



House Journal

SIXTH SPECIAL SESSION, 2009

2nd Day

Wednesday, July 8 2009

The House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature convened in its Second Day, Sixth Special Session on Wednesday, July 8, 2009, at 1:50 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 sixteen members were present. Representative Stanley T. Torres came in late; Representatives Justo S. Quitugua, Joseph C. Reyes, and Ralph DLG. Torres were absent and excused.

Speaker Arnold Palacios: With sixteen members present, we establish a quorum for today's session. Let the record reflect that Representative Quitugua and Representative Ralph DLG. Torres is excused for today's session. Representatives Stanley Torres and Reyes called and are on their way.

ADOPTION OF JOURNALS

- 6th Day, Second Regular Session, October 2, 2008
- 7th Day, Second Regular Session, October 3, 2008
- 8th Day, Second Regular Session, October 7, 2008
- 9th Day, Second Regular Session, October 16, 2008
- 10th Day, Second Regular Session, October 23, 2008

Speaker Arnold Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker, unless there is any objection from the members, I would like to move for the adoption of the all the journals at one time. I move for the adoption the House Journals for 6th Day, Second Regular Session, October 2, 2008; 7th Day, Second Regular Session, October 3, 2008; 8th Day, Second Regular Session, October 7, 2008; 9th Day, Second Regular Session, October 16, 2008; and 10th Day, Second Regular Session, October 23, 2008.

The motion was seconded.

There was no discussion and the Journals for 6th Day, Second Regular Session, October 2, 2008; 7th Day, Second Regular Session, October 3, 2008; 8th Day, Second Regular Session, October 7, 2008; 9th Day, Second Regular Session, October 16, 2008; and 10th Day, Second Regular Session, October 23, 2008 was carried by voice vote.

Speaker Arnold Palacios: The House Journals appearing on today's Order of Business are hereby adopted.

INTRODUCTION OF BILLS

Speaker Arnold Palacios: Short recess.

The House recessed at 1:53 p.m.

RECESS

The House reconvened at 1:53 p.m.

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

Representative Apatang: Thank you, Mr. Speaker. On behalf of Representative Quitugua, he had asked me to introduce his bill H. B. NO. 16-263 to rename NMC to Governor Carlos S. Camacho Northern Marianas College. Thank you.

H. B. NO. 16-263: A Bill for an Act to rename the Northern Marianas College (NMC) the "Governor Carlos S. Camacho, Northern Marianas College"; and for other purposes.

Offered by: Representative Justo S. Quitugua

Referred to: Committee on Health, Education, and Welfare

Speaker Arnold Palacios: Are there any other bills to be introduced this afternoon? If none, we move on to Introduction of Resolutions.

INTRODUCTION OF RESOLUTIONS

NONE

Speaker Arnold Palacios: Short recess.

The House recessed at 1:54 p.m.

RECESS

The House reconvened at 1:55 p.m.

Speaker Arnold Palacios: We are back in session and if there are no introductions under Item 4, we move to Agenda Item 5, Messages from the Governor.

MESSAGES FROM THE GOVERNOR

GOV. COMM. 16-395: (6/30/09) Informing the House that he disapproved H. L. B. No. 16-28, entitled, "To amend the Saipan Zoning Law of 2009, 10 CMC § 3511; and for other purposes".
[Deadline: 8/29/09]

GOV. COMM. 16-396: Executive Order 2009-6 – Declaration of a State of Disaster Emergency: CUC’s Imminent Generation and other Failure and the Need to Provide Immediate Reliable Power during Repairs, Continuation #11.

GOV. COMM. 16-397: (6/24/09) Certification for annual salary in excess of \$50,000 for Ms. Megan Hasselshearer, Assistant Attorney General.

GOV. COMM. 16-398: (7/2/09) Informing the House that he signed H. L. B. NO. 16-31, D1 (Appropriating \$18,000 from the Tinian Pachinko Slot and Poker Machine Licensing Fees). Became *Tinian Local Law 16-9*.

Speaker Arnold Palacios: I recognize Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker. This is on GOV. COMM. 16-396, the latest declaration of the state of disaster emergency on the Commonwealth Utilities Corporation (CUC). I just wanted to provide some information that was revealed during the Senate Public Utilities, Transportation and Communications (PUTC) meeting, which I sat in on just to listen. It was between the Senate Committee and Mr. Muña from CUC. The Senate Committee went through each of the directives in this latest executive order. It was quite enlightening. I came away with the impression that most of the directives are unnecessary or moot. For example, Directive #1 which allows CUC’s procurement regulations to be suspended so that they can expedite procurement. Mr. Muña did acknowledge that they are in the process of streamlining their normal procurement procedures but even the existing regulations provide for sole source and emergency procurement. So Directive #1 seems to be unnecessary. Directive #2 apparently has not been an issue as the Public Utilities Commission (PUC) also allows for expedited review of procurement exceeding \$350,000. So there seems to be no need for that directive. Number 3 is moot, because it was issued for the purposes for effectuating the Aggreko contract. And this declaration acknowledges they do not anticipate needing to renew the contract or enter into another temporary power contract. So, there seems to be no need for that. And we went through the rest of the directives. The issues were the same with Directives #4 and #5. Number 6 is moot because the problem at Chalan Kiya has apparently been fixed according to the Executive Director. Number 7 is unnecessary because CUC is already required by the stipulated orders to remove used oil, so the stipulated orders in federal court trump anything that we do. There is no point to Directive #8 which is just reserved just in case. And, the ninth directive, it seems that the major reason for allowing the Executive Director to have all the powers of the CUC Board is that the Governor has yet to appoint members to the CUC Board. My impression from Mr. Muña was that there has been no action or effort in any way to look for potential candidates for the CUC Board. So this directive was issued to allow Mr. Muña to effectuate the MOA with (Commonwealth Development Authority) CDA and to sign off on stipulated orders. But, in effect, what this directive does is allow CUC to be controlled really by one person, a political appointee, and it allows the Governor to continue not to fulfill the intent of Public Law 16-17. Now, I guess this then begs the question, Mr. Speaker and members -- what is the point of this continuing emergency state for CUC? If we can go through the directives one by one and see that perhaps, they are not necessary or even moot.

Speaker Arnold Palacios: Thank you. I have talked to the Senate President and he actually advised me that the Senate is looking into the seemingly automatic renewal of the same emergency declarations and directives. Some of them dating back since the first time that the emergency declaration was stated and that the Senate had seriously looked at it. We will be looking at it to see whether they are going to take any action in terms of disproving it or whatever. I believe that was

one of the reasons they called for a meeting with the Executive Director of CUC. It is certainly revealing in the meeting that many of these directives are almost unnecessary, and I will also ask our House Committee on Public Utilities, Transportation, and Communications to also take a look at it, and if anything also ask Mr. Muña to come in or consolidate a report and form a joint report with the Senate Committee on Public Utilities, Transportation, and Communications so that we can make a determination if further action needs to be taken by this House. I appreciate your bringing up this issue, Representative Sablan. Representative Babauta, recognized.

Representative Babauta: Mr. Speaker, let the record reflect that I am present now, and if there is no objection can we go back to Item 3.

There was no objection from the Floor.

Speaker Arnold Palacios: Without objection, we go back to introduction of Bills.

INTRODUCTION OF BILLS

Speaker Arnold Palacios: For your information, Representative Apatang took the honor of introducing Representative Quitugua's bill.

Representative Babauta: Thank you. I sincerely appreciate that gesture.

Speaker Arnold Palacios: You have a resolution, right?

Representative Babauta: Yes.

Speaker Arnold Palacios: We move down to Item 4, Introduction of Resolutions.

INTRODUCTION OF RESOLUTIONS

Speaker Arnold Palacios: You may proceed.

Representative Babauta: Thank you, Mr. Speaker.

H. R. NO. 16-93: A House Resolution supporting H.R. 934, a U.S. House congressional bill to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands, and to preserve the Commonwealth Governments joint management role in the Marianas Trench Marine National Monument.

Offered by: Representative Oscar M. Babauta

Speaker Arnold Palacios: We now move back to Agenda Item 5.

MESSAGES FROM THE GOVERNOR

Speaker Arnold Palacios: If there are no more statements to be made under the Governor's communications, we can move on to Agenda Item 6, Senate Communications.

