



SEVENTEENTH HOUSE OF REPRESENTATIVES
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

LEGISLATIVE JOURNAL

FIRST REGULAR SESSION, 2010

Second Day

Thursday, January 28, 2010

The House of Representatives of the Seventeenth Northern Marianas Commonwealth Legislature convened its Second Day, First Regular Session on Thursday, 28th of January 2010, at 10:02 a.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Froilan C. Tenorio, Speaker of the House, presided.

Speaker Tenorio, recognized the Clerk for a short prayer and a moment of silence.

House Clerk Evelyn Fleming: God grant us the serenity to accept the things we cannot change, courage to change the things we can and wisdom to know the difference.

Speaker Froilan C. Tenorio: Thank you. I would like to say that if any of the members would like to recite his/her own prayer or any prayer in the future please feel welcome to do so, just let the Clerk know that you will be doing such thing. The Clerk will now call the roll.

ROLL CALL

The Clerk called the roll and all twenty members were present.

Representative Ramon S. Basa	present
Representative Diego T. Benavente	present
Representative Eliceo D. Cabrera	present
Representative George N. Camacho	present
Representative Trenton B. Conner	present
Representative Francisco S. Dela Cruz	present
Representative Joseph P. Deleon Guerrero	present
Representative Fredrick P. Deleon Guerrero	present
Representative Rafael S. Demapan	present
Representative Sylvestre Ilo Iguel	present
Representative Felicidad Taman Ogumoro	present
Representative Joseph M. Palacios	present
Representative Raymond D. Palacios	present
Representative Antonio P. Sablan	present
Representative Teresita A. Santos	present
Representative Ramon A. Tebuteb	present

Speaker Froilan C. Tenorio	present
Representative Stanley T. McGinnis Torres	present
Representative Edmund Joseph S. Villagomez	present
Representative Ray N. Yumul	present

Speaker Froilan C. Tenorio: Let the record reflect that we have a quorum. The next item on the Agenda is, Public Comments.

PUBLIC COMMENTS

Speaker Froilan C. Tenorio: The Chair recognizes Representative McGinnis-Torres.

Representative Stanley McGinnis-Torres: Mr. Speaker and members, I do not know if any one of you has read the paper last Monday in regards to Congresswoman Bordallo of Guam that introduced a bill to enhance the Marianas Trench Ocean Monument. I think that the Congresswoman is trying to take that away from us and if I am not mistaken that bill is enhancing so that the management would be turned over to the University of Guam, the Guam Community College and the Fish and Wildlife refuge of Guam.

Representative Yumul: Privilege, Mr. Speaker.

Speaker Froilan C. Tenorio: I apologize – Representative Yumul, recognized.

Representative Yumul: I think we have some dignitaries in the gallery, I believe we have the Chairman of the Saipan Municipal Council also former Congressman Borja from Precinct 2, and a few others that I may have missed.

Speaker Froilan C. Tenorio: Thank you, Representative Yumul. Again, for the benefit of the audience this is your opportunity to say something to us if any one of you should have anything to say or comment on. Thank you, former Representative. We will move down to Item 3, Adoption of Journals.

The House did not receive public comments on the items listed on the day's agenda.

ADOPTION OF JOURNALS

House Clerk Evelyn Fleming: *There are no journals for adoption, Mr. Speaker.*

Speaker Froilan C. Tenorio: Next, we move down to the next Item on the Agenda, Introduction of Bills.

INTRODUCTION OF BILLS

Speaker Froilan C. Tenorio: Is Representative Tebuteb around? The Chair recognizes, Representative Joseph Deleon Guerrero.

Representative Joseph P. Deleon Guerrero: Mr. Speaker, I was saying maybe we can move on to – to the next person on the list and come back to Representative Tebuteb.

No objections were raised on the floor

Speaker Froilan C. Tenorio: Okay. Representative Deleon Guerrero, if you do not mind – what I would like to do at least for today is if the main sponsor of the bill could describe briefly the reasons behind the introduction of the bill. The Chair, would like to know for example, why such a bill was introduced, at the request of whom, what is it supposed to accomplish. So if that is not too much of a burden on the honorable member from Precinct I, Mr. Deleon Guerrero, can you tell us more about this bill just briefly?

Representative Joseph P. Deleon Guerrero: Mr. Speaker, all I was suggesting was because Representative Tebuteb may be out getting copies of another bill that was perhaps not prefiled and he is not here yet, perhaps you can skip him and go on to the next author of the next bill and then we can come back to Representative Tebuteb and he can explain his own bill. I have my own bill, and I will explain.

Speaker Froilan C. Tenorio: Okay. Is that okay with the other members?

No objections were raised on the floor

Speaker Froilan C. Tenorio: So then in that case, let us proceed down to House Bill No. 17-4, the Chair recognizes Representative Stanley T. McGinnis-Torres of Precinct 3.

Representative Stanley McGinnis-Torres: Thank you, Mr. Speaker. I am introducing a prefiled House Bill No. 17-4, to amend the Notary Public Act and for other purposes. This bill was introduced and passed in the House in the Sixteenth Legislature, but somehow, the Senate decided not to act on it and so I am reintroducing it. Mr. Speaker, the reasons I am reintroducing this bill is for the purpose of minimizing and curtailing the number of Notary Publics being commissioned in the CNMI because the rationed of non-permanent and US Citizens. Some of the commissions Notary Publics are given to foreign national who are on a contractual basis like, non-resident workers. I see a danger in uncontrolled commission to a Notary Public in the CNMI. The main concerns are that to protect the identity theft. One experienced that I had was that some time ago a Notary seal stamp of mine Stanley T. Torres Notary Public was encountered by a Custom Agent at the Airport, for what reasons I do not know, I do not know the guy and he is a visitor from mainland China. I was given that stamp of mine as Notary Public at the time I referred that to the Attorney General and I do not know what actions were taken at the time and this is the reasons why I am introducing an amendment also to delete the portion of Notary Public Law that authorizes the Mayor of each municipality to act on a Notary's behalf, it should not be given to another person that, power.

Representative McGinnis-Torres introduced the following prefiled House Bill:

HOUSE BILL 17-4:

To amend 4 CMC §§ 3311; 3313; 3314; 3315; 3325, and 3326 of the Notaries Public Act; and for other purposes.

SPONORED BY REPRESENTATIVE STANLEY T. MCGINNIS-TORRES of Saipan, Precinct 3 (*for himself*)
Referred to the Committee on Judiciary and Governmental Operations

Speaker Froilan C. Tenorio: Alright, *Si Yu'us Ma'ase Congressman Torres. Esta matto tatti i Kongresu-ta ginen Precinct 3 as Representative Ramon A. Tebuteb.* Before I go on any further, H. B. No. 17-4 is referred to the Committee on Judiciary and Governmental Operations (JGO). *Representative Tebuteb, nu yangin ti un mind pot fabot ko siña un deskuti dedi'di nu i sustansia-ña nu esti na bill, hafa na un introdusi, actually kulan klaru ha guenao lao para hafa i rason nai nu yahu ha yangin un siña nu briefly un sangni ham nu hayi mamaisen nu esti ko i kotte pat i Vital Statistics Office, please.*

Representative Tebuteb: Thank you, Mr. Speaker. I apologize – *nu guaha guini tres na bill...*

Speaker Froilan C. Tenorio: *Tutuhon fan Congressman gi H. B. No. 17-1, please.*

Representative Tebuteb: *Hu tungo na komo u esplika nu gi Carolinian fa'na'an kuntos ham man kumprendi hafa para bai u explain so let me try it in English. (Laughter) Kulan a little tense lakkue i atmosphere guini.*

Speaker Froilan C. Tenorio: Okay.

Representative Tebuteb: Thank you, Mr. Speaker, introducing H. B. No. 17-1. The purpose of this bill is to transfer pertinent documents from the Clerk of Courts office to the Health and Vital Statistics. This bill is a recycled bill from the Sixteenth which was passed in the House. The pertinent House Bill was passed by the Legislature and became a Public Law that puts the responsibility of Vital Statistics to the Public Health and the introduced bill is just to memorialize the transfer of these documents to that office.

Representative Tebuteb introduced the following prefiled House Bill:

HOUSE BILL 17-1:

To repeal 8 CMC §§ 1723 AND 1741 thru 1744 and to require the transfer of pertinent documents from the Clerk of Court's Office to the Health and Vital Statistics Office; and for other purposes.

SPONSORED BY REPRESENTATIVE RAMON A. TEBUTEB of Saipan, Precinct 3 (*for himself, REPRESENTATIVES JOSEPH P. DELEON GUERRERO, SABLAN, AND BENAVENTE*)
Referred to the Committee on Judiciary and Governmental Operations

Speaker Froilan C. Tenorio: Thank you, Representative Tebuteb, House Bill No. 17-1 is referred to the Committee on Judiciary and Governmental Operations (JGO). We move on to House Bill No. 17-2, and the Chair recognizes Representative Tebuteb.

Representative Tebuteb: Thank you, Mr. Speaker, introducing House Bill No. 17-2, this is a request by MVA (Marianas Visitors Authority) as I believe that there was an occasion where the MVA had requested the Legislature to listen to the strategies that they have gathered together relative to tourism in general, and this is one of the optional recommendations by MVA. Thank you, Mr. Speaker. While I am add it, I invite any member to cosponsor all the bills that I have introduced. Thank you.

Representative Tebuteb introduced the following prefiled House Bill:

HOUSE BILL 17-2:

To repeal and re-enact 2 CMC §§ 1621-1624 to reallocate funding from the Managaha Island Landing and User Fee Trust Account; and for other purposes.

SPONORED BY REPRESENTATIVE RAMON A. TEBUTEB of Saipan, Precinct 3 (*for himself, REPRESENTATIVES YUMUL AND DELA CRUZ*)
Referred to the Committee on Ways and Means

Speaker Froilan C. Tenorio: Thank you, Representative Tebuteb, House Bill No. 17-2 is referred to the Committee on Ways and Means. We now go on to House Bill No. 17-3 and the Chair recognizes again, Representative Ramon A. Tebuteb.

Representative Tebuteb: Thank you, Mr. Speaker, introducing House Bill No. 17-3. This is a long term bill as part the revitalization project at the Paseo De Marianas. And I am sure that most if not all of you, have seen where the parking meters are located and it is intended as such, for the Department of Public Safety, the Department of Public Works and my understanding is that there have been workshops or conferences done by the affected Departments. I am sure that our Ways and Means Chairman, is fairly aware of the programs behind the intended bill. Thank you, Mr. Speaker.

Representative Tebuteb introduced the following prefiled House Bill:

HOUSE BILL 17-3:

To authorize the assessment of parking meter fees, to require segregation of fees collected by Senatorial Districts, and to authorize local appropriation of those fees.

SPONORED BY REPRESENTATIVE RAMON A. TEBUTEB of Saipan, Precinct 3 (*for himself, REPRESENTATIVES CABRERA, DELA CRUZ, JOSEPH P. DELEON GUERRERO, BENAVENTE, AND SABLAN*)
Referred to the Committee on Ways and Means

Speaker Froilan C. Tenorio: House Bill 17-3 is referred to the Committee on Ways and Means. We go to House Bill No. 17-5 and the Chair recognizes Representative George N. Camacho.

Floor Leader Camacho: Thank you, Mr. Speaker. I would like to introduce House Bill 17-5 to amend 3 CMC § 1343 and for other purposes. The purpose of this bill is to remove the “forgiveness clause” in our Scholarship program. Personally the way I feel if you receive scholarship money while going to school you should return back to the CNMI and pay CNMI taxes and give back to the Scholarship program. Right now, there is a “forgiveness clause” in the Scholarship program that if you cannot find any job in the Government then your obligation to pay back is forgiven or rather forbearance until further notice and I feel that we should remove that section. Thank you.

Representative Tebuteb introduced the following prefiled House Bill:

HOUSE BILL 17-5:

To amend 3 CMC § 1343; and for other purposes.

