. Uniformity can be justified – is not necessarily justifiable in this case, but going one or the other, we can see right now would mean huge expenses. So because of that, initially I was in kind of in favor of it, but having listened to the issue of the shortfalls of the Election Commission, the shortfall in funding, we have to be mindful that if we push for this amendment and they decide to have the machine, then we have to be able to come up with the funds to pay for the machines. And if they opt to go hand counting, then we also in the Third Senatorial District should be very patient to wait for our results. I just wanted to throw that out. Thank you.

The Chair recognized the Floor Leader.

Floor Leader Camacho: I take into consideration the members' concerns in regards to uniformity, and the cost to buy all these machines. Perhaps not this year but perhaps next year, there is actually about close to a million dollars in regards to the case that was *Bush v. Gore* out of Florida in order to standardize the voting across the nation. If we do not do it this time, perhaps we can do it come 2010 for the next Delegate race where there has to be uniformity if we are going to separate the different senatorial districts. That was an issue in 2009 because all the ballots were brought here and counted at the same time. I can withdraw the motion and we can take that up for those of us who are running in the House, Mr. Speaker. We will bring that up come 2010 when that issue should be brought up. If there is no objection, I will withdraw at this time, but caution the members.

There was no objection.

Speaker Arnold I. Palacios: We are back now to our main motion. We need to vote on this. Let me recognize Representative Sablan.

Representative Sablan: May I just ask as to exactly how long it takes for results from Tinian and Rota to be released.

The Chair recognized Representative Reyes.

Representative Reyes: Just remember that we still have the ballots also that are coming in from the Northern Islands that we have to wait, and we have to charter helicopter for that.

The Chair recognized Representative Hocog.

Representative Hocog: At the last Election when I was elected into office, I waited until 10:00 a.m. the next day when I found out what the result was.

Representative Sablan: I remembered finding out myself the Third Senatorial District – in the early, early hours in the morning. Maybe not as late as 10:00 a.m., but we all had to wait. And to go back to the question of cost and as a matter of policy, do we really want to increase the cost of operations for the Commonwealth Elections Commission when they are already struggling right now to carry out fair, free and transparent elections with the meager funding that we give them? In the absence of a real budget for this year, we have a big election coming up with questions about uniformity and also concerns about possible tampering with ballots, room for error, do we really want to adopt this policy now just so that elected officials can find out a few hours sooner that they may have possibly won the election? I would like to offer for the members to consider a motion to delete Section 9 from this bill before we move on to vote, and I so moved.

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

The motion was seconded.

Speaker Arnold I. Palacios: Is there any discussion? Ready for the question?

There being no discussion, the amendment offered by Representative Sablan was defeated by voice vote.

Speaker Arnold I. Palacios: The motion fails. Are you ready for the main motion?

Several members voiced, “ready.”

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

The Clerk called the roll on the motion to pass S. B. NO. 16-22, SS1, SD1, HS1, HD1 on First and Final Reading, with the following results:

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

Speaker Arnold Palacios: By a vote of twelve “yes”, S. B. NO. 16-22, SS1, SD1, HS1, HD1 hereby passes the House. Short recess.

*The House recessed at 4:40 p.m.*

**RECESS**

*The House reconvened at 4:40 p.m.*

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

Representative Torres: Mr. Speaker, without any objection, can we go back to Introduction of Bills.

Speaker Arnold I. Palacios: Before I recognize that, let me recognize the Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. Pursuant to the document or letter that was handed out in referenced to H. B. NO. 16-111, HD1 in discussing with the Chairman on the Committee, I would like to refer that bill back to the Committee for additional work that is being requested.

There was no objection.

Speaker Arnold I. Palacios: Is there any discussion? Ready.

There being no further discussion, the motion to refer H. B. NO. 16-111, HD1 was carried by voice vote.

Speaker Arnold I. Palacios: The motion is carried. H. B. NO. 16-111, HD1 is hereby referred back to the original Committee. Representative Ralph Torres recognized.

Representative Torres: Can we go back to Introduction of Bills, Mr. Speaker.

There was no objection.

**INTRODUCTION OF BILLS**

H. B. NO. 16-232: A Bill for an Act to amend 3 CMC § 4437 to remove employer's medical obligations on nonresident workers regarding pregnancies; and for other purposes.