SENATE COMMUNICATIONS

SEN. COMM. 16-158: (7/2/09) Returning H. B. No. 16-240 (To amend the Alcoholic Beverage Control Act), which was passed by the Senate without amendments on July 1, 2009. [Will go to Governor]

SEN. COMM. 16-159: (7/2/09) Returning H. B. No. 16-241, HS1 (To amend Public Law 16-32 to clarify which outside general fund sources the Department of Public Health qualified operational expenses are to be transferred to; and for other purposes), which was *filed* by the Senate on July 1, 2009. [For info]

SEN. COMM. 16-160: (7/2/09) Returning H. B. No. 16-262, HD1 (To appropriate \$295,000.00 to AETNA for payment of medical expenses incurred by members of the government health insurance program; and for the operations of the Commonwealth Election Commission; and for other purposes), which was passed by the Senate without amendments on July 1, 2009. [Will go to Governor]

SEN. COMM. 16-161: (7/2/09) Returning H. C. R. No. 16-4, HD2 (To approve revenues and resources of the Commonwealth of the Northern Mariana Islands, as identified pursuant to Article III, Section 9(a) of the Constitution, as amended, and 1 CMC, Division 7, for Fiscal Year 2010, beginning October 1, 2009, and ending on September 20, 2010), which was *rejected* by the Senate on July 1, 2009. [For info]

SEN. COMM. 16-162: (7/2/09) Transmitting for House action S. B. No. 16-57, entitled, “To amend Section 1331 and 1332 of the Commonwealth Code pertaining to divorce or dissolution of marriage; and for other purposes”. [*Referred to Committee on Judiciary and Governmental Operations*]

SEN. COMM. 16-163: (7/2/09) Transmitting for House action S. B. No. 16-58, entitled, “To designate public land on the island of Tinian for homesteading purposes”. [*Referred to Committee on Natural Resources*]

SEN. COMM. 16-164: (7/2/09) Transmitting for House action S. B. No. 16-59, entitled, “To provide incentives to private sector physicians, healthcare workers, and their clinics to independently contract with the Department of Public Health for the delivery of healthcare services to the people of the Commonwealth; to amend 7 CMC § 2201(B)(4), as amended by Public Law 15-22; and for other purposes”. [*Referred to Committee on Health, Education, and Welfare*]

SEN. COMM. 16-165: (7/2/09) Returning H. B. NO. 16-68 (To repeal and reenact 1 CMC § 8364, as amended by Public Law 15-70, Section 4(j), to allow annuitants to enroll in the Commonwealth government health care program; and for other purposes.), which was passed by the Senate with amendments on July 1, 2009, in the form of H. B. NO. 16-68, SD1. [*For action on Senate amendments - Calendared*]

SEN. COMM. 16-166: (7/7/09) Returning H. B. NO. 16-220, HS1, SD1, HD3 (Pertaining to runoff election and to allow for the counting of absentee ballots on election day), which was passed by the Senate with amendment on July 1, 2009, in the form of H. B. NO. 16-220, HS1 SD1 HD3, SD3. [*For action on Senate amendments - Calendared*]

SEN. COMM. 16-167: (7/2/09) Appointment of Senate conferees on H. C. R. NO. 16-4, HD2.

Speaker Arnold Palacios: Under Senate Communications, I recognize the Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. We do not need accept the communications, unless we are going to act on them. There is one in particular I would like to point out: SEN. COMM. 16-166 pertaining to runoff election and counting of absentee ballots. I would like to make a motion to place this on today's Bill Calendar for further action.

The motion was seconded.

Speaker Arnold Palacios: The motion is to accept and place H. B. NO. 16-220, HS1, SD1, HD3, SD3 has been made and seconded. Discussion on the placement motion?

There was no discussion and the motion to place H. B. NO. 220, HS1, SD1, HD3, SD3 on the Bill Calendar was carried by voice vote.

Speaker Arnold Palacios: H. B. NO. 220, HS1, SD1, HD3, SD3 is now placed on the Bill Calendar. Representative Apatang.

Representative Apatang: Mr. Speaker, may I also request that we place H. B. NO. 16-68, SD1 reference SEN. COMM. 16-165 on the Bill Calendar.

Speaker Arnold Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. Was the good congressman referring to SEN. COMM. 16-165.

Speaker Arnold Palacios: Yes.

Floor Leader Camacho: Again, Mr. Speaker, I would like to make a motion to place on the Bill Calendar for further action H. B. NO. 16-68, SD1 reference to SEN. COMM. 16-165.

The motion was seconded

Speaker Arnold Palacios: Discussion on the motion to place H. B. NO. 16-68, SD1 on the Bill Calendar. Representative Sablan, recognized.

Representative Sablan: Yes, Mr. Speaker. I have serious concerns about placing this bill on the Calendar today assuming that we will be ready to act on the Senate amendment. I think that there are some serious constitutional issues that should be examined further in particular the Senate amendment on Section 3, which would allow retirees who are reemployed by the Commonwealth to have their retirement benefits recomputed based on their reemployment services. I think the constitution is quite clear that that is not allowed. It is not clear to me what the intent of the Senate amendment is since they evidently crossed out the reference to the constitution. So, perhaps this is something that should be further examined and discussed with the Senate, and we should not be acting on this today. Thank you.

Speaker Arnold Palacios: Representative Apatang.

Representative Apatang: Thank you, Mr. Speaker. That is not correct. That was provided by law. In fact, Public Law 15-70 struck out that particular issue. That was in the statute a long time ago. It was just stricken out by that particular public law, so I do not see any problem with that. Thank you.

Speaker Arnold Palacios: State your point, Representative Sablan.

Representative Sablan: The part of the constitution that I was referencing is mentioned in the part that is crossed out in amendment, Article 3, Section 20(b) and it specifically says, no retiree may have retirement benefits recomputed based on any reemployment during which retirement benefits are drawn. So we cannot get around that by statute. Actually the statute that we are amending now, I was just affirming that constitutional provision.

Speaker Arnold Palacios: Let us take a short recess and have the counsel look at the provision. Short recess.

The House recessed at 2:05 p.m.

RECESS

(Representative Stanly Torres took his seat in the Chamber at 2:06 p.m.)

The House reconvened at 2:13 p.m.

Speaker Arnold Palacios: We are back to our session. Apparently, our legal counsel needs more time to research the issue. The motion is to place H. B. NO. 16-68, SD1 on the Bill Calendar. So I do not think we need to entertain this for our action today, but place it on the Bill Calendar.

There was no further discussion, and the motion to place H. B. NO. 16-68, SD1 on the Bill Calendar was carried by voice vote.

Speaker Arnold Palacios: H. B. NO. 16-68, SD1 is hereby placed on the Bill Calendar. Representative Hofschneider recognized.

Representative Hofschneider: Thank you, Mr. Speaker. As I recall, you called an urgent session to pass the concurrent resolution setting the new budget ceiling for Fiscal Year 2010. On SEN. COMM. 16-161, the Senate rejected the House Concurrent Resolution. What is the position of the House on this important concurrent resolution.

Speaker Arnold Palacios: Thank you, if you had given me a minute, I would have called attention to our Chairman of the Committee on Ways and Means to give us an update on his meeting with the Senate Fiscal Affairs Chair. I now recognize Representative Yumul.

Representative Yumul: Thank you, Mr. Speaker. Over the past few days, I have been in direct communication with the Chairwoman of the Senate Fiscal Affairs Committee. We are discussing the issue as to the rejection by the Senate of House Concurrent Resolution 16-4, HD2. We had also a conference call this morning during our Committee on Ways and Means Meeting with the Senator, whom will work on the issue, in particular, it was the amendments that were done to the H. C. R. NO. 16-4 that the Senate has reservations with. I had told her that if the Senate will be

making any amendment to this resolution that I would lobby to the Speaker and the members to have the session perhaps Friday to receive any amendment that they have done to the resolution. They are looking to remove basically the amendments that were done by the House and then passing it down to us.

Speaker Arnold Palacios: You still have the floor, Representative Hofschneider.

Representative Hofschneider: I think that is a moot suggestion since they rejected the resolution.

Representative Yumul: I did indicate to Senator Pangelinan that they still have an opportunity to recall their action to entertain the resolution.

Representative Hofschneider: Mr. Speaker, is it quicker for them to recall or just go ahead and appoint House Conferees and just get it over with.

Speaker Arnold Palacios: Short recess.

The House recessed at 2:17 p.m.

RECESS

The House reconvened at 2:18 p.m.

Speaker Arnold Palacios: We are back in session. The question regarding SEN. COMM. 16-166 has been answered.

Representative Hofschneider: Mr. Speaker, if I may?

Speaker Arnold Palacios: Proceed.

Representative Hofschneider: That means SEN. COMM. 16-167 is also moot.

Speaker Arnold Palacios: Sort of, yes.

Representative Hofschneider: Thank you.

Speaker Arnold Palacios: Any more comment under Senate Communications. If none, we move on to House Communications.

HOUSE COMMUNICATIONS

Hse. Comm. 16-112: From Representative Stanley Torres to the US Department of Justice, Anti Trust Division regarding Price Fixing.

Hse. Comm. 16-113: From Representative Stanley Torres to Mr. Patrick Sousa, Division of Endangered Species, US Fish and Wildlife, regarding endangered species list (Nightingale Reed Warbler).

HSE. COMM. 16-114: (7/2/09) From Representative Ralph Torres informing the Speaker that he will be off island from July 7-13, 2009.

HSE. COMM. 16-115: (7/7/09) From Representative Quitugua informing the Speaker that he will be out of the office from July 8-10 and July 13-17, 2009.

Speaker Arnold Palacios: Representative Stanley Torres.

Representative Stanley Torres: Just to let you know that I am present, Mr. Speaker. Mr. Speaker, HSE. COMM. 16-112 is a self-explanatory letter to the Anti-Trust Division, Department of Justice in Washington, DC. I think you have a copy of that letter. I have been acknowledged that the letter has been received and a message that they have forwarded my letter to the jurisdictional division. I will update you as responses are received in the future. Mr. Speaker, if I may continue, my letter to Patrick Sosa, Division of Endangered Species, US Fish and Wildlife Service – I think the office is in the State of Oregon – requesting that they come out here and pay us a visit to please recount and take the reed warbler off the endangered species list because it is killing us. It is a human--it is terminating our Chamorro people on our island. Thank you.