SPONSORED BY REPRESENTATIVE GEORGE N. CAMACHO of Saipan, Precinct 5 (*for himself*)
Referred to the Committee on Health Education and Welfare

Speaker Froilan C. Tenorio: Thank you, Floor Leader. That bill is referred to the Committee on Health Education and Welfare. House Bill No. 17-6, the Chair recognizes Representative Eliceo D. Cabrera of Saipan, Precinct 1.

Representative Cabrera: Thank you, Mr. Speaker, this bill was introduced in the last Congress by former Representative David Apatang and I am reintroducing it again with some minor changes to the bill. I know that this bill will be referred to the Committee and I also have more and would probably be a Committee Substitute 1 that would be included in the bill and I believe the Committee will have another bill pertaining to this. The fees were established many years ago, I believe in the Third Congress that is probably over fourteen – fifteen years ago. And the fees were maintained and has never been changed for a while so that is the whole reason why I am trying to do something so instead of increasing taxes maybe this is another way of trying to see what we can do to help our ailing economy for the Commonwealth. Thank you, Mr. Speaker

Representative Cabrera introduced the following prefiled House Bill:

HOUSE BILL 17-6:

To repeal and reenact 4 CMC § 561 I (d); and for other purposes.

SPONSORED BY REPRESENTATIVE ELICEO D. CABRERA of Saipan, Precinct 1 (*for himself*)
Referred to the Committee on Ways and Means

Speaker Froilan C. Tenorio: If I may ask one question, 4 CMC § 561 I(d) is on fees?

Representative Cabrera: Yes, Mr. Speaker mostly on the fees.

Speaker Froilan C. Tenorio: Alright, House Bill No. 17-6 is referred to the Committee on Ways and Means. House Bill 17-7 the Chair recognizes Representative Stanley T. McGinnis-Torres of Precinct 3.

Representative Stanley McGinnis-Torres: Thank you, Mr. Speaker, a prefiled House Bill 17-7, to create a Second Marianas Political Status Commission. Now, before I officially introduce this bill I would like to say a few words, if I may. Colleagues, I rise to offer a bill for a law that addresses the very heart of our proud Commonwealth. Much time and many revisions have gone into this Bill. Constitutional Attorneys, our own Legislative Committees and I have given this matter much thought and have conferred with and taken suggestions and council from a broad spectrum of constituents, elders, activists and citizens at large in this third iteration. The people of the commonwealth and we, their elected Representatives, have a chance to revisit an accord made nearly 35 years ago to see if it is working out as both sides promised. Periodic evaluation of any agreement is necessary to making sure it still works. Our Covenant with the USA is certainly worth taking the time and effort necessary to closely reexamine it in light of recent events and changing world paradigms. We stand a crossroads of important world events and realignments some of which affect us directly. One such is the desire of the Japanese people to significantly reduce the presence of US

troops on their soil. Where they go and in what manner has caused our geographic ocean position to become strategic once again. The backlash from this single event may advance or destroy the CNMI's striving for self-government, depending on how we use it or are used by it. Yet we hear nothing of substance from the US military powers about their intended uses. The balance of power may be shifting in Asia and in the world. Are we ready to profit by those changes or will the CNMI just be a pawn in the world arena once again? Our Covenant agreement with the US contains provisions that the framers of that document wisely included that make it possible for the two parties to discuss differences and come to mutually agreed upon solutions. This process appears to have broken down and no substantive solutions or dialog have come from 902 talks in decades. It is in this world context that I bring to this legislative body a Bill that tasks us to create a Commission of stakeholders and a framework for them to work within so they can revisit the original agreement, reexamine the circumstances that led to its original framing and compare those economic and political parameters with those that exist today. Based on sound research, recommendations by that Commission can then be put to the People for ratification by Plebiscite in true democratic fashion. Better relations with the US, however structured politically, will be key to US desires to access Pagan, Tinian, Farallon De Mendinilla, and other islands in our Commonwealth of training, other military exercises and even possible base or bases. We as a people must decide whether the risks taken and the rewards received are commensurate with the price we will have to pay and is it a worthy trade. To have much to say about it, we must have a voice. We the people's elected Representatives can give them that voice, and their rightful choice, by opening up a community wide dialog to examine our current relationships with the US and how it can be changed and improved. For the sake of our people and our community going forward I ask you to work with me to initiate the Second Political and Economic Status Commission. Our people are crying out for open dialog and transparency of political motives. We can deliver that dialog and transparency by passing this important piece of legislation and getting the Commission's vital role started right away. Thank you for your consideration and thank you for standing up to be counted among those who desire a better relationship with the US and other powers than we now have. Thank you. (Appendix A)

Representative McGinnis-Torres introduced the following prefiled House Bill:

HOUSE BILL 17-7:

To create the Second Marianas Political Status Commission; to reexamine whether the people desire continuing in a “commonwealth” relationship with the United States pursuant to the terms of the original Covenant agreement; to determine if that continuation is in their best interest, or whether some other political status would better enable them to fulfill their aspirations of full and meaningful self-government; and for other purposes.

SPONORED BY REPRESENTATIVE STANLEY T. MCGINNIS-TORRES of Saipan, Precinct 3 (*for himself*)
Referred to the Committee on Judiciary and Governmental Operations

Speaker Froilan C. Tenorio: Thank you, Representative Stanley Torres. House Bill 17-7 is referred to the Committee on Judiciary and Governmental Operations (JGO). The Chair recognizes, Representative Joseph Deleon Guerrero from Precinct 1.

Representative Joseph P. Deleon Guerrero: Thank you, Mr. Speaker from Precinct 1. There may be some bills that have not yet been prefiled so before going on to the next Agenda, I would like to introduce a bill that I have not yet prefiled and is unnumbered, a Bill for an Act to restore payment flexibility to class I members under 1 CMC § 8342 and for other purposes. Mr. Speaker and

members, the purpose of this bill is to accommodate those class I members of the Defined Benefit plan if I may just give a brief history. In the Thirteenth Legislature Public Law 13-60 was passed granting the authority to the Retirement Fund to promulgate regulations to allow class I members to increase their contributions so that they can partake in the early retirement - they do not have to wait until they are 62 of age to retire. The Retirement Fund had promulgated those regulations, which gave members the flexibility of increasing their biweekly contributions to the Fund, but then in the Fifteenth Legislature Public Law 15-70 was enacted and what Public Law 15-70 did was say that class I members who want to partake in the early retirement have to pay this amount in lump sum, now, a lot of our class I members are asking for consideration. Often times this amount is in the tens of thousands of dollars and it would mean that they would have to get a loan to pay this amount off. All that they are asking for is to be allowed to be given the flexibility to pay in installments. I have consulted the Retirement Fund and the Fund already has the regulations in placed so they are not opposing this amendment to restore it back to the way it was under Public Law 13-60 and so this is what this bill proposes to do. Mr. Speaker, I offer that if any member wants to cosponsor this bill to check with the Clerk. Thank you, Mr. Speaker.

Representative Joseph Deleon Guerrero introduced the following House Bill with majority of the members consent made part of the day's agenda:

HOUSE BILL 17-11:

To restore payment flexibility to class I members under 1 CMC § 8342 (a); and for other purposes.

SPONSORED BY REPRESENTATIVE JOSEPH P. DELEON GUERRERO of Saipan, Precinct 1 (*for himself*, REPRESENTATIVES JOSEPH M. PALACIOS and CABRERA)
Referred to the Committee on Ways and Means

Speaker Froilan C. Tenorio: Thank you, Representative Joseph Deleon Guerrero.

Speaker Froilan C. Tenorio: Alright, thank you. The Chair recognizes, Representative Teresita A. Santos of Rota, Precinct 7.

Representative Santos: Thank you, Mr. Speaker, I would like to introduce House Bill No. 17-8 a bill for an act to remove the three legislative days requirements for certain local bills and for other purposes. Mr. Speaker, I find that this requirement can delay critical appropriations of local revenues which are entirely locally generated and are used for medical referrals such as, our hemodialysis patients who are residing here at the Rota Liaison Office who depend on their monthly subsistence allowance of \$300. Thank you, Mr. Speaker.

Representative Santos introduced the following prefiled House Bill:

HOUSE BILL 17-8:

To remove the three legislative days requirement for certain local bills; and for other purposes.

SPONSORED BY REPRESENTATIVE TERESITA A SANTOS of Rota, Precinct 7 (*for herself*)
Referred to the Committee on Judiciary and Governmental Operations

Speaker Froilan C. Tenorio: Thank you, Representative Santos, your bill is referred to the Committee on Judiciary and Governmental Operations (JGO). Clerk, did we number Representative Joseph Deleon Guerrero bill, is it House Bill 17-09?

House Clerk Evelyn Fleming: Mr. Speaker, there are other bills that have been prefiled. House Bill No. 17-9 was prefiled by Representative Dela Cruz, House Bill No. 17-10 prefiled by Representative Yumul and this would be House Bill No. 17-11.

Speaker Froilan C. Tenorio: The Chair recognizes Representative Yumul of Precinct 3.

Representative Yumul: Thank you, Mr. Speaker, I have a prefiled House Bill No. 17-10, a bill for an act to repeal and reenact Chapter 16 of Division 5 of Title 4 of the Commonwealth Code as established by Public Law 15-36, to regulate recycling businesses operating in the Commonwealth and for other purposes. This bill as you know, recently in the past there has been a rash of continued copper theft and we had found that basically over the past few years the price of copper has increased nearly 700% over the period and as a result copper theft has ill effects on the entire community, not just to the Utility Companies, but to Businesses and Government Agencies. It has also cause fault outages, which is obviously a grave concern in the event a person needed to call in for 911 services and their phone is cut because the copper wire was stolen. It is a huge concern to obviously, power outages, and the rising cost of reconstructing or rebuilding the stolen lines. We had also found that the theft of copper wiring from street lights from utility poles as witnessed from about a couple a years back on Tinian, where miles of copper wires were actually removed from the telephone poles down on Tinian. The intent of this legislation is to strengthen the criminal act for those that are found convicted, fines have been beefed up and also requirements on the exporter to secure the appropriate authorization from the Department of Commerce or the Division of Customs prior to export that they submit a statement of certificating that the items are not stolen and to also allow the Department of Public Safety time to investigate these items prior to its send off. Thank you, Mr. Speaker. I also invite any member who wishes to cosponsor to check with the Clerk. Thank you.

Representative Yumul introduced the following House Bill with majority of the members consent made part of the day's agenda:

HOUSEL BILL 17-10:

To repeal and reenact Chapter 16 of Division 5 of Title 4 of the Commonwealth Code as established by Public Law 15-36 to regulate recycling businesses operating in the Commonwealth; to repeal Public Law 15-55 in its entirety; to establish the offense of theft of copper; and for other purposes.

SPONSORED BY REPRESENTATIVE RAY N. YUMUL of Saipan, Precinct 3 (*for himself*, REPRESENTATIVES JOSEPH M. PALACIOS, CABRERA, SABLAN, TEBUTEB, BENAVENTE DELA CRUZ and CONNER)
Referred to the Committee on Public Utilities Transportation and Communications

Speaker Froilan C. Tenorio: Thank you, Representative Yumul. The Chair recognizes Representative Dela Cruz from Precinct 3.

Representative Dela Cruz: Thank you, Mr. Speaker, introducing a prefiled House Bill No. 17-9, to amend the Mandatory Driver Education Act and for other purposes. This particular legislation was actually at the request of the Driving School that there are some statutes regulations from Motor Vehicle that they found not consistent with the Driver's Education Program. I believe that the Committee will further analyze this legislation and we can then deliberate on the floor that is all Mr. Speaker. Also, Mr. Speaker, I would like to introduce, if I may, House Legislative Initiative No. 17-2, which is also under the Introduction of Bills, Item 4, to amend Article III, Section XI of the Constitution of the Commonwealth of the Northern Mariana Islands to authorize the election of an Attorney General and for other purposes. It is pretty self-explanatory, we would like to give the people a chance to voice their opinions as to whether they should elect or stay with the status quo of an appointed Attorney General. I invite any one of wishes to cosponsor, thank you, Mr. Speaker.