Offered by: Representative Ralph DLG. Torres and two others

Referred to: Committee on Health, Education, and Welfare

The Chair recognized the Floor Leader.

Floor Leader Camacho: Mr. Speaker, unless there are other business...

**ANNOUNCEMENT**

Speaker Arnold I. Palacios: Before we adjourn, I would like to ask that members attend the memorial service for the Late Justice Marty Taylor tomorrow. Representative Quitugua, recognized.

Representative Quitugua: Mr. Speaker, if I may ask for an excuse for tomorrow. I have a dental appointment at the same time.

Speaker Arnold I. Palacios: Okay. Let me recognize Representative Santos.

Representative Santos: Mr. Speaker, I just want to let the members know, as a result of the SNILD Session this morning, I scheduled a meeting with the board members of the Zoning for Friday, 9:30 a.m. here to address the issues that were raised at this morning's session.

Speaker Arnold I. Palacios: For those who raised questions and issues during this morning's SNILD Session, please make sure that you are present on Friday at 9:30 a.m. Representative Yumul, recognized.

### **MISCELLANEOUS BUSINESS**

Representative Yumul: Thank you, Mr. Speaker. Just to ask the members real quick. The Pacific Daily News put a story out on an FBI report about Social Security numbers of Chinese workers that had worked in the CNMI, thousands of numbers are starting to appear state-side being sold illegally. So this is just a general comment on that.

The Chair recognized Representative Sablan.

Representative Sablan: I just wanted to point out that with the passage of H. B. NO. 16-212 which restricts hiring under a period of continuing resolution, unless or until the Legislature approves a requested hiring by the passage of a Joint Resolution, all but one of the members present voted "yes" to that bill, and for those members who had voted "no" on the override citing concerns about possible conflicts with the Constitution and what right does the Legislature have to restrict hiring and require certifications as well approval through Joint Resolution, well, that argument has now been thrown out of the window, and I hope that you reconsider your vote on the override as a result. I would also like to say that at least my colleague here, Representative Babauta, I disagree with his vote on the budget, I disagreed with his vote on the override, and certainly, with his vote on this bill, but at least he is consistent and at least he tells you where he stands. Thank you.

Speaker Arnold I. Palacios: As you may recall, I appointed Representative Yumul and Torres to this Retirement Task Force. They had two meetings so far. If it is not too much to ask, Representative Yumul, since you are the Chairman of the Task Force, perhaps in our next session, we would like to see a report as to what is going on with the Task Force. Let me recognize Representative Benavente.

Representative Benavente: Mr. Speaker, for members' information, Congresswoman Bordallo and her Subcommittee on Insular Affairs will be holding a scheduled hearing for March 10<sup>th</sup> on the implementation of the Federalization Law. The Speaker had asked the Task Force on Federalization to put together a written testimony to be submitted by the Speaker and the President on behalf of the Legislature. Currently, our legal counsel Jeff Warfield and Tony Cabrera are starting on that written testimony. The issues to be presented would probably be the same issues that we have raised during the Task Force meetings as well as those meetings with the Legislative bodies of the House and the Senate. But only because we have a time table to meet which is in a few days to try to come up with this written testimony, I still would ask the members, if you still have some concerns that you would like to include, you may either meet with me or our two legal counsels who are currently putting together that written testimony. This is another great opportunity that has opened up for the CNMI to

raise further the concerns of the implementation of the Federalization Law, and we should all jump at that opportunity whether it is through this written testimony or your own written testimony to the Committee. Thank you.

Speaker Arnold I. Palacios: Thank you. With that, I recognize the Floor Leader.

### **ADJOURNMENT**

Floor Leader Camacho: Mr. Speaker, motion to adjourn subject to your call.

The motion was seconded and carried by voice vote.

Speaker Arnold Palacios: The House stands adjourned.

The House adjourned at 4:50 p.m., subject to the call of the Chair.

Respectfully submitted,

Linda B. Muna, 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:**

H. L. B. NO. 16-28: To amend the Saipan Zoning Law of 2009, 10 CMC § 3511; and for other purposes.  
(Rep. Rosemond B. Santos)

**THIRD APPEARANCE:** NONE