Speaker Arnold Palacios: Is this on the same bird that you play a tape of about six months ago?

Representative Stanley Torres: Yes. You can hear them, if I may, even at the airport. Last Friday, I was sitting at the area below the bus shelter at the airport and I hear those birds whistling (*Representative Stanley Torres whistling*). My God, they are invading the concrete roof at the airport.

Speaker Arnold Palacios: I guess they are probably saying Stanley is here.

Representative Stanley Torres: I hope that this body would come up with a resolution to request formally that they come in and take it away.

Speaker Arnold Palacios: Would the Committee on Natural Resources be willing to confer with our Division of Fish & Wildlife under the Department of Lands and Natural Resources on the status of the endangered species.

Representative Tebuteb: Thank you, Mr. Speaker. I am thinking whether to answer your consideration or Representative Torres but the Committee has the resolution that his is asking for. We have had meetings with the Department of Lands and Natural Resources, and the same question has been posted as on the floor. To date, we are still waiting for the Department to brief us on the numbers or statistics if the should be considered by the US Fish and Wildlife Services over the CNMI Division of Fish and Wildlife.

Speaker Arnold Palacios: Perhaps the question should be to have the local Division of Fish and Wildlife come in and explain the procedures and the status of this listing. I hope that we can get them to come in to help clarify some of the circumstances and the questions surrounding this particular endangered species. So maybe we ought to call in Mr. Igisomar immediately. Representative Hocog.

Representative Hocog: Mr. Speaker, per your instructions reference to our last session HSE. COMM. 16-111, I wish to report to you that I have acted upon your request to look further into that particular communication wherein today I have sent out the letter to Mr. Larry Knecht to answer that particular communication. In addition, I would like my letter to Mr. Larry Knecht to be considered as part of

the House Communications. In this letter, I have advised Mr. Knecht to receive response from him within seven working days after receipt of this letter. I wish to report to you and the full body that the Chairman of Committee on Public Utilities, Transportation, and Communications has acted upon that request. Thank you.

Representative Hocog submitted his letter which was entered in the House's records:

HSE. COMM. 16-116: (7/8/09) From Representative Hocog to PTI/IT&E Executive Vice President Knecht regarding the retirement plan for employees of the former MTC employees.

Speaker Arnold Palacios: Thank you. Clerk, please note that HSE. COMM. 16-116 is on today's Agenda. Representative Hocog, please do update the body on the status of this particular issue. I believe there are numbers of residents in the Commonwealth that are affected by this particular issue, so I appreciated the Committee's immediate action. I know that you met in committee level yesterday to come up with a plan of action on this particular issue. Any further comments under House Communications? Representative Sablan, you were raising your hand earlier.

Representative Sablan: Yes, just briefly regarding the endangered species issue. I did recently come across a survey that was done not too long ago of the bird populations in the CNMI. The conclusion was that there are still plenty of legitimate reasons to continue protecting the nightingale reed warbler among other native endemic species in the CNMI. So, I would be happy to make that report available to Representative Torres for his review and to the Committee on Natural Resources and any other member who is interested. Thank you.

Speaker Arnold Palacios: Representative Torres.

Representative Stanley Torres: Mr. Speaker, I would like to ask Representative Sablan to make sure that they include in their report what time during the day, in the morning and in the evening, that they conduct the survey because I hear them like seven times a day, everywhere I go. So, I am not sure whether they are doing the counting when the birds are not calling to mate. Because when you hear the birds, it is a mating call. I am becoming an expert on the reed warbler because I hear them everywhere, everyday.

Speaker Arnold Palacios: Thank you. Representative Sablan, please share that survey.

Floor Leader Camacho: Mr. Speaker, just to add to Representative Sablan and Representative Stanley Torres, I did have an occasion to try a case in Federal Court regarding the reed warbler. Two studies were done in regards to whether there is enough bird population. Unfortunately, the two studies were done with two different methodologies so the numbers were kind of off on both. At any rate, any additional information is welcome.

Speaker Arnold Palacios: Let me weigh in for a couple minutes. One of the requirements of the Endangered Species Act when a species is listed is that the US Fish and Wildlife Service and the local Fish and Wildlife Division here are supposed to come up with a recovery plan for the recovery of the disseminated population. That is probably what we should be asking the U.S. Fish and Wildlife Service because they are required to do the recovery plan to get to the point where an endangered species could be de-listed from the list. But, our good chairman would look into that. Thank you, Representative Torres, for sharing some of your experience.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

NONE

COMMUNICATIONS FROM THE NMI DELEGATE

NONE

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT./AGCY. COMM. 16-89: (6/8/09) From CPA Executive Director Efrain F. Camacho, providing an electronic copy of the agency's 2006 Annual Report. (Uploaded to the Legislature's network).

DEPT./AGCY. COMM. 16-90: (6/8/09) From MPLT Chair Vianney B. Hocog in response to Senator Frisca Pangelinan's inquiry regarding distribution of funds.

DEPT./AGCY. COMM. 16-91: (6/30/09) From NMIRF Administrator Mark A. Aguon providing a copy of the judgment on Civil Action 06-0367.

DEPT./AGCY. COMM. 16-92: From CUC Executive Director Antonio S. Muña submitting a proposed legislation to request for relief in hiring of certain foreign national workers.

There was no discussion under this item of the Agenda.

OTHER COMMUNICATIONS

NONE

REPORTS OF STANDING COMMITTEES

Speaker Arnold Palacios: If there is no objection, I would like to ask that we leave the committees reports on the calendar and we go on to Resolution Calendar and the Bill Calendar, so that we can make space for all these bills that have been reported on automatically migrating into the Bill Calendar. So, let us somewhat clean up the Bill Calendar.

Representative Stanley Torres: Mr. Speaker, privilege.

Speaker Arnold Palacios: State your privilege.

Representative Stanley Torres: Mr. Speaker, I am sorry I was not paying attention when you jumped to the committee reports. Under Communications from Departments and Agencies, DEPT./AGCY. COMM. 16-89 from the CPA Executive Director telling us that the 2006 Annual Report is available and I do not see any report. I only have a one-page letter.

Speaker Arnold Palacios: The report is uploaded on the Legislature's Network. It is in an electronic format, so it should be downloaded to your computer. Perhaps your staff can download a copy of it. If not, let me know and I will have the staff from the Speaker's Office do that for you.

Representative Stanley Torres: Could we have a hard copy so that we can take it home and read it. I cannot take my computer home.

Speaker Arnold Palacios: All right. Clerk, could you make sure that we print a copy for Representative Torres. Representative Torres, check with the Clerk. So, is there objection going to the Resolution Calendar?

There was no objection to move on to the Resolution Calendar.

S. C. R. NO. 16-89 Reporting on S. B. NO. 16-45 entitled, “To amend 4 CMC § 5941 (a) to abolish the security deposit requirement for long term business certificate applicants; and for other purposes.” *Your Committee on Commerce and Tourism recommends passage of S. B. NO. 16-45 in the form of House Substitute 1.*

S. C. R. NO. 16-91: Reporting on H. B. NO. 16-167, HD2, entitled, “To amend 1 CMC § 8222 regarding housing for key government officials; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends passage of the bill in the form of H. B. NO. 16-167, HD3.*

S. C. R. NO. 16-92: Reporting on H. B. NO. 16-178, entitled, “To repeal and replace Title 6, Division 5, Chapters 1 and 2 and create a comprehensive juvenile justice system that will protect the community, hold the juvenile accountable for his or her actions, and assist the juvenile in developing skills to become a contributing member of a diverse community; to establish a system for the appointment and regulation of guardians ad litem to support juveniles and the community at large; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends passage of the bill in the form of H. B. NO. 16-178, HD1.*

S. C. R. NO. 16-94: Reporting on H. B. NO. 16-210, entitled, “To restructure the Qualifying Certificate Program by repealing and re-enacting the Investment Incentive Act; and for other purposes. *Your Committee on Commerce and Tourism recommends passage of the bill in the form of H. B. NO. 16-210, HD1.*

S. C. R. NO. 16-95: Reporting on Judicial Branch Communication 16-16, “Proposed addition to the Commonwealth Rules of Civil Procedure – Dormant Docket for Mortgage Foreclosure Proceedings”. *Your Committee on Judiciary and Governmental Operations recommends the House concurs to the proposed addition to the Commonwealth Rules of Civil Procedure.*

S. C. R. NO. 16-96: Reporting on H. B. No. 16-18, entitled, “To amend Article XI, Section 5(g) of the NMI Constitution to authorize the Department of Public Lands to reserve twenty percent of its operational expense to pay and satisfy land compensation claims; and for other purposes. *Your Committee on Natural Resources recommends passage of the bill in the form of H. B. No. 16-18, HD1.*

S. C. R. NO. 16-97: Reporting on H. B. NO. 16-222, entitled, “To repeal Public Law 15-42 in its entirety; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends passage of H. B. NO. 16-222.*

The House did not act on any of the committee’s reports.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

NONE

UNFINISHED BUSINESS

NONE

RESOLUTION CALENDAR

H. R. NO. 16-91: A House Resolution to request the Department of Public Lands to designate thirty hectares of public land on Tinian, thirty hectares of public land on Rota and ten hectares of public land on Saipan as Free Trade Zones to be administered by the mayors of the respective islands and to transfer fee simple interest of such public lands to each respective municipality.