Representative Dela Cruz introduced the following House Bill and House Legislative Initiative with majority of the members consent made part of the day's agenda:

HOUSE BILL 17-9:

To amend the MANDATORY DRIVER EDUCATION ACT; and for other purposes.

SPONORED BY REPRESENTATIVE FRANCISCO S. DELA CRUZ of Saipan, Precinct 3 (*for himself, REPRESENTATIVES JOSEPH P. DELEON GUERRERO, JOSEPH M. PALACIOS, TEBUTEB, and CONNER*)
Referred to the Committee on Judiciary and Governmental Operations

HOUSE LEGISLATIVE INITIATIVE 17-2:

To amend Article III, Section 11 of the Constitution of the Commonwealth of the Northern Mariana Islands to authorize the election of an Attorney General; and for other purposes.

SPONORED BY REPRESENTATIVE FRANCISCO S. DELA CRUZ of Saipan, Precinct 3 (*for himself, REPRESENTATIVES JOSEPH P. DELEON GUERRERO, JOSEPH M. PALACIOS, YUMUL, TEBUTEB, and CONNER*)
Referred to the Committee on Judiciary and Governmental Operations

Speaker Froilan C. Tenorio: Thank you, Representative Dela Cruz. May I call for a short recess, please.

The House recessed at 10:41 a.m.

RECESS

The House reconvened at 10:43 a.m.

Speaker Froilan C. Tenorio: This House is back in session. *Nu malago yu yangin ti man mind i members nai, nu para ta aksepta esti siha na nuebu na bills ni man ma introdusi pago sa fa'na'an man ma'gogoddon esti siha gi 72 hours notice, pues yangin i members would not mind then they would be accepted as introduced as per the Open Government Act.*

The motion to accept all introduced bills Agreed to without objections

Speaker Froilan C. Tenorio: The Chair recognizes, Representative Ogumoro.

Vice Speaker Ogumoro: Mr. Speaker, if I am in order, I also have a bill to introduce this morning.

Representative Cabrera voiced no objections.

Vice Speaker Ogumoro: Mr. Speaker, this is a House Bill to amend Public Law 8-25 relative to the Sick Leave Bank. This proposed legislation is introduced to grant sick leave hours from the Sick Leave Bank without any restrictions or limitation to allow sick members who are part of the Government of the Northern Mariana Islands its, Agencies, including those of the Mayors and other Autonomous Entities to be able to be covered those that are short of sick leave hours. This legislation is introduced at the request of certain members of our general public.

Representative Ogumoro introduced the following House Bill with majority of the members consent made part of the day's agenda:

HOUSE BILL 17-12:

To amend 1 CMC §§ 8271 thru 8275; and for other purposes.

SPONSORED BY REPRESENTATIVE FELICIDAD T. OGUMORO of Saipan, Precinct 3 (*for himself*)
 Referred to the Committee on Health, Education, and Welfare

Speaker Froilan C. Tenorio: Thank you, Representative Ogumoro. Are there any more introductions? The Chair recognizes again, the Representative from Precinct 1, Joseph Deleon Guerrero.

Representative Joseph P. Deleon Guerrero: Thank you, Mr. Speaker. I have a House Legislative Initiative that I would like to introduce. House Legislative Initiative 17-1, to add a new section 10 to Article X of the Constitution of the Commonwealth of the Northern Mariana Islands to authorize the Commonwealth to issue pension obligation bonds and for other purposes. For the members benefit, this initiative was introduced in the Sixteenth Legislature there was also two other pension obligations bond initiative introduced by former Representative Hofschneider and former Senator Frica Pangelinan and none of the initiatives made it on to the ballot, I believe it was held up at the Senate so I am introducing this again, Mr. Speaker and members to put some alternative for the critical issues going on at the Retirement Fund. I have consulted with the Retirement Fund about this Initiative and they are also supporting this version they are coming up with updated figures and it can be amended when it gets to the Committee. Mr. Speaker, what this Initiative proposes to do is to authorize the Commonwealth to be able to issue bonds but not to exceed the Government's liability to the Retirement Fund. Thank you, Mr. Speaker. Again, I welcome any member to cosponsor this Initiative. Thank you.

Representative Joseph Deleon Guerrero introduced the following prefiled House Legislative Initiative:

HOUSE LEGISLATIVE INITIATIVE 17-1:

To add a new Section 10 to Article X of the Constitution of the Commonwealth of the Northern Mariana Islands to authorize the Commonwealth to issue pension obligation bonds and for other purposes.

SPONSORED BY REPRESENTATIVE JOSEPH P. DELEON GUERRERO of Saipan, Precinct 1 (*for himself*, REPRESENTATIVES JOSEPH M. PALACIOS, BENAVENTE, CABRERA, DELA CRUZ, SABLAN, and TEBUTEB)
Referred to the Committee on Judiciary and Governmental Operations

Speaker Froilan C. Tenorio: Thank you, Representative Joseph Deleon Guerrero. This House Legislative Initiative 17-1 is referred to the Committee on Judiciary and Governmental Operations.

Representative Dela Cruz: Privilege, Mr. Speaker.

Speaker Froilan C. Tenorio: The Chair recognizes the gentleman from Precinct 3, Mr. Dela Cruz.

Representative Dela Cruz: I just wanted to ask the Chair that I did not recall assigning my legislations to Committee, House Bill 17-9 and House Legislative Initiative 17-2.

Speaker Froilan C. Tenorio: Alright, let me start off with House Bill 17-9 it is referred to the Committee on Judiciary and Governmental Operations, House Bill 17-10 is referred to the Committee on Public Utilities Transportation and Communication, House Bill 17-11 is referred to the Committee on Ways and Means, and House Bill 17-12 to the Committee on Health Education and Welfare.

Representative Yumul: Privilege, Mr. Speaker.

Speaker Froilan C. Tenorio: The Chair recognizes, Representative Yumul.

Representative Yumul: I believe HEW will split up. Can you clarify whether it is going to be HW or Education?

Speaker Froilan C. Tenorio: Well, we have not split it up yet, so I guess we will just have to wait until the Committee is split into two. House Legislative Initiative 17-1 is referred to the Committee on JGO. The Chair recognizes Representative Stanley Torres.

Representative Dela Cruz: Privilege, Mr. Speaker. I do not recall hearing you assign House Legislative Initiative 17-2.

Speaker Froilan C. Tenorio: House Legislative Initiative 17-2 is referred to JGO.

Representative Dela Cruz: Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Floor Leader, your House Bill 17-12 and assigned to HEW. Are there any more introductions of bills? The Chair recognizes, Representative Basa of Precinct 5.

Representative Basa: Thank you, Mr. Speaker, I do have one bill that I would like to introduce before this Body. It is a bill for an act to transfer the administrative functions of the Government Life and Health Insurance Program to the Department of Finance by amending the Northern Mariana Islands Retirement Fund Act and for other purposes. The Legislature finds that the Northern Mariana Islands Fund is not the appropriate Government entity to administer the functions of the Government Life and Health Insurance Program due to its status as a Government Retirement Plan

Administrator and that the Department of Finance is a much more appropriate Government entity to administer these functions and that is all, Mr. Speaker. Thank you.

Representative Basa introduced the following House Bill with majority of the members consent made part of the day's agenda:

HOUSE BILL 17-13:

To transfer the administrative functions of the Government Life and Health Insurance Program to the Department of Finance by amending the Northern Mariana Islands Retirement Fund Act; and for the other purposes.

SPONSORED BY REPRESENTATIVE RAMON S BASA of Saipan, Precinct 5 (*for himself*)
Referred to the Committee on Judiciary and Governmental Operations

Speaker Froilan C. Tenorio: Thank you, Representative Basa. That would be House Bill 17-13 and is referred to the Judiciary and Governmental Operations. The Chair recognizes, Representative Teresita Santos of Rota.

Representative Yumul: Privilege, Mr. Speaker, I was going to mention that we are recording and it is imperative if that we do not speak with the microphone on our Journal Clerk will not be able to record your statements. Thank you.

Representative Santos: Thank you, Representative Yumul, my microphone is on. Again, thank you, Mr. Speaker, I would like to introduce a House Local Bill that has been prefiled in January 27th. House Local Bill 17-3, an appropriation bill for an act to appropriate \$126,000 from local license fees collected for poker and pachinko slot machines in the First Senatorial District and for other purpose. Mr. Speaker, the way that this is appropriated and has been indicated in the bill and that is:
(a) *operations and improvements at the Medical Referral Office for \$70,000*
(b) *operations and equipment at the Office of the Mayor of Rota for \$41,000*
(c) *and housing stipends for Rota resident students attending the Northern Marianas College here on Saipan Campus for \$15,000* Thank you, Mr. Speaker.

Representative Santos introduced the following House Local Bill with majority of the members consent made part of the day's agenda:

HOUSE LOCAL BILL 17-3:

To appropriate \$126,000 from local license fees collected for poker and pachinko slot machines in the First Senatorial District; and for other purposes.

SPONSORED BY REPRESENTATIVE TERESITA A. SANTOS of Rota, Precinct 7 (*for herself*)
First Legislative Appearance

Speaker Froilan C. Tenorio: Thank you, Representative Santos. Did you say House Local Bill 17-1?

Representative Santos: House Local Bill 17-3, Mr. Speaker.

Speaker Froilan C. Tenorio: Alright, House Local Bill 17-3.

Representative Yumul: Privilege, Mr. Speaker, Representative Santos' bill would automatically stay for three calendar days and then it would automatically be referred to Rota Local Delegation for its final disposition.

Speaker Froilan C. Tenorio: Alright, so no assignment? Right.

Representative Yumul: Right.

Representative Benavente: Privilege, Mr. Speaker.

Speaker Froilan C. Tenorio: The Chair recognizes, Representative Benavente.

Representative Benavente: Mr. Speaker, I would like at this time to recognize the presence of my very good friend and former colleague and the former Speaker of the House of Representative, the Honorable Oscar M. Babauta who has just stepped into the gallery this morning. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: The former Speaker is recognized.

Representative Joseph P. Deleon Guerrero: Privilege, Mr. Speaker.

Speaker Froilan C. Tenorio: The Chair recognizes Representative Joseph Deleon Guerrero.

Representative Joseph P. Deleon Guerrero: On the same token, Mr. Speaker, I would like to recognize former Congressman from Precinct 4, John I. Tenorio who is also in the gallery.

Speaker Froilan C. Tenorio: Former Congressman Tenorio of Tanapag you are duly recognized again sir. The Chair recognizes, Representative Tebuteb.

Representative Tebuteb: Thank you, Mr. Speaker, I believe we are still under Introduction of Bills. I have a House Local Bill to introduce if I may.

Speaker Froilan C. Tenorio: Yes, please proceed.

Representative Tebuteb: Thank you, Mr. Speaker, my apologies, I guess it is my oversight of the Order of Business when I realized that Representative Santos has introduced House local Bill 17-3 and I remembered that I have also prefiled House Local Bill 17-2 and I just got this from the Clerk. This House Local Bill 17-2 is to amend the Saipan Zoning Law of 2008 10 CMC § 3511. Thank you, Mr. Speaker.

Representative Tebuteb introduced the following prefiled House Local Bill with majority of the members consent made part of the day's agenda:

HOUSE LOCAL BILL 17-2:

To amend the Saipan Zoning Law Of 2008, 10 CMC § 3511.

SPONSORED BY REPRESENTATIVE RAMON A. TEBUTEB of Saipan, Precinct 3 (*for himself, REPRESENTATIVE DIEGO T. BENAVENTE*)
First Legislative Appearance

Speaker Froilan C. Tenorio: Thank you, Representative Tebuteb. The Chair recognizes Representative Raymond Palacios from Precinct 2.