S. J. R. NO. 16-11: A Senate Joint Resolution to approve two additional full-time employees (FTE’s) for the community Guidance Center, a division of the Department of Public Health. [*Ref. SEN. COMM. 16-156*]

H. R. NO. 16-93: A House Resolution supporting H.R. 934, a U.S. House congressional bill to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands, and to preserve the Commonwealth Governments joint management role in the Marianas Trench Marine National Monument.

Speaker Arnold Palacios: Floor Leader, during the last session, we discussed S. J. R. NO. 16-11 and I had requested Representative Yumul to discuss this with Senator Pangelinan. I now recognize Representative Yumul.

Representative Yumul: Thank you, Mr. Speaker. Regarding S. J. R. NO. 16-11, as we know the Secretary of the Department of Public Health is on indefinite leave and that Acting Secretary Pete Untalan is also on leave which leaves Mr. John Tagabuel as currently the Acting Secretary. We sent his office a copy of the Senate Joint Resolution and posed the question as to whether or not the Department will be able to fund the two FTEs should this body approve the Senate Joint Resolution. Unfortunately, he has not yet responded to my office. However, as of half an hour ago, I received a letter from the Director, Ms. Josephine Sablan attesting that the two FTEs are critical, but she has not indicated if and how the funds for these two FTEs are to be budgeted. In fact, as she stated according to the Department of Finance officer, they cannot cover the two FTEs for the duration of FY 2009. She is requesting that FY 2010 that the budget for the Community Guidance Center will allow for it.

Speaker Arnold Palacios: Short recess.

The House recessed at 2:34 p.m.

RECESS

The House reconvened at 2:38 p.m.

Speaker Arnold Palacios: We are back in session. Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. On S. J. R. NO. 16-11 in reference to FTEs at the Community Guidance Center, I move to refer it to committee.

The motion was seconded.

S. J. R. NO. 16-11: A SENATE JOINT RESOLUTION TO APPROVE TWO ADDITIONAL FULL-TIME EMPLOYEES (FTE'S) FOR THE COMMUNITY GUIDANCE CENTER, A DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH. [Ref. SEN. COMM. 16-156]

There was no discussion and the motion was carried by voice vote.

Speaker Arnold Palacios: The motion is carried. S. J. R. NO. 16-11 is hereby referred to the Committee on Ways and Means. Floor Leader.

Floor Leader Camacho: Mr. Speaker, before we leave the Resolution Calendar, there was a resolution that was introduced by our good Representative Babauta.

Speaker Arnold Palacios: Representative Babauta, could we wait until Friday or the next session. I am talking to the Governor about this issue. I just talked to him right before the session.

Representative Babauta: (Inaudible – microphone off)

Speaker Arnold Palacios: I order that it be on the Resolution Calendar. Floor Leader, is it on the calendar.

Floor Leader Camacho: It is on the Resolution Calendar, Mr. Speaker, pursuant to the House Rules. With that, Mr. Speaker, I believe we are now down to the Bill Calendar.

BILL CALENDAR

- 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. 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. 1*]
- 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*]
- S. B. NO. 16-51, SD1: TO repeal and re-enact Section 2152 of Title 1 of the Commonwealth Code to clarify that an individual, absent Senate confirmation, shall neither occupy nor serve in the capacity of Attorney General, Acting Attorney General, or Interim Attorney General in excess of 30 days absent nomination to the Senate nor in excess of 90 days upon nomination; and for other purposes. [*See Sen. Comm. No. 16-131*]
- H. B. NO. 16-204: TO amend Public Law 16-17 sections 3(c) to modify PSAA requirements and 3(g)(2) to clarify contractor eligibility requirements for Private Sector Assistance Agreements (PSSA) and adding a new section 3(h) defining “United States Certified Contractor”; and for other purposes.
- H. B. NO. 16-224: TO vest the Department of Public Lands and Natural Resources with the management and disposition of a certain public land in Sadog Tasi, Saipan for the development of a public park; and for other purposes. [*See S. C. R. NO. 16-81*]
- H. B. NO. 16-132, HD1: TO authorize the Marianas Visitors Authority to regulate tour operators and tour guides by amending 4 CMC § 2103; and for other purposes. [*See S. C. R. NO. 16-79*]
- H. B. NO. 16-146, HS1: TO establish a Village and Agricultural Homesteading Program in the Northern Islands; and for other purposes. [*See S. C. R. NO. 16-82*]
- H. B. NO. 16-15: TO amend Title 1 CMC § 8365 to establish that the Northern Marianas Retirement Fund receive its tax revenue from the hotel occupancy tax and alcoholic container tax directly into a special fund within the Department of Finance. [*See S. C. R. NO. 16-83*]
- H. B. NO. 16-225: TO amend 4 CMC § 1503(a)(5) to reduce the license fee for pachinko slot machines; and for other purposes. [*See S. C. R. NO. 16-84*]
- H. B. NO. 16-235: TO amend 2 CMC § 7113(e)(3) regarding the erection of temporary structures used for public events; and for other purposes.
- H. B. NO. 16-68, SD1: To repeal and reenact 1 CMC § 8364, as amended by Public Law 15-70, Section 4(j), to allow annuitants to enroll in the Commonwealth government health care program, and to amend 1 CMC § 8392; and for other purposes. [*See SEN. COMM. 16-165*]
- H. B. NO. 16-220, HS1, SD1, HD3, SD3: A Bill for an Ac to amend the Northern Mariana Islands Election Law to provide for runoff election procedures and to allow for the counting of absentee ballots on Election Day; and for other purposes. [*See SEN. COMM. 16-166*]

Speaker Arnold Palacios: Floor Leader.

Floor Leader Camacho: Mr. Speaker, I believe we are on Bill Calendar now.

Speaker Arnold Palacios: Yes, you may proceed.

Floor Leader Camacho: Thank you, Mr. Speaker. I move for the passage of S. L. I. NO. 16-10, HS1 in reference to reduction of government employees and pension obligation bonds on First and Final Reading.

The motion was seconded.

S. L. I. NO. 16-10, HS1: A SENATE LEGISLATIVE INITIATIVE 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*]

Speaker Arnold Palacios: The motion for the passage on First and Final Reading S. L. I. NO. 16-10, HS1 has been seconded. Discussion on the motion. Ready?

Representative Sablan: No.

Speaker Arnold Palacios: I recognize Representative Hofschneider.

Representative Hofschneider: Thank you, Mr. Speaker. I think that it is with no doubt that the entire membership of the 15th Legislature is well-informed about the obligation of the government as an employer to the Retirement Fund. It is now clear, even to the point of how much owed to the Retirement Fund is clear. It is important, Mr. Speaker, to take this issue up. I have sort of an ambivalent feeling because I authored the initial legislative initiative in the House to borrow, now roughly two hundred million dollars to pay for basically three administrations and six legislatures or 12 years, equally responsible for dealing with this issue. Ambivalent in the sense, Mr. Speaker and members, that I see my kids getting into the workforce as taxpayers of the Commonwealth, as well as thousand of kids coming of age finding this \$200 Million to be part of their lives, working towards making payment for the \$200 Million to be borrowed so that we live up to an obligation to the Retirement Fund to those people who first of all have subscribed under the law to be part of the retirement system and those who are active employees who are part of the retirement system. It will take about thirty years to pay off such a mortgage of \$200 Million. If we are blessed with another bubble economy it could be shortened, but that is just pipe dreams as Joe Murphy used to put it. This is a very, very serious undertaking and we should all chip in to educate the public as to why we need to consider this upcoming election to vote for such an initiative. A lot of people out there in our community that are not part of the government have worked hard, are still working hard in the private sector would question themselves - why should I contributing my hard earned tax dollars to pay for such a mess. Not all of it is really the doing of turning our eyes and our ways in terms of meeting up the obligation on annual basis as budgeted in every fiscal year. Some of it is caused by just the global meltdown of the investment market. But, in general, we blame ourselves. When this was going our way, economically speaking, we turn a blind eye to legislations that have been enumerated. I took the time to look at all the public laws that have been enacted that have contributed in one way or another to the accelerated demise of the retirement system. There are approximately four thousand who have vested interest in the system. The ramification of not doing this, Mr. Speaker and members, is that we will be compelled somehow if everything goes belly up with the retirement system as we are embarking that we will be forced to pay either to increase in

taxes which would put the competitiveness of the Commonwealth beyond our imagination. It will make the Commonwealth of the Northern Marianas the most expensive place to do business and live in. Also, in the midst of considering land ownership, in 2011, Article XII will inevitably be taking the lead discussion in the community. It is interesting that by way of reckless management also of the Retirement Fund, we may be forced to consider doing away with our assets to pay for such a mess. Unless reasonable minds come to meet, and instead of debating of who did what, rather to provide solutions to an impending problem, I think that this is just one solution, Mr. Speaker and members, that can help reinvigorate, stabilize, and assure all retirees and future retirees that their savings, their investment are well protected. With that, Mr. Speaker, I want to thank the members for considering merging the Senate legislative initiative with the initiative that I introduced and the initiative that the Vice Speaker also introduced. (*End of Tape 1, side A*) (*Start of side B*) ... I move to end debate. I withdraw.

Speaker Arnold Palacios: Representative Benavente, recognized.

Representative Benavente: I would agree with the motion to end debate only because we have had lengthy discussion and debate on this matter already. I would like to point out that I believe there is a constitutional restriction on having to different issues in an initiative, in a referendum. This initiative does have, in my opinion, two different issues that we are asking the public to vote on, and I guess we should ask the legal counsel.

Representative Hofschneider: Point of clarification.

Speaker Arnold Palacios: Recognized.

Representative Hofschneider: Mr. Speaker, I would agree that two different matters in a single legislative initiative or proposition are restricted, but if you read the language of the second nature, it is perfectly germane to the issue at hand on the pension obligation, on borrowing. Borrowing being asked under the pension obligation legislation is for operations. So what are operations – personal costs.

Representative Benavente: It is not just personnel costs.

Speaker Arnold Palacios: Well, I think that what you are referring to is the additional condition placed on the initiative. Let us take a short recess for the legal counsel to provide us some guidance.

The House recessed at 2:51 p.m.

RECESS

The House reconvened at 2:59 p.m.

Speaker Arnold Palacios: We are back in session. I recognize the Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. Based on the discussion from the members, unless there is any objection, I withdraw my motion to pass S. L. I. NO. 16-10, HS1 at this time.

There was no objection from the Floor.

Speaker Arnold Palacios: There being no objection, S. L. I. NO. 61-10, HS1 will remain on the Bill Calendar with the understanding and instruction that the Chairman of Committee on Ways and Means will go his best to come up with a language for a different version. Floor Leader. Short recess.

The House recessed at 3:13 p.m.

RECESS

The House reconvened at 3:15 p.m.

Speaker Arnold Palacios: We are back in session. We have withdrawn the motion and the Chairman of the Committee on Ways and Means will come up with a new version by Friday so that we can take it up. Vice Speaker, recognized.

Vice Speaker Deleon Guerrero: Thank you, Mr. Speaker. I agree even though the legal counsel has just rendered his opinion that we can pass this as it is. I tend to agree with the Floor Leader that having two subjects even though they are related legally could pose a problem for the pension obligation bond. That is my concern. You may have people that want us to approve pension obligations bonds, there may be other that may feel that their jobs may be threatened if we reduce it by two and a half percent and may kill the pension obligation bond. So, both have good intentions. I just feel that it is not a good policy decision to have both on the same ballot. It could be conflicting in terms of getting it to pass. I just wanted to register that with the Committee on Ways and Means Chairman and hopefully take that into consideration when the committee deliberates, and just let them stand alone.

Representative Benavente: Point of information, Mr. Speaker.

Speaker Arnold Palacios: State your point.

Representative Benavente: The other information is that Section 10 is a new section. It is not an existing section that would kind of relate to the article and the constitution's intent. So you are talking about amending the constitution and creating a new section. I do not know if section 10 could fit in other articles of the CNMI Constitution and thereby would have restricted this proposal. I guess those are as you pointed out are the considerations that the Chairman may take in as he prepares a new proposal for us.

Speaker Arnold Palacios: That is point well-taken and our House counsels will sit down. I believe Ms. Antonette Villagomez help draft this version. Representative Hofschneider, recognized.

Representative Hofschneider: I respect what the body wants to do, Mr. Speaker. The objective is to get it on the ballot and allow the people to make that decision. I just have a different take. The purpose of the additional language other than allowing the public debt is to specifically tell the people how we are going to pay for this. Nobody is ready. If you take that out and you pose that out to the people without assuring that this government is bloated, downsizing is needed, the fortitude of the legislature for the first time is consistent. That is the real merit of that additional language. If the people decides, opines in the way that they do not agree that they do not see a bloated government and still want to engage in a \$200 Million borrowing, they will vote in the affirmative. But, if you tell them that, the legislature is to be prohibited heretofore until we pay off this obligation from

enriching benefits that nobody paid for we still are debating legislation proposed by members of this body. That is the whole point. Transparency in how we are going to approach this huge obligation. Thank you.

Speaker Arnold Palacios: Let us leave this subject. The motion has been withdrawn and it is left on the Calendar with the assurance that the Committee on Ways and Means will come up with a new proposal by Friday. Floor Leader, next piece of legislation.

Floor Leader Camacho: Thank you, Mr. Speaker. I move for the passage on First and Final Reading S. B. NO. 16-51, SD1 in reference to Acting Attorney General and 30 days.

The motion was seconded.

S. B. NO. 16-51, SD1: A BILL FOR AN ACT TO REPEAL AND RE-ENACT SECTION 2152 OF TITLE 1 OF THE COMMONWEALTH CODE TO CLARIFY THAT AN INDIVIDUAL, ABSENT SENATE CONFIRMATION, SHALL NEITHER OCCUPY NOR SERVE IN THE CAPACITY OF ATTORNEY GENERAL, ACTING ATTORNEY GENERAL, OR INTERIM ATTORNEY GENERAL IN EXCESS OF 30 DAYS ABSENT NOMINATION TO THE SENATE NOR IN EXCESS OF 90 DAYS UPON NOMINATION; AND FOR OTHER PURPOSES. [*See Sen. Comm. No. 16-131*]

Speaker Arnold Palacios: The motion is for the passage of S. B. NO. 16-51, SD1 and it has been seconded. Discussion on the motion. Ready?

Representative Sablan: I just wanted to follow up on the request that was made at the last session to get some clarification from our legal counsel about two particular sections that were causing some confusion for some of the members. Has that clarification been made?

Speaker Arnold Palacios: That is correct. Representative Santos, I remember I appointed the two member attorneys to look into it and I believe you reported that it was okay.

Representative Santos: It is okay, Mr. Speaker.

Speaker Arnold Palacios: Okay, and our legal counsel say it is not problematic. Clerk, please call the roll.

There was no further discussion, and the Clerk called the roll on the motion to pass S. B. NO. 16-51, SD1 on First and Final Reading, with the following result:

Representative Edwin P. Aldan	absent (during voting)
Representative David M. Apatang	yes
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	no
Representative Heinz S. Hofschneider	yes
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	absent (excused)
Representative Joseph C. Reyes	absent (excused)
Representative Christina M. Sablan	yes

Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	absent (excused)
Representative Stanley T. McGinnis Torres	abstained
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of 13 yes, S. B. NO. 16-51, SD1 hereby passes the House on First and Final Reading. Floor Leader.

Floor Leader Camacho: Thank you, again, Mr. Speaker. I move for the passage on First and Final Reading H. B. NO. 16-204 in reference to defining United States certified contractor.

H. B. NO. 16-204: A BILL FOR AN ACT TO AMEND PUBLIC LAW 16-17 SECTIONS 3(C) TO MODIFY PSAA REQUIREMENTS AND 3(G)(2) TO CLARIFY CONTRACTOR ELIGIBILITY REQUIREMENTS FOR PRIVATE SECTOR ASSISTANCE AGREEMENTS (PSSA) AND ADDING A NEW SECTION 3(H) DEFINING “UNITED STATES CERTIFIED CONTRACTOR”; AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: The motion is for the passage of H. B. NO. 16-204 has been made. Do I hear a second.

The motion was seconded.

Speaker Arnold Palacios: The motion is seconded. Discussion on the motion. Representative Sablan has requested for a short recess. Short recess.

The House recessed at 3:01 p.m.

RECESS

The House reconvened at 3:04 p.m.

Speaker Arnold Palacios: We are back in session. Are we ready for the question? Clerk, call the roll.

There was no discussion on the motion and the Clerk called the roll on the motion to pass H. B. NO. 16-204 on First and Final Reading, with the following result:

Representative Edwin P. Aldan	absent (during voting)
Representative David M. Apatang	yes
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	yes
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	yes
Representative Heinz S. Hofschneider	yes
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	absent (excused)
Representative Joseph C. Reyes	absent (excused)
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes

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

Speaker Arnold Palacios: By a vote of 16 yes, H. B. NO. 16-204 hereby passes the House on First and Final Reading. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. I move for the passage of H. B. NO. 16-224 in reference to public land in Sadog Tasi.

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

The motion was seconded.

H. B. NO. 16-224: A BILL FOR AN ACT TO VEST THE DEPARTMENT OF PUBLIC LANDS AND NATURAL RESOURCES WITH THE MANAGEMENT AND DISPOSITION OF A CERTAIN PUBLIC LAND IN SADOG TASI, SAIPAN FOR THE DEVELOPMENT OF A PUBLIC PARK; AND FOR OTHER PURPOSES. [*See S. C. R. No. 16-81*]

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

There was no discussion on the motion and the Clerk called the roll on the motion to pass H. B. NO. 16-224 on First and Final Reading, with the following result:

Representative Edwin P. Aldan	yes
Representative David M. Apatang	yes
Representative Oscar M. Babauta	absent (during voting)
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	absent (excused)
Representative Joseph C. Reyes	absent (excused)
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	absent (excused)
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of 16 yes, H. B. NO. 16-224 hereby passes the House on First and Final Reading. Floor Leader. The Chair calls a five-second recess.