Representative Raymond D. Palacios: Thank you, Mr. Speaker, Representative Tebuteb mentioned about an oversight but I, myself and even Representative Santos here are a little confused because we are jumping from one Item here to another. At times we were introducing House Bills and then later we were introducing House Legislative Initiatives and then back to House Bills. We need to ensure that all House Bills should be introduced and when there is no other then that is the time we move, but I see that we are jumping here and I am getting confused here. Thank you, Mr. Speaker.

Representative Dela Cruz: Privilege, Mr. Speaker.

Speaker Froilan C. Tenorio: The Chair recognizes, Representative Dela Cruz.

Representative Dela Cruz: All House Bills, all House Local Bills, all House Legislative Initiatives are under Item 4, they are not itemed separately, so, therefore, they are proper in their introduction. Thank you, Mr. Speaker.

Representative Raymond D. Palacios: Privilege, Mr. Speaker, I do understand that, but they might be the same Item but we are talking about House Bills, House Local Bills, House Legislative Initiative and it is only appropriate and proper that we finish one section. If we are doing House Bills let us complete House Bills and move on to House Legislative Initiatives and after that move on to House Local Bills. I noticed that we were jumping here because all of a sudden I hear Representative Basa mention about House Bill 17-12 that was after Initiative that was introduced. So my point here is that so there is no confusion if we are doing House Bills let us go by number and if there is no other introduction then we move on to House Legislative Initiative and so forth. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: That is duly noted and I think we should address this matter in time for the next session. At this time the Chair would like to recognize Representative Stanley Torres.

Representative Stanley T. McGinnis-Torres: I am very patient, I have all the time to wait. Thank you, Mr. Speaker, I am introducing House Local Bill 17-1, a local bill for an act for the Third Senatorial District of Saipan to suspend the implementation of the Saipan Zoning Law 2008. The reasons I introduce this local bill is first, I do not know if the Zoning is qualified to regulate a surveyor on how to survey a private land. I know that the Zoning requires a Surveyor to submit a preliminary map before they do the final surveying work. It cost double to the land owner to hire a Surveyor following that regulations. Second, since when does the Zoning override a lease? I do not know if the Department of Public Land approved a lease, but when does the Zoning override the DPL lease? I have to say that, that is not an historical building, it is a building that was built in the early years of the Commonwealth Government that was used for a fishing co-op. I know a person that is trying to open up a business there somehow, the Zoning said, that they cannot because it is an historical area. It stifles the advancement of our economy for the island of Saipan. You know that Saipan is the only island that has been regulated by the Zoning, Rota and Tinian are not. They are

moving on in their economic advancement. Now, I look at the Zoning as a valve that would kill the economic advancement of the island of Saipan. There are more reasons that I want the suspension of the Saipan Zoning Law as we go on further during the discussions period.

Representative McGinnis-Torres introduced the following prefiled House Local Bill:

HOUSE LOCAL BILL 17-2:

To suspend the implementation of the Saipan Zoning Law Of 2008; and for other purposes.

SPONSORED BY REPRESENTATIVE STANLEY T. MCGINNIS-TORRES of Saipan, Precinct 3 *(for himself)*
First Legislative Appearance

Speaker Froilan C. Tenorio: Thank you, Representative Torres. The Chair recognizes, Representative Villagomez from Precinct 3.

Representative Villagomez: Thank you, Mr. Speaker, I would like to introduce a bill for an act to transfer the administrative functions of the Worker's Compensation Law to the Department of Commerce by amending the Worker's Compensation Act and for other purposes. Seeing as the Department of Commerce is a permitting Agency and regulation Agency, I feel that we should transfer the functions from the Northern Mariana Islands Retirement Fund over to the Department of Commerce. Thank you.

Representative Villagomez introduced the following House Bill with majority of the members consent made part of the day's agenda:

HOUSE BILL 17-14:

To transfer the administrative functions of the Worker's Compensation Law to the Department of Commerce by amending the Worker's Compensation Law; and for other purposes.

SPONSORED BY REPRESENTATIVE EDMUND S. VILLAGOMEZ of Saipan, Precinct 3 *(for himself)*
Referred to the Committee on Judiciary and Governmental Operations

Speaker Froilan C. Tenorio: Thank you, Representative Villagomez. Representative Villagomez, your House Bill is numbered, 17-14 and is assigned to the Committee on Judiciary and Governmental Operations. The Chair recognizes Representative Tebuteb.

Representative Tebuteb: Thank you, Mr. Speaker, I have already introduced the House Local Bill 17-2 earlier.

Speaker Froilan C. Tenorio: Thank you. As I said earlier, do we have to vote on to accept all of these introduced bills? Please, proceed Representative Yumul.

Representative Yumul: The House Rules that we preliminarily adopted during our first session actually allows for the introduction of bills on the day, such as this morning, provided that the bill goes to the appropriate Committee for disposition and due diligence. The House Rule 3, which, actually requires the 72 hours notification for a session that is apparently what we are a little bit

confused about. Some people would think if we do not introduce the bills 72 hours out we will not be able to introduce it on the day. On the contrary we can, the problem is, if we plan to move or act on the bill today, then it will have a problem because it did not appear 72 hours out. So the bills that were introduced this morning is proper provided that it goes to the appropriate Committee for disposition and we do not act on any that were not prefiled.

Speaker Froilan C. Tenorio: So what is the difference between a bill that is introduced today and a bill that was prefiled 72 hours ago?

Representative Yumul: The bills that were prefiled 72 hours ago, if three fourths of the members agree that it is imperative that we act on it, we may vote to act on it. The bills that were introduced just this morning cannot be acted upon, we would have to wait 72 hours before we have an opportunity to act on it.

Speaker Froilan C. Tenorio: Can I ask for the opinion of the Legal Counsel?

Legal Counsel San Nicolas: Yes, and thank you, Mr. Speaker. If I may clarify, I would refer Representative Yumul to Rule 9, Section 4 (d), where it states that bills and resolutions for introduction may be prefiled with the House Clerk for formal introduction at the next session provided that it is prefiled not less than 72 hours before that session and appears on the session agenda as required under Rule 3, the 72 hour notice and agenda requirements may be dispensed with only accordance with Rule 3. So it must appear, if it does not appear on the Agenda then there must be a motion for it to be introduced even though it did not appear it was not filed 72 hours prior. And under Rule 3, all you need is a majority vote and that is why I inquired with the Speaker if there is no objection to these bills being introduced, although, they were not prefiled as of three days ago or 72 hours ago then it should not be a problem. So that is kind of the way around that, but officially under our Rules, if you do not get the majority consent then it cannot be introduced.

Representative Benavente: Point of clarification, Mr. Speaker.

Speaker Froilan C. Tenorio: Please, proceed Representative Benavente.

Representative Benavente: Mr. Speaker, also, Rule 9, Section 1, and I think you started to ask the question as to whether we needed to vote to accept these bills. Under Section 1, it does say that any bills or resolutions prefiled or introduced in the House, which is the difference between the prefiled bills and the bills being introduced today, automatically becomes the property of the House and therefore, could be referred to the Committee. So I am not sure, I thought that your question would have been, do the bills that are being introduced today that were not prefiled would it be the property of the House, and Section 1, does state it becomes the property of the House. And I think the rest of the clarification offered by the Counsel is also true and correct with regards to when we can act on these bills, but I guess, what I am saying is that we do not need to accept these bills because the Rules specifies so. Thank you.

Speaker Froilan C. Tenorio: Please, proceed, Legal Counsel.

Legal Counsel San Nicolas: So the clarification I am making deals with the introduction of the bills here at the session. Anybody can prefile up to the minute it is, whether or not that prefiled bill can be introduced at session. Under our Rules it cannot be unless you have the majority consent to it being introduced because basically what you are doing is amending the Agenda and under the Open Government Act any amendment to the Agenda must be done through a majority vote. So that is all I would say. As far as the property, it is the property, as far as it being prefiled there is no problem, it is just the introduction of the bills on the floor that I am talking about.

Speaker Froilan C. Tenorio: The Chair recognizes again, Representative Benavente.

Representative Benavente: Then if there is a majority that would authorize the introduction of the unnumbered bills without objections on the floor, which is sometimes mentioned as people ask to introduce an unnumbered bill, would that suffice as the authority to allow for that? I would think so, if the members who do not object to it, right.

Legal Counsel San Nicolas: *In my opinion, it is yes. If there is no objection, then there is majority consent. Thank you, Mr. Speaker.*

Speaker Froilan C. Tenorio: Well, I would just like to express an opinion from the Chair that we are talking about Rules, so please be reminded that we have an amendment to the statute, to the law, which is supreme over the House Rules about this 72 hour notice. So the Chair would like everyone to know that there is that concern on the part of the Chair. Please, proceed, Legal Counsel.

Legal Counsel: *Thank you, Mr. Speaker, if I may refer the Speaker and the members to 1 CMC Section 9910, which is the Open Government Act, there is a provision under subsection (b) that allows for the Legislature any governing Body to amend the Agenda requiring the majority vote. So what is specified in the Rules is taken from the Open Government Act. Thank you, Mr. Speaker. (Appendix B)*

Speaker Froilan C. Tenorio: Thank you. *So pago para ta cho'gue nu debi hit ta bota* if no objections.

Representative Yumul: Right, Mr. Speaker and if I may, it is customary that if a member speaks, “no objections I would like to introduce this morning” and once there is “no objections” then they may continue to introduce that resolution, local bill, initiative and others. Of course if there is an “objection” then we need to ask politely for a vote. But generally speaking if it is just for introductory purposes to help speed the legislative process, I have no objections for members introducing legislations so that we can work on it. Thank you.

Speaker Froilan C. Tenorio: Thank you, Representative Yumul. So with that we move on to Item 5, while the Chair recognizes Representative McGinnis-Torres.

Representative Torres: Mr. Speaker, before we go on to the next Item, I would like to invite the members and are welcome to cosponsor the legislations that I, the original is with the Clerk. Thank you.

Speaker Froilan C. Tenorio: For the next item, the Chair recognizes Representative Benavente.

Representative Benavente: Thank you Mr. speaker, under Introduction of Resolutions, I would like at this time to introduce House Commemorative Resolution 17-1 that was prefiled with the House Clerk, honoring and commending the most Reverend Thomas A. Camacho Bishop of the Diocese of Chalan Kanoa on his silver Episcopal anniversary and for his dedication and service to the people of the Commonwealth of the Northern Mariana Islands and for other purposes. And Mr. Speaker, I believe that the titles as well as the many as “Whereas clauses” I would explain the resolution thank you.

Speaker Froilan C. Tenorio: Thank you Representative Benavente. The Chair recognizes, Representative Joseph Deleon Guerrero.

Representative Joseph P. Deleon Guerrero: If there are no objections from the author and the members I wanted to suggest that we introduce that resolution as committee of the whole, meaning that all of us would cosponsor that resolution.

Representative Benavente and several members voiced “no objections” on the floor.

Speaker Froilan C. Tenorio: Please, proceed Representative Benavente.

Representative Benavente: I also have another resolution to introduce and it is House Joint Resolution 17-1, supporting the alliance between the Commonwealth of the Northern Mariana Islands and Guam through the Mariana Islands Legislature Association (MILA) and for other purposes. This resolution has been adopted several times and in fact, I have participated in one of the meetings between the CNMI Legislature and the Guam Legislature in getting together and discussing matters of mutual concerns and as we know, there is a lot of mutual concerns between the people of Guam and the people of the Northern Marianas. In the past and the reason why this is now the third time since this particular resolution was adopted, and the third try to get the Northern Marianas Legislature and the Guam Legislature together is because of the difference in elections where we used to have our elections in odd years and Guam has there in even years so there was only that one year gap in which the members have the continuity of meeting and discussing mutual concerns. So now, with the change of our election to the odd years we would have the maximum of two years in which the current leadership and the leadership of the Guam Legislature or the members of the Legislature can actually get together and discuss these issues more and be more effective if you will. I do believe that this proposal of this idea following the idea of getting regional legislators together such as APIL (Association of Pacific Island Legislatures) is truly important and has a lot of potential for we as elected members of the Legislature to assist with improving our islands and our people’s lives here in our community.