The House recessed at 3:13 p.m.

RECESS

The House reconvened at 3:15 p.m.

Speaker Arnold Palacios: We are back in session and I recognize the Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. I move for the passage on First and Final Reading H. B. NO. 16-220, HS1, SD1, HD3, SD3 reference to runoff election and absentee ballot.

The motion was seconded.

H. B. NO. 16-220, HS1, SD1, HD3, SD3: A BILL FOR AN AC TO AMEND THE NORTHERN MARIANA ISLANDS ELECTION LAW TO PROVIDE FOR RUNOFF ELECTION PROCEDURES AND TO ALLOW FOR THE COUNTING OF ABSENTEE BALLOTS ON ELECTION DAY; AND FOR OTHER PURPOSES. [*Ref. Sen. Comm. 16-166*]

Speaker Arnold Palacios: Discussion on the motion. Would the members like a short recess so that you can look at your document. Short recess.

The House recessed at 3:20 p.m.

RECESS

The House reconvened at 3:35 p.m.

Speaker Arnold Palacios: We are back in session. We are under discussion of H. B. NO. 16-220, HS1, SD1, HD3, SD3. Representative Hofschneider, recognized

Representative Hofschneider: Mr. Speaker, there is no excuse for my absence on the day of this passing but if I may be allowed to have time to read it and perhaps we can take it up Friday, I will be forever grateful to the members.

Speaker Arnold Palacios: Representative Hocog, recognized.

Representative Hocog: Before we entertain Representative Hofschneider's request, for the sake of those that anticipate to be excused on Friday, let us for purpose of discussion proceed and discuss the amended portion of this bill.

Speaker Arnold Palacios: You may proceed.

Representative Hocog: Mr. Speaker, I do not know if I am reading page 4 on line 22 to 28 -- I need a little explanation on that from our legal counsel.

Speaker Arnold Palacios: Legal counsel.

Legal Counsel Joseph Taijeron: You just have a general concern as to what this provision calls for, what it means. I think in a nutshell your failure to vote in the general election that give rise to the runoff election will not prohibit you from voting in the runoff election.

Representative Hocog: Thank you, counsel. Now, Mr. Speaker, I would like to generate discussion on that. I would like again the counsel to provide to the members and define what is general election, and if you fail or your vote is not counted on a particular deadline.

Representative Hofschneider: Mr. Speaker, may I generate discussion?

Representative Hocog: Excuse me, Mr. Speaker, I am asking the legal counsel a question.

Speaker Arnold Palacios: Let us have the legal counsel respond.

Legal Counsel Joseph Taijeron: I am sorry Congressman, could you please repeat that, state your point. I What is a general election is basically your question.

Representative Hocog: After you defined subsection (7) that if a person fails to vote at the general election that he can be considered to vote on the runoff election. Correct?

Legal Counsel Joseph Taijeron: Correct.

Representative Hocog: So in the general election, if you vote is not counted on any particular election, would you be considered a registered voter still.

Legal Counsel Joseph Taijeron: Let us confine the fact pattern and it is if you fail to vote in this particular coming general election where the governor is up for a vote, if you fail to vote in that particular election, you may also elect to vote or not vote in the runoff election. That is what this provision allows for. Your question about whether you are not registered, if you fail to vote in the previous general election in 2005, that would make you unregistered. So, your registration status is not jeopardized by your failure to vote in this general election. It may be jeopardized by your failure to vote in the past election.

Representative Hocog: I understand that, mister counsel. That is where I would want to generate discussion on this.

Legal Counsel Joseph Taijeron: The legal issue is whether you are not deprived of the vote if for example you are incapacitated on this day of this general election.

Representative Hocog: No, no, no. I am not talking about incapacitation. Assuming that I am on off-island voter and I received my ballot. I voted for the candidate that I wanted for. I mailed my ballot and the deadline, for example, November 14th, and my ballot came in November 15th. Does my vote, or will I be considered as failed to vote.

Legal Counsel Joseph Taijeron: I think under that particular amendment, that particular fact patterns the ballots needs to be counted the day of the election. So under your fact pattern...

Representative Hocog: So in essence, when my ballot did not make it on the day to be counted, where does that leave me?--Failed to vote, right

Legal Counsel Joseph Taijeron: Well, that is two different issues. Your voted may not be counted legally, but you did vote.

Representative Hocog: Exactly, and it was not counted. So, how can I be legally considered a voter when my ballot is not cast and counted.

Legal Counsel Joseph Taijeron: Well, that is another issue.

Representative Hocog: This is where I want to generate.

Legal Counsel Joseph Taijeron: Cast and counted are two different things.

Representative Hocog: Okay, if my ballot is not counted, I failed to vote, right?

Legal Counsel Joseph Taijeron: I think the bottom line is, if your registration status is revoked or in any way terminated, if you do not have registration status, for whatever reason, then you cannot vote.

Representative Hocog: So, now, why would I be permitted to vote on a runoff election when I did not vote on the general election.

Legal Counsel Joseph Taijeron: Well, your registration status will not be affected by your failure to vote under this, because failure to vote under this does not disqualify you or in anyway unregistered you.

Representative Hocog: What does the constitution say when we fail to vote on the general election?

Legal Counsel Joseph Taijeron: I would check, I am not guessing anymore.

Representative Hocog: You better check that.

Legal Counsel Joseph Taijeron: This particular law ...

Representative Hocog: Because it says that if you did not vote and fail to vote on any general election, then you need to reregister. Are we amending the constitution by having this amendment in this bill?

Legal Counsel Joseph Taijeron: No, this law speaks only to Section 6211. I would have to verify, but I do not believe the constitution has touched upon it.

Representative Benavente: Point of clarification, Mr. Speaker.

Speaker Arnold Palacios: State your point.

Representative Benavente: Mr. Speaker, there is an existing law that if you fail to vote in a general election, you would have to reregister that is why a provision is provided in here, so that those individuals who fail to vote in the general election would still be allowed to vote in the runoff election. The intent of the existing law is that the next general election is in two years and that you would have the time to reregister to vote for the next election when you fail to vote on a general election. In this case because it is only two weeks to the runoff election, we feel that we that there is this constitutional question about an individual's right to vote and thereby just because he failed to vote in the general election whether he or she is off-island, ill, or for whatever reason did not make it to the polling place, that person would not have the time in the two weeks time to allow them to reregister and vote in the general. So this provision was included to allow these individuals to vote even though they missed the general election, which would have dropped their name because there is an existing law that would drop their names as failed to vote that they would be allowed to vote in the runoff election.

Representative Hocog: Thank you, Representative Benavente. In my personal opinion, this section is more or less devised as a tag team tactic. It is a tactical legislation. Assuming that I do not want to vote in this general election and perhaps there are four candidates, I can encourage supporters of my not to go out and vote and wait and we will gang up on the runoff and vote on the top two. I think there is inequity in the form of permitting people who failed to vote on the general election to be considered to cast their vote in the runoff election. We are saying that maybe that is wrong, but believe me, nobody understands how human each individual is thinking.

Speaker Arnold Palacios: There are so many hands raised up. Representative Hofschneider, can you defer to the author. I recognize the Vice Speaker.

Vice Speaker Deleon Guerrero: I can respect that there could be that concern by the people for this language, but I want to assure my good colleague that the reason this language is in here was debated hotly at the Senate. We passed it here as it is, but it was debated in the Senate for that very same concern. It was the Commonwealth Election Commission who we all know do not have any political affiliation that justify that the reason this language is in here is exactly the reason that Representative Benavente stated, and that is, this issue of the right to vote. That is the only reason that they supported this language here in that if for some reason a person could not vote in the general election, they have a constitutional right to vote but because the constitution as amended now says that a runoff election will be held two weeks after the general election, there is not meaningful time for people to get reregistered. It does not allow for that and that is why this is a fallback provision. I am assuring my colleague that the language did not come from any legislator or political party. This language came directly came from the Commonwealth Election Commission. The records in the Senate support what I have just said.

Speaker Arnold Palacios: Representative Santos.

Representative Hocog: Mr. Speaker, I believe I still have the floor.

Speaker Arnold Palacios: I thought ...

Representative Hocog: Okay, I will yield to Representative Santos.

Representative Santos: Thank you, Representative Hocog. I appreciate all the arguments, but if the concern is the right to vote, that is never disputed but now that we are creating this special election called the runoff election, we are not necessarily creating a special class of voters. A voter is a voter regardless. Say we do not have a runoff election right now, and under the same scenario that you speak of – the person may be off-island, ill or whatever – does that right to vote then say that because I was not able to vote on November 7, 2007, because I was sick or I was working, that now on November 9th that I feel better, can I then practice my right to vote. And of course, we are going to say because it is not allowed for. I think it is an unfounded argument to say that your right to vote dictates when you can vote. That is why laws are placed to control that and we need to have finality of these types of procedures. So your right to vote at a runoff election is triggered if you do vote on a general election. You are not deprived of your right to vote at the runoff election if you are unable to vote at the general reason for whatever reason. So there is no deprivation of a right to vote. Everybody knows when the general election is. If you are homebound for whatever reason, the Commonwealth Election Commission has their way of accommodating those voters, but you are not deprived if you cannot vote on runoff election. Under those scenarios, you are not deprived of your right to vote. But, you need to vote on the general election to qualify to vote for the runoff election.