Representative Benavente introduced the following prefiled Resolutions with majority of the members consent made part of the day’s agenda:

HOUSE COMMEMORATIVE RESOLUTION 17-1:

Honoring and commending the Most Reverend Tomas A. Camacho, Bishop of the Diocese of Chalan Kanoa on his Silver Episcopal Anniversary for his dedication and service to the people of the Commonwealth of the Northern Mariana Islands; and for other purposes.

SPONSORED BY REPRESENTATIVE DIEGO T. BENAVENTE of Saipan, Precinct 1 (*for himself*, REPRESENTATIVES ANTONIO P. SABLAN, ELICEO D. CABRERA, JOSEPH M. PALACIOS, JOSEPH P. DELEON GUERRERO, TRENTON B. CONNER, RAY N. YUMUL, RAMON A. TEBUTE, AND FRANCISCO S. DELA CRUZ, RAMON S. BASA, GEORGE N. CAMACHO, FREDERICK P. DELEON GUERRERO, RAFAEL S. DEMAPAN, SYLVESTRE I. IGUEL, FELICIDAD T. OGUMORO, RAYMOND D. PALACIOS, TERESITA A. SANTOS, FROILAN C. TENORIO, STANLEY T. MCGINNIS-TORRES, AND EDMUND S. VILLAGOMEZ)

HOUSE JOINT RESOLUTION 17-1:

Supporting the alliance between the Commonwealth of the Northern Mariana Islands and Guam through the MARIANA ISLANDS LEGISLATURE ASSOCIATION (MILA); and for other purposes.

SPONSORED BY REPRESENTATIVE DIEGO T. BENAVENTE of Saipan, Precinct 1 (*for himself*, REPRESENTATIVES ANTONIO P. SABLAN, ELICEO D. CABRERA, JOSEPH M. PALACIOS, JOSEPH P. DELEON GUERRERO, TRENTON B. CONNER, RAY N. YUMUL, RAMON A. TEBUTE, AND FRANCISCO S. DELA CRUZ)

Speaker Froilan C. Tenorio: Thank you, Representative Benavente. The Chair now recognizes the Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker, I would like to introduce a prefiled House Resolution 17-2 to amend the Rules of the House of Representatives and for other purposes. For the most part there are some minor changes in the Rules that we have adopted during our Organizational Session, but for the most part this amendment is the separation of “Education” from the Health Education and Welfare (HEW) as a total and separation Committee. Thank you.

Representative Camacho introduced the following prefiled Resolution with majority of the members consent made part of the day’s agenda:

HOUSE RESOLUTION 17-2:
To amend the Rules of the House of Representatives; and for other purpose

SPONORED BY REPRESENTATIVE GEORGE N. CAMACHO of Saipan, Precinct 5 (*for himself*)

Speaker Froilan C. Tenorio: Thank you, Representative Camacho. We now move to Item 6, Messages from the Governor.

MESSAGES FROM THE GOVERNOR

House Clerk Evelyn Fleming: *Mr. Speaker, there are nine messages from the Governor. Copies have been passed out to members.*

Gov. Comm. 17-1: (1/12/10) Informing the House that due to the veto-override action of the 16th Legislature on H. B. NO. 16-219, HD1 (re Laulau Bay Boat Launching), the bill became Public Law 16-49. [For info]

Gov. Comm. 17-2: (1/12/10) Informing the House that he signed into law and line item vetoed in parts, H. L. B. NO. 16-35, S1, D5 (To appropriate \$3,881,300 from the revenues collected pursuant to Saipan Local Law 11-2 as amended, for fiscal year 2010; to reappropriate from SNILD Resolution 14-10; to reappropriate from Saipan Local Laws 14-30 and 14-31; to reappropriate from Saipan Local Law 15-12; and for other purposes.” [For info]

Gov. Comm. 17-3: (1/15/10) Informing the House that he vetoed H. B. NO. 16-68, SD1 “To repeal and reenact 1 CMC § 8364, as amended by Public Law 16-70, 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.” [For info]

Gov. Comm. 17-4: (12/31/09) Submitting the 2009 Fiscal Year Report to the Legislature.

Gov. Comm. 17-5: (1/15/10) Informing the House that he signed into law H. B. No. 16-146, HS1, SD1 (Northern Islands Village & Agricultural Homestead). [Became Public Law 16-50]

Gov. Comm. 17-6: (1/15/10) Informing the House that he signed into law H. B. No. 16-9, HS1, SD2 (Commonwealth Health Care Corporation Act of 2008). [Became Public Law 16-51]

Gov. Comm. 17-7: (1/21/10) Certification of two vacant positions at the Office of the Governor. [For information]

Gov. Comm. 17-8: (1/21/10) Certification of a vacant position at the Office of the Attorney General. [For information]

Gov. Comm. 17-9: (1/22/10) Informing the House that he vetoed H. B. No. 16-191, HD1 (To amend 1 CMC § 7402 and 1 CMC §§5103-5104). [For information]

Speaker Froilan C. Tenorio: Are there any discussions? The Chair recognizes Representative Yumul.

Representative Yumul: Thank you, Mr. Speaker, this is in regards to Governor's Communication 17-4, as many of you have read the Government had a deficit of \$16,868,797 for Fiscal Year 2009 even though we did have a Budget Act, Public Law 16-32, the appropriation was for \$148,083,669. The rationale that the Governor had cited as the basis for the over expenditure was the utilities, about \$2.9 million, \$5.1 million for Medical Referral costs, and \$4 million unbudgeted local CNMI share of Medicaid and a whole list of other items. It is going to be a very difficult period for Fiscal Year 2010 because not only do we have to come up with a budget for FY 2010 using the resources of \$150.5 million and we now have to deal with this \$16.8 million as a carry over. We would have to include a deficit reduction plan and that the resources that was identified as collected is really obviously disappointing. We had hoped to collect more and I am actually surprised for example that the Business Gross Revenue Tax (BGRT) decreased by nearly \$2.7 million, however, Personal Income Tax shot up by \$5.9 million. I think that there is something here that our good Chairman of the Committee on Commerce and Tourism needs to sit down with some of these businesses to see if they are properly disclosing their gross revenues because I find it interesting that BGRT would go down but yet income tax has gone up and we are only talking about 50 cent per hour increases due to the Federal Minimum Wage, hardly enough to make this huge difference. These are some of the concerns, of course, the \$4.1 million MPLT (Marianas Public Lands Trust) interest transfer that was a onetime transfer so we are not going to see that for FY 2010 that means we are probably looking at \$20 million deficit for this fiscal year because we have pretty much operated at the same level, we have pretty much the same personnel level, expenditures are the same, and utilities are probably going to be the same. I believe Cash Register enforcement needs to be beefed up, we need to ask the community's help in ensuring that everyone pays their fair share. The Critical Services must be maintained and at this track I believe we are going to be heading into a very difficult period, not to mention the FY 2011 Budget that would be coming down to us by April 1st that we need to act on. So I would like to talk about other aspects of this Communication, but I think it will only be fair for the new members to read this Communication and understand it. It is a reality that will have to deal with and financially it is going to be a huge burden on the Government. We would have to make some huge changes and cuts, possible, and as far as the Public Law 16-32 my only disappointment is that we did have a Budget Law in placed by law, but yet it was not followed so that it might speak volumes as to whether it is even worth working on a 2010 Budget and it is probably not going to be followed any way because the expenditure as you read is pretty much it. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: I would like to ask that question, Representative Yumul, the last fiscal year Budget was signed into law, when?

Representative Yumul: Early last year, it was actually vetoed override into law approximately the second quarter fiscal year 2009 that set the expenditure limit. As you read here on page 1, the Administration had overspent. We had collected \$346,000 less than identified resources. And then he went on further to state that there was excess expenditures over appropriations contained in Public Law 16-32, this is probably a question that we need to ask our Legal Counsel on what authority does the Legislature have if a Budget Law duly enacted by this Body is not followed. I can understand if we were on a continuing budget resolution there are leeway's there, but my

understanding not when we have a budget law in placed. This is the law we followed, the Legislature actually returned \$398,000. We budgeted ourselves about \$6.1 million and we actually spent only \$5.7 million. So is it fair that we followed the law and everybody else would just exceed it. The Administration could of come back to us and ask for an emergency session so that we can act on the over expenditure that they were anticipating at the time over the period they did not do that. So I am now concerned that if we work on the 2010 Budget and put it into enactment will it be followed? Is our Chairman here going to waste his resources cranking the 2010 Budget and then to just see it in vain because it is not going to be followed.

Representative Benavente: Point of information, Mr. Speaker.

Speaker Froilan C. Tenorio: The Chair recognizes Representative Benavente.

Representative Benavente: There is the Planning and Budgeting Act which has the enforcement provision of a budgeted year. Maybe we can argue as to whether it is strict enough, but if we do have a budget there is the Planning Budgeting Act that provides for the enforcement of that budget. Thank you.

Speaker Froilan C. Tenorio: Thank you, Representative Benavente. Are there any more discussion on the Governor's Communication 17-4?

Several members voiced ready.

Speaker Froilan C. Tenorio: Is there any further discussions on any of the Governor's Communication? If none, let us move on to Item 7.

SENATE COMMUNICATIONS

House Clerk Evelyn Fleming: Mr. Speaker, there are no communications from the Senate.

Speaker Froilan C. Tenorio: On Item 8.

HOUSE COMMUNICATIONS

House Clerk Evelyn Fleming: Mr. Speaker, there are ten communications from the House, aside from 17-1 which is the appointment of Representative Benavente as the Minority Leader, 17-2 through 17-10 are appointment of Committee composition.

Hse. Comm. 17-1: (1/11/10) From the minority caucus appointing Representative Diego T. Benavente as the Minority Leader for the 17th Northern Marianas House of Representatives.

Hse. Comm. 17-2: (1/12/10) From Speaker Tenorio appointing standing committee chairpersons.

Hse. Comm. 17-3: (1/13/10) From Speaker Tenorio appointing members to the Ad Hoc Committee to review the 17th House Rules.

Hse. Comm. 17-4: (1/12/10) From Representative Villagomez, C&T Chair, appointing members to the House Standing Committee on Commerce and Tourism.

Hse. Comm. 17-5: (1/14/10) From Representative Stanley T. McGinnis-Torres, PUTC Chair, appointing members to the House Standing Committee on Public Utilities, Transportation, and Communications.

Hse. Comm. 17-6: 1(1/12/10) From Representative Frederick P. Deleon Guerrero, USFA Chair, appointing members to the House Standing Committee on United States and Foreign Relations.

Hse. Comm. 17-7 (1/15/10) From Representative Demapan, JGO Chair, appointing members to the House Standing Committee on Judiciary and Governmental Operations.

Hse. Comm. 17-8 (1/19/10) From Representative Santos, NR Chair, appointing members to the House Standing Committee on Natural Resources

Hse. Comm. 17-9: (1/20/10) From Representative Villagomez, CT Chair, appointing an additional member to the House Standing Committee on Commerce and Tourism.

Hse. Comm. 17-10: (1/12/10) From Representative Basa, WM Chair, appointing members to the House Standing Committee on Ways and Means.

Speaker Froilan C. Tenorio: The Chair recognizes Representative Benavente.

Representative Benavente: Mr. Speaker, thank you. First I would like to extend my appreciation to Chair, Teresita Santos appointing me as member of the Committee on Natural Resources. I did speak with her briefly about proposed Rule change to add one more member which would have an eight member Committee. My concern with that and I offer this comment as something for the rest of the members to consider when we do have the opportunity to act on the final Rules, House Resolution 17-2, that having an even number member Committee would and at times create a problem where you cannot get action out of the Committee, not all of them, but there are certain actions where you have an even split of four – four. And as you know as members of the Legislature and elected separately, we are going to have our own opinion and positions on matters being referred to the Committee and I would think it would be better if we have an odd number member Committee so that actions can be taken whether to kill the legislation, file it, or to report to the House. Thank you.

Speaker Froilan C. Tenorio: Thank you. The Chair recognizes, Representative Raymond Palacios.

Representative Raymond D. Palacios: Yes, House Communication 17-8 that I have here a memorandum there is odd number which is seven, including the Chairperson all the way down to the members.

Representative Benavente: I was referring to the Rules.

Representative Raymond D. Palacios: I apologize.

Speaker Froilan C. Tenorio: The Chair recognizes Representative Tebuteb.

Representative Tebuteb: Mr. Speaker, I would also like to extend my appreciation to the Chairwoman of the Natural Resources for having me be a part of the Natural Resources Committee. I would hope that within the next few minutes on the new House Rules and I have had the opportunity to speak with, hopefully the new Chairperson for Education and I will be happy to also serve on his Committee. The Natural Resources has had an informal meeting last week and I certainly appreciate it. Thank you.

Speaker Froilan C. Tenorio: No more discussions, we will now move to Item 9.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

House Clerk Evelyn Fleming: Mr. Speaker, there are no communications from the Judicial Branch.

Speaker Froilan C. Tenorio: Next Item.

COMMUNICATIONS FROM THE NMI DELEGATE

House Clerk Evelyn Fleming: Mr. Speaker, there are no communications from the NMI Delegate.

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

House Clerk Evelyn Fleming: Mr. Speaker, there are no communications from the Departments and Agencies.

Speaker Froilan C. Tenorio: Item 12.

OTHER COMMUNICATIONS

House Clerk Evelyn Fleming: Mr. Speaker, there are no communications.

Speaker Froilan C. Tenorio: Item 13.

REPORTS OF STANDING COMMITTEES

House Clerk Evelyn Fleming: Mr. Speaker, there are no filed reports yet.

Speaker Froilan C. Tenorio: On Item 14.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

House Clerk Evelyn Fleming: Mr. Speaker, there is no Special and Conference Committee Reports.

Speaker Froilan C. Tenorio: On Item 15.

UNFINISHED BUSINESS

House Clerk Evelyn Fleming: Mr. Speaker, there are no Unfinished Business.

Speaker Froilan C. Tenorio: On Item 16.

RESOLUTION CALENDAR

Speaker Froilan C. Tenorio: The Chair recognizes Representative Benavente of Precinct 1.

Representative Benavente: Thank you, Mr. Speaker, under Resolution Calendar, I am not sure what is the pleasure of the members at this time. I understand that House Commemorative Resolution 17-1 has met OGA (Open Government Act) requirements, therefore, we can act on it today if we wish to and that would be done under this Item of the Agenda, Resolution Calendar. If we chose to do so, then we can have the Floor Leader make a motion to place it on the Calendar. Thank you.

Floor Leader voiced no objections.

Floor Leader Camacho: Mr. Speaker, if there are “no objections” by the members I would like to move to place House Commemorative Resolution 17-1 on today’s Resolution Calendar for its formal adoption.

There were “no objections” on the floor and the motion to place House Commemorative Resolution 17-1 was seconded.

Speaker Froilan C. Tenorio: Discussions on the motion, the Chair recognizes Representative Benavente.

Representative Benavente: Under discussion, Mr. Speaker, I once again offer that the resolution is pretty straight forward and if I may be allowed to read the “Resolving” clause in which it says, “NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Seventeenth Northern Marianas Commonwealth Legislature that the House hereby recognizes and commends the Most Reverend Tomas A. Camacho, Bishop of the Diocese of Chalan Kanoa on his Silver Episcopal Anniversary, for his exceptional commitment to preaching the word of Christ and for his dedication and service to the People of the Commonwealth of the Northern Mariana Islands”. And I just feel, Mr. Speaker, Bishop Camacho so deserves this resolution. Thank you.

Speaker Froilan C. Tenorio: The Chair recognizes Representative Torres.

Representative Stanley McGinnis-Torres: Just to add and if there is no objections from the twenty members that the resolution be by the committee of the whole.

Representative Benavente voiced “no objections” for House Commemorative Resolution 17-1 being sponsored by committee of the whole.

Representative Stanley McGinnis-Torres: Thank you.

Speaker Froilan C. Tenorio: Are there any further discussion? Ready.

There being no further discussion the motion to place House Commemorative Resolution 17-1 on the Resolution Calendar was carried by voice vote.

Speaker Froilan C. Tenorio: The Chair recognizes the Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker, I now move for the adoption of House Commemorative Resolution 17-1.

The adoption motion was seconded.

House Commemorative Resolution 17-1:

Honoring and commending the Most Reverend Tomas A. Camacho, Bishop of the Diocese of Chalan Kanoa on his Silver Episcopal Anniversary for his dedication and service to the people of the Commonwealth of the Northern Mariana Islands; and for other purposes.

Speaker Froilan C. Tenorio: I guess the next step is to vote on the Resolution, if there are “no objections” I would appreciate if you would read the entire Resolution if that is in order.

Representative Stanley T. McGinnis-Torres did not object.

Representative Benavente: Mr. Speaker, there are three pages and the members wishes to listen for me to read it out I would not mind doing that. Thank you, Mr. Speaker and members, once again this is House Commemorative Resolution 17-1.

House Commemorative Resolution 17-1:

A HOUSE COMMEMORATIVE RESOLUTION

Honoring and commending the Most Reverend Tomas A. Camacho, Bishop of the Diocese of Chalan Kanoa on his Silver Episcopal Anniversary for his dedication and service to the people of the Commonwealth of the Northern Mariana Islands; and for other purposes.

REPRESENTATIVE DIEGO T. BENAVENTE of Saipan, Precinct 1 (*for himself*, REPRESENTATIVES ANTONIO P. SABLAN, ELICEO D. CABRERA, JOSEPH M. PALACIOS, JOSEPH P. DELEON GUERRERO, TRENTON B. CONNER, RAY N. YUMUL, RAMON A. TEBUTEB, AND FRANCISCO S. DELA CRUZ, RAMON S. BASA, GEORGE N. CAMACHO, FREDERICK P. DELEON GUERRERO, RAFAEL S. DEMAPAN, SYLVESTRE I. IGUEL, FELICIDAD T. OGUMORO, RAYMOND D. PALACIOS, TERESITA A. SANTOS, FROILAN C. TENORIO, STANLEY T. MCGINNIS-TORRES, AND EDMUND S. VILLAGOMEZ)

- WHEREAS, the Most Reverend Tomas A. Camacho was born on September 18, 1933 to proud parents Vidal Palacios Camacho and Maria Borja Aguon; and
- WHEREAS, the Most Reverend Tomas A. Camacho was baptized and confirmed by Father Jose Maria Tardio at Bithen del Carmen at Garapan, Saipan on September 22, 1933; and
- WHEREAS, the Most Reverend Tomas A. Camacho graduated from Chalan Kanoa Elementary School on June 1948; and
- WHEREAS, the Most Reverend Tomas A. Camacho entered Father Duenas Memorial School as a seminarian on September 1948; and
- WHEREAS, the Most Reverend Tomas A. Camacho graduated from Father Duenas Memorial School in 1953, the first person from Saipan to graduate from such a distinguished school; and
- WHEREAS, the Most Reverend Tomas A. Camacho, with much strength and reassurance from his father to serve the public and to preach the teachings of the Holy Bible, left for Saint Patrick's Seminary in Menlo Park, California on August 1955 to pursue philosophical and theological studies; and
- WHEREAS, the Most Reverend Tomas A. Camacho was ordained sub-deacon on Guam on June 24, 1960 and a couple of months later was ordained to the Diaconate on August 22, 1960, by the Most Reverend Appolinaris W. Baumgartner; and
- WHEREAS, the Most Reverend Tomas A. Camacho was then ordained to the Priesthood on June 14, 1961 by Most Reverend Appolinaris W. Baumgartner at the Dulce Nombre de Maria Cathedral in Guam; and
- WHEREAS, the Most Reverend Tomas A. Camacho held his First Solemn Mass at Mount Carmel Church on June 18, 1961, attended by his ailing father who was chaperoned by hospital staff; and
- WHEREAS, the Most Reverend Tomas A. Camacho later became Assistant Pastor at the Dulce Nombre de Maria Cathedral in Guam from 1961 to 1968; and
- WHEREAS, the Most Reverend Tomas A. Camacho was then assigned as the Pastor at San Francisco de Borja Parish in Rota from 1968 to 1970; and
- WHEREAS, the Most Reverend Tomas A. Camacho then served as the Pastor for Saint William's Church in Tumon, Guam from 1970 to 1972, then as Pastor at Saint Joseph's Church in Inarajan, Guam from 1972 to 1974; and
- WHEREAS, the Most Reverend Tomas A. Camacho was an instructor at Notre Dame High School from 1972 to 1974; and
- WHEREAS, the Most Reverend Tomas A. Camacho was Rector of Dulce Nombre de Maria Cathedral in Guam from 1974 to 1976; and
- WHEREAS, the Most Reverend Tomas A. Camacho was appointed as a Monsignor (Prelate of Honor) by Pope Paul VI on June 15, 1974; and
- WHEREAS, the Most Reverend Tomas A. Camacho returned back to his native Saipan as Pastor of Our Lady of Mount Carmel Church on June 1, 1976; and
- WHEREAS, the Most Reverend Tomas A. Camacho was an instructor at Mount Carmel School from 1976 to 1983; and

WHEREAS, the Most Reverend Tomas A. Camacho was appointed as Episcopal Vicar for the Northern Marianas on February 1, 1979; and

WHEREAS, on November 8, 1984, the Most Reverend Tomas A. Camacho was elected as the First Bishop of the Diocese of Chalan Kanoa by His Holiness Pope John Paul II; and

WHEREAS, on January 13, 1985, the Most Reverend Tomas A. Camacho was ordained as the First Bishop of the Diocese of Chalan Kanoa by Archbishop Felixberto Flores of Guam (main consecrator), Bishop Martin Joseph Neylon of Marshall and Caroline Islands (co-consecrator) and Auxiliary Bishop Anthony Apuron of Guam (co-consecrator); and

WHEREAS, the Most Reverend Tomas A. Camacho has translated most of the liturgical books and the New Testament Bible into the Chamorro Language and The Bible and the liturgical books are widely used and read in Chamorro liturgies in the CNMI, Guam, and elsewhere; and

WHEREAS, the Most Reverend Bishop Tomas A. Camacho, the first bishop of and from the Commonwealth of the Northern Mariana Islands, has served the public for many years as the head of the Roman Catholic Church in the CNMI and has seen the Diocese of Chalan Kanoa grow to become what is now 13 parishes spread across the CNMI, since taking over the post in January 1985; and

WHEREAS, in keeping with canon law, the Most Reverend Bishop Tomas A. Camacho has offered his resignation to Pope Benedict XVI after turning 75 on September 18, 2008; and

WHEREAS, the Most Reverend Tomas A. Camacho, as the head of the Catholic faith, took it upon himself as his responsibility to preach and lead by example instilling values and morals of what is right to the people of this great Commonwealth; and

WHEREAS, the Members of the House of Representatives of the Seventeenth Northern Marianas Commonwealth Legislature are honored to recognize and commend the Most Reverend Tomas A. Camacho on his Silver Episcopal Anniversary and for his dedication in preaching the word of God and for his untiring services to the people of the Marianas;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Seventeenth Northern Marianas Commonwealth Legislature that the House hereby recognizes and commends the Most Reverend Tomas A. Camacho, Bishop of the Diocese of Chalan Kanoa on his Silver Episcopal Anniversary, for his exceptional commitment to preaching the word of Christ and for his dedication and service to the People of the Commonwealth of the Northern Mariana Islands;

BE IT FURTHER RESOLVED that the Speaker of the House of Representatives shall certify, and the House Clerk shall attest to the adoption of this Resolution and thereafter the House Clerk shall transmit a certified copy to the Most Reverend Tomas A. Camacho, Bishop of the Diocese of Chalan Kanoa, to His Excellency, the Most Reverend Anthony Sablan Apuron, the Archbishop of Metropolitan Archdiocese of Agana, Guam, His Holiness Pope Benedict XVI, and the Honorable Benigno R. Fitial, Governor of the Commonwealth of the Northern Mariana Islands.