The Chair recognized Representative Hofschneider.

Representative Hofschneider: I yield.

Speaker Arnold Palacios: You again. Representative Sablan, recognized.

Representative Sablan: Thank you, Mr. Speaker. It seems that this particular session is maybe the most contentious part of this bill and I do see that our election director and the election office legal counsel are both here in the gallery and perhaps we could invite them up here to clarify that particular session, perhaps other amendments if members have questions. If there are not objections from the members, I would like to make a motion to resolve into Committee of the Whole.

Speaker Arnold Palacios: Let me make a ruling on that. Before I recognize that motion, I recognize Representative Benavente.

Representative Benavente: Are you allowing me to comment?

Speaker Arnold Palacios: If you want to comment, go ahead.

Representative Benavente: Mr. Speaker, the policy decision that we make to remove names of individuals after failing to vote and would have to reregister is being considered by members, we have had this discussion. We really should take that policy away and allow people to vote in the following election even if they fail to vote in the previous election. Maybe even allowing the Board of the Commonwealth Election Commission to promulgate regulation that would set up to maybe a certain amount of elections to where we can finally agree that this person has either moved away permanently or has passed on so that they can develop something like two or three elections that you failed to vote then your name could be removed from the registration. But, we really should remove this policy of having to reregister for every election that you failed to vote for whatever reason, because it is taking away to some extent the right to vote. So, it goes back to the comments raised by Representative Santos. If we were to change this policy and remove this existing statute where you have to reregister for the following election if you failed to vote, then this section here and the comments made would be moot because your name would not be as failed to vote and would be allowed to vote whether it is a runoff, the next general election, or even a special election. Thank you.

Speaker Arnold Palacios: Would the members be amenable to go into Committee of the Whole. Representative Hocog.

Representative Hocog: (Inaudible – microphone off)

Speaker Arnold Palacios: Okay. Do you want to go into recess instead? Okay, we will go into recess and ask the Executive Director of CEC and the legal counsel to help clarify the issue. Short recess.

The House recessed at 3:55 p.m.

RECESS

The House reconvened at 4:18 p.m.

Speaker Arnold Palacios: We are back in session. I recognize the Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. Obviously there were a lot of discussion from the members, and if there no objection, I would like to withdraw my motion for passage of H. B. NO. 16-220, HS1, SD2, HD3, SD3 at this time.

There was no objection from the Floor and the motion to pass H. B. NO. 16-220, as amended was withdrawn.

Speaker Arnold Palacios: With the understanding that this legislation will be taken up Friday.

Floor Leader Camacho: Monday...anyway, it is your call, Mr. Speaker.

Speaker Arnold Palacios: All right. The previous motion has been withdrawn, H. B. NO. 16-220, as amended stays on the Calendar until our next session. Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. I believe the next in line I need to make a motion for certain legislation so that we can place it on the Bill Calendar. I move to recall S. L. I. NO. 16-11 in reference to the realignment of the CNMI and federal election.

The motion was seconded and the motion to withdraw S. L. I. NO. 16-11 from the Committee on Judiciary and Governmental Operations was carried by voice vote.

Speaker Arnold Palacios: The motion is carried. A motion for placement, Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. I believe a copy of S. L. I. NO. 16-11 was passed out to all the members, and to make the record clear, I move to place S. L. I. NO. 16-11 on the Bill Calendar so that we can further discuss it.

Seconded by Representative Benavente.

Speaker Arnold Palacios: The motion is for placement of S. L. I. NO. 16-11 and it has been seconded. Discussion, Representative Sablan.

Representative Sablan: Thank you. I just wanted to observe that we had passed a very similar House legislative initiative that proposed to shorten the terms of the Senators and House members instead of lengthen during the transition period. Is it the intent of the body to lengthen terms by a year instead? What happens to the imitative that we passed earlier?

Representative Benavente: Mr. Speaker, we can explain that once we start discussing the initiative. So, on the motion to place it, I am ready to vote.

There was no further discussion and the motion to place S. L. I. NO. 16-11 on the Bill Calendar was carried by voice vote.

Speaker Arnold Palacios: The motion is carried, and S. L. I. NO. 16-11 is hereby placed on the Calendar. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. Now that it is on the Bill Calendar, I move to pass on First and Final Reading S. L. I. NO. 16-11.

The motion was seconded.

S. L. I. NO. 16-11: A SENATE LEGISLATIVE INITIATIVE PROPOSING TO AMEND ARTICLE VIII, SECTION 1 OF THE CNMI CONSTITUTION REGARDING REGULAR GENERAL ELECTIONS.

Speaker Arnold Palacios: The motion for the passage of S. L. I. NO. 16-11 has been seconded. Discussion on the motion. Representative Benavente, please answer Representative Sablan's question.

Representative Benavente: Thank you, Mr. Speaker. Yes, in fact, I introduced the legislative initiative that proposed to align the elections therefore cutting the costs of having an election every year because of the delegate that we have recently voted into office. The difference between my proposal and the Senate proposal is my proposal is to reduce the four year term to a three-year term. The Senate proposes to make the four-year term a five-year term in meeting and aligning the election dates. But, both proposals do the same thing – it aligns the elections on the year 2012 and the year 2014. There is no difference as to when we align the election; it is just that the terms are three years for the House and five years of the senators, the governor, and the mayors instead of the three years that I proposed. Knowing that my proposal was objected to by the Senate, I feel that at this time in order to expedite and put this before the people for a referendum that we accept that because the primary concern is the cost of having an election every year. The sooner that we align the elections, the sooner we reduce these costs.

Speaker Arnold Palacios: Basically, it is clear as to the explanation asking on the election year, but as to why we are now entertaining the Senate initiative. Representative Sablan.

Representative Sablan: I certainly understand the differences between the two initiatives, and I also recognized that the intent is to synchronize our general election with the federal election so that we can save public funds, cut costs, and not have an election every single year. I understand and I agree with that intent. However, I guess as a matter of policy there is a difference between lengthening terms to reach that objective and shortening terms to reach that objective, and if we want this to pass, we should also ask the question, what is likelier to pass. Is it likelier to pass if we ask people to give the members of the legislature an extra year, or is it likelier to pass if we shorten the terms and go with that? Because I think that the House and Senate initiatives were introduced at about the same time, and it was suggested that we actually have a public hearing perhaps and see what is more palatable and desirable and likelier to win the support of the people to reach a reasonable and cost effective objective. I would suggest that we do that rather than rushing forward with an initiative that would lengthen terms. We should really put it to the people and ask what would you support.

The Chair recognized Representative Santos.

Representative Santos: Thank you, Mr. Speaker. The Committee on Judiciary and Governmental Operations which this bill was referred to met yesterday. We did discuss both legislations, and we found that in the interest of time – and time is of the essence because the election is right around the corner – the goals will be met. We would not have an election in 2011, we will have an aligned election. Unfortunately, it will be a longer term for the next legislature, and the next gubernatorial

and the next mayor, but this was necessary to meet the ultimate goal to be aligned. Call it the spirit of compromise, call it whatever you want, the Committee on Judiciary and Governmental Operations asked that this be withdrawn and that we act on this initiative today so that it can be placed on the ballot as proposed in the initiative. I agree with the Representative Sablan that there needs to be something on the ballot whether it is Representative Diego Benavente's version or this version. Nevertheless, the people will vote on a position, and this is where the legislature should act and have it be placed on the ballot.

Representative Apatang: Mr. Speaker, I think that if this initiative makes it on the ballot and the Commonwealth Election Commission starts doing the public education, people will be aware as to the actual rationale behind this particular initiative. They will understand, and I am sure that they will go ahead and vote for this particular initiative.

Representative Sablan: I would like to note, I think one of the members pointed this out earlier, we do have until August 10 to place initiatives on the ballot this year. That gives us more than four weeks starting today to go out, have a public hearing, and ask people if they would support an initiative that would lengthen the terms of the legislature for the transition period or shorten them. What we are looking at is three years for the House, three years for the Senate versus five years for the Senate and three years for the House. Is my reading right. Okay, and five years for the governor and for all the four-year terms. It is a policy call, but if we want this to pass to reach that objective, we should really ask the members of the community what they are likelier to support.

Representative Benavente: Mr. Speaker, I do not disagree with Representative Sablan, except that before it gets to the public to decide which one they would support, it would have to pass the Senate. And what I have said earlier is that the legislative initiative has to pass the House and the Senate and what I am trying to say is that the three-year version will not pass the Senate. If the five-year version is the only one that would pass the Senate then this needs to be passed so that it can get to the people to decide, yes or no, on this idea.

Representative Sablan: I think that is a critical question to ask why the House version would not pass in the Senate. Even put that to a public hearing as well and maybe we could all come to the table and recognize that there might be clear public opinion one way or the other. It might be the people do not care one way or the other, but we should at least ask and not find ourselves with egg on our faces when people say that they do not want to give us an extra year on our terms.

Speaker Arnold Palacios: Representative Benavente, do you want to attempt to answer why the Senate would not pass ... no. Representative Palacios, recognized.

Representative Raymond Palacios: (inaudible – microphone off)

Speaker Arnold Palacios: Representative Tebuteb.

Representative Tebuteb: I have a very simple question – I do not now who to ask. The intent is to save costs. If the recent request from CEC is close to two hundred thousand, are we looking at about the same cost saving on this initiative.

Speaker Arnold Palacios: I guess the savings would be realized from having an election every year. That exercise will cost. So if you align the congressional delegate election and the elected officials of the Commonwealth, then you would eliminate the need for an election every year.

Representative Benavente: Mr. Speaker, we had the election for the delegate just last year and if I remember correctly, I believe I offered the legislation that provided the election for that and fund that election. I believe the amount was sixty or eighty thousand dollars. It would at least save that amount from having that one extra election every two years. I am not sure about a two hundred thousand dollars savings, but at least a sixty thousand dollar savings.

Floor Leader Camacho: Mr. Speaker, I draw the members' attention to page 2. It starts off on line 18 with the sentence: "The term of office of an incumbent holding office to which the election has been moved from 2011 to 2012 shall expire at midnight of the day prior to inauguration to that office in 2013." This is a Senate initiative, Mr. Speaker, and no disrespect to the three senators who have to run again in 2011, they in effect given themselves one year in office that they did not have to run for. It is different for the House members in regards to Representative Benavente's initiative, we do not know who is going to win the 2009 election, and we do not know if you are going to be around next year. So, passing an initiative that changes the election year after that seems reasonable to me, but when you are holding office and you are giving yourself another year to hold that office without having to run for that year, it seems to me a conflict of interest. With that, I yield to the members.

Speaker Arnold Palacios: Let me recognize Representative Yumul

Representative Yumul: Mr. Speaker, I yield to Representative Apatang.

Representative Apatang: Thank you, Mr. Speaker. Nobody knows who is going to win this coming election, so I do not think there is any conflict of interest with this. People will decide on this. If you happen to win, it is good for you, you will have that additional year. It is critical that we align the election and make sure that we.... *(End of Tape 2, Side A) (Start of Side B)* ...at one time instead of every year. Giving an additional year is necessary based on this initiative. So Merry Christmas to those who make it back this election.

Representative Sablan: I just wanted to follow up on the Floor Leader's point. So this is what your point is, Mr. Floor Leader, about the possible conflict of interest on page 2. So the term of office of an incumbent who is holding now, who is up for reelection – I see. And they would be up for reelection in 2011, but they are giving themselves an additional year in 2013, right?

Speaker Arnold Palacios: No, that says January, so that is just one year.

Representative Sablan: Oh, I see. Even if we do not have a public hearing and we act on this initiative today, I think we can reasonably anticipate what the response of the community will be. And the perception that we can expect will be that this is a very self-serving initiative on our part to extend terms of members who are up for reelection and are expecting to be reelected. And we do not have to do it when there is an obvious alternative. I cannot support this initiative. I think it is something that we should propose to the public and see who comes out, who cares about the initiative one way or the other to submit their comments and go with that, because we could go either way and achieve the same results. But, what is likelier to pass – I come back to that question.

Speaker Arnold Palacios: Representative Benavente.

Representative Benavente: For the last time.

Speaker Arnold Palacios: For the last time.

Representative Benavente: Thank you. You know, Mr. Speaker, even the proposal that I had because I felt that one year was not practical. It actually proposed the members of the House a three-year term and reduces the governor, mayors and senators to a three-year term to meet this alignment. So, even my proposal will be self-serving only because I think one year is not practical. So there has to be a sacrifice, something has got to give in order to make this happen. Once again, I think the general public would be more concerned about the cost of having an election every year. Whoever sits in the legislature or the governor, there is going to be a governor every year so the cost in a three year term or five-year term is going to be the same. I think the objective is to align our elections so that we do not waste people's time in having elections every year and cost, save people's money. That is why I am pushing for this. Thank you.

Representative Apatang: Thank you, Mr. Speaker. I think it would be different if this were House bill and us passing it today, instead of a legislative initiative. By us passing a House bill is pretty much self-serving because maybe some of us will be coming back. But, if you let the people decide on this, there is a difference. They are the ones deciding on this issue, not the twenty members of the House. So I think this is a good initiative.

Speaker Arnold Palacios: Representative Hofschneider, for the last time.

Representative Hofschneider: For the last time, I never spoke.

Speaker Arnold Palacios: You will be the last.

Representative Hofschneider: Oh. I think that the real issue here is the skeleton in the closet. And it is really two parts. If the general public voted a very functional, responsible legislators and even governor. I think that the people would not have any trepidation. On the other hand, the feelings and opinions today about us here in the legislature and the Executive Branch is far from that and that is why this issue of lengthening is a matter of how they view the functionality of the legislature and the responsiveness of the legislature and the Executive Branch. To turn it around, imagine if we pass that initiative to downsize the legislature – which I introduced – with this initiative, either together or separately. If we place it on the ballot, it would motivate the general public to scrutinize candidates and making sure that they actually put people in office to perfectly align in their opinion about extending the term from two years to three years. That is the underpinning of this argument. If the people voted a very responsive legislature different from the opinion generated that they have now about us here, and they voted in the administration that is responsive and perfectly aligned with the opinion of the general public, the issue of extending it a year is moot because performance, delivery of public service is the very merit of term. It has been tossed out in the past about term limits, perhaps those are options on the table for the legislature. But I think downsizing the legislature is the accompanying initiative to this legislation and we should consider that passing at the next session. With this, it would take away the argument of extending it for a year because people would not be scrutinizing whom to vote for and making sure that that limited number of seats available in their minds will make sure that we eliminate the tail coating that happens every election year. So I suggest, Mr. Speaker, that this initiative together with the downsizing of the legislature that I proposed should be passed simultaneously and put it on the ballot. That would solve everything, maybe not one hundred percent of the general opinion out there, but generally speaking, it would fix a lot of the problems. Thank you.

Speaker Arnold Palacios: Representative Yumul, just because you are the last alphabetically, does not mean that – you yielded to somebody else, right. You are recognized.

Representative Yumul: I would like to ask the legal counsel to look at Article II, Section 15 and answer whether the provision that was brought forth by the Floor Leader is an issue for this body.

Speaker Arnold Palacios: Short recess.

The House recessed at 4:54 p.m.

RECESS

The House reconvened at 4:55 p.m.

Speaker Arnold Palacios: We are in session. I recognize Representative Apatang.

Representative Apatang: Thank you, Mr. Speaker. I move to end debate.

The motion was seconded by several others.

Speaker Arnold Palacios: The motion is to end debate.

Several members voiced “ready”.

Speaker Arnold Palacios: Clerk, call the roll on the motion to pass S. L. I. NO. 16-11.

The Clerk called the roll on the motion to pass S. L. I. NO. 16-11 on First and Final Reading, with the following result:

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

Speaker Arnold Palacios: By a vote of eleven “yes”, and five members voting “no”, S. L. I. NO. 16-11 fails to pass the House. Unfortunately, Representative Benavente’s initiative is not going to see the light of day. Floor Leader, a motion to adjourn.

ANNOUNCEMENT

NONE

MISCELLANEOUS BUSINESS

NONE

ADJOURNMENT

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

The motion was seconded.

Speaker Arnold Palacios: Before I recognize that motion, I recognize Representative Yumul under Miscellaneous Business.

MISCELLANEOUS BUSINESS

Representative Yumul: Thank you. There was a nice humanities lecture last night on blood quantum, land loss, and the raise versus political identity dilemma. I have a copy with me. If any member wishes to have a copy, I will make it available.

Speaker Arnold Palacios: Why not just make copies for everybody on your machine.

Representative Yumul: Thank you.

Speaker Arnold Palacios: The motion on the floor is to adjourn subject to the call of the Chair and it has been seconded.

The motion was carried by voice vote.

Speaker Arnold Palacios: The House is hereby adjourned.

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

Respectfully submitted,

Evelyn C. Fleming
House Clerk

APPEARANCE OF LOCAL BILLS

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

SECOND APPEARANCE:

H. L. B. NO. 16-38: To amend 10 CMC § 3821; and for other purposes. (Representative David M. Apatang +2)

H. L. B. NO. 16-39: To suspend the implementation of the Saipan Zoning Law of 2008; and for other purposes. (Representative Stanley T. Torres)

H. L. B. NO. 16-40: To amend 10 CMC § 3922 regarding the appointment of members to the SHEFA Board; and for other purposes. (Representative Francisco S. Dela Cruz)

THIRD APPEARANCE:

H. L. B. NO. 16-36: To authorize SHEFA financial assistance for students enrolled in post-secondary vocational or training programs for students pursuing a degree or certification in nursing or any other related medical program within the CNMI. (Representative Oscar M. Babauta +1)

H. L. B. NO. 16-37: To name the fire station located in Koblerville Village to the “Jose Terlaje Ada Building” in recognition and appreciation of his untiring and outstanding contributions to the Department of Public Safety and to the people of the Commonwealth; and for other purposes. (Representative David M. Apatang +3)