Speaker Froilan C. Tenorio: Thank you, Representative Benavente and the Chair recognizes Representative Torres.

Representative Stanley McGinnis-Torres: Mr. Speaker, I would like to ask the author of the resolution that there is a line that is missing, did you also mention that he was at one time assigned to be the San Jose Parish Pastor before he became a Monsignor, this is around 1968 to 1969 or a year or two. I remembered that because I was the Village Commissioner during that tenure.

Representative Benavente: I did have the resolution reviewed.

Speaker Froilan C. Tenorio: Can I ask for a brief moment, please. The Chair would like to ask a question, Representative Benavente, *gi resolution nu ilek mu na para hu ma transmit a certified copy to the Most Reverend Tomas A. Camacho*. Would it be appropriate to hold some kind of ceremony rather than just send out a certified copy to the Bishop?

Representative Benavente: I think that is the formal reading of the “Resolving clause” but I and as tradition and practice in the past we have invited or even provided for a presentation ceremony. We

may invite the Bishop to the Chamber for a formal presentation of the resolution, certainly, and I would ask that the Speaker and the Leadership put together a presentation formally.

Speaker Froilan C. Tenorio: But in your opinion there is no need for us to amend the resolution.

Representative Benavente: Because I did have the Resolution reviewed by the Bishop's office I do not know at this time. It is the option of each one of the members to offer an amendment on some changes that we may vote on. We now have two members of the House who can confirm that the Bishop was in fact a Parish Priest San Jose Church and if the members wishes we can offer that "Whereas clause". It will be a simple "Whereas Clause" in the resolution.

Speaker Froilan C. Tenorio: The Chair recognizes Representative Torres.

Representative Stanley McGinnis-Torres: Mr. Speaker, I insist that Representative Benavente speak with the Bishop and remind him that there are two members in the House recalls that he was the Pastor for the San Jose in Oleai, otherwise, the two of us will feel left out (jokingly).

Speaker Froilan C. Tenorio: The Chair recognizes Representative Tebuteb.

Representative Tebuteb: Thank you, Mr. Speaker, one way we can do about is be technical on this one and adopt it and if there is a need for that we can work with the Counsel and the Clerk on it. In the meantime, I suggest that we proceed for the adoption. Thank you.

Speaker Froilan C. Tenorio: Alright, so be it, thank you. Is there any more discussions? The Chair recognizes Representative Raymond Palacios.

Representative Raymond D. Palacios: As a very religious individual and because this profession is very honorable and sacred, this is only a recommendation and if there are no objections from the Church, for myself, hopefully after Mass we can allow his followers to witness this event because this is a very special event for the Bishop, if there is no objections from the Bishop or the other Pastors. It is only a recommendation. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: The Chair recognizes Representative Torres.

Representative Stanley McGinnis-Torres: I caution my colleague from Precinct 2 that we might encounter a protest from the community on the separation of Church and State. We have people here on our island that might challenge that so I am just bringing it up for precautionary purposes.

Speaker Froilan C. Tenorio: The Chair recognizes Representative Joseph Deleon Guerrero.

Representative Joseph P. Deleon Guerrero: Can I just respond to that, Mr. Speaker, this is a Commemorative resolution we had passed countless Commemorative resolutions and presented it in Church, whether it is recognizing somebody who served the Commonwealth and died and during his funeral we have presented the resolution in Church and nobody has ever objected to that and I do not think this would be setting a new precedent contradicting the doctrine of separation of Church and State. So we have set a precedent many times before this is nothing new. Thank you.

Speaker Froilan C. Tenorio: Thank you, Representative Joseph Deleon Guerrero. Are there any further discussions on the motion? Are we ready to vote?

There being no further discussions, the motion to adopt House Commemorative Resolution 17-1 was carried by voice vote.

Speaker Froilan C. Tenorio: Thank you, Representative Benavente. The next Item on the Agenda, Item 17.

BILL CALENDAR

House Clerk Evelyn Fleming: There is none, Mr. Speaker.

Speaker Froilan C. Tenorio: On Item 18, Miscellaneous Business.

MISCELLANEOUS BUSINESS

Speaker Froilan C. Tenorio: The Chair recognizes Representative Torres of Precinct 3.

Representative Stanley McGinnis-Torres: Mr. Speaker, I handed a copy of an article from the *Saipan Tribune* dated Monday, January 25th to all the members including the Chair in regards to Congresswoman Bordallo's bill eyes plan for the Marianas Marine Monument. I just want to make sure that Congresswoman Bordallo is not pulling the rug under our feet and taking everything that have been planned for the Mariana Ocean Monument. I believe that the declaration by then President Bush so stated that there will be a monument or ocean resources be built in the Commonwealth and did not mention Guam. This article seems that everything has to be shifted to Guam – have the military and they even want the ocean for themselves and I think that we should take this seriously and make sure that the Congresswoman does not CNMI oceans *lokkue* thank you (Appendix C)

Speaker Froilan C. Tenorio: Are there any other statements, the Chair recognizes Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker, I would just like to comment on where to go from here, I guess put my two cents on where to go from here as far as the budget requirements and I want to do this because I was the author of the legislative initiative that provided for a stringent requirement of a budget beginning fiscal year 2011. And that constitutional amendment which is now in placed would provide for, that if the Legislature does not come up with a budget that all nonessential services will shutdown and the members of the Legislature as well as the Governor's salary's be withheld until such time that a budget is passed. I know that during the Inaugural Session you offered that we will have a budget for fiscal year 2010 within 30 days given all the problems and what Representative Yumul earlier referred to on the deficit situation in just the previous fiscal year and given that per the Constitution by April 1st the Governor must submit a proposed budget for fiscal year 2011, and given that it is going to take us months to be able to come up with a working budget for even, fiscal year 2011. I think that it would be better for us to allow the remainder of fiscal year 2010 to continue as provided for in the Planning and Budgeting Act, which will be a continuing resolution budget and that we as members of the Legislature, especially members of the House who has to initiate a budget proposal, start coming up with ideas to provide for a balanced budget. And of course that balanced budget is going to have to have cuts where it is possible and revenue generating ideas where it is necessary to come up with a balanced budget for that fiscal year. I offer that as a proposal to the Leadership and I just think that it is going to take us

time to develop any proposed revenue generating ideas between now and September 30 of this year and also to meet with the Administration as to where the possible cuts could be without sacrificing the employees of the Government by withholding a day or two of their paychecks as some have proposed. So I just offer that under this part of the Order of Business, Mr. Speaker. Thank you.

Speaker Froilan C. Tenorio: May I ask you a question, Representative Benavente, your opinion on the affectivity of the balanced budget amendment. Does it affect fiscal year 2010?

Representative Benavente: According to the Attorney General's opinion that was issued after the legislative initiative were approved that it will become effective in the next fiscal year not the existing fiscal year, which will be 2011. So to answer your question, no, according to the Attorney General's Office it is not applicable on the 2010 budget.

Speaker Froilan C. Tenorio: But you know that it is just an opinion that is not the law. What the Attorney General said was just an opinion.

Representative Benavente: But if I may, Mr. Speaker, because it was an enactment during a fiscal year I think it is a good argument to say, that you cannot provide for a new provision on an ongoing fiscal year and that is probably the argument. I think that it might be wise, if you are concerned and since you are the Speaker of the House to verify with our Counsels, we have enough Counsels in the Legislature to ask that question and find out for sure because as with most of us, Mr. Speaker, I need my salary and that is why I offer my remarks earlier.

Representative Yumul: Point of order, Mr. Speaker, we cannot debate in Miscellaneous, I would like to ask because this is a very critical issue that Representative Benavente and yourself has brought up, but if there are no objections, maybe we should move back to House Communications so that we can set a direction so that our good Chairman can take the lead and move us into the direction that we need to go. I would like to also make comments, but I would be improper to discuss what Representative Benavente had just brought up because we are under Miscellaneous and it is not debatable.

Speaker Froilan C. Tenorio: You are saying that we cannot discuss.

Representative Yumul: We should not it is improper, maybe we should move back to House Communication so that we can formally discuss this and answer your questions, otherwise I would suggest, Mr. Speaker if we let 2010 go without a budget we may risk doubling the deficit. We have one already for 2009, we will have one for 2010, which we will have to incorporate it into 2011.

Vice Speaker Ogunoro: Privilege, Mr. Speaker. I understand that the Committee on Ways and Means is working on that very issue. So I would suggest that we move along with the Order of Business and allow the Committee on Ways and Means to do its work. We are looking at both fiscal years budgets and we do intend to comply with what we have said that we will come in with a budget for 2010 and 2011. Thank you, Mr. Speaker.

Representative Yumul voiced no objections.

Speaker Froilan C. Tenorio: Okay, let us move along, Item 19, Announcements.

ANNOUNCEMENT

No announcements were made.

ADJOURNMENT

Speaker Froilan C. Tenorio: The Chair recognizes the Floor Leader.

Floor Leader George N. Camacho moved to adjourn until Monday, February 1, 2010, at ten o'clock in the morning; it was seconded and carried by voice vote.

The House adjourned at 12:04 p.m.

Respectfully submitted,

/s/ Linda B. Muña, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

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

SECOND APPEARANCE: NONE

THIRD APPEARANCE: NONE

2nd Day, First Reg. Session
Jan. 28, 2010
Statement of Rep. Stanley McGinnis-Torres

Appendix A

1-29-10
J

Dear Speaker and Members of the House:

I rise to offer a Bill for a law that addresses the very heart of our proud Commonwealth. Much time and many revisions have gone into this Bill. Constitutional Attorneys, our own Legislative Committees and I have given this matter much thought and have conferred with and taken suggestions and council from a broad spectrum of constituents, elders, activists and citizens at large in this third iteration.

The people of the commonwealth and we, their elected Representatives, have a chance to revisit an Accord made nearly 35 years ago to see if it is working out as both sides promised. Periodic evaluation of any agreement is necessary to making sure it still works. Our Covenant with the USA is certainly worth taking the time and effort necessary to closely reexamine it in light of recent events and of changing world paradigms.

We stand a crossroads of important world events and realignments some of which affect us directly. One such is the desire of the Japanese people to significantly reduce the presence of US troops on their soil. Where they go and in what manner has caused our geographic ocean position to become strategic once again. The backlash from this single event may advance or destroy the CNMI's striving for self-government, depending on how we use it or are used by it. Yet we hear nothing of substance from the US military powers about their intended uses. The balance of power may be shifting in Asia and in the world. Are we ready to profit by those changes or will the CNMI just be a pawn in the world arena once again?

Our Covenant agreement with the US contains provisions that the framers of that document wisely included that make it possible for the two parties to discuss differences and come to mutually agreed upon solutions. This process appears to have broken down and no substantive solutions or dialog have come from 902 talks in decades.

It is in this world context that I bring to this legislative body a Bill that tasks us to create a Commission of stakeholders and a framework for them to work within so they can revisit the original agreement, reexamine the circumstances that led to its original framing and compare those economic and political parameters with those that exist today. Based on sound research, recommendations by that Commission can then be put to the People for ratification by Plebiscite in true democratic fashion.

Better relations with the US, however structured politically, will be key to US desires to access Pagan, Tinian, Farallon De Mendinilla, and other islands in our Commonwealth for training, other military exercises and even possible a possible base or bases.

We, as a people must decide whether the risks taken and the rewards received are commensurate with the price we will have to pay and is it a worthy trade. To have much to say about it, we must have a voice. We the people's elected Representatives can give them that voice, and their rightful choice, by opening up a community wide dialog to examine our current relationships with the US and how it can be changed or improved.

Open Government Meetings and Records.

9901. Legislative Declaration.

The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this Commonwealth exist to aid in the conduct of the peoples business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.

The people of the Commonwealth do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

The provisions requiring open meetings and open records shall be liberally construed, and the provisions providing for exceptions to the open meeting requirements and open records requirements shall be strictly construed against closed meetings and nondisclosure of records.

Source: PL 8-41, 2.

Commission Comment: PL 8-41, the Open Government Act of 1992, took effect January 21, 1994. For related provisions concerning public access to agency hearings and records, see the Administrative Procedure Act, 1 CMC 9101 et seq.

9902. Definitions.

As used in this chapter, unless the context indicates otherwise:

(a) Action means the transaction of official business of a public agency by a governing body, including but not limited to receipt of public testimony, deliberation, discussion, consideration, review, evaluation, and final action.

(b) Final action means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

(c) Governing body means the multimember board, commission, committee, council or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comments. Agencies of the Commonwealth government with no apparent governing body, such as the Attorney Generals office and the Department of Public Safety, are nonetheless subject to the provisions of this chapter when they have a policy or rule-making body with the power to carry out actions on behalf of the agency, conduct hearings, or take testimony or public comments.

(d) Meeting means the convening of the full membership of a government corporation, council, commission, agency, board, or elected municipal council for which notice and a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the corporation, council, commission, agency, board, or elected municipal council has supervision, control, jurisdiction, or advisory power. Standing committee meetings, subcommittee meetings, ad hoc and informal meetings shall not be compensable. Honorarium compensation shall be considered income and shall be taxable.

(e) Public agency means:

(1) Any Commonwealth board, commission, committee, department, education institution, or other Commonwealth agency which is created by or pursuant to statute, constitution, or the Covenant, except the judiciary;

(2) Any municipality or political subdivision of the Commonwealth; and

(3) Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act.

(f) Public record means any record which a public agency is required by law to keep or which it is necessary to keep in discharge of duties imposed by law. Such public records may include, but are not limited to, any written or printed report, book or paper, map or plan, but shall not include records which invade the right of privacy of an individual or business entity.

Source: PL 8-41, 3, modified; amended by PL 9-2, 2; (d) amended by PL 15-32, 4.

Commission Comment: PL 15-32 was enacted on September 28, 2006 and contained the following short title and findings and purpose provisions in addition to severability and savings clauses and an amendment to 1 CMC 8247:

Section 1. Short Title. This Act may be cited as the Boards and Commissions Reform Act of 2006.

Section 2. Findings and Purpose. The Commonwealth Legislature finds that the CNMI is experiencing a severe financial crisis. It is incumbent upon executive and legislative leaders to find methods of cutting the cost of doing the governments business. The Legislature further finds that the Office of the Public Auditor (OPA) conducted a survey on the practice of members of government boards and commissions with respect to compensation for attendance at board or commission meetings. OPA found that excessive and unconscionable abuse of privilege and power exist among some boards and commissions. A few boards and commissions established excessive compensation rates, additional compensation such as official representation allowance, or both. Other boards and commissions claim compensation for attendance at informal meetings or non-committee meetings, and meetings outside the Commonwealth in violation of the Open Government Act of 1992.

The Legislature finds that, serving as a member of a government board or commission is a public service; therefore, such members must conduct themselves with the utmost propriety and comply with their fiduciary duties. Each member is charged with, among other things, the fiduciary duties of good faith, trust, confidence, and candor. At a minimum, these duties require that each member comply with Commonwealth laws with respect to boards and commissions and refrain from abusing and exploiting their privilege as a member of a government board or commission.

The Legislature further finds that inconsistency exists among enabling statutes with respect to the compensation of various government boards and commissions. Accordingly, the purpose of this legislation is to: (1) create a uniform standard of compensation among members of boards and commissions including travel and per diem rates, (2) amend the definition of meeting, (3) restrict certain compensation practices, and (4) hold members accountable for the transcription and adoption of minutes of board or commission meetings.

9903. Right of Privacy.

A persons right to privacy, right of privacy, or personal privacy, as these terms are used in this chapter, and as guaranteed by N.M.I. Const. art. I, 10, is invaded or violated when an intrusion into an individuals right of privacy is beyond what is necessary to accomplish a compelling governmental interest in protecting the health, safety or welfare of the community. For the purposes of this chapter, protecting the health, safety or welfare of the community includes, but is not limited to, enforcing laws, protecting the health of the people, and permitting the dissemination of public information.

Source: PL 9-2, 3, modified (repealing PL 8-41, 4).

Commission Comment: PL 9-2 took effect May 23, 1994. PL 9-2, 1 provides, in part, the purpose of this Act is to clarify and simplify certain provisions of the Open Government Act in order to strike the proper balance between the right of privacy as guaranteed as a fundamental right by [N.M.I. Const. art. I, 10] and the compelling state interest of guaranteeing the delivery to the public of open and honest government.

9904. Meetings Declared Open and Public.

All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided by this chapter. The governing body shall afford all interested persons an

opportunity to submit data, views, or arguments, in writing, on any agenda item. The governing body shall also afford all interested persons an opportunity to present oral testimony on any agenda item. The governing body may provide for reasonable administration of oral testimony by rule.

Source: PL 8-41, 5.

9905. Conditions to Attendance Not to be Required.

A member of the public shall not be required, as a condition of attendance at a meeting of a governing body, to register his or her name or other information, to complete a questionnaire, or otherwise fulfill any condition precedent to attendance. This section shall not preclude voluntary sign-in sheets.

Source: PL 8-41, 6.

9906. Interruptions: Procedure.

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press and other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of a meeting.

Source: PL 8-41, 7.

9907. Ordinances, Resolutions, Rules, Regulations, etc., to be Adopted at Public Meetings; Sanction; Notice.

No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this chapter. Any action taken at meetings failing to comply with the provisions of this chapter shall be null and void.

Source: PL 8-41, 8.

9908. Times and Places for Meeting; Emergencies; Exceptions.

(a) The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body must be held within the boundaries of the territory over which the public agency was formed. Meetings of the governing body must be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day.

(b) If, by reason of typhoon, flood, or fire, law enforcement or other emergency, there is need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and notice

requirements of this chapter shall be suspended during such emergency. In the event of an emergency meeting the governing body shall:

- (1) State in writing the reasons for its finding that an emergency exists;
- (2) Take a vote whereby two-thirds of all members to which the board is entitled agree that an emergency exists;
- (3) File an emergency agenda and the findings on the emergency in the official records of the governing body.

Source: PL 8-41, 9, modified.

9909. Schedule of Regular Meetings; Publication in Commonwealth Register; Regular Meetings Defined.

Commonwealth agencies which hold regular meetings shall file in the Commonwealth Register a schedule of the time and place of such meetings. For purposes of this section regular meetings shall mean recurring meetings held in accordance with a period schedule declared by statute or rule.

Source: PL 8-41, 10.

9910. Notice.

(a) The governing body of a public agency shall give written public notice of any regular, special or rescheduled meeting. The notice shall include an agenda which lists all of the items to be considered at the forthcoming meeting, and the date, time, and place of the meeting. Where possible, such notice shall appear in at least one newspaper of general circulation in the Commonwealth.

(b) The governing body of a public agency shall file a copy of the meeting notice in its office at least 72 hours before the meeting. The notice shall also be posted at the executive branch administrative building and at the site of the meeting, whenever feasible. No governing body shall change the agenda, once filed, by adding items thereto without a recorded vote of the majority of the members to which the governing body is entitled.

Source: PL 8-41, 11; amended by PL 9-2, 4.

Bordallo bill eyes plan for Marianas marine monument

WASHINGTON, D.C.—Guam Delegate Madeleine Z. Bordallo, who chairs the Subcommittee on Insular Affairs, Oceans, and Wildlife, introduced Friday a bill that would enhance the management, science education, and research advancement of the Marianas Trench Marine National Monument.

Bordallo introduced the measure, called "Bonitan Tasi" bill, in conjunction with the 50th anniversary of Swiss scientist Jacques

Piccard and U.S. Navy Lieutenant Don Walsh's successful mission to Challenger Deep, the deepest point of the Marianas Trench. Piccard and Walsh reached Challenger Deep, located 190 miles southwest of Guam, on board the bathyscaphe *Trieste* on Jan. 23, 1960. Their mission marked the first time that a manned vessel had reached the deepest point in the world's oceans.

The Bonitan Tasi bill is aimed at improving collaboration between

federal agencies and the governments of Guam and the CNMI in developing the management plans for the Marianas Trench Marine National Monument established one year ago. Additionally, the bill authorizes the expansion and enhancement of visitor services, fish and wildlife research, and marine and coastal resource management at the Guam National Wildlife Refuge. Such enhanced programs and services, would be conducted in partnership with lo-

cal natural resources management agencies as well as the University of Guam, the Guam Community College, and the Guam Department of Education, and serve to highlight the cultural, ecological and geological importance of the Marianas Trench Marine National Monument and the fish and wildlife resources of the Mariana Islands.

Rep. Sam Farr of California, co-chair of the House Oceans Caucus; Rep. Lois Capps of

California; Rep. Mike Honda of California, chair of the Congressional Asian Pacific American Caucus; Rep. Neil Abercrombie of Hawaii; Rep. Eni Faleomavaega of American Samoa and Rep. Donna Christensen of the U.S. Virgin Islands are all original co-sponsors of the bill.

"The 'Bonitan Tasi' bill will enhance visitor services, advance science research and improve resource management associated with the Marianas Trench Marine

National Monument," Bordallo said. "The 'Bonitan Tasi' bill would authorize the Secretary of the Interior to consult with the Government of Guam in the development of a Monument management plan, further develop visitor and educational services at the Guam National Wildlife Refuge, and collaborate with federal and local stakeholders to promote research of the waters surrounding Guam. This bill would assist in preserving the natural beauty of our island's waters, and I look forward to working with my colleagues on this issue." (PR)

COMMUNITY BRIEFS

NMC Alumni general membership meeting

There will be a general membership meeting of all NMC alumni (those who have graduated with NMC degrees or those who have earned at least 24 NMC academic credits) at the Pacific Islands Club Seaside Grill on Jan. 27, 2010 (Wednesday), between 5pm to 7pm. All NMC alumni are invited to attend.

We will be electing new NMC alumni officers. Come and get re-acquainted with former classmates. Your presence is greatly appreciated! (PR)

Registration for Adult Basic Education Programs

Registration for the Northern Marianas College's Adult Basic Education Pro-

gram, which handles the General Education Development, the Adult High School, and the English as a Second Language programs, will be from Jan. 25 to 29, 2010. Registration on Jan. 25-26 is limited to ongoing students, while new students may register on Jan. 27-29. For more information, contact the Adult Basic Education office at 234-5498 Ext. 1723, visit their office at Building G at

the college's As Terlaje campus, or log on to www.nmcnet.edu. (NMC)

H1N1 vaccinations at GES

Garapan Elementary School would like to announce that the Department of Public Health would be conducting the second round of H1N1 vaccines on Wednesday, Jan. 27, 2010. Parents and

legal guardians who would like their children to receive their vaccine for the first time can pick up a consent form at the Garapan Elementary School nurse's clinic from 7:30am to 4:30pm daily or call 237-3341 and have a permission form sent home with their child. Students who received the first round of vaccinations will be administered the second dose on Jan 27, 2010. (PR)

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